

## 6.1A Qualifying matters

### 6.1A.1 Application of qualifying matters

- a. Development to the degree enabled by the medium density residential standards (MDRS) and Policy 3 of the National Policy Statement on Urban Development (NPS-UD) in residential, commercial centre or other relevant zones, may be limited to the extent provided for in the rules, in order to provide for the qualifying matters (QM) set out in the rules. Table 1 below identifies the relevant rule number (hyperlinked), the matter it relates to and the type of qualifying matter applicable, as provided for under RMA sections 77I or 77O.
- b. In making the MDRS or the relevant building height or density requirements under Policy 3 less enabling of development, the following types of section 77I and 77O qualifying matters have been applied, as relevant:
- i. matter of national importance that decision makers are required to recognise and provide for under section 6 of the RMA;
  - ii. a matter required in order to give effect to a national policy statement (other than the NPS-UD) or the New Zealand Coastal Policy Statement 2010;
  - iii. a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure;
  - iv. open space provided for public use, but only in relation to land that is open space;
  - v. the need to give effect to a designation or heritage order, but only in relation to land that is subject to the designation or heritage order;
  - vi. a matter necessary to implement, or ensure consistency with, iwi participation legislation;
  - vii. the requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand;
  - viii. any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area.

**Table 1 - Qualifying Matters - Provisions that may reduce the level of enablement of Medium Density Residential Standards and/or intensification enabled under Policy 3**

<u>Qualifying matter rule reference</u>	<u>Type of the qualifying matter (RMA s77I or s77O)</u>
<u>Chapter 2 Abbreviations and Definitions</u>	
<u>Heritage areas, items and their settings</u>	
<u>A – Alteration of heritage item</u> <u>C – Contributory building</u> <u>D – Defining building; Demolition;</u> <u>H – Heritage fabric; Heritage investigative and temporary works;</u> <u>Heritage item; Heritage professional; Heritage setting; Heritage Building Code works; Heritage values;</u> <u>I – Intrusive building or site;</u> <u>M - Maintenance;</u> <u>N – Neutral building or site;</u>	<u>Section 77I(a) and section 77O(a) – s6(f) matter</u>

<u>Qualifying matter rule reference</u>	<u>Type of the qualifying matter (RMA s77I or s77O)</u>
<b>R - Reconstruction; Relocation of heritage item; Repairs; Restoration;</b>	
<b>Radio Communication Pathways for the Justice and Emergency Services Precinct</b>	
<b>H - Height</b>	<u>Section 77I(e) and section 77O(e) matter</u>
<b>Chapter 5 Natural Hazards</b>	
<b>Flood hazard management areas</b>	
<u>5.4.5 Flood Ponding Management Areas</u> <u>5.4.6 High Flood Hazard Management Areas</u>	<u>Section 77I(a) and section 77O(a) - s6(h) matter</u>
<b>Coastal Hazard Management Areas</b>	
<u>5.2.2.5.1 Managing development in Qualifying Matter Coastal Hazard Management Areas</u> <u>5.4A.1 – 5.4A.6 Rules – Qualifying Matter Coastal Hazard Management Areas and Qualifying Matter Tsunami Management Area</u>	<u>Section 77I(a) and section 77O(a) - s6(h) matter</u>
<b>Tsunami Management Area</b>	
<u>5.2.2.5.2 Managing development within the Qualifying Matter Tsunami Management Area</u> <u>5.4A.1 – 5.4A.6 Rules – Qualifying Matter Coastal Hazard Management Areas and Qualifying Matter Tsunami Management Area</u>	<u>Section s77I(a), and s77O(a) - s6(h) matter</u>
<b>Slope instability management areas</b>	
<u>5.6.1 Slope Instability Management Area</u>	<u>Section 77I(a) and section 77O(a) - s6(h) matter</u>
<b>Chapter 6 General Rules and Procedures</b>	
<b>Waterbody setbacks</b>	
<u>6.6.4 City and Settlement Water Body Setbacks</u> <u>6.6.4.1 – 6.6.4.4 Activities within water body setbacks</u>	<u>Section 77I(a) and section 77O(a) - s6(a) matter</u>
<b>Signs</b>	
<u>6.8.4.1.1 P13 Permitted signage</u>	<u>Section 77I(a) - s6(f) matter</u>
<u>6.8.4.2.4 Signs attached to buildings</u>	
<u>6.8.4.2.6 Free-standing signs</u>	
<u>6.8.5 Matters of discretion</u>	
<b>Radio Communication Pathways for the Justice and Emergency Services Precinct</b>	
<u>6.12 Radiocommunication Pathway Protection Corridors</u>	<u>Section 77I(e) and section 77O(e) matter</u>
<b>Chapter 8 Subdivision, Development and Earthworks</b>	
<b>Waste water constraint areas overlay (vacuum sewers)</b>	
<u>8.9A Waste water constraint areas</u>	<u>Section 77I(j) and section 77O(j) matter</u>
<b>Subdivision and Earthworks within Sites of Ngāi Tahu Cultural Significance and Outstanding Natural Features and Landscapes</b>	
<u>8.5.1.3 RD11 Subdivision of land</u> <u>8.9.2.3 RD5 Earthworks</u>	<u>Section 77I(a) and section 77O(a) - s6(b) and s6(e) matters</u>
<b>Residential heritage areas and heritage items and heritage settings (Area-specific rules)</b>	
<u>8.6.1 Table 1 - Minimum net site area – residential zones</u> <u>8.8.12 Natural and cultural heritage</u> <u>8.9.2.1 P1 Earthworks</u> <u>8.9.3 Exemptions</u> <u>8.9.4.6 Amenity</u>	<u>Section 77I(a) - s6(f) matter</u>

<u>Qualifying matter rule reference</u>	<u>Type of the qualifying matter (RMA s771 or s770)</u>
<b><u>Medium and High Density Residential (Area-specific rules related to integration with adjacent ODP)</u></b>	
<a href="#">8.6.15 North Halswell – additional standards</a> <a href="#">8.7.13 North Halswell – additional matters – Medium and High Density Residential Zones in North Halswell</a> <a href="#">8.8.17 North Halswell – additional matters of discretion</a>	Section 771(j) matter
<b><u>Chapter 9 Natural and Cultural Heritage</u></b>	
<b><u>Sites of ecological significance</u></b>	
<a href="#">9.1.4.1.1 P1 Indigenous vegetation clearance;</a> <a href="#">9.1.4.1.3 RD3 – RD6 Indigenous vegetation clearance</a> <a href="#">9.1.4.1.5 NC1 and NC3 Indigenous vegetation clearance</a>	<b><u>Section 771(a) - s6(c) matter</u></b>
<b><u>Outstanding natural features and landscapes</u></b>	
<a href="#">9.2.4.1 Table 1(a) – (d), (i), (o) – (s) Outstanding natural features and landscapes</a> (Also see <a href="#">8.5.1.3</a> and <a href="#">8.9.2.3</a> Subdivision and earthworks activity status tables)	<b><u>Section 771(a) - s6(b) matter</u></b>
<b><u>Sites of historic heritage areas, items and their settings, including residential heritage areas</u></b>	
<a href="#">9.3.2.2.1 – 9.3.2.2.3, 9.3.2.2.5, 9.3.2.2.6, 9.3.2.2.8 Policies on historic heritage items, settings and areas</a> <a href="#">9.3.3 How to interpret and apply the rules</a> <a href="#">9.3.4.1.1 Permitted activities (a) – (e); P1 – P14 Heritage items, settings, and heritage areas</a> <a href="#">9.3.4.1.2 d. – f., C1 – C5</a> <a href="#">9.3.4.1.3 a., d., e., RD1–RD5 Heritage items, settings, RD6 – RD8 Residential Heritage Areas</a> <a href="#">9.3.4.1.4 D1 Relocation of a heritage item, D2 Demolition of a Significant heritage item</a> <a href="#">9.3.4.1.5 NC1 Demolition of a Highly Significant heritage item</a> <a href="#">9.3.5 Matters of Control</a> <a href="#">9.3.6.1 – 9.3.6.3 Matters of Discretion</a> <a href="#">9.3.6.4, 9.3.6.5, 9.3.6.6 Residential Heritage Areas – Matters of discretion</a> <a href="#">9.3.7.2 Schedule of Significant Historic Heritage Items</a> <a href="#">9.3.7.3 Schedule of Significant Historic Heritage Areas</a> <a href="#">9.3.7.4 Heritage item and heritage setting exemptions from zone and transport rules</a> <a href="#">Appendix 9.3.7.5 Heritage Works Plan</a> <a href="#">Appendix 9.3.7.6 Certification of Non-Heritage Fabric</a> <a href="#">Appendix 9.3.7.7 – Residential Heritage Areas - Aerial Maps</a> <a href="#">Appendix 9.3.7.8 - Residential Heritage Areas - Site Contributions Maps</a> <a href="#">Appendix 9.3.7.9 – Residential Heritage Areas – Interface Sites and Character Area Overlap Maps</a>	<b><u>Section 771(a) and section 770(a) - s6(f) matter</u></b>
<b><u>Heritage, Significant and other Trees, including Riccarton Bush Significant Trees Area</u></b>	
<a href="#">9.4.4.1.1 P1 – P12 Tree pruning, felling, earthworks</a> <a href="#">9.4.4.1.2 C1 Tree maintenance</a> <a href="#">9.4.4.1.3 RD1 – RD8 Tree pruning, felling, earthworks</a> <a href="#">9.4.4.1.4 D1 – D2 Tree pruning, felling</a> <a href="#">9.4.7.1 Appendix – Schedules of significant trees</a>	<b><u>Section 771(a) and (j) and section 770(a) and (j) matters – section 7(c) and (f)</u></b>
<b><u>Wāhi tapu, silent files, ngā tūranga tūpuna, ngā wai</u></b>	
<a href="#">9.5.4.1.3 RD3 – RD6 Wāhi Tapu / Wāhi Taonga</a> Also see <a href="#">8.5.1.3</a> and <a href="#">8.9.2.3</a>	<b><u>Section 771(a) - s6(e) matter</u></b>

<u>Qualifying matter rule reference</u>	<u>Type of the qualifying matter (RMA s771 or s770)</u>
<b>Chapter 13 Specific Purpose</b>	
<a href="#">13.2 Specific Purpose (Cemetery) Zone – All provisions</a> <a href="#">13.14 Specific Purpose (Ōtākaro Avon River Corridor) Zone – All provisions, including <a href="#">Appendix 13.14.6.2</a> specifying alternative zone provisions applicable to privately owned properties within the zone</a>	<u>Sections 771(f) and 770(f) matters</u>
<b>Chapter 14 Residential</b>	
<b><u>Low Public Transport Accessibility Area</u></b>	
<a href="#">14.1 Introduction</a> , <a href="#">14.2 Objectives and Policies</a> , <a href="#">14.3 How to interpret and apply the rules</a> , <a href="#">14.4 Rules - Residential Suburban Zone and Residential Suburban Density Transition Zone</a> , <a href="#">14.7 Rules - Residential Hills Zone</a> , <a href="#">14.8 Rules - Residential Banks Peninsula Zone</a> , <a href="#">14.15 Rules - Matters of control and discretion</a> , <a href="#">14.16 Rules - Appendices – all as they apply to areas that are zoned Residential Suburban or Residential Hills, or in Lyttelton zoned Residential Banks Peninsula.</a>	<u>Section 771(j) matter</u>
<b><u>Sunlight Access</u></b>	
<a href="#">14.5.2.6 – Height in relation to boundary</a> , <a href="#">14.6.2.2 – Height in relation to Boundary</a> , <a href="#">14.15.2 – Diagram D</a>	<u>Section 771(j)</u>
<b><u>Residential Industrial Interface</u></b>	
<a href="#">14.1 Introduction</a> , <a href="#">14.2 Objectives and Policies</a> , <a href="#">14.3 How to interpret and apply the rules</a> , <a href="#">14.4 Rules - Residential Suburban Zone and Residential Suburban Density Transition Zone</a> , <a href="#">14.12 Future Urban Zone</a> , <a href="#">14.5 Medium Density Residential Zone</a> , and <a href="#">14.6 High Density Residential Zone.</a>	<u>Section 771(i) matter</u>
<b><u>Riccarton Bush Interface Area</u></b>	
<a href="#">14.5.2.3 Medium Density Residential Zone – Building height</a> <a href="#">14.4.2.3 Residential Suburban Zone – Building height</a>	<u>Section 771(a) matter</u>
<b><u>Safe or efficient operation of nationally significant infrastructure (Electricity Transmission Corridors)</u></b>	
<a href="#">14.4.1.5 NC6 – NC7 National Grid transmission and distribution lines</a> <a href="#">14.5.1.5 NC2 – NC3 National Grid transmission and distribution lines</a> <a href="#">14.7.1.5 NC2 National Grid transmission and distribution lines</a> <a href="#">14.12.1.5 NC1 – NC2 National Grid transmission and distribution lines</a>	<u>Section 771(e) matter</u>
<b><u>Safe or efficient operation of nationally significant infrastructure (Christchurch Airport)</u></b>	
<a href="#">14.4.1 – 14.4.4</a> , <a href="#">14.13</a> , <a href="#">14.14 Low Density Residential Airport Influence Zone and Airport Influence Density Precinct</a>	<u>Section 771(e) matter</u>
<b><u>Safe or efficient operation of nationally significant infrastructure (NZ Rail Network)</u></b>	
<a href="#">14.4.1.3 RD28 and 14.4.2.7 Setback from rail corridor</a> <a href="#">14.5.1.3 RD12 and 14.5.2.7 Setback from rail corridor</a> <a href="#">14.8.1.3 RD16 and 14.8.2.4 Setback from rail corridor</a> <a href="#">14.12.1.3 RD13 and 14.12.2.5 Setback from rail corridor</a>	<u>Section 771(e) matter</u>
<b><u>Residential heritage areas (Medium density residential - Area-specific rules)</u></b>	
<a href="#">14.5.3.2.3 Building height - Residential Heritage Areas</a> <a href="#">14.5.3.2.7 Number of Residential Units Per Site - Residential Heritage Areas</a> <a href="#">14.5.3.2.8b, 8c Setbacks - Residential Heritage Areas</a>	<u>Section 771(a) - s6(f) matter</u>

<u>Qualifying matter rule reference</u>	<u>Type of the qualifying matter (RMA s771 or s770)</u>
<a href="#">14.5.3.2.9 Building Coverage - Residential Heritage Areas</a> <a href="#">14.5.3.2.10c Outdoor living space - Residential Heritage Areas</a>	
<b><u>Residential Character Area and Area-specific Overlays</u></b>	
<a href="#">14.5.3.1.1 P4 Conversion to two residential units – Character Area Overlays</a> <a href="#">14.5.3.1.2 C1 Character Area Overlays – new residential units to rear-14.5.3.1.3, RD6, RD14 Area-specific rules and character overlays</a> <a href="#">14.5.3.2.3 Building height – Character Area Overlays</a> <a href="#">14.5.3.2.5 – 14.5.3.2.14 Built form rules – Character Area Overlays</a> <a href="#">14.15.27 Matters of discretion - Character Area Overlay</a> <a href="#">14.8.1.1 P18 – Conversion to two residential units –Lyttelton Character Area</a> <a href="#">14.8.3.1.1 P5 – Minor residential unit in Lyttelton Character Area or Lyttelton Residential Heritage Area</a> <a href="#">14.8.3.1.2 C3 – New residential unit to rear Lyttelton Character Area</a> <a href="#">14.8.3.1.3 RD3 – Lyttelton Character Overlay – new buildings, alterations etc.</a> <a href="#">14.8.3.1.3. RD5-RD7, RD9 – not meeting Lyttelton Character Area or Residential Heritage Area built form rules</a> <a href="#">14.8.3.1.3 RD8, RD10 –not meeting Lyttelton Character Area built form rules</a> <a href="#">14.8.3.1.3 RD11 - Lyttelton Character Area or Lyttelton Residential Heritage Area – not meeting minor residential units rules</a> <a href="#">14.8.3.2.2 –14.8.3.2.6 Built form rules – Lyttelton Character Area or Lyttelton Residential Heritage Area</a> <a href="#">14.8.3.2.7 – 14.8.3.2.12 -Built form rules – Lyttelton Character Area only</a>	Section 771(j) matter for Character Areas;  Section 771(a) - s6(f) matter for Residential Heritage Areas
<b><u>Safe or efficient operation of nationally significant infrastructure (Lyttelton Port Influences Overlay)</u></b>	
<a href="#">14.8.3.1.1 – 14.8.3.1.5 Area-specific rules - Lyttelton Port Influences Overlay</a>	Section 771(e) matter
<b><u>City Spine Transport Corridor</u></b>	
<a href="#">14.5.2.18 Setback from corridor</a> <a href="#">14.6.2.17 Setback from corridor</a> <a href="#">14.14.5.3 Matters of Discretion</a>	Section 77J matter
<b><u>Chapter 15 Commercial</u></b>	
<b><u>Safe or efficient operation of nationally significant infrastructure (Electricity Transmission Corridors)</u></b>	
<a href="#">15.4.1.5 NC3 National Grid transmission and distribution lines</a> <a href="#">15.5.1.5 NC3 National Grid transmission and distribution lines</a> <a href="#">15.10.1.5 NC2 National Grid transmission and distribution lines</a>	Section 770(e) matter
<b><u>Safe or efficient operation of nationally significant infrastructure (NZ Rail Network)</u></b>	
<a href="#">15.4.1.3 RD2 and 15.4.2.9 Setback from rail corridor</a> <a href="#">15.5.1.3 RD2 and 15.5.2.9 Setback from rail corridor</a> <a href="#">15.6.1.3 RD1 and 15.6.2.8 Setback from rail corridor</a> <a href="#">15.8.1.3 RD1 and 15.8.2.8 Setback from rail corridor</a> <a href="#">15.9.1.3 RD1 and 15.9.2.9 Setback from rail corridor</a> <a href="#">15.14.3.10 Matters of discretion for built form standards</a>	Section 770(e) matter
<b><u>Styx River - Town Centre Zone - Belfast/Northwood commercial centres – Building height</u></b>	
<a href="#">15.4.3.2.1 Maximum building height;</a>	Section 770(a) - s6(a)(b)

<u>Qualifying matter rule reference</u>	<u>Type of the qualifying matter (RMA s771 or s770) matter</u>
<a href="#">Appendix 15.15.1 Town Centre Zone (Belfast/Northwood) Outline Development Plan</a>	
<b><u>Safe or efficient operation of nationally significant infrastructure (Lyttelton Port Influences Overlay)</u></b>	
<a href="#">15.2.4.6 Policy – Strategic Infrastructure</a> <a href="#">15.7.1.5 NC1 Commercial Banks Peninsula Zone - Lyttelton Port Influences Overlay</a>	<u>Section 770(e) matter</u>
<b><u>Safe or efficient operation of nationally significant infrastructure (Christchurch Airport)</u></b>	
<a href="#">15.2.4.6 Policy – Strategic Infrastructure</a> <a href="#">15.4.1.1 P21 and 15.4.1.5 NC1– Town Centre Zone - Residential activity within 50 dB Ldn Air Noise Contour</a> <a href="#">15.5.1.1 P21 and 15.5.1.5 NC2 – Local Centre Zone - Residential activities within 50 dB Ldn Air Noise Contour</a> <a href="#">15.6.1.1 P19 – Neighbourhood Centre Zone - Residential activities within 50 dB Ldn Air Noise Contour</a> <a href="#">15.6.1.5 NC2 - Neighbourhood Centre Zone - Sensitive activities within the 50 dB Ldn Air Noise Contour</a> <a href="#">15.10.1.1 P27 and 15.10.1.5 NC1 – Mixed Use Zone – Residential activities - Internal bedroom noise reduction</a>	<u>Section 770(e) matter</u>
<b><u>Lyttelton Master Plan Overlay</u></b>	
<a href="#">15.7.2.1 Maximum building height</a> <a href="#">15.15.6 Appendix - Lyttelton Design Guidelines</a> <a href="#">15.15.8 Appendix - Lyttelton Master Plan Overlay</a>	<u>Section 770(j) matter</u>
<b><u>Sites of historic heritage items and their settings (City Centre Zone)</u></b>	
<a href="#">15.11.1.2 C2 Works at 100 Cathedral Square</a> <a href="#">15.11.1.3 RD9 Works at 100 Cathedral Square</a> <a href="#">15.11.1.3 RD11 buildings on New Regent Street, the Arts Centre, and in the Central City Heritage Qualifying Matter and Precinct</a> <a href="#">15.11.2.11 Building height in area-specific precincts</a>	<u>Section 770(a) - s6(f) matter</u>
<b><u>City Spine Transport Corridor</u></b>	
<a href="#">15.4.2.10 Setback from corridor</a> <a href="#">15.5.2.10 Setback from corridor</a> <a href="#">15.6.2.11 Setback from corridor</a> <a href="#">15.8.2.13 Setback from corridor</a> <a href="#">15.10.2.10 Setback from corridor</a> <a href="#">15.12.2.13 Setback from corridor</a> <a href="#">15.14.5.3 Matters of Discretion</a>	<u>Section 77J</u>
<b><u>Open Space zones</u></b>	
<a href="#">18.4 Open Space Community Park Zone - All provisions</a> <a href="#">18.5 Open Space Metropolitan Facilities Zone - All provisions</a> <a href="#">18.6 Open Space McLeans Island Zone - All provisions</a> <a href="#">18.7 Open Space Natural Zone - All provisions</a> <a href="#">18.8 Open Space Water and Margins Zone and the Avon River Precinct/Te Papa Ōtākaro Zone - All provisions</a> <a href="#">18.9 Open Space Coastal Zone - All provisions</a>	<u>Sections 77I(f) and 770(f) matters</u>