

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 including as arising from a private plan change request by Memorial Avenue Investments Limited (MAIL)

Date of hearing: 16, 17 and 18 September 2015

Date of decision: 13 June 2016

Hearing Panel: Environment Judge John Hassan (Chair), Ms Sarah Dawson, Mr John Illingsworth

DECISION 24

**Private Plan Change Request (Memorial Business Park)
including Chapter 15 Industrial (Part)
and Chapter 6 General Rules and Procedures (Part)
(and relevant definitions and associated planning maps)**

Outcomes: Proposals changed as per Schedule 1

COUNSEL REPRESENTING PARTIES

Mr M Christensen and Mr S Hutchings	Memorial Avenue Investments Limited
Mr J Winchester and Mr M Leslie	Christchurch City Council
Mr D Allen and Ms J White	Crown
Ms P Stevens QC	GN McVicar No 1 Trust
Ms J Appleyard and Mr B Williams	Christchurch International Airport Limited
Mr D Minhinnick	Andrew Centre Limited Avon Hotel Limited
Mr E Chapman	Commodore Airport Hotel

TABLE OF CONTENTS

Introduction.....	5
<i>Effect of decision and rights of appeal</i>	<i>6</i>
<i>Identification of parts of Existing District Plan to be replaced.....</i>	<i>7</i>
<i>Certain provisions deferred.....</i>	<i>7</i>
<i>Conflicts of interest.....</i>	<i>7</i>
Reasons.....	8
Statutory framework	8
Issues raised by submissions	8
Statutory documents and our obligations in regard to them.....	9
<i>Recovery and rebuilding context</i>	<i>9</i>
<i>Directions for a centres based approach and related Stage One decision findings.....</i>	<i>9</i>
<i>Directions on “Greenfields” and management of industrial activities.....</i>	<i>10</i>
<i>Directions on integration of land use and infrastructure</i>	<i>12</i>
Council and MAIL Section 32 reports and assessments	14
Section 32AA evaluation — non-contentious aspects	16
<i>Additional default discretionary activity class</i>	<i>17</i>
<i>Approach to notification of consent applications</i>	<i>17</i>
Section 32AA evaluation — the scale and nature of additional retail and office activities	17
<i>The respective positions of the Council and MAIL.....</i>	<i>18</i>
<i>The positions of other parties</i>	<i>19</i>
<i>Relevant Stage One decision evidential findings.....</i>	<i>21</i>
<i>Evaluation of evidence as to retail distribution effects.....</i>	<i>21</i>
<i>Evaluation of the office distributional evidence</i>	<i>25</i>
<i>Evaluation of evidence as to the strategic and local roading network.....</i>	<i>30</i>
<i>Evaluation of urban form evidence.....</i>	<i>41</i>
<i>Evaluation of alternative retail and office provision against objectives and policies.....</i>	<i>45</i>
Section 32AA evaluation of design and other details.....	50
<i>Effects on amenity values.....</i>	<i>50</i>
<i>Memorial Avenue intersections locations and design</i>	<i>64</i>
<i>Christchurch International Airport — REPA</i>	<i>65</i>

<i>Airport noise sensitivity — Health Care Facilities and Guest Accommodation</i>	<i>74</i>
<i>Shifting of signage provisions to the General Rules chapter.....</i>	<i>78</i>
<i>Integration of land use and wastewater infrastructure.....</i>	<i>79</i>
Overall evaluation and conclusions	80
<i>Directions as to ODP changes.....</i>	<i>80</i>
Schedule 1	81
Schedule 2	372

INTRODUCTION

[1] This decision is one of a series of the Independent Hearings Panel (‘Hearings Panel’/‘Panel’) under the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 (‘OIC’)¹ for the formulation of the Christchurch Replacement District Plan (‘CRDP’). It follows our hearing of submissions and evidence² as to the appropriate zoning for an approximately 24 hectare site (‘MAIL site’/‘site’) on the corner of Memorial Avenue and Russley Road, just beyond the Commodore Airport Hotel and across the road from the Russley Golf Club. The site is mostly owned by Memorial Avenue Investments Limited (‘MAIL’), with GN McVicar № 1 Trust owning a lot on the south-west fronting Russley Road, and the Commodore Airport Hotel also owning a small portion (forming part of the hotel grounds).

[2] Many will associate the site with a prominent black shade cloth fence that draped its road boundaries for several years. That was during a time of protracted litigation and dispute, including as to the most appropriate zoning treatment of the site. That is only relevant in the sense that its proper zoning treatment is now for determination. Under the Existing Plan,³ it has a rural zoning and, now the shade cloth has gone, it presents as empty grassy paddocks. The Canterbury Regional Policy Statement 2013 (‘CRPS’) identifies it as one of its Greenfield Priority Areas — Business, intending that its usage be predominantly for new industry.

[3] Two proposals were notified for the zoning of the site, both for a form of Industrial Park zoning (‘IPZ’). There is also consensus that it be described as the IPZ (Memorial Avenue) zone. The notified proposals were:

- (a) A proposal by Christchurch City Council (‘CCC’/‘Council’) comprising provisions in Chapter 16 Industrial (Part) and Chapter 6 General Rules and Procedures (Part) (‘CCC Notified Version’); and

¹ Members of the Hearings Panel who heard and determined these IPZ (Memorial Avenue) proposals are set out on the cover sheet.

² Further background on the review process, pursuant to the OIC, is set out in the introduction to Decision 1, concerning Strategic Directions and Strategic Outcomes (and relevant definitions), 26 February 2015.

³ The operative Christchurch City Plan and Banks Peninsula District Plan are together referred to as the ‘Existing Plan’.

- (b) A private plan change request by MAIL for a Business Park zoning over the same land,⁴ which the Panel accepted for consideration as a proposal (‘MAIL Notified Version’).⁵

[4] The proposals (‘Notified Versions’) were notified separately, with the Council’s proposal being notified as part of Stage Two of this inquiry, on 2 May 2015. The MAIL private plan change request was notified on 29 November 2014. As we explain later in this decision, both the Council and MAIL significantly modified their respective positions, through evidence and legal submissions. In effect, what each ultimately proposed (in their closing submissions, respectively ‘CCC Modified Position’ and ‘MAIL Refined Relief’)⁶ superseded the Notified Versions.

[5] The provisions we have determined to include in Chapter 16 Industrial and Chapter 6 General Rules and Procedures of the CRDP are in Schedule 1 (‘Decision Version’).

Effect of decision and rights of appeal

[6] The procedures that will now apply for implementation of this decision as part of the Christchurch Replacement District Plan (‘CRDP’) are as set out in our earlier decisions.⁷

[7] Under the OIC,⁸ any person who made a submission (and/or further submission) on the CCC Notified Version and/or the MAIL Notified Version (and the Council, and Ministers)⁹ 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).

[8] The provisions of the Decision Version will become operative upon release of this decision and the expiry of the appeal period.

⁴ Memorial Business Park, Plan Change request pursuant to cl 20 of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014, Memorial Avenue Investments Limited, August 2014.

⁵ Under OIC, cl 21, by Record of Decision and Determination, dated 7 November 2014.

⁶ We note that the revised version recommended with the MAIL closing submissions included the amendments sought by MAIL and additional amendments sought by the Council (not agreed by MAIL). Our references to the ‘MAIL Revised Version’ refer only to the amendments sought by MAIL.

⁷ Strategic Directions decision at [5]–[9].

⁸ OIC, cl 19.

⁹ The Minister for Canterbury Earthquake Recovery and the Minister for the Environment, acting jointly.

Identification of parts of Existing District Plan to be replaced

[9] The OIC requires that our decision also identifies the parts of the Christchurch City District Plan and Banks Peninsula District Plan ('Existing Plan') that are to be replaced by the Decision Version. This decision is confined to the appropriate zoning of the MAIL site. Therefore, it replaces the zoning that the Existing Plan ascribes to the site (as shown on the relevant Planning Maps).

Certain provisions deferred

[10] As we discuss at [265]–[282] (under the heading 'Airport noise sensitivity – Health Care Facilities and Guest Accommodation'), we have deferred for determination as part of Chapter 6 (General Rules) the finalisation of related rules on internal noise levels. However, this decision makes related determinations (including as to the substance of those related provisions included in the Decision Version).

Conflicts of interest

[11] We posted notice on the Independent Hearings Panel website of matters that could give rise to perceptions of conflict on the part of particular Panel members.¹⁰ No submitter raised any issue or concern.

[12] At a pre-hearing meeting,¹¹ and again at the commencement of the hearing,¹² Judge Hassan reminded parties of the fact that, prior to his appointment as an Environment Judge, he acted for the NZ Transport Agency. He invited parties to raise any issues, subject to which he noted that he was satisfied that he was in a position to proceed. No issues were raised.

¹⁰ The website address is www.chchplan.ihp.govt.nz. 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.

¹¹ Transcript of pre-hearing meeting, page 7.

¹² Transcript, page 94.

REASONS

STATUTORY FRAMEWORK

[13] The OIC directs that we hold a hearing on submissions on a proposal and make a decision on that proposal (including, in this case, the MAIL Notified Version).¹³

[14] It sets out what we must and may consider in making that decision.¹⁴ 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.¹⁵ It directs us to comply with s 23 of the Canterbury Earthquake Recovery Act 2011 ('CER Act').¹⁶ The OIC also specifies additional matters for our consideration.¹⁷

[15] 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.¹⁸ On the requirements of ss 32 and 32AA RMA, we endorse and adopt [48]–[54] of our Natural Hazards decision.¹⁹

ISSUES RAISED BY SUBMISSIONS

[16] In reaching our decision, we have considered all submissions and further submissions made on the Notified Versions. As the issues raised generally concern the substance of the Notified Versions and/or how they apply or ought to apply to the particular land or other

¹³ OIC, cl 12(1).

¹⁴ OIC, cl 14(1).

¹⁵ OIC, cl 5.

¹⁶ 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 1991 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).

¹⁷ Now supplemented by the obligation under s 60, GCRA that we must not make a decision inconsistent with a Land Use Recovery Plan which effectively mirrors the position under the OIC.

¹⁸ At [25]–[28] and [40]–[62].

¹⁹ Natural Hazards (Part) (and relevant definitions and associated planning maps), 17 July 2015, pages 20–21.

submitter interests, we deal with these issues in the context of our s 32AA evaluation, later in this decision. Schedule 2 lists witnesses who gave evidence for various parties, and submitter representatives.²⁰

STATUTORY DOCUMENTS AND OUR OBLIGATIONS IN REGARD TO THEM

[17] On the matter of the relevant statutory documents and our statutory obligations in regard to them, we endorse and adopt [39]–[45] of our Strategic Directions decision.²¹

[18] Our hearing and decision on these Notified Versions follow our decision on the Stage One Commercial and Industrial proposals (‘Stage One decision’/‘decision’).²² That decision included the general IPZ provisions and those for IPZ (Tait Campus) and IPZ (Awatea).

Recovery and rebuilding context

[19] Chapter 6 of the CRPS, entitled ‘Recovery and rebuilding of greater Christchurch’, is of particular relevance. It was included in the CRPS, as directed by the Land Use Recovery Plan for Greater Christchurch (‘LURP’), under the CER Act.²³ Our Stage One decision summarises the background to the development of this chapter of the CRPS, its provisions relevant to the commercial and industrial recovery and rebuilding of Christchurch, and the related provisions of our Strategic Directions decision. We adopt and endorse those paragraphs of that decision.

Directions for a centres based approach and related Stage One decision findings

[20] Our Stage One decision notes that the CRPS (primarily in Chapter 6) is relatively prescriptive in its direction that district plans adopt a “centres based” approach to the planning for commercial activities.²⁴

²⁰ Counsel appearances are recorded on page 2.

²¹ We note that changes were made to the CRPS and Regional Coastal Environment Coastal Plan to enable the Council to either avoid or mitigate new development in urban areas located within high hazard areas and in relation to the responsibilities for managing coastal hazards which took effect from 12 June and 23 July 2015. Further changes were made on 16 April 2016 relating to the CMA boundary. They do not affect this decision.

²² Commercial (Part) and Industrial (Part) — Stage 1.

²³ CRPS, pages 47–48.

²⁴ At [26]–[37].

[21] Relevant CRPS objectives and policies (set out in [27]–[30] of our Stage One decision) strongly direct that commercial activity (including retail, office and other commercial service activities, but not industrial activities) is to be focused in a network of “centres”.²⁵ The MAIL site is not identified as a “centre” in the CRPS (or in any other statutory document).

[22] We adopt the interpretation given of relevant CRPS objectives and policies in our Stage One decision. We also adopt the finding made in our Stage One decision that the centres based approach that underpinned the Notified Version of the Stage One provisions is the most appropriate.²⁶

[23] The CRPS “centres” direction recognises and allows for competitive market forces (both with and between centres), but sets boundaries to this by reference to effects. For instance, Objective 6.2.5 specifies that the development and distribution of commercial activity will “avoid significant adverse effects” on the function and viability of the Central City, KACs and neighbourhood centres. Policy 6.3.1(6) says “avoid development that adversely affects the function and viability of, or public investment in, the Central City and Key Activity Centres”. Similarly, Policy 6.3.6(4) requires business activities to be provided for in a manner which “[r]ecognises that new commercial activities are primarily to be directed to” the Central City, KACs and neighbourhood centres, or, where locating out of centre, “will not give rise to significant adverse distributional or urban form effects”.

Directions on “Greenfields” and management of industrial activities

[24] Map A to Chapter 6 of the CRPS identifies the MAIL site as a Greenfield Priority Area — Business. Our Stage One decision sets out the relevant CRPS objectives and policies. We adopt and endorse those paragraphs. They are:

[26] The CRPS strongly directs that commercial activity is to be focused in a network of “centres”. For convenience, we refer to this as the “centres based” approach (a phrase referred to in Council submissions). Those directives are primarily within its Chapter 6.

[27] The directives are primarily as follows:

²⁵ CRPS Objective 6.2.5 refers to a “network of centres”, being (1) The Central City, (2) Key Activity Centres; and (3) Neighbourhood centres. Similarly, CRPS Objective 6.2.6 (3).

²⁶ At [105].

- (a) Objective 6.2.1, as noted, specifies an overall land use and infrastructure “Recovery Framework”. As to a centres based approach, outcome (2) is:

identifies Key Activity Centres which provide a focus for high quality, and, where appropriate, mixed-use development that incorporates the principles of good urban design;

- (b) Objective 6.2.2, on urban form and settlement patterns, relevantly states:

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:

...

- (3) reinforcing the role of the Christchurch central business district within the Greater Christchurch area as identified in the Christchurch Central Recovery Plan;

- (c) Objective 6.2.5 states:

Support and maintain the existing network of centres below as the focal points for commercial, community and service activities during the recovery period:

- (1) The Central City
- (2) Key Activity Centres
- (3) Neighbourhood centres.

These centres will be high quality, support a diversity of business opportunities including appropriate mixed-use development, and incorporate good urban design principles.

The development and distribution of commercial activity will avoid significant adverse effects on the function and viability of these centres.

- (d) The CRPS further defines Key Activity Centres (‘KACs’) as:

Key existing and proposed commercial centres identified as focal points for employment, community activities, and the transport network; and which are suitable for more intensive mixed-use development.

- (e) Objective 6.2.6 on business land development, relevantly states:

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:

...

- (3) New commercial activities are primarily directed to the Central City, Key Activity Centres, and neighbourhood centres;

[25] The CRPS also gives direction regarding the use of greenfield priority areas for business activities. Objective 6.2.6 directs that these areas are to be used primarily for new industrial activities. Policy 6.3.6 gives similar direction and that commercial use in these areas is restricted. In addition, the centres-based approach has a significant influence in terms of what mix of non-industrial activity (including retail activity and offices) should be allowed for in greenfield priority areas for business.

Directions on integration of land use and infrastructure

[26] The CRPS also gives direction regarding the integration of land use development and infrastructure, including through the CRDP. CRPS Objective 6.2.1 ('Recovery framework'), which sets the overall direction for recovery, rebuilding and development of Greater Christchurch, requires a land use and infrastructure framework that "achieves development that does not adversely affect the efficient operation, use, development, appropriate upgrade, and future planning of strategic infrastructure and freight hubs".²⁷ As stated in our Stage One decision,²⁸ the explanatory text to this objective describes a purpose of providing certainty to all resource users as to locations for development, enabling long-term planning and funding for strategic, network and social infrastructure.

[27] In relation to the development of greenfield priority areas, Objective 6.2.2 of the CRPS ('Urban form and settlement pattern') directs that this development is to be provided for at a rate and in locations that meet anticipated demand and enables the efficient provision and use of network infrastructure.

[28] The CRPS contains a specific policy addressing this matter, to implement these objectives, in Policy 6.3.5 ('Integration of land use and infrastructure'), as follows:

Recovery of Greater Christchurch is to be assisted by the integration of land use development with infrastructure by:

- (1) ...

²⁷ CRPS Objective 6.2.1(10).

²⁸ At [23].

- (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:
- (a) optimise the efficient and affordable provision of both the development and the infrastructure;
 - (b) maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure;
 - (c) protect investment in existing and planned infrastructure; and
 - (d) ensure new development does not occur until provision for appropriate infrastructure is in place;
- (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;
- (4) Only providing for new development that does not affect the efficient operation, use, development, appropriate upgrading and safety of existing strategic infrastructure, including by avoiding noise sensitive activities within the 50dBA Ldn airport noise contour for Christchurch International Airport, unless the activity is within an existing residentially zoned urban area, residential greenfield area identified for Kaiapoi, or residential greenfield priority area identified in Map A (page 64); and
- (5) Managing the effects of land use activities on infrastructure, including avoiding activities that have the potential to limit the efficient and effective, provision, operation, maintenance or upgrade of strategic infrastructure and freight hubs.

[29] In relation to greenfield priority areas for business, the LURP directs:

Action 24: Christchurch City Council district plan review

Christchurch City Council to enable in the next review of its district plans the following measures:

...

Greenfield priority areas for business

...

viii. an integrated approach to greenfield priority areas for business that are located near Christchurch Airport

...

x. thresholds for commercial activities in greenfield priority areas for business where these are considered necessary to avoid reverse sensitivity effects or effects on the viability of key activity centres.

COUNCIL AND MAIL SECTION 32 REPORTS AND ASSESSMENTS

[30] In our Strategic Directions decision, we observed that a s 32 report that demonstrates proportionate thoroughness in how a proposal has been formulated (according to the measures in s 32) assists to foster confidence in the quality and soundness of the related notified proposal. We noted that the converse was also true.

[31] Our Stage One decision discusses the separate s 32 reports prepared by the Council for its Stage One Commercial and Industrial chapters ('Stage One s 32 reports').²⁹

[32] The Stage One s 32 reports are relevant to our consideration of both the Notified and Revised Versions. That is in the sense that they seek a form of IPZ zone for the MAIL site (and the MAIL Notified Version and MAIL Revised Version seek a significant extent of retail and office activity).

[33] Relevantly, the Stage One s 32 reports evaluate alternative objective, policy and rule approaches to the following "resource management issues":

- (a) The distribution of commercial activities across the city (primarily retail and office activities), both within and outside identified centres;
- (b) The sufficiency of appropriately zoned land to meet future needs for industrial activities; and
- (c) The potential for non-industrial activities to restrict opportunities for industrial activities to establish/operate.

[34] Our Stage One decision found these Stage One s 32 reports to demonstrate that a thorough evaluation had been undertaken in the formulation of the Stage One notified version of those Chapters. The Stage One decision also found the Stage One s 32 reports to be well supported by several background analysis documents, including a report by Property Economics (co-authored by the Council's relevant experts, Messrs Heath and Osborne)

²⁹ At [41]–[43].

(‘Property Economics Report’),³⁰ peer review of drafting approaches,³¹ and various internal memoranda recording officers’ evaluations of particular issues and approaches. That decision also found the Stage One s 32 reports to demonstrate well-structured consultation processes.

[35] For its Stage Two proposals for the Industrial Chapter (including the CCC Notified Version), the Council supplemented its Stage One s 32 report with an Addendum. We treat the Addendum as effectively part of the Council’s s 32 report for the Industrial Chapter proposals. The Addendum describes the background to, and strategic context for, the identification in the LURP of greenfield priority areas for business in the north west of Christchurch, including the MAIL site. Consistent with Action 24 of the LURP, the Addendum provides an integrated (albeit high-level) evaluation of alternative rezoning options for these areas of land located near Christchurch Airport.³² The Addendum specifically evaluates alternative methods to recognise the importance of the MAIL site given its prominence as a gateway to the city. However, it does not evaluate alternative rules relating to the nature and scale of retail and office activities to be provided for in the IPZ (Memorial Avenue) zone. The appropriateness and otherwise of making provision for such activities became a central focus of our hearing, and we return to this later in this decision.

[36] As required by the OIC,³³ MAIL’s plan change request was supported by two reports (some authored by MAIL experts):

- (a) An evaluation of the provisions it sought (i.e., in effect, the MAIL Notified Version) in accordance with s 32 of the RMA (‘MAIL s 32 report’); and
- (b) A specification and assessment of anticipated environmental effects.³⁴

[37] As to the nature and scale of commercial activities, the MAIL s 32 report evaluates the option of including provision for guest accommodation (up to 200 rooms); office activity (up to 5000m² within the zone); and retail activity (up to 4100m² within the zone).

³⁰ Appendix 8.3 to Stage One Commercial s 32 Report: Property Economics *Proposed Christchurch City District Plan Commercial and Industrial Chapters Economic Analysis*, November 2013; Letter from Messrs Heath and Osborne to Mark Stevenson, 4 June 2014 (together ‘Property Economics Report’).

³¹ Letter from Andrew MacLeod of The Property Group to Alan Matheson, 27 May 2014.

³² Action 24 of the LURP includes that the Council is “to enable in the next review of its district plans the following measures ... an integrated approach to greenfield priority areas for business that are located near Christchurch Airport”.

³³ OIC, cl 20(2)(b) and (c).

³⁴ Memorial Business Park Assessment of Environmental Effects, Plan Change Request pursuant to clause 20 of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014, August 2014.

[38] As we shortly discuss, through its submission on the CCC Notified Version, MAIL sought that a significantly greater provision be made for retail and office activity.

SECTION 32AA EVALUATION — NON-CONTENTIOUS ASPECTS

[39] Given the absence of significant disagreement between the parties, and on the weight of evidence, we determine that the following aspects of the CCC Modified Position are the most appropriate and we have included them in the Decision Version:

- (a) The zoning of the MAIL site as IPZ (Memorial Avenue).
- (b) The following permitted activities listed in Rule 16.4.2.1 of the CCC Modified Position, subject to the specified activity specific and built form standards (except as modified in the Decision Version): P2 Industrial Activity, P3 Warehousing and Distribution Activity, P4 High Technology Industry Activity, P5 Service Industry, P6 Trade and Industry Training Facility, P7 Ancillary Retail Activity unless specified below, P8 Food and Beverage Outlet, P9 Service Station, P12 Ancillary Office Activity unless specified below, P13 Public Transport Facility, P14 Emergency Services Facilities, P15 Gymnasium, P16 Pre-school, P17 Parking Lots and Parking Buildings, P18 Community Corrections, P1 Any new building or addition to a building for any permitted activity listed in P2–P18. (We address P10 Commercial Services and P11 Office activity later in this decision.)
- (c) The permitted activity specific standards in Rule 16.4.2.1 and built form standards in Rule 16.4.3 (except as modified in the Decision Version).
- (d) Restricted discretionary activities in Rule 16.4.2.3 RD1 and RD2, discretionary activity 16.4.2.4 D1 and non-complying activities 16.4.2.5 NC1 and NC2.
- (e) The following permitted activities listed in Rule 16.4.7.1.1 of the CCC Modified Position, subject to the specified activity specific and built form standards and Key Structuring Elements identified in the Memorial Avenue ODP (except as modified in the Decision Version): P1 Guest Accommodation (not more than 200 bedrooms,

and in the area defined on the ODP fronting Memorial Avenue), P2 Veterinary Care Facility. (We address P3 Health Care Facility later in this decision.)

- (f) Restricted discretionary activities in Rule 16.4.7.1.3 RD1 and RD2. (We address controlled activity 16.4.7.1.2 C1 and restricted discretionary activity RD3 later in this decision.)
- (g) Non-complying activities in Rule 16.4.7.1 NC1, NC4–NC7. (We address NC2 ‘Any billboard within the zone’ and associated signage standards later in this decision.)
- (h) Built form standards in Rule 16.4.7.2 and matters of discretion in 16.4.7.3, subject to the riders we have noted and modifications we make in the Decision Version.

Additional default discretionary activity class

[40] We have added a default ‘discretionary activity’ class to apply to 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 or 16.4.7. That covers an activity class gap, consistent with the approach taken in other Chapters.

Approach to notification of consent applications

[41] We have determined that the regime for notification of consent applications should accord with the approach taken in our Stage One decision (and consequently align with other Industrial Park zones). We have provided for this in the Decision Version.

SECTION 32AA EVALUATION — THE SCALE AND NATURE OF ADDITIONAL RETAIL AND OFFICE ACTIVITIES

[42] We start with the topic of greatest contention between MAIL, the Council and the Crown namely the scale and nature of retail and office activities that ought to be allowed for (i.e. in addition to the range of non-contentious industrial activities we have noted).

The respective positions of the Council and MAIL

[43] As noted, the positions of both the Council and MAIL changed on this topic. The chronology was broadly as follows:

- (a) The CCC Notified Version proposed bespoke IPZ (Memorial Avenue) rules to apply in addition to the general rules for the IPZ as a whole. It did not make specific provision³⁵ for retail and office activities in the IPZ (Memorial Avenue) beyond the ancillary retail and office activities, small food and beverage outlets and service stations provided for generally within the IPZ. Any other retail or office activities fell to be considered as discretionary activities.
- (b) The MAIL Notified Version proposed a discrete set of provisions for the IPZ (Memorial Avenue). This included a maximum of 4100m² GLFA³⁶ of retail activity (with single tenancies less than 450m² not exceeding 800m² GLFA across the site), and 5000m² of office activity.
- (c) MAIL's submission on the CCC Notified Version sought to increase the levels of retail and office activities, subject to some staging limits. It sought provision for a supermarket (up to 4200m² GLFA), 23,800m² GLFA of large retail tenancies,³⁷ an initial stage of 3000m² GLFA of small retail tenancies (until 1 January 2017) increasing to 7000m² (after 1 January 2017). For aviation-related and rural business and professional offices, it sought unlimited office activity (subject to an individual tenancy cap of 400m² GLFA). Subject to the same individual tenancy cap, it sought staged provision for other office activity, up to 8000m² GLFA between 1 January 2017 and 1 January 2022, and 12,000m² GLFA thereafter for other office activities. This was in addition to trade suppliers and yard-based suppliers.

[44] As a result of pre-hearing discussions, and the Council and MAIL narrowed their differences. The focus of evidence and submissions was on those points of difference. Both proposed an update of the provisions they sought with their closing submissions (respectively,

³⁵ As permitted, controlled or restricted discretionary activities.

³⁶ Gross leasable floor area.

³⁷ Retail tenancies of greater than 450m².

‘CCC Modified Position’ and ‘MAIL Refined Relief’). Their final respective positions on the scale and nature of additional retail and office activities were, in summary, as follows:

	CCC Modified Position	MAIL Refined Relief
Office activity	Up to 5000m ² GLFA of general office activity as a permitted activity ³⁸	We understand MAIL to support the Council’s position for up to 5000m ² but additionally seek up to 10,000m ² GLFA of office activities for aviation-related and farming-related businesses and suburban professional offices, with staging limits (as permitted)
Retail activity	Opposed MAIL Refined Relief	Up to 6000m ² GLFA of large (450m ²) retail tenancies and staged provision for small retail tenancies (up to 500m ² GLFA from 1 January 2018 – 1 January 2020, up to 1500m ² thereafter); and one 4200m ² GLFA supermarket (as restricted discretionary activity, as to design matters)
Trade suppliers	As restricted discretionary activity, without limit	As a restricted discretionary activity, with staging limits to a total of 10,000m ² GLFA
Commercial services	Permitted, without limit	Permitted up to 8200m ² “GFA”, as used in the MAIL traffic analysis ³⁹

The positions of other parties

[45] The Crown supported the CCC Notified Version and opposed the MAIL Notified Version.⁴⁰ On the CCC Modified Position, the Crown was not opposed to:

- (a) Up to 5000m² of office activity, as a permitted activity;⁴¹
- (b) Up to 10,000m² for trade suppliers as a restricted discretionary activity, provided that the additional retail and office activity (other than ancillary offices) sought by MAIL was rejected.⁴²

[46] Andrew Centre Limited and Avon Hotel Limited did not oppose establishment of an industrial park on the MAIL site.⁴³ Nor did it oppose the level of office enablement and guest

³⁸ Consistent with the Council’s Stage One position for IPZ Tait Campus and Awatea.

³⁹ Rebuttal evidence of Andrew Carr on behalf of MAIL at para 5.1.

⁴⁰ Opening submissions for the Crown at paras 30–31.

⁴¹ Opening submissions for the Crown at para 48.

⁴² Opening submissions for the Crown at paras 49–51.

⁴³ Including as permitted activities, industrial, warehousing and distribution, high technology industry, service, ancillary retail (up to 250m² or 25% GFA of all buildings on the same site), food and beverage outlet, service station, commercial services, transport facility, emergency service facilities, gymnasium pre-school, parking lots and parking buildings and

accommodation supported by the Council.⁴⁴ It shared the concerns of the Council and the Crown as to the additional activities sought by MAIL.⁴⁵

[47] CIAL’s opening submissions expressed concerns that “the MAIL proposal will create adverse traffic effects” including a likelihood that it would “increase congestion problems, increase pressure on the transport network, and decrease the safety and efficiency of the road network in the vicinity of the MAIL site”.⁴⁶ It expressed support for the zoning approach advanced by the Council as a “more appropriate approach because, at least on a first principles basis, it will have fewer traffic effects”.⁴⁷ However, in its closing submissions, it noted that it “is not opposed to rezoning”, and focused almost entirely on matters concerning the REPA (Runway End Protection Area) and in the McVicar Trust submission (which we address later in this decision).

[48] GN McVicar № 1 Trust (‘McVicar Trust’/‘Trust’) supported industrial zoning of the MAIL site and took no position over “the dispute as to the mix of activities sought by MAIL in respect to the MAIL site”. It recorded that its involvement “is limited to the REPA issue raised by CIAL in its submission”.⁴⁸

[49] In his evidence for Avonhead Community Group Inc (‘ACG’) (M04), Mr Clive Paris confirmed that ACG is not against development on the MAIL site, and welcomes development provided it does not have an adverse effect on the community.⁴⁹ This was supported in representations from Professor Bagchi, ACG’s Chairman, who stated that ACG has agreed to extend support for the IPZ (Memorial Avenue) on two conditions relating to on-site parking and traffic.⁵⁰ We return to those matters later in this decision.

a community corrections facility: Closing submissions on behalf of Andrew Centre Limited and Avon Hotel Limited at paras 1.2, 2.1 and footnote 6.

⁴⁴ Closing submissions for Andrew Centre Limited and Avon Hotel Limited at para 1.6.

⁴⁵ Closing submissions for Andrew Centre Limited and Avon Hotel Limited at para 1.5.

⁴⁶ Opening submissions for CIAL at para 37.

⁴⁷ Opening submissions for CIAL at para 39.

⁴⁸ Closing submissions for McVicar Trust at para 1.

⁴⁹ Mr Paris is an executive member of the Group’s Committee, and gave this confirmation in his summary statement to the hearing.

⁵⁰ Transcript, page 537, lines 7–8.

Relevant Stage One decision evidential findings

[50] Our Stage One decision records the following evidential findings that were not challenged in evidence before us:

- (a) There is significant unevenness in the progress of existing centres towards recovery⁵¹ and, accordingly, in the relative sensitivity of different centres of the network to adverse distributional effects;
- (b) The City (CBD) is still vulnerable, and requires support to the extent that can be provided in the CRDP;⁵²
- (c) Commercial activity in industrial zones, particularly office activity, had grown markedly since about 2008, and that this was at the expense of economic efficiency and the overall economic competitiveness of the city;⁵³
- (d) A restrictive approach to new commercial activity, especially office activity, in industrial zones is appropriate to support the recovery of commercial areas and give effect to the CRPS and Strategic Directions objectives.⁵⁴

[51] Those findings are relevant to this decision, in that the decision concerns related proposals for inclusion in the CRDP. MAIL did not appeal our Stage One decision (or seek to challenge those findings before us). Therefore, we adopt the findings for the purposes of our s 32AA evaluation and decision.

Evaluation of evidence as to retail distribution effects

[52] We heard competing expert opinion on the retail distribution effects of making greater provision for retail activities.

⁵¹ At [108].

⁵² At [109].

⁵³ At [448](d)–(e).

⁵⁴ At [450]–[451].

[53] Mr Fraser Colegrave gave retail distribution evidence for MAIL.⁵⁵ In 2013, he constructed a retail gravity model to test the distributional effects of retail development at the MAIL site on the CBD, KACs and other centres. At that stage, MAIL was proposing significantly more retail activity than was pursued in the MAIL Notified Version, and this formed the basis of Mr Colegrave's modelling.⁵⁶ He tested four different scenarios, in order to account for the fact that the mix of the permitted retail tenancies at the MAIL site were not yet known.⁵⁷

[54] Mr Colegrave's analysis, using this model, showed that trade impacts on KACs were minor, with the largest overall impact being 5.6 per cent on Belfast/Northwood. The greatest overall impact on the Central City was 3.0 per cent.⁵⁸ Mr Colegrave considered that trade impacts on other centres would be so modest because the effects would be spread fairly evenly across several centres, rather than being focused on one or two centres. He considered that this was a consequence of the MAIL site's similar proximity to several other centres (Avonhead, Bishopdale, Church Corner, Fendalton, Hornby, Ilam/Clyde, Wairakei/Greers).⁵⁹

[55] In addition to the trade effects on other centres being small, Mr Colegrave considered they would also be short-lived because of ongoing city retail demand.⁶⁰

[56] In cross-examination, Mr Colegrave maintained that his model was reliable, and did not demonstrate any discernible impact on the Avonhead neighbourhood centre.⁶¹ This was despite accepting that the biggest effect would be on Avonhead supermarket there, which accounts for 90 per cent of the centre's turnover.⁶²

[57] Despite the fact that the model was based on 2013 data and MAIL had since changed its position, Mr Colegrave considered that there would also be no significant adverse effects from granting the relief MAIL ultimately pursued.⁶³ This was in light of the fact that MAIL's revised floorspace targets were significantly lower than in the modelled scenario. In addition, Mr

⁵⁵ Mr Colegrave has been an economics consultant for the last 15 years and is the managing director of Insight Economics Limited, an economics consultancy.

⁵⁶ Evidence in chief of Fraser Colegrave on behalf of MAIL at 3.1–3.3.

⁵⁷ Evidence in chief of Fraser Colegrave at 3.6.

⁵⁸ Evidence in chief of Fraser Colegrave at 3.8–3.9.

⁵⁹ Evidence in chief of Fraser Colegrave at 3.11.

⁶⁰ Evidence in chief of Fraser Colegrave at 3.12.

⁶¹ Transcript, page 240, lines 3–7 (Mr Colegrave).

⁶² Transcript, page 240, lines 9–14 (Mr Colegrave).

⁶³ Evidence in chief of Fraser Colegrave at 4.2.

Colegrave re-ran the model to include the recently consented Spitfire Square and concluded that trade impacts on that centre would also be minor.⁶⁴

[58] Mr Timothy Heath gave evidence on retail matters for the Council. He also gave evidence on those matters in the Stage One Commercial and Industrial chapters hearing, and co-authored (with Mr Osborne) the Property Economics Report to which we have referred. He told us that, as a result of the earthquakes and removal of damaged buildings, significant development capacity has materialised in suburban centres, such as to be able to accommodate the city's retail growth to 2033.⁶⁵ This accords with the evidence he gave to the Panel at the Stage One Commercial and Industrial hearing that there is sufficient retail capacity in the existing and proposed centres network and that the CRDP does not need to focus on providing additional capacity for retail.⁶⁶

[59] Regarding MAIL's proposed retail and commercial office activity provision, Mr Heath commented that enabling 26,700m² GFA within five years would make the MAIL site one of the larger suburban centres in the city.⁶⁷ In his view, retail and office provision at this level in the Industrial zone would be "at odds" with the policy framework of the Higher Order Documents which seek to consolidate such activity into the existing and planned centres network.⁶⁸

[60] He considered that there would be a significant trade catchment overlap between the supermarket and convenience component sought by MAIL and the Avonhead neighbourhood centre and they would both be servicing the same small localised market. He considered that the effect on Avonhead of the proposed MAIL retail provision would be trade diversion, especially regarding supermarket expenditure and associated convenience activity. In his view, the proposed MAIL retail provision would be a direct duplication of what Avonhead provides.⁶⁹ He explained that there was no local market or generated demand within the primary catchment apart from the local employment base within the MAIL site. He noted that

⁶⁴ Evidence in chief of Fraser Colegrave at 3.16–3.17.

⁶⁵ Evidence in chief of Timothy Heath on behalf of the Council at 5.2.

⁶⁶ Stage One Commercial and Industrial decision at [156]; Evidence in chief of Timothy Heath on behalf of the Council to the Stage One Commercial and Industrial Hearing at 18.13.

⁶⁷ Evidence in chief of Timothy Heath at 8.1. 'GFA' is the acronym for Gross Floor Area. It differs subtly from gross leasable floor area ('GLFA'), the term used in CRDP provisions confirmed by earlier Panel decisions and that we also use in the Decision Version.

⁶⁸ Evidence in chief of Timothy Heath at 8.12; Transcript, page 8, lines 10–20 (Mr Heath).

⁶⁹ Transcript, page 13, lines 8–15 (Mr Heath).

there was no current or future population base within an 800 metre radius of the MAIL site, which Mr Colegrave considered to be the primary catchment.⁷⁰ Consequently, retail spend would need to be diverted from other centres in order to make the retail provision at MAIL viable. In his view, given the wider centres network, this market had the ability to sustain only one good quality neighbourhood centre.⁷¹

[61] Therefore, he considered that such distributional effects could result in the decline and demise of Avonhead.⁷²

[62] In addition, he considered that the extent of retail provision sought by MAIL had the potential to undermine Spitfire Square, albeit to a lesser extent. That was due in part to the overlap in localised markets between these centres.⁷³

[63] Mr Mark Tansley gave retail evidence for CIAL.⁷⁴ In his view, the extent of office and retail provision sought by MAIL essentially represented a commercial development and consequently was inappropriate given the Industrial Park zoning of the site.⁷⁵

[64] While accepting that it is appropriate to have convenient access to retail activities in Industrial zones to serve businesses, employees and visitors, Mr Tansley considered that the MAIL proposal was “exponentially greater” than appropriate in the context.⁷⁶

[65] On all of these matters, we prefer the opinions of Mr Heath and Mr Tansley, over the contrary opinions of Mr Colegrave.

[66] In part, that is because we find that the retail gravity model, which Mr Colegrave developed and relied upon, is not sufficiently reliable. We find that unreliability in part because the model was not peer reviewed or independently calibrated.⁷⁷ In addition, we agree with Mr Heath that the model was wrongly focused. That is, it focused on the impacts on the city-wide market but failed to adequately model the impact on the more localised retail market.⁷⁸ The

⁷⁰ Transcript, page 13, lines 15–27 (Mr Heath).

⁷¹ Evidence in chief of Timothy Heath at 8.3–8.4.

⁷² Transcript, pages 13–14 (Mr Heath).

⁷³ Evidence in chief of Timothy Heath at 8.7 and 9.1.

⁷⁴ Mr Tansley is a Statistical and Retailing Consultant, with 48 years of professional experience throughout New Zealand.

⁷⁵ Evidence in chief of Mark Tansley on behalf of CIAL at 38.

⁷⁶ Evidence in chief of Mark Tansley at 19.

⁷⁷ Transcript, page 252, lines 11–16; lines 35–45; page 253, lines 6–12 (Mr Colegrave).

⁷⁸ Rebuttal evidence of Timothy Heath at 3.11.

evidence establishes that there are seven centres within an eight minute drive of the MAIL site.⁷⁹ As noted, those include the Avonhead neighbourhood centre (as well as Spitfire Square). Given that this underpinning model did not adequately address this localised market, we find Mr Colegrave's opinion as to effects on that market ill-informed and unreliable.

[67] Related to that, we also do not accept Mr Colegrave's evidence that any impact on the Avonhead neighbourhood centre, from convenience retail at the MAIL site, would be minor and temporary. Apart from the unreliability of the gravity model underpinning that view, we cannot reconcile it with Mr Colegrave's position that the effects of retail growth in a specific location are felt much more by the closest centres.⁸⁰ Nor does it appear to align with Mr Colegrave's broader explanations about retail trends and the impact of new retail provision.

[68] By comparison, we found Mr Heath's analysis better informed. We accept his opinion that the catchment of the MAIL site would overlap significantly with that of Avonhead's and that a new supermarket at the MAIL site would be likely to draw custom away from Avonhead. We also accept his view that there may be an adverse effect on Spitfire Square if the MAIL site was to develop to the level sought. Again, we are influenced by the likely overlap in local catchments.

Evaluation of the office distributional evidence

[69] The MAIL Refined Relief was for 5000m² GLFA of general office activity, and a further 10,000m² GLFA of office activities for aviation and farming related businesses, and suburban professional offices. The CCC Modified Position was significantly more generous than the CCC Notified Version in proposing 5000m² GLFA general office activity. On this matter, the Crown opposed the MAIL position but did not oppose the Council position.

[70] We start with consideration of the expert evidence on this topic. Our findings inform our overall finding that neither the MAIL Refined Relief nor the CCC Modified Position are appropriate, and the most appropriate outcome is to allow for ancillary office activities only.

⁷⁹ Evidence in chief of Fraser Colegrave at 3.11.

⁸⁰ Transcript, page 237, lines 29–38 (Mr Colegrave).

[71] Mr Martin Winder, a practising registered valuer, gave evidence for MAIL about the supply of industrial land and the provision for offices.⁸¹ In general, his evidence was that provision for offices could be made on the MAIL site without adversely affecting the CBD recovery and the three closest KACs (Papanui, Riccarton and Hornby).⁸² In his view, this could be achieved by restricting additional offices at the MAIL site to aviation-related businesses, rural and suburban professional offices which are not suitable for, or attracted to, office space in the CBD or KACs.⁸³ As can be immediately observed, his evidence recommended a less generous provision for offices than was sought by MAIL.

[72] Mr Winder outlined the types of businesses he considered might seek to establish on the MAIL site, but which would not be suited or attracted to the CBD, KACs or other centres. He divided these into three main categories:

- (a) Aviation-related business offices, including commercial, recreational or military aviation (and ancillary or support services), customs and quarantine operations (which enable the airport to function), logistics activities (e.g. freight and distribution) and tourism-related activities and services;⁸⁴
- (b) Rural businesses or organisations that directly or primarily serviced rural productive industries, including agriculture, horticulture and pastoral activities;⁸⁵
- (c) Suburban professional services offices with a maximum gross leasable floor area of 400m² (e.g. small scale legal, accountancy, valuation, architecture, surveying, and engineering operators).⁸⁶

[73] Mr Winder accepted that demand for these office types was uncertain. However, he supported provision for them, including for the benefit of increasing competition with what CIAL offered (as well as offering ownership structures not offered by CIAL).⁸⁷ He considered that these benefits would not put the CBD recovery at undue risk. In part that was because he

⁸¹ Martin Winder has a Bachelor of Commerce and is a practising registered valuer. He is a member of the Property Institute of New Zealand and New Zealand Institute of Valuers.

⁸² Evidence in chief of Martin Winder on behalf of MAIL at 3.1.

⁸³ Transcript, page 250, lines 35–37.

⁸⁴ Evidence in chief of Martin Winder at 4.2.

⁸⁵ Evidence in chief of Martin Winder at 4.2.

⁸⁶ Evidence in chief of Martin Winder at 4.2 and 7.10.

⁸⁷ Transcript, page 258, lines 39–42 (Mr Winder).

considered that recovery was well underway.⁸⁸ He considered sufficient protection for the CBD and KACs was provided with staging, such that any possible adverse effects on those centres was sufficiently limited.⁸⁹ Finally, he considered use of the MAIL site for non-industrial (i.e. office) activity would not have an adverse effect on the supply of industrial land in the city as there is other industrial land available around the airport and the city more generally.⁹⁰

[74] Mr Winder's evidence on these matters was strongly based on his assumption concerning the demand for these types of activity. However, Mr Winchester's cross-examination revealed that he was not well informed on this. On the matter of demand for aviation services office space outside of the airport, Mr Winder conceded that he had not done a demand study and that it was possible that aviation services would never locate at the MAIL site.⁹¹ Similarly, he accepted that there is no evidence of any demand for rural-based office activity within the city generally, and nothing to suggest that there is any demand for such activities at the MAIL site.⁹²

[75] As he did for the Stage One Commercial and Industrial hearing, Mr Philip Osborne gave evidence for the Council on this topic.⁹³ He characterised the key economic risk as being loss of activity from the CBD and other centres and an attendant reduction in the economic competitiveness of the city.⁹⁴

[76] In his view, the CBD had still not recovered, and faced significant challenges in terms of attracting office development and tenants. He considered that the consolidation of commercial office activity within Christchurch centres was crucial, not only for economic efficiency within the market, but also to facilitate a timely recovery of the CBD.⁹⁵

[77] He outlined the historical high level of competition that industrial areas had posed for commercial activities, and outlined the concerns that arose from this. Those included ineffective infrastructure planning and utilisation, an overall fall in competitiveness for industrial activity and lack of certainty for industrial growth and development, dispersal of

⁸⁸ Evidence in chief of Martin Winder at 5.1.

⁸⁹ Transcript, page 258, lines 44–45 (Mr Winder).

⁹⁰ Evidence in chief of Martin Winder at 3.2.

⁹¹ Transcript, pages 259–261 (Mr Winder).

⁹² Transcript, pages 261–262 (Mr Winder).

⁹³ Mr Osborne has a Bachelor of Arts, a Masters in Commerce, a Masters in Planning Practice, and has provisionally completed his doctoral thesis in developmental economics. He is an economic consultant.

⁹⁴ Evidence in chief of Philip Osborne on behalf of the Council at 4.2.

⁹⁵ Transcript, pages 20–21 (Mr Osborne).

commercial activity resulting in reduction of agglomeration benefits, and a decline in centre amenity and decreased ability for CBD recovery.⁹⁶

[78] In his view, MAIL's proposal to limit the further 10,000m² GLFA office allowance it sought to specified activities (i.e. aviation, rural and suburban professional services) would have little effect in mitigating the risks he described. As to the matter of demand, he observed that CIAL already facilitates appropriate commercial services in relation to aviation services. In regard to MAIL's proposal that tenancy size be limited to 400m² for suburban professional offices, he told us that this would still allow for the MAIL site to compete for at least 50 per cent of the City's commercial office activity.⁹⁷

[79] Mr Osborne considered that there was already sufficient local commercial office development capacity including in centres such as Avonhead, Bishopdale, Wairakei and Fendalton. Further, significant office provision was available at Sir William Pickering Drive.⁹⁸

[80] In his view, the MAIL position was contrary to the direction intended by the CRDP in that it represented a movement of commercial offices away from existing and proposed centres. He observed that, were MAIL granted provision for the 15,000m² GLFA commercial office space it sought, that would put the MAIL site amongst the top ten commercial centres in Christchurch, measured by commercial office size.⁹⁹

[81] Mr Osborne noted his difference with the CCC Modified Position on the matter of general office activity. In terms of economics, he considered it unnecessary to allow 5000m² GLFA general office activity.¹⁰⁰ He considered it would not be appropriate to do so in that it risked undermining the consolidation and support of existing and planned commercial centres.¹⁰¹

[82] Mr Tansley gave evidence on these matters for CIAL. He expressed concerns that the cumulative effect of the office provisions sought by MAIL (i.e. the 5000m² GLFA general office activity in combination with the further 10,000m² GLFA for aviation-related businesses, rural and suburban professional offices) would be in conflict with its Industrial Park status and

⁹⁶ Evidence in chief of Philip Osborne at 4.6–4.7.

⁹⁷ Evidence in chief of Philip Osborne at 6.4–6.6.

⁹⁸ Evidence in chief of Philip Osborne at 6.9.

⁹⁹ Evidence in chief of Philip Osborne at 6.2.

¹⁰⁰ Evidence in chief of Philip Osborne at 7.5; Rebuttal evidence of Philip Osborne at 4.2.

¹⁰¹ Rebuttal evidence of Philip Osborne at 4.4.

context.¹⁰² As for the CCC Modified Position, Mr Tansley considered the 5000m² GLFA for general office activity was generous for an Industrial Park area the size of the MAIL site, and would be more than adequate for office activities that had a legitimate reason to co-locate with other permitted Industrial activities.¹⁰³

[83] Based on analysis he had recently completed for a resource consent application for an office in the Special Purpose Airport zone, Mr Tansley was of the view that there is a very limited pool of offices that might fall within a characterisation of “aviation-related” or with a “direct rural orientation”, and that this could lead to office development on the MAIL site that was unrelated to its airport-related or edge-of-city location.¹⁰⁴

[84] As we have observed, the MAIL Refined Relief pursued significantly greater provision for offices than Mr Winder’s opinion supported. In any event, we accept Mr Osborne’s opinion as being more reliably informed. Specifically, Mr Osborne’s opinion is consistent with our findings in our Stage One decision and is well backed by the Property Economics Report that Mr Osborne co-authored and which underpins the Council’s s 32 evaluation. Mr Osborne’s opinion is materially consistent with Mr Tansley’s. By contrast, what Mr Winder offered was in essence his judgment based on his experience which, while significant, is not as reliably and broadly informed as Mr Osborne’s on the matters of concern.

[85] We consider impractical MAIL’s suggestion for airport-related office category restrictions to be imposed as a means for managing the risk of diverting offices from KACs and the CBD. The suggested categories are inherently vague and would be difficult, if not impossible, to sensibly enforce. Mr Winder’s evidence in support of this was shown to be poorly informed on the matter of demand.

[86] We acknowledge that MAIL’s proposal to limit “suburban professional offices” to a maximum gross leasable floor area of 400m² is intended to protect against a loss of office establishment in the CBD. However, we have given particular weight to Mr Osborne’s evidence that, even with the floor level restriction, suburban office provision on the MAIL site would compete with a substantial proportion of the city’s commercial office activity.

¹⁰² Evidence in chief of Mark Tansley at 24.

¹⁰³ Evidence in chief of Mark Tansley at 24.

¹⁰⁴ Evidence in chief of Mark Tansley at 25–26.

Therefore, we find that it would not address the issue for KACs, where offices of this size are anticipated.

[87] We accept Mr Osborne’s evidence that the 5000m² GLFA for general office activity proposed by the Council:

- (a) Would not fulfil any commercial need in the city, in that there is sufficient provision of office space within the CBD and centres for the recovery and growth of the Christchurch economy.¹⁰⁵
- (b) Would pose a material risk to the establishment of offices in both the CBD (which we agree with Mr Osborne is still vulnerable and in recovery mode) and the KACs.

[88] We are not satisfied that MAIL’s proposed mitigation would be adequate to address the risk that Mr Osborne and Mr Tansley identified.

Evaluation of evidence as to the strategic and local roading network

[89] The MAIL site is at the intersection of two major arterial roads, Russley Road (being State Highway 1) and Memorial Avenue. It is also closely proximate to the collector roads, Avonhead Road and Roydvale Avenue.

[90] That gives rise to the need to evaluate zoning alternatives according to their implications for the strategic and local roading network, in part by reason of directions given by the Higher Order Documents. We have set out earlier in our decision the CRPS direction regarding the effects of development on the road network and on the integration of land use development and infrastructure.¹⁰⁶ In summary:

- (a) Objective 6.2.1 is that recovery, rebuilding and development are enabled through a “land use and infrastructure framework” that, amongst other things, achieves development that “does not adversely affect the efficient operation, use, development, appropriate upgrade, and future planning of strategic infrastructure

¹⁰⁵ Evidence in chief of Philip Osborne at 7.3. See also Rebuttal evidence of Philip Osborne at 3.19.

¹⁰⁶ At [26] – [28].

and freight hubs”.¹⁰⁷ The CRPS defines “strategic infrastructure” to include “strategic transport networks” that, in turn, include State highways and major arterial roads and “significant regional transport hubs” including Christchurch International Airport.¹⁰⁸

- (b) Related CRPS policies (amongst other matters) direct the avoidance of development that will overload strategic freight routes,¹⁰⁹ or activities that have the potential to limit the efficient and effective operation or upgrade of strategic infrastructure.¹¹⁰

[91] In addition, we have noted that LURP Action 24 gives direction for an integrated approach to greenfield priority areas for business that are located near Christchurch Airport.

[92] Therefore, in terms of the RMA it is relevant for us to evaluate alternatives in terms of how they impact on the roading network and, therefore, community wellbeing.

[93] We heard evidence from four traffic experts as to the potential implications of the zoning alternatives for the functioning of the State highway and local road network. The focus of debate was on the relative difference between the CCC Modified Position and the MAIL Refined Relief.

Matters of essential agreement and disagreement between the traffic experts

[94] To support its original plan change request, MAIL employed two models to predict effects on the traffic network. It used an area wide model (commonly used throughout Christchurch) known as ‘CAST’ to forecast traffic flows.¹¹¹ It fed those traffic flows into a microsimulation model which it developed using *S-Paramics* software.

¹⁰⁷ CRPS Objective 6.2.1(10).

¹⁰⁸ CRPS Definitions for Greater Christchurch.

¹⁰⁹ CRPS Policy 6.3.4(1).

¹¹⁰ CRPS Policy 6.3.5(5).

¹¹¹ Christchurch Assignment and Simulation of Traffic (CAST).

[95] As we have noted, the MAIL Refined Relief sought significantly more retail and office activity provision. Accordingly, as agreed by the traffic experts in caucusing, MAIL arranged for an updating of the land use inputs and network assumptions (with input from the experts).¹¹²

[96] We acknowledge and appreciate the efforts made by the traffic experts to narrow their differences:

- (a) They were in general agreement that the CAST modelling was sufficiently reliable, but differed as to the reliability or otherwise of MAIL’s microsimulation modelling. In essence, Mr Carr (for MAIL) and Mr Falconer (the Council’s expert) considered the model sufficiently reliable and Mr Clark (the Crown’s traffic expert) and Mr Penny (for CIAL and the Commodore Airport Hotel) did not. As Mr Falconer and Mr Clark acknowledged, modelling is not an exact science but a tool of prediction, based on assumptions.¹¹³ However, for the prediction of future potential traffic network effects, it is a necessary underpinning of reliable opinion.
- (b) They were also generally agreed that the zoning outcome pursued by MAIL would generate something in the order of 50 per cent more traffic movements than the Council’s preferred zoning outcome (i.e. in the evening peak, 2290 vehicles per hour, as compared to 1700 per hour). They differed on significance, or otherwise, of such additional traffic loadings on the network. Again, Mr Falconer generally concurred with Mr Carr that this could be accommodated on the roading network, while Mr Clark and Mr Penny were concerned that the MAIL proposal could give rise to significant adverse effects.

Mr Andrew Carr — MAIL

[97] Mr Carr told us that the modelling work had been “outsourced”.¹¹⁴ As to Mr Clark’s concern about the lack of calibration and validation of the microsimulation model against existing traffic flows and conditions, he commented that this would have been of “very limited

¹¹² Specific input changes to the modelling are set out in section 2 of the supplementary statement of evidence of Andrew Carr on behalf of MAIL, 15 September 2015

¹¹³ Transcript, page 71 (Mr Falconer); and page 422 (Mr Clark).

¹¹⁴ Transcript, page 318, lines 29–37. Mr Carr has Masters degrees in Transport Engineering and Operations and in Business Administration. He is a Chartered Professional Engineer, an International Professional Engineer (New Zealand section of the register) and an Associate Member of the New Zealand Planning Institute and is a director of Carriageway Consulting Ltd.

value” in that the modelling was in order to forecast flows in 2026.¹¹⁵ However, he conceded that the Transport Agency’s guidelines “talk about the importance of appropriate calibration and validation”.¹¹⁶

[98] In regard to Mr Clark’s concern about the potential cumulative effects, Mr Carr pointed out that the CAST modelling took account of land uses identified through the LURP.¹¹⁷ He acknowledged that the modelling had not accounted for cumulative effects of other commercial and/or industrial proposals to be considered at Stage 2 of our inquiry. By 2026, and taking cumulative effects into account, he agreed that most State highway intersections would be operating at Level of Service “F” (‘LOS F’), without MAIL. That is in essence the worst possible level on an A–F scale.¹¹⁸ He explained that, at LOS F, the performance of the intersection does not change as “when an intersection is at or above capacity it is not possible for the intersection to handle any more traffic”.¹¹⁹ As such, additional traffic results in the queues getting bigger.¹²⁰

[99] As for the local road network, Mr Carr acknowledged there would be a large delay for right-turning vehicles travelling from east to north at the Memorial Avenue/Roydvale Avenue intersection. He also acknowledged limitations to the modelling that he relied on for his predictions concerning this intersection.¹²¹ However, he noted that Mr Falconer considered his predicted level of delay for a filtering right turn to be typical throughout Christchurch.¹²² He accepted that the model showed a poor level of service for the Avonhead Road/Roydvale Avenue intersection. However, he concluded that it would only arise if the conservatively high levels of trip generation used in the model eventuated, and then only when 91 per cent of the forecast MAIL traffic was generated.¹²³ While the model indicated that 900 vehicles could be expected to use Avonhead Road during peak time, Mr Carr considered this figure to be within its capacity, and that it would not cause difficulties to pedestrians trying to cross the road.¹²⁴

¹¹⁵ Transcript, page 318, lines 15–46; page 319, lines 1–30.

¹¹⁶ Transcript, page 318.

¹¹⁷ Rebuttal evidence of Andrew Carr at para 4.2

¹¹⁸ He noted that other State highway intersections were predicted to be at LOS E.

¹¹⁹ Transcript, page 317, lines 29–30 (Mr Carr).

¹²⁰ Transcript, pages 316–317 (Mr Carr).

¹²¹ Rebuttal evidence of Mr Andrew Carr at para 4.5.

¹²² Transcript, page 312, lines 6–11 (Mr Carr).

¹²³ Transcript, page 312, lines 13–18 (Mr Carr).

¹²⁴ Transcript, page 312, lines 24–27 (Mr Carr).

[100] Mr Carr acknowledged that potential effects on the State highway network were important for consideration and that the Memorial Avenue/Russley Road intersection was a critical one in the Christchurch roading network.¹²⁵ However, he considered that the microsimulation model showed that the intersection would continue to operate satisfactorily with full development of the MAIL site.

[101] His overall opinion was that the size and nature of the land uses sought by MAIL could be accommodated on the road network (i.e. both local and State highway) without significant effects arising for its efficiency or safety.¹²⁶

Mr Falconer — the Council

[102] As noted, Mr Falconer was in essential agreement with Mr Carr. He was satisfied that the modelling was sufficiently reliable and the traffic generated by the MAIL proposal would be likely to be accommodated on the network without significant adverse effects¹²⁷ and with a reasonable Level of Service being maintained.¹²⁸

Mr Clark — the Crown

[103] As the traffic expert for the Crown, Mr Clark's primary focus was on risks posed for the strategic functioning of State Highway 1 ('SH1'), the main strategic route around Christchurch.¹²⁹

[104] The additional traffic modelling assessment undertaken by Mr Carr following expert witness conferencing did not resolve Mr Clark's concerns about the reliability of the microsimulation modelling. Those concerns centred on the lack of model calibration and validation (contrary to the Transport Agency's 2014 Transport Model Development Guidelines). He was not satisfied that the model adequately reflected observed conditions and the existing profile of trips, especially during the evening peak period.¹³⁰ He was also concerned that the model under-predicted the proportion of MAIL traffic going to the State

¹²⁵ Transcript, page 319, lines 39–43; page 321, lines 28–43

¹²⁶ Transcript, page 313, lines 13–16 (Mr Carr).

¹²⁷ Transcript, page 72, lines 35–39 (Mr Falconer).

¹²⁸ Rebuttal evidence of John Falconer on behalf of the Council at para 3.4.

¹²⁹ Mr Clark has a Bachelor of Arts (Geography) and a Master of Science (Transportation). He 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 Institute of Professional Engineers of New Zealand and a Director of Flow Transportation Specialists Ltd.

¹³⁰ Evidence in chief of Ian Clark on behalf of the Crown at para 10.12.

highway and, therefore, under-estimated how the MAIL relief would affect the State highway network (particularly at the upgraded Russley Road/Memorial Avenue interchange).¹³¹

[105] To consider intersection performance, Mr Clark preferred a method known as the ‘volume/capacity ratio’ (‘V/C ratio’). By that methodology, he told us that CAST model runs, factoring in what MAIL sought, showed a maximum V/C ratio for the Russley Road/Memorial Avenue interchange, during the 2026 evening peak, of 77 per cent. He said that indicated that the interchange would be approaching “practical capacity” (and that this figure could be exceeded if the actual proportion of trips relating to the MAIL site and heading to/from the State highway proved greater than has been estimated).¹³²

[106] Mr Clark also observed that the present upgrade of the Russley Road/Memorial Avenue interchange (including six lanes on one approach) might be all that could be practicably done. As he put it, it is “difficult to think how you can further upgrade” it “unless we totally bypass the western corridor”.¹³³

[107] As for how the MAIL Refined Relief compared to the Council’s proposal, Mr Clark commented that it is:¹³⁴

... always very hard to establish an exact tipping point where unacceptable becomes acceptable or vice versa. There is general agreement, that we are talking about 1,700 vehicles with the Council proposal, evening peak two-way begins at 2,600 with the MAIL, that is the measure of difference of flow and therefore major difference of the effect. If you added a tiny bit to the Council position, it may be okay, there is no magic number where it will fall over.

[108] Mr Clark also expressed concern about cumulative effects on this interchange, including from other zoning of land to the north and south of the MAIL site, to be considered as part of the Stage 2 Commercial/Industrial chapter of our inquiry. However, we observe that, in the Second Joint Expert Conferencing Statement,¹³⁵ Mr Clark qualified his concern on this by saying it was not unreasonable for the modelling not to have taken account of the Stage 2 Commercial/Industrial proposals. In the final analysis, we have not given weight to this aspect of his opinion.

¹³¹ Evidence in chief of Ian Clark at para 10.15.

¹³² Rebuttal evidence of Ian Clark at 4.6.

¹³³ Transcript, page 421, lines 26–27 and 34–35 (Mr Clark).

¹³⁴ Transcript, pages 421–422.

¹³⁵ Second Expert Conferencing Statement: MAIL Business Park Hearing: Transport Issues, 9 September 2015.

Mr Penny — CIAL and Commodore Airport Hotel

[109] Mr Penny also considered the modelling and analysis inadequate for the purposes of predicting traffic effects.¹³⁶

[110] He supported use of a microsimulation model as a tool for analysis of the immediate effects of the MAIL traffic on Memorial Avenue. However, he told us he did not have full confidence in the results produced by MAIL’s microsimulation modelling. He expressed concern that the demand profiles used in the modelling “do not reflect the concentrated demands, for example, generated at the end-of-work by existing activities at the airport and by industrial activities such as those proposed for the MAIL site”.¹³⁷ Consequently, like Mr Clark, he considered that traffic effects were underestimated by the model.

[111] Mr Penny did not consider any definitive conclusion could be reached because there was no full or correct assessment of the effects of what MAIL was seeking, and no detailed assessment of the traffic effects of the Council zoning. However, he considered that what MAIL was seeking would have an adverse effect on the efficiency and safety of the surrounding transportation networks and access to the airport.¹³⁸ By comparison he considered the Council’s zoning would be better (if not the most appropriate).¹³⁹

Related legal submissions

[112] In his closing submissions for MAIL, Mr Christensen characterised the traffic modelling as having “layered conservatism on conservatism”.¹⁴⁰ He submitted that the parties “have tried to find a potential problem, but even at the extreme it is likely that no noticeable effects arise”.¹⁴¹

[113] As for the local road network, he fairly observed that there was effective agreement between Mr Falconer and Mr Carr, namely that effects were “acceptable”.¹⁴²

¹³⁶ Mr Penny has Bachelor degrees in Mathematics and Civil Engineering. He is a Fellow of the Institute of Professional Engineers of New Zealand Civil Engineers and has over 35 years of experience in traffic engineering and transportation planning.

¹³⁷ Summary of evidence of Anthony Penny on behalf of the Commodore at para 10.

¹³⁸ Summary of evidence of Anthony Penny at para 13.

¹³⁹ Rebuttal evidence of Anthony Penny on behalf of CIAL and the Commodore at para 41.

¹⁴⁰ Closing submissions for MAIL at para 76.

¹⁴¹ Closing submissions for MAIL at para 76.

¹⁴² Closing submissions for MAIL at para 83.

[114] In regard to the ‘Roads of National Significance’ (‘RONS’) projects for upgrading the State highway network, Mr Christensen pointed out that only the upgrading of the Russley Road/Memorial Avenue interchange had been accounted for in the modelling. He submitted that the RONS projects “will allow for the efficient functioning of infrastructure as development occurs on the Industrial Park (Memorial Avenue) Zone, and will ensure that there are no adverse impacts on infrastructure as a result”.¹⁴³ However, he did not reference any evidence for that submission and nor can we find any to support it. From our review of the evidence, we do not consider it as supportable. In particular, none of the traffic experts expressed opinions to the effect that the Western Corridor upgrading would mean the nature and extent of retail and office provision sought by MAIL would have no adverse impact. Indeed, Mr Clark’s evidence was to the contrary.

[115] Mr Christensen observed that MAIL’s modelling had “used similar traffic generation figures for the Memorial Avenue Industrial Park which was accepted by NZTA, CIAL and CCC as being appropriate for Plan Change 84”.¹⁴⁴ He submitted that it was inappropriate for the NZTA to call evidence “less than a year later which is contrary to the position it took at PC84 and which questions whether the State highway can now accommodate that use without restricting the Industrial Park (Memorial Avenue) Zone to less development than was modelled for PC84”. He submitted this raised issues of “equity” and that “MAIL should not be subjected to additional and inconsistent requirements”.¹⁴⁵

[116] Those submissions are misdirected in that they do not pertain to our task, on the evidence before us, of evaluating planning approaches in order to determine the appropriate provisions for inclusion in the CRDP. To the extent that they are raising procedural fairness matters, we reject them in the absence of any application having been made by MAIL, prior to or at any stage during the hearing, as to the appropriateness of us receiving the evidence led by the Crown. In any case, we find Mr Clark’s evidence relevant and properly tendered.

[117] Consistent with the evidence of Mr Falconer, the Council did not present closing submissions on the matter of traffic impacts. Nor did CIAL.

¹⁴³ Closing submissions for MAIL at para 81.

¹⁴⁴ Closing submissions for MAIL at para 82.

¹⁴⁵ Closing submissions for MAIL at para 82.

[118] The Crown’s closing submissions emphasised the importance of land use and transport integration, and related CRPS objectives and policies. It submitted that what MAIL sought would place a “level of stress” on the State highway network “beyond that which could be expected from a network that has provided for community and economic wellbeing over its lifespan.”¹⁴⁶ It submitted that these effects and “lack of integration” are exactly the types of issue that identified CRPS objectives and policies seek “to guard against”.¹⁴⁷ As for Mr Carr’s characterisation of those increases as not “particularly noticeable”, the Crown pointed out that Mr Carr also acknowledged, in Panel questioning, that the added delay could be “the last straw” for motorists.¹⁴⁸

[119] The Crown recorded that it does not “harbour the same concerns about the Council Proposal”.¹⁴⁹

Our evaluation of the alternatives in regard to strategic and local roading and integration

[120] We find the directions of the Higher Order Documents, particularly the CRPS, an important construct for our consideration of this evidence in relation to the alternatives we must evaluate. Another important, but not definitive, contextual matter is the position of the road controlling authority.

[121] Those two matters, and Mr Falconer’s evidence, lead us to discount as insignificant how the various alternatives would impact on the performance of the local road network.

[122] As for the State highway network, we consider the Crown’s “last straw” submission overly simplistic. It is difficult to conceive of any development that would be a true “last straw”, that is in the sense of tipping the performance of a road network from “acceptable” to “unacceptable”. As Mr Clark observed, it is “very hard to establish an exact tipping point” in those terms. Put another way, public roads are for traffic and, as such, are to serve development. Without a proper context, is somewhat artificial and futile to attempt to construct traffic flow changes as an “adverse effect” on a road, for RMA purposes.

¹⁴⁶ Closing submissions for the Crown at para 70.

¹⁴⁷ Closing submissions for the Crown at para 70.

¹⁴⁸ Closing submissions for the Crown at para 47.

¹⁴⁹ Closing submissions for the Crown at para 70.

[123] In this case, however, we find that the CRPS in particular provides important context for our evaluation of the benefits, costs and risks associated with the different planning propositions.

[124] The evidence reveals some common starting points for this. We accept the agreed position of the traffic witnesses that the Memorial Avenue/Russley Road intersection is critical in the Christchurch roading network. The evidence also reveals that careful management of traffic loadings at the intersection will be increasingly important. Despite differences as to the modelling, there is no significant dispute that, if the intersection reaches practical capacity (which may simply be as a result of traffic growth along this corridor), that would give rise to queuing and associated travel time uncertainties. We find that would also have detrimental consequences for community wellbeing. There is no evidence that any further upgrade to the intersection is funded or programmed and, hence, we do not make any such assumptions. Our proper course is to address related risks within the framework of appropriate plan provisions.

[125] Considering the planning alternatives, all would produce significant additional traffic loadings on the intersection. In a comparative sense, however, the agreed position of the traffic witnesses (which we accept) is that the MAIL Refined Relief would result in approximately one third more traffic than predicted for the Council’s proposal.¹⁵⁰

[126] That brings us to the matter of the traffic modelling. We were not satisfied by Mr Carr’s assurance that model validation and calibration was of “very limited value” in circumstances where modelling was being used to forecast flows in 2026. That answer simply serves to reinforce the inherent uncertainty of such a prediction. That leads us to the view that we cannot rely on Mr Carr’s opinion, based on that modelling, that the MAIL Refined Relief would not pose significantly greater risk for the State highway network. We accept the contrary opinion of Mr Clark on that matter.

[127] Under s 32AA, we must assess “the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions”. No modelling was undertaken of the CCC Modified Version. That leaves us unable to make any precise findings on the relative differences between it and the MAIL Refined Relief. For those purposes, we accept Mr Penny’s opinion that that it would be comparatively “better” in terms of its effects

¹⁵⁰ See, for example, Summary of evidence of Anthony Penny on behalf of CIAL at para 13.

on the strategic network. While that is somewhat vague, it logically follows from the fact that traffic loadings are predicted to be in the order of one third less.

[128] The CRPS provides important direction for our purposes. CRPS Policy 6.3.5(2) directs us to ensure co-ordination between “the nature, timing and sequencing” of new development with “the development, funding, implementation and operation” of transport and other infrastructure. That is to secure four stated outcomes, including as to the effectiveness, viability and safety of existing infrastructure. Relevantly, Policy 6.3.5(3) refers to providing that “the efficient and effective functioning of infrastructure, including transport corridors, is maintained...”.

[129] We read this policy together with other CRPS policies we have referred to concerning the identification of the MAIL site as a greenfield priority area for business (particularly new industry) usage, and concerning the centres based approach.

[130] We read those directions of the CRPS as a whole, and find they count against the additional retail and office provision sought by the MAIL and also the additional office provision proposed in the CCC Revised Version. Specifically, in view of the traffic evidence we have discussed and the evidence as to the limits of the current upgrade of the Memorial Avenue/Russley Road intersection, we find that the nature of that additional provision would conflict with the CRPS, and in particular CRPS Policy 6.3.5.

[131] Therefore, we find the additional retail and office provision sought by the MAIL and also the additional office provision proposed in the CCC Revised Version would be inappropriate.

[132] On the evidence, we also find the CCC Modified Version inappropriate insofar as it does not include a cap on Commercial Services (as a permitted activity) and Trade Suppliers (as a restricted discretionary activity). In the case of Commercial Services, on behalf of MAIL, Mr Carr proposed a cap of 8200m² GFA. He informed us that the same cap was applied in modelling, and he proposed it in response to Mr Clark’s expressed concerns about this matter. We find a cap of 8200m² GLFA (rather than GFA) should be set for Commercial Services. On the basis of the evidence as to the risks for the State highway, we consider that a cap of 10,000m² GLFA should be set for trade suppliers, as a category of restricted discretionary activity. Again, that was proposed by MAIL (but not included in the CCC Modified Version).

[133] Subject to the modifications we have made, we are satisfied that the CCC Modified Version would achieve a zoning consistent with its identification by the CRPS as a business greenfield priority area. While it would also result in significant traffic flows at the Memorial Avenue/Russley Road intersection, we find those to be appropriate in view of their consistency with the CRPS read as a whole.

[134] We return to matters of intersection design treatment, heavy vehicle movements, and parking, later in this decision.

Evaluation of urban form evidence

[135] The CRPS recognises the role of the existing network of centres as focal points for commercial, community and service activities, including for their local communities, and the associated urban form implications for intensification of residential activity and provision for public transport.¹⁵¹

[136] Objective 6.2.5 on Key activity and other centres relevantly states:

Support and maintain the existing network of centres below as the focal points for commercial, community and service activities during the recovery period:

- (1) The Central City
- (2) Key Activity Centres
- (3) Neighbourhood centres.

...

The development and distribution of commercial activity will avoid significant adverse effects on the function and viability of these centres.

[137] Objective 6.2.6, relating to Business land development, also refers to the recovery and growth of business activities in a manner that supports the settlement pattern brought about by Objective 6.2.2 (which is the CRPS objective that specifically addresses the concept of urban form and settlement pattern for Greater Christchurch).

[138] The CRPS goes on to recognise the investment made in existing centres, and to specify those centres as the preferred location for future development as businesses shift around the

¹⁵¹ CRPS Objective 6.2.5, Principal reasons and explanation, and Policy 6.3.1(6).

city over the period of recovery.¹⁵² In particular, the CRPS identifies that KACs, by virtue of their density, mix of activities and location of strategic transport networks, support the provision of public transport and intensification of residential activity. Inappropriate development outside of KACs may undermine the community's investment in these existing centres and weaken the range and viability of the services they provide. The role of neighbourhood centres is also recognised in the CRPS for the service role they provide to local communities.

[139] These urban form implications of Objective 6.2.5 are supported through Policy 6.3.6 which states:

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:

...

- (4) Recognises that new commercial activities are primarily to be directed to the Central City, Key Activity Centres and neighbourhood centres where these activities reflect and support the function and role of those centres; or in circumstances where locating out of centre, will not give rise to significant adverse distributional or urban form effects;

[140] Ms Whyte, who gave planning evidence for the Crown, was cross-examined about the concept of urban form as expressed in the CRPS, and its impact on the zoning and types of activities appropriate for the MAIL site.¹⁵³ She agreed that the CRPS identified several factors such as consolidation and identification of the urban area of Christchurch, the zoning pattern, and the location and balance between the network of centres, as being components of urban form. At a more fine-grain level, she agreed that this goes to site-specific zoning in terms of achieving urban form, including the level and type of activity that is provided for.

[141] Ms Whyte agreed that, in the context of the MAIL site, the zoning for industrial purposes and the absence of an identified centre at the site were both relevant to the concept of urban form. She also confirmed that the question of the quantum of office and retail provision at this location were integral to the concept of appropriate urban form.¹⁵⁴

¹⁵² CRPS Objective 6.2.5, Principal reasons and explanation.

¹⁵³ Transcript, pages 434–436 (Ms Whyte).

¹⁵⁴ Transcript, page 435, lines 27–46 (Ms Whyte).

[142] Mr Bonis, giving planning evidence for CIAL, agreed with Ms Whyte’s assessment about the significance of urban form in the context of the CRPS. He added that Policy 6.3.6(4) identified a further specific aspect of relevance to commercial distribution, by referring to impacts from commercial activity in terms of urban form effects, in addition to consideration of significant distributional effects.¹⁵⁵

[143] Mr Bonis was questioned about the implications of Policy 6.3.6(4), particularly its reference to “will not give rise to significant adverse distributional or urban form effects”, for consideration of the activity mix and quantum proposed by MAIL. He postulated that the reference here to “urban form effects” reflects an intention that the assessment of the appropriateness of out of centre commercial activities should move away from an approach (of the Existing Plan) of solely focusing on significant adverse distributional effect to an approach of assessing the cumulative effects on a “polycentric” network. He stated that this would involve looking into implications in terms of the wider urban form, taking into account the urban limits, consolidation around KACs and the relationship between this and intensifying residential development and the supporting transport networks and modes.¹⁵⁶

[144] Although nuanced, we find that interpretation properly reflects the language of the provision. In particular, we find its reference to “urban form effects” as part of the broader phrase including “significant adverse distributional ... effects” to convey a deliberate broadening of focus from what is directed through the monocentric distributional effects’ regime that Variation 86 included in the Existing Plan.

[145] We are satisfied that Mr Bonis and Ms Whyte correctly identified the appropriate factors to consider when assessing the urban form effects of retail and office activities at the MAIL site. Their opinions are also reliably supported by the opinions of Mr Heath and Mr Osborne, our findings on which are addressed earlier in this decision.

[146] We agree that the CRPS directs that we consider the wider implications of the proposed retail and office provision at the MAIL site in terms of urban form effects. We are guided by the CRPS directions that development and distribution of commercial activity is to avoid significant adverse effects on the function and viability of the identified centres (Objective

¹⁵⁵ Transcript, page 466, lines 1–35 (Mr Bonis).

¹⁵⁶ Transcript, page 466, lines 20–35 (Mr Bonis).

6.2.5), and not give rise to significant adverse distributional or urban form effects (Policy 6.3.6(4)). In light of the evidential findings we have set out, we find those directions significant factors in our decision to restrict the nature and scale of both retail and office activity to ancillary activity only, in order to recognise and support the existing centres and their urban form functions. On the evidence we have outlined and accepted, we are satisfied that there is no significant market pressure for retail or offices on the MAIL site. More significantly, that evidence also satisfies us that establishing those activities to the extent sought by MAIL (and, for general offices, the lesser extent proposed by the CCC Modified Position) would impose significant risk to the viability of existing centres (especially Avonhead) and their function as focal points.

[147] We also take guidance from the CRPS in terms of its identification of the site primarily for industrial activities (rather than as a centre), its support for consolidation around the existing network of centres, and its description of the role of centres as focal points for commercial, community and service activities within the City's urban form.

[148] In addition, given the Industrial Park zoning of the site, we consider important the need to maintain the integrity of that zone by restricting the activities to primarily industrial activities. We note our Stage One decision included policy to provide for limited non-industrial activities that maintain and support the function of industrial zones, and to avoid non-industrial activities which could adversely affect the strategic role of the Central City, District and Neighbourhood Centres as focal points for commercial, community, residential and other activities (Policy 16.1.1.4). In particular, with regard to the Industrial Park zone, Policy 16.1.1.5 seeks to avoid office development, other than where it is a secondary component to a high technology industrial activity that supports the function of the zone for primarily industrial activities.

[149] Therefore, our evaluation of the urban form evidence also overwhelmingly satisfies us that the scale and nature of additional retail and office provision sought by MAIL is inappropriate (as is the more limited provision for general office activity proposed by the CCC Modified Position).

[150] Finally, for completeness, we record that we find an important inter-relationship between urban form and the strategic and local roading network. That is not only in the sense that the

CRPS gives direction concerning land use and infrastructure integration. More fundamentally, effective integration is fundamental to the promotion of sustainable management within a large urban environment such as the city. Urban form and associated land-use zoning are inherently related to transport infrastructure planning and development. Effective integration is central to enabling people and communities to provide for their wellbeing, including in an inter-generational sense. Therefore, the findings we set out on the matter of the strategic and local roading network also inform our findings on this topic.

Evaluation of alternative retail and office provision against objectives and policies

[151] Our task under s 32AA includes examining whether provisions are “the most appropriate way to achieve the objectives”. That reflects the functional relationship that rules have to policies and objectives. Section 75 RMA describes the function of policies as being “to implement the objectives” and of rules “to implement the policies”. Section 76(1) allows for rules to be included in a district plan for the purpose of carrying out the territorial authority’s functions and “achieving the objectives and policies of the plan”.

[152] That includes the following aspects of the Strategic Objectives now included in the CRDP:

- (a) Objective 3.3.7, including that “A well-integrated pattern of development and infrastructure, a consolidated urban form, and a high quality urban environment that ... (e) Maintains and enhances the Central City, Key Activity Centres and Neighbourhood Centres as community focal points ... (h) Improves overall accessibility and connectivity for people, transport ... and services ... (i) Promotes the safe, efficient and effective provision and use of infrastructure, including the optimisation of the use of existing infrastructure; and ... (j) Co-ordinates the nature, timing and sequencing of new development with the funding, implementation and operation of necessary transport and other infrastructure”;
- (b) Objective 3.3.8(a) “The Central City is revitalised as the primary community focal point for the people of Christchurch”;

- (c) Objective 3.3.10 “The recovery and stimulation of commercial and industrial activities in a way that expedites recovery and long-term economic and employment growth through ... (a) Enabling rebuilding of existing business areas, revitalising of centres, and provision in greenfield areas; and ... (b) Ensuring sufficient and suitable land development capacity”; and
- (d) Objective 3.3.12 (a) “The social, economic, environmental and cultural benefits of infrastructure, including strategic infrastructure, are recognised and provided for, and its safe, efficient and effective development, upgrade, maintenance and operation is enabled”.

[153] It also includes the following relevant policies included in our Stage One decision:

- (a) Policy 16.1.1.4.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”;
- (b) Policy 16.1.1.4.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)”;
- (c) Policy 16.1.1.4.a., which relevantly is “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 ... iii. comprise yard based or trade suppliers in the Industrial General Zone ... v. support the needs of workers and businesses in the zone including food and beverages, commercial services, and the care of children”;
- (d) Policy 16.1.1.5.a. which relevantly is “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

industry activity located in the Industrial Park Zone that supports the function of the zone for primarily industrial activities”;

- (e) Policy 16.1.3.1.a and b. which relevantly are to manage “... effects at the interface between greenfield areas and arterial roads, rural and residential areas with setbacks and landscaping” and “... 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”.

[154] While MAIL’s submission on the Stage One Commercial and Industrial Chapters sought changes to the notified objectives and policies (to allow for more non-industrial activities in greenfield priority areas), that relief was declined and MAIL did not appeal the decision. While that decision remains subject to an unrelated appeal¹⁵⁷ such that these objectives and policies are not yet included in the CRDP,¹⁵⁸ none of the submitters before us are party to that appeal (including MAIL). Nor does the MAIL Notified Version seek any additional or alternative objectives or policies. Therefore, they are not in contention for this decision. Our evaluation of the alternative provisions in issue is on that basis, given the statutory relationship that rules have to objectives and policies.

[155] In addition, to be satisfied that the provisions are the most appropriate, we must also be satisfied that they will give effect to the CRPS. In that regard, we note that CRPS Objective 6.2.6(3) refers to commercial activity being primarily directed, not just to the Central City, but also to KACs and neighbourhood centres. Similarly, Objective 6.2.5 requires that KACs and neighbourhood centres, along with the Central City, are to be the focal points during the recovery period.

[156] MAIL did not call a planner and its cross-examination of the other planning witnesses was limited. Perhaps that was on an assumption that it would be sufficient for it to rely on other technical disciplines, in tandem with legal submissions. While the interpretation of plan provisions is a task of statutory interpretation, and hence the realm of legal submissions, the evaluation that a planning witness is qualified to make is central to our responsibilities under

¹⁵⁷ Appeal on behalf of KI Commercial Limited CIV-2016-409-000083, dated 15 February 2016.

¹⁵⁸ OIC, cls 15(2)(b) and 16.

s 32AA. In that regard, we are certainly assisted by planning experts and this was a significant gap in MAIL’s case before us.

[157] Ms Carter considered that provision for 5000m² GLFA general office activity should be made for two reasons. One was to achieve “consistency” with the Industrial Park zones at Tait and Awatea. Another was to assist to maintain the amenity values of Memorial Avenue.¹⁵⁹

[158] She accepted that her position on the 5000m² GLFA general office activity was contrary to Mr Osborne’s view, but considered that her approach provided some degree of flexibility or choice for the site, while not undermining the centres based approach.¹⁶⁰ She accepted that there was not an adequate policy support for what she recommended, and that this was an oversight that required resolution.¹⁶¹

[159] Ms Jane Whyte gave planning evidence for the Crown. She agreed with Ms Carter that there was a disconnect between the policy and the rule as drafted, which would require resolution if we were to make provision for 5000m² GLFA general office activity.¹⁶² She did not consider Ms Carter’s consistency point was compelling, given that the notified Stage Two Commercial and Industrial proposal for an additional Industrial Park Zone (Industrial Park Zone Wairakei) does not provide for 5000m² GLFA general office activity as a permitted activity.¹⁶³

[160] We acknowledge Ms Carter’s point that office buildings might allow for a high quality interface along Memorial Avenue. However, it does not follow that general office activity ought to be allowed for. For one thing, there are a variety of ways for ensuring an appropriate urban design outcome, as we address later in this decision. In any event, we find the clear policy direction of the Higher Order Documents to prevail over these amenity considerations.

[161] We do not agree with Ms Carter as to the value in consistency with the Industrial Park zones at Tait and Awatea. Ms Carter explained that the rationale for that provision on those sites was that industrial processes in high technology based companies may be office based,

¹⁵⁹ Evidence in chief of Janice Carter on behalf of the Council at 10.12.

¹⁶⁰ Transcript, page 161, lines 11–16 (Ms Carter).

¹⁶¹ Evidence in chief of Janice Carter at 6.10–6.13.

¹⁶² Evidence in chief of Jane Whyte on behalf of the Crown at 5.39.

¹⁶³ Transcript, page 433, lines 1–19 (Ms Whyte).

rather than requiring industrial buildings or warehouses.¹⁶⁴ We find the MAIL site materially different in those terms. Specifically, the MAIL site is a greenfield site capable of being developed in a variety of ways. On those matters, we prefer Ms Whyte’s opinion.

[162] We prefer Mr Osborne’s view over Ms Carter’s in finding there would be a material risk for the centres based approach in what Ms Carter has recommended concerning office provision. We find that to overwhelm any arguable benefits from flexibility and choice for the site.¹⁶⁵

[163] In other respects, there was a high degree of consensus between the planning experts that the nature and extent of retail and office activity sought by MAIL would conflict with these objectives and policies. The planning witness for Andrew Centre Limited and Avon Hotel Limited, Mr Phillips, considered that the retail and the office activity sought by MAIL (and the lesser extent proposed in the CCC Modified Position) would conflict with the CRPS, Strategic Directions objectives and the intent of proposals 15 and 16 of the CRDP.¹⁶⁶ Similarly, Mr Bonis (CIAL’s planning witness) considered the “... extent of commercial activity sought under the MAIL proposal ... conflicts with the Industrial Park status and context in the [CRPS] and the industrial proposal”,¹⁶⁷ and that there is a “disjunct” between “the uncontested Industrial Park zone objectives and policies and the activities that are proposed [by] ... MAIL...”.¹⁶⁸ He considered that what the Council recommended was more appropriate. The Crown’s planning witness, Ms Whyte considered that the scale of retail and office development sought by MAIL was “not consistent with the approach taken to commercial development within the Replacement Plan”.¹⁶⁹ Ms Whyte identified areas of inconsistency, particularly objectives and policies in Chapter 15 relating to the focus of commercial activity and the role of centres.

[164] We find the weight of that planning opinion consistent with our own findings concerning the related retail and office distribution, traffic, and urban design evidence.

¹⁶⁴ Evidence in chief of Janice Carter at 10.11–10.12; Transcript, page 130, lines 30–31. See also Evidence in chief of Mark Stevenson on behalf of the Council (Stage One Commercial and Industrial) at 33.48.

¹⁶⁵ Transcript, page 161, lines 11–16 (Ms Carter).

¹⁶⁶ Rebuttal evidence of Jeremy Phillips on behalf of Andrew Centre Limited and Avon Hotel Limited at 2.1.

¹⁶⁷ Transcript, page 461, lines 17–19 (Mr Bonis).

¹⁶⁸ Transcript, page 461, lines 35–39 (Mr Bonis). See also transcript, page 474, lines 1–12 and Evidence in chief of Matthew Bonis on behalf of CIAL at 62.

¹⁶⁹ Evidence in chief of Jane Whyte at 5.44.

[165] Specifically, the evidence overwhelmingly satisfies us that the additional retail and office provision sought by the MAIL and also the additional office provision proposed in the CCC Revised Version would not give effect to the CRPS and not achieve Strategic Objectives 3.3.7, 3.3.8(a) and 3.3.10. It would also be inconsistent with Policies 16.1.1.4.c and 16.1.1.5.a as determined by our Stage One decision. That additional provision would, therefore, be inappropriate.

[166] On the same basis, we find that the CCC Modified Version is appropriate in terms of its restriction of retail provision to ancillary activities, food and beverage outlets and service stations. We find our earlier conclusions as to the need for caps on Commercial Services (8200m² GLFA) and Trade Suppliers (10,000m² GLFA) appropriate, in terms of the intended purposes of industrial zoning.

[167] For completeness, and on the basis of our evidential findings, we also determine that the extent of retail and office provision sought in the MAIL Notified Version is inappropriate, measured against the CRPS and other provisions we have referred to.

[168] Having determined that issue, we now evaluate various matters of detail concerning how and where industrial or other intended activities would occur on the MAIL site.

SECTION 32AA EVALUATION OF DESIGN AND OTHER DETAILS

Effects on amenity values

[169] Section 7(c) of the RMA directs that we have particular regard to the maintenance and enhancement of amenity values (defined as "...those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes").¹⁷⁰ That direction pertains to our evaluation of alternative planning approaches, under s 32AA RMA. In this case, there are both community-wide and more localised amenity value matters to evaluate. Section 7(c) does not direct us to ensure that existing amenity values would be in all respects maintained or enhanced. Rather, it is a matter we must give particular regard to in the context of our s 32AA duty to evaluate the benefits and costs of provisions for achieving related objectives (and risk of acting

¹⁷⁰ RMA, s 2.

or not acting if there is uncertain or insufficient information about the subject matter of the provisions).

Memorial Avenue frontage

[170] We start with consideration of a community-scale amenity value issue, namely the appropriate provisions for the control of design and amenity values along the Memorial Avenue frontage, including objectives, policies, activity classification, and the appropriate building setback.

[171] It was common ground that the treatment of this frontage is important in the context of the city. One reason for that is the high visibility and location of the MAIL site near the Airport and adjacent to the ‘Christchurch Gateway Bridge’¹⁷¹ now under construction as part of the Memorial Avenue/ Russley Road interchange upgrade. A second reason concerns the historical significance of the tree-lined Memorial Avenue. The urban design experts agreed, and so do we, that Memorial Avenue “*has a significant gateway role*” for the city (from both SH1 and the international airport), as well as “*a historical role*”,¹⁷² which is derived from its identification as a memorial route recognising those who died in World War II.¹⁷³ Those experts also agreed that the Christchurch Gateway Bridge should not be impacted visually by built form for those travelling along Memorial Avenue.

[172] The CCC Notified Version proposed a 20m setback for buildings adjacent to Memorial Avenue. Following mediation, the parties attending agreed to a reduction of this to 10m. Prior to making that agreement, Council staff took the matter to Council members, as staff felt they needed to have members’ approval.¹⁷⁴

[173] David Pocock, a landscape architect/urban design expert and the principal designer and master planner for the MAIL site, gave evidence for MAIL.¹⁷⁵ Mr Pocock has had a long association with the MAIL site. He authored the ‘Memorial Business Park Landuse and

¹⁷¹ Currently being constructed at the intersection of Russley Road and Memorial Avenue.

¹⁷² Expert Conferencing Statement, Topic 3 Urban Design, 10 August 2015.

¹⁷³ Transcript, page 202, lines 1–23 (Mr Pocock).

¹⁷⁴ Mediation report, 4 September 2015, page 7.

¹⁷⁵ Evidence in chief of David Pocock on behalf of MAIL at para 2.1.

Development Outcome Study August 2014’, and drew significantly from that study for his opinion.¹⁷⁶ He recommended a 10m setback.

[174] The Council’s urban design expert was David Compton-Moen. Another expert, Gaby van den Boom, attended urban design conferencing for the Commodore Airport Hotel (‘Commodore’). However, the Commodore was party to the 10m setback agreed at mediation, and Mr van den Boom did not present separate evidence before us.

[175] At that conferencing, those experts did not agree with Mr Pocock that a 10m setback was appropriate along this frontage. However, all three agreed that neither a lesser nor greater setback is the driver for a better design outcome, rather it is the combination of the setback with the design rules that is the key driver for that.¹⁷⁷

[176] The matter of the setback and amenity effects along the Memorial Avenue frontage was further discussed between the parties at mediation. Here, the Council confirmed its position that development on the site needed to respect the nature of the road as a memorial and preserve the aesthetic value of the road, although the specific reference to “war memorial” in the relevant Policy 16.1.4.1 was not considered necessary.¹⁷⁸ All parties agreed that Policy 16.1.4.1 should be reworded as follows, although the parties also agreed that the reference to large setbacks would depend on the decision of the Panel on the related rule:¹⁷⁹

Maintain the amenity values along Memorial Avenue ~~and its function as a war memorial~~ and 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.

[177] Regarding Objective 16.1.4 and its associated Policy 16.1.4.1 (Amenity values along Memorial Avenue), given the level of agreement reached between the parties, and the associated expert evidence before us, we are satisfied that the agreement reached at mediation is appropriate and will give effect to the higher order objectives and policies. We have included the provisions for this objective and policy in the Decision Version.

¹⁷⁶ Evidence in chief of David Pocock at para 2.7. The Memorial Business Park Landuse and Development Outcome Study August 2014 can be found at Exhibit C.

¹⁷⁷ Expert Conferencing Statement, Topic 3 Urban Design, 10 August 2015.

¹⁷⁸ Mediation report, 4 September 2015, page 6.

¹⁷⁹ Mediation report, 4 September 2015, pages 6–7.

[178] As for activity status for buildings along this frontage, by the time of closing submissions the parties reached full agreement that the most appropriate activity classification in relation to design and amenity for new buildings, and additions to existing buildings within 50m of Memorial Avenue, is controlled activity.

[179] Given this agreement, and the expert evidence before us, we are satisfied that controlled activity status is appropriate to achieve the amenity outcomes for Memorial Avenue in Objective 16.1.4 and Policy 16.1.4.1. That leaves for determination the question of the appropriate minimum setback distance.

[180] Mr Pocock’s recommendation for a 10m setback was on the basis that such a setback “is much more likely to encourage a positive architectural façade and associated passive surveillance while still allowing a wide enough space to develop a shared path, tree planting and lineal park”.¹⁸⁰ As noted, Mr Compton-Moen initially favoured a 20m setback. In light of the mediated agreement, he modified his opinion to one of accepting that a 10m setback would achieve appropriate design outcomes, but subject to the provisos that pedestrian access is provided along the frontage, and design rules are implemented.¹⁸¹ However, in cross-examination by Mr Winchester for the Council, Mr Pocock identified practical difficulties with having the pedestrian access to buildings facing, and close to, Memorial Avenue, given the way that car parking and circulation would likely occur on these sites.¹⁸²

[181] We also received evidence from Mr Phillips, a planner with particular experience in urban land use development planning in Christchurch. He gave evidence for Andrew Centre Limited and Avon Hotel Limited. He recommended an ample building setback, with landscaping and urban design/amenity assessment requirements, as appropriate to maintain amenity values along Memorial Avenue. He considered that amenity controls, by way of such methods as landscaping, general urban design controls or other performance standards, can be drafted to achieve a good interface with the road — even for industrial activities.¹⁸³ He gave an example from the Existing Plan of rules applying in industrial zones regarding the

¹⁸⁰ Transcript, page 184, lines 34–36 (Mr Pocock).

¹⁸¹ Rebuttal evidence of David Compton-Moen on behalf of the Council at para 3.2; and as amended at hearing (refer transcript, pages 96–97).

¹⁸² Transcript, page 192, lines 5–37 (Mr Pocock).

¹⁸³ Transcript, page 520, lines 17–24 (Mr Phillips).

orientation and façade of buildings to the street in order to achieve a quality street interface for industrial activities.¹⁸⁴

[182] We have considered the parties' agreement as to a 10m setback. However, on the evidence, we have determined that the most appropriate setback regime for achieving Objective 16.1.4 and its associated Policy 16.1.4.1 (regarding amenity values along Memorial Avenue) is the 20m setback proposed in the CCC Notified Version, married with the agreed controlled activity status we have earlier noted. Our reasons for this are:

- (a) Treatment of this frontage is important in the context of the city. Getting it wrong would be to the detriment of the community as a whole.
- (b) That activities along the Memorial Avenue frontage are likely to be predominantly industrial activities, with associated on-site access and parking requirements, which warrant the provision of adequate space to provide on-site landscaping or other amenity treatments facing Memorial Avenue.
- (c) Each of the urban design witnesses, whose evidence supported the appropriateness of a 10m setback, relied on qualifications as to the necessary urban design controls, landscaping, public path and linear park development that would also be necessary along the Memorial Avenue frontage. The practical difficulties of achieving these requirements with a 10m building setback were brought to light, for instance in answers Mr Pocock gave in cross-examination. Those answers did not persuade us that the provisos to Mr Compton-Moen's acceptance of a 10m setback (in preference to his original 20m recommendation) would be assured. That gave us no confidence that a reduction in setback from the 20m of the CCC Notified Version would safely manage this important community-scale amenity value issue.
- (d) We were persuaded by the straightforward approach of Mr Phillips, a planner experienced in the implementation of such controls, that an ample building setback, with landscaping and urban design/amenity assessment requirements, is appropriate to maintain amenity values along this important frontage.

¹⁸⁴ Transcript, page 520, lines 32–40 (Mr Phillips).

Height of Guest Accommodation

[183] As noted, we have determined that Guest Accommodation should be a permitted activity within the specified location on the ODP fronting Memorial Avenue and up to a scale of 200 bedrooms.

[184] At the close of the hearing, only confined matters remained in contention for this activity. One concerned the maximum height for Guest Accommodation, in view of impacts on visual amenity. This was a community-scale amenity value issue, given the visual prominence of the locality near to the Gateway Bridge presently under construction (as part of the Memorial Avenue/Russley Road interchange). Visual effects were also of concern to the Commodore.

[185] By closing submissions the Council and MAIL had reached agreement that, in the identified area on the Memorial Avenue frontage shown on the ODP, the permitted height for Guest Accommodation should be set at 20m (with a restricted discretionary activity consent being required for exceedance). The Commodore sought a 12m height limit.

[186] The Commodore's position was supported by its architect, Mr Wilson. However, his evidence was somewhat misdirected in that it focused on industrial uses, and warehousing in particular, rather than guest accommodation. He was not "persuaded that there is any urban design purpose in having higher buildings adjacent to the hotel zone [Commodore site] which provides for a 12 metre height limitation".¹⁸⁵ He said he was "not aware of the type of buildings likely to establish in an Industrial Park where there would be a demonstrable need for buildings of 20 metres in height to increase the functionality of the zone — and it would appear preferable to have the same height limitations applying on the industrial/guest accommodation boundary to ensure that the hotel operations are not dominated by the built form of the industrial developments".¹⁸⁶ However, it is guest accommodation buildings that would be built to this height under the proposals, not industrial buildings (the latter being permitted to a maximum height of 15m or 12m depending on their location).

[187] MAIL's expert, Mr Pocock modelled the visual effects of a 20m high building in the "Guest Accommodation" location shown on the ODP. In his opinion, a 20-metre high building

¹⁸⁵ Evidence in chief of Christopher Wilson on behalf of the Commodore at para 35.

¹⁸⁶ Evidence in chief of Christopher Wilson at para 36.

in that location would not have an adverse visual impact on the Gateway Bridge.¹⁸⁷ He also stated that, on his analysis of the combined height, building setback and plane of recession rules, a proposed building in this location could only reach a height of 6m at the proposed setback line and would only reach its 15m height approximately 20m from the south eastern boundary. In his view, this outcome would be reasonable and acceptable.¹⁸⁸

[188] Mr Pocock was cross-examined by Mr Chapman, on behalf of the Commodore. Mr Chapman challenged Mr Pocock with a proposition that what he presented was “... a rather complicated height platform going towards the Airport. You go from residential at 8[m], you then go to the Commodore at 12[m], you then go up for a moment to 20[m] on your scenario, and then you go back down to 12[m]”.¹⁸⁹ Mr Pocock responded by saying that he had done a detailed study of the five kilometres of Memorial Avenue and the height requirements vary a lot. However, he did not agree that this was complicated, and he considered urban design ‘matriculation’ with changes of height to be useful.¹⁹⁰

[189] Although initially in favour of a 12 metre height limit, the Council’s expert, Mr Compton-Moen, ultimately supported a 20 metre height limit. Under cross-examination by Mr Chapman Mr Compton-Moen stated that he changed his mind on this after undertaking further analysis, including modelling of the Gateway Bridge, setback requirements, and views from further afield. Having done that further analysis, he could not justify this lower height limit from a visual effects point of view.¹⁹¹

[190] On these matters, we prefer the opinion of Mr Pocock and Mr Compton-Moen, as being more reliably based on modelling and other work described. We note that the identified ODP area would be at least 230 metres from the corner of Memorial Avenue and Russley Road (and the location of the Gateway Bridge). On the basis of their evidence, we find nothing inherently complicated or problematic in having varying height limits for different locations and activities along this stretch of Memorial Avenue. We find that, with a 20 metre height limit, the visual amenity values which the community enjoy in regard to Memorial Avenue (including taking

¹⁸⁷ Transcript, page 185, lines 39–43 (Mr Pocock).

¹⁸⁸ Transcript, page 186, lines 2–7 (Mr Pocock).

¹⁸⁹ Transcript, page 198, lines 23–27.

¹⁹⁰ Transcript, page 198, lines 33–34; page 199, lines 26–28.

¹⁹¹ Transcript, page 107, lines 39–44; page 108, lines 23–28.

account of the Gateway Bridge) will be able to be adequately maintained with the development of a hotel on the identified location.

[191] Mr Salter, a tourism expert with some considerable experience, also gave evidence for MAIL.¹⁹² Mr Salter explained the importance of visibility for visitor accommodation. To ensure visibility on the MAIL site (and within the defined ODP area), he considered the ideal height for a hotel would be five or six storeys.¹⁹³ Were the height reduced, he considered this would encourage a more resort-style hotel which would result in an inefficient design and site usage, given the need to provide services over a larger floor area.¹⁹⁴ However, he accepted in answer to the Panel that a hotel designed to a lesser height than 20m would be able to be operated and function successfully.¹⁹⁵ The issue, therefore, was one of relative efficiency. We also accept Mr Salter's opinion on these matters.

[192] Therefore, we are satisfied that a 20 metre height limit for Guest Accommodation for that part of the Memorial Avenue frontage shown on the ODP is the most appropriate.

[193] We deal with the other residual issue for Guest Accommodation, namely as to noise reverse sensitivity issues, later in this decision.

Commodore Hotel amenity issue

[194] The Commodore also raised a more localised amenity value issue, concerning the treatment of the south eastern boundary of the MAIL site.¹⁹⁶ That boundary abuts the Commodore site and runs from Memorial Avenue through to Avonhead Road. An access lane runs along part of the boundary on the hotel side. It serves the hotel and provides some separation distance from Hotel rooms. As we observed on our site visit,¹⁹⁷ some of those rooms

¹⁹² Mr Salter was the General Manager of the New Zealand Ministry of Tourism from 2002–2010.

¹⁹³ Evidence in chief of Raymond Salter on behalf of MAIL at para 5.55.

¹⁹⁴ Transcript, pages 214–215 (Mr Salter).

¹⁹⁵ Transcript, page 224, lines 38–41.

¹⁹⁶ The Hotel site, while beyond the intended IPZ (Memorial Avenue zone, is indicated on the revised ODP (for context). The CCC Notified Version included residential land in the ownership of the Commodore. This is an area fronting Memorial Avenue. The inclusion of this area was opposed by the Commodore and subsequently removed from both the CCC Modified Position and the MAIL Refined Relief. We agree that this removal was appropriate. The zoning for the Hotel has been deferred to the Stage 3 General Rules hearing (as part of determining Chapter 14 Residential). However, the Council proposes the Guest Accommodation Zone for it (within Chapter 14 Residential).

¹⁹⁷ As noted to the parties during the hearing, at the request of the Commodore the Panel undertook a site visit, viewing this outlook from a Hotel room.

(including in a new wing)¹⁹⁸ enjoy an outlook across the MAIL site towards the Airport and Southern Alps.

[195] For the Commodore, Mr Wilson recommended a 12 metre setback. In his view, a key element of a setback was to “evaluate the variety of uses and hours of operation for vehicles operating at the Industrial Park”. He referred to the tension between a 24 hour service and distribution centre (as may operate under an IPZ zoning of the MAIL site) and “the expectations of the Commodore ... for guests to be undisturbed during the day and night time and to be able to relax in a garden resort setting”. He explained that his recommended 12 metre setback would allow for or at least two rows of large trees and under planting (whereas 6 metres would allow for only a single row) and would ensure against the area becoming storage and a turning circle for trucks (as opposed to car parking).¹⁹⁹ He supported his evidence with a diagram illustrating possible building bulk and location when taking into account different setback requirements and recession planes.

[196] Mr Pocock considered a 6 metre setback with trees would have the same degree of visual mitigation as a 12 metre setback with trees.²⁰⁰ Like Mr Wilson, he illustrated his position with a cross-section showing the combined effect of a 15 metre maximum building height, a 6 metre setback and recession plane controls. In effect, this illustrated a very similar outcome to Mr Wilson’s diagram, namely that a building could not reach the 15 metre maximum height until it was 19.9 metres from the Commodore boundary, but that a building of a lesser height (and still reasonably substantial) could be built closer.²⁰¹

[197] Mr Pocock expanded on his opinion in his rebuttal evidence. He referred to the fact that mature trees along the common boundary range from 8–10 metres in height and “in most cases” would screen future development on the MAIL site. He pointed out that 10 of the 16 rooms with views to the MAIL development would have been substantially screened by these trees had the hotel operator not arranged for their removal. He pointed out that the rest of the Commodore rooms do not have such an outlook, and the hotel’s amenity spaces (including its swimming pool) are inwardly facing and, hence, not impacted at all.²⁰²

¹⁹⁸ Evidence in chief of Christopher Wilson at para 32.

¹⁹⁹ Evidence in chief of Christopher Wilson on behalf of the Commodore at para 31.

²⁰⁰ Rebuttal evidence of Craig Pocock on behalf of MAIL at para 2.2.

²⁰¹ Evidence in chief of Craig Pocock on behalf of MAIL at 7.14.

²⁰² Rebuttal evidence of Craig Pocock on behalf of MAIL at 2.3-2.4; 2.7.

[198] Mr Compton-Moen, for the Council, essentially supported Mr Pocock’s position. He considered there would be no benefit in providing a 12 metre setback (as opposed to a 6 metre one), if the 15 metre building height is retained. He considered that the setback, combined with recession planes and landscape planting, would combine to soften any effects. In any case, with a 15 metre building height, Southern Alps views currently enjoyed would be lost.²⁰³

[199] The essential difference between Mr Pocock and Mr Wilson on this topic was in where the balance should lie as between the competing interests of MAIL and the Commodore. Mr Wilson essentially acknowledged that tension in his observation as to the conflicting expectations of an industrial usage of the MAIL site and his client’s expectation that guests would be “undisturbed” and “be able to relax in a garden resort setting”.²⁰⁴

[200] Likewise, our task is to find a reasonable balance in this matter. As we have noted, the directive under s 7(c) to have particular regard to amenity values does not imply we must maintain or enhance those values in all circumstances. Rather, under s 32AA, we must evaluate alternatives to find the most appropriate response. In this case, that includes consideration of the costs and benefits for both MAIL and the Commodore.

[201] As for the Commodore’s amenity, we consider that any material benefits from an enhanced setback and landscaping regime would be confined to that relatively narrow portion of its site where existing upper floor bedrooms enjoy an outlook across the MAIL site. In addition, as the cross-section diagrams of both Mr Wilson and Mr Pocock illustrate, recession planes would mitigate the risk of closely proximate buildings to some extent. Even so, we acknowledge the potential that the unobstructed views now enjoyed by some rooms on the middle and upper floor levels could be entirely or significantly obstructed in the event of a building being constructed (even allowing for recession planes). However, while we also recognise that the rooms at risk of the most significant impact are in the newest block, we consider there is some force in Mr Christensen’s closing submission to the effect that the Commodore built them in the risk of these views being built out. That is, the Existing Plan does not give any protection to these views. In essence, the Commodore is an informal beneficiary of the fact that the MAIL site sits undeveloped.

²⁰³ Rebuttal and supplementary evidence of David Compton-Moen on behalf of the Council at paras 4.3-4.4.

²⁰⁴ Evidence in chief of Christopher Wilson on behalf of the Commodore at para 28.

[202] We accept Mr Compton-Moen’s explanation that severe building height restrictions would have to be imposed over the MAIL site in order to protect the Southern Alp views that some hotel rooms presently enjoy. Such a severe restriction on MAIL’s property rights, for the sole benefit of the Commodore, would not be reasonable.

[203] We find Mr Wilson’s observation as to guests being “undisturbed” and “... able to relax in a garden resort setting” overstates the true implications for the hotel. Our site visit confirmed the validity of Mr Pocock’s observations that most of the hotel rooms do not have an outlook over the MAIL site, and the hotel’s amenity spaces (including its swimming pool) are inwardly facing and, hence, not impacted at all.

[204] We reject Mr Wilson’s opinion that we should use the setback regime as a proxy for controlling types of industrial use and hours of operation for vehicles. Those opinions are not within the proper realm of Mr Wilson’s expertise. In any case, the more appropriate planning approach is to manage uses and noise through related activity controls, as we have done.

[205] We acknowledge that the hotel is a form of sensitive land use, similar to residential accommodation. However, we do not consider the hotel warrants any more sensitive boundary treatment than applies for IPZ/residential boundaries elsewhere.

[206] Having evaluated the competing expert views, we find that the setback should be 6 metres along this boundary, and that the usual landscaping regime for shared boundaries between a IPZ site and a residential site should apply. That is a single line of trees with spacing of a tree per 10 metres. On the evidence, we find that outcome strikes the necessary balance between the competing rights and expectations of the Commodore and MAIL, and is the most appropriate having regard to the Higher Order Documents and for the purposes of s 32AA and other RMA requirements and principles.

Heavy vehicle usage of Avonhead Road

[207] ACG constructively prefaced its case by acknowledging that rezoning for predominantly industrial purposes would bring with it a change to the amenity values experienced by residents.

Heavy vehicle access via Avonhead Road was one of two amenity issues raised by ACG.²⁰⁵ The other concerned on-street parking, which we address shortly.

[208] Although ACG did not call expert evidence, answers given in cross-examination by traffic engineer Mr Penny generally supported ACG's concerns that development of the site would give rise to an increased heavy vehicle usage of Avonhead Road, and associated amenity impacts, unless this could be effectively avoided or mitigated. That consequence, absent effective management, was effectively also acknowledged in MAIL's closing submissions. However, Mr Christensen argued against imposing restrictions under the zone rules. He submitted that the more appropriate response was to leave the matter to the management of the Council, at the time that roads within the MAIL site are vested in the Council as road controlling authority. ACG did not offer any proposed rules for our consideration.

[209] Considering the various benefits and costs, we accept MAIL's closing submissions on this matter. Various considerations lead us to that view.

[210] One concerns the difficulty of securing effective management of this issue through plan controls. Those complexities arise given that the IPZ (Memorial Avenue) zone is designed to enable a range of permitted activities, and associated development opportunities by a range of potential investors in the site. With those complexities comes an associated cost and uncertainty for the lead developer of the site (and those who may seek to invest in it).

[211] Against those costs and uncertainties, we do not consider there is sufficient benefit to be gained in terms of residential amenity values.

[212] The principal entrance for the MAIL site will be from the new road accessing Memorial Avenue. Its close proximity to the upgraded Memorial Avenue/Russley Road interchange also makes this new principal entrance the likely preferred route for heavy vehicles to and from the site.

[213] We acknowledge that a proportion of heavy traffic movements would be via Avonhead Road, in the absence of any restrictions or prohibitions on use of that access. No party sought that we shut off this access entirely, and we find such an action would be inappropriate.

²⁰⁵ Refer transcript, pages 427–428.

[214] When we consider the status quo, an aspect of this is that Avonhead Road is a public road able to be used by heavy vehicles. The quiet of that environment is, to a significant extent, a consequence of the fact that the MAIL site has sat for many years as an undeveloped greenfield site. As the ACG rightly acknowledged, rezoning for predominantly industrial purposes (as is anticipated by the CRPS) would bring with it a change to the amenity values experienced by residents. The question is one of the degree of change that is reasonable and appropriate.

[215] Section 7(c) RMA does not direct us to ensure that existing amenity values, including as arising from the lack of current commercial usage of the MAIL land, would be in all respects “maint[ained]” or “enhance[d]”. However, the direction in s 7(c) is relevant to informing our view on the most appropriate approach.

[216] On the evidence, we find the potential benefits for residents of imposing restrictions on the usage of this access are, at best, marginal and uncertain. It is marginal in the sense that it concerns the relative difference between increased traffic flows with or without heavy traffic. It is also marginal in the sense that it leaves aside what could be delivered by the Council, in any case, in its capacity as road controlling authority. It is uncertain in that we have not identified any effective means, via zone provisions, of securing the exclusion of heavy traffic.

[217] Therefore, we agree with MAIL that no related controls are appropriate for inclusion in the package of rules for the MAIL site. For these reasons, we reject this submission from ACG.

On-street parking on Avonhead Road

[218] With regard to on-street parking, ACG explained that an aspect of its concern was that the CRDP’s minimum car parking requirements might prevent the Council from requiring as many car parks as desirable, resulting in a shortage of parking space on-site and the likelihood of on-street parking on Avonhead Road and surrounding residential streets.²⁰⁶ ACG sought an exception to the ‘standard’ minimum parking provisions that apply elsewhere in the city to avoid the undersupply of car parks and the risk to the safety and amenity of Avonhead Road users and residents.

²⁰⁶ ACG, taken from the summary statement presented at the Hearing. See also Transcript at pages 527-539.

[219] ACG did not call a traffic expert, and the views of the experts we heard on this topic were generally aligned. They were effectively agreed that the minimum parking standards in the CRDP are normally adequate to contain parking on-site, and where the minimum standards are insufficient, the Council is able to implement on-street management measures to manage any overflow.²⁰⁷ The traffic experts were also generally in agreement that streets are public places which are able to be used for parking and any road safety, capacity or amenity issue associated with on-street parking is able to be addressed through other mechanisms outside the CRDP.²⁰⁸

[220] On the basis of that evidence, we are satisfied that no response to this issue raised by the ACG is warranted or appropriate. For these reasons, we reject this submission from ACG.

[221] As to amenity values more generally, the Panel asked an ACG witness (Mr Paris) and its representative (Professor Bagchi) about visual amenity matters. We questioned Mr Paris about possible benefits for Avonhead Road residents of some form of bunding and/or tree planting along the facing boundary of the zone. While Mr Paris acknowledged that, should the MAIL site be zoned as IPZ (Memorial Avenue), ACG would prefer landscaping and/or bunding requirements to be included,²⁰⁹ Professor Bagchi characterised any such requirements as a welcome bonus for the Avonhead residents.²¹⁰ However, both emphasised that the priorities for ACG were the matters of access for heavy vehicles via Avonhead Road and on-street parking.

[222] In his closing submissions for MAIL, Mr Christensen opposed the imposition of any landscaping and/or bunding controls for this matter. He argued that bunding could give rise to adverse impacts for public safety (by way of impeding public surveillance of the site). In any event, he argued that such additional controls were not justified.

[223] We accept MAIL's closing submissions on this topic. We found ACG's somewhat muted enthusiasm for bunding and/or landscaping responsible and appropriate, bearing in mind that the most appropriate zoning of this business greenfield priority area is one that allows for it to be predominantly used for industrial activities. Residential areas face industrial zones in many locations throughout the City. Our Stage One decision includes provisions applicable to all

²⁰⁷ For example, Transcript, pages 92-93 (Mr Falconer).

²⁰⁸ For example, Transcript, page 367, lines 23-28 (Mr Penny).

²⁰⁹ Transcript, page 534, lines 22-30 & page 535, lines 1-20 (Mr Paris).

²¹⁰ Transcript, page 537, lines 14-20 (Professor Bagchi).

Industrial Park Zones, requiring minimum building setbacks from road boundaries, and landscaping requirements on the road frontage of all sites. The Council’s planning expert, Ms Carter considered that, while the interface with Avonhead Road needs to be managed so as to not adversely affect the adjoining environment, that interface did not call for anything beyond what is already provided for under the CCC Modified Version.²¹¹ She noted that this would see the interface with Avonhead Road being treated consistently with other Industrial Park zones, and did not consider the Avonhead Road interface to justify any different treatment, whether in terms of setback or landscaping.²¹²

[224] The Panel agrees with Ms Carter on these matters, and accepts MAIL’s closing submissions, thereby not imposing any additional requirements for landscaping, bunding or setbacks along the Avonhead Road frontage.

Memorial Avenue intersections locations and design

[225] The traffic experts agreed that access to the site from Memorial Avenue should be restricted to two locations only and that the ODP should identify any turning restrictions at the access points.²¹³ The ODP attached to the Council’s closing submissions illustrates an agreed design outcome, in the form of two controlled intersections — a ‘Main Access’ and a secondary, ‘left in/left out’, access. Both intersections are identified as Key Structuring Elements in the CCC Modified Version and the MAIL Refined Relief. MAIL and the Council also agree that non-compliance with a Key Structuring Element would render an intersection a restricted discretionary activity. Both also agree that any additional access to Memorial Avenue not shown on the ODP would be a non-complying activity.

[226] We are satisfied, on the evidence, that all these agreed matters concerning the provision for access off Memorial Avenue are appropriate. The minor modifications we have made in the Decision Version are to assist clarity.

²¹¹ Evidence in chief of Janice Carter at para 14.33.

²¹² Evidence in chief of Janice Carter at para 14.22.

²¹³ Transport conferencing statement, Monday 10 August 2015.

Christchurch International Airport — REPA

[227] The MAIL site is located in close proximity to Christchurch International Airport, immediately to the west of Russley Road (SH1). Part of the proposed zone is essentially in line with the Airport’s east-west (29/11) runway, such that aircraft taking off and landing on this runway will pass over land within the zone. CIAL has identified land in the south-west corner of the zone, adjoining Russley and Avonhead Roads, as falling within the Runway End Protection Area (REPA) for the east-west runway.

[228] As a consequence of the Panel’s earlier designations decision,²¹⁴ the “Christchurch International Airport Limited Designation D1 — Christchurch International Airport” (‘Airport Designation’/‘Designation’) is included in the CRDP.²¹⁵

[229] In addition to providing for a range of airport operations within the Airport land, the Designation imposes a set of restrictions over other land it identifies as ‘Area A2’ and ‘Area B’. The Designation decision records that the designation provision for a REPA serves to apply a best practice approach to the safe landing and take-off of aircraft.²¹⁶ A triangular portion of Area B crosses into the MAIL site. Some of this portion is owned by a submitter, the McVicar Trust.²¹⁷ The balance of the portion is owned by MAIL. This portion is depicted on the Outline Development Plan for the MAIL site as “Runway End Protection Area” (‘REPA land’).

[230] The issue we must now determine is whether the Designation is, itself, sufficient or whether rules imposing restrictions on the use and development of the REPA land should also be included in the CRDP (and, if so, the nature of those restrictions). That was the central question in contention between CIAL, the Trust, and the Council.

[231] For the reasons following, we have determined that the Designation is not itself sufficient and buildings in the REPA land (other than walkways associated with vehicle parking areas which are not greater than 2.4m in height and 1.8m in width) should be specified as a discretionary activity.

²¹⁴ Christchurch International Airport Limited The Airport Designation was confirmed for inclusion in the CRDP in our Final Decision, dated 27 August 2015, concerning Chapter 10 (Part).

²¹⁵ See Draft Decision: Chapter 10 (Part): Designation D1 Christchurch International Airport Limited, dated 2 July 2015 at [128].

²¹⁶ See Draft Decision: Chapter 10 (Part): Designation D1 Christchurch International Airport Limited, dated 2 July 2015 at [46].

²¹⁷ Submission numbers M19 and FS/M37.

[232] For context, we start with a brief summary of how designations operate in imposing restrictions on the subdivision, use and development of land. That is in order to explain why we consider it insufficient to rely on the Airport Designation’s REPA land restrictions.

[233] Under the RMA, when land is designated, restrictions apply to those activities that would prevent or hinder the designated project or work (in this case, the Airport). Where proposed activities are of that nature, first recourse by a proponent is to the requiring authority (in this case, CIAL) for prior written consent.²¹⁸ That is necessary regardless of whether the proponent has all necessary resource consents for the activity. The proponent has a right of appeal to the Environment Court against any adverse decision by a requiring authority (whether a decline or imposition of conditions). The Court determines appeals against specified criteria. Paraphrasing, those include whether the requiring authority’s decision would cause the appellant serious hardship, whether it would render the designated land “incapable of reasonable use”, and the extent to which the decision could be modified without nullifying the effect of the designation.²¹⁹ In those terms, the Court has a broad discretion to determine whether the requiring authority’s decision should stand, fall, or be modified.

[234] It is in that statutory context that the restrictions specified in the Airport Designation should be understood. They extend to the construction of any new building or utility within Area B (unless it was already allowed by resource consent or existing use rights on 27 August 2015) and to a range of activities (i.e. whether new activities or change to the character, scale or intensity of existing activities) that would have any of a range of specified effects. Those effects are described to include “mass assembly of people”, and specified effects such as those impairing visibility or otherwise interfering with aircraft operations, use or storage of hazardous substances in excess of certain quantities, production of direct light beams or reflective glare, radio or electrical interference and attraction of birds (including swales or stormwater retention basins).

[235] In essence, the restrictions specified in the Designation make explicit what land use activities would prevent or hinder the Airport and, hence, require prior written consent under s 176. However, as noted, those restrictions do not confer any veto on CIAL, in that any decision CIAL makes on a proponent’s request is open to Environment Court appeal.

²¹⁸ RMA, s 176(1).

²¹⁹ RMA, s 179.

[236] In seeking that rules restricting activities on the REPA land also be imposed, CIAL significantly modified its position a number of times:

- (a) In its written submission on the Memorial Business Park private plan change request, it sought that the Existing Plan regime (whereby buildings are prohibited) be carried forward for the REPA land. It noted that it sought consistency with the Designation (submission M11, pages 10–11). Related to that position, in its evidence in chief, CIAL promoted a rule to the effect of absolutely prohibiting a range of the activities other than where exempted. Those included “any building or utility”, “mass assembly of people”, “the use or storage of hazardous substances” in excess of certain quantities, and the production of direct light beams or reflective glare (subject to specified exclusions).²²⁰
- (b) In giving evidence, CIAL’s planning witness Mr Bonis accepted that “simply parroting” restrictions that the Designation imposed on the REPA land would not be appropriate. He recommended a softening and narrowing of CIAL’s requested relief, to the effect that it was confined to buildings in the REPA land (except where enclosed walkways associated with vehicle parking areas which are not greater than 2.4m in height and 1.8m in width). He considered this may “appropriately reflect the designation without duplicating it (as the designation would still be required to manage other aspects of its purpose)”.²²¹ However, he was careful to qualify his recommendation by noting that it was premised on whether the Panel agreed with CIAL’s legal submissions that additional land use controls are necessary to provide for the existing designation.
- (c) In its closing submissions, CIAL submitted that Mr Bonis’s alternative relief was “the most appropriate currently before the Panel”.²²² We understand, in making that submission, CIAL was essentially moderating its originally requested relief. We deal with the respective positions of parties on that footing, in particular leaving aside differences expressed in arguments about CIAL’s originally requested

²²⁰ Evidence in chief of Matthew Bonis on behalf of CIAL at para 70.

²²¹ Summary of Matt Bonis on behalf of Christchurch International Airport dated 18 September 2015, at 4.7–4.10; see also Transcript, page 464, lines 30–46.

²²² Closing submissions for CIAL at 17.

“prohibited activity” regime. We record, however, that we would have found the relief as expressed in CIAL’s submission entirely inappropriate.

[237] We received lengthy and somewhat tortuous arguments and counter-arguments on these matters, as between CIAL and the McVicar Trust. Rather than outlining these various arguments and counter-arguments in full, many of which did not particularly advance the parties’ respective cases, we have add their central arguments in our discussion of the issue.

Memorial Avenue Investments Limited

[238] Memorial Avenue Investments Limited essentially did not engage on this aspect of the case. It did not make a further submission opposing CIAL’s primary submission but noted, in its closing submissions, that it supported the position advanced by the McVicar Trust.

The Council’s position

[239] The Council submitted that, when deciding on the appropriate rules for the MAIL site, the Panel must consider the Designation (including its REPA restrictions) and the Airport’s activities. However, it submitted that this does not automatically lead to the conclusion that the REPA restrictions in the Designation must be duplicated in those zone rules. Rather, those factors simply go into the mix of matters to be considered in terms of the RMA and OIC. The Council noted its general agreement with the relevance of the matters raised in CIAL’s submissions. However, it did not agree with CIAL’s submissions insofar as they concluded that the zone rules for the MAIL site “must duplicate” the REPA restrictions of the Designation (and noted that nor did Mr Bonis agree with that). The Council did not consider it needed to respond to the Trust’s submissions.²²³

The Higher Order Documents, Part 2 RMA and the nature of the environment

[240] In terms of the statutory framework we have earlier set out, we must give effect to the CRPS. While CIAL and the McVicar Trust emphasised different CRPS provisions, there was no material dispute as to what the relevant CRPS provisions were:

²²³ Closing submissions for the Council at paras 6.1–6.3,

- (a) The Trust emphasised that the CRPS identifies the MAIL site as a greenfield priority area for industrial purposes (and that identification extends to the McVicar Trust land). That is indisputable. For the reasons we have earlier set out, we find it appropriate to confirm the Industrial zoning of this land. In particular, for the various reasons we have set out, we find such zoning is more appropriate than continuation of rural zoning.
- (b) CIAL emphasised that the CRPS directs our attention to the strategic, and regional, importance of the Airport. It pointed out that CRPS Policy 6.3.3 specifies certain content requirements for the ODP, which development of the MAIL site is required to be in accordance with. That includes the matters in Policy 6.3.3(3)(h) and 6.3.3(9), including showing “how ... potential adverse effects on and/or from nearby existing or designated strategic infrastructure ... will be avoided, remedied or appropriately mitigated”. Again, all those observations are indisputable.

[241] The statutory framework includes our consideration of Part 2 of the RMA and, in that context, the nature of the environment.

[242] CIAL and the Trust effectively agreed that we must have regard to the nature of the environment, including the Airport, in a “real world” sense, in order to make a properly informed determination of the most appropriate planning regime for the MAIL site. We agree with that starting proposition insofar as it goes.

[243] As the closing submissions for the Trust acknowledged, it would be artificial to consider the environment (now, and in the future) as being unaffected by externalities associated with its proximity to the Airport. One such externality is the low probability, but high potential impact,²²⁴ of aircraft crashing on or in close proximity to the MAIL site. We did not take the Trust to dispute, and in any case we accept, CIAL’s submission that “failing to provide properly for the REPA in the MAIL plan provisions ... is a failure to give effect to the CRPS and would also be inconsistent with [Part 2, RMA]”.²²⁵ That is in the sense that runway end protection areas, by the imposition of land use restrictions, are intended to protect against the loss of life or injury to people and damage to property on the ground in the areas where aircraft crashes

²²⁴ An effect within the meaning of “effect” under s 3 of the RMA.

²²⁵ Closing submissions on behalf of CIAL at para 19.

are most likely to happen. The basis of that was succinctly put by Mr Bonis, when asked by the Panel what the s 5 purpose of the REPA was:²²⁶

It is first and foremost health and safety and, secondly, it is economic in terms of the purpose of the airport and its ability to undertake its operations in a sustainable manner.

[244] For completeness on the topic of the nature of the environment, we record that we do not consider the Court of Appeal decision in *Queenstown Lakes District Council v Hawthorn* of particular assistance to our task.²²⁷ Unlike unimplemented resource consents, the Designation is not in the nature of a bundle of rights for future potential implementation. Rather, it is a set of rights (for the Airport land) and restrictions (for the land in question), both of which are already in effect in relation to the operation (and future development) of the Airport. We understand CIAL’s closing submissions to effectively concede this.

[245] We find that the physical presence of the Airport, including the risks it poses of aircraft crashes in the vicinity of the runway approach paths, is in a real sense part of the present and future receiving environment. That would be the case whether or not the Designation is in place. Hence, the Designation has no relevant bearing on the question of the nature of the receiving environment.

[246] Similarly, we find CIAL’s submission that the Designation was “first in time”, which should therefore weigh in the consideration of costs and benefits, unhelpful. CIAL’s submission appears to assume this is a principle of universal RMA application. However, it did not provide any supporting authority for that. Where “first in” has been applied in scarce resource allocation cases, or other cases as to timetabling for dealing with other consent applications, it is because of the specific contexts that those cases addressed. The present context, namely determining zoning for already-designated land, is not analogous. The RMA and OIC codify the matters we are to address in determining zoning issues. We find no valid basis for imposing any “first in” gloss to what we are directed to consider. In terms of what we must consider under s 32AA, the Designation’s prior existence is relevant in a different way, namely it pertains to the question of whether or not any rules and/or ODP provision are warranted and appropriate. Therefore, we agree with Ms Steven QC on this topic.

²²⁶ Transcript, page 476, lines 37–45.

²²⁷ *Queenstown Lakes District Council v Hawthorn* [2006] NZRMA 424 (CA). Opening submissions for CIAL at 36.

[247] CIAL did not refer us to any provisions of the RMA or offer any case authority for its argument that it would be “untenable” if, subsequent to a designation being put in place, landowners could “amend the zoning of their land in a manner that would totally undermine the designation”. CIAL did not expand on what is meant by a zoning amendment that would “totally undermine” the Designation. As we have noted, designation restrictions operate whether or not district plan rules authorise or require resource consent for activities. Where proposed activities would prevent or hinder the designated work, the requiring authority’s prior written approval must be obtained (unless clearance to proceed is secured on appeal). Nor did CIAL offer any authority for the proposition that a designation effectively locks in pre-existing zoning. We find such a proposition contrary to the statutory regime we are directed to apply under the RMA and OIC. We find it lacks any merit, having considered the Higher Order Documents and in view of our findings on the evidence. CIAL’s assertion that “ignoring the prior in time Designation” would be “a major concern to many requiring authorities” was made without evidence and, in any case, does not fairly describe the planning outcomes pursued by either the Trust or the Council.²²⁸

[248] It would appear that, underlying the divergent positions of CIAL and the Trust are their competing commercial interests, particularly as to the potential for compensation for any Public Works Act 1981 purchase of the Trust’s land.

[249] As Ms Steven put it, the Trust’s “central ground of opposition” to CIAL’s relief was that it could potentially undermine the Trust’s access to “remedies” that the RMA provides for where land is subject to a designation. She referred in particular to the fact that, to secure a land purchase order under s 185, the Trust would have to show that the Designation prevented reasonable use of the Trust’s land. She explained that rules that were effectively as restrictive as the Designation would undermine the Trust’s capacity to argue that it was the Designation that gave rise to that consequence. She noted the Trust’s related concern was that overly onerous rules could incentivise CIAL to uplift the Designation, thereby denying the Trust any access to a s 185 order. This is why she described CIAL’s approach as one of “zone and take”.²²⁹

²²⁸ Opening submissions for CIAL at 29–31.

²²⁹ Closing submissions for the Trust at 77–89.

[250] In effect, CIAL presented the counter-view, raising concern that the Trust’s approach (i.e. of seeking no restrictions) could be a “springboard” for its s 185 argument that the Designation was hampering reasonable use of land.

[251] We found these competing commercial agendas an unhelpful distraction from our task of determining the most appropriate plan regime. In essence, they have led to complex, and ultimately spurious, legal arguments.

[252] CIAL emphasised in its closing submissions that it was evident from Mr Bonis’s answers to Panel questions that CIAL was not seeking to simply “parrot” the designation’s restrictions in the proposed rules. In those answers, Mr Bonis agreed that:²³⁰

... just duplicating the controls obviously provides far too much weight back to the airport to uplift the designation and so forth and that was what the independent decision maker Milligan looked at [with PC16] and I agree and acknowledge that... So what I have tried to settle on is something in the middle, it means the designation still has a purpose, it still needs to sit there and there is still that avenue by which that landowner can look at the [s 185] process if they need to.

[253] We agree with Mr Bonis that it would not be appropriate to simply duplicate the Designation controls, thereby denying the purpose of the Designation.

[254] We consider it was also appropriate for Mr Bonis to qualify his ultimate recommendation for “non-complying activity” status for certain buildings as being contingent on our findings concerning CIAL’s legal arguments. To a significant extent, but not entirely, we have rejected those arguments.

[255] Ms Steven was correct to point out that the Panel considered alternative planning approaches when it considered CIAL’s Designation requirement. It did so according to the requirements of s 171, rather than s 32 RMA. In confirming the Designation at that time, the Panel recognised that as a mechanism for restricting usage of land, a “valid point of difference” that a designation offered, as compared to plan rules for instance, was that it gave recourse to the remedies of acquisition and compensation under the Public Works Act. The Designation will remain for the life of the CRDP (and can then be carried forward for consideration in any subsequent review) unless CIAL elects to withdraw it.

²³⁰ Transcript, page 476, lines 1–12 (Mr Bonis).

[256] CIAL has relevant RMA responsibilities, and wider Civil Aviation Act 1990 accountabilities. However, it is not entirely clear whether CIAL must exercise its various relevant requiring authority decision-making responsibilities subject to Part 2 RMA. For instance, unlike ss 104 and 171, s 176 (in regard to CIAL’s decisions on written requests to do things on designated land) is not expressly subject to Part 2 RMA. We acknowledge that ss 6-8 of Part 2 are expressed to apply to “all persons exercising functions and powers”. However, that same direction is not specified in the RMA’s s 5 purpose. While the RMA is explicit that regional councils and territorial authorities exercise their functions to give effect to the RMA, it does not prescribe that in regard to how a requiring authority exercises its requiring authority powers. Nor does it require that the Minister be satisfied that network utility operators will give effect to the RMA’s purpose before approving them as requiring authorities.

[257] That uncertainty is one factor that leads us to conclude that rules and ODP provision have a valid resource management purpose in addition to the Designation. Another factor is the acknowledged public safety risk pertaining to the REPA land. We find that to be a risk warranting associated RMA management in a manner not solely reliant on CIAL. That is, we are not satisfied that the Designation will be a sufficient method for that management. Decisions CIAL may make on requests under s 176 may not necessarily serve the wider community interests reflected in Part 2 RMA. Public safety is a matter that may go beyond the interests of a proponent seeking s 176 clearance, and beyond CIAL’s interests in making decisions under s 176.

[258] Considering all of those matters, we have determined that the CRDP should include restrictions to the effect of requiring resource consent:

... Buildings in locations shown on the ODP in Appendix 16.7.13 as ‘Runway End Protection Area’, except where enclosed walkways associated with vehicle parking areas which are not greater than 2.4m in height and 1.8m in width.

[259] We have deliberately framed the exception to align with a similarly-worded exception in the Designation. On that, we agree with Mr Bonis that the rule should not parrot the Designation, but be sensibly compatible with it.

[260] As to activity categorisation, we consider it unnecessarily restrictive to specify a non-complying activity classification as sought by CIAL. That is because we are not satisfied, on the evidence, that there is any value in requiring that the s 104D RMA threshold test be satisfied

before resource consent can be granted. In particular, industrial usage of the land is generally in keeping with the Higher Order Documents. In that respect, it generally accords with the zone's objectives and policies. Given the significant controls on land use imposed through the Designation, we find that imposition of a s 104D threshold test unwarranted.

[261] However, we consider it important that the activity classification enable consent to be declined and on a basis that allows for the broad discretionary judgment called for by Part 2 RMA. We are mindful that the scenarios, in terms of resource consent applications, could encompass those where CIAL has given or declined requiring authority consent under s 176. Given our earlier observations as to the lack of clarity on whether CIAL has an obligation to make its decisions subject to Part 2, we consider it important that the resource consent decision maker has broad discretion to consider Part 2 matters.

[262] It is also appropriate for a broad discretion to be available to ensure proper account is taken of the Higher Order Documents.

[263] Therefore, we consider that controlled activity and restricted discretionary activity classification would be inappropriate. That leads us to conclude that discretionary activity classification is the most appropriate.

[264] We are satisfied that this activity classification would be essentially neutral insofar as any application of s 185 RMA is concerned. However, we record that was not an influential consideration in our determination. Rather, we have reached our decision on the basis of the relevant statutory considerations we have earlier noted, and in view of the evidence we have considered, for the reasons we have given.

Airport noise sensitivity — Health Care Facilities and Guest Accommodation

[265] This topic concerns reverse sensitivity for Airport noise, for two categories of activity which we have found are most appropriate for inclusion in the IPZ (Memorial Avenue) zone, namely Guest Accommodation and Health Care Facilities. As we explain, our decision reserves one aspect, namely as to indoor noise levels for noise sensitive activities, insofar as these pertain to the determination of Chapter 6 provisions on this matter, as we later explain.

[266] In context terms, the majority of the MAIL site is within the 50dB Ldn Airport Noise Contour ('50 Contour'). A small portion of the site is within the 55dB Contour. In addition, proposed 50dB and 55dB Ldn Engine Testing Noise Contours cover much of the zone.²³¹ This is a topic on which the CRPS expresses relevant direction, and we refer to and adopt the Panel's earlier findings on this matter.²³² We also address relevant CRPS objectives and policies earlier in this decision. Those include CRPS Policy 6.3.6(8) which, in respect to the development of business land, seeks to ensure "reverse sensitivity effects and conflicts between incompatible activities are identified and avoided or mitigated against".

[267] At the outset, we note that agreement was reached between the parties on many of the matters raised by submission, to the point that few matters remained in contention.

[268] As for Health Care Facilities, the closing position of the parties was that these should be provided as a permitted activity if they did not provide for overnight accommodation and met specified standards as to indoor design sound levels. Although the framing of this rule was contested during the hearing, MAIL agreed to the CCC Modified Position and this was also accepted in the evidence of Mr Bonis for CIAL.²³³

[269] We agree with Ms Carter that the provision of health care facilities with no overnight accommodation is more appropriate in giving effect to Policy 6.3.5(4) of the CRPS and is consistent with the findings of our Stage One decision (on evidence presented at that hearing).²³⁴

[270] Accordingly, we find that the regime recommended in the CCC Modified Position is the most appropriate and we have, therefore, provided for it in the Decision Version. The final form of the internal noise level rule will be determined as part of the Chapter 6 inquiry. However, the drafting we have included in the Decision Version anticipates this, on the basis that we find the parties' ultimately agreed position the most appropriate.

[271] Similarly, on the matter of Guest Accommodation, insofar as the parties were in agreement, we have accepted this as most appropriate and included it in the Decision Version.

²³¹ However, we record that the Panel has not yet determined related matters under the General Rules proposal.

²³² Stage One Residential decision at [173]–[241]; Strategic Directions decision.

²³³ Evidence in chief of Matthew Bonis at paras 97–99.

²³⁴ Rebuttal evidence of Janice Carter at para 6.8.

The focus of discussion in the hearing was on three topics — the length of stay, indoor design sound levels and outdoor amenity areas.

[272] The revised proposal attached to the evidence in chief of Ms Carter introduced a new permitted activity standard limiting guest stays to a period of no more than 30 days at any one time. This was an agreed outcome between the Council and MAIL in response to concerns raised by CIAL to ensure that only ‘non-sensitive activity’ guest accommodation is provided for.²³⁵ The CCC Notified Version did not limit the length of stays at Guest Accommodation facilities. However, CIAL’s planning expert, Mr Bonis expressed concern that the 30-day limit was, itself, “arbitrary and general”.²³⁶

[273] Following reconsideration by Ms Carter, the Council removed this 30-day limit in the CCC Revised Version. Ms Carter’s ultimate view was that the definition for Guest Accommodation, particularly its reference to ‘transient’, was sufficient. Her recommendation was also to achieve better consistency, as neither the Sudima Hotel nor the Commodore (also within the 50 dBa contour), were subject to length of stay restrictions.²³⁷

[274] In his evidence for MAIL, Mr Salter could not identify any need to prescribe a short stay requirement for this location. He reasoned that “if the intent [of the rule] is to restrict residency in this location, then the market instruments of the likely room rates and availability of alternatives in the City would make residency unattractive”.²³⁸ Mr Salter went on to note that the main markets for accommodation in this location are expected to be travellers utilising the airport or SH1. Under cross-examination, he stated that the average length of stay in hotels in most locations is two nights.²³⁹ He went on to confirm that a 30-day period is appropriate, as a definition of a “short stay” if it was required.²⁴⁰ We view that comment in light of the evidence that it is unlikely guests would stay this length of time.

[275] We accept the evidence of Ms Carter on this topic. We also give weight to Mr Salter’s observation as to the ability to rely on market forces. Therefore, we determine that the most

²³⁵ CIAL submission on the Memorial Business Park private plan change request, page 5.

²³⁶ Evidence in chief of Matthew Bonis at 25.1.

²³⁷ Rebuttal evidence of Janice Carter at para 6.3.

²³⁸ Rebuttal evidence of Raymond Salter on behalf of MAIL at para 5.2.

²³⁹ Transcript, page 216, lines 15-21 (Mr Salter).

²⁴⁰ Rebuttal evidence of Raymond Salter at para 5.5.

appropriate approach is to not include any restrictions on the length of stay in the Decision Version.

[276] By closing submissions, effective consensus was also achieved on the matter of permitted activity standards for indoor design sound levels of Guest Accommodation. In its submission on the CCC Notified Version, CIAL sought an amendment to the permitted activity standards for Guest Accommodation to the effect that noise associated with industrial activities within the zone would be accounted for in the provision of acoustic insulation. That issue arises, essentially, from the fact that Guest Accommodation would be enabled within a zone primarily for industrial activities. We accept that CIAL has a legitimate interest in this issue, given its potential to impact on its strategic concerns as to reverse sensitivity.

[277] In his rebuttal evidence for the Council, noise expert Jon Farren updated the Panel on his discussions with MAIL's noise expert Dr Stephen Chiles. He noted their agreement that noise mitigation for noise sensitive activities could be achieved through reference to Rule 6.1.5.2(a)(ii), provided that the requirements for road traffic noise are also applied to all building elements exposed to industrial noise which complies with the permitted noise standards set out in Rule 6.1.4.1.1 Table 1 for Industrial General Areas.²⁴¹

[278] In his closing submissions for MAIL, Mr Christensen advocated a similar approach, namely provision in the applicable permitted activity rule to the effect that the requirements of Rule 6.1.5.2(a)(ii) are to apply in respect to noise from industrial activity within the IPZ (Memorial Avenue) zone (at the noise levels permitted under Rule 6.1.4.1.1 Table 1). That is effectively what is proposed in the CCC Modified Position. We are satisfied that this approach properly gives effect to the CRPS, and is the most appropriate. Therefore, we have provided for it in the Decision Version (although subject to our reservation of the final substance of the indoor noise rules to the determination of the Chapter 6 provisions).

[279] Turning to outdoor amenity areas, consensus was ultimately achieved between the relevant parties. CIAL's initial position was to seek restrictions on usage of outdoor amenity areas. The CCC Notified Version specified an activity standard to the effect that there shall be no outdoor amenity areas for Guest Accommodation. CIAL's planning witness, Mr Bonis,

²⁴¹ Rebuttal evidence of Jon Farren of behalf of the Council at para 3.3.

identified concerns as to how far this control would extend and as to its lack of certainty.²⁴² To address those concerns, he initially recommended replacing this standard with a restricted discretionary activity rule, so as to address any reverse sensitivity risk for the Airport.

[280] MAIL’s noise expert, Dr Chiles, explained why he considered it unwarranted to impose any such controls. From his experience, he considered the provision of outdoor amenity space would typically be a commercial consideration when developing a guest accommodation facility.²⁴³ Under cross-examination he further explained that both the Commodore and Sudima hotels had dealt with outdoor amenity issues through their design.²⁴⁴ Our site visit enabled us to verify that in regard to the Commodore.

[281] Mr Bonis made the further valid point that, for any hotel seeking to establish in the IPZ (Memorial Avenue), “the surrounding industrial land use mix and associated permitted noise levels is more likely to be a deterrent to outdoor amenity than compliance with proposed regulation associated with air noise contours”.²⁴⁵ Sanity in due course prevailed, with all relevant witnesses concurring that common sense ought win over regulation on this matter.

[282] We agree with the position reached by the parties. On the evidence, it is our opinion that removal of the rule is a considered and pragmatic approach, and is consistent with the Higher Order Documents. We also determine that it better achieves Objective 3.3.2, in that this approach “[m]inimises transaction costs and reliance on resource consent processes”; and “the number, extent, and prescriptiveness of development controls and design standards in the rules, in order to encourage innovation and choice”. Therefore, we have determined that the most appropriate approach is to remove any restriction on outdoor amenity areas, and we have done so in the Decision Version.

Shifting of signage provisions to the General Rules chapter

[283] The CCC Modified Version proposed rules as to signage. Those included provisions specifying billboards as a non-complying activity and limiting the number of other signs in close proximity to Memorial Avenue. Given our findings concerning the amenity values

²⁴² Evidence in chief of Matthew Bonis at para 91.

²⁴³ Transcript, page 293, lines 8–15 (Dr Chiles).

²⁴⁴ Transcript, page 291, lines 25–31 (Dr Chiles).

²⁴⁵ Transcript, page 463, lines 10–13 (Mr Bonis).

associated with the Memorial Avenue gateway to the city and Ms Carter's (uncontested) planning evidence, we are satisfied that the substance of these provisions is the most appropriate. However, we have relocated the provisions to Chapter 6 (General Rules), as recommended by Ms Carter and the Crown's submission.

Integration of land use and wastewater infrastructure

[284] As for the roading network, the CRPS provides direction regarding the effects of development on, and the integration of land use development with, wastewater infrastructure. It was agreed between the relevant engineering experts²⁴⁶ that the wastewater network which would serve the MAIL site is currently at capacity and that any additional flows from this land would need to be prevented until the initial (Lower) Riccarton Interceptor sewer upgrade is completed. Following the initial upgrade, there would still be a need for limitations on discharges to the Council's wastewater network until such time as the Upper Riccarton Interceptor and Upper Avonhead Road sewers are upgraded. CIAL's concern was that there would be sufficient wastewater infrastructure capacity to accommodate both the development of the IPZ (Memorial Avenue) zone and development within the operative Specific Purpose (Airport) zone.²⁴⁷ ACG expressed concern that, in addition, the capacity needs to be sufficient to accommodate the proposed 6 hectare Residential Suburban zoning at 77 Hawthornden Road.²⁴⁸

[285] Through the process of mediation on this topic, and during the course of the hearing, the parties (with the support of the engineering experts) reached agreement as to how available wastewater infrastructure capacity will be allocated between various development areas (with staging limits as the sewers are progressively upgraded). The outcome of this agreement is reflected in Rule 16.4.7.2.7 of both the CCC and MAIL Revised Versions. Given the level of agreement reached between the parties, and the associated expert evidence before us, we are satisfied that the agreement reached is appropriate and will give effect to the higher order objectives and policies regarding wastewater infrastructure. We have included the provisions from the CCC Modified Version into the Decision Version.

²⁴⁶ Expert Conferencing Statement, Topic 4 Stormwater/Wastewater Infrastructure, 10 August 2015.

²⁴⁷ Opening submissions for CIAL at para 40.

²⁴⁸ Evidence in chief of Clive Paris on behalf of ACG at para 21.

OVERALL EVALUATION AND CONCLUSIONS

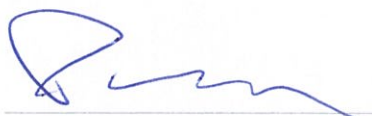
[286] Based on our evidential findings, we are satisfied that Decision Version best responds to the Higher Order Documents, appropriately accords with relevant RMA requirements, and best assists recovery and long-term needs of Christchurch. We confirm it as the most appropriate.

Directions as to ODP changes

[287] The Decision Version lists amendments that are required to the ODP to ensure it aligns with this decision. Once an updated ODP is received according to our directions, a second decision will issue for the purposes of its inclusion in the CRDP.

[288] The Council is directed to confer with MAIL and other parties (and, as appropriate, with Secretariat staff) and file an updated ODP addressing the various matters noted in the Decision Version *within 14 days of the date of this decision* (unless otherwise directed by minute).

For the Hearings Panel:



Environment Judge John Hassan
Deputy Chair



Ms Sarah Dawson
Panel Member



Mr John Illingsworth
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:
- i. gives primacy to and supports the recovery of the Central City;
 - ii. supports and enhances the role of District Centres; and
 - iii. 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

	Role	Centre and size (where relevant)
A.	<p>Central Business District</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>	<p>Centre: Central City</p>
B.	<p>District Centre - Key Activity Centre</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 30,000m²</p>

	Role	Centre and size (where relevant)
	<p>The extent of the centre:</p> <p>a. is the Commercial Core Zone and Commercial Retail Park Zone at Hornby, Belfast/ Northwood and Papanui/Northlands; and</p> <p>b. is the Commercial Core Zone in all other District centres; and</p> <p>c. includes community facilities within walking distance (400 metres) of the commercial zone.</p>	
C.	<p>Neighbourhood Centre</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> <p>a. 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</p> <p>b. Community facilities within walking distance (400 metres) of the centre.</p>	<p>Centres: Spreydon/ Barrington (Key Activity Centre), New Brighton (Key Activity Centre), 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 30,000m².</p>
D.	<p>Large Format Centre</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>

	Role	Centre and size (where relevant)
	<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>Local Centre</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), Upper Riccarton (57 Peer Street), both zoned Commercial Core,</p> <p>All other commercial centres zoned Commercial Local.</p> <p>Size: Up to 3,000m² (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
P1	Any new building or addition to a building for any permitted activity listed in P2 to P23 below.	Nil
P2	Department store, supermarket, unless specified below. (refer to Rule 15.2.2.4 D2)	
P3	Retail activity excluding supermarket and department store, unless otherwise specified	a. Any activity shall have a maximum tenancy size of 500m ² GLFA in a Neighbourhood Centre. This clause does not apply to the Key Activity Centre at Spreydon.
P4	Trade supplier	
P5	Second-hand goods outlet	
P6	Commercial services	
P7	Entertainment facility	
P8	Food and beverage outlet	
P9	Gymnasium	
P10	Office activity	a. Any office activity shall have a maximum tenancy size of 500m ² GLFA in a Neighbourhood Centre.

Activity		Activity specific standards
		This clause does not apply to the Key Activity Centre at Spreydon/Barrington.
P11	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 $D_{tr,2m,nTw+C_t^r}$.
P12	Community facility	Nil
P13	Health care facility	
P14	Education activity	
P15	Pre-school	
P16	Care facility	
P17	Spiritual facility	
P18	Public artwork	
P19	Public transport facility	
P20	Residential activity	

Activity		Activity specific standards																
		<p>excluding lobby and/or reception area, car parking, garaging and balconies) per unit of:</p> <ul style="list-style-type: none"> i. Studio 35m² ii. 1 Bedroom 45m² iii. 2 Bedroom 60m² iv. 3 Bedroom 90m² <p>d. Each residential unit shall be provided with:</p> <ul style="list-style-type: none"> i. an outdoor service space of 3m² and a waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in either a private or communal area; ii. a single, indoor storage space of 4m³ with a minimum dimension of 1 metre. 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>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 border="1" data-bbox="817 1339 1401 1787"> <thead> <tr> <th></th> <th>Type</th> <th>Area</th> <th>Dimension</th> </tr> </thead> <tbody> <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>More than 3 bedrooms</td> <td>15m²</td> <td>1.5 metres</td> </tr> </tbody> </table> <p>f. Any bedroom must be designed and constructed to achieve an external to internal noise reduction of not less than 35 dB $D_{tr,2m,nTw} + C_{tr}$.</p>		Type	Area	Dimension	i.	Studio, 1 bedroom	6m ²	1.5 metres	ii.	2 or 3 bedroom	10m ²	1.5 metres	iii.	More than 3 bedrooms	15m ²	1.5 metres
	Type	Area	Dimension															
i.	Studio, 1 bedroom	6m ²	1.5 metres															
ii.	2 or 3 bedroom	10m ²	1.5 metres															
iii.	More than 3 bedrooms	15m ²	1.5 metres															
P21	Emergency service facility	Nil																

Activity		Activity specific standards
P22	Parking lot	
P23	High technology industrial activity	

15.2.2.2 Controlled activities

The activities listed below are controlled activities.

C1	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:
RD1	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.	<ul style="list-style-type: none"> a. Residential activity - 15.8.2.3 b. Activity at ground floor level - 15.8.2.2
RD2	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.	<p>As relevant to the breached built form standard:</p> <ul style="list-style-type: none"> 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:
		<ul style="list-style-type: none"> 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.
RD3	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
RD4	Service station Any application for this activity will not require written approvals and shall not be limited or publicly notified.	
RD5	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
RD6	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.	<ul style="list-style-type: none"> a. Maximum tenancy size – 15.8.2.1 b. Centre vitality and amenity - 15.8.2.4
RD7	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
D1	Any activity not provided for as a permitted, restricted discretionary or non-complying activity.
D2	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
NC1	Any residential activity or guest accommodation not complying with rules 15.2.2.1 P11(a)(Guest accommodation) or P20(f) (Residential activity).
NC2	Sensitive activities within the air noise contour (50 dBA Ldn) as defined on the planning maps.
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 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"> i. 4,000m² (gross leasable floor area) where located in a District Centre as identified in Table 15.1; or ii. 1,000m² (gross leasable floor area) where located in neighbourhood centre identified in Table 15.1. 	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"> a. That the new building or addition to a building is built in accordance with the urban design certification.
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> <ol style="list-style-type: none"> i. be built up to the road boundary except for: <ol style="list-style-type: none"> A. a setback of up to a maximum of 4 metres from the road boundary for a maximum width of 10 metres. B. any pedestrian or vehicle access. ii. have visually transparent glazing for a minimum of 60% of the ground floor elevation facing the street. iii. have visually transparent glazing for a minimum of 20% of each elevation above ground floor and facing the street. iv. This rule shall not apply to emergency service facilities (P21). v. On Colombo Street, between Moorhouse 	Non-compliance with permitted standard	a. Minimum building setback from road boundaries/ street scene – 15.8.3.2

	Permitted	Restricted discretionary	Matters of discretion
	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"> 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 ii. have visually transparent glazing for a minimum of 40% of the ground floor elevation facing an arterial or collector road. <p>On sites opposite a residential zone:</p> <ul style="list-style-type: none"> 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. 		
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"> 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. 		

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:
RD1	<p>Any activity or building in the Commercial Core Zone (Belfast/ Northwood):</p> <p>a. complying with the built form standards in Rules 15.2.3 (excluding Rule 15.2.3.1) and 15.2.4.1.2.</p>	<p>a. Matters of discretion for Belfast/ Northwood Outline Development Plan area - 15.2.4.1.3</p> <p>b. The extent to which development is in general accordance with the outline development plan in Appendix 15.10.1</p> <p>c. Urban design - 15.8.1</p>
RD2	<p>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.</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> <p>a. Maximum building height – 15.8.3.1</p> <p>b. Landscaping – 15.2.4.1.3.3</p> <p>c. Roading, access and parking - 15.2.4.1.3.4</p> <p>d. Maximum total number of vehicles exiting the site – 15.2.4.1.3.6</p> <p>and</p> <p>e. Matters of discretion for Belfast/ Northwood Outline Development Plan area - 15.2.4.1.3</p> <p>f. The extent to which development is in general accordance with the outline development plan in Appendix 15.10.1</p> <p>g. Urban design - 15.8.1</p> <p>h. Maximum retail / office activity thresholds – 15.2.4.1.3.5</p>

15.2.4.1.1.2 Discretionary activities

The activities listed below are discretionary activities.

	Activity
D1	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
NC1	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.	

	Permitted	Non-complying
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 ² .	

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

15.2.4.1.2.3 Landscaping

	Permitted	Restricted discretionary	Matters of discretion
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

	Permitted	Restricted discretionary	Matters of discretion
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

	Applicable To	Permitted	Restricted discretionary	Matters of discretion
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

	Applicable to	Permitted	Discretionary	Matters of discretion
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 ² 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 ² GLFA.		

15.2.4.1.2.7 Maximum thresholds for retailing activities

	Permitted	Restricted discretionary	Matters of discretion
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 ² 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

	Permitted	Restricted discretionary	Matters of discretion
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 ² 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 1,600m².

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 1200m² of public open space with at least one space making up 1200m² 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 4,000m².
 - 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 Rooding, 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 (Ferrymead) Outline Development Plan area

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

15.2.4.2.1.1 Permitted activities

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

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

	Activity	Activity specific standards
P2	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:
RD1	Any retail activity resulting in the total GLFA in the Commercial Core Zone (Ferrymead), excluding 2 Waterman Place, to exceed 30,000m ² . Any retail activity resulting in the total GLFA at 2 Waterman Place to exceed 6,500m ² .	a. Maximum retail/office activity thresholds - 15.2.4.2.3.3
RD2	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
RD3	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
RD4	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 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

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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:
RD1	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"> a. Minimum building setback from road boundaries/ street scene – 15.8.3.2 b. Minimum separation from the internal boundary with a residential zone – 15.8.3.3 c. Landscaping and trees – 15.8.3.6

	Activity	The Council's discretion shall be limited to the following matters:
	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.

	Activity
NC1	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

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
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

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
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

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
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

	Permitted	Restricted discretionary	Matters of discretion
a.	No non-residential activities shall occur until upgrade of the following intersection has commenced: <ul style="list-style-type: none"> 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 ² of non-residential activities (comprising 4000m ² for a supermarket (where an individual tenancy is greater than 1,000m ² GLFA) and 3200m ² for other non-residential activities) shall occur until such time as: <ul style="list-style-type: none"> 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 7,200m² 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 ²	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 ²	

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
NC1	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: <ol style="list-style-type: none"> 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. ii. The landscaping required under (i) shall have a 	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"> 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. 	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
P1	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:
RD1	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
RD2	Vehicle access from Otarā Street to the Commercial Core Zone (Fendalton)	a. Access off Otarā 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
P1	Any new building or addition to a building for any permitted activity listed in P2 to P24 below, except for any new building or addition to a building requiring consent under RD3 below.	Nil
P2	Supermarket	<p>a. The maximum tenancy size at ground floor level shall be 1,000 m² 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 2,600m² GLFA.</p>
P3	Retail activity excluding supermarket unless otherwise specified	<p>a. The maximum tenancy size for an individual tenancy at ground floor level shall be 350 m² 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 1,000m² GLFA</p>
P4	Yard-based supplier	<p>a. The maximum tenancy size at ground floor level shall be 250 m² gross leasable floor area.</p>
P5	Trade supplier	
P6	Second-hand goods outlet	
P7	Commercial services	
P8	Service station	Nil
P9	Food and beverage outlets	
P10	Office activity	<p>a. The office activity shall comprise a maximum tenancy size of 350 m² GLFA, except for office activity at 20 Twigger Street (Lot 1 DP78639) which shall not have any floorspace limit.</p>

Activity		Activity specific standards
P11	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 $30 \text{ dB } D_{\text{tr},2\text{m},\text{nTw}} + C_{\text{tr}}$.
P12	Community facility	Nil
P13	Health care facility	
P14	Education activity	
P15	Care facility	
P16	Pre-school	
P17	Spiritual facility	
P18	Public artwork	
P19	Residential activity	<p>a. Residential activity shall be</p> <ol style="list-style-type: none"> i. located above ground level or 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: <ol style="list-style-type: none"> A. any pedestrian entrance including lobby and/or reception area associated with a residential activity. <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> <ol style="list-style-type: none"> i. Studio 35m² ii. 1 Bedroom 45m² iii. 2 Bedroom 60m² iv. 3 Bedroom 90m² <p>c. Each residential unit shall be provided with:</p> <ol style="list-style-type: none"> i. an outdoor service space of 3m² and a waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in either a private or communal area; ii. a single, indoor storage space of 4m³ with a minimum dimension of 1 metres; and

Activity		Activity specific standards																
		<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>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.</p> <table border="1" data-bbox="699 651 1318 943"> <thead> <tr> <th></th> <th>Type</th> <th>Area</th> <th>Dimension</th> </tr> </thead> <tbody> <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>More than 3 bedrooms</td> <td>15m²</td> <td>1.5 metres</td> </tr> </tbody> </table> <p>e. Any bedroom must be designed and constructed to achieve an external to internal noise reduction of not less than 30 dB $D_{tr,2m,nTw} + C_{tr}$.</p>		Type	Area	Dimension	i.	Studio, 1 bedroom	6m ²	1.5 metres	ii.	2 or 3 bedroom	10m ²	1.5 metres	iii.	More than 3 bedrooms	15m ²	1.5 metres
	Type	Area	Dimension															
i.	Studio, 1 bedroom	6m ²	1.5 metres															
ii.	2 or 3 bedroom	10m ²	1.5 metres															
iii.	More than 3 bedrooms	15m ²	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), Redmund Spur and Wigram (The Runway)	<p>a. The maximum amount of floorspace for retail activity in the following local centres shall be as follows:</p> <p>i. East Belfast (Blakes Road) 2,000m² (GLFA)</p> <p>ii. Wigram (The Runway) 6,000m² (GLFA)</p> <p>iii. Upper Styx/Highsted (Claridges Road) 2,000m² (GLFA)</p> <p>iv. Redmund Spur 2500 m² (GLFA)</p>																
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:
RD1	<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"> a. Maximum building height – 15.8.3.1 b. For the Commercial Local Zone (Wigram), Building height in the Commercial Local Zone at Wigram - 15.3.5.3 c. Minimum building setback from road boundaries/ street scene – 15.8.3.2 d. Minimum separation distance from the internal boundary with a residential zone – 15.8.3.3 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
RD2	<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"> a. For P2 – P7, P10 - Maximum tenancy size – 15.8.2.1. b. For P19 – Activity at ground floor level – 15.8.2.2 c. For P19– Residential activity – 15.8.2.3 d. For P19 in the Commercial Local Zone at Highfield - Residential activities in the Commercial Local Zone at Highfield - 15.3.5.2 e. For P2, P3 and P21 applicable to East Belfast, Halswell West (Caulfield Avenue), Wigram and

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

15.3.2.4 Discretionary activities

The activities listed below are discretionary activities.

	Activity
D1	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.

	Activity
NC1	Any residential activity or guest accommodation not complying with Rules 15.3.2.1 P11(a) (Guest accommodation) or P19(e) (Residential activity).
NC2	Sensitive activity within the air noise contour (50 dBA Ldn) as defined on the planning maps
NC3	<p>a. Sensitive activities</p> <ul style="list-style-type: none"> i. within 10 metres of the centre line of a 66kV electricity distribution line or within 10 metres of a foundation of an associated support structure. 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. <p>b. Buildings on greenfield sites:</p> <ul style="list-style-type: none"> i. within 10 metres of the centre line of a 66kV electricity distribution line or within 10 metres of a foundation of an associated support structure. 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.

	Activity
	<p>c. Buildings, other than those in (b) above:</p> <ul style="list-style-type: none"> i. within 10 metres of the foundation of a 66kV electricity distribution support structure. ii. Within 5 metres of the foundation of a 33kV electricity distribution support structure. <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"> 1. The National Grid transmission lines and 66kV and 33kV electricity distribution lines are shown on the planning maps. 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. 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.

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 ² 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"> 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; ii. provide pedestrian access directly from the road boundary; iii. have visually transparent glazing for a minimum of 60% of the ground floor elevation facing the 	Non-compliance with permitted standard	a. Minimum building setback from road boundaries/ street scene – 15.8.3.2

	Permitted	Restricted discretionary	Matters of discretion
	<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

	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.

15.3.3.4 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 2.3m 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.	In the Commercial Local Zone Wigram (The Runway), where a site boundary adjoins a residential zone and <ul style="list-style-type: none"> i. Immediately adjoins an access or part of an access, the recession plane shall be constructed from points 2.3 		

	Permitted	Restricted discretionary	Matters of discretion
	<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

	Permitted	Restricted discretionary	Matters of discretion
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

	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.</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
P1	<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:
RD1	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
RD2	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 3500m² 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> <p>i. one individual tenancy in areas A and B shall have a GLFA of up to 800m²; and</p> <p>ii. no other individual tenancy in areas A and B shall have a GLFA of greater than 450m².</p> <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

- a. The extent to which comprehensive, mixed-use development would continue to be achieved.
- b. The nature and degree of any adverse effects caused by proposals not in accordance with the outline development plan.
- c. The relationship and integration of proposals with any other existing development within the block.
- d. Whether the scale and nature of development is consistent with that anticipated for a local centre.
- e. 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.
- f. The extent to which comprehensive design enables greater use of open space within the development than would be the case with piecemeal development.
- g. 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	
P1	In Lyttelton or Akaroa, the use of an existing building for activities P3-P21 in Rule 15.4.2.1.	Nil	
P2	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	
P3	Retail activity	Nil	
P4	Second-hand goods outlet		
P5	Supermarket		
P6	Commercial services		
P7	Office activity		
P8	Entertainment facility		
P9	Gymnasium		
P10	Community facility		
P11	Health care facility outside the Lyttelton Port Influences Overlay Area defined on the planning maps		The following shall apply in Lyttelton only: a. Any habitable space must be designed and constructed to achieve an external to internal

	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>
P12	Education activity outside the Lyttelton Port Influences Overlay Area defined on the planning maps	The following shall apply in Lyttelton only:
P13	Care facility outside the Lyttelton Port Influences Overlay Area defined on the planning maps	<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>
P14	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>
P15	Public artwork	Nil
P16	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 m²</p> <p>B. 1 Bedroom 45 m²</p> <p>C. 2 Bedroom 60 m²</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"> 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; ii. a single, indoor storage space of 4m³ with a minimum dimension of 1 metre; and 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. <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 border="1" data-bbox="837 1153 1369 1541"> <thead> <tr> <th></th> <th>Type</th> <th>Area</th> <th>Dimension</th> </tr> </thead> <tbody> <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> </tbody> </table> <p>d. In Lyttelton:</p> <ul style="list-style-type: none"> 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. 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. 		Type	Area	Dimension	i.	Studio, 1 bedroom	6m ²	1.5 metres	ii.	2 or 3 bedroom	10m ²	1.5 metres	iii.	3 or more bedrooms	15m ²	1.5 metres
	Type	Area	Dimension															
i.	Studio, 1 bedroom	6m ²	1.5 metres															
ii.	2 or 3 bedroom	10m ²	1.5 metres															
iii.	3 or more bedrooms	15m ²	1.5 metres															

	Activity	Activity specific standards
P17	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 $D_{tr,2m,nTw+Ctr}$.</p> <p>ii. Any bedroom must be designed and constructed to achieve an external to internal noise reduction of not less than 30 dB $D_{tr,2m,nTw+Ctr}$.</p>
P18	Public transport facility	Nil
P19	Emergency service facilities	
P20	Parking building	
P21	Parking lot	
P22	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:
RD1	<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> <ol style="list-style-type: none"> a. Maximum building height – 15.8.3.1 b. Site coverage – 15.8.3.7 c. Minimum building setback from road boundaries/ street scene – 15.8.3.2 d. Minimum separation from the internal boundary with a residential zone (for non-compliance with Rule 15.4.3.4) – 15.8.3.3 e. Sunlight and outlook at boundary with a residential zone – 15.8.3.4 f. Outdoor storage areas – 15.8.3.5 g. Water supply for fire fighting – 15.8.3.8 h. Minimum building setback from the railway corridor - 15.8.3.10
RD2	<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>	<ol style="list-style-type: none"> a. For P16 Residential activity – <ol style="list-style-type: none"> i. Residential activity - 15.8.2.3 ii. Activity at ground floor level – 15.8.2.2 b. For P11- P14 and P17 - 15.8.2.3 (f)
RD3	<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> <ol style="list-style-type: none"> a. the development is limited to repairs, maintenance, and seismic, fire and/or access building code upgrades. 	<ol style="list-style-type: none"> a. Urban design – 15.8.1. b. Lyttelton Design Guidelines (Appendix 15.10.6) and Akaroa Design Guidelines (Appendix 15.10.5). c. DEFERRED

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:
<p>D1</p>	<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"> i. Maximum building height – 15.8.3.1 ii. Site coverage – 15.8.3.7 iii. Minimum building setback from road boundaries/ street scene – 15.8.3.2 iv. Minimum separation from the internal boundary with a residential zone (for non-compliance with Rule 15.4.3.4) – 15.8.3.3 v. Sunlight and outlook at boundary with a residential zone– 15.8.3.4 vi. Outdoor storage areas – 15.8.3.5 vii. Water supply for fire fighting – 15.8.3.8 viii. Minimum building setback from the railway corridor – 15.8.3.10 <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. DEFERRED</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"> i. For residential activity – 15.8.2.3. ii. For residential and guest accommodation - Activity at ground floor - 15.8.2.2.

	Activity	The Council will consider the matters of discretion specified below and any other relevant matter under Section 104 of the Act:
D2	Industrial activity Any application for this activity will not require written approvals and shall not be limited or publicly notified.	<ul style="list-style-type: none"> a. Centre vitality and amenity – 15.8.2.4 b. Nuisance – 15.8.2.5 c. Urban design – 15.8.1.
D3	Service station Any application for this activity will not require written approvals and shall not be limited or publicly notified.	<ul style="list-style-type: none"> a. Centre vitality and amenity – 15.8.2.4 b. Nuisance – 15.8.2.5 c. Urban design – 15.8.1.
D4	Trade supplier Any application for this activity will not require written approvals and shall not be limited or publicly notified.	<ul style="list-style-type: none"> a. Centre vitality and amenity – 15.8.2.4 b. Urban design – 15.8.1.
D5	Any activity not provided for as a permitted, restricted discretionary, non-complying or prohibited activity	
D6	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.

NC1	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: <ul style="list-style-type: none"> 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

	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.

15.4.3.8 Minimum building setback from railway corridor

		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.

15.5 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
P1	Any new building or addition to a building for any permitted activity listed in P2 to P17 and P19-P20 below.	Nil
P2	Retail activity, unless specified below	a. The minimum tenancy size of any single retail activity shall be 450m ² GLFA.
P3	Supermarket	Nil
P4	Trade supplier	
P5	Yard-based supplier	
P6	Second-hand goods outlet	
P7	Service station	
P8	Food and beverage outlet	
P9	Ancillary office activity on the same site as a permitted activity	
P10	Public transport facility	Nil
P11	Emergency service facilities	
P12	Health care facility	
P13	Pre-school	
P14	Gymnasium	
P15	Drive-through services	
P16	Parking lot	
P17	Parking building	

	Activity	Activity specific standards
P18	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>
P19	Office activity within the Commercial Retail Park Zone located north of Langdons Road.	<p>a. Office activity shall be limited to a total of 10,000m² gross floor area in the Commercial Retail Park Zone north of Langdons Road.</p>
P20	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 m².</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>
P21	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:
RD1	<p>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.</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"> 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.
RD2	<p>Activity P9 in Rule 15.5.2.1 that does not meet the activity specific standard in 15.5.2.1.</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"> a. For P9 – (Ancillary office activity) - 15.8.2.6
RD3	<p>Activity P18 in Rule 15.5.2.1 that does not meet the activity specific standard in 15.5.2.1</p>	<ul style="list-style-type: none"> 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
D1	Any activity not provided as a permitted, restricted discretionary, or non-complying activity.
D2	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.

	Activity
NC1	Any non-compliance with the activity specific standard for 15.5.2.1 P2 (Retail activity).
NC2	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

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
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

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
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 or open space zone.	3 metres	Less than 3 metres	a. Minimum separation from the internal boundary with a residential or open space 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
P1	Any new building or addition to a building for any permitted activity listed in P2 to P12 below.	Nil
P2	Office activity	
P3	Food and beverage outlet	
P4	Commercial services	
P5	Trade and industry training facility	
P6	Public transport facility	
P7	Gymnasium	
P8	Parking lot	
P9	Parking building	
P10	Pre-school	
P11	Community facility	
P12	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:
RD1	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
D1	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
NC1	Heavy industrial activity.
NC2	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> <p>a. Minimum width - 1.5 metres</p> <p>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.</p> <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.	Road connections to the Commercial Office Zone (Wrights Road) on the corner of Wrights Road and Jack Hinton Drive, shall be limited to: <ol style="list-style-type: none"> i. 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 ii. one road connection from Jack Hinton Drive, set back at least 15 metres from the intersection of Jack Hinton Drive and Wrights Road. 	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

		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.

15.7 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
P1	Any new building or addition to a building for any permitted activity listed in P3 to P8 and P11 to P27 below.	Nil
P2	<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
P3	Ancillary retail activity	<p>a. Any ancillary retail activity shall:</p> <p>i. occupy no more than 250m² 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>
P4	Food and beverage outlet	Nil
P5	Trade supplier	
P6	Yard-based supplier	
P7	Second-hand goods outlet	
P8	Service station	
P9	<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
P10	<p>a. Existing office activity in an existing building, or</p> <p>b. Existing consented office activity and associated building;</p> <p>as at the DATE OF DECISION AS NOTIFIED</p>	
P11	Ancillary office activity	<p>a. Any ancillary office activity shall:</p> <p>i. occupy no more than 500m² or 30% 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 the office activity fronts the street.</p>
P12	Industrial activity in the Commercial Mixed Use Zone on Blenheim Road and Main South Road	Nil
P13	Warehousing and distribution activities	
P14	Service industry	
P15	High technology industrial activity	
P16	Trade and industry training facility	
P17	Emergency service facilities	
P18	Public transport facility	
P19	Health care facility	
P20	Pre-school	
P21	Gymnasium	
P22	Drive-through services	
P23	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 <u>and New Brighton</u>	<p>a. Residential activity shall be:</p> <ul style="list-style-type: none"> i. located above ground floor or 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"> A. any pedestrian entrance including lobby and/or reception area associated with residential activity, and: <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"> i. Studio 35m² ii. 1 Bedroom 45m² iii. 2 Bedroom 60m² iv. 3 Bedroom 90m² <p>c. Each residential unit shall be provided with:</p> <ul style="list-style-type: none"> i. an outdoor service space of 3m² and a waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in either a private or communal area; ii. a single, indoor storage space of 4m³ with a minimum dimension of 1 metre. 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>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 ²	1.5 metres
		ii.	2 or 3 bedroom	10m ²	1.5 metres
		iii.	More than 3 bedrooms	15m ²	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 $D_{tr,2m,n} - C_{tr}$.			

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:
RD1	<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"> 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

	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
RD2	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:
D1	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

NC1	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"> i. Minimum width - 1.5 metres ii. Minimum density of tree planting - 1 tree for every 10 metres of road frontage or part thereof, evenly spaced. <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

	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 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.

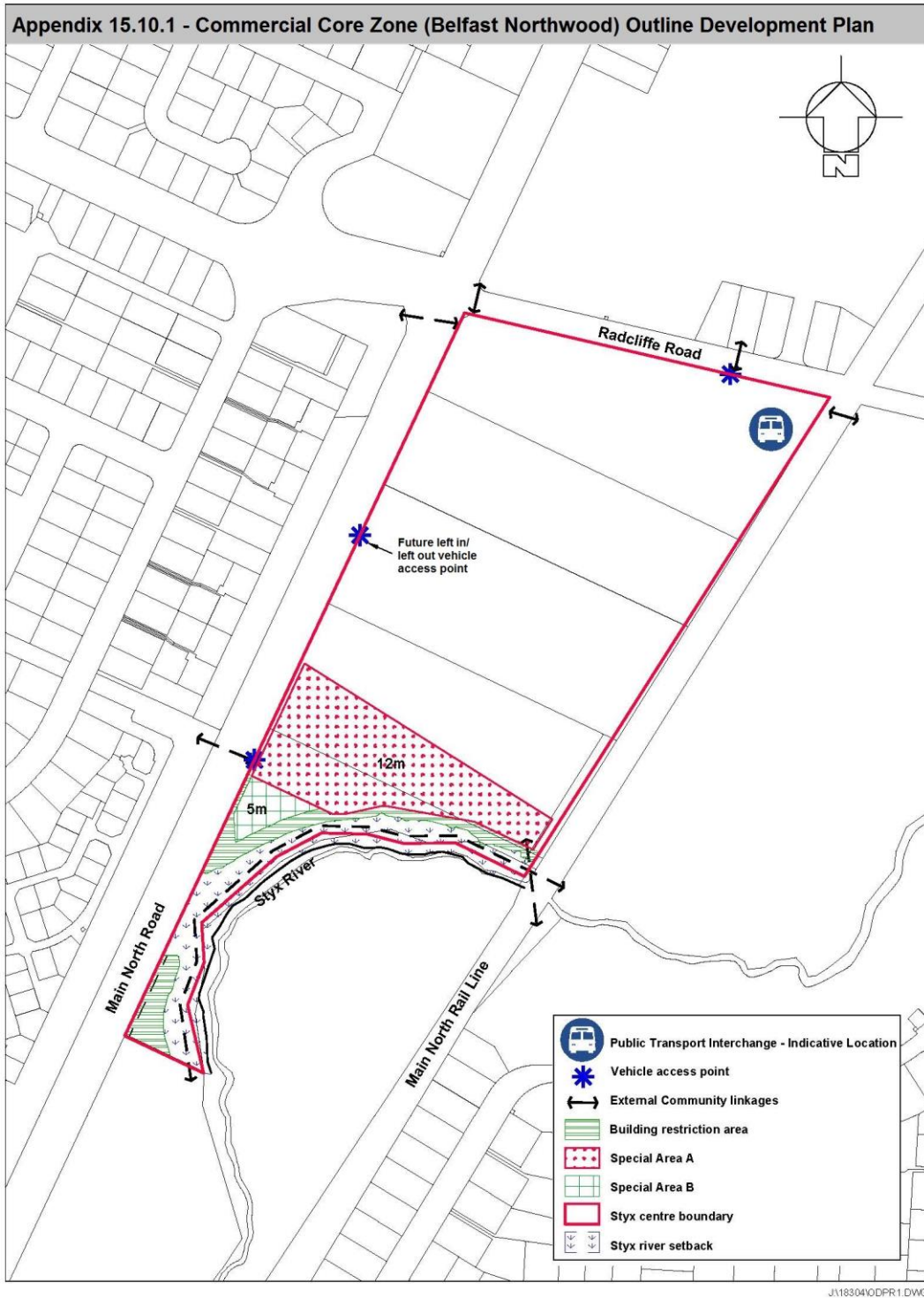
15.9 Rules – Other methods

15.9.1 Non-regulatory methods

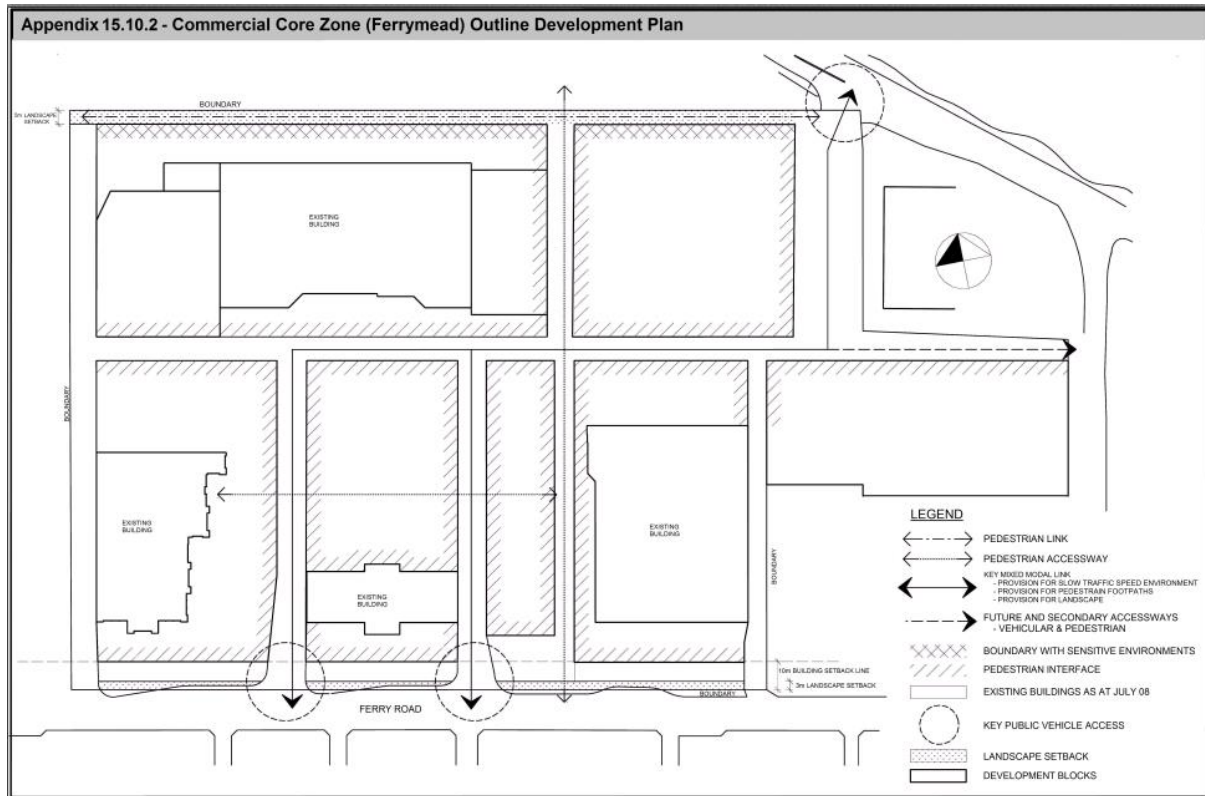
- 15.9.1.1 Planning studies to investigate issues and opportunities in Key Activity Centres and initiate appropriate mechanisms over time to address these.
- 15.9.1.2 Undertake regular monitoring of District and Neighbourhood Centres including surveys to determine whether a centre is performing as anticipated.
- 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



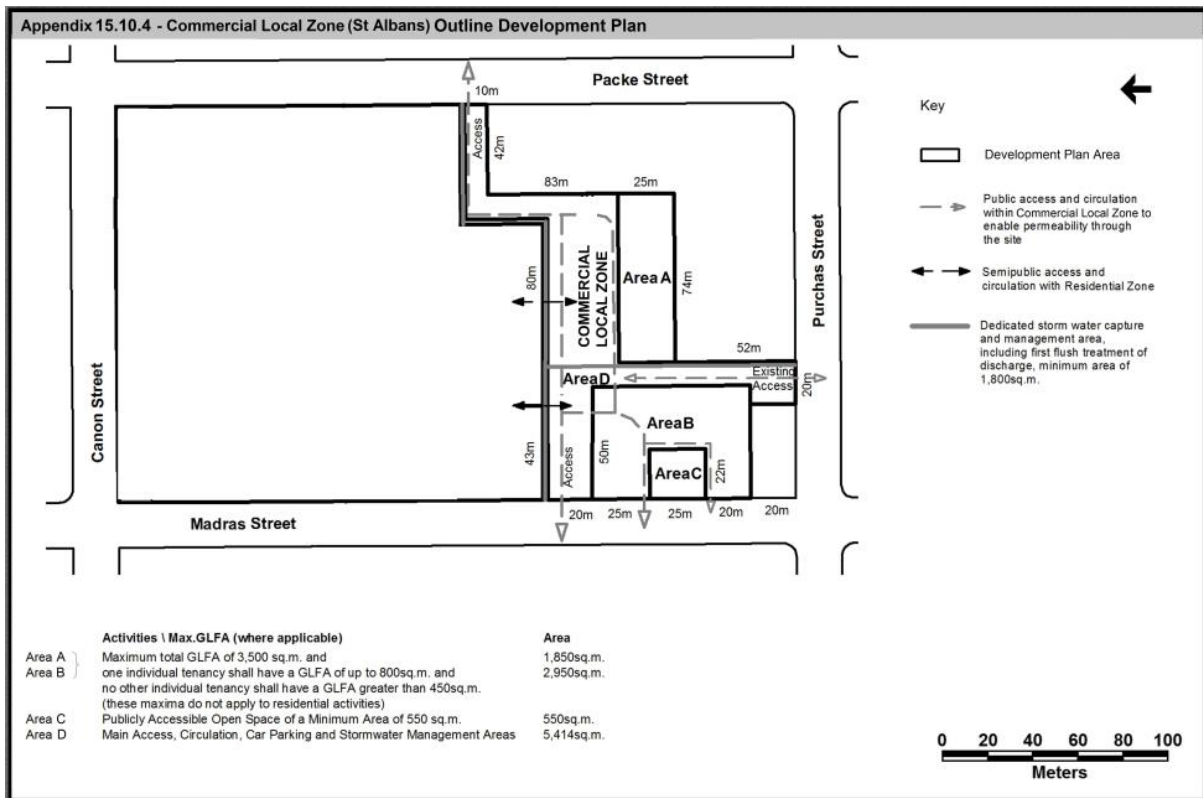
15.10.2 Commercial Core Zone (Ferrymead) Outline Development Plan



**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.

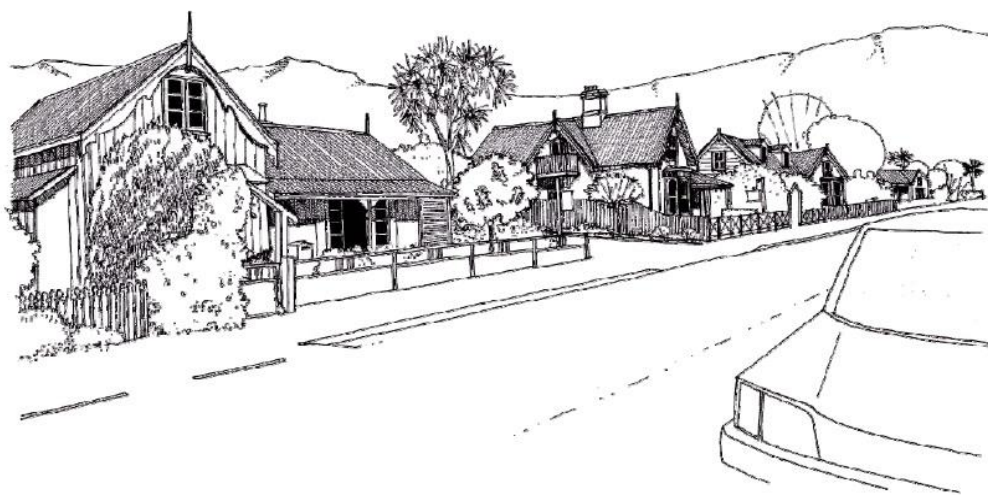
- ii. The Council's aim, through these guidelines, is to ensure that the special historical character of Akaroa is maintained, as development of the town proceeds. In endeavouring to meet that objective, the other main goals are to provide property owners and developers with design and appearance guidance 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.

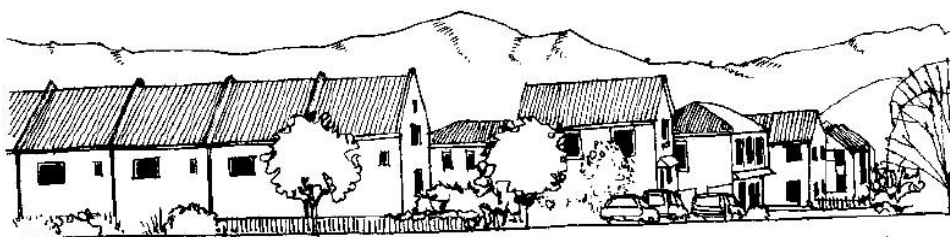
d. Akaroa's architectural history

- 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

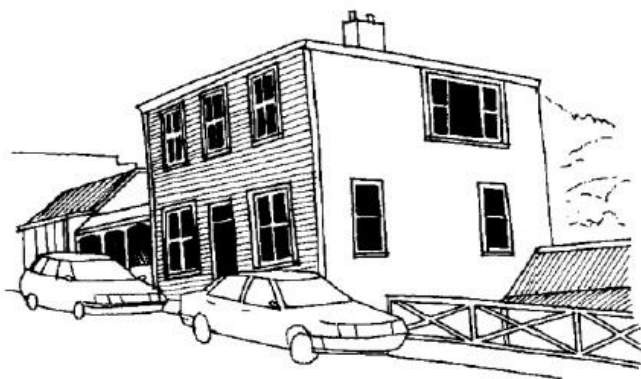
1. The goal is to maintain appealing streetscapes, characterised by sequences of buildings which are in scale and exhibit a pleasing modulation. Streetscape refers to the ways in which buildings form, together with gardens and trees, attractive combinations of mass and colour. Buildings are in harmony 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.

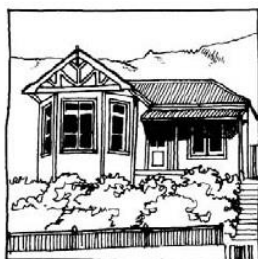


7. In the example to the right similar roof forms and window details have been used.
8. When work on an historic building is being undertaken the Conservation Guidelines published by Heritage New Zealand Pouhere Taonga should be consulted. Where major work is envisaged, an architect who has experience 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



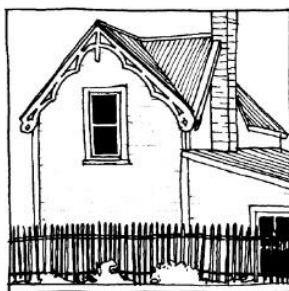
Villa Gable and Verandah



Verandah and simple gable with roof domers



Two Storey Hipped Roof domers



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.

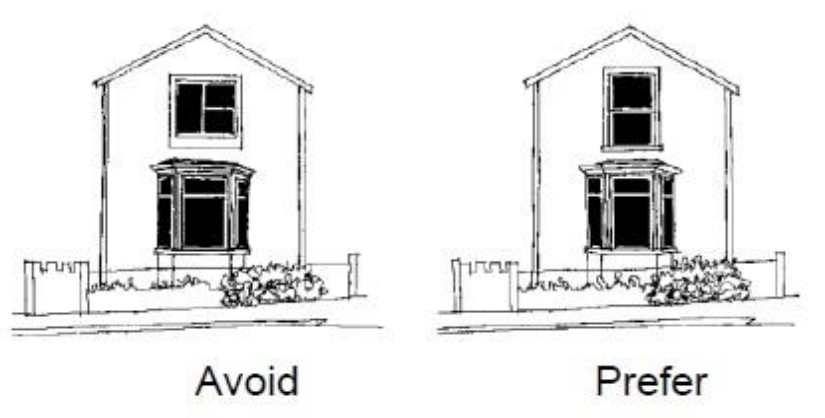


Figure 12: Window shapes and types



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



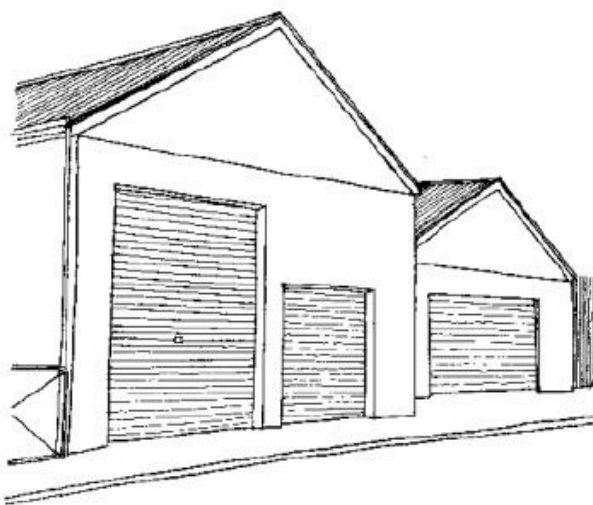
vi. Setback and fences

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.



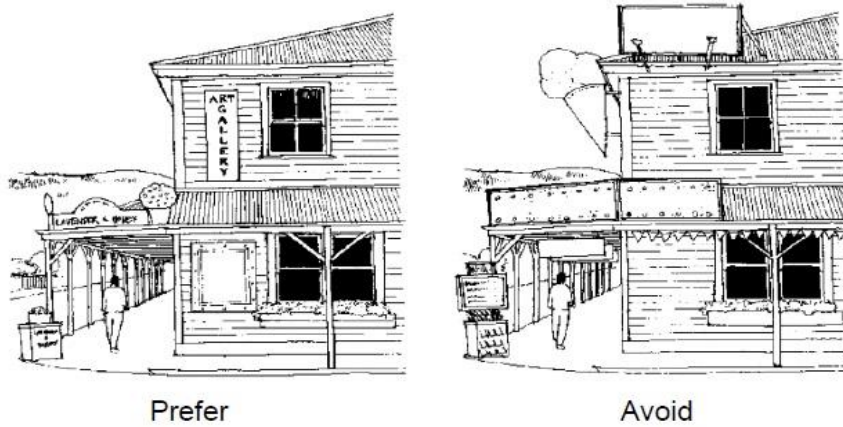
3. Car parking, especially with larger developments, should be concealed behind the main buildings, with minimal access points. Where this is not practical or possible, attention should be given to screening parking areas from view from adjoining streets.
4. Figure 15: Car parking visually softened by 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

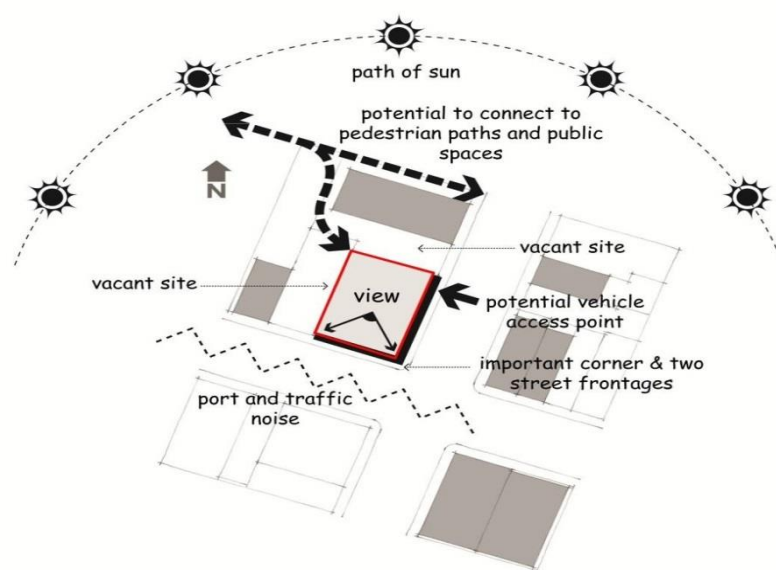
- i. The District Plan requires that the design of all new developments and external alterations to existing buildings within the Commercial Banks Peninsula Zone in Lyttelton is assessed through the resource consent process. All development proposals will be assessed against the principles in these guidelines, as applicable.



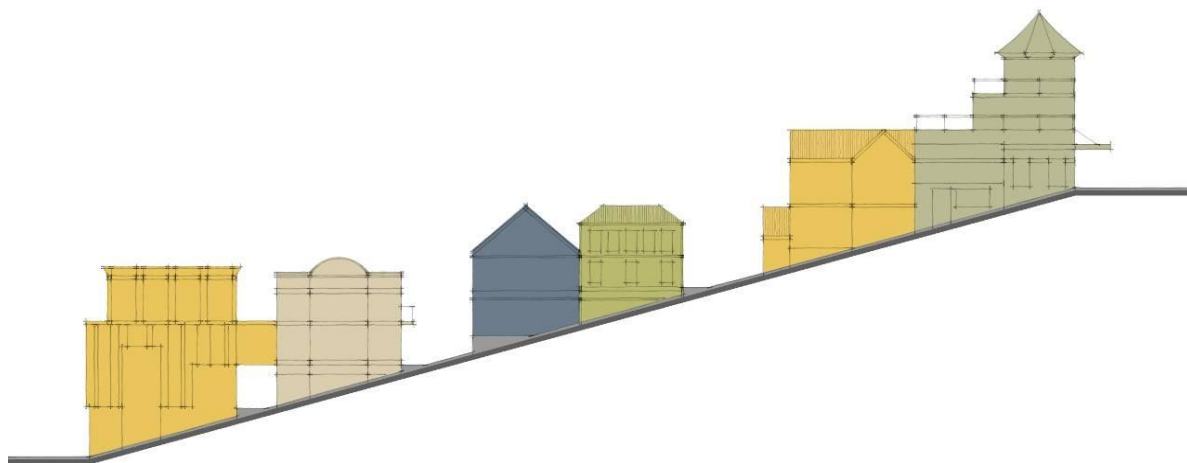
d. Principle 1: Reflect the context

- 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



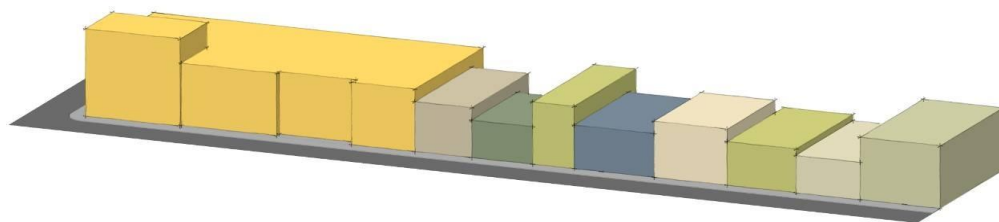
e. The scale of a building is the product of its height and size as well as the design details. While the town centre buildings vary considerably in height and size they are all compatible in terms of scale. The width of lots has played a large part in establishing the existing scale of development.

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

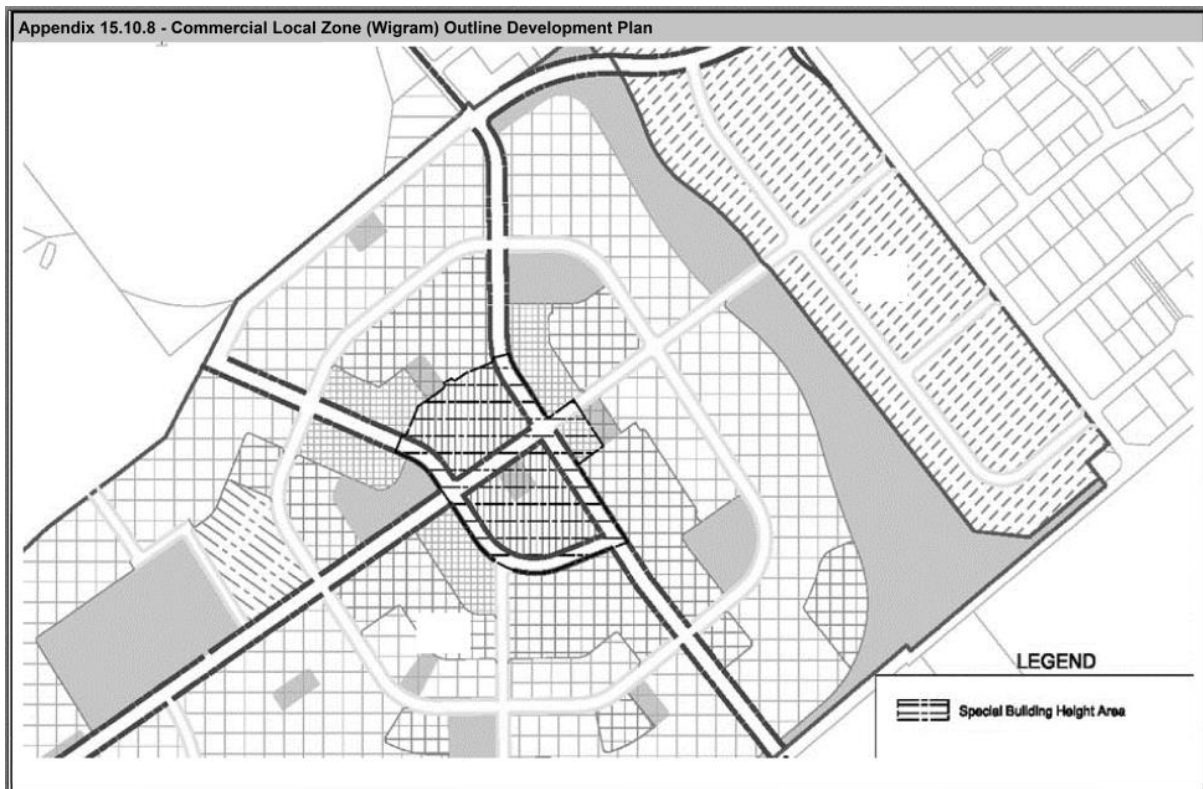
- i. Lyttelton town centre has the opportunity to incorporate designs, technologies and systems that promote more sustainable practice from concept design, through to the construction, use and maintenance of buildings and spaces, which means:
1. Using design and construction methods that minimise waste 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

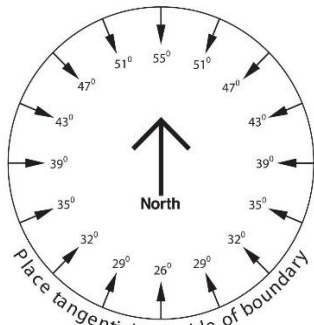
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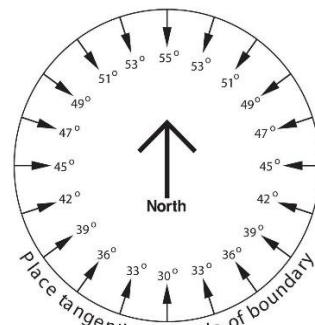
15.10.8 Commercial Local Zone (Wigram) Outline Development Plan



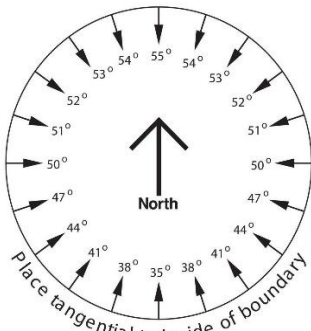
15.10.9 Recession plane diagrams



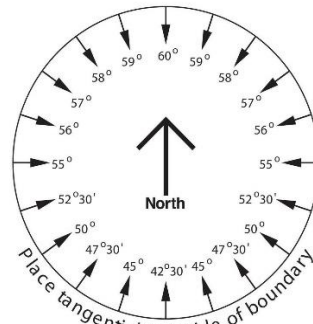
- A Applicable to all buildings:
- in the Residential Suburban Zone
 - on sites in other non residential zones that adjoin the Residential Suburban Zone



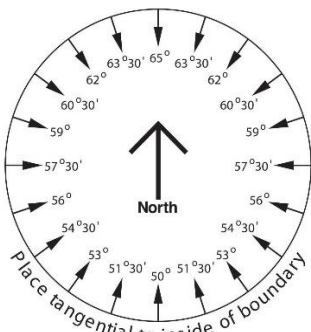
- B Applicable to all buildings:
- Residential Suburban density overlay
 - On sites on other non residential zones that adjoin the Residential Suburban density overlay area



- 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



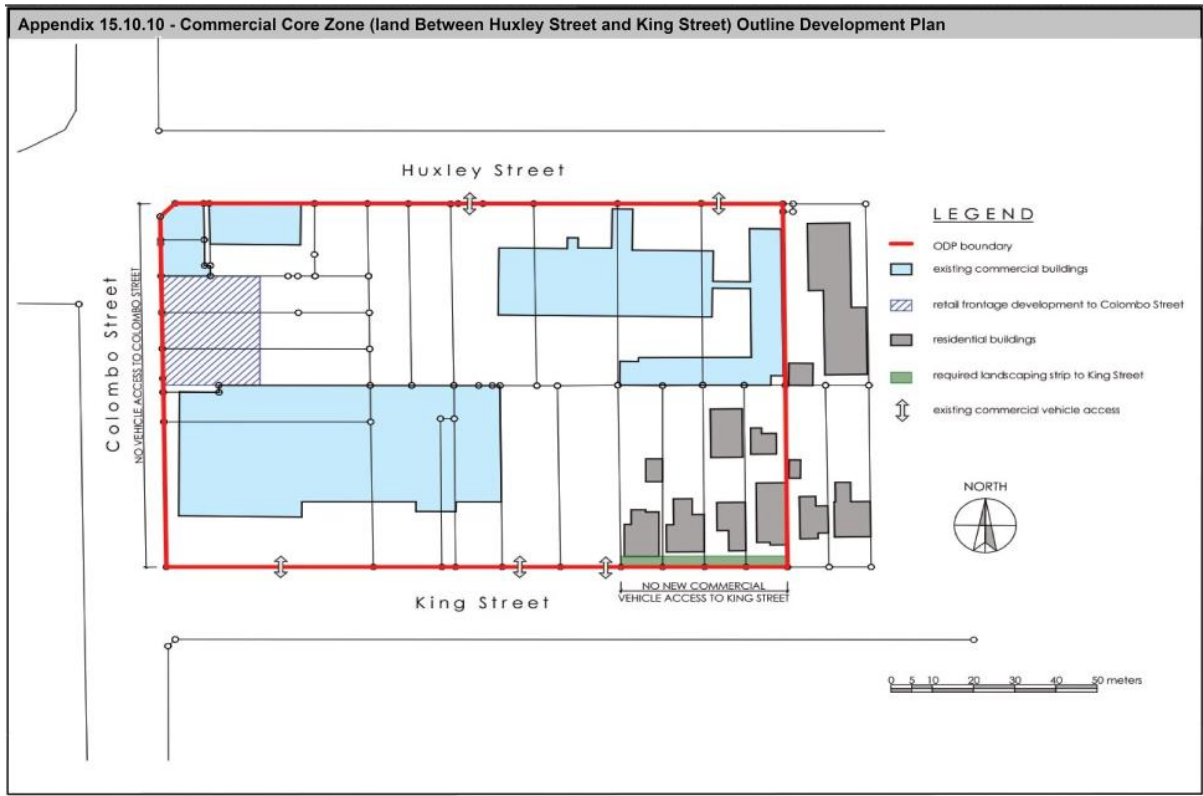
- D Applicable to all buildings:
- in the medium density higher height limit zones
 - on sites in other non residential zones that adjoin the medium density higher height limit zones
 - in the medium density higher height limit zones (except those buildings over 11 metres in height)
 - on sites in other 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
P1	Any new building or addition to a building for any permitted activity listed in P2 to P21 below.	Nil
P2	Industrial activity	
P3	Warehousing and distribution activities	
P4	High technology industrial activity	
P5	Service industry	
P6	Trade and industry training facility	
P7	Ancillary retail activity	Any ancillary retail activity shall: <ul style="list-style-type: none"> a. occupy no more than 250m² or 25% of the gross floor area of all buildings on the same site, whichever is the lesser; and 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. c. be limited to the display and sale of goods produced, processed or stored on the site.
P8	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"> a. The maximum gross floor area of retail activity shall be 2,278m².

P9	Food and beverage outlet	Nil
P10	Trade supplier	
P11	Yard-based supplier	
P12	Service station	
P13	Second-hand goods outlet	
P14	Ancillary office activity	<p>Any ancillary office activity shall:</p> <p>a. occupy no more than 500m² 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 250m² of floor area on the whole site; and</p> <p>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.</p> <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>
P15	Public transport facility	Nil
P16	Emergency service facilities	
P17	Gymnasium	
P18	<p>Pre-school</p> <p>a. outside the air noise contour (50 dBA L_{dn});</p> <p>b. in Lyttelton, outside the Lyttelton Port Influences Overlay Area as defined on the Planning maps;</p>	<p>Any pre-school activity shall be:</p> <p>a. located more than 100 metres from the boundary of an Industrial Heavy Zone; and</p> <p>b. any habitable space must be designed and constructed to achieve an external to internal noise reduction of not less than 25 dB $D_{tr, 2m, nTw} + C_{tr}$; and</p> <p>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 $D_{tr, 2m, nTw} + C_{tr}$.</p>
P19	Parking lots and parking buildings	Nil
P20	Community corrections facility	

P21	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:
RD1	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. <u>Outdoor storage - 16.5.1.6 (a), (c) and (d)</u>
RD2	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.	
RD3	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
RD4	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
RD5	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
D1	Any activity not provided for as a permitted, restricted discretionary, non-complying or prohibited activity.
D2	Heavy industrial activity

16.2.2.5 Non complying activities

The activities listed below are non-complying activities.

	Activity
NC1	a. Sensitive activities <ul style="list-style-type: none"> 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.

	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>
NC2	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
NC3	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.
NC4	Residential activity on the Tannery site (between Cumnor Terrace and Tanner Street)
<u>NC5</u>	<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>

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.	3 metres Clause (a) shall not apply to the Industrial General zone off Haytons Road.	Less than 3 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.

16.2.3.4 Sunlight and outlook at boundary with a residential zone and road

	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. Clause (a) shall not apply to the Industrial General zone off Haytons Road.	Non-compliance with permitted standard	a. Sunlight and outlook at boundary with a residential zone, residential property and road – 16.5.1.5
b.	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.	Non-compliance with permitted 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.

16.2.3.5 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		

	Permitted	Restricted discretionary	Matters of discretion
	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

	<u>Permitted</u>	<u>Restricted discretionary</u>	<u>Matters of discretion</u>
a.	<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>	<u>Non-compliance with permitted standard</u>	a. <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.

16.2.3.8 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> <ul style="list-style-type: none"> a. All of the Key Structuring Elements on the Waterloo Park Outline Development Plan (Appendix 16.6.2), being: <ul style="list-style-type: none"> i. Indicative location of new roads ii. Indicative stormwater management area iii. Indicative other open space b. Built form standards in Rule 16.2.4.2, and Rule 16.2.3 unless specified otherwise in Rule 16.2.4.2. 								
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.	<ul style="list-style-type: none"> a. Any bedroom must be designed and constructed to achieve an external to internal noise reduction of not less than $35 \text{ dB } D_{tr, 2m, nTw} + C_{tr}$. 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: <ul style="list-style-type: none"> 1. Studio 35m² 2. 1 Bedroom 45m² 3. 2 Bedroom 60m² 4. 3 Bedroom 90m² c. Each residential unit shall have: <ul style="list-style-type: none"> i. an outdoor service space of 3m² and a waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in either a private or communal area; ii. a single, indoor storage space of 4m³ with a minimum dimension of 1 metre. 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. 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. <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th>Type</th> <th>Area</th> <th>Dimension</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Type	Area	Dimension				
	Type	Area	Dimension							

Activity		Activity specific standards			
		i.	Studio, 1 bedroom	6m ²	1.5 metres
		ii.	2 or 3 bedroom	10m ²	1.5 metres
		iii.	More than 3 bedrooms	15m ²	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 3,000m² and shall be located in a Local Centre.</p> <p>b. The maximum GLFA per tenancy for any retail activity shall be 350m².</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 6,000m².</p> <p>b. The maximum GLFA of office activity at ground floor level shall be 3000m² GLFA.</p> <p>c. The maximum GLFA of office activity per tenancy shall be 500m².</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:
RD1	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)
RD2	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
RD3	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
RD4	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.

D1	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
NC1	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 ³ / day.
NC2	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	<p>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.</p> <p>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</p>	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
P1	Activities P1-P21 listed in 16.2.2.1	Development shall comply with: <ol style="list-style-type: none"> a. The Key Structuring Element on the Portlink Industrial Park Outline Development Plan (Appendix 16.6.3), being: <ol style="list-style-type: none"> i. Road access b. Built form standards in Rule 16.2.5.2, and Rule 16.2.3 unless specified otherwise in Rule 16.2.5.2.
P2	Key Structuring Elements identified on the outline development plan in Appendix 16.6.3.	<ol style="list-style-type: none"> 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.

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:
RD1	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: <ol style="list-style-type: none"> a. Maximum height of buildings and fencing or screening structure – 16.5.1.1

	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"> b. Building setback from road boundaries/ railway corridor – 16.5.1.3 c. Landscaped areas – 16.5.1.7 d. Landscaping in Portlink Industrial Park Outline Development Plan – 16.2.5.3.2 e. Cycle and pedestrian links – 16.2.5.3.3
RD2	<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"> a. Outline development plan – 16.2.5.3.1

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
NC1	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:
RD1	<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>	<p>a. Roading and access- 16.2.6.3.1</p>

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
NC1	Any site access to Wigram Road or Aidanfield Drive.
NC2	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"> i. the road connection shall be at least 40 metres south-east of the centreline of Wigram Road and its intersection with Aidanfield Drive; and ii. at least 40 metres north-west of the centreline of the future Glen Arrife Place extension intersection with Aidanfield Drive. <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)

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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:
RD1	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:

NC1	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:
RD1	<p>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.</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"> 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.

DI	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,

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
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:

	Permitted	Restricted discretionary	Matters of discretion
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"> i. north-eastern boundary with the Residential Suburban Zone and Selwyn District: 10 metres; ii. south-eastern boundary with Selwyn District: 15 metres; 		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/m², 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

	Permitted	Restricted discretionary	Matters of discretion
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

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>Road connections</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>		
	<p>b. 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 Rooding 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
P1	Activities P1-P21 listed under 16.2.2.1	Development shall comply with: <ol style="list-style-type: none"> a. The Key Structuring Element on the South West Hornby Industrial Area Outline Development Plan (Appendix 16.6.8), being: <ol style="list-style-type: none"> i. Collector Road b. Built form standards in Rule 16.2.3.
P2	Key Structuring Element identified on the outline development plan in Appendix 16.6.8.	<ol style="list-style-type: none"> 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.

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:
RD1	<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>	<ol style="list-style-type: none"> a. Matters of discretion Industrial General Zone (South West Hornby) – 16.2.10.2

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
P1	Any new building or addition to a building for any permitted activity listed in P2 to P18 below.	Nil
P2	Industrial activity	
P3	Heavy industrial activity	
P4	Warehousing and distribution activities	
P5	High technology industrial activity	
P6	Service industry	
P7	Trade and industry training Facility	
P8	Ancillary retail activity, unless specified below	Any ancillary retail activity shall: <ul style="list-style-type: none"> a. occupy no more than 250m² or 25% of the gross floor area of all buildings on the same site, whichever is the lesser b. be limited to the display and sale of goods produced, processed or stored on the site.
P9	Food and beverage outlet	Nil
P10	Service station	
P11	Ancillary office activity	Any ancillary office activity shall: <ul style="list-style-type: none"> a. occupy no more than 500m² 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 250m² of floor area on the whole site.
P12	Public transport facility	Nil
P13	Emergency service facilities	
P14	Parking lots and parking buildings	
P15	Gymnasium	
P16	Poultry hatchery	

P17	Bulk fuel supply infrastructure
P18	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:
RD1	<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"> 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. Water supply for fire fighting – 16.5.1.9 h. Outdoor storage - 16.5.1.6 (a), (c) and (d)
RD2	<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"> a. Display of goods, showroom and non-industrial activities –16.5.2.1.

	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:
D1	Commercial services	a. Display of goods, showroom and non-industrial activities - 16.5.2.1 (a)(i) - (iv), (a)(vii) - (x), (b)(i) - (ii)
D2	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
NC1	Any activity not provided for as a permitted, restricted discretionary, or discretionary activity.
NC2	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).
NC3	<p>a. Sensitive activities</p> <ul style="list-style-type: none"> 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. 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. 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>b. Buildings on greenfield sites</p> <ul style="list-style-type: none"> 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. 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.

	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	<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>

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 This rule shall not apply to sites adjoining the land identified on the outline development plan in Appendix 16.6.8 as 'Deferred'.	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"> i. Land adjoining Main South Road between Marshs Road and Halswell Junction Road ii. Land at Chaney's, north of Main North Road, between State Highway 1 and the railway line <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"> i. minimum width – 10 metres ii. minimum density of tree planting – 1 tree for every 10 metres of road frontage or part thereof. 		
c.	<p>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.</p>		

	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
P1	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: <ol style="list-style-type: none"> a. All of the following Key Structuring Elements on the Sir James Wattie Drive Outline Development Plan (Appendix 16.6.7), being: <ol style="list-style-type: none"> i. Access b. Built form standards in Rule 16.3.4.2 and 16.3.3.
P2	Key Structuring Elements identified on the outline development plan in Appendix 16.6.7.	<ol style="list-style-type: none"> a. Development is to be in accordance with the following Key Structuring Elements on the outline development plan, being: <ol style="list-style-type: none"> i. Access

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:
RD1	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: <ol style="list-style-type: none"> a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3 b. Setback from Marshs Road - 16.3.4.3.2 c. Landscaped areas - 16.5.1.7
RD2	Any development not complying with a Key Structuring Element on the outline development plan in 16.6.7.	<ol style="list-style-type: none"> a. Outline development plan – 16.3.4.3.1

	Activity	The Council's discretion shall be limited to the following matters:
	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.

	Activity
NC1	Any activity which results in the daily average sewage flow from a site exceeding 0.09L/s/ha.
NC2	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.
NC3	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

	Applicable to	Permitted	Restricted discretionary	Matters of discretion
a.	Sites adjoining Marshs Road to the east of the Southern Motorway designation	6 metres	Less than 6 metres	a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3 b. Setback from Marshs Road - 16.3.4.3.2
b.	Sites adjoining the designation for the Southern Motorway	6 metres	Less than 6 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.

16.3.4.2.2 Landscaped areas

	Permitted	Restricted discretionary	Matters of discretion
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
P1	Activities P1-P18 listed in 16.3.2.1.	<p>Development shall comply with:</p> <ul style="list-style-type: none"> 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"> i. Collector Road ii. Minor Arterial Road. <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>
P2	<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"> a. Compliance with the Rural Urban Fringe Zone built form standards. 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.
P3	Key Structuring Elements identified on the outline development plan in Appendix 16.6.8.	<ul style="list-style-type: none"> 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.

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:
RD1	<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"> a. Roading and access- 16.3.5.3.4

	Activity	The Council's discretion shall be limited to the following matters:
RD2	<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>	
RD3	<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"> 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 b. Capacity upgrades have commenced at the following intersections: <ol style="list-style-type: none"> i. Intersection of the southern spine road and Shands Road (marked as 'A' on outline development plan in Appendix 16.6.8) ii. Intersection of the northern spine road and Shands Road (marked as 'B' on outline development plan in Appendix 16.6.8). <p>Any application for this activity shall not be publicly notified.</p>	
RD4	<p>Any site access directly onto Marshs Road.</p> <p>Any application for this activity shall not be publicly notified.</p>	
RD5	<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"> a. Maximum height of buildings and fencing or screening structure – 16.5.1.1

	Activity	The Council's discretion shall be limited to the following matters:
		<ul style="list-style-type: none"> 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
RD6	<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"> 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
NC1	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).
NC2	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"> i. Two rows of trees, staggered in a manner that one row is off-set from the other row. ii. Trees shall be spaced 10 metres apart in each row. iii. The trees used in the landscaping strip shall comprise one or more of the following species: Podocarpus totara – totara, Hoheria angustifolia 	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.

<u>Activity</u>	<u>The Council's discretion shall be limited to the following matters:</u>
<u>RD1</u> <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> <u>Refer to relevant built form standard for provisions regarding notification and written approval.</u>	a. <u>Minimum building setback from road boundaries/ railway corridor - 16.5.1.3.</u> b. <u>Landscaping on boundaries adjoining the Southern Motorway extension - 16.3.6.3.1.</u>
<u>RD2</u> <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>	a. <u>Road access to Springs Road - 16.3.6.3.2.</u>

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. <u>Minimum building setback from road boundaries/ railway corridor – 16.5.1.3</u></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. <u>Landscaping on boundaries adjoining the Southern Motorway - 16.3.6.3.1</u></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
P1	Any new building or addition to a building for any permitted activity listed in P2 to P18 below.	Nil
P2	Industrial activity	Nil
P3	Warehousing and distribution activities	
P4	High technology industrial activity	Nil
P5	Service industry	
P6	Trade and industry training facility	
P7	Ancillary retail activity	Any ancillary retail activity shall: <ul style="list-style-type: none"> a. occupy no more than 250m² or 25% of the gross floor area of all buildings on the same site, whichever is the lesser; and 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. c. be limited to the display and sale of goods produced, processed or stored on the site.
P8	Food and beverage outlet	Nil
P9	Service station	

P10	Commercial services	Commercial services within the Industrial Park Zone (Memorial Avenue) shall be limited to a total GLFA of 8,200m ²
P11	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"> a. be limited to a total of 5,000 m²; 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.
P12	Ancillary office activity	Any ancillary office activity shall: <ul style="list-style-type: none"> a. occupy no more than 500m² or 30% of the gross floor area of all buildings on the same site, whichever is the lesser; and 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.
P13	Public transport facility	Nil
P14	Emergency service facilities	
P15	Gymnasium	
P16	Pre-school	
P17	Parking lots and parking buildings	
P18	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:
RD1	<p>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.</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"> 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
RD2	<p>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.</p>	<ul style="list-style-type: none"> 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
D1	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
NC1	Heavy industrial activity
NC2	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.	

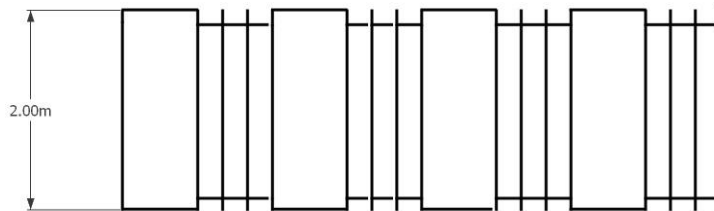
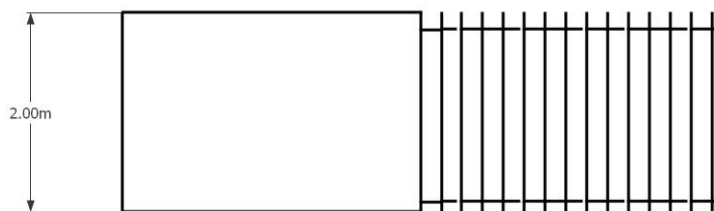


Figure 16.1: Examples of a structure/fence that is 50% visually transparent (being the top half of the first diagram, the right half of the second diagram, and every second section of the last diagram).

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

	Permitted	Restricted discretionary	Matters of discretion
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

	Permitted	Restricted discretionary	Matters of discretion
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"> i. Minimum width - 1.5 metres i. Minimum density of tree planting – 1 tree for every 10 metres of road frontage or part thereof. 		
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
P1	Activities P1-P18 listed under Rule 16.4.2.1	<p>Development shall comply with:</p> <ul style="list-style-type: none"> 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"> ii. Green Corridor iii. Vehicular route to Stanleys block <p>Built form standards in Rule 16.4.4.2, and Rule 16.4.3 unless specified otherwise in 16.4.4.2</p>
P2	Key Structuring Elements identified on the outline development plan in Appendix 16.6.9.	<ul style="list-style-type: none"> 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.

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:
RD1	<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"> a. Minimum building setback from road boundaries/ railway corridor – 16.5.1.3 b. Open space and character- 16.4.4.3.1 c. Landscaped areas– 16.5.1.7 d. Landscaping – 16.4.4.3.2 e. Stormwater management – 16.4.4.3.7 f. Connectivity- 16.4.4.3.3 g. Parking- 16.4.4.3.5 h. Access- 16.4.4.3.6
RD2	<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"> a. Matters of discretion– 16.4.4.3.1 – 16.4.4.3.6

16.4.4.1.3 Non-complying activities

The activities listed below are a non-complying activity.

	Activity
NC1	Any development resulting in more than 10,000m ² 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.
NC2	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"> i. at least 1 tree for every 10 metres of road frontage or part thereof; ii. deciduous trees, planted in groups of no less than 5 with a minimum of 5 metre spacing between trees; iii. 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; iv. 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; v. 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. 	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"> i. First flush treatment for the first 25mm of runoff from hardstanding areas shall be provided using vegetated dry sedimentation basins. 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'. 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). 	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

	Permitted	Restricted discretionary	Matters of discretion
a.	<p>Access from Stanleys Road:</p> <ul style="list-style-type: none"> 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'. 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. 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. iv. Any development preceding subdivision with access to Stanleys Road shall include a footpath along the Stanleys Road frontage of the zone. 	<p>Non-compliance with permitted activity standard</p>	<ul style="list-style-type: none"> a. Connectivity - 16.4.4.3.3 b. Parking - 16.4.4.3.5 c. Access - 16.4.4.3.6
b.	<p>General:</p> <ul style="list-style-type: none"> 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. 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. 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 		

	Permitted	Restricted discretionary	Matters of discretion
	<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:
- i. 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;
 - ii. minimises the visual impact of development as viewed from Stanleys Road, Nunweek Park and adjacent rural properties;
 - iii. maintains views across the zone;
 - iv. provides for and creates a green corridor through the zone that incorporates and enhances landscape and water features including existing trees;
 - v. recognises the cultural values of Ngāi Tahu/manawhenua.

16.4.4.3.2 Landscaping

- a. 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.
- b. 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.
- c. The extent to which stormwater basins, open space, and landscaped areas are co-located so as to maximize recreational and amenity opportunities.
- d. The degree to which any reverse sensitivity effects are avoided or mitigated through landscaping.
- e. 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
P1	Activities P1-P18 listed under Rule 16.4.2.1	<p>Development shall comply with:</p> <p>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:</p> <ul style="list-style-type: none"> i. Blue network elements ii. Green network elements iii. Green multiuse corridors iv. Movement network v. Primary Road vi. Location of access points on the movement network vii. Traffic treatment to prevent heavy vehicle access viii. Representative traditional places and sites of significance ix. Traditional headwaters x. Proposed indigenous tree planting corridor. <p>b. Built form standards in Rule 16.4.5.2, and Rule 16.4.3 unless specified otherwise in 16.4.5.2</p>
P2	Key Structuring Elements identified on the outline development plan in Appendix 16.6.10.	<p>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.</p>

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:
RD1	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
RD2	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
NC1	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> <p>a. <u>The following Key Structuring Elements on the Industrial Park Zone (Wairakei Road) Outline Development Plan (Appendix 16.6.14):</u></p> <p>i. <u>Stormwater facility locations</u></p> <p>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></p>

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"> a. <u>Maximum height of buildings and fencing or screening structure – 16.5.1.1</u> b. <u>Maximum building coverage of a site – 16.5.1.2</u> c. <u>Minimum building setback from road boundaries/ railway corridor – 16.5.1.3</u> d. <u>Minimum building setback from the boundary with a residential zone – 16.5.1.4</u> e. <u>Sunlight and outlook at boundary with a residential zone – 16.5.1.5</u> f. <u>Outdoor storage of materials –16.5.1.6</u> g. <u>Landscaped areas– 16.5.1.7</u> h. <u>Water supply for fire fighting – 16.5.1.9</u> i. <u>Minimum building setback from the boundary with the Rural Urban Fringe Zone & Specific Purpose (Schools) Zone – 16.4.6.3.1</u> j. <u>Landscaping in the Industrial Park Zone (Wairakei Road) - 16.4.6.3.2</u> k. <u>Roading and access - 16.4.6.3.3</u>
<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"> a. <u>Outline development plan – 16.4.6.3.4</u>

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>

NC3	<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> a. <u>the upgrade of the intersection of Wooldridge Road and Harewood Road comprising traffic signal controls;</u> 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>
NC4	<u>Any activity not complying with Rule 16.4.6.2.4 (Sewer infrastructure).</u>

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

	<u>Permitted</u>	<u>Restricted discretionary</u>	<u>Matters of discretion</u>
a.	<u>10m</u>	<u>Less than 10m</u>	a. <u>Minimum building setback from the boundary with the Rural Urban Fringe Zone & Specific Purpose (Schools) Zone - 16.4.6.3.1</u>

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

16.4.6.2.2 Landscaped areas

	<u>Applicable to</u>	<u>Permitted</u>	<u>Restricted discretionary</u>	<u>Matters of discretion</u>
a.	<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>	a. <u>Planting of trees and shrubs shall:</u> i. <u>be completed prior to, or in conjunction with, the establishment of the activity;</u> ii. <u>be at a density of 1 tree or shrub per 2m²;</u> iii. <u>be undertaken as a corridor either side of the former channel of the Styx River; and</u> iv. <u>be of indigenous species only.</u>	<u>Non-compliance with permitted standard</u>	a. <u>Landscaping in the Industrial Park Zone (Wairakei Road) - 16.4.6.3.2</u>

	<u>Applicable to</u>	<u>Permitted</u>	<u>Restricted discretionary</u>	<u>Matters of discretion</u>
b.	<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>
a.	<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.	<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>
a.	<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"> i. <u>16.4.3.4 Minimum building setback from the boundary with a residential zone</u> ii. <u>16.4.3.5 Sunlight and outlook at boundary with a residential zone</u> iii. <u>16.4.3.6 Outdoor storage of materials/ car parking</u> 	<u>Non-compliance with permitted standard</u>	<ul style="list-style-type: none"> a. <u>Minimum building setback from the boundary with a residential zone – 16.5.1.4</u> b. <u>Sunlight and outlook at boundary with a residential zone – 16.5.1.5</u> c. <u>Outdoor storage of materials –16.5.1.6</u>

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
P1 Activities P1-P18 listed under Rule 16.4.2.1 and activities P2-P4 listed under Rule 16.4.7.1.1.	The activity shall comply with: <ol style="list-style-type: none"> a. All of the Key Structuring Elements on the Industrial Park Zone (Memorial Avenue) Outline Development Plan (Appendix 16.6.15), being: <ol style="list-style-type: none"> i. "Road access point – controlled intersection" ii. "Collector Road" iii. Provision of a “left in, left out only” access configuration at the western access to Memorial Avenue. b. Built form standards in Rule 16.4.7.2, and Rule 16.4.3 unless specified otherwise in 16.4.7.2
P2 Guest accommodation	<ol style="list-style-type: none"> a. No more than 200 bedrooms shall be provided in the zone. b. Guest accommodation shall be designed and constructed to comply with the indoor design sound levels contained in Rule XX. The requirement of XX for road traffic noise shall also apply in respect of noise from Industrial activity within the zone at the noise levels permitted under XX.¹ 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”.
P3 Veterinary care facility	Nil

¹ **XX** - Standards to be confirmed in the Panel’s decision for Chapter 6 General Rules

P4	Health care facility with no overnight accommodation	a. The health care facility shall comply with the indoor design sound levels contained in Rule XX . The requirement of XX for road traffic noise shall also apply in respect of noise from industrial activity within the zone at the noise levels permitted under Rule XX . ²
P5	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:
C1	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:
RD1	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
RD2	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

² **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:
		<ul style="list-style-type: none"> 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
RD3	<p>Trade suppliers resulting in no more than 10,000m² GLFA in the Industrial Park Zone (Memorial Avenue).</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"> 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
D1	<p>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:</p> <ul style="list-style-type: none"> a. are not greater than 2.4m in height and/or 1.8m in width, and b. are associated with vehicle parking areas.

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
NC1	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”.
NC2	Any activity not complying with Rule 16.4.7.2.6 (Sewer infrastructure).
NC3	Industrial activity or warehousing and distribution activity on any part of a site within 50m of Memorial Avenue.
NC4	Food and beverage outlets with drive-through facilities on any part of a site within 50m of Memorial Avenue and/or Russley Road.
NC5	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

	Permitted	Non Complying
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	

Timeframes	Allowable discharge during a storm event (Refer below)	Allowable discharge outside storm event
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

	Permitted	Restricted discretionary	Matters of discretion
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

	Applicable to	Activity status	Matters of control
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

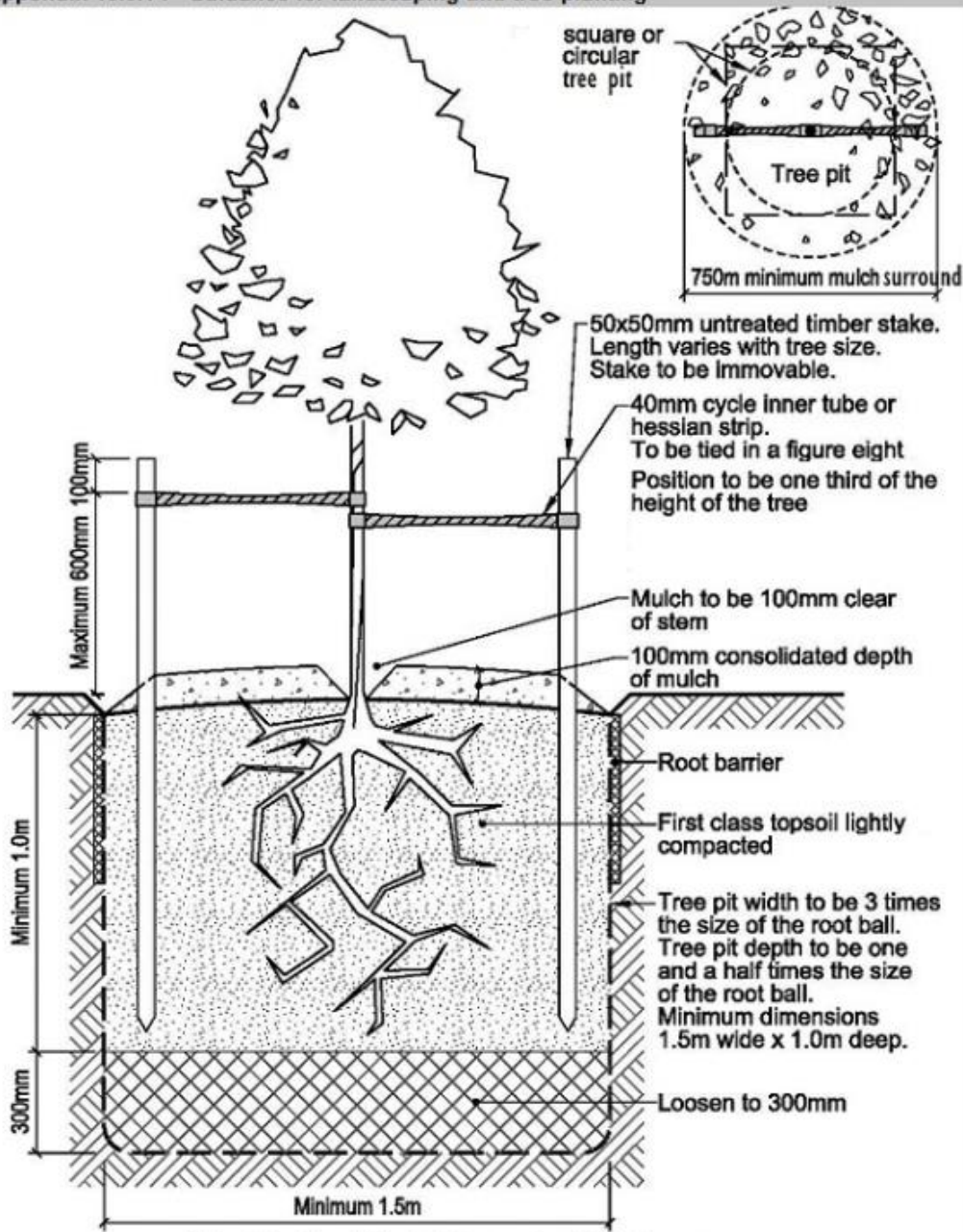
1.4 Palms

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
Native			
Totara	Podocarpus totara	10m-15m	6m-10m
Exotic			
Field maple	Acer campestre	10m-15m	10m-15m

Common name	Botanical name	Height range	Canopy spread range
Norway maple	<i>Acer platanoides</i>	15m-20m	10m-15m
Indian horse chestnut	<i>Aesculus indica</i>	15m-20m	10m-15m
Hornbeam	<i>Carpinus betulus</i>	10m-15m	10m-15m
Atlantic cedar	<i>Cedrus atlantica</i>	15m-20m	10m-15m
Hop hornbeam	<i>Ostrya carpinifolia</i>	10m-15m	6m-10m
Mediterranean hackberry	<i>Celtis australis</i>	15m-20m	6m-10m
American hackberry	<i>Celtis occidentalis</i>	15m-20m	6m-10m
Bay laurel	<i>Laurus nobilis</i>	10m-15m	6m-10m
Algerian oak	<i>Quercus canariensis</i>	15m-20m	10m-15m
Hills oak	<i>Quercus elipsoidalis</i>	15m-20m	10m-15m
Turkey oak	<i>Quercus cerris</i>	15m-20m	10m-15m
Cork oak	<i>Quercus suber</i>	15m-20m	10m-15m
Evergreen oak	<i>Quercus ilex</i>	15m-20m	10m-15m
Californian redwood	<i>Sequoia sempervirens</i>	15m-20m	10m-15m
Alder (tolerant of dry and wet soils)	<i>Alnus species</i>	15m-20m	10m-15m
Arizona ash	<i>Fraxinus velutina</i>	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	<i>Eucalyptus ficifolia</i>	3m-10m	6m-10m
Monkey puzzle	<i>Araucaria araucana</i>	15m-20m	6m-10m
Pohutukawa	<i>Metrosideros excelsa</i>	10m-15m	10m-15m

2.4 Trees suitable for Christchurch coastal areas

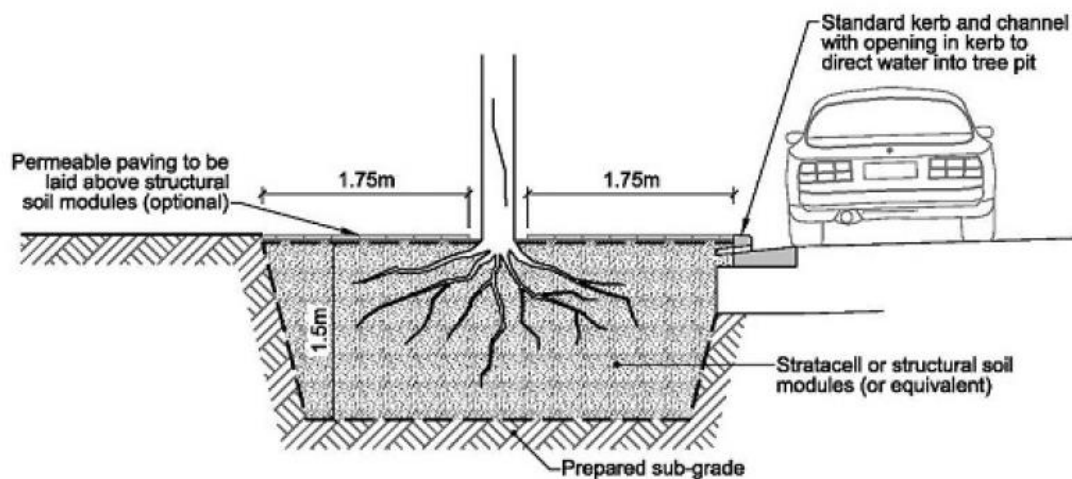
Common name	Botanical name	Height range	Canopy spread range
Native			
Totara	Podocarpus totara	10m-15m	6m-10m
Matai	Prumnopitys taxifolia	10m-15m	3m-6m
Exotic			
Field maple	Acer campestre	10m-15m	10m-15m
Horse chestnut	Aesculus hippocastanum	15m-20m	10m-15m
Monkey puzzle	Araucaria araucana	15m-20m	6m-10m
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)	Pinus pinaster	15m-20m	10m-15m
Stone pine (shelter belts only)	Pinus pinea	15m-20m	10m-15m
Norfolk pine	Araucaria heterophylla	15m-20m	10m-15m
Whitebeam	Sorbus aria '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. Cupressus 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	Anthraxnose (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.

Native Shrubs	
Common name	Botanical Name
	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
Exotic Shrubs	
Common name	Botanical name
	Abelia spp
	Acer spp
Japanese laurel	Aucuba japonica

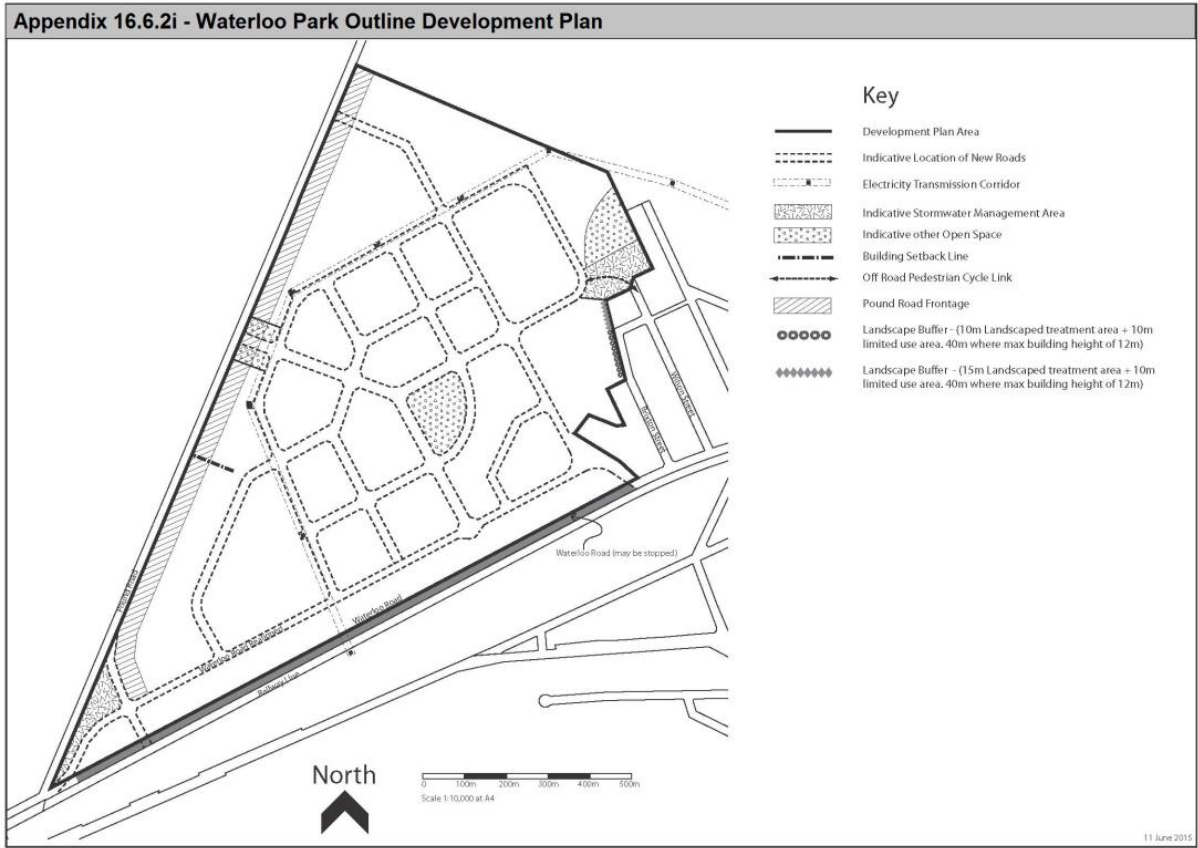
Barbary	Berberis spp
	Boronia spp
Bottlebrush	Callistemon spp
Camelia	Camelia spp
Carpet rose	Rosa 'Carpet Rose'
	Ceanothus spp
Chinese plumbago	Ceratostigma willmotianum
Mexican orange blossom	Choisya ternata
Breath of heaven	Coleonema pulchrum
	Correa spp
Winter Hazel	Corylopsis spicata
Smoke bush	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
Shrubs for Low Screening (3 metres-5 metres height)	
Natives	
Common name	Botanical name
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

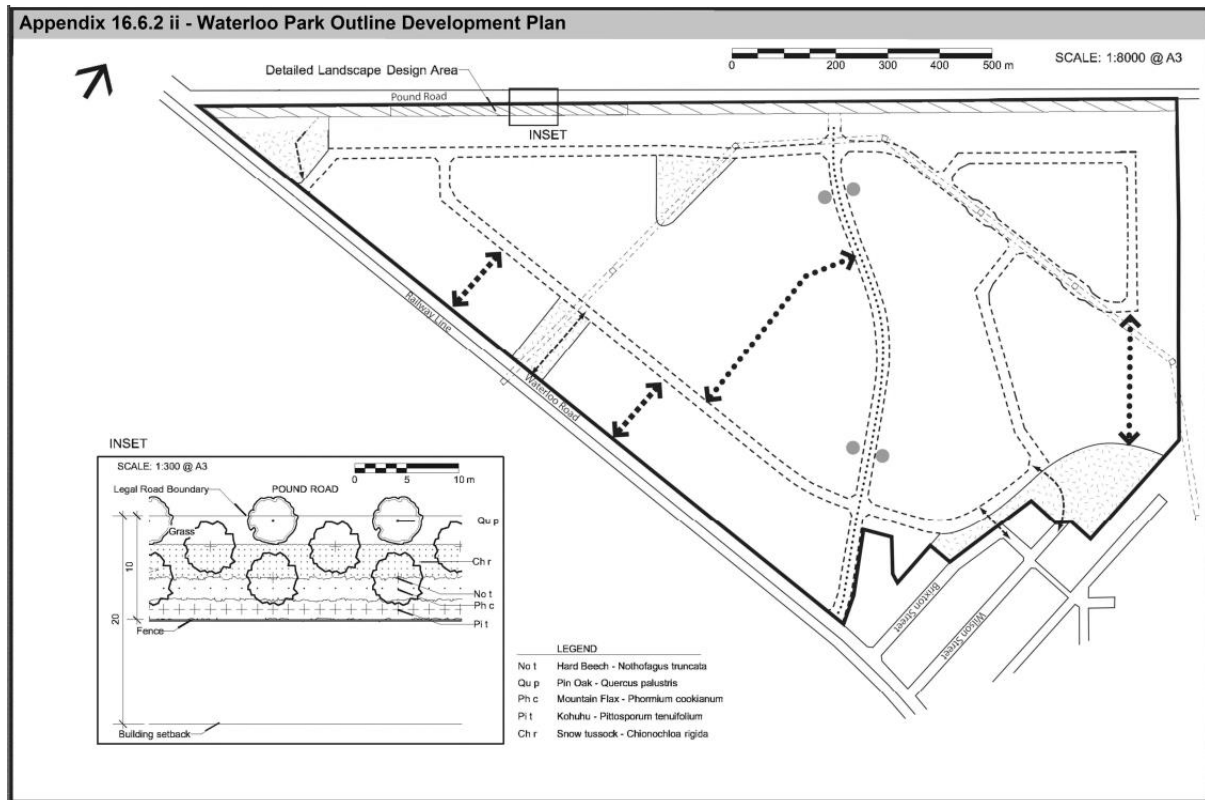
Lemonwood	Pittosporum eugenoides
Kohupu	Pittosporum tenuifolium
Karo	Pittosporum crassifolium
Exotics	
Common name	Botanical name
Bottlebrush	Callistemon spp
Camelia	Camelia spp
Camelia	Camelia spp
	Ceanothus spp
Smoke bush	Cotinus spp
Japanese aralia	Fatsia japonica
	Michelia doltsopa
Red robin	Photonia x fraseri
	Protea spp
	Rhododendron

16.6.2 Industrial General Zone (Waterloo Park)

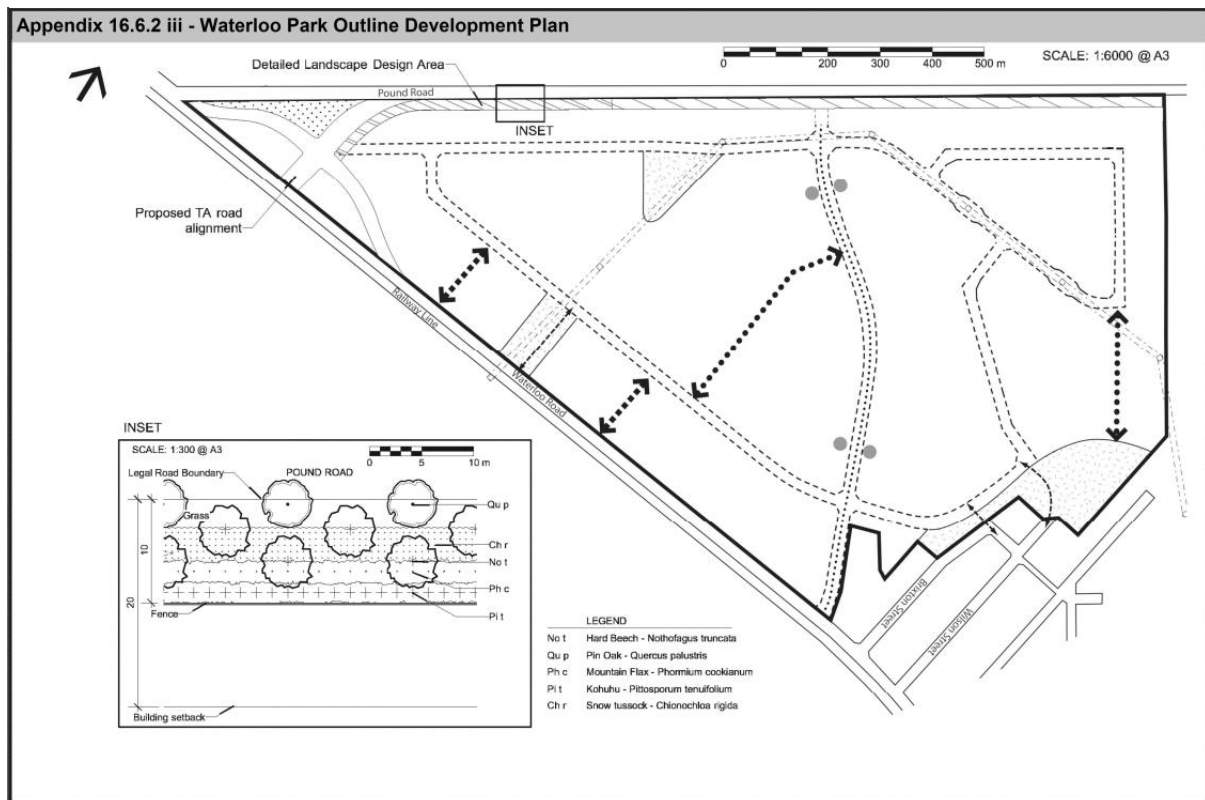
16.6.2i



16.6.2 ii

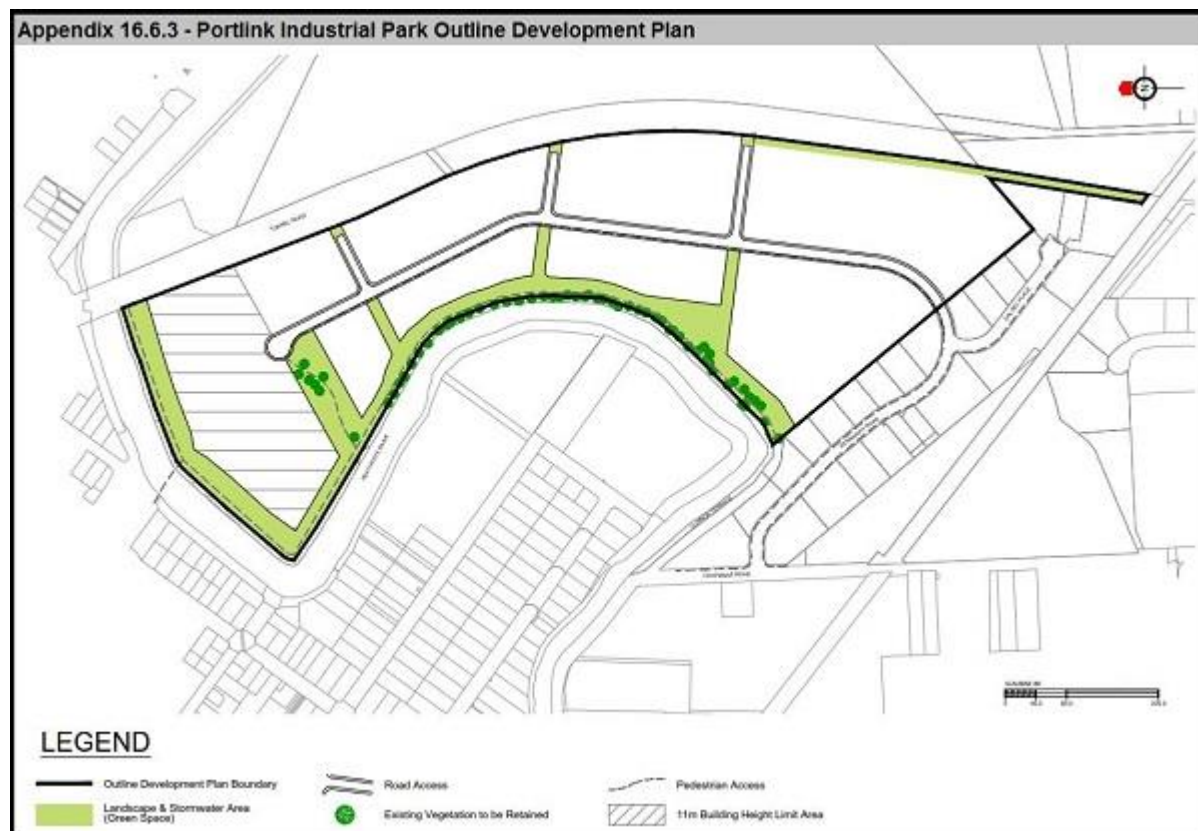


16.6.2 iii



16.6.3 Industrial General Zone (Portlink Industrial Park)

16.6.3.i



Appendix 16.6.3.ii Portlink Industrial Park plant list and associated height and locations

1. E = Esplanade adjacent to Heathcote River
2. T = Tunnel Road landscape setback buffer
3. W = Wetter areas (temporarily), such as detention basins and swales
4. S = Street planting, other than main road and secondary road tree species

Botanical Name	Common Name	10 Year Height (metres)	Mature Height (metres)
Trees			
Cordyline australis (T,E,W)	Cabbage tree	5	7
Grisilinia littoralis (T,E)	Broad leaf	4	17
Pseudopanax arboreus (T,E)	Five finger	4	8
Pseudopanax crassifolius (T,E)	Lancewood	3	14
Pseudopanax ferox (T,E)	Toothed lancewood	2.5	7

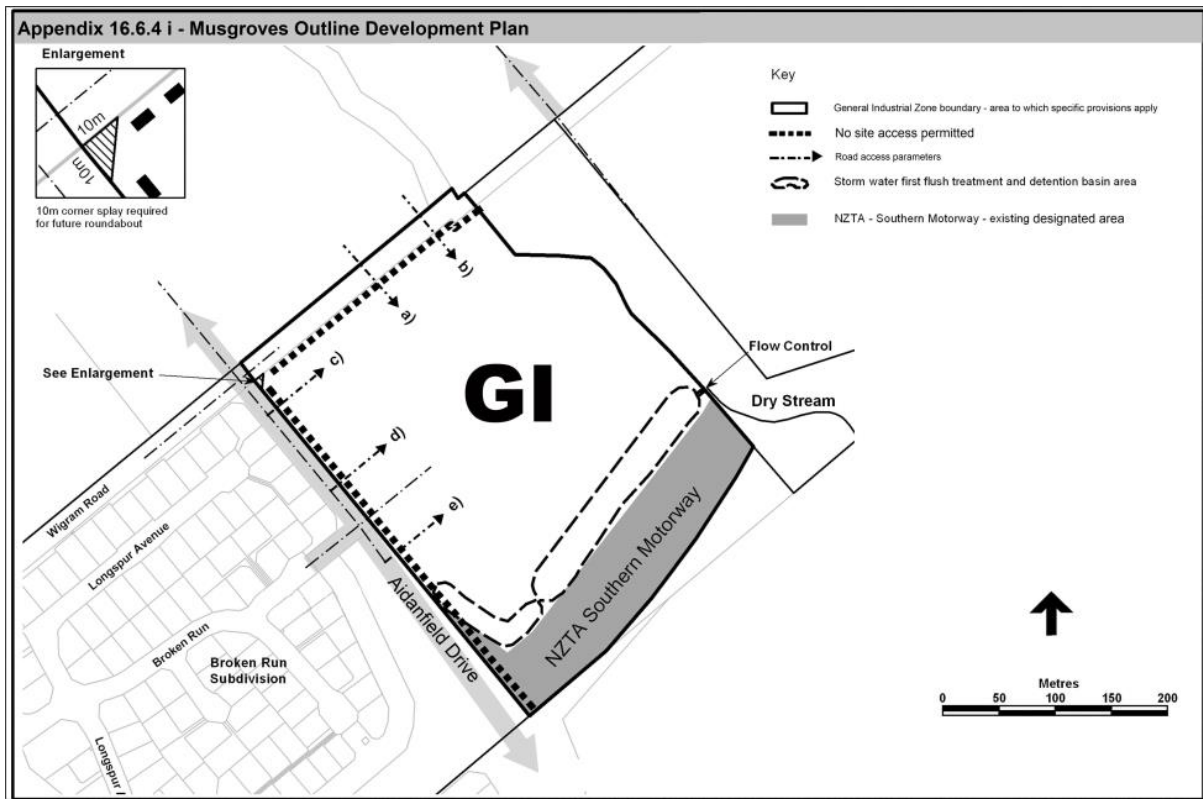
Botanical Name	Common Name	10 Year Height (metres)	Mature Height (metres)
Pittosporum tenuifolium (T,E)	Kohuhu	4	9
Pittosporum euginoides (T,E)	Tarata, lemonwood	3	12
Dodonea viscosa (T,E)	Ake ake	4	7
Olearia paniculata (T,E)	Golden Ake ake	2	7
Olearia traversil (T,E)	Chatham Island Ake ake	3	10
Dicksonia squarrosa (E,W)	Wheki	2	5
Dicksonia fibrosa (E,W)	Wheki ponga	2	5
Sophora microphylla (T,E)	South Island Kowhai	4	12
Podocarpus totara (T,E)	Totara	5	30
Darcycarpus dacrydoides (W)	Kahikatea / White pine	3	20
Prumnopitys taxifolia (T,E,W)	Matai / Black pine	3	25
Dacrydium cupressinum (T,E)	Rimu	3	30
Coprosma chathamica (T,E)	Chatham Island coprosma		5
Plagianthus regius (E)	Ribbonwood	5	16
Plagianthus chathamica (E)		4	10
Aristotelia serrata (E,W)	Makomako, wineberry	4	8
Coprosma acutifolia (E)	Coprosma, Sp.		10
Hoheria populnea (T,E)	Lacebark	4	11
Hoheria angustifolia	Narrow leaved lacebark	4	8
Coprosma robusta (T,E,W)	Karamu	6	6
Leptospermum scoparium (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 lessonia</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
Street Trees			
For secondary cross roads:			
<i>Nothofagus solandri</i> var. 'Cliffortioides' (S)	Mountain beech	2	18

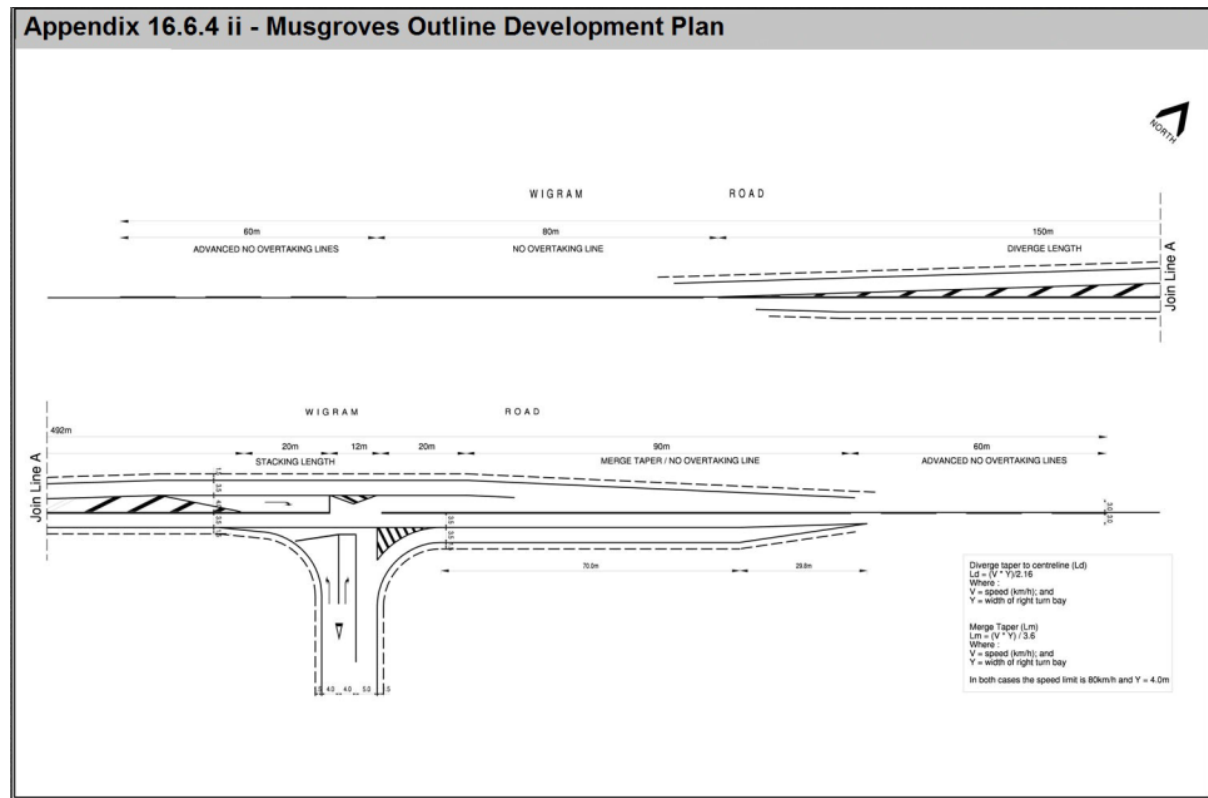
Botanical Name	Common Name	10 Year Height (metres)	Mature Height (metres)
Street Trees For main roads:			
Tilia cordata (S)	Small leaved lime		24
Tilia platyphyllos (S)	Large leaved lime		24

16.6.4 Industrial General Zone (Musgroves)

16.6.4.i



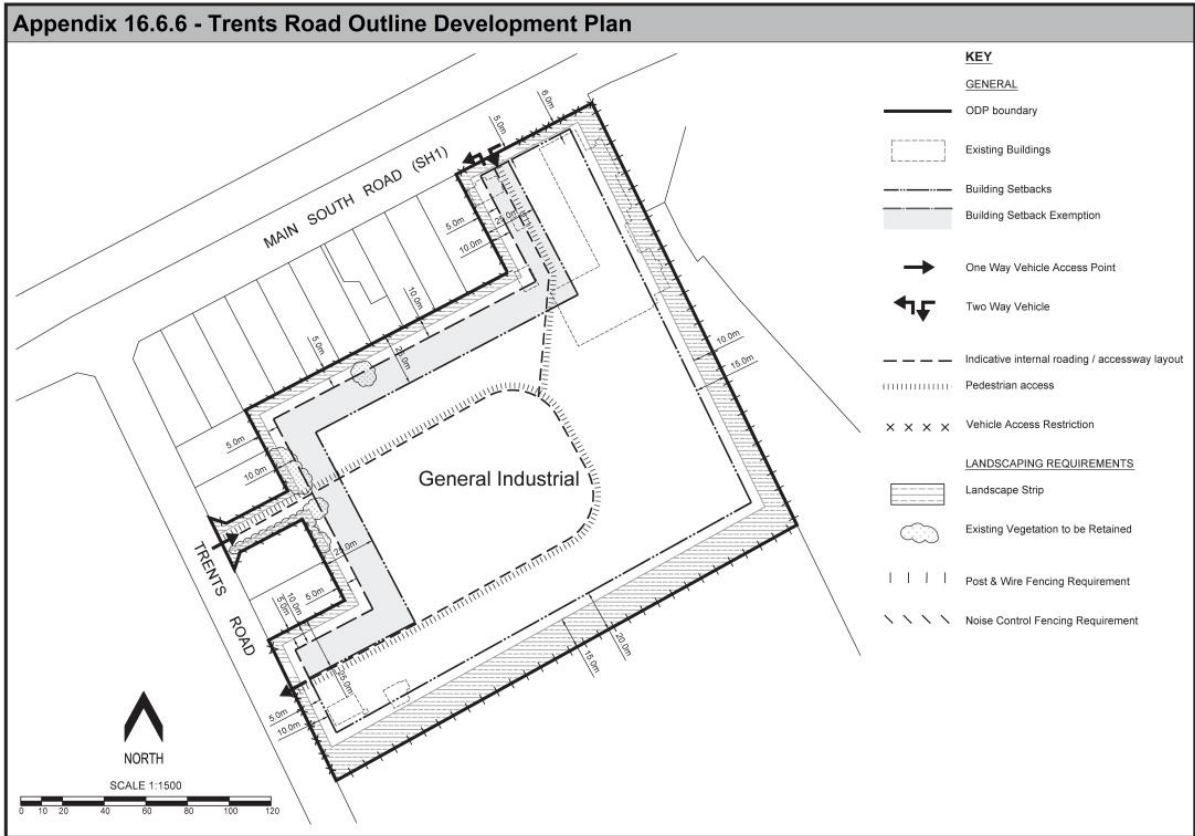
16.6.4.ii



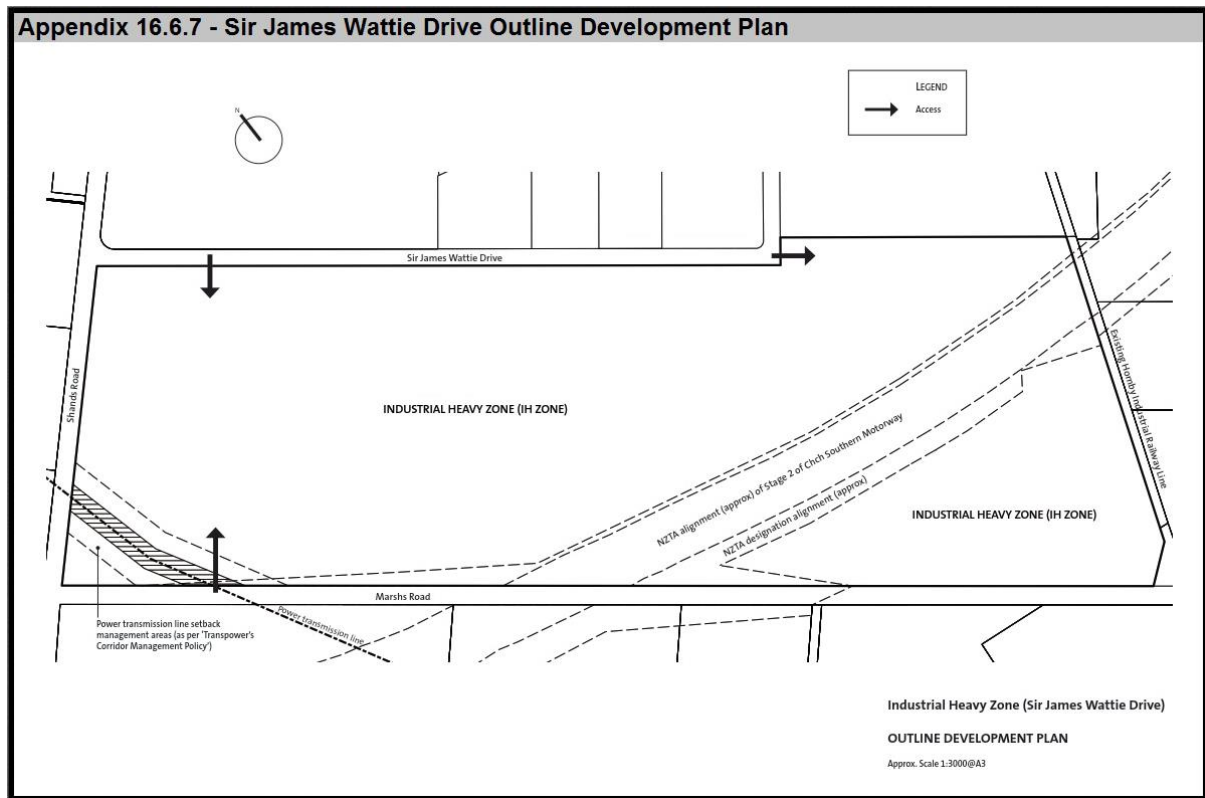
16.6.5 Industrial General Zone (North Belfast)

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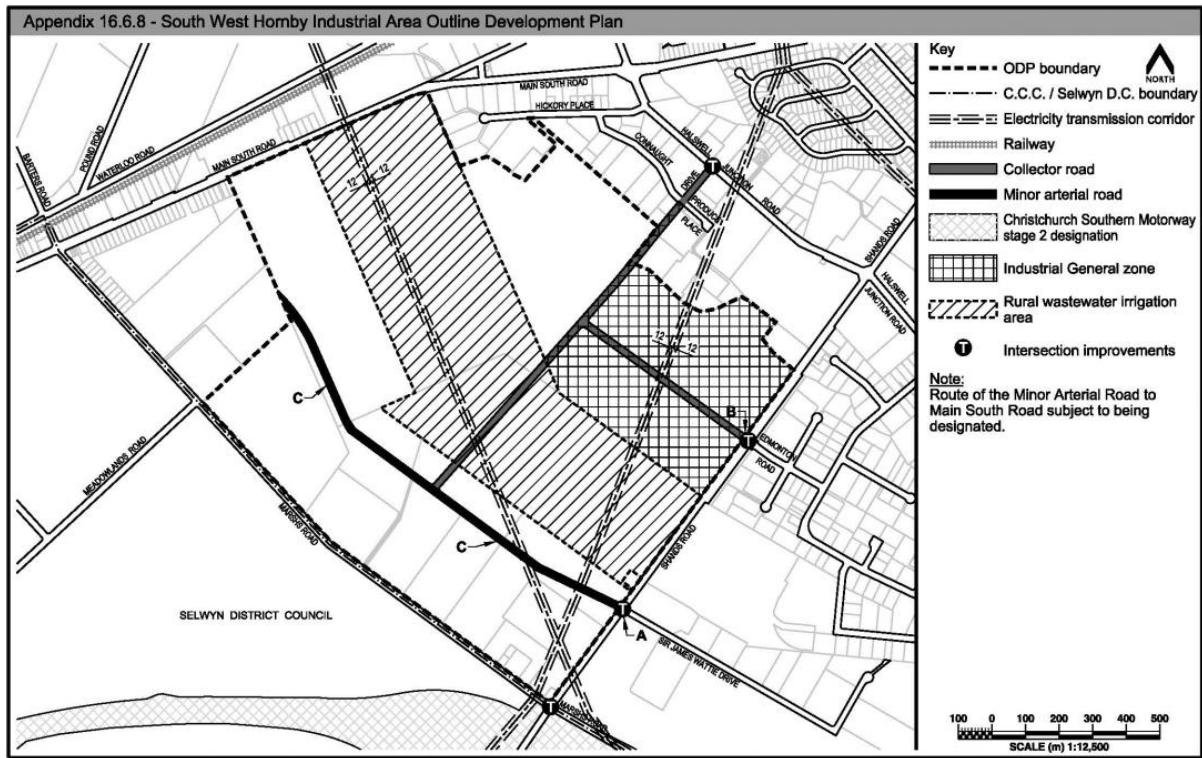
16.6.6 Industrial General Zone (Trents Road)



16.6.7 Industrial Heavy Zone (Sir James Wattie Drive) -

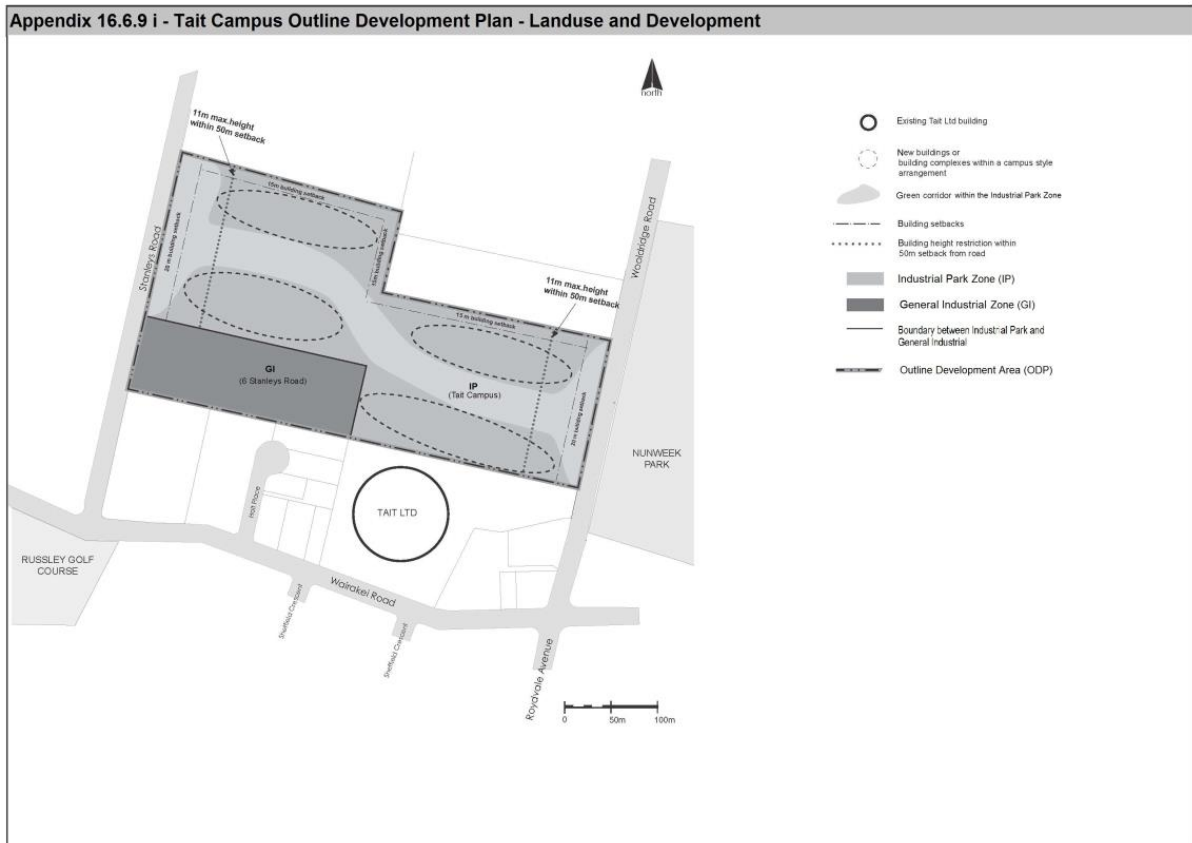


16.6.8 South West Hornby Industrial Area

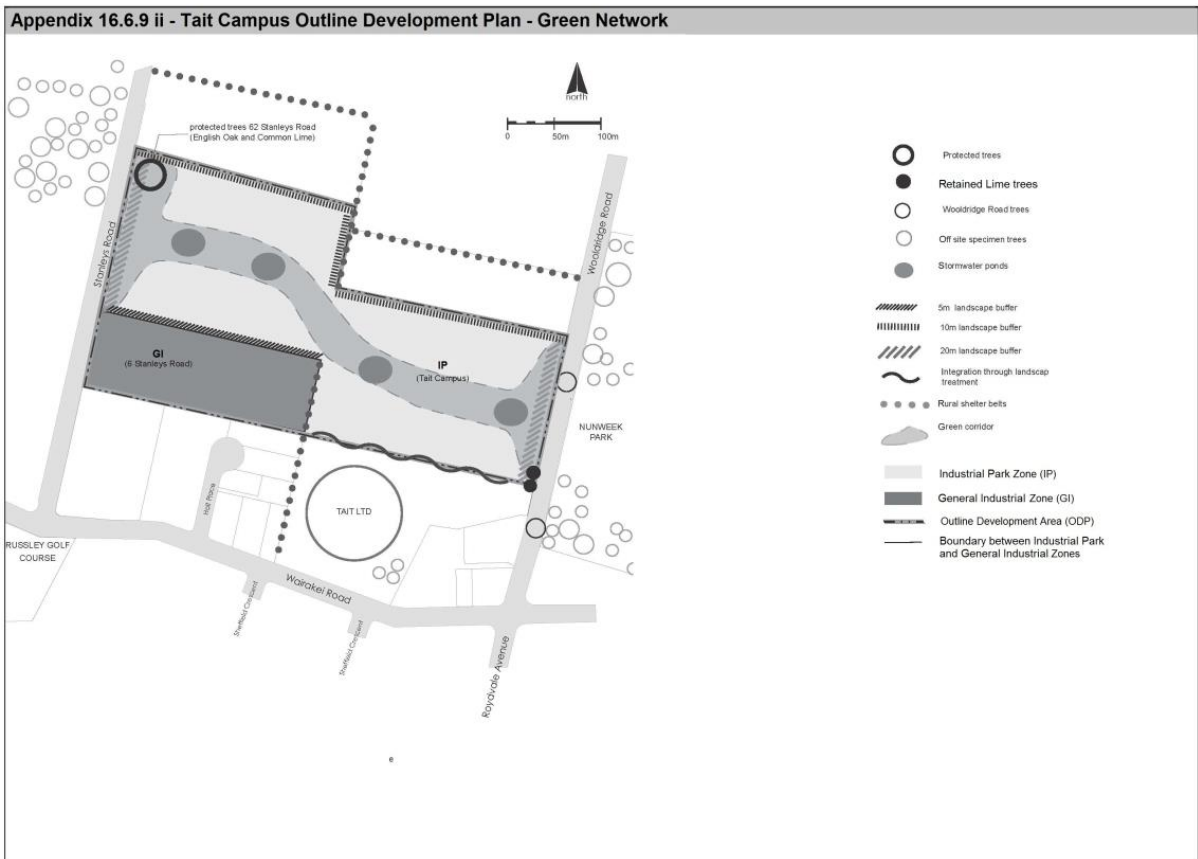


16.6.9 Industrial Park Zone (Tait Campus) and Industrial General Zone (Stanleys Road)

16.6.9i

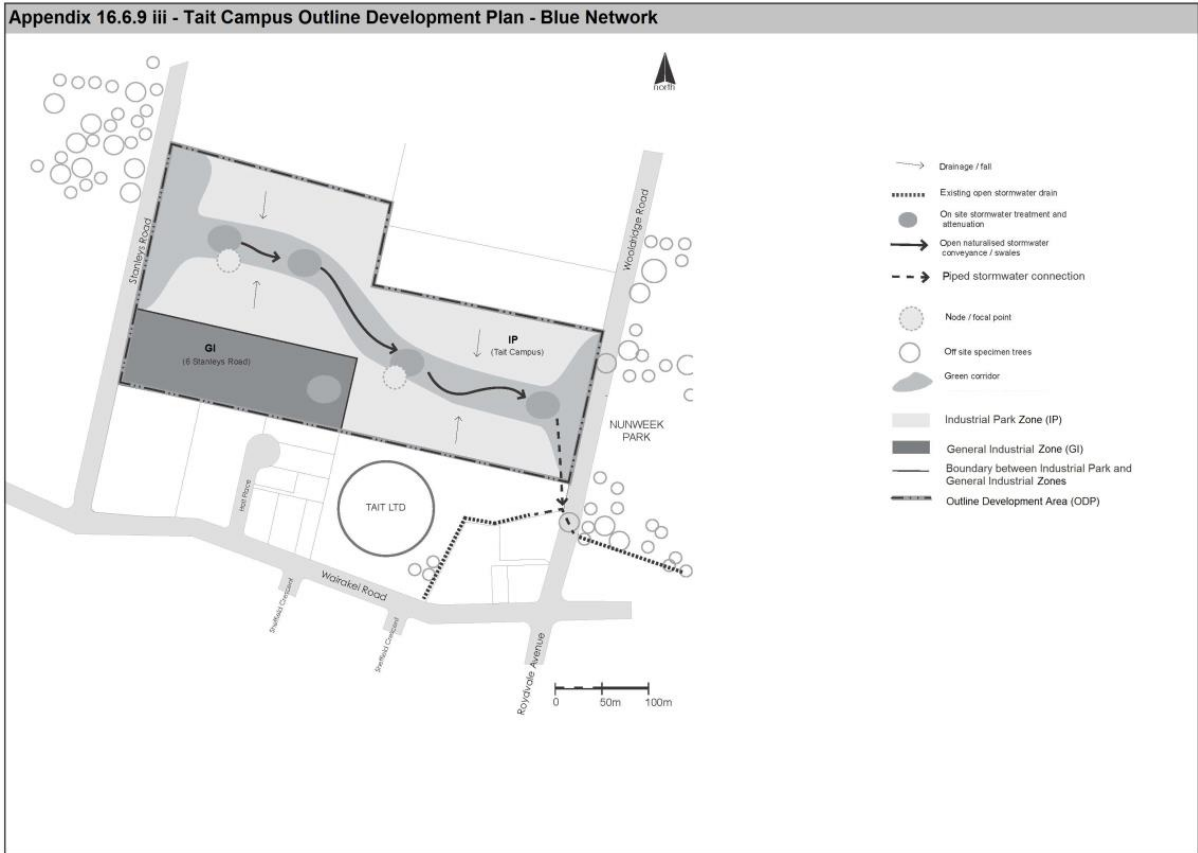


16.6.9ii



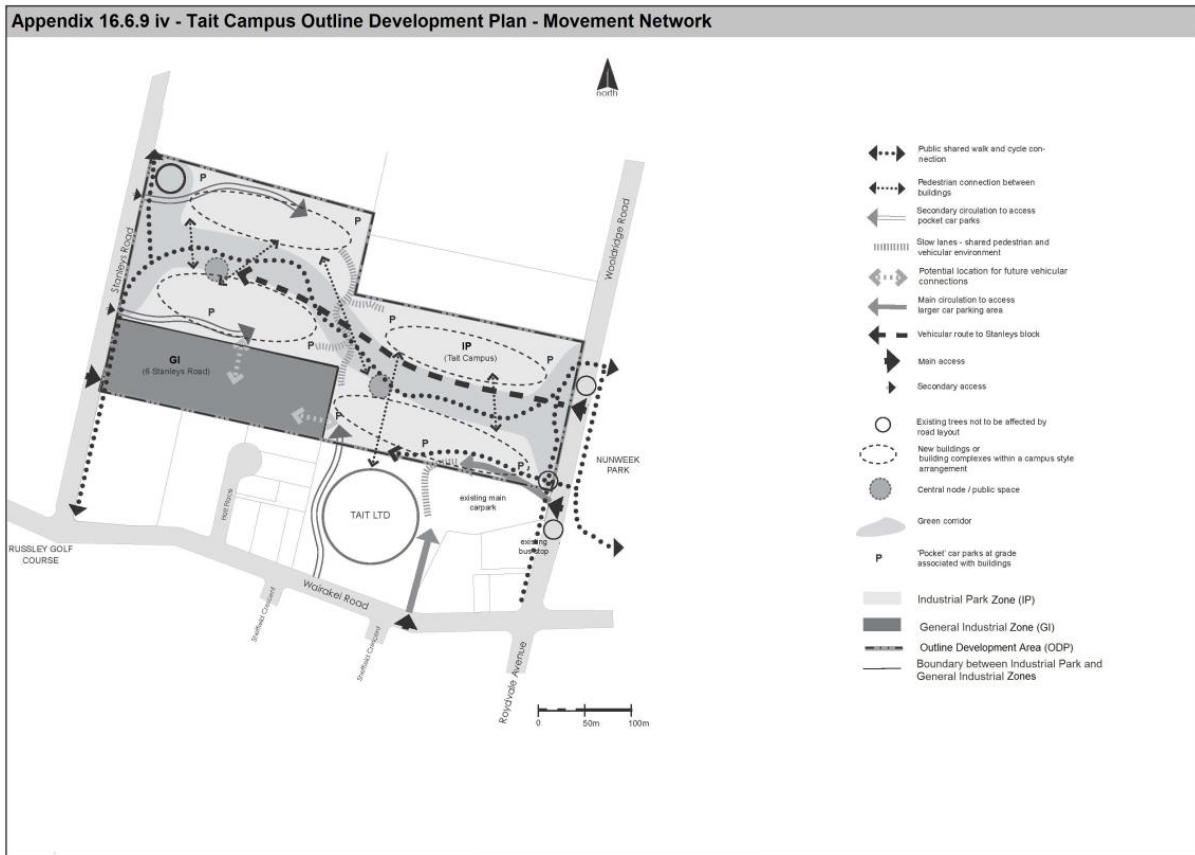
16.6.9iii

Appendix 16.6.9 iii - Tait Campus Outline Development Plan - Blue Network



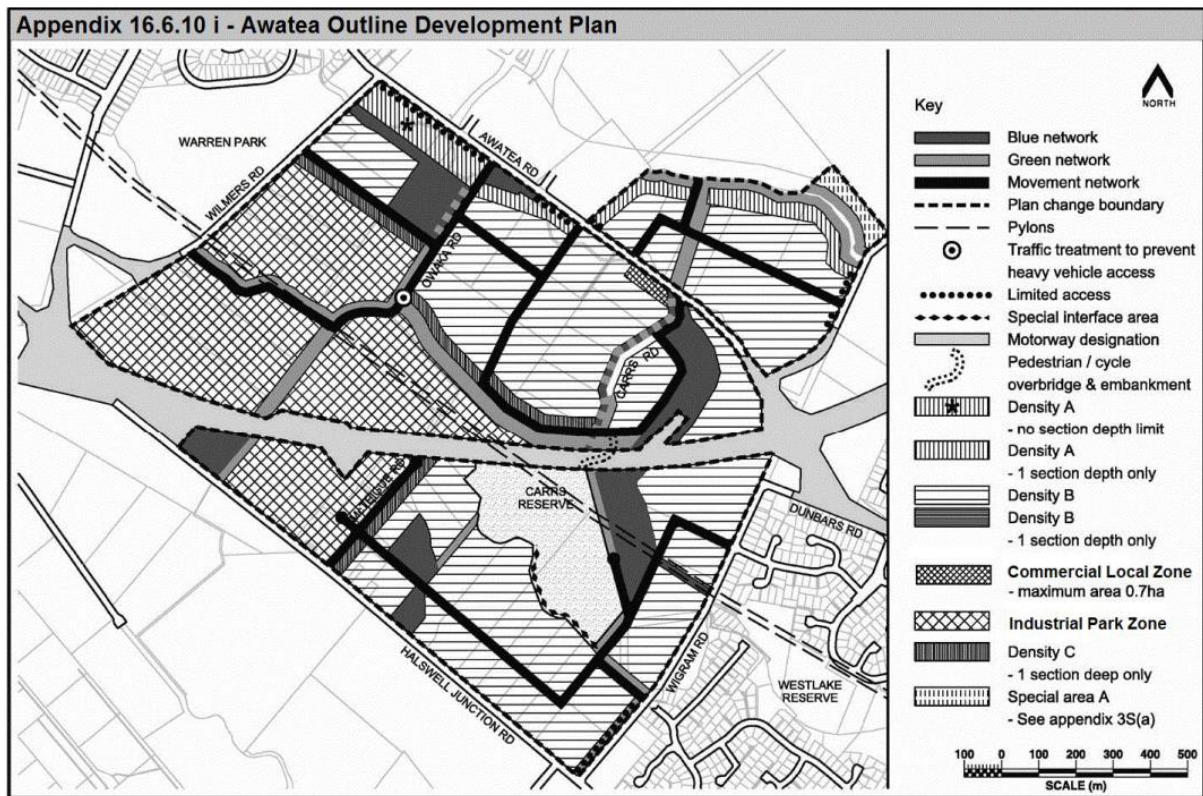
16.6.9iv

Appendix 16.6.9 iv - Tait Campus Outline Development Plan - Movement Network

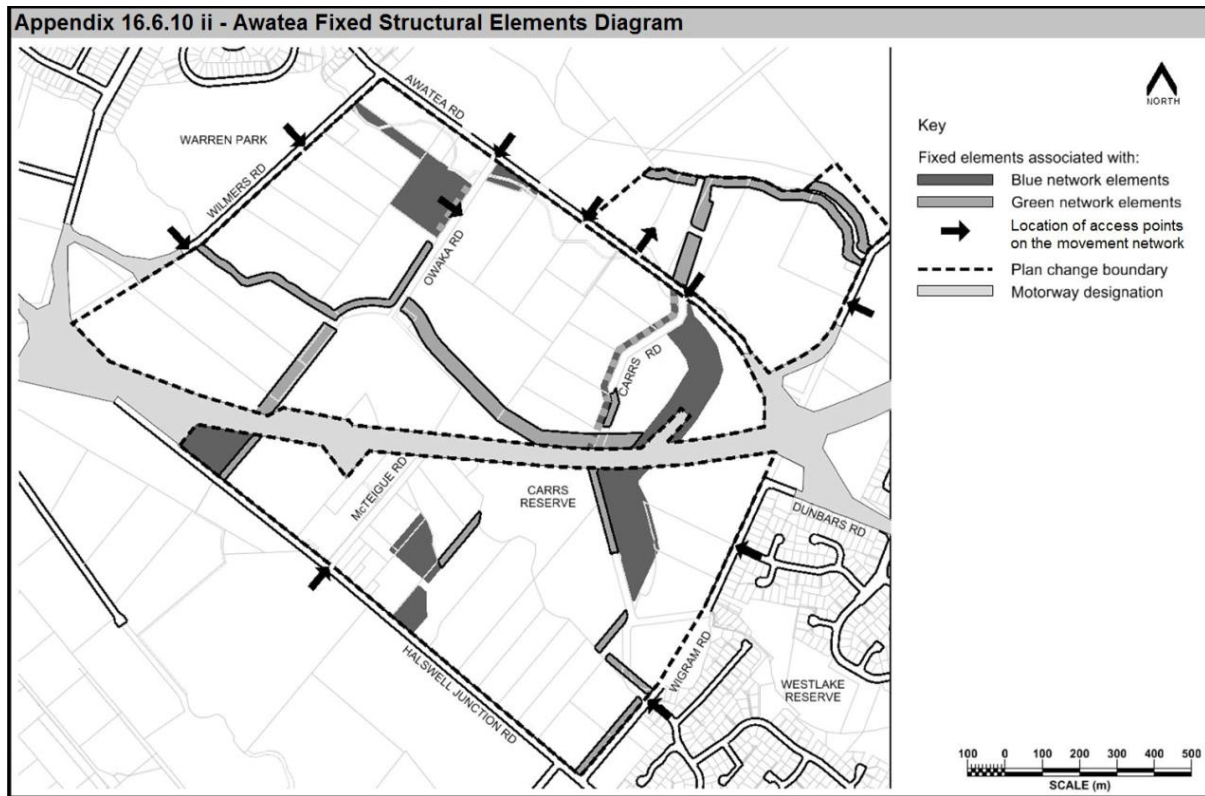


16.6.10 Industrial Park Zone (Awatea)

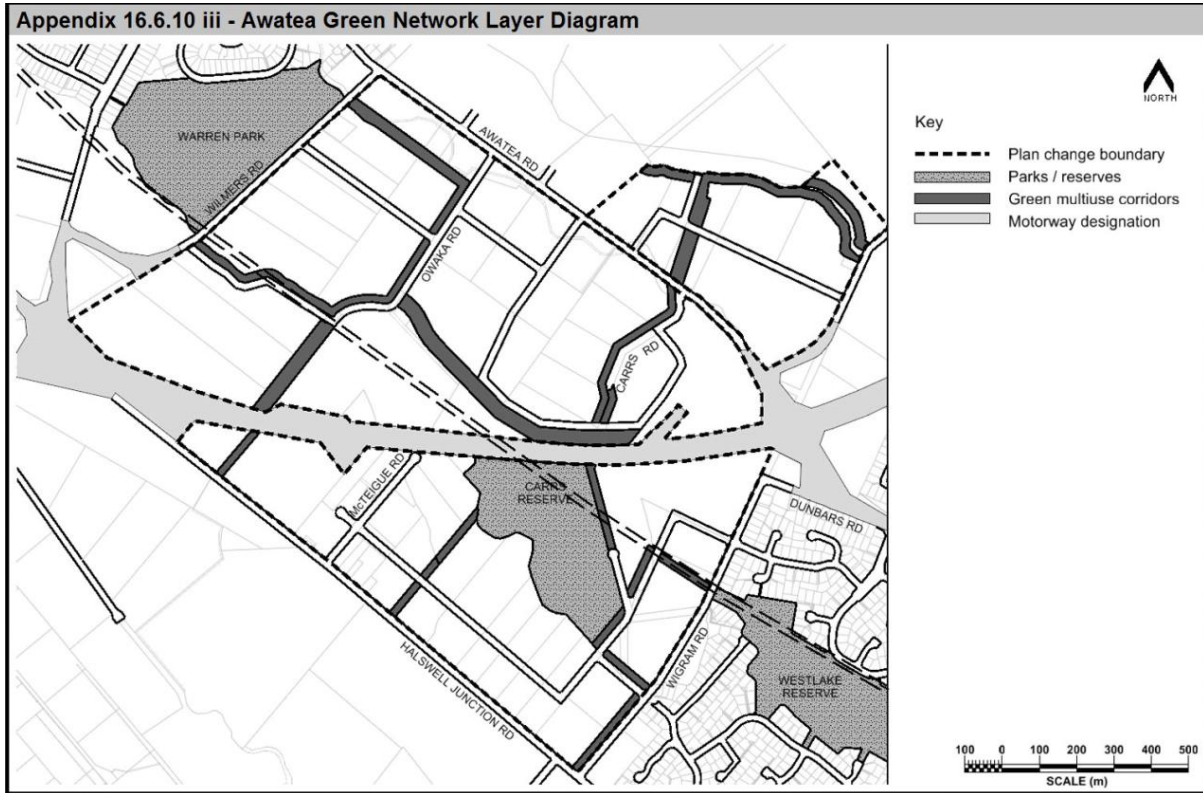
Appendix 16.6.10 i



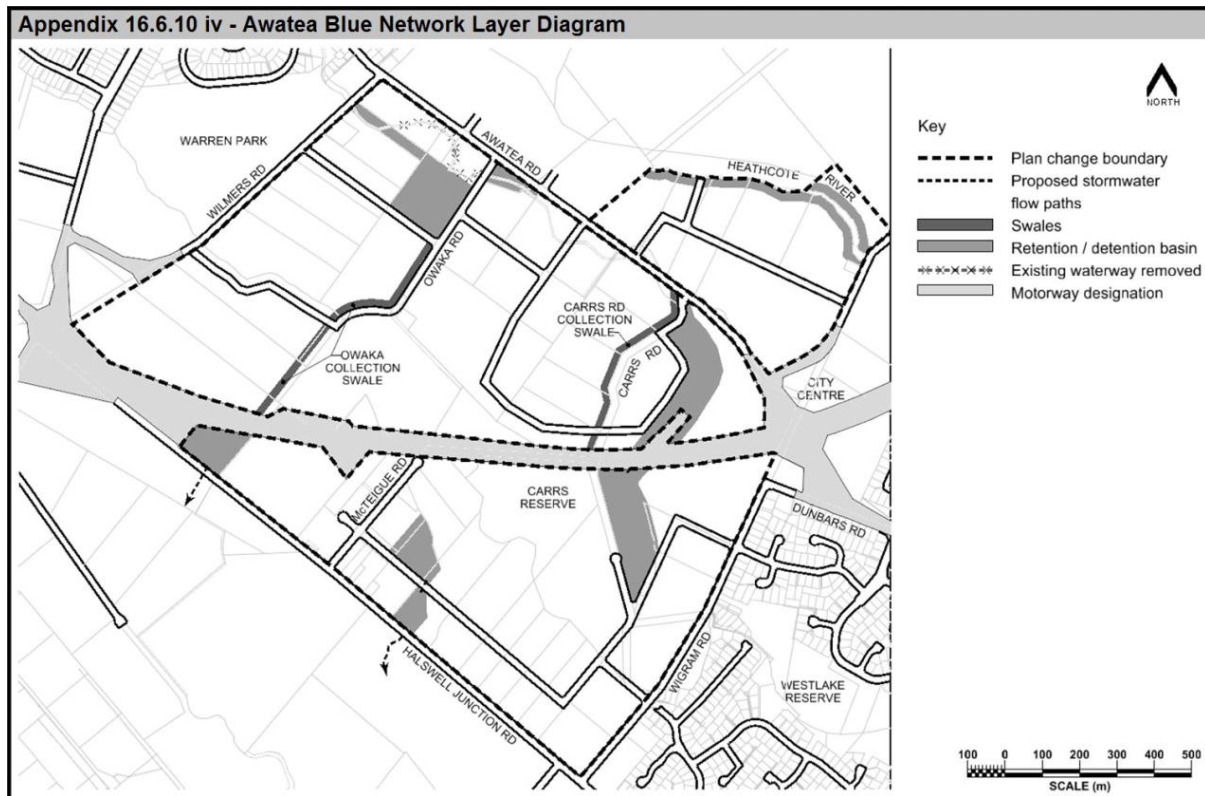
Appendix 16.6.10ii



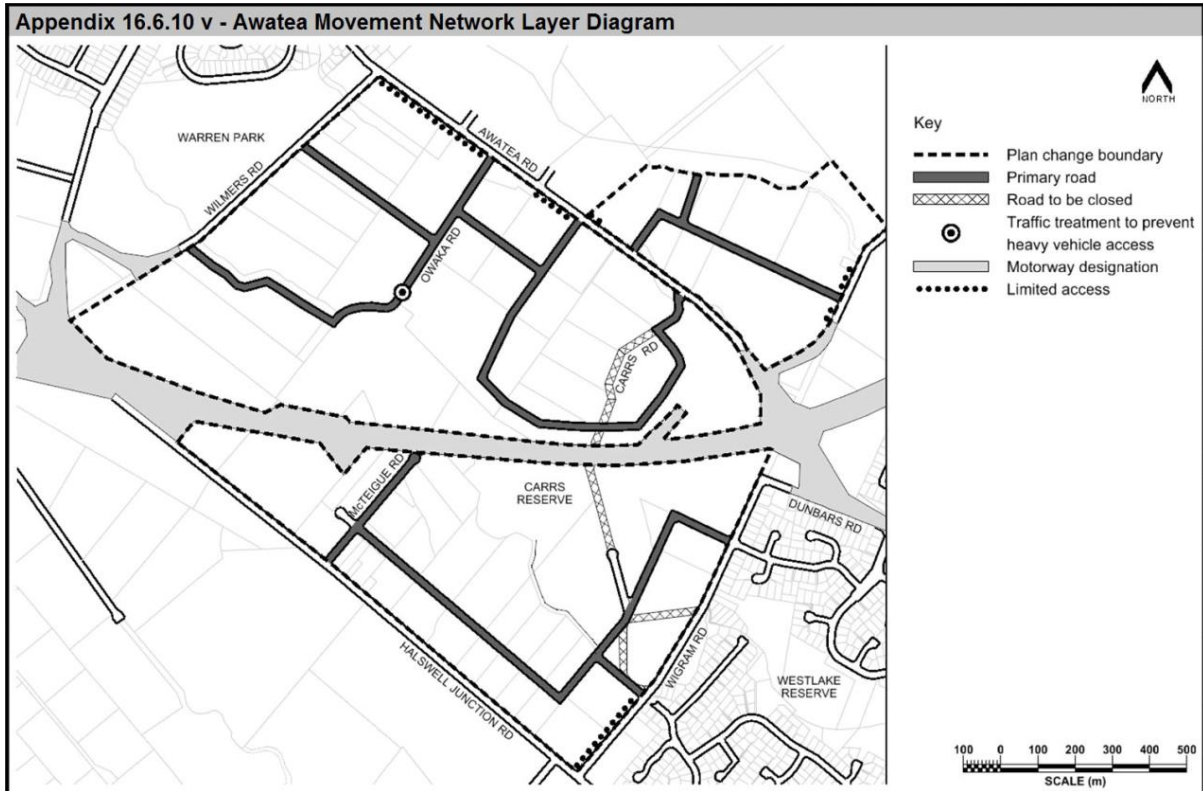
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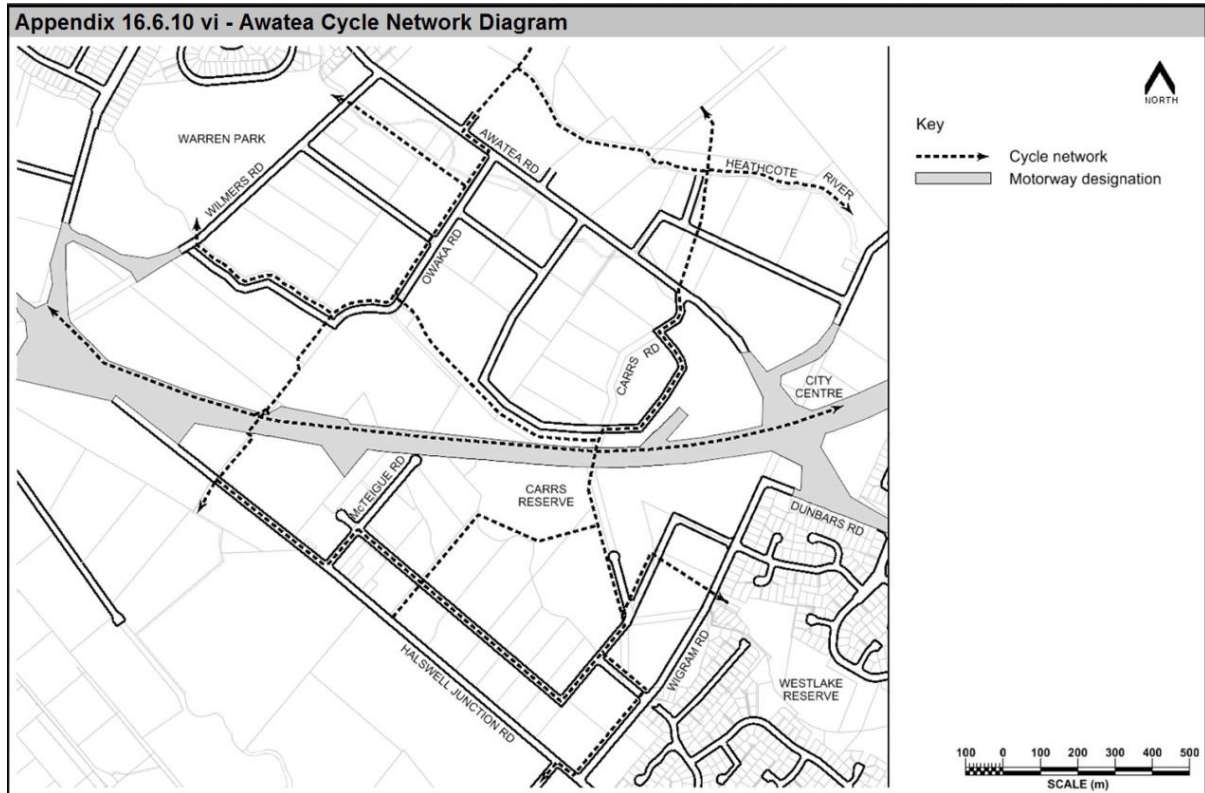
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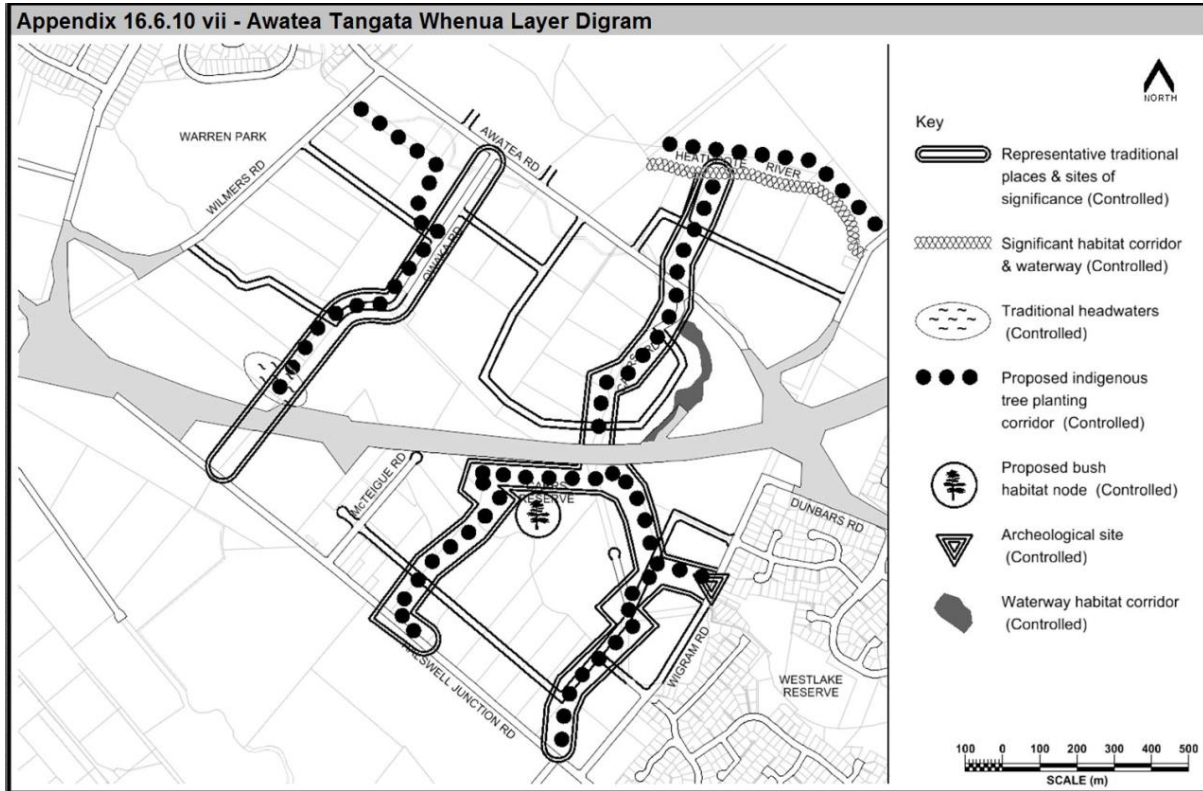
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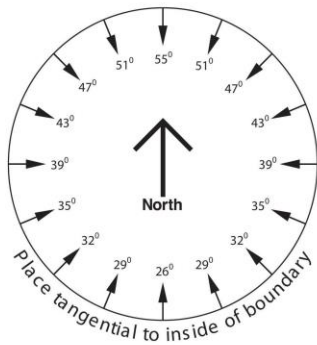
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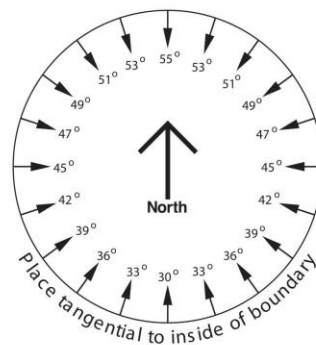
Appendix 16.6.10vii



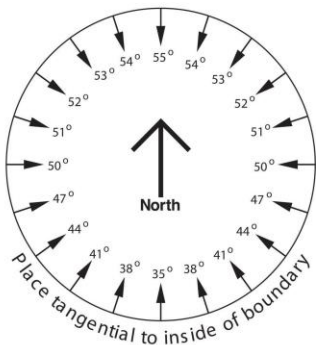
16.6.11 Recession Plane Diagrams



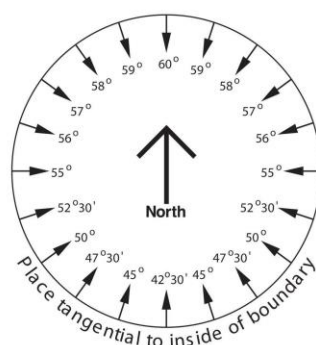
- A Applicable to all buildings:
- in the Residential Suburban Zone
 - on sites in other non residential zones that adjoin the Residential Suburban Zone



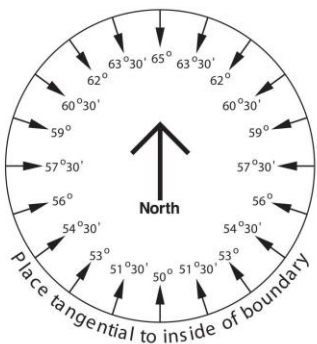
- B Applicable to all buildings:
- Residential Suburban density overlay
 - On sites on other non residential zones that adjoin the Residential Suburban density overlay area



- 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



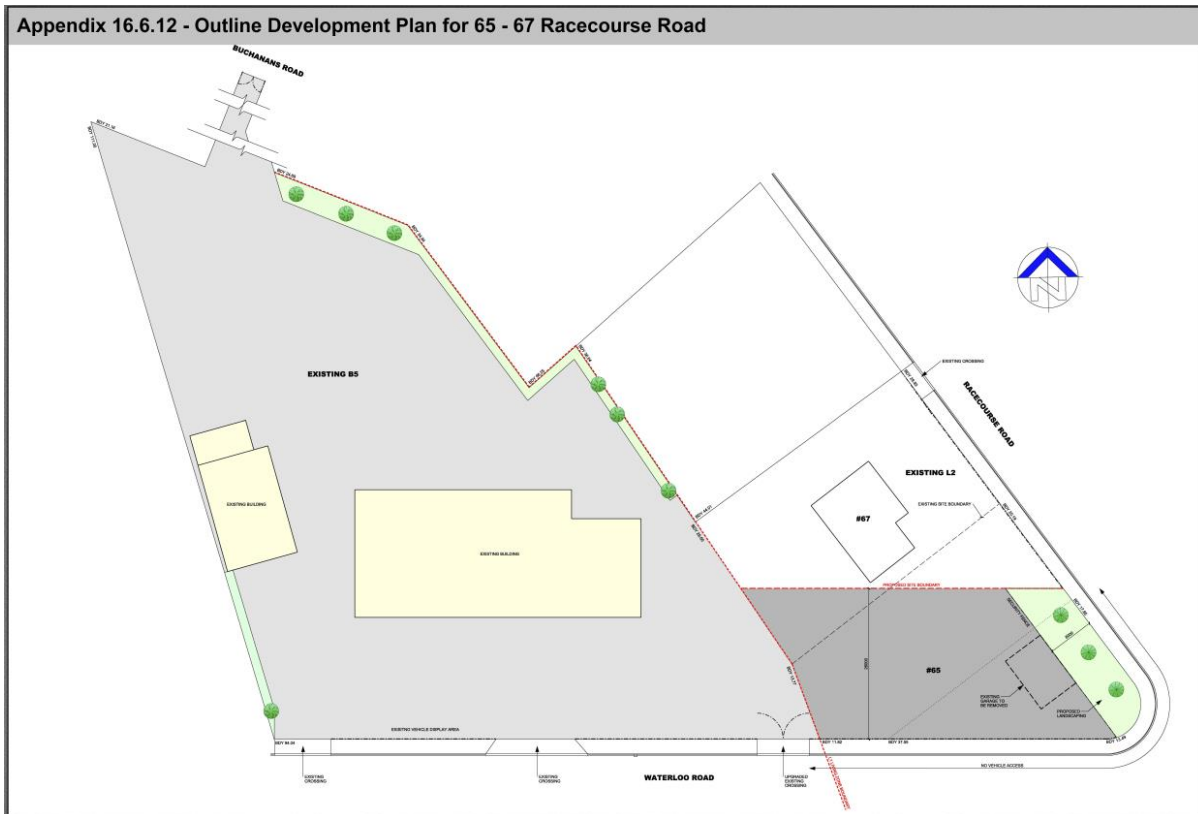
- D Applicable to all buildings:
- in the medium density higher height limit zones
 - on sites in other non residential zones that adjoin the medium density higher height limit zones
 - in the medium density higher height limit zones (except those buildings over 11 metres in height)
 - on sites in other 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

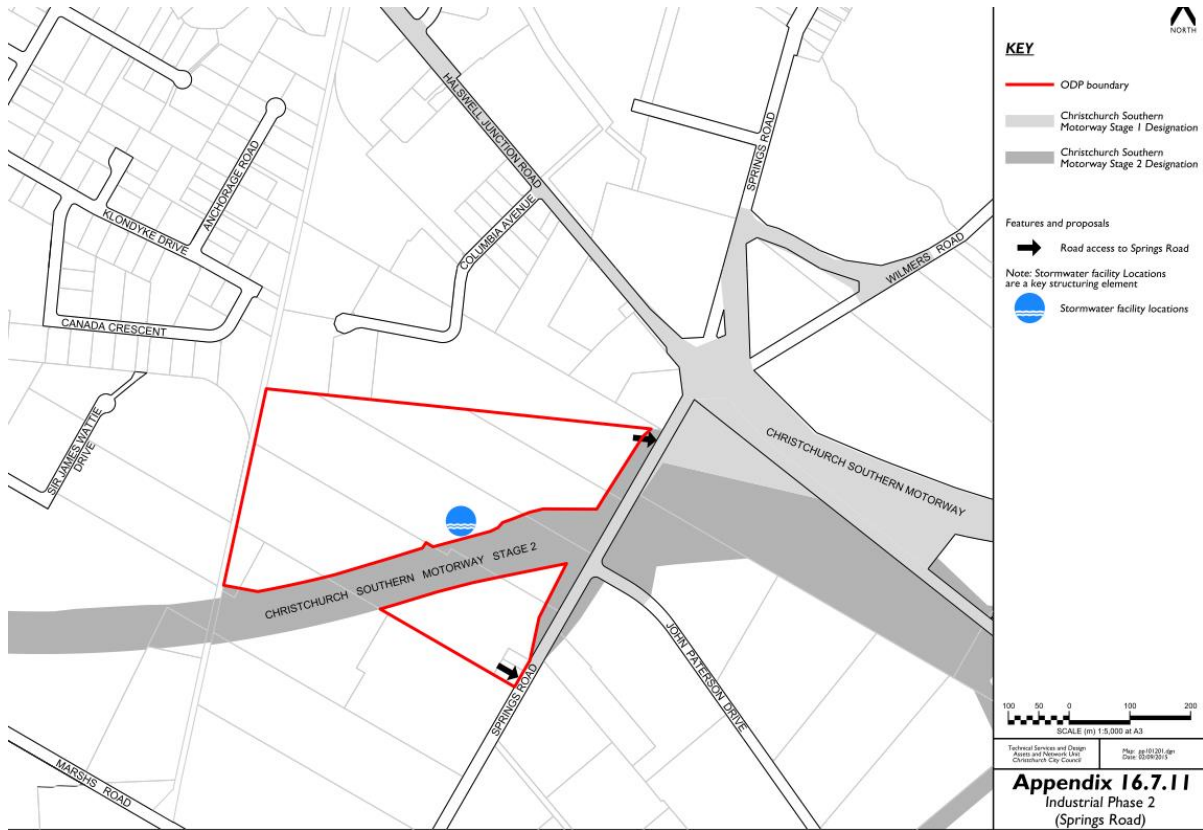
Note: North is true north

16.6.12 Outline Development Plan for 65 – 67 Racecourse Road



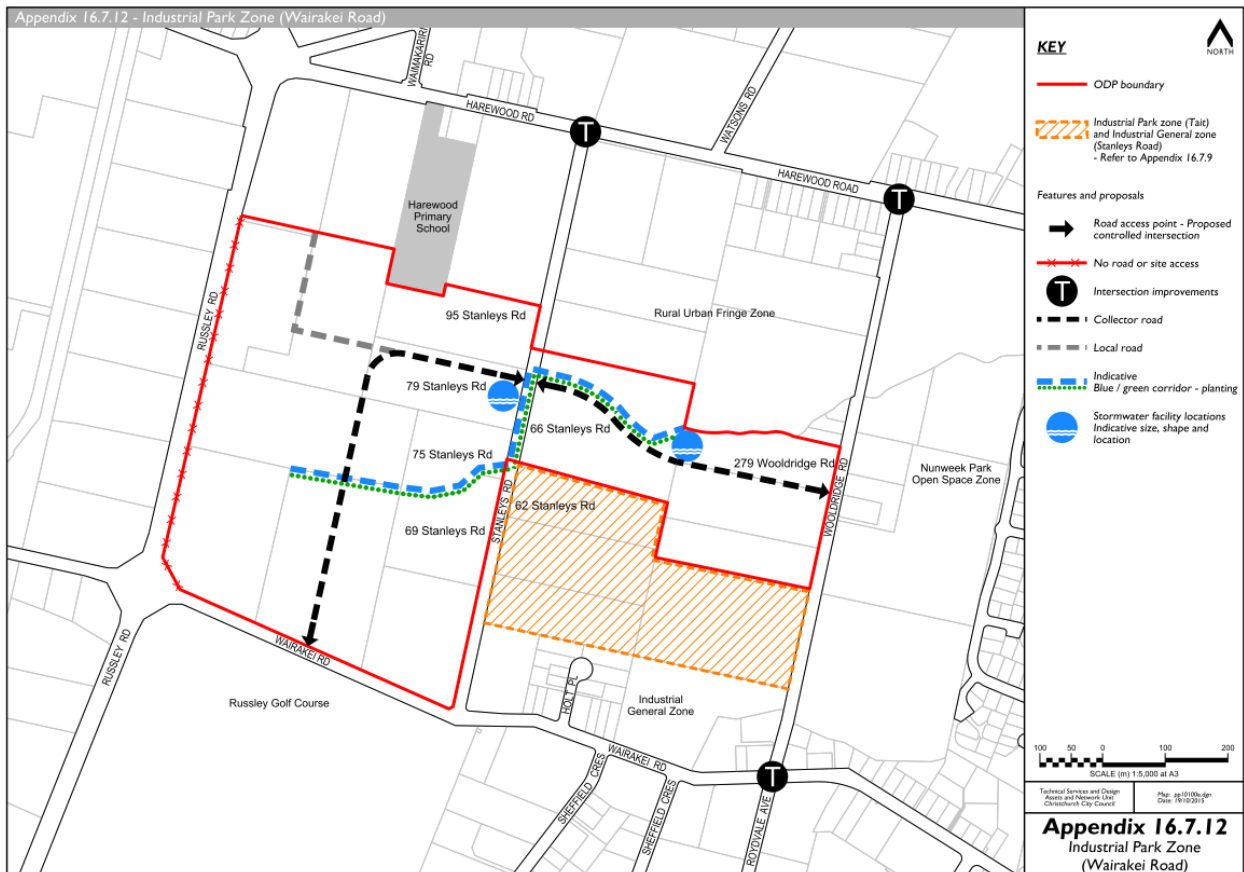
16.6.13 Industrial Heavy Zone (Springs Road) Outline Development Plan

- 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)'



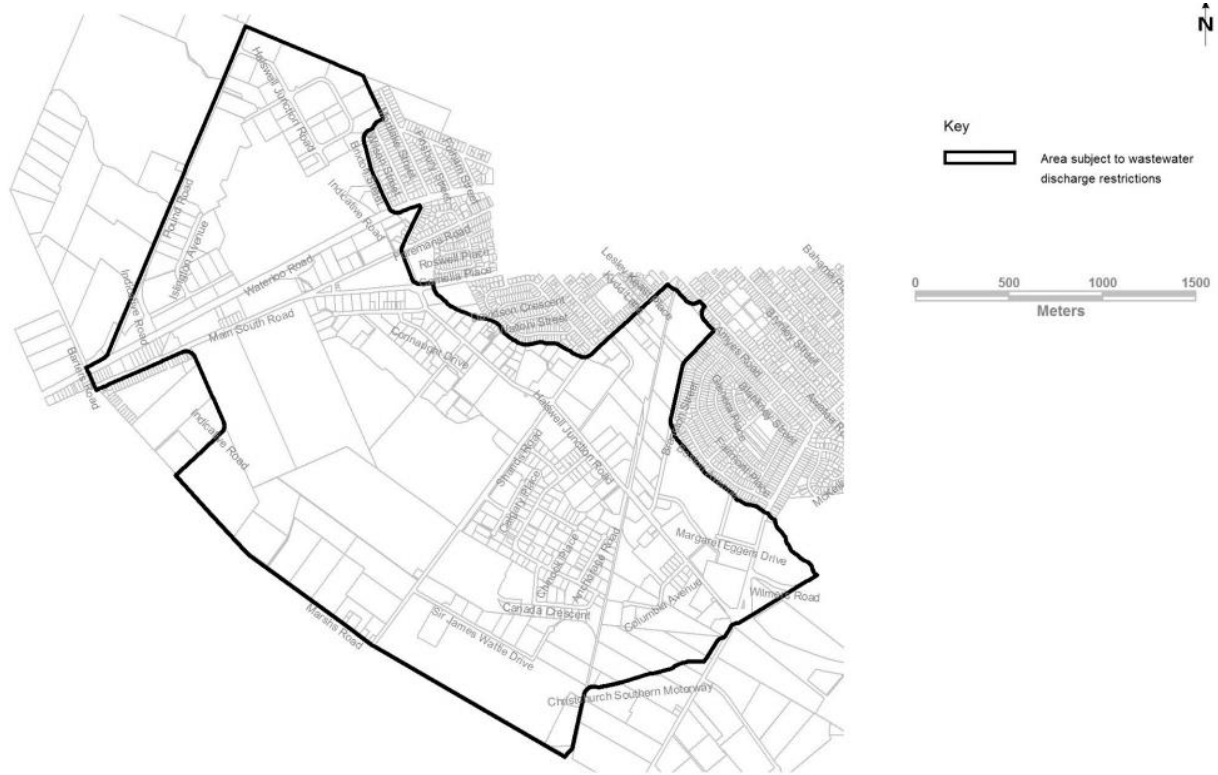
16.6.15 Industrial Park Zone (Memorial Avenue) Outline Development Plan

- 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>

16.6.16 Areas subject to wastewater discharge restrictions

- 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
P14	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"> i. be double sided; ii. not exceed a total area of 10m² per side; iii. have a maximum height above ground level of 10m at the top of the sign; iv. have a maximum width of 5m; 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 ; vi. not be flashing or illuminated by any means other than lights directed on to it; and vii. be located within 10m of a vehicle access point.

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:
RD4	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

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 №	Submitter Name	Person	Expertise or role if witness	Filed/Appeared
M18	Memorial Avenue Investment Limited	Mr A Carr	Traffic engineer	Filed/Appeared
		Mr S Chiles	Acoustics engineer	Filed/Appeared
		Mr F Colegrave	Economic consultant	Filed/Appeared
		Mr S Douglass	Hydrogeologist	Filed/Appeared
		Mr A Hall	Engineer	Filed/Appeared
		Mr C Pocock	Urban design	Filed/Appeared
		Mr R Salter	Tourism consultant	Filed/Appeared
		Mr M Winder	Registered valuer	Filed/Appeared
M04	Avonhead Community Group Inc	Professor S Bagchi		Appeared
		Mr C Paris		Filed/Appeared
M06	CCC	Ms J Carter	Planner	Filed/Appeared
		Mr S Collin	Engineer	Filed/Appeared
		Mr D Compton-Moen	Urban design	Filed/Appeared
		Mr J Falconer	Transport planner	Filed/Appeared
		Mr J Farren	Acoustics engineer	Filed/Appeared
		Mr T Heath	Retail economics	Filed/Appeared
		Mr R Norton	Engineer	Filed/Appeared
		Mr P Osborne	Economist	Filed/Appeared
M07	Crown	Mr A Willis	Planner	Filed
		Mr I Clark	Traffic engineer	Filed/Appeared
		Ms M Whyte	Planner	Filed/Appeared
M11	CIAL	Mr M Bonis	Planner	Filed/Appeared
		Mr E O'Neill	Engineer	Filed/Appeared
		Mr A Penny	Traffic engineer	Filed/Appeared
		Mr M Tansley	Retail consultant	Filed/Appeared
M12	Commodore Airport Hotel	Mr M Patterson		Filed/Appeared
		Mr A Penny	Traffic engineer	Filed/Appeared
		Mr J Trevathan	Acoustics engineer	Filed/Appeared
		Mr C Wilson	Architect	Filed/Appeared
M13	Avon Hotel Limited	Mr J Phillips	Planner	Filed/Appeared
M14	Andrew Centre Limited			