

## **V1 PART A: DISTRICT WIDE, AREA SPECIFIC AND QUALIFYING MATTERS**

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## **1 Scope of Report**

- [1] This Recommendation Report prepared by the Independent Hearing Panel (IHP) relates to submissions and further submissions that were received on the Qualifying Matters, Strategic Directions, Energy and Infrastructure, Noise, Historic Heritage and certain Area Specific Matters of Part A of the SDC's Intensification Planning Instrument (IPI) which is otherwise known as Variation 1 to the PDP.
- [2] The IHP members were:
- Andrew Willis
  - Raewyn Solomon
  - Rob van Voorthuysen (Chair)
- [3] The Section 42A Report<sup>1</sup> was:
- Section 42A Report, Part A of Intensification Planning Instrument – Variation 1 to the Proposed District Plan, Report on submissions and further submissions, District Wide, Area Specific and Qualifying Matters, Jessica Tuilaepa, 6 April 2023
  - Addendum to the S42A Report for Variation Hearing: District Wide, Area Specific and Qualifying Matters, Jessica Tuilaepa, 28 April 2023
- [4] Our recommended amendments to the IPI provisions are set out in Appendix 1.

## **2 Our Approach**

- [5] The Section 42A Report helpfully outlined relevant background information on a number of matters:
- Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (RMA-EHS);
  - Resource Management Act 1991;
  - The Medium Density Residential Standards (MDRS) contained within a new Medium Density Residential Zone (MRZ) in the PDP;
  - The purpose of qualifying matters;
  - The significant electricity distribution line (SEDL) qualifying matter.
  - National Policy Statement on Urban Development (NPS-UD);
  - National Policy Statement on Highly Productive Land (NPS-HPL); and
  - National Planning Standards.
- [6] We adopt that background information without generally repeating it.
- [7] Ms Tuilaepa provided a description of each submitter's request. We adopt those descriptions without repeating them here. It is therefore imperative that readers of this Recommendation Report also read Ms Tuilaepa's Section 42A Report.

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<sup>1</sup> No Section 42A Reply Reports were provided for the Variation 1 hearings.

- [8] Further submitters are not generally referred to in this Recommendation Report, because further submissions are either accepted or rejected in conformance with our recommendations on the primary submissions to which they relate.
- [9] In considering the submissions we have taken into account the earlier assessments and recommendations of the PDP Hearing Panels for the Introduction and General Provisions (in relation to definitions), Strategic Directions, Energy and Infrastructure, Historic Heritage and Residential Zone chapters of the PDP.

### 3 Hearing and Parties Heard

- [10] The hearing was held on 9 and 10 May 2023. The parties who wished to be heard and who appeared at the hearing were:

Sub #	Name
V1-0053	Four Stars Development & Gould Developments Ltd
V1-0063	Sam and Denise Carrick
V1-0065	Christchurch International Airport Limited
V1-0078	KiwiRail

- [11] The witnesses and counsel we heard from are listed in Appendix 2. A copy of their legal submissions and evidence is held by the Council. We do not separately summarise that material here, but we refer to or quote from some of it in the remainder of this Recommendation Report. We record that we considered all submissions and further submissions, regardless of whether the submitter or further submitter appeared at the hearing and whether or not they were represented by counsel or expert witnesses.
- [12] Cross examination is allowed through the intensification streamlined planning process (ISPP)<sup>2</sup>. No submitter requested to cross-examine the witnesses of any other submitter.<sup>3</sup>

### 4 Submitters – General

- [13] There were a number of submissions in support of the notified provisions that requested those provisions be retained without change and that Ms Tuilaepa recommended be accepted. We have adopted her reasons and recommendations for those submissions.
- [14] There were also submissions that either supported or opposed the notified provisions, but did not specify any relief. We have also adopted Ms Tuilaepa’s reasons and recommendations for those submissions.
- [15] A number of submissions were assessed by Ms Tuilaepa as being ‘out of scope’ because they did not address provisions that were subject to Variation 1. We also adopt her recommendations for those submissions.
- [16] The submissions that fall within the above categories are:

Sub #	Submitter	Submission Points
V1-0010	Woolworths	001
V1-0011	Helen and Tom Fraser	002, 003
V1-0016	Cheryl Morrall	002

<sup>2</sup> RMA s98(4).

<sup>3</sup> Our IPI Minute 1 required notice of a wish to cross-examine to be lodged with the SDC Hearing Secretary 5 working days prior to the hearing.

Sub #	Submitter	Submission Points
V1-0029	Gary and Lynda Burgess	020, 021, 022, 023, 027
V1-0032	Eliot Sinclair	017, 018, 019, 020, 021
V1-0051	HNZPT	001, 002, 003, 005, 006, 007, 008, 009
V1-0056	Ara Poutama Aotearoa	005, 006, 007, 008, 009
V1-0061	TRRG	004, 005
V1-0065	CIAL	001, 002
V1-0068	Manmeet Singh	003
V1-0069	Stewart, Townsend and Fraser	003
V1-0073	MoE	001
V1-0076	Jenny Fisher	002, 003, 004, 005
V1-0077	Ryman	003
V1-0078	KiwiRail	001
V1-0079	RVA	003
V1-0083	Waka Kotahi	005, 008, 009
V1-0088	Orion	005, 006
V1-0090	FENZ	001
V1-0107	CRC	001, 002, 003, 004, 005
V1-0113	Kainga Ora	007, 008, 010
V1-0114	CSI and RWRL <sup>4</sup>	004, 020, 021, 022
V1-0115	RIDL	009, 010, 031, 032

- [17] We received evidence from KiwiRail. Michelle Grinlinton-Hancock<sup>5</sup> advised that KiwiRail supported the inclusion of setbacks, noise and vibration controls and the rail corridor as qualifying matters, as setbacks were necessary to ensure the provision of a safe and efficient rail network. She also observed that Ms Tuilaepa had noted that there were currently no parts of the MRZ adjacent to the rail corridor. Ms Grinlinton-Hancock advised KiwiRail acknowledged and accepted that point and consequently setback controls did not need to apply to the MRZ.

## 5 Schedule 1, clause 99(2) Amendments

- [18] Under clause 99(2)(b) of Schedule 1 of the RMA<sup>6</sup> the recommendations of the IHP must be related to a matter identified by the Panel or any other person during the hearing, but are not limited to being within the scope of submissions. We make no such recommendations here.

## 6 Qualifying Matters

- [19] For the following submissions we adopt Ms Tuilaepa's recommendations and reasons.

Sub #	Submitter	Submission Points
V1-0018	Aaron McGlinchy	003, 005, 006, 007, 008
V1-0046	Denise Carrick	003
V1-0049	Transpower	002
V1-0065	CIAL	003
V1-0073	MoE	003
V1-0083	Waka Kotahi	003, 015, 017, 018
V1-0092	SDC	002
V1-0100	NZDF	001, 002

<sup>4</sup> We note that the submitters did not request to be heard at the Hearing, as confirmed by way of email by counsel Lucy Forrester on 8 May 2023.

<sup>5</sup> RMA Team Leader for KiwiRail. Evidence on noise was also provided by Stephen Chiles.

<sup>6</sup> A new Part 6 was inserted into Schedule 1 of the RMA by Part 2 the RMA-EHS.

Sub #	Submitter	Submission Points
V1-0101	Anne Finch	002
V1-0105	Christine Thirring	001
V1-0106	Victoria Atkinson	002
V1-0109	Fiona Thirring	009, 010
V1-0114	CSI and RWRL	003
V1-0115	RIDL	008

[20] In particular we note:

- the introduction of additional qualifying matters<sup>7</sup> would need to be supported by appropriate expert evidence that satisfied the requirements of RMA s77I(j) and 77L;
- the PDP only protects 'notable trees';
- 'HPW30 - Qualifying Matters' in the PDP should be amended to refer to the 'relevant residential zone' and the fact that qualifying matters 'are intended to limit intensification only to the extent necessary to accommodate the qualifying matter';
- relevant designations have been updated by the SDC to ensure that designation conditions allow for the designated sites to develop as originally intended under MDRS;
- designations are included as a qualifying matter because RMA s77I(g) specifically refers to the need to give effect to an existing designation or heritage order; and
- there are no NZDF facilities affected by the MRZ and so NZDF facilities need not be included as a s77I(e) qualifying matter.

[21] CIAL presented legal submissions and evidence relating to the 50dBA Noise Control Overlay (sometimes referred to as the noise control contour) as a qualifying matter. In brief, CIAL sought that the recently<sup>8</sup> remodelled and peer-reviewed 'Outer Envelope' (based on modelling of the worst three months of aircraft noise in a year) as shown by the 'green line' in Appendix Two of the 5 May 2023 evidence of Darryl Millar<sup>9</sup> be referred to as a qualifying matter.

[22] We note that HPW30 - Qualifying Matters, as added to the PDP by Variation 1, lists 'Noise Control Overlay' as a qualifying matter, but it is limited to State Highways and Railway network. We assume that is because the operative 50dBA CIAL Noise Control Overlay does not impinge on any MRZ zoned land. Given the recommendation of the Hearing Panel for IPI Hearing 07 Rolleston Rezoning Requests relating to V1-0053 Four Stars Development and Gould Developments Ltd, that will remain the case.

[23] We accept that if the 50dBA CIAL Noise Control Overlay did impinge on MRZ zoned land then it would clearly be an appropriate qualifying matter under RMA s77I(e). However, we decline to recommend amending HPW30 to refer to the remodelled 'Outer Envelope' 50dBA noise contour in the absence of an SDC assessment under ss32 and 77L of the RMA.

<sup>7</sup> Such as shading of neighbours, overlooking of neighbours, narrow streets which cannot cope with further on street parking caused by multiple dwellings with potentially no off-street parking, destruction of character, insufficient and/or failing infrastructure, congested transport corridors, light pollution, older residential sections, and limited public transport.

<sup>8</sup> As at 4 May 2023 as advised by counsel at the hearing.

<sup>9</sup> Prepared for Hearing 07 Rolleston Rezoning.

- [24] Having said that, we note that with regard to Rolleston, being the only part of the Selwyn District where this is an issue, there is very little difference between the operative 50dBA Noise Control Overlay and CIAL's remodelled 'Outer Envelope'. At the hearing counsel submitted that CIAL would not be seeking to further restrict residential activities based on the remodelled 'Outer Envelope' for areas of existing residential development in Rolleston, nor for the area zoned MRZ by Variation 1 that relates to the PC71 land and the submission of V1-0053 Four Stars Development and Gould Developments Ltd on the PDP. We note the land zoned MRZ by Variation 1 does not include the additional land sought to be zoned MRZ by submitters V1-0089 Gould Developments and V1-0085 Survus. We acknowledge and welcome that legal submission which is consistent with the relief sought by CIAL in their further submission<sup>10</sup> on Variation 1 which was "*CIAL seek that the portion of the PC71 site subject to the Operative Contour retains rural zoning in the Proposed Variation.*"
- [25] CIAL did note in their further submission that was a "*precautionary measure until the remodelling process is completed and any updated contours are incorporated into the planning framework*". We understand that planning framework would of course include necessary amendments to the CRPS and its Map A. In that regard we observe that the incorporation of revised CIAL noise contours in the CRPS will occur through a 'normal' RMA Schedule 1 process which is subject to submissions and appeals and so there can be no certainty of its eventual outcome.
- [26] We recommend amending 'HPW30 - Qualifying Matters' to:
- refer to the fact that qualifying matters 'are intended to limit intensification only to the extent necessary to accommodate the qualifying matter'; and
  - advise that the provisions relating to esplanade reserves and strips are located in the Public Access (PA) chapter of the PDP.

## 7 Strategic Directions Chapter

- [27] For the following submissions relating to SD-UFD-O1, SD-UFD-O2, SD-UFD-O3 and SD-UFD-O4 we adopt Ms Tuilaepa's recommendations and reasons. This results in no change to the notified Variation 1 provisions.

Sub #	Submitter	Submission Points
V1-0074	Jeremy Alsop	008
V1-0114	CSI and RWRL	083
V1-0115	RIDL	003

- [28] In particular we note:
- as a Tier 1 Council, SDC must apply the MDRS to those townships that meet the specified criteria; and
  - RIDL and CSI and RWRL sought the same relief that was considered by the PDP Strategic Directions Hearing Panel. We are not persuaded that we should differ from the recommendations of that Panel.

<sup>10</sup> V1-0065.FS-001. This submission point was addressed in Hearing 01 Residential

## 8 Energy and Infrastructure (EI) Chapter

[29] For the following submissions we adopt Ms Tuilaepa's recommendations and reasons, as outlined below.

Sub #	Submitter	Submission Points
V1-0074	Jeremy Alsop	005, 006
V1-0090	FENZ	002, 003, 004
V1-0092	SDC	003, 004, 005, 006, 007

[30] In particular we agree that:

- there are no areas of MRZ located in close proximity to the National Grid Yard, so there is no need for additional amendments to the MRZ provisions as they relate to the National Grid Yard;
- regarding Orion's request for a new MRZ rule relating to electricity supply for new developments, we consider that it is a developer's obligation to ensure there is sufficient space for necessary infrastructure associated with a development, including electricity servicing;
- as a Tier 1 Council, SDC must apply the MDRS to those townships that meet the specified criteria;
- setback clearances for the 11kV, 400V and 230V electricity distribution network are already required under NZECP 34:2001;
- EI-R32 and EI-R33 should be amended to apply in the MRZ;
- none of the EI rules that refer to EI-REQ15 or EI-REQ16 are subject to Variation 1 and so amendments to them are 'out of scope';
- an amendment is required to EI-REQ20 to apply it in the MRZ. We note that none of the EI rules that refer to EI-REQ20 are associated with residential development and so the MDRS are not affected;<sup>11</sup> and
- EI-REQ22 should be amended to include a reference to the MRZ and for consistency with MRZ provisions for fencing and outdoor storage.

[31] In terms of the above matters we recommend:

- a) amending EI-R32, EI-R33, EI-REQ20 and EI-REQ22 to include a reference to the MRZ.

[32] Regarding the submission of Orion, we observe that the Islington to Springston SEDL does not currently traverse any area zoned MRZ. However, we accept the evidence of Melanie Foote<sup>12</sup> that there is a high probability that it will in the future. We make that finding in particular because, as noted by counsel<sup>13</sup> for Orion, the height and setback requirements contained in the MDRS are incompatible with Orion's existing overhead infrastructure and electricity safety clearances from support structures and the centre line of conductors.

[33] However, we note that EI-R3 and EI-R4 as recommended to be amended by the PDP hearing Panel for Hearing 4: Energy and Infrastructure already address the Significant Electricity

<sup>11</sup> EI-R33 relates to 'public healthcare institutions and EI-R32 relates to 'emergency services facility'.

<sup>12</sup> Paragraph 16.

<sup>13</sup> Paragraph 12.

Distribution Line (Islington to Springston) as well as any other Significant Electricity Distribution Line. Prior to Variation 1 those rules applied to 'All Zones' which would include the MRZ. The Hearing 4 Hearing Panel also recommended a new rule (EI-R4A) relating to network utilities with 10m of an SEDL. The new rule also applies to 'All Zones' which would include the MRZ.

[34] On that basis we conclude that there is no need to amend EI-R3 or EI-R4 to duplicate the existing provisions with the MRZ. Accordingly, we recommend accepting in part the submissions of Jeremy Alsop who sought the deletion of those rules as notified.

[35] We recommend deleting the Variation 1 amendments to EI-R3 and EI-R4.

[36] We recommend:

Sub #	Submitter	Submission Points	Recommendation
V1-0074	Jeremy Alsop	003, 004	Accept in part
V1-0088	Orion	001, 002, 003, 004	Reject
V1-0100	NZDF	003	Reject
V1-0113	Kāinga Ora	089	Reject

## 9 Historic Heritage and Notable Trees

[37] For the following submissions we adopt Ms Tuilaepa's recommendations and reasons.

Sub #	Submitter	Submission Points
V1-0016	Cheryl Morrall	001, 003, 004
V1-0033	Gary Arnold	001
V1-0046	Denise Carrick	002
V1-0062	LDHS	001, 002, 003, 004
V1-0063	Sam & Denise Carrick	001, 02, 003, 004
V1-0081	Adriana de Groot	001, 002

[38] In particular we note:

- As a Tier 1 Council, SDC must apply the MDRS to the townships that meet the specified criteria and that includes the mandated height for properties in the MRZ, except where a qualifying matter applies;
- Heritage items are recognised using schedules and overlays within the PDP with the underlying zone still applying to each property as opposed to a separate heritage zoning or heritage area;
- SDC peer review expert Dr McEwan<sup>14</sup> has concluded that the MDRS pose little risk to the heritage values of the specified heritage items in Prebbleton, Lincoln and Rolleston. Heritage New Zealand Pouhere Taonga<sup>15</sup> accepted Dr McEwan's assessment and considered that additional research adequately addressed the concerns raised in the HNZPT submission. HNZPT was therefore supportive of the recommendations made by Ms Tuilaepa in relation to its submission; and

<sup>14</sup> SDC heritage expert advisor.

<sup>15</sup> Tabled letter from Dr Christine Whybrew dated 14 April 2023.



- SUB-REQ2 Building Square works with SUB-REQ1 Site Area and SUB-REQ4 Road Frontage Width to create a medium density environment that is consistent with the Selwyn context;

[39] Regarding the requested inclusion of 18 Edward Street, Prebbleton and 14 William Street, Lincoln in the Heritage Item Overlay, Heritage Setting Overlay and HH-SCHED2, we received an Addendum to the Section 42A Report dated 28 April 2023. The Addendum (supported by a legal opinion from SDC’s solicitor<sup>16</sup>) concluded that due to recent case law<sup>17</sup>, accepting the submission points relating to these two properties (essentially treating them as qualifying matters) would be *ultra vires*. Adding the properties to the Heritage Item Overlay, Heritage Setting Overlay and HH-SCHED2 would need to occur by way of a Schedule 1 plan change process.

[40] In evidence dated 9 May 2023 submitters Sam and Denise Carrick advised “*Our understanding is that the SDC legal opinion is that SDC may not be able to add new heritage items in Variation 1. Whilst this is very disappointing for the protection of Blacksmith Cottage, we recognise the legal rationale behind this recommendation.*” The submitters went on to say that the only way of protecting their residence from MDRS compliant buildings on adjoining sites would be by way of “*... a heritage area or character area provision, similar to what other councils are proposing.*” Such relief is beyond our jurisdiction.

## 10 Historic Heritage Rule Requirements

[41] For the following submission points, we adopt Ms Tuilaepa’ recommendations and reasons. This results in no change to the notified provisions.

Sub #	Submitter	Submission Points
V1-0051	HNZ	004, 010, 011

[42] In particular we note:

- The Heritage Item Overlay, Heritage Setting Overlay, Notable Tree Overlay and the SASM Ngā Wai Overlay are listed in HPW30 as proposed qualifying matters; and
- Dr McEwan has concluded that the MDRS pose little risk to the heritage values of the specified heritage items in Prebbleton, Lincoln and Rolleston. The setting of each of the 19 scheduled heritage items has been mapped to protect the specified historic heritage resource from inappropriate subdivision, use and development.

## 11 Other Matters

[43] No other matters were brought to our attention.

<sup>16</sup> Kate Rogers, Senior Associate, DLA Piper New Zealand.

<sup>17</sup> *Waikanae Land Company Limited v Heritage New Zealand Pouhere Taonga* [2023] NZEnv 056.

## Appendix 1: Recommended amendments

**Note to readers:** The text of these provisions is based on the recommendations of the PDP TRAN Hearings Panel. Text proposed in Variation 1 is in blue font. Recommended amendments are shown with insertions underlined and deletions struck through, with further or different amendments recommended by the Hearing Panel shown in red font.

### Amendments to the PDP Maps

There are no amendments recommended to PDP Planning Maps arising from our recommendations on the submissions and further submissions covered by this Recommendation Report.

### Amendments to the PDP Text

## Part 1 – Introduction and General Provisions

How the Plan works

HPW-30 – Qualifying Matters		
<p>Only those features that are classified as Qualifying Matters in accordance with clause 3.32 of the National Policy Statement on Urban Development (NPS-UD) and s77I and s77O of the Resource Management Act (Enabling Housing Supply and Other Matters) Act 2021 can be used to limit intensification, including within a Medium Density Residential Zones in Rolleston, Lincoln and Prebbleton townships. If a district-wide provision (e.g. relating to noise, signs or light) does not influence density and it is not identified as a Qualifying Matter, then it will continue to apply.</p> <p>Qualifying Matter Areas within the relevant residential zones of Rolleston, Lincoln and Prebbleton townships comprise the following <u>and are intended to limit intensification only to the extent necessary to accommodate the qualifying matter:</u><sup>18</sup></p>		
Feature	Description	Qualifying Matter Type
Waterbody setbacks, incl. esplanade reserves and strips <ul style="list-style-type: none"> <li>Lincoln (only)</li> </ul>	NATC-R1 and NATC-R2 apply minimum setbacks for earthworks and buildings in proximity to surface water bodies to preserve their natural character and to recognise their cultural significance to Ngāi Tahu. <u>The provisions relating to esplanade reserves and strips are located in the PA chapter</u> <sup>19</sup>	...

<sup>18</sup> V1-0114.00 CSI and RWRL and V1-0115.008 RIDL

<sup>19</sup> V1-0092.002 SDC

## Part 2 – District Wide Matters

## Energy, Infrastructure and Transport

## EI – Energy and Infrastructure

## EI-Rules

EI-R3	Sensitive Activities	
<b>All Zones, except MRZ</b>	<b>Activity Status:</b> PER ...	...
<b>MRZ</b>	<del><b>Activity Status:</b> PER 6. The establishment of a new, or expansion of an existing sensitive activity. <b>Where:</b> a. The activity is not within 5m from the centreline and/or foundation of a support structure of any Significant Electricity Distribution Line, excluding the Significant Electricity Distribution Line (Islington to Springston).<sup>20</sup></del>	<del><b>Activity status when compliance not achieved:</b> 7. When compliance with any of EI R3.6 is not achieved: NC Notification 6. Any application arising from EI R3 shall not be subject to public notification and shall be limited notified to the following parties: the network utility operator with responsibility for the infrastructure, unless their written approval is provided</del>
EI-R4	Structures near Significant Electricity Distribution Line	
<b>All Zones, except MRZ</b>	<b>Activity Status:</b> PER ...	...
<b>MRZ</b>	<del><b>Activity Status:</b> PER 4. The establishment of a new, or expansion of an existing fence. <b>Where:</b> a. The fence's primary material consists of conductive qualities, the fence shall be setback a minimum of 5m from the foundation of any Significant Electricity Distribution Line, excluding the Significant Electricity Distribution Line (Islington to Springston).<sup>21</sup></del>	<del><b>Activity status when compliance not achieved:</b> 5. When compliance with any of EI R4.4 is not achieved: NC Notification 6. Any application arising from EI R4.5 shall not be subject to public notification and shall be limited notified to the following parties: the network utility operator with responsibility for the infrastructure, unless their written approval is provided.</del>
<b>All Zones, except MRZ</b>	<b>Activity Status:</b> PER ...	...

<sup>20</sup> V1-0074.003 Jeremy Alsop<sup>21</sup> V1-0074.004 Jeremy Alsop

<b>MRZ</b>	<p><b>Activity Status:</b> PER</p> <p><del>10. The establishment of a new, or expansion of an existing structure, excluding a network utility.</del></p> <p><b>Where:</b></p> <p><del>a. The structure is not within 5m from the centreline and/or foundation of a support structure of any Significant Electricity Distribution Line, excluding the Significant Electricity Distribution Line (Islington to Springston).<sup>22</sup></del></p>	<p><b>Activity status when compliance not achieved:</b></p> <p><del>5. When compliance with any of EI-R4.10 is not achieved: NC Notification</del></p> <p><del>6. Any application arising from EI-R4.11 shall not be subject to public notification and shall be limited notified to the following parties: the network utility operator with responsibility for the infrastructure, unless their written approval is provided</del></p>
<b>EI-R32</b>	<b>Emergency Facilities</b>	
<b>LRZ</b> ... <a href="#">MRZ</a> <sup>23</sup>	...	...
<b>EI-R33</b>	<b>Public Healthcare Institution</b>	
<b>LRZ</b> ... <a href="#">MRZ</a> <sup>24</sup>	...	...

## EI-Rule Requirements

<b>EI-REQ20</b>	<b>Building Coverage</b>	
<b>LRZ</b> ... <a href="#">MRZ</a> <sup>25</sup>	...	...
<b>EI-REQ22</b>	<b>Fencing and Outdoor Storage</b>	
<b>LRZ ...</b> <a href="#">MRZ</a> <sup>26</sup>	<p>10. Any outdoor storage area shall not:</p> <p>a. <u>be located between the applicable building setback on a site and any road boundary;</u></p> <p>b. <u>exceed a total area of 25m<sup>2</sup>;</u></p>	<p><b>Activity status when compliance not achieved:</b></p> <p><u>11. When compliance with EI-REQ22.10 is not achieved: RDIS</u></p> <p><b>Matters for discretion:</b></p>

<sup>22</sup> V1-0074.004 Jeremy Alsop<sup>23</sup> V1-0090.002 FENZ and V1-0092.003 and 004 SDC<sup>24</sup> V1-0090.002 FENZ and V1-0092.003 and 004 SDC<sup>25</sup> V1-0090.002 FENZ and V1-0092.003 and 004 SDC<sup>26</sup> V1-0092.003 and 004 SDC

	c. <a href="#">exceed the height of any permitted fencing.</a> <sup>27</sup>	<a href="#">12. The exercise of discretion in relation to EI-REQ22.11 is restricted to the following matters:</a> a. <a href="#">RESZ-MAT1 Residential Design</a> <sup>28</sup>
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<sup>27</sup> V1-0092.003 and 004 SDC

<sup>28</sup> V1-0092.003 and 004 SDC

## Appendix 2: List of Appearances and Tabled Evidence

### Hearing Appearances

Sub #	Submitter	Author	Role
V1-0053	Four Stars Development & Gould Developments Ltd	Gerard Cleary Fiona Aston	Counsel Planning
V1-0063	Sam and Denise Carrick	Sam Carrick	
V1-0065	Christchurch International Airport Limited	Jo Appleyard Felicity Hayman Laurel Smith	Counsel Representative Acoustics
V1-0078	KiwiRail	Jacob Burton Stephen Chiles Michelle Grinlinton-Hancock	Counsel Acoustic Planning

### Tabled Evidence

Sub #	Submitter	Author	Role
V1-0049	Transpower	Rebecca Eng	Policy
V1-0051	Heritage NZ	Christine Whybrew	Planning
V1-0088	Orion New Zealand Limited	Jo Appleyard Anthony O'Donnell Melanie Foote	Counsel Representative Planning