

DISTRICT PLAN TEXT AMENDMENTS

Key:

For the purposes of this plan change, any unchanged text is shown as normal text or in **bold**, any text proposed to be added by the plan change is shown as **bold underlined** and text to be deleted as ~~bold strikethrough~~.

Text in **bold red underlined** is that from Schedule 3A of the Resource Management Act and must be included.

Text in green font identifies existing terms in Chapter 2 – Definitions. Where the proposed change contains a term defined in Chapter 2 – Definitions, the term is shown as **bold underlined text in green** and that to be deleted as ~~bold strikethrough in green~~. New definition in a proposed rule is **bold green text underlined in black**.

Text in purple is a plan change proposal subject to Council Decision.

Text in **purple shaded in grey** is a Plan Change Council Decision.

Text in **black/green shaded in grey** is a Council Decision subject to appeal.

Text in blue font indicates links to other provisions in the district Plan and/or external documents. These will have pop-ups and links, respectively, in the on-line Christchurch District Plan.

14.15 Rules – Matters of control and discretion

- a. When considering applications for controlled activities, the Council's power to impose conditions on the consent is restricted to the matters over which control is reserved in the relevant rule and as set out for that matter below.
- b. When considering applications for restricted discretionary activities, the Council's power to decline consent, or to grant 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.

14.15.1 Residential design principles

- a. New developments shall be assessed against the seven residential design principles c.-i. set out below. Each residential design principle is accompanied by relevant considerations which are a guide to applicants and consent officers when considering an application against the residential design principles themselves.
- b. The relevance of the considerations under each residential design principle will vary from site to site and, in some circumstances, some of the considerations may ~~not~~ be **less** relevant ~~at all~~. For example, c.ii. is likely to be highly relevant to a development adjacent to **heritage items**; whereas c.ii. might be less relevant to a development in an area void of **heritage items**.
- c. ~~City context and character~~ **Site layout and context:**
 - i. ~~Whether the design of the development is in keeping with, or complements, the scale and character of development anticipated for the surrounding area and relevant significant natural, heritage and cultural features~~ **Whether the development achieves high quality design through a logical and coherent site layout that prioritises the street interface, a public frontage for each unit, and safe and direct pedestrian access throughout the development.**
 - ii. The relevant considerations ~~are~~ **include** the extent to which the development:

- ~~A. includes, where relevant, reference to the patterns of development in and/or anticipated for the surrounding area such as **building dimensions, forms, setbacks and alignments, and secondary materials, design features and tree plantings; and**~~
 - A. prioritises site layout that provides a safe and attractive **access** to units including entrances to attached dwellings and apartment buildings;
 - B. achieves good on-site residential amenity and a positive street interface;
 - C. minimises the need for tall fencing at street and **accessway boundaries**;
 - D. provides space for planting and **trees** in communal areas, adjacent to **accessways** and at the street front; and
 - E. for **development sites** exceeding 4,000m² in total area, provides connections (or designed not to foreclose potential future connections) through the **site** for the public; and
 - ~~B-F. retains **or adapts features of the site that contribute significantly to local neighbourhood character, potentially including heritage items, Sites of Ngāi Tahu Cultural Significance** identified in **Appendix 9.5.6, and retains or adapts existing site** contours and mature trees.~~
- d. Relationship to the street and public open spaces
- i. Whether the development engages with and contributes to adjacent streets, **on-site communal space**, and any other adjacent **public open spaces** to contribute to them being lively, safe and attractive.
 - ii. The relevant considerations **are include** the extent to which the development:
 - ~~A. orientates **building frontages including entrances and windows to habitable rooms**~~ orientates building frontages, including public entrances and **windows to habitable rooms**, toward the street, and adjacent **public open spaces**, and on-site shared spaces;
 - B. designs **buildings** on **corner sites** to emphasise the corner and address both streets; and
 - C. ~~avoids street facades that are blank or dominated by **garages**~~ locates **habitable rooms** on the ground floor, with **windows** facing towards, and visible from, the street and **accessway**.
- e. Built form and appearance
- i. Whether the development is designed to **manage minimise** the visual bulk of the **buildings** and provide visual interest.
 - ii. The relevant considerations **are include** the extent to which the development:
 - ~~A. subdivides or otherwise separates unusually long or bulky building forms and limits the length of continuous rooflines~~ places building bulk at the street front and otherwise limits the continuous lengths of **buildings**;

- ~~B.~~ **utilises variety of building form and/or variation in the alignment and placement of buildings to avoid monotony;**
- ~~B.~~ avoids blank elevations and facades dominated by garage doors or breezeways; and
- ~~C.~~ achieves visual interest and a sense of **human scale** through the use of **varied rooflines, building articulation,** architectural detailing, glazing and variation of materials; and
- ~~D.~~ **where buildings are higher than 12 metres from ground level:**
 - 1. the massing of the top of the building is moderated through upper floor setbacks and roof-form and any rooftop plant and servicing is integrated into the roof-form; and**
- ~~E.~~ **buildings that contain four or more residential units have a maximum building length that does not exceed 30 metres in length and are separated from other residential units by at least 3m.**

f. Residential **amenity environment**

- i. ~~In relation to the built form and residential amenity of the development on the site (i.e. the overall site prior to the development), whether how the development provides a high level of good~~ internal and external residential amenity for occupants and neighbours **is provided.**
- ii. The relevant considerations ~~are include~~ the extent to which the development:
 - A. provides for outlook, sunlight and privacy through the site layout, and orientation and internal layout of residential units;
 - B. directly connects private outdoor spaces to the living spaces within the residential units;
 - ~~C.~~ **for taller buildings higher than 12 metres from ground level, orients windows and balconies to face the street, public spaces or internally within the site, rather than towards internal site boundaries;**
 - ~~C-D.~~ **ensures any communal private open spaces are accessible, usable and attractive for the residents of the residential units; and where communal outdoor living is provided:**
 - 1. has attractive, high quality, safe pedestrian access that directs people from each residential unit or shared lobby, which is of sufficient width and standard of formation to be usable by people with differing mobility needs;**
 - 2. is centrally located in an accessible part of the site; and**
 - 3. is usable and attractive for residents, oriented for good solar access and including tree planting; and**
 - ~~D-E.~~ includes tree and garden planting **particularly visible from, and** relating to, the street frontage, boundaries, access ways, and parking areas.

g. Access, parking and servicing

- i. Whether the development provides for good, **safe** access and integration of space for ~~parking and pedestrian movement, cyclist servicing, and parking (where provided)~~.
- ii. The relevant considerations are the extent to which the development:
 - A.** integrates access in a way that is safe for all users, and offers **direct and** convenient access for pedestrians **and cyclists to from** the street **to the front door of each unit, any nearby parks or other public recreation spaces;**
 - B.** **provides effective physical separation between vehicles and any dedicated pedestrian access;**
 - B-C.** **when provides for parking areas and garages where are provided, these are designed and located** in a way that does not dominate the development, particularly when viewed from the street or other **public open spaces; and**
 - D.** **when no on-site car parking is provided, the movement of people and car-free modes of travel are facilitated, including accesses that are of sufficient width and standard of formation to be used by people with differing mobility needs; and**
 - C-E.** provides for suitable storage (**including bike storage**) and service spaces which are conveniently **accessible for people with differing mobility needs**, safe and/or secure, and located and/or designed to minimise adverse effects on occupants, neighbours and public spaces.

h. Safety

- i. Whether the development incorporates Crime Prevention Through Environmental Design (CPTED) principles as required to achieve a safe, secure environment.
- ii. The relevant considerations are the extent to which the development:
 - A.** provides for views over, and passive surveillance of, adjacent public and ~~publicly accessible private open~~ **shared** spaces, **from ground level living areas, without compromising internal privacy;**
 - B.** clearly demarcates boundaries of public and private space;
 - C.** **promotes a sense of ownership of communal areas and front yards, planting areas and other transition spaces through the location of these in relation to unit entrances and pedestrian accessways;**
 - C-D.** makes pedestrian entrances and routes readily recognisable **and legible through clear and logical site layout;** and
 - D-E.** provides for good visibility with clear sightlines and effective lighting, **avoiding tight bends, blind corners and entrapment spaces.**

Advice note: Refer to NZS1158.3.1:2020 for guidance on effective lighting.

i. Hillside and small settlement areas

- i. Whether the development maintains or enhances the context and amenity of the area.

- ii. The relevant considerations are the extent to which the development:
 - A.** maintains significant and distinctive landforms, geological features, **water bodies** and courses, indigenous and exotic vegetation, coastal margins and the habitat of **indigenous fauna**;
 - B.** has regard to and protects **historic heritage** from inappropriate **subdivision** use and development, and recognizes the relationship of Ngāi Tahu mana whenua with their ancestral lands, water and other taonga, including **Sites of Ngāi Tahu Cultural Significance** identified in **Appendix 9.5.6** and access to those sites and to mahinga kai;
 - C.** is designed and located in a way that reduces dominance of **buildings** and structures;
 - D.** incorporates environmentally sustainable and low impact **subdivision, site** and **building** design;
 - E.** responds to the qualities that are distinct and unique to each small settlement; and
 - F.** where appropriate and possible, maintains views from properties.
- j. **Minimum road boundary setback - Qualifying Matter City Spine Transport Corridor**
 - i. Whether the reduced setback, location of an **outdoor living space** and fencing would provide sufficient space in the front yard to contribute positively to street amenity and provide for the planting of medium to large specimen trees.**
 - ii. Whether the reduced setback, location of an **outdoor living space** and fencing would provide sufficient opportunity to achieve well integrated and multiple land use and infrastructure outcomes, including as a minimum and to achieve best practice guidelines, two traffic lanes, pedestrian, cycle and public transport services; landscape amenity and tree planting; and stormwater retention and treatment facilities, residential street relationships and servicing, and CPTED principles**
 - iii. Whether buildings, the location of an **outdoor living space** and fencing enabled through a lesser setback from the road would impede widening of the road reserve through designation and/or land acquisition.**

14.15.2 Site density and site coverage

- a. Whether the non-compliance is appropriate to its context taking into account:
 - i. whether the balance of open space and **buildings** will maintain the character anticipated for the zone building dominance and privacy effects on surrounding properties;**
 - ii. any visual dominance of the street resulting from a proposed **building's** incompatible scale the effect of the additional building bulk on the planned urban built character of the local environment;**
 - iii. within the Medium Density Residential zone and High Density Residential zone only, whether additional landscaping above the 20% permitted standard is proposed;**
 - iv. The ability to practically use onsite space unoccupied by **buildings** and **accessways**, including any impacts in terms of usability and amenity on any onsite ground floor **outdoor living spaces** and opportunities for planting;**

- v. The degree to which site layout and building design encourages a strong connection to the street and provides for a coherent street scene; and
 - ~~iii-vi.~~ any loss of opportunities for views in the Residential Banks Peninsula Zone; ~~and~~
 - ~~iv.~~ the proportion of the building scale in relation to the proportion of the site.
- b. Where the **site** is within the Akaroa Heritage Area, the matters set out in [Rule 9.3.6.3](#).

14.15.3 Impacts on neighbouring property

- a. Whether the increased **height**, ~~or reduced setbacks, or recession plane intrusion~~ would result in **buildings** that do not compromise the ~~amenity of adjacent properties~~ planned urban built character. ~~taking into account~~ The following matters of discretion apply:
- i. Building bulk and dominance effects on surrounding neighbours;
 - ii. Privacy and shading effects on surrounding neighbours, including on habitable rooms or outdoor living spaces;
 - iii. ~~The extent to which an increased height is necessary to enable more efficient, cost effective and/or practical use of the site, or the long term protection of significant trees or natural features on the site;~~
 - iv. Modulation or design features of the roof-form to reduce its visual impact;
 - v. Whether the majority of the ground floor area is occupied by habitable rooms and/or indoor communal living space (this area may include pedestrian access to lifts, stairs and foyers);
 - vi. Impacts on the heritage values of adjoining properties; and
 - vii. For height breaches only:
 - A. the location of the building in relation to existing or planned public transport corridors, community facilities, or commercial activities and the connectivity of the building to these facilities;
 - B. The extent to which an increased height is necessary to enable more efficient, cost effective and/or practical use of the site, or the long term protection of significant trees or natural features on the site;
 - ~~i.~~ ~~overshadowing of adjoining sites resulting in reduced sunlight and daylight admission to internal living spaces and external living spaces beyond that anticipated by the recession plane, and where applicable the horizontal containment requirements for the zone;~~
 - ~~ii.~~ ~~any loss of privacy through being overlooked from neighbouring buildings;~~
 - ~~iii.~~ ~~whether development on the adjoining site, such as large building setbacks, location of outdoor living spaces, or separation by land used for vehicle access, reduces the need for protection of adjoining sites from overshadowing;~~

- ~~iv. the ability to mitigate any adverse effects of increased height or recession plane breaches through increased separation distances between the building and adjoining sites, the provision of screening or any other methods; and~~
- ~~v. within a Flood Management Area, whether the recession plane infringement is the minimum necessary in order to achieve the required minimum floor level.~~
- b. Where the site is within the Akaroa Heritage Area, the matters set out in [Rule 9.3.6.3](#)
- c. Within the Medium Density Residential zone, for buildings exceeding 14 metres in height, and within the High Density Residential zone, for buildings exceeding 32 metres in height, the matters of discretion are as follows:
 - i. The degree of alignment of the building with the planned urban character of the zone or applicable precinct;
 - ii. Building bulk and dominance effects on surrounding neighbours, particularly the effect on the relationship between buildings, public spaces, and views;
 - iii. The degree of privacy effects on surrounding neighbours, including on habitable rooms or outdoor living spaces;
 - iv. The degree of shading effects on surrounding neighbours, including the extent of impact on any habitable rooms or outdoor living spaces;
 - v. The extent to which the increased height is necessary to enable more efficient, cost effective and/or practical use of the site, or the long term protection of significant trees or natural features on the site;
 - vi. Any modulation or design features of the roof-form and façade to reduce its visual impact;
 - vii. Whether a minimum of 30% of the ground floor area is occupied by habitable rooms and/or indoor communal living space (including any shared pedestrian access to lifts, stairs and foyers);
 - viii. The extent to which the development provides for greater housing choice, by typology or price point compared to existing or consented development within the surrounding area;
 - ix. Whether the building is for the purposes of papakāinga / kāinga housing;
 - x. The location of the development relative to current and planned public transport corridors, community facilities, or commercial activities and the connectivity of the development to these facilities;
 - xi. How the proposal contributes to or provides for a sense of local identity or place making;
 - xii. Residential Design Principles listed under [14.15.1.c](#) (site layout and context) and [14.15.1.f](#) (residential environment);
 - xiii. For any building greater than 20 metres in height, where any part of the building above 20 metres does not meet the standards below, the effect of not complying with the standard(s) below. The standards are:

- A. At least 6 metres setback from all side and rear boundaries;
 - B. At least 3 metres setback from any front boundary;
 - C. A ground level communal outdoor living space shall be provided at a ratio of 50m² per 10 residential units. The number of units shall be rounded to the nearest 10, in accordance with the Swedish rounding system. This ratio shall be calculated on the number of residential units on the 4th floor of the building and any subsequent floors above, with the maximum required area being 20% of the site area. Any communal outdoor living space shall have a minimum dimension of no less than 8 metres.
- xiv. Whether the development detracts from the economic opportunities within the city centre and its primacy.

14.15.4 Height in relation to boundary breaches

- a. Whether the non-compliance is appropriate to its planned urban built character, taking into account:
 - i. Building bulk and dominance effects on adjoining neighbours;
 - ii. Privacy effects on neighbours, including the loss of privacy in habitable rooms or outdoor living spaces;
 - iii. Shading effects on adjoining neighbours and the degree of impact on any internal or outdoor living spaces or windows to habitable rooms; and
 - iv. Any impacts on heritage values of adjoining properties.

14.15.45 Minimum unit size and unit mix

- a. When considering under-sized residential units, whether the reduced unit size is appropriate taking into account:
 - i. the floorspace available and the internal layout and their ability to support the amenity of current and future occupants;
 - ii. other on-site factors that would compensate for a reduction in unit sizes e.g. communal facilities;
 - iii. scale of adverse effects associated with a minor reduction in size in the context of the overall residential complex on the site; and
 - iv. needs of any social housing tenants.

14.15.56 Scale and nature of activity

- a. Whether the scale of activities and their impact on residential character and amenity are appropriate, taking into account:
 - i. the compatibility of the scale of the activity and the proposed use of the buildings with the scale of other buildings and activities in the surrounding area;
 - ii. the ability for the locality to remain a predominantly residential one; and

- iii. the appropriateness of the use in meeting needs of residents principally within the surrounding living environment.
- b. The adverse effects of additional staff, pedestrian and traffic movements during the intended hours of operation on:
 - i. the character of the surrounding living environment; and
 - ii. noise, disturbance and loss of privacy of nearby residents.
- c. For home occupations, ~~whether:~~
 - i. whether the non-compliance is an integral and necessary part of the home occupation;
 - ii. the extent to which the scale and/or nature of the activity, including signage, has an adverse effect on the anticipated level of amenity and character of the site and the surrounding area; and
 - iii. whether the nature of the activity conflicts with residential activities and the wellbeing of the surrounding residents; and
 - iv. whether retail activity remains small in scale, does not create adverse effects through additional pedestrian and traffic movements, noise, disturbance and loss of privacy, and does not undermine the centres-based framework for commercial activities.

(Plan Change 5D Council Decision)

- d. For residential units with more than six bedrooms, whether there should be a limit on the number of bedrooms over six bedrooms based on the impact on the surrounding neighbourhood and residential character.
- e. The ability to avoid, remedy or appropriately mitigate any adverse effects of the extended hours of operation; and other factors which may reduce the effect of the extended hours of operation, such as infrequency of the activity or limited total hours of operation.
- f. The opportunity the activity provides to support an existing nearby commercial centre.
- g. The opportunity the activity provides to support and compliment any existing health-related activities and/or community activities in the surrounding area.
- h. For Residential ~~Guest Visitor~~ Accommodation Zone sites only, the extent to which any additional bedrooms and quantum of floorspace proposed avoids adverse effects on the function and recovery of the Central City.
- i. For the Accommodation and Community Facilities Overlay area, the extent to which any additional quantum of floorspace for activities ancillary to visitor accommodation avoids adverse effects on the function and recovery of other commercial centres.

(Plan Change 4 Council Decision subject to appeal)

14.15.67 Traffic generation and access safety

- a. Whether the traffic generated is appropriate to the residential character, amenity, safety and efficient functioning of the **access** and **road** network taking into account:
 - i. in the case of effects on residential character and amenity:
 - A. any adverse effects in terms of noise and vibration from vehicles entering and leaving the **site** or **adjoining road**, and their incompatibility with the noise levels acceptable in the respective living environments;
 - B. any adverse effects in terms of glare from headlights of vehicles entering and leaving the **site** or **adjoining road** on residents or occupants of **adjoining residential sites**;
 - C. any adverse effects in terms of fumes from vehicles entering or leaving the site, on residents or occupiers of adjoining residential sites; and
 - D. the ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking areas and loading areas or through the provision of screening and other factors that will reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur; and
 - ii. in the case of the safe and efficient functioning of the **road** network:
 - A. any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity;
 - B. adverse effects of the proposed traffic generation on activities in the surrounding living environment;
 - C. consistency of levels of traffic congestion or reduction in levels of traffic safety with the classification of the **adjoining road**;
 - D. the variance in the rate of **vehicle movements** throughout the week and coincidence of peak times with peak traffic movements on the wider network; and
 - E. the location of the proposed **access** points in terms of **road** and intersection efficiency and safety, and the adequacy of existing or alternative **access** points.

14.15.78 Water supply for fire fighting

- a. Whether sufficient fire fighting water supply ~~provision~~ to ensure the health and safety of the community, including neighbouring properties, is provided.

14.15.89 Acoustic insulation

- a. Whether a reduction in acoustic insulation is appropriate taking into account:
 - i. a reduced level of acoustic insulation may be acceptable due to mitigation of adverse noise impacts through other means, e.g. screening by other structures, or distance from noise sources;

- ii. there is an ability to meet the appropriate levels of acoustic insulation through alternative technologies or materials; and
- iii. the provision of a report from an acoustic specialist provides evidence that the level of acoustic insulation is appropriate to ensure the amenity of present and future residents of the [site](#).

14.15.910 Retirement villages

- a. Whether the development, while bringing change to existing environments, is appropriate to its context taking into account:
 - i. engagement with, and contribution to, adjacent streets and [public open spaces](#), with regard to:
 - A. fencing and boundary treatments;
 - B. sightlines;
 - C. [building](#) orientation and [setback](#);
 - D. configuration of pedestrian entrances;
 - E. windows and internal living areas within buildings; and
 - F. if on a [corner site](#) is designed to emphasise the corner;
 - ii. integration of [access](#), [parking areas](#) and [garages](#) in a way that is safe for pedestrians and cyclists, and that does not visually dominate the development, particularly when viewed from the street or other public spaces;
 - iii. retention or response to existing character [buildings](#) or established landscape features on the [site](#), particularly mature trees, which contribute to the amenity of the area;
 - iv. appropriate response to context with respect to [subdivision](#) patterns, visible scale of [buildings](#), degree of openness, [building](#) materials and design styles;
 - v. incorporation of Crime Prevention Through Environmental Design (CPTED) principles, including effective lighting, passive surveillance, management of common areas and clear demarcation of boundaries and legible entranceways;
 - vi. residential amenity for neighbours, in respect of outlook, privacy, noise, odour, light spill, and access to sunlight, through [site](#) design, [building](#), [outdoor living space](#) and service/storage space location and orientation, internal layouts, [landscaping](#) and use of screening;
 - vii. creation of visual quality and interest through the separation of [buildings](#), variety in [building](#) form, distribution of walls and openings, and in the use of architectural detailing, glazing, materials, and colour; and
 - viii. where practicable, incorporation of environmental efficiency measures in the design, including passive solar design principles that provide for adequate levels of internal natural light and ventilation.
- b. Where the site is within the Akaroa Heritage Area, the matters set out in [Rule 9.3.6.3](#)

- c. For the avoidance of doubt, this is the only matter of discretion that applies to retirement villages.

14.15.101 Use of site and buildings — Prestons Road Retirement village Overlay

- a. Whether the use of site and buildings is appropriate taking into account:
 - i. enhancement of services of value to the older person's housing complex, or assistance in retaining the viability of the complex;
 - ii. the likely effect of any additional activities on traffic generation, and the safety and efficiency of traffic movement within the older person's housing complex and the wider road network; and
 - iii. the effect of additional activities on residential amenities in the vicinity, particularly noise, traffic safety, parking congestion and visual amenity.

14.15.112 Concept plan - Prestons Road Retirement Village Overlay

- a. Whether the concept plan for the whole site is appropriate taking into account:
 - i. coordination and integration of road and pedestrian access with adjoining road networks;
 - ii. provision for landscaping, outdoor living space, passive recreational facilities, and stormwater systems, swales for stormwater soakage, wetlands and retention basins. These must be planted with native species (not left as grass) that are appropriate to the specific use, recognising the ability of particular species to absorb water and filter waste for 165 independent units and a multi storey health facility including 45 serviced apartments;
 - iii. the provision, and design and layout of pedestrian circulation and connectivity of pedestrian access to Snellings Drain reserve;
 - iv. the efficient design and layout of parking areas, vehicle manoeuvring areas, and garages;
 - v. the incorporation and enhancement of existing landscape and water features;
 - vi. the external appearance of the health facility and how it respects the character and amenity values of the area, including building colours and materials, roof pitch and the effect and form of façade modulation, while recognising the use and functional nature of the health facility;
 - vii. adequacy of provision of planting for amenity and screening, enhancement of ecological and habitat values, and interface with surrounding areas. The incorporation of a minimum of 60% indigenous endemic species into new plantings;
 - viii. the effectiveness, environmental sensitivity of the stormwater management systems; and
 - ix. the integration of the stormwater management systems with the Council's drainage network.

14.15.12~~3~~ Vehicular access - Prestons Road Retirement Village Overlay

- a. Whether **vehicle access** for the whole **site** is appropriate taking into account:
 - i. the actual or potential level of vehicle and pedestrian traffic likely to be generated from the proposed **access**;
 - ii. adverse effects on the traffic use of the **access** on the traffic function or safety of Prestons Road or both;
 - iii. adequate mitigation for the adverse effects of additional **vehicle movements** on the **access**; and
 - iv. safe ingress and egress in relation to sight distances at the **access** from Prestons Road with reference to the Austroads Guide.

~~14.15.13 Special setback provision – Residential Suburban Zone Wigram~~

- a. ~~Whether the location, form and function of the **outdoor living space** is appropriate taking into account:~~
 - ~~i. adverse effects on the outdoor living needs of the likely future residents of the **site**;~~
 - ~~ii. any alternative provision on, or in close proximity to, the **site** for **outdoor living space** to meet the needs of likely future residents of the **site**;~~
 - ~~iii. adequacy of mitigation of potential adverse **reverse sensitivity** effects on current Royal New Zealand Air Force functions and operations through the location of **outdoor living space**, **windows** and the provision of fencing and/or **landscaping**;~~
 - ~~iv. adequacy of mitigation of adverse effects from current Royal New Zealand Air Force functions and operations through the location of **outdoor living space**, **windows** and the provision of fencing and/or **landscaping**; and~~
 - ~~v. adequacy of glazing, **window** design and location in mitigating the potential adverse effects from current Royal New Zealand Air Force functions and operations.~~

14.15.14 Residential fencing

- a. Whether taller fencing on the **road boundary** is necessary to provide acoustic insulation of living spaces or screening for **outdoor living space** where the **road** carries high volumes of traffic;
- b. The extent to which the proposed fence will detract from the openness and coherence of the **site** and street scene;
- c. The use of materials or visual permeability to reduce dominance effects;
- d. The ability to provide passive surveillance of the street; and
- e. Visual amenity, privacy, dominance, and shading effects on occupants of **adjoining sites** arising from fences that exceed 2.0m in **height** on side and rear **boundaries**.

14.15.145 Lyttelton Port Influences Overlay

- a. Whether the development is appropriate taking into account:
 - i. increased potential for **reverse sensitivity** effects, including complaints, on the **port activities** resulting from residential outdoor living area activities; and
 - ii. any other methods to reduce the potential for **reverse sensitivity** effects on the port operator, other than the required acoustic insulation, that have been or can be incorporated into the design of the proposal.

14.15.156 Development plans

- a. Whether the development need be in accordance with the development plan taking into account:
 - i. coordination of development, particularly roading access and cycle linkages, with **adjoining** land;
 - ii. the adequacy and location, of open space areas within the development;
 - iii. any adverse effects on the visual appearance of development in the zone as seen from outside the zone, particularly where the land is highly visible;
 - iv. adverse effects on the strength of definition of the rural urban boundary;
 - v. any potential adverse effects on the surrounding **road** network;
 - vi. any adverse effects on Christchurch International Airport and its approach path, including any **reverse sensitivity** complaints;
 - vii. any adverse effects on the visual amenity of residents in **adjoining** areas;
 - viii. any adverse effects in terms of the enhancement of waterways within the development;
 - ix. effective, efficient and economically viable provision of services; and
 - x. any adverse effects on **Sites of Ngāi Tahu Cultural Significance** identified in [Appendix 9.5.6](#).

14.15.167 Relocation of a buildings and temporary lifting or moving of earthquake damaged buildings

- a. Whether the relocation of the **building** is appropriate taking into account:
 - i. the likely appearance of the **building** upon restoration or alteration;
 - ii. the compatibility of the **building** with **buildings** on **adjoining** properties and in the vicinity;
 - iii. the exterior materials used, and their condition and quality;
 - iv. the period required for restoration work to be undertaken; and
 - v. any requirements to impose a bond or other condition to ensure completion of restoration work to an acceptable standard.

- b. Whether the temporary lifting or moving of the earthquake damaged **building** is appropriate taking into account:
 - i. the effect of reduced proximity on the amenity and/or operation of any neighbouring **sites**, water way, coastal marine area, **archaeological site**, or protected tree;
 - ii. the duration of time that the **building** will intrude upon the recession plane;
 - iii. any adverse effects on **adjoining** owners or occupiers relating to shading and **building** dominance; and
 - iv. occupancy of the neighbouring properties of the duration of the works, the extent to which neighbouring properties are occupied for the duration of the works.

14.15.178 Street scene – road boundary building setback, fencing and planting

- a. The extent to which the proposed **building** will detract from the coherence, openness and attractiveness of the **site** as viewed from the street.
- b. The ability to provide adequate opportunity for garden and tree planting in the vicinity of **road boundaries**.
- c. The ability to provide passive surveillance of the street.
- d. The extent to which the breach is necessary to enable more efficient, cost effective and/or practical use of the remainder of the **site**, or the long term protection of **Sites of Ngāi Tahu Cultural Significance** identified in [Schedule 9.5.6.1](#), significant trees listed in [Appendix 9.4.7.1](#), or natural features on the **site**.
- e. For fencing, whether solid fencing is appropriate to provide acoustic insulation of **living spaces** where the **road** carries high volumes of traffic.
- f. The ability to provide adequate **parking areas** and **manoeuvring areas** for vehicles clear of the road or shared **access** to ensure traffic and pedestrian safety.
- g. ~~The effectiveness of other factors in the surrounding environment in reducing the adverse effects.~~
- h. Where the **site** is within the Akaroa Heritage Area, the matters set out in [Rule 9.3.6.3](#).

14.15.189 Minimum building, window and balcony setbacks

- a. ~~Any effect of proximity of the **building** on the amenity of neighbouring properties through loss of privacy, outlook, overshadowing or visual dominance of the **buildings**.~~
- b. ~~Any adverse on the safe and effective operation of **site access**.~~
- c. ~~The ability to provide adequate opportunities for garden and tree plantings around **buildings**.~~

d. ~~The extent to which the intrusion is necessary to enable more efficient cost. Effective and/or practical use of the remainder of the site, or the long term protection of significant trees or natural features on the site.~~

e.a. Where the site is within the Akaroa Heritage Area, the matters set out in [Rule 9.3.6.3](#).

14.15.1920 Service, storage and waste management spaces

- a. The convenience and [accessibility](#) of the spaces for [building](#) occupiers.
- b. The adequacy of the space to meet the expected requirements of [building](#) occupiers.
- c. The adverse effects of the location, or lack of screening, of the space on visual amenity from the street or [adjoining sites](#), and communal [outdoor living spaces](#); and
- d. The effectiveness of landscaping as screening.

14.15.201 Outdoor living space

- a. The extent to which [outdoor living spaces](#) provide useable space, contribute to overall on-site spaciousness and ~~enable access to provide~~ sunlight ~~access throughout the year~~ for occupants.
- b. The [accessibility](#) and ~~convenience connection~~ of the [outdoor living space](#) to the internal living area for occupiers of the [residential unit\(s\)](#) the [outdoor living space](#) serves.
- c. Whether the size, [sunlight access](#) and quality of [on-site](#) communal [outdoor living space](#) or other open space amenity compensates for any reduction in private [outdoor living space](#).
- d. The extent to which a reduction in [outdoor living space](#) will result in retention of mature on-site vegetation;
- e. Whether space for bicycle storage, servicing, washing lines and heat-pump units are located outside of the [outdoor living space](#).

14.15.22 Outlook space occupation

- a. Measures to ensure the outlook space remains unobstructed, while providing an open site outlook with access to daylight from the [windows](#) of [habitable rooms](#);
- b. The contribution of the outlook space to onsite spaciousness and building separation and any effects of a reduction on these;
- c. The nature of occupation within the outlook space and effects on the use of the primary living room or bedroom (as applicable);
- d. The effects on amenity of future occupants from a reduced outlook space dimension; and
- e. Any privacy benefits from a reduced outlook space dimension.

14.15.23 Street-facing glazing

- a. The extent to which clear street-facing glazing, that is visible from the street, is provided for ground floor habitable rooms;
- b. Whether the majority of street-facing glazing is to habitable rooms within the unit/s;
- c. The level of passive surveillance from the residential unit/s to the street; and
- d. Any other building features such as porches or gables that will add visual interest to the street-facing façade.

14.15.24 Residential landscaping

- a. The onsite amenity provided by the proposed landscaping;
- b. The appropriateness of any planting (including location, extent and species selection) to the local climatic environment;
- c. The need to reduce landscaped areas due to the presence of on-site infrastructure and lack of alternative locations on the site for either the planting or the infrastructure;
- d. The extent of tree and garden planting between the building and the road boundary to soften and integrate the development into the surrounding area;
- e. How proposed landscaping enhances onsite and/or offsite amenity;
- f. The extent to which the breach is necessary to enable more efficient, cost effective and/or practical use of the remainder of the site, or the long term protection of Sites of Ngāi Tahu Cultural Significance identified in Schedule 9.5.6.1, significant trees listed in Appendix 9.4.7.1, or natural or heritage features on the site;
- g. Any additional accessibility and safety benefits of providing a reduced landscaped area;
- h. The effect of any reduction in landscaping on adjoining properties, the street, or other public open spaces; and
- i. Any maintenance programme proposed for the landscaping, including the replacement of any vegetation that is damaged, diseased, or dies.

14.15.245 Non-residential hours of operation

- a. Whether the hours of operation are appropriate in the context of the surrounding residential environment taking into account:
 - i. traffic or pedestrian movements which are incompatible with the character of the surrounding residential area;
 - ii. any adverse effects of pedestrian activity as a result of the extended hours of operation, in terms of noise, disturbance and loss of privacy, which is inconsistent with the respective living environments;

- iii. any adverse effects of the extended hours of operation on the surrounding residential area, in terms of loss of security as a result of people other than residents frequenting the area; and
- iv. the ability to avoid, remedy or appropriately mitigate any adverse effects of the extended hours of operation; and other factors which may reduce the effect of the extended hours of operation, such as infrequency of the activity or limited total hours of operation.

14.15.226 Minor residential units

- a. Whether the minor residential unit is appropriate to its context taking into account:
 - i. location of the minor residential unit so that it is visually hidden from the road leaving the site with a similar street scene to that of a single residential unit;
 - ii. the adverse visual effects associated with parking areas and access of any additional driveway to accommodate the minor residential unit on the street-scene;
 - iii. the size and visual appearance of the minor residential unit and its keeping with the existing level of buildings in rear gardens or rear sections surrounding the site;
 - iv. the consistency of the number of bedrooms and level of occupancy with a single large residential unit;
 - v. the convenience of the location of outdoor living space in relation the respective residential units; and
 - vi. the adequacy of size and dimension of the outdoor living space to provide for the amenity needs of future occupants.
- b. Where the site is within the Akaroa Heritage Area, the matters set out in Rule 9.3.6.3.

14.15.237 Character Area Overlay

- a. Area context
 - i. Whether development recognises the distinctive landforms, landscape setting and development patterns of the character area in respect to:
 - A. retaining and enhancing the areas' natural features;
 - B. integrating with the existing pattern and grain of subdivision and building;
 - C. ~~the extent and scale of vegetation retained and/or provided;~~
 - D. the relationship with adjoining sites and buildings, including any recorded historic heritage values;
 - E. the visual coherence of the area.
- b. Street interface
 - i. Whether the development contributes to the coherency and character of the street by:

- A. providing a front yard **building setback** which is consistent with the overall depth and pattern of the character area, and in particular with other **sites** within the street;
- B. recognising the positive contribution of **buildings** that are representative of the primary characteristics of the area and are proposed to be retained, through a reduction in the front yard **building setback**;
- C. reducing the extent of paved surface on the **site** and avoiding the location of vehicle **access**, manoeuvring, **parking areas** and garaging within the front yard, or where it visually dominates the streetscene;
- D. utilising, as a preference, a shared driveway and avoiding co-location of driveways and/or **garages** to minimise the impacts on the quality of the streetscene;
- E. having low **height** or no fencing on the street frontage or within the front **boundary setback**; and
- F. orientating the **building** on the **site** to face the street, with sufficient building frontage to reinforce the street edge.

bc. Site character ~~and street interface~~

- i. Whether the development complements the residential character and enhances the amenity of the character area by:
 - A. providing a balance of open space to **buildings** across the **site** consistent with the surrounding **sites** within the block, and to a lesser extent, the wider area;
 - B. **maintaining the extent and scale of vegetation, most importantly **trees**;**
 - C. **separating **buildings** on the **site** with open space and planting between **buildings**;**
 - D. ~~**providing a front yard **building setback** which is consistent with the overall depth and pattern of the character area, and in particular with other **sites** within the street;**~~
 - E. retaining the front **and rear** yards for ~~**outdoor living**~~, open space, **and** tree and garden planting; **and**
 - F. **ensuring paved areas, fencing and **buildings** are visually softened through the provision of adjacent planting.**
 - G. ~~**avoiding the location of **vehicle access**, **parking areas** and garaging within the front yard, or where it visually dominates the streetscene;**~~
 - H. ~~**having low **height** or no fencing on the street frontage; and**~~
 - I. ~~**orientating the **building** on the **site** to face the street.**~~

ed. Built character

- i. Whether the development supports the residential built character values of the character area in regard to:

- A. retaining residential buildings built prior to 1945, or in respect to Bewdley, prior to 1970;
- B. retaining or locating of the primary building on the site at the street interface, with a lesser scale dwelling to the rear;
- C. the scale and form of the building, including the roof form;
- D. architectural detailing including features such as verandas, materials, window and front entry design and placement;
- E. complementary and compatible building design;
- F. the recognition of recorded historic heritage values of adjacent buildings.

de. Akaroa and Lyttelton

- i. In addition to the matters listed above, in respect to Akaroa and Lyttelton character areas, whether the development:
 - A. retains important views from public places;
 - B. reduces the potential for visual dominance of the development when viewed from elsewhere within the viewing catchment;
 - C. responding through the use of the landscape at the street interface to the existing informality or formality of the streetscape;
 - D. retains residential buildings, including accessory buildings, that were built prior to 1945 and/or that contribute to the architectural traditions and character values;
 - E. reflects the small scale and simple forms of residential building; and
 - F. recognises any recorded historic heritage values adjacent and opposite to the development.
- ii. Where the site is within the Akaroa Heritage Area, the matters set out in [Rule 9.3.6.3](#).
- iii. Where the site is within the Lyttelton Character Area, the extent to which the development is consistent with the Lyttelton Character Area Design Guide.

14.15.248 Indigenous vegetation clearance in Akaroa Hillslopes Density Overlay

- a. Whether it is necessary to remove indigenous vegetation, including whether the vegetation is removed to manage disease or plant pathogens.
- b. The relationship with other areas of vegetation and whether the proposed removal or alteration would negatively impact on that relationship, including in relation to habitat fragmentation and the effectiveness of any ecological corridor.
- c. Whether the vegetation has a positive effect in managing erosion, slope stability or other hazard.

- d. The extent to which existing vegetation will continue to contain and define the edge of Akaroa township, providing it with a distinct edge.
- e. The degree to which alteration or removal of vegetation will adversely affect soil conservation, water quality or the hydrological function of the catchment and the efficacy of mitigating measures.
- f. The extent of any revegetation proposed and its efficacy in mitigating any adverse effects.

14.15.29 Wind

- a. **The effects on the amenity and safety of surrounding properties or users of public or private space from any increases in wind speed resulting from the proposed building;**
- b. **The use of landscaping to mitigate wind effects; and**
- c. **The degree of change from the existing wind environment attributable to the proposed building, and any proposed additional mitigation measures.**

~~14.15.25 Ground floor habitable space in the Residential Central City Zone~~

- ~~a. The extent to which engagement between residential activity and ground level open space, including the street, is adversely impacted by the loss or reduction of a habitable space at ground level.~~
- ~~b. The ability of an undersized habitable space to continue to be used for functional residential activity.~~

~~14.15.26 Service space in the Residential Central City Zone~~

- ~~a. The convenience and accessibility of the spaces for building occupiers.~~
- ~~b. The adequacy of the space to meet the expected requirements of building occupiers.~~
- ~~c. The adverse effects of the location, or lack of screening, of the space on visual amenity from the street or adjoining sites.~~

14.15.2730 Building height in the Residential Central City Zone High Density Residential zone within the Central City

- a. Compatibility with the scale of other buildings in the surrounding area, and the extent to which building bulk is out of character with the local environment.
- b. Any effect of increased height on the amenity of neighbouring properties, including through loss of privacy, outlook, overshadowing or visual dominance of buildings.
- c. the extent to which an increased height is necessary to enable more efficient, cost effective and/or practical use of the site, or the long term protection of significant trees or natural features on the site.

14.15.2831 Daylight recession planes in the ~~Residential Central City Zone~~ High Density Residential zone within the Central City

- a. Any effect on the amenity of neighbouring properties, including through loss of privacy, outlook, overshadowing or visual dominance of **buildings**.
- b. The extent to which the intrusion is necessary to enable more efficient, cost effective and/or practical use of the remainder of the **site**, or the long term protection of significant trees or natural features on the **site**.

14.15.2932 Street scene and access ways in the ~~Residential Central City Zone~~ High Density Residential zone within the Central City

- a. The extent to which the proposed **building** will detract from the coherence, openness and attractiveness of the **site** as viewed from the street and **adjoining sites**, including the ability to provide adequate opportunity for garden and tree planting in the vicinity of **road boundaries**;
- b. the extent to which the intrusion is necessary to enable more efficient, cost effective and/or practical use of the remainder of the **site**, or the long-term protection of significant trees or natural features on the **site**;
- c. the ability to provide adequate parking and maneuvering space for vehicles clear of the **road** or shared **access** to ensure traffic and pedestrian safety;
- d. the effectiveness of other factors in the surrounding environment in reducing the adverse effects, such as existing wide **road** widths, street plantings and the orientation of existing **buildings** on **adjoining sites**.

14.15.303 Minimum building setbacks from internal boundaries in the ~~Residential Central City Zone~~ High Density Residential zone within the Central City

- a. Any effect of proximity of the **building** on the amenity of neighbouring properties, including through loss of privacy, outlook, overshadowing or visual dominance of **buildings**.
- b. Any adverse effect on the safe and effective operation of **site access**.
- c. The ability to provide adequate opportunities for garden and tree plantings around **buildings**.
- d. The extent to which the intrusion is necessary to enable more efficient, cost effective and/or practical use of the remainder of the **site**, or the long term protection of significant trees or natural features on the **site**.

14.15.314 Fencing and screening in the ~~Residential Central City Zone~~ High Density Residential zone within the Central City

- a. The extent to which storage facilities and **parking areas** are visually integrated, screened or otherwise accommodated to minimise adverse amenity or visual impacts on surrounding properties (including units within the same development) or public spaces.

- b. The extent to which a partial screening structure or reduction in visual transparency may be more visually appropriate or suited to the character of the **site** or area, or is appropriate to provide privacy or security or compromises **CPTED** principles. The extent to which the screening structure is varied in terms of incorporating steps, changes in **height**, variety in materials, or incorporates **landscaping** and avoids presenting blank façades to the street or to an Open Space Community Parks Zone, Open Space Water and Margins Zone and Avon River Precinct/Te Papa Ōtākaro Zone.

14.15.325 Landscaping and tree planting in the Residential Central City Zone High Density Residential zone within the Central City

- a. Any reduction in **landscaping** on the amenity of the **site** and for neighbouring properties, including the street or other **public open spaces**.

14.15.336 Urban design in the Residential Central City Zone High Density Residential zone within the Central City

- a. The extent to which the development, while bringing change to existing environments:
 - i. engages with and contributes to adjacent streets, lanes and **public open spaces**.
 - ii. integrates **access**, **parking areas** and **garages** in a way that is safe for pedestrians and cyclists, and that does not dominate the development.
 - iii. has appropriate regard to:
 - A. residential amenity for occupants, neighbours and the public, in respect of outlook, privacy, and incorporation of Crime Prevention Through Environmental Design principles; and
 - B. neighbourhood context, existing design styles and established landscape features on the **site** or adjacent **sites**.
 - iv. provides for **human scale** and creates sufficient visual quality and interest.

14.15.34 Minimum site density from development and redevelopment of residential units in the Residential Central City Zone

- a. ~~In considering the reduction in the number of **residential units** to be constructed on a **site**, the extent to which the opportunity for future development of the **site**, in accordance with the density standard, is maintained, and~~
- b. ~~The extent to which accommodating further **residential unit(s)** to meet the density standard would adversely affect amenity outcomes for occupants of the **residential units** and/or the adjacent properties, given the size of the **site** or its configuration.~~
- c. ~~Whether the minimum development intensification target of an average **net density** of 50 households per hectare within the **Central City** is being achieved; and~~
- d. ~~The extent to which **residential activity** in the **Central City** is restored and enhanced through a variety of housing types suitable for a range of individual housing needs, while providing for a progressive increase in residential population~~

14.15.357 Outline development plan

- a. The appropriateness of the proposal taking into account the outcomes sought by the **outline development plan** and relevant environmental effects with respect to those outcomes.

14.15.368 Comprehensive residential development in the ~~Residential New Neighbourhood~~ Future Urban Zone

For the avoidance of doubt, these are the only matters of discretion that apply to **comprehensive residential development** in the ~~Residential New Neighbourhood~~ **Future Urban Zone**.

- a. Whether the comprehensive residential development is consistent with the relevant outline development plan.
- b. Whether the **comprehensive residential development** demonstrates that every **site** or **residential unit** will experience appropriate levels of sunlight, daylight, privacy, outlook and access to outdoor open space and overall a high level of amenity for the development.
- c. Whether **sites** proposed to exceed the maximum **site coverage** in **Rule 14.12.2.2** are internal to the application **site** and will not compromise the achievement of a high level of amenity within or beyond the development.
- d. Whether **buildings** proposed to exceed the maximum permitted **height** in **Rule 14.12.2.1** will contribute positively to the overall coherence, design, layout and density of the development and surrounding **sites**.
- e. Whether the development engages with and contributes to adjacent streets, lanes and **public open spaces**, through the **building** orientation and **setback, boundary** and landscape treatment, pedestrian entrances, and provision of glazing from **living areas**.
- f. Whether the development, in terms of its built form and design, generates visual interest through the separation of **buildings**, variety in **building** form and in the use of architectural detailing, glazing, materials, and colour;
- g. Whether the development integrates **access, parking areas** and **garages** to provide for pedestrian and cyclist safety and the quality of the pedestrian environment, and the **access, parking areas** and **garages** do not dominate the development, particularly when viewed from the street or other public spaces;
- h. Whether there is sufficient infrastructure provision to service the development and ensure the health and safety of residents, visitors and neighbouring properties, including water supply for fire fighting purposes; and
- i. In relation to the built form standards that do not apply to **comprehensive residential developments**, consideration of these standards as a flexible guideline to achieve good design and residential amenity.

14.15.379 Tree and garden planting in the Residential ~~Guest Visitor~~ Accommodation Zone

- a. Whether there is sufficient tree and garden planting to provide a balance between **buildings** and hard surfacing, taking into account:

- i. the effect of any reduced tree planting in terms of the scale and visual appearance or dominance of the **buildings** on the **site**;
- ii. visibility of the **site** from **adjoining sites** and the likely effect of any reduction in tree planting standards for the amenity of neighbouring **sites**;
- iii. any compensating factors for reduced tree planting, including the nature of planting proposed, or the location of activities (including **heritage items**) on the **site**;
- iv. the use of indigenous species endemic to the area;
- v. the visual appearance of the **site** in terms of the length of **road boundary** or any unusual characteristics of the **site**;
- vi. the adverse effect of the reduced tree planting on the Garden City image and the quality of the amenity of the **site** and neighbourhood;
- vii. the ability to retain large existing trees on the **site** so that overall the **site** provides a visual balance between **buildings** and **landscaping**, despite a reduction in the actual number of trees; and
- viii. the tree planting provided is evenly distributed across the **site**.

(Plan Change 4 Council Decision subject to appeal)

14.15.3840 Retail activity in the Residential ~~Guest~~ Visitor Accommodation Zone

- a. Whether any **retail activity** would have significant adverse effects on any **adjoining** residential properties, particularly in terms of traffic generation.
- b. Whether the scale of **retail activity** proposed would adversely affect existing suburban **commercial centres** or the **Central City**.
- c. The likely impacts of additional **retail activity** on **access** and the safety and efficiency of the **road** network.
- d. The potential for general **retail activity** to become a dominant activity on the **site**.

(Plan Change 4 Council Decision subject to appeal)

14.15.41 Minimum building height in the High Density Residential Zone

- a. **How the building form and site development supports the anticipated urban form and density of the high density residential zone and applicable precinct;**
- b. **Whether the design of the development does not foreclose future increases in density on the site, including through building design and siting;**
- c. **Whether the development reduces private motor vehicle dependence, by:**
 - i. **limiting or preventing on-site vehicle parking; and**
 - ii. **enhanced pedestrian access to and through the site.**