

OFFICER'S REPORT FOR:

Hearing Commissioners:

SUBJECT:

**Proposed Waimakariri District Plan: Medium
Density Residential Submissions**

PREPARED BY:

Peter Wilson

REPORT DATED:

19 August 2024

DATE OF HEARING:

16 -19 September 2024



WAIMAKARIRI
DISTRICT COUNCIL

Executive Summary

1. This report considers submissions received by the Waimakariri District Council in relation to the submissions received on the Proposed Plan's medium density residential housing provisions.
2. These submissions have been separated from Mr McLennan's residential s42A report due to their interface with Variation 1, and the scope and complexity issues that may arise in addressing these submissions in respect of my recommendations in my separate s42A report on Variation 1.
3. I have taken this approach in order to ensure that the matters raised in all submissions on medium density residential zone provisions can be effectively integrated, regardless of whether they fall under the Proposed Plan, Variation 1, or both.
4. I have recommended some changes to the Proposed Plan provisions to address matters raised in submissions and are summarised below:
 - Minor changes to improve plan readability and interpretation.
5. This report also recommends some matters arising from submissions to be addressed by the Independent Hearings Panel in the context of Variation 1. These matters are listed in the s42A report on Variation 1.
6. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the Proposed Plan should be amended as set out in section Appendix A of this report.
7. For the reasons set out in the Section 32AA evaluation and included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
 - achieve the purpose of the RMA where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
 - achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

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Interpretation

8. Parts A and B of the Officers' reports utilise a number of abbreviations for brevity as set out in Table 1 below:

Table 1: Abbreviations

Abbreviation	Means
RMA	Resource Management Act 1991
District Council	Waimakariri District Council / territorial authority
Operative Plan	Operative Waimakariri District Plan
Proposed Plan/PDP	Proposed Waimakariri District Plan
IPI	Intensification Planning Instrument
ECan	Environment Canterbury/Canterbury Regional Council
MDRS	Medium Density Residential Standards
PDP MDRZ	The Proposed Plan Medium Density Residential Zone
V1 MDRZ	The Medium Density Residential Zone as proposed by Variation 1
NES	National Environmental Standard
NESAQ	National Environmental Standards for Air Quality 2004
NESCS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NESETA	National Environmental Standards for Electricity Transmission Activities 2009
NESF	National Environmental Standards for Freshwater 2020
NESPF	National Environmental Standards for Plantation Forestry 2017
NESSDW	National Environmental Standards for Sources of Drinking Water 2007
NESTF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Policy Statement
NPSET	National Policy Statement on Electricity Transmission 2008
NPSFM	National Policy Statement for Freshwater Management 2020
NPSUD	National Policy Statement on Urban Development 2020
NPSREG	National Policy Statement for Renewable Electricity Generation 2011
NZCPS	New Zealand Coastal Policy Statement 2010
RMEHA	Resource Management Enabling Housing Intensification Amendment Act
RPS	Operative Canterbury Regional Policy Statement

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
CCC	Christchurch City Council
CDHB	Christchurch District Health Board
Chorus	Chorus New Zealand Ltd
CIAL	Christchurch International Airport Ltd
Corrections	Ara Poutama Aotearoa the Department of Corrections
DoC	Department of Conservation Te Papa Atawhai
ECan	Environment Canterbury / Canterbury Regional Council
Federated Farmers	Federated Farmers of New Zealand Inc.
FENZ	Fire and Emergency New Zealand
Fish and Game	North Canterbury Fish and Game Council
Forest and Bird	Royal Forest and Bird Protection Society
Heritage NZ	Heritage New Zealand Pouhere Taonga
Hort NZ	Horticulture NZ
Kainga Ora	Kainga Ora - Homes and Communities
KiwiRail	KiwiRail Holdings Limited
Mainpower	Mainpower New Zealand Ltd
MoE	Minister / Ministry of Education
Ngāi Tūāhuriri	Te Ngāi Tūāhuriri Rūnanga
NZDF	New Zealand Defence Force
Police	Minister of Police / NZ Police
QEII Trust	Queen Elizabeth the Second National Trust
Ravenswood	Ravenswood Developments Ltd
Spark	Spark New Zealand Trading Ltd
Tuhaitara Trust	Te Kohaka o Tuhaitara Trust
Transpower	Transpower New Zealand Ltd
Vodafone	Vodafone New Zealand Ltd / One.NZ
WDC	Waimakariri District Council (including as requiring authority)
Waka Kotahi	Waka Kotahi NZ Transport Agency

9. In addition, references to submissions includes further submissions, unless otherwise stated.

1.1. Author

10. My name is Peter Gordon Wilson. My qualifications and experience are set out in Appendix C of this report.
11. My role in preparing this report is that of an expert planner.
12. I was not involved with the preparation of the Proposed Plan.
13. Although this is a District Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court in 2023. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
14. The scope of my evidence relates to submissions received on the medium density residential provisions of the Proposed Plan. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert policy planner.
15. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
16. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.2. Supporting Evidence

17. I do not rely on any supporting evidence in formulating these recommendations

1.3. Key Issues in Contention

18. I do not consider there to be any key issues in contention, in light of many of the submissions being on provisions that Variation 1 has since replaced or amended, and noting that the s42A report on Variation 1 addresses the substantive component of medium density residential intensification.
19. There could be contention over scope of submissions, and so the primary reason for the report has been to preserve the scope of submissions where possible.

1.4. Procedural Matters

1.4.1. Pre-hearing conferences etc

20. At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on the medium density provisions of the Proposed Plan.

1.5. Purpose

21. The purpose of this s42A report is to respond to submissions and further submissions received on the medium density residential provisions of the Proposed Plan.

22. As outlined within correspondence related to the district plan review, the Waimakariri district plan review hearings process is somewhat unique in that hearings on the PDP and Variation 1 are progressing consecutively under a Schedule 1 RMA plan process and the Intensified Streamlined Planning Process required by the Resource Management Act Housing and Other Matters Amendment Act 2021 (RMAEMA), under the jurisdiction of the PDP hearings panel and an IHP.
23. A feature of this process is that the notified version of the PDP proposed a medium density residential zone for parts of Rangiora, Woodend and Kaiapoi. As this zone contained relevant residential zones, as described under the RMAEMA the Council was required to notify a plan Variation to give effect to the requirements of the Amendment Act. The Council subsequently notified Variation 1 to the proposed Waimakariri District Plan.
24. With regard to reporting on submissions as part of the hearing process, the response of the s42A officers has been to provide separate recommendations on submissions on both the PDP and Variation 1.
25. In the course of preparing the s42A reports for Hearing Stream 7 myself and Mr McLennan discussed the similarity between potential outcomes resulting from recommendations on the PDP and Variation 1, and a potential need to consider integration matters across the submissions. This issue was also identified in the context of the scope issues identified in the legal opinion of Mr Carranceja¹, in relation to zoning outcomes sought as part of Variation 1.
26. This report is separate from Mr Maclennan's report because of the following potential complexities:
- The provision submitted on may have been replaced or amended by Variation 1
 - Assessing the provision may be informed or coloured by Variation 1 and/or the RMA Enabling Housing Act and MDRS.
 - A submission may contain matters that could be referred to the IHP for their consideration on Variation 1, *even if this submission is not on the Variation itself*.
 - Some submitters do not have corresponding Variation 1 submissions.
 - Overall, a degree of integration is required in considering these submissions, and the medium density provisions overall.
27. I note that I consider that where a matter raised in a *Proposed Plan* submission may be of relevance in consideration of Variation 1, I can recommend, as can any person, that the IHP consider it in the context of Variation 1².
28. I have supplied an additional column in Appendix B that outlines my recommended course of action where I consider that PDP submission content should also be addressed by the IHP.

¹ As attached to my s42A report on Variation 1

² Cl 99(2), sch 1, RMA

29. My drafting approach in Appendix A for changes and amendments arising from these submissions is to show the differences between the PDP and V1 medium density zone provisions. My s42A report on Variation 1 uses the same approach in its Appendix A.
- 30. Ultimately, I consider that the Proposed Plan should contain one medium density zone that is integrated on the basis of submissions received on the PDP, and any recommendations I have made in my s42A report on Variation 1 to the IHP.**
31. The recommendations within this report should be read alongside the recommendations of Mr McLennan on submissions on the PDP, and the report addressing submissions on Variation 1, including qualifying matters.

2. MRZ - Medium Density Residential Zone

2.1. Introduction

2.1.1. Matters raised by submitters

32. Kainga Ora [325.240] request to amend the introduction of the Medium Density Residential Zone Chapter as follows:

"The purpose of the Medium Density Residential Zone is to provide for residential areas predominantly used for residential activity with moderate concentration and bulk of buildings, such as detached, semi-detached and terrace housing, low rise apartments and other compatible activities. Such areas are identified close to town and neighbourhood centres, along public transport corridors, or close to public ~~transports~~ transport stops and open space.

2.1.2. Assessment

33. I consider that this change improves the PDP wording by better explaining in the narrative text the purpose of the zone and I recommend it is incorporated. I have recommended that this change be considered under Variation 1.

2.1.3. Recommendation

34. That the following outcome for submissions occurs:
- That Kainga Ora [325.240] is **accepted**

2.1.4. Amendments

35. That the Introductory text is amended as set out above and as set out in Appendix A.

2.1.5. S32AA evaluation

36. I consider that this change is minor, and better explains the purpose of the medium density zone.

2.2. MRZ-O1

2.2.1. Matters raised by submitters

37. Kainga Ora [325.241] request to amend MRZ-O1 as follows:

"Provision of medium density residential housing

A higher density suburban residential zone located close to amenities with a range of housing typologies providing for predominantly residential use."

2.2.2. Assessment

38. I consider that this change is minor, and better explains the purpose of the objective, which is for residential housing.

39. I note that in the context of Variation 1, that MRZ-O1 as notified has been superseded and rewritten in a different form, where the grammar of the proposed amendment would no longer make sense.

40. I consider that I can still assess it in the context of the PDP medium density residential zone, but I have not recommended it be also considered under Variation 1.

2.2.3. Recommendation

41. That the following outcome for submissions occurs:

- That Kainga Ora [325.241] is **accepted**

2.2.4. Amendments

42. That the objective text is amended as set out above and as set out in Appendix A.

2.2.5. S32AA evaluation

43. I consider that this change is minor, and better explains the purpose of the objective. As "medium density housing", and "medium density residential housing" explain the same matters, I do not consider there will be any effect from this change arising on the policies, rules, and standards that implement this objective.

2.3. MRZ-P1

2.3.1. Matters raised by submitters

44. Ministry of Education [277.44] request to amend MRZ-P1(1) as follows:

"...

1. higher density living in areas with better access for walking to parks, educational facilities, main centres or local commercial centres;

..."

45. Summerset [207.30] request the following amendments to MRZ-P1:

"...

9. Retirement villages that are

- a. sited and designed to promote interaction with the surrounding other sections of the community, without compromising privacy and security;
- b. of a scale and appearance that reflects and is compatible with the residential style and character of the locality;
- c. provided with appropriate outdoor areas living space and landscaping; and
- d. designed to provide safe, secure, attractive, convenient, and comfortable living conditions for residents."

46. Kainga Ora [325.242] request to amend MRZ-P1 as follows:

"Residential character and amenity values

Provide for activities and structures that support and maintain the character and amenity values anticipated for the zone, which provides for:

- 1. higher density living in areas with better access for walking to parks, main centres or local commercial centres;*
- 2. multi-unit redevelopment opportunities through flexible development controls and encouragement for multi-site redevelopment;*
- 3. high quality building and landscape design for multi-unit residential development with appropriate streetscape landscaping and positive contribution to streetscape character;*
- 4. provides for a peaceful residential environment, in particular minimising the adverse effects of night time noise and outdoor lighting, and limited signs;*
- 5. appropriate internal amenity within sites;*
- 6. a mix of detached, semi-detached and multi-unit living;*
- 7. small-scale commercial, or community-based activities, that service the local community, and home businesses; and*
- 8. a wider range of home business-based commercial activity in the Residential Commercial Precinct adjacent to Rangiora Town Centre.*

Enable the planned residential character and amenity of the Medium Density Residential Zone by controlling:

a. The design and layout of four or more dwellings in order to:

- i. Achieve the planned character of the zone;
 - ii. Achieve attractive and safe streets and public open spaces;
 - iii. Manage the effects of development on adjoining neighbouring sites, including visual amenity, privacy and access to daylight and sunlight; and
 - iv. Achieve high quality onsite living environments.
- b. Building height, bulk and location;
 - c. Site coverage and outdoor living space;
 - d. Setbacks from boundaries; and
 - e. Height in relation to boundary."

47. Lamb and Hayward [163.4] request to amend MRZ-P1 to include a policy that relates to expansion of existing activities to accommodate the strategic direction and operational need. This is in relation to the Lamb and Hayward funeral home site.

2.3.2. Assessment

48. For the Ministry, I consider:

- That this change is minor, and integrates the policy with consideration of education facilities.
- In the context of Variation 1, that MRZ-P1 as notified has been superseded and rewritten in a different form, where the grammar of the proposed amendment would no longer make sense.
- I can still assess it in the context of the PDP medium density residential zone, but I have not recommended it be also considered under Variation 1.

49. For Summerset, I consider:

- That this change is inconsistent with the Proposed Plan's definition of residential unit, which incorporates all types of residential units, including retirement villages.
- This change would be inconsistent with the approach taken by both the Proposed Plan and Variation 1.
- I would not recommend it as a change to MRZ-P1, and also would not recommend that it be considered as an additional matter by the IHP Variation 1.

50. For Kainga Ora, I consider that these changes, whilst not the exact wording of the policies as prescribed by the MDRS, are similar to the suite of changes that the RMAEMA requires Councils to adopt. As such, and noting that Kainga Ora have submissions on Variation 1, I consider that this submitter has scope to address this there.

51. In the context of any changes to the PDP MDRZ, I note that the Kainga Ora changes which focus on four or more residential units would substantially limit the scope of the PDP MDRZ, which is not focused on the number of units, and as such, I do not recommend any changes to the policy.

52. For Lamb and Hayward, I consider:

- The Lamb and Hayward site is a funeral home within the North-east Rangiora development area. It is increasingly surrounded by residential development, however, its aspect to the north and northwest is semi-rural, due to the school farm land.
- My recommendations in my s42A report on residential rezoning have recommended that all of the north-east Rangiora development area is rezoned.
- Given the potential scale of development surrounding the site, a point may come where the continued operation of the funeral home is no longer viable, however, for now, the funeral home can continue on existing use rights, and as I understand it, a

land use consent. If Lamb and Hayward desire to move their operation at a future point, such as due to reverse sensitivity, then I have considered that they should have the benefit of medium density residential zoning for their site. I am not aware of any reverse sensitivity issues at present, and I understand that no cremation takes place on this site.

- I do not fully understand what the submitter means by 'expansion' of activities, but if this means more opening hours on the current footprint, I do not consider that this would require changes to the policy to enable it.
- I do not consider that changes to the PDP policy are required, and similarly, I do not recommend this submission be considered under Variation 1.

2.3.3. Recommendation

53. That the following outcome for submissions occurs:

- That Summerset [207.30], Kainga Ora [325.242], Lamb and Hayward [163.4] are **rejected**
- That Ministry of Education [277.44] is **accepted**

2.3.4. Amendments

54. That the policy text is amended as set below and in Appendix A:

MRZ-P1(1) as follows:

"...

1. higher density living in areas with better access for walking to parks, educational facilities, main centres or local commercial centres;

..."

2.3.5. S32AA evaluation

55. I consider that this change is minor, and better explains the purpose of the policy.

2.4. MRZ-P14

2.4.1. Matters raised by submitters

56. Richard and Geoff Spark [183.12], Dalkeith Holdings [242.12], Miranda Hales [246.13] request changes to RESZ-P14 as follows:

1. in new Development Areas, achieve a minimum net density of 15 households per ha averaged across the whole of the residential Development Area within the relevant ODP, unless there are demonstrated constraints, or there is an alternative minimum density specified in the applicable Outline Development Plan then a density exemption shall apply. Constraints

may include but not be limited to landscape and ground conditions, servicing requirements, and existing subdivision and housing patterns less than 12 households per ha."

57. Richard and Geoff Spark are opposed with a further submission from FS Bellgrove Rangiora Ltd [FS 85].

58. 199 Johns Road et al [266.9] note that the General Residential Zone 500m² allotment size would not enable 163, 191, 199 and 203 Johns Road, Rangiora to achieve the minimum net density of 15 houses per ha required by RESZ-P14. Therefore, if this site was to be rezoned for urban development, it would be appropriate to enable some medium density development within it. Provide for some medium density residential development within 163, 191, 199 and 203 Johns Road, Rangiora.

2.4.2. Assessment

59. I consider that this relief raises valid issues of density, constraints, and how they may be achieved and measured. However, I note that the submitter seeks relief that does not appear to acknowledge the density relaxation to 12 hh/ha in the policy, where constraints may exist. The submitters also attempt to define "constraints", which as I understand it, have been left deliberately open in order to avoid narrowing the definition to potentially exclude as yet unidentified constraints.

60. Whilst I do consider there is a need, perhaps in my Right of Reply, to consider the density policies and standards, the consistency between these and the rezoning proposals, and vice versa, I do not consider that the specific wording offered by the submitters achieves this and I do not recommend any changes at this time. The submitters' relief does provide scope for this consideration however, and I can make a final recommendation on it in my Right of Reply.

61. This policy was not amended by Variation 1.

2.4.3. Recommendations

62. That the following outcome for submissions occurs:

- That Richard and Geoff Spark [183.12], Dalkeith Holdings Ltd [242.12], Miranda Hales [246.12], 199 Johns Road et al [266.9] are **accepted in part**
- That FS Bellgrove Rangiora Ltd [FS 85] is **rejected**

63. That no changes are made to the Proposed Plan in response to this submitter at this time.

2.5. MRZ-R1

2.5.1. Matters raised by submitters

64. Summerset [207.46] request to retain the exclusions for retirement villages from the site density and outdoor living space standards:

Amend GRZ-BFS4:

"1. ...

a. 8m above ground level; except that where a site is larger than 6,000m², the maximum height of any building shall be 12m above ground level where the setback of buildings from the internal boundary is more than 10m.

Except where an ODP within a Development Area allows for a different maximum building height."

Amend GRZ-BFS6 to add (3):

"...

3. This rule does not apply to a residential unit in a retirement village."

65. House Movers Section of NZ Heavy Haulage Association [221.7] request to amend MRZ-R1 as follows:

"1. The activity complies with all built form standards (as applicable).

2. A building is moved:

a. It shall be fixed to permanent foundations within 2 months (unless being stored as a temporary activity); and

b. Reinstatement works to the exterior of the building shall be completed within 12 months, including connection to services, and closing in of the foundations.

c. A building pre-inspection report to accompany the application for a building consent for the destination site which identifies all reinstatement works that are to be completed to the exterior of the building and a certification by the property owner that the reinstatement works shall be completed within the specified [12] month period."

2.5.2. Assessment

66. For Summerset I note that this is the same relief as considered in Mr McLennan's reports, which cover the general residential zone provisions. Whilst it is listed in their submission as for MRZ, the relief sought is not on the MRZ provision. I consider that this submission is either out of scope, or contains an error.

67. Regardless, I do not consider that this standard should apply to retirement villages. While I acknowledge that retirement villages are managed as either a restricted discretionary or discretionary activity by MRZ-R18 (or R19 under Variation 1), the matters of discretion that this rule applies are wider than the built form standard changes that the submitter seeks.

68. For House Movers, I consider the following:

- This relief is similar to what they are seeking under the LLRZ, GRZ, and SETZ zone provisions.
- Mr McLennan has recommended that an advice note be incorporated to explain how to interpret the term "construction" to also cover relocation. The advice note he recommends is as follows:

This rule applies to permanently relocated buildings.

- I consider that this relief may be of relevance to Variation 1, so I have recommended that it be considered in the context of that process.

2.5.3. Recommendations

69. That the following outcome for submissions occurs:

- That Summerset [207.46] is **rejected**
- That House Movers Section of NZ Heavy Haulage Association [221.7] is **accepted in part**

2.5.4. Amendments

70. That rule MRZ-R1 is amended as follows and as set out in Appendix A:

An advice note stating: *This rule applies to permanently relocated buildings.*

2.5.5. S32AA Evaluation

71. I consider that this amendment improves the interpretation of the Proposed Plan and will more appropriately achieve the outcomes sought by the policies and objectives.

2.6. MRZ-R2

2.6.1. Matters raised by submitters

72. Kainga Ora [325.44] request to amend MRZ-R2 to state:

Where:

1. No more than three residential units are established on the site.

Activity status: RDIS

Where:

2. More than three residential units are established on the site.

Matters of discretion are restricted to:

RES-MD2 - Residential design principles

RES-MD7 - Outdoor storage

Notification

An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.

Activity status when compliance not achieved: N/A"

2.6.2. Assessment

73. I note that the Kainga Ora relief here predates the MDRS and Variation 1, and is inconsistent with it, as the MDRS requires a permitted activity for less than 3 units on site.
74. Thus, I do not recommend that this relief is passed to the IHP for consideration in that process, noting that Kainga Ora also have a submission on V1.
75. I also do not support this relief in the context of the PDP MDRZ, as I consider that MRZ-R18 as notified already provides a restricted discretionary status for multi-unit residential development as requested by the submitter.

2.6.3. Recommendations

76. That the following outcome for submissions occurs:
 - That Kainga Ora [325.44] is **rejected**

2.6.4. Amendments

77. There are no amendments arising from these recommendations.

2.7. MRZ-R5

2.7.1. Matters raised by submitters

78. Kainga Ora [325.247] seeks to delete MRZ-R5, as they consider the activities are permitted under the earthwork provisions.

2.7.2. Assessment

79. As set out within the assessment of GRZ-R5 in Mr McLennan's report, gardening, cultivation and disturbance of land for fence posts are excluded from the definition of earthworks and therefore are not managed by the EW chapter. However, MRZ-R28 states that any activity not provided for in this zone as a permitted, restricted discretionary, discretionary, non-complying, or prohibited activity, except where expressly specified by a district wide provision is a discretionary activity. The inclusion of MRZ-R5 ensures that gardening, cultivation and disturbance of land for fence posts is not captured by the 'catch-all' rule.
80. I agree with the assessment of Mr McLennan and consider that MRZ-R5 is required to appropriately give effect to the relevant policy direction.

2.7.3. Recommendations

81. I recommend that the submissions from the following submitters be **rejected**:
 - Kainga Ora [325.247]

2.7.4. Amendments

82. I recommend that no change be made to MRZ-R5 of the PDP.

2.8. MRZ-R7

2.8.1. Matters raised by submitters

83. Kainga Ora [325.249] generally supports the rule but seek that the default activity status for a breach of the rule is changed from discretionary to restricted discretionary with a new matter of discretion included within the PDP as follows:

"Res-MD Use of Residential Unit as a Boarding House, Visitor Accommodation or Home Business

1. Effects on character and amenity values of the residential area.
2. Parking and access; safety, efficiency, and impacts on street parking and neighbours.
3. Effects arising due to non-compliance with scale."

2.8.2. Assessment

84. I disagree with the suggested amendment. I consider the default activity status as a discretionary activity for a breach of the MRZ-R7(1) is consistent with other rules within the MRZ, and enables the consent authority with broad discretion to consider a range of potential matters.

85. I note that the submitter has not provided evidence as to if the above listed matters of discretion cover all of the effects likely to arise from an activity of this nature.

86. If the Hearing Panel were of the mind to amend the default activity status, I would suggest that the existing matters of be adopted i.e. RES-MD2, RES-MD4, and RES-MD5, rather than the matters of discretion proposed by the submitter.

87. I consider that as this provision is still provided for in Variation 1, and that this submitter has a submission on that process that there is no need to recommend this for consideration by the IHP.

2.8.3. Recommendations

88. I recommend that the submissions from the following submitters be **rejected**:

- Kainga Ora [325.249]

89. I recommend that no change be made to MRZ-R7 of the PDP.

2.9. MRZ-R9

2.9.1. Matters raised by submitters

90. Kainga Ora [325.251] seeks to amend MRZ-R9 to change the activity status for a breach of the rule to restricted discretionary which they consider would better reflect the anticipated activity within the zone.

2.9.2. Assessment

91. I disagree with the suggested amendment. I consider the default activity status as a discretionary activity for a breach of the MRZ-R9(1) is consistent with other rules within the MRZ and enables a consent planner with broad discretion to consider a range of potential matters.
92. I note that the submitter has not provided evidence as to if the above listed matters of discretion cover all of the effects likely to arise from an activity of this nature.
93. If the Hearing Panel were of the mind to amend the default activity status, I would suggest that the existing matters of discretion be adopted i.e. RES-MD2, RES-MD4, and RES-MD5, rather than the matters of discretion proposed by the submitter.
94. I consider that as this provision is still provided for in Variation 1, and that this submitter has a submission on that process that there is no need to recommend this for consideration by the IHP.

2.9.3. Recommendations

95. I recommend that the submissions from the following submitters be **rejected**:
 - Kainga Ora [325.251]
96. I recommend that no change be made to MRZ-R9 of the PDP.

2.10. MRZ-R10

2.10.1. Matters raised by submitters

97. Kainga Ora [325.252] seeks to amend MRZ-R10 to change the activity status for a breach of the rule to restricted discretionary which they consider would better reflect the anticipated activity within the zone.

2.10.2. Assessment

98. I disagree with the suggested amendment. I consider the default activity status as a discretionary activity for a breach of the MRZ-R10(1)-(8) is consistent with other rules within the MRZ and enables a consent planner with broad discretion to consider a range of potential matters.
99. I note that the submitter has not provided evidence as to if the above listed matters of discretion cover all of the effects likely to arise from an activity of this nature.
100. If the Hearing Panel were of the mind to amend the default activity status, I would suggest that the existing matters of discretion be adopted i.e. RES-MD2, RES-MD4, and RES-MD5, rather than the matters of discretion proposed by the submitter.
101. I consider that as this provision is still provided for in Variation 1, and that this submitter has a submission on that process that there is no need to recommend this for consideration by the IHP.

2.10.3. Recommendations

102. I recommend that the submissions from the following submitters be **rejected**:

- Kainga Ora [325.252]

103. I recommend that no change be made to MRZ-R10 of the PDP.

2.11. MRZ-R11

2.11.1. Matters raised by submitters

104. Bellgrove Rangiora Ltd [408.46] support the permitted activity status for show homes but seek more permissive hours of operation during the week to enable after work viewings on weekdays (i.e., Monday to Friday 9:00am to 7:00pm and Saturday, Sunday and public holidays 9:00am to 4:00pm). In addition, Ravenswood Developments [347.47] seek an amendment MRZ-R11(2) to extend the duration of a show home from two years to three years.

2.11.2. Assessment

105. I agree with the submitters that the hours of operation associated with show homes could be increased to enable after work viewings. I consider the potential adverse effects associated with traffic and the presence of signs for show home operations are generally minor in nature and are consistent with the character and amenity values anticipated for the MRZ. Similarly, I agree with extending the duration of a show home from two years to three years. I consider the presence of a show home is consistent with the character and amenity of the MRZ, and extending the maximum duration of a show home from two years to three years as a permitted activity will still achieve the direction within MRZ-P1.

106. I note that this is consistent with Mr McLennan’s recommendations on GRZ-R11 at para 380 of his s42A report.

107. I note that these provisions have not been superseded by Variation 1, so I consider there is no need to pass these recommendations onto the IHP.

2.11.3. Recommendations

108. I recommend that the submissions from the following submitters be **accepted**:

- Bellgrove Rangiora Ltd [408.46]
- Ravenswood Developments [347.47]

109. I recommend that MRZ-R11 of the Proposed District Plan be amended as follows and as shown in **Appendix A**:

MRZ-R11 Residential unit used as a show home	
Activity status: PER	Activity status when compliance not achieved: RDIS

<p>Where:</p> <ol style="list-style-type: none"> 1. hours of operation, when the site is open to visitors and clients, shall be limited to 9:00am-4:00pm Monday to <u>Friday and 9:00am-4:00pm Saturday</u>,³ <u>Sunday and including public holidays</u>; 2. the duration of use as a show home shall not exceed two <u>three</u>⁴ years after the Code of Compliance Certificate for the subject building has been issued; and 3. the residential unit used as a show home shall not be located on local roads. 	<p>Matters of discretion are restricted to:</p> <p>RES-MD3 - Use of a residential unit as a show home</p>
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2.11.4. Section 32AA assessment

110. I consider the recommended amendment to the rule listed above is minor in nature but provides greater flexibility for show homes in the MRZ. I consider this is more effective in achieving RESZ-O4 which requires that non-residential activities that take place in residential areas, support the function of local communities while maintaining the amenity of the neighbourhood.

111. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

2.12. MRZ-R12

2.12.1. Matters raised by submitters

112. Bellgrove Rangiora Ltd [408.47] seeks that the default activity status for a breach of MRZ-R12 is changed from subject discretionary to restricted discretionary with Councils discretion restricted to the scale of non-residential activity.

113. The Ministry of Education [277.45] seek amendments to MRZ-R12 and LLRZ-R12 stating it is unrealistic to manage the effects of schools. The submission states that most schools would have a GFA greater than 200m² and occasionally operate after 9pm for school functions such as, fundraisers, balls and have weekend sports on school grounds most weeks. Many schools will likely include parking or the storage of more than one school bus, which is defined as a heavy vehicle under the PDP. They state that the notified rules seem to be more applicable to Childcare Facilities which are provided for within the definition of educational facilities.

114. They seek a range of amendments to the to reflect more realistic standards for education facilities as follows:

³ Bellgrove Rangiora Ltd [408.46]

⁴ Ravenswood Developments [347.47]

'Educational facility (excluding childcare facility)

Activity status: PER

Where:

1. Any building or structure other than a garage shall be set back a minimum of 2m from any road boundary (other than a strategic road or arterial road boundary where the minimum setback shall be 6m) except for exclusions listed under GRZ-BFS5.1.

2. Buildings and structures shall comply with the Height in Relation to Boundary standards under GRZ-BFS7.

3. Noise shall not exceed the following levels when measured at or within the boundary of any site receiving noise from the educational facility:

a. 50 dB LAeq between 7.00am – 10pm

b. 40 dB LAeq between 10pm – 7am

c. 70 dB LAF (max) between 10pm – 7am

4. The facility shall not result in more than two non-residential activities within a residential block frontage; and

1. the activity shall only be located on sites with frontage and the primary entrance to a strategic road, arterial road or collector road.

2. the maximum GFA of building occupied by the educational facility shall be 200m²;

3. the hours of operation when the site is open to visitors, students, clients, and deliveries shall be between the hours of 7:00am – 9:00pm Monday to Friday;

5. the facility shall not include the parking or storage of more than one heavy vehicle on the site of the activity'

2.12.2. Assessment

115. I agree in part with the submission from the Ministry of Education that some of the permitted standards are unnecessarily restrictive. I agree with the deletion of clause (3) as there are activities that occur regularly at schools outside these hours (fundraisers, balls, sports). I consider the provisions in the NOISE chapter of the PDP (i.e. NOISE-R19) will ensure the potential noise effects of education facilities will be managed. I also agree that education facilities may need to store more than one heavy vehicle (i.e. busses) on the site. I also agree with the suggested amendment to the title of the rule to exclude 'childcare facilities' which are managed by 'MDRZ-R13 Childcare facility'.
116. I disagree with the removal of clause (1) requiring that the activity shall only be located on sites with frontage and the primary entrance to a strategic road, arterial road or collector road. I acknowledge that the PDP includes TRANS-R20 – High traffic generators which requires that activities in the residential zone with more than 200 vehicle movements per day or more than 50 heavy vehicle movements per day obtain resource consent as a restricted discretionary activity. However, I retain the view that education facilities should have a frontage and the primary entrance to a strategic road, arterial road or collector road

as I consider an education facility may not reach the threshold of a high traffic generating activity but could still not achieve the level of amendment anticipated by the MDRZ if located on a local road.

117. I also disagree with the deletion of clause (2) which restricts the GFA of a building occupied by the educational facility to 200m². While I acknowledge that the built form standards can be relied on to manage the size of the educational facility. I consider the 200m² limit to be an appropriate consent threshold to ensure RESZ-P6 is achieved. I consider educational facilities with a GFA of less than 200m² ensures that that scale of the activity does not significantly impact on the amenity values of adjoining residential activities, including their pleasantness and aesthetic coherence, and is therefore appropriate as a permitted activity. For educational facilities larger than this, I consider it appropriate for the effects of the activity to be considered through a resource consent process.
118. In relation to the submission from Bellgrove Rangiora Ltd, I disagree that the default activity status should be amended from discretionary to restricted discretionary. I consider that the discretionary status is consistent with other activities in the MDRZ and when considering the potential effects of education facilities are broad, I consider a discretionary status is appropriate.

2.12.3. Summary of recommendations

119. I recommend that the following submissions **accepted in part**:

- Belgrove Rangiora Ltd [408.47]
- Ministry of Education [277.45],

120. I recommend that MRZ-R12 of the Proposed District Plan be amended as follows and as shown in **Appendix A**:

MRZ-R12 Educational facility (excluding childcare facility)	
<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. the activity shall only be located on sites with frontage and the primary entrance to a strategic road, arterial road or collector road; 2. the maximum GFA of building occupied by the educational facility shall be 200m²; 3. the hours of operation when the site is open to visitors, students, clients, and deliveries shall be between the hours of 7:00am — 9:00pm Monday to Friday;⁵ 	<p>Activity status when compliance not achieved: DIS</p>

⁵ MoE [277.45]

<p>4. the facility shall not result in more than two non-residential activities within a residential block frontage; and</p> <p>5. the facility shall not include the parking or storage of more than one heavy vehicle on the site of the activity.⁶</p>	
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2.12.4. Section 32AA assessment

121. I consider the recommended amendments to the rule listed above improves the efficiency of the provision as it removes the unnecessarily restrictive rules within the PDP. I consider this results in a rule that is more effective.
122. The recommended amendment will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from plan consistency, improved plan interpretation and more efficient plan administration.

2.13. MRZ-R13

2.13.1. Matters raised by submitters

123. Bellgrove Rangiora Ltd [408.48] submitted on GRZ-R13 supporting the development of childcare facilities within the Medium Density Residential Zone but considers the maximum gross floor area for these activities of 200m² is restrictive. They also seek that any non-compliance result in restricted discretionary status, with Council’s discretion restricted to matters relating solely to the scale of non-residential activity, instead of discretionary. Finally, they seek clarity on MRZ- R13(4) on the definition of ‘residential block frontage’.⁷

2.13.2. Assessment

124. I disagree with the deletion of clause (2) which restricts the GFA of a building occupied by the childcare facility to 200m². While I acknowledge that the 200m² GFA standard is somewhat arbitrary, I consider it is an appropriate trigger for a resource consent which can then consider the size of the childcare facility on a case-by-case basis. I also note that the inclusion of the 200m² GFA as a permitted activity standard is a good proxy for managing other effects that may be created by the childcare facility such as vehicle movements, as it will limit the number of children that can be accommodated in the facility. As noted in the assessment of MRZ-R12 above I consider that retaining the default discretionary activity status is consistent with other activities in the MRZ and when considering the potential effects of childcare facilities are broad, I consider a discretionary status is appropriate. As noted in the assessment of MRZ-R12 above, I agree with the submitter that a definition of ‘residential block frontage’ is required within the PDP.

⁶ MoE [277.45]

⁷ Bellgrove Rangiora Ltd [408.48]

125. As this provision has not been superseded by Variation 1 I do not consider that it needs to be recommended for consideration by the IHP.

2.13.3. Recommendations

126. I recommend that the submissions from Belgrove Rangiora Ltd [408.48] be **rejected**.

127. I recommend that no change be made to MRZ-R13 of the PDP.

2.14. MRZ-R15

2.14.1. Matters raised by submitters

128. Kainga Ora [325.260] supports MRZ-R15 subject to the following correcting typographical error:

“...

1. *the maximum GFA of building occupied by the ~~educational facility~~ health care facility shall be 200m².”*

2.14.2. Assessment

129. I recognise the highlighted typographical error and accept the amendment sought by Kainga Ora.

130. As this provision has not been superseded by Variation 1 I do not consider that it needs to be recommended for consideration by the IHP.

2.14.3. Recommendations

131. I recommend that the submissions from the following submitters be **accepted**:

- Kainga Ora [325.257]

132. I recommend that MRZ-R15 of the Proposed District Plan be amended as follows and as shown in **Appendix A**:

MRZ-R15 Health care facility	
Activity status: PER Where: <ol style="list-style-type: none">1. the activity shall only be located on sites with frontage and the primary entrance to a strategic road, arterial road or collector road.2. The maximum GFA of building occupied by the educational facility <u>health care facility</u>⁸ shall be 200m².3. the hours of operation when the site is open to visitors, patients, clients, and	Activity status when compliance not achieved: DIS

⁸ Kainga Ora [325.257]

- deliveries shall be between the hours of 7:00am – 6:00pm Monday to Saturday.
4. the facility shall not result in more than two non-residential activities within a residential block frontage, except in the Residential Commercial Precinct, where there shall be no limit to the number of non-residential activities within a block.
 5. the facility shall not include the parking or storage of more than one heavy vehicle on the site of the activity.

2.14.4. Section 32AA assessment

133. I consider the recommended amendment is very minor in nature and corrects a typographical error and no s32AA is required.

2.15. MRZ-R18

2.15.1. Matters raised by submitters

134. Kainga Ora [325.257] request to amend MRZ-R18 to only apply when there are more than three units proposed. This aligns with changes sought to MRZ-R2 to integrate with “multi-unit residential development”.

2.15.2. Assessment

135. I have recommended not accepting Kainga Ora’s relief for MRZ-R2, noting that this relief now predates the MDRS and may be inconsistent with it. I make the same consideration here.
136. I note that Kainga Ora have submitted on Variation 1, and as such have scope under that process for changes to the Variation 1 provisions.

2.15.3. Recommendations

137. That the following outcome for submissions occurs:
That Kainga Ora [325.257] is **rejected**

2.15.4. Amendments

138. There are no amendments arising from these recommendations.

2.16. MRZ-R19

2.16.1. Matters raised by submitters

139. Summerset [207.34] request to replace MRZ-R19 with:

"Activity status: CON

Where:

1. a design statement is provided with the application; and
2. communal rubbish/recycling space/s are provided for use by residents.

Matters of control are reserved to: RES-MDX – Retirement Village design principles"

2.16.2. Assessment

140. For Summerset I consider that if a design statement that covers the matter of communal rubbish and recycling space is provided with the application, or any other matter, then it could be considered as a restricted discretionary activity.
141. I do not consider that given the size of some retirement facilities, that it is appropriate to provide for them as a controlled activity as a general rule.
142. I do not consider that this matter has been superseded by Variation 1, so I have not recommended that this is passed to the IHP for their consideration.

2.16.3. Recommendations

143. That the following outcome for submissions occurs:
 - That Summerset [207.34] is rejected.
144. There are no amendments to the Proposed Plan arising from these recommendations.

2.17. MRZ-R28

2.17.1. Matters raised by submitters

145. Fire and Emergency NZ [303.54] request to insert a new provision to enable emergency services facilities to be a permitted activity in the MRZ zone.

"MRZ-RX Emergency service facility

Activity Status: Permitted"

2.17.2. Assessment

146. I note that the Proposed Plan has no definition of emergency services facility, thus, there is no specific consideration of this type of activity in any of the zones. It would fall under the catch-all rule MRZ-R28 (MRZ-R27 in Variation 1), and be treated as a discretionary activity.
147. Whilst I am mindful to enable the provision of emergency services within zones, as I lack evidence from the submitter on the likely effects, I consider I cannot make a recommendation for the permitted activity status that FENZ seeks at this time.
148. As this provision has not been superseded by Variation 1, I am not recommending that it be passed to the IHP for their consideration.

2.17.3. Recommendations

149. That the following outcome for submissions occurs:

- That FENZ [303.54] is **rejected**.

150. There are no amendments to the Proposed Plan arising from these recommendations.

2.18. MRZ-R29

2.18.1. Matters raised by submitters

151. Lamb and Hayward Ltd [163.5] seeks to amend MRZ-R29 to change the activity status for funeral related services and facilities from non-complying to restricted discretionary to enable the expansion of funeral related services and facilities. The suggested that the matters of discretion be restricted to:

- Urban design;
- Scale and intensity;
- Traffic generation;
- Noise; and
- Reverse sensitivity.

2.18.2. Assessment

152. I disagree with the suggested amendment. I consider the non-complying activity status for funeral related services and facilities within the MDZ is appropriate because of potential sensitivity effects. I note that RES-P7 provides direction on the management of commercial activities in the MDZ. This policy states that commercial activities are only to be provided for where:

- they are of a scale that is ancillary to residential use; or
- where there is a need to be readily accessible within a residential zone, while maintaining residential amenity values through residential scale and design.

153. I consider a funeral related services and facilities is unlikely to be of a scale that is ancillary to residential use. Therefore, I am of the view that as a funeral related services and facilities are not anticipated within the MDZ and therefore a non-complying activity status is appropriate.

154. I note my recommendation for rezoning the Lamb and Hayward site to medium density residential in my s42A on residential rezoning, and my consideration of their existing use rights, and their existing land use consent.

155. I do not consider that this is a relevant matter for passing to the IHP for consideration under Variation 1.

2.18.3. Recommendations

156. I recommend that the submissions from Lamb and Hayward Ltd [163.5] be **rejected**.
157. I recommend that no change be made to MRZ-R29 of the PDP.

3. Built Form Standards

3.1. MRZ-BFS1

3.1.1. Matters raised by submitters

158. Kainga Ora [325.263] oppose MRZ-BFS1, stating that the land use density limitations within it do not sufficiently enable residential intensification. They consider that reliance on built form standards and enabling provisions for more than one unit on a site are more appropriate. They request to delete the standard.

3.1.2. Assessment

159. I note that MRZ-BFS1 has been significantly amended by Variation 1, such so that I consider that this relief has been superseded by the Variation in the relevant residential zones.
160. It could still be considered under the PDP MDRZ, but I consider that this would be equivalent to merging the two zones, which I note that the Council's legal advice on the scope of the Variation does not consider that there is scope to extend it.
161. I do consider that the Kainga Ora submission, if accepted, would give the PDP MDRZ built form standards that are closer to the V1 MDRZ.
162. However, given the consideration of the legal opinion on scope of Variation 1, and the difference between the zones, I do not recommend adopting this relief.
163. I note that the submitter has submission scope on Variation 1, so I do not consider a need to pass this recommendation over to the IHP.

3.1.3. Recommendations

164. I recommend that the submissions from Kainga Ora [325.263] be **rejected**.
165. I recommend that no change be made to MRZ-BFS1 of the PDP.

3.2. MRZ-BFS2

3.2.1. Matters raised by submitters

166. Kainga Ora [325.264] seek to amend MRZ-BFS2 to
"Activity status when compliance not achieved: ~~DISRDIS~~
Matters of discretion are restricted to:
RES-MD5 - Impact on neighbouring property

Notification

An application under this rule is precluded from being publicly notified, but may be limited notified."

3.2.2. Assessment

167. This standard has been amended by Variation 1, which has changed the activity status from DIS to RDIS. I consider that the MDRS does not allow for the RES-MD5, impact on neighbouring properties matters of assessment to be reflected in the standard, instead, the matter of discretion is RES-MD17, building coverage, as the MDRS allows for this in events that the permitted activity standards cannot be met.
168. I consider that the submitter has sufficient scope on the Variation and that the Variation has amended the standard significantly to not recommend this submission point for additional consideration by the IHP.
169. If it was to be amended under the Proposed Plan alone it would result in a change to the standard that would be inconsistent with MDRS, and so for integration reasons, I do not recommend this.

3.2.3. Recommendation

170. I recommend that the submission from Kainga Ora [325.264] be **rejected**.
171. I recommend that no change be made to MRZ-BFS2 of the PDP.

3.3. MRZ-BFS3

172. Kainga Ora [325.265] seek to amend MRZ-BFS3 to

"Activity status when compliance not achieved: ~~DIS~~RDIS

Matters of discretion are restricted to:

RES-MD5 - Impact on neighbouring property

Notification

An application under this rule is precluded from being publicly notified, but may be limited notified.

3.3.1. Assessment

173. This provision has not been altered by Variation 1, and as such I do not consider that this submission needs to be referred to the IHP for consideration.
174. In considering it under the Proposed Plan, I note the reason for the rule is primarily related to maintaining capacity for runoff and recharge on sites, rather than becoming fully reliant on the reticulated network. As such, I do not consider that the effects to be assessed through matters of discretion are limited to just those on neighbouring properties, as stated by the submitter. There may be wider area effects than just those on neighbours.

3.3.2. Recommendations

175. I recommend that the submission from Kainga Ora [325.265] be **rejected**.
176. I recommend that no change be made to MRZ-BFS3 of the PDP.

3.4. MRZ-BFS4

3.4.1. Matters raised by submitters

177. Kainga Ora [325.266] seek to amend MRZ-BFS4:

"Activity status when compliance not achieved: ~~DIS~~RDIS

Matters of discretion are restricted to:

RES-MD5 - Impact on neighbouring property

Notification

An application under this rule is precluded from being publicly notified, but may be limited notified."

3.4.2. Assessment

178. This standard has been amended by Variation 1 to implement the MDRS activity status, which is for RDIS when the MDRS standard of 11m+1m (for roof space) for height is exceeded. As the submitter has scope under Variation 1, I do not consider it necessary to recommend this submission point for consideration by the IHP.
179. In the context of the PDP, I consider that height of buildings can have wider effects than just those on neighbouring properties, and would recommend keeping the activity status as discretionary.

3.4.3. Recommendations

180. I recommend that the submission from Kainga Ora [325.266] be **rejected**.
181. I recommend that no change be made to MRZ-BFS4 of the PDP.

3.5. MRZ-BFS5

3.5.1. Matters raised by submitters

182. Kiwirail [373.83] seek to amend MRZ-BFS5:

"...

6. All buildings shall be set back a minimum of ~~4m~~5m from any site boundary with the rail corridor."

183. Kainga Ora [325.267] seek to amend MRZ-BFS5 as follows:

~~"1. Any building or structure other than a garage shall be set back a minimum of 2m from any road boundary (other than a strategic road or arterial road boundary where the minimum setback shall be 6m) except for:~~

2. Any garage with a vehicle door that faces the street shall be set back a minimum of 6m from the road boundary.

3. Any building or structure shall be set back a minimum of 1m from any internal boundary, except that buildings on adjoining sites which share a common wall, the internal setback shall not apply along that part of the internal boundary covered by such a wall.

~~4. Habitable room windows within any residential unit on the first floor or above shall avoid direct views into an adjacent residential unit located within 9m by:~~

~~a. being offset by a minimum of 0.5m in relation to any existing window in an adjacent residential unit; or~~

~~b. having sill heights of 1.5m above floor level; or~~

~~c. having fixed obscure glazing below 1.5m above floor level.~~

~~5. On corner sites, vegetation or structures exceeding 1m in height above ground level shall not be located within the structure and vegetation setback area identified by Figure MRZ-1.~~

~~Figure MRZ-1: Structure and Vegetation Setback~~

184. Ravenswood Developments Ltd [347.54] seek to delete "other than a garage" in MRZ-BFS5

185. Beach Road Estates Ltd [seek to amend MRZ-BFS5 as follows:

"1. Any building or structure, other than a garage with a vehicle door facing the street, shall be set back a minimum of 2m from any road boundary (other than a strategic road or arterial road boundary where the minimum setback shall be 6m) except for:

...

2. Any garage with a vehicle door facing the street shall be set back a minimum of 6m from the road boundary.

..."

"Any building or structure other than a garage shall be set back a minimum of 2m from any road or accessway boundary (other than a strategic road or arterial road boundary where the minimum setback shall be 6m) except for:

186. The Waimakariri District Council [367.11] request to amend MRZ-BFS5(1) as follows:

"Any building or structure other than a garage shall be set back a minimum of 2m from any road or accessway boundary (other than a strategic road or arterial road boundary where the minimum setback shall be 6m) except for:

"

3.5.2. Assessment

187. I consider that MRS-BFS5 has been significantly amended by Variation 1 in implementing the MDRS. I note that Kainga Ora have scope on Variation 1, so I do not consider it necessary to refer this submission to the IHP.
188. Under the Proposed Plan, my response is similar to I do consider that the Kainga Ora submission, if accepted, would give the PDP MDRZ built form standards that are closer to the V1 MDRZ.
189. However, given the consideration of the legal opinion on scope of Variation 1, and the difference between the zones, I do not recommend adopting this relief.
190. For Ravenswood and Beach Road Estates, I disagree, noting that front yard setbacks, which continue under the MDRS, result in 1.5m distance from the road. I also note that a garage is a building or structure, and consider that exempting it from the definition of a building or structure for the purposes of the road setbacks may result in transportation safety issues. Such an approach would also be more permissive than the MDRS.
191. For Kiwirail, I note that the recommendation for a 5m setback is in the drafting for Variation 1 as a qualifying matter. I consider that 5m should also be the setback in the context of the Proposed Plan medium density residential zone.
192. For WDC, I note that the purpose of the medium density residential zone is to increase density, and this is achieved by reducing setback sizes on site, such as those that might apply to private accessways. I understand that there is a difference between the Proposed Plan's standards, and those of the Variation, but I note of the need to consider integration between them. Adopting this relief in absence of similar relief in Variation 1 would result in inconsistent setbacks between the zones. For this reason I do not recommend the adoption of the Council relief.

3.5.3. Recommendations

193. I recommend the following outcome for submissions:
- Kainga Ora[325.267], Ravenswood Developments [347.54], Beach Road Estates [167.3], WDC [367.11] are **rejected**.
 - Kiwirail [373.83] is **accepted**
194. I recommend that no change be made to MRZ-BFS5 of the PDP at this time.

3.6. MRZ-BFS6

3.6.1. Matters raised by submitters

195. Kainga Ora [325.268] request to amend MRZ-BFS6 as follows:
- "2. Where the site has direct road frontage, any residential unit or minor residential unit facing the road shall:

- b. include at least ~~20%~~ 15% of the front façade in glazing (within window or door panels) of which at least half is clear; and
- c. ~~shall have a door that is directly visible and accessible from the street.~~

Notification

~~An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.~~

An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified."

196. Bellgrove Rangiora Ltd [408.50] request to introduce greater flexibility to MRZ-BFS6 for the scenario where a lot is orientated so that it has both road frontage and open space frontage, for example by including the following additional clause:

"1...

d. Where a site has both direct road frontage and direct frontage with an open space reserve it is exempt from compliance with GRZ BFS6 1(a). In these situations, a residential unit may have a habitable room or kitchen at ground level located to face the open space frontage instead of the street frontage.

..."

3.6.2. Assessment

197. For Kainga Ora, I note that the standard they are seeking is more stringent than the MDRS, and as such, I do not recommend referring this submission to the IHP for consideration under Variation 1.
198. I also note that Kainga Ora have scope under Variation 1 to participate in that process.
199. In the context of the PDP MDRZ, I consider that there is scope to consider the amendment, however, if it were to be accepted, I consider it would introduce inconsistencies between the two medium density zones without sufficient justification.
200. For Bellgrove, and other new developments that might be occurring under a masterplan and a land use consent process, I consider that any such exemptions could be dealt with through resource consent, rather than through exemptions in the standards framework, as I consider that I cannot anticipate all such technical exemptions and their possible effects.

3.6.3. Recommendations

201. I recommend the following outcome for submissions:
- Kainga Ora[325.268], Bellgrove Rangiora Ltd [408.50] are **rejected**.
202. I recommend that no change be made to MRZ-BFS6 of the PDP at this time.

3.7. MRZ-BFS7

3.7.1. Recommendations

203. Kainga Ora [325.269] request to amend MRZ-BFS7:

"1. Structures shall not project beyond a building envelope defined by recession planes measured ~~2.5m~~ 3m from ground level above any site boundary..."

(Amend Appendix APP3 accordingly)

3.7.2. Assessment

204. I note that Kainga Ora's relief is more stringent than the recession plane rules in the MDRS and as introduced by Variation 1. As such, and as this submitter also has scope on the Variation, I do not recommend that this relief is referred to the IHP for their consideration.

205. In the context of the PDP MDRZ, I consider that there is scope to consider the amendment, however, if it were to be accepted, I consider it would introduce inconsistencies between the two medium density zones without sufficient justification.

3.7.3. Recommendations

206. I recommend the following outcome for submissions:

- Kainga Ora[325.269] is **rejected**.

207. I recommend that no change be made to MRZ-BFS7 of the PDP at this time.

3.8. MRZ-BFS8

3.8.1. Matters raised by submitters

208. Kainga Ora [325.270] request to amend MRZ-BFS8:

~~4. Any fence greater than 0.9m in height above ground level shall be at least 45% visually permeable as depicted in Figure MRZ-2, within 5m of any accessway, or within the structure and vegetation set back area shown in Figure MRZ-1."~~

209. Bellgrove Rangiora Ltd [408.52] request to amend MRZ-BFS8(2) so where a fence within 5m of an accessway is greater than 0.9m in height it is at least 35% visually permeable (instead of 45%).

210. The Waimakariri District Council [367.26] request to amend fencing requirements in MRZ-BFS8:

"1. All fencing, or walls fronting the road boundary; or within 2m of a site boundary with a public reserve, walkway or cycleway pedestrian or cycle facilities, shall be:

- a. no higher than 1.2m above ground level; or
- b. no higher than 1.8m above ground level where at least 45% of the fence is visually permeable.

2. Any fence, or wall greater than 0.9m in height above ground level shall be at least 45% visually permeable as depicted in Figure GRZ-2, within 5m of any accessway, or within the structure and vegetation set back area shown in Figure GRZ-1; and

3. Any other fence or freestanding wall, is a maximum height of 1.8m."

211. The Woodend Sefton Community Board [155.8] request to amend MRZ-BFS8 to not allow variations to resource consents, especially bulk variations by developers, regarding height and/or visual permeability of front boundary fences.

3.8.2. Assessment

212. The fencing standards in MRZ-BFS8 have not been altered by Variation 1, except to change the reference to Figure MRZ-4, as they were not considered in the s32 evaluation to affect density and thus were not in scope of the MDRS and Variation.

213. Therefore, I do not consider there is a need to refer these submissions to the IHP for their consideration.

214. Under the PDP MDRZ I note the following:

- For Kainga Ora, the fencing provisions do not affect density achieved within the zone, so I consider there is no requirement to remove them in order to assist with achieving the objectives and policies for the MRZ zone.
- The Bellgrove relief is on the MRZ standard, but refers to the GRZ fencing standard. I note that all of the fencing provisions are similar for their visual permeability provisions.
- For the community board, I consider that amendments to resource consents, under the relevant consent process, is always an option available under the RMA, Proposed Plan and it would not be constrained by restrictions to a built form standard.
- For WDC, I note that the drafting in the Proposed Plan could be interpreted as to have no limit for fences that are less than 45% visually permeable. As such, I support the catch-all limitation of a 1.8m high fence. I note that Mr MacLennan has accepted this in relation to the submissions and zones he considered.

3.8.3. Recommendations

215. I recommend the following outcome for submissions:

- Kainga Ora[325.270], Bellgrove Rangiora Ltd [408.52] are **rejected**.
- WDC [367.26] is **accepted in part**

216. I recommend that MRZ-BFS8 is amended as follows:

1. All fencing or walls fronting the road boundary; or within 2m of a site boundary with a public reserve, walkway or cycleway shall be:

- no higher than 1.2m above ground level; or
- where the site is a corner site, on one road boundary the height can be increased to 1.8m above ground level where at least 45% of the fence is visually permeable.

2. Any fence greater than 0.9m in height above ground level shall be at least 45% visually permeable as depicted in **Figure MRZ-4**, within 5m of any accessway, or within the structure and vegetation set back area shown in **Figure MRZ-2**.

3. Any other fence or freestanding wall, is a maximum height of 1.8m.

3.8.4. S32AA evaluation

217. I consider that the recommended change improves plan implementation by clarifying what the maximum height of a fence or freestanding wall is, and also ensures consistency with the fencing standards in the other zones.

3.9. MRZ-BFS9

3.9.1. Matters raised by submitters

218. Kainga Ora [325.271] request to amend MRZ-BFS9:

"1. Outdoor living space shall be provided as follows:

a. a minimum of ~~30m²~~ 15m² of continuous outdoor living space able to contain a circle with a diameter of ~~4m~~ 3m shall be contained at ground level within the site of the residential unit (except a residential unit within a retirement village) or

b. a balcony of at least 10m² with a minimum depth of 1.5m.

~~2. The required minimum area of outdoor living space shall not be occupied by any structure, driveway, or parking space, other than an outdoor swimming pool or washing line~~

2. Where outdoor living space is provided communally between two or more residential units under (1)(a), the minimum outdoor living space shall be 25m² 15m² for each residential unit.

3. The required minimum area of outdoor living space shall be free of driveways, manoeuvring areas, parking spaces, accessory buildings, and service areas."

3.9.2. Assessment

219. For Kainga Ora, I note that the standard they are seeking is more stringent than the MDRS, and as such, I do not recommend referring this submission to the IHP for consideration under Variation 1, as this submitter has a submission on the Variation. .

220. I also note that Kainga Ora have scope under Variation 1 to participate in that process.

3.9.3. Recommendations

221. I recommend the following outcome for submissions:

Kainga Ora[325.271] is **rejected**.

222. I recommend that no change be made to MRZ-BFS9 of the PDP at this time.

Appendix A Recommended Changes

For clarity, I have provided drafting changes that show both the PDP medium density zone (PDP MDRZ) and changes made by Variation 1 (V1 MDRZ).

The s42A report on Variation 1 uses the same Appendix A for clarity.

Blue text is as notified in the Proposed Plan

Red text is as amended by Variation 1

Green highlighting are proposed changes arising from this s42A report

Green text are changes arising from the Variation 1 s42A report

Purple highlighting are changes that would be required in the event that rezoning recommendations are accepted as per the residential rezoning s42A report

RESZ-P15	Medium Density Residential Standards <u>Apply the Medium Density Residential Standards across all-relevant residential zones in the District Plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).</u>
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Introduction

The purpose of the General Residential Zone is to provide for residential areas predominantly used for [residential activity](#), with a mix of [building](#) types, and other compatible activities that provide for maintenance or enhancement of residential [amenity values](#). Activities provided for include [community facilities](#), health care facilities, places of assembly and other activities that are at a scale and generate a range of [effects](#) that is consistent with residential character.

The General Residential Zone **only applies to Oxford and some smaller recently upzoned areas in Rangiora and Kaiapoi** makes up the majority of the residential areas in the **District**, with development at a general suburban density, including the towns of Rangiora, Kaiapoi, Oxford, Woodend, and Pegasus, as well as the development of new greenfield areas. **In an ODP where the General Residential Zone is shown (outside of Oxford), the MRZ takes precedence and these areas are therefore to be considered as Medium Density Residential Zone.**

The provisions in this chapter are consistent with the matters in Part 2 - **District** Wide Matters - Strategic Directions and give **effect** to matters in Part 2 - **District** Wide Matters - Urban Form and Development.

As well as the provisions in this chapter, **district** wide chapter provisions will also apply where relevant

The purpose of the Medium Density Residential Zone is to provide for residential areas predominantly used for **residential activity** with moderate concentration and bulk of **buildings**, such as detached, semi-detached and terrace housing, low rise apartments and other compatible activities. Such areas are identified close to town and neighbourhood centres, along public transport corridors, or close to public **transports, transport stops and open space**⁹.

The Medium Density Residential Zone is located in the **township existing residential** areas of Rangiora, Kaiapoi, **Oxford** Woodend, **Pegasus and North Woodend (Ravenswood) Silverstream**. It is anticipated that the character of these areas will be dynamic and provide for more intensive development as demand increases for smaller units with close access to township amenities.

The provisions in this chapter are consistent with the matters in Part 2 - **District** Wide Matters - Strategic Directions and give **effect** to matters in Part 2 - **District** Wide Matters - Urban Form and Development.

As well as the provisions in this chapter, **district** wide chapter provisions will also apply where relevant.

MRZ - Medium Density Residential Zone

⁹ Kainga Ora [PDP 325.240]

<u>MRZ-O1</u>	<p><u>Housing types and sizes</u></p> <p><u>The Medium Density Residential Zone provides for a variety of housing types and sizes that respond to:</u></p> <ul style="list-style-type: none"> i. <u>housing needs and demand; and</u> ii. <u>the neighbourhood's planned urban built character, including 3-storey buildings.</u>
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<u>MRZ-P1</u>	<p><u>Housing types</u></p> <p><u>Enable a variety of housing types with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments, except as directed by a qualifying matter¹⁰.</u></p>
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<u>MRZ-P2</u>	<p><u>Housing Developments</u></p> <p><u>Provide for developments not meeting permitted activity status, while encouraging high-quality developments.</u></p>
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How to read this section in relation to qualifying matters

Qualifying matters that apply to the number of units per site are integrated within the rule framework below.

The following qualifying matters are implemented through their respective chapter provisions and are additional to the V1 medium density zone provisions:

<u>Historic heritage qualifying matter – properties identified as a Heritage listed item within the V1 Medium Density Residential Zone of Rangiora, Kaiapoi, and Woodend.</u>	<u>As per the historic heritage provisions</u>
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¹⁰ Transpower [V1 42.11]

<u>As mapped in qualifying matter heritage building or item</u>	
<u>Notable trees qualifying matter- Properties with a notable tree within Medium Density Residential Zone of Rangiora, Kaiapoi and Woodend.</u> <u>As mapped in qualifying matter, notable trees</u>	<u>As per the notable tree provisions</u>
<u>Natural character – waterbody setbacks - Properties adjoining a large waterbody within Medium Density Residential Zone of Rangiora, Kaiapoi and Woodend.</u> <u>As mapped in scheduled natural character freshwater bodies schedules</u>	<u>As per the natural character provisions</u>

MRZ-R1 Construction or alteration of or addition to any building or other structure

This rule applies to permanently relocated buildings¹¹

Activity status: PER

Where:

1. the activity complies with all built form standards (as applicable).

Activity status when compliance not achieved:

For medium density residential provisions, as set out in the relevant built form standards;

¹¹ House Movers [PDP 221.7]

For district wide provisions, as set out in the relevant district-wide rule and/or standard¹²

MRZ-R2 Residential unit

Activity status: PER

Where:

1. the activity complies with MRZ-BFS1; and
2. the activity complies with MRZ-BFS-2,3,4,5,6,7,8,9,10,11,12; and
3. the activity complies with any additional and applicable district-wide standards as per MRZ-R1

Activity status when compliance not achieved: N/A as set out in the relevant built form standards

~~MRZ-R3~~ Minor residential unit

Activity status: PER

~~Where:~~

1. ~~the maximum GFA of the minor residential unit shall be 80m²;~~
2. ~~there shall be only one minor residential unit per site; and~~

Activity status when compliance not achieved: RDIS

~~Matters of discretion are restricted to:~~

- ~~RES-MD1—Minor residential units~~

¹² Transpower [V1 42.3]

3. ~~parking and access shall be from the same vehicle crossing as the principal residential unit on the site.~~

MRZ-R43 Residential activity Storage of vehicles and boats on residential sites¹³

Activity status: PER

Where:

1. a maximum of one heavy vehicle shall be parked or stored on the site of the residential activity; and
2. any motor vehicles and/or boats dismantled, repaired or stored on the site of the residential activity shall be owned by the people who live on the same site.

Activity status when compliance not achieved: RDIS

MRZ-R187 Multi-unit residential development

Activity status: RDIS

-

Where:

- ~~1. any residential unit fronting a road or public open space shall have a habitable room located at the ground level;~~
- ~~2. at least 50% of all residential units within a development shall have a habitable space located at ground level; and~~
- ~~3. 1. a design statement shall be provided with the application.~~

Matters of discretion are restricted to:

Activity status when compliance not achieved: DIS

¹³ Cl 16(2) minor change to address an error in the notified wording.

- ~~[RES-MD2](#)~~ Residential design principles
- ~~[RES-MD7](#)~~ Outdoor storage

Notification

An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.

MRZ-R198 Retirement village (with four or more residential units)¹⁴

Activity status: RDIS

Where:

1. a [design statement](#) shall be provided with the application.

Matters of discretion are restricted to:

- [RES-MD2](#) - Residential design principles
- [RES-MD7](#) - Outdoor storage

Notification

An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.

Activity status when compliance not achieved: RDIS¹⁵

¹⁴ Retirement Industry Association [V1 67.20]

¹⁵ WDC [PDP 417.4]

MRZ-BFS1 Number of residential units per site

1. **There shall be no more than 3 residential units per site, except where:**
 - a. **Within the qualifying matters - natural hazards area and qualifying matters - airport noise, there must be no more than 1 residential unit per site;**

Notification

An application for the construction and use of 1,2 or 3 residential units that does not comply with 1 or more of MRZ-BFS-1,2,3,4,5,6,7,8,9,10,11,12 is precluded from being publicly notified

Activity status when compliance not achieved: RDIS

Matters of discretion are restricted to:

- **RES-MD2 - Residential design principles**
- **RES-MD15 - Effects from qualifying matters - airport noise**
- **RES-MD16 - Effects from qualifying matters - natural hazards**

Notification

An application for the construction and use of 4 or more residential units that does comply with standards MRZ-BFS-1,2,3,4,5,6,7,8,9,10,11,12 is precluded from being publicly or limited notified.

An application for the construction and use of 4 or more residential units that does not comply with 1 or more of MRZ-BFS-1,2,3,4,5,6,7,8,9,10,11,12 is precluded from being publicly notified.

MRZ-BFS2 Building coverage

1. **Building coverage** shall be a maximum of **505%** of the **net site area**, except that this rule shall not apply to:
 - a. any **infrastructure building**;
 - b. any caravan; or
 - c. deck under 1m in **height** above **ground level**.

Activity status when compliance not achieved: RDIS

Matters of discretion are restricted to:

- **RES-MD17 - Building coverage**

Notification

Refer to notification status in MRZ-BFS1.

MRZ-BFS3 Landscaped permeable surface

1. The minimum [landscaped permeable surface](#) of any [site](#) shall be 20% of the [net site area](#).
2. For the purpose of calculating the area of [landscaped permeable surface](#) the following areas can be included:
 - a. any paths 1.1m wide or less; or
 - b. open slat decks under 1m in [height](#) above [ground level](#) with a permeable surface underneath.

Activity status when compliance not achieved: [RDIS](#)

MRZ-BFS4 [Height](#)

- ~~1. The maximum [height](#) of any [building](#) shall be 12m above [ground level](#).~~
1. **Buildings must not exceed 11.8¹⁶ metres in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more, as shown in Figure MRZ-1.**

Activity status when compliance not achieved: [RDIS](#)¹⁷

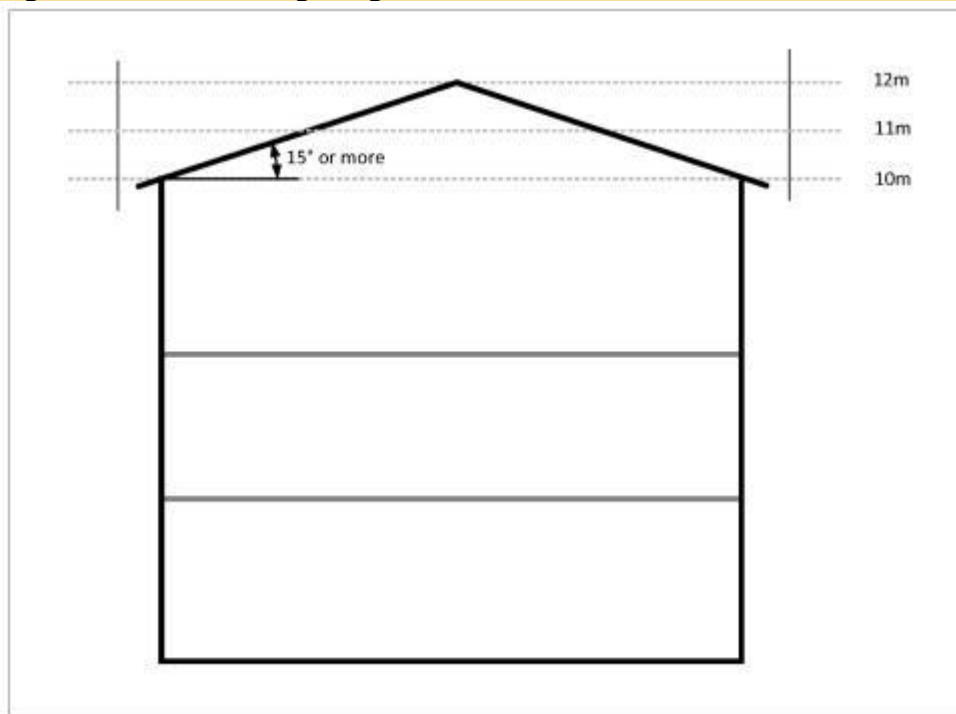
Notification

Refer to notification status in MRZ-BFS1.

¹⁶ Sunlight and shading qualifying matter submitters, as set out in Variation 1 s42A report at section 6.3.5

¹⁷ WDC [PDP 417.13]

Figure MRZ-1 Building Height



MRZ-BFS5 Building and structure setbacks

1. Any **building** or **structure other than a garage** shall be set back a minimum of **21.5m** from any **road** boundary (other than a **strategic**

Activity status when compliance not achieved: RDIS

Matters of discretion are restricted to:

- **RES-MD2** - Residential design principles

road or [arterial road](#) boundary where the minimum [setback](#) shall be 6m) except for:

- a. any fence permitted by [MRZ-BFS8](#);
- b. [poles](#) and masts up to 6.5m in [height](#) above [ground level](#);
- c. [structures](#) other than a fence, less than 10m² and less than 3m in [height](#) above [ground level](#);
- d. any caravan;
- e. the replacement, maintenance and minor [upgrading](#) of any [infrastructure](#); and
- f. any [structure](#) or [residential unit](#) adjoining an [accessway](#) that does not have doors or windows that open into that [accessway](#).

~~2. Any garage shall be set back a minimum of 6m from the road boundary;~~

~~3. 2.~~ Any [building](#) or [structure](#) shall be set back a minimum of 1m from any [internal boundary](#) (**except on corner sites**) except that [buildings](#) on adjoining [sites](#) which share a common wall, the internal [setback](#) shall not apply along that part of the [internal boundary](#) covered by such a wall.

~~4. Habitable room windows within any residential unit on the first floor or above shall avoid direct views into an adjacent residential unit located within 9m by:~~

~~a. being offset by a minimum of 0.5m in relation to any existing window in an adjacent residential unit; or~~

~~b. having sill heights of 1.5m above floor level; or~~

~~c. having fixed obscure glazing below 1.5m above floor level.~~

~~5.3.~~ On corner [sites](#), vegetation or [structures](#) exceeding 1m in [height](#) above [ground level](#) shall not be located within the [structure](#) and vegetation [setback](#) area identified by [Figure MRZ-21](#).

- [RES-MD5](#) - Impact on neighbouring property

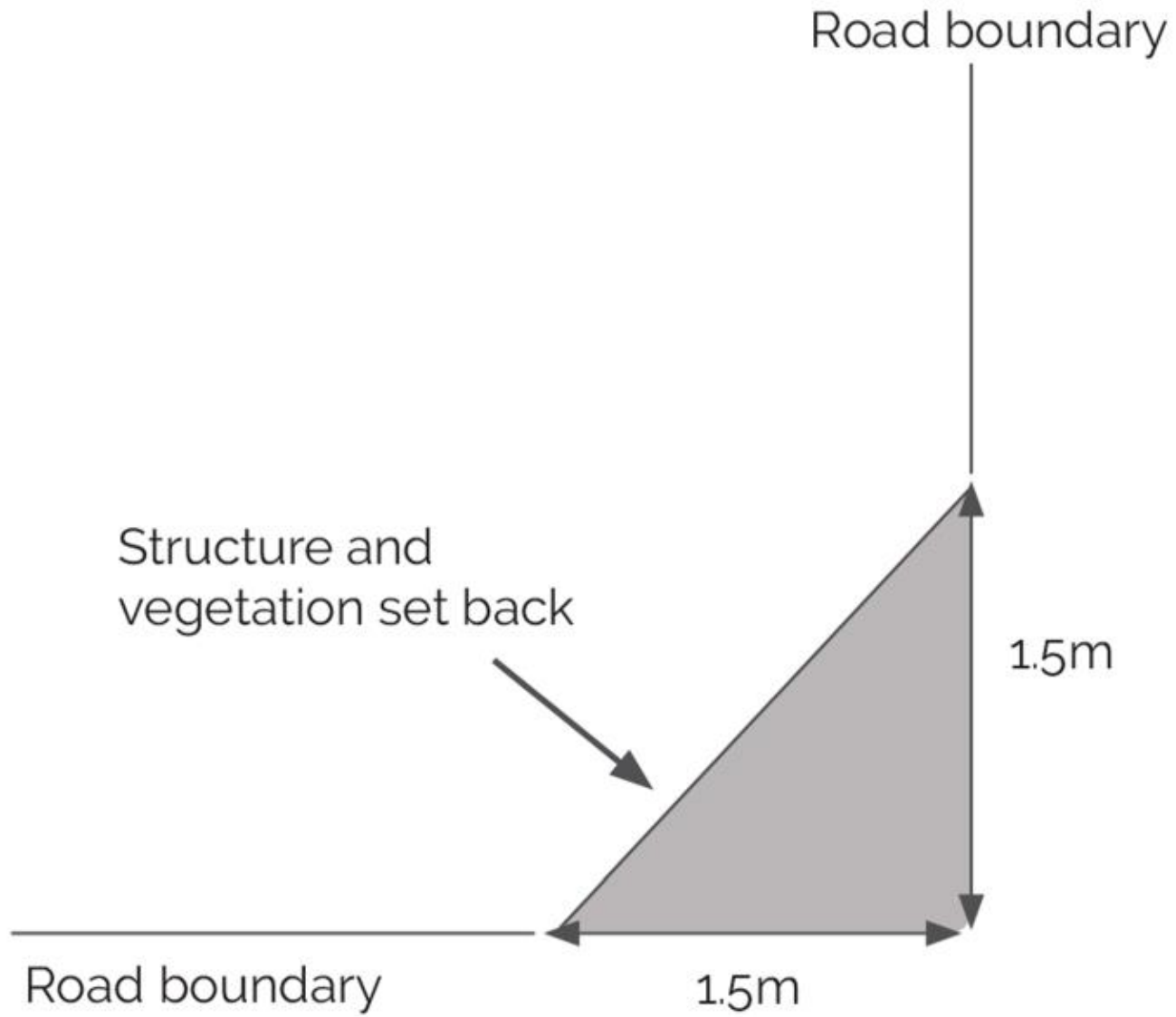
Notification

An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.

Refer to notification status in MRZ-BFS1.

6-4. All [buildings](#) shall be set back a minimum of **45m** from any [site](#) boundary with the [rail corridor](#).

5. Any building or structure shall be set back a minimum of 12m from any National Grid support structure as per rule EI-R51.



MRZ-BFS7 Height in relation to boundary

1. Buildings must not project beyond a 60° the recession plane in Figure MRZ-3 measured from a point 34 metres vertically above ground level along all boundaries, as shown Figure MRZ-3. Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way. This standard does not apply to:
 - a. a boundary with a road
 - b. existing or proposed internal boundaries within a site
 - c. site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.

2. Structures shall not project beyond a building envelope defined by recession planes measured 2.5m from ground level above any site boundary in accordance with the diagrams in Appendix APP3 except for the following:

- a. flagpoles;
- b. lightning rods, chimneys, ventilation shafts, solar heating devices, roof water tanks, lift and stair shafts;
- c. decorative features such as steeples, towers and finials;
- d. for buildings on adjoining sites which share a common wall, the height in relation to boundary requirement shall not apply along that part of the internal boundary covered by such a wall; and
- e. where the land immediately beyond the site boundary forms part of any rail corridor, drainage reserve, or accessway (whether serving the site or not), the boundary of the rail corridor, drainage reserve, or accessway furthest from the site boundary may be

Activity status when compliance not achieved: RDIS

Matters of discretion are restricted to:

- [RES-MD2](#) - Residential design principles
- [RES-MD5](#) - Impact on neighbouring property

Notification

~~An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.~~

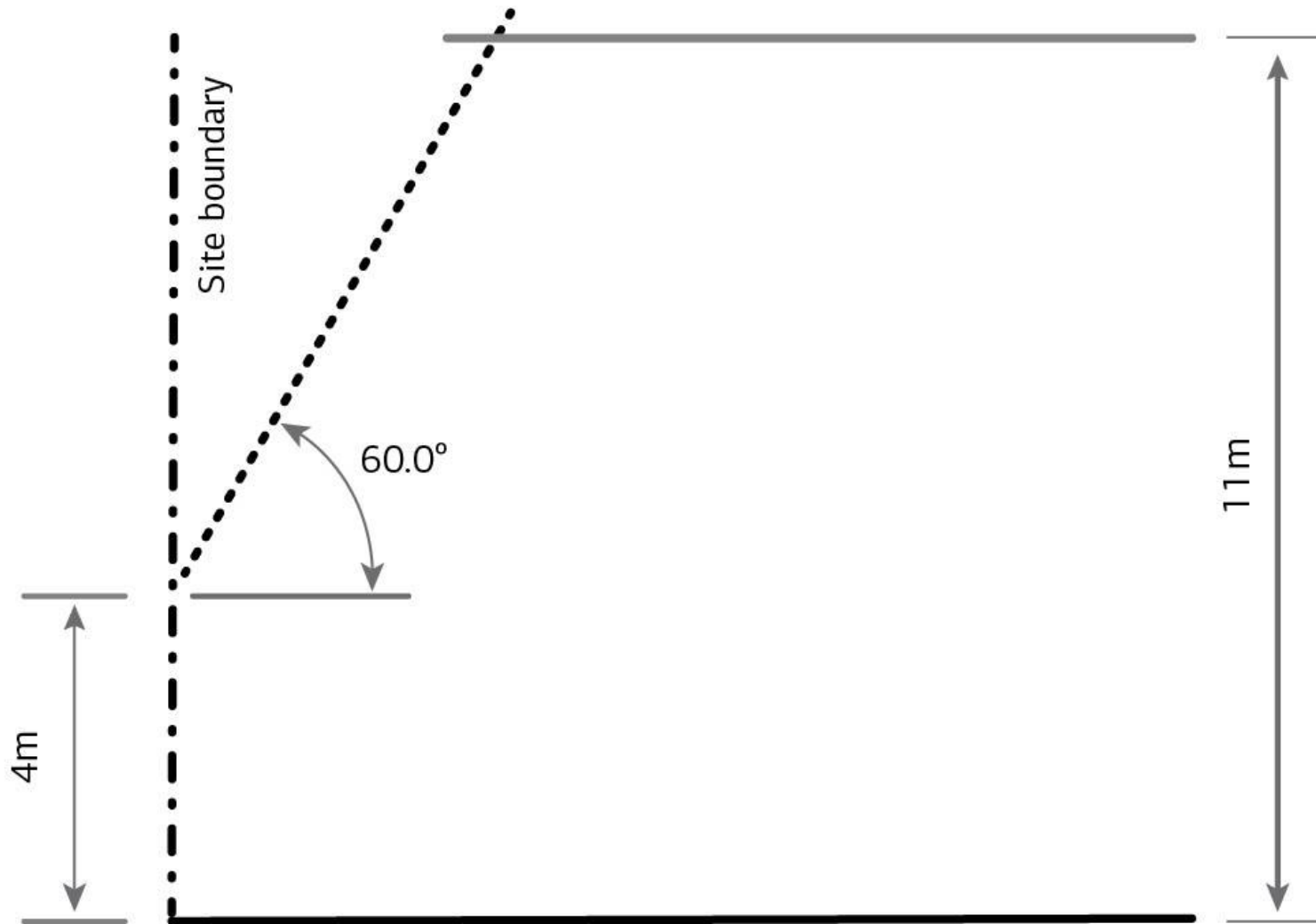
~~Refer to notification status in MRZ-BFS1.~~

~~deemed to be the site boundary for the purpose of defining the origin of the recession plane, provided this deemed site boundary is no further than 6m from the site boundary;~~

~~3. Provided that none of the structures listed in (1) (c) to (e) above has a horizontal dimension of over 3m along the line formed where the structure meets the recession plane as measured parallel to the relevant boundary.~~

~~3. 2.~~ Where the [site](#) is within the Urban Flood Assessment Overlay or Kaiapoi Fixed Minimum Finished [Floor Level](#) Overlay, the [height](#) of the Finished [Floor Level](#) specified in a Flood Assessment Certificate can be used as the origin of the recession plane instead of [ground level](#), but only up to an additional 1m above original [ground level](#).

Figure MRZ-3: [Height in relation to boundary](#)



MRZ-BFS8 Fencing

1. All fencing or walls fronting the [road boundary](#); or within 2m of a [site](#) boundary with a public reserve, walkway or cycleway shall be:
 - a. no higher than 1.2m above [ground level](#); or
 - b. where the [site](#) is a corner [site](#), on one [road boundary](#) the [height](#) can be increased to 1.8m above [ground level](#) where at least 45% of the fence is visually permeable.
2. Any fence greater than 0.9m in [height](#) above [ground level](#) shall be at least 45% visually permeable as depicted in **Figure MRZ-4**, within 5m of any [accessway](#), or within the [structure](#) and vegetation set back area shown in **Figure MRZ-2**.
3. Any other fence or freestanding wall, is a maximum height of 1.8m¹⁸.

Activity status when compliance not achieved: RDIS

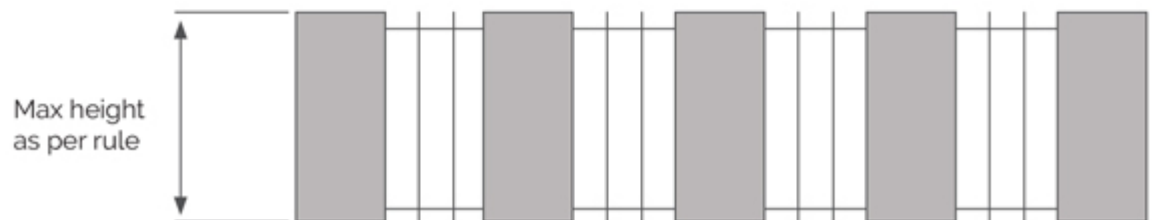
Matters of discretion are restricted to:

- [RES-MD2](#) - Residential design principles
- [RES-MD6](#) - [Road boundary setback](#)

Notification

An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.

¹⁸ Waimakariri District Council [PDP 367.26]



MRZ-BFS9 Outdoor living space (per unit)

~~1. Outdoor living space shall be provided as follows:~~

~~a. a minimum of 30m² of continuous outdoor living space able to contain a circle with a diameter of 4m shall be contained at ground level within the site of the residential unit (except a residential unit within a retirement village) or~~

~~b. a balcony of at least 10m² with a minimum depth of 1.5m.~~

~~2. The required minimum area of outdoor living space shall not be occupied by any structure, driveway, or parking space, other than an outdoor swimming pool or washing line.~~

~~3. Where outdoor living space is provided communally between two or more residential units under (1)(a), the minimum outdoor living space shall be 25m² for each residential unit.~~

1. A residential unit at ground floor level must have an outdoor living space that is at least 20 square metres and that comprises ground floor, balcony, patio, or roof terrace space that, -
 - a. where located at ground level, has no dimension less than 3 metres; and
 - b. where provided in the form of a balcony, patio, or roof terrace, is at least 8 square metres and has a minimum dimension of 1.8 metres; and
 - c. is accessible from the residential unit; and
 - d. may be-
 - i. grouped cumulatively by area in 1 communally accessible location; or
 - ii. located directly adjacent to the unit; and
 - e. is free of buildings, parking spaces, and servicing and manoeuvring areas.
2. A residential unit located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that-

Activity status when compliance not achieved: RDIS

Matters of discretion are restricted to:

- [RES-MD8 - Outdoor living space](#)

Notification

~~An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.~~

~~Refer to notification status in MRZ-BFS1.~~

- a. is at least 8 square metres and has a minimum dimension of 1.8 metres; and
- b. is accessible from the residential unit; and
- c. may be-
 - i. grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or
 - ii. located directly adjacent to the unit.

Legal Effect

This standard has immediate legal effect if there is no qualifying matter affecting an individual property.

MRZ-BFS10 Outlook space (per unit)

1. An outlook space must be provided for each residential unit as specified in this clause.
2. An outlook space must be provided from habitable room windows as shown in Figure MRZ-5.
3. The minimum dimensions for a required outlook space are as follows:
 - a. a principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and
 - b. all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.

Activity status when compliance not achieved: RDIS

Matters of discretion are restricted to:

- RES-MD12- Outlook space

Notification

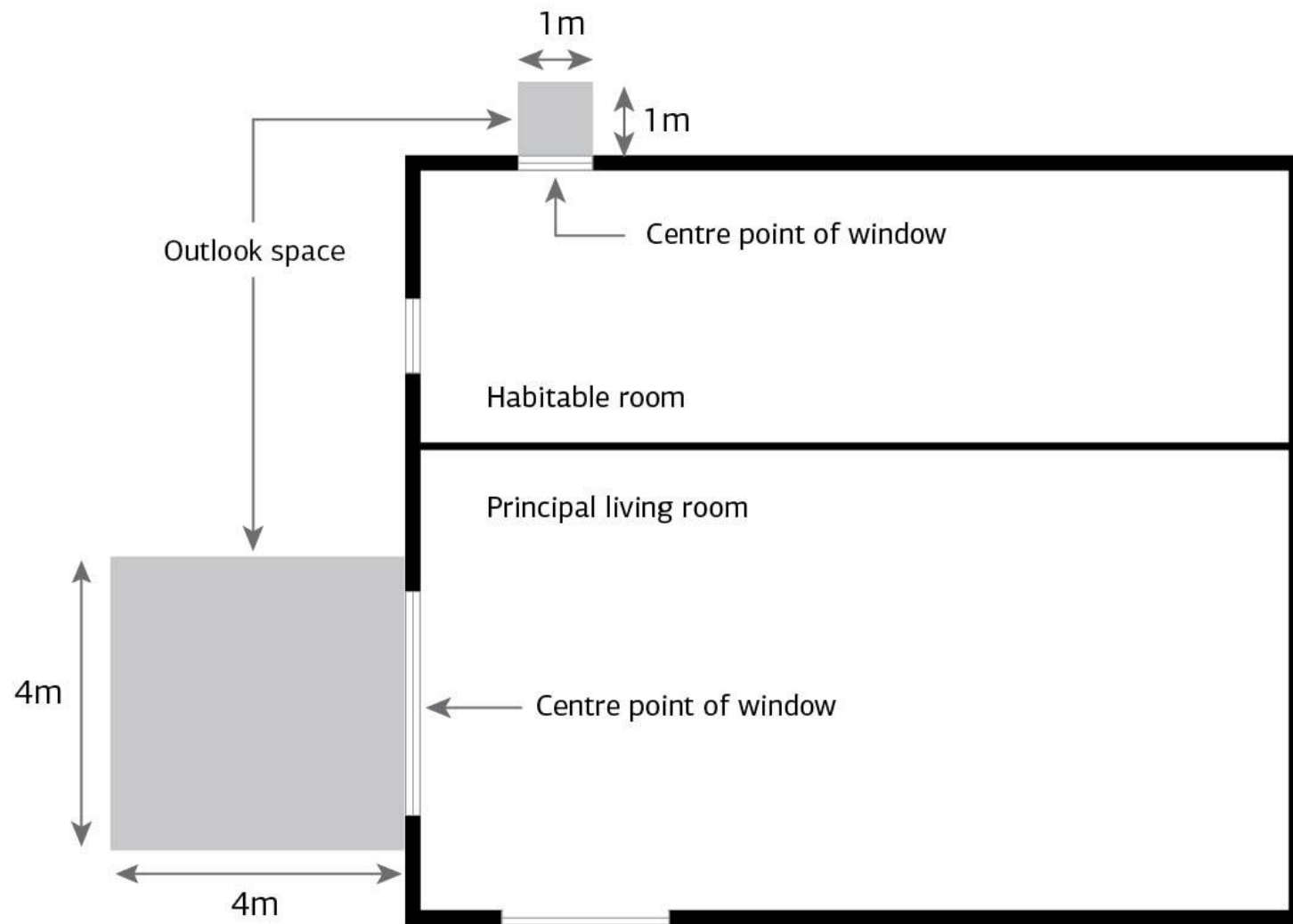
Refer to notification status in MRZ-BFS1.

4. The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.
5. Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.
6. Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.
7. Outlook spaces may be under or over a balcony.
8. Outlook spaces required from different rooms within the same building may overlap.
9. Outlook spaces must -
 - a. be clear and unobstructed by buildings; and
 - b. not extend over an outlook space or outdoor living space required by another dwelling.

Legal Effect

This standard has immediate legal effect if there is no qualifying matter affecting an individual property.

Figure MRZ-5: Outdoor Space



MRZ-BFS-11 Windows to street

1. **Any residential unit facing the street must have a minimum of 20% of the street-facing facade in glazing. This can be in the form of windows or doors.**

Legal Effect

This standard has immediate legal effect if there is no qualifying matter affecting an individual property.

Activity status when compliance not achieved: RDIS

Matters of discretion are restricted to:

- **RES-MD13 - Windows to street**

Notification

Refer to notification status in MRZ-BFS1.

MRZ-BFS12 Landscaped area

1. **A residential unit at ground floor level must have a landscaped area of a minimum of 20% of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them.**
2. **The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit.**

Legal Effect

This standard has immediate legal effect if there is no qualifying matter affecting an individual property.

Activity status when compliance not achieved: RDIS

Matters of discretion are restricted to:

- **RES-MD14 - Landscaped area**

Notification

Refer to notification status in MRZ-BFS1.

Matters of Discretion for all Residential Zones

Residential design principles

1. Context and character:
 - a. The extent to which 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.
 - b. The relevant considerations are the extent to which the development:
 - i. includes, where relevant, reference to the patterns of development in and/or anticipated for the surrounding area such as [building](#) dimensions, forms, [setback](#) and alignments, and secondarily materials, design features and tree plantings; and
 - ii. retains or adapts features of the [site](#) that contribute significantly to local neighbourhood character, potentially including existing [historic heritage](#) items, [Sites](#) of Ngāi Tahu Cultural Significance shown on the planning map, [site](#) contours and mature trees.
2. Relationship to the street and public open spaces:
 - a. Whether the development engages with and contributes to adjacent streets, and any other adjacent public open spaces to contribute to them being lively, safe and attractive **(including impacts of setback requirements for road or rail)**.
 - b. The relevant considerations are the extent to which the development:
 - i. orientates [building](#) frontages including entrances and windows to habitable rooms toward the street and adjacent public open spaces;
 - ii. designs [buildings](#) on corner [sites](#) to emphasise the corner;
 - iii. needs to minimise south-facing glazing to minimise heat loss; and
 - iv. avoids street façades that are blank or dominated by garages.

RES-MD12

Outlook space

1. **The ability of the affected habitable room to receive natural sunlight and daylight especially on the shortest day of the year.**
2. **The extent to which habitable rooms have an outlook and sense of space.**
3. **The degree to which a reduction in outlook space would contribute to a visual perception of cramped living conditions.**

4. The extent to which visual privacy is provided between habitable rooms of different residential units, on the same or adjacent sites.

RES-MD13

Windows to street

1. The extent to which the development engages with adjacent streets and any other adjacent public open spaces and contributes to them being lively, safe and attractive.
2. The extent to which the development is designed to minimise the visual bulk of the buildings and provide visual interest, when viewed from the street.
3. The extent to which the development incorporates CPTED principles as required to achieve a safe, secure environment.

RES-MD14

Landscaped areas

1. The extent to which the proposed landscaping enhances residential amenity and is integrated within the site design to:
 - a. define and enhance on-site outdoor living spaces;
 - b. reduce the visual impact of large buildings through screening and planting;
 - c. screen service areas, loading areas, and outdoor storage areas from public vantage points; and
 - d. mitigate the heat effects from intensification and impervious surfaces.
2. The extent to which the development incorporates CPTED principles as required to achieve a safe, secure environment.
3. The effects on the permeability of the site for stormwater run-off and subsequent effects on adjoining sites.

RES-MD15

Effects from qualifying matters - airport noise

1. **The extent to which effects, as a result of the sensitivity of activities to current and future noise generation from aircraft, are proposed to be managed, including avoidance of any effect that may limit the operation, maintenance or upgrade of Christchurch International Airport.**

RES-MD16

Effects from qualifying matters - natural hazards

1. **The setting of minimum floor levels, minimum land levels and the predicted sea water and other inundation that will occur on the site.**
2. **The frequency at which any proposed building or addition is predicted to be damaged and the extent of damage likely to occur in such an event, including taking into account the building material and design proposed; the anticipated life of the building, whether the building is relocatable, and for redevelopments, the extent to which overall risk will change as a result of the proposal.**
3. **The extent to which site access will be compromised in a natural hazard event and any alternative access provided.**
4. **The extent to which the proposal causes flood water displacement or flow path disruption onto other sites.**
5. **The extent to which any flood mitigation measures are proposed, their effectiveness and environmental effects, and any benefits to the wider area associated with flood management.**
6. **The extent to which the proposal relies on Council infrastructure and the risks to that infrastructure from natural hazards, including taking into account maintenance and repair costs that might fall on the wider community.**
7. **The extent to which there are any positive effects from a reduction in floor levels in relation to neighbouring buildings or the streetscape.**

RES-MD17

Building Coverage

1. Effects on visual amenity values, including dominance, and the compatibility with the receiving environment.

Provision of adequate outdoor living space on site.

Medium Density Residential Zone

Bold and italics used to show recommended changes arising from recommendations on the Proposed Plan.

Introduction

The purpose of the Medium Density Residential Zone is to provide for residential areas predominantly used for residential activity with moderate concentration and bulk of buildings, such as detached, semi-detached and terrace housing, low rise apartments and other compatible activities. Such areas are identified close to town and neighbourhood centres, along public transport corridors, or close to public transports **and open space**¹⁹

-

The Medium Density Residential Zone is located in the township areas of Rangiora, Kaiapoi, Oxford, Woodend and Silverstream. It is anticipated that the character of these areas will be dynamic and provide for more intensive development as demand increases for smaller units with close access to township amenities.

-

The provisions in this chapter are consistent with the matters in Part 2 - District Wide Matters - Strategic Directions and give effect to matters in Part 2 - District Wide Matters - Urban Form and Development.

-

As well as the provisions in this chapter, district wide chapter provisions will also apply where relevant.

<u>Objectives</u>	
<u>MRZ-01</u>	<u>Provision of medium density <i>residential</i>²⁰ housing</u>

¹⁹ Kainga Ora [PDP 325.240]

²⁰ Kainga Ora [PDP 325.241]

	<p>- <u>A higher density suburban residential zone located close to amenities with a range of housing typologies providing for predominantly residential use.</u></p>
<p><u>Policies</u></p>	
<p><u>MRZ-P1</u></p>	<p><u>Residential character</u></p> <p>-</p> <p><u>Provide for activities and structures that support and maintain the character and amenity values anticipated for the zone, which provides for:</u></p> <ol style="list-style-type: none"> 1. <u>higher density living in areas with better access for walking to parks, educational facilities²¹, main centres or local commercial centres;</u> 2. <u>multi-unit redevelopment opportunities through flexible development controls and encouragement for multi-site redevelopment;</u> 3. <u>high quality building and landscape design for multi-unit residential development with appropriate streetscape landscaping and positive contribution to streetscape character;</u> 4. <u>provides for a peaceful residential environment, in particular minimising the adverse effects of night time noise and outdoor lighting, and limited signs;</u> 5. <u>appropriate internal amenity within sites;</u> 6. <u>a mix of detached, semi-detached and multi-unit living;</u>

²¹ Ministry of Education [PDP 277.44]

	<p>7. <u>small-scale commercial, or community-based activities, that service the local community, and home businesses; and</u></p> <p>8. <u>a wider range of home business-based commercial activity in the Residential Commercial Precinct adjacent to Rangiora Town Centre.</u></p>
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Activity Rules

MRZ-R1 Construction or alteration of or addition to any building or other structure	
<i>This rule applies to permanently relocated buildings²²</i>	
Activity status: PER	Activity status when compliance not achieved: as set out in the relevant built form standards
-	
Where:	
1. <u>the activity complies with all built form standards (as applicable).</u>	
MRZ-R2 Residential unit	
Activity status: PER	Activity status when compliance not achieved: N/A
MRZ-R3 Minor residential unit	
Activity status: PER	Activity status when compliance not achieved: RDIS
-	-

²² House Movers [PDP 221.7]

Where:

1. the maximum GFA of the minor residential unit shall be 80m²;
2. there shall be only one minor residential unit per site; and
3. parking and access shall be from the same vehicle crossing as the principal residential unit on the site.

Matters of discretion are restricted to:

- RES-MD1 - Minor residential units

MRZ-R4 Residential activity Storage of vehicles and boats on residential sites²³

Activity status: PER

-

Where:

1. a maximum of one heavy vehicle shall be parked or stored on the site of the residential activity; and
2. any motor vehicles and/or boats dismantled, repaired or stored on the site of the residential activity shall be owned by the people who live on the same site.

Activity status when compliance not achieved: DIS

MRZ-R5 Gardening, cultivation and disturbance of land for fenceposts

Activity status: PER

-

Where:

Activity status when compliance not achieved: DIS

²³ Cl 16(2), sch 1, RMA minor change to address an error in the notified wording.

<p>1. <u>the activity is associated with an otherwise permitted or consented activity.</u></p>	
<p><u>MRZ-R6 Accessory building or structure</u></p>	
<p><u>Activity status: PER</u></p>	<p><u>Activity status when compliance not achieved: N/A</u></p>
<p><u>PDP-MRZ-R7 Boarding house</u></p>	
<p><u>Activity status: PER</u></p> <p>-</p> <p><u>Where:</u></p> <p>1. <u>a maximum of eight people shall be accommodated per site, including any on site managers.</u></p>	<p><u>Activity status when compliance not achieved: DIS</u></p>
<p><u>MRZ-R8 Residential disability care and care facility</u></p>	
<p><u>Activity status: PER</u></p>	<p><u>Activity status when compliance not achieved: N/A</u></p>
<p><u>MRZ-R9 Visitor accommodation</u></p> <p><i><u>This rule does not apply to any camping ground provided for under MRZ-R28.</u></i></p>	
<p><u>Activity status: PER</u></p> <p>-</p> <p><u>Where:</u></p> <p>1. <u>a maximum of eight visitors shall be accommodated per site.</u></p>	<p><u>Activity status when compliance not achieved: DIS</u></p>

MRZ-R10 Home business

Activity status: PER

-

Where:

1. the operator permanently resides on the site;
2. the maximum area occupied by the home business shall be 40m² (within or external to buildings on the site), except in the Residential Commercial Precinct where the maximum area shall be 100m²;
3. hours of operation that the home business is open to visitors and clients shall be limited to 7:00am to 7:00pm;
4. there is a maximum of 20 vehicle movements generated by the home business activity per day;
5. a maximum of two non-resident staff shall be employed as part of the home business;
6. any storage of materials associated with the home business shall be undertaken within buildings as part of the site identified in (2);
7. the activity does not include any food and beverage outlet, funeral related services and facility, heavy industry, vehicle sales, or vehicle repair, storage or dismantling; and

Activity status when compliance not achieved: DIS

<p>8. <u>where the home business involves paid childcare, a maximum of four non-resident children shall be cared for.</u></p>	
<p>MRZ-R11 Residential unit used as a show home</p>	
<p><u>Activity status: PER</u></p> <p>-</p> <p><u>Where:</u></p> <ol style="list-style-type: none"> <u>hours of operation, when the site is open to visitors and clients, shall be limited to 9:00am-47:00pm Monday to Friday and 9:00am-4:00pm Saturday, Sunday and²⁴ including public holidays;</u> <u>the duration of use as a show home shall not exceed two three</u>²⁵ <u>years after the Code of Compliance Certificate for the subject building has been issued; and</u> <u>the residential unit used as a show home shall not be located on local roads.</u> 	<p><u>Activity status when compliance not achieved: RDIS</u></p> <p>-</p> <p><u>Matters of discretion are restricted to:</u></p> <ul style="list-style-type: none"> <u>RES-MD3 - Use of a residential unit as a show home</u>
<p>MRZ-R12 Educational facility (excluding childcare facility)²⁶</p>	
<p><u>Activity status: PER</u></p> <p>-</p>	<p><u>Activity status when compliance not achieved: DIS</u></p>

²⁴ Bellgrove Rangiora Ltd [PDP 408.46]

²⁵ Ravenswood Developments Ltd [PDP 347.47]

²⁶ Bellgrove Rangiora Ltd [PDP 408.47], Ministry of Education [PDP 277.45]

Where:

1. the activity shall only be located on sites with frontage and the primary entrance to a strategic road, arterial road or collector road;
2. the maximum GFA of building occupied by the educational facility shall be 200m²;
3. ~~the hours of operation when the site is open to visitors, students, clients, and deliveries shall be between the hours of 7:00am – 9:00pm Monday to Friday;²⁷~~
4. the facility shall not result in more than two non-residential activities within a residential block frontage; and
5. ~~the facility shall not include the parking or storage of more than one heavy vehicle on the site of the activity.²⁸~~

MRZ-R13 Childcare facility

Activity status: PER

-

Where:

1. the activity shall only be located on sites with frontage and the primary entrance to a strategic road, arterial road or collector road;

Activity status when compliance not achieved: DIS

²⁷ MoE [PDP 277.45]

²⁸ MoE [PDP 277.45]

<ol style="list-style-type: none"> 2. <u>the maximum GFA of building occupied by the childcare facility shall be 200m²;</u> 3. <u>the hours of operation when the site is open to visitors, students, children, and deliveries shall be between the hours of 7:00am – 9:00pm Monday to Friday;</u> 4. <u>the facility shall not result in more than two non-residential activities within a residential block frontage, except in the Residential Commercial Precinct, where there shall be no limit to the number of non-residential activities within a block; and</u> 5. <u>the facility shall not include the parking or storage of more than one heavy vehicle on the site of the activity.</u> 	
MRZ-R14 Community garden	
Activity status: PER	Activity status when compliance not achieved: N/A
MRZ-R15 Health care facility	
Activity status: PER - Where: <ol style="list-style-type: none"> 1. <u>the activity shall only be located on sites with frontage and the primary entrance to a strategic road, arterial road or collector road.</u> 	Activity status when compliance not achieved: DIS

2. the maximum GFA of building occupied by the educational facility health care facility²⁹ shall be 200m².
3. the hours of operation when the site is open to visitors, patients, clients, and deliveries shall be between the hours of 7:00am – 6:00pm Monday to Saturday.
4. the facility shall not result in more than two non-residential activities within a residential block frontage, except in the Residential Commercial Precinct, where there shall be no limit to the number of non-residential activities within a block.
5. the facility shall not include the parking or storage of more than one heavy vehicle on the site of the activity.

MRZ-R16 Domestic animal keeping and breeding

Activity status: PER

Activity status when compliance not achieved: N/A

Advisory Note

- Refer to the District Council's bylaws for further rules regarding keeping of domestic animals.

MRZ-R17 Recreation activities

Activity status: PER

Activity status when compliance not achieved: NC

²⁹ Kainga Ora [PDP 325.257]

Where:

1. the activity is not a motorised recreation activity.

MRZ-R18 Multi-unit residential development

Activity status: RDIS

-

Where:

1. any residential unit fronting a road or public open space shall have a habitable room located at the ground level;
2. at least 50% of all residential units within a development shall have a habitable space located at ground level; and
3. a design statement shall be provided with the application.

Matters of discretion are restricted to:

- RES-MD2 - Residential design principles
- RES-MD7 - Outdoor storage

Notification

An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.

Activity status when compliance not achieved: DIS

MRZ-R19 Retirement village

Activity status: RDIS

Activity status when compliance not achieved: DIS

<p>-</p> <p><u>Where:</u></p> <ol style="list-style-type: none"> 1. <u>a design statement shall be provided with the application.</u> <p><u>Matters of discretion are restricted to:</u></p> <ul style="list-style-type: none"> • <u>RES-MD2 - Residential design principles</u> • <u>RES-MD7 - Outdoor storage</u> <p><u>Notification</u></p> <p><u>An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</u></p>	<p>-</p>
<p><u>MRZ-R20 Community facility</u></p> <p><i>This rule does not apply to any health care facility provided for under MRZ-R15 or recreation facilities provided for under MRZ-R25.</i></p>	
<p>-</p> <p><u>Activity status: RDIS</u></p> <p>-</p> <p><u>Matters of discretion are restricted to:</u></p> <ul style="list-style-type: none"> • <u>RES-MD2 - Residential design principles</u> • <u>RES-MD4 - Traffic generation</u> • <u>RES-MD7 - Outdoor storage</u> <p><u>Notification</u></p>	<p><u>Activity status when compliance not achieved: N/A</u></p>

<p>An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>	
<p>MRZ-R21 Cattery</p>	
<p>Activity status: DIS</p>	<p>Activity status when compliance not achieved: N/A</p>
<p>MRZ-R22 Veterinary facility</p>	
<p>Activity status: DIS</p>	<p>Activity status when compliance not achieved: N/A</p>
<p>MRZ-R23 Convenience activity</p>	
<p>Activity status: DIS</p> <p>-</p> <p>Where:</p> <ol style="list-style-type: none"> the retail or service activity shall be a maximum of 75m² GFA. 	<p>Activity status when compliance not achieved: NC</p>
<p>MRZ-R24 Entertainment activity</p>	
<p>Activity status: DIS</p>	<p>Activity status when compliance not achieved: N/A</p>
<p>MRZ-R25 Recreation facilities</p> <p><i>This rule does not apply to any motorised recreation activity provided for under MRZ-R37 or motorised vehicle events under MRZ-R38.</i></p>	
<p>Activity status: DIS</p>	<p>Activity status when compliance not achieved: N/A</p>
<p>MRZ-R26 Food and beverage outlet</p>	

<u>Activity status: DIS</u>	<u>Activity status when compliance not achieved: N/A</u>
<u>MRZ-R27 Changes or additions to an existing supermarket</u>	
<u>Activity status: DIS</u>	<u>Activity status when compliance not achieved: N/A</u>
<u>MRZ-R28 Any other activity not provided for in this zone as a permitted, controlled, restricted discretionary, discretionary, non-complying, or prohibited activity, except where expressly specified by a district wide provision</u>	
<u>Activity status: DIS</u>	<u>Activity status when compliance not achieved: N/A</u>
<u>MRZ-R29 Funeral related services and facility</u>	
<u>Activity status: NC</u>	<u>Activity status when compliance not achieved: N/A</u>
<u>MRZ-R30 Vehicle or boat repair or storage services</u>	
<u>Activity status: NC</u>	<u>Activity status when compliance not achieved: N/A</u>
<u>MRZ-R31 Industrial activity</u>	
<u>Activity status: NC</u>	<u>Activity status when compliance not achieved: N/A</u>
<u>MRZ-R32 Service station</u>	
<u>Activity status: NC</u>	<u>Activity status when compliance not achieved: N/A</u>
<u>MRZ-R33 Supermarket</u>	
<u>Activity status: NC</u>	<u>Activity status when compliance not achieved: N/A</u>

MRZ-R34 Large format retail

This rule does not apply to any supermarket provided for under MRZ-R33.

Activity status: NC

Activity status when compliance not achieved: N/A

MRZ-R35 Primary production

Activity status: NC

Activity status when compliance not achieved: N/A

MRZ-R36 Boarding kennels

Activity status: NC

Activity status when compliance not achieved: N/A

MRZ-R37 Motorised recreation activity

Activity status: NC

Activity status when compliance not achieved: N/A

MRZ-R38 Motorised vehicle events

Activity status: NC

Activity status when compliance not achieved: N/A

MRZ-R39 Yard-based activity

Activity status: NC

Activity status when compliance not achieved: N/A

MRZ-R40 Trade supplier

Activity status: NC

Activity status when compliance not achieved: N/A

Built Form Standards

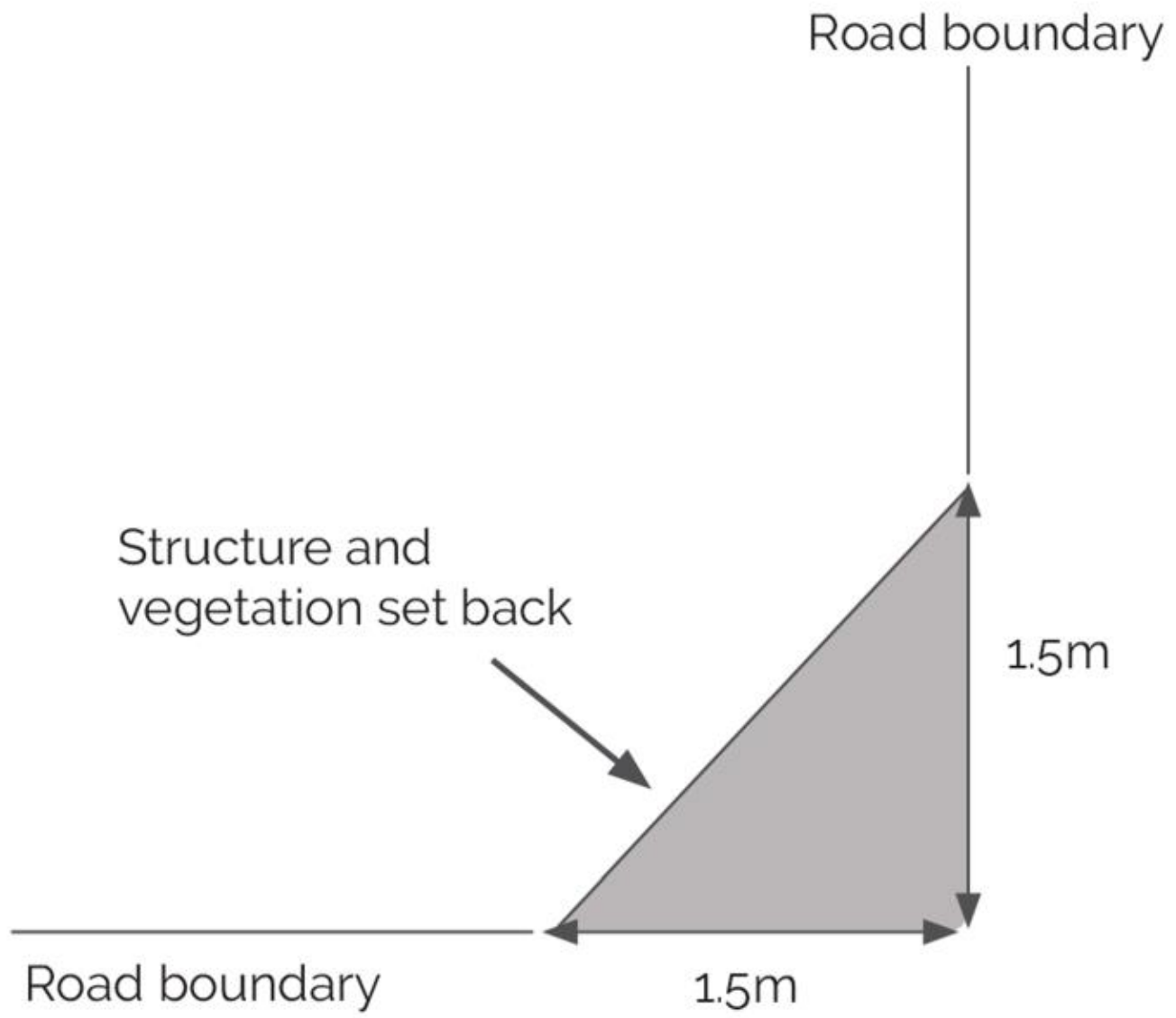
MRZ-BFS1 Site density	
<ol style="list-style-type: none"> 1. <u>Site density shall be a maximum of one residential unit per 200m² of net site area, which can be calculated over multiple adjacent sites.</u> 2. <u>Where a site is less than 200m², one residential unit is allowed.</u> 3. <u>This rule does not apply to any minor residential unit, or residential unit in a retirement village.</u> 	<p><u>Activity status when compliance not achieved: RDIS</u></p> <p>-</p> <p><u>Matters of discretion are restricted to:</u></p> <ul style="list-style-type: none"> • <u>RES-MD2 - Residential design principles</u> <p><u>Notification</u></p> <p><u>An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.</u></p>
MRZ-BFS2 Building coverage	
<ol style="list-style-type: none"> 1. <u>Building coverage shall be a maximum of 55% of the net site area, except that this rule shall not apply to:</u> <ol style="list-style-type: none"> a. <u>any infrastructure building;</u> b. <u>any caravan; or</u> c. <u>deck under 1m in height above ground level.</u> 	<p><u>Activity status when compliance not achieved: DIS</u></p>
MRZ-BFS3 Landscaped permeable surface	
<ol style="list-style-type: none"> 1. <u>The minimum landscaped permeable surface of any site shall be 20% of the net site area.</u> 	<p><u>Activity status when compliance not achieved: DIS</u></p>

<p>2. <u>For the purpose of calculating the area of landscaped permeable surface the following areas can be included:</u></p> <ol style="list-style-type: none"> a. <u>any paths 1.1m wide or less; or</u> b. <u>open slat decks under 1m in height above ground level with a permeable surface underneath.</u> 	
<p><u>MRZ-BFS4 Height</u></p>	
<p>1. <u>The maximum height of any building shall be 12m above ground level.</u></p>	<p><u>Activity status when compliance not achieved: DIS</u></p>
<p><u>MRZ-BFS5 Building and structure setbacks</u></p>	
<p>1. <u>Any building or structure other than a garage shall be set back a minimum of 2m from any road boundary (other than a strategic road or arterial road boundary where the minimum setback shall be 6m) except for:</u></p> <ol style="list-style-type: none"> a. <u>any fence permitted by MRZ-BFS8;</u> b. <u>poles and masts up to 6.5m in height above ground level;</u> c. <u>structures other than a fence, less than 10m² and less than 3m in height above ground level;</u> d. <u>any caravan;</u> e. <u>the replacement, maintenance and minor upgrading of any infrastructure; and</u> 	<p><u>Activity status when compliance not achieved: RDIS</u></p> <p>-</p> <p><u>Matters of discretion are restricted to:</u></p> <ul style="list-style-type: none"> • <u>RES-MD2 - Residential design principles</u> • <u>RES-MD5 - Impact on neighbouring property</u> <p><u>Notification</u></p> <p><u>An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</u></p>

- f. any structure or residential unit adjoining an accessway that does not have doors or windows that open into that accessway.
- 2. Any garage shall be set back a minimum of 6m from the road boundary.
- 3. Any building or structure shall be set back a minimum of 1m from any internal boundary, except that buildings on adjoining sites which share a common wall, the internal setback shall not apply along that part of the internal boundary covered by such a wall.
- 4. Habitable room windows within any residential unit on the first floor or above shall avoid direct views into an adjacent residential unit located within 9m by:
 - a. being offset by a minimum of 0.5m in relation to any existing window in an adjacent residential unit; or
 - b. having sill heights of 1.5m above floor level; or
 - c. having fixed obscure glazing below 1.5m above floor level.
- 5. On corner sites, vegetation or structures exceeding 1m in height above ground level shall not be located within the structure and vegetation setback area identified by Figure MRZ-1.

6. All buildings shall be set back a minimum of 4m from any site boundary with the rail corridor.

Figure MRZ-1: Structure and Vegetation Setback



MRZ-BFS6 Street interface

1. Where the site has direct road frontage, any residential unit or minor residential unit facing the road shall:
 - a. have at least one habitable room or kitchen located facing the street at ground level; and
 - b. include at least 20% of the front façade in glazing (within window or door panels) of which at least half is clear; and
 - c. shall have a door that is directly visible and accessible from the street.
2. Garage doors that face the street shall have a combined maximum width of 6.5m.

Activity status when compliance not achieved: RDIS

-

Matters of discretion are restricted to:

- RES-MD2 - Residential design principles

Notification

An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.

MRZ-BFS7 Height in relation to boundary

1. Structures shall not project beyond a building envelope defined by recession planes measured 2.5m from ground level above any site boundary in accordance with the diagrams in Appendix APP3 except for the following:
 - a. flagpoles;
 - b. lightning rods, chimneys, ventilation shafts, solar heating devices, roof water tanks, lift and stair shafts;
 - c. decorative features such as steeples, towers and finials;

Activity status when compliance not achieved: RDIS

-

Matters of discretion are restricted to:

- RES-MD2 - Residential design principles
- RES-MD5 - Impact on neighbouring property

Notification

<p>d. <u>for buildings on adjoining sites which share a common wall, the height in relation to boundary requirement shall not apply along that part of the internal boundary covered by such a wall; and</u></p> <p>e. <u>where the land immediately beyond the site boundary forms part of any rail corridor, drainage reserve, or accessway (whether serving the site or not), the boundary of the rail corridor, drainage reserve, or accessway furthest from the site boundary may be deemed to be the site boundary for the purpose of defining the origin of the recession plane, provided this deemed site boundary is no further than 6m from the site boundary;</u></p> <p>2. <u>Provided that none of the structures listed in (1) (c) to (e) above has a horizontal dimension of over 3m along the line formed where the structure meets the recession plane as measured parallel to the relevant boundary.</u></p> <p>3. <u>Where the site is within the Urban Flood Assessment Overlay or Kaiapoi Fixed Minimum Finished Floor Level Overlay, the height of the Finished Floor Level specified in a Flood Assessment Certificate can be used as the origin of the recession plane instead of ground level, but only up to an additional 1m above original ground level.</u></p>	<p><u>An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</u></p>
<p>MRZ-BFS8 Fencing</p>	
<p>1. <u>All fencing or walls fronting the road boundary; or within 2m of a site boundary with a public reserve, walkway or cycleway shall be:</u></p>	<p>Activity status when compliance not achieved: RDIS</p> <p>-</p>

- a. no higher than 1.2m above ground level; or
- b. where the site is a corner site, on one road boundary the height can be increased to 1.8m above ground level where at least 45% of the fence is visually permeable.

2. Any fence greater than 0.9m in height above ground level shall be at least 45% visually permeable as depicted in Figure MRZ-2, within 5m of any accessway, or within the structure and vegetation setback area shown in Figure MRZ-1.

3. Any other fence or freestanding wall, is a maximum height of 1.8m³⁰.

Matters of discretion are restricted to:

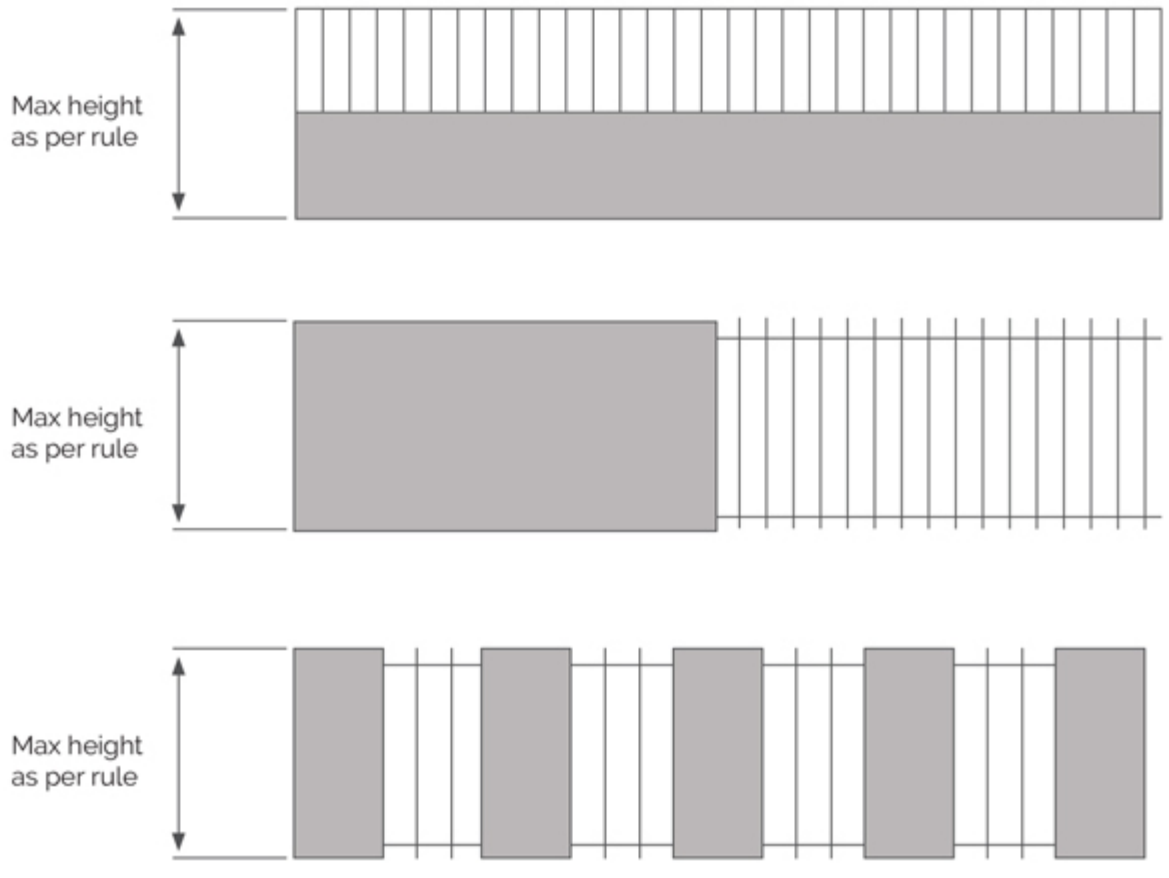
- RES-MD2 - Residential design principles
- RES-MD6 - Road boundary setback

Notification

An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.

Figure MRZ-2: Examples of Visually Permeable Fencing

³⁰ Waimakariri District Council [PDP 367.26]



MRZ-BFS9 Outdoor living space

1. Outdoor living space shall be provided as follows:
 - a. a minimum of 30m² of continuous outdoor living space able to contain a circle with a diameter of 4m shall be contained at ground level within the site of

Activity status when compliance not achieved: RDIS

Matters of discretion are restricted to:

the residential unit (except a residential unit within a retirement village) or

b. a balcony of at least 10m² with a minimum depth of 1.5m.

2. The required minimum area of outdoor living space shall not be occupied by any structure, driveway, or parking space, other than an outdoor swimming pool or washing line.
3. Where outdoor living space is provided communally between two or more residential units under (1)(a), the minimum outdoor living space shall be 25m² for each residential unit.

- RES-MD8 - Outdoor living space

Notification

An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.

Appendix B Recommended Responses to Submissions and Further Submissions

Please note that there is an additional column entitled Variation 1 consideration, which outlines my recommendations in respect of referring a matter or submission content to the IHP for their consideration through my s42A report on Variation 1, to be considered by the IHP with their additional scope powers available to the IHP under cl 99(2), sch1, RMA to consider ... *a matter identified by panel or any other person during the hearing; but are not limited to being within the scope of submissions made on the IPI.* These are identified in my s42A report on Variation 1.

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Variation 1 consideration	Recommended Amendments to Proposed Plan (not Variation 1)
Medium Density Residential Zone – Introduction								
325.240	Kainga Ora		<p>Amend the introduction of the Medium Density Residential Zone Chapter:</p> <p>"The purpose of the Medium Density Residential Zone is to provide for residential areas predominantly used for residential activity with moderate concentration and bulk of buildings, such as detached, semi-detached and terrace housing, low rise apartments and other compatible activities. Such areas are identified close to town and neighbourhood centres, along public transport corridors, or close to public transports <u>transport stops and open space.</u></p> <p>The Medium Density Residential Zone is located in the township areas of Rangiora, Kaiapoi, Oxford, Woodend and Silverstream."</p>	2.1	Accept	Change improves wording	I consider that this proposed change should be considered by the IHP in the context of Variation 1.	Yes
Medium Density Residential Zone – Objectives								
325.241	Kainga Ora	MRZ-O1	<p>Amend MRZ-O1:</p> <p>"Provision of medium density <u>residential</u> housing A higher density suburban residential zone located close to amenities with a range of housing typologies providing for predominantly residential use."</p>	2.2	Accept	Change improves wording	MRZ-O1 has been superseded by Variation 1, and the proposed amendments by the submitter would not make grammatical sense in the V1 context.	Yes
Medium Density Residential Zone – Policies								
277.44	Ministry of Education	MRZ-P1	"Amend MRZ-P1(1):	2.3	Accept	Change improves wording	MRZ-P1(1) has been superseded	Yes

			<p>"...</p> <p>1. higher density living in areas with better access for walking to parks, <u>educational facilities</u>, main centres or local commercial centres;</p> <p>..."</p>				by Variation 1, and the proposed amendments by the submitter would not make grammatical sense in the V1 context.	
207.30	Summerset Retirement Villages (Rangiora) Ltd	MRZ-P1	<p>Amend MRZ-P1:</p> <p>"...</p> <p>9. Retirement villages that are</p> <p><u>a. sited and designed to promote interaction with the surrounding other sections of the community, without compromising privacy and security;</u></p> <p><u>b. of a scale and appearance that reflects and is compatible with the residential style and character of the locality;</u></p> <p><u>c. provided with appropriate outdoor areas living space and landscaping; and</u></p> <p><u>d. designed to provide safe, secure, attractive, convenient, and comfortable living conditions for residents."</u></p>	2.3	Reject	Submitter's changes are inconsistent with Proposed Plan definition of residential units that includes retirement units. Separate treatment for retirement units is not considered to be necessary.	MRZ-P1(1) has been superseded by Variation 1, and the proposed amendments by the submitter would not make grammatical sense in the V1 context.	No
325.242	Kainga Ora	MRZ-P1	<p>Amend MRZ-P1:</p> <p><u>"Residential character and amenity values</u> Provide for activities and structures that support and maintain the character and amenity values anticipated for the zone, which provides for:</p> <p>1. higher density living in areas with better access for walking to parks, main centres or local commercial centres;</p> <p>2. multi-unit redevelopment opportunities through flexible development controls and encouragement for multi-site redevelopment;</p> <p>3. high quality building and landscape design for multi-unit residential development with appropriate streetscape landscaping and positive contribution to streetscape character;</p> <p>4. provides for a peaceful residential environment, in particular minimising the adverse effects of night time noise and outdoor lighting, and limited signs;</p> <p>5. appropriate internal amenity within sites;</p> <p>6. a mix of detached, semi-detached and multi-unit living;</p> <p>7. small scale commercial, or community based activities, that service the local community, and home businesses; and</p>	2.3	Reject	<p>Much of this was superseded by the MDRS wording, and noting that Kainga Ora have a corresponding submission on the V1 MDRZ.</p> <p>Accepting the remaining relief in the context of the PDP MDRZ would result in the two zone conditions having substantially different provisions.</p>	Kainga Ora have submission scope within Variation 1 to consider this in this context.	No

			<p>8. a wider range of home business-based commercial activity in the Residential Commercial Precinct adjacent to Rangiora Town Centre.</p> <p><u>Enable the planned residential character and amenity of the Medium Density Residential Zone by controlling:</u></p> <p><u>a. The design and layout of four or more dwellings in order to:</u></p> <p><u>i. Achieve the planned character of the zone;</u> <u>ii. Achieve attractive and safe streets and public open spaces;</u> <u>iii. Manage the effects of development on adjoining neighbouring sites, including visual amenity, privacy and access to daylight and sunlight; and</u> <u>iv. Achieve high quality onsite living environments.</u></p> <p><u>b. Building height, bulk and location;</u> <u>c. Site coverage and outdoor living space;</u> <u>d. Setbacks from boundaries; and</u> <u>e. Height in relation to boundary."</u></p>					
163.4	Lamb and Hayward Ltd	MRZ-P1	Amend MRZ-P1 to include a policy that relates to expansion of existing activities to accommodate the strategic direction and operational need.	2.3	Reject	Changes to the policy are not considered to be required to continue current operation of funeral home	Not recommended to be passed to the IHP to be also considered under Variation 1.	No
183.12	Richard and Geoff Spark	RESZ-P14	Amend RESZ-P14 to delete reference to the alternative minimum net density of 12 households per ha where there are demonstrated constraints and instead provide for density exemption, also add reference to types of constraints that may be included, in order to give effect to submitter's request to rezone land in vicinity of Boys Road and Marshs Road, Rangiora, and to the west of the proposed Eastern Bypass, to General Residential Zone (GRZ) and Medium Density Residential Zone (MRZ) or alternatively rezone to GRZ, MRZ, business, format retail, mixed use, or a mix of these and rezone land north of Boys Road, Rangiora, and within the South East Rangiora Development Area to GRZ. Amend RESZ-P14: "... 1. in new Development Areas, achieve a minimum net density of 15 households per ha averaged across the whole of the residential Development Area within the relevant ODP, <u>unless there are demonstrated constraints, or there is an alternative minimum density specified in the applicable Outline Development Plan then a density exemption shall apply.</u> <u>Constraints may include but not be limited to landscape and</u>	2.4	Accept in part	Changes to the policy are not considered necessary at this time but this may occur via Right of Reply after the relationship between density provisions and rezoning proposals is considered.	This policy is not affected or amended by the MDRS or Variation 1	Not at this time

			<u>ground conditions, servicing requirements, and existing subdivision and housing patterns less than 12 households per ha."</u>					
FS 85	FS Bellgrove Rangiora Ltd	RESZ-P14	Oppose	2.4	Reject			
Medium Density Residential Zone – Activity Rules								
Activity Rules – MRZ-R1								
207.46	Summerset Retirement Villages (Rangiora) Ltd	MRZ-R1	<p>Retain the exclusions for retirement villages from the site density and outdoor living space standards.</p> <p>Amend GRZ-BFS4:</p> <p>"1. ...</p> <p>a. 8m above ground level; except that where a site is larger than 6,000m², the maximum height of any building shall be 12m above ground level where the setback of buildings from the internal boundary is more than 10m.</p> <p><u>Except where an ODP within a Development Area allows for a different maximum building height."</u></p> <p>Amend GRZ-BFS6 to add (3):</p> <p>"...</p> <p>3. <u>This rule does not apply to a residential unit in a retirement village."</u></p>	2.4	Reject	Either out of scope, or would have no operational effect given that MRZ-R18/19 governs retirement villages.	Has not been superseded by Variation 1.	No
221.7	House Movers Section of New Zealand Heavy Haulage Association	MRZ-R1	<p>Amend MRZ-R1:</p> <p>"1. The activity complies with all built form standards (as applicable).</p> <p><u>2. A building is moved:</u></p> <p>a. <u>It shall be fixed to permanent foundations within 2 months (unless being stored as a temporary activity); and</u></p> <p>b. <u>Reinstatement works to the exterior of the building shall be completed within 12 months, including connection to services, and closing in of the foundations.</u></p> <p>c. <u>A building pre-inspection report to accompany the application for a building consent for the destination site which identifies all reinstatement works that are to be completed to the exterior of the building and a certification by</u></p>	2.4	Accept in part	An advice note has been recommended to explain the rule in the context of permanently relocated buildings	Has been recommended for consideration under Variation 1.	Yes

			<u>the property owner that the reinstatement works shall be completed within the specified [12] month period."</u>					
242.12	Dalkeith Holdings Ltd	RESZ-P14	<p>Amend RESZ-P14 to delete reference to the alternative minimum net density of 12 households per ha where there are demonstrated constraints and instead provide for density exemption, and also add reference to types of constraints that may be included, in order to enable the submitter's request to rezone 63 Oxford Road and 212 Johns Road, Rangiora for residential development, which would accommodate approximately 297 General Residential Zone lots and contribute to Rangiora's sustainable growth. Rezoning this land is consistent with the growth direction for Rangiora set out in the Proposed District Plan and Canterbury Regional Policy Statement (CRPS) (site is within a Future Development Area (FDA) on Map A of CRPS). It would give effect to the National Policy Statement on Urban Development and Change 1 of the CRPS. There are no resource management reasons precluding the site from rezoning. It is the most appropriate outcome, particularly given the removal of statutory planning barriers, and the vacant residential land shortfall causing high demand and increasing house prices. Submissions promoting rezoning within FDAs are an immediate opportunity to bridge this shortfall in the medium term, and early part of the long term. Rangiora has approximately four years vacant land supply there is urgency to provide additional capacity given it takes 3-5 years to convert zoned land into developed lots. Further feasible development capacity through zoning is needed to address a shortfall in the sufficiency of feasible residential development capacity to meet the medium-term targets. Amend RESZ-P14:</p> <p>"Development densities for new Development Areas and Large Lot Residential Zone Overlays shall be as follows: 1. in new Development Areas, achieve a minimum net density of 15 households per ha averaged across the whole of the residential Development Area within the relevant Outline Development Plan, <u>unless there are demonstrated constraints then a density exemption shall apply. Constraints may include but not be limited to protection of springs and historic heritage, ground conditions, and existing subdivision and housing patterns. less than 12 households per ha.</u> ..."</p>	2.4	Accept in part	Changes to the policy are not considered necessary at this time but this may occur via Right of Reply after the relationship between density provisions and rezoning proposals is considered.	This policy is not affected or amended by the MDRS or Variation 1	Not at this time
246.13	Miranda Hales	RESZ-P14	<p>Amend RESZ-P14 to delete reference to the alternative minimum net density of 12 households per ha where there are demonstrated constraints and instead provide for density exemption, also add reference to types of constraints that may be included, in order to give effect to submitter's request to rezone 126 Lehman's Rd, Fernside for residential development. The site is included as a Future Development Area on Map A of the Canterbury Regional Policy Statement (CRPS), which are</p>	2.4	Accept in part	Changes to the policy are not considered necessary at this time but this may occur via Right of Reply after the relationship between density provisions and	This policy is not affected or amended by the MDRS or Variation 1	Not at this time

			intended to accommodate increased demand for new dwellings, and respond to the National Policy Statement on Urban Development 2020 (NPS-UD). Rezoning this land for residential would be consistent with the growth direction for Rangiora set out in the CRPS and Proposed District Plan, and give effect to Change 1 of the CRPS and the NPS-UD, and address the shortfall of vacant residential land by accommodating approximately 70 lots. Amend RESZ-P14: "1. in new Development Areas, achieve a minimum net density of 15 households per ha averaged across the whole of the residential Development Area within the relevant ODP, <u>unless there are demonstrated constraints then a density exemption shall apply. Constraints may include but not be limited to protection of springs and historic heritage, ground conditions, and existing subdivision and housing patterns. less than 12 households per ha...</u> "			rezoning proposals is considered.		
266.9	199 Johns Road et al	RESZ-P14	199 Johns Road et al [266.9] note that the General Residential Zone 500m ² allotment size would not enable 163, 191, 199 and 203 Johns Road, Rangiora to achieve the minimum net density of 15 houses per ha required by RESZ-P14. Therefore, if this site was to be rezoned for urban development, it would be appropriate to enable some medium density development within it. Provide for some medium density residential development within 163, 191, 199 and 203 Johns Road, Rangiora.	2.4	Accept in part	Changes to the policy are not considered necessary at this time but this may occur via Right of Reply after the relationship between density provisions and rezoning proposals is considered.	This policy is not affected or amended by the MDRS or Variation 1	Not at this time
Medium Density Residential Zone – MRZ-R2								
325.44	Kainga Ora	MRZ-R2	Amend MRZ-R2: <u>"Where:</u> <u>1. No more than three residential units are established on the site.</u> <u>Activity status: RDIS</u> <u>Where:</u> <u>2. More than three residential units are established on the site.</u> <u>Matters of discretion are restricted to:</u> <u>RES-MD2 - Residential design principles</u> <u>RES-MD7 - Outdoor storage</u> <u>Notification</u> <u>An application for a restricted discretionary activity under this</u>	2.5	Reject	Already covered by PDP MDRZ R18	The Kainga Ora relief predates the MDRS and is inconsistent with it, and given that this submitter already has a submission on Variation 1, I do not recommend also considering this relief in the context of Variation 1.	

			rule is precluded from being publicly or limited notified. Activity status when compliance not achieved: N/A"					
Medium Density Residential Zone – MRZ-R5								
325.247	Kainga Ora	MRZ-R5	Delete MRZ-R5.	2.6	Reject	Already provided for in MRZ-R5	Not considered necessary to pass for consideration in Variation 1 as submitter has relief on Variation 1 and V1-MRZ-R4 covers this matter	No
Medium Density Residential Zone – MRZ-R7								
325.249	Kainga Ora	MRZ-R7	Amend MRZ-R7: "Activity status when compliance not achieved: <u>DISRDIS</u> Matters of discretion are restricted to: <u>RES-MD#</u> (Insert new matter of discretion) <u>Res-MD# Use of Residential Unit as a Boarding House, Visitor Accommodation or Home Business</u> <u>1. Effects on character and amenity values of the residential area.</u> <u>2. Parking and access; safety, efficiency, and impacts on street parking and neighbours.</u> <u>3. Effects arising due to non-compliance with scale."</u>	2.7	Reject	Considered to be already provided for through the discretion within MRZ-R7	Not considered necessary to pass for consideration in Variation 1 as submitter has relief on Variation 1	No
Medium Density Residential Zone – MRZ-R9								
325.251	Kainga Ora	MRZ-R9	Amend MRZ-R9: "... Activity status: PER Where: 1. a maximum of eight <u>people</u> shall be accommodated per site. Activity status when compliance not achieved: DIS"	2.8	Reject	Considered to be already provided for through the discretion within MRZ-R7	Not considered necessary to pass for consideration in Variation 1 as submitter has relief on Variation 1	No
Medium Density Residential Zone – MRZ-R10								
325.252	Kainga Ora	MRZ-R10	Amend MRZ-R10: "Where: 1. the activity does not include any food and beverage outlet,	2.9	Reject	Considered to be already provided for through the discretion within MRZ-R7	Not considered necessary to pass for consideration in Variation 1 as	No

			<p>funeral related services and facility, heavy industry, vehicle sales, or vehicle repair, storage or dismantling; and</p> <p>2. the home business involves paid childcare, a maximum of four non-resident children shall be cared for.</p> <p>Activity status when compliance not achieved: DISRDIS</p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>RES-MD#</u></p> <p><u>Res-MD# Use of Residential Unit as a Boarding House, Visitor Accommodation or Home Business</u></p> <p><u>1. Effects on character and amenity values of the residential area.</u></p> <p><u>2. Parking and access; safety, efficiency, and impacts on street parking and neighbours.</u></p> <p><u>3. Effects arising due to non-compliance with scale."</u></p>				submitter has relief on Variation 1	
Medium Density Residential Zone – MRZ-R11								
408.46	Bellgrove Rangiora Ltd	MRZ-R11	Amend MRZ-R11 (1) to enable show homes to be open Monday to Friday 9:00am to 7:00pm and Saturday, Sunday and public holidays 9:00am to 4:00pm.	2.10	Accept	Accept	This rule has not been superseded by Variation 1	Yes
347.47	Ravenswood Developments Limited (RDL)	MRZ-R11	Amend the permitted duration in MRZ-R11 (2) to three years.	2.10	Accept	Accept	This rule has not been superseded by Variation 1	Yes
Medium Density Residential Zone – MRZ-R12								
408.47	Bellgrove Rangiora Ltd	MRZ-R12	"Amend MRZ-R12 so that a proposal which does not meet clause (2) to result in restricted discretionary status with Council's discretion restricted to matters relating solely to the scale of non-residential activity as opposed to full discretionary status.	2.11	Accept in part	Amendments are recommended to the Proposed Plan	This rule has not been superseded by Variation 1	Yes
277.45	Ministry of Education	MRZ-R12	<p>Amend MRZ-R12:</p> <p>"Educational facility(excluding childcare facility)</p> <p>Activity status: PER</p> <p>Where:</p> <p><u>1. Any building or structure shall be set back a minimum of 2m from any road boundary (other than a strategic road or arterial road boundary where the minimum setback shall be 6m) except for exclusions listed under MRZ-BFS5.1</u></p>	2.11	Accept in part	Amendments are recommended to the Proposed Plan	This rule has not been superseded by Variation 1	Yes

			<p><u>2. Buildings and structures shall comply with the Height in Relation to Boundary standards under MRZ-BFS7.</u></p> <p><u>3. Noise shall not exceed the following levels when measured at or within the boundary of any site receiving noise from the educational facility:</u></p> <p><u>a. 50 dB Laeq between 7.00am – 10pm</u></p> <p><u>b. 40 dB Laeq between 10pm – 7am</u></p> <p><u>c. 70 dB LAF (max) between 10pm – 7am</u></p> <p><u>4. the facility shall not result in more than two non-residential activities within a residential block frontage, except in the Residential Commercial Precinct, where there shall be no limit to the number of non-residential activities within a block</u></p> <p><u>1. the activity shall only be located on sites with frontage and the primary entrance to a strategic road, arterial road or collector road;</u></p> <p><u>2. the maximum GFA of building occupied by the educational facility shall be 200m²;</u></p> <p><u>3. the hours of operation when the site is open to visitors, students, clients, and deliveries shall be between the hours of 7:00am – 9:00pm Monday to Friday;</u></p> <p><u>4. the facility shall not result in more than two non-residential activities within a residential block frontage, except in the Residential Commercial Precinct, where there shall be no limit to the number of non-residential activities within a block; and</u></p> <p><u>5. the facility shall not include the parking or storage of more than one heavy vehicle on the site of the activity."</u></p>					
Medium Density Residential Zone – MRZ-R13								
408.48	Bellgrove Rangiora Ltd	MRZ-R13	Amend MRZ-R13 so that a proposal which does not meet clause (2) results in restricted discretionary status as opposed to discretionary status. Clarify clause (4)."	2.12	Reject	Areas with a GFA of greater than 200m ² can seek a resource consent	Not superseded by Variation 1	No
Medium Density Residential Zone – MRZ-R15								
325.257	Kainga Ora	MRZ-R15	Amend MRZ-R15: "... 1.the maximum GFA of building occupied by the educational facility health care facility shall be 200m ²"	2.13	Accept	Accept that this is a typographical error.	Not superseded by Variation 1	No

Medium Density Residential Zone – MRZ-R18								
325.260	Kainga Ora	MRZ-R18	Delete MRZ-R18.	2.14	Reject	As with their submission on MRZ-R2, this has been superseded by Variation 1, and the relief would be inconsistent with it	Submitter has scope on Variation 1	No
Medium Density Residential Zone – MRZ-R19								
207.34 ³¹	Summerset Retirement Villages (Rangiora) Ltd	MRZ-R19	Replace MRZ-R19 with: "Activity status: <u>CON</u> Where: 1. a design statement is provided with the application; and <u>2. communal rubbish/recycling space/s are provided for use by residents.</u> <u>Matters of control are reserved to: RES-MDX – Retirement Village design principles"</u>	2.15	Reject	All matters addressed in a design statement would result in the activity status being RDIS.	Not superseded by Variation 1	No
Medium Density Residential Zone – MRZ-R28								
303.54	Fire and Emergency NZ	MRZ-R28	"Insert new provision: <u>"MRZ-RX Emergency service facility</u> <u>Activity Status: Permitted"</u>	2.16	Reject	Lack of evidence to assess another activity status for this activity and its inclusion in the proposed plan zoning as a specific activity	Not superseded by Variation 1	No
Medium Density Residential Zone – MRZ-R29								
163.5	Lamb and Hayward Ltd	MRZ-R29	Amend MRZ-R29 to state 'new funeral related services and facility'. Seek the addition of a Medium Residential Density Zone Restricted Discretionary Activity status for funeral homes or the inclusion of funeral homes in the definitions of either spiritual facilities or community facilities to enable the expansion of funeral related services and facilities with the following matters of discretion: - Urban design; - Scale and intensity; - Traffic generation;	2.17	Reject	Funeral home activities not considered as ancillary to residential activities, noting recommendation in hearing stream 12E s42A report to rezone this site to medium density residential, and site can continue to operate under existing use rights.	Not superseded by Variation 1	No

³¹ Support - Momentum Land Ltd [FS 63] – Officer recommendation – N/A

			- Noise - Reverse sensitivity.					
Built Form Standards – MRZ-BFS1								
325.263	Kainga Ora	MRZ-BFS1	Oppose MRZ-BFS1. Land Use density limitations do not sufficiently enable residential intensification. Reliance on built form standards and enabling provisions for more than one unit on a site are more appropriate. Delete MRZ-BFS1.	2.18	Reject		Superseded by Variation 1, submitter has scope on Variation 1.	No
Built Form Standards – MRZ-BFS2								
325.264	Kainga Ora	MRZ-BFS2	"Amend MRZ-BFS2: "Activity status when compliance not achieved: DISRDIS <u>Matters of discretion are restricted to:</u> <u>RES-MD5 - Impact on neighbouring property</u> <u>Notification</u> <u>An application under this rule is precluded from being publicly notified, but may be limited notified."</u>	2.18	Reject		Superseded by Variation 1, submitter has scope on Variation 1.	No
Built Form Standards – MRZ-BFS3								
325.265	Kainga Ora	MRZ-BFS3	Amend MRZ-BFS3: "Activity status when compliance not achieved: DISRDIS <u>Matters of discretion are restricted to:</u> <u>RES-MD5 - Impact on neighbouring property</u> <u>Notification</u> <u>An application under this rule is precluded from being publicly notified, but may be limited notified."</u>	2.18	Reject		Superseded by Variation 1, submitter has scope on Variation 1.	No
Built Form Standards – MRZ-BFS4								
325.266	Kainga Ora	MRZ-BFS4	Amend MRZ-BFS4: "Activity status when compliance not achieved: DISRDIS <u>Matters of discretion are restricted to:</u> <u>RES-MD5 - Impact on neighbouring property</u>	2.18	Reject		Superseded by Variation 1, submitter has scope on Variation 1.	No

			<p><u>Notification</u></p> <p><u>An application under this rule is precluded from being publicly notified, but may be limited notified.</u>"</p>					
Built Form Standards – MRZ-BFS5								
373.82	KiwiRail Holdings Limited	MRZ-BFS5	<p>Amend MRZ-BFS5:</p> <p>"... 6. All buildings shall be set back a minimum of 4m<u>5m</u> from any site boundary with the rail corridor."</p>	2.18	Accept	In the context of the PDP MDRZ, relief can be accepted.	Superseded by Variation 1, submitter has scope on Variation 1.	No
325.267	Kainga Ora	MRZ-BFS5	<p>Amend MRZ-BFS5:</p> <p>"1. Any building or structure other than a garage shall be set back a minimum of 2m from any road boundary (other than a strategic road or arterial road boundary where the minimum setback shall be 6m) except for:</p> <p>...</p> <p>2. Any garage <u>with a vehicle door that faces the street</u> shall be set back a minimum of 6m from the road boundary.</p> <p>3. Any building or structure shall be set back a minimum of 1m from any internal boundary, except that buildings on adjoining sites which share a common wall, the internal setback shall not apply along that part of the internal boundary covered by such a wall.</p> <p>4. Habitable room windows within any residential unit on the first floor or above shall avoid direct views into an adjacent residential unit located within 9m by:</p> <p>a. being offset by a minimum of 0.5m in relation to any existing window in an adjacent residential unit; or</p> <p>b. having sill heights of 1.5m above floor level; or</p> <p>c. having fixed obscure glazing below 1.5m above floor level.</p> <p>5. On corner sites, vegetation or structures exceeding 1m in height above ground level shall not be located within the structure and vegetation setback area identified by Figure MRZ-1.</p> <p>..."</p> <p>Figure MRZ 1: Structure and Vegetation Setback</p>	2.18	Reject		Superseded by Variation 1, submitter has scope on Variation 1.	No

347.54	Ravenswood Developments Limited (RDL)	MRZ-BFS5	"Delete MRZ-BFS5 (2). Delete "other than a garage" in (1)."	2.18	Reject		Superseded by Variation 1, submitter has scope on Variation 1.	No
167.3	Beach Road Estates Limited	MRZ-BFS5	Amend MRZ-BFS5(1) and (2): "1. Any building or structure, other than a garage <u>with a vehicle door facing the street</u> , shall be set back a minimum of 2m from any road boundary (other than a strategic road or arterial road boundary where the minimum setback shall be 6m) except for: ... 2. Any garage <u>with a vehicle door facing the street</u> shall be set back a minimum of 6m from the road boundary. ..."	2.18	Reject		Superseded by Variation 1, submitter does not have scope on Variation 1	No
367.11	Waimakariri District Council	MRZ-BFS5	Amend MRZ-BFS5(1): "Any building or structure other than a garage shall be set back a minimum of 2m from any road <u>or accessway</u> boundary (other than a strategic road or arterial road boundary where the minimum setback shall be 6m) except for: ..."	2.18	Reject	Can be considered in context of the PDP MDRZ, but not recommended due to inconsistency between the zones.	Superseded by Variation 1, submitter has scope on Variation 1.	No
Built Form Standards – MRZ-BFS6								
325.268	Kainga Ora	MRZ-BFS6	Amend MRZ-BFS6: "2. Where the site has direct road frontage, any residential unit or minor residential unit facing the road shall: ... b. include at least 20% 15% of the front façade in glazing (within window or door panels) of which at least half is clear; and c. shall have a door that is directly visible and accessible from the street. ... Notification An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified. <u>An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.</u> "	2.18	Reject	In the context of the PDP MDRZ, I consider that alignment with the V1 MDRS standards should be achieved where possible	The content of this has been superseded by Variation 1 and the submitter has scope on this process.	No

408.50	Bellgrove Rangiora Ltd	MRZ-BFS6	Introduce greater flexibility to MRZ-BFS6 for the scenario where a lot is orientated so that it has both road frontage and open space frontage, for example by including the following additional clause: "1... <u>d. Where a site has both direct road frontage and direct frontage with an open space reserve it is exempt from compliance with GRZ BFS6 1(a). In these situations, a residential unit may have a habitable room or kitchen at ground level located to face the open space frontage instead of the street frontage.</u> ..."	2.18	Reject	In the context of the PDP MDRZ, I consider that alignment with the V1 MDRS standards should be achieved where possible	The content of this has been superseded by Variation 1 and the submitter has scope on this process.	No
325.269	Kainga Ora	MRZ-BFS7	Amend MRZ-BFS7: "1. Structures shall not project beyond a building envelope defined by recession planes measured 2.5m <u>3m</u> from ground level above any site boundary..." (Amend Appendix APP3 accordingly)	2.18	Reject	In the context of the PDP MDRZ, I consider that alignment with the V1 MDRS standards should be achieved where possible	The content of this has been superseded by Variation 1 and the submitter has scope on this process.	No
Built Form Standards – MRZ-BFS8								
325.270	Kainga Ora	MRZ-BFS8	Amend MRZ-BFS8: "..." 4. Any fence greater than 0.9m in height above ground level shall be at least 45% visually permeable as depicted in Figure MRZ-2, within 5m of any accessway, or within the structure and vegetation set back area shown in Figure MRZ-1."	2.18	Reject	In the context of the PDP MDRZ, I consider that this standard does not directly relate to density as it relates to fencing.	This provision has not been superseded by Variation 1	No
408.52	Bellgrove Rangiora Ltd	MRZ-BFS8	Amend MRZ-BFS8 (2) so that where a fence within 5m of an accessway is greater than 0.9m in height it is at least 35% visually permeable (instead of 45%).	2.18	Reject		This provision has not been superseded by Variation 1	No
367.26	Waimakariri District Council	MRZ-BFS8	Amend fencing requirements in MRZ-BFS8: "1. All fencing, or walls fronting the road boundary; or within 2m of a site boundary with a public reserve, walkway or cycleway <u>pedestrian or cycle facilities</u> , shall be: a. no higher than 1.2m above ground level; or b. no higher than 1.8m above ground level where at least 45% of the fence is visually permeable. 2. Any fence, or wall greater than 0.9m in height above ground level shall be at least 45% visually permeable as depicted in Figure GRZ-2, within 5m of any accessway, or within the structure and vegetation set back area shown in Figure GRZ-1;	2.18	Accept	Catch all standard of 1.8m is recommended.	This provision has not been superseded by Variation 1	No

			and <u>3. Any other fence or freestanding wall, is a maximum height of 1.8m."</u>					
155.8	Woodend-Sefton Community Board	MRZ-BFS8	Amend MRZ-BFS8 to not allow variations to resource consents, especially bulk variations by developers, regarding height and/or visual permeability of front boundary fences.	2.18	Reject	Built form standards can be altered by resource consents, provided those consents address the matters of discretion in consents and objective and policies	This provision has not been superseded by Variation 1	No
Built Form Standards – MRZ-BFS9								
325.271	Kainga Ora	MRZ-BFS9	Amend MRZ-BFS9: "1. Outdoor living space shall be provided as follows: a. a minimum of 30m2-15m2 of continuous outdoor living space able to contain a circle with a diameter of 4m-3m shall be contained at ground level within the site of the residential unit (except a residential unit within a retirement village) or b. a balcony of at least 10m2 with a minimum depth of 1.5m. 2. The required minimum area of outdoor living space shall not be occupied by any structure, driveway, or parking space, other than an outdoor swimming pool or washing line 2. Where outdoor living space is provided communally between two or more residential units under (1)(a), the minimum outdoor living space shall be 25m2 15m2 for each residential unit. 3. <u>The required minimum area of outdoor living space shall be free of driveways, manoeuvring areas, parking spaces, accessory buildings, and service areas."</u>	2.18	Reject	The content of this has largely been superseded by Variation 1. It could be considered in the context of the PDP but I am conscious to try and align the two medium density zones as much as possible	The content of this has been superseded by Variation 1 and the submitter has scope on this process.	No

Appendix C Report Author's Qualifications and Experience

I hold the following qualifications:

- Master of Planning (MPlan) and Bachelor of Science (BSc), majoring in physical geography from the University of Otago.

I am an intermediate member of the New Zealand Planning Institute.

I am a certified RMA hearings commissioner.

I have 17 years' experience in working as a planner for local, central government, private consultancy, and a range of non-government organisations.

My work experience includes:

- Statutory, RMA, and recreation planning for the Department of Conservation.
- Consent planning for the Waitaki District Council.
- Extensive affected party, policy planning, Environment Court case management and litigation, central government liaison, and freshwater science experience with regional Fish and Game Councils and the New Zealand Fish and Game Council.
- Principal advisor (water) for Federated Farmers of New Zealand.
- Private consultancy, primarily on conservation and recreation planning issues to a range of non-government organisation and trust clients.
- Private aquaculture and geospatial businesses.

I have worked on planning matters across all New Zealand.

I have been employed by the Waimakariri District Council since August 2022.

Conflict of interest statement

In my role at Federated Farmers of New Zealand, I was the primary author of its submission on the PDP. I understand that this is a potential conflict of interest that requires declaration. Whilst I have no direct interest or benefit or gain from the outcome of the submission, not being from a farming background and also being a new resident to the district (and region) since employment by Council, I have undertaken to:

- a. Not be the reporting officer on the rural chapter
- b. Ensuring that any other work that handles the Federated Farmers submission is checked and reviewed.
- c. Not participating in consultation and engagement with Federated Farmers, except with another staff member present.

I notified my employer, the Waimakariri District Council, of this prior to employment

Qualifications in respect of geospatial modelling

I have 15 years of experience in geospatial modelling and programming, particularly open source techniques and spatial SQL, and 25 years of experience in associated computer programming.

