

**IN THE MATTER OF** section 71 of the Canterbury Earthquake Recovery Act 2011 and the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014

**AND**

**IN THE MATTER OF** proposals notified for incorporation into a Christchurch Replacement District Plan

Date of hearing: 5–8, 22 October 2015

Date of decision: 13 June 2016

Hearing Panel: Environment Judge John Hassan (Chair), Ms Sarah Dawson, Ms Jane Huria, Mr Gerard Willis

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**DECISION 23**

**Chapter 15 Commercial (Part) and Chapter 16 Industrial (Part) — Stage 2  
and the New Brighton medium density overlay  
(and related changes to zoning maps)**

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**Outcomes: Proposals changed as per Schedule 1**

## COUNSEL APPEARANCES

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Mr G Cleary	DG & SE Wilson, J&T Martin and LH Hsiu-Ying & L Hsi-Chang
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## INTRODUCTION

[1] This decision, following our hearing of submissions and evidence, is one of a series we have made under the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 (‘OIC’) for the formulation of the Christchurch Replacement District Plan (‘CRDP’).<sup>1</sup>

[2] It concerns two related Stage 2 proposals for Chapter 15 Commercial and Chapter 16 Industrial of the CRDP, notified by the Christchurch City Council (‘Notified Version’).

[3] The Chapter 15 Commercial proposal of the Notified Version concerns the implementation of the New Brighton Master Plan (as to zoning of the New Brighton commercial area) and New Brighton height limits.

[4] The Chapter 16 Industrial proposal concerns four specific zoning proposals:

- (a) Industrial Park zoning for 47 hectares of land east of Russley Road, between Wairakei Road and Harewood Road (‘IP Wairakei zone’);
- (b) Industrial General and Industrial Heavy zoning of land west of Chapmans Road (‘IG & IH Chapmans Road zone’);
- (c) Rural Urban Fringe zoning for land bounded by Russley Road, Avonhead Road, Avonhead Cemetery and Hawthornden Road (‘RUF Hawthornden zone’);
- (d) Residential New Neighbourhood zoning for land in Awatea between McTeigue Road, Halswell Junction Road, Wigram Road and the Southern Motorway near the Carrs Road Kart Club (‘RNN Awatea zone’).

[5] The Christchurch City Council (‘Council’) provided an updated proposal with its closing submissions (‘Revised Version’) and we treat that as effectively representing the final position of the Council, in light of evidence and submissions. Therefore, except where the evidence and submissions of other parties persuades us otherwise, our s 32AA RMA evaluation of alternatives treats the Revised Version as supplanting the Notified Version.

<sup>1</sup> Members of the Hearings Panel who heard and determined this proposal are set out on the cover sheet.

[6] This decision also concerns various site-specific requests by submitters for changes to zoning maps included in the Notified Version. In addition, it determines some Council requests for us to make changes to zoning maps for certain identified sites using our powers under cl 13(2) of the OIC.

[7] Schedule 1 to this decision sets out the Chapter 15 Commercial and Chapter 16 Industrial provisions we have, with some changes from the Revised Version, confirmed by this decision ('Decision Version'). As set out in our earlier decisions,<sup>2</sup> those provisions will become operative as part of the Christchurch Replacement District Plan ('CRDP') upon release of this decision and the expiry of the appeal period.

[8] The Decision Version supplements provisions that would be included in Chapters 15 and 16, by the Stage 1 proposals ('Stage 1 decision') and the decision (released together with this one) on the Memorial Avenue Investments Limited site at the corner of Memorial Avenue and Russley Road ('MAIL decision'). The Decision Version uses colour coding to distinguish those provisions pertaining to this decision from those pertaining to the MAIL decision.

### **Rights of appeal**

[9] Under the OIC,<sup>3</sup> any person who made a submission (and/or further submission) on the Notified Version, the Council and the Ministers<sup>4</sup> may appeal our decision to the High Court (within the 20 working day time limit specified in the Order), but only on questions of law (and, for a submitter, only in relation to matters raised in the submission).

### **Provisions deferred**

[10] This decision defers all definitions associated with the Chapter 15 and 16 provisions determined by this decision to the Stage 2 and 3 Chapter 2 Definitions decision. It also defers determination of those submissions (particularly by Awatea Residents' Association Incorporated (2306)) that oppose the RNN Awatea zone until the Panel determines the RNN proposal. For those submissions, this decision only makes a determination on alternative industrial zoning pursued.

<sup>2</sup> Strategic Directions decision at [5]–[9].

<sup>3</sup> Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014, cl 19.

<sup>4</sup> The Minister for Canterbury Earthquake Recovery and the Minister for the Environment, acting jointly.

## Identification of parts of existing district plans to be replaced

[11] The OIC requires that our decision also identifies the parts of the Existing Plans to be replaced by the Decision Version.<sup>5</sup> We return to this later.

## Conflicts of interest

[12] We have posted notice of any potential conflicts of interest on the Independent Hearings Panel website.<sup>6</sup> In the course of the hearing, it was identified on various occasions that submitters were known to members of the Panel. In some cases, that was through previous business associations. In other cases, it was through current or former personal associations. Those matters were recorded in the transcript, which was again available daily on the Hearings Panel's website. No issue was taken by any submitter. At the commencement of the hearing, Judge Hassan reminded parties that, prior to his appointment as an Environment Judge, he acted for the NZ Transport Agency ('NZTA'). He noted that his reading of the evidence identified divergent positions as between the Crown and NZTA and various parties on some issues, and invited parties to raise any issue or concern on the basis that a quorum would still be ensured should parties have any concern as to his involvement on those matters. No party raised any issue, and Judge Hassan was satisfied that his recusal on those matters was not required. Finally, Judge Hassan and Ms Huria recused themselves from dealing with a late submission by Whittle Knight and Boatwood Limited, due to some personal (Ms Huria) and business (Judge Hassan) connections to that real estate agency. Therefore, that matter is addressed in a separate decision released together with this one.

<sup>5</sup> Known as the Christchurch City District Plan and Banks Peninsula District Plan.

<sup>6</sup> The website address is [www.chchplan.ihp.govt.nz](http://www.chchplan.ihp.govt.nz).

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## REASONS

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### STATUTORY FRAMEWORK AND HIGHER ORDER DOCUMENTS

[13] The OIC directs that we hold hearings on submissions concerning proposals, and make decisions on those proposals.<sup>7</sup> It sets out what we must and may consider in making that decision.<sup>8</sup> It qualifies how the Resource Management Act 1991 ('RMA') is to apply and modifies some of the RMA's provisions, both as to our decision-making criteria and processes.<sup>9</sup> It directs us to comply with s 23 of the Canterbury Earthquake Recovery Act 2011 ('CER Act').<sup>10</sup> The OIC also specifies additional matters for our consideration.

[14] Our Strategic Directions decision, which was not appealed, summarised the statutory framework for that decision. As it is materially the same for this decision, we apply the analysis we gave of that framework in that decision as we address various issues in this decision.<sup>11</sup> On the requirements of ss 32 and 32AA, RMA, we endorse and adopt [48]–[54] of our Natural Hazards decision.<sup>12</sup>

### Submissions and relevant issues

[15] There were relatively few submissions and further submissions on the Notified Version and we have considered all of them in reaching our decision. Most submitters who exercised their right to be heard<sup>13</sup> were concerned about particular site or zone-specific matters. Some

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<sup>7</sup> OIC, cl 12(1).

<sup>8</sup> OIC, cl 14(1).

<sup>9</sup> OIC, cl 5.

<sup>10</sup> Our decision does not set out the text of various statutory provisions it refers to, as this would significantly lengthen it. However, the electronic version of our decision includes hyperlinks to the New Zealand Legislation website. By clicking the hyperlink, you will be taken to the section referred to on that website. The repeal of the CER Act by the Greater Christchurch Regeneration Act 2016 ('GCRA') does not materially alter that position. That is because s 147 of the GCRA provides that the OIC continues in force. Further, Schedule 1 of the GCRA (setting out transitional, savings and related provisions) specifies, in cl 10, that nothing in that Part affects or limits the application of the Interpretation Act which, in turn, provides that the OIC continues in force under the now-repealed CER Act (s 20) and preserves our related duties (s 17).

<sup>11</sup> At [25]–[28] and [40]–[62].

<sup>12</sup> Natural Hazards (Part) (and relevant definitions and associated planning maps), 17 July 2015, pages 20–21.

<sup>13</sup> In addition to the Council (2123) and the Crown (2937), those included Nicholls and others (2494), Wilson, Martin, Hsiu-Ying & Hsi-Chang (2278), Equus Trust (2183), Foddercube (2225), Jordan (2497), Murray (2271), Awatea Residents Association (2306), Garza (2564), Generation Zero and others (2448), Maunder (2132), Orion (2340), Lyttelton Port of Christchurch Limited ('LPC') (2367), Christchurch International Airport Limited ('CIAL') (2348), Corston (2440), Avonhead Community Group (2164), Castle Rock (2225). In addition, Mr Mora of Riccarton-Wigram



were in relation to the zonings in the Notified Version. Others were in pursuit of, or opposition to, further zonings. We deal with their related representations, legal submissions, and evidence in the context of our s 32AA evaluation, later in this decision. The Council and the Crown addressed some broader matters of design. In the case of the Council, some of these called for our consideration of matters going beyond the scope of the Notified Version and submissions. We deal with these matters, including issues as to scope, later in this decision. Schedule 4 lists witnesses who gave evidence for various parties, and submitter representatives.<sup>14</sup>

### **Influence of the Higher Order Documents**

[16] As the Council’s opening submissions explained, two statutory documents of particular significance (‘Higher Order Documents’) are:

- (a) The Canterbury Regional Policy Statement 2013 (‘CRPS’); and
- (b) The Land Use Recovery Plan Te Mahere Whakahaumanu Tāone (‘LURP’) under the CER Act.<sup>15</sup>

### **Relevant CRPS provisions**

[17] The CRDP must give effect to the CRPS. In the case of the RUF Hawthornden Zone, the Revised Version proposes non-industrial zoning for land that Map A of the CRPS identifies as ‘Greenfield Priority Area — Business’. That is opposed by submitters seeking industrial zoning of some of this land. Other submissions seek Industrial Park or other industrial zoning for land that the CRPS does not identify as Greenfield Priority Area — Business. CRPS provisions of relevance to these issues are:<sup>16</sup>

- (a) Objective 6.2.1 — Recovery framework, including:

Recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that: (3) avoids urban development outside of existing urban areas or greenfield

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Community Board (2363) attended, noting support for the Awatea Residents Association, but acknowledged that the Board’s submission did not address matters within the scope of the Notified Version and hence, was not heard.

<sup>14</sup> Counsel appearances are recorded on page 2.

<sup>15</sup> Other relevant Higher Order Documents include the Statement of Expectations in Schedule 4, OIC (‘OIC Statement of Expectations’) and other statutory documents to which we refer later in this decision.

<sup>16</sup> As we later explain, the matters in issue concerning Chapter 15, New Brighton, are relatively confined and do not pertain in particular to matters of interpretation related to these Higher Order Documents.

priority areas for development, unless expressly provided for in the CRPS... (9) integrates strategic and other infrastructure and services with land use development ... (10) achieves development that does not adversely affect the efficient operation, use, development, appropriate upgrade, and future planning of strategic infrastructure and freight hubs ... (11) optimises use of existing infrastructure;

(b) Objective 6.2.2 — Urban form and settlement pattern, including:

The urban form and settlement pattern in Greater Christchurch is managed to provide sufficient land for rebuilding and recovery needs and set a foundation for future growth, with an urban form that achieves consolidation and intensification of urban areas, and avoids unplanned expansion of urban areas, by ... (4) providing for the development of greenfield priority areas on the periphery of Christchurch's urban area ... at a rate and in locations that meet anticipated demand and enables the efficient provision and use of network infrastructure;

(c) Objective 6.2.6 — Business land development, including:

Identify and provide for Greater Christchurch's land requirements for the recovery and growth of business activities in a manner that supports the settlement pattern brought about by Objective 6.2.2, recognising that ... (1) The greenfield priority areas for business in Christchurch City provide primarily for the accommodation of new industrial activities;

(d) Policy 6.3.1 — Development within the Greater Christchurch Area, including:

In relation to recovery and rebuilding for Greater Christchurch ... (1) give effect to the urban form identified in Map A, which identifies the location and extent of urban development that will support recovery, rebuilding and planning for future growth and infrastructure delivery ... (3) enable development of existing urban areas and greenfield priority areas, ... where it supports the recovery of Greater Christchurch ... (4) ensure new urban activities only occur within existing urban areas or identified greenfield priority areas as shown on Map A, unless they are otherwise expressly provided for in the CRPS;

(e) Policy 6.3.3 — Development in accordance with outline development plans (which is an extensive policy but, as it pertains only to issues as to the industrial zoning sought by some submitters for land in the vicinity of Hawthornden Road and Russley Road ('SH1'), we address it later in this decision);

(f) Policy 6.3.5 — Integration of land use and infrastructure, including:

Recovery of Greater Christchurch is to be assisted by the integration of land use development with infrastructure, by (1) identifying priority areas for development to enable reliable forward planning for infrastructure development and delivery ... (2) ensuring that the nature, timing and sequencing of new development are co-ordinated with the development,

funding, implementation and operation of transport and other infrastructure in order to [achieve stated outcomes (a) – (d)]... (3) providing that the efficient and effective functioning of infrastructure, including transport corridors, is maintained, and the ability to maintain and upgrade that infrastructure is retained.’

(g) Policy 6.3.6 — Business land, including:

To ensure that provision, recovery and rebuilding of business land in Greater Christchurch maximises business retention, attracts investment, and provides for healthy working environments, business activities are to be provided for in a manner which (1) Promotes the utilisation and redevelopment of existing business land, and provides sufficient additional greenfield priority land for business land through to 2028 as provided for in Map A ... (5) Recognises that new greenfield priority areas for business in Christchurch City are primarily for industrial activities, and that commercial use in these areas is restricted ... (7) Utilises existing infrastructure availability, capacity and quality ... (8) Ensures reverse sensitivity effects and conflicts between incompatible activities are identified and avoided or mitigated against ... (9) Ensures close proximity to labour supply, major transport hubs and passenger transport networks.

## The amended LURP

[18] The CRDP must not be inconsistent with the LURP.<sup>17</sup>

[19] Compared to the CRPS, the LURP has a broader, multi-faceted purpose. That includes specifying actions for specified functionaries (including the Council). As well as making some direct changes to the CRPS (and the Existing Plan) it provides some contextual explanation as to the intentions of these changes.

[20] Following the hearing and prior to our issue of this decision, the Minister of Earthquake Recovery made changes to the LURP, in response to recommendations by Canterbury Regional Council. The Crown informed us that the changes (‘LURP changes’) were gazetted on 14 April 2016.<sup>18</sup> Pertaining to the matters in this decision, the LURP changes included an amendment to LURP Figure 4 (which is equivalent to Map A on Greenfield Priority Areas) to make it indicative only. In addition, the LURP changes update the status of the various “actions” specified in the LURP.

<sup>17</sup> For completeness we note that this obligation is expressed in s 60 GCRA (in addition to the OIC).

<sup>18</sup> Memorandum of Counsel for the Crown regarding amendments made following the review of the Land Use Recovery Plan, Te Mahere Whakahaumanu Tāone, dated 19 April 2016.

[21] On 2 May 2016, we issued a Minute expressing a preliminary view that these changes did not materially affect what we needed to consider for this decision, but inviting parties to make supplementary closing submissions on the LURP changes. The only submission made in response was on behalf of Avonhead Community Group Inc (2164), by its chairman and representative Professor Bagchi.<sup>19</sup> The essence of the submission was that the LURP change, particularly the specification of its Map A as indicative only, reinforces the position that it is not mandatory for land shown on LURP Map A (i.e. Figure 4) to be zoned industrial.

[22] We find that the addition of “indicative only” to LURP Figure 4 is not of itself material for our purposes. It does not change the CRPS to which we must give effect, including the CRPS objectives and policies concerning its Map A. Specifically, it does not result in CRPS Map A having “indicative” status. The inclusion of “indicative only” in Figure 4 of the LURP could, in due course, be relevant to any future change to the CRPS. However, we must give effect to the CRPS now in force. The change has no bearing on the requirement that the CRDP is not inconsistent with the LURP.

[23] The LURP changes include, for Actions 19 and 24 (actions referred to in parties’ submissions), a status update from ‘To be completed by April 2016’ to “Required until the CRDP process is completed”. Hence, this Action remains materially unchanged for our purposes.

### **Related findings on the CRPS and LURP**

[24] We address various matters in contention concerning the interpretation of the CRPS and LURP later in this decision. We endorse and adopt [39]–[45] of the Strategic Directions decision and [23]–[55] of the Stage 1 decision as to the interpretation and relevance of those documents.

### **COUNCIL’S SECTION 32 REPORT**

[25] As we did for the Stage 1 decision, we have had regard to the Council’s report under s 32 RMA (‘s 32 Report’/‘Report’). A significant underpinning of the Report, for our purposes,

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<sup>19</sup> Submission of Avonhead Community Group Inc Impact of Amendments to Land Use Recovery Plan on Area 3, dated 10 May 2016.

is the November 2013 report jointly authored by the Council’s retail distribution and economics experts (Mr Timothy Heath and Mr Philip Osborne), entitled ‘Proposed Christchurch District Plan Commercial and Industrial Chapters Economic Analysis’ (‘Property Economics Report’).<sup>20</sup> The quality of the s 32 Report and that related work, reinforced by the testing of those witnesses, assisted our confidence in the fundamental soundness of the Notified and Revised Versions (except where we record otherwise in this decision).

## SECTION 32AA EVALUATION — GENERAL MATTERS

### The influence of related operative CRDP provisions

[26] Under s 32AA RMA, we must evaluate the provisions for this decision in terms of whether these “are the most appropriate way to achieve the [relevant CRDP] objectives”.<sup>21</sup> Further, ss 75 and 76 RMA describes a hierarchical relationship between objectives, policies and rules; namely that rules are to implement and achieve objectives and policies and policies are to implement objectives. Those include relevant Strategic Directions objectives, now in effect. In addition, our s 32AA evaluation is by reference to the Chapter 15 and 16 objectives and policies that were confirmed by our Stage 1 decision. While an outstanding High Court appeal<sup>22</sup> means those provisions are not yet part of the CRDP, none are challenged by parties before us and the outstanding appeal seeks unrelated relief.<sup>23</sup> On that basis, we treat them as a relevant point of reference for our s 32AA evaluation.

### The influence of uncontested Stage 1 decision findings

[27] Along with our Strategic Directions decision, the Panel’s Stage 1 decision includes relevant findings on the following:

<sup>20</sup> Heath & Osborne, Proposed Christchurch District Plan Commercial and Industrial Chapters Economic Analysis. Property Economics, November 2013 (and associated correspondence included in the Council’s s 32 report.

<sup>21</sup> RMA, s 32(1).

<sup>22</sup> KI Commercial Limited v Christchurch City Council CIV-2016-409-000083.

<sup>23</sup> The appeal relates to permitted activity Rule 15.7.2.1 and the restrictions on commercial services, office activity and retail activity in the Commercial Mixed Use Zone. The appellant seeks to amend the Plan so that existing buildings in the Commercial Mixed Use Zone can be used for commercial services, offices and retail as a permitted activity. See notice of appeal dated 15 February 2016 at paras 1 and 15.

- (a) The appropriateness of the Commercial and Industrial zoning framework and zoning classes, and the choice to separate commercial and industrial activities through those zoning classes;<sup>24</sup>
- (b) The roles of centres,<sup>25</sup> and the appropriateness of the CRDP's centres-based approach;<sup>26</sup>
- (c) The usage of 'Greenfield Priority Areas — Business' for primarily industrial (rather than new commercial) uses, and the appropriateness of objectives and policies including as to the sufficiency of industrial land supply, the use of existing industrial areas primarily for industry, and the avoidance of use of those areas for offices (with specified exceptions).<sup>27</sup>

[28] As is recorded in the Stage 1 decision, those findings were informed not only by the Panel's interpretation and findings concerning the Higher Order Documents, but also by the Panel's findings on evidence from a range of experts (including the evidence of Messrs Stevenson, Heath and Osborne that the Council submitted that it continued to rely upon).<sup>28</sup> No parties called evidence taking issue with, or sought that we revisit, any of those specified findings. Therefore, we adopt and rely upon those findings in this decision.

### **Various non-contentious matters**

[29] Section 32AA(1) specifies that a "further evaluation required under this Act ... is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed". It also specifies that the further evaluation "must ... be undertaken at a level of detail that corresponds to the scale and significance of the changes".

[30] In several non-contentious aspects, we are satisfied that the Revised Version properly accords with the RMA requirements, and is generally sound and appropriate. Subject to some minor refinements to ensure consistency with the approach of the Panel's Stage 1 decision and

<sup>24</sup> For example, addressed at [56]–[65] of our Stage 1 decision.

<sup>25</sup> For example, addressed at [158]–[159] of our Stage 1 decision.

<sup>26</sup> For example, addressed at [89]–[105] of our Stage 1 decision.

<sup>27</sup> For example, addressed at [67]–[68] of our Stage 1 decision.

<sup>28</sup> Opening submissions for the Council at 1.3.

otherwise improve drafting clarity, the Decision Version confirms the approach of the Revised Version as the most appropriate.

[31] The Stage 1 decision sets out the approach to public and limited notification.<sup>29</sup> This was not a matter in contention between parties before us in this matter, and we adopt the same approach in this decision.

## **SECTION 32AA — CHAPTER 15 AND NEW BRIGHTON**

[32] During the 1960s, New Brighton was Christchurch’s only Saturday shopping centre. That was a significant catalyst for a vibrant commercial centre. However, it has suffered several years of economic decline (in addition to the damage inflicted by the earthquakes) and that is clearly evident. This was described by the Council’s retail distribution expert, Timothy Heath, in the following terms:<sup>30</sup>

New Brighton previously played a district/town centre role 10-15 years ago with it being one of the first centres to adopt Saturday morning shopping, however developments both within New Brighton itself ... and elsewhere in the city during the intervening period ... have led to New Brighton’s role being reduced and its function and retail status dropping to that of a supermarket based neighbourhood centre. Its reduced role has meant a lot of the retail floorspace that was previously ‘in demand’ is no longer occupied or commercially viable. ... In effect, New Brighton has been in somewhat of a downward spiral in terms of attractiveness, environment, retail store quality and offer over this period ...

[33] The Council’s primary focus, in developing Chapter 15 proposals for New Brighton, was on how to revitalise its commercial centre. That was also the focus of the New Brighton Master Plan (still in draft when Stage 1 was notified, and finalised in March 2015).<sup>31</sup> To allow time for the Master Plan to be completed, and associated consultation to occur with business owners regarding consolidation of the commercial area, the Commercial chapter provisions for New Brighton were deferred to Stage 2.<sup>32</sup>

<sup>29</sup> At [86] of our Stage 1 decision.

<sup>30</sup> Evidence in chief of Timothy Heath on behalf of the Council at 12.10–12.11.

<sup>31</sup> Evidence in chief of Mark Stevenson on behalf of the Council at para 12.2.

<sup>32</sup> Evidence in chief of Mark Stevenson at para 12.1.

## Proposals for consolidation of the commercial area

[34] We find that the extent of consolidation proposed in the Revised Version is the most appropriate.

[35] The scale of downsizing under the Notified Version was significant. The extent of commercial zoning under the Existing Plan was approximately 11 hectares, as compared to “3-4 hectares” under the Notified Version.<sup>33</sup> That reduction followed the recommendations made by Mr Heath in the Property Economics Report that underpinned the Council’s s 32 Report.<sup>34</sup>

[36] We were told that community feedback on the draft Master Plan showed strong support for that extent of consolidation. Some 90 per cent of respondents strongly supported consolidation. Some concern was raised about how future development would be provided for and whether opportunity for growth would be precluded. Council workshop consultation with businesses and landowners showed a similar pattern.<sup>35</sup>

[37] As we address shortly, the relatively confined number of submissions before us that opposed the consolidation proposed by the Notified Version were mainly directed to how the proposed zoning could impact on development of particular properties, rather than challenging the need for consolidation to occur to assist New Brighton’s revitalisation. The question raised by those submissions was as to the extent of reduction proposed and, related to that, how best to address impacts for particular properties (just beyond the outer boundaries of the proposed new Commercial Core zone).

[38] Mr Heath was the only qualified retail expert to give evidence before us. As has been noted in other Panel decisions, we find Mr Heath’s opinion reliably informed and helpful in respect of the issues we must decide.

[39] He explained that New Brighton’s core economic market is not strong. It has a relatively small catchment base (in retail terms), with low projected growth. That catchment has a relatively low annual household income and a lower proportion of people in higher paid jobs,

<sup>33</sup> Evidence in chief of Timothy Heath at 6.1.

<sup>34</sup> Evidence in chief of Mark Stevenson at 12.3.

<sup>35</sup> Evidence in chief of Mark Stevenson at 12.4–12.5.



compared to the wider Christchurch market. Associated with that, there was less spending power within the catchment.<sup>36</sup>

[40] Looking forward, population and household forecasts for New Brighton pointed to relative stagnancy (i.e. compared to the wider Christchurch area) for the forecast period to 2033. He explained that, in effect, “the core market size is projected to ‘flat line’ in population terms and experiences [sic] no material growth over the next two decades”.<sup>37</sup>

[41] Using the same methodology as he applied in his evidence for the Stage 1 Commercial and Industrial proposal, Mr Heath gave a projection of retail expenditure for New Brighton. He expected New Brighton’s core economic market would experience a low level of growth in real terms over the forecast period. On an assumption, for calculation purposes, that all retail expenditure generated in the market was “internalised”, he forecast the associated gross floor area (‘GFA’) requirements as increasing from a present 30,400m<sup>2</sup> of retail GFA to around 38,800m<sup>2</sup> by 2033.<sup>38</sup> He told us that the New Brighton centre primarily performs a convenience and supermarket function (in addition to some niche recreational and visitor retailing). These commercial activities represented the “core” market for New Brighton, given their competitive location (proximity to the consumer) advantages. He estimated an increase of convenience retail expenditure over the forecast period to 2033 from a present \$27M to a forecast \$33M. Again, on an assumption that this is fully internalised, he translated that to a sustainable GFA increase from 6000m<sup>2</sup> currently to 7500m<sup>2</sup> by 2033. However, as noted, those calculations assume all retail expenditure generated is fully internalised and annualised net retail leakage/inflow is effectively neutral.<sup>39</sup>

[42] He then examined retail expenditure patterns, using retail transaction data from MarketView (a service provided by the BNZ). He referred to “Destination” spend, namely where New Brighton residents are spending their retail dollars both inside and outside the New Brighton market. He told us this was an important indicator, for strategic planning purposes, given the currently under-performing localised retail offer at New Brighton. He reported that, overall, a substantial 81 per cent of retail dollars generated in New Brighton’s core economic market is spent outside of the identified New Brighton catchment (typically termed ‘retail

<sup>36</sup> Evidence in chief of Timothy Heath at 8.1–8.2.

<sup>37</sup> Evidence in chief of Timothy Heath at 9.3.

<sup>38</sup> Evidence in chief of Timothy Heath at 10.1–10.8.

<sup>39</sup> Evidence in chief of Timothy Heath at 10.9–10.16.

leakage’). He noted that the Countdown supermarket was a dominant anchor (with 60 per cent of internalised retail spending there). When supermarket spending is excluded, the leakage figure increases to 88 per cent (i.e. \$9 out of every \$10 spent). In effect, the substantial majority of residents currently prefer to shop elsewhere.<sup>40</sup>

[43] He observed that this highlighted the potential for increased performance and productivity in New Brighton if a better quality centre offer and environment were provided.

[44] Mr Heath considered that a commercial zone of 3.5–4.0 hectares would be suitable for an “efficiently developed” centre in New Brighton.<sup>41</sup> In essence, his conclusion was that:<sup>42</sup>

New Brighton is a retail centre struggling to maintain its role and function in the market, and is too extensive geographically for the core market it services. A more consolidated centre better meets market requirements moving forward as the existing centre footprint will simply not be able to be sustained by the market, and as such is likely to leave a significant proportion of the centre either in a state of disrepair or containing low quality poor performing space.

[45] We accept Mr Heath’s evidence on these matters. As we have noted, it was soundly underpinned by the Property Economics Report he co-authored and which informed the Council’s s 32 Report and the New Brighton Master Plan.

[46] The parlous state of the New Brighton commercial centre is disabling of community wellbeing. As Mr Heath has explained, there is an associated potential for increased performance and productivity but this depends on securing a better quality centre offer and environment. That requires a CRDP that provides clear direction and encouragement to investment. As uncontested evidence, Mr Heath’s expert opinion satisfies us as to the appropriateness of the approach of the Notified Version in consolidating the New Brighton centre by substantially reducing the geographic extent of Commercial Core zoning.

[47] We now return to the central issue, which is the best zoning for certain properties that are commercially zoned under the Existing Plan, but located just beyond the periphery of the proposed new Commercial Core zone.

<sup>40</sup> Evidence in chief of Timothy Heath at 11.1–11.13.

<sup>41</sup> Evidence in chief of Timothy Heath at 15.8.

<sup>42</sup> Evidence in chief of Timothy Heath at 5.1.

### **Whether New Brighton Mixed Use Zone or RSDT for former commercially zoned land**

[48] The primary focus of this issue is on two areas of land just beyond the periphery of the proposed smaller Commercial Core zone:

- (a) A large block encompassing approximately 22 lots, of a mix of sizes, bounded by Union Street, Seaview Road, Hardy Street and Beresford Street ('Larger Block'); and
- (b) Four lots to the south of this, on the corner of Beresford and Union Streets (53 - 61 Beresford St) ('Smaller Block').

[49] Two submitters with relevant landholding interests in these blocks are the Storer Family Trust (2138) and Maerewhenua Trust (2195):

- (a) Storer Family Trust opposed the reduction in the commercial zone area, and its submission focussed in particular on the Larger Block. It submitted that the proposed RSDT zoning ignored the longstanding commercial businesses there and was inappropriate.
- (b) Maerewhenua Trust sought a form of commercial zoning be retained for 99 Seaview Road (part of the Larger Block) and also for the Smaller Block. It submitted that 99 Seaview Road continues to be a viable commercial property on the corner of New Brighton's busiest intersection and, hence, a commercial zoning was more appropriate than RSDT. It sought a similar outcome (i.e. exclusion from the RSDT) for the Smaller Block, which is presently being used as public car parking area.

[50] Adding some complexity, the planning evidence for the Council was somewhat inconsistent in what it recommended for these areas. This was acknowledged in a memorandum of counsel filed on 29 April 2016 ('29 April Memorandum').<sup>43</sup> We come back to that matter shortly.

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<sup>43</sup> Memorandum of counsel on behalf of Christchurch City Council clarifying Council position on zoning of land in New Brighton

[51] The Council’s planning expert, Mr Stevenson recommended for a change from the RSDT zoning for the Larger Block. He explained that this Block comprised a mix of business activities (as was confirmed by our site visit).<sup>44</sup> He explained that the rationale for the proposed RSDT zoning of the Notified Version was to enable future residential development and community facilities on the fringe of the proposed commercial centre.<sup>45</sup> However, he pointed out that part of the Block is identified (in Stage 3) as being within a ‘High Flood Hazard Management Area’, ‘Coastal Erosion Management Area 1’ and ‘Coastal Inundation Management Area 1’. He considered those natural hazard controls, if confirmed, would constrain significant changes of land use and new buildings.<sup>46</sup> Hence, on balance, he recommended a hybrid zoning (which he termed ‘Commercial Mixed Use’) for the Larger Block instead of the RSDT of the Notified Version. This would recognise the existing land use of the block for business activities, and enable continuation of those activities and a change in use of existing buildings, while directing new retail and office development to a consolidated commercial area east of Union Street and Shaw Avenue.<sup>47</sup> He was silent on any change to the proposed RSDT zoning for the Smaller Block.

[52] In its opening submissions, the Council commented, on the basis of Mr Stevenson’s recommended approach, that “the relief of most submitters has been accepted”.<sup>48</sup> Strictly speaking, Mr Stevenson’s approach went some way towards accepting that relief but certainly not the whole way. However, the Council was also correct to observe that no evidence has challenged the commercial consolidation of New Brighton. In any case, Mr Stevenson’s recommendation for a Commercial Mixed Use zoning of the Larger Block was supported in the Revised Version attached to the Council’s closing submissions.

[53] Mr Stevenson considered his recommended approach would be appropriate “in achieving Objective 2 of the Commercial proposal by enabling the efficient use and viability of the commercial area east of Union Street ... and it supports a compact urban form ... and the recovery of the centre”.<sup>49</sup> The equivalent objective confirmed by the Stage 1 decision is Objective 15.1.2 as to a “Centres-based framework for commercial activities”. We return to consider this shortly.

<sup>44</sup> Evidence in chief of Mark Stevenson at 12.7.

<sup>45</sup> Evidence in chief of Mark Stevenson at 12.8.

<sup>46</sup> Evidence in chief of Mark Stevenson at 12.8.

<sup>47</sup> Evidence in chief of Mark Stevenson at 12.9–12.15.

<sup>48</sup> Opening submissions for the Council at 3.2.

<sup>49</sup> Evidence in chief of Mark Stevenson at 12.11.

[54] The Council’s 29 April Memorandum pointed out that Mr Stevenson’s recommendation was somewhat inconsistent with what another Council planning witness, Ms Oliver, had recommended during the Residential (Stage 2) hearing. Ms Oliver’s recommendation then was for the relief sought by Maerewhenua Trust to be granted such that 99 Seaview Road be zoned Commercial Core and that the Smaller Block also be given a commercial zoning. In that decision we deferred those matters, given the cross-over into the matters for this decision.<sup>50</sup> The Memorandum clarified the Council’s final position to be as follows:

- (a) 53–61 Beresford Street should be zoned RSDT as per the Notified Version (i.e. on the basis of Mr Heath’s evidence as to the importance of consolidation, and contrary to Ms Oliver’s recommendation);
- (b) A strip between Seaview Road and Beresford Street (‘99 Seaview Road’) should be zoned Commercial Core (rather than the Communal Mixed Use recommended in the Revised Version);
- (c) The balance of the Large Block should be zoned Commercial Mixed Use (i.e. as per the Revised Version).

[55] Under s 32AA RMA it is central to our evaluative task to consider which zoning approach is most appropriate for achieving relevant objectives. As noted, the most relevant of these is Objective 15.1.2 of the Panel’s Stage 1 decision. It specifies that commercial activity is focussed within a network of centres to meet the needs of business and the wider community in a way and at a rate that achieves a list of specified outcomes. Those include supporting “intensification within centres”, enabling “the efficient use and continued viability of the physical resources of commercial centres”, and promoting “their success and vitality”. It also refers to supporting “a compact and sustainable urban form”, and supporting centres that sustained significant damage or significant population loss from their catchment.

[56] On the basis of Mr Stevenson’s and Ms Oliver’s evidence, which we accept, we find that the modification to the Revised Version as proposed in the Council’s 29 April Memorandum is the most appropriate. In particular, we are satisfied that this modification would not

<sup>50</sup> Decision 17: Residential — Stage 2 at [271]–[272].

undermine the intentions of revitalisation that inform the overall significant reduction in the size of the New Brighton Commercial Core zone.

[57] Specifically, we do not find this modification to materially impact on the potential rejuvenation of New Brighton vibrancy. As Mr Heath has observed, that will rely in large part on there being a close market of consumers in this catchment and necessary investment in better quality centre retail (and a related uplift in the quality of the centre urban environment). That synergy is also offered by Mr Stevenson’s recommendation for a Commercial Mixed Use zone for the Larger Block. We consider immaterial any potential “loss” of retail as could be otherwise re-directed to the centre from the Larger Block. That is because of the nature of retail investment that would be needed for centre rejuvenation (i.e. primarily new investment drawing from the anchor role of the existing Countdown supermarket). Comparatively, Mr Stevenson’s recommended approach offers the further advantage of greater choice of development direction for existing commercial activity in the Larger Block, an issue emphasised as important by submitters and demonstrated by our site visit.

[58] As for the choice of zoning for 99 Seaview Road, we are satisfied on the evidence that the Commercial Core zoning is the most appropriate for achieving Objective 15.1.2, despite the fact that the property sits across the road from the balance of the Commercial Core zone. A relatively modern commercial bank building occupies this site, and its natural relationship, in terms of present and likely future usage, is with the Commercial Core zone across the road. In addition, Commercial Core zoning aligns with the preference of the submitter and is acceptable to the Council.

[59] As for the Smaller Block (i.e. 53–61 Beresford Street), we are also satisfied with the Council’s ultimate position, and the evidence of Mr Stevenson, that the RSDT of the Notified Version is the most appropriate. Therefore, we do not accept Ms Oliver’s recommendation for commercial zoning (and, hence, decline Maerewhenua Trust’s relief for this site). We consider important distinguishing factors for this site are its location across the road and within what would be a residential zone and the fact that it is now a cleared site, more capable of redevelopment for residential purposes. In addition, we consider that the RSDT zoning is consistent with Mr Heath’s evidence as to the importance of consolidation. In light of that evidence, we are satisfied that RSDT zoning is the most appropriate for achieving Objective 15.1.2.

## **Sanderson (2045) and Every Import Limited (2052)**

[60] For the same reasons given for 99 Seaview Road, we are satisfied on the evidence that the position agreed between these submitters and the Council is the most appropriate.<sup>51</sup> As such, we have changed the proposed RSDT zoning of the Notified Version to a Commercial Core zoning.

## **New Brighton height limits**

[61] The Existing Plan specifies permitted building height limits of 20m and 30m in some parts of the New Brighton commercial area. Those limits are well in excess of what typically applies across the city.<sup>52</sup> Mr Stevenson explained that these limits were introduced through a Council led plan change in November 2009.

[62] The Notified Version proposed to reduce the height limits in the Commercial Core zone to 12m. That height limit was chosen to allow for resource consent processes to test whether developments in excess of 12m would properly integrate with existing built form.<sup>53</sup> It was also to bring greater alignment with height limits typical across the city.

[63] For the nearby Residential Medium Density ('RMD') zone, the Stage 1 Residential proposal included an overlay that would allow for a comparatively generous 20m height limit (similar to that of the Existing Plan). However, Decision 10 (on that proposal) did not make a determination on the overlay. That was because the Council requested that we determine the overlay in this decision.<sup>54</sup> The Council's request followed its action in notifying in Stage 2 a proposal that the overlay be removed. The proposal attracted three submissions. Mr Stevenson acknowledged,<sup>55</sup> and the Council confirmed,<sup>56</sup> procedural difficulties with its approach.

[64] Two of the three submitters on the Stage 2 reversal of position did not seek to be heard. Joan Werner (2065) supported a reduced height limit for both the commercial and residential

<sup>51</sup> Joint Memorandum of Counsel on behalf of Christchurch City Council, Every Import Limited (2052) and Julian Sanderson (2045), dated 15 September 2015.

<sup>52</sup> Evidence in chief of Mark Stevenson at 12.21 and Appendix 1.

<sup>53</sup> Evidence in chief of Mark Stevenson at 12.23.

<sup>54</sup> Memorandum on behalf of Christchurch City Council regarding the New Brighton Medium Density Overlay, 1 October 2015

<sup>55</sup> Evidence in chief of Mark Stevenson at 12.26.

<sup>56</sup> Above, n 54.

zones. Paul Zaneen (2465) opposed this, submitting that it will not entice investment or result in any benefit or measurable outcome.

[65] Keryn Maunder (2132) attended the hearing. She and her husband Allan McKercher spoke to why she opposed removal of the overlay. She is a property developer and told us she had developed three retirement villages in Tauranga. She owns nine properties in the vicinity of Oram Avenue, Hood Street and Marine Parade and is looking to develop them for a high rise apartment. She explained the due diligence she undertook on the Existing Plan (with its higher limits), when she purchased six of the properties in 2003. She spoke about the confusion and associated uncertainty with the various changes of position by the Council (i.e. from the height limit increase of the plan change to the Existing Plan, to the Stage 1 position to the Stage 1 overlay and, finally, to the Stage 2 reversal of position). She emphasised her opposition to reduction in the height limits proposed in Stage 2.<sup>57</sup> In answer to the Panel, she confirmed that her concern was with the height limit reduction for the residential zone where she had property interests, rather than the reduction in the commercial zone.<sup>58</sup>

[66] Mr Stevenson explained the planning rationale for reduced commercial and residential zone limits. In his view, the reduced height limits provide a balance between enabling development, consistent with Objective 3.3.1 of Strategic Directions and Objective 1 of the Commercial proposal, and achieving an outcome appropriate for New Brighton's neighbourhood centre role.<sup>59</sup> He considered that it would be more appropriate to have a restricted discretionary status for taller buildings.

[67] We consider there is some weight in Mr Stevenson's opinion. However, given the acknowledged procedural confusion of the Council's flip-flop between its Stage 1 and Stage 2 position, potential associated jurisdictional issues, and the impacts on submitters such as Ms Maunder, we consider that it would be inappropriate to remove the RMD overlay by this decision. Instead, we confirm it as the most appropriate regime for the time being, but leave to the Council whether or not it revisits this matter in the future by plan change.

[68] In all other respects, we are satisfied on the evidence of Mr Stevenson that the height limits of the Revised Version are the most appropriate for achieving related objectives.

<sup>57</sup> Transcript, pages 393-397 (Ms Maunder).

<sup>58</sup> Transcript, page 401, lines 11-32 (Ms Maunder).

<sup>59</sup> Evidence in chief of Mark Stevenson at 12.30.



## Section 32AA — Commercial Local zoning at Awatea

[69] Illogan Trust (‘Illogan’) owns an approximately 2.5 ha block on the corner of Carrs Road and Awatea Road which is part of an area identified as Greenfield Priority Area — Residential on Map A of the CRPS. In its Stage 1 submission, Illogan (767) sought an extension of the proposed zoning so that it applied to its entire site. That was on the basis that the size and shape of the proposed zone did not allow for a meaningful local commercial development that could service the significant residential development in the area. Illogan did not call any evidence at that time. Mr Stevenson was also the Council’s planning witness at that Stage. In his evidence, he recommended against the requested zoning expansion. That was by reason of a concern that the requested expansion would make for an overly large commercial area, having regard to the existing commercial area within the Wigram subdivision and the proposed new Halswell KAC.<sup>60</sup>

[70] Given the more logical relationship of Illogan’s zoning question to the matters for consideration at this time, the determination of this submission was deferred to be considered together with Illogan’s Stage 2 submission seeking similar relief (2176). In his evidence in chief, Mr Stevenson continued to recommend for rejection of Illogan’s relief.<sup>61</sup> Illogan filed evidence from a trustee (Mr Williams) and a planning expert, Mr Dean Chrystal. In his evidence, Mr Chrystal proposed a reduction in the size of the proposed Commercial Local zoning to 5089m<sup>2</sup>.<sup>62</sup> Mr Chrystal also presented an analysis of this modified relief against applicable CRPS objectives and policies and a s 32 evaluation supporting the modified zoning expansion.<sup>63</sup> In his rebuttal evidence, Mr Stevenson supported this modified zoning approach.<sup>64</sup> In addition, the Council and Illogan agreed to an increase to the height limit (including the area confirmed in the Panel’s Stage 1 decision). The Council made provision for this in its Revised Version. We accept Mr Chrystal’s evaluation of the CRPS and under s 32 we note the consensus achieved between him and Mr Stevenson, and we accept their evidence as demonstrating that the modified relief pursued by Illogan is the most appropriate for achieving related objectives. Therefore, we have provided for it in the Decision Version.

<sup>60</sup> The Panel’s determination of the size and location of the proposed Halswell KAC has been deferred until the determination of the RNN proposal.

<sup>61</sup> Evidence in chief of Mark Stevenson at 19.1–19.4.

<sup>62</sup> Evidence in chief of Dean Chrystal on behalf of Illogan at para 19.

<sup>63</sup> Evidence in chief of Dean Chrystal at paras 22–26 and 52–54.

<sup>64</sup> Rebuttal evidence of Mark Stevenson at 3.1–3.2.

## SECTION 32AA — CHAPTER 15: OTHER REQUESTED REZONINGS DECLINED

### Oakwood Properties — corner of Bealey Ave and Papanui Road

[71] The submission by Oakwood Properties (2509) sought that properties on the corner of Bealey Avenue and Papanui Road be identified as a Neighbourhood Centre to recognise their importance to the surrounding area and community (or, in the alternative, greater enablement of development, especially with regard to urban design assessments).

[72] The submitter did not call evidence. Having regard to the findings and related Chapter 15 provisions of the Stage 1 decision concerning neighbourhood centres, we agree with Mr Stevenson that these properties do not meet what is intended for a Neighbourhood Centre.<sup>65</sup> Bearing in mind that the Stage 1 decision found appropriate that the notified ‘Commercial Fringe’ zone should be consolidated into the Commercial Core zone, we also accept Mr Stevenson’s opinion that Commercial Core zoning is the most appropriate for the properties. As for the alternative relief, we are satisfied that the significant changes that the Stage 1 decision made to the notified urban design provisions make those provisions suitable and appropriate for the properties. We accept Mr Stevenson’s evidence that, in effect, the submitter’s alternative relief is accepted in part.<sup>66</sup>

### Other requested rezoning declined

[73] On the basis of Mr Stevenson’s evidence (which we accept) and the Council’s s 32 Report, we are satisfied that the zoning proposed in the Notified Version is the most appropriate for achieving related CRDP objectives. Therefore, we decline the relief sought by the following submitters (none of whom called evidence):

- (a) Two areas of land on the north eastern and south western corners of the Prestons Road and Marshland Road intersection, adjacent to the Prestons Neighbourhood Centre, which the Notified Version proposed be zoned Rural Urban Fringe (and which Progressive Enterprises Limited (2391) and Balmoral Limited (2140) sought be given a commercial zoning);

<sup>65</sup> Evidence in chief of Mark Stevenson at 19.12.

<sup>66</sup> Evidence in chief of Mark Stevenson at 19.14–19.15.

- (b) The property at 131 Bridle Path Road, Heathcote, containing a coffee shop (Upshot Café) and associated car parking area, that Heathcote Valley Riding School (2075) sought be given a commercial zoning;
- (c) The two blocks of land fronting Marshland Road that West Preston's Group (2234) sought be given a commercial zoning (identified in its submission as land south of Lower Styx Road); and
- (d) The property at 548 Marshland Road that Sue McLaughlin (2459) sought be given a commercial zoning (consistent with the existing commercial use of the adjoining property at 538 Marshland Road, which houses storage units).

## **SECTION 32AA — CHAPTER 16: REQUESTED INDUSTRIAL REZONINGS**

### **Relationship to CRPS including Map A**

[74] In this part of this decision, we address those submissions seeking different zoning treatment from the Notified and Revised Versions and where the interpretation of the CRPS, including Map A, has some bearing. These fall into two groups:

- (a) Those seeking industrial zoning for sites that are within the Greenfield Priority Area — Business shown on Map A, but where non-industrial zoning is proposed under the Notified and Revised Version. The relevant submitters are Wilson, Martin & Chang (2278) ('Wilson and others'), and Equus Trust (2183) (together 'Map A Submitters').
- (b) Those seeking industrial zoning for sites that are outside the periphery of the existing urban area and the Greenfield Priority Area — Business shown on Map A. The relevant submitters are Foddercube Products Limited (2225) ('Foddercube'), BDF Family Trust (2088), Castle Rock Limited (2169), B & A Murray (2271), Blue Lady Trust (2355), Sugrue (2567) and A & P Pat (2446) ('Non-Map A Submitters'). In this section, we also deal with a Council recommendation to change the notified industrial zoning of 733 and 751 Harewood Road, two

properties also outside of the Greenfield Priority Area – Business shown on Map A.

[75] For both groups, there is a preliminary legal issue concerning the proper interpretation of the CRPS and, in particular, Map A. In effect, there are ‘two sides to the coin’ on that issue:

- (a) For those sites that are identified as Greenfield Priority Area — Business on Map A, whether the non-industrial zoning proposed by the Notified and Revised Versions would give effect to the CRPS (and not be inconsistent with the LURP);
- (b) For those sites that are not identified as Greenfield Priority Area — Business on Map A, whether industrial zoning, as sought by various submitters, would give effect to the CRPS (and not be inconsistent with the LURP).

[76] We deal first with the Map A Submitters.

*Relationship to CRPS and LURP — Map A Submitters*

[77] Wilson and others and Equus Trust each argued, in essence, that the LURP’s identification of their clients’ sites as Greenfield Priority Area — Business compelled us to confer industrial zoning on those sites.

[78] In his closing submissions for Wilson and others, Mr Cleary argued that the CRPS should be interpreted on the basis that the LURP is determinative of how much industrial land is needed and what is to be enabled as part of the district plan review process.<sup>67</sup> With reference to Mr Stevenson’s acknowledgment that he considered a Rural Urban Fringe zoning of his clients’ land was inconsistent with the LURP, he submitted that the Council was not entitled to act inconsistently with that statutory instrument. For that submission, he relied on:

- (a) Section 23 of the CER Act, which relevantly specified (with emphasis added by Mr Cleary):<sup>68</sup>

<sup>67</sup> Closing submissions for Wilson and others at 3.1–3.8 and 4.14–4.16.

<sup>68</sup> As earlier noted, the CER Act has since been repealed by the Greater Christchurch Regeneration Act 2016. However, as these closing submissions pertained to the Council’s approach under the Notified Version, the CER Act remains applicable.

On and from the notification of a Recovery Plan in the *Gazette*, any person exercising functions or powers under the Resource Management Act 1991 must not make a decision or recommendation that is inconsistent with the Recovery Plan on any of the following matters under the Resource Management Act 1991 ... (f) the preparation, change, variation, or review of an RMA document under Schedule 1.

(b) An interpretation of various extracts from the LURP, including the following:

(i) In 4.3.2 (with emphasis added by Mr Cleary):

The Recovery Plan identifies greenfield priority areas for business ... to ensure there is sufficient and suitable industrial land for the recovery through to 2028, this land has been identified primarily for industrial use. The greenfield priority areas for business encompass over 900 hectares of land, including 343 hectares already zoned for this purpose. The areas are distributed across metropolitan greater Christchurch. Combined with other vacant industrial land in existing zones, the greenfield priority areas will be sufficient to meet future demand, as well as allowing for choice of location and market competition. The land will provide for:

- ongoing industrial business relocations
- anticipated industrial growth, including growth of sectors involved in recovery
- a range of industrial activities in a variety of geographic areas.

(ii) The following aspects of Action 24:

Christchurch City Council to enable in the next review of its district plans [sic] the following measures ... vii. outline development plans to establish the broad land use pattern within the Hornby and Belfast greenfield priority areas for business on map A, appendix 1 ... viii. an integrated approach to greenfield priority areas for business that are located near Christchurch Airport.

(iii) Paragraph 4.4.1 on “Integrate land use and infrastructure’ which he submitted recognised some short to medium term constraints within identified priority areas, but indicated that these should be addressed “by the prioritising of infrastructure to enable development of these areas to proceed”, and related Actions 32 and 33 (referring to the Regional Council’s land transport programme obligations and the City Council’s infrastructure programmes). Mr Cleary quoted only part of paragraph 4.4.1, and we took his submission to primarily rely on statements in that paragraph that:

Practical constraints mean that it will not be possible to maintain full services across the roading network of greater Christchurch throughout the recovery period. In particular, funding availability and sequencing of road repair and upgrading will constrain traffic in some areas for some time to come. The impacts of this limitation will be reduced by measures and make best use of the available transport networks.

However, we return to this matter of interpretation later in this decision.

[79] Mr Cleary submitted that the words ‘must not’, in s 23 CER Act, were a strong directive to the Council and also to us for the purposes of our decision on the relief submitters pursued. However, he acknowledged that we are able to make a decision that includes rules to effectively defer (temporarily, but not permanently) industrially zoned development. He referred to two Environment Court decisions that he considered to support his position — *Kiwi Property Holdings v Christchurch City Council*<sup>69</sup> and *Black v Waimakariri District Council*.<sup>70</sup> However, as Mr Cleary noted, both decisions concerned a decline to make a plan change held inconsistent with a relevant Higher Order Document direction. *Kiwi* declined a plan change that it held to be inconsistent with the Canterbury Recovery Strategy and *Black* declined to extend the Mandeville Growth Boundary on the basis of finding it was inconsistent with the LURP. In that regard, we do not find either decision of assistance on the materially different issue we must determine, namely whether we must zone land industrial if it is identified as a Greenfield Priority Area — Business in Map A, CRPS.

[80] Equus Trust did not call evidence. However, like Wilson and Others, it argued that zoning its land anything other than for industrial purposes would not give effect to the CRPS and would be inconsistent with the LURP. In his closing submissions, on the meaning of obligation to give effect to the CRPS, Mr Hutchings relied on the approach of the Supreme Court, in *King Salmon*,<sup>71</sup> i.e. “implement”, and that Court’s endorsement of the interpretation given by the Environment Court in *Clevedon Cares Inc v Manukau City Council*,<sup>72</sup> namely ‘positive implementation of the superior instrument’.

[81] Mr Hutchings referred to LURP Action 19:

<sup>69</sup> *Kiwi Property Holdings Ltd v Christchurch City Council* [2012] NZEnvC 181 at [9].

<sup>70</sup> *Black v Waimakariri District Council* [2014] NZEnvC 119 at [76]–[77].

<sup>71</sup> *Environmental Defence Society Inc v The New Zealand King Salmon Company Ltd* [2014] NZSC 38, at [77].

<sup>72</sup> *Clevedon Cares Inc v Manukau City Council* [2010] NZEnvC 211.

Christchurch City Council to enable in the next review of its district plans [sic], to provide for development of the greenfield priority areas shown on map A, appendix 2, that are not already zoned for development in accordance with Chapter 6 of the Regional Policy Statement.

[82] He noted that Chapter 6 was included in the CRPS through the LURP and that Map A specifically identified his client's site as a Greenfield Priority Area. He submitted that CRPS Policy 6.3.1(3) seeks to enable development of such areas and Policy 6.3.6(1) states that business activities are to be provided for in a manner which provides sufficient additional Greenfield Priority Area land for business, through to 2028 as provided for in Map A. From that, he submitted:<sup>73</sup>

Therefore, to zone the Site anything else ... is not giving effect to the RPS and is clearly inconsistent with the LURP.

[83] We consider first Mr Cleary's submission that the LURP is determinative of how much industrial land is needed.

[84] 'Determinative' is a word implying absolute finality of definition or direction. Given the statutory influence of the LURP is that the CRPS and CRDP must not be inconsistent with it, 'determinative' overstates the LURP's true influence. However, we agree with Mr Cleary to some extent. As Mr Cleary points out, the LURP comments that the more than 900 hectares of Greenfield Priority Areas it has identified for business will, in terms of their distribution, location and extent, be "sufficient to meet future demand, as well as allowing for choice of location" (our emphasis). It is not accompanied by any balancing pronouncement as to 'need'. As such, we consider the pronouncement of what is 'sufficient' does inform how we address the question of 'need' in an evidential sense. In particular, it reflects a policy approach that is more generous in what is supplied than one calibrated to matching demand or meeting need. We return to this matter, when considering Mr Osborne's evidence.

[85] We also see that philosophy reflected in the CRPS. However, that is to the opposite effect of what Mr Cleary (and Mr Hutchings) submitted. That is, consistent with the LURP's generous approach to supply (i.e. its identification of Greenfield Priority Area — Business land), the CRPS does not direct that all such identified land be zoned industrial. Rather, it allows for choice, including in the determination (by zoning, for example) of the nature, timing

<sup>73</sup> Opening submissions of Equus Trust at para 8.

and sequencing of new development particularly, so as to assist land use and infrastructure integration: see CRPS Policy 6.3.5.

[86] Mr Cleary’s and Mr Hutching’s submissions were essentially aligned on the meaning of ‘must give effect to’ and ‘not inconsistent with’, and we accept these to be a fair representation of the law on those directions. However, we do not accept their respective (and again, essentially aligned) interpretations of the LURP and CRPS. Specifically, applying the approach to interpretation of subordinate statutory instruments set out in the Court of Appeal decision in *Powell v Dunedin City Council*,<sup>74</sup> we find no support in either document for their positions that we are required to zone their clients’ sites industrial.

[87] As for the LURP, Mr Cleary referred us to Action 24, and Mr Hutchings to Action 19. Mr Cleary submitted those directions apply to the Panel. That is incorrect. Both are matters for the Council only. Nothing in the former CER Act (nor in its replacement, the Greater Christchurch Regeneration Act 2016 (‘GCRA’)) extend or transfer those matters to the Panel. As actions for the Council, neither is to the effect of requiring that the Council notify industrial zoning for all Greenfield Priority Area — Business land. The directive words of each action are “enable ... to provide for”. The Notified Version fulfilled that by enabling opportunity for submitters such as Wilson and others and Equus Trust to pursue industrial zoning for their land (and to support that by evidence necessary for our purposes of evaluating planning alterations). Therefore, we find nothing in either of those LURP actions, or in the LURP more generally, to support the position advanced, namely that the Council is obliged to notify industrial zoning or, alternatively, that we must inevitably confer such zoning over land identified as being Greenfield Priority Area — Business land. While we are satisfied of that position concerning the LURP as it was at the time of the hearing, the subsequent LURP changes (particularly in making Map A ‘indicative only’) are consistent with our interpretation. For those reasons, we reject the submissions of Mr Cleary and Mr Hutchings on this matter.

[88] Also, contrary to the position advanced by Messrs Cleary and Hutchings, none of the changes that the LURP made directly to the CRPS are in the nature of direction that Greenfield Priority Area — Business land must be zoned industrial.

<sup>74</sup> *Powell v Dunedin City Council* [2004] NZRMA 49 (HC) at [17]–[35]; *Powell v Dunedin City Council* [2004] 3 NZLR 721 (CA) at [12] and [29]–[49].



[89] Turning to the CRPS, we agree with the Council’s submissions that there is no requirement in the CRPS that Greenfield Priority Areas — Business be zoned industrial and “give effect to” does not automatically lead to the conclusion that land must be zoned industrial at the present time.<sup>75</sup> First, we note that it would be highly unusual, and potentially ultra vires, for a regional policy statement to seek to impose any such direction, given it is a subordinate statutory instrument intended to achieve the purpose of the RMA: s 59. In any case, such an interpretation is plainly invalid on a reading of the CRPS in the round, as the Council rightly notes is the proper approach (on which we refer to *Powell*).

[90] Mr Hutchings referred to CRPS Policy 6.3.1(3) as seeking to enable development of such areas and Policy 6.3.6(1) as stating “that business activities are to be provided for in a manner which provides sufficient additional greenfield priority area land for business land, through to 2028 as provided for in Map A”.<sup>76</sup> Insofar as they go, we accept those submissions as a fair synopsis of those provisions. However, those provisions do not support Mr Hutchings’ central submission that declining industrial zoning to his client’s land would fail to give effect to the CRPS. Again, we refer to our earlier observations on CRPS Policy 6.3.5, a provision directing an approach directly contrary to that advanced by Mr Hutchings. That is, consistent with the LURP’s generous supply approach, it directs that choices be made as to the nature, timing and sequencing of new development so as to assist land use and infrastructure integration. That Policy directly pertains to the choice we must make on the zoning of the Hawthornden Block, in view of the evidence on these matters.

[91] As we have noted, the CER Act has now been repealed and replaced by the GCRA, and the Minister has also made associated changes to the LURP. We are satisfied that neither of these changes is material to the matters we must decide here. Specifically, the GCRA does not materially alter our obligations in relation to the LURP and the CRPS (or other Higher Order Documents), and the updated LURP does not make any changes to applicable CRPS objectives and policies.

[92] The nett effect of the CRPS, read properly, is that our s 32AA evaluation of whether the industrial rezoning sought by Wilson and others and Equus Trust, for their Greenfield Priority Area — Business sites, should properly consider all relevant evidence. In particular, that

<sup>75</sup> Closing submissions for the Council at 2.1

<sup>76</sup> Opening submissions for Equus at para 8.

includes evidence as to how such rezoning would impact on issues of land use and infrastructure integration.

*Relationship to CRPS — non-Map A Submitters*

[93] Turning the coin, we now consider whether we are able to rezone the non-Map A Submitters' land for industrial purposes despite it being outside Map A.

[94] On this matter, we heard from Ms Crawford, counsel for Foddercube Products Limited (2225), BDF Family Trust (2088) and Castle Rock Limited (2169). The essence of her submissions was as follows (with our paraphrasing):

- (a) Map A was informed by a LURP process that focussed on larger greenfield areas and did not consider consequences of smaller anomalous situations where individual landowners were not given the opportunity to put their case and appeal rights were extinguished.<sup>77</sup>
- (b) That invites a question as to the veracity of the apparent prescriptiveness of the CRPS and, in particular, whether it truly precludes exceptions being made for land that falls outside the line. Rather, implementation of apparently prescriptive directions will be affected by what those directions relate to and the context in which the underlying policy was developed. On a proper interpretation, the CRPS does not preclude consideration of minor rezoning requests that have merit at a local level where this “does not compromise the higher order policy direction”. Such a purposive interpretation accords with the Court of Appeal decision in *Powell*, and does not offend the interpretation of “give effect to” in the Supreme Court decision in *King Salmon*, i.e. ‘implement according to the policy intention’.<sup>78</sup>
- (c) Policy 6.3.1, which states that Map A areas are required to provide sufficient land zoned for urban purposes to enable recovery and building through to 2028, needs to be read in context. Arguably, the CRDP is required to fully meet its requirements. Yet, the Notified Version does not zone industrial all Greenfield Priority Area — Business land. Further, the explanation and reasons expressed for

<sup>77</sup> Closing submissions for Castle Rock, BDF Family Trust and Foddercube at 4.6.

<sup>78</sup> Closing submissions for Castle Rock, BDF Family Trust and Foddercube at 4.6–4.7.

the policy give an insight to its intentions, i.e. “it is anticipated that established urban activities located outside of the identified urban area will be able to continue to operate their activities with any expansion considered on a case by case basis”.<sup>79</sup>

- (d) Policy 6.3.1(4) should not be looked at in isolation. For example, Objective 6.2.2 refers to land “on the periphery of Christchurch’s urban area”. If a site-specific rezoning proposal located on the periphery and not formally tagged as a Greenfield Priority Area — Business otherwise meets all relevant criteria for development form and settlement pattern, it could be said to achieve the intent of Objective 6.2.2. That could be the case for any number of the site-specific rezoning requests put forward, particularly in terms of urban form and settlement pattern, consolidation and infrastructure integration matters. Rezoning them would be consistent with the intent of Greenfield Priority Areas and, ultimately, achieve the RMA’s purpose.<sup>80</sup>

[95] Ms Crawford adopted the submissions she made on these matters in the hearing concerning Residential (part) Stage 2<sup>81</sup> and confirmed that the points she made were in substance the same.<sup>82</sup> She also agreed that the relevant CRPS objectives and policies were substantially the same, and to the same effect, for both Greenfield Priority Area — Business and Greenfield Priority Area — Residential land.<sup>83</sup> Our review of the CRPS confirms that to be the case. Having considered the Panel’s Decision 17 Residential (part) — Stage 2 (‘Decision 17’),<sup>84</sup> we find it to have comprehensively dealt with the matters raised by Ms Crawford and we agree with, and adopt, the interpretation of the CRPS given by that decision. Applying the Court of Appeal decision in *Powell*, we find that Ms Crawford’s interpretation puts an invalid gloss on applicable CRPS objectives and policies. Applying the Supreme Court decision in

<sup>79</sup> Closing submissions for Castle Rock, BDF Family Trust and Foddercube, at 4.8.

<sup>80</sup> Closing submissions for Castle Rock, BDF Family Trust and Foddercube at 4.9–4.11 (noting that two paragraphs are mis-numbered 4.1 and 4.2)

<sup>81</sup> Closing legal submissions for Castle Rock Estate Limited and Cathedral City Developments Limited on the Residential Proposal (Stage 2) for the Christchurch Replacement District Plan, 16 September 2015.

<sup>82</sup> Transcript, page 534, lines 6-12:

JUDGE HASSAN: ... Just to clarify, perhaps at this point might be the convenient one for this, your position is to adopt those submissions for this hearing effectively?

MS CRAWFORD: Yes, and enlarge upon them as appropriate in closing and we have also offered some other possible solutions to consider.

<sup>83</sup> Transcript, page 538, lines 1-9:

JUDGE HASSAN: Now if we take the first one I think I asked you this before but just to confirm, is there anything as to the substance of those provisions of the Regional Policy Statement that pertain to the blue areas and industrial business land that is substantively different in any sense from those 5 residential provision directives on greenfield priority residential that you addressed in your submissions to the Residential stage 2 Panel?

MS CRAWFORD: Well the short answer is probably not sir.

<sup>84</sup> Decision 17 Residential (part) Stage 2 at [12]–[115].

*King Salmon*, we find that to give effect to the CRPS, we are not entitled to zone for industrial purposes land beyond the existing urban area identified on Map A that is not also identified as a Greenfield Priority Area — Business. Consequently, the submission for rezoning by Ms Crawford’s clients must be rejected, and the zoning of the Notified Version, as it affects the non-Map A Submitters’ land, is confirmed.

[96] Finally, we record that, having considered the LURP changes we have earlier noted, we find that they have no material bearing on what we must decide. Specifically, while they would appear to allow greater flexibility for the Regional Council to review the CRPS, including Map A and related objectives and policies, those are not matters for us. That is, the LURP changes make no relevant change to the CRPS, which we must give effect to, and we remain satisfied that this decision would not render the CRDP inconsistent with the LURP.

[97] Were we to reach the finding we have concerning the CRPS, Ms Crawford asked that we consider recording in our decision those non-Map A sites that we find have merit for development for urban purposes (in terms of s 32). We understood that submission to be in order to assist those involved in the LURP review then underway (and which has since concluded). As the Panel found in Decision 17, we do not consider it within our realm to do so, or that it would be an appropriate task for us to undertake. Our role as an independent board of inquiry is described in the OIC, and does not extend to providing such advice. In any case, the review has now concluded and resulted in the LURP changes we have described.

[98] Having considered the preliminary legal issues that arose as a result of these requested rezonings, we now turn to our attention to the substantive matter of appropriate zoning for the sites. For completeness, we also set out our findings on the evidence concerning the rezoning relief that Ms Crawford’s clients pursued.

## **SECTION 32AA — MAP A SUBMITTERS: HAWTHORNDEN BLOCK**

[99] East of Russley Road and west of Hawthornden Road is an area of some 15 hectares of predominantly open paddocks, where two submitters have particular landholding interests — Wilson and others and Equus Trust. This area (‘Hawthornden Block’) was called “Area 3” in what is referred to as the “North West Review Area 3” (NWRA3), and is identified as Greenfield Priority Area — Business on Map A of the CRPS.

[100] The Notified and Revised Versions propose that the Hawthornden Block be zoned Rural Urban Fringe (‘RUF’). Wilson and others and Equus both seek industrial zoning for their respective sites:

- (a) Wilson and others seek that for some 11ha located at 270, 280 and 298 Russley Road (‘Wilson and others site’);
- (b) Equus (who did not call evidence) seeks it for a nearby site of some 4ha at 76 Hawthornden Road (‘Equus site’).

[101] We have set out our findings on the preliminary question of interpretation of the LURP and CRPS. In effect, that leaves us to determine, in light of relevant principles and the evidence, what the most appropriate zoning treatment should be, particularly as between the primary choices of RUF or industrial (or more specifically, Industrial Park) zoning.

[102] For the reasons that follow, we find that the most appropriate zoning for achieving relevant objectives is RUF, essentially as proposed in the Revised Version. Therefore, we have rejected the rezoning relief sought by Wilson and others and Equus.

[103] The primary issues were:

- (a) Whether the additional industrial land is needed;
- (b) Whether an ODP satisfying CRPS requirements can be provided for, particularly in regard to:
  - (i) Stormwater management; and
  - (ii) Roading, including the avoiding or mitigating of effects on the strategic transport network.
- (c) In view of these issues, and the principles and directions of the Higher Order Documents and the RMA, what is the most appropriate planning outcome.

[104] We note that two other issues were contested by parties but, ultimately, have not been significant to the choice of the most appropriate zoning approach:

- (a) Wastewater management was initially raised as a concern by the Council's expert, Ms O'Brien. However, Ms O'Brien's rebuttal effectively removed any material points of difference she had with the expert for Wilson and others, Mr Hall. While she remained of the view that development of this area should not occur before an upgrade to the Riccarton Interceptor is completed, she accepted that this could be achieved through a deferred zoning or rule which would not allow development until the programmed upgrade is complete.<sup>85</sup> Given that the Interceptor upgrade is a programmed Council project, we consider Ms O'Brien's rebuttal to have, effectively, rendered this matter nugatory to the question of the most appropriate zoning.
- (b) Some submitters, particularly Avonhead Residents Group, raised concerns about how industrial zoning would impact on residential amenity values, particularly for residents in the vicinity of the presently quiet Hawthornden Road. However, the consensus of the traffic experts was that it was inappropriate to provide for access to Hawthornden Road. In any case, the Group sought that we prefer the RUF zoning of the Notified Version and, for the following reasons, we have determined that RUF zoning is the most appropriate. Those matters also mean it is unnecessary for us to make any determination on the other matter raised by the Group as to procedural unfairness arising from the rezoning sought by Wilson and others and Equus Trust.<sup>86</sup>

### **Whether the additional industrial land is needed**

[105] Part of the Council's case as to the inappropriateness of the relief sought by Wilson and others and Equus was that it would give rise to a risk of oversupply of industrially-zoned land.

[106] For the Council, economist Philip Osborne estimated (on the basis of the analysis that also informs the Property Economics Report), that demand for more industrial land in the city

<sup>85</sup> Rebuttal evidence of Bridget O'Brien on behalf of the Council at 4.4.

<sup>86</sup> Statement of Avonhead Community Group dated 17 September 2015 at para 5.

would be in the vicinity of 350ha up until 2031. As such, he considered that the 950ha identified by the LURP was “more than sufficient” to meet potential demand to 2028 (and would require update rates nearly four times those experienced over the past decade annually to absorb this).<sup>87</sup> He considered that zoning further industrial land would likely increase the potential economic costs associated with the oversupply of industrial land and compromise the competitive business environment that the CRDP seeks to foster.<sup>88</sup> He specifically considered the type, location and quality of industrial land, including for the sites in issue, namely what he called the “North West quadrant”. He told us that there is no need to develop more than 100ha of additional industrial land in this area.<sup>89</sup> Under cross-examination, he remained of the view that, while the site was well located for logistics and warehousing, there was an insufficient demand over the life of the CRDP to warrant its rezoning.<sup>90</sup>

[107] For Wilson and others, licensed real estate agent Mr Blair Young gave evidence based on his experience in commercial real estate.<sup>91</sup> He considered that there is “a very clear logic and benefit in rezoning this land for industrial uses”.<sup>92</sup> In relation to that, he considered the site ideally located, and offering a market competition benefit of providing choice in land tenure (particularly, by comparison to the nature of tenure that CIAL makes available). He told us that the land would be worth considerably less with a rural zoning than with an industrial zoning.

[108] We acknowledge the various points made by Mr Osborne and Mr Young, but do not need to express a preference on their differences. In essence, that is because the CRPS does not provide a rationing framework based on a construct of ‘need’. Rather, the more relevant perspective is on whether, in view of issues of land use and infrastructure integration, rezoning in this location and this time is appropriate.

### **Whether an ODP satisfying CRPS requirements can be provided for**

[109] As we noted, the CRPS includes Policy 6.3.3 ‘Development in accordance with outline development plans’. Most relevantly, in terms of the issues, it provides as follows:

<sup>87</sup> Evidence in chief of Philip Osborne on behalf of the Council at 4.3–4.4.

<sup>88</sup> Evidence in chief of Philip Osborne at 4.7.

<sup>89</sup> Evidence in chief of Philip Osborne at 5.51.

<sup>90</sup> Transcript, page 30, lines 34–38.

<sup>91</sup> Mr Young is a Commercial Property Consultant with Bayleys Canterbury and has some sixteen years’ experience in the commercial property industry.

<sup>92</sup> Evidence in chief of Blair Young on behalf of Wilson and others at 2.6.

Development in greenfield priority areas ... is to occur in accordance with the provisions set out in an outline development plan or other rules for the area. Subdivision must not proceed ahead of the incorporation of an outline development plan in a district plan. Outline development plans and associated rules will:

- (1) Be prepared as:
  - (a) a single plan for the whole of the priority area; ...
- (2) Be prepared in accordance with the matters set out in Policy 6.3.2;
- (3) To the extent relevant show proposed land uses including:
  - (a) Principal through roads, connections with surrounding road networks, relevant infrastructure services and areas for possible future development;
  - ...
  - (f) Land required for stormwater treatment, retention and drainage paths;
  - ...
  - (i) Pedestrian walkways, cycleways and public transport routes both within and adjoining the area to be developed;
  - ...
- (6) Document the infrastructure required, when it will be required and how it will be funded;
- (7) Set out the staging and co-ordination of subdivision and development between landowners;
- ...
- (9) Show how other potential adverse effects on and/or from nearby existing or designated strategic infrastructure (including requirements for designations, or planned infrastructure) will be avoided, remedied or appropriately mitigated;
- ...
- (12) Include any other information that is relevant to an understanding of the development and its proposed zoning.

[110] Given that the Notified Version proposed a RUF zoning for the Block, it did not propose an ODP. Wilson and others proposed an ODP for its site, through the rebuttal evidence of its planning witness, Ms Harte. It argued that any ODP requirements were able to be satisfied in this manner, and not to require that an ODP extend over the entire Hawthornden Block. As noted, Equus Trust did not call evidence. Nor did it propose an ODP for its site.



[111] A primary set of issues concerns the nature of the legal obligation to give effect to the CRPS, in terms of this matter. Subject to that, there are various evidential issues concerning the relevant content of the ODP, particularly concerning stormwater and access.

[112] The central legal issue was as to whether, to give effect to the CRPS, an ODP was required for the entire Block.

[113] For Wilson and others, Mr Cleary argued that we should apply a purposive reading of the CRPS (on the basis of the earlier cited decision of the Court of Appeal, in *Powell*). He emphasised the exceptional circumstances his clients faced. In particular, those arose from the fact that the Council elected not to propose industrial zoning for the Block despite it being a Greenfield Priority Area — Business. Flowing from that, he noted that the only landowners of the Greenfield Priority Area that sought industrial zoning were Equus Trust and his clients. In addition, he noted that the traffic experts' agreed position that access should not occur via Hawthornden Road inherently precluded industrial development of the entire Greenfield Priority Area. That was in the sense that the only available access was via an expressway ramp now under construction and known as the Southern Airport Access. He submitted that the proper emphasis, in providing an ODP for what was relevant at this stage, was to ensure it did not compromise future potential development of land beyond its boundaries and that could be sufficiently provided for in statements within the narrative associated with the ODP.<sup>93</sup> He submitted that, in view of the merits of rezoning his clients' land and the consistency of that rezoning with the intent of Chapter 6 of the CRPS, it would be incongruous to preclude it simply by reason that there was not an ODP for the entire Block.

[114] For Equus Trust, Mr Hutchings similarly argued that an ODP is not required for rezoning. Rather, it was a prerequisite to subdivision and development which was the appropriate stage to address issues of integration.<sup>94</sup>

[115] The Crown submitted that the CRPS directed a sequence of events starting with a Council decision whether to zone Greenfield Priority Area — Business for industrial usage. If the Council made an election to zone the land industrial, it was required to prepare an ODP prior to, or at the same time as, rezoning the land. It submitted that an ODP must be prepared as a

<sup>93</sup> Closing submissions for Wilson and others at 4.31–4.44.

<sup>94</sup> Opening submissions for Equus Trust, at 11–13.

single plan for the whole of the Greenfield Priority Area. While it could allow for staged subdivision and development, it must, to the extent relevant, show principal through roads and connections with surrounding road networks. It must also document the infrastructure required; demonstrate how effective provision is made for a range of transport options; and show how other potential adverse effects on and/or from nearby existing or designated strategic infrastructure will be avoided, remedied or appropriately mitigated.<sup>95</sup>

[116] The Council likewise submitted that Policy 6.3.3(1)(a) of the CRPS requires there to be a single ODP for the whole of a Greenfield Priority Area — Business. Without that, it submitted that zoning the land in question as Industrial would not “give effect to” the CRPS. It made that submission on the weight of planning evidence, relying on the consensus between Mr Stevenson and Mr Bonis (noting the latter’s opinion was unmoved despite extensive Panel questioning).<sup>96</sup> In reliance on Mr Stevenson it submitted that, in any case, Ms Harte’s ODP did not demonstrate how integration is achieved with the surrounding area (referring to Mr Stevenson’s example that the local road network proposed on the ODP does not extend into all parts of the Greenfield Priority Area).<sup>97</sup> It submitted that this interpretation was clear on both the plain reading of Policy 6.3.3 and on a purposive interpretation.

[117] In particular, it submitted that the single purpose of an ODP is to ensure integration between land use and infrastructure within a particular area, which is one of the key threads of Chapter 6 of the CRPS. As such, it submitted that it was difficult to envisage how integration can appropriately be achieved within a particular area if only part of that area is included within an ODP (even if that partial ODP includes all the elements required to be included in an ODP).<sup>98</sup>

[118] On these matters, while we have weighed the interpretations offered by the planners, we agree with Mr Cleary that the matter is one of legal interpretation of a subordinate statutory instrument according to established principles, particularly those espoused by the Court of Appeal in *Powell*.

[119] The Panel’s extensive testing of Mr Bonis on this matter was in large part directed to testing this purposive approach. We found his understanding of Policy 6.3.3 helpful, but driven

<sup>95</sup> Closing submissions for the Crown, at 26–31.

<sup>96</sup> Mr Bonis gave planning evidence on behalf of Christchurch International Airport Ltd.

<sup>97</sup> Closing submissions for the Council, at 3.1–3.3.

<sup>98</sup> Closing submissions for the Council, at 3.4.

by an overly-literal reading of certain of its provisions rather than being according to a purposive interpretation as expressed in *Powell*. Specifically, when the proposition was put to him that an ODP should more correctly be required to coincide with that area zoned industrial, he explained that his reasons for not agreeing with that was that an ODP is a “precursor” to the zoning and that ODPs are to provide for staged development in regard to infrastructure constraints.<sup>99</sup> It is correct that Policy 6.3.3(7) refers to staging and coordination of development. However, plainly, that subclause does not require all land in a Greenfield Priority Area — Business to be zoned industrial. It is also correct that an ODP must be in the plan before land development and subdivision can proceed. However, that does not dictate that either the ODP or the zoning must encompass the entire Greenfield Priority Area — Business as shown in the CRPS, and nothing less. Mr Bonis’ interpretation, if correct, would call into question the Council and Crown position that there is no obligation to zone land simply because the CRPS identifies it as Greenfield Priority Area — Business.

[120] We acknowledge that subclause (1)(a), read in isolation, relevantly states that “Outline development plans and associated rules will ... be prepared as ... a single plan for the whole of the priority area” (leaving aside, for the moment, its mixing of the plural ‘plans’ and singular ‘plan’). We return to that shortly.

[121] However, if we consider the purpose intended to be fulfilled by an Outline Development Plan, an interpretation to the effect that an ODP must always encompass the entire Greenfield Priority Area is nonsensical and unwarranted. Starting with the proposition advanced by the Council and the Crown, and which we have accepted, that the identification of a Greenfield Priority Area — Business does not dictate that land must be zoned industrial, it follows that part of a Greenfield Priority Area — Business can be zoned industrial, with the balance not so zoned. For example, the Council could elect to notify a proposal for most, but not all, of a Greenfield Priority Area — Business to be zoned industrial. That choice may be for a variety of reasons. For example, it may find it contrary to Part 2 of the RMA to encompass any more (for instance, due to conflict with s 6(3) or some other principle). In such an example, submitters could seek to contest that zoning approach, for instance to seek more or less industrial land, or none at all. In each such scenario, it would be nonsensical to adopt an

<sup>99</sup> Transcript, page 466, lines 25–36.

interpretation that required that any ODP had to be for the entire Greenfield Priority Area — Business area depicted in the CRPS, regardless of the extent of that zoned industrial.

[122] When we consider the full context of CRPS Policy 6.3.3, in terms of what it requires an ODP to address, we consider each of those requirements is able to be fulfilled without the need to adopt the rigid reading that Mr Bonis applied (and with which the Council and the Crown concurred). As to the purpose of an ODP, we agree with the Council that it is primarily to ensure integration between land use and infrastructure within a particular area. We agree with the Crown’s description of those elements that are required in all cases, or required where relevant. Notably, there is a strong emphasis on infrastructure, not just within the area but beyond (including as to how effects on nearby existing or designated strategic infrastructure will be avoided, remedied or appropriately mitigated). In this context, we also note that an ODP must, to the extent relevant, show land required for stormwater treatment, retention and drainage paths.

[123] To fulfil those required purposes, we consider that an ODP must encompass the entire area of what is zoned industrial. However, assuming it also addresses each of the matters required by Policy 6.3.3, we can see no reason why it must extend beyond what is zoned simply so that it encompasses the entire extent of what the CRPS identifies as the Greenfield Priority Area — Business. Nor do we see any other requirement of the CRPS to do so.

[124] Returning to the plain wording of subclause (1)(a) within the wider context of the Policy as a whole, we consider it is capable of being read to allow for an ODP to be for the extent of the zoned area only. We start with the first word of the Policy — ‘development’ (also repeated in the heading) and the associated reference to “Subdivision must not proceed ahead of the incorporation of an outline development plan”. The emphasis here is on an ODP being an instrument of development control for its specified purposes. It is consistent with that purpose that an ODP relate to that area that the plan zones for business (in this case, industry) purposes. In that regard, the reference in subclause (1)(a) to “a single plan for the whole ... priority area” can and, we find, should be read to mean a single plan for the whole of the area that is zoned industrial. That is, in context, “priority area” refers to that portion of a Greenfield Priority Area — Business that is zoned for business purposes, and no more than that.

[125] However, while our interpretation of Policy 6.3.3 differs from that of the Council and the Crown, it does not assist the position of Wilson and others and Equus. That is because, on the evidence, we find the ODP regime proposed by Ms Harte does not fulfil the purpose intended by Policy 6.3.3 and fails to give effect to the CRPS.

[126] Ms Harte’s ODP is confined to the Wilson and others land, but indicates possible future development beyond those boundaries. It comprises a plan and associated narrative giving an outline on proposed arrangements as to development staging, boundary building setback and landscape treatment, wastewater, stormwater and internal roading arrangements. As we now discuss, we find fundamental, irresolvable problems with the ODP (and associated proposed rules) for both stormwater and integration with the strategic network.

### **Stormwater management**

[127] In regard to stormwater, the ODP does not depict any specific arrangement for secondary flow paths other than noting that these “will be required to be identified and protected when subdivision or development is proposed”.

[128] The Council’s stormwater expert, Mr Norton, explained that the Hawthornden Block is within the Avon River catchment and does not have access to a network outfall for stormwater. That means it would need onsite mitigation involving disposal of stormwater to ground.<sup>100</sup> Those matters were confirmed by Mr Hall, the stormwater expert for Wilson and others. He explained that geotechnical and other investigation confirmed the suitability of the land for a groundwater treatment approach, with these matters able to be the subject of a regional resource consent to be secured in due course. He said stormwater from hardstanding areas and roads would be treated before discharge, according to Council requirements.<sup>101</sup> We are satisfied that none of those matters presents any obstacle to industrial zoning.

[129] However, as we have noted, CRPS Policy 6.3.3 also specifies that, to the extent relevant, an ODP should show land required for stormwater drainage paths.

<sup>100</sup> Evidence in chief of Robert Norton on behalf of the Council at 10.2.

<sup>101</sup> Evidence in chief of Andrew Hall on behalf of Wilson and others at paras 12–18.

[130] This was a particular concern to Mr Norton. He explained that the site naturally drains away from Russley Road, and there are no protected overland flowpaths that would not affect other private properties. He considered that the Hawthornden Block was not suited to industrial development unless an overland flow path could be established either by easement or vesting of road or reserve across neighbouring properties eastward to Hawthornden Road.<sup>102</sup>

[131] Mr Hall did not take issue with the need to provide a secondary flow path. He told us that earthworks would be undertaken so as to provide fall to natural secondary flow paths or an easement to be secured over adjacent land to connect to Hawthornden Road. He envisaged that the easement could be vested in gross in the Council.<sup>103</sup> That evidence does not give any assurance that necessary legal arrangements would be able to be negotiated with relevant landowners outside the ODP boundaries. As noted by the Council in closing, Mr Hall was unable to provide any certainty when cross-examined that a legal secondary flowpath would be forthcoming<sup>104</sup> and could not provide any detail on possible alternative solutions.<sup>105</sup>

[132] That uncertainty is a fundamental problem, when considering the purposes of an ODP as described in CRPS Policy 6.3.3. Subclause (3)(f) of the Policy specifies that, to the extent relevant, an ODP and associated rules must show proposed land uses including land “required for stormwater treatment, retention and drainage paths”. The evidence demonstrates a requirement for this, but the ODP makes no meaningful provision for it in the absence of any associated arrangements with landowners with whom legal arrangements would be required. Hence, contrary to the specific purposes of an ODP, this matter is left to future chance. Fundamentally, Ms Harte’s proposed ODP fails to give effect to the CRPS on this matter and we can find no resolution to this on the evidence before us.

### **Roading and effects on the strategic transport network**

[133] The Hawthornden Block, and more particularly the Wilson and others site, abuts an interchange known as the ‘Southern Airport Access’ under construction as part of the ‘Roads of National Significance’ (‘RONS’) upgrade of SH1 (Russley Road). As its name suggests, the Southern Airport Access is designed to give access to the industrial and other land to the

<sup>102</sup> Evidence in chief of Brian Norton at 10.6.

<sup>103</sup> Evidence in chief of Andrew Hall at para 17.

<sup>104</sup> Transcript, page 267, lines 2-32.

<sup>105</sup> Transcript, page 266, lines 38-46.

south of the airport. Its design includes on and off ramps between the northbound lane of SH1 and George Bellew Road, and a broad U-shaped loop road ('loop road') and underpass to connect the southbound lane of SH1 and Syd Bradley Road. At the mid-point of the loop road, there is a minor access provided to serve a small number of otherwise landlocked rural properties.<sup>106</sup>

[134] It was not clear whether the road controlling authority for the loop road would be the NZTA (which Mr Clark anticipated) or the Council (i.e on the basis that the loop road would vest in the Council following the NZ Transport Agency's RONS upgrade of this Western Corridor section of SH1 upgrade works). However, it is intended that the loop road will be declared a 'Limited Access Road'.<sup>107</sup>

[135] In regard to roading, Ms Harte's ODP proposes a single point of access to the land, which accords with the consensus view of the traffic experts that access via Hawthornden Road would be inappropriate.

[136] The single access design includes a spine road that would connect, via a crossing place or intersection, directly to the loop road.

[137] The single access point design, and associated implications for the safe and efficient operation of the loop road, was the central issue between the traffic experts:

- (a) Mr Andrew Carr<sup>108</sup> for Wilson and others, and Mr Andrew Milne<sup>109</sup> for the Council were of the view that these matters were not a material impediment to rezoning;

<sup>106</sup> Evidence in chief of Ian Clark on behalf of the Crown at 7.7 and Appendix IDC2: Proposed Layout of SH1 Russley Road Project: Southern Airport Access Interchange.

<sup>107</sup> Evidence in chief of Ian Clark.

<sup>108</sup> Mr Carr is a Chartered Professional Engineer, and International, an International Professional Engineer and holds Masters degrees in Transport Engineering and Operations and Business Administration. He is a director of Carriageway Consulting Ltd.

<sup>109</sup> Mr Milne is a Senior Transport Planner at Christchurch City Council, is a Chartered Professional Engineer, with a Master of Science in Transport Planning and Management (Westminster University, London), a Bachelor of Engineering in Civil and Transportation Engineering (Napier University, Edinburgh), and a Member of the Institution of Professional Engineers New Zealand.

- (b) Mr Ian Clark<sup>110</sup> for the Crown, and Mr Anthony Penny<sup>111</sup> for CIAL were concerned that the access arrangements were not appropriate, having regard to how this could impact on the safe and efficient operation of the loop road.

[138] No mitigation is proposed for the effects, on the strategic road network, of using the loop road access point as the single means of access.

[139] The traffic experts engaged in conferencing and produced joint expert conferencing statements, which assisted to clarify the issues and to which we shortly refer.<sup>112</sup>

[140] The first joint conferencing statement<sup>113</sup> identified, as the “critical matter”, whether it is possible to achieve an access from the loop road in a manner which meets appropriate guidelines and standards. The statement records that as being the basis on which the experts also agreed that there should be “no site access from Hawthornden Road and particularly no through road from the [Southern Airport Access] loop road”.<sup>114</sup> For our purposes, we accept that consensus opinion and evaluate alternatives on that understanding.

[141] There were differences between experts on wider issues, such as cumulative effects (of concern to Messrs Clark and Penny but not to Messrs Carr and Milne) and wider transportation network and related amenity impacts (with the experts similarly divided). We acknowledge that cumulative effects are relevant. However, in the final analysis these are matters of judgment and degree. In terms of the CRPS, we agree with the traffic experts that the more critical question concerns the impacts of zoning on the immediately adjacent loop road.

[142] There was no dispute between the traffic experts as to the need to modify the current loop road design in order to cater for traffic from an industrial rezoning.

[143] During expert witness conferencing, Mr Carr floated a preliminary design of loop road modifications.

<sup>110</sup> Mr Clark is a director of Flow Transportation Specialists Ltd, holds a BA (Geography) and a Master of Science in Transportation and is a member of the Chartered Institute of Logistics and Transport, the Chartered Institution of Highways and Transportation and the Australian Institute of Traffic Planning and Management. He is an affiliate member of the Institution of Professional Engineers New Zealand.

<sup>111</sup> Mr Penny is a Fellow of the Institute of Professional Engineers of New Zealand Civil Engineers and holds Bachelor degrees Mathematics and Civil Engineering. He has over 35 years in traffic engineering and transportation planning.

<sup>112</sup> Respectively those of the experts’ discussions on 24 September and 29 September 2015.

<sup>113</sup> From the experts’ 24 September 2015 discussion.

<sup>114</sup> Expert Conferencing Statement: Transport Issues, 24 September 2015.



[144] In his rebuttal, Mr Carr explained his thinking on this, and provided more refined conceptual design drawings to respond to some issues raised in expert witness conferencing. His design (‘modified loop’) included right-turn and left-turn auxiliary lanes to ensure that turning traffic could move clear of the ‘live’ traffic lanes and, hence, not impede through traffic. It also involved associated modification to the design of median treatment, including median barriers. He considered that, with these design modifications, the rezoning sought by his client could be accommodated without significant effects arising on the efficiency or safety of the road network.<sup>115</sup> Mr Carr was satisfied that his modification to the access would be adequate, by reference to applicable standards. We understood Mr Milne’s position to essentially concur with Mr Carr, or at least not to consider the loop road matter to be an obstacle to rezoning the land.

[145] Mr Clark and Mr Penny each provided rebuttal evidence, although framed according to the preliminary design information that Mr Carr floated during witness conferencing. Mr Clark expressed concern that the design would not conform to relevant guidelines and standards (and he noted, in particular, the State Highway Geometric Design Guide).<sup>116</sup> However, both he and Mr Penny acknowledged that appropriate sight distances could be provided for turning traffic, subject to a need to make modifications to the loop road layout and batters (which Mr Penny noted would involve “considerable additional construction cost”).<sup>117</sup>

[146] Mr Carr considered that his redesign would satisfy applicable safety standards, particularly those specified in relevant Austroads Guidelines.<sup>118</sup> In cross-examination, Mr Clark ultimately conceded that to be materially correct.<sup>119</sup> However, both Mr Clark and Mr Penny expressed concern about the risk of driver surprise from having an intersection or access in what is intended to be an expressway ramp.<sup>120</sup> Mr Penny acknowledged that a minor access was already part of the loop road design.<sup>121</sup>

<sup>115</sup> Transcript, page 245, lines 3–6.

<sup>116</sup> Rebuttal evidence of Ian Clark on behalf of the Crown at 5.4.

<sup>117</sup> Rebuttal evidence of Anthony Penny on behalf of Christchurch International Airport Ltd at para 7.

<sup>118</sup> The following statements are taken from the Austroads website at <http://www.austroads.com.au/about-austroads/about-austroads>: “Austroads is the association of Australasian road transport and traffic agencies. Austroads’ purpose is to improve Australian and New Zealand transport outcomes by: providing expert technical input to national road and transport policy development improving the practices and capability of road agencies promoting operational consistency by road agencies. ... Austroads publishes Guides to promote a nationally consistent approach to the design, maintenance and operation of road networks ...”.

<sup>119</sup> Transcript, page 195, lines 32–45 and page 196, lines 1–46.

<sup>120</sup> Transcript, page 184, lines 20–25 (Mr Clark); page 447, lines 10–13 (Mr Penny).

<sup>121</sup> Rebuttal evidence of Anthony Penny at para 8.

[147] Ms Harte drew heavily from the consensus that Mr Carr’s proposed design met applicable standards. That was also emphasised by Mr Cleary in his closing submissions.

[148] It is reasonable to assume that compliance with applicable road design standards would be a significant factor that a road controlling authority would weigh in deciding whether or not to allow for modifications to a road. However, that does not necessarily exclude judgement on the part of that authority as to whether a modification is appropriate, including in safety terms. We have no evidential basis for drawing any conclusions on whether or not the relevant road controlling authority (whether the NZTA or the Council) would allow the modifications that Mr Carr has proposed. We cannot safely draw anything from the fact that the existing loop road makes provision for a minor access, as this is just to serve a few existing rural properties. The authority may or may not regard the design as appropriate.

[149] In addition, we have no evidence as to how the significant costs of the modifications would be met. It was not disputed between the experts that modifying the loop road, in the manner envisaged by Mr Carr, would involve significant additional earthworks, a redesign of the intersection and associated median barrier and other road furniture detail (and significant additional costs). That can be contrasted with the position on wastewater, given the evidence there as to the programmed upgrade to the Riccarton Interceptor as effective future mitigation of wastewater issues.

[150] Under s 32AA, our task includes assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. The traffic evidence overwhelmingly satisfies us that modification of the loop road on a basis satisfactory to the road controlling authority is a necessary prerequisite for industrial rezoning of the Wilson and others land and the entire Hawthornden Block (assuming a single point of access approach remains necessary).

[151] In his closing submissions, Mr Cleary stated that his clients accepted the need for the loop road to be constructed “in order to enable access to the land for development via the proposed intersection” and that his clients “therefore accept that it would be appropriate for the Panel to incorporate rules ... which would reflect the above temporary constraints”.<sup>122</sup> Related to that, he submitted that a rules package could incorporate a rule to the effect that development

<sup>122</sup> Closing submissions for Wilson and others at 3.20–3.21.

would be a non-complying activity until the loop road was established.<sup>123</sup> However, neither Ms Harte nor Mr Cleary provided any drafting for these purposes.

[152] In any case, Mr Cleary’s characterisation of the loop road issues as “temporary” implies that, once the NZTA has completed construction of the loop road, constraint to industrial development would be overcome. That implication is not consistent with the evidence. Rather, the consensus of the traffic witnesses was that the current loop road design, to be constructed by the NZTA, is unsuitable and would need significant modification. Coupled with that, we have no evidence to draw any conclusions as to whether any modification to it (whether as envisaged by Mr Carr or otherwise) would be forthcoming. Therefore, the constraint is not “temporary” in the sense that the word implies a solution would be forthcoming.

[153] In his closing submissions, Mr Cleary also appeared to submit that responsibility for ensuring the loop road was designed to cater for his clients’ rezoning rested with the NZTA. We find that submission unsupportable on our reading of the CRPS and the LURP. We acknowledge that the LURP was prepared with input from the NZTA and other statutory bodies. We also recognise that the LURP’s transport and land use integration intentions and specified actions are, in broad terms, intended to facilitate and encourage alignment between land development and transport infrastructure investment (including the RONS upgrading projects). That extends to land transport programming. However, it does not follow that the LURP in any sense directs or assumes that the NZTA will build and fund whatever may be required in order that development of Greenfield Priority Areas can occur.

[154] On the contrary, CRPS Objective 6.2.2(4) refers to providing for the development of those Areas “at a rate and in locations that meet anticipated demand and enables the efficient provision and use of network infrastructure”. In addition, CRPS Policy 6.3.3(9) requires that the ODP and/or associated rules show how potential effects on nearby existing or designated strategic infrastructure will be avoided, remedied or appropriately mitigated. The evidence satisfies us that it is necessary for that to be shown in any ODP and associated rules for industrial rezoning of the Hawthornden Block (or the Wilson and others site). As noted, the ODP proposed by Ms Harte does not do so. Given that the identified potential effects are not, by nature, temporary, Mr Cleary’s proposed temporary non-complying activity rule would also

<sup>123</sup> Closing submissions for Wilson and others at 7.3

be inappropriate. In terms of s 32AA, it would fail to appropriately respond to the identified risks and uncertainties concerning whether required loop road modification would be implemented. In addition to not giving effect to the CRPS on the matter of land use and transport infrastructure integration, these deficiencies in what Wilson and others have proposed would be in conflict with the Statement of Expectations<sup>124</sup> in that they would foster planning uncertainty.

[155] Therefore, the evidence as to the matters of stormwater management and potential effects on the strategic road network leads us to find that rezoning the Hawthornden Block industrial at this time is inappropriate. Specifically, it would fail to give effect to the CRPS and, given the community significance of the infrastructure matters in issue, it would be contrary to Part 2, RMA. Therefore, although not given mention in our reasoning above, we accept the evidence of the planning witnesses for the Council and the Crown (Mr Stevenson and Ms Whyte) and those parties' related submissions on the most appropriate zoning choice. We find that industrial zoning is inappropriate, and RUF zoning the most appropriate for giving effect to the CRPS, and achieving related CRDP objectives.

## **SECTION 32AA — NON-MAP A SUBMITTERS**

[156] For this group of submitters (whose land is not identified by Map A, CRPS as a Greenfield Priority Area — Business), our findings at [93]–[97] as to the proper interpretation of the CRPS present a fundamental obstacle to their requested industrial rezoning relief. Subject to that, we make some observations on their evidence and related submissions.

### **Foddercube Products Limited**

[157] The submission by Foddercube Products Limited ('Foddercube') concerned a site ('Foddercube site'/'site') of approximately 20ha at the corner of Marshs and Springs Road, close to the city's boundary with Selwyn District. The part of the site owned by Foddercube, is approximately 12ha and is currently occupied by Texture Plants Limited, a 'niche' garden centre. The garden centre provides quality native, exotic and evergreen trees and shrubs, and focusses on plants with foliage, form and structure. Texture Plants also grows turf there. The remaining approximately 8ha of the site, immediately north of Foddercube's land, is in two

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<sup>124</sup> OIC, Schedule 4.

titles owned by Kovan Limited (whom we understand to support rezoning). It is currently used for grazing purposes. Approximately 500 metres to the north of the site is the Southern Motorway Stage 2 extension, one of the NZTA’s RONS projects. Adjoining the site to the west and north is land for which Industrial Heavy zoning is proposed under the CRDP. Foddercube sought a rezoning from RUF to Industrial Park (IP).<sup>125</sup>

[158] Foddercube called evidence from a transportation engineer (Nicholas Fuller),<sup>126</sup> wastewater and water supply (Eoghan O’Neill)<sup>127</sup> and planning (Fiona Aston).<sup>128</sup>

[159] Mr Fuller qualified his view, in support of the requested rezoning, as being “subject to appropriate modelling”. He considered that the requested rezoning would likely exacerbate capacity constraints at the Marshs Road/Springs Road intersection. However, he observed that “the site at 374 Springs Road could contribute towards future road improvements at that intersection through the provision of land to construct a roundabout”.<sup>129</sup> He also said he expected that development contributions associated with other development on Springs Road could be used towards the intersection improvement.<sup>130</sup>

[160] He acknowledged that the requested rezoning would “to some extent increase pressure on traffic capacity at the Halswell Junction Road/Springs Road intersection” but said the Council was already aware this intersection is predicted to operate poorly without the requested rezoning.<sup>131</sup> On that basis, he said he anticipated that improvements will be considered in due course and mitigation provided. He acknowledged, in cross examination, that the Halswell Junction Road/Springs Road intersection was part of the strategic road network (as “minor arterials”).<sup>132</sup> He accepted that, as his client’s land is not a Greenfield Priority Area — Business, it did not fit “neatly” with the CRPS Policy 6.3.5 (regarding the nature, timing and sequencing of new development) insofar as the *timing* of infrastructure improvements was

<sup>125</sup> Evidence in chief of Pauline Fiona Aston (Fiona) on behalf of Foddercube at 4.1–4.4.

<sup>126</sup> Mr Fuller is a Senior Transport Engineer at Novo Group Limited, has a Bachelor of Engineering (Honours) in Civil Engineering, and some 14 years’ experience in traffic planning and engineering.

<sup>127</sup> Mr O’Neill is a Technical Director with Pattle Delamore Partners Ltd, a Chartered Engineer and has a Bachelor of Engineering and Master of Engineering Science (University College Dublin), and some 14 years’ experience in infrastructure planning and development. For the reasons that follow, we do not need to make any findings on Mr O’Neill’s evidence.

<sup>128</sup> Ms Aston is Principal of Aston Consultants Resource Management and Planning, has a MA Cambridge University England, M.Phil Town Planning, University College London, is a member of the New Zealand Planning Institute and the Resource Management Law Association, and has some 31 years’ experience in planning and resource management.

<sup>129</sup> Evidence in chief of Nicholas Fuller on behalf of Foddercube at 3.1.

<sup>130</sup> Evidence in chief of Nicholas Fuller at 3.1.

<sup>131</sup> Evidence in chief of Nicholas Fuller at 3.2.

<sup>132</sup> Transcript, page 310, lines 27–31.

concerned. However, he considered the additional traffic that would be contributed from rezoning was negligible in any event.<sup>133</sup>

[161] For the Council, Mr Milne told us about analysis that had been undertaken on behalf of the Council as to the level of development able to be accommodated within the South West Hornby Greenfield Priority Area, prior to the opening of the Christchurch Southern Motorway project. He said the analysis specifically identified the current and future pressures at the Springs Road/Halswell Road and Marshs Road/Springs Road intersections, quoting a finding concerning the latter intersection that there is “no obvious low-cost solution to mitigate the effects of development without significant cost ...”.<sup>134</sup> He said this served to highlight the vulnerability of the surrounding road network to additional cumulative traffic impacts with further development of the area. Overall, he considered there was insufficient network capacity to accommodate the rezoning.<sup>135</sup>

[162] That evidence serves to highlight the importance of approaching rezoning of greenfield land beyond the existing urban area in a manner that properly gives effect to the CRPS. Mr Fuller’s belief that a deal could be done to undertake needed road improvements does not constitute evidence that mitigation would be forthcoming. Similarly, his opinion that his client’s requested rezoning would have a negligible consequence for an already failing intersection misses the more fundamental purposes intended to be served by the CRPS, in terms of land use and infrastructure integration. The framework that the CRPS provides is deliberately comprehensive. That includes CRPS Policy 6.3.5 (regarding the nature, timing and sequencing of new development) and related objectives and policies earlier noted. Specifically, it includes in Policy 6.3.3 specific requirements for ODPs for the Greenfield Priority Areas, including their requirements for showing how potential adverse effects on and/or from nearby existing or designated strategic infrastructure will be avoided, remedied, or appropriately mitigated. The importance of that framework is that it provides a context according to which matters as to how development would tie in with, and potentially provide mitigation for, related infrastructure can be addressed. The framework identifies the necessary ingredients of land use and transport integration. For land that is not an identified Greenfield

<sup>133</sup> Transcript, page 311, lines 21–44.

<sup>134</sup> Evidence in chief of Andrew Milne on behalf of the Council at 7.8.

<sup>135</sup> Evidence in chief of Andrew Milne at 7.7–7.9.

Priority Area, that policy construct context for achieving effective integration of development with infrastructure does not apply.

[163] Therefore, we reject Ms Aston’s related evidence that the rezoning would be consistent with related CRDP objectives and policies and the Higher Order Documents.<sup>136</sup> We agree with the Council that Ms Aston was unable to identify any specific parts of the CRPS to support the industrial zoning.<sup>137</sup>

[164] We acknowledge that Ms Aston qualified her opinion as to the CRPS to some extent.<sup>138</sup> However, we do not consider sound her interpretation that the inconsistencies were insignificant. We agree with the Council’s submission that Foddercube’s requested rezoning would not give effect to Objective 6.2.1(3) and Policy 6.3.1 of the CRPS.<sup>139</sup> We also agree that, on these matters, Ms Aston’s evidence was based on how she believed the CRPS should be worded or operate, rather than what it actually says.<sup>140</sup> We find the evidence to demonstrate that, at least in regard to effects on the strategic roading network, the requested rezoning is incompatible with the fundamental purpose of the CRPS on these matters (and, as is now known, the LURP review has not altered that). In view of those findings, it is unnecessary for us to traverse the remaining matters in evidence.

### Various other requests for industrial rezoning of non-Map A land

[165] For various other non-Map A properties, submitters sought a change from the Rural Urban Fringe zoning proposed by the Notified Version:

- (a) Bryan and Anne Murray sought this for 278 Wooldridge Road, seeking commercial or industrial zoning to allow more economic usage of the property;<sup>141</sup>
- (b) The Blue Lady Trust sought that 295 Wooldridge Road, and adjoining properties at 281, 283 and 285 Wooldridge Road, be rezoned IP, given the restrictions on

<sup>136</sup> Evidence in chief of Fiona Aston at 3.4.

<sup>137</sup> Closing submissions for the Council at 4.9–4.10.

<sup>138</sup> See Evidence in chief of Fiona Aston at 3.4, where she says: “The rezoning is consistent with the pRDP objectives and policies and higher order documents, **except potentially 3.3.7 (c) and the Regional Policy Statement Chapter 6 Objective 6.2.1 (3) and Policy 6.3.1. (4).** The latter are currently under review as part of the Land Use Recovery Plan Review” (our emphasis).

<sup>139</sup> Closing submissions for the Council at 4.1.

<sup>140</sup> Closing submissions for the Council at 4.9.

<sup>141</sup> Statement of Bryan Murray.

residential development, the inefficient size of the sites for rural purposes, and the greater potential for productive usage that was offered by an IP zoning;

- (c) J Sugrue sought an extension to the notified Industrial Park zone so as to encompass 311 Wooldridge Road, on the basis that it is poor planning to leave small areas of rural land in the block bordered by Wairakei/ Wooldridge and Harewood Roads as Rural Urban Fringe;
- (d) Anthony and Priscilla Pat sought IP zoning for 99 Stanleys Road, on the basis that this 4ha property is no longer viable under the proposed Rural Urban Fringe zone, because of the restrictions on noise, dust, smell and spraying activities adjacent to a school;
- (e) The property at 738 Main South Road, Templeton, for which Totalspan Buildings/ Furgus Family Trust (2076) sought an Industrial General zoning. We note this property is within the block of land subject of the rezoning request from BDF Family Trust (2088).

[166] Mr Bryan Murray presented a statement as to his position. None of the other submitters called evidence. The Council's planning witness, Mr Stevenson confirmed that each of the sites was outside the Greenfield: Priority Area — Business.<sup>142</sup> On that basis, we decline the relief. In addition, we note the evidence of Ms O'Brien as to wastewater capacity constraints.<sup>143</sup>

### **733 and 751 Harewood Road**

[167] The Notified Version proposed IP zoning for two properties at 733 and 751 Harewood Road, with a combined area of approximately 6 ha. The sites were considered to have suitable attributes in terms of the existing and historic usage of 751 Harewood Road, the compatibility of an industrial park zoning with closely proximate Greenfield Priority Area — Business land, the close proximity of the Airport, and the strong physical boundary of Harewood Road.

[168] However, the sites were outside the existing urban boundary and any Greenfield Priority Area on Map A, CRPS. Mr Stevenson explained that, at the time the Council decided on

<sup>142</sup> Evidence in chief of Mark Stevenson at paras 15.7 and 18.26.

<sup>143</sup> Evidence in chief of Bridget O'Brien at 9.2.



notifying IP zoning, it expected that the LURP review could bring the land into Map A. However, that expectation changed by the time Mr Stevenson prepared his evidence.<sup>144</sup> The now released changes to the LURP do not bring the land into CRPS Map A (nor, as noted, effect any other changes to the CRPS).

[169] Submissions on the Notified Version were made by the relevant landowners:

- (a) Greg and Kathryn Corston (2440) submitted in qualified support of the proposed IP zoning for 733 Harewood Road. The submitters raised some issues concerning lack of road access to Harewood Road, proposed permitted activity status for those types of industrial activity that do not increase demand on sewage infrastructure, and sought provision for retail and other commercial uses.
- (b) Devon Downs (West Melton) Limited ('Devon Downs') (2014) submitted in support of the notified industrial zoning of 751 Harewood Road, on the basis that such zoning reflected current usage of the site and surrounding properties.

[170] With the support of Mr Stevenson's evidence, the Council sought that we change the zoning to RUF. That was on the footing that the industrial zoning of the Notified Version was in error and did not give effect to the CRPS (given that the sites were beyond Map A)<sup>145</sup> and Mr Stevenson considered RUF zoning more appropriate.<sup>146</sup>

[171] In his evidence in chief, Mr Stevenson explained that he had met with the two submitters (in the case of Devon Downs, its named representative Simon Johnston of Meares Williams) and explained the Council's change of position. He reported that, at that time (August 2015), Mr Johnston asked whether consideration could be given to a deferred zoning pending review of the CRPS.<sup>147</sup>

[172] Mr Corston attended the hearing and explained why he supported industrial zoning for the sites. In answer to Panel questions, he explained that current uses of 751 Harewood Road included a lines company (with 75 staff) which operates under a resource consent, a

<sup>144</sup> Evidence in chief of Mark Stevenson at 15.4–15.5.

<sup>145</sup> Closing legal submissions at 6.2.

<sup>146</sup> Evidence in chief of Mark Stevenson at 15.4–15.7.

<sup>147</sup> Evidence in chief of Mark Stevenson at 15.5–15.6.

wholesale/retail business, and warehousing.<sup>148</sup> He said his property (733 Harewood) includes some storage buildings and is also used for landscape supply. He spoke to the various advantages that the sites offered for the benefit the wider community, including useful connection with nearby industrial land and close proximity to the airport. As such, he commented that the “mistake drawing the LURP line should not limit the development of the site in this way”.<sup>149</sup>

[173] Acknowledging that no submission sought RUF zoning, or indeed any change to the notified industrial zoning, the Council asked that we exercise our power under cl 13(2) of the OIC to effect this zoning change.<sup>150</sup>

[174] Clause 13 specifies our decision-making powers. Clause 13(2) provides that, in making a decision, we may make any changes to a proposal that we consider appropriate. We are not limited to making changes within the scope of the submissions made on the proposal. The apparent breadth of that authority is qualified, first by principles of natural justice and secondly by cl 13(4). That subclause provides that, if we consider changes are needed to deal with matters that are, in a material way, outside the scope of the proposal as notified and to deal with submissions on it, we must direct the Council to prepare and invite submissions on a new proposal.

[175] In making decisions on proposals, we are also subject to the various other statutory requirements we have set out at [13]–[24]. Those include that we must be satisfied that the CRDP gives effect to the CRPS. We agree with the Council’s submission in finding that the IP zoning proposed in the Notified Version would not give effect to the CRPS. Hence, it is inappropriate. Given the outcomes of the LURP review, we find no merit in a deferred IP zoning. In terms of our obligation to consider alternatives, under s 32AA RMA, the available choices are in essence either to reject this aspect of the Notified Version (and, potentially to direct the Council to notify a new proposal, under cl 13(4)) or to replace the notified IP zoning with a more appropriate zoning.

[176] The evidence satisfies us that the most appropriate zoning for the sites is that recommended by Mr Stevenson, namely RUF. In reaching that view, we have considered the

<sup>148</sup> Transcript, pages 475–476.

<sup>149</sup> Transcript, page 475, lines 1–2.

<sup>150</sup> Closing submissions for the Council at 6.2.

submissions and associated representations from Mr Corston. In terms of relative costs and benefits, this zoning choice would mean the submitters would likely face higher costs and risks in being able to develop their sites for industrial purposes. However, it does not preclude continuance of activities already established, nor entirely shut off opportunity for redevelopment to be pursued through resource consent processes. Even so, we find that, in cost/benefit terms, RUF is materially more negative for those submitters than the notified IP zoning. Moving to the community scale, on the evidence and in view of the CRPS, we do not concur with Mr Corston's view that IP zoning is more beneficial to the community. We accept that the sites have several attributes in keeping with industrial usage. However, we find that the exclusion of these sites from the Greenfield Priority Area – Business notation of Map A of the CRPS is in essence a statement of what best represents wider community wellbeing. That involves inevitable trade off and judgement, but it is the proper role of the CRPS to give direction on those matters through its objectives and policies. Similarly, the LURP is relevant to those matters, and the review has not resulted in any change for the sites concerned.

[177] We are satisfied that a change to RUF zoning is not in a material way, outside the scope of the Notified Version. We are satisfied of that for a number of reasons. First, the sites are relatively small and there would be only a small expansion of the extent of the zone as included in the Notified Version. Secondly, the Notified Version attracted only the submissions we have referred to. Given those factors, and the location of the sites, we are satisfied that it is unlikely that there would be any wider stakeholder or community viewpoints warranting the cost and delay of notifying a new proposal. Finally, we are satisfied that there are no natural justice matters that would warrant rejection of rezoning as now sought by the Council or directions to notify a new proposal. We reach that view on the basis of Mr Stevenson's evidence concerning his engagement with both submitters prior to the hearing as to the Council's change of position. We are satisfied that this engagement was sufficient notice for the submitters that they should exercise their right to be heard by us (as Mr Corston did), such that we could make a decision fully informed of their positions.

[178] On the evidence, we are satisfied that RUF zoning would give effect to the CRPS and, having regard to the Higher Order Documents, is the most appropriate for achieving relevant CRDP objectives. Therefore, under cl 13(2), we direct that the Notified Version is changed and the Decision Version now provides for RUF zoning for the two sites.

## SECTION 32AA — REQUESTED INDUSTRIAL ZONING — AWATEA

[179] As noted, the proposed RNN Awatea zone of the Notified Version encompasses an area of approximately 35 ha between McTeigue Road, Halswell Junction Road, Wigram Road and the Southern Motorway ('Awatea Block'). The Awatea Block is near the Carrs Road Kart Club, but is identified in the CRPS as Greenfield Priority Area — Residential.

[180] Various submitters,<sup>151</sup> including Awatea Residents' Association Incorporated (2306) ('ARA'), submitted in opposition to the RNN Awatea zone.

[181] As also noted, this decision defers until the determination of the RNN proposal the question of whether the notified RNN zoning is the most appropriate (including its proposed provisions to postpone residential development until the kart club has relocated). At this time, we confine our determination to the question of whether or not industrial zoning, including pending any relocation of the kart club, would be appropriate for the Awatea Block.

[182] Mr Peter Dellaca and Ms Kay Stieller, respectively the chair and secretary of the ARA, presented a joint statement of evidence on behalf of the ARA (and also on behalf of the other submitters referred to above).<sup>152</sup>

[183] In their joint statement, they explained how the significant noise of kart club activities has been a significant matter of contention between the Council and ARA members. While discussions have explored options for relocation, including to a site at Macleans Island, nothing certain has emerged. Given the inherent incompatibility with noisy kart club activities and further residential development, they invited us to consider whether an industrial rezoning of the land would be more appropriate (especially pending any future relocation of the kart club). They explained how the ARA considered the land had a number of attributes making it suitable for industrial zoning. That included close proximity to nearby existing and future residential areas, for a source of labour, which would offer efficiency benefits in terms of reduced travel time and energy usage.<sup>153</sup> They argued that zoning that provided for light industrial and commercial uses would mean the area would serve as a buffer to new and existing subdivisions,

<sup>151</sup> Other submitters included Kay Marian Stieller (2264), Peter and Cecilia King (2279), Denise Stewart (2287), John Stewart (2290), Clive Tindale and Helen Frances Dawe (2260).

<sup>152</sup> Statement of evidence of Peter Dominico Dellaca, Chairman, and Kay Marian Stieller, Secretary, Awatea Residents' Association Incorporated (ARA), 25 September 2015.

<sup>153</sup> Statement of evidence of Peter Dellaca and Kay Stieller, Awatea Residents' Association Incorporated (ARA) at para 11.

such as to assist to address reverse sensitivity risks. Overall, they argued that such rezoning would offer a tangible solution to a difficult problem.<sup>154</sup>

[184] Mr Stevenson explained various measures that the Council and the Regional Council had taken to date to assist the kart club to relocate. That includes funding provision being made in the CCC Long Term Plan for relocation of the kart club (and a neighbouring greyhound track) and funding being allocated for associated resource consents.<sup>155</sup> In addition, the Regional Council rescinded an earlier decision that declined a lease for the club on land at Weedons Ross Road. In essence, various commitments were in place such as to enable consenting and leasing arrangements to be pursued.<sup>156</sup> However, those commitments do not amount to clear assurance that a relocation would occur in any particular timeframe.

[185] Mr Stevenson acknowledged that, depending on rules, industrial zoning could have the buffering advantage described by the ARA.<sup>157</sup> However, he noted that the CRPS identified the land as Greenfield Priority Area — Residential and described the Awatea Block as contributing to the supply of new greenfield land for residential purposes so as to assist the Council to keep on track to meet projected demand.

[186] Ms O'Brien explained that the area has insufficient wastewater capacity,<sup>158</sup> and Mr Norton explained that increased stormwater would put pressure on the Council's consented facility (ie assuming it was not dealt with in some other way).<sup>159</sup> That evidence was not contested. In any case, we accept Mr Stevenson's evidence as to the CRPS and related Council strategies for the supply of residential land to meet projected demand. Therefore, at this stage, we find that an industrial zoning of the Awatea Block would fail to give effect to the CRPS and would be inappropriate.

## SECTION 32AA — CHAPTER 16: OTHER REZONING REQUESTS

[187] On the following rezoning requests, where submitters did not call evidence, we accept the evidence of Mr Stevenson for the Council and the Council's s 32 Report and determine that

<sup>154</sup> Statement of evidence of Peter Dellaca and Kay Stieller, Awatea Residents' Association Incorporated (ARA) at 11.

<sup>155</sup> Evidence in chief of Mark Stevenson at 17.2

<sup>156</sup> Evidence in chief of Mark Stevenson at 17.2.

<sup>157</sup> Evidence in chief of Mark Stevenson at 17.5.

<sup>158</sup> Evidence in chief of Bridget O'Brien on behalf of the Council at 8.3–8.5.

<sup>159</sup> Evidence in chief of Robert Norton on behalf of the Council at 11.1–11.4.

the rezoning requests would be inappropriate and the RUF zoning of the Notified Version is the most appropriate for achieving related CRDP objectives:

- (a) For that group of properties including the property located at 711 Johns Road, Harewood (identified as a Greenfield Priority Area — Business in the CRPS), and the adjoining properties bounded by Johns Road to the north and Whitchurch Place and Waimakariri Road to the south, where Mr Dominique Dowding (2840) sought a rezoning to Industrial General zoning to allow the establishment of a film studio with associated ancillary office and retail space.
- (b) The property at 559 Pound Road, Yaldhurst, for which Entrecorp Securities Limited (2090) sought a ‘Business 8’ zoning (a zoning from the Existing Plan most equivalent to ‘Industrial General’ zoning) to allow for light industrial, commercial, warehousing and transport uses.

## **SECTION 32AA — PARTICULAR TOPICS CONCERNING CHAPTER 16**

### **Controls for neighbouring amenity values and other interface effects**

[188] A number of submissions raised issues and concerns regarding effects on the amenity values, use and enjoyment of land in close proximity to Greenfield Priority Area — Business land proposed for industrial zoning. Some attended the hearing and spoke to these concerns, most of which were in relation to the IP Wairakei Park zone.

[189] Matthew and Jane Glubb (2585) own a residential property at 75 Stanleys Road, within the IP Wairakei Park zone of the Notified Version. Their submission sought changes to the built form standards to protect their current amenity values. Specifically, they sought that rules of the Notified Version that specified a minimum setback, recession plane, and controls on outdoor storage, be amended such as to apply at the boundary with a property used for residential purposes within the zone itself.

[190] In his evidence for the Council, Mr Stevenson expressed support for this approach, acknowledging that some landowners have no interest in development in the short to medium term.<sup>160</sup> The Council provided for this change in its Revised Version.

[191] Ms Joy Garza (2564) whose property at 281 Woolridge Road directly adjoins the IP Wairakei Park zone, explained that she has lived at her property for more than 26 years and previous family association with it dates back some 60 years. She pointed out that the zone would run the full length of her property. She showed us how a hedge runs along this boundary and the land proposed for IP zoning is presently used for market gardening. She was concerned, amongst other things, about loss of privacy and outlook, and noise (with the present environment having a quietness allowing her to enjoy birdsong). She explained that Woolridge Road already suffers from commuter congestion, and she was concerned that this would worsen. While she acknowledged the importance of progress, she observed that this put at risk the lifestyle she and her family enjoy.<sup>161</sup>

[192] In the event that we confirmed the IP zoning, she asked whether we could make provision for extension of a tar sealed driveway to provide access to a secondary family unit on the property. The unit is used by a family member. However, as Judge Hassan pointed out to Ms Garza during the hearing,<sup>162</sup> it is not appropriate for the Panel to grant relief in the nature of an easement or other requirement to achieve what she was seeking on this matter.

[193] Mr Stevenson expressed the view that the setback requirements of the Notified Version would align with what Ms Garza was seeking. As for landscape treatment, he noted that the Council's initial position (at Stage 1) of one tree for every 10 metres of the boundary was enhanced to specifying a double-row of trees where an industrial site adjoins a rural zone. He recommended a similar approach be taken in this instance to manage the industrial/rural interface<sup>163</sup> and this was carried into the Council's Revised Version.

[194] In questioning, the Panel explained to Ms Garza how the Council proposed a 10 metre building setback for her boundary (with associated requirements for two rows of trees in a landscaping strip). She made a plea for us to do as much as possible, bearing in mind the

<sup>160</sup> Evidence in chief of Mark Stevenson at 15.25.

<sup>161</sup> Transcript, pages 407–408.

<sup>162</sup> Transcript, page 410, lines 5–8.

<sup>163</sup> Evidence in chief of Mark Stevenson at 15.26.

importance of these matters to the enjoyment her and her family have of their lifestyle property.<sup>164</sup>

[195] Harewood School has a frontage to Harewood Road and, under the Notified Version, would have been flanked by the IP Wairakei Park zone on its western and southern boundaries and a small portion of its eastern boundary. Our decision to accept the Council’s request to remove IP zoning from 733 and 751 Harewood Road still leaves the School with part of a boundary with the IP Wairakei Park zone.

[196] The Harewood School Board of Trustees (2073) made a submission raising concerns with aesthetic outlook and safety and seeking various amendments to the IP Wairakei Park zone. Those included changes to built form standards in relation to building setbacks and landscaping areas. The School was represented by the Crown (through the Ministry of Education). Following mediation, the Council and the Crown reached full agreement and this was reported to us by a joint memorandum of counsel. The agreement saw the parties jointly seek changes to built form standard 16.4.6.2.2 as to landscaped areas.<sup>165</sup> The respective planning experts, Ms Whyte<sup>166</sup> for the Crown and Mr Stevenson,<sup>167</sup> confirmed that they supported the settlement reached. We accept that evidence and are, therefore, satisfied that the agreed outcome is appropriate.

[197] Mr Christian Jordan (2497) gave evidence focusing on Stanleys Road, noting he did not own property there, but giving a perspective as a Christchurch resident. He described the established trees and lifestyle properties along Stanleys Road as giving this an “almost unique” character presently enjoyed by the many who walk, cycle and drive along this route.<sup>168</sup> He preferred a rural zoning of this land and considered that an IP zoning would destroy this character unless it incorporated special provisions to protect it. He considered these to be warranted, in view of the proximity of Stanleys Road to the airport and its “value as a greenbelt”.<sup>169</sup> He proposed substantial building setbacks (20–30m) to Stanleys Road and

<sup>164</sup> Transcript, pages 409–411.

<sup>165</sup> Joint Memorandum of Parties on Behalf of Christchurch City Council, Harewood School Board of Trustees [2073] and the Crown [2387], 24 September 2015 (‘Crown (Ministry of Education) and Council Joint Memorandum’) at para 3.

<sup>166</sup> Transcript, page 208, lines 1–11.

<sup>167</sup> Transcript, page 149, lines 1–16.

<sup>168</sup> Statement of evidence of Christian Jordan at 3.1.

<sup>169</sup> Statement of evidence of Christian Jordan at 3.3.



associated landscaping requirements (for 70 per cent of the area of the setbacks), as well as 10m setbacks from neighbouring properties.

[198] On the accepted evidence of Mr Stevenson (supported by Ms Whyte in regard to Harewood School) we are satisfied that, with the changes proposed by the Council, the built form standards (including for landscape treatment) of the Revised Version are appropriate. Specifically, we consider the Revised Version gives effect to the CRPS in a way that appropriately responds to s 7(c) of the RMA (concerning particular regard to the maintenance and enhancement of amenity values). Inevitably, zoning this Greenfield Priority Area — Business for industrial purposes involves a trade-off that will mean some loss of the character and amenity of the locality. Considering that issue first from the viewpoint of individuals living in the area, we consider the Revised Version materially improves upon the position of the Notified Version and properly takes account of those individual impacts. Mr Jordan rightly notes that we should consider amenity values at a community scale as well. Again, we consider the modifications made by the Revised Version achieve an appropriate balance, albeit one that will see a loss of what is currently experienced by those who walk, cycle and drive through this area. As Ms Garza astutely observed, that is in essence a trade-off (and, we add, a fair and balanced one) for progress.

[199] For those reasons, we are satisfied that the Revised Version properly achieves related objectives and is the most appropriate. Subject to the drafting refinements we have made (including to ensure proper drafting alignment) we have, therefore, provided for this approach in the Decision Version.<sup>170</sup>

### **Resource efficiency standards**

[200] The Notified Version proposed a set of built form standards, under a heading “Resource Efficiency”. These provided that non-compliance rendered an activity restricted discretionary. They encompassed matters including lighting control, heating, ventilation and air-conditioning, water efficiency, and waste reduction. They extended to matters concerning ‘thermal envelope’, the design requirements for air-conditioning and ventilation systems, and the required extent of waste reduction.

<sup>170</sup> We note that these include minor refinements to the drafting agreed in the Crown (Ministry of Education) and Council Joint Memorandum. These refinements were referred to those parties for comment by the Panel’s minute of 9 June 2016. The parties did not raise any issues.

[201] In its opening submissions, the Council recorded:<sup>171</sup>

... Despite the inclusion of these rules in the Proposals, it is Mr Stevenson's expert opinion that these rules are not appropriate. While some witnesses support the rules, other expert planners agree with Mr Stevenson that the rules are not appropriate.

[202] The reference in those closing submissions to some submitters supporting the proposed rules was to Mr Rowan Muir, the lay witness for Generation Zero (2193). Generation Zero submitted in qualified support of these standards, seeking that the provisions of the Notified Version be strengthened including to require minimum insulation standards for office activities. Mr Muir argued that, in the wake of the earthquakes, Christchurch has a unique opportunity to rebuild in a way that adopts modern building practices. It is therefore wise to encourage practices which are more sustainable and less costly in the long term while we have this chance to start from scratch.<sup>172</sup> He acknowledged that such measures could be argued to be contrary to provision (a)(ii) of the OIC Statement of Expectations in that it would arguably add, rather than remove, prescriptiveness within the CRDP. However, he argued that the addition of further minimum insulation standards would not discourage innovation or choice in any meaningful way, which is the explicit purpose of that Statement of Expectations provision. On the contrary, he said, setting more ambitious minimum standards would encourage innovation to reduce cost.<sup>173</sup>

[203] A similar set of resource efficiency proposals was included in the Stage 1 residential proposal. At that time, having evaluated the proposals (again, in the absence of any supporting Council evidence) the Panel determined that the provisions should be rejected. We reach the same view on these proposals, again on the basis that the Council has elected against calling evidence in support of these provisions. In particular, we are not satisfied on the evidence that any benefits that such regulation would offer (over and above what could be secured through Building Act regulation) would justify the un-accounted for costs and uncertainties. In effect, the inclusion of these standards in the Notified Version amount to the Council launching a boat without knowing its seaworthiness or providing a skipper or crew.

<sup>171</sup> Opening submissions for the Council at 4.1.

<sup>172</sup> Statement of Lay Evidence, Rowan Muir on behalf of Generation Zero at page 3.

<sup>173</sup> Statement of Lay Evidence, Rowan Muir on behalf of Generation Zero at page 4.

## Electricity corridor protection

[204] Orion, the electricity distribution company, made a submission on the Notified Version seeking that the corridor protection regime for its strategic electricity distribution lines be extended to the Notified Version's proposed Industrial Heavy Zone.<sup>174</sup> That extension was effectively supported by Mr Stevenson's evidence and was provided for by the Revised Version. We are satisfied, on that basis, that it is the most appropriate for achieving related objectives and have therefore provided for it in the Decision Version (in a manner consistent with the approach of the Stage 1 decision).

## SECTION 32AA — REMAINING MATTERS

[205] We did not receive any evidence challenging the Council's proposed IP Wairakei or IG & IH Chapmans Road zones. Both are identified Greenfield Priority Area — Business and we are satisfied on the evidence that the proposed zoning gives effect to the CRPS and properly responds to other Higher Order Documents. On the basis of the Council's s 32 Report, and in reliance on the Council's evidence in support of those zonings (which we accept), we find those zonings the most appropriate for achieving related CRDP objectives. As such, we have provided for this in the Decision Version.

[206] On behalf of Nichols, Kenning and Gargiulo (2494), Mr Ray Edwards gave evidence and attended the hearing. In speaking to his evidence,<sup>175</sup> Mr Edwards explained the need for flexibility in how the ODP referenced stormwater management. In particular, locational flexibility was important, given different landowner interests. We are satisfied that sufficient flexibility is provided for in the ODP included in the Revised Version.

[207] We received a number of submissions seeking other changes to the Notified Version's zoning of various sites and/or on provisions of the Notified Version but where the submitter did not call evidence. We have considered all those submissions. In a number of other cases, where evidence was provided by a submitter, discussions between the submitter and the Council have resulted in agreement, as reported in the evidence of Mr Stevenson. In those cases, and in reliance on the Council's s 32 Report and related evidence, we have accepted the

<sup>174</sup> Opening submissions for Orion (2340) at para 3.

<sup>175</sup> Transcript, pages 168–173.

recommendations of Mr Stevenson, including in the “Accept/Reject” tables attached to his evidence (except to the extent we have stated otherwise). These are all supported by the Council’s evidence on these matters (which we accept).

[208] On that basis, we have determined that the various outcomes recommended in the Revised Version are the most appropriate, and we have provided for them in the Decision Version (subject to those modifications we have discussed and others to ensure drafting clarity and consistency with the drafting approach of the Panel’s other related decisions).

[209] We have not specifically referred to every submission (and any related evidence), and the OIC does not require us to do so. However, we have considered all submissions in coming to this decision.

## OTHER MATTERS

### Matters of scope

[210] In a memorandum filed for the purposes of a pre-hearing meeting, the Council identified the following as submissions the Council considered to be beyond the scope of the Stage 2 proposal. That was on the basis the Council considered the relief pursued was determined by Decision 11 (on the Stage 1 Commercial and Industrial chapters):

Submitter	Submission/relief
Project Lyttelton (2548)	Concerning rezoning of 25 Canterbury Street
New Zealand Institute of Architects (‘NZIA’) (2335)	Opposing zoning of North Halswell commercial zone
Catholic Diocese (2147)	Seeking provision for Spiritual facilities in the Industrial General zone
Earthquake Disability Leadership Group (2449)	Seeking amendments to Stage 1 policies in the Commercial Proposal to ensure development provides for accessibility by people of all abilities
Canterbury Regional Council (2249)	Seeking amendments to ensure reverse sensitivity effects are managed by avoiding sensitive activities in areas where the discharge of contaminants or other incompatible activities occur

[211] None of the submitters attended the hearing or called evidence on the matters raised in these submissions. Even so, we have considered them in making this decision and determine as follows:

- (a) In regard to Project Lyttelton submission, we agree with the Council that the matter of zoning of 25 Canterbury Street was determined by Decision 11. In any case, we are satisfied on the evidence that the relief should be rejected insofar as any scope remains to consider it.
- (b) In regard to the NZIA submission, as Decision 11 records, the question of the commercial zoning of North Halswell has been deferred to be determined with the Residential New Neighbourhood zone proposals.
- (c) In regard to the Catholic Diocese submission, we agree with the Council that the matter of what activities should be permitted in the Industrial General zone was determined by Decision 11. In any case, we are satisfied on the evidence that the relief should be rejected insofar as any scope remains to consider it.
- (d) In regard to the matters raised by the Earthquake Disability Leadership Group and the Regional Council, insofar as there is scope for considering them, we are satisfied on the evidence that the Revised Version is appropriate and insofar as the Regional Council seeks any further relief, that should be declined.

### **Consequential change to Chapter 8: Subdivision, Development and Earthworks**

[212] The Revised Version includes a subdivision standard (as to roading and access) to apply in the IP Wairakei zone and which we determine is appropriately included in the CRDP. However, it is more properly located in Chapter 8 and we direct that it be included there.

### **Minor correction to Decision 11**

[213] We have become aware of a minor drafting error in the provisions confirmed by Decision 11. Rule 16.3.3.1 ‘Maximum height for buildings’ includes a clause stating:

This rule shall not apply to sites adjoining the land identified on the outline development plan in Appendix 16.6.8 as ‘Deferred’.

[214] That was inadvertently carried forward from the Council’s proposal as Decision 11 determined not to allow for a deferred rural zoning for the relevant sites, instead providing for an industrial zone with a permitted activity status for rural activities. While reference to the deferred zoning was removed for other related provisions, it was overlooked for this provision. Being satisfied that this change is necessary to ensure the CRDP is coherent and consistent, and is of no more than minor effect, pursuant to cl 13(6), OIC, we direct the Council to delete the quoted clause from Rule 16.3.3.1.

### **Replacement of Existing Plan provisions**

[215] Our decision is required to identify those parts of the Existing Plan that are to be replaced. This decision is confined to Stage 2 provisions relating to the Commercial (part) and Industrial (part) zones. Given this staged approach to our inquiry, it is not practical to carve out only those parts of the Existing Plan that are to be replaced by this decision on a provision by provision basis.

[216] Therefore, the only parts of the Existing Plan that are to be replaced by this decision are the zonings that the Existing Plan ascribes (as shown on the relevant Planning Maps) to land zoned by this decision (with the exception that, in the case of the RUF Hawthornden zone, the Existing Plan provisions will not be replaced until the associated RUF zone provisions are determined).

### **Directions for consequential changes to Planning Maps, Figures and Appendices**

[217] We direct the Council to provide the Panel, *within 10 working days of the date of this decision*, an updated set of Planning Maps, Figures and Appendices to give effect to the various zoning and other changes to the Notified Version that we have made by this decision.

[218] A further decision will then issue to the effect of further amending the Notified Version by inclusion of updated Planning Maps, Figures and Appendices.

[219] We direct that any party seeking minor corrections to provisions determined by this decision must file a memorandum of counsel making such request *within 15 working days of the date of this decision*.

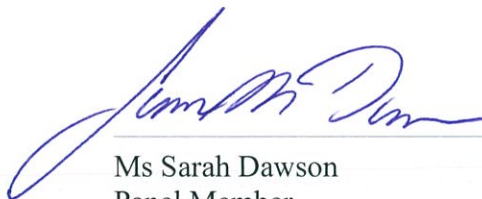
## OVERALL EVALUATION AND CONCLUSIONS

[220] Based on our evidential findings, we are satisfied that Decision Version, as amended from the Revised Version, gives effect to the RMA and properly responds to other Higher Order Documents. It is also best suited to enable recovery and meet the long-term requirements of Greater Christchurch.

For the Hearings Panel:



Environment Judge John Hassan  
Chair



Ms Sarah Dawson  
Panel Member



Ms Jane Huria  
Panel Member



Mr Gerard Willis  
Panel Member

## **SCHEDULE 1**

Changes our decision makes to the following chapters:

**Schedule 1A:** Chapter 15 — Commercial

**Schedule 1B:** Chapter 16 — Industrial

**Schedule 1C:** Chapter 6 — General Rules

**Schedule 1D:** Chapter 8 — Subdivision



**SCHEDULE 1A: CHAPTER 15 — COMMERCIAL**

The notified proposal is amended by our decision as follows.

Text that is highlighted **grey** indicates Stage 1 text and is not the subject of this decision. Greyed out Stage 1 text incorporates requests for minor corrections for which a decision has been issued.

Text in **blue** is the decision text for the Industrial Park Zone (Memorial Avenue) proposal only.

Text in **red bold and underlined** is the decision text for the Commercial Industrial Stage 2 proposal only.

## Chapter 15 – Commercial (excludes Central City ~~and New Brighton~~ commercial provisions)

### 15.1 Objectives and policies

#### 15.1.1 Objective – Recovery of commercial activity

- a. The critical importance of commercial activity to the recovery and long term growth of the city is recognised and facilitated in a framework that supports commercial centres.

#### 15.1.2 Objective - Centres-based framework for commercial activities

- a. Commercial activity is focussed within a network of centres (comprising the Central City, District, Neighbourhood, Local and Large Format centres) to meet the wider community's and businesses' needs in a way and at a rate that:
  - i. supports intensification within centres;
  - ii. enables the efficient use and continued viability of the physical resources of commercial centres and promotes their success and vitality, reflecting their critical importance to the local economy;
  - iii. supports the function of District Centres as major focal points for commercial, employment, transport and community activities, and Neighbourhood Centres as a focal point for convenience shopping and community activities;
  - iv. gives primacy to the Central City, followed by District Centres and Neighbourhood Centres identified as Key Activity Centres;
  - v. is consistent with the role of each centre as defined in 15.1.2.1 Policy – Role of centres Table 15.1;
  - vi. supports a compact and sustainable urban form that provides for the integration of commercial activity with community, residential and recreational activities in locations accessible by a range of modes of transport;
  - vii. supports the recovery of centres that sustained significant damage or significant population loss from their catchment including the Central City, Linwood, and Neighbourhood Centres subject to 15.1.4.3 Policy – Suburban centre master plans;
  - viii. enhances their vitality and amenity and provides for a range of activities and community facilities;
  - ix. manages adverse effects on the transport network and public and private infrastructure;
  - x. is efficiently serviced by infrastructure and is integrated with the delivery of infrastructure; and
  - xi. recognises the values of, and manages adverse effects on, sites of significance to Ngāi Tahu and natural waterways (including waipuna).

### 15.1.2.1 Policy – Role of centres

- a. Maintain and strengthen the Central City and commercial centres as the focal points for the community and business through intensification within centres that reflects their functions and catchment sizes, and in a framework that:
- gives primacy to and supports the recovery of the Central City;
  - supports and enhances the role of District Centres; and
  - maintains the role of Neighbourhood, Local and Large Format centres

as set out in Table 15.1 – Centre’s role.

**Table 15.1 – Centre’s role**

	<b>Role</b>	<b>Centre and size (where relevant)</b>
A.	<p><b>Central Business District</b></p> <p>Principal employment and business centre for the city and wider region and to become the primary destination for a wide range and scale of activities including comparison shopping, dining and night life, entertainment, guest accommodation, events, cultural and tourism activities.</p> <p>Provides for high density residential activity, recreational and community activities and facilities (including health and social services) as well as civic and cultural venues/ facilities (including museums, art galleries).</p> <p>Serves the district’s population and visitors.</p> <p>The focus for the district, sub-regional and wider transport services with a central public transport interchange, providing access to large areas of the district and the surrounding districts of Selwyn and Waimakariri.</p>	Centre: Central City
B.	<p><b>District Centre - Key Activity Centre</b></p> <p>Major retail destination for comparison and convenience shopping and a focal point for employment (including offices), community activities and facilities (including libraries, meeting places), entertainment (including movie theatres, restaurants, bars), and guest accommodation.</p> <p>Medium density housing is contemplated in and around the centre.</p> <p>Anchored by large retailers including department store(s) and supermarket(s).</p> <p>Accessible by a range of modes of transport, including multiple bus routes. Public transport facilities, including an interchange, may be incorporated.</p>	<p>Centres: Riccarton, Hornby, Papanui/Northlands, Shirley/Palms, Eastgate/Linwood, Belfast/ Northwood, (All Key Activity Centres)</p> <p>Size: Greater than 30,000m<sup>2</sup></p>

	<b>Role</b>	<b>Centre and size (where relevant)</b>
	<p>The extent of the centre:</p> <ol style="list-style-type: none"> <li>is the Commercial Core Zone and Commercial Retail Park Zone at Hornby, Belfast/ Northwood and Papanui/Northlands; and</li> <li>is the Commercial Core Zone in all other District centres; and</li> <li>includes community facilities within walking distance (400 metres) of the commercial zone.</li> </ol>	
<b>C.</b>	<p><b>Neighbourhood Centre</b></p> <p>A destination for weekly and daily shopping needs as well as for community facilities.</p> <p>In some cases, Neighbourhood Centres offer a broader range of activities including comparison shopping, entertainment (cafes, restaurants and bars), residential activities, small scale offices and other commercial activities. Anchored principally by a supermarket(s) and in some cases, has a second or different anchor store.</p> <p>Serves the immediately surrounding suburbs and in some cases, residents and visitors from a wider area.</p> <p>Medium density housing is contemplated in and around the centre.</p> <p>Accessible by a range of modes of transport, including one or more bus services.</p> <p>The extent of the centre:</p> <ol style="list-style-type: none"> <li>is the Commercial Core Zone in the identified centres, Commercial Local Zone at Wigram and Beckenham and Commercial Banks Peninsula Zone at Lyttelton and Akaroa; and</li> <li>Community facilities within walking distance (400 metres) of the centre.</li> </ol>	<p>Centres: Spreydon/ Barrington (Key Activity Centre), <b>New Brighton (Key Activity Centre)</b>, Bush Inn/Church Corner, Merivale, Bishopdale, Prestons (emerging), Ferrymead, Sydenham (Colombo Street between Brougham Street and Moorhouse Avenue); Addington, Avonhead, Sumner, Akaroa, Colombo/Beaumont (Colombo Street between Devon Street and Angus Street), Cranford, Edgeware, Fendalton, Beckenham, Halswell, Lyttelton, Ilam/Clyde, Parklands, Redcliffs, Richmond, St Martins, Stanmore/Worcester, Sydenham South (Colombo Street between Brougham Street and Southampton Street), Wairakei/Greens Road, Wigram (emerging), Woolston, Yaldhurst (emerging), West Spreydon (Lincoln Road), Aranui, North West Belfast.</p> <p>Size: 3,000 to 30,000m<sup>2</sup>.</p>
<b>D.</b>	<p><b>Large Format Centre</b></p> <p>Standalone retail centre, comprising stores with large footprints, yard based suppliers, trade suppliers including building improvement centres, and other vehicle oriented activities.</p> <p>Provision of other commercial activities and residential and community uses is limited. This includes limiting office activity to an ancillary function, and at Tower Junction, providing for a limited amount of commercial services.</p>	<p>Centres: Moorhouse Avenue, Shirley Homebase, Tower Junction, Langdons Road, Harewood Road.</p>

	<b>Role</b>	<b>Centre and size (where relevant)</b>
	<p>Serves large geographical areas of the city.</p> <p>Not necessarily connected to a residential catchment.</p> <p>Primarily accessed by car with limited public transport services.</p> <p>The extent of the centre is the Commercial Retail Park Zone.</p>	
E.	<p><b>Local Centre</b></p> <p>A small group of primarily convenience shops and, in some instances, community facilities.</p> <p>Accessible by walking, cycling from the area served and on a bus route in some instances.</p> <p>Also includes standalone supermarkets serving the surrounding residential community.</p> <p>The extent of the centre is the Commercial Local Zone, except Wainoni and Peer Street where the Commercial Core Zone applies.</p>	<p>Centres: Wainoni (174 Wainoni Road),</p> <p>Upper Riccarton (57 Peer Street), both zoned Commercial Core,</p> <p>All other commercial centres zoned Commercial Local.</p> <p>Size: Up to 3,000m<sup>2</sup> (Excluding Wainoni and Upper Riccarton)</p>

### 15.1.2.2 Policy - Comprehensive approach to development of the Belfast/Northwood Key Activity Centre

- a. Require development within the Belfast/Northwood Key Activity Centre to:
  - i. be planned and co-ordinated in accordance with an outline development plan;
  - ii. provide for a high quality, safe commercial centre which is easily accessible by a range of transport modes and well connected to the surrounding area; and
  - iii. be integrated with the transport network and developed in a manner aligned with improvements to the transport network to avoid adverse effects on the safe, efficient and effective functioning of the road network.
- b. Require development within the Belfast/ Northwood Key Activity Centre to:
  - i. provide for Ngai Tahu/ Manawhenua values through a high quality of landscaping and avoid adverse effects on the natural character, ecology and amenity values of the Styx River corridor; and
  - ii. for office and retail activity at the Styx Centre, be developed to a scale that:
    1. protects the Central City's role as the region's primary commercial area; and
    2. ensures the role of District and Neighbourhood centres within the city and commercial centres in Waimakariri District is maintained.

### 15.1.2.3 Policy – New centres in residential greenfield areas

- a. In new greenfield residential areas, land identified through zoning and/or on an outline development plan for a commercial centre shall be developed and used primarily for commercial and community activity including health care facilities to serve the needs of existing and future residents.
- b. The development of new centres in greenfield areas shall recognise and provide for Ngāi Tahu/manawhenua values while not impacting on the character, coherence or amenity of the adjoining residential area.

### 15.1.2.4 Policy – Accommodating growth

- a. Growth in commercial activity is focussed within existing commercial centres.
- b. Any outward expansion of a commercial centre must:
  - i. ensure the expanded centre remains commensurate with the centre's role within a strategic network of centres while not undermining the function of other centres;
  - ii. be integrated with the provision of infrastructure including the transport network;
  - iii. be undertaken in such a manner that manages adverse effects at the interface with the adjoining zone; and
  - iv. be consistent with:
    - 1. the scale of increasing housing development opportunities to meet intensification targets in and around centres, and
    - 2. revitalising the Central City as the primary community focal point.

### 15.1.2.5 Policy – Banks Peninsula commercial centres

- a. Recognise and protect the special character and role of the commercial areas in Banks Peninsula, including Lyttelton and Akaroa, which provide a range of activities and services meeting the needs of their respective communities as well as visitors to the townships and the wider area of Banks Peninsula.

## 15.1.3 Objective - Office parks and mixed use areas

- a. Recognise the existing nature, scale and extent of commercial activities within areas zoned Commercial Office and Commercial Mixed Use, but avoid the expansion of existing, or the development of new office parks and/or mixed use areas.

### 15.1.3.1 Policy – Office parks

- a. Recognise and enable office activities in the existing Addington and Russley office parks, zoned Commercial Office.

### 15.1.3.2 Policy – Mixed use areas

- a. Recognise the existing nature, scale and extent of retail and office activities in Addington, New Brighton, off Mandeville Street and adjoining Blenheim Road, while limiting their future growth and development to ensure commercial activity in the city is focussed within the network of commercial centres.

## 15.1.4 Objective - Urban form, scale and design outcomes

- a. A scale, form and design of development that is consistent with the role of a centre, and which:
  - i. recognises the Central City and District Centres as strategically important focal points for community and commercial investment;
  - ii. contributes to an urban environment that is visually attractive, safe, easy to orientate, conveniently accessible, and responds positively to local character and context;
  - iii. recognises the functional and operational requirements of activities and the existing built form;
  - iv. manages adverse effects on the surrounding environment; and
  - v. recognises Ngāi Tahu/ manawhenua values through landscaping and the use of low impact urban design, where appropriate.

### 15.1.4.1 Policy – Scale and form of development

- a. Provide for development of a significant scale and form in the core of District Centres and Neighbourhood Centres, and of a lesser scale and form on the fringe of centres.
- b. The scale and form of development in centres will:
  - i. reflect the context, character and the anticipated scale of the zone and centre's function;
  - ii. increase the prominence of buildings on street corners;
  - iii. for local centres, maintain a low rise built form to respect and integrate with their suburban residential context;
  - iv. for Key Activity Centres and Large Format Centres, enable larger floor plates while maintaining a high level of amenity in the centre; and
  - v. manage adverse effects on the surrounding environment, particularly at the interface with residential areas, sites of significance to Ngāi Tahu/ manawhenua and natural waterways.

### 15.1.4.2 Policy – Design of new development

- a. Require new development to be well-designed and laid out by:
  - i. encouraging pedestrian activity and amenity along streets and in adjoining public spaces, to a degree that is appropriate to the location and function of the road;

- ii. providing a principal street facing façade of visual interest that contributes to the character and coherence of a centre;
  - iii. facilitating movement within a site and with the surrounding area for people of all mobilities and ages, by a range of modes of transport through well-defined, convenient and safe routes;
  - iv. enabling visitors to a centre to orientate themselves and find their way with strong visual and physical connections with the surrounding area;
  - v. promoting a safe environment for people and reflecting principles of Crime Prevention through Environmental Design;
  - vi. enabling re-use of buildings and sites while recognising the use for which the building is designed;
  - vii. incorporating principles of environmentally sustainable low impact design including energy efficiency, water conservation, the reuse of stormwater, on-site treatment of stormwater and/or integration with the wider catchment based approach to stormwater management, where practicable;
  - viii. achieving a visually attractive setting when viewed from the street and other public spaces while managing impacts on adjoining environments; and
  - ix. providing adequate and convenient space for storage while ensuring it is screened to not detract from the site's visual amenity.
- b. Recognise the scale, form and design of the existing built form within a site and the immediately surrounding area and the functional and operational requirements of activities.
- c. Require residential development to be well-designed and laid out by ensuring:
- i. a high quality healthy living environment through:
    - 1. the provision of sufficient and conveniently located internal and outdoor living spaces;
    - 2. good accessibility within a development and with adjoining areas; and
    - 3. minimising disturbance from noise and activity in a centre (and the potential for reverse sensitivity issues to arise).

#### **15.1.4.3 Policy – Suburban centre master plans**

- a. Support the recovery and long term growth of, and ensure a high level of amenity in, the following suburban centres:
- i. Lyttelton;
  - ii. Sydenham;
  - iii. Linwood Village;
  - iv. Selwyn Street shops;
  - v. Sumner;
  - vi. Edgware;



- vii. Ferry Road
- viii. Main Road; and
- ix. New Brighton

by having regard to the relevant suburban centre Master Plan developed by the Christchurch City Council under the Suburban Centres Programme when considering resource consent applications for development within those centres.

#### **15.1.4.4 Policy – Recognition of Ngāi Tahu/ manawhenua values**

- a. To encourage the use of indigenous species, appropriate to the local environment, in landscaping and tree planting to recognise sites and landscapes of significance to Ngāi Tahu manawhenua and their cultural values.

#### **15.1.4.5 Policy – Greenfield development/ strategic infrastructure**

- a. Support a comprehensive approach to the planning, design and implementation of development and infrastructure in greenfield areas, including stormwater management. This may be achieved through low impact design.
- b. Provide for the effective development, operation, maintenance and upgrade of strategic infrastructure and avoid adverse effects of development on strategic infrastructure through managing the location of activities and the design of stormwater areas. This includes but is not limited to avoiding sensitive activities within commercial zones located within the 50 dBA Ldn air noise contour line, and the Lyttelton Port Influences Overlay Area.

## 15.2 Rules- Commercial Core Zone

### 15.2.1 How to use the rules

- a. The rules that apply to activities in the Commercial Core Zone are contained in:
  - i. The activity status tables (including activity specific standards) in Rule 15.2.2; and
  - ii. Built form standards in 15.2.3.
  
- b. Area specific rules also apply to activities within the Commercial Core Zone in the following areas:
  - i. Belfast/ Northwood (as identified in Appendix 15.10.1) - Rule 15.2.4.1
  - ii. Ferrymead (as identified in Appendix 15.10.2) - Rule 15.2.4.2,
  - iii. *North Halswell (as identified in Appendix 15.10.3) - Rule 15.2.4.3, DEFERRED*
  - iv. Prestons - Rule 15.2.4.4
  - v. Yaldhurst - Rule 15.2.4.5
  - vi. Other areas- Rule 15.2.4.6
  
- c. The activity status tables and standards in the following chapters also apply to activities in all areas of the Commercial Core Zone (where relevant):
  - 5 Natural Hazards;
  - 6 General Rules and Procedures
  - 7 Transport;
  - 8 Subdivision, Development and Earthworks;
  - 9 Heritage and Natural Environment;
  - 11 Utilities, Energy and Infrastructure; and
  - 12 Hazardous Substances and Contaminated Land.
  
- d. Where the word 'facility' is used in the rules e.g. spiritual facility, it shall also include the use of a site/building for the activity that the facility provides for, unless expressly stated otherwise.

Similarly, where the word/ phrase defined includes the word 'activity' or 'activities', the definition includes the land and/or buildings for that activity unless expressly stated otherwise in the activity status tables.

## 15.2.2 Activity status tables- Commercial Core Zone

### 15.2.2.1 Permitted activities

In the Commercial Core Zone the activities listed below are permitted activities if they comply with any activity specific standards set out in this table and the built form standards in Rule 15.2.3. Note, the built form standards do not apply to an activity that does not involve any development.

Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 15.2.2.2, 15.2.2.3, 15.2.2.4, 15.2.2.5 and 15.2.2.6.

The activities listed below include any associated landscaping, access, parking, loading, waste management and other hardstanding areas.

Activity		Activity specific standards
<b>P1</b>	Any new building or addition to a building for any permitted activity listed in P2 to P23 below.	Nil
<b>P2</b>	Department store, supermarket, unless specified below. (refer to Rule 15.2.2.4 D2)	
<b>P3</b>	Retail activity excluding supermarket and department store, unless otherwise specified	a. Any activity shall have a maximum tenancy size of 500m <sup>2</sup> GLFA in a Neighbourhood Centre. This clause does not apply to the Key Activity Centre at Spreydon.
<b>P4</b>	Trade supplier	
<b>P5</b>	Second-hand goods outlet	
<b>P6</b>	Commercial services	
<b>P7</b>	Entertainment facility	
<b>P8</b>	Food and beverage outlet	
<b>P9</b>	Gymnasium	
<b>P10</b>	Office activity	a. Any office activity shall have a maximum tenancy size of 500m <sup>2</sup> GLFA in a Neighbourhood Centre.

Activity		Activity specific standards
		This clause does not apply to the Key Activity Centre at Spreydon/Barrington.
<b>P11</b>	Guest accommodation	a. Any bedroom in guest accommodation must be designed and constructed to achieve an external to internal noise reduction of not less than 35 dB $D_{tr,2m,nTw} + C_t^r$ .
<b>P12</b>	Community facility	Nil
<b>P13</b>	Health care facility	
<b>P14</b>	Education activity	
<b>P15</b>	Pre-school	
<b>P16</b>	Care facility	
<b>P17</b>	Spiritual facility	
<b>P18</b>	Public artwork	
<b>P19</b>	Public transport facility	
<b>P20</b>	Residential activity	<p>a. Residential activity shall be:</p> <ul style="list-style-type: none"> <li>i. located above ground level; or</li> <li>ii. located to the rear of activities P1 – P17 on the ground floor frontage to the street, excluding: <ul style="list-style-type: none"> <li>A. any pedestrian entrance including lobby and/or reception area associated with residential activity; or</li> <li>B. the Brougham Street and Buchan Street frontages of the site at 350 Colombo Street in Sydenham.</li> </ul> </li> </ul> <p>b. <i>North Halswell</i> <b>DEFERRED</b></p> <p>c. Any residential activity shall have a minimum net floor area (including toilets and bathrooms but</p>

Activity		Activity specific standards																
		<p>excluding lobby and/or reception area, car parking, garaging and balconies) per unit of:</p> <p>i. Studio 35m<sup>2</sup></p> <p>ii. 1 Bedroom 45m<sup>2</sup></p> <p>iii. 2 Bedroom 60m<sup>2</sup></p> <p>iv. 3 Bedroom 90m<sup>2</sup></p> <p>d. Each residential unit shall be provided with:</p> <p>i. an outdoor service space of 3m<sup>2</sup> and a waste management area of 2m<sup>2</sup> per unit, each with a minimum dimension of 1.5 metres in either a private or communal area;</p> <p>ii. a single, indoor storage space of 4m<sup>3</sup> with a minimum dimension of 1 metre.</p> <p>iii. any space designated for waste management, whether private or communal, shall not be located between the road boundary and any building and shall be screened from adjoining sites, roads, and adjoining outdoor living spaces by screening from the floor level of the waste management area to a height of 1.5 metres.</p> <p>e. Each residential unit shall be provided with an outdoor living space with a minimum area and dimension as set out in the following table, located immediately outside and accessible from an internal living area of the residential unit.</p> <table><tr><th></th><th>Type</th><th>Area</th><th>Dimension</th></tr><tr><td>i.</td><td>Studio, 1 bedroom</td><td>6m<sup>2</sup></td><td>1.5 metres</td></tr><tr><td>ii.</td><td>2 or 3 bedroom</td><td>10m<sup>2</sup></td><td>1.5 metres</td></tr><tr><td>iii.</td><td>More than 3 bedrooms</td><td>15m<sup>2</sup></td><td>1.5 metres</td></tr></table> <p>f. Any bedroom must be designed and constructed to achieve an external to internal noise reduction of not less than 35 dB <math>D_{tr,2m,nTw}+C_{tr}</math>.</p>		Type	Area	Dimension	i.	Studio, 1 bedroom	6m <sup>2</sup>	1.5 metres	ii.	2 or 3 bedroom	10m <sup>2</sup>	1.5 metres	iii.	More than 3 bedrooms	15m <sup>2</sup>	1.5 metres
	Type	Area	Dimension															
i.	Studio, 1 bedroom	6m <sup>2</sup>	1.5 metres															
ii.	2 or 3 bedroom	10m <sup>2</sup>	1.5 metres															
iii.	More than 3 bedrooms	15m <sup>2</sup>	1.5 metres															
P21	Emergency service facility	Nil																

Activity		Activity specific standards
<b>P22</b>	Parking lot	
<b>P23</b>	High technology industrial activity	

### 15.2.2.2 Controlled activities

The activities listed below are controlled activities.

<b>C1</b>	Activities P1-P23 requiring consent under built form standard 15.2.3.1 (b). Any application for this activity will not require written approvals and shall not be limited or publicly notified.
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### 15.2.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 15.8.1, 15.8.2 and 15.8.3 for each standard, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Residential activity that does not comply with one or more of the activity specific standards a – e for activities P20 in 15.2.2.1. Any application for this activity will not require written approvals and shall not be limited or publicly notified.	a. Residential activity - 15.8.2.3 b. Activity at ground floor level - 15.8.2.2
<b>RD2</b>	Activities P1-P23 in 15.2.2.1 and RD3 to RD7, that do not meet one or more of the built form standards in 15.2.3.1 c and 15.2.3.2 – 15.2.3.9, unless otherwise specified. Refer to relevant built form standard for provisions regarding notification and written approval.	As relevant to the breached built form standard: a. Urban design – 15.8.1. b. Maximum building height – 15.8.3.1 c. Minimum building setback from road boundaries/ street scene – 15.8.3.2 d. Minimum separation from the internal boundary with a residential zone – 15.8.3.3

	Activity	The Council's discretion shall be limited to the following matters:
		e. Sunlight and outlook at boundary with a residential zone – 15.8.3.4 f. Outdoor storage areas – 15.8.3.5 g. Landscaping and trees – 15.8.3.6 h. Water supply for fire fighting – 15.8.3.8 i. Minimum building setback from the railway corridor - 15.8.3.10 j. Refer to 15.2.4 for the matters of discretion for a non-compliance with area specific standards.
<b>RD3</b>	Yard-based supplier Any application for this activity will not require written approvals and shall not be limited or publicly notified.	a. Centre vitality and amenity – 15.8.2.4
<b>RD4</b>	Service station Any application for this activity will not require written approvals and shall not be limited or publicly notified.	
<b>RD5</b>	Drive-through services Any application for this activity will not require written approvals and shall not be limited or publicly notified.	a. Drive-through services – 15.8.3.12
<b>RD6</b>	Activities P3 – P10 in 15.2.2.1 that do not meet the activity specific standards. Any application for this activity will not require written approvals and shall not be limited or publicly notified.	a. Maximum tenancy size – 15.8.2.1 b. Centre vitality and amenity - 15.8.2.4
<b>RD7</b>	Parking building Any application for this activity will not require written approvals and shall not be limited or publicly notified.	a. Urban design – 15.8.1.

### 15.2.2.4 Discretionary activities

The activities listed below are discretionary activities.

	Activity
<b>D1</b>	Any activity not provided for as a permitted, restricted discretionary or non-complying activity.
<b>D2</b>	Department store or supermarket on land at 75 London Street (Lot 1 DP 69452) and 311 Stanmore Road (Lot 2 DP 67066)

### 15.2.2.5 Non-complying activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Any residential activity or guest accommodation not complying with rules 15.2.2.1 P11(a)(Guest accommodation) or P20(f) (Residential activity).
<b>NC2</b>	Sensitive activities within the air noise contour (50 dBA Ldn) as defined on the planning maps.
<b>NC3</b>	<p>a. Sensitive activities 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.</p> <p>b. Buildings on greenfield sites 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.</p> <p>c. Buildings, other than those in (b) above, within 10 metres of the foundation of an associated support structure.</p> <p>d. Fences within 5 metres of a 66kV electricity distribution line support structure foundation.</p> <p>Any application made in relation to this rule shall not be publicly notified or limited notified other than to Orion New Zealand Limited or other electricity distribution network operator.</p> <p>Notes:</p> <p>i. The 66kV electricity distribution lines are shown on the planning maps.</p> <p>ii. Vegetation to be planted around the 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>iii. 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 the electricity distribution line. Buildings and activities in the vicinity of electricity distribution lines must comply with the NZECP 34:2001.</p>



### 15.2.2.6 Prohibited activities

The activities listed below are prohibited activities.

There are no prohibited activities.

## 15.2.3 Built form standards- Commercial Core Zone

The following built form standards shall be met by all permitted activities and restricted discretionary activities RD3- RD7 unless otherwise stated.

### 15.2.3.1 Urban design

	Activity status	Applicable to	Matters of control or discretion
a.	Permitted activity	Any new building or addition to a building for activities P1-P23 in 15.2.2.1 that does not exceed: <ul style="list-style-type: none"> <li>i. 4,000m<sup>2</sup> (gross leasable floor area) where located in a District Centre as identified in Table 15.1; or</li> <li>ii. 1,000m<sup>2</sup> (gross leasable floor area) where located in neighbourhood centre identified in Table 15.1.</li> </ul>	Nil
b.	Controlled activity	Any new building or addition to a building for activities P1-P23 in 15.2.2.1 that exceed permitted standards a. i or ii and is certified by a qualified urban design expert on a Council approved list as meeting each of the urban design provisions / outcomes in 15.8.1 Urban design i-xiii. Certification shall include sufficient detail to demonstrate how the relevant urban design provisions / outcomes in 15.8.1 have been met.	The Council's control is reserved to the following matters: <ul style="list-style-type: none"> <li>a. That the new building or addition to a building is built in accordance with the urban design certification.</li> </ul>
c.	Restricted discretionary activity	Any new building or addition to a building that is not a permitted or controlled activity under 15.2.3.1 a or b.	a. Urban design – 15.8.1

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

Note:

1. Any building or an addition to a building requiring resource consent under 15.2.3.1 is exempt from complying with 15.2.3.3.
2. The following forms of development are exempt from compliance with this rule:
  - i. Repairs, maintenance, and seismic, fire and/or access building code upgrades; or
  - ii. Refurbishment, reinstatement works.
3. The following activities in Rule 15.2.2.1 are exempt from compliance with this rule:
  - i. P12 Community facility; P13 Health care facility; P14 Education activity; P15 Pre-school; P16 Care facility; P17 Spiritual facility; P21 Emergency service facility.

### 15.2.3.2 Maximum building height

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	All sites in a District Centre	20 metres	Greater than 20 metres	a. Maximum building height – 15.8.3.1
b.	Any building in a District Centre within 30 metres of an internal boundary with a residential zone	12 metres	Greater than 12 metres	
c.	All sites in a Neighbourhood Centre	12 metres	Greater than 12 metres	
d.	Other locations	17 metres	Greater than 17 metres	

Any application arising from non-compliance with this rule shall not be publicly notified.

### 15.2.3.3 Building setback from road boundaries/ street scene

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>On the road frontage of a site identified as a Key Pedestrian Frontage (identified on the planning maps), all buildings shall:</p> <ul style="list-style-type: none"> <li>i. be built up to the road boundary except for: <ul style="list-style-type: none"> <li>A. a setback of up to a maximum of 4 metres from the road boundary for a maximum width of 10 metres.</li> <li>B. any pedestrian or vehicle access.</li> </ul> </li> <li>ii. have visually transparent glazing for a minimum of 60% of the ground floor elevation facing the street.</li> <li>iii. have visually transparent glazing for a minimum of 20% of each elevation above ground floor and facing the street.</li> <li>iv. This rule shall not apply to emergency service facilities (P21).</li> <li>v. On Colombo Street, between Moorhouse</li> </ul>	Non-compliance with permitted standard	a. Minimum building setback from road boundaries/ street scene – 15.8.3.2

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
	Ave and Brougham Street, buildings shall be set back no more than 2 metres from the road boundary and the setback shall not be used for car parking.		
b.	<p>On the road frontage of a site that is not identified as a Key Pedestrian Frontage on the planning maps, all buildings shall:</p> <ul style="list-style-type: none"> <li>i. be set back a minimum distance of 3 metres from the road boundary unless the building is built up to the road boundary; and</li> <li>ii. have visually transparent glazing for a minimum of 40% of the ground floor elevation facing an arterial or collector road.</li> </ul> <p>On sites opposite a residential zone:</p> <ul style="list-style-type: none"> <li>iii. the road frontage shall have a landscaping strip with a minimum width of 1.5 metres, and a minimum of 1 tree for every 10 metres of road frontage or part thereof, for that part of the building not built up to the road boundary.</li> </ul>		
c.	<p>On the road frontage of a site that is not identified as a Key Pedestrian Frontage on the planning maps and is opposite a residential zone, and/or has a road frontage to a local road:</p> <ul style="list-style-type: none"> <li>i. the road frontage shall have a landscaping strip with a minimum width of 1.5 metres, and a minimum of 1 tree for every 10 metres of road frontage or part thereof for that part of the frontage not built up to the road boundary.</li> </ul>		

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### 15.2.3.4 Minimum building setback from the internal boundary with a residential zone

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	All buildings within sites which share an internal boundary with a residential zone.	3 metres	Less than 3 metres	a. Minimum separation from the internal boundary with a residential zone – 15.8.3.3

Any application arising from non-compliance with this rule shall not be publicly notified.

### 15.2.3.5 Sunlight and outlook at boundary with a residential zone

	Permitted	Restricted discretionary	Matters of discretion
a.	Where an internal boundary adjoins a residential zone, no part of any building shall project beyond a building envelope contained by a recession plane measured from any point 2.3 metres above the internal boundary in accordance with the diagrams in Appendix 15.10.9.	Non-compliance with permitted standard	a. Sunlight and outlook at boundary with a residential zone – 15.8.3.4

Where sites are located within a Flood Management Area, recession plane breaches created by the need to raise floor levels will not require written approvals and shall not be limited or publicly notified.

Any application arising from non-compliance with this rule shall not be publicly notified.

### 15.2.3.6 Outdoor storage areas

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>i. Any outdoor storage area shall be screened by 1.8 metre high fencing or landscaping from any adjoining site; and</p> <p>ii. Outdoor storage areas shall not be located within the setback specified in Rule 15.2.3.4.</p> <p>This rule shall not apply where the storage of vehicles, equipment, machinery, and/or natural or processed products is for periods of less than 12 weeks in any year.</p>	Non-compliance with permitted standard	a. Outdoor storage areas – 15.8.3.5

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### 15.2.3.7 Landscaping and trees

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>i. On sites adjoining a residential zone, trees shall be provided adjacent to the shared internal boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof, and evenly spaced extending to the road boundary within the setback.</p> <p>ii. On all sites, one tree shall be planted for every 5 car parking spaces provided between buildings and the street. Trees shall be planted within or adjacent to the car parking area at the front of the site.</p> <p>iii. All landscaping / trees required under these rules shall be in accordance with the provisions in Appendix 16.6.1.</p>	Non-compliance with permitted standard	a. Landscaping and trees – 15.8.3.6

Any application arising from non-compliance with clause (ii) will not require written approvals and shall not be limited or publicly notified.

### 15.2.3.8 Water supply for fire fighting

	Permitted	Restricted discretionary	Matters of discretion
a.	Sufficient water supply and access to water supplies for fire fighting to all buildings via Council's urban fully reticulated water supply system in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS: 4509:2008)	Non-compliance with permitted standard	a. Water supply for fire fighting – 15.8.3.8

Any application arising from this rule will not require the written approval of any entity except the New Zealand Fire Service and shall not be publicly notified. Limited notification, if required, shall only be to the New Zealand Fire Service.

### 15.2.3.9 Minimum building setback from railway corridor

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Buildings, balconies and decks on sites adjacent to or abutting railway line.	4 metres or greater from the rail corridor boundary	Less than 4 metres	a. Minimum building setback from the railway corridor - 15.8.3.10

Any application arising from this rule will not require the written approval of any entity except KiwiRail and shall not be publicly notified. Limited notification, if required, shall only be to KiwiRail.

## 15.2.4 Area specific rules – Commercial Core Zone

The following rules apply to the areas specified. All activities specified are also subject to the rules in 15.2.2 and 15.2.3 unless specified otherwise in 15.2.4.

### 15.2.4.1 Commercial Core Zone (Belfast/ Northwood) Outline Development Plan area

#### 15.2.4.1.1 Activity status tables - Commercial Core Zone (Belfast/ Northwood) Outline Development Plan area

##### 15.2.4.1.1.1 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 15.2.4.1.3, 15.8.1 and 15.8.3 for each standard, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Any activity or building in the Commercial Core Zone (Belfast/ Northwood): a. complying with the built form standards in Rules 15.2.3 (excluding Rule 15.2.3.1) and 15.2.4.1.2.	a. Matters of discretion for Belfast/ Northwood Outline Development Plan area - 15.2.4.1.3 b. The extent to which development is in general accordance with the outline development plan in Appendix 15.10.1 c. Urban design - 15.8.1
<b>RD2</b>	Any activity or building that does not comply with one or more of the built form standards in 15.2.4.1.2 unless otherwise specified in D1 or NC1.  Refer to relevant built form standard for provisions regarding notification and written approval.	As relevant to the breached built form standard: a. Maximum building height – 15.8.3.1 b. Landscaping – 15.2.4.1.3.3 c. Roading, access and parking - 15.2.4.1.3.4 d. Maximum total number of vehicles exiting the site – 15.2.4.1.3.6 and e. Matters of discretion for Belfast/ Northwood Outline Development Plan area - 15.2.4.1.3 f. The extent to which development is in general accordance with the outline development plan in Appendix 15.10.1 g. Urban design - 15.8.1 h. Maximum retail / office activity thresholds – 15.2.4.1.3.5



**15.2.4.1.1.2 Discretionary activities**

The activities listed below are discretionary activities.

	Activity
<b>D1</b>	Any activity or building not complying with Rule 15.2.4.1.2.6 (Maximum threshold for office activities)

**15.2.4.1.1.3 Non-complying activities**

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Any activity or building not complying with Rule 15.2.4.1.2.2 (Building setback and size).

**15.2.4.1.2 Built form standards- Commercial Core Zone (Belfast/ Northwood) Outline Development Plan area****15.2.4.1.2.1 Maximum building height**

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Land within area identified as 'Special Area A' on the outline development plan in Appendix 15.10.1.	12 metres	Non-compliance with permitted standard	a. Maximum building height – 15.8.3.1
b.	Land within area identified as 'Special Area B' on the outline development plan in Appendix 15.10.1.	5 metres		

Any application arising from non-compliance with this rule shall not be publicly notified.

**15.2.4.1.2.2 Building setback and size**

	Permitted	Non-complying
a.	Any buildings set back a minimum distance of 20 metres from the outer edge of any esplanade reserve adjoining the Styx River.	

	<b>Permitted</b>	<b>Non-complying</b>
b.	Any buildings set back a minimum distance of 150 metres from the southern boundary of the zone.	Non-compliance with permitted standard
c.	Any buildings between 150 metres and 200 metres from the southern boundary of the zone not exceeding a gross floor area of 500m <sup>2</sup> .	

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 15.2.4.1.2.3 Landscaping

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	For any sites adjoining the Styx River, the setback required under clause (a) of rule 15.2.4.1.2.2 shall be planted with native species prior to any retail activities being open to the public within the zone.	Non-compliance with permitted standard	a. Landscaping – 15.2.4.1.3.3

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

#### 15.2.4.1.2.4 Roading, access and parking

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	All vehicle access points shall only be provided in the locations specified on the outline development plan in Appendix 15.10.1 with a road running between the southern most access point and access to Radcliffe Road (defined on the outline development plan as 'Vehicle Access Point').	Non-compliance with permitted standard	a. Roading, access and parking – 15.2.4.1.3.4
b.	The point marked on the outline development plan in Appendix 15.10.1 for a 'future left in / left out vehicle access point' shall only be provided following the completion and opening of the Northern Arterial.		

Any application arising from non-compliance with this rule shall not be publicly notified.

**15.2.4.1.2.5 Maximum total number of vehicles exiting the site**

	<b>Applicable To</b>	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Thursday Evening Peak Hour, until the Northern Arterial has been constructed and open to traffic.	625 vehicles	Non-compliance with permitted standard	a. Maximum total number of vehicles exiting the site – 15.2.4.1.3.6
b.	Saturday Peak Hour, until the Northern Arterial has been constructed and open to traffic.	700 vehicles	Non-compliance with permitted standard	a. Maximum total number of vehicles exiting the site – 15.2.4.1.3.6

Any application arising from non-compliance with this rule shall not be publicly notified. Written approval may only be required and limited notification shall only be to the New Zealand Transport Agency.

Note:

1. The traffic volumes emerging from the site shall be based on the trip rates for activities specified in NZTA Research Report 453 or any updated version.
2. For the purpose for estimating trips exiting the site, any traffic going from the Commercial Core Zone (Belfast/ Northwood) to the Commercial Retail Park Zone on the north side of Radcliffe Road shall be excluded from calculations.

**15.2.4.1.2.6 Maximum thresholds for office activities**

	<b>Applicable to</b>	<b>Permitted</b>	<b>Discretionary</b>	<b>Matters of discretion</b>
a.	Up until 1 February 2020	The total amount of office floorspace within the 'Styx centre boundary' as defined on the outline development plan (Appendix 15.-10.1) shall not exceed 8,000m <sup>2</sup> GLFA.	Non-compliance with permitted standard	a. Maximum retail/ office activity thresholds - 15.2.4.1.3.5
b.	1 February 2020 onwards	The total amount of office floorspace within the 'Styx centre boundary' as defined on the outline development plan (Appendix 15.10.1) shall not exceed 12,000m <sup>2</sup> GLFA.		

**15.2.4.1.2.7 Maximum thresholds for retailing activities**

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	The total amount of floorspace for retailing within the 'Styx centre boundary' as defined on the outline development plan (Appendix 15.10.1) shall not exceed 20,000m <sup>2</sup> GLFA.	Non-compliance with permitted standard	a. Maximum retail/ office activity thresholds - 15.2.4.1.3.5

**15.2.4.1.2.8 Maximum threshold for non- residential activities**

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	The total amount of floorspace for non-residential activities within the 'Styx centre boundary' as defined on the outline development plan (Appendix 15.10.1) shall not exceed 45,000m <sup>2</sup> GLFA.	Non-compliance with permitted standard	a. Maximum retail/ office activity thresholds - 15.2.4.1.3.5

**15.2.4.1.3 Matters of discretion - Commercial Core Zone (Belfast/ Northwood) Outline Development Plan area****15.2.4.1.3.1 Outline development plan****a. Community facilities**

- i. Ensures that community facilities are publicly accessible and can be easily accessed from Main North Road and Radcliffe Road.
- ii. Ensures that sufficient floor space is provided for community facilities across the zone, being a minimum gross floor area of 1,600m<sup>2</sup>.

**b. Open space**

- i. Ensures that external public open space is provided in convenient, publicly accessible locations within the zone.
- ii. Ensures that sufficient open space is provided across the zone, being 1200m<sup>2</sup> of public open space with at least one space making up 1200m<sup>2</sup> and capable of containing a circle with a minimum diameter of 1.8 metres.

**c. Connectivity**

- i. Ensures the proposed development includes and/or provides for future development of an open air main street connecting Main North Road and Radcliffe Road as a route through the site and which provides a high quality pedestrian environment.
  - ii. Ensures that linkages are made from the development to the Styx River and which contributes to improved public accessibility along the river.
- d. Public transport interchange
- i. Ensures provision is made for the future development of an area for a public transport interchange in the location shown on the outline development plan that is at least 4,000m<sup>2</sup>.
  - ii. The degree to which interim uses of land identified for a public transport interchange affect the ability to develop a public transport interchange at a future date.

#### **15.2.4.1.3.2 Design and amenity**

- a. Whether any proposed signage, building colours or fences associated with development will adversely impact on the natural character and values of the Styx River.
- b. The visual appearance and attractiveness of the development.
- c. The extent to which development is consistent with the Styx River/ Purakaunui Area Stormwater Management Plan.

#### **15.2.4.1.3.3 Landscaping**

- a. The extent of native and other planting within the Styx River riparian setback to enhance the ecological values associated with the Styx River and to screen buildings adjacent to the Styx River.
- b. The extent to which the value of the area as mahinga kai and the historic use of the area for market gardening and, horticultural activities is recognised through landscaping or other features.

#### **15.2.4.1.3.4 Roading, access and parking**

- a. The extent to which the transport network creates safe and efficient movement within the site and ensures connectivity and convenience for pedestrians and cyclists.
- b. The extent to which any underground or basement car parking structure is integrated into the development to avoid adverse visual effects.
- c. Any adverse effects of vehicle access points on the safe and efficient operation of the transport network.
- d. Any adverse effects of parking areas/access points on adjoining zones and whether mitigation minimises these effects.
- e. The extent to which the location and design of parking, access and manoeuvring areas supports pedestrian safety.

#### 15.2.4.1.3.5 Maximum retail/ office activity thresholds

The extent to which the additional gross leasable floor area:

- a. avoids adverse effects on the function and recovery of the Central City and District Centres within the District and Kaiapoi and Rangiora in Waimakariri District; and
- b. limits adverse effects on people and communities who rely on the Central City and District Centres for their social and economic wellbeing, and allows ease of access to these centres by a variety of transport modes.

#### 15.2.4.1.3.6 Maximum total number of vehicles exiting the site

- a. Prior to the opening of the Northern Arterial motorway, the extent to which any significant adverse effects arise on the safety and efficiency of the transport network as a result of the proposed activity.

### 15.2.4.2 Commercial Core Zone (Ferryroad) Outline Development Plan area

#### 15.2.4.2.1 Activity status tables- Commercial Core Zone (Ferryroad) Outline Development Plan area

##### 15.2.4.2.1.1 Permitted activities

The activities listed below are permitted activities in the Commercial Core Zone (Ferryroad) Outline Development Plan area:

	Activity	Activity specific standards
P1	Any activity or building.	<p>Compliance with:</p> <ol style="list-style-type: none"> <li>a. All the following Key Structuring Elements shown on the Ferryroad Outline Development Plan (see Appendix 15.10.2):               <ol style="list-style-type: none"> <li>i. Pedestrian Link</li> <li>ii. Pedestrian Accessway</li> <li>iii. Key Mixed Modal Link</li> <li>iv. Future and Secondary Vehicular and Pedestrian Accessways</li> <li>v. Boundary with Sensitive Environment</li> <li>vi. Pedestrian Interface</li> <li>vii. Key Public Vehicle Access</li> <li>viii. Landscape Setback</li> </ol> </li> <li>b. Built form standards in Rule 15.2.4.2.2, and Rule 15.2.3 unless specified otherwise in Rule 15.2.4.2.2</li> </ol>

	Activity	Activity specific standards
<b>P2</b>	Key Structuring Elements identified on the outline development plan in Appendix 15.10.2.	a. Development is to be in accordance with the Key Structuring Elements on the outline development plan

#### 15.2.4.2.1.2 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 15.2.4.2.3 and 15.8.3 for each standard, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Any retail activity resulting in the total GLFA in the Commercial Core Zone (Ferryroad), excluding 2 Waterman Place, to exceed 30,000m <sup>2</sup> . Any retail activity resulting in the total GLFA at 2 Waterman Place to exceed 6,500m <sup>2</sup> .	a. Maximum retail/office activity thresholds - 15.2.4.2.3.3
<b>RD2</b>	Any activity at 2 Waterman Place that generates more than 250 vehicle trips per day with vehicle egress to Waterman Place.	a. Roading and access – 15.2.4.2.3.2
<b>RD3</b>	Any activity or building not complying with one or more of the Key Structuring Elements on the outline development plan in Appendix 15.10.2.	a. Matters of discretion in 15.2.4.2.3
<b>RD4</b>	Any activity or building that does not meet one or more of the built form standards in 15.2.4.2.2 unless otherwise specified. Refer to relevant built form standard for provisions regarding notification and written approval.	a. Maximum building height – 15.8.3.1 b. Landscaping and trees – 15.8.3.6

Note: For RD2, the vehicle trips per day shall be based on the trip rates for activities specified in NZTA Research Report 453 or any updated version.

### 15.2.4.2.2 Built form standards- Commercial Core Zone (Ferrymead) Outline Development Plan area

#### 15.2.4.2.2.1 Maximum building height

	Permitted	Restricted discretionary	Matters of discretion
a.	20 metres, unless specified below	Greater than 20 metres, unless specified below	a. Maximum building height- 15.8.3.1
b.	12 metres at 2 Waterman Place	Greater than 12 metres at 2 Waterman Place	

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 15.2.4.2.2.2 Landscaping - Minimum width of landscaping strip

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	A landscaped strip with a minimum width as specified shall be provided adjacent to the boundary with Charlesworth Reserve, using native species.	5 metres	Less than 5 metres	a. Landscaping and trees – 15.8.3.6

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### 15.2.4.2.3 Matters of discretion - Commercial Core Zone (Ferrymead) Outline Development Plan area

#### 15.2.4.2.3.1 Pedestrian and cycle movement to and from adjoining area

- a. The degree to which safe, landscaped pedestrian and cycle access is provided through the site, to connect with the wider movement network (particularly with the key cycleway along Humphreys Drive and to public transport stops on Ferry Road) and with open spaces (i.e. the Ihutai/Estuary edge, Charlesworth Reserve, the Ōpāwaho/Heathcote River Towpath) while avoiding adverse effects on ecological areas.

#### 15.2.4.2.3.2 Roading and access

- a. The effect of any additional access points on the safety and efficiency of the adjoining road network, having regard to the level and type of traffic that will use the proposed access point, the location and design of the proposed access point and the adequacy of existing or alternative access points.



- b. The extent to which the location of vehicular access points, the design of the transport network including intersection design and connections with the wider network, may individually or cumulatively impact on amenity of the zone and the surrounding area, and the safety and efficiency of the transport network.
- c. The extent to which traffic generated by the development may individually or cumulatively impact on amenity of the zone and the surrounding area, and the safety and efficiency of the transport network.
- d. The extent to which future access through to Waterman Place for pedestrians and vehicles is enabled.

#### 15.2.4.2.3.3 Maximum retail/office activity thresholds

- a. The extent of adverse effects created by increased vehicular traffic from the development on the adjoining road network, including both access and the wider network.
- b. The extent to which retail activity above ground floor level creates the potential for over-intensification of the site, decreases the ability to achieve a variety of activities on-site or compromise development of the zone as shown in the outline development plan.

#### 15.2.4.3 Commercial Core Zone (North Halswell) Outline Development Plan area

#### DEFERRED

#### 15.2.4.4 Commercial Core Zone (Prestons)

##### 15.2.4.4.1 Activity status tables - Commercial Core Zone (Prestons)

##### 15.2.4.4.1.1 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 15.2.4.4.3 and 15.8.3 for each standard, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Any activity or building that does not comply with one or more of the built form standards in 15.2.4.4.2 unless otherwise specified.  Refer to relevant built form standard for provisions	As relevant to the breached built form standard: <ul style="list-style-type: none"> <li>a. Minimum building setback from road boundaries/ street scene – 15.8.3.2</li> <li>b. Minimum separation from the internal boundary with a residential zone – 15.8.3.3</li> <li>c. Landscaping and trees – 15.8.3.6</li> </ul>

	<b>Activity</b>	<b>The Council's discretion shall be limited to the following matters:</b>
	regarding notification and written approval.	d. Staging of development to align with intersection upgrades – 15.2.4.4.3.1

#### 15.2.4.4.1.2 Non-complying activities

The activities listed below are non-complying activities.

	<b>Activity</b>
<b>NC1</b>	Any activity not complying with Rules 15.2.4.4.2.5 (Staged development) and 15.2.4.4.2.6 (Maximum retail activity thresholds)

#### 15.2.4.4.2 Built form standards - Commercial Core Zone (Prestons)

##### 15.2.4.4.2.1 Minimum building setback from road boundaries

	<b>Applicable to</b>	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Marshland Road boundary	10 metres	Less than 10 metres	a. Minimum building setback from road boundaries/ street scene – 15.8.3.2

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

##### 15.2.4.4.2.2 Minimum building setback from the zone boundary

	<b>Applicable to</b>	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Southern boundary of the zone, adjoining the Rural Urban Fringe Zone	3 metres	Less than 3 metres	a. Minimum separation from the internal boundary with a residential zone – 15.8.3.3

Any application arising from non-compliance with this rule shall not be publicly notified.

**15.2.4.4.2.3 Landscaping**

	<b>Applicable to</b>	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	A landscaped strip with a minimum width as specified shall be provided along and adjacent to the boundary with Marshland Road.	10 metres	Less than 10 metres	a. Landscaping and trees – 15.8.3.6

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

**15.2.4.4.2.4 Staging of development to align with intersection upgrades**

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	No non-residential activities shall occur until upgrade of the following intersection has commenced: i. Lower Styx Road / Marshland Road (including traffic signals).	Non-compliance with permitted standard	a. Staging of development to align with intersection upgrades – 15.2.4.4.3.1
b.	No more than 7200m <sup>2</sup> of non-residential activities (comprising 4000m <sup>2</sup> for a supermarket (where an individual tenancy is greater than 1,000m <sup>2</sup> GLFA) and 3200m <sup>2</sup> for other non-residential activities) shall occur until such time as: i. Construction of the Northern Arterial and the 4-laning of QEII Drive between Main North Road and Innes Road together with either the Northern Arterial extension or the Hills Road extension has commenced; and ii. The portion of the main primary road linking Prestons Road to Mairehau Road is open to traffic.		

Note:

1. The 7,200m<sup>2</sup> of non-residential development referred to in this rule is inclusive of existing commercial activities contained within the zone (as at 27 March 2010).
2. For the purposes of this rule, the Northern Arterial is defined as being one of the New Zealand Transport Agency Roads of National Significance, and is a new road extending the existing Christchurch Northern Motorway from just north of Belfast (Chaney's) to connect with QEII Drive. The scheme also includes an extension being progressed by Christchurch City Council from QEII Drive to Cranford Street. The

Hills Road extension is a Christchurch City Council roading scheme, extending Hills Road from Innes Road to join QEII Drive east of Philpotts Road.

Any application arising from non-compliance with this rule shall not be publicly notified. Written approval may only be required and limited notification shall only be to the New Zealand Transport Agency.

#### 15.2.4.4.2.5 Staged development

	Permitted	Non-Complying
a.	<p>No development shall occur until:</p> <p>i. Either:</p> <p>A. a comprehensive plan which shows the overall wastewater system for all activities is provided; or</p> <p>B. it is demonstrated that such a plan has already been provided to Council pursuant to clause (i) above or as part of a subdivision application.</p> <p>And, either:</p> <p>C. an approved wastewater system is established within the zone and as required, beyond the zone to service the activity; or</p> <p>D. it is demonstrated that such an approved wastewater system has already been established.</p>	Non-compliance with permitted standard

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

#### 15.2.4.4.2.6 Maximum retail activity threshold

	Applicable to	Permitted	Non- Complying
a.	<p>The maximum gross leasable floor area for retail activities within the Commercial Core Zone (Prestons) shall be:</p> <p>Note: This includes all existing lawfully established retail activity as at 27 March 2010.</p>	12,000m <sup>2</sup>	Non-compliance with permitted standard
b.	<p>The maximum gross leasable floor area of any single tenancy for a retail activity (excluding a supermarket) within the Commercial Core Zone (Prestons) shall be:</p>	150m <sup>2</sup>	

### 15.2.4.4.3 Matters of discretion- Commercial Core Zone (Prestons)

#### 15.2.4.4.3.1 Staging of development to align with intersection upgrades

- a. The nature and extent of any adverse effect arising on the transport network from a proposal that:
- i. deviates from the design of specific intersection upgrades approved by Council; and/or
  - ii. exceeds the quantum of non-residential activities anticipated as maximums before specific transport network upgrades are commenced.

### 15.2.4.5 Commercial Core Zone (Yaldhurst)

#### 15.2.4.5.1 Activity status tables- Commercial Core Zone (Yaldhurst)

##### 15.2.4.5.1.1 Non-complying activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Any activity or building not complying with the built form standards specified in 15.2.4.5.2.

#### 15.2.4.5.2 Built form standards- Commercial Core Zone (Yaldhurst)

##### 15.2.4.5.2.1 Minimum building setback for residential activities on sites adjoining Yaldhurst Road

	Applicable to	Permitted	Non-complying
a.	Residential activities where no acoustic mitigation is provided (as specified in (b) and (c) below).	80 metres	Non-compliance with permitted standard
b.	Residential activities where the following measures are proposed: <ul style="list-style-type: none"> <li>i. Mounding, or other physical barrier to noise transmission, capable of reducing traffic noise intrusion to all parts of any site by at least 10dBA is to be provided within 20 metres of the road boundary across the entire width of the site, provided that such mounding or barrier shall be screened from the adjoining road by landscaping.</li> <li>ii. The landscaping required under (i) shall have a</li> </ul>	40 metres	

	Applicable to	Permitted	Non-complying
	minimum depth of 1.5 metres, a minimum height of 1.8 metres (at the time of planting) and should be located between the mounding or fencing and the adjoining road.		
c.	Residential activities where the following measures are proposed: <ul style="list-style-type: none"> <li>i. In addition to (b) above, all external windows and doors of residential units including those installed in the roof should be acoustically treated to achieve an external to internal noise reduction of at least 25dBA with windows and doors closed.</li> </ul>	20 metres	

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 15.2.4.5.2.2 Roading and access

	Permitted	Non-complying
a.	Sites having frontage to Yaldhurst Road shall not have any direct vehicular access to Yaldhurst Road, other than in the location marked as “Road access point Fixed location” on the outline development plan in Appendix 8.6.28 - Yaldhurst Outline Development Plan.	Non-compliance with permitted standard

Any application arising from non-compliance with this rule shall not be publicly notified. Written approval may only be required and limited notification shall only be to the New Zealand Transport Agency.

### 15.2.4.6 Commercial Core Zone – Other area specific rules

#### 15.2.4.6.1 Activity status tables- Commercial Core Zone - Other area specific rules

##### 15.2.4.6.1.1 Permitted activities

The activities listed below are permitted activities.

Activity		Activity specific standards
<b>P1</b>	Any activity or building in the Commercial Core Zone between Huxley Street and King Street (Refer to Appendix 15.10.10)	a. Development is to comply with the outline development plan for the land between Huxley Street and King Street (Refer to Appendix 15.10.10).

##### 15.2.4.6.1.2 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Any activity or building not complying with the outline development plan for the land between Huxley Street and King Street (Refer to Appendix 15.10.10)	a. Outline Development Plan for land between Huxley Street and King Street - 15.8.3.11
<b>RD2</b>	Vehicle access from Otara Street to the Commercial Core Zone (Fendalton)	a. Access off Otara Street at Commercial Core Zone (Fendalton) – 15.8.3.14

Any application made under RD2 will not require written approvals and shall not be limited or publicly notified.

## 15.3 Rules - Commercial Local Zone

### 15.3.1 How to use the rules

- a. The rules that apply to activities in the Commercial Local Zone are contained in:
  - i. The activity status tables (including activity specific standards) in Rule 15.3.2; and
  - ii. Built form standards in 15.3.3.
- b. Area specific rules also apply to activities within the following specific areas zoned Commercial Local.
  - i. St Albans (Rule 15.3.4, Appendix 15.10.4)
- c. The activity status tables and standards in the following chapters also apply to activities in all areas of the Commercial Local Zone (where relevant):
  - 5 Natural Hazards;
  - 6 General Rules and Procedures
  - 7 Transport;
  - 8 Subdivision, Development and Earthworks;
  - 9 Heritage and Natural Environment;
  - 11 Utilities, Energy and Infrastructure; and
  - 12 Hazardous Substances and Contaminated Land.
- d. Where the word 'facility' is used in the rules e.g. spiritual facility, it shall also include the use of a site/building for the activity that the facility provides for, unless expressly stated otherwise.  
 Similarly, where the word/ phrase defined includes the word 'activity' or 'activities', the definition includes the land and/or buildings for that activity unless expressly stated otherwise in the activity status tables.

### 15.3.2 Activity status tables – Commercial Local Zone

#### 15.3.2.1 Permitted activities

In the Commercial Local Zone the activities listed below are permitted activities if they comply with any activity specific standards set out in this table and the built form standards in Rule 15.3.3. Note that the built form standards do not apply to an activity that does not involve any development.

Activities may also be controlled, restricted discretionary, discretionary, noncomplying or prohibited as specified in Rules 15.3.2.2, 15.3.2.3, 15.3.2.4, 15.3.2.5 and 15.3.2.6.



The activities listed below include any associated landscaping, access, parking, loading, waste management and other hardstanding areas.

Activity		Activity specific standards
<b>P1</b>	Any new building or addition to a building for any permitted activity listed in P2 to P24 below, <b><u>except for any new building or addition to a building requiring consent under RD3 below.</u></b>	Nil
<b>P2</b>	Supermarket	<p>a. The maximum tenancy size at ground floor level shall be 1,000 m<sup>2</sup> GLFA unless specified below.</p> <p>b. The maximum size for an individual tenancy in the Commercial Local Zones at Wigram (The Runway) shall be 2,600m<sup>2</sup> GLFA.</p>
<b>P3</b>	Retail activity excluding supermarket unless otherwise specified	<p>a. The maximum tenancy size for an individual tenancy at ground floor level shall be 350 m<sup>2</sup> GLFA unless specified below.</p> <p>b. The maximum size for an individual tenancy in the Commercial Local Zone at Halswell West (Caulfield Avenue) shall be 1,000m<sup>2</sup> GLFA</p>
<b>P4</b>	Yard-based supplier	<p>a. The maximum tenancy size at ground floor level shall be 250 m<sup>2</sup> gross leasable floor area.</p>
<b>P5</b>	Trade supplier	
<b>P6</b>	Second-hand goods outlet	
<b>P7</b>	Commercial services	
<b>P8</b>	Service station	Nil
<b>P9</b>	Food and beverage outlets	
<b>P10</b>	Office activity	<p>a. The office activity shall comprise a maximum tenancy size of 350 m<sup>2</sup> GLFA, <b><u>except for office activity at 20 Twigger Street (Lot 1 DP78639) which shall not have any floorspace limit.</u></b></p>

Activity		Activity specific standards
<b>P11</b>	Guest accommodation	a. Any bedroom in guest accommodation must be designed and constructed to achieve an external to internal noise reduction of not less than 30 dB $D_{tr,2m,nTw} + C_{tr}$ .
<b>P12</b>	Community facility	Nil
<b>P13</b>	Health care facility	
<b>P14</b>	Education activity	
<b>P15</b>	Care facility	
<b>P16</b>	Pre-school	
<b>P17</b>	Spiritual facility	
<b>P18</b>	Public artwork	
<b>P19</b>	Residential activity	<p>a. Residential activity shall be</p> <ul style="list-style-type: none"> <li>i. located above ground level or</li> <li>ii. located to the rear of an activities P1 – P17, P21 – P22 (15.3.2.1) on the ground floor frontage to the street, excluding: <ul style="list-style-type: none"> <li>A. any pedestrian entrance including lobby and/or reception area associated with a residential activity.</li> </ul> </li> </ul> <p>b. Any residential activity shall have a minimum net floor area (including toilets and bathrooms but excluding lobby and/or reception area, car parking, garaging and balconies) per unit of:</p> <ul style="list-style-type: none"> <li>i. Studio 35m<sup>2</sup></li> <li>ii. 1 Bedroom 45m<sup>2</sup></li> <li>iii. 2 Bedroom 60m<sup>2</sup></li> <li>iv. 3 Bedroom 90m<sup>2</sup></li> </ul> <p>c. Each residential unit shall be provided with:</p> <ul style="list-style-type: none"> <li>i. an outdoor service space of 3m<sup>2</sup> and a waste management area of 2m<sup>2</sup> per unit, each with a minimum dimension of 1.5 metres in either a private or communal area;</li> <li>ii. a single, indoor storage space of 4m<sup>3</sup> with a minimum dimension of 1 metres; and</li> </ul>

Activity		Activity specific standards																
		<div>iii. any space designated for waste management, whether private or communal, shall not be located between the road boundary and any building and shall be screened from adjoining sites, roads, and adjoining outdoor living spaces by screening from the floor level of the waste management area to a height of 1.5 metres.</div> <div>d. Each residential unit shall be provided with an outdoor living space with a minimum area and dimension as follows, located immediately outside and accessible from an internal living area of the residential unit.</div> <table><tr><td></td><td>Type</td><td>Area</td><td>Dimension</td></tr><tr><td>i.</td><td>Studio, 1 bedroom</td><td>6m<sup>2</sup></td><td>1.5 metres</td></tr><tr><td>ii.</td><td>2 or 3 bedroom</td><td>10m<sup>2</sup></td><td>1.5 metres</td></tr><tr><td>iii.</td><td>More than 3 bedrooms</td><td>15m<sup>2</sup></td><td>1.5 metres</td></tr></table> <div>e. Any bedroom must be designed and constructed to achieve an external to internal noise reduction of not less than 30 dB <math>D_{tr,2m,nTw} + C_{tr}</math>.</div>		Type	Area	Dimension	i.	Studio, 1 bedroom	6m <sup>2</sup>	1.5 metres	ii.	2 or 3 bedroom	10m <sup>2</sup>	1.5 metres	iii.	More than 3 bedrooms	15m <sup>2</sup>	1.5 metres
	Type	Area	Dimension															
i.	Studio, 1 bedroom	6m <sup>2</sup>	1.5 metres															
ii.	2 or 3 bedroom	10m <sup>2</sup>	1.5 metres															
iii.	More than 3 bedrooms	15m <sup>2</sup>	1.5 metres															
P20	Public transport facility	Nil																
P21	P1 to P20 in the Commercial Local Zones at East Belfast (Blakes Road), Upper Styx/Highsted (Claridges Road), <b>Redmund Spur</b> and Wigram (The Runway)	<div>a. The maximum amount of floorspace for retail activity in the following local centres shall be as follows:</div> <div>i. East Belfast (Blakes Road) 2,000m<sup>2</sup> (GLFA)</div> <div>ii. Wigram (The Runway) 6,000m<sup>2</sup> (GLFA)</div> <div>iii. Upper Styx/Highsted (Claridges Road) 2,000m<sup>2</sup> (GLFA)</div> <div>iv. <b>Redmund Spur 2500 m<sup>2</sup> (GLFA)</b></div>																
P22	Emergency service facilities	Nil																
P23	Parking lot																	
P24	Drive-through services																	

### 15.3.2.2 Controlled activities

The activities listed below are controlled activities.

There are no controlled activities.

### 15.3.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 15.8.1, 15.8.2 and 15.8.3 for each standard, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	<p>Activities P1-P24 and RD2, that do not meet one or more of the built form standards in Rule 15.3.3, unless otherwise specified</p> <p>Refer to relevant built form standard for provisions regarding notification and written approval.</p>	<p>As relevant to the breached built form standard:</p> <ul style="list-style-type: none"> <li>a. Maximum building height – 15.8.3.1</li> <li>b. For the Commercial Local Zone (Wigram), Building height in the Commercial Local Zone at Wigram - 15.3.5.3</li> <li>c. Minimum building setback from road boundaries/ street scene – 15.8.3.2</li> <li>d. Minimum separation distance from the internal boundary with a residential zone – 15.8.3.3</li> <li>e. Sunlight and outlook at boundary with a residential zone– 15.8.3.4</li> <li>f. Outdoor storage areas – 15.8.3.5</li> <li>g. Landscaping and trees – 15.8.3.6</li> <li>h. Water supply for fire fighting – 15.8.3.8</li> <li>i. Minimum building setback from the railway corridor - 15.8.3.10</li> </ul>
<b>RD2</b>	<p>Activities P2 - P7, P10, P19 a - d and P21 that do not meet one or more of the activity specific standards specified in Rule 15.3.2.1.</p> <p>Any application for this activity will not require written approvals and shall not be limited or publicly notified.</p>	<ul style="list-style-type: none"> <li>a. For P2 – P7, P10 - Maximum tenancy size – 15.8.2.1.</li> <li>b. For P19 – Activity at ground floor level – 15.8.2.2</li> <li>c. For P19– Residential activity – 15.8.2.3</li> <li>d. For P19 in the Commercial Local Zone at Highfield - Residential activities in the Commercial Local Zone at Highfield - 15.3.5.2</li> <li>e. For P2, P3 and P21 applicable to East Belfast, Halswell West (Caulfield Avenue), Wigram and</li> </ul>

	<b>Activity</b>	<b>The Council's discretion shall be limited to the following matters:</b>
		Upper Styx/ Highsted - Maximum retail activity threshold - 15.3.5.1
<b>RD3</b>	<b><u>Any building or addition to a building for activities P2-P24 in the Commercial Local Zone at Redmund Spur</u></b>	a. <b><u>Urban design – 15.8.1</u></b>

### 15.3.2.4 Discretionary activities

The activities listed below are discretionary activities.

	<b>Activity</b>
<b>D1</b>	Any activity not provided for as a permitted, restricted discretionary, or non-complying activity.

### 15.3.2.5 Non-complying activities

The activities listed below are non-complying activities.

	<b>Activity</b>
<b>NC1</b>	Any residential activity or guest accommodation not complying with Rules 15.3.2.1 P11(a) (Guest accommodation) or P19(e) (Residential activity).
<b>NC2</b>	Sensitive activity within the air noise contour (50 dBA Ldn) as defined on the planning maps
<b>NC3</b>	<p>a. Sensitive activities</p> <ol style="list-style-type: none"> <li>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.</li> <li>ii. within 5 metres of the centre line of a 33 kV electricity distribution line or within 5 metres of a foundation of an associated support structure.</li> </ol> <p>b. Buildings on greenfield sites:</p> <ol style="list-style-type: none"> <li>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.</li> <li>ii. within 5 metres of the centre line of a 33 kV electricity distribution line or within 5 metres of a foundation of an associated support structure.</li> </ol>

	Activity
	<p>c. Buildings, other than those in (b) above:</p> <ol style="list-style-type: none"> <li>i. within 10 metres of the foundation of a 66kV electricity distribution support structure.</li> <li>ii. Within 5 metres of the foundation of a 33kV electricity distribution support structure.</li> </ol> <p>d. Fences within 5 metres of a National Grid transmission line support structure foundation or 5 metres of a 66kV and 33 kV electricity distribution line support structure foundation.</p> <p>Any application made in relation to this rule shall not be publicly notified or limited notified other than to Transpower New Zealand Limited and/or Orion New Zealand Limited or other electricity distribution network operator.</p> <p>Notes:</p> <ol style="list-style-type: none"> <li>1. The National Grid transmission lines and 66kV and 33kV electricity distribution lines are shown on the planning maps.</li> <li>2. Vegetation to be planted around the National Grid or 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.</li> <li>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 the National Grid transmission lines and electricity distribution line. Buildings and activities in the vicinity of National Grid transmission lines or electricity distribution lines must comply with the NZECP 34:2001.</li> </ol>

### 15.3.2.6 Prohibited activities

The activities listed below are prohibited activities.

There are no prohibited activities.

### 15.3.3 Built form standards – Commercial Local Zone

The following built form standards shall be met by all permitted activities and restricted discretionary activity RD2 unless otherwise stated.

### 15.3.3.1 Maximum building height

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	All sites unless specified below	8 metres	Greater than 8 metres	a. Maximum building height – 15.8.3.1
b.	Commercial Local Zone at Wigram (The Runway) excluding the ‘Special building height area’ defined on the outline development plan in Appendix 15.10.8.	15 metres	Greater than 15 metres	
c.	Within the ‘Special building height area’ defined on the outline development plan in Appendix 15.10.8.	2 buildings up to 32 metres with a maximum GFA of 800m <sup>2</sup> on any single floor	Non-compliance with the permitted activity standard	
d.	<u>2 Carrs Road, Awatea</u>	<u>11 metres</u>	<u>Greater than 11 metres</u>	

Any application arising from non-compliance with this rule shall not be publicly notified.

### 15.3.3.2 Building setback from road boundaries

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>On sites with a road frontage, all buildings shall:</p> <ul style="list-style-type: none"> <li>i. be built up to the road boundary, with buildings occupying the full length of the road frontage of the site, except for any pedestrian or vehicle access or for a setback of up to 3 metres from the road boundary for a maximum width of 6 metres;</li> <li>ii. provide pedestrian access directly from the road boundary;</li> <li>iii. have visually transparent glazing for a minimum of 60% of the ground floor elevation facing the</li> </ul>	Non-compliance with permitted standard	a. Minimum building setback from road boundaries/ street scene – 15.8.3.2

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
	<p>street; and</p> <p>iv. have visually transparent glazing for a minimum of 20% of each elevation above ground floor and facing the street.</p> <p>This rule shall not apply to service stations, drive-through services and emergency service facilities.</p>		

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### 15.3.3.3 Minimum building setback from residential zones

	<b>Applicable to</b>	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a	All buildings within sites which share a boundary with a residential zone.	3 metres	Less than 3 metres	a. Minimum separation from the internal boundary with a residential zone – 15.8.3.3

Any application arising from non-compliance with this rule shall not be publicly notified.

### 15.3.3.4 Sunlight and outlook at boundary with a residential zone

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Where an internal boundary adjoins a residential zone no part of any building shall project beyond a building envelope contained by a recession plane measured from any point 2.3m above the site boundary in accordance with the diagrams in Appendix 15.10.9.	Non-compliance with permitted standard	a. Sunlight and outlook at boundary with a residential zone – 15.8.3.4
b.	<p>In the Commercial Local Zone Wigram (The Runway), where a site boundary adjoins a residential zone and</p> <p>i. Immediately adjoins an access or part of an access, the recession plane shall be constructed from points 2.3</p>		



	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
	<p>metres above the far side of the access; and</p> <p>ii. where buildings on adjoining sites have a common wall along an internal boundary or a wall is not setback from the internal boundary, the recession plane shall not apply along that part of the boundary covered by such a wall.</p>		

Where sites are located within a Flood Management Area, recession plane breaches created by the need to raise floor levels will not require written approvals and shall not be limited or publicly notified.

Any application arising from non-compliance with this rule shall not be publicly notified.

### 15.3.3.5 Outdoor storage areas

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	<p>Any outdoor storage area shall be screened by 1.8 metre high fencing or landscaping from any adjoining site.</p> <p>This rule shall not apply where the storage of vehicles, equipment, machinery, and/or natural or processed products is for periods of less than 12 weeks in any year.</p>	Non-compliance with permitted standard	a. Outdoor storage areas – 15.8.3.5

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### 15.3.3.6 Landscaping and trees

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	<p>i. On sites adjoining a residential zone, trees shall be provided adjacent to the shared internal boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof, and evenly spaced.</p>	Non-compliance with permitted standard	a. Landscaping and trees – 15.8.3.6

	Permitted	Restricted discretionary	Matters of discretion
	ii. All landscaping/trees required for these rules shall be in accordance with the provisions in Appendix 16.6.1.		

### 15.3.3.7 Water supply for fire fighting

	Permitted	Restricted discretionary	Matters of discretion
a.	Sufficient water supply and access to water supplies for fire fighting to all buildings via Council's urban fully reticulated water supply system in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS: 4509:2008)	Non-compliance with permitted standard	a. Water supply for fire fighting – 15.8.3.8

Any application arising from this rule will not require the written approval of any entity except the New Zealand Fire Service and shall not be publicly notified. Limited notification, if required, shall only be to the New Zealand Fire Service.

### 15.3.3.8 Minimum building setback from railway corridor

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Buildings, balconies and decks on sites adjacent to or abutting railway line.	4 metres from the rail corridor boundary	Less than 4 metres	a. Minimum building setback from the railway corridor - 15.8.3.10

Any application arising from this rule will not require the written approval of any entity except KiwiRail and shall not be publicly notified. Limited notification, if required, shall only be to KiwiRail.

## 15.3.4 Area specific rules – Commercial Local Zone

The following rules apply to the areas specified. All activities specified are also subject to the rules in 15.3.2 and 15.3.3 unless otherwise specified.

### 15.3.4.1 Activity tables

#### 15.3.4.1.1 Permitted activities

The activities listed below are permitted activities.

	Activity	Activity specific standards
<b>P1</b>	<p>a. Any activity or building complying with the Key Structuring Elements on the Commercial Local Zone (St Albans) Outline Development Plan (see Appendix 15.10.4):</p> <p>i. Public access and circulation within Commercial Local Zone to enable permeability through the site; and</p> <p>ii. Semi-public access and circulation with Residential Zone.</p>	Nil

#### 15.3.4.1.2 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion in 15.3.4.3, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Any activity or building that does not comply with one or more of the Key Structuring Elements on the Commercial Local Zone (St Albans) Outline Development Plan (see Appendix 15.10.4)	a. Outline Development Plan – 15.3.4.3.1
<b>RD2</b>	Any activity or building that does not comply with Rule 15.3.4.2.1.	a. Maximum retail activity threshold - 15.3.4.3.2

### 15.3.4.2 Area specific built form standards

#### 15.3.4.2.1 Maximum retail floorspace limits in the Commercial Local Zone (St Albans)

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>There shall be a maximum total GLFA of 3500m<sup>2</sup> for non-residential activities within combined areas A and B defined on the Commercial Local Zone (St Albans) Outline Development Plan (see Appendix 15.10.4); and</p> <ol style="list-style-type: none"> <li>one individual tenancy in areas A and B shall have a GLFA of up to 800m<sup>2</sup>; and</li> <li>no other individual tenancy in areas A and B shall have a GLFA of greater than 450m<sup>2</sup>.</li> </ol> <p>Any application arising from non-compliance with these rules will not require written approvals and shall not be limited or publicly notified.</p>	Non-compliance with permitted standard	a. Maximum retail activity threshold - 15.3.4.3.2

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### 15.3.4.3 Matters of discretion – Commercial Local Zone (St Albans)

#### 15.3.4.3.1 Outline development plan

- The extent to which comprehensive, mixed-use development would continue to be achieved.
- The nature and degree of any adverse effects caused by proposals not in accordance with the outline development plan.
- The relationship and integration of proposals with any other existing development within the block.
- Whether the scale and nature of development is consistent with that anticipated for a local centre.
- The degree to which vehicle, cycle and pedestrian access has provided for internal pedestrian and cycle circulation, including the connections with that part of the blocked zoned Residential Medium Density Zone.
- The extent to which comprehensive design enables greater use of open space within the development than would be the case with piecemeal development.
- The extent to which stormwater treatment areas are integrated with open space.

#### **15.3.4.3.2 Maximum retail activity threshold**

- a. The effects of any larger floor space for non-residential activity on District and Neighbourhood Centres.
- b. Any effects in terms of traffic generation and access.
- c. The maintenance of permeability within the block for internal pedestrian and cycle circulation including the connections with that part of the block within the residential zone.
- d. Form, amenity and function of the Commercial Local Zoned area as a local centre would be maintained.
- e. Any potential for the role of other commercial centres to be eroded by development or urban form effects, and any wider transport network effects from any associated transport generation.

### **15.3.5 Matters of discretion for Commercial Local Zone in greenfield areas**

#### **15.3.5.1 Maximum retail activity threshold at East Belfast (Blakes Road), Halswell West (Caulfield Avenue), Wigram (the Runway) and Upper Styx/ Highsted (Claridges Road)**

- a. The extent to which the local centre will remain dominated by finer grain retailing.
- b. The potential for strategic effects on the function and amenity values of the Central City, District and Neighbourhood centres and their role in providing for the future needs of their communities.
- c. Any adverse effects, created by increased vehicular traffic from the development, on the adjoining road network.
- d. Any adverse effects on the amenity of neighbouring residential properties.
- e. In Wigram, the extent to which convenient access to retailing and community uses may be positively or adversely affected by the proposed quantum of retail activity.

#### **15.3.5.2 Residential activities in the Commercial Local Zone at Highfield**

- a. The impact of any additional residential accommodation on the ability of existing or future permitted commercial activities to operate or to establish without undue constraint.
- b. The effects of establishing any residential accommodation on the amenity, safety and convenience of on-site residents, having regard to existing or future potential business activities.
- c. The effect of any residential buildings or units on the development scope of the site or adjoining sites.
- d. The impact on the amenity values and community function of the centre resulting from the use of ground floor space for residential activity.

- e. Any beneficial effects of residential units as a buffer for adjoining zones while still permitting commercial development on the site or adjoining sites.
- f. The site layout, building specifications, nature and/or purpose of the proposed residential accommodation, and the need or likely demand for residential accommodation of that kind in the general area.

### **15.3.5.3 Building height in the Commercial Local Zone at Wigram**

- a. Whether the additional building bulk and activities will have an adverse effect on the amenity of the town centre and surrounds.
- b. The extent to which the character of the residential areas surrounding the Commercial Local Zone (Wigram) remains reasonably open rather than being dominated by buildings.
- c. The extent to which the additional height results in a built form which would strengthen the role of the Commercial Local Zone as the physical, visual and activity centre for the community.

## 15.4 Rules – Commercial Banks Peninsula Zone

### 15.4.1 How to use the rules

- a. The rules that apply to activities in the Commercial Banks Peninsula Zone are contained in:
  - i. The activity status tables (including activity specific standards) in Rule 15.4.2; and
  - ii. Built form standards in 15.4.3.
- b. The activity status tables and standards in the following chapters also apply to activities, other than port activities south of Norwich Quay, in all areas of the Commercial Banks Peninsula Zone (where relevant):
  - 5 Natural Hazards;
  - 6 General Rules and Procedures
  - 7 Transport;
  - 8 Subdivision, Development and Earthworks;
  - 9 Heritage and Natural Environment;
  - 11 Utilities, Energy and Infrastructure; and
  - 12 Hazardous Substances and Contaminated Land.
- c. The activity status tables and standards in the following chapters also apply to port activities south of Norwich Quay (where relevant):
  - 5 Natural Hazards;
  - 8 Subdivision, Development and Earthworks; and
  - 9 Heritage and Natural Environment.
- d. Where the word 'facility' is used in the rules e.g. community facility, it shall also include the use of a site/building for the activity that the facility provides for, unless expressly stated otherwise. Similarly, where the word/ phrase defined includes the word 'activity' or 'activities', the definition includes the land and/or buildings for that activity unless expressly stated otherwise in the activity status tables.

### 15.4.2 Activity status tables – Commercial Banks Peninsula Zone

#### 15.4.2.1 Permitted activities

In the Commercial Banks Peninsula Zone the activities listed below are permitted activities if they comply with any activity specific standards set out in this table and the built form standards in Rule

15.4.3. Note the built form standards do not apply to an activity that does not involve any development.

Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 15.4.2.2, 15.4.2.3, 15.4.2.4, 15.4.2.5 and 15.4.2.6.

The activities listed below include any associated landscaping, access, parking, loading, waste management and other hardstanding areas.

	Activity	Activity specific standards
<b>P1</b>	In Lyttelton or Akaroa, the use of an existing building for activities P3-P21 in Rule 15.4.2.1.	Nil
<b>P2</b>	The erection of a building, relocatable building or relocation of a building, external additions, alterations, and repairs for activities P3-P21 in Rule 15.4.2.1 in the Commercial Banks Peninsula Zone at Governors Bay, Diamond Harbour, Church Bay and Little River.	Nil
<b>P3</b>	Retail activity	Nil
<b>P4</b>	Second-hand goods outlet	
<b>P5</b>	Supermarket	
<b>P6</b>	Commercial services	
<b>P7</b>	Office activity	
<b>P8</b>	Entertainment facility	
<b>P9</b>	Gymnasium	
<b>P10</b>	Community facility	
<b>P11</b>	Health care facility outside the Lyttelton Port Influences Overlay Area defined on the planning maps	<p>The following shall apply in Lyttelton only:</p> <p>a. Any habitable space must be designed and constructed to achieve an external to internal</p>



	Activity	Activity specific standards
		<p>noise reduction of not less than 25 dB Dtr,2m,nTw+Ctr.</p> <p>b. Any bedroom or area occupied by beds for overnight care must be designed and constructed to achieve an external to internal noise reduction of not less than 30 dB Dtr,2m,nTw+Ctr.</p>
<b>P12</b>	Education activity outside the Lyttelton Port Influences Overlay Area defined on the planning maps	<p>The following shall apply in Lyttelton only:</p> <p>a. Any habitable space must be designed and constructed to achieve an external to internal noise reduction of not less than 25 dB Dtr,2m,nTw+Ctr.</p> <p>b. Any bedroom must be designed and constructed to achieve an external to internal noise reduction of not less than 30 dB Dtr,2m,nTw+Ctr.</p>
<b>P13</b>	Care facility outside the Lyttelton Port Influences Overlay Area defined on the planning maps	
<b>P14</b>	Pre-school outside the Lyttelton Port Influences Overlay Area defined on the planning maps	<p>a. The following shall apply in Lyttelton only:</p> <p>i. Any habitable space must be designed and constructed to achieve an external to internal noise reduction of not less than 25 dB Dtr,2m,nTw+Ctr.</p> <p>ii. Any bedroom or sleeping area must be designed and constructed to achieve an external to internal noise reduction of not less than 30 dB Dtr,2m,nTw+Ctr.</p>
<b>P15</b>	Public artwork	Nil
<b>P16</b>	Residential activity outside the Lyttelton Port Influences Overlay Area	<p>a. Any residential activity shall:</p> <p>i. be located above ground floor level or at the rear of a commercial activity. In Akaroa this shall only apply to sites fronting Beach Road between Rue Jolie and Bruce Terrace;</p> <p>ii. have a minimum net floor area (including toilets and bathrooms but excluding lobby and/or reception area, car parking, garaging and balconies) per unit of:</p> <p>A. Studio 35 m<sup>2</sup></p> <p>B. 1 Bedroom 45 m<sup>2</sup></p> <p>C. 2 Bedroom 60 m<sup>2</sup></p>

	Activity	Activity specific standards																
		<p>D. 3 Bedroom 90 m²; and</p> <p>b. Each residential unit shall be provided with:</p> <ul style="list-style-type: none"><li>i. an outdoor service space of 3 m² and a waste management area of 2 m² per unit, each with a minimum dimension of 1.5 metres in either a private or communal area;</li><li>ii. a single, indoor storage space of 4m³ with a minimum dimension of 1 metre; and</li><li>iii. any space designated for waste management, whether private or communal, shall not be located between the road boundary and any building and shall be screened from adjoining sites, roads, and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres.</li></ul> <p>c. Each residential unit shall be provided with an outdoor living space with a minimum area and dimension as follows, located immediately outside and accessible from an internal living area of the residential unit.</p> <table><tr><th></th><th>Type</th><th>Area</th><th>Dimension</th></tr><tr><td>i.</td><td>Studio, 1 bedroom</td><td>6m²</td><td>1.5 metres</td></tr><tr><td>ii.</td><td>2 or 3 bedroom</td><td>10m²</td><td>1.5 metres</td></tr><tr><td>iii.</td><td>3 or more bedrooms</td><td>15m²</td><td>1.5 metres</td></tr></table> <p>d. In Lyttelton:</p> <ul style="list-style-type: none"><li>i. Any bedroom must be designed and constructed to achieve an external to internal noise reduction of not less than 30 dB Dtr,2m,nTw+Ctr.</li><li>ii. Any habitable space must be designed and constructed to achieve an external to internal noise reduction of not less than 25 dB Dtr,2m,nTw+Ctr.</li></ul>		Type	Area	Dimension	i.	Studio, 1 bedroom	6m²	1.5 metres	ii.	2 or 3 bedroom	10m²	1.5 metres	iii.	3 or more bedrooms	15m²	1.5 metres
	Type	Area	Dimension															
i.	Studio, 1 bedroom	6m²	1.5 metres															
ii.	2 or 3 bedroom	10m²	1.5 metres															
iii.	3 or more bedrooms	15m²	1.5 metres															

	Activity	Activity specific standards
<b>P17</b>	Guest accommodation outside the Lyttelton Port Influences Overlay Area defined on the planning maps	<p>a. In Akaroa:</p> <p>i. Guest accommodation shall be located above ground floor level or to the rear of a commercial activity on Beach Road, between Rue Jolie and Bruce Terrace, except for a pedestrian entrance/ ground floor lobby/ reception area.</p> <p>b. In Lyttelton:</p> <p>i. Any habitable space must be designed and constructed to achieve an external to internal noise reduction of not less than 25 dB Dtr,2m,nTw+Ctr.</p> <p>ii. Any bedroom must be designed and constructed to achieve an external to internal noise reduction of not less than 30 dB Dtr,2m,nTw+Ctr.</p>
<b>P18</b>	Public transport facility	Nil
<b>P19</b>	Emergency service facilities	
<b>P20</b>	Parking building	
<b>P21</b>	Parking lot	
<b>P22</b>	Port activities, within that part of Lyttelton south west of the intersection of Norwich Quay and Oxford Street.	Unless otherwise permitted by Rule 15.4.2.1, shall only occur within the period, or part of the period, up to 1 January 2026.

### 15.4.2.2 Controlled activities

The activities listed below are controlled activities.

There are no controlled activities.

### 15.4.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

The matters over which the Council has restricted its discretion are specified for each restricted discretionary activity listed below.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	<p>Activities P3-P21 in Rule 15.4.2.1 and RD2, that do not meet one or more of the built form standards in 15.4.3, unless otherwise specified.</p> <p>Refer to relevant built form standard for provisions regarding notification and written approval.</p>	<p>As relevant to the breached built form standard:</p> <ul style="list-style-type: none"> <li>a. Maximum building height – 15.8.3.1</li> <li>b. Site coverage – 15.8.3.7</li> <li>c. Minimum building setback from road boundaries/ street scene – 15.8.3.2</li> <li>d. Minimum separation from the internal boundary with a residential zone (for non-compliance with Rule 15.4.3.4) – 15.8.3.3</li> <li>e. Sunlight and outlook at boundary with a residential zone – 15.8.3.4</li> <li>f. Outdoor storage areas – 15.8.3.5</li> <li>g. Water supply for fire fighting – 15.8.3.8</li> <li>h. Minimum building setback from the railway corridor - 15.8.3.10</li> </ul>
<b>RD2</b>	<p>Activities P11-P14, P16 and P17 in Rule 15.4.2.1 that do not meet one or more of the activity specific standards in Rule 15.4.2.1, unless otherwise specified.</p> <p>Any application for this activity will not require written approvals and shall not be limited or publicly notified.</p>	<ul style="list-style-type: none"> <li>a. For P16 Residential activity – <ul style="list-style-type: none"> <li>i. Residential activity - 15.8.2.3</li> <li>ii. Activity at ground floor level – 15.8.2.2</li> </ul> </li> <li>b. For P11- P14 and P17 - 15.8.2.3 (f)</li> </ul>
<b>RD3</b>	<p>Activities P3 to P21 in Rule 15.4.2.1 in Lyttelton or Akaroa which involve the erection of a building, relocatable building or relocation of a building, external additions or alterations to a building, which comply with the activity specific standards in 15.4.2.1 and built form standards in 15.4.3, unless specified otherwise in 15.4.3.</p> <p>Any application for this activity will not require written approvals and shall not be limited or publicly notified.</p> <p>This rule shall not apply where the development is one of the following:</p> <ul style="list-style-type: none"> <li>a. the development is limited to repairs, maintenance, and seismic, fire and/or access building code upgrades.</li> </ul>	<ul style="list-style-type: none"> <li>a. Urban design – 15.8.1.</li> <li>b. Lyttelton Design Guidelines (Appendix 15.10.6) and Akaroa Design Guidelines (Appendix 15.10.5).</li> <li>c. <b>DEFERRED</b></li> </ul>

### 15.4.2.4 Discretionary activities

The activities listed below are discretionary activities.

	Activity	The Council will consider the matters of discretion specified below and any other relevant matter under Section 104 of the Act:
<b>D1</b>	<p>Activities P3 to P21 in Rule 15.4.2.1 in Lyttelton or Akaroa which involve the erection of a building, relocatable building or relocation of a building, external additions or alterations to a building, which do not comply with one or more of the built form standards in 15.4.3 or activity specific standards in 15.4.2.1.</p> <p>Refer to relevant built form standard for provisions regarding notification and written approval.</p>	<p>a. Built form standards (as relevant to the breached standard):</p> <ul style="list-style-type: none"> <li>i. Maximum building height – 15.8.3.1</li> <li>ii. Site coverage – 15.8.3.7</li> <li>iii. Minimum building setback from road boundaries/ street scene – 15.8.3.2</li> <li>iv. Minimum separation from the internal boundary with a residential zone (for non-compliance with Rule 15.4.3.4) – 15.8.3.3</li> <li>v. Sunlight and outlook at boundary with a residential zone – 15.8.3.4</li> <li>vi. Outdoor storage areas – 15.8.3.5</li> <li>vii. Water supply for fire fighting – 15.8.3.8</li> <li>viii. Minimum building setback from the railway corridor – 15.8.3.10</li> </ul> <p>b. For any non-compliance with any one of the built form standards or activity specific standards in Lyttelton – Lyttelton Design Guidelines for Commercial Banks Peninsula Zone (Appendix 15.10.6).</p> <p>c. <b>DEFERRED</b></p> <p>d. For any non-compliance with any one of the built form standards or activity specific standards in Akaroa – Akaroa Design Guidelines for Commercial Banks Peninsula Zone (Appendix 15.10.5)</p> <p>e. Urban design – 15.8.1.</p> <p>f. Activity specific standard:</p> <ul style="list-style-type: none"> <li>i. For residential activity – 15.8.2.3.</li> <li>ii. For residential and guest accommodation - Activity at ground floor - 15.8.2.2.</li> </ul>

	Activity	The Council will consider the matters of discretion specified below and any other relevant matter under Section 104 of the Act:
<b>D2</b>	Industrial activity Any application for this activity will not require written approvals and shall not be limited or publicly notified.	a. Centre vitality and amenity – 15.8.2.4 b. Nuisance – 15.8.2.5 c. Urban design – 15.8.1.
<b>D3</b>	Service station Any application for this activity will not require written approvals and shall not be limited or publicly notified.	a. Centre vitality and amenity – 15.8.2.4 b. Nuisance – 15.8.2.5 c. Urban design – 15.8.1.
<b>D4</b>	Trade supplier Any application for this activity will not require written approvals and shall not be limited or publicly notified.	a. Centre vitality and amenity – 15.8.2.4 b. Urban design – 15.8.1.
<b>D5</b>	Any activity not provided for as a permitted, restricted discretionary, non-complying or prohibited activity	
<b>D6</b>	Port activities within that part of Lyttelton south west of the intersection of Norwich Quay and Oxford Street, beyond 1 January 2026.	

### 15.4.2.5 Non-complying activities

The activities listed below are non-complying activities.

<b>NC1</b>	Sensitive activity in the Lyttelton Port Influences Overlay Area defined on the planning maps.
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### 15.4.2.6 Prohibited activities

The activities listed below are prohibited activities.

There are no prohibited activities.
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### 15.4.3 Built form standards – Commercial Banks Peninsula Zone

The following built form standards shall be met by all permitted activities and for restricted discretionary activity RD2 unless otherwise stated.

#### 15.4.3.1 Maximum building height

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	All sites in Lyttelton unless specified below	12 metres	Greater than 12 metres	a. Maximum building height – 15.8.3.1
b.	All other parts of the Commercial Banks Peninsula Zone including Akaroa	8 metres	Greater than 8 metres	

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 15.4.3.2 Maximum site coverage

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a	Sites in all areas	65% of the net site area	Greater than 65% of the net site area	a. Site coverage – 15.8.3.7

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

Within that part of Lyttelton south west of the intersection of Norwich Quay and Oxford Street, this rule only applies to buildings.

#### 15.4.3.3 Building setback from road boundaries/ street scene

	Permitted	Restricted discretionary	Matters of discretion
a.	i. All buildings shall: A. be built up to the road frontage with buildings occupying the full length of the road frontage of the site, except where necessary to provide pedestrian	Non-compliance with permitted standard	a. Minimum building setback from road boundaries/

	Permitted	Restricted discretionary	Matters of discretion
	<p>or vehicle access to the rear of the site;</p> <p>B. provide pedestrian access directly from the road boundary;</p> <p>C. provide a veranda or other means of weather protection along the full width of the building fronting a road;</p> <p>D. have visually transparent glazing for a minimum of 60% of the ground floor elevation facing the street, and</p> <p>E. have visually transparent glazing for a minimum of 20% of each elevation above ground floor and facing the street.</p> <p>ii. Rule 15.4.3.3 shall not apply to Akaroa.</p> <p>iii. This rule shall not apply to emergency service facilities.</p>		street scene— 15.8.3.2

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

#### 15.4.3.4 Minimum building setback from the boundary with Residential Banks Peninsula, Residential Conservation Zones

	Permitted	Restricted discretionary	Matters of discretion
a.	3 metres or more	Less than 3 metres	a. Minimum separation from the internal boundary with a residential zone – 15.8.3.3

Any application arising from non-compliance with this rule shall not be publicly notified.



### 15.4.3.5 Sunlight and outlook at boundary with a residential zone or any public space

	Permitted	Restricted discretionary	Matters of discretion
a.	Where a site boundary adjoins a residential zone, or public space (other than a road) in the block between London Street, Norwich Quay, Oxford Street and Canterbury Street, 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 the site boundary, unless specified below.	Non-compliance with permitted standard	a. Sunlight and outlook at boundary with a residential zone – 15.8.3.4

Where sites are located within a Flood Management Area, recession plane breaches created by the need to raise floor levels will not require written approvals and shall not be limited or publicly notified.

Any application arising from non-compliance with this rule shall not be publicly notified.

### 15.4.3.6 Outdoor storage areas

	Permitted	Restricted discretionary	Matters of discretion
a.	Any outdoor storage area shall be screened by 1.8 metre high fencing or landscaping from any adjoining site.  This rule shall not apply where the storage of vehicles, equipment, machinery, and/or natural or processed products is for periods of less than 12 weeks in any year.	Non-compliance with permitted standard	a. Outdoor storage areas – 15.8.3.5

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

This rule shall not apply to activities permitted in accordance with Rule 15.4.2.1 P22.

### 15.4.3.7 Water supply for fire fighting

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Sufficient water supply and access to water supplies for fire fighting to all buildings via Council's urban fully reticulated water supply system in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS: 4509:2008)	Non-compliance with permitted standard	a. Water supply for fire fighting – 15.8.3.8

Any application arising from this rule will not require the written approval of any entity except the New Zealand Fire Service and shall not be publicly notified. Limited notification, if required, shall only be to the New Zealand Fire Service.

### 15.4.3.8 Minimum building setback from railway corridor

		<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Buildings, balconies and decks on sites adjacent to or abutting railway line.	4 metres from the rail corridor boundary	Less than 4 metres	a. Minimum building setback from the railway corridor - 15.8.3.10

Any application arising from this rule will not require the written approval of any entity except KiwiRail and shall not be publicly notified. Limited notification, if required, shall only be to KiwiRail.

## 15.5 Rules – Commercial Retail Park Zone

### 15.5.1 How to use the rules

- a. The rules that apply to activities in the Commercial Retail Park Zone are contained in:
  - i. The activity status tables (including activity specific standards) in Rule 15.5.2; and
  - ii. Built form standards in 15.5.3.
- b. The activity status tables and standards in the following chapters also apply to activities in all areas of the Commercial Retail Park Zone (where relevant):
  - 5 Natural Hazards;
  - 6 General Rules and Procedures
  - 7 Transport;
  - 8 Subdivision, Development and Earthworks;
  - 9 Natural and Cultural Heritage;
  - 11 Utilities and Infrastructure; and
  - 12 Hazardous Substances and Contaminated Land.
- c. Where the word 'facility' is used in the rules e.g. Health care facility, it shall also include the use of a site/building for the activity that the facility provides for, unless expressly stated otherwise.

Similarly, where the word/ phrase defined includes the word 'activity' or 'activities', the definition includes the land and/or buildings for that activity unless expressly stated otherwise in the activity status tables.

### 15.5.2 Activity status tables – Commercial Retail Park Zone

#### 15.5.2.1 Permitted activities

In the Commercial Retail Park Zone the activities listed below are permitted activities if they comply with any activity specific standards set out in this table and the built form standards in Rule 15.5.3. Note that the built form standards do not apply to an activity that does not involve any development.

Activities may also be controlled, restricted discretionary, discretionary, noncomplying or prohibited as specified in Rules 15.5.2.2, 15.5.2.3, 15.5.2.4, 15.5.2.5 and 15.5.2.6.

The activities listed below include any associated landscaping, access, parking, loading, waste management and other hardstanding areas.

	Activity	Activity specific standards
<b>P1</b>	Any new building or addition to a building for any permitted activity listed in P2 to P17 and P19-P20 below.	Nil
<b>P2</b>	Retail activity, unless specified below	a. The minimum tenancy size of any single retail activity shall be 450m <sup>2</sup> GLFA.
<b>P3</b>	Supermarket	Nil
<b>P4</b>	Trade supplier	
<b>P5</b>	Yard-based supplier	
<b>P6</b>	Second-hand goods outlet	
<b>P7</b>	Service station	
<b>P8</b>	Food and beverage outlet	
<b>P9</b>	Ancillary office activity on the same site as a permitted activity	a. Any ancillary office activity shall occupy no more than 500m <sup>2</sup> or 30% of the gross floor area of all buildings on the same site, whichever is the lesser.
<b>P10</b>	Public transport facility	Nil
<b>P11</b>	Emergency service facilities	
<b>P12</b>	Health care facility	
<b>P13</b>	Pre-school	
<b>P14</b>	Gymnasium	
<b>P15</b>	Drive-through services	
<b>P16</b>	Parking lot	
<b>P17</b>	Parking building	

	Activity	Activity specific standards
<b>P18</b>	Any activity within the Commercial Retail Park Zone located north of Langdons Road.	<p>a. All activities within the zone shall not result in more than 950 trips per hour being generated during the Thursday PM peak period of 4.00pm to 6.00pm.</p> <p>Compliance with this rule is to be determined by undertaking traffic counts at the zone during the Thursday PM peak period of 4pm to 6pm over a consecutive three week period. The peak hour within each surveyed two hour period is to be determined from count data. The 950 trip value used for compliance assessment purposes is to be determined from the average peak hour value from the three week data set.</p>
<b>P19</b>	Office activity within the Commercial Retail Park Zone located north of Langdons Road.	<p>a. Office activity shall be limited to a total of 10,000m<sup>2</sup> gross floor area in the Commercial Retail Park Zone north of Langdons Road.</p>
<b>P20</b>	Commercial services within the Commercial Retail Park Zone located at Tower Junction.	<p>a. The maximum gross leasable floor area per tenancy shall be 250 m<sup>2</sup>.</p> <p>b. The maximum gross leasable floor area of commercial services within the Commercial Retail Park Zone at Tower Junction shall be 10% of the total gross leasable floor area.</p>
<b>P21</b>	Any permitted activity within the Commercial Retail Park Zone at 121 Briggs Road.	<p>a. Use of this site shall be limited to access and its associated landscaping.</p>

### 15.5.2.2 Controlled activities

The activities listed below are controlled activities.

There are no controlled activities.

### 15.5.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 15.8.1, 15.8.2 and 15.8.3, as set out in the table below.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Activities P2 - P21 in Rule 15.5.2.1, and RD2 and RD3, that do not meet one or more of the built form standards in 15.5.3, unless otherwise specified.  Refer to relevant built form standard for provisions regarding notification and written approval.	As relevant to the breached built form standard: a. Maximum building height – 15.8.3.1 b. Minimum building setback from road boundaries/ street scene – 15.8.3.2 c. Minimum separation from the internal boundary with a residential zone – 15.8.3.3 d. Sunlight and outlook at boundary with a residential zone – 15.8.3.4 e. Outdoor Storage Areas – 15.8.3.5 f. Landscaping and trees- 15.8.3.6 g. Water supply for fire fighting – 15.8.3.8. h. Minimum building setback from the railway corridor - 15.8.3.10.
<b>RD2</b>	Activity P9 in Rule 15.5.2.1 that does not meet the activity specific standard in 15.5.2.1.  Any application for this activity will not require written approvals and shall not be limited or publicly notified.	a. For P9 – (Ancillary office activity) - 15.8.2.6
<b>RD3</b>	Activity P18 in Rule 15.5.2.1 that does not meet the activity specific standard in 15.5.2.1	a. Transport effects at Commercial Retail Park Zone (Langdons Road) – 15.8.3.13

### 15.5.2.4 Discretionary activities

The activities listed below are discretionary activities.

	Activity
<b>D1</b>	Any activity not provided as a permitted, restricted discretionary, or non-complying activity.
<b>D2</b>	Any activity not complying with the activity specific standard for 15.5.2.1 P19, (Office activity) or P20 (Commercial services).

### 15.5.2.5 Non-complying activities

The activities listed below are non-complying activities.

	<b>Activity</b>
<b>NC1</b>	Any non-compliance with the activity specific standard for 15.5.2.1 P2 (Retail activity).
<b>NC2</b>	Any activity or building not complying with the activity specific standard for 15.5.2.1 P21 (121 Briggs Road).

### 15.5.2.6 Prohibited activities

The activities listed below are prohibited activities.

There are no prohibited activities.

## 15.5.3 Built form standards – Commercial Retail Park Zone

The following built form standards shall be met by all permitted activities, and for restricted discretionary activity RD2 and RD3, unless otherwise stated.

### 15.5.3.1 Maximum building height

	<b>Applicable to</b>	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	All sites	15 metres	Greater than 15 metres	a. Maximum building height – 15.8.3.1

Any application arising from non-compliance with this rule shall not be publicly notified.

### 15.5.3.2 Minimum building setback from road boundaries

	<b>Applicable to</b>	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Any activity unless specified in b – c below	3 metres	Less than 3 metres	a. Minimum building setback from road boundaries/
b.	Ancillary Office activity	1.5 metres	Less than 1.5 metres	

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
c.	For sites with frontage to two intersecting roads in the Commercial Retail Park Zone	1.5 metres on one road boundary and 3 metres on the other road boundary	Less than 1.5 metres on one road boundary and/or less than 3 metres on the other road boundary	street scene – 15.8.3.2

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### 15.5.3.3 Minimum building setback from residential **or open space** zones

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	All buildings within sites which share a boundary with a residential <b>or open space</b> zone.	3 metres	Less than 3 metres	a. Minimum separation from the internal boundary with a residential <b>or open space</b> zone – 15.8.3.3

Any application arising from non-compliance with this rule shall not be publicly notified.

### 15.5.3.4 Sunlight and outlook at boundary with a residential zone

	Permitted	Restricted discretionary	Matters of discretion
a.	Where an internal site boundary adjoins a residential zone no part of any building shall project beyond a building envelope contained by a recession plane measured from any point 2.3 metres above the internal boundary in accordance with the diagrams in Appendix 15.10.9.	Non-compliance with permitted standard	a. Sunlight and outlook at boundary with a residential zone -15.8.3.4

Where sites are located within a Flood Management Area, recession plane breaches created by the need to raise floor levels will not require written approvals and shall not be limited or publicly notified.

Any application arising from non-compliance with this rule shall not be publicly notified.



### 15.5.3.5 Outdoor storage areas

	Permitted	Restricted discretionary	Matters of discretion
a.	Any outdoor storage area shall be screened by 1.8 metre high fencing or landscaping from any adjoining road or adjoining site; and	Non-compliance with permitted standard	a. Outdoor storage areas – 15.8.3.5

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### 15.5.3.6 Landscaping and trees

Permitted	Restricted discretionary	Matters of discretion
<p>a. The area adjoining the road frontage of all sites shall be landscaped in accordance with the following standards:</p> <p>i. Minimum width - 1.5 metres</p> <p>ii. Minimum density of tree planting - 1 tree for every 10 metres of road frontage or part thereof, evenly spaced.</p> <p>b. On sites adjoining a residential zone, trees shall be planted adjacent to the shared internal boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof, with the trees evenly spaced along that boundary.</p> <p>c. 1 tree shall be planted for every 5 car parking spaces within any car parking area and along any pedestrian routes.</p> <p>d. All landscaping / trees required for these rules shall be in accordance with the provisions in Appendix 16.6.1.</p>	Non-compliance with permitted standard	a. Landscaping and trees – 15.8.3.6

Note:

- Any landscaping required by rule 15.5.3.6 may be located in common areas, where the development comprises land and/or buildings in separate unit titles.
- Stormwater facilities that support multiple values such water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.

Any application arising from non-compliance with clauses a and c of this rule will not require written approvals and shall not be publicly or limited notified.

### 15.5.3.7 Water supply for fire fighting

	Permitted	Restricted discretionary	Matters of discretion
a.	Sufficient water supply and access to water supplies for fire fighting to all buildings via Council's urban fully reticulated water supply system in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS: 4509:2008)	Non-compliance with permitted standard	a. Water supply for fire fighting – 15.8.3.8

Any application arising from this rule will not require the written approval of any entity except the New Zealand Fire Service and shall not be publicly notified. Limited notification, if required, shall only be to the New Zealand Fire Service.

### 15.5.3.8 Minimum building setback from railway corridor

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Buildings, balconies and decks on sites adjacent to or abutting railway line.	4 metres from the rail corridor boundary	Less than 4 metres	a. Minimum building setback from the railway corridor – 15.8.3.10

Any application arising from this rule will not require the written approval of any entity except KiwiRail and shall not be publicly notified. Limited notification, if required, shall only be to KiwiRail.

## 15.6 Rules – Commercial Office Zone

### 15.6.1 How to use the rules

- a. The rules that apply to activities in the Commercial Office Zone are contained in:
  - i. The activity status tables (including activity specific standards) in Rule 15.6.2; and
  - ii. Built form standards in 15.6.3.
- b. The activity status tables and standards in the following chapters also apply to activities in all areas of the Commercial Office Zone (where relevant):
  - 5 Natural Hazards;
  - 6 General Rules and Procedures
  - 7 Transport;
  - 8 Subdivision, Development and Earthworks;
  - 9 Heritage and Natural Environment;
  - 11 Utilities, Energy and Infrastructure; and
  - 12 Hazardous Substances and Contaminated Land.
- c. Where the word 'facility' is used in the rules e.g. trade and industry training facility, it shall also include the use of a site/building for the activity that the facility provides for, unless expressly stated otherwise.

Similarly, where the word/ phrase defined includes the word 'activity' or 'activities', the definition includes the land and/or buildings for that activity unless expressly stated otherwise in the activity status tables.

### 15.6.2 Activity status tables - Commercial Office Zone

#### 15.6.2.1 Permitted activities

In the Commercial Office Zone the activities listed below are permitted activities if they comply with any activity specific standards set out in this table and built form standards in Rule 15.6.3. Note that the built form standards do not apply to an activity that does not involve any development.

Activities that are not listed in this table will be restricted discretionary, discretionary, non-complying or prohibited, as specified in Rules 15.6.2.2, 15.6.2.3, 15.6.2.4, 15.6.2.5 and 15.6.2.6.

The activities listed below include any associated landscaping, access, parking, loading, waste management and other hardstanding areas.

	Activity	Activity specific standards
<b>P1</b>	Any new building or addition to a building for any permitted activity listed in P2 to P12 below.	Nil
<b>P2</b>	Office activity	
<b>P3</b>	Food and beverage outlet	
<b>P4</b>	Commercial services	
<b>P5</b>	Trade and industry training facility	
<b>P6</b>	Public transport facility	
<b>P7</b>	Gymnasium	
<b>P8</b>	Parking lot	
<b>P9</b>	Parking building	
<b>P10</b>	Pre-school	
<b>P11</b>	Community facility	
<b>P12</b>	Emergency service facilities	

### 15.6.2.2 Controlled activities

The activities listed below are controlled activities.

There are no controlled activities.

### 15.6.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 15.8.3 for each standard, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Activities P1-P12 in Rule 15.6.2.1 that do not comply with one or more of the built form standards in Rule 15.6.3. Refer to relevant built form standard for provisions regarding notification and written approval.	As relevant to the breached built form standard: a. Maximum height of buildings – 15.8.3.1 b. Minimum building setback from road boundaries/street scene – 15.8.3.2 c. Minimum separation from the internal boundary with a residential zone – 15.8.3.3 d. Sunlight and outlook at boundary with a residential zone – 15.8.3.4 e. Outdoor storage areas – 15.8.3.5 f. Landscaping and trees - 15.8.3.6 g. Water supply for fire fighting – 15.8.3.8 h. Access to the Commercial Office Zone (Wrights Road) – 15.8.3.9. i. Minimum building setback from the railway corridor - 15.8.3.10

#### 15.6.2.4 Discretionary activities

The activities listed below are discretionary activities.

	Activity
<b>D1</b>	Any activity not provided for as permitted, restricted discretionary or non-complying.

#### 15.6.2.5 Non-complying activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Heavy industrial activity.
<b>NC2</b>	Sensitive activity inside the air noise contour (50 dBA Ldn) as defined on the planning maps.

**15.6.2.6 Prohibited activities**

The activities listed below are prohibited activities.

There are no prohibited activities.

### 15.6.3 Built form standards – Commercial Office Zone

The following built form standards shall be met by all permitted activities unless otherwise stated.

#### 15.6.3.1 Maximum height for buildings and fences or screening structures

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Buildings - all areas	15 metres	Greater than 15 metres	a. Maximum height for buildings – 15.8.3.1

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 15.6.3.2 Minimum building setback from road boundaries

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	All sites	3 metres	Less than 3 metres	a. Minimum building setback from road boundaries/ street scene – 15.8.3.2

Any application arising from non-compliance with this rule shall not require written approvals and shall not be publicly or limited notified.

#### 15.6.3.3 Minimum building setback from the boundary with a residential zone

	Permitted	Restricted discretionary	Matters of discretion
a.	3 metres	Less than 3 metres	a. Minimum separation from the internal boundary with a residential zone – 15.8.3.3

Any application arising from non-compliance with this rule shall not be publicly notified.

### 15.6.3.4 Sunlight and outlook at boundary with a residential zone

	Permitted	Restricted discretionary	Matters of discretion
a.	Where an internal site boundary adjoins a residential zone, no part of any building shall project beyond a building envelope contained by a recession plane measured from any point 2.3 metres above the internal boundary in accordance with the diagrams in Appendix 15.10.9.	Non-compliance with permitted standard	a. Sunlight and outlook at boundary with a residential zone- 15.8.3.4

Where sites are located within a Flood Management Area, recession plane breaches created by the need to raise floor levels will not require the written consent of other persons and shall be non-publicly notified.

Any application arising from non-compliance with this rule shall not be publicly notified.

### 15.6.3.5 Outdoor storage of materials/ car parking

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>i. Any outdoor storage area shall be screened by 1.8 metre high fencing or landscaping from any adjoining road or adjoining site; and</p> <p>ii. Outdoor storage areas shall not be located within the setback specified in Rules 15.6.3.2.</p> <p>This rule shall not apply where the storage of vehicles, equipment, machinery, and/or natural or processed products is for periods of less than 12 weeks in any year.</p>	Non-compliance with permitted standard	a. Outdoor storage areas – 15.8.3.5

Any application arising from non-compliance with this rule shall not be publicly notified.



### 15.6.3.6 Landscaped areas

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>The minimum percentage of the site to be landscaped shall be 20%, excluding those areas required to be set aside for trees within or adjacent to parking areas (refer to clause (d) below).</p> <p>This clause shall not apply to emergency service facilities</p>	Non-compliance with permitted standard	a. Landscaping and trees - 15.8.3.6
b.	<p>The area adjoining the road frontage of all sites shall have a landscape strip in accordance with the following standards:</p> <ul style="list-style-type: none"> <li>a. Minimum width - 1.5 metres</li> <li>b. Minimum density of tree planting – 1 tree for every 10 metres of road frontage or part thereof, evenly spaced with shrubs between each tree.</li> </ul> <p>This clause shall not apply to emergency service facilities</p>		
c.	<p>On sites adjoining a residential zone, trees shall be planted adjacent to the shared internal boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof, with the trees evenly spaced along that boundary.</p>		
d.	<p>In addition to clauses (a), (b) and (c) above, where car parking is located at the front of a site, 1 tree shall be planted for every 5 car parking spaces within any car parking area.</p>		
e.	<p>All landscaping/trees required for these rules shall be in accordance with the provisions in Appendix 16.6.1.</p>		

Note:

1. Stormwater facilities shall be incorporated into any development to achieve effective stormwater management and to protect groundwater.
2. The stormwater facilities, which support multiple values such as stormwater retention, water quality treatment, biodiversity enhancement, Ngāi Tahu/manawhenua values and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management and the protection of groundwater in an integrated manner. Stormwater treatment sites or treatment facilities should be separated from natural waterways with vegetated

buffers to ensure stormwater is treated before it is discharged into natural waterways or natural wetlands.

Any application arising from non compliance with clauses (a) and (b) of this rule will not require written approvals and shall not be publicly or limited notified.

### 15.6.3.7 Water supply for fire fighting

	Permitted	Restricted discretionary	Matters of discretion
a.	Sufficient water supply and access to water supplies for fire fighting to all buildings via Council's urban fully reticulated water supply system in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS: 4509:2008)	Non-compliance with permitted standard	a. Water supply for fire fighting – 15.8.3.8.

Any application arising from this rule will not require the written approval of any entity except the New Zealand Fire Service and shall not be publicly notified. Limited notification, if required, shall only be to the New Zealand Fire Service.

### 15.6.3.8 Access to Commercial Office Zone (Wrights Road)

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>Road connections to the Commercial Office Zone (Wrights Road) on the corner of Wrights Road and Jack Hinton Drive, shall be limited to:</p> <ol style="list-style-type: none"> <li>no more than two points of road access from Wrights Road, which shall be at least 50 metres apart and be set back at least 25 metres from the intersection of Jack Hinton Drive and Wrights Road; and</li> <li>one road connection from Jack Hinton Drive, set back at least 15 metres from the intersection of Jack Hinton Drive and Wrights Road.</li> </ol>	Non-compliance with permitted standard	a. Access to the Commercial Office Zone (Wrights Road) – 15.8.3.9
b.	There shall be no individual site access to Jack Hinton Drive or Wrights Road.		

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

**15.6.3.9 Minimum building setback from railway corridor**

		<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Buildings, balconies and decks on sites adjacent to or abutting railway line.	4 metres from the rail corridor boundary	Less than 4 metres	a. Minimum building setback from the railway corridor - 15.8.3.10

Any application arising from this rule will not require the written approval of any entity except KiwiRail and shall not be publicly notified. Limited notification, if required, shall only be to KiwiRail.

## 15.7 Rules – Commercial Mixed Use Zone

### 15.7.1 How to use the rules

- a. The rules that apply to activities in the Commercial Mixed Use Zone are contained in:
  - i. The activity status tables (including activity specific standards) in Rule 15.7.2; and
  - ii. Built form standards in 15.7.3.
- b. The activity status tables and standards in the following chapters also apply to activities in all areas of the Commercial Mixed Use Zone (where relevant):
  - 5 Natural Hazards;
  - 6 General Rules and Procedures;
  - 7 Transport;
  - 8 Subdivision, Development and Earthworks;
  - 9 Natural and Cultural Heritage;
  - 11 Utilities and Infrastructure; and
  - 12 Hazardous Substances and Contaminated Land.
- c. Where the word 'facility' is used in the rules e.g. public transport facility, it shall also include the use of a site/building for the activity that the facility provides for, unless expressly stated otherwise.

Similarly, where the word/ phrase defined includes the word 'activity' or 'activities', the definition includes the land and/or buildings for that activity unless expressly stated otherwise in the activity status tables.

### 15.7.2 Activity status tables – Commercial Mixed Use Zone

#### 15.7.2.1 Permitted activities

In the Commercial Mixed Use Zone the activities listed below are permitted activities if they comply with any activity specific standards set out in this table and the built form standards in Rule 15.7.3. Note that the built form standards do not apply to an activity that does not involve any development.

Activities may also be controlled, restricted discretionary, discretionary, noncomplying or prohibited as specified in Rules 15.7.2.2, 15.7.2.3, 15.7.2.4, 15.7.2.5 and 15.7.2.6.

The activities listed below include any associated landscaping, access, parking, loading, waste management and other hardstanding areas.

	Activity	Activity specific standards
<b>P1</b>	Any new building or addition to a building for any permitted activity listed in P3 to P8 and P11 to P27 below.	Nil
<b>P2</b>	<p>a. Existing retail activity in an existing building, or</p> <p>b. Existing consented retail activity and associated building;</p> <p>at the DATE OF DECISION AS NOTIFIED</p>	Nil
<b>P3</b>	Ancillary retail activity	<p>a. Any ancillary retail activity shall:</p> <p>i. occupy no more than 250m<sup>2</sup> or 25% of the gross floor area of all buildings on the same site, whichever is the lesser; and</p> <p>ii. have visually transparent glazing on the ground floor elevation facing the street for a minimum of 20% of that elevation where goods are displayed for sale within the building and the retail activity fronts the street.</p> <p>iii. be limited to the display and sale of goods produced, processed or stored on the site.</p>
<b>P4</b>	Food and beverage outlet	Nil
<b>P5</b>	Trade supplier	
<b>P6</b>	Yard-based supplier	
<b>P7</b>	Second-hand goods outlet	
<b>P8</b>	Service station	
<b>P9</b>	<p>a. Existing commercial services in an existing building, or</p> <p>b. Existing consented commercial services and associated building;</p> <p>as at the DATE OF DECISION AS NOTIFIED</p>	

	Activity	Activity specific standards
<b>P10</b>	a. Existing office activity in an existing building, or b. Existing consented office activity and associated building; as at the DATE OF DECISION AS NOTIFIED	
<b>P11</b>	Ancillary office activity	a. Any ancillary office activity shall: <ul style="list-style-type: none"> <li>i. occupy no more than 500m<sup>2</sup> or 30% of the gross floor area of all buildings on the same site, whichever is the lesser; and</li> <li>ii. have visually transparent glazing on the ground floor elevation facing the street for a minimum of 20% of that elevation where the office activity fronts the street.</li> </ul>
<b>P12</b>	Industrial activity in the Commercial Mixed Use Zone on Blenheim Road and Main South Road	Nil
<b>P13</b>	Warehousing and distribution activities	
<b>P14</b>	Service industry	
<b>P15</b>	High technology industrial activity	
<b>P16</b>	Trade and industry training facility	
<b>P17</b>	Emergency service facilities	
<b>P18</b>	Public transport facility	
<b>P19</b>	Health care facility	
<b>P20</b>	Pre-school	
<b>P21</b>	Gymnasium	
<b>P22</b>	Drive-through services	
<b>P23</b>	Parking lot	

	Activity	Activity specific standards
P24	Parking building	
P25	Tertiary education and research activities	
P26	Guest accommodation	
P27	Residential activity in Addington, Mandeville Street <b>and New Brighton</b>	<p>a. Residential activity shall be:</p> <ul style="list-style-type: none"> <li>i. located above ground floor or</li> <li>ii. located to the rear of activities P2 – P12, P14– P23 on the ground floor frontage to the street, excluding <ul style="list-style-type: none"> <li>A. any pedestrian entrance including lobby and/or reception area associated with residential activity, and:</li> </ul> </li> </ul> <p>b. Any residential activity shall have a minimum net floor area (including toilets and bathrooms but excluding lobby and/or reception area, car parking, garaging and balconies) per unit of:</p> <ul style="list-style-type: none"> <li>i. Studio 35m<sup>2</sup></li> <li>ii. 1 Bedroom 45m<sup>2</sup></li> <li>iii. 2 Bedroom 60m<sup>2</sup></li> <li>iv. 3 Bedroom 90m<sup>2</sup></li> </ul> <p>c. Each residential unit shall be provided with:</p> <ul style="list-style-type: none"> <li>i. an outdoor service space of 3m<sup>2</sup> and a waste management area of 2m<sup>2</sup> per unit, each with a minimum dimension of 1.5 metres in either a private or communal area;</li> <li>ii. a single, indoor storage space of 4m<sup>3</sup> with a minimum dimension of 1 metre.</li> <li>iii. any space designated for waste management, whether private or communal, shall not be located between the road boundary and any building and shall be screened from adjoining sites, roads, and adjoining outdoor living spaces by screening from the floor level of the waste management area to a height of 1.5 metres.</li> </ul> <p>d. Each residential unit shall be provided with an outdoor living space with a minimum area and dimension as set out in the following table, located immediately outside and accessible from an internal living area of the residential unit.</p>

	Activity	Activity specific standards			
			Type	Area	Dimension
		i.	Studio, 1 bedroom	6m <sup>2</sup>	1.5 metres
		ii.	2 or 3 bedroom	10m <sup>2</sup>	1.5 metres
		iii.	More than 3 bedrooms	15m <sup>2</sup>	1.5 metres
		e. Any bedroom must be designed and constructed to achieve an external to internal noise reduction of not less than 35 dB $D_{tr,2m,n}T_w + C_{tr}$ .			

### 15.7.2.2 Controlled activities

The activities listed below are controlled activities.

There are no controlled activities.

### 15.7.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

The matters over which the Council has restricted its discretion are specified for each restricted discretionary activity listed below.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	<p>Activities P1 – P27 in Rule 15.7.2.1, and RD2, that do not meet one or more of the built form standards in 15.7.3, unless otherwise specified</p> <p>Refer to relevant built form standard for provision regarding notification and written approval</p>	<p>As relevant to the breached built form standard:</p> <ul style="list-style-type: none"> <li>a. Maximum building height – 15.8.3.1</li> <li>b. Minimum building setback from road boundaries/ street scene – 15.8.3.2</li> <li>c. Minimum separation from the internal boundary with a residential zone – 15.8.3.3</li> <li>d. Sunlight and outlook at boundary with a residential zone – 15.8.3.4</li> <li>e. Outdoor storage areas – 15.8.3.5</li> </ul>



	Activity	The Council's discretion shall be limited to the following matters:
		f. Landscaping and trees- 15.8.3.6 g. Water supply for fire fighting – 15.8.3.8 h. Minimum building setback from the railway corridor - 15.8.3.10
<b>RD2</b>	Activities P3, P11 and P27 a – d in Rule 15.7.2.1 that do not meet one or more of the activity specific standards in 15.7.2.1.  Any application for this activity will not require written approvals and shall not be limited or publicly notified.	a. For P3 and P11 (Ancillary retail and Ancillary office activity): i. Ancillary office and retail activity 15.8.2.6 b. For P27 (Residential activity): i. Residential activity 15.8.2.3; and ii. Activity at ground floor level - 15.8.2.2

### 15.7.2.4 Discretionary activities

The activities listed below are discretionary activities.

	Activity	The Council will consider the matters of discretion specified below and any other relevant matter under Section 104 of the Act:
<b>D1</b>	Any activity not provided as a permitted, restricted discretionary, or non-complying activity.	

### 15.7.2.5 Non-complying activities

The activities listed below are non-complying activities

<b>NC1</b>	Any residential activity not complying with rule 15.7.2.1 P27 (e).
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### 15.7.2.6 Prohibited activities

The activities listed below are prohibited activities

There are no prohibited activities.	
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### 15.7.3 Built form standards – Commercial Mixed Use Zone

The following built form standards shall be met by all permitted activities and restricted discretionary activities RD2 unless otherwise stated.

#### 15.7.3.1 Maximum building height

	Permitted	Restricted discretionary	Matters of discretion
a.	15 metres	Greater than 15 metres	a. Maximum building height – 15.8.3.1

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 15.7.3.2 Minimum building setback from road boundaries

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Any activity unless specified below	3 metres	Less than 3 metres	a. Minimum building setback from road boundaries/ street scene – 15.8.3.2
b.	For sites with frontage to two intersecting roads in the Commercial Mixed Use Zone	1.5 metres on one road boundary and 3 metres on the other road boundary	Less than 1.5 metres on one road boundary and/or less than 3 metres on the other road boundary	

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

#### 15.7.3.3 Minimum building setback from residential zones

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	All buildings within sites which share a boundary with a residential zone.	3 metres	Less than 3 metres	a. Minimum separation from the internal boundary with a residential zone – 15.8.3.3

Any application arising from non-compliance with this rule shall not be publicly notified.

### 15.7.3.4 Sunlight and outlook at boundary with a residential zone

	Permitted	Restricted discretionary	Matters of discretion
a.	Where an internal boundary adjoins a residential zone, no part of any building shall project beyond a building envelope contained by a recession plane measured from any point 2.3 metres above the internal boundary in accordance with the diagrams in Appendix 15.10.9.	Non-compliance with permitted standard	a. Sunlight and outlook at boundary with a residential zone – 15.8.3.4

Where sites are located within a Flood Management Area, recession plane breaches created by the need to raise floor levels will not require written approvals and shall not be limited or publicly notified.

Any application arising from non-compliance with this rule shall not be publicly notified.

### 15.7.3.5 Outdoor storage areas

	Permitted	Restricted discretionary	Matters of discretion
a.	Any outdoor storage area shall be screened by 1.8 metre high fencing or landscaping from any adjoining road or adjoining site.	Non-compliance with permitted standard	a. Outdoor storage areas – 15.8.3.5

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### 15.7.3.6 Landscaping and trees

Permitted	Restricted discretionary	Matters of discretion
<p>a. The area adjoining the road frontage of all sites shall be landscaped in accordance with the following standards:</p> <ul style="list-style-type: none"> <li>i. Minimum width - 1.5 metres</li> <li>ii. Minimum density of tree planting - 1 tree for every 10 metres of road frontage or part thereof, evenly spaced.</li> </ul> <p>b. On sites adjoining a residential zone, trees shall be planted adjacent to the shared</p>	Non-compliance with permitted standard	a. Landscaping and trees – 15.8.3.6

Permitted	Restricted discretionary	Matters of discretion
<p>boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof, with the trees evenly spaced along that boundary.</p> <p>c. 1 tree shall be planted for every 5 car parking spaces within any car parking area and along any pedestrian routes.</p> <p>d. All landscaping / trees required for these rules shall be in accordance with the provisions in Appendix 16.6.1.</p> <p>Clause (a) shall not apply to emergency service facilities</p>		

Note: Stormwater facilities that support multiple values such water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.

Any application arising from non-compliance with clauses a and c of this rule will not require written approvals and shall not be publicly or limited notified.

### 15.7.3.7 Water supply for fire fighting

	Permitted	Restricted discretionary	Matters of discretion
a.	Sufficient water supply and access to water supplies for fire fighting to all buildings via Council's urban fully reticulated water supply system in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS: 4509:2008)	Non-compliance with permitted standard	a. Water supply for fire fighting – 15.8.3.8

Any application arising from this rule will not require the written approval of any entity except the New Zealand Fire Service and shall not be publicly notified. Limited notification, if required, shall only be to the New Zealand Fire Service.

**15.7.3.8 Minimum building setback from railway corridor**

	<b>Applicable to</b>	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Buildings, balconies and decks on sites adjacent to or abutting railway line.	4 metres from the rail corridor boundary	Less than 4 metres from the rail corridor boundary	a. Minimum building setback from the railway corridor - 15.8.3.10

Any application arising from this rule will not require the written approval of any entity except KiwiRail and shall not be publicly notified. Limited notification, if required, shall only be to KiwiRail.

## 15.8 Matters of discretion

When considering applications for restricted discretionary activities, the Council's power to decline consent, or to grant a consent and impose conditions, is restricted to the matters over which discretion is restricted in the relevant rule and as set out for that matter below. For the Commercial Banks Peninsula Zone, where specified, the Council shall also have regard to Design Guidelines for Lyttelton (Appendix 15.10.6) and Akaroa (Appendix 15.10.5).

### 15.8.1 Urban design

- a. The extent to which the development:
  - i. Recognises and reinforces the centre's role, context, and character, including any natural, heritage or cultural assets;
  - ii. Promotes active engagement with, and contributes to the vibrancy and attractiveness of, any adjacent streets, lanes or public spaces;
  - iii. Takes account of nearby buildings in respect of the exterior design, architectural form, scale and detailing of the building;
  - iv. Provides a human scale and minimises building bulk while having regard to the functional requirements of the activity;
  - v. Is designed to incorporate Crime Prevention Through Environmental Design (CPTED) principles, including encouraging surveillance, effective lighting, management of public areas and boundary demarcation;
  - vi. Incorporates landscaping or other means to provide for increased amenity, shade, and weather protection;
  - vii. Provides safe, legible, and efficient access for all transport users;
  - viii. Where relevant, has regard to the actions of the Suburban Centre Master Plan to support their recovery, long term growth and a high level of amenity.

### 15.8.2 Matters of discretion for non-compliance with activity specific standards

#### 15.8.2.1 Maximum tenancy size

- a. The extent to which the scale of the activity:
  - i. affects recovery of the Central City and its function as the principal Centre;
  - ii. supports the intended role of the Centre having regard to the Centres Hierarchy (Refer to 15.1.2.1 Policy – Role of centres);

### 15.8.2.2 Activity at ground floor level

- a. The operational and functional requirements of the activity and the existing nature of activities and built form on and around the site.
- b. The visual impact of any activity upon the street façade of a building and streetscene.
- c. Any potential for residential activity to restrict the ability of existing or future commercial activities to operate or establish without undue constraint.
- d. Any beneficial effects of the activity in providing for natural surveillance, and its contribution to the night-time economy.

### 15.8.2.3 Residential activity

- a. In relation to minimum unit size, whether:
  - i. The floorspace available and the internal layout represents a viable residential unit that would support the amenity of current and future occupants;
  - ii. Other on-site factors compensate for a reduction in unit sizes e.g. communal facilities;
  - iii. The balance of unit mix and unit sizes within the overall development is such that a minor reduction in the area of a small percentage of the overall units may be warranted;
  - iv. The units are to be a part of a development delivered by a social housing provider and have been designed to meet any specific needs of future social housing tenants and/or atypical housing needs.
- b. In relation to the amount of storage and waste management spaces, whether:
  - i. The amount of space to store rubbish and recycling, whether communal, outdoors or indoors is adequate;
  - ii. The volume of space provided for personal storage is adequate.
- c. In relation to the configuration of storage and waste management space, whether:
  - i. The location of rubbish and recycling space for residents is convenient;
  - ii. The lack of screening of any outdoor service space will impact on the visual amenity within the site and of any adjoining site, activity, or the street scene;
  - iii. The size and flexibility of the residential unit layout provides other indoor storage options where an indoor storage space is not provided for each unit;
  - iv. The alternative storage areas provided on the site are adequate, accessible and convenient, where indoor storage space is not provided for each residential unit.
- d. In relation to the amount of outdoor living space, whether:
  - i. There is any alternative provision of publicly available space on, or in close proximity to the site to meet the needs of occupants now and in the future;
  - ii. The reduction in outdoor living space is proportional to the size of the residential unit and the demands of the likely number of occupants now and in the future;

- iii. The reduction in outdoor living space or the lack of its access to sunlight is compensated for by alternative space within buildings with access to ample sunlight and fresh air.
- e. In relation to the location and configuration of outdoor living space:
  - i. Whether the allocation between private and communal outdoor living spaces within the site is adequate and appropriately located to meet the current and future needs of occupants of the site;
  - ii. Where the communal outdoor/indoor spaces are not contiguous on a large site, the ability of the spaces to meet the needs of occupants and provide a high level of residential amenity;
  - iii. Whether the reduction in outdoor living space will result in additional loss of mature on-site vegetation and/or spaciousness of the area.
- f. For sensitive activities in Lyttelton:
  - i. The potential for reverse sensitivity effects on port activities located at Lyttelton Port;
  - ii. Whether any methods to reduce the potential for reverse sensitivity effects on the port operator, other than acoustic insulation, have been incorporated into the design of the proposal;
  - iii. Whether any resultant outdoor living could create an increased potential for a complaint against port noise thus causing a potential reverse sensitivity effect on port activities.

#### **15.8.2.4 Centre vitality and amenity**

- a. The extent to which the scale, character, form and location of the activity:
  - i. Contributes to the vitality of the centre, particularly along Key Pedestrian Frontages;
  - ii. Supports the intended role of the centre the development is proposed in, while not eroding the role of the Central City and District Centres in the centres hierarchy (Refer to 15.1.2.1 Policy – Role of centres);
  - iii. Impacts upon the diversity of activities within the centre;
  - iv. Promotes the efficient use of land within the centre to achieve a compact urban form;
  - v. Reflects the functional requirements of the activity.

#### **15.8.2.5 Nuisance**

- a. Whether the scale, character and intensity of an activity is compatible with the amenity values of the centre and adjoining properties in terms of noise, traffic generation, odour, operating hours and lighting.

#### **15.8.2.6 Ancillary office and retail activity**

- a. The extent to which the activity and its scale is consistent with the function of the zone.



- b. The effect of the development on the capacity to accommodate future demand for large format retail activities in the Commercial Retail Park Zone.
- c. The extent to which the activity is ancillary to the primary use of a site.
- d. The extent to which the site that the activity is proposed on relates to another site that the activity is ancillary to.
- e. The extent to which the activity contributes to the agglomeration of other non-industrial activities that may discourage or displace large format retail activities in the Commercial Retail Park Zone.
- f. The extent to which further retail and office activity supports the function of the Central City, District Centres and Neighbourhood Centres as the focus for these uses and the community.
- g. The visual effect of the extent of areas of glazing facing the street particularly at ground level.

### 15.8.3 Matters of discretion for built form standards

#### 15.8.3.1 Maximum building height

- a. The extent to which an increase in height of the development:
  - i. Is visually mitigated through the design and appearance of the building, and the quality and scale of any landscaping and tree planting proposed;
  - ii. May allow better use of the site and the efficient use of land in the centre;
  - iii. Enables the long term protection of significant trees or natural features on the balance of the site through more intensive development;
  - iv. Improves the legibility of a centre in the context of the wider area;
  - v. Contributes to variety in the scale of buildings in a centre, and creates landmarks on corner sites;
  - vi. Reflects functional requirements of the activity;
  - vii. Results in adverse effects on adjoining residential zones or on the character, quality and use of public open space;
  - viii. Contributes to the visual dominance of the building when viewed from the surrounding area, having regard to the anticipated scale and form of buildings in the surrounding environment.
  - ix. **If in New Brighton, provides for residential activity above ground floor, promoting a mix of uses and greater levels of activity in the centre.**

#### 15.8.3.2 Minimum building setback from road boundaries/ street scene

- a. The extent to which the setback of the building from the street and the design of the building facades:
  - i. Provides for continuity of facades along the street frontage;

- ii. Provides visual interest appropriate to the context and character of the site and surrounds;
  - iii. Incorporates architectural variation into the façade and building form to provide interest and to break up the bulk of a building;
  - iv. Provides for main entrances, openings and display windows onto the street, and maintains clear and visible visual and physical connections between the interior of a building and public spaces;
  - v. Provides for functional and quality space for public amenity and accessibility, such as for outdoor dining, and contributes to the functional width of a public footpath, without compromising the overall character of the street frontage and its continuity;
- b. The extent to which a setback of the building from the street results in the visual dominance of vehicles through the use of space for car parking, vehicle manoeuvring or loading.
  - c. The extent to which functional requirements and/or the existing form, scale and design of buildings on the site necessitates a non-compliance.

### **15.8.3.3 Minimum separation from the internal boundary with a residential or open space zone**

- a. The extent to which building intrusion into the setback:
  - i. Allows for better utilisation and outcomes for the site, for example, the protection of significant trees or significant environmental features on the site;
  - ii. Impacts on the outdoor living spaces and main living areas of residential buildings, and/or activities undertaken within the space affected;
  - iii. Impacts on the privacy for an adjoining site;
  - iv. Is mitigated by the extent and quality of any landscaping proposed.

### **15.8.3.4 Sunlight and outlook at boundary with a residential zone**

- a. The extent to which building intrusion into a recession plane:
  - i. Allows for better utilisation and outcomes for the site, for example, the protection of significant trees or significant environmental features on the site;
  - ii. Overshadows and impacts on the outdoor living spaces and main living areas of residential buildings, and/or activities undertaken within the space affected, while having regard to the time of year that over shadowing is expected to occur;
  - iii. Impacts on the privacy of an adjoining site;
  - iv. Is mitigated by the extent and quality of any landscaping proposed;
  - v. is necessary in order to avoid, remedy or mitigate adverse effects on the building resulting from a natural hazard including inundation or flooding;
- b. The extent to which shading by buildings impacts on the use and amenity of London Street in Lyttelton or other public space.

### 15.8.3.5 Outdoor storage areas

- a. The extent to which:
  - i. the quality and form of fencing, landscaping or other screening minimises the visual effects of outdoor storage as viewed from the street or an adjoining property;
  - ii. the materials or goods stored within the setback have an adverse visual effect.

### 15.8.3.6 Landscaping and trees

- a. The extent to which the proposed landscaping and tree planting:
  - i. achieves a high level of on-site amenity while minimising the visual effects of activities and buildings on the surroundings;
  - ii. supports the growth of vegetation and its protection through the provision of space, or other methods e.g. barriers;
  - iii. continues to recognise Ngāi Tahu/manawhenua values through the use of indigenous species in riparian areas, where appropriate, that supports the establishment of ecological corridors;
- b. The extent to which the non-compliance is mitigated through the design, scale and type of landscaping proposed including the species used;
- c. The appropriateness and design of landscaping having regard to the potential adverse effects on safety for pedestrians and vehicles.

### 15.8.3.7 Site coverage

- a. The extent to which a greater site coverage:
  - i. provides adequate area for site access, manoeuvring, stormwater management and other activities;
  - ii. affects the amenity of adjoining sites or public spaces due to the visual dominance and/or scale of development;
  - iii. is mitigated through the provision of landscaping/screening;
  - iv. impacts on the ability to manage stormwater on the site where connection to a catchment based stormwater treatment system is not available.

### 15.8.3.8 Water supply for fire fighting

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

### 15.8.3.9 Access to the Commercial Office Zone (Wrights Road)

- a. Whether any conflict may be created by vehicles queuing across the vehicle crossing.

- b. Whether there may be potential confusion between vehicles turning at the crossing or the intersection.
- c. The effect on safety for all road users of the proposed road access points to the Commercial Office Zone (Wrights Road).
- d. Whether the speed and volume of vehicles on the road will exacerbate the adverse effects of access on the safety of users of all transport modes.
- e. Whether the geometry of the frontage road and intersections will mitigate the adverse effects of the access.
- f. The present traffic controls along the road corridor where vehicular access is proposed.
- g. Any cumulative effects when considered in the context of existing access points serving other activities in the vicinity.
- h. The proposed traffic mitigation measures such as medians, no right turn or left turn signs, or traffic calming measures.

#### **15.8.3.10 Minimum building setback from the railway corridor**

- 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.

#### **15.8.3.11 Outline development plan for land between Huxley Street and King Street**

- a. Whether there may be potential confusion between vehicles turning at the crossing or the intersection.
- b. The effect on safety for all road users of the proposed road access points.
- c. Whether the geometry of the frontage road and intersections will mitigate the adverse effects of the access.
- d. The present traffic controls along the road corridor where vehicular access is proposed.
- e. Any cumulative effects when considered in the context of existing access points serving other activities in the vicinity.
- f. The proposed traffic mitigation measures such as medians, no right turn or left turn signs, or traffic calming measures.
- g. Whether residential amenity is maintained on the frontage with King Street through the provision of landscaping and setback of buildings.
- h. The provision made for trees and planting to mitigate any effects.

#### **15.8.3.12 Drive-through services**

- a. The extent to which the activity and development is consistent with the following criteria:

- i. Whether the development:
  1. considers the local context to identify the grain, scale and character of the surrounding development and determined the appropriateness of either consistency or divergence from that character.
  2. retains and incorporates on-site protected heritage assets and, where relevant, existing character buildings and structures, the landscape qualities of the site and surrounds, sites of cultural significance to Ngāi Tahu/ Manawhenua, springs and waterways, and existing trees and mature vegetation.
- ii. Whether the functional requirements of the activity necessitates a different design outcome while contributing to a high quality urban environment.
- iii. Whether the development relates to the street, by:
  1. Orientating the principal façade of the building and its main pedestrian access to the street;
  2. Providing a high level of glazing across the principal facade and orientating active areas of buildings, towards the street and other publicly accessible spaces.
  3. Providing the opportunity for open space to connect with the street.
  4. Avoiding the visual dominance of car parking when viewed from the street by means including but not limited to car park position and orientation, and landscape design.
  5. Orientating corner buildings to each street frontage and enabling additional building height to give prominence to the corner while having regard to the functional requirements of the activity, the street type, adjacent land uses and level of pedestrian activity.
- iv. Whether the development ensures the safety, security and comfort of people using the site and centre by providing connectivity, where beneficial, for safe movement and passive surveillance.
- v. Whether the development provides for safe, legible, efficient access for all transport users and site servicing, by:
  1. Locating and designing the provision of storage, servicing and vehicle parking areas to minimise visual impacts on the street, public areas or neighbouring residential uses, having regard to the functional requirements of the activity, the street type, and adjacent development and land uses.
  2. Providing for legible vehicle movement to the site and links to key connections external to the site.
  3. Providing for car parking, where required, that is designed, located and configured to benefit from natural surveillance, facilitate shared use and create flexible space.
  4. Siting buildings, and locating pedestrian access points and through routes to integrate with pedestrian and cycling networks and desire lines, including access to and from public transport infrastructure.
- vi. The extent to which the character, form and location of the activity will contribute to the vitality of the centre where located within a Key Pedestrian Frontage.

- vii. Where adjoining a residential zone, whether the scale, character and intensity of an activity is compatible with the amenity values of the centre and adjoining residential properties in terms of noise, traffic generation, odour, and lighting.

### **15.8.3.13 Transport effects at Commercial Retail Park Zone (Langdons Road)**

- a. The extent to which the location of vehicular access points, the design of the transport network (including road alignment, intersection design and connections with the wider network) and the associated vehicle movements (including the type and volume of vehicles) may individually or cumulatively impact on the amenity of the adjoining residential area and the safety and efficiency of the transport network.

### **15.8.3.14 Access off Otara Street at Commercial Core Zone (Fendalton)**

- a. The extent to which the use of sympathetic design and landscaping treatment integrate the proposed vehicle access into the surrounding environment.
- b. The extent to which the location of the proposed vehicular access and the associated vehicle movements (including the type and volume of vehicles) may individually or cumulatively impact on the safety and efficiency of the immediately adjacent transport network.

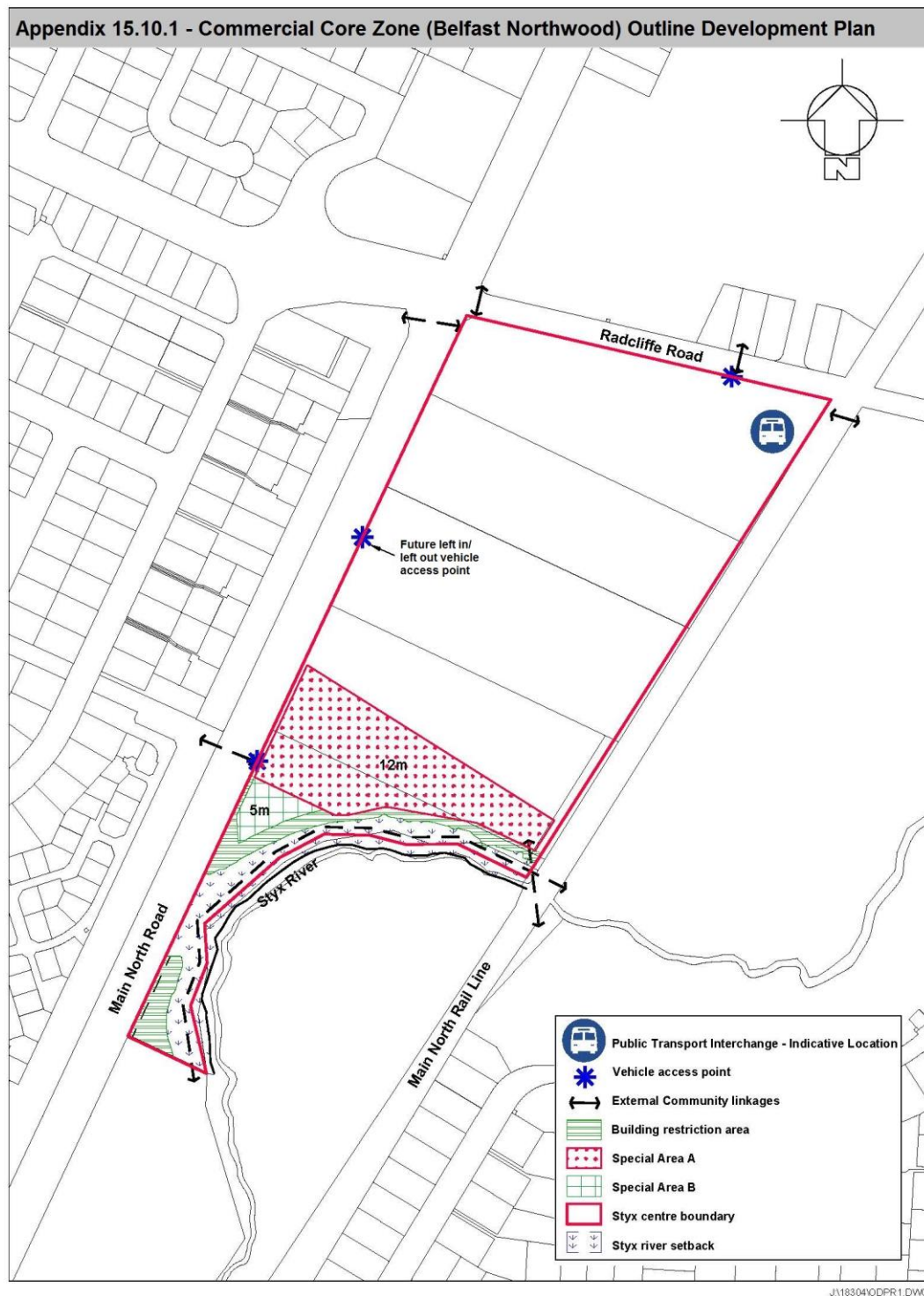
## 15.9 Rules – Other methods

### 15.9.1 Non-regulatory methods

- 15.9.1.1 Planning studies to investigate issues and opportunities in Key Activity Centres and initiate appropriate mechanisms over time to address these.
- 15.9.1.2 Undertake regular monitoring of District and Neighbourhood Centres including surveys to determine whether a centre is performing as anticipated.
- 15.9.1.3 Apply a case management approach to the rebuild of centres, facilitating discussions with landowners and developers.
- 15.9.1.4 Apply a consistent approach to the assessment of applications with additional guidance to aid the applicant and Council.
- 15.9.1.5 Require development contributions to provide for network infrastructure and community infrastructure maintenance and improvements to service growth in centres.

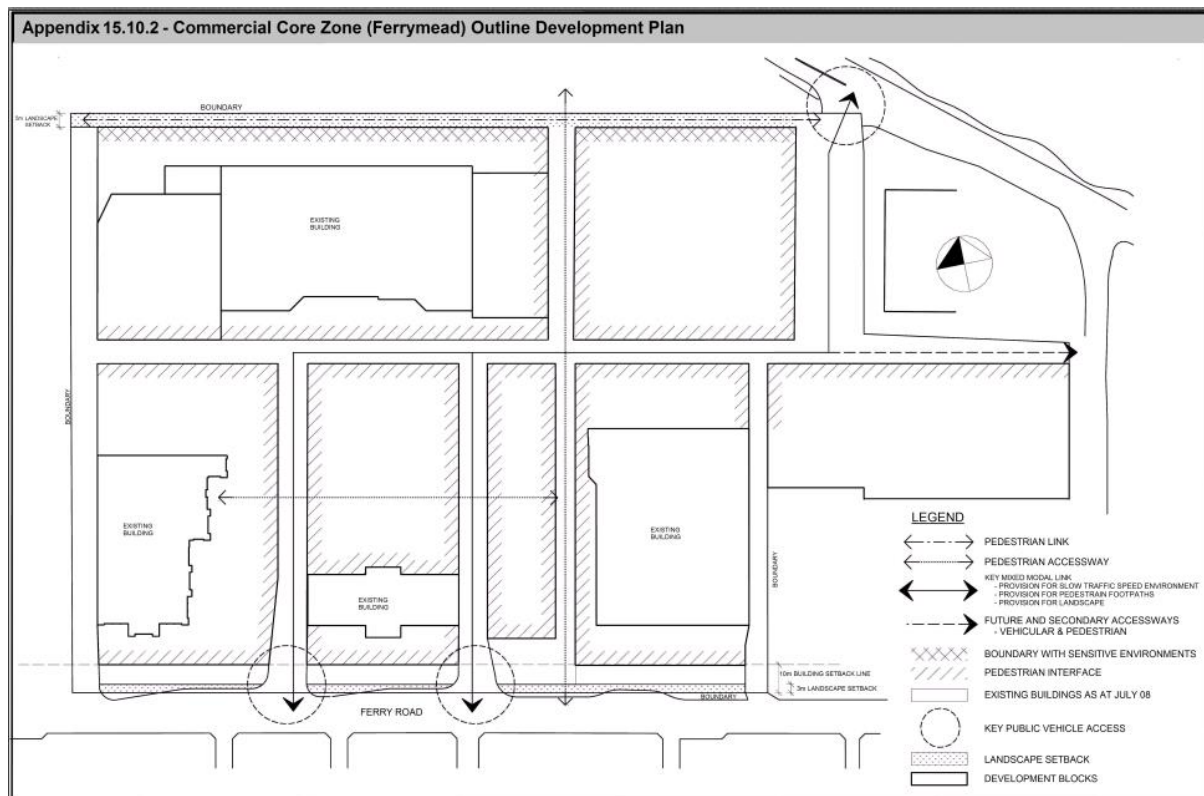
## 15.10 Appendices

### 15.10.1 Commercial Core Zone (Belfast/Northwood) Outline Development Plan





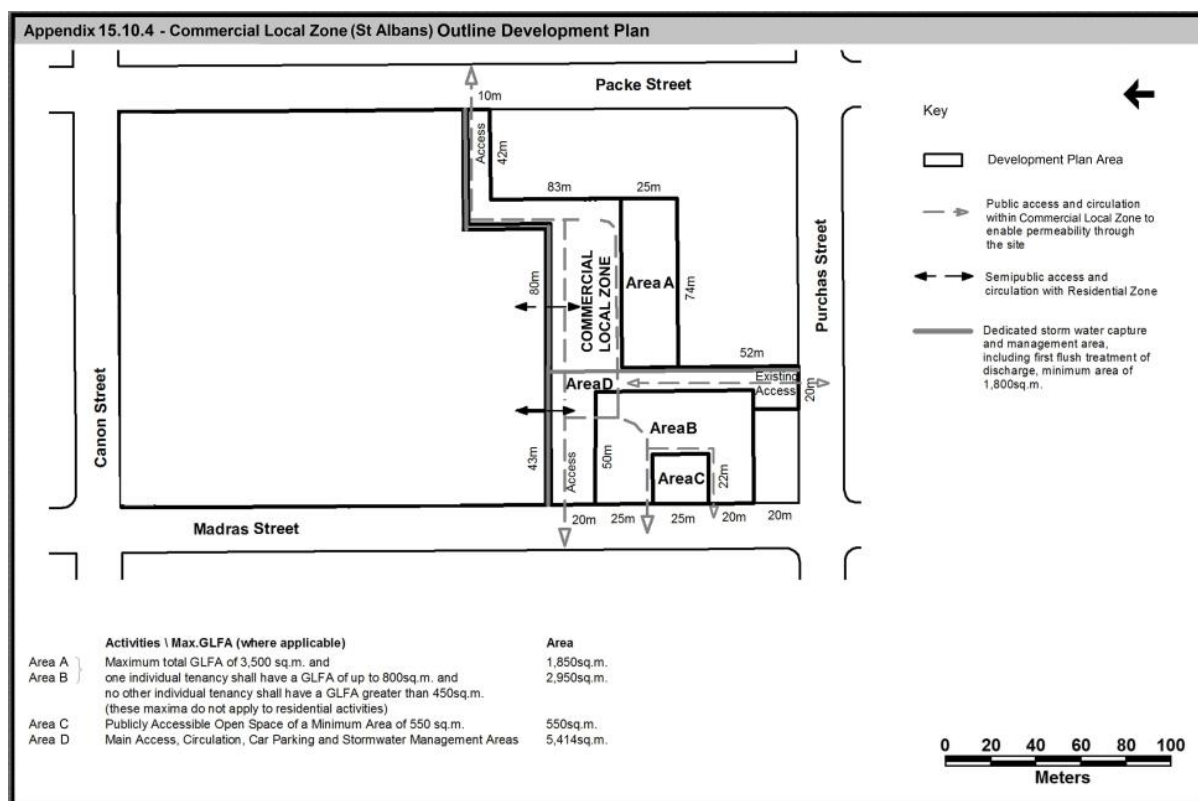
## 15.10.2 Commercial Core Zone (Ferryroad) Outline Development Plan



### **15.10.3 Commercial Core Zone (North Halswell) Outline Development Plan**

**DEFERRED**

## 15.10.4 Commercial Local Zone (St Albans) Outline Development Plan



## 15.10.5 Design guidelines – Akaroa Commercial Banks Peninsula Zone

### a. Introduction

- i. The illustrations used in the guidelines are provided to assist in understanding the points expressed in the text. These are not all existing buildings but are stylised designs. These guidelines have been prepared to help you if you are thinking of building in the Commercial Banks Peninsula zone at Akaroa. They are intended to help you achieve the building you want, while at the same time ensuring that new buildings fit in with the town's surviving historic buildings and maintaining or enhancing the town's present character.



- ii. Figure 1: Typical Akaroa streetscape
- iii. You will find in this document a brief discussion of Akaroa's architectural history, and more importantly, a description of its architecture and value as a well preserved small scale historic town with a range of architectural styles. The historical and architectural importance of the town has been recognised by the local community, Heritage New Zealand Pouhere Taonga and the Council. The guidelines outline the key principles which the Council will take into account in considering any consent applications.
- iv. This document will elaborate on those principles, which can, in essence, be summarised as follows:
  1. New development and additions to existing structures should:
    - A Recognise and respect the unique historic character of Akaroa.
    - B Relate well to surrounding buildings and the general environment.
    - C Avoid dominating neighbouring buildings.
    - D Respect important views from public places.

### b. Why guidelines?

- i. Akaroa has a distinctive visual character, based on its physical setting, its buildings and its open spaces and gardens. A large part of the centre of Akaroa has been recognised by Heritage New Zealand Pouhere Taonga and registered as a Historic Area. The Council has similarly recognised that this special character is worth protecting by including in its District Plan, provisions, which allow for consideration of the effects of proposed new buildings and alterations to existing buildings.

- ii. The Council's aim, through these guidelines, is to ensure that the special historical character of Akaroa is maintained, as development of the town proceeds. In endeavouring to meet that objective, the other main goals are to provide property owners and developers with design and appearance guidance and to encourage early discussion of proposed building plans with the Council.
- iii. The primary concern of these guidelines is to protect, for cultural and aesthetic reasons, the attractive appearance of the town after more than 150 years of growth and change. Adherence to these guidelines also promises economic advantage for the town. Akaroa's appealing appearance and atmosphere help make it a desirable place to live, and an attractive place to visit. The town's architectural and historical heritage contributes greatly to its appeal as a holiday destination. By helping to protect the intrinsic characteristics of the town, the guidelines will assist in strengthening the town's major economic base and potentially enhance the value of your property.
- iv. New buildings, or significant alterations to existing buildings in the Commercial Banks Peninsula Zone are the main concern of these guidelines. However, many of the principles and specific guidelines could also be applied to the town's advantage in the residential areas which surround the Commercial Banks Peninsula Zone.

c. The Planning Framework

- i. The Council can consider the design and appearance of proposed work in Commercial Banks Peninsula Zone through the resource consent process. Any building work in the Commercial Banks Peninsula Zone should comply with the standards of the District Plan and have regard to these design guidelines.
- ii. The relevant section of the District Plan is Chapter 15 for the Commercial Banks Peninsula Zone.
- iii. These guidelines set out issues which the Council will take into account when assessing a resource consent application required for design and appearance reasons. The guidelines are intended to help applicants who require resource consents to undertake building work in the Commercial Banks Peninsula Zone understand how the Council will evaluate the design and appearance aspects of proposed work.
- iv. The Commercial Banks Peninsula Zone lies within the Historic Area registered by Heritage New Zealand Pouhere Taonga. This area has been recognised nationally as having a high percentage of original historic buildings which are of aesthetic and architectural importance in their own right, and form an inter-related group of historic places. As such the area is a vital part of the historical and cultural heritage of New Zealand. Approval from the Heritage New Zealand Pouhere Taonga is needed for work on any building within the Historic Area, or on any building elsewhere in the town which has been registered by the Trust.
- v. In considering the design and appearance aspects of proposed building work in the Commercial Banks Peninsula Zone, the Council may take advice from Heritage New Zealand Pouhere Taonga or any qualified expert. Individuals who need resource consent for building work in these areas are urged to study these guidelines and to discuss their plans with the District Council, the Akaroa Design and Appearance Advisory Committee and Heritage New Zealand Pouhere Taonga before formally applying for resource consent for the work. Early consultation can often facilitate subsequent consent processes, resulting in reduced time delays and costs.

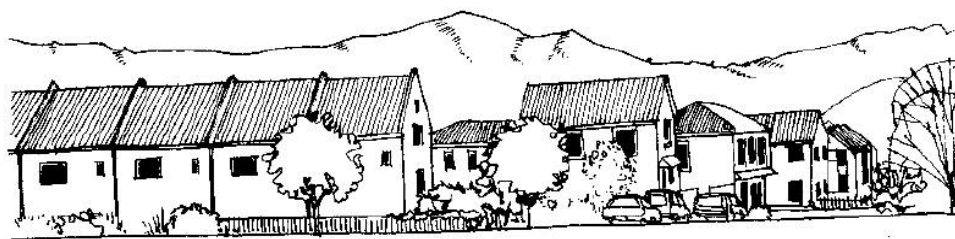
d. Akaroa's architectural history

- i. Akaroa has a distinctive architectural quality that stems, in part, from the high number of colonial buildings that have been retained to this day. Akaroa is one of New Zealand's most charming and romantic towns, although its origins as a French settlement are not strongly reflected in much of its architecture today. The earliest buildings of the French had steeply pitched roofs, small dormers, casement windows divided into many panes, louvered shutters and symmetrical facades. As early as the mid 1850s, Akaroa's buildings were no longer markedly different from other New Zealand buildings. A great number were cottages with reasonably large dormers, verandas and lean-to's. Almost all were built of horizontal weatherboards with steep roofs initially of shingles, then of corrugated iron. These were typical New Zealand colonial buildings.
- ii. The one and a half storey, gable ended cottage with veranda, lean-to and dormers is often idealised as the archetypal Akaroa building. Though these cottages are still abundant, and valued, the town's architectural traditions are much richer and more varied.
- iii. Later building designs in the town also followed general New Zealand trends, with horizontal weatherboard and corrugated iron the predominant building materials. Thus, nineteenth century churches are variants of colonial wooden Gothic, while Italianate was favoured for public and commercial buildings. Many commercial premises were two-storied and differed from residences only in being somewhat larger, and in being built-up to the street line. All were still relatively small buildings and almost all were built of "timber and tin". This uniformity in styles and materials for residences and public and commercial buildings, and little variation in building size, have been characteristic of Akaroa's architecture since the nineteenth century.
- iv. Figure 2: Examples of early colonial cottages



- v. In the late twentieth century there was a new development in Akaroa's architectural history. A demand emerged for multi-unit, privately owned apartments. These were up to three storeys high, built up to or close to the street line, and often of masonry construction. These buildings marked a significant departure from the single family houses and cottages, standing in individual sections, which were previously characteristic of most of the town. In retrospect many of these structures, individually or collectively, have not been successful in maintaining the intimate, mostly small scale of the town and the use of complementary building materials.

- vi. Figure 3: Townhouse block demonstrating overly repetitive elements. The buildings to the right display a pleasing variety and interest.



- vii. Akaroa's diverse range of buildings of different sizes, shapes, styles, set-backs, roof forms and materials mean there is a very large architectural vocabulary on which architects can draw for new building design, without introducing styles, or details that would appear out of place. It is important that new buildings and extensions reflect existing architectural themes and styles.
- e. Akaroa's setting and urban form
- i. Preserving and enhancing what is appealing about Akaroa requires careful consideration of more than the design of individual buildings. The spaces between matter too. Gardens and trees are generously dispersed throughout the town and large open spaces separate different built-up areas. Building has mostly been concentrated on the foreshore and up three small valleys, with the intervening spurs remaining open or bush-covered. The close integration between the natural and urban worlds in Akaroa also results from the town's position facing onto an extensive harbour, and being ringed by grand hills. Applicants are encouraged to consider the impact of their design or building extension on the existing views of water and hills from the town and of the integration of the built and the natural environment.
  - ii. The town's development, and the proximity of commercial premises and residences give the town the relaxed, convivial atmosphere of a village. The maintenance of public and retail activities at street level is important to sustaining the town's vitality and is protected in certain areas along Beach Road between Rue Jolie and Bruce Terrace. The maintenance of open spaces and of private gardens is also important to maintaining the town's atmosphere.
- f. Diversity and innovation
- i. New designs will generally be acceptable if their proportions fit in well with nearby older buildings and maintain the scale of existing streetscapes. New buildings of contemporary design, built using up-to-date materials and building technologies can be added to Akaroa, provided they avoid or mitigate any adverse visual effects through careful use of scale, density, bulk, exterior cladding, external detailing and through their site location and setback.
  - ii. Successful approaches are:
    1. Compatible design: new buildings, or new work on old buildings may vary the design but maintain the proportions, scale, materials, textures and colours of the original.
    2. New design: work of completely contemporary design which uses modern materials and building technologies, but shows respect for the character of existing old

buildings in the area. Care must be taken that the historic character of the town is maintained when new designs are introduced.

- iii. Figure 4: Modern buildings incorporating key architectural themes such as steeply pitched gabled roofs, verandas and vertically oriented windows.



- iv. While nineteenth and early twentieth century buildings largely set the character of Akaroa, new development should generally reflect, rather than exactly replicate, these historic styles. Sympathetic design, whereby certain characteristics of historic buildings are incorporated into new buildings, is encouraged. Contemporary design, if carefully conceived to fit with the town's character, is often preferable to replica buildings.
- v. Figure 5: New residence demonstrating site specific sympathetic small scale forms and details, and vertical windows.



g. Building on specific sites

- i. Each individual site has different buildings adjoining it, and sits in a different relationship to the wider landscape. What is suitable for one particular site may be quite unsuitable on another site. Corner sites need particular care, since they form a visual focal point. In some situations larger buildings on corner sites will be desirable to define streetscapes, on other corner sites, it may be desirable to avoid overpowering historic buildings nearby.
- ii. Figure 6: Corner Treatment- both buildings strongly define the corner yet include smaller scale forms that the pedestrian can relate to.



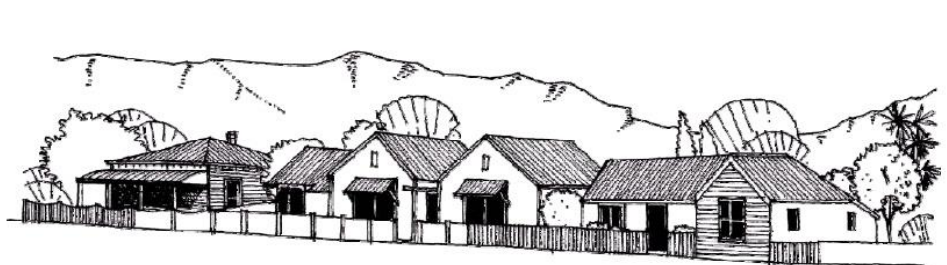


- iii. The size and scale of new buildings in relation to their neighbours are as important as the materials or architectural style of the new building.
- iv. The use of materials and architectural style of any development may add or detract from the overall proposal, its visual impact on the streetscape and historic character of the town.

#### h. Key concepts

##### i. Streetscape, rhythm and scale

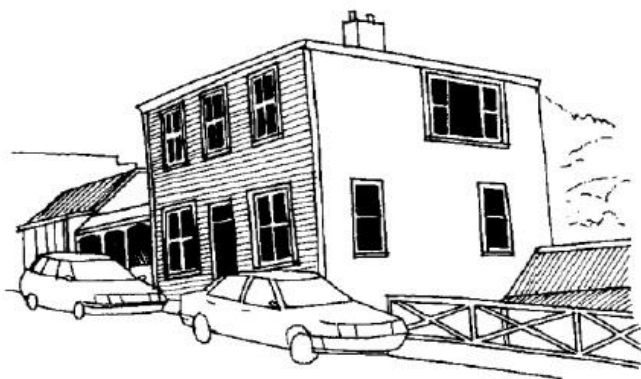
1. The goal is to maintain appealing streetscapes, characterised by sequences of buildings which are in scale and exhibit a pleasing modulation. Streetscape refers to the ways in which buildings form, together with gardens and trees, attractive combinations of mass and colour. Buildings are in harmony when, while not identical, they share similar elements and are of a compatible size and form. When a rhythm is discernible in a sequence of buildings there are no abrupt transitions, in size, form or architectural detail, from one building to the next.
2. It may be appropriate for a contemporary building to sit beside a traditional weatherboard one provided there is some relationship to the rhythm and scale of windows, doors, roof pitch and other design elements.
3. Figure 7: Height and rhythm- a pleasing relationship between height and rhythm is evident.



4. The goal is to maintain appealing streetscapes, characterised by sequences of buildings which are in scale and exhibit a pleasing modulation. Streetscape refers to the ways in which buildings form, together with gardens and trees, attractive combinations of mass and colour. Buildings are in harmony when, while not identical, they share similar elements and are of compatible size and form. When a

rhythm is discernible in a sequence of buildings there are no abrupt transitions, in size, form or architectural detail, from one building to the next.

5. It may be appropriate for a contemporary building to sit beside a traditional weatherboard one provided there is some relationship to the rhythm and scale of windows, doors, roof pitch and other design elements.
6. Figure 8: Scale- an out of scale building which dominates adjacent buildings by size, bulk and height.



7. Larger, bulkier buildings can reflect the smaller scale of surrounding buildings by repetition of design elements such as gables, steps in the plan of the building, the use of different roof shapes, or dividing the building into visually separate units by using different treatments or colours for cladding.
8. Generally, designers of new buildings are asked to look at the existing historic buildings in the vicinity of the site, not to imitate them, but to consider whether the new building is sensitive to the surroundings in which it is to be placed.

## ii. Replica buildings

1. Replica buildings, in the context of these guidelines, means an exact copy of the size, proportions, and architectural details of an older building. While it is generally undesirable to have new buildings replicate the exact design of historic buildings, design elements of older buildings can be used to achieve an overall visual harmony. Replica buildings can devalue the authentic historic character of Akaroa.
2. Attempts at 'replication' with inaccurate detailing, inappropriate materials and distorted proportions can become a caricature of the original building style.

## iii. Additions and alterations to historic buildings

1. The character of Akaroa depends to a large extent on the survival of its many historic buildings. The preservation of these surviving buildings is important in maintaining its overall character. The demolition of historic buildings has had detrimental effects on the character of the town. The retention of the remaining older buildings will generally be to the town's advantage.

2. Registration by Heritage New Zealand Pouhere Taonga, or listing by the District Council in its District Plan, are indications that particular historic buildings should be preserved and maintained for future generations.
3. Adaptive re-use is recommended. New developments on sites occupied by older buildings should use the historic structures whenever possible by building around or adding to them in a sympathetic way.
4. Key principles to bear in mind when adding to an historic building are:
  - i. Alterations should be the minimum necessary.
  - ii. They should not detract from the heritage value of the place and/or building.
  - iii. They should be compatible with the original form and fabric of the building, but should be able to be read as new work, although this need not be obvious particularly for minor additions.
  - iv. They should be of a quality that does not detract from the heritage values of the place.
5. Ideally changes should also be reversible, to allow future generations to return the buildings to their original forms. When work is being done on historic buildings, previous inappropriate alterations should be reversed and unsympathetic additions removed whenever possible. Heritage New Zealand Pouhere Taonga can provide advice on these matters.
6. Figure 9: Sensitive alteration to an historic building.

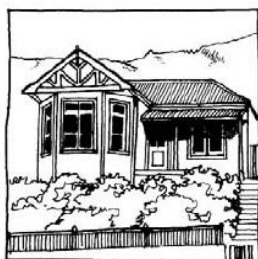


7. In the example to the right similar roof forms and window details have been used.
8. When work on an historic building is being undertaken the Conservation Guidelines published by Heritage New Zealand Pouhere Taonga should be consulted. Where major work is envisaged, an architect who has experience in conserving or adapting older buildings should be engaged.
9. Both the Akaroa Civic Trust and Heritage New Zealand Pouhere Taonga are available to advise owners of historic buildings who are considering major repairs or alterations to their buildings.

## i. Specific guidelines

### i. Roof forms

1. On Akaroa's older buildings, roofs are generally of relatively steep pitch, with gable ends. Hipped roofs are evident within the Commercial Banks Peninsula Zone. More recent buildings in the town exhibit a great variety of roof forms, including hip roofs, roofs of shallow pitch, and flat, or mono-pitch, roofs. While there is a variety of existing roof forms, those which are steeply pitched (i.e. 25 degrees and steeper) maintain an attractive streetscape and achieve a pleasing relationship with adjacent and nearby buildings and are to be encouraged.
2. Figure 10: Roof shapes and forms



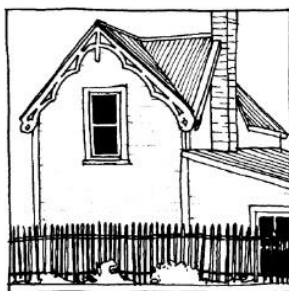
Villa Gable and Verandah



Verandah and simple gable with roof dormers



Two Storey Hipped Roof dormers



Two Storey Gable with Lean-to at rear



Multiple Gable Ends Roofs

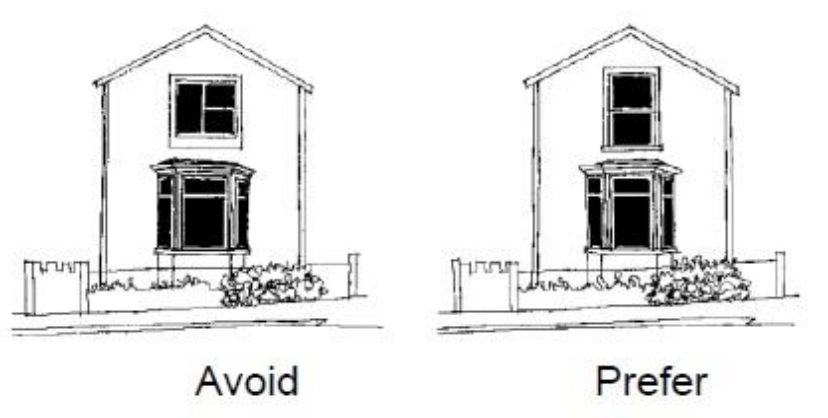
### ii. Cladding, texture and roofing materials

1. Historically, weatherboard has predominated in Akaroa. Roofs have been mostly corrugated iron with door, and window frames of wood. Brick and other forms of masonry construction are unusual in Akaroa. Consequently, the use of traditional vernacular materials, such as weatherboard cladding, and corrugated iron roofing is encouraged in Akaroa. Some recent examples have not worked well because they lack detail and texture. An example of a modern application which reflects the character of the adjoining buildings, and has been successful, can be seen on the additions to the Akaroa museum.
2. To harmonise contemporary with traditional buildings, extensive, blank masonry walls, lacking in texture, should be avoided where masonry walls are necessary. Careful detailing and placement of wall openings, sensitive selection of colours or

judicious planting can be useful in reducing adverse visual impacts to a limited degree.

### iii. Windows

1. Attention should be paid to the sizes, symmetry and proportions of window openings and their placement, or grouping, in relation to neighbouring buildings. In the Commercial Banks Peninsula Zone any departure from the vertical orientation of windows of historic buildings is not encouraged. Timber windows are preferable to aluminium but if aluminium windows are used, they should be faced with timber.
2. Figure 11: Window orientation- the illustration on the right demonstrates appropriate vertical orientation and facings and has pleasing symmetry.



**Figure 12:** Window shapes and types



Dormer in a roof



Modern blend of windows  
- all simple shapes

### iv. Colours

1. There is no reason, when choosing colours for the walls, facings and roofs of new buildings, or when repainting older buildings, not to use today's much wider palette of colours than the palette available in earlier years, provided the new colours are in accordance with the historic character of the town and its streetscapes. Simple combinations of discreet individual colours are particularly preferable in areas where there are a large number of older buildings, however, the colour of new structures should not visually dominate heritage buildings or the streetscape. Owners of historic buildings are encouraged to consider using heritage colours and information about these is available from major paint manufacturers and retailers. In the Commercial Banks Peninsula Zone the preference is for painted or coloured

surfaces. Corporate colour schemes and large corporate logos are not appropriate in the Akaroa Historic Area.

#### v. Verandas

1. The only sequence of nearly continuous shop verandas over footpaths in Akaroa is found along Beach Road. On Rue Lavaud occasional shop verandas contribute to the variety and modulation of the streetscape. Where new buildings are being erected in either of these precincts, maintenance of the sequence along Beach Road, and of the pattern of occasional verandas along Rue Lavaud, should be the goal.
2. Figure 13: Akaroa street verandas



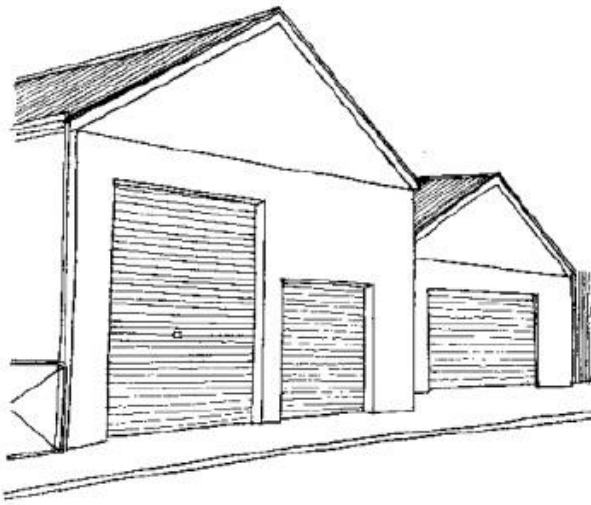
#### vi. Setback and fences

1. Akaroa's charm and historic character depend, in part, on gardens and trees remaining key elements in Akaroa's streetscapes. Setbacks will help ensure plantings continue to be a major element in most residential streetscapes. Only in existing commercial areas of the town, where setbacks are already small or non-existent, is it desirable to maintain the sense of a fully built-up townscape.
2. Having some buildings hard up against the street, even in predominantly residential areas, gives the town's streetscapes attractive variety.
3. To be able to look into and enjoy gardens along the street has long been the character of the settlement. Tall fences break this pattern, therefore low fences are encouraged. If taller fences are required, then they should be of a picket type so that the garden aspect is presented to the street.

#### vii. Parking and garages

1. Garages should have a minimal visual impact on the historic character and amenity of the streetscape. They should be located further back from the road boundary than the main building and the repetitious sequences of multiple garage doors should be avoided. Within the Akaroa Historic Area, garages facing the street are required to be sited behind dwellings.

2. Figure 14: Garages on street front - these buildings detract from the streetscape.



3. Car parking, especially with larger developments, should be concealed behind the main buildings, with minimal access points. Where this is not practical or possible, attention should be given to screening parking areas from view from adjoining streets.
4. Figure 15: Car parking visually softened by location behind buildings and screen planting

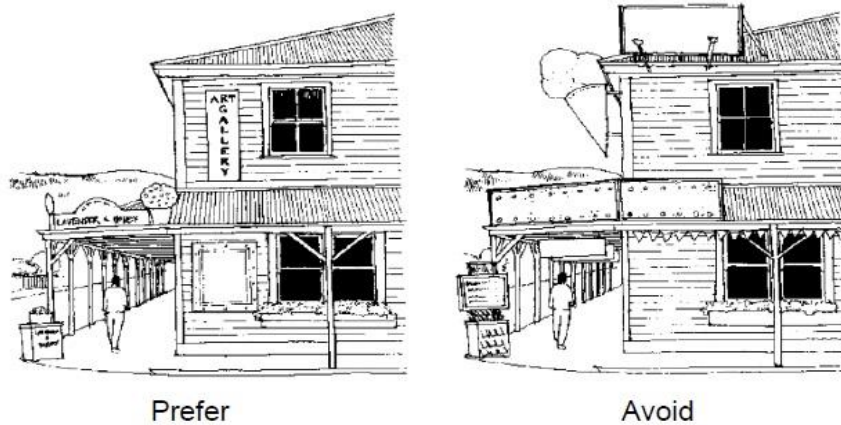


#### viii. Signs

1. Rules in the District Plan govern the size and placement of signs. Besides conforming with these rules, new signs will help preserve the character of Akaroa if they are simple, not excessively large and do not obscure interesting architectural details of buildings. Signs incorporating simple backgrounds, borders and text are preferable to complex graphics, particularly photomontage based signage and large-scale advertising hoardings. The proliferation of signs which are obtrusive because of their size, colour or placement, could undermine the pleasing character of Akaroa. Neon, moving, illuminated or brightly lit signs will generally detract from the historic character of Akaroa and are discouraged.

2. Figure 16: Signage





3. In this illustration the signs on the right detract from the form of the building and create a sense of visual clutter.

ix. Site work

1. The District Plan controls the heights of buildings in Akaroa, but again a building, which meets the requirements of the Plan, may not be satisfactory in its design, or impact on townscapes.



## 15.10.6 Design guidelines – Lyttelton Commercial Banks Peninsula Zone

### a. Introduction

- i. Lyttelton town centre (as defined by the Commercial Banks Peninsula Zone) is the focal point of the town, providing retail and commercial facilities and the opportunity for community exchange and interaction. The town centre has a distinct character, with a clear change in nature between it and the residential and port zones. Lyttelton has been described as quirky and creative, with a mix of old and new development, but overall, the buildings create a sense of place because, although they are all different, they are unified by their similarity in scale, form and relationship to the street.
- ii. The town centre was significantly damaged in the 2011 Canterbury earthquakes, with the loss of many of the buildings that provided the heritage values and identity of the commercial heart. Despite the loss of buildings much of the physical framework for a vital and vibrant town centre remains in place.

### b. Purpose

- i. The purpose of these guidelines is to identify the physical framework and explain the principles of designing new buildings and spaces, or additions to existing buildings, to uphold and strengthen the enduring character of the town centre. These are the key principles to consider in designing any new development in accordance with the rules in order to achieve the objectives and policies contained in the District Plan. The intention of the guidelines is not to stifle flair or creativity, but by paying attention to and incorporating the aspects of Lyttelton town centre that make it special, the development can support, rather than diminish, its character and identity.

### c. How the design guidelines work

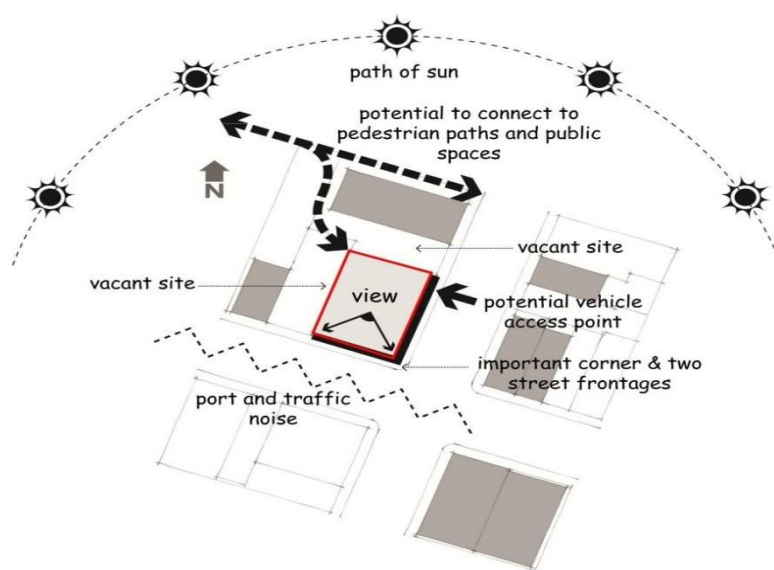
- i. The District Plan requires that the design of all new developments and external alterations to existing buildings within the Commercial Banks Peninsula Zone in Lyttelton is assessed through the resource consent process. All development proposals will be assessed against the principles in these guidelines, as applicable.



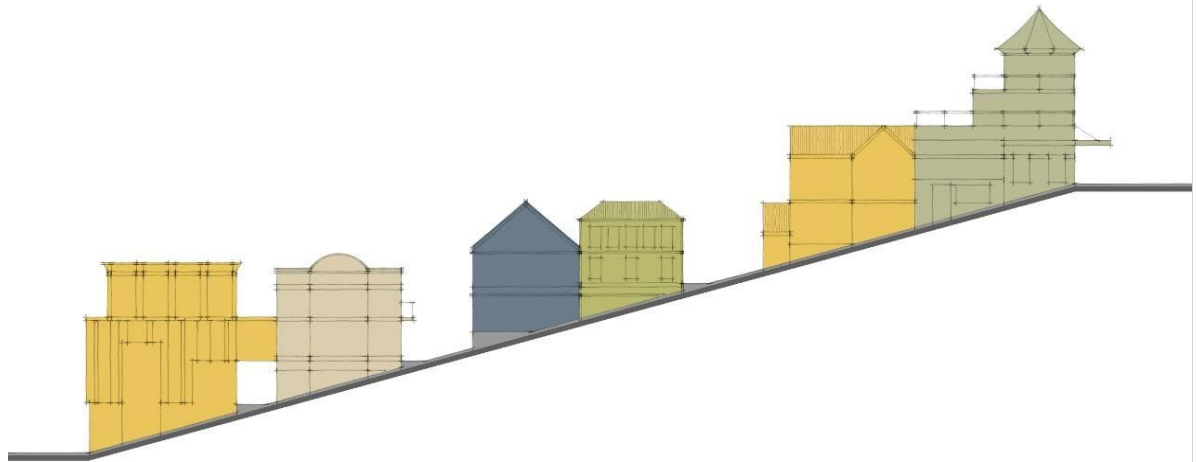
### d. Principle 1: Reflect the context

- i. Lyttelton has a special character due to its sloping topography, portside location, layout of streets and lots, and eclectic mix of buildings. The area also has a special significance to Ngāi Tahu due to their historic and contemporary occupation of the area and use of Whakaraupo / Lyttelton Harbour.

- ii. The four primary streets (London, Oxford and Canterbury Streets and Norwich Quay) have different characteristics, but are all important in defining and reinforcing the formality of the town centre layout. The land in the middle of the block without street frontage, and the area around Donald Street, lend themselves to more informal designs.
- iii. A thorough evaluation of the development site's context and the site itself prior to the design process, including an understanding of the colonial and Ngāi Tahu cultural heritage, will help identify the influences on and attributes of the site and its surroundings.
- iv. Cultural heritage is an expression of the ways of living developed by a community and passed on from generation to generation and includes built and natural environment and artefacts, including customs, practices, places, objects, artistic expressions and values.
- v. Figure 1: A simple context analysis identifying influences on the development site.



- vi. Reflecting the context means:
  1. Considering how the development builds on and contributes to Lyttelton's cultural heritage in respect to the built and natural environment.
  2. Recognising the site topography, particularly building to suit and take advantage of sloping ground.
  3. Recognising that the streets and spaces within the town centre have differing character attributes. On Norwich Quay designs will need to take account of traffic and port noise.
  4. Taking advantage of the views to the south and sunny aspect to the north.
  5. Incorporating mid-block pedestrian lanes and outdoor spaces at the rear of sites.
  6. Taking primary design references from the town centre character attributes rather than the surrounding residential buildings or the port.
  7. Figure 2: Addressing the slope, views and existing building form



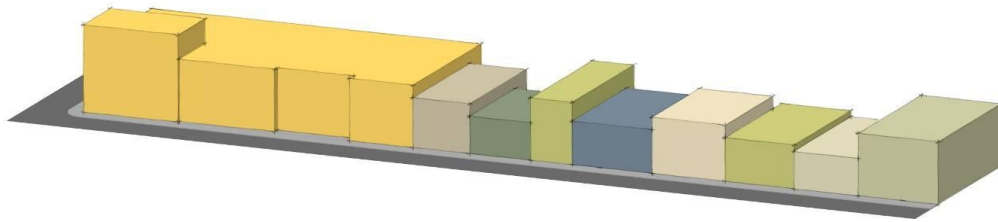
e. The scale of a building is the product of its height and size as well as the design details. While the town centre buildings vary considerably in height and size they are all compatible in terms of scale. The width of lots has played a large part in establishing the existing scale of development.

i. To keep in scale means:

1. Maintaining the generally low built form up to 3 storeys, but considering options for higher feature elements.
2. Figure 3: Keeping in scale, through a combination of height, form, development gain and detailing



3. Considering the scale of neighbouring buildings and the overall scale of the street in which the building is to be located. London Street has an enclosed, intimate scale. Norwich Quay is a wider street, single sided for the majority of its length, with an open outlook to the port and beyond. As such taller buildings would be more appropriate in this streetscape than in London Street.
4. If building next to a character building, ensuring that its visual presence is not dominated or diminished by the new building or addition.
5. If building a single storey building, ensuring that the building height is sufficiently high to maintain a similar scale of building on the street frontage to those buildings adjacent and the streetscape as a whole.
6. Breaking a large building into modules so that it reads as smaller joined buildings rather than one monolithic one. As a rule of thumb, modules of 4m to 12m in width on London Street and up to 20 metres elsewhere will reflect the historic subdivision pattern.
7. Figure 4: Creating vertical and horizontal modulation in a large development block



8. Designing the building with both horizontal and vertical divisions (articulation), particularly on elevations facing the street or adjacent to high use pedestrian lanes and spaces. Identifying each storey is important.

f. Principle 3: Respect the street pattern and building form

- i. The grid pattern of wide straight streets is defined by building frontages along the street, which enclose the street space. The building forms are solid, rectilinear and positioned square to the street.
- ii. Respecting the street pattern and building form means:
  1. Building right up to the street edge, particularly on London Street, Norwich Quay and the western side of Oxford Street, and across the whole of the street frontage, (except where access is required from Norwich Quay).
  2. Figure 5: Reinforcing the corner aspect and increasing way-finding for visitors to the town centre



3. If building on a corner site, reinforcing the corner and supporting the street form with a taller building of a minimum of two storeys in height.
4. Restricting irregular forms and shapes to feature elements or to internal block locations away from the primary street frontages.
5. Keeping the building façade generally up to, but not beyond, the street boundary, except for verandas and small feature elements.

6. Using flat, symmetrically pitched, or hipped rooflines or parapets where buildings face the street.
7. Where there is an un-built frontage on Oxford Street or Canterbury Street, consider defining the street edge with a low wall.

g. Principle 4: Address the street

- i. Buildings in Lyttelton address the street. The building frontages are interesting and encourage activity, creating a lively atmosphere. Good visibility from buildings to the street and publicly accessible areas allows for casual surveillance. Addressing the street means:
  1. Providing windows on all street elevations or elevations adjacent to pedestrian lanes and public spaces. On Canterbury and Oxford Streets windows will also be needed at lower ground level.
  2. Providing highly legible pedestrian entrances accessed directly from the street.
  3. On corner sites, wrapping the building around the corner and providing a high level of architectural detail particularly in respect to entrances and windows, and the quality of façade materials.
  4. Incorporating generous shop windows on the ground floor along London Street.
  5. Avoiding building designs and layouts which create hidden, potentially unsafe alcoves and areas.
  6. Ensuring universal access (access for all people), with particular attention being paid to sites with sloping frontages.
  7. Where required, providing verandas that are in keeping with or complement adjacent verandas in respect to design, width and continuity.
  8. Figure 6: Creating a street frontage with a high level of visual interest, including ground floor windows and entrances to the street

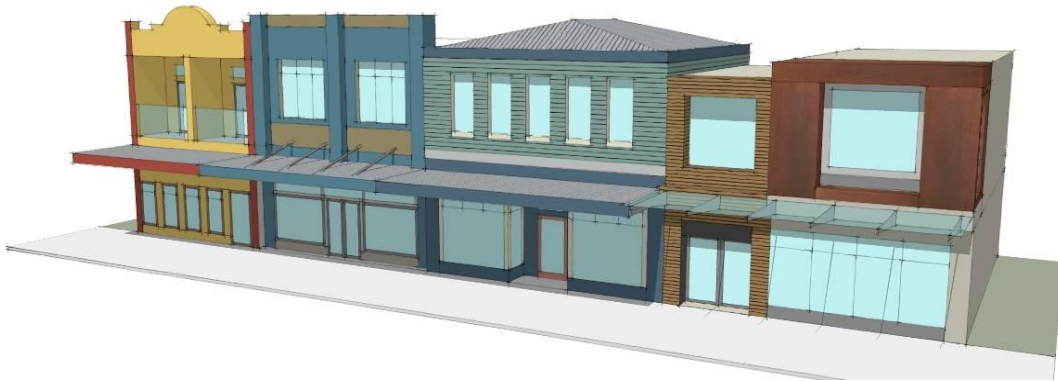


h. Principle 5: Incorporate variety and pay attention to detail

- i. Lyttelton had a wide variety of buildings of different ages and styles which, as a collection, created an eclectic, vibrant townscape. Although diminished, this variety, and particularly the level of detail within the building facades, remains. There is the opportunity for creative design and to incorporate features and details which are characteristic of Lyttelton, or a contemporary take on them. Incorporating variety and paying attention to detail means:
  1. Distinguishing any new building from its neighbours and, if a large building, incorporating variety within the building design.



2. Avoiding being exactly the same height as the neighbouring building.
3. Avoiding repetition of the same design module along the street frontage, typically no more than a 12 metre run.
4. Figure 7: Creating interest and variety along the street frontage



- ii. Creating depth to the building surface through the utilisation of, for example, recessed windows and doorways, protruding window and door surrounds, textured cladding and applied decorative features.
- iii. Providing variation in building materials and colours. Avoid large expanses of the same material, colour or pattern.
- iv. Picking up on historical references and traditional features such as angled corners, high parapets with a curvilinear top, corner towers, volcanic stone walls or mural.
- v. Orientating windows vertically to reinforce the fine grain of the town centre.
- vi. Creating interest and contrast where building additions are proposed, through the choice of materials and detailing.
- vii. Integrating signage, where needed, within the design of the building to ensure that it does not visually dominate or detract from the architectural form and quality of the building.
- viii. Figure 8: Integrated signage within the building form and design features



i. Principle 6: Promote sustainable building initiatives

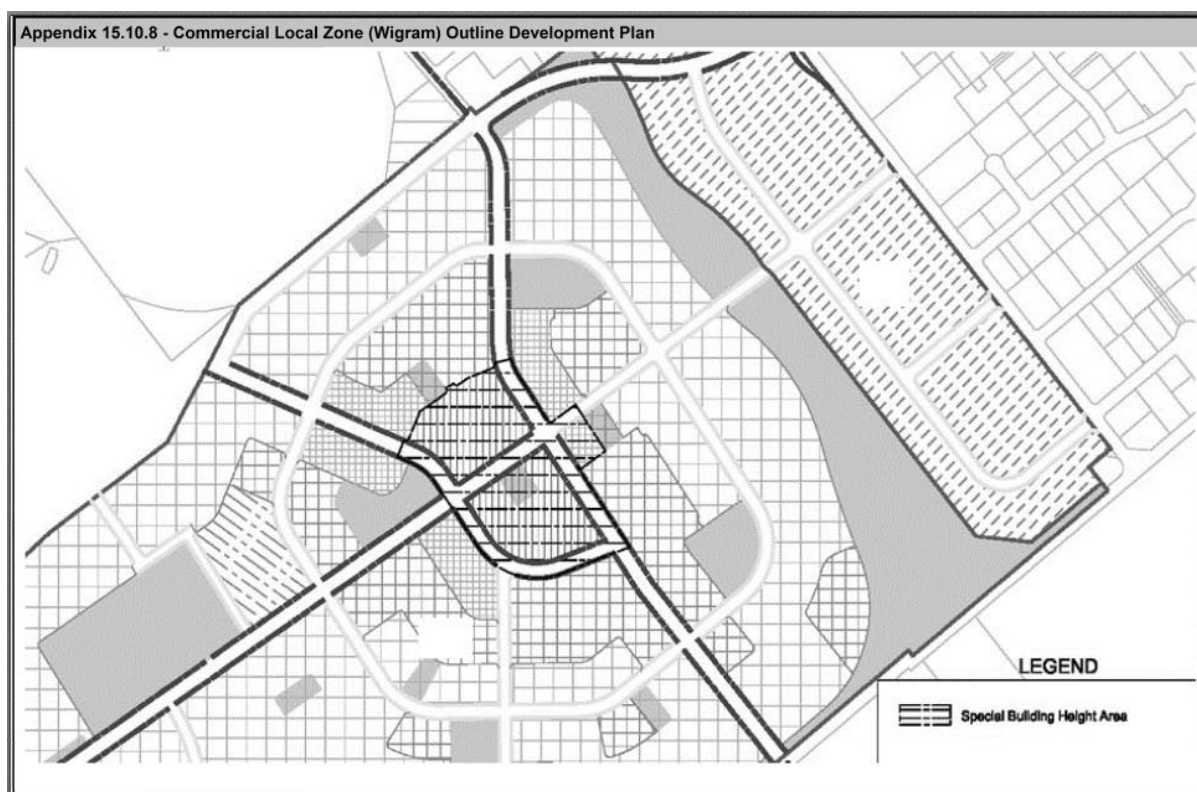
- i. Lyttelton town centre has the opportunity to incorporate designs, technologies and systems that promote more sustainable practice from concept design, through to the construction, use and maintenance of buildings and spaces, which means:
  1. Using design and construction methods that minimise waste to landfill and cleanfill, and the implementation of environmental management systems to ensure other impacts are managed throughout the construction process.
  2. Incorporating design and technologies that conserve energy and water, promote renewable energy, encourage recycling, achieve a high level of thermal comfort and support natural ventilation and natural light penetration.
  3. Selecting materials that are durable, low maintenance, non-toxic and where possible, that have independent environmental certification and are from local and renewable sources.
  4. Providing facilities that encourage walking, cycling and the use of public transport, including high quality pedestrian access, showers, change facilities, storage and bicycle racks for staff and visitors.
  5. Designing for outdoor comfort by creating pleasant micro-climates and inviting, sheltered, sunny, spaces such as courtyards or balconies using verandas, planting or screens to help moderate temperature and wind.
  6. Improving ecology and stormwater management on the site through the provision of rain gardens, landscaping, pot plants or living roofs and walls.

## 15.10.7 Lyttelton Master Plan Overlay

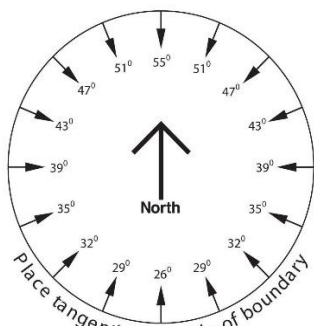
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### 15.10.8 Commercial Local Zone (Wigram) Outline Development Plan

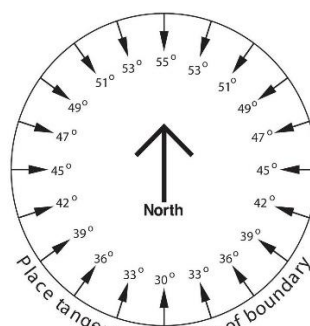


## 15.10.9 Recession plane diagrams



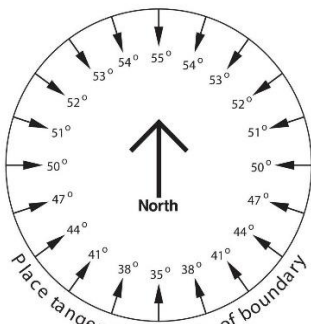
A Applicable to all buildings:

- in the Residential Suburban Zone
- on sites in other non residential zones that adjoin the Residential Suburban Zone



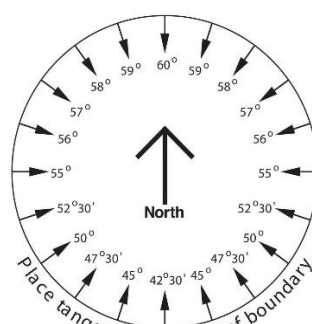
B Applicable to all buildings:

- Residential Suburban density overlay
- On sites on other non residential zones that adjoin the Residential Suburban density overlay area



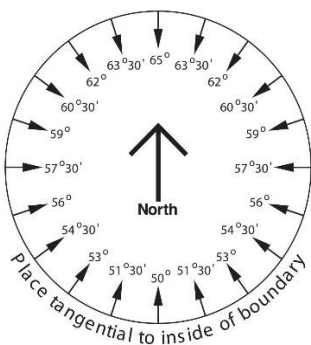
C Applicable to all buildings:

- in the Residential Medium Density Zone
- on sites in other non residential zones that adjoin the Residential Medium Density Zone



D Applicable to all buildings:

- in the medium density higher height limit zones
- on sites in other non residential zones that adjoin the medium density higher height limit zones
- in the medium density higher height limit zones (except those buildings over 11 metres in height)
- on sites in other non residential zones that adjoin the medium density (except those buildings over 11 metres in height)

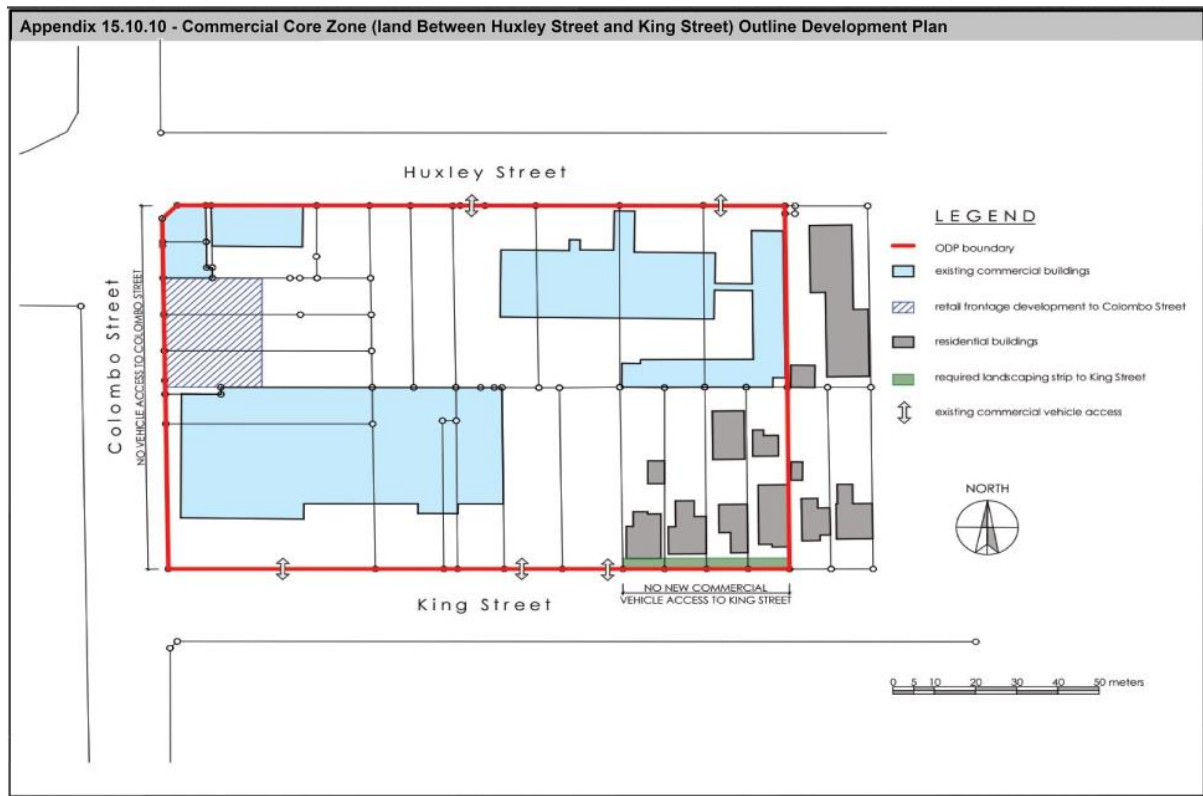


E Applicable to all buildings:

- over 11 metres in height in the medium density higher height limit zones
- over 11 metres in height on sites in other non residential zones that adjoin the medium density higher height limit zones

Note: North is true north

### 15.10.10 Commercial Core Zone (land between Huxley Street and King Street) Outline Development Plan



**SCHEDULE 1B: CHAPTER 16 — INDUSTRIAL**

The notified proposal is amended by our decision as follows.

Text that is highlighted **grey** indicates Stage 1 text and is not the subject of this decision. Greyed out Stage 1 text incorporates requests for minor corrections for which a decision has been issued.

Text in **blue** is the decision text for the Industrial Park Zone (Memorial Avenue) proposal only.

Text in **red bold and underlined** is the decision text for the Commercial Industrial Stage 2 proposal only.

## Chapter 16 Industrial (part)

### 16.1 Objectives and policies

#### 16.1.1 Objective - Recovery and growth

- a. The recovery and economic growth of the district's industry is supported and strengthened in existing and new greenfield industrial zones.

##### 16.1.1.1 Policy - Sufficient land supply

- a. Maintain a sufficient supply of industrial zoned land to meet future demand up to 2028, having regard to the requirements of different industries, and to avoid the need for industrial activities to locate in non-industrial zones.

##### 16.1.1.2 Policy - Enable the development of industrial areas to support recovery

- a. Encourage the redevelopment of existing industrial zones for industrial activities, particularly in areas that have lost industry and associated employment opportunities due to the earthquakes.

##### 16.1.1.3 Policy - Range of industrial zones

- a. Recognise and provide for industrial zones with different functions that cater for a range of industrial and other compatible activities depending on their needs and effects as follows:
  - i. Industrial General Zone
    - A. Recognise and provide for industrial and other compatible activities that can operate in close proximity to more sensitive zones due to the nature and limited effects of activities including noise, odour, and traffic, providing a buffer between residential areas and the Industrial Heavy Zone.
  - ii. Industrial Heavy Zone
    - A. Recognise and provide for a full range of industrial and other compatible activities that generate potentially significant effects, including relatively high levels of noise, odour, heavy traffic movements, and the presence of significant amounts of hazardous substances, necessitating separation from more sensitive activities.
  - iii. Industrial Park Zone
    - A. Recognise and provide for industrial activities in the high technology sector and other industries in a high amenity environment dominated by open space and landscaping, and that generate higher volumes of traffic than other industries while having negligible effects in terms of noise, odour or the use and storage of hazardous substances.

### 16.1.1.4 Policy - Activities in industrial zones

- a. Maintain and support the function of industrial zones while, subject to Clauses (b) and (c), providing for limited non-industrial activities that:
  - i. are ancillary in scale (subject to Clause (d)) and on the same site as a permitted or consented activity;
  - ii. are not appropriate in more sensitive environments due to their potential noise, odour or other environmental effects;
  - iii. comprise yard based or trade suppliers in the Industrial General Zone;
  - iv. provide an emergency service and/or provide for community activities;
  - v. support the needs of workers and businesses in the zone including food and beverages, commercial services, and the care of children;
  - vi. meet the convenience needs of residents, workers and businesses in the Industrial General Zone (Waterloo Park) in a local centre;
  - vii. are rural activities associated with the irrigation of food processing wastewater in the identified area of the Industrial Heavy Zone (South West Hornby) (Appendix 16.6.8) that is integral to the ongoing operation of an established industrial activity.
- b. Avoid any activity in industrial zones with the potential to hinder or constrain the establishment or ongoing operation or development of industrial activities and strategic infrastructure. This includes but is not limited to avoiding:
  - i. sensitive activities located within the 50 dBA Ldn noise contour line, the Lyttelton Port Influences Overlay Area and in proximity to the National Grid;
  - ii. discretionary or non-complying activities in close proximity to bulk fuel storage facilities unless a quantitative risk assessment establishes that the proposed activity in its location meets risk acceptability criteria appropriate to the applicable land use.
- c. Avoid the use of industrial zones for non-industrial activities that could adversely affect the strategic role of the Central City, District Centres and Neighbourhood Centres as focal points for commercial, community, residential, and other activities.
- d. Provide for ancillary activities, recognising their role in supporting industry, while being incidental in scale and function to a principal activity on the same site, and not inconsistent with Clauses (b) and (c).

Note for Clause (b)(ii): As at June 2015, bulk fuel storage facilities in industrial zones are limited to the LPG and oil depots in Chapmans Road, Woolston.

The quantitative risk assessment referred to under (b)(ii) shall consider the vulnerability of activities to hazardous events from a bulk fuel storage facility, such as fires and vapour cloud explosions, and the ability of the proposed activity to enact timely and effective emergency action and evacuation. This will require consideration of factors including:

- i. Site and building occupancy, and the ability to easily evacuate;
- ii. Building type and siting; and
- iii. The effects of structures and landscaping on the propagation of vapour cloud explosions.

The identification of appropriate risk acceptability criteria and guidance on preparing a quantitative risk assessment shall refer to guidance in the Planning NSW Hazardous Industry Planning Advisory Papers No. 3 and 4 Risk Criteria for Land Use Safety Planning, or similar guidance suitable to the context of the site and activity that the risk assessment is for. Early consultation with the companies responsible for the LPG and oil depots is encouraged for any proposed activity within 300 metres of the depots, as the companies will be able to assist with the identification of appropriate risk acceptability criteria and the extent to which a quantitative risk assessment is necessary.

#### **16.1.1.5 Policy - Office development**

- a. Avoid office development in industrial areas other than where it is:
  - i. ancillary to a permitted or consented activity on the same site (subject to 16.1.1.4 (d);
  - ii. a secondary component to a high technology industrial activity located in the Industrial Park Zone that supports the function of the zone for primarily industrial activities.

#### **16.1.1.6 Policy - Regionally significant infrastructure - Inland Port**

- a. To enable regionally significant inland port infrastructure to operate and develop efficiently and safely through provisions that enable port activities while avoiding the potential for reverse sensitivity effects associated with sensitive land uses.

### **16.1.2 Objective – Brownfield redevelopment**

- a. The recovery and economic growth of the District is provided for by enabling redevelopment, including mixed-use development, of appropriate brownfield sites while not compromising the function of the wider industrial area for primarily industrial activities.

Note: 16.1.2 Objective – Brownfield development and 16.1.2.1 Policy - Brownfield site identification and 16.1.2.2 Policy – Brownfield redevelopment are the only objective and policies in the Industrial Chapter to be considered for any proposal for residential or mixed use development of a brownfield site.

#### **16.1.2.1 Policy - Brownfield site identification**

- a. Unless a site is identified by a ‘brownfield’ overlay on the planning maps, a brownfield site shall meet the following criteria:
  - i. The land is abandoned or underutilised industrial land, or no longer required by a requiring authority for a designated purpose; and
  - ii. The redevelopment of the brownfield site will not adversely affect the supply of land to meet anticipated needs of industrial activities to 2028, including industrial activities with specific locational requirements; and
  - iii. The brownfield site is in a location that is not surrounded by industrial activities and/or will not erode the anticipated outcomes, including the function and amenity levels, of those parts of the zone not subject to brownfield redevelopment.

### 16.1.2.2 Policy – Brownfield redevelopment

- a. To support the redevelopment of brownfield sites for residential or mixed use activities including a limited quantum of commercial activity.
- b. Brownfield regeneration proposals shall ensure that:
  - i. Any residential or mixed use development will not give rise to reverse sensitivity effects on existing industrial activities, or other effects that may hinder or constrain the establishment or ongoing operation or development of industrial activities and strategic infrastructure.
  - ii. The safety and efficiency of the current and future transport system is not significantly adversely affected.
  - iii. An appropriate level of residential amenity can be achieved on the site.
  - iv. The site enhances connectivity to public transport routes, commercial and community services, and open space where appropriate.
  - v. Any contaminated land is managed in accordance with national and regional standards.
  - vi. The redevelopment maintains the strategic role of commercial centres as the focal points for commercial and other activities, and the efficient and effective use of land and/or community and transport infrastructure investment in centres.
  - vii. The environmental and cultural values of waterways within or adjoining the site are recognised and provided for in any redevelopment.

### 16.1.3 Objective – Effects of industrial activities

- a. Adverse effects of industrial activities and development on the environment are managed to support the anticipated outcome for the zone while recognising that sites adjoining an industrial zone will not have the same level of amenity anticipated by the Plan as other areas with the same zoning.
- b. The cultural values of Ngāi Tahu/ manawhenua are recognised, protected and enhanced through the use of indigenous species in landscaping and tree planting, a multi-value approach to stormwater management in greenfield areas, low impact design, and the protection and enhancement of wāhi tapu and wāhi taonga including waipuna.

#### 16.1.3.1 Policy – Development in greenfield areas

- a. To manage effects at the interface between greenfield areas and arterial roads, rural and residential areas with setbacks and landscaping.
- b. Manage the development of greenfield areas in a manner aligned with the delivery of infrastructure, including upgrades to networks, to avoid adverse effects on networks serving these areas.
- c. Development shall recognise and support Ngāi Tahu cultural values through low impact urban design, the protection of sites of significance to Ngāi Tahu including wāhi tapu and wāhi taonga, waterways, springs, wetlands, and sites of indigenous vegetation where practicable.



- d. Enable the ongoing use of land in the Industrial Heavy Zone (South West Hornby), (identified on Appendix 16.6.8) for rural activities and the associated irrigation of food processing wastewater at South West Hornby as an integral component of the adjoining industrial activity.

### 16.1.3.2 Policy – Managing effects on the environment

- a. The effects of development and activities in industrial zones, including reverse sensitivity effects on existing industrial activities as well as, visual, traffic, noise, glare and other effects, are managed through the location of uses, controls on bulk and form, landscaping and screening, particularly at the interface with arterial roads fulfilling a gateway function, and rural and residential areas, while recognising the functional needs of the activity.
- b. Effects of industrial activities are managed in a way that the level of residential amenity (including health, safety, and privacy of residents) adjoining an industrial zone is not adversely affected while recognising that it may be of a lower level than other residential areas.
- c. Development and activities are managed to avoid adverse effects on strategic infrastructure within or in proximity to industrial zones.
- d. The quantity of wastewater discharged in areas over unconfined or semi-confined aquifers is restricted to minimise any risk of contamination.
- e. The cultural values of Ngāi Tahu/manawhenua are recognised and supported through the protection of wāhi tapu and wāhi taonga, including waipuna, from the adverse effects of development, through the use of low impact design, use of indigenous species appropriate to the local environment, and stormwater management.
- f. Development in the Industrial Park Zone is designed and laid out to promote a safe environment and reflects principles of Crime Prevention through Environmental Design (CPTED).

### 16.1.3.3 Policy - Managing stormwater

- a. Ensure that stormwater is managed in a way that:
  - i. mitigates the adverse effects of flooding;
  - ii. improves water quality in a manner which is consistent with maintaining environmental and public health.
- b. Encourage methods that achieve:
  - i. a multi-value approach, using swales, wetlands, infiltration and retention basins, having regard to the location and environmental constraints;
  - ii. integration with the wider network, reflecting a catchment based approach.

## 16.1.4 Objective - Amenity at the western gateway to the City

- a. Development at the western gateway to the City and adjacent to Memorial Avenue has a high visual and aesthetic quality given its prominent location.

#### **16.1.4.1 Policy - Amenity values along Memorial Avenue**

- a. Maintain the amenity values along Memorial Avenue as a visitor gateway through the provision of buildings of a high visual and aesthetic quality, limited signage, a large building setback and landscaping along the frontage with Memorial Avenue.

## 16.2 Rules - Industrial General Zone

### 16.2.1 How to use the rules

- a. The rules that apply to activities in the Industrial General Zone are contained in:
  - i. The activity status tables (including activity specific standards) in Rule 16.2.2; and
  - ii. Built form standards in 16.2.3.
  
- b. Area specific rules also apply to activities within the Industrial General Zone in the following areas:
  - i. Waterloo Park (as identified in Appendix 16.6.2) - Rule 16.2.4;
  - ii. Portlink Industrial Park (as identified in Appendix 16.6.3) - Rule 16.2.5;
  - iii. Musgroves (as identified in Appendix 16.6.4) - Rule 16.2.6;
  - iv. *North Belfast (as identified in Appendix 16.6.5) - Rule 16.2.7; DEFERRED*
  - v. Stanleys Road (as identified in Appendix 16.6.9) – Rule 16.2.8;
  - vi. Trents Road (as identified in Appendix 16.6.6) - Rule 16.2.9.
  - vii. South West Hornby (as identified in Appendix 16.6.8) – Rule 16.2.10
  
- c. The activity status tables and standards in the following chapters also apply to activities in all areas of the Industrial General Zone (where relevant):
  - 5 Natural Hazards;
  - 6 General Rules and Procedures;
  - 7 Transport;
  - 8 Subdivision, Development and Earthworks;
  - 9 Heritage and Natural Environment;
  - 11 Utilities, Energy and Infrastructure; and
  - 12 Hazardous Substances and Contaminated Land.
  
- d. Where the word 'facility' is used in the rules e.g. public transport facility, it shall also include the use of a site/building for the activity that the facility provides for, unless expressly stated otherwise.

Similarly, where the word/ phrase defined includes the word 'activity' or 'activities', the definition includes the land and/or buildings for that activity unless expressly stated otherwise in the activity status tables.

## 16.2.2 Activity status tables – Industrial General Zone

### 16.2.2.1 Permitted activities

In the Industrial General Zone the activities listed below are permitted activities if they comply with any activity specific standards set out in this table and the built form standards in Rule 16.2.3. Note, the built form standards do not apply to an activity that does not involve any development.

Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited, as specified in Rules 16.2.2.2, 16.2.2.3, 16.2.2.4, 16.2.2.5 and 16.2.2.6.

The activities listed below include any associated landscaping, access, parking, loading, waste management and other hard standing areas.

Activity		Activity specific standards
<b>P1</b>	Any new building or addition to a building for any permitted activity listed in P2 to P21 below.	Nil
<b>P2</b>	Industrial activity	
<b>P3</b>	Warehousing and distribution activities	
<b>P4</b>	High technology industrial activity	
<b>P5</b>	Service industry	
<b>P6</b>	Trade and industry training facility	
<b>P7</b>	Ancillary retail activity	<p>Any ancillary retail activity shall:</p> <ul style="list-style-type: none"> <li>a. occupy no more than 250m<sup>2</sup> or 25% of the gross floor area of all buildings on the same site, whichever is the lesser; and</li> <li>b. have visually transparent glazing on the ground floor elevation facing the street for a minimum of 20% of that elevation where goods are displayed for sale within the building and the retail activity fronts the street.</li> <li>c. be limited to the display and sale of goods produced, processed or stored on the site.</li> </ul>
<b>P8</b>	Retail activity on the Tannery site (between Cumnor Terrace and Tanner street), within the brownfield overlay on planning map 47.	<ul style="list-style-type: none"> <li>a. The maximum gross floor area of retail activity shall be 2,278m<sup>2</sup>.</li> </ul>

<b>P9</b>	Food and beverage outlet	Nil
<b>P10</b>	Trade supplier	
<b>P11</b>	Yard-based supplier	
<b>P12</b>	Service station	
<b>P13</b>	Second-hand goods outlet	
<b>P14</b>	Ancillary office activity	<p>Any ancillary office activity shall:</p> <ul style="list-style-type: none"> <li>a. occupy no more than 500m<sup>2</sup> or 30% of the gross floor area of all buildings on the same site, whichever is the lesser or for yard based activities, shall occupy no more than 250m<sup>2</sup> of floor area on the whole site; and</li> <li>b. have visually transparent glazing on the ground floor elevation facing the street for a minimum of 20% of that elevation where the office activity fronts the street.</li> </ul> <p>Note: clause (a) shall not apply to land legally described as Lot 1 DP 2951, Lot 2 DP 2951, and Pt Sec 16 Lyttelton Town, where any office activity shall be ancillary to port activities.</p>
<b>P15</b>	Public transport facility	Nil
<b>P16</b>	Emergency service facilities	
<b>P17</b>	Gymnasium	
<b>P18</b>	<p>Pre-school</p> <ul style="list-style-type: none"> <li>a. outside the air noise contour (50 dBA L<sub>dn</sub>);</li> <li>b. in Lyttelton, outside the Lyttelton Port Influences Overlay Area as defined on the Planning maps;</li> </ul>	<p>Any pre-school activity shall be:</p> <ul style="list-style-type: none"> <li>a. located more than 100 metres from the boundary of an Industrial Heavy Zone; and</li> <li>b. any habitable space must be designed and constructed to achieve an external to internal noise reduction of not less than 25 dB <math>D_{tr, 2m, nTw} + C_{tr}</math>; and</li> <li>c. any bedroom or sleeping area must be designed and constructed to achieve an external to internal noise reduction of not less than 30 dB <math>D_{tr, 2m, nTw} + C_{tr}</math>.</li> </ul>
<b>P19</b>	Parking lots and parking buildings	Nil
<b>P20</b>	Community corrections facility	

<b>P21</b>	Activities P1 to P20 at 65 – 67 Racecourse Road (Refer to Appendix 16.6.12)	a. Development is to be in accordance with the outline development plan in Appendix 16.6.12.
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### 16.2.2.2 Controlled activities

The activities listed below are controlled activities.

There are no controlled activities.

### 16.2.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 16.5.1 and 16.5.2 for each standard, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Activities P1-P21 listed in 16.2.2.1 and RD2 to RD4 that do not comply with one or more of the built form standards in Rule 16.2.3 unless otherwise specified.  Refer to relevant built form standard for provisions regarding notification and written approval.	As relevant to the breached built form standard: a. Maximum height of buildings and fencing or screening structure – 16.5.1.1 b. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3 c. Minimum building setback from the boundary with a residential zone, residential property – 16.5.1.4 d. Sunlight and outlook at boundary with a residential zone, residential property and road - 16.5.1.5 e. Outdoor storage of materials – 16.5.1.6 f. Landscaped areas – 16.5.1.7 g. Access to the Industrial General Zone (Deans Ave) – 16.5.1.8 h. Water supply for fire fighting – 16.5.1.9 i. <b><u>Outdoor storage - 16.5.1.6 (a), (c) and (d)</u></b>
<b>RD2</b>	Activity P18 in Rule 16.2.2.1 that does not comply with one or more of the	a. Sensitive activities - 16.5.2.3

	Activity	The Council's discretion shall be limited to the following matters:
	activity specific standards in Rule 16.2.2.1.	
<b>RD3</b>	Commercial services  Any application for this activity will not require written approvals and shall not be limited or publicly notified.	a. Display of goods, show room and non-industrial activities - 16.5.2.1
<b>RD4</b>	Activities P7, P8 and P14, listed in Rule 16.2.2.1 that do not comply with one or more of the activity specific standards in Rule 16.2.2.1.  Any application for this activity will not require written approvals and shall not be limited or publicly notified.	a. Display of goods, showroom and non-industrial activities --16.5.2.1
<b>RD5</b>	Activities P21 not complying with the outline development plan for the land at 65 – 67 Racecourse Road (refer to Appendix 16.6.12)	a. Outline Development Plan for land at 65 – 67 Racecourse Road – 16.5.1.10

#### 16.2.2.4 Discretionary activities

The activities listed below are discretionary activities.

	Activity
<b>D1</b>	Any activity not provided for as a permitted, restricted discretionary, non-complying or prohibited activity.
<b>D2</b>	Heavy industrial activity

#### 16.2.2.5 Non complying activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	<p>a. Sensitive activities</p> <p>i. within 12 metres of the centre line of a 220kV National Grid transmission line or within 12 metres of the foundation of an associated support structure.</p>

	Activity
	<p>ii. within 10 metres of the centre line of a 66 kV electricity distribution line or within 10 metres of a foundation of an associated support structure.</p> <p>iii. within 5 metres of the centre line of a 33 kV electricity distribution line or within 5 metres of a foundation of an associated support structure.</p> <p>b. Buildings on greenfield sites</p> <p>i. within 12 metres of the centre line of a 220kV National Grid transmission line or within 12 metres of the foundation of an associated support structure.</p> <p>ii. within 10 metres of the centre line of a 66 kV electricity distribution line or within 10 metres of a foundation of an associated support structure.</p> <p>iii. within 5 metres of the centre line of a 33 kV electricity distribution line or within 5 metres of a foundation of an associated support structure.</p> <p>c. Buildings, other than those in (b) above,</p> <p>i. within 12 metres of the foundation of a 220 kV National Grid transmission support structure.</p> <p>ii. within 10 metres of the foundation of a 66 kV electricity distribution support structure.</p> <p>iii. within 5 metres of the foundation of a 33 kV electricity distribution support structure.</p> <p>d. Fences within 5 metres of a National Grid transmission line support structure foundation or 5 metres of a 66 kV and 33 kV electricity distribution support structure foundation.</p> <p>Any application made in relation to this rule shall not be publicly notified or limited notified other than to Transpower New Zealand Limited and/or Orion New Zealand Limited or other electricity distribution network operator.</p> <p>Notes:</p> <p>i. The National Grid transmission lines and 66 kV and 33 kV electricity distribution lines are shown on the planning maps.</p> <p>ii. Vegetation to be planted around the National Grid or 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>iii. 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 and electricity distribution lines. Buildings and activity in the vicinity of National Grid transmission lines or electricity distribution lines must comply with the NZECP 34:2001.</p>
<b>NC2</b>	Sensitive activity within the air noise contour (50 dBA Ldn) or within the Lyttelton Port Influences Overlay Area as defined on the planning maps.



	Activity
<b>NC3</b>	Any activity in the Industrial General Zone between Main South Road and the railway line, south west of 15 Foremans Road which results in the daily average sewage flow from a site exceeding 0.09 L/s/ha.
<b>NC4</b>	Residential activity on the Tannery site (between Cumnor Terrace and Tanner Street)
<b><u>NC5</u></b>	<b><u>Any activity within the area defined in Appendix 16.6.16 as "Area subject to wastewater discharge restrictions", which results in daily average sewage flows from a site to the Council's reticulated network exceeding 0.09 l/s/ha.</u></b>

### 16.2.2.6 Prohibited activities

The activities listed below are prohibited activities.

There are no prohibited activities.

### 16.2.3 Built form standards – Industrial General Zone

The following relevant built form standards shall be met by all permitted activities and restricted discretionary activities RD2, RD3 and RD4 unless otherwise stated.

#### 16.2.3.1 Maximum height for buildings

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Buildings within 20 metres of a residential zone	15 metres	Greater than 15 metres	a. Maximum height of buildings and fencing or screening structure - 16.5.1.1

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 16.2.3.2 Minimum building setback from road boundaries/ railway corridor

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Any activity unless specified below	1.5 metres	Less than 1.5 metres	a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3
b.	Any activity fronting on an arterial road or opposite a residential zone unless specified in (c)	3 metres	Less than 3 metres	
c.	Buildings, balconies and decks on sites adjacent to or abutting railway lines.	4 metres from the rail corridor boundary	Less than 4 metres	a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3(d)

Any application arising from non-compliance with this rule (excluding clause (c)) will not require written approvals and shall not be publicly or limited notified.

Any application arising from clause (c) of this rule will not require the written approval of any entity except KiwiRail and shall not be publicly notified. Limited notification, if required, shall only be to KiwiRail.

### 16.2.3.3 Minimum building setback from the boundary with a residential zone

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>3 metres</p> <p>Clause (a) shall not apply to the Industrial General zone off Haytons Road.</p>	<p>Less than 3 metres</p>	<p>a. Minimum building setback from the boundary with a residential zone, residential property – 16.5.1.4</p>

Any application arising from non-compliance with this rule shall not be publicly notified.

### 16.2.3.4 Sunlight and outlook at boundary with a residential zone and road

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>Where an internal site boundary adjoins a residential zone no part of any building shall project beyond a building envelope contained by a recession plane measured at any point 2.3m above the internal boundary in accordance with the relevant diagram in Appendix 16.6.11.</p> <p>Clause (a) shall not apply to the Industrial General zone off Haytons Road.</p>	<p>Non-compliance with permitted standard</p>	<p>a. Sunlight and outlook at boundary with a residential zone, residential property and road – 16.5.1.5</p>
b.	<p>Where a site adjoins Blakes Road at East Belfast, no buildings shall project beyond a building envelope constructed by recession planes commencing at a point 8 metres above the Blakes Road boundary and climbing at an angle of 15 degrees until it reaches a line 50 metres back from and parallel to the Blakes Road boundary.</p>	<p>Non-compliance with permitted standard</p>	<p>a. Sunlight and outlook at boundary with a residential zone, residential property and road – 16.5.1.5</p>

Where sites are located within a Flood Management Area, recession plane breaches created by the need to raise floor levels will not require the written consent of other persons and shall not be publicly or limited notified.

Any application arising from non-compliance with this rule shall not be publicly notified.

### 16.2.3.5 Outdoor storage of materials

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>i. The outdoor storage of materials shall not be located within the minimum setbacks specified in Rules 16.2.3.2.</p> <p>ii. Any outdoor storage area shall be screened by landscaping, fencing or other screening to a minimum of 1.8 metres in height from any adjoining residential zone except where the storage of vehicles, equipment, machinery, and/or natural or processed products is for periods of less than 12 weeks in any year.</p>	Non-compliance with permitted standard	a. Outdoor storage of materials – 16.5.1.6

Any application arising from non-compliance with this rule will not require written approvals and shall not be publicly or limited notified unless the adjoining zone is residential.

### 16.2.3.6 Landscaped areas

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>a. The road frontage of all sites opposite a residential zone or listed below shall have a landscaping strip with a minimum width of 1.5 metres, and minimum of 1 tree for every 10 metres of road frontage or part thereof.</p> <p>i. Land adjoining Main North Road (SH1) between Dickeys Road and Factory road;</p> <p>ii. Land adjoining Main South Road, between Barbers Road and Halswell Junction Road;</p> <p>iii. Land adjoining Tunnel Road.</p> <p>This standard shall not apply to an emergency service facility or vehicle access to any site.</p>	Non-compliance with permitted standard	a. Landscaped areas -16.5.1.7
b.	On sites adjoining a residential zone, trees shall be planted adjacent to the shared boundary at a		

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
	ratio of at least 1 tree for every 10 metres of the boundary or part thereof.		
c.	All landscaping / trees required by these rules shall be in accordance with the provisions in Appendix 16.6.1.		

Note 1: Vegetation in close proximity to the electricity transmission network will need to be planted and managed in accordance with the Electricity (Hazards from Trees) Regulations 2003.

Note 2: Stormwater facilities shall be incorporated into any development to achieve effective stormwater management and to protect groundwater. The stormwater facilities, which support multiple values such as stormwater retention, water quality treatment, biodiversity enhancement, Ngāi Tahu/ manawhenua values and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management and the protection of groundwater in an integrated manner. Stormwater treatment sites or treatment facilities should be separated from natural waterways with vegetated buffers to ensure stormwater is treated before it is discharged into natural waterways or natural wetlands.

Any application arising from non-compliance with clause (a) of this rule will not require written approvals and shall not be publicly or limited notified.

### 16.2.3.7 **Visual amenity and screening**

	<b><u>Permitted</u></b>	<b><u>Restricted discretionary</u></b>	<b><u>Matters of discretion</u></b>
a.	<b><u>Where a site adjoins an Open Space, Specific Purpose (Schools), Specific Purpose (Cemeteries) or Specific Purpose (Tertiary Education) Zone, provision shall be made for landscaping, fence(s), wall(s) or a combination to at least 1.8 m in height along the length of the zone boundary, excluding any road frontages. Where landscaping is provided, it shall be continuous and for a minimum depth of 1.5m along the zone boundary.</u></b>	<b><u>Non-compliance with permitted standard</u></b>	a. <b><u>Outdoor storage - 16.5.1.6 (a), (c) and (d)</u></b>

**Any application arising from non-compliance with this rule shall not be limited or publicly notified.**

**16.2.3.8 Access to Industrial General Zone (Deans Avenue)**

	Permitted	Restricted discretionary	Matters of discretion
a.	Any activity in the Industrial General zone bound by Deans Avenue, Lester Lane and the railway line shall only have access from Lester Lane. In the event that Lester Lane is realigned, site access shall be solely from the realigned Lester Lane.	Non-compliance with permitted standard	a. Access to the Industrial General Zone (Deans Avenue) – 16.5.1.8

Any application arising from non-compliance with this rule shall not be publicly notified.

**16.2.3.9 Water supply for fire fighting**

	Permitted	Restricted discretionary	Matters of discretion
a.	Sufficient water supply and access to water supplies for fire fighting shall be provided to all buildings via Council's urban fully reticulated water supply system in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS: 4509:2008)	Non-compliance with permitted standard	a. Water supply for fire fighting – 16.5.1.9

Any application arising from this rule will not require the written approval of any entity except the New Zealand Fire Service and shall not be publicly notified. Limited notification if required shall only be to the New Zealand Fire Service.

**16.2.4 Area Specific Rules - Industrial General Zone (Waterloo Park)**

Rules 16.2.4.1 – 16.2.4.3 and the Waterloo Park Outline Development Plan (Appendix 16.6.2) shall apply to the Industrial General Zone (Waterloo Park). All activities specified are also subject to the rules in 16.2.2 (Activity status tables) and 16.2.3 (Built form standards) unless specified otherwise in 16.2.4.

**16.2.4.1 Activity status tables –Industrial General Zone (Waterloo Park)****16.2.4.1.1 Permitted activities**

The activities listed below are permitted activities.

Activity		Activity specific standards								
P1	Activities P1-P21 listed in 16.2.2.1	<p>Development shall comply with:</p> <p>a. All of the Key Structuring Elements on the Waterloo Park Outline Development Plan (Appendix 16.6.2), being:</p> <p>i. Indicative location of new roads</p> <p>ii. Indicative stormwater management area</p> <p>iii. Indicative other open space</p> <p>b. Built form standards in Rule 16.2.4.2, and Rule 16.2.3 unless specified otherwise in Rule 16.2.4.2.</p>								
P2	Residential activity in the Industrial General Zone (Waterloo Park) and outside the 50 Ldn dBA air noise contour line defined on the planning maps.	<p>a. Any bedroom must be designed and constructed to achieve an external to internal noise reduction of not less than <math>35\text{ dB } D_{tr, 2m, nTw} + C_{tr}</math>.</p> <p>b. Any residential activity shall have a minimum net floor area (including toilets and bathrooms but excluding lobby and/or reception area, car parking, garaging and balconies) per unit of:</p> <p>1. Studio 35m<sup>2</sup></p> <p>2. 1 Bedroom 45m<sup>2</sup></p> <p>3. 2 Bedroom 60m<sup>2</sup></p> <p>4. 3 Bedroom 90m<sup>2</sup></p> <p>c. Each residential unit shall have:</p> <p>i. an outdoor service space of 3m<sup>2</sup> and a waste management area of 2m<sup>2</sup> per unit, each with a minimum dimension of 1.5 metres in either a private or communal area;</p> <p>ii. a single, indoor storage space of 4m<sup>3</sup> with a minimum dimension of 1 metre.</p> <p>iii. space designated for waste management, whether private or communal, which shall not be located between the road boundary and any building, and shall be screened from adjoining sites, roads, and adjoining outdoor living spaces by screening from the floor level of the waste management area to a height of 1.5 metres.</p> <p>d. Each residential unit shall have an outdoor living space with a minimum area and dimension as set out in the following table, located immediately outside and accessible from an internal living area of the residential unit.</p> <table><tr><td></td><td>Type</td><td>Area</td><td>Dimension</td></tr><tr><td></td><td></td><td></td><td></td></tr></table>		Type	Area	Dimension				
	Type	Area	Dimension							

Activity		Activity specific standards															
		<table><tr><td>i.</td><td>Studio, 1 bedroom</td><td>6m<sup>2</sup></td><td>1.5 metres</td></tr><tr><td>ii.</td><td>2 or 3 bedroom</td><td>10m<sup>2</sup></td><td>1.5 metres</td></tr><tr><td>iii.</td><td>More than 3 bedrooms</td><td>15m<sup>2</sup></td><td>1.5 metres</td></tr></table>				i.	Studio, 1 bedroom	6m <sup>2</sup>	1.5 metres	ii.	2 or 3 bedroom	10m <sup>2</sup>	1.5 metres	iii.	More than 3 bedrooms	15m <sup>2</sup>	1.5 metres
i.	Studio, 1 bedroom	6m <sup>2</sup>	1.5 metres														
ii.	2 or 3 bedroom	10m <sup>2</sup>	1.5 metres														
iii.	More than 3 bedrooms	15m <sup>2</sup>	1.5 metres														
P3	Retail activity in the Industrial General Zone (Waterloo Park)	<p>a. The maximum GLFA of retail activity within the Industrial General Zone (Waterloo Park) shall be 3,000m<sup>2</sup> and shall be located in a Local Centre.</p> <p>b. The maximum GLFA per tenancy for any retail activity shall be 350m<sup>2</sup>.</p>															
P4	Office activity in the Industrial General Zone (Waterloo Park)	<p>a. The maximum GLFA of office activity within the Industrial General Zone (Waterloo Park) shall be 6,000m<sup>2</sup>.</p> <p>b. The maximum GLFA of office activity at ground floor level shall be 3000m<sup>2</sup> GLFA.</p> <p>c. The maximum GLFA of office activity per tenancy shall be 500m<sup>2</sup>.</p>															
P5	Key Structuring Elements identified on the outline development plan in Appendix 16.6.2.	<p>a. Development is to be in accordance with the Key Structuring Elements on the outline development plan, as identified in Rule 16.2.4.1.1 P1.</p>															

#### 16.2.4.1.2 Controlled activities

The activities listed below are controlled activities.

There are no controlled activities.

#### 16.2.4.1.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.



	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Any site access directly onto Pound Road, Brixton, Wilson, or Mortlake Streets.  Any application for this activity shall not be publicly notified.	a. Outline development plan – 16.2.4.3.1 (b)
<b>RD2</b>	Activities P1-P4 listed in 16.2.4.1.1 and RD3 that do not comply with one or more of the built form standards in 16.2.4.2.  Refer to relevant built form standard for provisions regarding notification and written approval.	As relevant to the breached built form standard: a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3 b. Outline Development Plan – 16.2.4.3.1 c. Landscaped areas- -16.5.1.7
<b>RD3</b>	Activity P2 in 16.2.4.1.1 that does not comply with one or more of the permitted activity specific standards (b), (c) or (d).  Any application for this activity will not require written approvals and shall not be limited or publicly notified.	a. Residential activity - 16.5.2.2
<b>RD4</b>	Any development not complying with a Key Structuring Element on the outline development plan in 16.6.2.  Any application for this activity shall not be publicly notified.	a. Outline development plan – 16.2.4.3.1

#### 16.2.4.1.4 Discretionary

The activities listed below are discretionary activities.

<b>D1</b>	Any activity not complying with the activity specific standards for P3 or P4 in Rule 16.2.4.1.1.
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#### 16.2.4.1.5 Non-complying activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Any activity which results in the daily average sewage flow from the Industrial General Zone (Waterloo Park) to exceed 0.09L/s/ha, and the average daily sewage discharge to exceed 863m <sup>3</sup> / day.
<b>NC2</b>	Any residential activity under rule P2 of 16.2.4.1.1 not complying with activity specific standard (a).

### 16.2.4.2 Built form standards – General Industrial Zone (Waterloo Park)

#### 16.2.4.2.1 Minimum building setback from road boundaries

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Pound Road north of setback line identified on the outline development plan in Appendix 16.6.2i.	10 metres	Less than 10 metres	a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3
b.	Pound Road south of setback line identified on the outline development plan in Appendix 16.6.2i.	20 metres	Less than 20 metres	b. Outline Development Plan – 16.2.4.3.1

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

#### 16.2.4.2.2 Landscaped areas

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Pound Road frontage only	i. A landscaping strip shall be provided adjacent to the Pound Road frontage with a minimum width of 10 metres along and adjoining the allotment boundary with Pound Road, excluding vehicle crossings and rear sites.  ii. On sites with frontage to Pound Road and within the area identified as requiring specific landscape treatment on the outline development plan in Appendices 16.6.2ii. and iii., all landscaping shall be in	Non-compliance with permitted standard	a. Landscaped areas- 16.5.1.7

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
		<p>accordance with the relevant design in that Appendix.</p> <p>iii. The requirements of (i) and (ii) shall be completed as a condition of subdivision consent, or if there is no subdivision required, in conjunction with development in the locations that clauses (i) and (ii) relate to as a permitted activity standard.</p>		

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### 16.2.4.3 Matters of discretion –Industrial General Zone (Waterloo Park)

#### 16.2.4.3.1 Outline development plan

- a. The extent to which development is in accordance with the outline development plan.
- b. The extent to which the location of vehicular access points, the design of the transport network (including road alignment and intersection design within the outline development plan area and connections with the wider network), and the associated vehicle movements (including the type and volume of vehicles) may individually or cumulatively impact on residential amenity values and the safety and efficiency of the transport network.
- c. The degree to which stormwater management areas are suitably located for managing stormwater quality and quantity within the outline development plan area.
- d. The extent to which any stormwater system recognises and/or provides for values of importance to Ngāi Tahu/ manawhenua and in particular the maintenance and enhancement of water quality and mahinga kai values.
- e. The degree to which stormwater retention basins and open space are located so as to provide an effective buffer between industrial and residential activities.
- f. The extent to which stormwater basins and open space areas are co-located so as to maximise recreational and amenity opportunities.
- g. The extent to which development has adverse effects on the anticipated amenity values of adjoining zones and the means of mitigating this.

## 16.2.5 Area Specific Rules - Industrial General Zone (Portlink Industrial Park)

Rules 16.2.5.1 – 16.2.5.3 and the Portlink Industrial Park Outline Development Plan (Appendix 16.6.3) shall apply to the Industrial General Zone (Portlink Industrial Park). All activities specified are also subject to the rules in 16.2.2 (Activity status tables) and 16.2.3 (Built form standards) unless specified otherwise in 16.2.5.

### 16.2.5.1 Activity status tables – Industrial General Zone (Portlink Industrial Park)

#### 16.2.5.1.1 Permitted activities

The activities listed below are permitted activities.

Activity		Activity specific standards
<b>P1</b>	Activities P1-P21 listed in 16.2.2.1	Development shall comply with: <ul style="list-style-type: none"> <li>a. The Key Structuring Element on the Portlink Industrial Park Outline Development Plan (Appendix 16.6.3), being:               <ul style="list-style-type: none"> <li>i. Road access</li> </ul> </li> <li>b. Built form standards in Rule 16.2.5.2, and Rule 16.2.3 unless specified otherwise in Rule 16.2.5.2.</li> </ul>
<b>P2</b>	Key Structuring Elements identified on the outline development plan in Appendix 16.6.3.	<ul style="list-style-type: none"> <li>a. Development is to be in accordance with the Key Structuring Element on the Portlink Industrial Park Outline Development Plan (Appendix 16.6.3): being as identified in Rule 16.2.5.1.1 P1.</li> </ul>

#### 16.2.5.1.2 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Activity P1 listed in 16.2.5.1.1 that does not comply with one or more of the built form standards in 16.2.5.2.	As relevant to the breached built form standard: <ul style="list-style-type: none"> <li>a. Maximum height of buildings and fencing or screening structure – 16.5.1.1</li> </ul>

	Activity	The Council's discretion shall be limited to the following matters:
	Refer to relevant built form standard for provisions regarding notification and written approval.	<ul style="list-style-type: none"> <li>b. Building setback from road boundaries/ railway corridor – 16.5.1.3</li> <li>c. Landscaped areas – 16.5.1.7</li> <li>d. Landscaping in Portlink Industrial Park Outline Development Plan – 16.2.5.3.2</li> <li>e. Cycle and pedestrian links – 16.2.5.3.3</li> </ul>
<b>RD2</b>	<p>Any development not complying with a Key Structuring Element on the Portlink Industrial Park Outline Development Plan in 16.6.3.</p> <p>Any application for this activity shall not be publicly notified.</p>	<ul style="list-style-type: none"> <li>a. Outline development plan – 16.2.5.3.1</li> </ul>

### 16.2.5.1.3 Discretionary

The activities listed below are discretionary activities.

There are no discretionary activities

### 16.2.5.1.4 Non-complying Activities

The activities listed below are non-complying activities

	Activity
<b>NC1</b>	Any development resulting in more than 10 hectares (excluding roads) of land within the outline development plan area in Appendix 16.6.3 being occupied by businesses before completion of the upgrade of the intersection of Kennaway Road and Chapmans Road to provide dedicated right turn bays with two approach lanes on the minor arm that are continuous for a length of no less than 35 metres.

## 16.2.5.2 Built form standards – Industrial General Zone (Portlink Industrial Park)

### 16.2.5.2.1 Maximum height of buildings

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Buildings - within the '11m Building Height Limit Area' defined on the outline development plan in Appendix 16.6.3.	11 metres	Greater than 11 metres	a. Maximum height of buildings and fencing or screening structure – 16.5.1.1

Any application arising from non-compliance with this rule shall not be publicly notified.

### 16.2.5.2.2 Minimum building setback from road boundaries

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Tunnel Road frontage	3 metres	Less than 3 metres	a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### 16.2.5.2.3 Landscaped areas

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Tunnel Road frontage only	<p>a. Any site that adjoins Tunnel Road shall have a landscaping strip with a minimum width of 1.5 metres along the allotment boundary with Tunnel Road with the exception of that part defined on the outline development plan in Appendix 16.6.3 as 'Landscape and stormwater area (Green Space)'; and</p> <p>b. Planting of trees and shrubs within the landscaping strip adjacent to Tunnel Road shall be in accordance with the Landscape Plan and Plant Species List (see</p>	Non-compliance with permitted activity standard	<p>a. Landscaped areas – 16.5.1.7</p> <p>b. Landscaping in Portlink Industrial Park Outline Development Plan – 16.2.5.3.2</p>

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
		<p>Appendix 16.6.3) and shall meet the requirements specified in Part A of Appendix 16.6.1; and</p> <p>c. The landscaping required under Rule 16.2.5.2.3 (a) shall be completed as a condition of subdivision consent, or if there is no subdivision required, in conjunction with development in the locations that clause (a) relates to as a permitted activity standard.</p>		
b.	Landscaping adjacent to the Heathcote River and within the zone	<p>a. Planting of trees and shrubs within the 'Landscape and stormwater area (Green Space)' defined on the outline development plan in Appendix 16.6.3 adjacent to the Heathcote River shall be in accordance with the Landscape Plan and Plant Species List (see Appendix 16. 6.3) and the requirements in Appendix 16. 6.1 Part A (Tree requirements); and</p> <p>b. Legal public access ways within the landscaping strip adjoining the Heathcote River shall be provided as indicated by 'Pedestrian access' on the outline development plan in Appendix 16.6.3; and</p> <p>c. There shall be no erection of buildings, fences, the display of outdoor advertisements, parking of vehicles or use for any purpose other than landscaping, passive recreation or ecological enhancement within the 'Landscape and Stormwater Area (Green Space)' defined on the outline development plan in Appendix 16. 6.3, and</p> <p>d. Existing vegetation as marked on the outline development plan in Appendix 16.6.3 as 'Existing vegetation to be retained' shall be maintained.</p>	Non-compliance with permitted activity standard	<p>a. Landscaped areas – 16.5.1.7</p> <p>b. Landscaping in Portlink Industrial Park Outline Development Plan – 16.2.5.3.2</p> <p>c. Cycle and pedestrian links – 16.2.5.3.3</p>

Note: Stormwater facilities shall be incorporated into any development to achieve effective stormwater management and to protect groundwater. The stormwater facilities, which support

multiple values such as stormwater retention, water quality treatment, biodiversity enhancement, Ngāi Tahu/manawhenua values and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management and the protection of groundwater in an integrated manner. Stormwater treatment sites or treatment facilities should be separated from natural waterways with vegetated buffers to ensure stormwater is treated before it is discharged into natural waterways or natural wetlands.

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### **16.2.5.3 Matters of discretion – Industrial General Zone (Portlink Industrial Park)**

#### **16.2.5.3.1 Outline Development Plan**

- a. The extent to which development is in accordance with the outline development plan.
- b. The extent to which the location of vehicular access points, the design of the transport network (including road alignment and intersection design within the outline development plan area and connections with the wider network), and the associated vehicle movements (including the type and volume of vehicles) may individually or cumulatively impact on the safety and efficiency of the transport network.

#### **16.2.5.3.2 Landscaping in Portlink Industrial Park Outline Development Plan**

- a. The extent to which landscaping, planting and stormwater treatment ponds maintain or enhance the visual amenity and ecological values of the margins of the Heathcote River.
- b. The extent to which landscaping of the Heathcote River margin can contribute to the enhancement of Ngāi Tahu/ manawhenua cultural values.
- c. The extent to which planting and the location of pedestrian/cycle ways protect and enhance the habitat of birds.

#### **16.2.5.3.3 Cycle and pedestrian links**

- a. The extent to which the development provides safe and efficient linkages within the outline development plan area and connections to the wider transport network for walking and cycling.

## **16.2.6 Area Specific Rules – Industrial General Zone (Musgroves)**

Rules 16.2.6.1 – 16.2.6.3 and the Musgroves Outline Development Plan (Appendix 16.6.4) shall apply to the Industrial General Zone (Musgroves). All activities specified are also subject to the rules in 16.2.2 (Activity status tables) and 16.2.3 (Built form standards) unless specified otherwise in 16.2.6.



### 16.2.6.1 Activity status tables – Industrial general zone (Musgroves)

#### 16.2.6.1.1 Controlled activities

The activities listed below are controlled activities.

There are no controlled activities

#### 16.2.6.1.2 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	<p>Activities P1-P21 listed in 16.2.2.1 that do not comply with one or more of the built form standards in 16.2.6.2.</p> <p>Refer to relevant built form standard for provisions regarding notification and written approval.</p>	a. Rooding and access- 16.2.6.3.1

#### 16.2.6.1.3 Discretionary

The activities listed below are discretionary activities.

There are no discretionary activities

#### 16.2.6.1.4 Non-complying activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Any site access to Wigram Road or Aidanfield Drive.
<b>NC2</b>	Any activity which results in the daily average sewage flow from a site exceeding 0.09L/s/ha.

### 16.2.6.2 Built form standards – Industrial General Zone (Musgroves)

#### 16.2.6.2.1 Roothing and access

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>There shall be no development, preceding subdivision, within the outline development plan area defined in Appendix 16.6.4 unless a road is formed through the zone that links Wigram Road with Aidanfield Drive.</p> <p>This road shall include the formation of a road connection with Aidanfield Drive, located between points (c) and (d) or at point (e) as marked on the outline development plan in Appendix 16.6.4 and described below:</p> <ol style="list-style-type: none"> <li>the road connection shall be at least 40 metres south-east of the centreline of Wigram Road and its intersection with Aidanfield Drive; and</li> <li>at least 40 metres north-west of the centreline of the future Glen Arrife Place extension intersection with Aidanfield Drive.</li> </ol> <p>This road shall be completed prior to or in conjunction with development in the locations that clause (a) relates to as a permitted activity standard.</p>	Non-compliance with permitted standard	a. Roothing and access- 16.2.6.3.1

Any application arising from non-compliance with this rule shall not be publicly notified.

### 16.2.6.3 Matters of discretion – Industrial General Zone (Musgroves)

#### 16.2.6.3.1 Roothing and access

The extent to which the location of vehicular access points, the design of the transport network (including road alignment and intersection design within the outline development plan area and connections with the wider network) and the associated vehicle movements (including the type and volume of vehicles) may individually or cumulatively impact on residential amenity values and the safety and efficiency of the transport network.

## **16.2.7 Area Specific Rules – Industrial General Zone (North Belfast)**

**DEFERRED**

## 16.2.8 Area Specific Rules – Industrial General Zone (Stanleys Road)

Rules 16.2.8.1 – 16.2.8.3 shall apply to the Industrial General Zone (Stanleys Road). All activities specified are also subject to the rules in 16.2.2 (Activity status tables) and 16.2.3 (Built form standards) unless specified otherwise in 16.2.8.

### 16.2.8.1 Activity status tables – Industrial General Zone (Stanleys Road)

#### 16.2.8.1.1 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Activities P1-P21 listed in 16.2.2.1 that do not comply with one or more of the built form standards in 16.2.8.2.  Refer to relevant built form standard for provisions regarding notification and written approval.	a. Roading and access- 16.2.8.3.1

#### 16.2.8.1.2 Non-complying Activities

The activities listed below are non-complying activities:

<b>NC1</b>	Any activity which results in the daily average sewage flow from a site exceeding 0.09 L/s/ha.
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### 16.2.8.2 Built form standards – Industrial General Zone (Stanleys Road)

#### 16.2.8.2.1 Roading and access

	Permitted	Restricted discretionary	Matters of discretion
a.	Any development preceding subdivision at 6 Stanleys Road shall include a footpath along the road frontage of 6 Stanleys Road.	Non-compliance with permitted activity standard	a. Roading and access- 16.2.8.3.1

Any application arising from non-compliance with this rule will not require written approvals and shall not be limited or publicly notified.

### **16.2.8.3 Matters of discretion**

#### **16.2.8.3.1 Roading and access**

- a. The degree to which safe and efficient pedestrian and cycle access is provided with the adjoining area and transport networks.

## 16.2.9 Area Specific Rules – Industrial General Zone (Trents Road)

Rules 16.2.9.1 – 16.2.9.3 and the Trents Road Outline Development Plan (Appendix 16.6.6) shall apply to the Industrial General Zone (Trents Road). All activities specified are also subject to the rules in 16.2.2 (Activity status tables) and 16.2.3 (Built form standards) unless specified otherwise in 16.2.9.

### 16.2.9.1 Activity status tables – Industrial General Zone (Trents Road)

#### 16.2.9.1.1 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Activities P1-P21 listed in 16.2.2.1 that do not comply with one or more of the built form standards in Rule 16.2.9.2, except for built form standard 16.2.9.2.3.  Refer to relevant built form standard for provisions regarding notification and written approval.	As relevant to the breached built form standard: a. Minimum building setback from the boundary with a residential zone, residential property - 16.5.1.4 b. Landscaped areas – 16.5.1.7 c. Landscaping in the Industrial General zone (Trents Road) - 16.2.9.3.1 d. Stormwater management – 16.2.9.3.2 e. Roading access – 16.2.9.3.3

#### 16.2.9.1.2 Discretionary activities

The activities listed below are discretionary activities.

<b>D1</b>	Any Activity not complying with Rules 16.2.9.2.3 (noise mitigation).
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### 16.2.9.2 Built form standards – Industrial General Zone (Trents Road)

#### 16.2.9.2.1 Minimum building setback from the boundary with adjoining zones

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Any site adjoining the north eastern boundary of the Zone, as specified on the outline development plan in Appendix 16.6.6 (refer to 'Building Setbacks').	15 metres	Less than 15 metres	a. Minimum building setback from the boundary with a residential zone,

	<b>Applicable to</b>	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
b.	Any sites adjoining the south-eastern boundary of the Zone, as specified on the outline development plan in Appendix 16.6.6 (refer to 'Building Setbacks').	20 metres	Less than 20 metres	residential property - 16.5.1.4
c.	Industrial activity on sites adjoining a residential zone as specified on the outline development plan in Appendix 16.6.6 (refer to 'Building Setback Exemption').	25 metres	Less than 25 metres	
d.	Ancillary retail, ancillary office activities, commercial services and gymnasium on sites adjoining a residential zone.	10 metres	Less than 10 metres	
e.	Setback from other internal boundaries of the outline development plan area as specified on the outline development plan in Appendix 16.6.6 (refer to 'Building Setbacks').	6 metres	Less than 6 metres	

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 16.2.9.2.2 Landscaped areas and amenity

In addition to the landscaping requirements in Rule 16.2.3.6, the following rules shall also apply:

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	A minimum of 10% of a site shall be set aside as a landscaped area.	Non-compliance with permitted standard	a. Landscaped areas – 16.5.1.7
b.	Any development on a site adjoining one or more of the following boundaries shall include a landscaping strip along that boundary with a minimum width as prescribed below and as specified on the outline development plan in Appendix 16.6.6: <ul style="list-style-type: none"> <li>i. north-eastern boundary with the Residential Suburban Zone and Selwyn District: 10 metres;</li> <li>ii. south-eastern boundary with Selwyn District: 15 metres;</li> </ul>		b. Landscaping in the Industrial General Zone (Trents Road) - 16.2.9.3.1

	Permitted	Restricted discretionary	Matters of discretion
	<p>iii. either side of the northern most Trents Road access to the Zone: 2 metres;</p> <p>iv. along the remaining Zone boundary, except vehicle crossings: 5 metres;</p> <p>v. along the frontages of all internal roads within the zone open to the public, whether vested in the Council or not, except vehicle crossings: 1.5 metres.</p>		
c.	Any proposed fence on the boundary of a site adjoining the boundary with Selwyn District Council (as shown on the outline development plan in Appendix 16.6.6 as 'Post and Wire Fencing requirement') shall be a post and wire fence, except across vehicle crossings.		
d.	Existing vegetation as marked on the outline development plan in Appendix 16.6.6 as 'Existing vegetation to be retained' shall be maintained.		

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 16.2.9.2.3 Noise mitigation

	Permitted	Discretionary
a.	<p>Any development on a site with a boundary shown on the outline development plan in Appendix 16.6.6 as 'Noise Control Fencing Requirement' shall include a fence along that boundary with a minimum height of 1.8 metres. The fence shall be constructed from solid surface materials with a minimum surface mass of 10kg/m<sup>2</sup>, built and maintained free of gaps (including under the fence), cracks or holes.</p> <p>This shall be completed prior to a Code of Compliance being issued under the Building Act for any development within 30 metres of the boundary of the adjoining Residential Suburban Zone.</p>	Non-compliance with permitted standard

Any application arising from non-compliance with this rule shall not be publicly notified.



**16.2.9.2.4 Stormwater management**

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	Any stormwater generated by an activity shall be treated and discharged to ground within the outline development plan area identified in Appendix 16.6.6 unless specified below.	Non-compliance with permitted standard	a. Stormwater management – 16.2.9.3.2
b.	There shall be no discharge to surface water from any site for all events up to the critical duration 2% annual exceedance probability event.		

Note 1: Stormwater facilities shall be incorporated into any development to achieve effective stormwater management and to protect groundwater. The stormwater facilities, which support multiple values such as stormwater retention, water quality treatment, biodiversity enhancement, Ngāi Tahu/ manawhenua values and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management and the protection of groundwater in an integrated manner. Stormwater treatment sites or treatment facilities should be separated from natural waterways with vegetated buffers to ensure stormwater is treated before it is discharged into natural waterways or natural wetlands.

Any application arising from non-compliance with this rule shall not be publicly notified.

**16.2.9.2.5 Roading and access**

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	<p><b>Road connections</b></p> <p>i. There shall be no development, preceding subdivision, within the outline development plan area defined in Appendix 16.6.6 unless the southern-most road connection with Trents Road as marked on the outline development plan is completed prior to, or in conjunction with, the development.</p> <p>ii. Any activity shall only access Trents Road by way of the two vehicle access points defined on the outline development plan in Appendix 16.6.6, comprising:</p> <p>A. a northern road connection provided it is designed and with signage to limit its use to vehicles entering the zone (as shown on the outline development plan in Appendix 16.6.6);</p> <p>B. a southern road connection provided it is designed and with signage to limit its use to vehicles exiting the zone (as shown on the</p>	Non-compliance with permitted activity standard	a. Roading and access – 16.2.9.3.3

	Permitted	Restricted discretionary	Matters of discretion
	<p>outline development plan in Appendix 16.6.6).</p> <p>iii. Any activity shall only access Main South Road by way of the one vehicle access point defined on the outline development plan in Appendix 16.6.6, and comprising a road designed, and with signage displayed, to restrict vehicle movements to light vehicles and to left entry into the zone and left exit out of the zone as shown on the outline development plan in Appendix 16.6.6.</p>		
b.	<p>Internal road within the zone</p> <p>i. There shall be no development, preceding subdivision, within the outline development plan area in Appendix 16.6.6 unless the internal road shown on the outline development plan in Appendix 16.6.6 as 'Indicative internal roading/access way layout', including a footpath along one side of the internal road, is completed prior to, or in conjunction with, the development.</p>		

Any application arising from non-compliance with this rule shall not be publicly notified.

### 16.2.9.3 Matters of discretion – Industrial General Zone (Trents Road)

#### 16.2.9.3.1 Landscaping in the Industrial General Zone (Trents Road)

- a. The extent to which development is in accordance with the outline development plan.
- b. The extent to which the planting (species and density) will maintain an attractive green edge to the adjoining residential and rural areas.

#### 16.2.9.3.2 Stormwater management

- a. The effectiveness of the design, construction and operation of stormwater facilities in managing stormwater on-site including retention and treatment.
- b. The ability for the stormwater system to be adequately maintained, particularly if it remains in private ownership.
- c. The extent to which treatment and disposal methods conform to the Council's guidelines for stormwater management systems.
- d. The extent to which any stormwater system recognises and/or provides for those values of importance to Ngāi Tahu/ manawhenua and in particular the maintenance and enhancement of water quality and mahinga kai values.

**16.2.9.3.3 Roothing and access**

- a. The effect of any additional access points on the safety and efficiency of the adjoining road network, having regard to the level and type of traffic using the proposed access point, the location and design of the proposed access point and the adequacy of existing or alternative access points.
- b. The extent to which the location of vehicular access points, the design of the transport network (including road alignment and intersection design within the outline development plan area and connections with the wider network), and the associated vehicle movements (including the type and volume of vehicles) may individually or cumulatively impact on residential amenity values and the safety and efficiency of the transport network.
- c. The degree to which safe and efficient pedestrian access is provided through the site.

## 16.2.10 Area Specific Rules - Industrial General Zone (South West Hornby)

Rules 16.2.10.1 to 16.2.10.2 and the South West Hornby Industrial Area Outline Development Plan (Appendix 16.6.8) shall apply to the Industrial General Zone (South West Hornby). All activities specified are also subject to the rules in 16.2.2 (Activity status tables) and 16.2.3 (Built form standards) unless specified otherwise in 16.2.4.

### 16.2.10.1 Activity status tables – Industrial General Zone (South West Hornby)

#### 16.2.10.1.1 Permitted activities

The activities listed below are permitted activities.

Activity		Activity specific standards
<b>P1</b>	Activities P1-P21 listed under 16.2.2.1	Development shall comply with: <ul style="list-style-type: none"> <li>a. The Key Structuring Element on the South West Hornby Industrial Area Outline Development Plan (Appendix 16.6.8), being:               <ul style="list-style-type: none"> <li>i. Collector Road</li> </ul> </li> <li>b. Built form standards in Rule 16.2.3.</li> </ul>
<b>P2</b>	Key Structuring Element identified on the outline development plan in Appendix 16.6.8.	<ul style="list-style-type: none"> <li>a. Development is to be in accordance with the Key Structuring Element on the South West Hornby Industrial Area Outline Development Plan (Appendix 16.6.8), as identified in Rule 16.2.10.1.1 P1.</li> </ul>

#### 16.2.10.1.2 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	<p>Any development not complying with a Key Structuring Element on the outline development plan in 16.6.8.</p> <p>Any application for this activity shall not be publicly notified.</p>	<ul style="list-style-type: none"> <li>a. Matters of discretion Industrial General Zone (South West Hornby) – 16.2.10.2</li> </ul>

**16.2.10.2 Matters of discretion Industrial General Zone (South West Hornby)**

- a. The extent to which development is in accordance with the outline development plan.
- b. The extent to which development provides for future road connections within the South West Hornby Industrial area and the wider network.

## 16.3 Rules – Industrial Heavy Zone

### 16.3.1 How to use the rules

- a. The rules that apply to activities in the Industrial Heavy Zone are contained in:
  - i. The activity status tables (including activity specific standards) in Rule 16.3.2; and
  - ii. Built form standards in 16.3.3.
- b. Area specific rules apply to activities within the Industrial Heavy Zone in the following areas:
  - i. Sir James Wattie Drive (as identified in Appendix 16.6.7) - Rule 16.3.4
  - ii. South West Hornby (as identified in Appendix 16.6.8) - Rule 16.3.5
  - iii. **Springs Road (as identified in Appendix 16.6.13) – Rule 16.3.6**
- c. The activity status tables and standards in the following chapters also apply to activities in all areas of the Industrial Heavy Zone (where relevant):
  - 5 Natural Hazards;
  - 6 General Rules and Procedures
  - 7 Transport;
  - 8 Subdivision, Development and Earthworks;
  - 9 Heritage and Natural Environment;
  - 11 Utilities, Energy and Infrastructure; and
  - 12 Hazardous Substances and Contaminated Land.
- d. Where the word 'facility' is used in the rules e.g. trade and industry training facility, it shall also include the use of a site/building for the activity that the facility provides for, unless expressly stated otherwise.  
  
Similarly, where the word/ phrase defined includes the word 'activity' or 'activities', the definition includes the land and/or buildings for that activity unless expressly stated otherwise in the activity status tables.

### 16.3.2 Activity status tables – Industrial Heavy Zone

#### 16.3.2.1 Permitted activities

In the Industrial Heavy Zone the activities listed below are permitted activities if they comply with any activity specific standards set out in this table and the built form standards in Rule 16.3.3. Note, the built form standards do not apply to an activity that does not involve any development.

Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited, as specified in Rules 16.3.2.2, 16.3.2.3, 16.3.2.4, 16.3.2.5 and 16.3.2.6.

The activities listed below include any associated landscaping, access, parking, loading, waste management and other hard standing areas.

Activity		Activity specific standards
<b>P1</b>	Any new building or addition to a building for any permitted activity listed in P2 to P18 below.	Nil
<b>P2</b>	Industrial activity	
<b>P3</b>	Heavy industrial activity	
<b>P4</b>	Warehousing and distribution activities	
<b>P5</b>	High technology industrial activity	
<b>P6</b>	Service industry	
<b>P7</b>	Trade and industry training Facility	
<b>P8</b>	Ancillary retail activity, unless specified below	Any ancillary retail activity shall: <ul style="list-style-type: none"> <li>a. occupy no more than 250m<sup>2</sup> or 25% of the gross floor area of all buildings on the same site, whichever is the lesser</li> <li>b. be limited to the display and sale of goods produced, processed or stored on the site.</li> </ul>
<b>P9</b>	Food and beverage outlet	Nil
<b>P10</b>	Service station	
<b>P11</b>	Ancillary office activity	Any ancillary office activity shall: <ul style="list-style-type: none"> <li>a. occupy no more than 500m<sup>2</sup> or 30% of the gross floor area of all buildings on the same site, whichever is the lesser or for yard based activities, shall occupy no more than 250m<sup>2</sup> of floor area on the whole site.</li> </ul>
<b>P12</b>	Public transport facility	Nil
<b>P13</b>	Emergency service facilities	
<b>P14</b>	Parking lots and parking buildings	
<b>P15</b>	Gymnasium	
<b>P16</b>	Poultry hatchery	

<b>P17</b>	Bulk fuel supply infrastructure	
<b>P18</b>	Community corrections facility	

### 16.3.2.2 Controlled activities

The activities listed below are controlled activities.

There are no controlled activities.

### 16.3.2.3 Restricted discretionary activities

The activities listed below are a restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 16.5.1 and 16.5.2 for each standard, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	<p>Activities P1-P18 listed in 16.3.2.1 and RD2 that do not comply with one or more of the built form standards in Rule 16.3.3 unless otherwise specified.</p> <p>Refer to relevant built form standard for provisions regarding notification and written approval.</p>	<p>As relevant to the breached built form standard:</p> <ul style="list-style-type: none"> <li>a. Maximum height of buildings and fencing or screening structure – 16.5.1.1</li> <li>b. Minimum building setback from road boundaries/ railway corridor – 16. 5.1.3</li> <li>c. Minimum building setback from the boundary with a residential zone, residential property – 16.5.1.4</li> <li>d. Sunlight and outlook at boundary with a residential zone, residential property and road - 16.5.1.5</li> <li>e. Outdoor storage of materials – 16.5.1.6</li> <li>f. Landscaped areas – 16.5.1.7</li> <li>g. Water supply for fire fighting – 16.5.1.9</li> <li>h. <b>Outdoor storage - 16.5.1.6 (a), (c) and (d)</b></li> </ul>
<b>RD2</b>	<p>Activities P8 and P11 in 16.3.2.1 that do not comply with one or more of the activity specific standards in Rule 16.3.2.1.</p> <p>Any application for this activity will not require written approvals and</p>	<ul style="list-style-type: none"> <li>a. Display of goods, showroom and non-industrial activities –16.5.2.1.</li> </ul>



	Activity	The Council's discretion shall be limited to the following matters:
	shall not be limited or publicly notified.	

### 16.3.2.4 Discretionary activities

The activities listed below are discretionary activities.

	Activity	The Council will consider any matters under s104 of the Act including:
<b>D1</b>	Commercial services	a. Display of goods, showroom and non-industrial activities - 16.5.2.1 (a)(i) - (iv), (a)(vii) - (x), (b)(i) - (ii)
<b>D2</b>	The processing of quarried materials by screening, crushing, washing and/or mixing with additive materials.	

### 16.3.2.5 Non complying activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Any activity not provided for as a permitted, restricted discretionary, or discretionary activity.
<b>NC2</b>	Any activity on the land legally described as Lot 3, DP 49632 (330 Springs Road), or on land north of Johns Road, which results in the daily average sewage flow from a site exceeding 0.09L/s/ha (litres/ second/ hectare).
<b>NC3</b>	<p>a. Sensitive activities</p> <ul style="list-style-type: none"> <li>i. within 12 metres of the centre line of a 220kV National Grid transmission line or within 12 metres of the foundation of an associated support structure.</li> <li>ii. within 10 metres of the centre line of a 66 kV electricity distribution line or within 10 metres of a foundation of an associated support structure.</li> <li>iii. within 5 metres of the centre line of a 33 kV electricity distribution line or within 5 metres of a foundation of an associated support structure.</li> </ul> <p>b. Buildings on greenfield sites</p> <ul style="list-style-type: none"> <li>i. within 12 metres of the centre line of a 220kV National Grid transmission line or within 12 metres of the foundation of an associated support structure.</li> <li>ii. within 10 metres of the centre line of a 66 kV electricity distribution line or within 10 metres of a foundation of an associated support structure.</li> </ul>

	Activity
	<p>iii. within 5 metres of the centre line of a 33 kV electricity distribution line or within 5 metres of a foundation of an associated support structure.</p> <p>c. Buildings, other than those in (b) above,</p> <p>i. within 12 metres of the foundation of an 220 kV National Grid transmission support structure.</p> <p>ii. within 10 metres of the foundation of a 66 kV electricity distribution support structure.</p> <p>iii. within 5 metres of the foundation of a 33 kV electricity distribution support structure.</p> <p>d. Fences within 5 metres of a National Grid transmission line support structure foundation or 5 metres of a 66 kV and 33 kV electricity distribution support structure foundation.</p> <p>Any application made in relation to this rule shall not be publicly notified or limited notified other than to Transpower New Zealand Limited and/or Orion New Zealand Limited or other electricity distribution network operator.</p> <p>Notes:</p> <p>i. The National Grid transmission lines and 66 kV and 33 kV electricity distribution lines are shown on the planning maps.</p> <p>ii. Vegetation to be planted around the National Grid or 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>iii. 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 and electricity distribution lines. Buildings and activity in the vicinity of National Grid transmission lines or electricity distribution lines must comply with the NZECP 34:2001.</p>
NC4	Residential activity, health care facility, education activity, guest accommodation
NC5	<b><u>Any activity within the area defined in Appendix 16.6.16 as "Area subject to wastewater discharge restrictions", which results in daily average sewage flows from a site to the Council's reticulated network exceeding 0.09 l/s/ha.</u></b>

### 16.3.2.6 Prohibited activities

The activities listed below are prohibited activities.

There are no prohibited activities.

### 16.3.3 Built form standards Industrial Heavy Zone

The following built form standards shall be met by all permitted activities and restricted discretionary activities RD2 unless otherwise stated.

#### 16.3.3.1 Maximum height for buildings

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Buildings within 20 metres of a residential or rural zone  <del>This rule shall not apply to sites adjoining the land identified on the outline development plan in Appendix 16.6.8 as 'Deferred'.</del>	15 metres	More than 15 metres	a. Maximum height of buildings and fencing or screening structure – 16.5.1.1

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 16.3.3.2 Minimum building setback from road boundaries/ railway corridor

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Any activity unless specified below	1.5 metres	Less than 1.5 metres	a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3
b.	Any activity fronting an arterial road or opposite a residential zone, unless specified below	3 metres	Less than 3 metres	
c.	Buildings, balconies and decks on sites adjacent to or abutting railway line	4 metres from the rail corridor boundary	Less than 4 metres	a. Minimum building setback from road boundaries/ railway corridor - 16.5.1.3(d)

Any application arising from non-compliance with this rule (excluding clause (c)) will not require written approvals and shall not be publicly or limited notified.

Any application arising from clause (c) of this rule will not require the written approval of any entity except KiwiRail and shall not be publicly notified. Limited notification, if required, shall only be to KiwiRail.

### 16.3.3.3 Minimum building setback from the boundary with a residential zone

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	All areas	3 metres	Less than 3 metres	a. Minimum building setback from the boundary with a residential zone, residential property – 16.5.1.4
b.	Sites adjoining the residential zone at Wigram	Nil	Nil	

Any application arising from non-compliance with this rule shall not be publicly notified.

### 16.3.3.4 Sunlight and outlook at boundary with a residential zone

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	All sites other than those adjoining the residential zone at Wigram	Where an internal site boundary adjoins a residential zone no part of any building shall project beyond a building envelope contained by a recession plane measured at any point 2.3m above the internal boundary in accordance with the diagrams in Appendix 16.6.11.	Non-compliance with permitted activity standard	a. Sunlight and outlook at boundary with a residential zone, residential property and road - 16.5.1.5

Where sites are located within a Flood Management Area, recession plane breaches created by the need to raise floor levels will not require the written consent of other persons and shall not be publicly or limited notified.

Any application arising from non-compliance with this rule shall not be publicly notified.

### 16.3.3.5 Outdoor storage of materials

	Permitted	Restricted discretionary	Matters of discretion
a.	Any outdoor storage area shall be screened by landscaping, fencing or other screening to a minimum of 1.8 metres in height from any adjoining residential zone except where the storage of vehicles, equipment, machinery, and/or natural or processed products is for periods of less than 12 weeks in any year.	Non-compliance with permitted standard	a. Outdoor storage of materials – 16.5.1.6

Any application arising from non-compliance with this rule will not require written approvals and shall not be publicly or limited notified unless the adjoining zone is residential.

### 16.3.3.6 Landscaped areas

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>The road frontage of all sites opposite a residential zone or listed below shall have a landscaping strip with a minimum width of 1.5 metres, and minimum of 1 tree for every 10 metres of road frontage or part thereof,</p> <ul style="list-style-type: none"> <li>i. Land adjoining Main South Road between Marshs Road and Halswell Junction Road</li> <li>ii. Land at Chaney's, north of Main North Road, between State Highway 1 and the railway line</li> </ul> <p>This standard shall not apply to an emergency service facility or vehicle access to any site.</p>	Non-compliance with permitted standard	a. Landscaped areas – 16.5.1.7
b.	<p>The road frontage of all sites opposite a rural zone shall have a landscaping strip in accordance with the following standards:</p> <ul style="list-style-type: none"> <li>i. minimum width – 10 metres</li> <li>ii. minimum density of tree planting – 1 tree for every 10 metres of road frontage or part thereof.</li> </ul>		
c.	On sites adjoining a residential zone, trees shall be planted adjacent to the shared boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof, with the trees evenly spaced along that boundary.		

	Permitted	Restricted discretionary	Matters of discretion
d.	All landscaping/trees required for these rules shall be in accordance with the provisions in Appendix 16.6.1.		
e.	On the land legally described as Lot 3, DP 49632 (330 Springs Road) the existing line of eucalyptus trees along the southern boundary of the site shall be retained.		

Note 1: Vegetation in close proximity to the electricity transmission network will need to be planted and managed in accordance with the Electricity (Hazards from Trees) Regulations 2003.

Note 2: Stormwater facilities shall be incorporated into any development to achieve effective stormwater management and to protect groundwater. The stormwater facilities, which support multiple values such as stormwater retention, water quality treatment, biodiversity enhancement, Ngāi Tahu/ manawhenua values and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management and the protection of groundwater in an integrated manner. Stormwater treatment sites or treatment facilities should be separated from natural waterways with vegetated buffers to ensure stormwater is treated before it is discharged into natural waterways or natural wetlands.

Any application arising from non-compliance with clause (b) of this rule will not require written approvals and shall not be publicly or limited notified.

### 16.3.3.7 Water supply for fire fighting

	Permitted	Restricted discretionary	Matters of discretion
a.	Sufficient water supply and access to water supplies for fire fighting shall be provided to all buildings via Council's urban fully reticulated water supply system and in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS: 4509:2008)	Non-compliance with permitted standard	a. Water supply for fire fighting – 16.5.1.9

Any application arising from this rule will not require the written approval of any entity except the New Zealand Fire Service and shall not be publicly notified. Limited notification if required shall only be to the New Zealand Fire Service.

**16.3.3.8 Visual amenity and screening**

	<u>Permitted</u>	<u>Restricted discretionary</u>	<u>Matters of discretion</u>
<u>a.</u>	<u>Where a site adjoins an Open Space, Specific Purpose (Cemeteries) or Specific Purpose (Tertiary Education) Zone, provision shall be made for landscaping, fence(s), wall(s) or a combination to at least 1.8 m in height along the length of the zone boundary, excluding any road frontages. Where landscaping is provided, it shall be continuous and for a minimum depth of 1.5m along the zone boundary.</u>	<u>Non-compliance with permitted standard</u>	<u>Outdoor storage - 16.5.1.6 (a), (c) and (d)</u>

Any application arising from non-compliance with this rule shall not be limited or publicly notified.

## 16.3.4 Area Specific Rules – Industrial Heavy Zone (Sir James Wattie Drive)

Rules 16.3.4.1 to 16.3.4.3 and the Sir James Wattie Drive Outline Development Plan (Appendix 16.6.7) shall apply to the Industrial Heavy Zone (Sir James Wattie Drive). All activities specified are also subject to the rules in 16.3.2 (Activity status tables) and 16.3.3 (Built form standards) unless specified otherwise in 16.3.4.

### 16.3.4.1 Activity status tables – Industrial Heavy Zone (Sir James Wattie Drive)

#### 16.3.4.1.1 Permitted activities

The activities listed below are permitted activities.

Activity	Activity specific standards
<b>P1</b> Activities P1-P18 listed in 16.3.2.1, subject to the completion of the upgrade of the intersection of Shands Road and Sir James Wattie Drive (Refer to NC2 under Rule 16.3.4.1.3 for development preceding completion of the upgrade)	Development shall comply with: <ul style="list-style-type: none"> <li>a. All of the following Key Structuring Elements on the Sir James Wattie Drive Outline Development Plan (Appendix 16.6.7), being:               <ul style="list-style-type: none"> <li>i. Access</li> </ul> </li> <li>b. Built form standards in Rule 16.3.4.2 and 16.3.3.</li> </ul>
<b>P2</b> Key Structuring Elements identified on the outline development plan in Appendix 16.6.7.	<ul style="list-style-type: none"> <li>a. Development is to be in accordance with the following Key Structuring Elements on the outline development plan, being:               <ul style="list-style-type: none"> <li>i. Access</li> </ul> </li> </ul>

#### 16.3.4.1.2 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Activities P1-P18 listed in 16.3.2.1 that do not comply with one or more of the built form standards in 16.3.4.2.  Refer to relevant built form standard for provisions regarding notification and written approval.	As relevant to the breached standard: <ul style="list-style-type: none"> <li>a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3</li> <li>b. Setback from Marshs Road - 16.3.4.3.2</li> <li>c. Landscaped areas - 16.5.1.7</li> </ul>
<b>RD2</b>	Any development not complying with a Key Structuring Element on the outline development plan in 16.6.7.	<ul style="list-style-type: none"> <li>a. Outline development plan – 16.3.4.3.1</li> </ul>



	<b>Activity</b>	<b>The Council's discretion shall be limited to the following matters:</b>
	Any application for this activity shall not be publicly notified.	

#### 16.3.4.1.3 Non-complying Activities

The activities listed below are non-complying activities.

	<b>Activity</b>
<b>NC1</b>	Any activity which results in the daily average sewage flow from a site exceeding 0.09L/s/ha.
<b>NC2</b>	Any development within the area covered by the Outline Development Plan (Sir James Wattie Drive) in Appendix 16.6.7 until the upgrade of the intersection of Shands Road and Sir James Wattie Drive is completed by way of a roundabout or traffic lights.
<b>NC3</b>	Any site access directly onto that part of Marshs Road west of the Southern Motorway designation or Shands Road.

#### 16.3.4.2 Built form standards – Industrial Heavy Zone (Sir James Wattie Drive)

##### 16.3.4.2.1 Minimum building setback from road boundaries

	<b>Applicable to</b>	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
<b>a.</b>	Sites adjoining Marshs Road to the east of the Southern Motorway designation	6 metres	Less than 6 metres	<b>a.</b> Minimum building setback from road boundaries/ railway corridor – 16.5.1.3 <b>b.</b> Setback from Marshs Road - 16.3.4.3.2
<b>b.</b>	Sites adjoining the designation for the Southern Motorway	6 metres	Less than 6 metres	<b>a.</b> Minimum building setback from road boundaries/ railway corridor – 16.5.1.3

Any application arising from non-compliance with this rule shall not be publicly notified.

**16.3.4.2.2 Landscaped areas**

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	The setback from the designation for the Southern Motorway required under Rule 16.3.4.2.1(b) shall contain a landscaping strip with a minimum width of 1.5 metres, and minimum of 1 tree for every 10 metres of road frontage or part thereof.	Non-compliance with permitted standard	a. Landscaped areas - 16.5.1.7

Any application arising from non-compliance with this rule shall not be publicly notified.

**16.3.4.3 Matters of discretion – Industrial Heavy Zone (Sir James Wattie Drive)****16.3.4.3.1 Outline Development Plan**

- a. The extent to which development is in accordance with the outline development plan.
- b. The extent to which the development provides for safe and efficient connectivity within the outline development plan area and to the surrounding area and transport network for vehicles, pedestrians and cyclists including to Marshs Road and the public cycleway between Little River, Prebbleton and Hornby.
- c. The extent to which the landscaping, (planting and maintenance) and stormwater infiltration enhance the visual amenity and cultural values of the site and in particular the urban-rural edge at Marshs Road and the approach to Christchurch city on Shands Road.

**16.3.4.3.2 Setback from Marshs Road**

- a. The effect of reducing the setback on the visual amenity of the adjoining rural zone.

**16.3.5 Area Specific Rules - Industrial Heavy Zone (South West Hornby)**

Rules 16.3.5.1 to 16.3.5.3 and the South West Hornby Industrial Area Outline Development Plan (Appendix 16.6.8) shall apply to the Industrial Heavy Zone (South West Hornby Industrial Area). All activities specified are also subject to the rules in 16.3.2 (Activity status tables) and 16.3.3 (Built form standards) unless specified otherwise in 16.3.5.

**16.3.5.1 Activity status tables – Industrial Heavy Zone (South West Hornby)****16.3.5.1.1 Permitted activities**

The activities listed below are permitted activities.

Activity		Activity specific standards
<b>P1</b>	Activities P1-P18 listed in 16.3.2.1.	<p>Development shall comply with:</p> <ul style="list-style-type: none"> <li>a. all of the Key Structuring Elements on the South West Hornby Outline Development Plan (Appendix 16.6.8), being: <ul style="list-style-type: none"> <li>i. Collector Road</li> <li>ii. Minor Arterial Road.</li> </ul> </li> </ul> <p>Built form standards in Rule 16.3.5.2, and Rule 16.3.3 unless specified otherwise in Rule 16.3.5.2.</p>
<b>P2</b>	<p>Within the area identified as ‘rural wastewater irrigation area’ on the outline development plan (Appendix 16.6.8), rural activities permitted in the Rural Urban Fringe Zone and the irrigation of water from industrial processes.</p> <p>Rural activities and irrigation of water from industrial processes are not required to comply with P1.</p>	<ul style="list-style-type: none"> <li>a. Compliance with the Rural Urban Fringe Zone built form standards.</li> <li>b. Any rural activity that does not comply with the Rural Urban Fringe Zone built form standards is subject to the subsequent Rural Urban Fringe Zone rules relating to those standards.</li> </ul>
<b>P3</b>	Key Structuring Elements identified on the outline development plan in Appendix 16.6.8.	<ul style="list-style-type: none"> <li>a. Development is to be in accordance with the Key Structuring Elements on the outline development plan, as identified in Rule 16.3.5.1.1 P1.</li> </ul>

### 16.3.5.1.2 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	<p>Any development within the Industrial Heavy Zone (South West Hornby) south west of the area identified as ‘rural wastewater irrigation area’ on the outline development plan in Appendix 16.6.8 until the construction (being physical works) of the intersection of Shands Road and the southern spine road (marked as ‘A’ on outline development plan in Appendix 16.6.8) including traffic signals has commenced.</p> <p>Any application for this activity shall not be publicly notified.</p>	<ul style="list-style-type: none"> <li>a. Roading and access-16.3.5.3.4</li> </ul>

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD2</b>	<p>Any development resulting in more than 15 hectares of land (excluding roads) being developed within the Industrial Heavy Zone (South West Hornby) south west of the area identified as 'rural wastewater irrigation area' on the outline development plan in Appendix 16.6.8, until construction (being physical works) of the Christchurch Southern Motorway has commenced.</p> <p>Any application for this activity shall not be publicly notified.</p>	
<b>RD3</b>	<p>Any development (excluding rural activities and irrigation of water from industrial processes) within the area shown as 'rural wastewater irrigation area' on the outline development plan in Appendix 16.6.8 until:</p> <ol style="list-style-type: none"> <li>a. The full southern spine road between Main South Road and Shands Road (marked as 'C' on the outline development plan in Appendix 16.6.8) has been constructed and is open to traffic; and</li> <li>b. Capacity upgrades have commenced at the following intersections: <ol style="list-style-type: none"> <li>i. Intersection of the southern spine road and Shands Road (marked as 'A' on outline development plan in Appendix 16.6.8)</li> <li>ii. Intersection of the northern spine road and Shands Road (marked as 'B' on outline development plan in Appendix 16.6.8).</li> </ol> </li> </ol> <p>Any application for this activity shall not be publicly notified.</p>	
<b>RD4</b>	<p>Any site access directly onto Marshs Road.</p> <p>Any application for this activity shall not be publicly notified.</p>	
<b>RD5</b>	<p>Activities P1- P2 listed in 16.3.5.1.1 that do not comply with one or more of the built form standards in 16.3.5.2.</p> <p>Refer to relevant built form standard for provisions regarding notification and written approval.</p>	<p>As relevant to the breached built form standard:</p> <ol style="list-style-type: none"> <li>a. Maximum height of buildings and fencing or screening structure – 16.5.1.1</li> </ol>

	Activity	The Council's discretion shall be limited to the following matters:
		b. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3 c. Setback from boundaries adjoining rural zone- 16.3.5.3.2 d. Minimum building setback from the boundary with a residential zone, residential property - 16.5.1.4 e. Landscaped areas - 16.5.1.7 f. Landscaping at rural urban interface - 16.3.5.3.3
<b>RD6</b>	Any development not complying with a Key Structuring Element on the outline development plan in 16.6.8.  Any application for this activity shall not be publicly notified.	a. Outline development plan – 16.3.5.3.1

Information requirement for RD3: A full Integrated Transport Assessment shall be completed and included in the application.

#### 16.3.5.1.3 Discretionary activities

The activities listed below are discretionary activities.

There are no discretionary activities.

#### 16.3.5.1.4 Non-complying activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Any activity which results in the daily average sewage flow from a site exceeding 0.09L/s/ha, excluding wastewater that is discharged to ground in the 'rural wastewater irrigation area' on the outline development plan (Appendix 16.6.8).
<b>NC2</b>	Any site access directly onto Shands Road or Main South Road.

**16.3.5.1.5 Prohibited activities**

The activities listed below are prohibited activities.

There are no prohibited activities.

**16.3.5.2 Built form standards – Industrial Heavy Zone (South West Hornby)****16.3.5.2.1 Maximum height for buildings**

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Buildings within 20 metres of the rural zone boundary and the Marshs Road boundary.	10 metres	More than 10 metres	a. Maximum height for buildings and fences or screening structures – 16.5.1.1

Any application arising from non-compliance with this rule shall not be publicly notified.

**16.3.5.2.2 Minimum building setback from road boundaries**

	Applicable to	Permitted	Restricted discretionary	Assessment matters
a.	Office buildings and car parking on sites fronting Marshs Road	10 metres	Less than 10 metres	a. Minimum building setback from road boundaries/ railway corridors – 16.5.1.3 b. Setback from boundaries adjoining rural zone - 16.3.5.3.2
b.	All other buildings not provided for in clause (a).	20 metres	Less than 20 metres	a. Minimum building setback from road boundaries/ railway corridors – 16.5.1.3 b. Setback from boundaries adjoining rural zone - 16.3.5.3.2

Any application arising from non-compliance with this rule shall not be publicly notified.

### 16.3.5.2.3 Minimum building setback from the south west boundary and residential properties

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	<p>Sites with a boundary adjoining the rural zone.</p> <p>This rule shall not apply to sites adjoining the land identified on the outline development plan in Appendix 16.6.8 as 'rural wastewater irrigation area'.</p>	10 metres	Less than 10 metres	<p>a. Minimum building setback from the boundary with a residential zone, residential property 16.5.1.4</p> <p>b. Setback from boundaries adjoining Rural zone – 16.3.5.3.2</p>
b.	<p>Sites adjoining Lot 1 DP64487 (until the existing residential activity ceases - following which no setback shall apply).</p> <p>Clause (b) shall only apply until 30 March 2026 at which time the rule shall no longer apply.</p>	20 metres	Less than 20 metres	<p>a. Minimum building setback from the road boundary with a residential zone- 16.5.1.4</p>

Any application arising from non-compliance with this rule shall not be publicly notified.

### 16.3.5.2.4 Landscaped areas

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>The setback from Marshs Road and the rural zone required under Rules 16.3.5.2.2 and 16.3.5.2.3 (a) shall comprise a landscaping strip of a depth equivalent to the setback, comprising:</p> <ol style="list-style-type: none"> <li>Two rows of trees, staggered in a manner that one row is off-set from the other row.</li> <li>Trees shall be spaced 10 metres apart in each row.</li> <li>The trees used in the landscaping strip shall comprise one or more of the following species: Podocarpus totara – totara, Hoheria angustifolia</li> </ol>	Non-compliance with permitted standard	<p>a. Landscaped areas - 16.5.1.7</p> <p>b. Landscaping at rural urban interface - 16.3.5.3.3</p>

	Permitted	Restricted discretionary	Matters of discretion
	<p>– houhere/ narrow-leaved lacebark, Plagianthus regius – manatu/ lowland ribbonwood.</p> <p>iv. The existing shelterbelt on the Marshs Road frontage shall be retained until trees required under clause (ii) are 6 metres in height.</p> <p>v. Shrubs shall be planted between the two rows of trees, using the species listed in Appendix 16.6.1, Section 3.</p> <p>vi. The requirements of Appendix 16.6.1 Part A shall apply.</p> <p>vii. Maintenance of the landscaping strip shall be undertaken for a period of no less than 5 years from the date of planting.</p>		

Any application arising from non-compliance with this rule shall not be publicly notified.

### 16.3.5.3 Matters of discretion – Industrial Heavy Zone (South West Hornby)

#### 16.3.5.3.1 Outline Development Plan

- a. The extent to which development is in accordance with the outline development plan.
- b. The extent to which landscaping (planting and maintenance) enhances the visual amenity and Ngāi Tahu/manawhenua cultural values of the site and in particular the urban-rural edge at Marshs Road and the approach to Christchurch City on Shands Road.

#### 16.3.5.3.2 Setback from boundaries adjoining rural zone

- a. The effect of reducing the setback on the visual amenity of the adjoining rural zone and the approach to Christchurch City along Marshs Road, Main South Road and Shands Road.

#### 16.3.5.3.3 Landscaping at rural urban interface

- a. The extent to which planting (species and density) will maintain an attractive green edge to the urban area and support biodiversity and Ngāi Tahu cultural values.

#### 16.3.5.3.4 Roading and access

- a. The extent to which the location of vehicular access points, the design of the transport network (including road alignment and intersection design within the outline development plan area and connections with the wider network), and the associated vehicle movements (including the type



and volume of vehicles) may individually or cumulatively impact on the amenity values of the surrounding area and the safety and efficiency of the transport network.

- b. The effect of any additional access points on the safety and efficiency of the adjoining road network, having regard to the level and type of traffic using the proposed access point, the location and design of the proposed access point and the adequacy of existing or alternative access points.
- c. The extent to which the measures for mitigating the effects of development support a comprehensive and integrated approach to development of the South West Hornby industrial area.
- d. The extent to which the development affects the construction and future operation of the movement network as shown on the outline development plan.
- e. The extent to which the use of sympathetic design and landscaping treatment integrate the proposed vehicle access into the surrounding rural environment, in particular with regards to character and amenity.

### **16.3.6 Area Specific Rules - Industrial Heavy Zone (Springs Road)**

**Rules 16.3.6.1 to 16.3.6.3 and the Industrial Heavy Zone (Springs Road) Outline Development Plan (Appendix 16.6.13) shall apply to the Industrial Heavy Zone (Springs Road). All activities specified are also subject to the rules in 16.3.2 (Activity status tables) and 16.3.3 (Built form standards) unless specified otherwise in 16.3.6.**

#### **16.3.6.1 Activity status tables - Industrial Heavy Zone (Springs Road)**

##### **16.3.6.1.1 Restricted discretionary activities**

**Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion specified in the following table.**

<b><u>Activity</u></b>		<b><u>The Council's discretion shall be limited to the following matters:</u></b>
<b><u>RD1</u></b>	<b><u>Activities P1-P18 listed in 16.3.2.1 that do not comply with any one or more of the built form standards in Rule 16.3.6.2.</u></b>  <b><u>Refer to relevant built form standard for provisions regarding notification and written approval.</u></b>	<ul style="list-style-type: none"> <li>a. <b><u>Minimum building setback from road boundaries/ railway corridor - 16.5.1.3.</u></b></li> <li>b. <b><u>Landscaping on boundaries adjoining the Southern Motorway extension - 16.3.6.3.1.</u></b></li> </ul>
<b><u>RD2</u></b>	<b><u>Any road access to Springs Road in the location marked on the outline development plan in Appendix 16.6.13 as "Road access to Springs Road".</u></b>	<ul style="list-style-type: none"> <li>a. <b><u>Road access to Springs Road - 16.3.6.3.2.</u></b></li> </ul>

**16.3.6.1.2 Non-complying activities**

	<u>Activity</u>
<u>NC1</u>	<u>Any site access to Springs Road.</u>
<u>NC2</u>	<u>Any road access to Springs Road in locations other than as marked on the outline development plan in Appendix 16.6.13 as “Road access to Springs Road”.</u>
<u>NC3</u>	<u>Any activity which results in the daily average sewage flow from a site to exceed 0.09 L/s/ha.</u>

**16.3.6.2 Built form standards – Industrial Heavy Zone (Springs Road)****16.3.6.2.1 Minimum building setback from the Southern Motorway**

	<u>Applicable to</u>	<u>Permitted</u>	<u>Restricted discretionary</u>	<u>Matters of discretion</u>
<u>a.</u>	<u>Sites with a boundary adjoining the “Christchurch Southern Motorway Stage 2 Designation” as marked on the outline development plan in Appendix 16.6.13.</u>	<u>10m</u>	<u>Less than 10m</u>	<u>a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3</u>

Any application arising from non-compliance with this rule shall not be publicly or limited notified.

**16.3.6.2.2 Landscaping adjoining the Southern Motorway**

	<u>Permitted</u>	<u>Restricted discretionary</u>	<u>Matters of discretion</u>
<u>a.</u>	<u>The setback required under rule 16.3.6.2.1 above shall be landscaped with one tree per 10m of road frontage or part thereof.</u>	<u>Non-compliance with permitted standard</u>	<u>a. Landscaping on boundaries adjoining the Southern Motorway - 16.3.6.3.1</u>

Any application arising from non-compliance with this rule shall not be publicly or limited notified.

**16.3.6.3 Matters of discretion - Industrial Heavy Zone (Springs Road)****16.3.6.3.1 Landscaping on boundaries adjoining the Southern Motorway**

- a. The extent to which planting will maintain a green edge to the urban area.

**16.3.6.3.2 Road access to Springs Road**

- a. The extent to which the design (including geometry and layout) of the road access to Springs Road in the location marked on the outline development plan (Appendix 16.6.13) affects the following, having regard to the volume and type of traffic using the access:
  - i. safety for all road users on Springs Road; and
  - ii. the function and efficiency of Springs Road.
- b. The effectiveness of proposed mitigation measures, including a median strip, controls on turning movements and other measures, relating to the function, efficiency and safety of the road network.

## 16.4 Rules – Industrial Park Zone

### 16.4.1 How to use the rules

- a. The rules that apply to activities in the Industrial Park Zone are contained in:
  - i. The activity status tables (including activity specific standards) in Rule 16.4.2; and
  - ii. Built form standards in 16.4.3.
- b. Area specific rules also apply to activities within the Industrial Park Zone in the following areas:
  - i. Industrial Park Zone (Tait Campus) (as identified in Appendix 16.6.9) - Rule 16.4.4,
  - ii. Industrial Park Zone (Awatea) (as identified in Appendix 16.6.10) - Rule 16.4.5.
  - iii. **Industrial Park Zone (Wairakei Road) (as identified in Appendix 16.6.14) - Rule 16.4.6.**
  - iv. **Industrial Park Zone (Memorial Avenue) (as identified in Appendix 16.6.15) - Rule 16.4.7.**
- c. The activity status tables and Standards in the following Chapters also apply to activities in all areas of the Industrial Park Zone (where relevant):
  - 5 Natural Hazards;
  - 6 General Rules and Procedures
  - 7 Transport;
  - 8 Subdivision, Development and Earthworks;
  - 9 Heritage and Natural Environment;
  - 11 Utilities, Energy and Infrastructure; and
  - 12 Hazardous Substances and Contaminated Land.
- d. Where the word 'facility' is used in the rules e.g. public transport facility, it shall also include the use of a site/building for the activity that the facility provides for, unless expressly stated otherwise.

Similarly, where the word/ phrase defined includes the word 'activity' or 'activities', the definition includes the land and/or buildings for that activity unless expressly stated otherwise in the activity status tables.

## 16.4.2 Activity status tables – Industrial Park Zone

### 16.4.2.1 Permitted activities

In the Industrial Park Zone the activities listed below are permitted activities if they comply with any activity specific standards set out in this table and built form standards in Rule 16.4.3. Note, the built form standards do not apply to an activity that does not involve any development.

Activities may also be controlled, restricted discretionary, discretionary, or non-complying, as specified in Rules 16.4.2.2, 16.4.2.3, 16.4.2.4 and 16.4.2.5 below.

The activities listed below include any associated landscaping, access, parking, loading, waste management and other hard standing areas.

Activity		Activity specific standards
<b>P1</b>	Any new building or addition to a building for any permitted activity listed in P2 to P18 below.	Nil
<b>P2</b>	Industrial activity	Nil
<b>P3</b>	Warehousing and distribution activities	
<b>P4</b>	High technology industrial activity	Nil
<b>P5</b>	Service industry	
<b>P6</b>	Trade and industry training facility	
<b>P7</b>	Ancillary retail activity	Any ancillary retail activity shall: <ul style="list-style-type: none"> <li>a. occupy no more than 250m<sup>2</sup> or 25% of the gross floor area of all buildings on the same site, whichever is the lesser; and</li> <li>b. have visually transparent glazing on the ground floor elevation facing the street for a minimum of 20% of that elevation where goods are displayed for sale within the building and the retail activity fronts the street.</li> <li>c. be limited to the display and sale of goods produced, processed or stored on the site.</li> </ul>
<b>P8</b>	Food and beverage outlet	Nil
<b>P9</b>	Service station	

<b>P10</b>	Commercial services	Commercial services within the Industrial Park Zone (Memorial Avenue) shall be limited to a total GLFA of 8,200m <sup>2</sup>
<b>P11</b>	Office activity within the Industrial Park Zone (Tait, Awatea)	Office activity within each Industrial Park Zone (Tait, Awatea) shall: <ul style="list-style-type: none"> <li>a. be limited to a total of 5,000 m<sup>2</sup>;</li> <li>b. have visually transparent glazing on the ground floor elevation facing the street for a minimum of 20% of that elevation where the office activity fronts the street.</li> </ul>
<b>P12</b>	Ancillary office activity	Any ancillary office activity shall: <ul style="list-style-type: none"> <li>a. occupy no more than 500m<sup>2</sup> or 30% of the gross floor area of all buildings on the same site, whichever is the lesser; and</li> <li>b. have visually transparent glazing on the ground floor elevation facing the street for a minimum of 20% of that elevation where the office activity fronts the street.</li> </ul>
<b>P13</b>	Public transport facility	Nil
<b>P14</b>	Emergency service facilities	
<b>P15</b>	Gymnasium	
<b>P16</b>	Pre-school	
<b>P17</b>	Parking lots and parking buildings	
<b>P18</b>	Community corrections facility	

### 16.4.2.2 Controlled activities

The activities listed below are controlled activities.

There are no controlled activities.

### 16.4.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in 16.5.1 and 16.5.2 for each standard, as set out in the following table.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Activities P1-P18 listed in Rule 16.4.2.1 and RD2 that do not comply with one or more of the built form standards in Rule 16.4.3 unless otherwise specified.  Refer to relevant built form standard for provision regarding notification and written approval.	As relevant to the breached built form standard: a. Maximum height of buildings and fencing or screening structure – 16.5.1.1 b. Maximum building coverage of a site - 16.5.1.2 c. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3 d. Minimum building setback from the boundary with a residential zone, residential property– 16.5.1.4 e. Sunlight and outlook at boundary with a residential zone, residential property and road– 16.5.1.5 f. Outdoor storage of materials –16.5.1.6 g. Landscaped areas– 16.5.1.7 h. Water supply for fire fighting – 16.5.1.9
<b>RD2</b>	Activities P7, P10, P11 and P12 in Rule 16.4.2.1 that do not comply with one or more of the activity specific standards in Rule 16.4.2.1.	a. Display of goods, showroom and non-industrial activities - 16.5.2.1

### 16.4.2.4 Discretionary activities

The activities listed below are discretionary activities.

	Activity
<b>D1</b>	Any activity not provided for as a permitted, restricted discretionary or non-complying activity in Rules 16.4.2, 16.4.4, 16.4.5, 16.4.6 or 16.4.7.

### 16.4.2.5 Non complying activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Heavy industrial activity
<b>NC2</b>	Sensitive activity inside the air noise contour (50 dBA Ldn) as defined on the planning maps.

	Activity
NC3	<p>a. Sensitive activities 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.</p> <p>b. Buildings on greenfield sites within 10 metres of the centre line of a 66 kV electricity distribution line or within 10 metres of a foundation of an associated support structure.</p> <p>c. Buildings, other than those in (b) above, within 10 metres of the foundation of an associated support structure.</p> <p>d. Fences within 5 metres of a 66kV electricity distribution support structure foundation.</p> <p>Any application made in relation to this rule shall not be publicly notified or limited notified other than to Orion New Zealand Limited or other electricity distribution network operator.</p> <p>Notes:</p> <p>i. The 66kV electricity distribution lines are shown on the planning maps.</p> <p>ii. Vegetation to be planted around the 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>iii. 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 activities in the vicinity of electricity distribution lines must comply with the NZECP 34:2001.</p>

### 16.4.2.6 Prohibited activities

The activities listed below are prohibited activities.

There are no prohibited activities.



### 16.4.3 Built form standards - Industrial Park Zone

The following built form standards shall be met by all permitted activities and for restricted discretionary activity RD2 unless otherwise stated.

#### 16.4.3.1 Maximum height for buildings

	Applicable to	Permitted	Restricted discretionary	Matters of Discretion
a.	Buildings - all areas	15 metres	Greater than 15 metres	a. Maximum height of buildings and fencing or screening structure – 16.5.1.1
b.	Fencing and screening structures located between any building and the road boundary	1.2 metres, or 2 metres where the whole of the structure is at least 50% visually transparent – refer to Figure 16.1 below	Greater than 1.2 metres, or the structure is greater than 1.2 metres where the whole of the structure is less than 50% visually transparent, or greater than 2 metres where the whole of the structure is at least 50% visually transparent. Refer to Figure 16.1 below.	

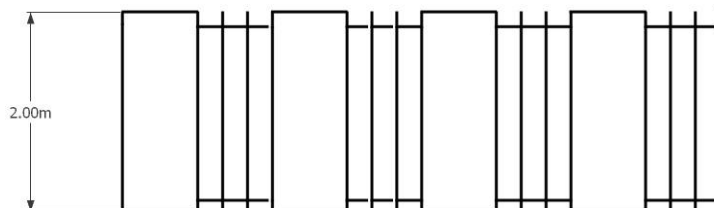
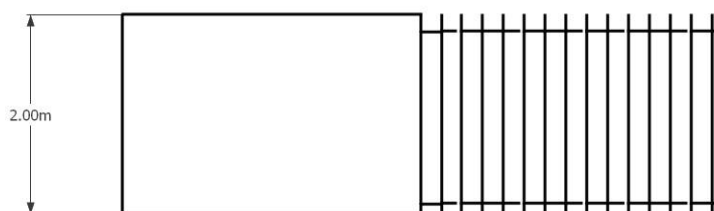
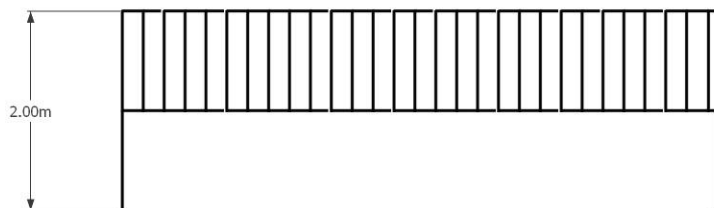


Figure 16.1: Examples of a structure/fence that is 50% visually transparent (being the top half of the first diagram, the right half of the second diagram, and every second section of the last diagram).

Any application arising from non-compliance with this rule shall not be publicly notified.

### 16.4.3.2 Maximum building coverage of a site

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Buildings - all areas	50%	More than 50%	a. Maximum building coverage of a site- 16.5.1.2

Any application arising from non-compliance with this rule shall not require written approvals and shall not be publicly or limited notified.

### 16.4.3.3 Minimum building setback from road boundaries/ railway corridor

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Any activity unless specified in (b) – (d) below	6 metres	Less than 6 metres	a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3
b.	Ancillary offices	1.5 metres	Less than 1.5 metres	
c.	Service station canopies	3 metres	Less than 3 metres	
d.	For sites with more than one road boundary	1.5 metres on one road boundary and 6 metres on any other road boundary	Less than 1.5 metres on one road boundary and 6 metres on any other road boundary	
e.	Buildings, balconies and decks on sites adjacent to or abutting railway lines.	4 metres from the rail corridor boundary	Less than 4 metres	a. Minimum building setback from road boundaries/ railway corridor - 16.5.1.3(d)

Any application arising from non-compliance with this rule (excluding clause (e)) will not require written approvals and shall not be publicly or limited notified.

Any application arising from clause (e) of this rule will not require the written approval of any entity except Kiwirail and shall not be publicly notified. Limited notification, if required, shall only be to Kiwirail.

#### 16.4.3.4 Minimum building setback from the boundary with a residential zone

	Permitted	Restricted discretionary	Matters of discretion
a.	6 metres	Less than 6 metres	a. Minimum building setback from the boundary with a residential zone, residential property – 16.5.1.4

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 16.4.3.5 Sunlight and outlook at boundary with a residential zone

	Permitted	Restricted discretionary	Matters of discretion
a.	Where an internal site boundary adjoins a residential zone no part of any building shall project beyond a building envelope contained by a recession plane measured at any point 2.3m above the internal boundary in accordance with the relevant diagram in Appendix 16.6.11.	Non-compliance with permitted activity standard	a. Sunlight and outlook at boundary with a residential zone, residential property and road – 16.5.1.5

Where sites are located within a Flood Management Area, recession plane breaches created by the need to raise floor levels will not require the written consent of other persons and shall not be publicly or limited notified.

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 16.4.3.6 Outdoor storage of materials/ car parking

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>The outdoor storage of materials shall not be located within the minimum setbacks specified in Rules 16.4.3.3.</p> <p>Any outdoor storage area shall be screened by landscaping, fencing or other screening to a minimum of 1.8 metres in height from any adjoining residential zone except where the storage of vehicles, equipment, machinery, and/or natural or processed products is for periods of less than 12 weeks in any year.</p>	Non-compliance with permitted activity standard	a. Outdoor storage of materials – 16.5.1.6

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
b.	Car parking shall be provided to the side or rear of sites and not between buildings and the street, except for visitor parking.		

Any application arising from non-compliance with this rule will not require written approvals and shall not be publicly or limited notified unless the adjoining zone is residential.

### 16.4.3.7 Landscaped areas

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	The minimum percentage of the site to be landscaped shall be 10%, excluding those areas required to be set aside for trees within or adjacent to parking areas (refer to clause (d) below).	Non-compliance with permitted activity standard	a. Landscaped areas- 16.5.1.7
b.	The area adjoining the road frontage of all sites shall have a landscape strip in accordance with the following standards. <ul style="list-style-type: none"> <li>i. Minimum width - 1.5 metres</li> <li>i. Minimum density of tree planting – 1 tree for every 10 metres of road frontage or part thereof.</li> </ul>		
c.	On sites adjoining a residential zone, trees shall be planted adjacent to the shared boundary at a ratio of at least 1 tree for every 10 metres of the boundary or part thereof.		
d.	In addition to clauses (a), (b) and (c) above, where car parking is located at the front of a site, 1 tree shall be planted for every 5 car parking spaces within any car parking area.		
e.	All landscaping/ trees required for these rules shall be in accordance with the provisions in Appendix 16.6.1.		
f.	The built form standards in clauses (a) and (b) shall not apply to emergency service facilities.		

Note 1: Vegetation in close proximity to the electricity transmission network will need to be planted and managed in accordance with the Electricity (Hazards from Trees) Regulations 2003.

Note 2: Stormwater facilities shall be incorporated into any development to achieve effective stormwater management and to protect groundwater. The stormwater facilities, which support multiple values such as stormwater retention, water quality treatment, biodiversity enhancement, Ngāi Tahu/ manawhenua values and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management and the protection of groundwater in an integrated manner. Stormwater treatment sites or treatment facilities should be separated from natural waterways with vegetated buffers to ensure stormwater is treated before it is discharged into natural waterways or natural wetlands.

Any application arising from non-compliance with clauses (a), (b) and (d) of this rule will not require written approvals and shall not be publicly or limited notified.

#### 16.4.3.8 Water supply for fire fighting

	Permitted	Restricted discretionary	Matters of discretion
a.	Sufficient water supply and access to water supplies for fire fighting shall be provided to all buildings via Council's urban fully reticulated water supply system and in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice (SNZ PAS: 4509:2008)	Non-compliance with permitted standard	a. Water supply for fire fighting –16.5.1.9.

Any application arising from this rule will not require the written approval of any entity except the New Zealand Fire Service and shall not be publicly notified. Limited notification, if required, shall only be to the New Zealand Fire Service.

## 16.4.4 Area Specific Rules - Industrial Park Zone (Tait Campus)

Rules 16.4.4.1 to 16.4.4.3 and the Tait Campus Outline Development Plan (Appendix 16.6.9) shall apply to the Industrial Park Zone (Tait Campus). All activities specified are also subject to the rules in 16.4.2 (Activity status tables) and 16.4.3 (Built form standards) unless specified otherwise in 16.4.4.

### 16.4.4.1 Activity status tables – Industrial Park Zone (Tait Campus)

#### 16.4.4.1.1 Permitted activities

The activities listed below are permitted activities.

Activity		Activity specific standards
<b>P1</b>	Activities P1-P18 listed under Rule 16.4.2.1	<p>Development shall comply with:</p> <ul style="list-style-type: none"> <li>a. All of the Key Structuring Elements on the Tait Campus Outline Development Plan (Appendix 16.6.9), being: <ul style="list-style-type: none"> <li>ii. Green Corridor</li> <li>iii. Vehicular route to Stanleys block</li> </ul> </li> </ul> <p>Built form standards in Rule 16.4.4.2, and Rule 16.4.3 unless specified otherwise in 16.4.4.2</p>
<b>P2</b>	Key Structuring Elements identified on the outline development plan in Appendix 16.6.9.	<ul style="list-style-type: none"> <li>a. Development is to be in accordance with all of the Key Structuring Elements on the Tait Campus Outline Development Plan (Appendix 16.6.9), as identified in Rule 16.4.4.1.1 P1.</li> </ul>

#### 16.4.4.1.2 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	<p>Activity P1 in Rule 16.4.4.1.1 that does not comply with one or more of the built form standards in 16.4.4.2.</p> <p>Refer to relevant built form standard for provisions regarding notification and written approval.</p>	<p>As relevant to the breached built form standard:</p> <ul style="list-style-type: none"> <li>a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3</li> <li>b. Open space and character- 16.4.4.3.1</li> <li>c. Landscaped areas– 16.5.1.7</li> <li>d. Landscaping – 16.4.4.3.2</li> <li>e. Stormwater management – 16.4.4.3.7</li> <li>f. Connectivity- 16.4.4.3.3</li> <li>g. Parking- 16.4.4.3.5</li> <li>h. Access- 16.4.4.3.6</li> </ul>
<b>RD2</b>	<p>Any development not complying with a Key Structuring Element on the outline development plan in 16.6.9.</p> <p>Any application for this activity shall not be publicly notified.</p>	<ul style="list-style-type: none"> <li>a. Matters of discretion– 16.4.4.3.1 – 16.4.4.3.6</li> </ul>

### 16.4.4.1.3 Non-complying activities

The activities listed below are a non-complying activity.

	Activity
<b>NC1</b>	Any development resulting in more than 10,000m <sup>2</sup> gross floor area across the whole Industrial Park Zone (Tait Campus) site before the installation of traffic lights (being the physical work) at the intersection of Wairakei Road/ Wooldridge Road/ Roydvale Avenue has been completed.
<b>NC2</b>	Any activity which results in the daily average sewage flow from a site exceeding 0.09L/s/ha.

Note for NC1: The extent of the developer's contribution to the costs of the upgrade of the intersection of Wairakei/ Wooldridge Roads will be agreed with the Council in accordance with the Council Development Contributions Policy, which may include a Private Developer Agreement.

### 16.4.4.2 Built form standards – Industrial Park Zone (Tait Campus)

#### 16.4.4.2.1 Minimum building setback from road boundaries

	Applicable to	Permitted	Restricted discretionary	Matters of Discretion
a.	Sites adjoining Wooldridge Road	10 metres as marked on the outline development plan in Appendix 16.6.9	Less than 10 metres	<p>a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3</p> <p>b. Open space and character- 16.4.4.3.1</p>

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 16.4.4.2.2 Landscaped areas

	Permitted	Restricted discretionary	Matters of discretion
a	<p>A 10 metre wide landscaping strip shall be provided adjacent to the road boundary on sites adjoining Wooldridge Road, excluding roads and pedestrian crossings, and shall comprise:</p> <ol style="list-style-type: none"> <li>at least 1 tree for every 10 metres of road frontage or part thereof;</li> <li>deciduous trees, planted in groups of no less than 5 with a minimum of 5 metre spacing between trees;</li> <li>tree species shall be capable of reaching a minimum height of 10 metres at maturity and be not less than 3 metres high at the time of planting;</li> <li>The two lime trees identified on the outline development plan in Appendix 16.6.9 as 'Retained Lime Trees' shall be maintained and incorporated into the Landscaping Strip adjoining Wooldridge Road;</li> <li>The protected trees identified on the outline development plan in Appendix 16.6.9 as 'Protected Trees' and specimen trees immediately surrounding the protected trees in the North West corner of the Zone shall be incorporated into the landscaping strip adjoining Stanleys Road.</li> </ol>	Non-compliance with permitted activity standard	<p>a. Landscaped areas – 16.5.1.7</p> <p>b. Landscaping – 16.4.4.3.2</p>



b.	1 tree shall be planted for every 5 car parking spaces within any car parking area.		
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Any application arising from non-compliance with this rule shall not be publicly notified.

#### 16.4.4.2.3 Stormwater management

	Permitted	Restricted discretionary	Assessment matters
a.	<p>Any stormwater from an activity within the zone shall be managed to meet the following requirements:</p> <ul style="list-style-type: none"> <li>i. First flush treatment for the first 25mm of runoff from hardstanding areas shall be provided using vegetated dry sedimentation basins.</li> <li>ii. Flows in excess of the first flush and including the 50 year return events (9 hour duration) shall be attenuated in the locations defined on the outline development plan in Appendix 16.6.9 as 'On site stormwater treatment and attenuation'.</li> <li>iii. Stormwater discharge from the zone to the Council stormwater network shall be attenuated to pre-development levels (for up to 50 year storm events).</li> </ul>	Non-compliance with permitted standard	a. Stormwater management – 16.4.4.3.7
b.	Any stormwater from an activity shall be conveyed by open naturalised swales (defined on the outline development plan in Appendix 16.6.9 as 'Open naturalised stormwater conveyance/swales') running through the zone from west to east via a series of basins as defined on the outline development plan in Appendix 16.6.9 as 'On site stormwater treatment and attenuation' to a point defined on the outline development plan from where stormwater shall be piped to an existing drain on the east side of Wooldridge Road.		
c.	At least 80% of any planting around swales and ponds for stormwater management shall be indigenous vegetation.		

Any application arising from non-compliance with this rule shall not be publicly notified.

**16.4.4.2.4 Roading and access**

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	<p>Access from Stanleys Road:</p> <ul style="list-style-type: none"> <li>i. Any access to an activity from Stanleys Road shall be at a location marked on the outline development plan in Appendix 16.6.9 as 'Secondary Access'.</li> <li>ii. Prior to any activity having access to Stanleys Road, new give-way markings on the Stanleys Road approach to its intersection with Harewood Road shall be provided at the cost of the developer or their successor/s in title.</li> <li>iii. Within 6 months of an activity having access to Stanleys Road, a left turn lane shall be provided on the Stanleys Road approach to the Stanleys Road/ Harewood Road intersection, which shall be carried out (as agreed with the Council) at the cost of the developer or their successor/s in title.</li> <li>iv. Any development preceding subdivision with access to Stanleys Road shall include a footpath along the Stanleys Road frontage of the zone.</li> </ul>	Non-compliance with permitted activity standard	<ul style="list-style-type: none"> <li>a. Connectivity - 16.4.4.3.3</li> <li>b. Parking - 16.4.4.3.5</li> <li>c. Access - 16.4.4.3.6</li> </ul>
b.	<p>General:</p> <ul style="list-style-type: none"> <li>i. All work associated with design and construction of vehicle access to the zone, intersection works, internal roads and footpaths within the zone, and a footpath along the road frontage of Stanleys Road shall be provided at the cost of the developer or their successor/s in title.</li> <li>ii. Any development preceding subdivision with access to Stanleys Road shall include a shared cycleway and footpath of minimum 2.5 metre width from Wooldridge Road to Stanleys Road as marked on the outline development plan in Appendix 16.6.9 as 'Public shared walk and cycle connection', connecting with pedestrian and cycle facilities adjoining the zone.</li> <li>iii. Any surface car parking associated with an activity shall be in the locations identified on the outline development plan in Appendix 16.6.9 as 'pocket car parks at grade associated with buildings'. Any car parking elsewhere in the zone shall be located under or within</li> </ul>		

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
	<p>buildings.</p> <p>iv. Any pedestrian and cycle way through the site shall be illuminated to a level between 2 and 10 lux.</p> <p>v. Any access to an activity shall be set back from trees identified on the outline development plan in Appendix 16.6.9 as 'Existing trees not to be affected by road layout' by a distance of at least 10 metres.</p>		

Any application arising from non-compliance with this rule shall not be publicly notified.

### **16.4.4.3 Matters of discretion – Industrial Park Zone (Tait Campus)**

#### **16.4.4.3.1 Open space and character**

- a. The extent to which the building form, location, site design and layout of development:
- contributes to a high amenity environment with significant areas of landscaping and open space, compatible with the character of Nunweek Park and the adjoining rural zones;
  - minimises the visual impact of development as viewed from Stanleys Road, Nunweek Park and adjacent rural properties;
  - maintains views across the zone;
  - provides for and creates a green corridor through the zone that incorporates and enhances landscape and water features including existing trees;
  - recognises the cultural values of Ngāi Tahu/manawhenua.

#### **16.4.4.3.2 Landscaping**

- The extent to which landscaping provides a transition between the industrial zone and the surrounding rural zones by maintaining an open character, while effectively screening buildings, parking and storage areas.
- The quality and effectiveness of landscaping proposed along the Wooldridge Road and Stanleys Road frontages in creating an attractive appearance to the zone as viewed from the road.
- The extent to which stormwater basins, open space, and landscaped areas are co-located so as to maximize recreational and amenity opportunities.
- The degree to which any reverse sensitivity effects are avoided or mitigated through landscaping.
- The suitability of planting along the water feature's edge to the local conditions.

- f. The extent to which landscaping incorporates indigenous vegetation, enhances mahinga kai values and water quality of the development.

#### **16.4.4.3.3 Connectivity**

- a. The extent to which pedestrian and cycle movement through the zone between Wooldridge Road and Stanleys Road and then to the wider transport network and Nunweek Park are facilitated by pedestrian and cycle ways.
- b. The extent to which the principles of Crime Prevention through Environmental Design have been incorporated into the design of pedestrian and cycle ways.
- c. The extent to which pedestrian and cycle ways are incorporated within landscaped areas.
- d. The provision for vehicle and pedestrian movement between buildings within the site.

#### **16.4.4.3.4 Energy efficiency and sustainability**

- a. The extent to which passive solar energy and access to daylight is promoted through building orientation and design.
- b. The degree to which timber materials are incorporated into the design of buildings for carbon absorption.
- c. The extent of which ground water coupling and heat exchangers are incorporated to provide both heating and cooling.
- d. The extent to which provision is made for ventilation through a combination of natural and mechanical means.

#### **16.4.4.3.5 Parking**

- a. The visual effect of car parking areas both from within the site and as seen from outside the site, in particular from Nunweek Park and Stanleys Road, and the effectiveness of any mitigation including landscaping.

#### **16.4.4.3.6 Access**

- a. The location and design of the external vehicle access points to Stanleys and Wooldridge Roads and their effect on the character, safety and efficiency of the adjoining road network.
- b. The effectiveness and safety of pedestrian access to and from the site, including access to the public transport network.
- c. The extent to which the location and design of the vehicle access points is integrated with landscaping along the zone boundary and does not compromise the amenity and appearance of the zone as viewed from Wooldridge Road and Stanleys Road
- d. The effect of any additional access points in respect to:
  - i. the likely level and type of traffic using the proposed access points;
  - ii. the effect on the safety and efficiency of the adjoining road network.

**16.4.4.3.7 Stormwater management**

- a. The extent to which stormwater basins and open space are integrated to maximise recreational opportunities and amenities.
- b. The extent to which any stormwater system recognises and/or provides for those values of importance to Ngāi Tahu/ manawhenua and in particular the maintenance and enhancement of water quality and mahinga kai values.
- c. The effectiveness of the design, construction and operation of stormwater facilities in treatment and retention of stormwater.
- d. The ability for the stormwater system to be adequately maintained, particularly if it remains in private ownership.
- e. The extent to which treatment and disposal methods conform to the Council's guidelines for stormwater management systems.

## 16.4.5 Area Specific Rules – Industrial Park Zone (Awatea)

Rules 16.4.5.1 to 16.4.5.3 and the Awatea Outline Development Plan (including the layer diagrams) (Appendix 16.6.10) shall apply to the Industrial Park Zone (Awatea). All activities specified are also subject to the rules in 16.4.2 (Activity status tables) and 16.4.3 (Built form standards) unless specified otherwise in 16.4.5

### 16.4.5.1 Activity status tables - Industrial Park Zone (Awatea)

#### 16.4.5.1.1 Permitted activities

The activities listed below are permitted activities.

Activity	Activity specific standards
<b>P1</b> Activities P1-P18 listed under Rule 16.4.2.1	Development shall comply with: <ol style="list-style-type: none"> <li>a. All of the Key Structuring Elements on the Awatea outline development plan (including the layer diagrams) (Appendix 16.6.10), whether they are indicated as 'Fixed Structural Elements' or not, being:               <ol style="list-style-type: none"> <li>i. Blue network elements</li> <li>ii. Green network elements</li> <li>iii. Green multiuse corridors</li> <li>iv. Movement network</li> <li>v. Primary Road</li> <li>vi. Location of access points on the movement network</li> <li>vii. Traffic treatment to prevent heavy vehicle access</li> <li>viii. Representative traditional places and sites of significance</li> <li>ix. Traditional headwaters</li> <li>x. Proposed indigenous tree planting corridor.</li> </ol> </li> <li>b. Built form standards in Rule 16.4.5.2, and Rule 16.4.3 unless specified otherwise in 16.4.5.2</li> </ol>
<b>P2</b> Key Structuring Elements identified on the outline development plan in Appendix 16.6.10.	<ol style="list-style-type: none"> <li>a. Development is to be in accordance with the Key Structuring Elements on the Awatea Outline Development Plan (including the layer diagrams) (Appendix 16.6.10), as identified in Rule 16.4.5.1.1 P1.</li> </ol>

#### 16.4.5.1.2 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

	Activity	The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Activity P1 in Rule 16.4.5.1.1 that does not comply with one or more of the built form standards in 16.4.5.2.  Refer to relevant built form standard for provisions regarding notification and written approval.	a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3
<b>RD2</b>	Any development not complying with a Key Structuring Element on the outline development plan in 16.6.10.  Any application for this activity shall not be publicly notified.	a. Outline development plan – 16.4.5.3.1

### 16.4.5.1.3 Non complying activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Any activity which results in the daily average sewage flow from a site exceeding 0.09L/s/ha.

## 16.4.5.2 Built form standards - Industrial Park Zone (Awatea)

### 16.4.5.2.1 Minimum building setback from road boundaries

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Sites with frontage to Halswell Junction Road or McTeigues Road	10 metres	Less than 10 metres	a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3

Any application arising from non-compliance with this rule shall not be publicly notified.

## 16.4.5.3 Matters of discretion - Industrial Park Zone (Awatea)

### 16.4.5.3.1 Outline development plan

- a. The extent to which development is in accordance with the outline development plan.

- b. The extent to which the location of vehicular access points, the design of the transport network (including road alignment and intersection design within the outline development plan area and connections with the wider network), and the associated vehicle movements (including the type and volume of vehicles) may individually or cumulatively impact on residential amenity values and the safety and efficiency of the transport network.
- c. The effect of any additional access points on the safety and efficiency of the adjoining road network, having regard to the level and type of traffic using the proposed access point, the location and design of the proposed access point and the adequacy of existing or alternative access points.
- d. The degree to which safe and efficient pedestrian and cycle access is provided through the industrial zone, and with the adjoining area and wider transport networks.
- e. The effectiveness of treatment in the location marked on the outline development plan as 'Traffic treatment to prevent heavy vehicle access' or alternative measures to avoid heavy vehicle movement through the adjoining residential zone.
- f. The degree to which the industrial zone is easily accessible by public transport including any bus services.
- g. The effectiveness of the design, construction and operation of stormwater facilities in managing stormwater on-site including retention, infiltration and treatment.
- h. The ability for the stormwater system to be adequately maintained, particularly if it remains in private ownership.
- i. The extent to which treatment and disposal methods conform to the Council's guidelines for stormwater management systems.
- j. The extent to which any stormwater system recognises and/or provides for those values of importance to Ngāi Tahu/manawhenua and in particular the maintenance and enhancement of water quality and mahinga kai values.
- k. The extent to which open space corridors are wide and landscaped to a high standard to promote safe and convenient movement through the zone and with adjoining areas while enhancing amenity, supporting ecological values, and recognising Ngāi Tahu/manawhenua values.
- l. The extent to which development recognises and protects sites of significance to Ngāi Tahu/manawhenua and values associated with traditional places including headwaters.
- m. The extent to which the Rūnanga have been consulted on the proposal and are satisfied that any effects on wāhi tapu me wāhi taonga are mitigated.
- n. Whether a Cultural Impact Assessment has been undertaken that demonstrates that a development will not adversely affect wāhi tapu me wāhi taonga.
- o. The degree to which the recommendations of the Cultural Impact Assessment have been addressed in the design/ development of the site.
- p. The development provides for an indigenous tree planting corridor, and planting of indigenous species within the corridor.



## 16.4.6 Rules - Industrial Park Zone (Wairakei Road)

Rules 16.4.6.1. to 16.4.6.3 and the Industrial Park Zone (Wairakei Road) Outline Development Plan (Appendix 16.6.14) shall apply to the Industrial Park Zone (Wairakei Road).

All activities specified are also subject to the rules in 16.4.2 (Activity status tables) and 16.4.3 (Built form standards) unless specified otherwise in Rule 16.4.6.

Note: The area defined on the Industrial Park Zone (Wairakei Road) Outline Development Plan as “Industrial Park Zone (Tait) and Industrial General Zone (Stanleys Road) – Refer to Appendix 16.6.9” is for information purposes only and the relevant rules for this area are in 16.4.4.

### 16.4.6.1 Activity status tables - Industrial Park Zone (Wairakei Road)

#### 16.4.6.1.1 Permitted activities

The activities listed below are permitted activities.

<u>Activity</u>		<u>Activity specific standards</u>
<u>P1</u>	<u>Activities P1-P18 listed under Rule 16.4.2.1.</u>	<p><u>Development shall comply with:</u></p> <ul style="list-style-type: none"> <li>a. <u>The following Key Structuring Elements on the Industrial Park Zone (Wairakei Road) Outline Development Plan (Appendix 16.6.14):</u> <ul style="list-style-type: none"> <li>i. <u>Stormwater facility locations</u></li> </ul> </li> <li>b. <u>Built form standards in Rule 16.4.6.2, and Rule 16.4.3 unless specified otherwise in 16.4.6.2.</u></li> </ul>

### 16.4.6.1.2 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

	<u>Activity</u>	<u>The Council's discretion shall be limited to the following matters:</u>
<u>RD1</u>	<p><u>Activities P1-P18 in Rule 16.4.2.1 that do not comply with any one or more of the built form standards in 16.4.3, and any one or more of the built form standards for permitted activities in 16.4.6.2, unless otherwise specified in NC1 or NC4.</u></p> <p><u>Refer to the relevant built form standard for provisions regarding notification and written approval.</u></p>	<p><u>As relevant to the breached built form standard:</u></p> <ul style="list-style-type: none"> <li>a. <u>Maximum height of buildings and fencing or screening structure – 16.5.1.1</u></li> <li>b. <u>Maximum building coverage of a site – 16.5.1.2</u></li> <li>c. <u>Minimum building setback from road boundaries/ railway corridor – 16.5.1.3</u></li> <li>d. <u>Minimum building setback from the boundary with a residential zone – 16.5.1.4</u></li> <li>e. <u>Sunlight and outlook at boundary with a residential zone – 16.5.1.5</u></li> <li>f. <u>Outdoor storage of materials – 16.5.1.6</u></li> <li>g. <u>Landscaped areas – 16.5.1.7</u></li> <li>h. <u>Water supply for fire fighting – 16.5.1.9</u></li> <li>i. <u>Minimum building setback from the boundary with the Rural Urban Fringe Zone &amp; Specific Purpose (Schools) Zone – 16.4.6.3.1</u></li> <li>j. <u>Landscaping in the Industrial Park Zone (Wairakei Road) – 16.4.6.3.2</u></li> <li>k. <u>Roading and access – 16.4.6.3.3</u></li> </ul>
<u>RD2</u>	<p><u>Any activity not complying with one or more of the Key Structuring Elements on the Industrial Park Zone (Wairakei Road) Outline Development Plan in Appendix 16.6.14, as identified in Rule 16.4.6.1.1 P1.</u></p> <p><u>Any application for this activity shall not be publicly notified.</u></p>	<ul style="list-style-type: none"> <li>a. <u>Outline development plan – 16.4.6.3.4</u></li> </ul>

### 16.4.6.1.3 Non-complying activities

The activities listed below are non-complying activities.

	<u>Activity</u>
<u>NC1</u>	<u>Any road or site access to Russley Road across the area defined on the Industrial Park Zone (Wairakei Road) Outline Development Plan in Appendix 16.6.14 as “No road or site access”</u>
<u>NC2</u>	<u>Any activity which results in the instantaneous sewage flow from a site to exceed 0.09 l/s/ha.</u>

<b><u>NC3</u></b>	<b><u>Any activity resulting in more than 10ha (excluding roads) of land within the Industrial Park Zone (Wairakei Road) Outline Development Plan area being developed for permitted or consented activities before completion of:</u></b> a. <b><u>the upgrade of the intersection of Wooldridge Road and Harewood Road comprising traffic signal controls;</u></b> b. <b><u>the upgrade of the intersection of Stanleys Road and Harewood Road, comprising controls for managing right turning movements out of Stanleys Road.</u></b>
<b><u>NC4</u></b>	<b><u>Any activity not complying with Rule 16.4.6.2.4 (Sewer infrastructure).</u></b>

### **16.4.6.2 Built form standards - Industrial Park Zone (Wairakei Road)**

**The following built form standards shall be met by all permitted activities, unless otherwise stated.**

#### **16.4.6.2.1 Minimum building setback from the boundary with the Rural Urban Fringe and Specific Purpose (School) zones**

	<b><u>Permitted</u></b>	<b><u>Restricted discretionary</u></b>	<b><u>Matters of discretion</u></b>
<b><u>a.</u></b>	<b><u>10m</u></b>	<b><u>Less than 10m</u></b>	<b><u>a. Minimum building setback from the boundary with the Rural Urban Fringe Zone &amp; Specific Purpose (Schools) Zone - 16.4.6.3.1</u></b>

**Any application arising from non-compliance with this rule shall not be publicly notified.**

#### **16.4.6.2.2 Landscaped areas**

	<b><u>Applicable to</u></b>	<b><u>Permitted</u></b>	<b><u>Restricted discretionary</u></b>	<b><u>Matters of discretion</u></b>
<b><u>a.</u></b>	<b><u>Activities located on a site that includes or adjoins the former channel of the Styx River, identified on the Industrial Park Zone (Wairakei Road) Outline Development Plan in Appendix 16.6.14 as “Blue/ green corridor – planting”</u></b>	<b><u>a. Planting of trees and shrubs shall:</u></b> i. <b><u>be completed prior to, or in conjunction with, the establishment of the activity;</u></b> ii. <b><u>be at a density of 1 tree or shrub per 2m<sup>2</sup>;</u></b> iii. <b><u>be undertaken as a corridor either side of the former channel of the Styx River; and</u></b> iv. <b><u>be of indigenous species only.</u></b>	<b><u>Non-compliance with permitted standard</u></b>	<b><u>a. Landscaping in the Industrial Park Zone (Wairakei Road) - 16.4.6.3.2</u></b>

	<u>Applicable to</u>	<u>Permitted</u>	<u>Restricted discretionary</u>	<u>Matters of discretion</u>
<u>b.</u>	<u>Activities on sites adjoining the Rural Urban Fringe and/or Specific Purpose (Schools) Zones.</u>	<p>a. <u>A landscaping strip shall be provided adjacent to the shared boundary with the Rural Urban Fringe and/or Specific Purpose (Schools) Zones in accordance with the following standards:</u></p> <p>i. <u>Minimum width of 10m</u></p> <p>ii. <u>Two rows of trees, staggered in a manner that one row is off-set from the other row;</u></p> <p>iii. <u>Trees shall be spaced 10 metres apart in each row;</u></p> <p>iv. <u>Trees used in the landscaping strip shall comprise one or more of the following species: Podocarpus totara – Totara, Hoheria angustifolia – houhere/ narrow-leaved lacebark, Plagianthus regius – manatu/ lowland ribbonwood;</u></p> <p>v. <u>Shrubs shall be planted between the two rows of trees, using the species listed in Appendix 16.6.1, section 3;</u></p> <p>vi. <u>The requirements of Appendix 16.6.1 Part A shall apply;</u></p> <p>vii. <u>Maintenance of the landscaping strip shall be undertaken for a period of no less than 5 years from the date of planting.</u></p> <p>viii. <u>The landscaping strip shall be completed prior to, or in conjunction with, the establishment of the activity.</u></p>	<u>Non-compliance with permitted standard</u>	

	<u>Applicable to</u>	<u>Permitted</u>	<u>Restricted discretionary</u>	<u>Matters of discretion</u>
<u>c.</u>	<u>Activities on sites adjoining the Specific Purpose (Schools) Zones.</u>	<p>a. <u>In addition to (a) and (b), a solid, continuous fence with a minimum height of 1.8 metres shall be constructed on the boundary with the Specific Purpose (Schools) Zone.</u></p> <p>b. <u>The fence shall be constructed prior to, or in conjunction with, the establishment of the activity.</u></p>	<u>Non-compliance with permitted standard</u>	

Any application arising from non-compliance with this rule will not require written approvals and shall not be publicly or limited notified.

#### 16.4.6.2.3 Roading and access

	<u>Permitted</u>	<u>Restricted discretionary</u>	<u>Matters of discretion</u>
<u>a.</u>	<u>Any activity shall have vehicle access to Wairakei Road, Stanleys Road and/or Woolridge Road, only in the locations marked on the Industrial Park Zone (Wairakei Road) Outline Development Plan (Appendix 16.6.14) as “Road access point – Proposed controlled intersection”.</u>	<u>Non-compliance with permitted standard</u>	a. <u>Roading and access - 16.4.6.3.3</u>
<u>b.</u>	<p>i. There shall be no development on allotments identified for a 'Collector road' prior to the vesting of land and its formation as a 'Collector road' along the alignment shown on the Outline Development Plan in Appendix in 16.6.14.</p> <p>ii. There shall be no development of Lot 2, DP54992 (580 Russley Road) and Lot 1, DP54992 (570 Russley Road) prior to the vesting of land and its formation as a 'Local Road' along the alignment shown on the Outline Development Plan in Appendix in 16.6.14.</p>		

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 16.4.6.2.4 Sewer infrastructure

	<u>Permitted</u>	<u>Non-complying</u>
<b>a.</b>	<u>No activity shall discharge to the Council's reticulated wastewater network until the upgrade of the Avonhead sewer and Upper Riccarton Interceptor Sewer to provide capacity to accommodate wastewater flows in the Wairakei collector sewer.</u>	<u>Non-compliance with permitted standard</u>
<b>b.</b>	<u>Any activity which discharges to the Council's reticulated wastewater network following the upgrades specified under (a), shall have a flow meter installed at the discharge point to the Council's reticulated network.</u>	

Any application arising from non-compliance with this rule shall not be publicly or limited notified.

#### **16.4.6.2.5 Boundary with residential properties within the zone**

	<u>Permitted</u>	<u>Restricted discretionary</u>	<u>Matters of discretion</u>
<b>a.</b>	<u>The following built form standards shall apply to any boundary with properties used for residential activity within the zone:</u> <ul style="list-style-type: none"> <li>i. <u>16.4.3.4 Minimum building setback from the boundary with a residential zone</u></li> <li>ii. <u>16.4.3.5 Sunlight and outlook at boundary with a residential zone</u></li> <li>iii. <u>16.4.3.6 Outdoor storage of materials/ car parking</u></li> </ul>	<u>Non-compliance with permitted standard</u>	<ul style="list-style-type: none"> <li>a. <u>Minimum building setback from the boundary with a residential zone – 16.5.1.4</u></li> <li>b. <u>Sunlight and outlook at boundary with a residential zone – 16.5.1.5</u></li> <li>c. <u>Outdoor storage of materials – 16.5.1.6</u></li> </ul>

Any application arising from non-compliance with this rule shall not be publicly notified.

#### **16.4.6.3 Matters of discretion - Industrial Park Zone (Wairakei Road)**

##### **16.4.6.3.1 Minimum building setback from the boundary with the Rural Urban Fringe Zone & Specific Purpose (Schools) Zone**

- a. The extent to which an intrusion into the setback from the boundary:
  - i. adversely affects the amenity and character of the adjoining zone, and
  - ii. adversely affects the anticipated character and amenity of the zone as a park-like environment, as viewed from the adjoining properties.
- b. The extent to which effects of an intrusion into the setback are minimised by screening, landscaping, building scale, form and design to the extent that the intended character and high level of amenity of the Industrial Park Zone (Wairakei Road) is maintained.

#### 16.4.6.3.2 Landscaping in the Industrial Park Zone (Wairakei Road)

- a. The extent to which development provides for and creates a green corridor through the zone that incorporates landscaping including existing vegetation, and enhances multiple values including stormwater retention, water quality treatment, biodiversity enhancement, Ngāi Tahu/ Manawhenua values and landscape amenity.
- b. The extent to which landscaping provides a buffer between the industrial zone and the adjacent Rural Urban Fringe Zone and Specific Purpose (Schools) Zone, while effectively screening buildings, parking and storage areas.
- c. The degree to which any effects on amenity and character of the adjoining environment are mitigated through landscaping.

#### 16.4.6.3.3 Roading and access

- a. The extent to which the location of vehicle access points (including additional road access points), the design of the transport network (including road alignment and intersection design within the Industrial Park Zone (Wairakei Road) Outline Development Plan (Appendix 16.6.14) area and connections with the wider network), and the associated vehicle movements (including the type and volume of vehicles) may individually or cumulatively impact on the character and amenity of the zone, and safety and efficiency of the transport network.
- b. The extent to which the location and design of the vehicle access points are integrated with landscaping along the zone boundary and does not compromise the amenity and appearance of the zone as viewed from an adjoining road.
- c. The extent to which pedestrian and cycle movement through the zone and to the wider transport network and Nunweek Park are facilitated by pedestrian and cycle ways.
- d. The extent to which the principles of Crime Prevention through Environmental Design have been incorporated into the design of pedestrian and cycle ways to support their use and the safety of users.

#### 16.4.6.3.4 Outline development plan

- a. The extent to which development is in accordance with the Industrial Park Zone (Wairakei Road) Outline Development Plan (Appendix 16.6.14).
- b. The degree to which stormwater management areas are suitably located for managing stormwater quality and quantity within the Industrial Park Zone (Wairakei Road) Outline Development Plan (Appendix 16.6.14) area.
- c. The extent to which any stormwater system recognises and/or provides for values of importance to Ngāi Tahu/ manawhenua and in particular the maintenance and enhancement of water quality and mahinga kai values.
- d. The degree to which stormwater retention basins and open space are located so as to provide an effective buffer between industrial and residential properties.
- e. The extent to which stormwater basins and open space areas are co-located so as to maximise recreational and amenity opportunities.

## 16.4.7 Area specific rules - Industrial Park Zone (Memorial Avenue)

Rules 16.4.7.1. to 16.4.7.3 and the Industrial Park Zone (Memorial Avenue) Outline Development Plan (Appendix 16.6.15) shall apply to the Industrial Park Zone (Memorial Avenue).

All activities specified are also subject to the rules in 16.4.2 (Activity status tables) and 16.4.3 (Built form standards) unless specified otherwise in Rule 16.4.7.

### 16.4.7.1 Activity status tables - Industrial Park Zone (Memorial Avenue)

#### 16.4.7.1.1 Permitted activities

In the Industrial Park Zone (Memorial Avenue) the activities listed below are permitted activities if they comply with any activity specific standards set out in this table and the built form standards in Rules 16.4.3 and 16.4.7.

Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited, as specified in Rules 16.4.7.1.2, 16.4.7.1.3, 16.4.7.1.4, 16.4.7.1.5 and 16.4.7.1.6.

Activity		Activity specific standards
<b>P1</b>	Activities P1-P18 listed under Rule 16.4.2.1 and activities P2-P4 listed under Rule 16.4.7.1.1.	<p>The activity shall comply with:</p> <ul style="list-style-type: none"> <li>a. All of the Key Structuring Elements on the Industrial Park Zone (Memorial Avenue) Outline Development Plan (Appendix 16.6.15), being: <ul style="list-style-type: none"> <li>i. "Road access point – controlled intersection"</li> <li>ii. "Collector Road"</li> <li>iii. Provision of a "left in, left out only" access configuration at the western access to Memorial Avenue.</li> </ul> </li> <li>b. Built form standards in Rule 16.4.7.2, and Rule 16.4.3 unless specified otherwise in 16.4.7.2</li> </ul>
<b>P2</b>	Guest accommodation	<ul style="list-style-type: none"> <li>a. No more than 200 bedrooms shall be provided in the zone.</li> <li>b. Guest accommodation shall be designed and constructed to comply with the indoor design sound levels contained in Rule <b>XX</b>. The requirement of <b>XX</b> for road traffic noise shall also apply in respect of noise from Industrial activity within the zone at the noise levels permitted under <b>XX</b>.<sup>1</sup></li> <li>c. Guest accommodation shall be limited to the areas defined on the Industrial Park Zone (Memorial Avenue) Outline Development Plan (Appendix 16.6.15) as "Guest Accommodation restricted to this area".</li> </ul>
<b>P3</b>	Veterinary care facility	Nil

<sup>1</sup> **XX** - Standards to be confirmed in the Panel's decision for Chapter 6 General Rules



<b>P4</b>	Health care facility with no overnight accommodation	a. The health care facility shall comply with the indoor design sound levels contained in Rule <b>XX</b> . The requirement of <b>XX</b> for road traffic noise shall also apply in respect of noise from industrial activity within the zone at the noise levels permitted under Rule <b>XX</b> . <sup>2</sup>
<b>P5</b>	Key Structuring Elements identified on the outline development plan in Appendix 16.6.15	a. The activity shall be in accordance with the Key Structuring Elements on the Industrial Park Zone (Memorial Avenue) Outline Development Plan (Appendix 16.6.15), as identified in Rule 16.4.7.1.1 P1.

### 16.4.7.1.2 Controlled activities

The activities listed below are controlled activities.

Activity		The Council's control is reserved to the following matters:
<b>C1</b>	Any activity requiring consent under built form standard 16.4.7.2.8.	a. Design and amenity - 16.4.7.3.2.

Any application in terms of this rule shall not require written approvals and shall not be limited or publicly notified.

### 16.4.7.1.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Activity		The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Any activity, other than NC1 below, not complying with one or more of the Key Structuring Elements on the Industrial Park Zone (Memorial Avenue) Outline Development Plan in Appendix 16.6.15), as identified in Rule 16.4.7.1.1 P1.  Any application for this activity shall not be publicly notified.	a. Outline development plan – 16.4.7.3.1
<b>RD2</b>	Activities P1-P4 and activity RD3 in 16.4.7 that do not comply with any one or more of the built form standards in Rule 16.4.3 and 16.4.7.2, other than Rule 16.4.7.2.6 or 16.4.7.2.8.  Refer to the relevant built form standard for provisions regarding notification and written approval.	As relevant to the breached built form standard: a. Maximum height of buildings and fencing or screening structure – 16.5.1.1 b. Maximum building coverage of a site - 16.5.1.2 c. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3 d. Minimum building setback from the boundary with a residential zone, residential property - 16.5.1.4

<sup>2</sup> **XX** - Standards to be confirmed in the Panel's decision for Chapter 6 General Rules

Activity		The Council's discretion shall be limited to the following matters:
		e. Sunlight and outlook at boundary with a residential zone, residential property and road – 16.5.1.5 f. Outdoor Storage areas of materials – 16.5.1.6 g. Landscaped areas– 16.5.1.7 h. Water supply for fire fighting - 16.5.1.9 i. Outline development plan - 16.4.7.3.1
<b>RD3</b>	Trade suppliers resulting in no more than 10,000m <sup>2</sup> GLFA in the Industrial Park Zone (Memorial Avenue). Any application for this activity will not require written approvals and shall not be limited or publicly notified.	a. Display of goods, showroom and non-industrial activities - 16.5.2.1(a)(i) - (iii), (v), (vi), (ix) b. Design and amenity - 16.4.7.3.2

#### 16.4.7.1.4 Discretionary activities

The activities listed below are discretionary activities.

	Activity
<b>D1</b>	Buildings for permitted, controlled and restricted discretionary activities in Rules 16.4.2 and 16.4.7.1 within the area defined on the Industrial Park Zone (Memorial Avenue) Outline Development Plan (Appendix 16.6.15) as “Airport Runway End Protection Area”, other than enclosed walkways which: <ol style="list-style-type: none"> <li>are not greater than 2.4m in height and/or 1.8m in width, and</li> <li>are associated with vehicle parking areas.</li> </ol>

Any application arising from this rule will not require the written approval of any entity except the Christchurch International Airport Limited and shall not be publicly notified. Limited notification, if required, shall only be to Christchurch International Airport Limited.

#### 16.4.7.1.5 Non-complying activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Any access or road connection from the Industrial Park Zone (Memorial Avenue) to Memorial Avenue or Russley Road in locations other than as shown on the Outline Development Plan in Appendix 16.6.15 as “Road access point –controlled intersection”.
<b>NC2</b>	Any activity not complying with Rule 16.4.7.2.6 (Sewer infrastructure).
<b>NC3</b>	Industrial activity or warehousing and distribution activity on any part of a site within 50m of Memorial Avenue.
<b>NC4</b>	Food and beverage outlets with drive-through facilities on any part of a site within 50m of Memorial Avenue and/or Russley Road.
<b>NC5</b>	Activities not complying with activity specific standards P2(a) to (c) and P4(a) of Rule 16.4.7.1.1.

### 16.4.7.1.6 Prohibited activities

The activities listed below are prohibited activities.

There are no prohibited activities.

### 16.4.7.2 Built form standards — Industrial Park Zone (Memorial Avenue)

The following built form standards shall be met by all permitted activities, controlled activities, and for restricted discretionary activity RD3, unless otherwise stated.

#### 16.4.7.2.1 Maximum height for buildings

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Buildings – All areas, unless specified below	15m	Greater than 15m	a. Maximum height of buildings and fencing or screening structures – 16.5.1.1
b.	Buildings, unless specified below, within 50 metres of Memorial Avenue or adjoining a ‘Key Open Space Location’ defined on the Outline Development Plan in Appendix 16.6.15.	12m	Greater than 12m	
c.	Buildings for guest accommodation in the area defined on the Outline Development Plan in Appendix 16.6.15 as “Guest Accommodation restricted to this area (20m height limit)”	20m	Greater than 20m	

Any application arising from non-compliance with this rule shall not be publicly notified.

#### 16.4.7.2.2 Minimum building setback from road boundaries adjacent to Memorial Avenue and Russley Road

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Buildings on a site adjacent to Memorial Avenue	20m	Less than 20m	a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3 b. Design and amenity 16.4.7.3.2
b.	Buildings on a site adjacent to Russley Road	10m	Less than 10m	

Any application arising from non-compliance with clause (a) of this rule shall not be limited or publicly notified.

Any application arising from non-compliance with clause (b) shall not be publicly notified. Limited notification, if required, shall only be to New Zealand Transport Agency.

### 16.4.7.2.3 Sunlight and outlook at boundary with residential properties and guest accommodation within the zone

	Permitted	Restricted discretionary	Matters of discretion
a.	Where a site boundary adjoins a site used for residential activity or guest accommodation within the zone, no part of any building shall project beyond a building envelope contained by a 45 degree recession plane measured from any point 2.3m above the site internal boundary in accordance with the relevant diagram in Appendix 16.6.11.	Non-compliance with permitted standard	a. Sunlight and outlook at boundary with a residential zone, residential property and road – 16.5.1.5

Any application arising from non-compliance with this rule shall not be publicly notified.

### 16.4.7.2.4 Outdoor storage areas / car parking

	Permitted	Restricted discretionary	Matters of discretion
a.	Any outdoor storage area (including car parking) shall not be located within the minimum building setbacks specified in Rule 16.4.7.2.2.	Non-compliance with permitted standard	a. Outdoor storage of materials – 16.5.1.6
b.	On sites adjacent to Memorial Avenue, all car parking shall be provided to the side or rear of sites and not between buildings and the road.  Car parking to the side of buildings shall not occupy more than 40% of the Memorial Avenue road frontage.		

Any application arising from non-compliance with this rule shall not be publicly or limited notified.

### 16.4.7.2.5 Landscaped areas adjacent to Memorial Avenue and Russley Road

	Permitted	Restricted discretionary	Matters of discretion
a.	A landscaping strip shall be provided within the building setback from Memorial Avenue of at least 10m in depth. Within the landscaping strip, at least 1 tree shall be planted for every 10m of the boundary or part thereof.	Non-compliance with permitted standard	a. Landscaped areas – 16.5.1.7
b.	Provision shall be made for landscaping to at least 1.8m in height along the length of the zone boundary adjacent to Russley Road. Landscaping, comprising shrubs and trees, shall create a continuous screen along the zone boundary for a minimum depth of 1.5m		

Any application arising from non-compliance with clause (a) of this rule shall not be limited or publicly notified.

Any application arising from non-compliance with clause (b) shall not be publicly notified. Limited notification, if required, shall only be to New Zealand Transport Agency.

**16.4.7.2.6 Sewer infrastructure**

	<b>Permitted</b>	<b>Non Complying</b>
a.	Any activity that discharges to the Council's wastewater network shall not exceed the flows specified in Table A below before the upgrade of the infrastructure identified.	Non-compliance with permitted standard.
b.	The discharge flow from the site shall be able to be remotely monitored and controlled by Council	

<b>Table A</b>		
<b>Timeframes</b>	<b>Allowable discharge during a storm event (Refer below)</b>	<b>Allowable discharge outside storm event</b>
Prior to the upgrade of any part of the Riccarton Interceptor	0	0
Maximum discharge after upgrade of the Lower Riccarton Interceptor.	6.7L/s	7.8 L/s
Maximum discharge following the upgrade of the Upper Riccarton Interceptor and Lower Riccarton Interceptor.	7.6 L/s	7.8 L/s
Maximum discharge following the full upgrade of the Upper Avonhead Road sewer, Upper Riccarton Interceptor and Lower Riccarton Interceptor sewers.	0.75 L/s/ha	0.75 L/s/ha

Note: A storm event is defined by the measured water level in the Riccarton Interceptor exceeding the daily Peak Dry Weather flow water level (measured as an average for the month of September each year) by more than 100mm.

Any application arising from non-compliance with this rule shall not be publicly or limited notified.

**16.4.7.2.7 Roading and access**

	<b>Permitted</b>	<b>Restricted discretionary</b>	<b>Matters of discretion</b>
a.	No development shall occur until the “Main Access” shown on the Outline Development Plan in Appendix 16.6.15 is constructed.	Non-compliance with permitted standard	a. Outline development plan - 16.4.7.3.1

Any application arising from non-compliance with this rule shall not be publicly notified.

**16.4.7.2.8 Urban design**

	<b>Applicable to</b>	<b>Activity status</b>	<b>Matters of control</b>
a.	The erection of new buildings and additions to existing buildings either wholly or partly within	Controlled activity	a. Design and amenity - 16.4.7.3.2.

	any area between 10m and 50m of Russley Road and/or between 20m and 50m of Memorial Avenue.		
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Note: The following forms of development are exempt from compliance with this rule:

- i. Repairs, maintenance, and seismic, fire and/or access building code upgrades; or
- ii. Refurbishment, reinstatement works.

Any application in terms of this rule shall not require written approvals and shall not be limited or publicly notified.

### 16.4.7.3 Matters of discretion — Industrial Park Zone (Memorial Avenue)

#### 16.4.7.3.1 Outline development plan

- a. The extent to which development is in accordance with the Industrial Park Zone (Memorial Avenue) Outline Development Plan in Appendix 16.6.15.
- b. The extent to which the location and staging of vehicular access points and the design of the transport network (including road alignment and intersection design within the Industrial Park Zone (Memorial Avenue) Outline Development Plan in Appendix 16.6.15 and connections with the wider network) may individually or cumulatively impact on residential amenity values and the safety, efficiency and connectivity of the transport network.
- c. The extent to which the location of guest accommodation outside the areas defined on the Industrial Park Zone (Memorial Avenue) Outline Development Plan in Appendix 16.6.15 as “Guest accommodation restricted to this area” reduces the opportunity for Guest accommodation fronting Memorial Avenue and Russley Road, having regard to the limit of 200 bedrooms within the zone.
- d. The degree to which guest accommodation outside the areas defined on the Industrial Park Zone (Memorial Avenue) Outline Development Plan in Appendix 16.6.15 as “Guest accommodation restricted to this area” reduces capacity or erodes the integrity and function of the zone for industrial activities.
- e. The degree to which guest accommodation outside the areas defined on the Industrial Park Zone (Memorial Avenue) Outline Development Plan in Appendix 16.6.15 as “Guest accommodation restricted to this area” may lead to reverse sensitivity effects on existing and/or potential use of the land for industrial activities.

#### 16.4.7.3.2 Design and amenity

- a. The extent to which the design of the buildings will support the development of and maintain a high quality urban environment, having regard to:
  - i. the degree of variation in form, bulk, location, orientation and height of the building; and
  - ii. the avoidance of large expanses of wall or repetitious building forms; and
  - iii. the choice of materials.

- b. The architectural treatment of the building elevations including the design, architectural features and details, use of colour and building materials.
- c. The extent to which space and landscaping is as prominent as the built form to achieve a high amenity environment.
- d. The extent to which the location of security fencing detracts from the visual amenity and landscape planting along the street frontage.
- e. The extent to which any signage on buildings is integrated with the architectural detail of a building.
- f. The extent to which showrooms, offices and areas for the display of goods are positioned to face Memorial Avenue and Russley Road to maximise visual interest.
- g. The extent to which car parking and loading areas, service areas and outdoor storage are effectively screened from public view by landscaping.
- h. The effectiveness of mitigation including landscaping in reducing the adverse effects of buildings, including their scale and appearance, on the adjoining environment including Memorial Avenue, Russley Road and Avonhead Road.
- i. The choice of materials and colours/reflectivity of facades to reduce the prominence of buildings in the landscape.
- j. Whether development is oriented to Memorial Avenue and encourages pedestrian movement between buildings and spaces within the zone.

## 16.5 Matters of discretion

### 16.5.1 Matters of discretion for built form standards

#### 16.5.1.1 Maximum height of buildings and fencing or screening structure

- a. Building height:
  - i. The distance the building is set back from any residential zone and the extent to which this mitigates any adverse effects of the increased height.
  - ii. The extent to which the additional building height may enable the more efficient use of the remainder of the site or the long-term protection of significant trees or natural features on the site.
  - iii. The design and appearance of the building in mitigating the visual impact of exceeding the height limit.
  - iv. The extent to which the building may visually dominate the area it is located in, having regard to the scale and form of buildings in the surrounding area.
  - v. The extent to which the location of the building on the site and its visibility minimises visual effects on the surrounding area.
  - vi. The extent to which the increase in height reflects functional requirements of the activity.
- b. Fencing or screening structures in the Industrial Park Zone:
  - i. The extent to which visibility is maintained between the building and the street.
  - ii. The extent to which screening maintains public safety and other Crime Prevention through Environment Design (CPTED) principles.

#### 16.5.1.2 Maximum building coverage of a site

- a. The ability to mitigate any adverse effects of increased coverage by additional landscaping or screening.
- b. In the Industrial Park Zone, the degree to which the existing and anticipated open space and park-like character of the zone will be retained.
- c. Any adverse effects of increased building coverage on the character of the surrounding environment.
- d. The extent to which a greater site coverage reflects functional requirements of the activity.



### **16.5.1.3 Minimum building setback from road boundaries/ railway corridor**

- a. The extent to which the reduced setback of the building impacts on the amenity of the street environment, having regard to its location within the zone, function of the zone and the anticipated level of amenity.
- b. The extent and quality of landscaping to be provided.
- c. The effect of a building's reduced setback, taking account of such factors as existing road widths, existing building setbacks, functional requirements, street planting, and the orientation of buildings on adjoining sites, particularly those in residential zones.
- d. Whether the reduced setback from the rail corridor will enable buildings to be maintained without requiring access above, over, or on the rail corridor.

### **16.5.1.4 Minimum building setback from the boundary with a residential zone, residential property**

- a. Any adverse visual effects on any adjoining residential property as a result of a reduced building setback.
- b. Whether landscaping or screening within the setback mitigates the dominance of buildings.
- c. The scale and height of buildings within the reduced setback and their impact on the visual outlook of residents and users on the adjoining site(s).
- d. The extent to which buildings in the setback enable better use of the site and improve the level of amenity elsewhere on the site.
- e. The proposed use of the setback, the visual and other effects of this use and whether a reduced setback and the use of that setback achieves a better outcome.
- f. The effect of a reduced setback on the character of the Industrial Park Zone as a park-like environment.
- g. The extent to which the proposed setback intrusion would impact on the visual amenity or use of any esplanade reserve or strip.

### **16.5.1.5 Sunlight and outlook at boundary with a residential zone, residential property and road**

- a. The effect of any reduced sunlight admission on properties in adjoining zones, taking account of the extent of overshadowing, the intended use of spaces and for residential properties, the position of outdoor living spaces or main living areas in buildings.
- b. The effect on privacy of residents and other users in the adjoining zones.
- c. The scale of building and its effects on the character of any adjoining residential zone.
- d. The effects of any landscaping and trees proposed within the site, or on the boundary of the site in mitigating adverse visual effects.
- e. The effect on outlook from adjoining properties.

- f. For sites fronting Blakes Road, Belfast, the extent to which any intrusion of the road boundary recession plane results in additional building scale and bulk and associated effects on the visual and residential amenity of residential properties and the visual amenity of sites on the opposite side of Blakes Road.

### 16.5.1.6 Outdoor storage of materials

- a. The extent of visual impacts on the adjoining environment.
- b. The extent to which site constraints necessitate the location of storage within the setback.
- c. The type and volume of materials to be stored.
- d. The extent, appearance and type of screening or landscaping proposed.
- e. The functional requirements of the activity.

### 16.5.1.7 Landscaped areas

- a. The visual effects of buildings taking account of their scale and appearance, outdoor storage areas, car parking or other activities as a result of reduced landscaping.
- b. The extent to which the site is visible from adjoining residential sites and/or identified arterial roads fulfilling a gateway function and the likely consequences of any reduction in landscaping or screening on the amenity of those sites.
- c. Whether there are any compensating factors for reduced landscaping or screening, including the nature or scale of planting proposed, the location of parking, manoeuvring or storage areas, or the location of ancillary office activity/wholesale display of goods/showrooms.
- d. The extent to which the length of the road frontage to any adjoining zone boundary reduces the need for tree planting.
- e. The relative importance of landscaping on the site, taking account of the visual quality of an adjoining zone.
- f. The extent to which the proposal is consistent with the anticipated amenity of the zone.
- g. The extent to which tree planting under the electricity transmission network would adversely affect the safe and efficient functioning of the electricity network or restrict maintenance of that network.
- h. The extent to which indigenous species are used to recognise and enhance Ngāi Tahu/manawhenua cultural values.
- i. The extent to which stormwater facilities are integrated into landscaped areas to achieve a multi-value approach.
- j. The appropriateness and placement of landscaping having regard to the potential adverse effects on safety for pedestrians and vehicles and the functional requirements of the activity.

### 16.5.1.8 Access to the Industrial General Zone (Deans Ave)

- a. Whether any conflict may be created by vehicles queuing across the vehicle crossing.
- b. Whether there may be potential confusion between vehicles turning at the crossing or the intersection.
- c. The effect on safety for all road users of the proposed road access points to the Industrial General Zone (Deans Ave).
- d. Whether the speed and volume of vehicles on the road will exacerbate the adverse effects of access on the safety of users of all transport modes.
- e. Whether the geometry of the frontage road and intersections will mitigate the adverse effects of the access.
- f. The present traffic controls along the road corridor where vehicular access is proposed.
- g. Any cumulative effects when considered in the context of existing access points serving other activities in the vicinity.
- h. The proposed traffic mitigation measures such as medians, no right turn or left turn signs, or traffic calming measures.

### 16.5.1.9 Water supply for fire fighting

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

### 16.5.1.10 Outline Development Plan for land at 65 – 67 Racecourse Road

- a. Whether there may be potential confusion between vehicles turning at the crossing or the intersection.
- b. The effect on safety for all road users of the proposed road access points.
- c. Whether the geometry of the frontage road and intersections will mitigate the adverse effects of the access.
- d. The present traffic controls along the road corridor where vehicular access is proposed.
- e. Any cumulative effects when considered in the context of existing access points serving other activities in the vicinity.
- f. The proposed measures to mitigate traffic effects.
- g. Whether residential amenity is maintained on the frontage with Racecourse Road through the provision of landscaping and setback of buildings.
- h. The provision made for trees and planting to mitigate any effects.

## 16.5.2 Matters of discretion for activity specific standards

### 16.5.2.1 Display of goods, showroom and non-industrial activities

#### a. General:

- i. The extent to which the activity does not adversely affect the function of the zone to provide for primarily industrial activities.
- ii. The impact of the activity on the ability of existing or future permitted industrial activities to operate or establish without undue constraint.
- iii. The effect of the development on the capacity to accommodate future demand for industrial activities.
- iv. The extent to which the activity is ancillary to the primary use of a site for industrial activities.
- v. The extent to which the activity contributes to the accumulation of other non-industrial activities that may discourage or displace industrial activities.
- vi. Whether there are any benefits of a non-industrial activity providing a buffer between industrial activities and more sensitive land use activities.
- vii. Whether the establishment of non-industrial activities would enable or assist the retention of an historic building.
- viii. The extent to which the activity will be integrated with other commercial activities in an adjoining commercial zone.
- ix. The extent to which the activity generates traffic and other effects that impact on the day to day operation of the industrial area.
- x. The functional requirements of the activity and the necessity for additional floorspace.

#### b. Retail activity, commercial service, gymnasium and pre-school:

- i. The extent to which the activity serves the needs of workers and visitors to the industrial area.
- ii. The extent to which the activity is accessible by a range of modes of transport for communities served by the proposed activity.

#### c. Offices:

- i. The visual effect of the extent of areas of glazing facing the street, particularly at ground level.

### 16.5.2.2 Residential activity

#### a. In relation to minimum unit size, whether:

- i. The floorspace available and the internal layout represents a viable residential unit that would support the amenity of current and future occupants;
- ii. Other on-site factors compensate for a reduction in unit sizes e.g. communal facilities;

- iii. The units are to be a part of a development delivered by a social housing provider and have been designed to meet any specific needs of future social housing tenants and/or atypical housing needs.
- b. In relation to the amount of storage and waste management spaces, whether:
  - i. The amount of space to store rubbish and recycling, whether communal, outdoor or indoor is adequate;
  - ii. The volume of space provided for personal storage is adequate.
- c. In relation to the configuration of storage and waste management space, whether:
  - i. The location of rubbish and recycling space for residents is convenient;
  - ii. The lack of screening of any outdoor service space will impact on the visual amenity within the site and of any adjoining site, activity, or the street scene;
  - iii. The size and flexibility of the residential unit layout provides other indoor storage options where an indoor storage space is not provided for each unit;
  - iv. The alternative storage areas provided on the site are adequate, accessible and convenient, where indoor storage space is not provided for each residential unit.
- d. In relation to the amount of outdoor living space, whether:
  - i. There is any alternative provision of publicly available space on, or in close proximity to the site to meet the needs of occupants now and in the future;
  - ii. The reduction in outdoor living space is proportional to the size of the residential unit and the demands of the likely number of occupants now and in the future;
  - iii. The reduction in outdoor living space or the lack of its access to sunlight is compensated for by alternative indoor or outdoor living space.
- e. In relation to the location and configuration of outdoor living space:
  - i. Whether the allocation between private and communal outdoor living spaces within the site is adequate and appropriately located to meet the current and future needs of occupants of the site;
  - ii. Where the communal outdoor/indoor spaces are not contiguous on a large site, the ability of the spaces to meet the needs of residents and provide a high level of residential amenity;
  - iii. Whether the reduction in outdoor living space will result in additional loss of mature on-site vegetation and/or spaciousness of the area.
- f. In relation to noise insulation:
  - i. The extent to which the building specifications, nature and/or purpose of the proposed residential accommodation reduce the impact of noise and minimise reverse sensitivity effects.

### 16.5.2.3 Sensitive activities

- a. For pre-schools:

- i. The potential for reverse sensitivity effects on port activities located at Lyttelton Port and/or industrial activities within the Industrial Heavy Zone.
- ii. Whether any methods to reduce the potential for reverse sensitivity effects on industrial activities within the Industrial Heavy Zone and/or the port operator, other than acoustic insulation, have been incorporated into the design of the proposal.
- iii. The provision of a report from an acoustic specialist provides evidence that the level of external to internal noise reduction is appropriate to ensure the amenity of present and future occupiers of the site.

## 16.6 Appendices

### 16.6.1 Rules and guidance for landscaping and tree planting

The provisions in Part B of this appendix are for information and guidance only and are not statutory rules. They have been incorporated to assist in the choice of species suitable for planting in particular site conditions, and to help ensure the Council's requirements are successfully achieved.

#### Part A: Tree requirements - statutory requirements

##### 1. Tree Size

- a. Any tree required under Landscaped Area rules shall be:
  - i. not less than 1.5 metres high at the time of planting; and
  - ii. a species capable of reaching a minimum height at maturity of eight metres.

Note: trees listed in Part B of this appendix would meet this clause.

##### 2. Tree protection

- a. Any trees required under Landscaped Area rules shall be located within a landscaping strip, or within a planting protection area, with a minimum dimension or diameter of 1.5 metres.
- b. No more than 10% of any landscaping strip required under Landscaped Area rules, or any planting protection area, shall be covered with any impervious surfaces.
- c. Landscaping strips or planting protection areas adjacent to a road boundary, or adjacent to or within a car parking area, shall be provided with wheel stop barriers to prevent damage from vehicles. Such wheel stop barriers shall be located at least one metre from any tree.

##### 3. Maintenance of trees and landscaping

- a. Any landscaping or trees required under Landscaped Area rules shall be maintained, and if dead, diseased, or damaged, shall be replaced.

#### Part B: Tree species- information and guidance only, non-statutory requirements

##### 4. The lists of trees and shrubs contained in Sections 1 to 3 of this Part are considered suitable for Christchurch conditions.

- a. Section 2 of this Part specifies the suitability of the trees that meet the requirements in Part A for particular conditions, these being:
  - i. trees suitable for moist/wet soil conditions;
  - ii. trees suitable for dry soil conditions;
  - iii. frost tender trees;
  - iv. trees suitable for coastal areas;
  - v. trees suitable for car parking/ paved areas etc;
  - vi. trees susceptible to wind damage/ breakages;
  - vii. trees with aggressive root system (relevant to driveways and underground services);
  - viii. trees prone to common diseases.
- b. More detailed descriptions and requirements for each tree can be obtained from various plant manuals or by seeking advice from the Christchurch City Council City Arborist or Nursery Supervisor. It should be noted that the tree size ranges are estimates for trees that are planted in highly modified environments, e.g. streets, car parks, pedestrian malls, storm water swales. Trees planted in parks or large gardens are expected to grow larger.
- c. The shrubs listed in Section 3 are considered suitable for planting between trees in landscaped strips.

## Section 1- Trees considered suitable for Christchurch conditions

### 1.1 Deciduous broadleaved trees

Common name	Botanical name	Height range	Canopy spread range
English oak	Quercus robur	15m-20m	10m-15m
Red oak	Quercus rubra	15m-20m	10m-15m
Hills oak	Quercus elipsoidalis	15m-20m	10m-15m
Scarlet oak	Quercus coccinea	15m-20m	10m-15m
Evergreen oak	Quercus ilex	15m-20m	10m-15m
Turkey oak	Quercus cerris	15m-20m	10m-15m
Algerian oak	Quercus canariensis	15m-20m	10m-15m
Willow oak	Quercus phellos	15m-20m	10m-15m
Sawtooth oak	Quercus acutissima	15m-20m	10m-15m
Turkish hazel	Corylus collurna	10m-15m	6m-10m
European beech	Fagus sylvatica	15m-20m	10m-15m
Copper or purple beech	Fagus sylvatica purpureum (and 'Riversii')	15m-20m	10m-15m
Weeping beech	Fagus sylvatica pendula	15m-20m	6m-10m
Dawyck beech	Fagus sylvatica 'Dawyck'	10m-15m	3m-6m
Purple Dawyck beech	Fagus sylvatica 'Dawyck Purple'	10m-15m	3m-6m
American beech	Fagus grandifolia	15m-20m	10m-15m
Common ash	Fraxinus excelsior	15m-20m	10m-15m
American ash	Fraxinus americana	15m-20m	10m-15m
Fraxinus 'Green Glow'	Fraxinus 'Green Glow'	15m-20m	10m-15m
Green ash	Fraxinus pennsylvanica	15m-20m	10m-15m



Common name	Botanical name	Height range	Canopy spread range
Golden ash	Fraxinus excelsior 'Jaspidea' (or 'Aurea')	15m-20m	10m-15m
Tupelo	Nyssa sylvatica	15m-20m	6m-10m
Horsechestnut	Aesculus hippocastanum	15m-20m	10m-15m
Seedless horsechestnut	Aesculus plantierensis	15m-20m	10m-15m
Walnut	Juglans regia	15m-20m	10m-15m
Common lime	Tilia x europaea	15m-20m	10m-15m
Large leaved lime	Tilia platyphyllos	15m-20m	10m-15m
Small leaved lime	Tilia cordata	15m-20m	10m-15m
Weeping silver lime	Tilia petiolaris	15m-20m	10m-15m
Silver lime	Tilia tomentosa	15m-20m	10m-15m
Liquidambar 'Worplesdon'	Liquidambar 'Worplesdon'	15m-20m	10m-15m
London plane	Platanus acerifolia	15m-20m	10m-15m
Oriental plane	Platanus orientalis	15m-20m	10m-15m
Autumn glory plane	Platanus orientalis insularis	15m-20m	10m-15m
Cut leaf plane	Platanus orientalis digitata	15m-20m	10m-15m
Norway maple	Acer platanoides	15m-20m	10m-15m
Variegated Norway maple	Acer platanoides 'Drummondii'	10m-15m	10m-15m
Acer 'Bloodgood'	Acer 'Bloodgood'	3m-10m	6m-10m
Trident maple	Acer burgerianum	15m-20m	10m-15m
Paper bark maple	Acer griseum	3m-10m	6m-10m
Field maple	Acer campestre	10m-15m	10m-15m
Red maple	Acer rubrum	15m-20m	10m-15m

Common name	Botanical name	Height range	Canopy spread range
Paper birch	<i>Betula papyrifera</i>	15m-20m	10m-15m
Black birch	<i>Betula nigra</i>	15m-20m	10m-15m
Swedish birch	<i>Betula pendula dalecarlica</i>	15m-20m	10m-15m
Himalayan birch	<i>Betula jaquemontii</i>	15m-20m	10m-15m
Tulip tree	<i>Liriodendron tulipifera</i>	15m-20m	15m-20m
Chinese tulip tree	<i>Liriodendron chinensis</i>	15m-20m	15m-10m
Maidenhair tree (male only)	<i>Ginkgo biloba</i>	15m-20m	6m-10m
Hornbeam	<i>Carpinus betulus</i>	15m-20m	10m-15m
Common alder	<i>Alnus glutinosa</i>	15m-20m	10m-15m
Italian alder	<i>Alnus cordata</i>	15m-20m	10m-15m
Grey alder	<i>Alnus incana</i>	15m-20m	10m-15m
Red alder	<i>Alnus rubra</i>	15m-20m	10m-15m
Indian bean tree	<i>Catalpa bignonioides</i>	15m-20m	10m-15m
Weeping willow	<i>Salix babylonica</i>	15m-20m	15m-20m
Golden weeping willow	<i>Salix x chrysocoma</i>	15m-20m	15m-10m

## 1.2 Coniferous trees

Common name	Botanical name	Height	Canopy spread range
Wellingtonia	Sequoiadendron giganteum	20m-25m	10m-15m
Californian redwood	Sequoia sempervirens	20m-25m	10m-15m
Spanish fir	Abies pinsapo	10m-15m	6m-10m
Atlantica cedar	Cedrus atlantica	15m-20m	10m-15m
Western red cedar	Thuja plicata	15m-20m	6m-10m
Swamp cypress	Taxodium distichum	15m-20m	6m-10m
Bhutan cypress	Cupressus torulosa	15m-20m	6m-10m
Monkey puzzle/ Chile pine	Araucaria araucana	15m-20m	6m-10m
Totara	Podocarpus totara	10m-15m	6m-10m
Dawn redwood	Metasequoia glyptostuoboides	15m-20m	6m-10m
Japanese cedar	Cryptomaria japonica	15m-20m	6m-10m

## 1.3 Other evergreens

Common name	Botanical name	Height range	Canopy spread range
Bay laurel	Laurus nobilis	10m-15m	6m-10m
Cork oak	Quercus suber	15m-20m	10m-15m
Evergreen or holm oak	Quercus Ilex	15m-20m	10m-15m
Bull bay	Magnolia grandiflora	10m-15m	6m-10m
Chusan palm	Trachycarpus fortunei	10m-15m	3m-6m

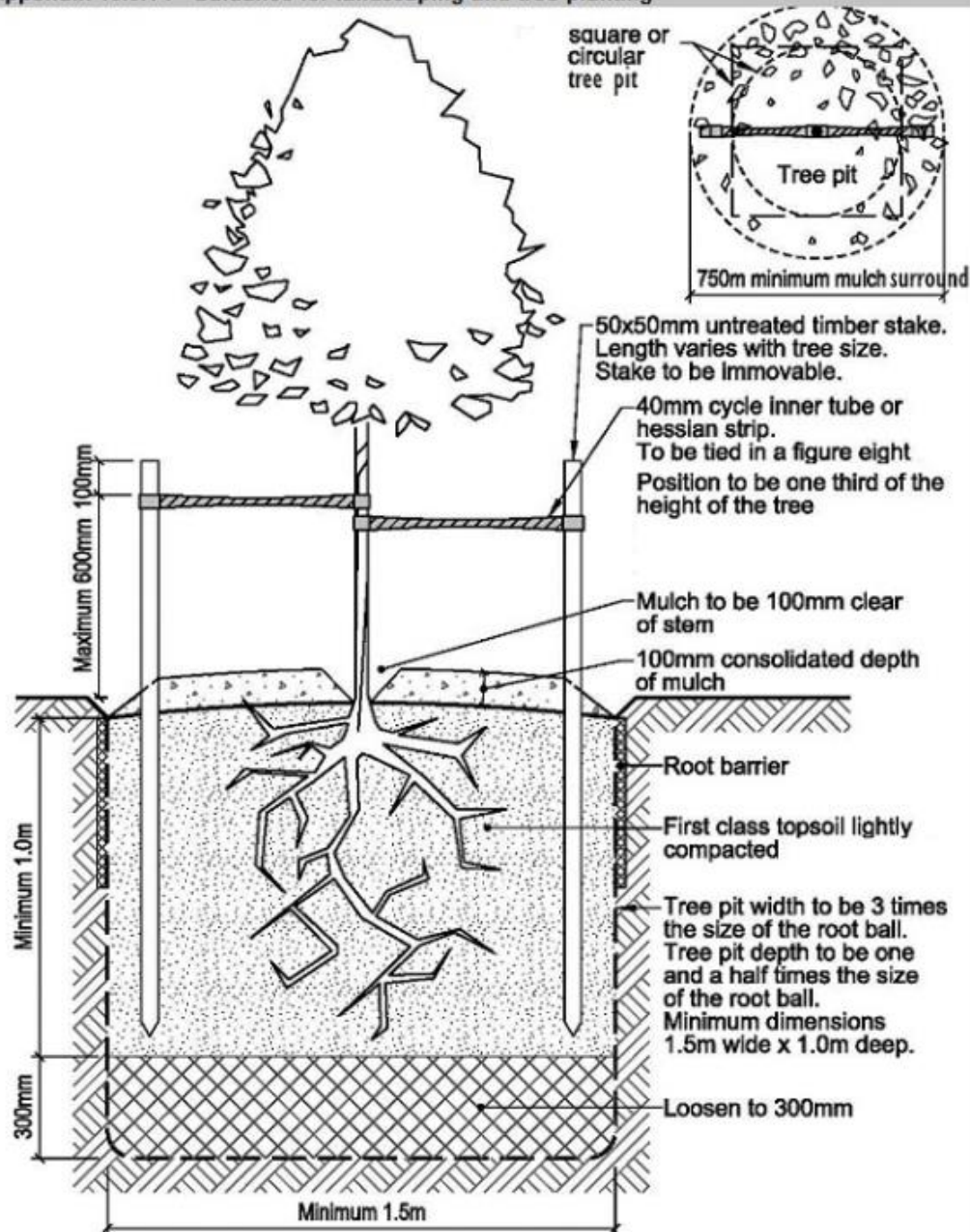
**1.4 Palms**

Common name	Botanical name	Height range	Canopy spread range
Chusan palm	Trachycarpus fortunei	10m-15m	3m-6m

**1.5 Native trees**

Common name	Botanical name	Height range	Canopy spread range
Totara	Podocarpus totara	10m-15m	6m-10m
Kahikatea/white pine	Podocarpus dacrydioides	10m-15m	6m-10m
Rimu	Dacrydium cupressinum	10m-15m	6m-10m
Red beech	Nothofagus fusca	10m-15m	6m-10m
Silver beech	Nothofagus menziesii	10m-15m	6m-10m
Black beech	Nothofagus solandri var. solandri	10m-15m	6m-10m
Mountain beech	Nothofagus solandri var. cliffortioides	10m-15m	6m-10m
Miro	Prumnopitys ferruginea	10m-15m	3m-6m
Matai	Prumnopitys taxifolia	10m-15m	3m-6m
Pohutukawa	Metrosideros excelsa	TBC	TBC

## Appendix 16.6.1 i - Guidance for landscaping and tree planting



**Note:** Irrigation is likely to be required for first year.

**Generic detail for trees in landscaping strips / grass berms**

## Section 2- Suitability of trees for particular conditions

### 2.1 Trees for wet soil conditions (in order of tolerance to wetness)

Common name	Botanical name	Height range	Canopy spread range
Swamp cypress	Taxodium distichum	15m-20m	6m-10m
Moosewood	Acer pensylvanicum	15m-20m	10m-15m
Red maple	Acer rubrum	15m-20m	10m-15m
Tupelo	Nyssa sylvatica	15m-20m	6m-10m
Kahikatea/ White pine	Dacrycarpus acrydioides	10m-15m	6m-10m
Alder (most species)	Alnus species	15m-20m	10m-15m
Hills oak	Quercus elipsoidalis	15m-20m	10m-15m
English oak	Quercus robur	15m-20m	10m-15m
Black birch	Betula nigra	15m-20m	10m-15m
Willow (most species)	Salix species	15m-20m	15m-20m
Lombardy poplar (shelterbelts)	Populus italica 'Nigra'	15m-20m	6m-10m
Common ash	Fraxinus excelsior	15m-20m	10m-15m
Green ash	Fraxinus pennsylvanica	15m-20m	10m-15m
Dawn redwood	Metasequoia glyptostroboides	15m-20m	6m-10m

### 2.2 Trees suitable for dry soil

Common name	Botanical name	Height range	Canopy spread range
<b>Native</b>			
Totara	Podocarpus totara	10m-15m	6m-10m
<b>Exotic</b>			
Field maple	Acer campestre	10m-15m	10m-15m

Common name	Botanical name	Height range	Canopy spread range
Norway maple	Acer platanoides	15m-20m	10m-15m
Indian horse chestnut	Aesculus indica	15m-20m	10m-15m
Hornbeam	Carpinus betulus	10m-15m	10m-15m
Atlantic cedar	Cedrus atlantica	15m-20m	10m-15m
Hop hornbeam	Ostrya carpinifolia	10m-15m	6m-10m
Mediterranean hackberry	Celtis australis	15m-20m	6m-10m
American hackberry	Celtis occidentalis	15m-20m	6m-10m
Bay laurel	Laurus nobilis	10m-15m	6m-10m
Algerian oak	Quercus canariensis	15m-20m	10m-15m
Hills oak	Quercus elipsoidalis	15m-20m	10m-15m
Turkey oak	Quercus cerris	15m-20m	10m-15m
Cork oak	Quercus suber	15m-20m	10m-15m
Evergreen oak	Quercus ilex	15m-20m	10m-15m
Californian redwood	Sequoia sempervirens	15m-20m	10m-15m
Alder (tolerant of dry and wet soils)	Alnus species	15m-20m	10m-15m
Arizona ash	Fraxinus velutina	15m-20m	10m-15m

### 2.3 Frost tender trees suitable for Sumner, Redcliffs and frost free hill areas

Common name	Botanical name	Height range	Canopy spread range
Scarlet gum	Eucalyptus ficifolia	3m-10m	6m-10m
Monkey puzzle	Araucaria araucana	15m-20m	6m-10m
Pohutukawa	Metrosideros excelsa	10m-15m	10m-15m

**2.4 Trees suitable for Christchurch coastal areas**

Common name	Botanical name	Height range	Canopy spread range
Native			
Totara	Podocarpus totara	10m-15m	6m-10m
Matai	Prumnopitys taxifolia	10m-15m	3m-6m
Exotic			
Field maple	Acer campestre	10m-15m	10m-15m
Horse chestnut	Aesculus hippocastanum	15m-20m	10m-15m
Monkey puzzle	Araucaria araucana	15m-20m	6m-10m
Japanese cedar	Cryptomeria japonica	15m-20m	6m-10m
Common ash	Fraxinus excelsior	15m-20m	10m-15m
Bay laurel	Lauris nobilis	10m-15m	6m-10m
Bull bay	Magnolia grandiflora	10m-15m	6m-10m
Oriental plane	Platanus orientalis	15m-20m	10m-15m
Cork oak	Quercus suber	15m-20m	10m-15m
Evergreen holm oak	Quercus ilex	15m-20m	10m-15m
Algerian oak	Quercus canariensis	15m-20m	10m-15m
English oak	Quercus robur	15m-20m	10m-15m
Cork oak	Quercus suber	15m-20m	10m-15m
Californian redwood	Sequoia sempervirens	20m-25m	10m-15m
Macrocarpa (shelterbelts only)			
Western red cedar			
Monterey pine (shelterbelts only)	Pinus radiata	15m-20m	15m-20m

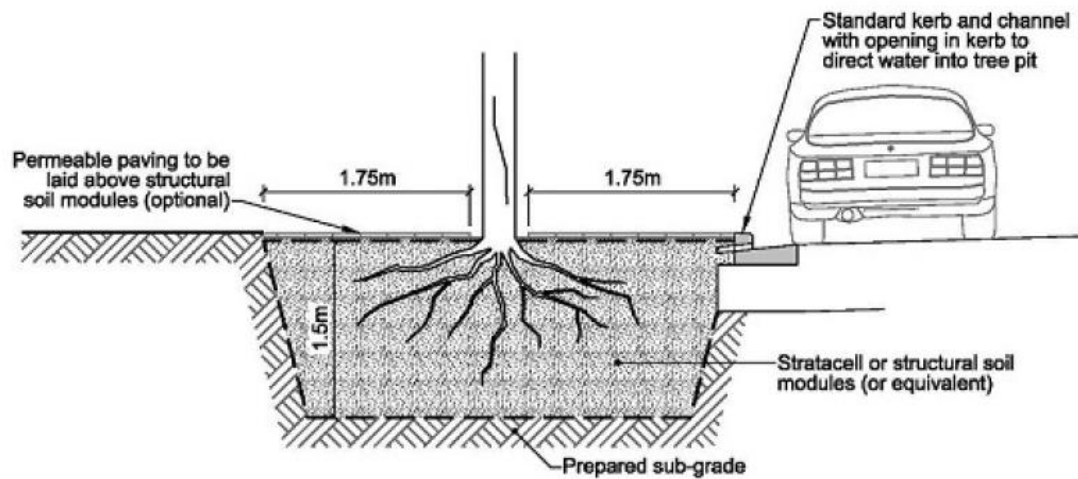


Common name	Botanical name	Height range	Canopy spread range
Maritime pine (shelterbelts only)	<i>Pinus pinaster</i>	15m-20m	10m-15m
Stone pine (shelter belts only)	<i>Pinus pinea</i>	15m-20m	10m-15m
Norfolk pine	<i>Araucaria heterophylla</i>	15m-20m	10m-15m
Whitebeam	<i>Sorbus aria</i> 'Lutescens'	10m-15m	6m-10m

**2.5 Trees suitable for car parks, paved surfaces and buildings**

Common name	Botanical name	Height range	Canopy spread range
Common lime	<i>Tilia x europaea</i>	15m-20m	10m-15m
Large leaved lime	<i>Tilia platyphyllos</i>	15m-20m	10m-15m
Silver lime	<i>Tilia tomentosa</i>	15m-20m	10m-15m
Tulip tree	<i>Liriodendron tulipifera</i>	15m-20m	15m-20m
Mediterranean hackberry	<i>Celtis australis</i>	15m-20m	6m-10m
American hackberry	<i>Celtis occidentalis</i>	15m-20m	6m-10m
Field maple	<i>Acer campestre</i>	15m-20m	10m-15m
Norway maple	<i>Acer platanoides</i>	15m-20m	10m-15m
Variegated norway maple	<i>Acer platanoides</i> 'Drumondii'	10m-15m	10m-15m
Red maple	<i>Acer rubrum</i>	15m-20m	10m-15m
Fraxinus 'Green Glow'	<i>Fraxinus</i> 'Green Glow'	15m-20m	10m-15m
Green ash	<i>Fraxinus pennsylvanica</i>	15m-20m	10m-15m
American ash	<i>Fraxinus americana</i>	15m-20m	10m-15m
Common ash	<i>Fraxinus excelsior</i>	15m-20m	10m-15m
London plane	<i>Platanus acerifolia</i>	15m-20m	10m-15m
Oriental plane	<i>Platanus orientalis</i>	15m-20m	10m-15m
Algerian oak	<i>Quercus canariensis</i>	15m-20m	10m-15m
English oak	<i>Quercus robur</i>	15m-20m	10m-15m
Liquidambar 'Worplesdon'	<i>Liquidambar</i> 'Worplesdon'	15m-20m	10m-15m
Tupelo	<i>Nyssa sylvatica</i>	15m-20m	6m-10m

### Appendix 16.6.1 ii - Guidance for landscaping and tree planting



Generic detail for trees in car park / paved situations

## 2.6 Trees particularly susceptible to wind damage/branch breakage

Common name	Specific susceptibility
Wattle	Weak branch unions
Acer negundo (box elder)	Brittle branches, weak branch unions
Agonis (myrtle)	Weak branch unions
Banksia integrifolia	Weak branch unions
Eucalyptus	Heavy end weighted branches can cause branch breakage, summer branch drop
Gleditsia triacanthos (honey locust)	Weak branches
Paulownia tomentosa (epaulette tree)	Weak branch unions, brittle branches
Poplar	Weak branch unions

Common name	Specific susceptibility
Wattle	Weak branch unions
Liquidambar	Heavy weak branch forks and brittle timber prone to wind damage when in full leaf
Claret ash (and other ash species excepting common and manna ash)	Weak forks, brittle timber
Willow (all species)	Brittle timber, heavy foliage, summer branch drop
Pinus radiata	Wind and snow damage
Cupressus macrocarpa	Wind and snow damage
Cedar (all species)	May suffer loss of large branches in winds and snow when mature

The above trees should not be precluded from plantings entirely but thought should be given to siting them in more sheltered positions away from buildings and public thoroughfares.

## 2.7 Trees with particularly aggressive root systems

- a. The roots of all trees have the potential to cause damage to structures, underground services and sealed/paved surfaces if planted too close to them. For example, most trees have a tendency to develop roots under shallow sealed surfaces often causing cracking or lifting.
- b. Properly constructed planting pits that allow for adequate root growth along with the use of a combination of structural soils (or root cells) and permeable asphalt surrounding the planting pit will alleviate this problem. Please contact the Christchurch City Council City Arborist for more information.
- c. The roots of all trees will follow moisture trails from leaking drainage systems (usually old earthenware pipes) and enter them. However, most modern drainage pipes made of synthetic materials with greatly improved joint sealing should be able to withstand all but the direct expansion pressure of trees growing right next to them. In addition tree roots will not extend in to heavily compacted soils. Soils around underground services need to be heavily compacted so that roots will not enter them. To be on the safe side, medium to large sized trees should be situated at least 3.0 metres from all drainage pipes except that if a tree root barrier is used then trees can be planted up to 1.5 metres from drainage pipes. A modern reinforced concrete slab building foundation constructed to withstand earthquake forces should not be affected by tree roots, except possibly where a larger tree is growing right against it. The older type of foundation, which ran around the perimeter of the building only, is much more at risk and even smaller growing trees should not be planted too close.
- d. Commonly planted tree species more frequently associated with damage to the above structures are as follows:
  - i. Willows

- ii. Poplars
- iii. Eucalyptus
- iv. Pinus radiata
- v. Cuppressus macrocarpa
- vi. Horsechestnut
- vii. Maples and sycamore
- viii. Ash.

## 2.8 Trees prone to diseases common in Christchurch

Common name	Disease
Ornamental crabapples, plums, cherries and rowans etc	Silver leaf disease, particularly when pruned or wounded
Cypress, thuja, juniper (and forms)	Leaf webber insect
Cypress, thuja, juniper (and forms)	Cypress canker
Native lacebark	Gall mite
London plane	Anthrachnose (leaf and twig blight)
Cherry, pear, plum	Flowering thorns and white beam cherry/pear slug
Weeping willow	Honey fungus root rot
Upright willow	Bacterial die-back
Spruce	Needle/leaf defoliating insect
Wattles (Racosperma dealbata & baileyana)	Rust fungi galls
Maple	Formopsis (twig dieback)

**Section 3: Species of shrubs for planting in landscaping strips – information and guidance only, non-statutory requirements.**

<b>Native Shrubs</b>	
<b>Common name</b>	<b>Botanical Name</b>
	Astelia spp
	Brachyglottis greyi
	Chionocloa flavicans
	Coprosma spp
	Corokia spp
	Hebe spp
Whiteywood	Melicytus ramiflorus
Red matipo	Myrsine australis
Kawakawa	Piper excelsum
	Pittosporum 'Mountain Green'
Five finger	Pseudopanax arboreus
	Pseudopanax 'Cyril Watson'
Lancewood	Pseudopanax crassifolius
Toothed Lancewood	Pseudopanax ferox
	Pseudowintera 'Red Leopard'
Prostrate Kowhai	Sophora prostrata
<b>Exotic Shrubs</b>	
<b>Common name</b>	<b>Botanical name</b>
	Abelia spp
	Acer spp
Japanese laurel	Aucuba japonica

Barbary	Berberis spp
	Boronia spp
Bottlebrush	Callistemon spp
Camelia	Camelia spp
Carpet rose	Rosa 'Carpet Rose'
	Ceanothus spp
Chinese plumbago	Ceratostigma willmotianum
Mexican orange blossom	Choisya ternata
Breath of heaven	Coleonema pulchrum
	Correa spp
Winter Hazel	Corylopsis spicata
Smoke bush	Cotinus spp
	Daphne spp
	Deutzia spp
	Erica spp
	Escallonia spp
Japanese laurel	Fatsia japonica
	Forsythia spp
	Gardenia spp
	Hydrangea spp
	Leucodendron spp
	Leucospermum spp
	Loropetalum spp
Star Magnolia	Magnolia stallata

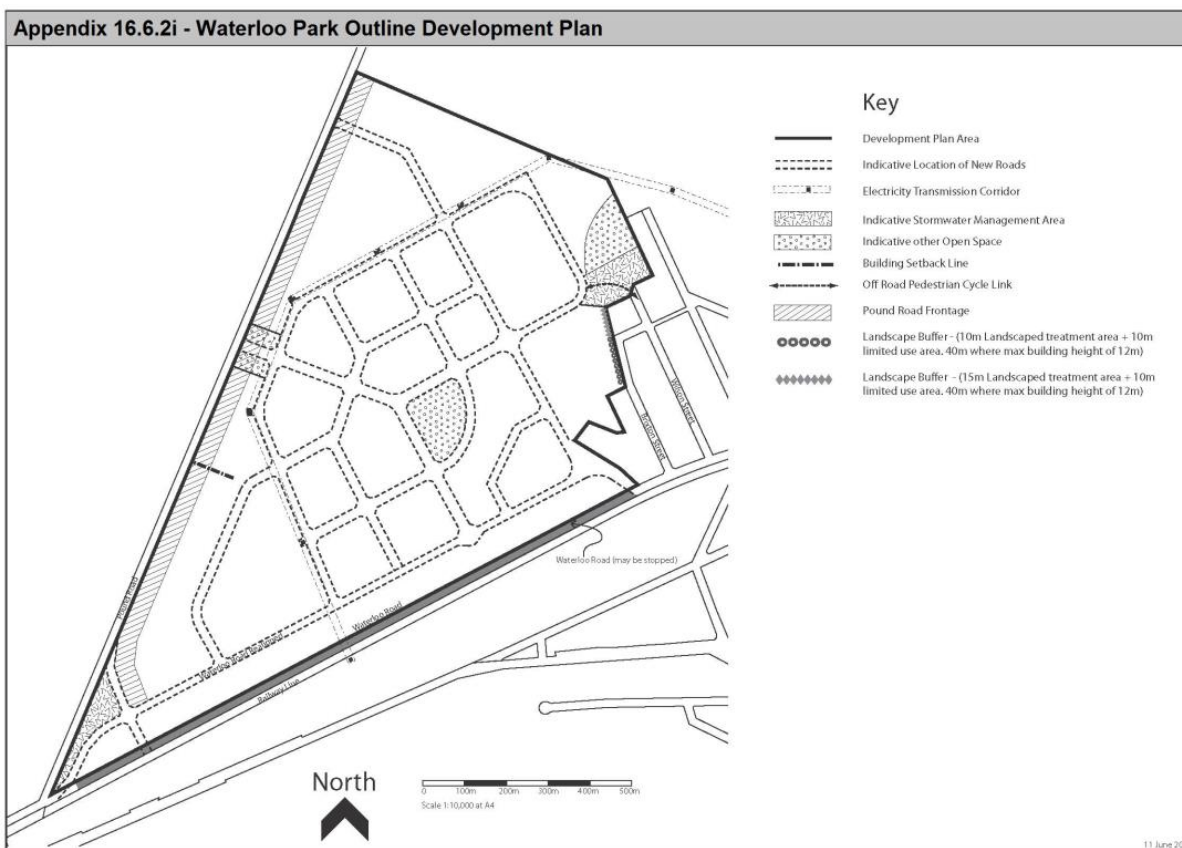
	Michelia doltsopa
Port Wine Michelia	Michelia figo
	Nandina 'Gulf Stream'
Red Robin	Photonia x fraseri
Lily of the Valley	Pieris japonica
	Protea spp
	Rhododendron
Rosemary	Rosmarinus officinalis
Waratah	Telopea spp
	Weigelia florida
<b>Shrubs for Low Screening (3 metres-5 metres height)</b>	
<b>Natives</b>	
<b>Common name</b>	<b>Botanical name</b>
Taupata	Coprosma repens
Ake ake	Dodonea viscosa
Purple ake ake	Dodonea viscosa 'Purpurea'
Broadleaf	Griselinia spp
Narrow leafed houhere	Hoheria angustifolia
Kanuka	Kunzea ericoides
Whiteywood	Melicytus ramiflorus
Manuka	Leptospermum scoparium
Fragrant olearia	Olearia fragrantissima
Mountain holly	Olearia ilicifolia
Golden akeake	Olearia paniculata
Kawakawa	Piper excelsum



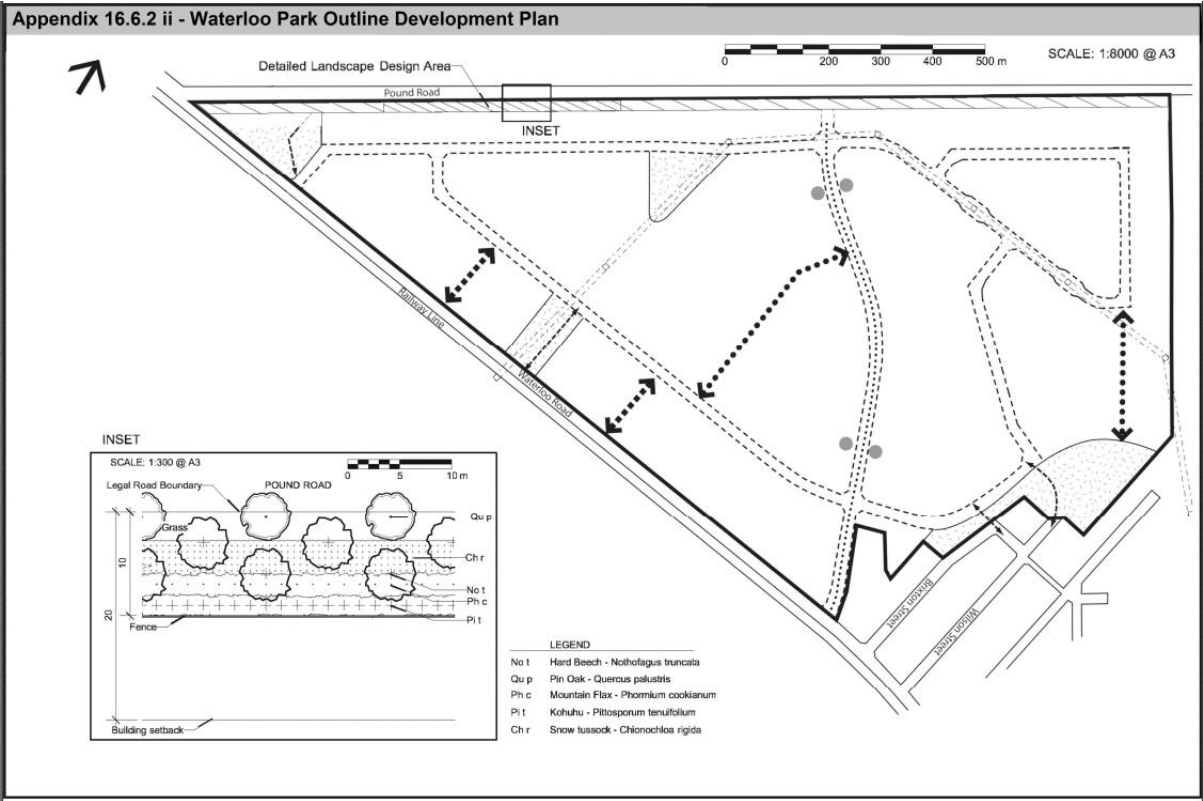
Lemonwood	Pittosporum eugenoides
Kohupu	Pittosporum tenuifolium
Karo	Pittosporum crassifolium
<b>Exotics</b>	
<b>Common name</b>	<b>Botanical name</b>
Bottlebrush	Callistemon spp
Camelia	Camelia spp
Camelia	Camelia spp
	Ceanothus spp
Smoke bush	Cotinus spp
Japanese aralia	Fatsia japonica
	Michelia doltsopa
Red robin	Photonia x fraseri
	Protea spp
	Rhododendron

## 16.6.2 Industrial General Zone (Waterloo Park)

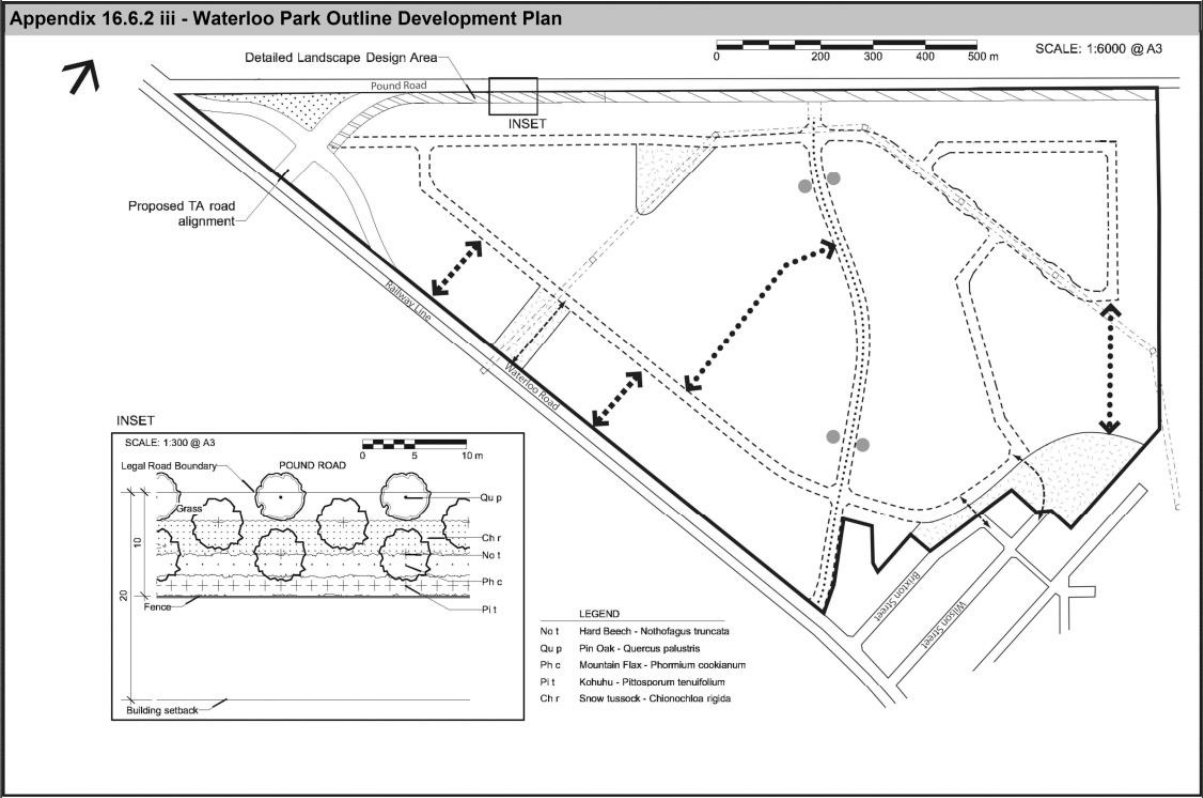
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16.6.2 ii

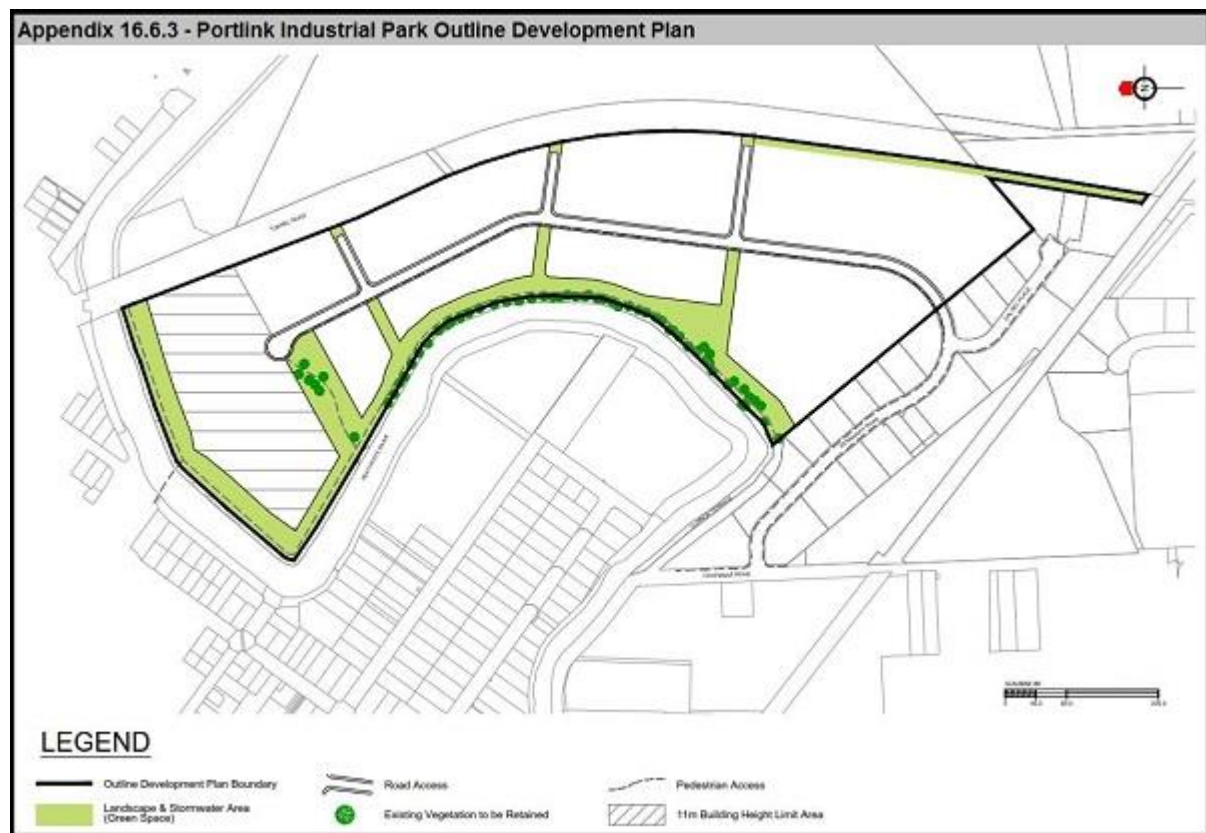


16.6.2 iii



## 16.6.3 Industrial General Zone (Portlink Industrial Park)

### 16.6.3.i



Botanical Name	Common Name	10 Year Height (metres)	Mature Height (metres)
<i>Pittosporum tenuifolium</i> (T,E)	Kohuhu	4	9
<i>Pittosporum euginoides</i> (T,E)	Tarata, lemonwood	3	12
<i>Dodonea viscosa</i> (T,E)	Ake ake	4	7
<i>Olearia paniculata</i> (T,E)	Golden Ake ake	2	7
<i>Olearia traversil</i> (T,E)	Chatham Island Ake ake	3	10
<i>Dicksonia squarrosa</i> (E,W)	Wheki	2	5
<i>Dicksonia fibrosa</i> (E,W)	Wheki ponga	2	5
<i>Sophora microphylla</i> (T,E)	South Island Kowhai	4	12
<i>Podocarpus totara</i> (T,E)	Totara	5	30
<i>Dacrycarpus dacrydoides</i> (W)	Kahikatea / White pine	3	20
<i>Prumnopitys taxifolia</i> (T,E,W)	Matai / Black pine	3	25
<i>Dacrydium cupressinum</i> (T,E)	Rimu	3	30
<i>Coprosma chathamica</i> (T,E)	Chatham Island coprosma		5
<i>Plagianthus regius</i> (E)	Ribbonwood	5	16
<i>Plagianthus chathamica</i> (E)		4	10
<i>Aristotelia serrata</i> (E,W)	Makomako, wineberry	4	8
<i>Coprosma acutifolia</i> (E)	Coprosma, Sp.		10
<i>Hoheria populnea</i> (T,E)	Lacebark	4	11
<i>Hoheria angustifolia</i>	Narrow leaved lacebark	4	8
<i>Coprosma robusta</i> (T,E,W)	Karamu	6	6
<i>Leptospermum scoparium</i> (T,W)	Manuka	3.5	6

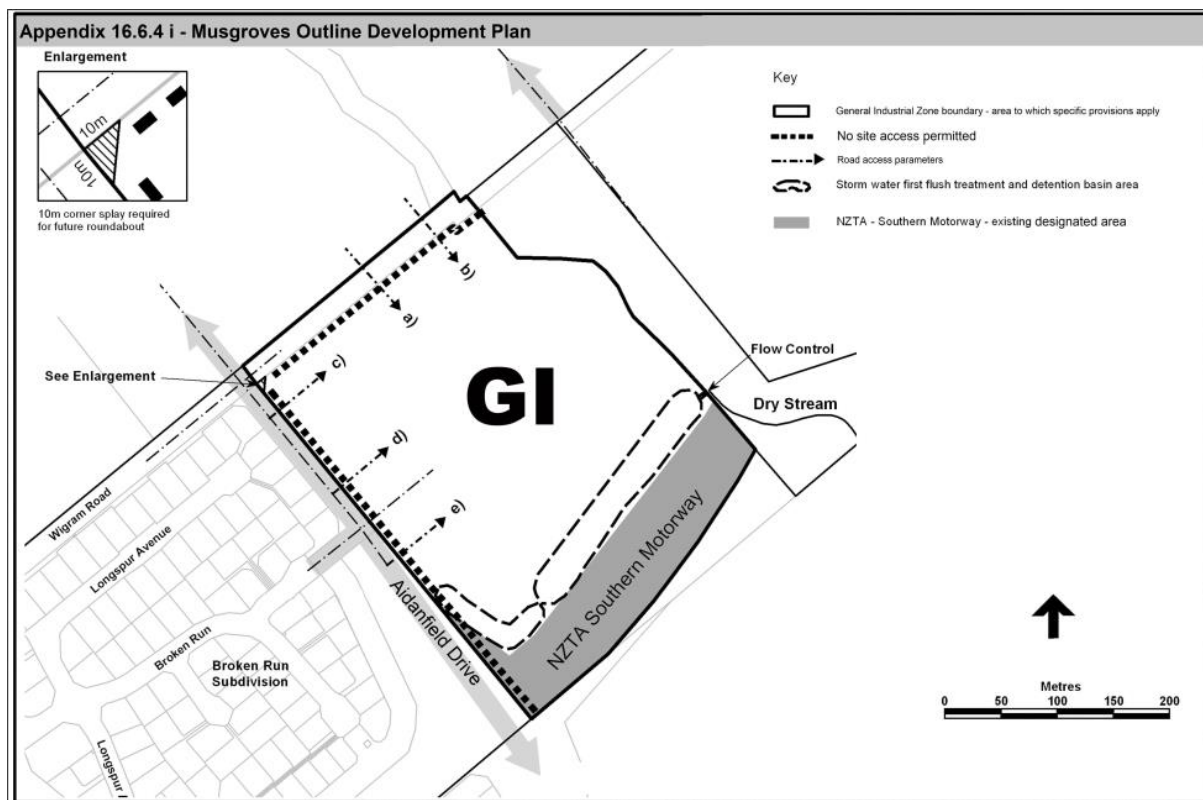
Botanical Name	Common Name	10 Year Height (metres)	Mature Height (metres)
<i>Pseudowintera colorata</i> (E)	Horopito	1.5	8
<i>Plagianthus divaricatus</i> (W)	Salt marsh ribbonwood		2
<i>Corokia contoneaster</i> (E)	Korokio		2
<i>Myrsine australis</i> (T,E)	Mapou	2	6
<i>Chionochloa rubra</i> (T,E,S)	Red tussock		1
<i>Cortaderia fulvida</i> (T,E,W)	Mini toetoe		1.5
<i>Anemanthele lessionia</i> (T,E,S)	Wind grass		0.8
<i>Carex secta</i> (T,E,W)	Pukio		0.8
<i>Carex virgata</i> (T,E,W)	Swamp sedge		0.8
<i>Astelia fragrans</i> (T,E)	Bush flax		1.5
<i>Astelia grandis</i> (E,W)	Swamp astelia		2
<i>Hebe stricta</i> (E,W)	Hebe sp.		3
<i>Hebe salicifolia</i> (T,E,W)	Hebe sp.		2.5
<i>Phormium tenax</i> (T,E,W)	Harakeke		2.5
<i>Phormium cookianum</i> (E)	Coastal flax		2
<i>Phormium</i> 'Surfer' (S)			0.5
<i>Phormium</i> 'Black rage' (S)			0.75
<i>Daniella nigra</i> (E,S)	Ink berry		0.5
<i>Libertia ixiodes</i> (E,S)	NZ Iris		0.5
<b>Street Trees</b> <b>For secondary cross roads:</b>			
<i>Nothofagus solandri</i> var. 'Cliffortioides' (S)	Mountain beech	2	18

Botanical Name	Common Name	10 Year Height (metres)	Mature Height (metres)
<b>Street Trees</b> <b>For main roads:</b>			
Tilia cordata (S)	Small leaved lime		24
Tilia platyphyllos (S)	Large leaved lime		24

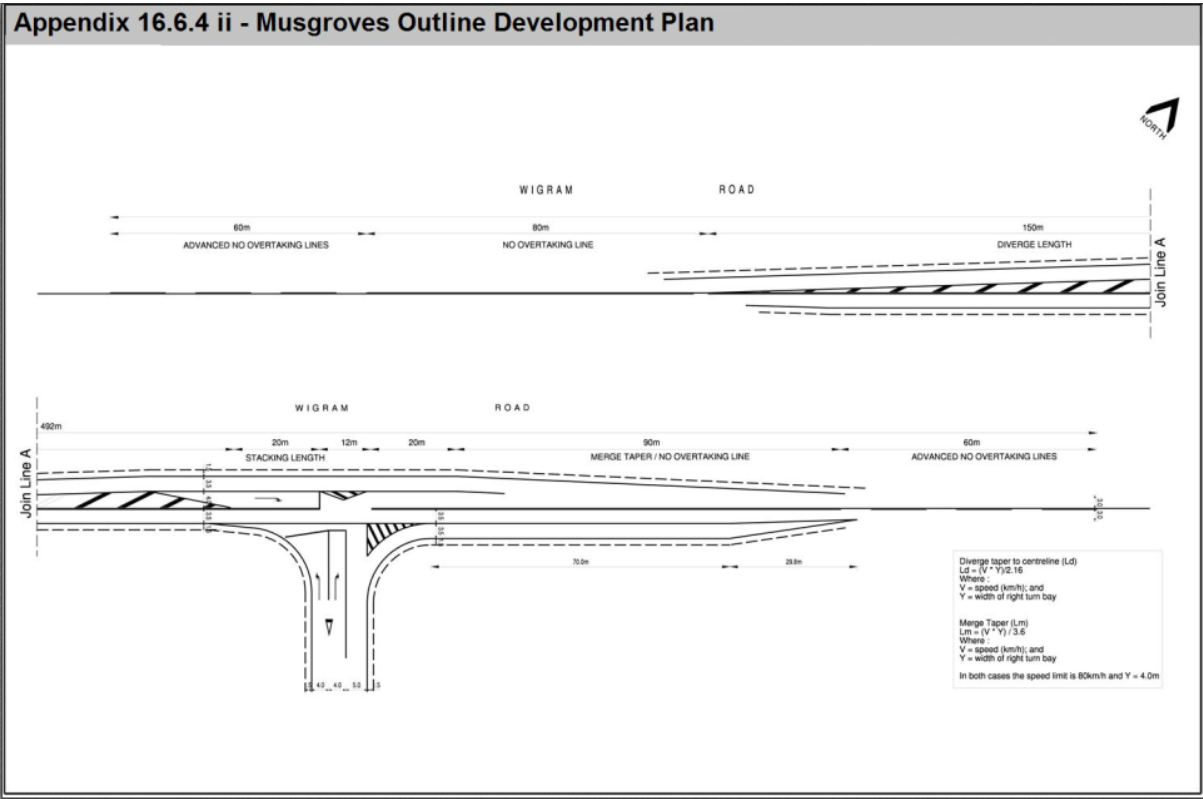


## 16.6.4 Industrial General Zone (Musgroves)

### 16.6.4.i



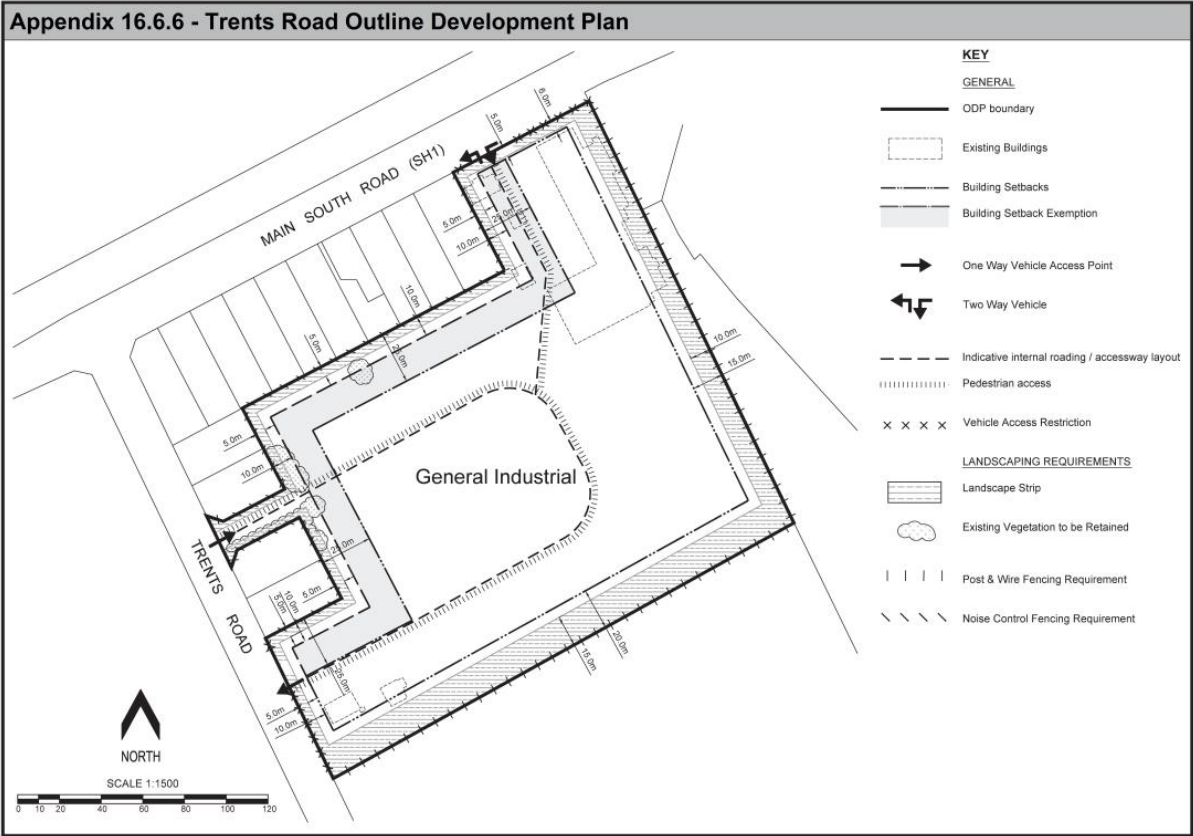
16.6.4.ii



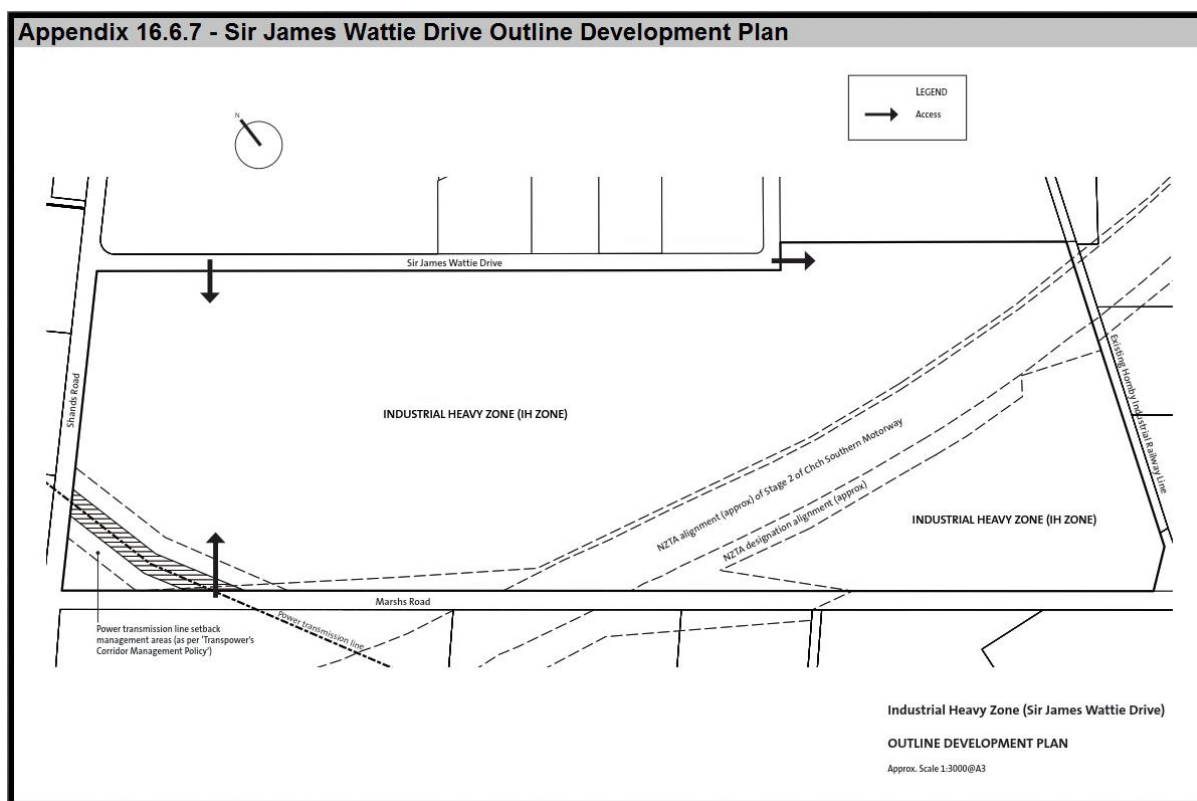
## **16.6.5 Industrial General Zone (North Belfast)**

**DEFERRED**

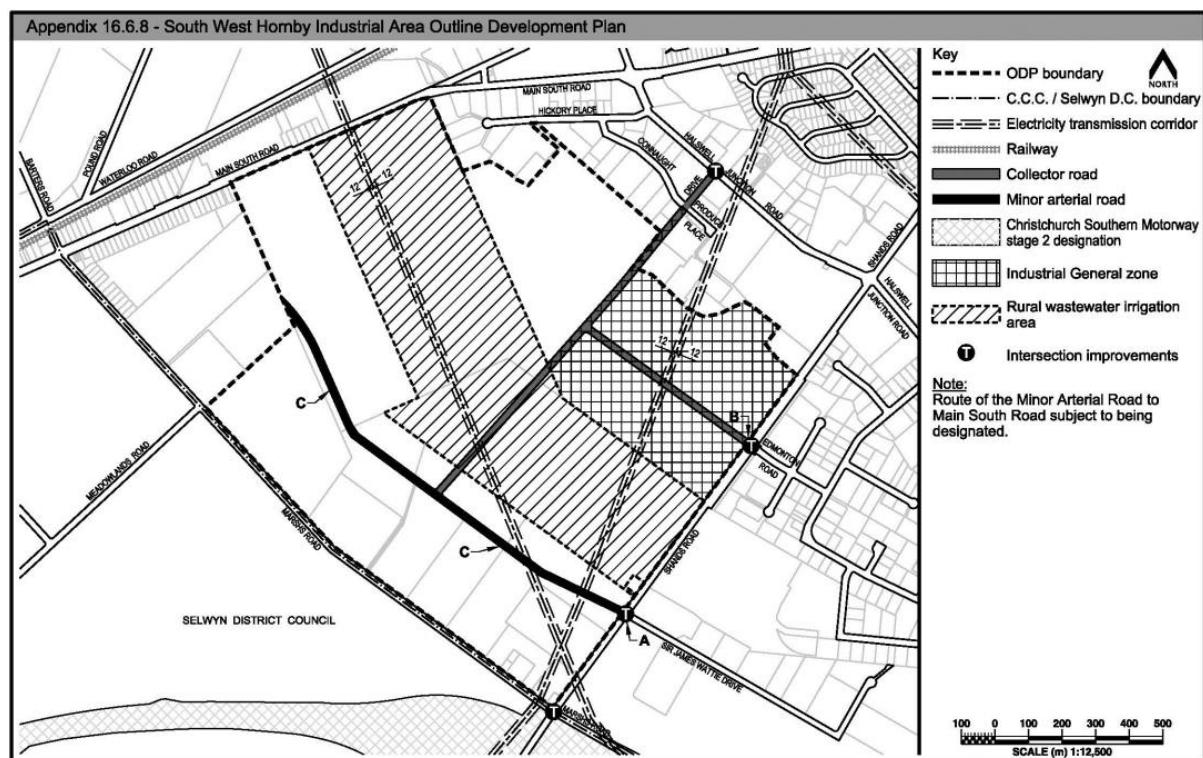
16.6.6 Industrial General Zone (Trents Road)



## 16.6.7 Industrial Heavy Zone (Sir James Wattie Drive) -



## 16.6.8 South West Hornby Industrial Area

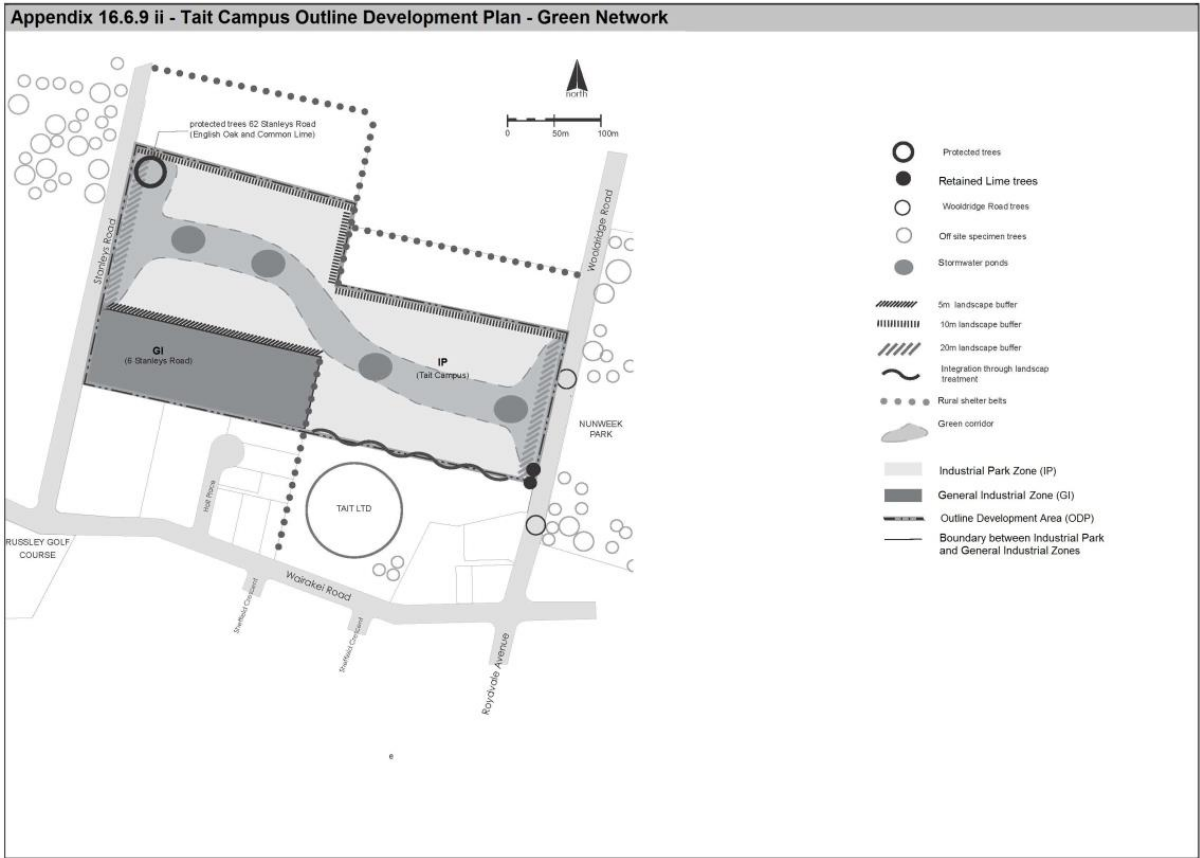


## 16.6.9i

The site plan illustrates the layout of Tait Ltd, featuring an existing circular building and several new building footprints. The site is divided into two industrial zones: the General Industrial Zone (GI) and the Industrial Park Zone (IP). Key features include:
 

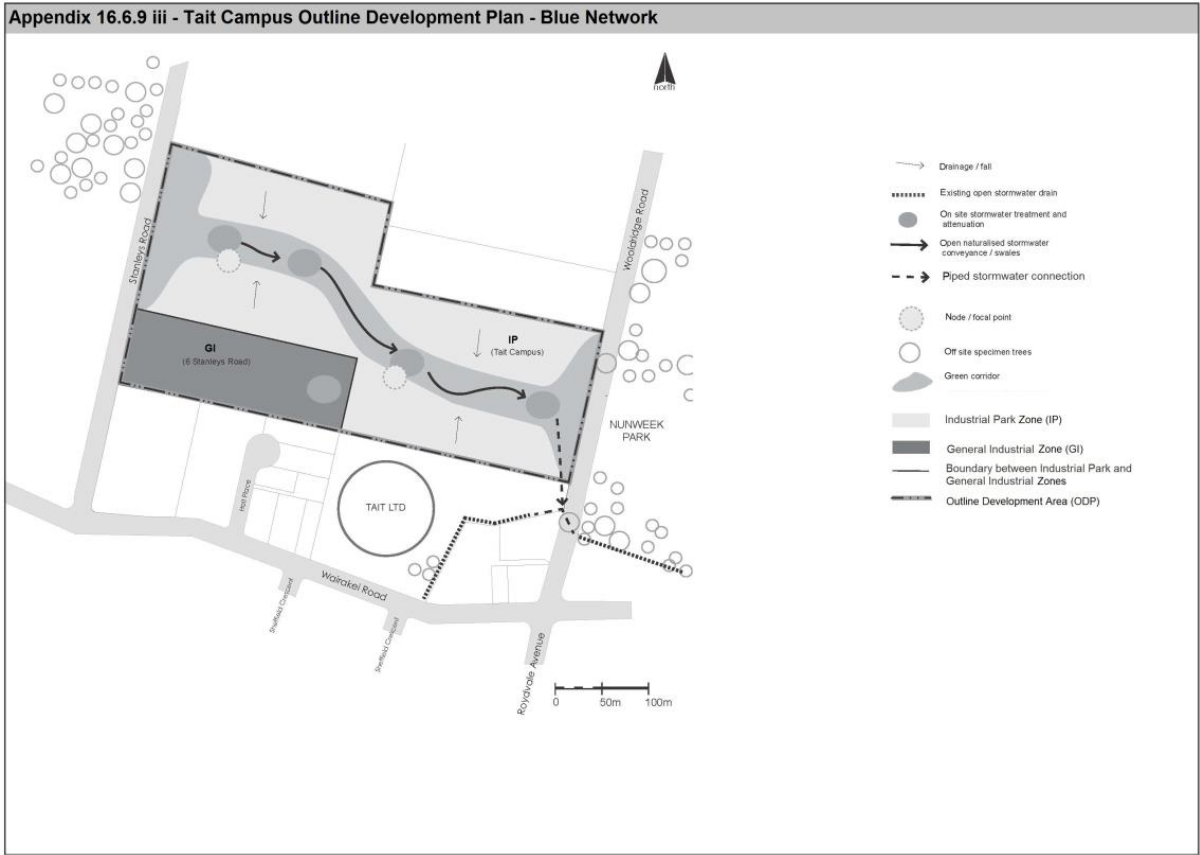
- Existing Tait Ltd building:** A circular structure located south of the main development area.
- New buildings:** Several rectangular footprints are shown, with specific setbacks (e.g., 11m max height within 50m setback) indicated.
- Industrial Zones:** The GI zone is shaded in a darker grey, while the IP zone is shaded in a lighter grey.
- Setbacks and Boundaries:** Dashed lines represent building setbacks, and solid lines indicate the boundary between the GI and IP zones.
- Surrounding Area:** The site is bordered by Stanley Road to the west, Wairakei Road to the south, and Woodridge Road to the east. To the south of the site is the Outline Development Area (ODA) and to the west is Russley Golf Course.
- Legend:** A legend in the top right corner defines the symbols used for existing buildings, new buildings, setbacks, and industrial zones.
- Scale and Orientation:** A scale bar (0 to 100m) and a north arrow are provided for reference.

16.6.9ii

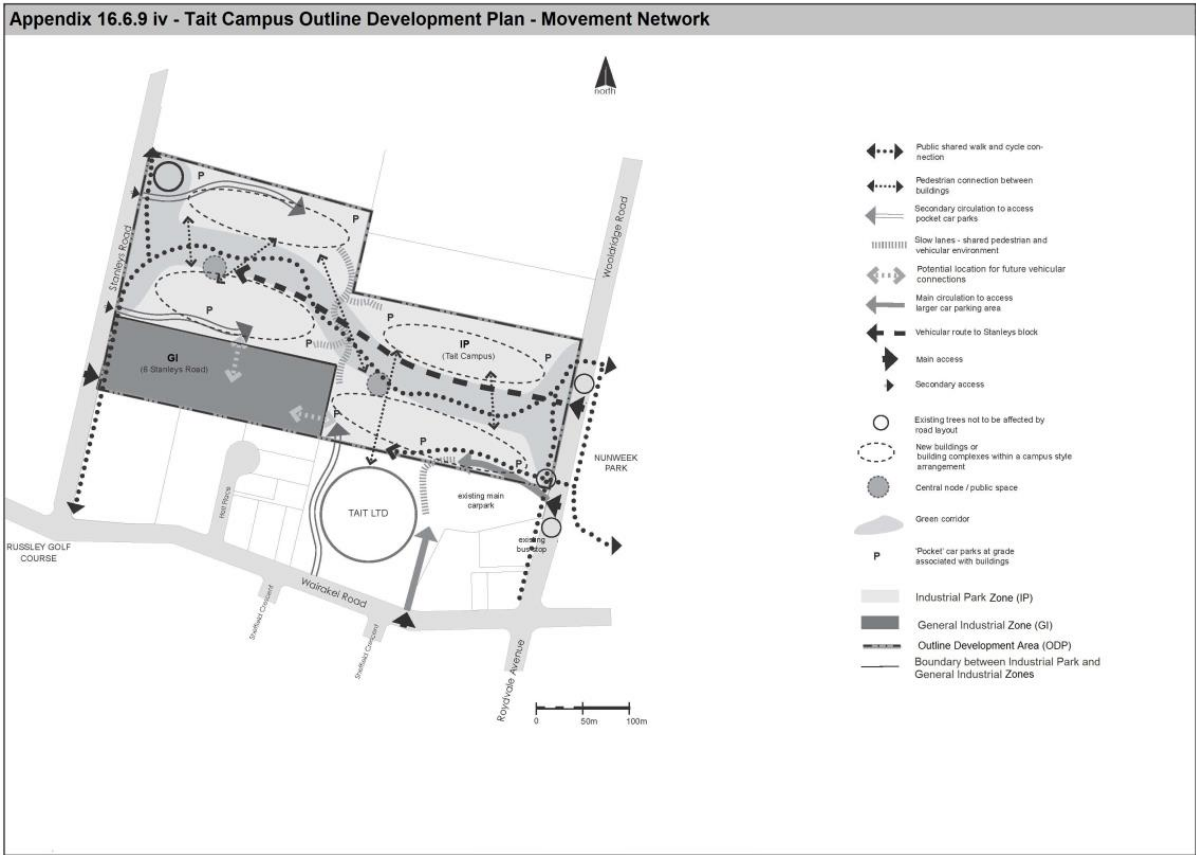




16.6.9iii

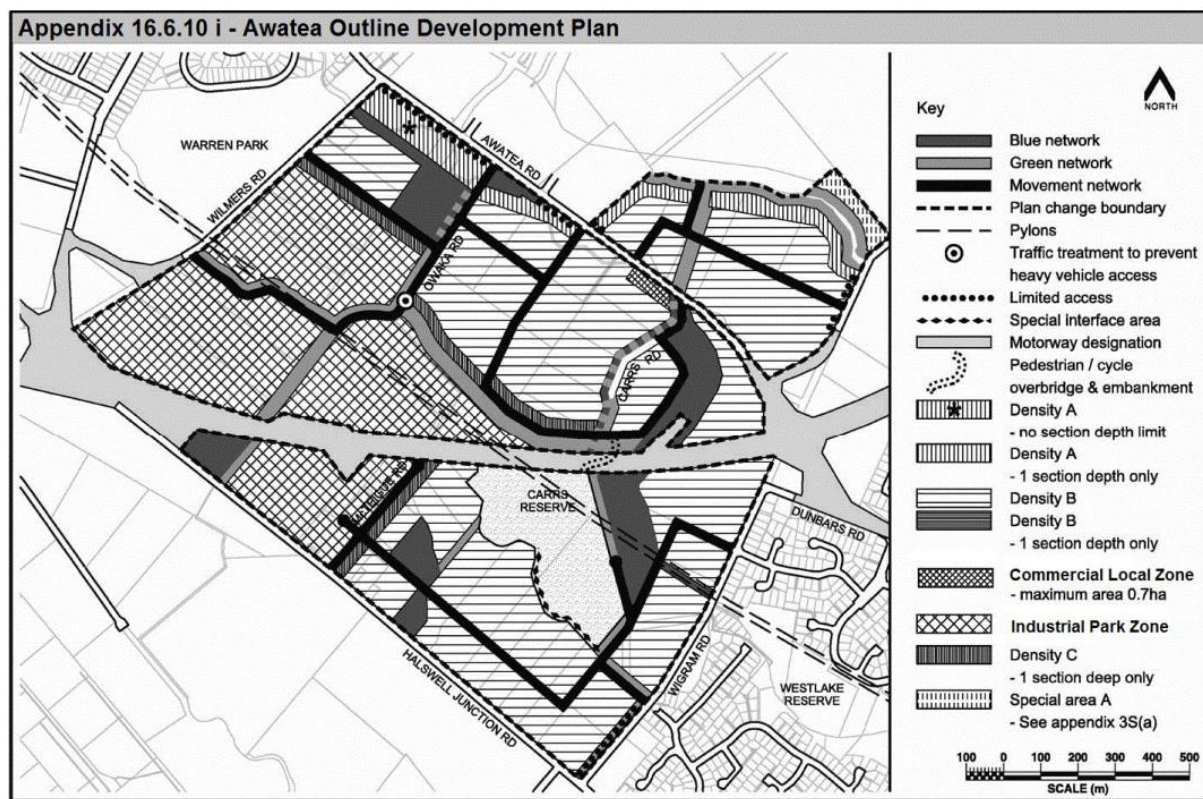


16.6.9iv

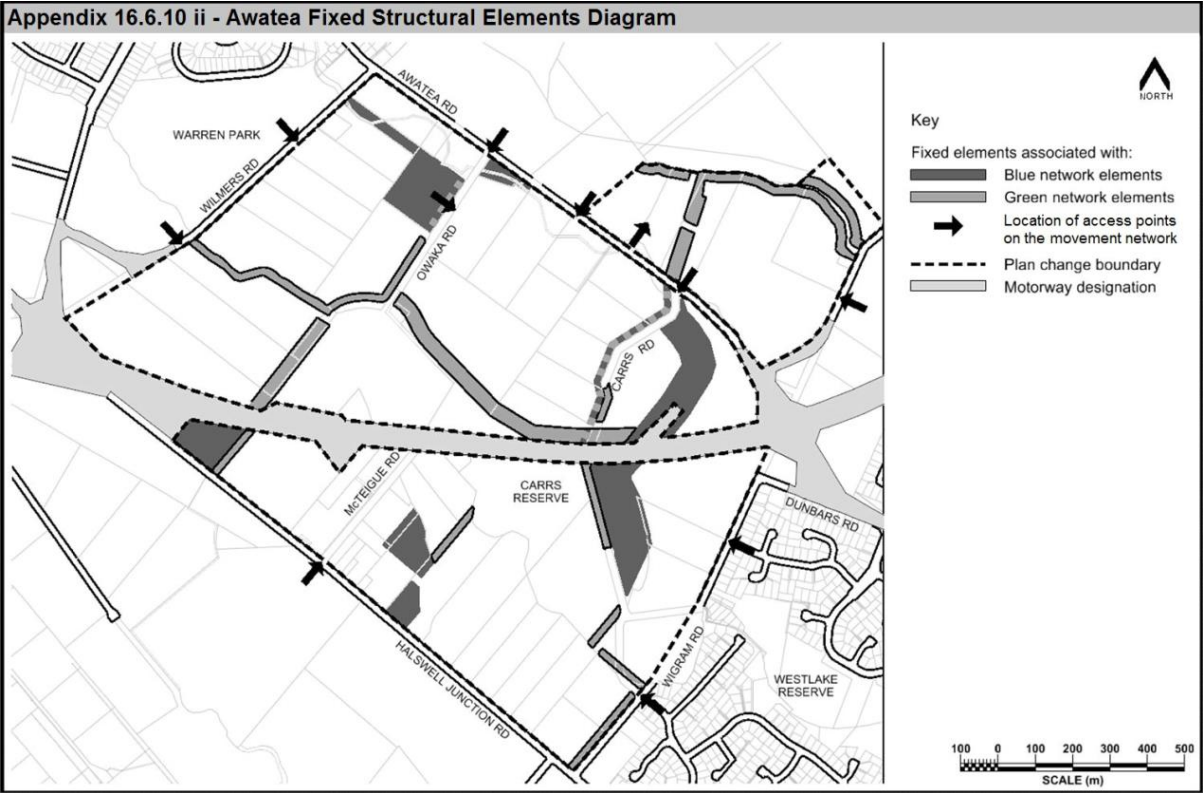


## 16.6.10 Industrial Park Zone (Awatea)

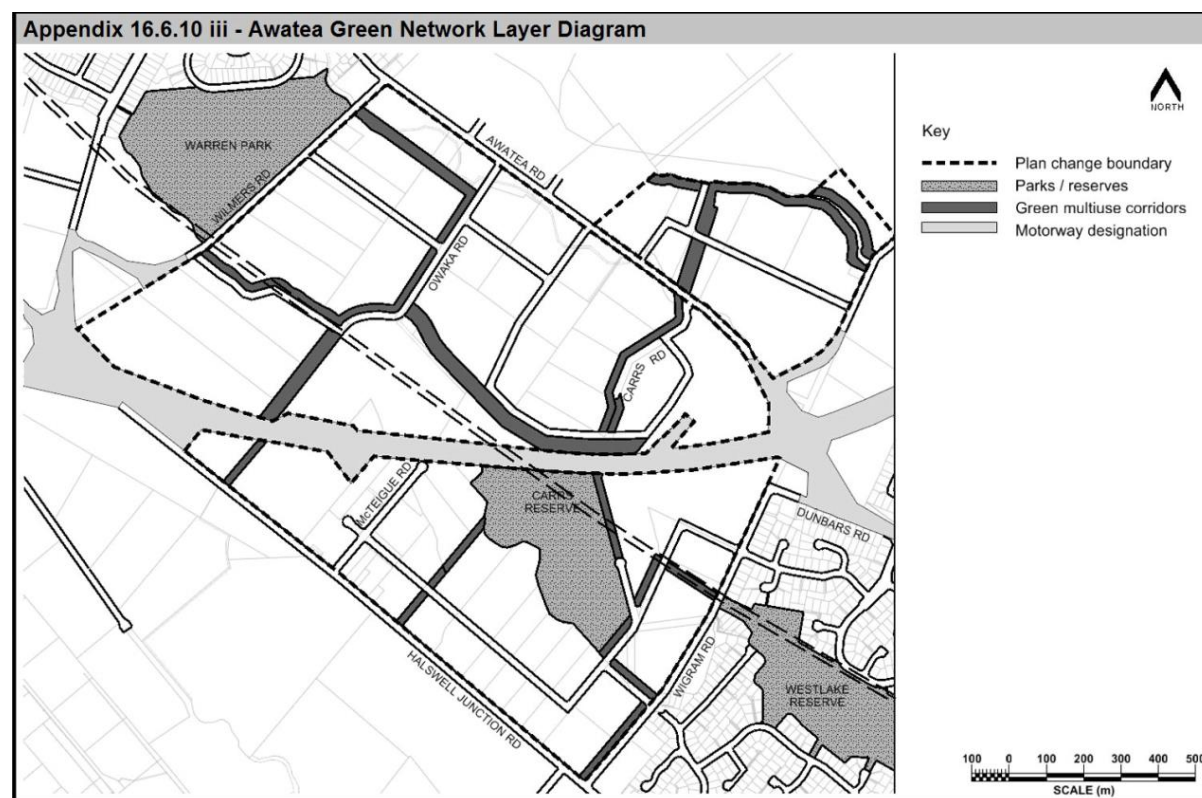
### Appendix 16.6.10 i



Appendix 16.6.10ii

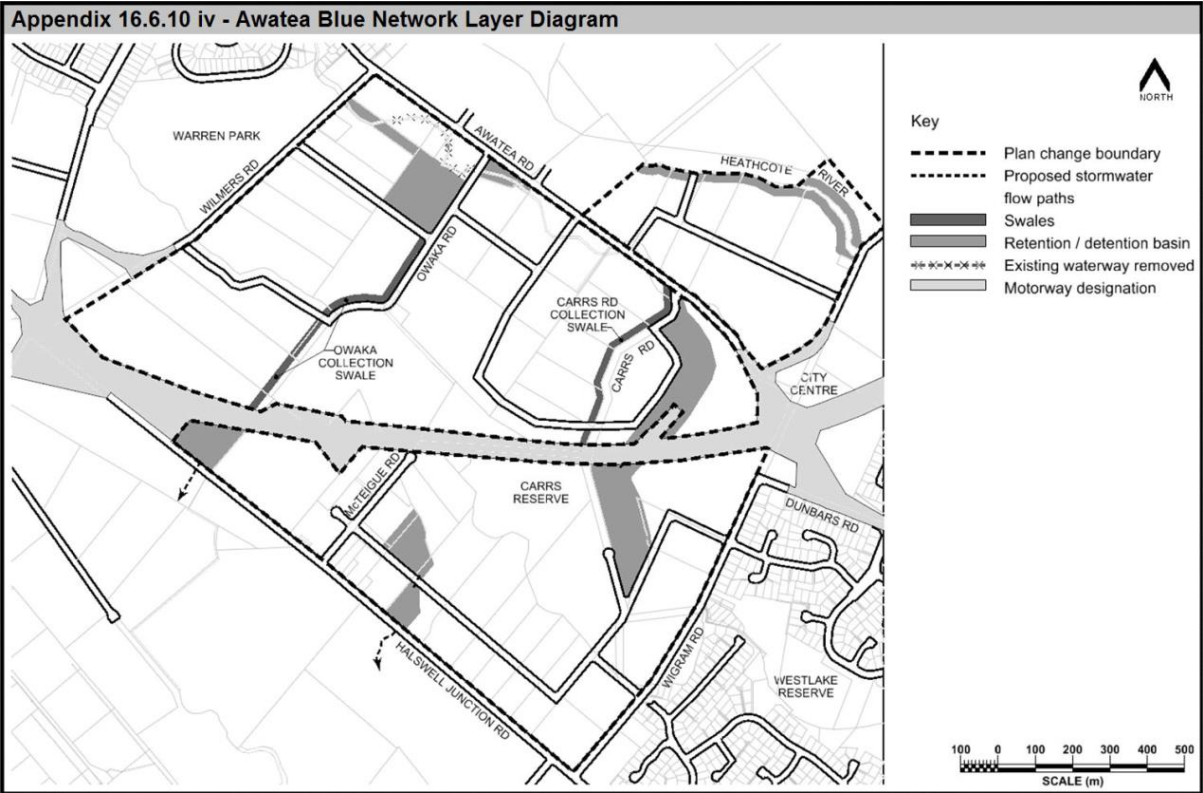


## Appendix 16.6.10iii

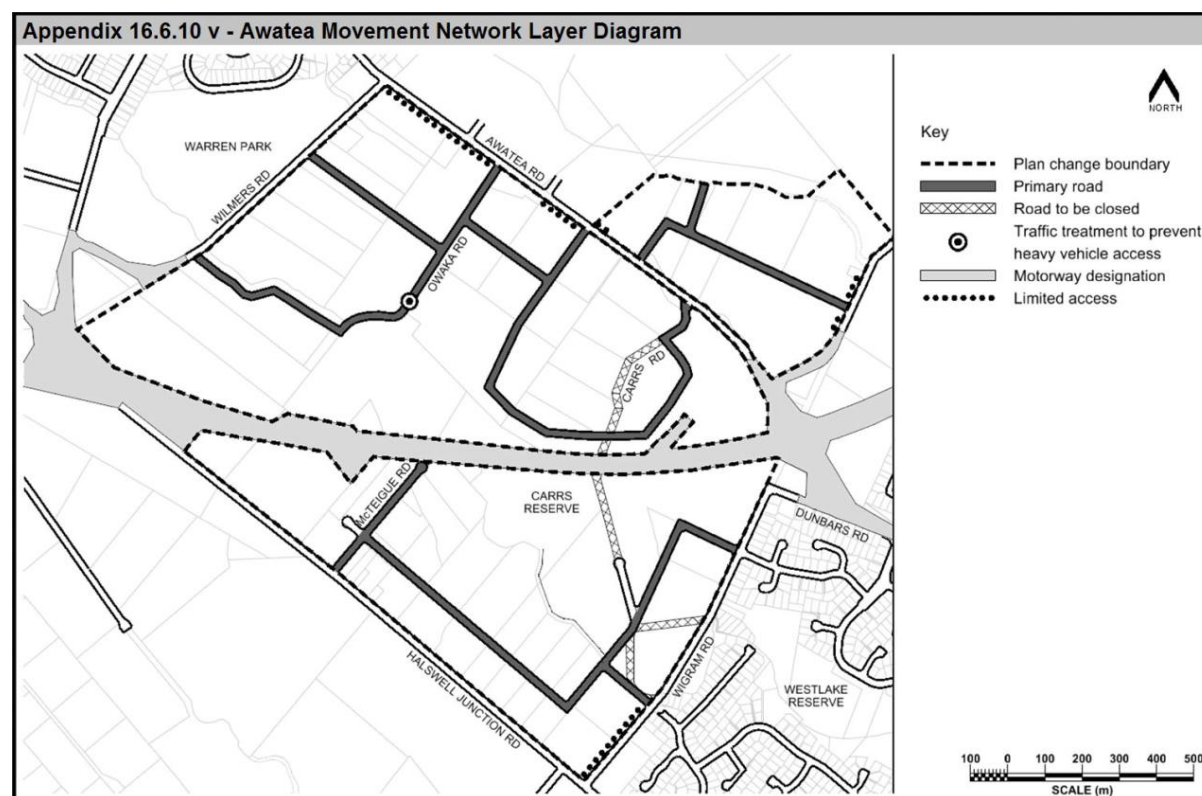




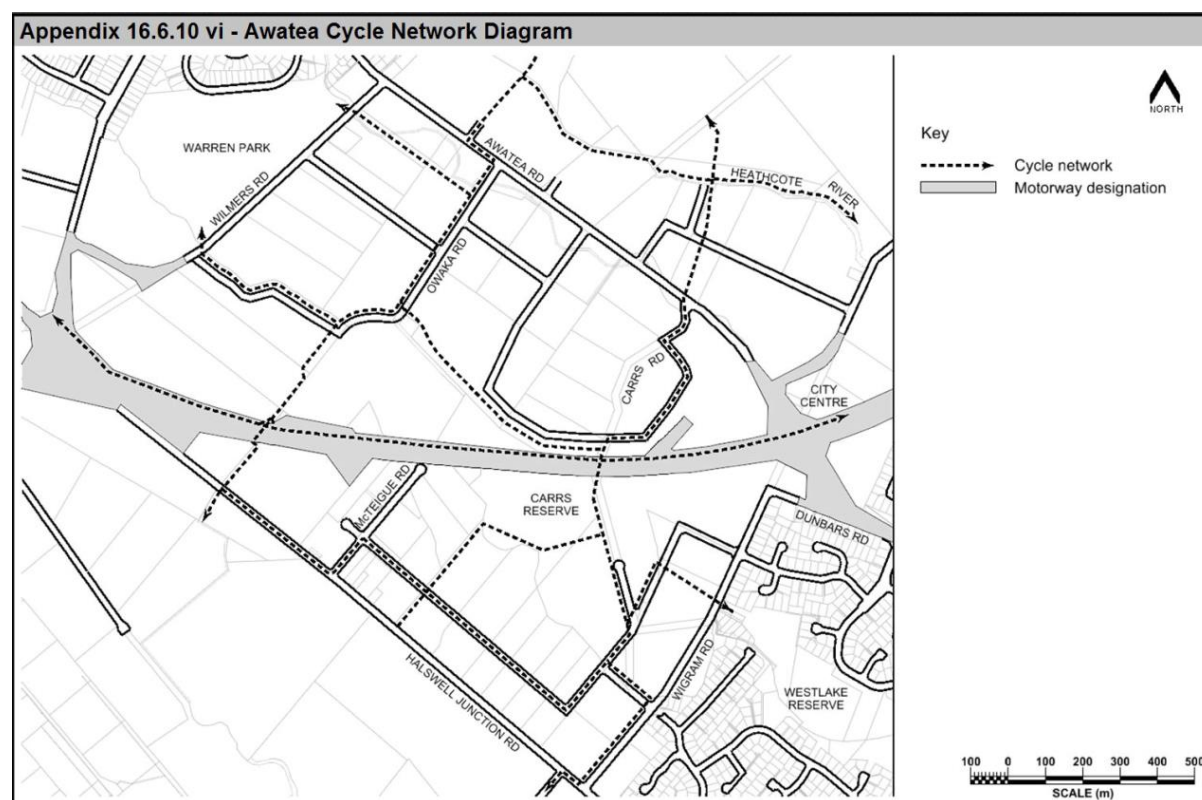
Appendix 16.6.10iv



## Appendix 16.6.10v

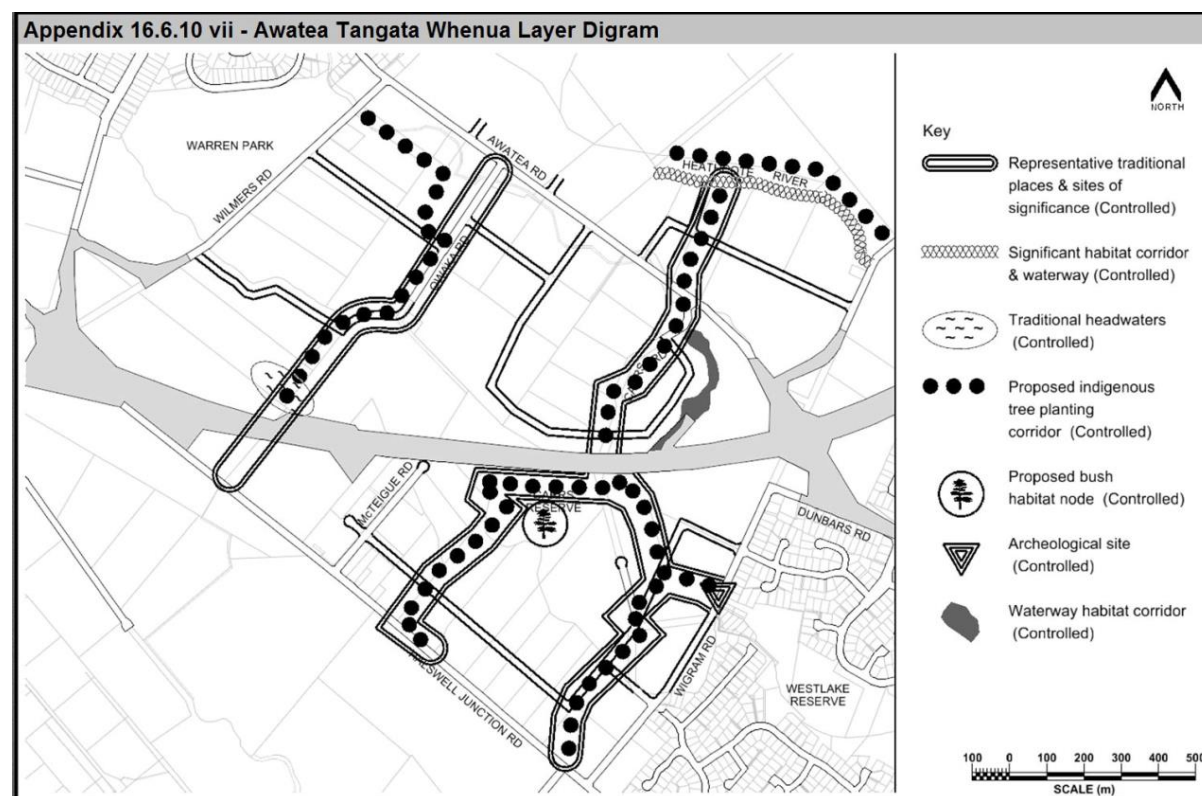


## Appendix 16.6.10vi

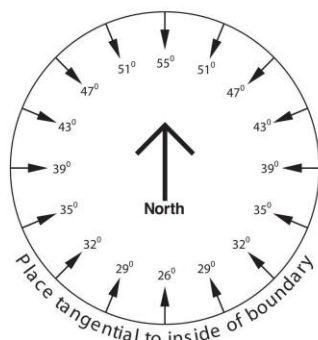




## Appendix 16.6.10vii

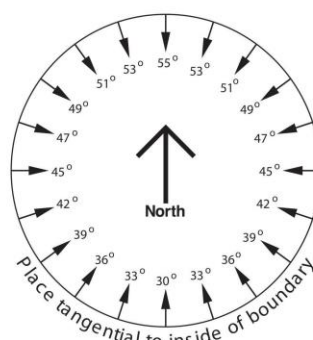


## 16.6.11 Recession Plane Diagrams



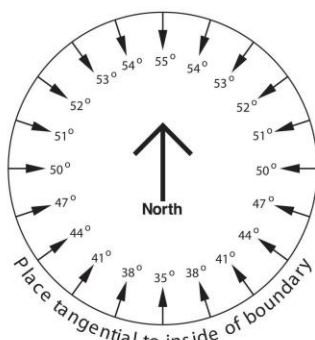
A Applicable to all buildings:

- in the Residential Suburban Zone
- on sites in other non residential zones that adjoin the Residential Suburban Zone



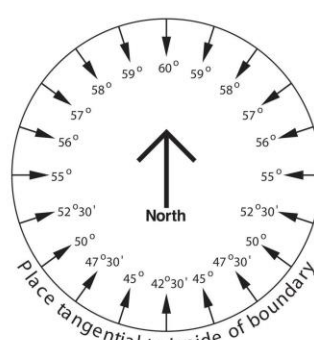
B Applicable to all buildings:

- Residential Suburban density overlay
- On sites in other non residential zones that adjoin the Residential Suburban density overlay area



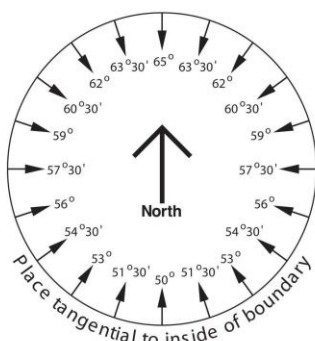
C Applicable to all buildings:

- in the Residential Medium Density Zone
- on sites in other non residential zones that adjoin the Residential Medium Density Zone



D Applicable to all buildings:

- in the medium density higher height limit zones
- on sites in other non residential zones that adjoin the medium density higher height limit zones
- in the medium density higher height limit zones (except those buildings over 11 metres in height)
- on sites in other non residential zones that adjoin the medium density (except those buildings over 11 metres in height)



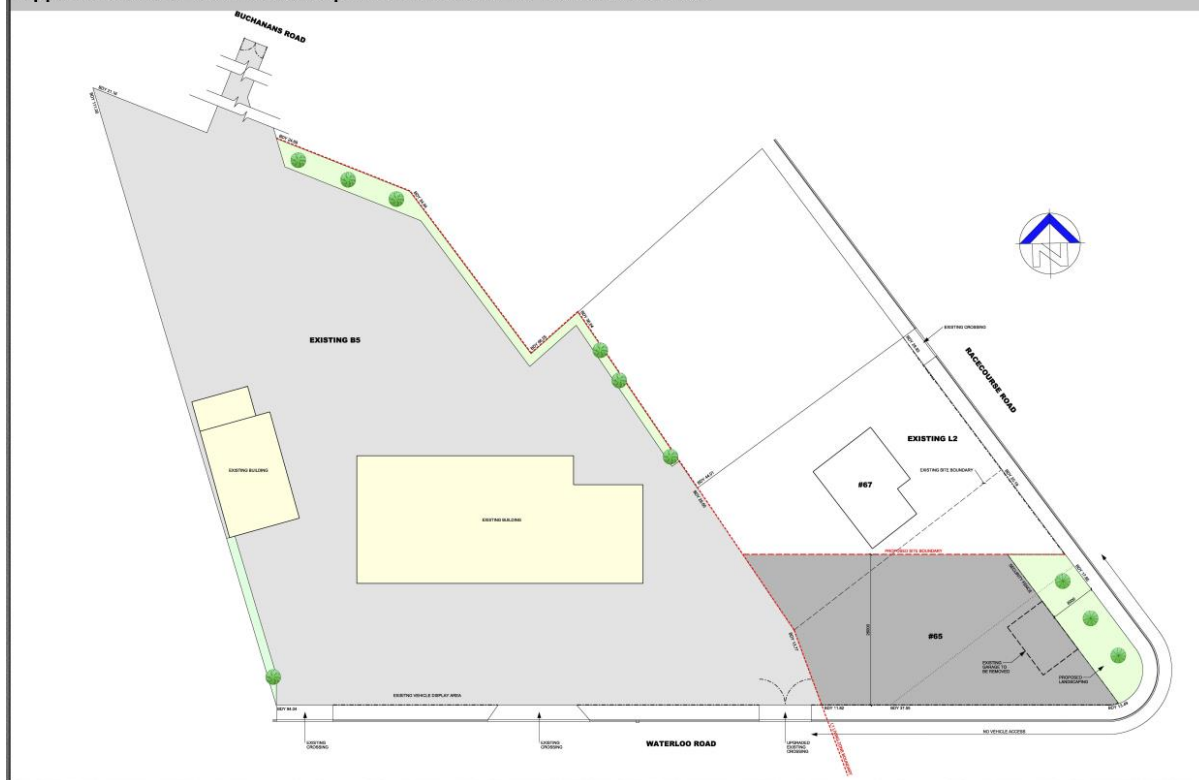
E Applicable to all buildings:

- over 11 metres in height in the medium density higher height limit zones
- over 11 metres in height on sites in other non residential zones that adjoin the medium density higher height limit zones

Note: North is true north

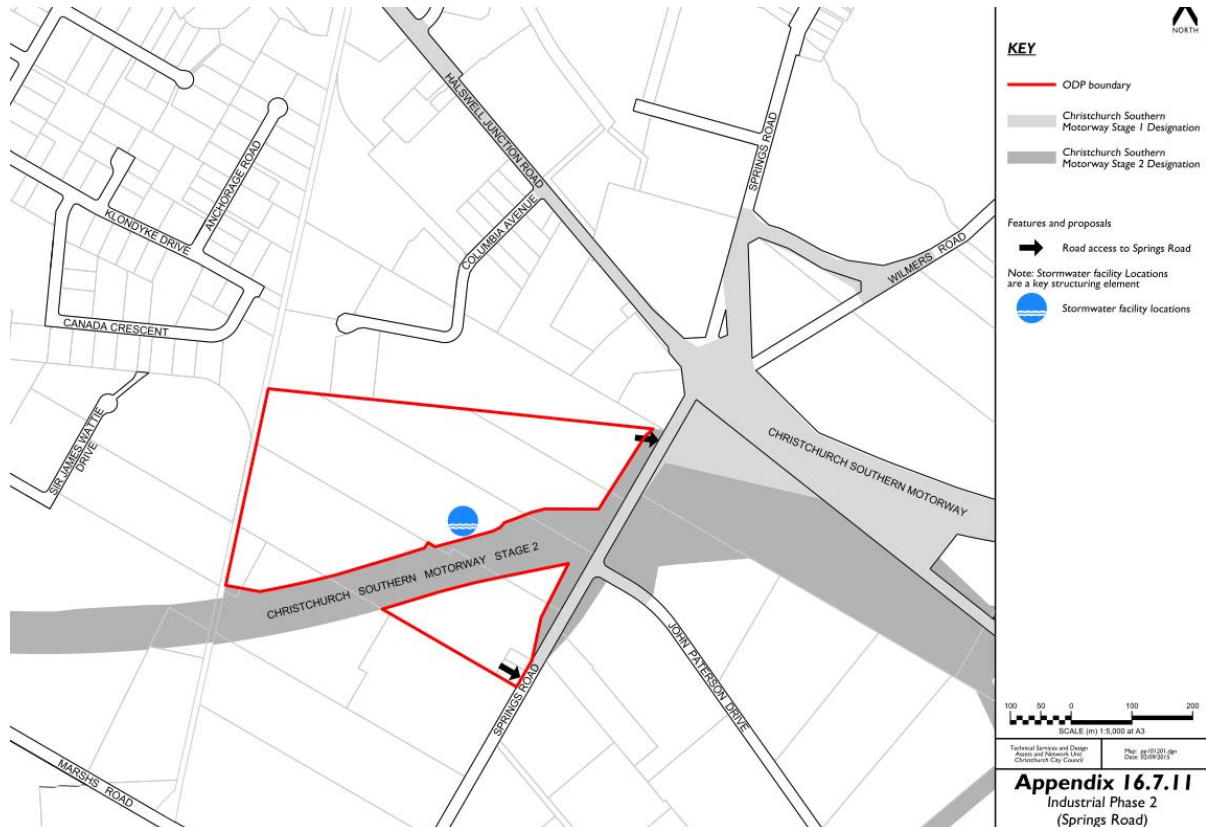
## 16.6.12 Outline Development Plan for 65 – 67 Racecourse Road

Appendix 16.6.12 - Outline Development Plan for 65 - 67 Racecourse Road



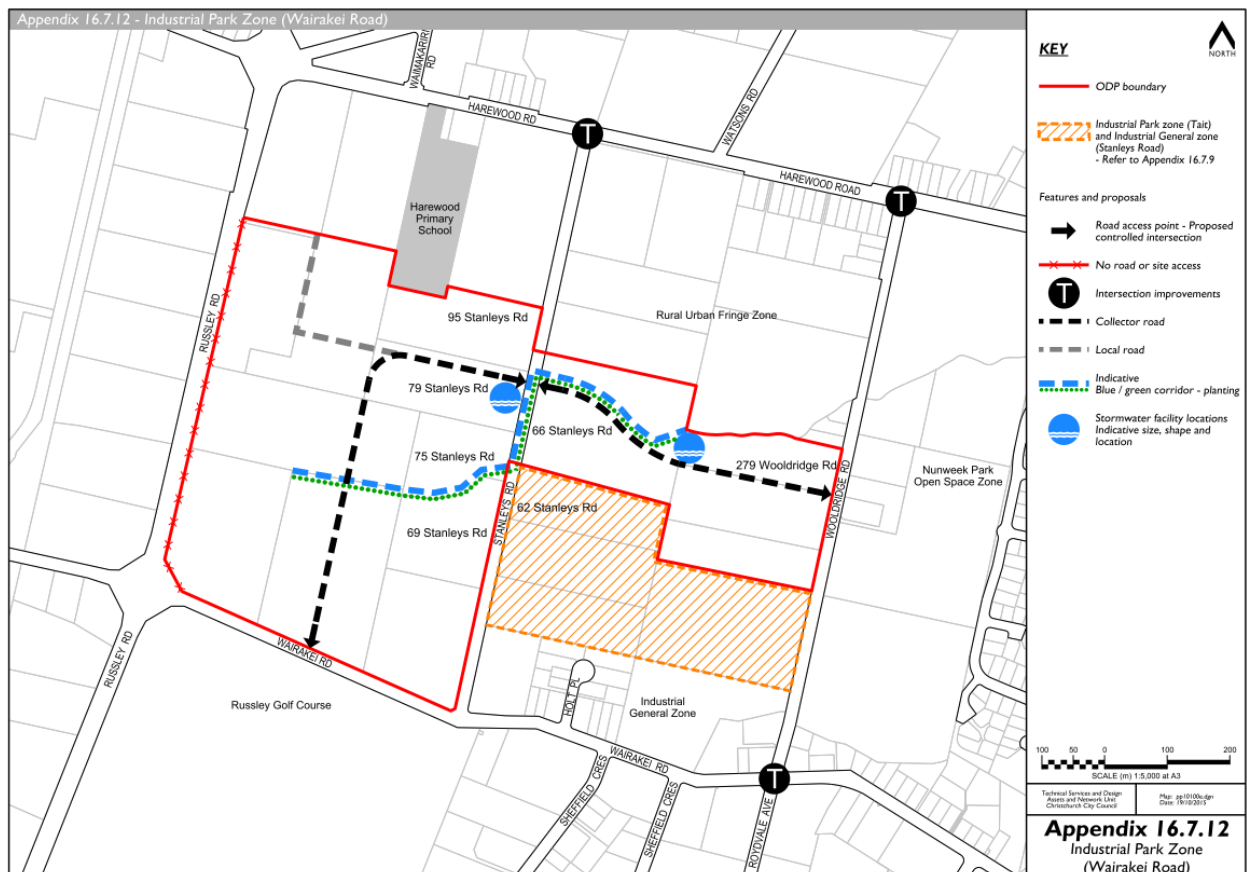
### 16.6.13 Industrial Heavy Zone (Springs Road) Outline Development Plan

- Add title: 'Appendix 16.6.13 Industrial Heavy Zone (Springs Road) Outline Development Plan'
- Remove text 'Appendix 16.7.11 Industrial Phase 2 (Springs Road)'



#### **16.6.14 Industrial Park Zone (Wairakei Road) Outline Development Plan**

- *Replace title with: ‘Appendix 16.6.14 Industrial Park Zone (Wairakei Road) Outline Development Plan’*
- *Replace text ‘refer to Appendix 16.7.9’ with ‘refer to Appendix 16.6.9’*
- *Remove text ‘Appendix 16.7.12 Industrial Park Zone (Wairakei Road)’*

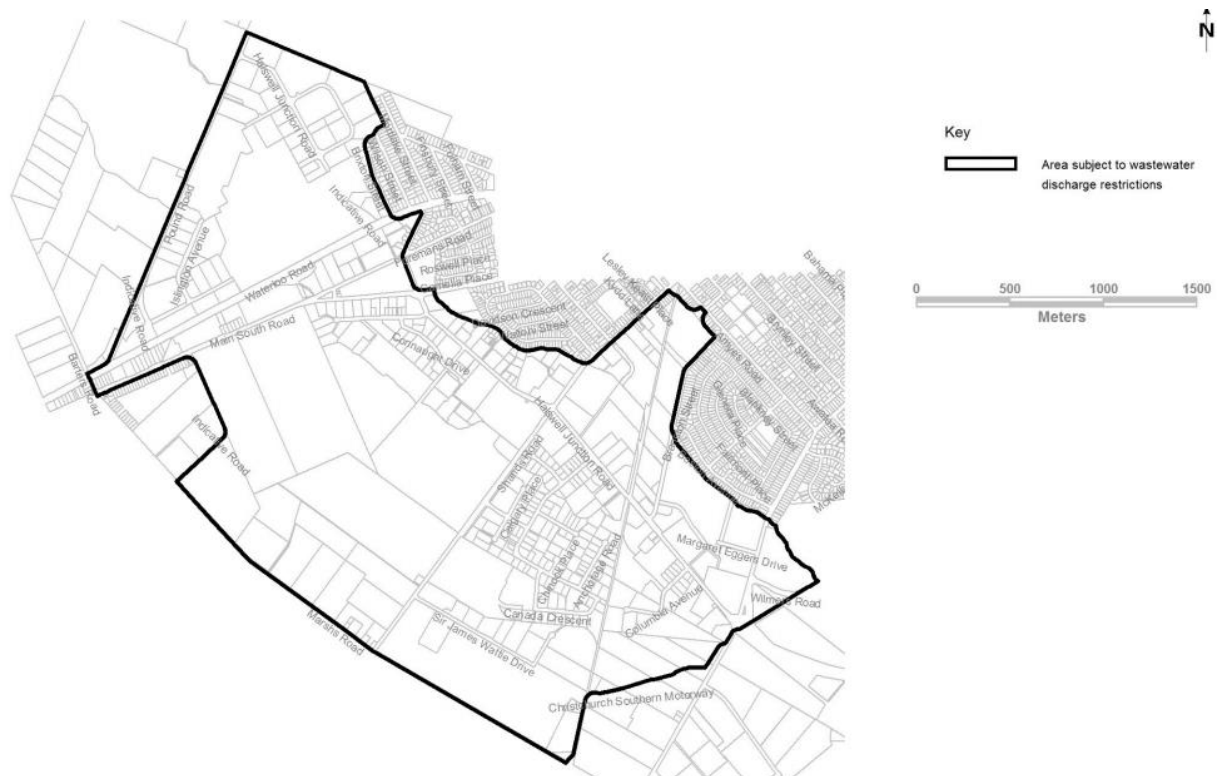


### 16.6.15 Industrial Park Zone (Memorial Avenue) Outline Development Plan

*- Make amendments to Council Closing Version of the Industrial Park Zone (Memorial Avenue) Outline Development Plan as follows:*

Change title to:	Appendix 16.6.15 Industrial Park Zone (Memorial Avenue) – Outline Development Plan
Delete text from the KEY and where relevant remove any related symbol/notation from the plan.	<p>“Council position - Guest Accommodation, office activity restricted to this area”</p> <p>“MAIL position”</p> <p>“Office activity restricted to this area as well as being allowed in MAIL’s guest accommodation area”</p> <p>“(Designation) (for information only)”</p> <p>“RGA Residential Guest Accommodation Zone”</p> <p>“Appendix 16.6.15 Industrial Park zone (Memorial Ave)”</p> <p>“Proposed” (from “Road access point - Proposed controlled intersection)</p>

- Add title: 'Appendix 16.6.16 Areas subject to wastewater discharge restrictions'





**SCHEDULE 1C: CHAPTER 6 — GENERAL RULES***For inclusion in Chapter 6 General Rules (6.8 Signs)*

*Add the following provisions. Please note, final number reference will be confirmed as part of the Chapter 6 General Rules decision.*

**6.8.3.1 Permitted activities**

Activity		Activity specific standards
<b>P14</b>	In the Industrial Park Zone (Memorial, Avenue), any sign within the 20m setback adjacent to Memorial Avenue	<p>a. There shall be no more than two signs within the 20m setback for the entire zone boundary adjacent to Memorial Avenue, and each shall:</p> <ul style="list-style-type: none"> <li>i. be double sided;</li> <li>ii. not exceed a total area of 10m<sup>2</sup> per side;</li> <li>iii. have a maximum height above ground level of 10m at the top of the sign;</li> <li>iv. have a maximum width of 5m;</li> <li>v. be for directional purposes and only contain the name of the complex, the names of businesses within the complex, access information, the onsite location of facilities (including carparks), and hours of operation ;</li> <li>vi. not be flashing or illuminated by any means other than lights directed on to it; and</li> <li>vii. be located within 10m of a vehicle access point.</li> </ul>

Any application arising from non-compliance with this rule shall not be publicly or limited notified.

**6.8.3.3 Restricted discretionary activities**

Activity		The Council's discretion shall be limited to the following matters:
<b>RD4</b>	Activity P14 that does not comply with one or more of the activity specific standards, unless otherwise specified in NC1.	a. Signage adjacent to Memorial Avenue – 6.8.6.4



### 6.8.3.5 Non-complying activities

	Activity
NC1	Any billboard within the Industrial Park Zone (Memorial Avenue).

### 6.8.4.5 Free-standing signs

*amend note below table:*

- C. Rules 6.8.3.1 P14, 6.8.3.3 RD4 and 6.8.3.5 NC1 apply to the Industrial Park Zone (Memorial Avenue). Where rules conflict, these rules will prevail.

## 6.8.6 Matters of control and discretion

### 6.8.6.4 Signage adjacent to Memorial Avenue

- a. The extent to which the location, area, number, height, width and illumination of outdoor advertisements adversely affects the visual amenity, character and significance of Memorial Avenue as a memorial.
- b. The degree of visual intrusion that outdoor advertisements have on the surrounding environment including adverse effects on the amenity of the surrounding area.
- c. The extent to which advertisements will result in visual clutter and the loss of visual coherence of the character and amenity of the environment.
- d. The extent to which the proposed outdoor advertisement relates to the businesses or activity on the site and within the zone.
- e. The potential effects of the outdoor advertisement on the safety of the surrounding transport network including the potential for motorists to be distracted, confused, or adversely affected.

**SCHEDULE 1D: CHAPTER 8 — SUBDIVISION**

*For inclusion in Chapter 8 Subdivision, Development and Earthworks, add to 8.3.3.4 Roads, as follows:*

- f. In the Industrial Park Zone (Wairakei Road) subdivision shall be in accordance with the provisions of the Outline Development Plan shown in Chapter 16 Appendix 16.6.14 and specific road and access requirements as follows:**
- i. Any new road within the Industrial Park Zone (Wairakei Road) shall only intersect with Wairakei Road, Stanleys Road and/or Wooldridge Road at the locations shown on the Outline Development Plan in Appendix 16.6.14 as "Road access point – Proposed controlled intersection".**
  - ii. Any subdivision of allotments that the "Collector road" runs through, as shown on the Outline Development Plan in Appendix 16.6.14, shall incorporate a Collector road that follows that alignment. Provision shall be made for a shared cycleway and footpath of a minimum width of 2.5m parallel to the "Collector road", which shall be illuminated to a level between 2 and 10 lux.**
  - iii. Any subdivision of Lot 2, DP 54992 (580 Russley Road) and Lot 1, DP 54992 (570 Russley Road) shall incorporate a Local road that follows the alignment of "Local Road" as shown on the Outline Development Plan in Appendix 16.6.14.**

**SCHEDULE 2****Properties/Areas where decision is to rezone**

Map	Address/Area	Notified Zoning	Decision on Zoning	Submitters
<b>Notified Zone: Residential New Neighbourhood</b>				
44	2 Carrs Road <sup>1</sup>	Residential New Neighbourhood	Commercial Local	2176: Illogan Trust
<b>Notified Zone: Residential Suburban Density Transition</b>				
26, 33	99 Seaview Road (6 Union Street)	Residential Suburban Density Transition	Commercial Core	2195: Maerewhenua Trust 2138: Storer Family Trust
26, 33	Land bounded by Union Street, Seaview Road, Hardy Street and Beresford Street (excluding 99 Seaview Road / 6 Union Street)	Residential Suburban Density Transition	Commercial Mixed Use	2195: Maerewhenua Trust 2138: Storer Family Trust
27	21 and 23 Beresford Street	Residential Suburban Density Transition	Commercial Core	2045: Julian Sanderson 2052: Every Import Limited
<b>Notified Zone: Residential Medium Density</b>				
31	121 Papanui Road	Residential Medium Density	Commercial Local	2370: Fortress Services Limited
<b>Notified Zone: Residential Suburban</b>				
11	170 and 180/180A Johns Road	Residential Suburban	Commercial Local	2587: Ernest Glad
<b>Notified Zone: Residential Suburban</b>				
50	685 Cashmere Road (Redmund Spur) <sup>2</sup>	Residential Large Lot	Commercial Local	2170: Rockhill
<b>Notified Zone: Special Purpose (Rail)</b>				
12	Surplus rail land (on the eastern side of the rail corridor) at the northern end of Station Road, Belfast <sup>3</sup>	Transport	Industrial Heavy	2071: Robin Shatford
<b>Notified Zone: Commercial Fringe</b>				

<sup>1</sup> Limited to the extent shown on Appendix 2 of the Joint Memorandum of Counsel for Illogan Trust and Christchurch City Council, 1 October 2015.

<sup>2</sup> Limited to the extent set out in the Decision Version of Chapter 15 (Stage 2).

<sup>3</sup> Adjacent to the property at 20 Station Road, as illustrated on Attachment G to the evidence in chief of David Falconer for the Transport Proposal (Part) Stage 2.

Map	Address/Area	Notified Zoning	Decision on Zoning	Submitters
32	1-17 Papanui Road and 15-21 Bealey Avenue	Commercial Fringe	Commercial Core	2011: Oakwood Properties Limited
<b>Notified Zone: Industrial Office</b>				
38	Industrial Office Zone (Wrights Road)	Industrial Office Zone (Wrights Road)	Commercial Office	2043: New Zealand Metropolitan Properties Limited
<b>Notified Zone: Industrial Park</b>				
17	733 and 751 Harewood Road	Industrial Park	Rural Urban Fringe	2014: Devon Downs (West Melton) Limited
<b>Notified Zone: Rural Banks Peninsula</b>				
73	5807 Christchurch Akaroa Road	Rural Banks Peninsula	Industrial General	2016: Michael B R Carey
<b>Notified Zone: Rural Urban Fringe</b>				
43, 44	Land west of Springs Road and south of CSM2 <sup>4</sup> identified as a greenfield priority area in Chapter 6 of the CRPS.	Rural Urban Fringe	Industrial Heavy	2387: The Crown

<sup>4</sup> Christchurch Southern Motorway Stage 2.

**SCHEDULE 3****Properties/Areas where decision is to retain notified zoning**

Map	Address	Zoning Decision	Submitter Name
<b>Notified Zone: Transport</b>			
39	99 Ensors Road	Transport	2547: Arthur McKee
<b>Notified Zone: Residential Suburban Density Transition</b>			
27	53-61 Beresford Street	Residential Suburban Density Transition	2195: Maerewhenua Trust 2138: Storer Family Trust
<b>Notified Zone: Commercial Local</b>			
38	20 Twigger Street (corner of Twigger Street and Jack Hinton Drive)	Commercial Local	2084: M & B Properties Limited
<b>Notified Zone: Industrial Park</b>			
17, 23	Stanleys Road	Industrial Park	2497: Christian Jordan
23	Industrial Park Zone (Wairakei Road)	Industrial Park Zone (Wairakei Road)	2329: Apple Commercial Limited 2490: Quaifes Valley Properties
17, 23	279 Woolridge Road, 257 Woolridge Road, 64 Stanleys Road	Industrial Park	2494: M & K Nichols, G & A Kenning, B & A Gargiulo
23	62 Stanleys Road	Industrial Park	2357: Tait Foundation
<b>Rural Urban Fringe</b>			
19	548 Marshland Road (described in the submission as “the two northernmost sites with frontage to Marshland Road”)	Rural Urban Fringe	2234: West Prestons Group
17	711 Johns Road and adjoining properties bounded by Johns Road to the north and Whitchurch Place and Waimakariri Road to the south	Rural Urban Fringe	2840: Dominique Dowding
19	538 and 548 Marshland Road	Rural Urban Fringe	2459: Sue McLaughlin
19, 25	Land identified as “the site” in Appendix 1	Rural Urban Fringe	2391: Progressive Enterprises Limited and West Prestons Group
29	559 Pound Road	Rural Urban Fringe	2090: Entrecorp Securities Limited
19	336, 338, 340 Prestons Road, 423, 427, 435 Marshland Road	Rural Urban Fringe	2140: Balmoral Limited
47	131 Bridle Path Road (part of site only)	Rural Urban Fringe	2075: Heathcote Valley Riding School
23	278 Woolridge Road	Rural Urban Fringe	2271: Bryan and Anne Murray
17	311 Woolridge Road (and surrounding ‘rural’ properties)	Rural Urban Fringe	2567: John Sugrue
17	99 Stanleys Road	Rural Urban Fringe	2446: Anthony and Priscilla Pat
17, 25	281, 283, 285 and 295 Woolridge Road	Rural Urban Fringe	2355: The Blue Lady Trust
23	76 Hawthornden Road	Rural Urban Fringe	2183: Equus Trust

Map	Address	Zoning Decision	Submitter Name
23	270 Russley Road, 280 and 298 Russley Road and 82 Hawthornden Road	Rural Urban Fringe	2278: LH Hsiu-Ying & L Hsi-Chang, DG & SE Wilson, J&T Martin
36	Land bounded by Main South Road, Barters Road and the railway.	Rural Urban Fringe	2088: BDF Family Trust
36	738 Main South Road	Rural Urban Fringe	2076: Totalspan Buildings, Furgus Family Trust
47	125 Scruttons Road	Rural Urban Fringe	2168: Castle Rock Limited
47	195 Port Hills Road	Rural Urban Fringe	2169: Castle Rock Limited
43	374 Springs Road	Rural Urban Fringe	2225: Foddercube Products Limited
23, 30	Land west of Hawthornden Road	Rural Urban Fringe	2164: Avonhead Community Group 2163: Westgrove Committee 2321: Karl Valley
<b>Notified Zone: Residential New Neighbourhood</b>			
44	2 Carrs Road <sup>1</sup>	<i>Zoning to be decided in the Panel's decision on the Residential New Neighbourhood Proposal</i>	2176: Illogan Trust
44	Residential New Neighbourhood Zone Awatea	<i>Zoning request rejected. Zoning to be decided in the Panel's decision on the Residential New Neighbourhood Proposal</i>	2260: C & H Dawe 2264: K Stieller 2279: P & C King 2306: Awatea Residents Association Incorporated 2278: John Stewart 2290: Denise Stewart
<b>Notified Zone: Commercial Banks Peninsula</b>			
77	130 – 136 Rue Jolie, 1 Rue Pompallier, and part of 25 Rue Lavaud	Commercial Banks Peninsula <i>(as confirmed in Decision 11)</i>	2285: Akaroa Civic Trust
<b>Notified Zone: Open Space Community Park</b>			
39	Part of the Buchan Street Playground	<i>Zoning to be decided in the Panel's decision on the Open Space proposal</i>	2217: New Zealand Sikh Society (South Island) Incorporated

<sup>1</sup> For that area of the site indicated as 'Residential New Neighbourhood' on Appendix 2 of the Joint Memorandum of Counsel for Illogan Trust and Christchurch City Council, 1 October 2015.

**SCHEDULE 4**

This list has been prepared from the index of appearances recorded in the Transcript, and from the evidence and submitter statements shown on the Independent Hearing Panel's website.

Submitter No	Submitter Name	Person	Expertise or role if witness	Filed/Appeared
2123	CCC	Mr T Heath		Filed/Appeared
		Mr P Osborne		Filed/Appeared
		Ms B O'Brien		Filed/Appeared
		Mr R Norton		Filed/Appeared
		Mr A Milne		Filed/Appeared
		Mr M Stevenson		Filed/Appeared
2387	Crown	Mr I Clark		Filed/Appeared
		Ms J Whyte		Filed/Appeared
		Mr B Klein		Filed
2088, 2328	BDF Trust JDH Holdings Number 1 Limited	Mr R Nixon		Filed
2164	Avonhead Community Group Inc	Professor S Bagchi		Filed/Appeared
		Mr D McCormick		Filed
2176	Illogan Trust	Mr T Williams		Filed
		Mr D Chrystal		Filed
2225	Foddercube Products Limited	Mr N Fuller		Filed/Appeared
		Mr E O'Neill		Filed/Appeared
		Ms F Aston		Filed/Appeared
2246	KiwiRail Holdings Limited	Ms D Hewett		Filed
2271	Bryan Murray	Mr B Murray		Filed/Appeared
2278	DG & SE Wilson, J&T Martin and LH Hsiu-Ying & L Hsi-Chang	Mr B Young		Filed/Appeared
		Mr A Carr		Filed/Appeared
		Mr A Hall		Filed/Appeared
		Ms P Harte		Filed/Appeared
2306 2264 2279 2287 2290 2260	Awatea Residents' Association Incorporated, and on behalf of Kay Stieller Peter and Cecilia King Denise Stewart John Stewart Clive Tindale and Helen Dawe	Ms K Stieller Mr P Dellaca		Filed/Appeared
2332 2369	Scentre (New Zealand) Limited NPT Limited	Mr J Phillips		Filed
2348	CIAL	Mr E O'Neill		Filed/Appeared
		Mr A Penny		Filed/Appeared
		Mr M Bonis		Filed/Appeared
2448	Generation Zero	Mr R Muir		Filed/Appeared

Submitter No	Submitter Name	Person	Expertise or role if witness	Filed/Appeared
2494	Nicholls, Kenning and Gargiulo	Mr R Edwards		Filed/Appeared
2497	Christian Jordan	Mr C Jordan		Filed/Appeared
2440	Greg and Kathryn Corston	Mr G & Mrs K Corston		Appeared
2564	Joy Garza	Ms J Garza		Appeared
2363	Riccarton-Wigram Community Board	Mr M Mora		Appeared
2132	K Maunder	Ms K Maunder Mr A McKercher		Appeared