

**BEFORE INDEPENDENT HEARING COMMISSIONERS
IN CHRISTCHURCH**

TE MAHERE Ā-ROHE I TŪTOHUA MŌ TE TĀONE O ŌTAUTAHI

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the hearing of submissions on Plan Change 14 (Housing and Business Choice) to the Christchurch District Plan

**STATEMENT OF PRIMARY EVIDENCE OF HERMIONE CLAIRE BLAIR ON
BEHALF OF CHRISTCHURCH CITY COUNCIL**

RESIDENTIAL ZONES

RULE FRAMEWORK FOR RESIDENTIAL ACTIVITIES – IMPLEMENTABILITY

Dated: 11 August 2023

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EXECUTIVE SUMMARY

1. My full name is **Hermione Claire Blair**. I am employed as a Principal Advisor Resource Consents at Christchurch City Council (the **Council**).
2. I have prepared this statement of evidence on behalf of the Council in respect of matters arising from the submissions and further submissions on Plan Change 14 to the Christchurch District Plan (the **Plan**; **PC14**).
3. My evidence is focused on the rule framework for residential activities in the proposed Medium Density Residential (**MRZ**) and High Density Residential (**HRZ**) zones, from a resource consents/plan administration perspective. It includes a detailed discussion of the MRZ and HRZ rules (including submissions on those rules), in which I consider the degree of enablement provided for in the rules compared to the medium density residential standards (**MDRS**), as they relate to density. I also address the clarity and ease of administration of the rules and matters of discretion where resource consents are required. I also discuss proposed new definitions and changes to definitions in Chapter 2.
4. For clarity, my evidence **does not** address the heritage and character area provisions included in the MRZ or HRZ, the tree canopy cover provisions, proposed qualifying matters or any other zone or general chapter provisions. In addition, my evidence does not consider the merits of consent triggers chosen, such as height limits, but instead is focused on how the proposed provisions function.
5. My evidence is that the proposed provisions the subject of this evidence, with some modifications to better target the outcomes sought and improve clarity of language, are enabling and provide flexibility for people wishing to undertake residential developments within the MRZ and HRZ, while also providing certainty in terms of both permitted development, and the pathway for those developments requiring resource consent for both developers and the wider community.

INTRODUCTION

6. Again, my evidence relates to the rule framework for residential activities in the MRZ and HRZ zones, from a resource consents/plan administration perspective, in light of the submissions made on the rules (including submissions seeking changes to them). In preparing this evidence I have:

- (a) reviewed submissions that address the proposed residential rule framework; and
 - (b) utilised my experience in assessing, processing, reviewing and deciding on resource consent applications (in particular, those for multi-unit residential developments) and associated experience in finding potential solutions to issues with provisions, utilising my policy experience.
7. I am authorised to provide this evidence on behalf of the Council.

QUALIFICATIONS AND EXPERIENCE

8. I hold the qualification of Bachelor of Science.
9. I have over 19 years' experience as a resource management planner, for various Councils and in private consultancy, in the Bay of Plenty, Wellington and greater Christchurch. I have worked in both policy and resource consent processing roles at a senior level. I have been employed by the Council since 2014 and have been in my current role as a Principal Advisor in the Resource Consents Unit since 2019, focusing on plan interpretation, consistency of process, and liaison with the Council policy teams identifying issues with administration of the Plan and providing input into proposed plan changes from a resource consent processing perspective. I also process resource consent applications, mentor other planners and have delegated decision making authority on resource consents.
10. I am an Intermediate member of the New Zealand Planning Institute.

CODE OF CONDUCT

11. While this is an independent hearings panel hearing, I have read the Code of Conduct for Expert Witnesses (contained in the 2023 Practice Note) and agree to comply with it. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.
12. I confirm that, while I am employed by the Council, the Council has agreed to me providing this evidence in accordance with the Code of Conduct.

SCOPE OF EVIDENCE

13. My statement of evidence addresses the following matters:
- (a) The structure of the Plan's residential chapter, including the way the built form standards are applied. This is relevant to a request by one submitter, Kāinga Ora (834.217), that seeks either a deletion to note 14.6.2.a or an addition to the 'how to use the rules' section that states 'In addition to being subject to the activity standards, all buildings are also subject to the built form standards'.
 - (b) The degree of enablement provided by the proposed rule provisions for the MRZ and HRZ.
 - (c) The clarity and workability of the proposed rule provisions for the MRZ for residential activities, including activity status, built form standards and matters of discretion.
 - (d) The clarity and workability of the residential design principles for assessing developments of four or more units, and amendments suggested by submitters, including in relation to the height and wind rules.
 - (e) The clarity and workability of the rule provisions for the HRZ for residential activities, including activity status, built form standards and matters of discretion.
14. I address each of these points in my evidence below.

STRUCTURE OF CHAPTER 14 RESIDENTIAL RULES

15. To assist the Panel, I will summarise briefly how the rules and built form standards in Chapter 14 of the Plan are structured.
16. Chapter 14 includes an introduction at 14.1, the objectives and policies at 14.2, a section on how to interpret and apply the rules at 14.3 and then the rules for each zone. This evidence will focus on the provisions for the MRZ and HRZ zones, at sub-chapters 14.5 and 14.6 of the Plan (and PC14).
17. The rules implement the objectives and policies in 14.2, which themselves implement the strategic objectives. In some cases, the policy linkage for a particular existing rule is proposed to be strengthened through PC14 (for example, the addition of a policy for firefighting water capacity in chapter 14,

policy 14.2.3.8, to link strategic objective 3.3.13 with the firefighting water capacity built form standards, and thereby better implement the objective).

18. In both MRZ and HRZ, the Plan first lists the activity status tables for activities in the respective zones. These are separated into permitted activities (14.5.1.1 and 14.6.1.1), controlled activities (14.5.1.2 and 14.6.1.2), restricted discretionary activities (14.5.1.3 and 14.6.1.3), discretionary activities (14.5.1.4 and 14.6.1.4) and non-complying activities (14.5.1.5 and 14.6.1.5).
19. Following the activity status tables, the Plan then sets out the built form standards. The way the Plan is structured is that the built form standards apply to all permitted activities as per clause 14.15.1.1 a:
 - a. *14.5.1.1 a. The activities listed below are permitted activities in the Medium Density Residential Zone if they meet the activity specific standards set out in this table, the built form standards in Rule 14.5.2 and the area specific rules in Rule 14.5.3.*
 - b. *14.5.1.1 b. Activities may also be permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 14.5.1.2, 14.5.1.3, 14.5.1.4, 14.5.1.5 and 14.5.1.6, or in the area specific rules in Rule 14.5.3.*
20. The Plan is also interpreted to apply built form standards to controlled and restricted discretionary (**RD**) activities where these activities had their origin in a listed permitted activity. The built form standards do not apply to discretionary or non-complying activities, as the rules do not specify a requirement for such activities to comply with the standards. The built form standards also do not apply to activities that make their first appearance in the zone rules as RD activities. However, they do assist in evaluation of such activities and may contribute to a permitted baseline against which to compare effects of built form, where relevant.
21. For example, residential activity is permitted at P1 in both zones, but this activity explicitly excludes boarding houses in MRZ as part of the description of the activity. Boarding houses therefore require resource consent in MRZ as a RD activity under Rule 14.5.1.3 RD3. This means the built form standards apply to buildings for residential activity in both zones, but in MRZ the built form standards are not considered to apply to boarding houses.

22. Retirement villages are not a listed permitted activity in MRZ. These require consent as a RD activity under rule 14.5.1.3 RD2. The built form standards therefore do not apply to retirement villages in this zone, as there is no requirement for this,¹ although the matters of discretion for retirement villages in 14.15.9 allow the bulk and location of buildings for retirement villages to be adequately considered.
23. While I discuss submissions in greater detail later in this evidence, I note that of Kāinga Ora (834.217) seeking the proposed note at 14.6.2 be deleted or relocated and amended to read that all buildings are subject to the built form rules. In my view this request may be based on a misunderstanding of how the rules work; as explained above, there is no requirement in the Plan for buildings for fully discretionary or non-complying activities to comply with the built form standards. These can be used for guidance in any assessment, but the consent authority is not limited in their assessment and can assess all the effects of a proposal involving such activities, including those arising from building bulk and location.
24. However, I consider that the note does need to be corrected to reflect that there are other activities in the RD activity rules for the HRZ zone that require compliance with built form standards, and I agree with the submitter the location of the note would be more appropriate in the “*how to interpret and apply the rules*” section at 14.3. I consider there is merit in explicitly setting out this in the Plan.
25. I therefore recommend that this note be moved from 14.6.2 to 14.3 and reworded as follows (additions underlined):
- The rules that apply to activities in the various residential zones are contained in the activity status tables (including activity specific standards) and built form standards that apply to permitted activities and those controlled or restricted discretionary activities where compliance with the built form standards is explicitly referenced in the rule, and/or the activity itself is listed in the permitted activity table for the zone, in: ...*
26. I consider this change is within the scope of PC14 because, while it does affect all the other residential zones, the wording proposed is simply a matter of clarification that reflects current practice and how the rules in

¹ In either the ‘How to interpret and apply the rules’ section 14.3 or in the introduction to the activity status rules.

Chapter 14 are structured (and operate), and it responds directly to the submission made by Kāinga Ora.

27. The rules for the MRZ also include Area-specific rules at 14.5.3 which relate to the Accommodation and Community Facilities overlay, Character Area overlay, Sumner Master plan overlay and Commercial Local/Residential Medium Density (**RMD**) zone (St Albans) outline development plan and include both activity status rules and built form standards. These rules relate to non-residential activities and the Character Area and therefore are beyond the scope of this evidence.²
28. To summarise, for a built form standard to apply to an activity, the activity must first be included in the permitted activity table for the zone. If the activity is RD, the built form standards will only apply if the rule either explicitly states that they apply, or the activity itself is listed in the permitted activity table (but is not permitted due to either not complying with activity specific standards or one or more built form standards).
29. For the purpose of this evidence, this is relevant as residential activity is a permitted activity in both the MRZ and HRZ zones, and therefore the built form standards will apply to all the RD activities that involve residential activity.³ They will not apply to any discretionary or non-complying activity regardless of whether it involves residential activity or not.

THE DEGREE OF ENABLEMENT PROVIDED BY THE PROPOSED RULE PROVISIONS FOR THE MRZ

30. Under PC14, residential activity is permitted under 14.5.1.1 P1 for no more than 3 residential units per site, provided these are not located in the setbacks from transmission and electricity distribution lines set out in the non-complying activity rules, or are boarding houses, student hostels, retirement villages, or show homes, all of which require resource consent.
31. I note Kāinga Ora (834.175) has requested the reinstatement of 14.5.1.1 P3 for the conversion of elderly person's housing units existing in 2013 to residential units able to be occupied by any person. I support this request, with modifications:

² I note the Accommodation and Community Facilities overlay was omitted (in error) from the HRZ in PC14 as notified and Mr Kleynbos addresses this in his s42A report.

³ Other than boarding houses in MRZ and retirement villages as previously discussed.

- (a) to bring the 2013 date forward to the notification (or operative) date of PC14;
 - (b) to the activity specific standards to bring the gross floor area and outdoor living space requirements in line with those permitted in MRZ; and
 - (c) to state explicitly that no other built form standards apply, where no change is proposed to the building.
32. I consider these changes will avoid the need for resource consents for existing older person's housing (**OPH**) units that may not comply with other MRZ standards such as windows to street, but otherwise would be suitable for general occupation and provide choice in the housing market, recognising they have already been constructed and the effects of the built form are established. Having a specific rule makes the compliance pathway clear, and as the buildings are existing, any bulk and location issues have already been addressed. I do not consider the rule needs to be restricted to those units constructed prior to 2013, and I anticipate there would be many resource consent applications for conversions of units constructed after this date, if the rule was retained but not amended in the manner I suggest above. I note that any individual existing OPH developments are generally held as unit titles with a body corporate arrangement that would typically give existing owners additional rights around the use of the units, separate from the Plan rules, so there is no compulsion for all OPHs to convert.
33. Permitted residential activities must also comply with the built form standards, as discussed above. PC14 has largely replaced the existing RMD zone built form standards with the mandated MDRS, but with some modifications. Other built form standards that are additional to the MDRS density standards are retained and modified, such as in relation to fencing (14.5.2.9), minimum unit size (14.5.2.11), ground floor habitable room (14.5.2.12), service, storage and waste management spaces (14.5.2.13), water supply for firefighting (14.5.2.14), building reflectivity (Residential Hills (**RH**) precinct 14.5.2.16 – existing rule in RH zone 14.7.2.10) and garaging and carport building location (14.5.2.15 for 4 or more units – provision was previously made for these matters in 14.5.2.9 Habitable space front façade). Additional built form standards have been introduced for location of outdoor mechanical ventilation (14.5.2.17) and minimum road boundary setback – Qualifying Matter City Spine Transport Corridor (14.5.2.18). The existing

site density rule has been amended to alert Plan users to the infrastructure constraints in some parts of the city (14.5.2.1).

34. As noted above, my evidence does not cover the tree canopy cover rules or any qualifying matters. I therefore confine my scope to the remaining proposed built form standards, and only where these deviate from the MDRS. I note Mr Kleynbos has recommended some changes to standards in response to submissions. For the purpose of this evidence, I discuss the provisions as notified, and refer the Panel to Mr Kleynbos' s42A report where recommended changes to these built form standards are set out.
35. Some submitters⁴ have sought that the built form standards that do not relate to matters covered by the MDRS be deleted on the basis they conflict with or are less enabling than the MDRS, and/or propose additional constraints relative to the status quo.
36. The scope for PC14 to include additional rules is addressed in the s42A report by Mr Kleynbos, as well as that of Ms Sarah Oliver. The assertions by some submitters that the rules proposed to be added or retained through PC14 are less enabling than the MDRS or propose additional constraints relative to the status quo are the subject of this part of my evidence.
37. The PC14 rules that modify the MDRS density standards for height, site coverage, outdoor living space, boundary setbacks, outlook space and windows to street make changes that are more enabling than the MDRS for certain scenarios, outside of qualifying matter areas. In the Local Centre Intensification Precinct, for example, the height in relation to boundary control is more lenient than the MDRS for buildings for 3 or more residential units built in the front part of the site.
38. Taking each such rule in turn, the height standard 14.5.2.3 allows a 14m height limit in the Local Centre Intensification Precinct, which is 2-3m higher than the MDRS density standard. It does not require a pitched roof form to be achieved. This is more enabling than the MDRS.
39. The site coverage standard 14.5.2.4 allows for eave and roof overhangs and guttering of a certain size to be excluded from the building coverage calculation, which facilitates pitched roof designs and is more enabling than the MDRS. Submitter 685 (Canterbury/Westland Branch of Architectural Designers NZ) is seeking that this be amended to be a total width of 300mm

⁴ For example, 814.154 Carter Group Limited.

or 500mm for eaves, roof overhangs and guttering. Other submitters⁵ are seeking 600mm eaves with the 200mm guttering retained. To the extent that a larger eaves measurement would increase flexibility for building designers, and is consistent with the operative plan, I support the increased width of eaves sought but defer to Mr Kleynbos' s42A report for the appropriate measurement. I also recommend changing the title of this rule to "14.5.2.4 Site Building coverage" consistent with the rule wording.

40. I note submitter Richard Bigsby 38.1 has opposed the building coverage exemptions as they are inconsistent with the National Planning Standard definitions of "building coverage" and "building footprint" which could cause confusion to users/practitioners using other district plans utilising these definitions. I do not consider this is an issue that is likely to be problematic in Christchurch, given it is the rule that contains the exemption rather than the definitions, and therefore it is clear that in the Christchurch District Plan the coverage can be calculated differently to other plans without this exemption. In addition, any practitioner designing to comply with the definitions would automatically comply with the rule, as the exemption is enabling rather than more restrictive.
41. The outdoor living space rule 14.5.2.5 enables upper level >45m² one bedroom units or >35m² studio units to have outdoor living space in a balcony with 6m² area and 1.5m minimum dimension. This is more enabling than the 8m²/1.8m MDRS.
42. Height in relation to boundary standard 14.5.2.6 is a qualifying matter (regarding sunlight access) and is addressed in Mr Kleynbos' s42A report.
43. I note that some submitters (including 685.37/58 Canterbury/Westland Branch of Architectural Designers NZ and 720.12/28 Mitchell Coll) have sought the application of the gable end recession plane exemption (currently in Appendix 14.16.2) to the MRZ and HRZ, and I discuss this further in a later section of this evidence. Submitter 685.35 seeks that the amenity of lower density residential zones adjoining MRZ be protected by applying the more restrictive recession planes (applying within the lower density zones) at shared boundaries where these are zone boundaries. This does not represent the current approach of the Plan for residential sites, where the lower recession plane only applies to sites in non-residential zones that adjoin the residential zone. While I accept the merit

⁵ 684.4, 834.185, 877.28, 903.37, 914.13.

in the submitter's approach for protecting the access to sun and daylight in the lower density zones, and this is supported by a number of submissions seeking a lower recession plane for the MRZ, I consider the effects on the ability to achieve the outcomes of the MDRS for the affected MRZ sites would be significantly reduced by this approach, and only consider it is warranted for sites adjoining Open Space zones, for the reasons set out in Mr Kleynbos' s42A report. In a worst-case scenario, for a MRZ site adjoining the Residential Suburban zone at the southern boundary, a 26 degree recession plane taken at 2.3m would apply, compared to the proposed 3m/50 degrees. I consider there may be merit in a modified form of this approach in the HRZ, which I discuss in a later section of this evidence.

44. I consider the proposed modifications to the MDRS rules will be more enabling for certain types of development, and, in combination with the other rules discussed below, may incentivise a higher quality form of development as sought to be encouraged in Policy 5 of the MDRS (Policy 14.2.3.3 of PC14), and better meet the daily needs of residents (MDRS Policy 4/Policy 14.2.3.5 of PC14), than the un-modified MDRS density standards.
45. The other rules that do not affect the density of development, such as minimum unit size, ground floor habitable room, service, storage and waste management spaces are based on existing rules in the Plan that are largely working well to produce residential developments that deliver an acceptable standard of safety and utility for their occupiers. The changes to the rules proposed through PC14 represent areas where the existing Plan rules have been found to be deficient in managing the effects of intensification, for example in the provision of storage space, particularly for sites without garages⁶ or with small single garages that fit a car and not much else.
46. These rules are well known by the development community who have had over seven years⁷ to understand and apply them to their developments. They are largely not causing issues with administration and result in developments that are functional for their occupants. Where rules are

⁶ See Appendix to evidence of David Hattam MDH Further Study 2021, and Appendix 3 Technical report Urban Design Medium and High Density Residential zones (section 7.2).

⁷ Since the Plan chapter 14 stage 1 and stage 2 decisions were in legal effect but noting the Living 3 and 4 zone rules in the City Plan also contained similar provisions.

breached, individual design solutions can be considered through the RD consent process, subject to the matters of discretion.

47. Kāinga Ora (834.176) is seeking that the controlled activity status for built form breaches for tree and garden planting, ground floor habitable space, service, storage and waste management spaces be reinstated, instead of making these RD as proposed. I do not support this request, noting there is limited ability to ensure the outcomes sought using a controlled activity status, for which consent must be granted. I consider RD status with appropriately targeted matters of discretion is appropriate. Mr Kleynbos also discusses this in his s42A report.
48. The additional rules signal the matters that need to be considered up-front when designing a development to enable the development to meet the needs of its occupants. Providing adequately located and dimensioned service, storage and waste management space is important,⁸ as developments without this provide a much-reduced level of functionality for their occupants and can lead to adverse outcomes such as storage/service areas in the front yard, detracting from the street scene and creating security risks (i.e. washing stolen from lines, bike thefts etc). Given the 50% maximum site coverage and 20% landscaping area required by the MDRS density standards, the provision of these utility spaces in the remaining 30% of a site area does not have to impact on the yield of a development when designed appropriately.
49. Overall, I consider that the proposed built form standards are no less enabling than the MDRS density standards and are necessary to promote a minimum standard of development that meets the basic needs of occupants, while providing certainty to Plan users as to the outcomes sought and consent triggers.

RESTRICTED DISCRETIONARY RESIDENTIAL ACTIVITIES - MRZ

50. Residential activities that do not meet permitted activity or built form standards require resource consent as RD activities, other than buildings that exceed the height standard in the Industrial Interface Qualifying Matter Area and residential activity not complying with the activity-specific standards in P1⁹, which require consent as discretionary (**D**) activities.

⁸ As discussed by Mr Hattam in his evidence.

⁹ Noting there is an error in 14.5.1.4 D2 as it should only refer to i. P1 residential activity a. and b. only. I note submitter 798.4 Wolfbrook has identified this issue, and I support the correction of this.

51. Setting aside retirement villages, boarding houses and student hostels for the purpose of this evidence¹⁰, there is one RD rule (14.5.1.3 RD1) for development that results in 4 or more residential units that otherwise complies with all built form standards. Applications arising from this rule are expressly non-notifiable. The Council's discretion is restricted to the Residential Design Principles (**RDP**) contained within 14.5.1.
52. There are seventeen RD activity rules that deal with breaches of built form standards. These are as follows:

Rule reference 14.5.1.3	Built form standard breached	Notification clause
RD12	Rail corridor setback	No clause
RD14	Maximum height/number of storeys	No public notification for up to three residential units only
RD15	Height in relation to boundary	No public notification for up to three residential units
RD16	Site coverage	No public notification up to 3 residential units only
RD17	Minimum building setback	Road boundary setback breach only non-notifiable. Other boundary breaches no public notification.
RD18	Outdoor living space	Non-notifiable
RD19	Fences	Non-notifiable
RD20	Minimum unit size	Non-notifiable
RD21	Firefighting water supply	No public notification
RD23	Windows to street	Non-notifiable
RD24	Landscaped area and tree canopy cover	Non-notifiable

¹⁰ As these are a different form of residential activity and are covered by existing rules in the Plan carried over to the new zone.

Rule reference 14.5.1.3	Built form standard breached	Notification clause
RD25	Service, storage and waste management spaces	No clause
RD26	Garage/carport location Habitable room	Non-notifiable
RD28	Outlook space	No public notification up to 3 residential units only
RD29	Building reflectivity (Hills precinct only)	No clause
RD30	Location of outdoor mechanical ventilation	Non-notifiable
RD31	Road boundary setback – QM City Spine Transport Corridor	No clause

Table 1: RD activities in the MRZ resulting from a breach of a built form standard

53. In addition, there is an RD rule for new buildings greater than 20m in height where these do not exceed specified wind gust standards, as demonstrated by a suitably qualified professional.
54. Taking an implementation perspective, of the matters in **Table 1**, I consider some of the rules may benefit from amended notification clauses¹¹, to better recognise the nature and scale of the effect anticipated. I note amendments to the notification clauses have been sought by 834.172 Kāinga Ora and 877.26 Ōtautahi Community Housing Trust. I consider that, except for the height rule breach, the clauses that limit public notification for up to 3 residential units only could extend that to more than 3 units. By their nature, breaches of site coverage, height in relation to boundary and outlook space generally only affect adjacent neighbours, rather than the wider environment. I consider a breach of the height rule does have the potential for adverse effects on the wider environment and therefore the

¹¹ As sought by 877.26 Ōtautahi Community Housing Trust.

ability to undertake a standard s95 notification assessment is warranted for breaches of this rule.

55. I consider an application arising from a rail corridor setback breach would typically only affect the adjacent rail corridor and, potentially, adjacent neighbours, and therefore the ability to process it without the need for public notification would be appropriate, so would recommend this change.
56. An application breaching the service and storage space rule would typically only have onsite effects. I consider it appropriate to preclude notification for breaches of this rule in relation to these spaces only. Breaches of the waste management rule have the potential to adversely affect neighbours in terms of the siting and number/type of bin storage, particularly adjacent to internal boundaries, and therefore I consider a preclusion on public notification only would be appropriate.
57. In terms of the matters of discretion that apply, I will discuss both the RDP and RD27 for height over 20m later in this evidence. For built form breaches, I consider the applicable matters of discretion are largely appropriate and suitably target the effects of concern, subject to the comments below.
58. Submitter 685.32 (Canterbury/Westland Branch of Architectural Designers) has sought that the RDP apply to any breach of the permitted activity standards, which I assume is a reference to breaches of the built form standards. I do not support such an approach as this is not appropriately targeted to the effects of concern and reduces certainty for Plan users. While it may give rise to overall improved quality of developments, this would be at the cost of a more complex consenting process which is unnecessary for a bulk or location breach for a single house, for example.
59. I note the following errors/recommended changes, which are included in table form as **Appendix A**. Submitters Kāinga Ora (834) and Ōtautahi Housing Trust (877) have sought a number of changes to the matters of discretion. Te Mana Ora/Community and Public Health (145) has submitted in support of some of the matters of discretion and suggested additions. Fire and Emergency NZ (842) supports some of the matters and seeks inclusion of additional matters relevant to emergency service access¹². The

¹² I consider firefighting access issues are more appropriately dealt with in Chapter 7 and do not discuss these further, other than noting the proposed RDP for residential environment f.ii.D.1 will assist in achieving the submitter's relief.

Fuel Companies, BP Oil, Z Energy and Mobil Oil (212.13) seek the addition of reverse sensitivity effects consideration to some of the matters of discretion.¹³ Other submitters either support the matters of discretion and seek they be retained,¹⁴ or seek they be amended,¹⁵ or deleted in relation to non-MDRS density standards. As a result of these wide-ranging submissions I consider that the Panel has scope to recommend the following changes, which in my view are warranted.

60. KiwiRail (829.10) has sought an additional matter of discretion be added to 14.5.1.3 RD12 relating to rail corridor boundary setbacks, to enable consideration of whether the reduced setback will provide for the safe and efficient operation of the rail network. Given the matter is concerned with whether buildings can be maintained without access to the rail corridor, the effects on the safe operation of the network would not always need to be a consideration, but I accept there may be limited circumstances where this additional consideration is necessary and therefore I do not oppose its inclusion¹⁶.
61. For RD14 (height/number of storeys breach), the matters of discretion reference Rule 14.15.3.a only. I consider this is an error, as 14.15.3.c deals specifically with MRZ height breaches and should be the applicable provision, but note that I have recommended more wholesale changes to 14.15.3 to reduce repetition and better target the effects of concern, as set out in **Appendix B**.
62. The matters in 14.15.3.c. concentrate on whether the over-height building fits in with the planned character of the zone and allow consideration of building bulk and dominance on neighbours. I recommend amending the clause that starts "*particularly the effect...*" to remove the emphasis introduced by "*particularly*", and changing the reference from "*views*" to "*outlook*", so it reads: "*ii. Building bulk and dominance effects on surrounding neighbours, ~~particularly~~ including the effect on the relationship between buildings, public spaces, and ~~views~~ outlook (...)*"
63. Moreover, I consider vii. does not clearly articulate the outcome sought. As a matter of discretion, an applicant could simply respond by not meeting the habitable room percentage or not provide communal living space, and there

¹³ I have not dealt with that relief sought in this evidence. Mr Kleynbos discusses this in his s42A.

¹⁴ 780.18 Josie Schroder, 237.45 Marjorie Manthie (in relation to 14.15.4 14.15.6(a.-c), 14.15.36).

¹⁵ 834 Kāinga Ora (in relation to non-notifiable RD rules), 556.16 Winton Land Limited (in relation to 14.15.3)

¹⁶ I note Ms Oliver's s42A report deals with the Kiwi Rail submission in more detail.

is no guidance in the matter as to why this is important. I suggest a change such as that set out below which emphasises the need for activation of the ground floor, especially when viewed from the street or site access:

~~"vii. Whether a minimum of 30% of the ground floor area is occupied by habitable rooms and/or indoor communal living space (including any shared pedestrian access to lifts, stairs and foyers)~~ The extent to which the ground floor area of the building provides adequate, appropriately located and glazed activated indoor space to link the building to the street and to accessways within the development, including through the provision of ground floor habitable and/or communal living space that provides such activation, and by locating garages or access to internal car parking areas to the rear of such spaces to ensure the ground floor elevation is not dominated by garage/carpark access doors when viewed from the street or site access" (...)

64. I consider the matter in xiv., namely *"Whether the development detracts from the economic opportunities within the city centre and its primacy"*, is not an effect on neighbours (as per the title of the matter of discretion). Assuming the title could be appropriately renamed, I also consider this would be difficult to assess, let alone demonstrate in a consent application. In my experience processing consents where economic evidence is required relating to the distribution of economic activity, a single application is unlikely to be found to adversely impact on the primacy of the city centre. I consider the National Policy Statement on Urban Development 2020 (**NPS-UD**) and MDRS are designed to enable development at different scales, including the highest scale around the city centre, but this does not prevent applications for larger scale developments elsewhere.
65. I also note the policy that this provision is intended to implement (14.2.3.7 Management of increased building heights) states that economic impacts from an increase in height should be considered within 1.2km from the city centre. This matter would, as currently drafted, apply to any over-height building in MRZ and therefore goes further than the policy.
66. If the concern is that a large-scale residential development will undermine the centres-based approach to commercial activity, there are other matters that would enable such consideration, such as those in x. *"The location of the development relative to current and planned public transport corridors, community facilities, or commercial activities and the connectivity of the*

- development to these facilities*". I note in particular that a large building for non-residential activity would be D, and therefore not subject to these matters of discretion and enabling consideration of all relevant effects, including effects on centres. I therefore recommend deletion of 14.5.3.c.xiv or, if it is to be retained, to apply it only to application sites within 1.2km of the city centre zone, consistent with policy 14.2.3.7.
67. For RD15 (height in relation to boundary) the matters of discretion are 14.15.3.a and 14.15.4. I consider there is duplication in these provisions, and the matters within 14.15.4 are adequate, but with a change to the scope of the matter. I would therefore recommend deleting the reference to 14.15.3.a and making 14.15.4 the sole matter of discretion but amending it to read "~~Whether the non-compliance is appropriate to its planned urban built character, taking into account~~ The nature and degree of: i. Building bulk (...); ii. Privacy effects (...); iii. Shading effects on adjoining neighbours ~~and including~~ the degree of impact on any internal or outdoor living spaces or windows to habitable rooms; and (...)"
68. For RD17 (minimum building setback) the matters are 14.15.3 (in its entirety) and 14.15.19. I consider the drafting could be made clearer by referring to 14.15.3.a only (as b. and 14.15.19 relate to Akaroa, and 14.15.3.c relates to height breaches only), but again note my recommended change to 14.15.3 in its entirety.
69. As 14.15.3.a is for assessment of boundary setback breaches as well as height,¹⁷ I consider a. iv modulation of the roof form should be amended to include modulation or design features of the façade to reduce its visual impact, as well as the roof form.
70. I do not consider 14.15.3.a.v, which relates to ground floor habitable rooms/indoor communal living spaces, to be particularly relevant to boundary setback breaches (or height outside of MRZ and HRZ) and would therefore recommend its deletion.
71. For RD18 the matters are set out in 14.15.21 Outdoor living space. I recommend removing the defined term "*accessibility*" and the terms "*and convenience*" in b. and replacing them with "*ease of access to*". I consider the defined term, which requires full accessibility for disabled persons, would not be met by most developments, other than those designed for the

¹⁷ And for height in relation to boundary breaches in other residential zones (outside of MRZ and HRZ).

disabled. For example, in a flood management area, the floor level can be over 1m above the ground, and steps usually connect decks from living areas to the ground. Steps are not accessible for wheelchair users. While accessibility for all people should be encouraged in the design of developments, implying mandatory consideration through this matter of discretion, when the unit the outdoor living space is serving is itself not required to be accessible, is in my view not the intent of the matter of discretion, which instead is focused on the proximity of the outdoor living space to the residential unit and how easy it is to get to and from that unit.

72. I support the addition of e. requiring consideration of the location of service areas and bike parking outside of the outdoor living space. Often developers leave these elements to last in their site design, with the result that they are 'shoe-horned' into the only available private space on the site, which is the outdoor living space, rendering this area less available and useable for residents (refer **Figure 1** below for an example of this).

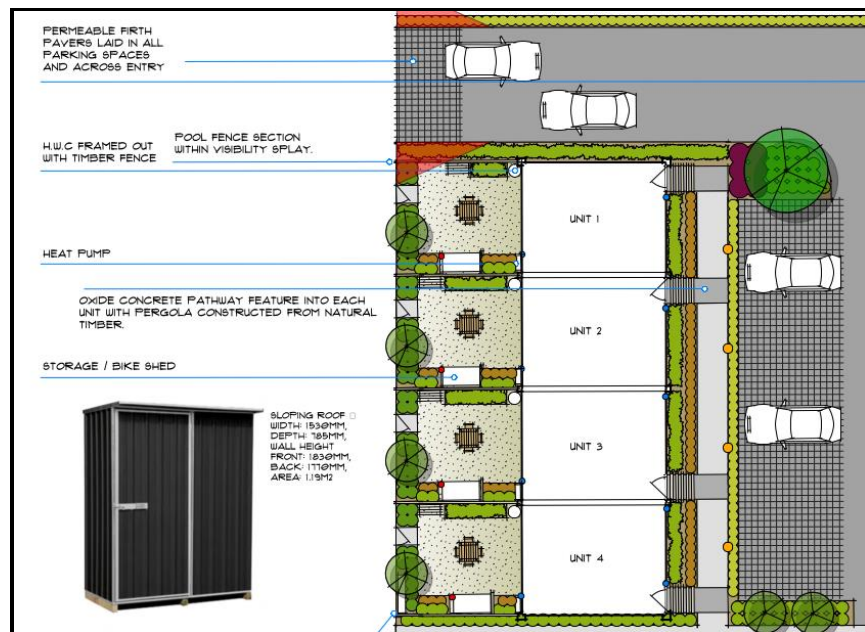


Figure 1: Example of a consent application where heat pump, bike storage, clothesline, hot water cylinder all included within outdoor living space (RMA/2019/2485).

73. Signalling that these spaces should be separate through the matters of discretion is in my view appropriate and ensures sites are designed with appropriate separate spaces that meet the day to day needs of their inhabitants, especially given the reduction in size of the required outdoor living space under the MDRS density standards (compared to the operative Plan) which makes this area even more vulnerable to loss of key

functionality. I do not support the submission of Wolfbrook (798.11), which seeks no specified area for fold-down washing lines, for this reason.

74. RD20 (minimum unit size) as notified refers to Rule 14.15.4 Minimum unit size and mix. I note this should be 14.15.5. RD21 (firefighting water supply) as notified refers to 14.15.7, which should be 14.15.8. RD23 (windows to street) refers to Rule 14.13.23, which should be 14.15.23.
75. In relation to the matters within 14.15.23 Street-facing glazing, I recommend the addition of: *“e. the shortfall associated with a need to provide appropriately sized windows to upper-level bedrooms to maintain privacy while still providing for outlook and access to sun and daylight.”* This is in recognition that floor to ceiling windows to bedrooms on the street façade can have adverse privacy effects and result in occupants drawing curtains or blinds, therefore negating the benefits of the glazing¹⁸. However, appropriately dimensioned windows should still be encouraged. I also note that the NZ Institute of Architects Canterbury Branch (762.18) has identified that 20% glazing will have an impact on thermal efficiency (overheating or loss of heat) depending on the orientation of the façade. This can be captured in the matters of discretion, with appropriate mitigation required to be considered, and I recommend the following addition to 14.15.23:
- “f. Whether the non-compliance is attributable to the orientation of the façade and the need for thermal efficiency, including consideration of the affordability of glazing to the required level, and any mitigation offered for reduced glazing that ensures visual interest to the façade and passive surveillance of the street.”*
76. RD24 has 14.15.24 Residential landscaping as its matter of discretion. I recommend the addition of the ability to include planter boxes as mitigation for any shortfall due to infrastructure location to *“c. The need to reduce landscaped areas due to the presence of on-site infrastructure and lack of alternative locations on the site for either the planting or the infrastructure and whether mitigation in the form of planter boxes or other above ground planting solutions can be accommodated and maintained on the site in appropriate locations”*.
77. RD25 has 14.15.20 Service, storage and waste management spaces. I recommend changing c. to remove the reference to “visual amenity” solely.

¹⁸ S32 Chapter 14 Appendix 3 Urban design Technical report section 8.1.3.

If a communal waste storage area is chosen as an option, this can have adverse effects in terms of odour and noise where not appropriately sited and managed, and an assessment should be able to consider this. Removing the word “visual” would achieve this.

78. RD26 has the RDP matters d. (Relationship to the street) and h. (Safety). I consider g. (Access, parking and servicing) is also directly relevant for applications breaching the garaging and carport location built form standard and should also be referenced.
79. RD28 has 14.15.22 Outlook space occupation. I recommend an amendment to e. “Any privacy benefits from a reduced outlook space dimension” to also recognise that a reduced outlook space may have privacy impacts, as it enables building closer to boundaries. I recommend the wording be changed to: “Any privacy effects, including ~~benefits~~ positive effects, from a reduced outlook space dimension”.
80. RD29 has 14.15.1. i. Hillside and small settlement areas as its matter of discretion. Although this represents the *status quo* under the Plan, I consider the matters within i. are too broad for a building reflectivity breach and recommend that this be amended to refer to relevant matters in a new 14.15.42. I have adapted relevant clauses from the existing Plan provisions in 9.2.8.2 relating to amenity landscapes:

“14.15.42 Roof reflectivity

a. Whether the proposal will integrate into the landscape and the appropriateness of the scale, form, design, and finish (materials and colours) proposed and mitigation measures such as planting. This shall include consideration of any adverse effects of reflectivity and glare;

b. The extent to which natural elements such as landforms and vegetation within the site mitigate the visibility of the roof form;

c. The extent to which the proposal will result in adverse cumulative effects.”

81. RD30 for breaches of the mechanical ventilation built form standard has RDP 14.15.1.d. (relationship to the street) and e. (built form and appearance) as matters of discretion. I consider these matters are too broad given the nature of the breach, in terms of locating mechanical ventilation within the setback. I understand Mr Kleynbos’ recommendation

is to alter this rule to require screening of these units, rather than prevent their siting in the setback. As such, I would recommend a consequential change to refer to the matters of discretion in 14.15.18 Street scene a to d, with an amendment to a. to refer to proposed building or mechanical ventilation/heatpump unit.

82. I consider that the recommended changes set out above would result in processing efficiencies and more certainty for applicants and Plan users.
83. Overall, I consider the built form standards and RD activity status to be appropriate for the type of development envisaged in the MRZ subject to my specific comments and recommended amendments set out above.

RESIDENTIAL DESIGN PRINCIPLES

84. As noted above, for developments that result in four or more residential units on a site, consent is required as a RD activity, with discretion restricted to the RDP in 14.15.1. Such applications are to be processed on a non-notified basis unless other rules are triggered by the proposal that do not preclude notification¹⁹ or special circumstances exist²⁰.
85. The RDP have been modified (through PC14) from those in the operative District Plan, in recognition of the changed planning framework of the NPS-UD and MDRS and refinement to policies. In addition, changes have been made to reflect issues with the RDP that became evident in both processing resource consent applications for multi-unit housing, and monitoring the outcomes of these consents²¹, since the District Plan came into legal effect. These issues have been well canvassed in the residential s32 Urban Design Technical report (Appendix 3 to Part 3 – Residential of the s32 report) and appendices.
86. Submitter Kāinga Ora 834.203 is seeking amendment to the RDP to reduce these to five relatively brief matters. Based on my experience administering the Plan rules for multi-unit residential complexes, I do not consider such brief matters will sufficiently guide applicants to achieving the outcomes sought by the objectives and policies or address the deficiencies in some multi-unit developments identified in the urban design s32 report and in the evidence of David Hattam.

¹⁹ S95A(5)(a), s95B(6)(a).

²⁰ S95A(9) s95B(10).

²¹ Ch 14 s32 Urban design Appendix 1, Appendix 3.

87. I note the matters of discretion themselves are c.i; d.i; e.i; f.i; g.i; h.i; and i.i, which are not complex:

"c. Site layout

i. Whether the development achieves high quality design through a logical and coherent site layout that prioritises the street interface, a public frontage for each unit, and safe and direct pedestrian access throughout the development.

d. Relationship to the street and public open spaces

i. Whether the development engages with and contributes to adjacent streets, on-site communal space, and any other adjacent public open spaces to contribute to them being lively, safe and attractive.

e. Built form and appearance

i. Whether the development is designed to manage the visual bulk of the buildings and provide visual interest.

f. Residential environment

i. how good internal and external residential amenity for occupants and neighbours is provided.

g. Access, parking and servicing

i. Whether the development provides for good, safe access and integration of space for pedestrian movement, cyclists, servicing, and parking (where provided).

h. Safety

i. Whether the development incorporates Crime Prevention Through Environmental Design (CPTED) principles as required to achieve a safe, secure environment.

i. Hillside and small settlement areas

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

88. The additional matters that follow in ii. for each matter of discretion are 'relevant considerations' that target the assessment and guide both

applicants and Council planners as to important design components that should be included in applications to meet the matter of discretion more easily. An applicant could effectively use these as a checklist of good design and focus their assessment of environmental effects (**AEE**) on any areas where the development may not achieve a matter or matters in the checklist. This is helpful to applicants as it reduces the need extensively to cover matters in their AEE where the proposal is in accordance with the matters listed in the 'relevant considerations' of the design principles. They only need to spend the time justifying a deviation from the matters, which is more efficient in terms of both time spent preparing a resource consent application, and for Council planners processing that application. As such, the relief Kāinga Ora seeks would remove useful provisions from the Plan, and therefore I do not support it.

89. In terms of the design principles, I recommend the following changes to clarify the matters and provide more certainty for Plan users.
90. Principle e. ii. E currently reads as a rule, and therefore is not useful as a matter to guide assessment. Continuous building length is sought to be limited in ii. A. If an additional standard is required to reinforce limits to building bulk and seeking building separation, I suggest reframing the RDP consideration to target the outcome sought, such as: E. *“where more than three residential units are proposed, are contained within buildings that are designed and positioned to avoid extensive façade lengths along site boundaries, and blocks of units are separated with setbacks that allow access to daylight between buildings and to provide for privacy between blocks, as well as facilitating safe access and landscaping.”*
91. Matters g. ii. and h.ii should be reworded, consistent with c.ii.-f.ii., to state *“The relevant considerations ~~are~~ include the extent to which the development: (...)*” This change is necessary to reinforce the structure of the design principles, which is that the principle itself that forms the matter of discretion is in i. and the matters in ii. highlight key considerations, but the assessment is not limited to these, as explained in 14.15.1.a and discussed above. This has been the subject of confusion and challenge in resource consent processing, so measures to remove that confusion are supported.
92. I consider the design principles are appropriate to assess the effects of four or more residential units on a site, address the key matters of concern that

have been articulated in the s32 reports, and can be met without due constraint by developers who take the time to prioritise site design to achieve functional living environments. Developers familiar with the Plan provisions readily meet these requirements and have a straightforward consenting process. The majority of consents are processed non-notified²² and are granted. There may be some alterations to plans through the consent process to better achieve the outcomes of the Plan, but the reinforcement of these through the changes to the objectives, policies and matters of discretion should provide a clearer path for developers to achieve their development aspirations while providing assurance to the community that an acceptable standard of development will result where a resource consent is required.

MRZ RD27 BUILDINGS GREATER THAN 20M IN HEIGHT – WIND CONDITIONS

93. RD27 is for buildings that exceed 20m in height that comply with wind standards. There is no identified status for activities that breach this rule, so they would be caught by the 14.5.1.4 catch-all D activity rule. I consider this rule would be more appropriately framed as an additional matter of discretion for RD14 for buildings exceeding 20m. This could be the proposed '14.15.29 Wind', but modified to refer to the standards currently in RD27. Such buildings require consent for breaching the height standard, and the effects on the wind environment are appropriately dealt with when considering these applications. I consider the current RD rule reads like a built form standard and by the time an applicant has engaged a suitably qualified professional, the assessment undertaken would appropriately form part of an AEE for the height breach. I have recommended changes in matter of discretion 14.15.3. that may satisfy this, with a trigger at an appropriate height as discussed in Mr Kleybos' s42A report. I concede that the changes recommended suffer from the "rule within a matter of discretion" issue I have sought to avoid with other matters (such as the RDP e.ii.E discussed above), and therefore the alternative discussed below would, in my opinion be more appropriate.

²² Based on a search of Council's consent database, 9 consents for multi-unit developments in RSDT/RMD/RCC have been limited notified since 2016, with only one of these being for urban design reasons. The remainder were for built form breaches of recession planes, height and/or internal boundary setbacks, other than one being limited notified to CIAL due to location in the 50dB air noise contour. Approximately 1200 consents for multi-unit developments were processed in this time, i.e. less than 1% were limited notified, with no multi-unit applications publicly notified. Four of these consents were declined, and two were withdrawn.

94. Kāinga Ora (834.178) has sought that the provisions relating to wind effects are relocated to the general rules in Chapter 6. This would be an appropriate change, in my view, which would enable the effects of wind for tall buildings to be addressed without requiring complex RD rules or matters of discretion in the zone chapter. If scope is an issue (noting the general rules are not zone-specific) I consider the chapter 6 rule could be appropriately targeted to the zones with wind rules proposed in PC14 (MRZ, HRZ and some commercial zones). I have included draft provisions for Chapter 6 Wind as **Appendix C**.

HRZ

95. There is a degree of overlap between the rules for MRZ and those in HRZ. I will focus on the differences between the zone provisions in this part of my evidence.
96. **Table 2** below sets out the RD activities arising from a breach of a built form standard. I note that RD7 and RD8 technically result from breaching the height built form standard, but the standard is not referenced in the rules themselves so I have not included them in **Table 2**.

Rule reference 14.6.1.3	Built form standard breached	Notification clause
RD2	Garaging and carport building location Ground floor habitable room	Non-notified
RD9	Height in relation to boundary	No public notification for up to three residential units
RD10	Setbacks	No public notification for up to three residential units only Non-notified (road boundary setback only)
RD11	Outlook space	No public notification for up to three residential units only

RD12	Fencing	No clause
RD13	Landscaped area and tree canopy cover	Non-notified
RD14	Outdoor living space	Non-notified
RD15	Windows to street	Non-notified
RD16	Service, storage and waste management	No clause
RD18	Building coverage	No public notification for up to three residential units only
RD19	Building separation	No clause
RD20	Garage and carport location Ground floor habitable room	Non-notified
RD21	Location of outdoor mechanical ventilation	Non-notified
RD22	Building height minimum 7m	Non-notified
RD23	Road boundary setback QM City Spine Transport Corridor	No clause

Table 2: Restricted discretionary activities in the HRZ resulting from a breach of a built form standard

97. As set out in my evidence for the MRZ, I consider there are grounds for more targeted notification provisions and recommend these be changed consistent with the equivalent rules in MRZ and my recommendations above.
98. 14.6.1.3 RD2 applies the RDP to activities resulting in four or more residential units, as well as any garage or carport that does not meet the built form standard for garage/carport location, and any habitable room that does not meet the built form standard for ground floor habitable rooms.
99. For the reasons set out in the MRZ discussion above, I consider the RDP to be appropriate for the consideration of four or more units on a site, with the amendments suggested. However, I consider these should be more targeted for the built form breaches consistent with my recommendations for MRZ. I therefore recommend that the rule be amended to limit the

discretion for a.ii and iii. (for garages and habitable rooms) to the principles in 14.1.5.1 d, g and h. Alternatively the rule could be amended to only apply to four or more units, and RD20 retained with the additional design principle added.

100. I consider RD6 (which relates to breaches of the number of units permitted under activity P1.e) to be redundant as it is covered by RD2, and therefore recommend it be deleted. RD20 for garage and carport location and ground floor habitable room breaches is also already included within RD2, and should be deleted, or alternatively these matters removed from RD2 to avoid double-ups.
101. RD7 is for buildings between 14-20m in height where these provide a communal outdoor living area at a ratio of 50m² per 10 units at fourth floor level and above, to a limit of 20% of the site area, with the number of units rounded to the nearest ten; or buildings 20m-32m in height which provide the same communal outdoor living area and are set back 6m from all internal boundaries and 3m from the road boundary. There is no clear path for buildings that do not provide the communal area or setback, and therefore it is assumed that these would require consent as a D activity under the catch-all D3.
102. I do not consider this was the intent, given the direction in clause 4 of Schedule 3A of the Act that the Plan must provide for the construction and use of residential units on a site, if they breach building density standards, to be a RD activity. I recommend this rule (if still required, noting Mr Kleynbos' recommendation on minimum heights in HRZ in his s42A report) be redrafted, to clarify where the setback from boundaries applies (i.e. the whole building or the levels above the permitted height) and to provide an RD path where the specific standards are not met, both with appropriate matters of discretion.
103. I consider there is an overlap between RD7 and RD8 when the matters of discretion are examined. I understand Mr Kleynbos is recommending changes to the approach to building heights in the HRZ, and therefore I recommend that the modified matter of discretion 14.5.3 I discuss in the MRZ section above likewise apply to breaches of whatever height trigger is deemed appropriate and necessary to achieve the objectives and policies of PC14, and that the consent pathway is clear.

104. Similarly, I understand that the changes Mr Kleynbos is recommending to heights in response to submissions may have an effect on RD17, the wind condition provision. My concern with the rule as currently drafted is that it reads like a built form standard and there is no pathway for assessment where a building does not meet the requirements set out. Presumably these would require consent under the catch-all D3 rule, but I recommend this be made clearer. My recommended amendments to the height matters of discretion 14.15.3 have included a suggested way to incorporate the wind matters of discretion currently in 14.15.29, but it may be more appropriate to incorporate the wind triggers as built form standards where the permitted height is at least 20m. As noted above, I consider there is merit in placing the wind rules in Chapter 6 as sought by Kāinga Ora in its submission and as I have set out in **Appendix C**. If it is considered more desirable to retain the wind provisions in Chapter 14, then I would recommend these are either built form standards or framed as matters of discretion rather than standards applying to RD activities.
105. RD22 is for residential units that do not meet the minimum building height of 7m prescribed in 14.6.2.1 b, with 14.15.41 as the matters of discretion. Submitter Doug Latham (30.11) has sought that the built form standard be amended to be 7m or two storeys, noting it is possible to have a two-storey building less than 7m in height. I note that this should be an option to enable flexibility in building design and recommend the built form standard be reworded to read: "*b. Other than where c. applies, Residential units shall not be less than be a minimum of 7 metres in height above ground level, or two storeys (not including mezzanine floors), whichever is the lesser.*"
106. Matter 14.15.41.c. which seeks consideration of reducing private motor vehicle dependence is triggered by breach of the minimum height rule. I consider that a location within the HRZ, with its proximity to services and public transport linkages, in addition to the requirements for onsite cycle parking provision and no parking minimums in Chapter 7, are sufficient to incentivise a reduction in private motor vehicle dependence, and mandating this consideration for houses less than 7m in height is likely to be unnecessary. I also do not consider that enhancing pedestrian access necessarily reduces private motor vehicle dependence. I also note that the provision of onsite at-grade carparking for a residential unit does not necessarily foreclose future site redevelopment options, in that it can

facilitate additional building area when the parking is removed. I therefore recommend deletion of 14.15.41.c and consider the matters in a. and b. adequate for considering applications that do not meet the minimum height.

107. I also note that the current wording of the associated policy 14.2.7.6, to ensure at least two-storey development occurs, means that any application for less than two-storey residential units would be at least inconsistent with, and probably contrary to the policy. It may be more appropriate to allow for some developments that do not preclude increased heights on the site in future to be covered by this policy, i.e. *“Ensures at least two-storey development occurs or is not precluded from occurring through the design of buildings and site layout when sites are redeveloped”* as this would be more in accordance with the RD status of a breach of this rule, and signals that so long as higher heights are not precluded there may be some scope for single-storey development to be considered through the consent process, giving people more choice.²³
108. 14.6.1.4 D7 is for any building for residential activity that does not meet the 7m maximum height in the Industrial Interface Qualifying Matter (QM) area 14.6.2.1(d). I note this should refer to 14.6.2.1.c and that the built form standard needs to be amended to exclude the application of 14.6.2.1.b. in the Industrial Interface QM (otherwise buildings would have to be exactly 7m in height in this QM, which I do not consider was the intent and is not feasible).
109. In terms of the built form standards in HRZ, my discussion of the equivalent in MRZ applies. I will now address any issues with those standards exclusive to HRZ.
110. 14.16.2.2 Height in relation to boundary enables 3 or more units up to 14m in height to be exempt from the required recession plane for the first 20m of a side boundary or 60% of the site depth, whichever is the lesser. I consider that at zone boundaries, this may lead to adverse effects on neighbouring properties in a lower density zone who themselves do not benefit from such an exemption, and therefore recommend that this exemption (c.iv) not apply to boundaries with sites in residential zones other than HRZ, or open space zones. I note this is similar to the relief sought by

²³ I note a similar approach has largely worked well for the existing rule in the RCC zone 14.6.2.11 (to be deleted) that requires a minimum site density of not less than 200m² for a residential unit in that zone (ie. a 400m² site is required to have two residential units). Applicants that don't meet that rule have to demonstrate through the consent process that the site can still accommodate housing at the required density in future by showing a compliant area on the site that a non-fanciful unit could be constructed.

submitter 685.35 Canterbury Westland Institute of Architectural Designers for sites in MRZ adjoining lower density sites (as discussed above), but given the increased leniency of the HRZ exemption and therefore potential for greater effects (than activities complying with the respective recession planes) I consider it warranted in this case. I note there would still be the ability for a consent applicant to apply for consent arising from a recession plane breach on this boundary and have the effects of that considered through the consent process.

111. 14.6.2.5 Building separation refers to residential units above 12m in height requiring separation from other residential units measured horizontally, other than where a common wall is included. I understand Mr Kleynbos' s42A report recommends that this rule be clarified to apply to buildings on the same development site only. I also recommend that the reference to a common wall is amended to apply only to common walls that extend the full height of the building, unless a lesser separation is acceptable for podium and tower type developments where the common wall may only be for the first few storeys. In either case, this needs to be more clearly articulated in the rule. I am also not clear whether the separation is only to residential units also exceeding 12m in height, or to all residential buildings, regardless of height, and would recommend this also be set out clearly in the standard to reduce confusion and make administration of the rule easier.
112. 14.6.2.9 Ground floor habitable room refers to the defined term "*building footprint*" in a.ii. where referring to buildings where at least 25% of the building footprint is more than 4 storeys. I note the definition of building footprint is the total area of buildings at ground floor levels plus overhangs, which would make the calculation of storeys above ground difficult. I recommend changing this to be "*at least 25% of the gross floor area of the building is at fifth floor level and above*" which achieves the outcome sought. I also recommend changing the reference to "*sites*" and "*any ground floor area*" to reference the single building only, for clarity.
113. 14.16.2.12 Building coverage has a typographical error in ii. (if instead of of) and should refer to building coverage rather than site coverage to be consistent with the title of the rule and planning standards definitions introduced in PC14, and I recommend these be corrected.
114. 14.6.2.14 Garaging and carport location uses the defined term 'site' in a way that may result in confusion or challenge. I recommend changing this

to be consistent with 14.5.2.15 in the MRZ (and “*front façade*” be amended to the defined term **street facing façade** in both rules). I also consider that the rule should apply to any garage or carport, as per the MRZ rule, regardless of whether it is attached or detached, as the effects of concern do not alter when the structure is attached to a residential unit. I consider this is largely consistent with the relief sought by Kāinga Ora (834.631) and Ōtautahi Community Housing Trust (877.32).

Exemptions to height in relation to boundary controls

115. Doug Latham (30.12) has sought that the exemptions to recession planes in Appendix 14.16.2 of the Plan be carried over to the MRZ and HRZ. These exemptions include gutters and eaves by up to 0.2m; the top half of a single gable no wider than 7.5m; chimneys, ventilation shafts, spires, poles and masts up to 1m wide; and liftwells, stairshafts and roof water tanks up to 3m wide provided there is only one intrusion per 20m boundary length. New Zealand Institute of Architects Canterbury Branch (762.28) has requested that the gable end exemption be retained and modified to include monopitch roofs with a slope of 25 degrees or greater, and that the ‘single gable end’ be applied to all street fronting units in a development. I am not clear of the application to street fronting units as I note there is no height in relation to boundary control on the road boundary.
116. From a Plan administration perspective, these exemptions introduce complexity to consent processing and often result in disputes about whether a particular structure qualifies for the exemption. More pertinently, they also form a permitted baseline against which the effects of a non-compliant structure can be compared. The shading from these structures can adversely affect adjoining property occupiers, depending on the orientation of the site and sensitivity of the receiving environment.
117. Given the justification for the sunlight access qualifying matter set out in the s32 evaluation and the s42a report of Mr Kleynbos, I consider it inappropriate from an effects perspective to allow these structures to breach the recession plane as of right, without the ability to assess the effects through a consent process. I also consider that administration of the rule is more straightforward without the exemptions.
118. I note there is no ‘standard’ Christchurch architectural character as stated in the submission (762), that the gable end exemption preserves. Christchurch residential developments have gable roofs, or hip roofs, or monopitch, or

flat roofs, or a combination thereof; there is no one prevailing character (outside of character areas). With the additional height enabled under the MRZ and HRZ provisions, there should be ample room for flexibility in building and roof design without reliance on an exemption.

119. My recommendation is therefore to decline the relief sought in submissions and not apply any exemptions to the height in relation to boundary built form standard.
120. Overall, subject to the clarification around the height and wind rules and my recommended amendments set out above, I consider the built form standards and matters of discretion for residential activities in the HRZ are appropriately targeted to implement the relevant objectives and policies and provide an appropriate balance between flexibility and certainty for plan users.

CONCLUSION

121. My evidence has detailed the structure of rules in the MRZ and HRZ, including the application of built form standards, but excluding qualifying matters. I have discussed the notification provisions for the RD rules and recommended amendments. I have addressed the RD rules themselves in both zones, and made recommendations for amendments to some of the rules and matters of discretion for clarity and to better target the effects of concern. These recommendations are considered to be within scope of submissions to PC14, and I discuss relevant submissions.
122. Overall, from a resource consents implementation perspective, I consider the rule package in MRZ and HRZ with the recommended changes appropriately implements the proposed objectives and policies in Chapter 14, and provides an appropriate balance between flexibility and certainty for applicants and Plan users.

Date: 11 August 2023

Hermione Claire Blair

APPENDIX A: RECOMMENDED CHANGES TO PROVISIONS

Provision reference	Current wording	Recommended change	Paragraph of evidence
14.5.1.1 P3	<p>Conversion of an elderly person's housing unit existing at 6 December 2013, into a residential unit that may be occupied by an person(s) and without the need to be encumbered by a bond or other appropriate legal instrument.</p> <p>Standards:</p> <p>a. Each converted unit shall have:</p> <p>i. a minimum gross floor area, excluding terraces, garages, sundecks and verandahs, of 35m²; and</p> <p>ii. a separate outdoor living space readily accessible from its living area that is at least 30m² with a minimum dimension of 3 metres.</p>	<p>Conversion of an elderly person's housing unit/<u>older person's housing unit</u> existing at 6 December 2013 <u>17 March 2023</u>, into a residential unit that may be occupied by an person(s) and without the need to be encumbered by a bond or other appropriate legal instrument.</p> <p>Standards:</p> <p>a. Each converted unit shall have:</p> <p>i. a minimum gross floor area, excluding terraces, garages, sundecks and verandahs, of 35m²; and</p> <p>ii. a separate outdoor living space readily accessible from its living area that is at least 30<u>20</u>m² with a minimum dimension of 3 metres.</p> <p><u>b. No other built form standards shall apply where the unit is to be converted without addition or alteration from the building lawfully established as an older person's housing unit.</u></p>	31
14.5.1.3 RD14	Discretion limited to 14.15.3.a	14.15.3.c (<i>as modified</i>)	59
14.5.1.3 RD15	Discretion limited to 14.15.3.a and 14.15.4	Delete reference to 14.15.3.a	64
14.5.1.3 RD17	Discretion limited to 14.15.3 and 14.15.19	Delete reference to 14.15.19 and amend to limit discretion to 14.15.3.a only	64
14.5.1.3 RD20	Discretion limited to 14.15.4	14.15.5	71
14.5.1.3 RD21	Discretion limited to 14.15.7	14.15.8	71
14.5.1.3 RD23	Discretion limited to 14.13.23	14.15.23	71

14.5.1.3 RD26	Discretion limited to 14.15.1.d. and h.	Discretion limited to 14.15.1. d, <u>g</u> and h.	74
14.5.1.3 RD27	<p>a. New buildings, structures or additions greater than 20 metres in height from ground level that do not result in wind conditions that exceed the following cumulative standards (Gust Equivalent Mean) more than 5% annually at ground level, within 100 metres of the site, based on modelling:</p> <p>i. 4m/s at the any boundary of any site, if that boundary adjoins public open spaces, private outdoor living spaces, or footpath(s); or</p> <p>ii. 6m/s within any carriageway or car parking areas provided within or outside the site.</p> <p>b. New buildings, structures or additions greater than 20 metres in height that do not result in wind speeds exceeding 15m/s more than 0.3% annually at ground level.</p> <p>c. The requirements of a. and b. shall be demonstrated by a suitably qualified professional.</p>	Delete, and add new matter of discretion to RD14 for buildings exceeding the height threshold decided upon (noting Mr Kleybos is recommending a change to the height threshold).	89
14.5.1.3 RD29	Discretion limited to 14.15.1.i.	Discretion limited to new 14.15.42 Roof reflectivity (<i>refer below</i>)	76
14.5.1.3 RD30	Discretion limited to 14.15.1.d	Discretion limited to (modified) 14.15.18.a.,b. c. and d. (<i>refer below</i>)	77
14.5.2.4	<p>Site coverage</p> <p>...</p> <p>c. Eaves and roof overhangs up to 300mm in width and guttering up to 200mm in width from the wall of a building shall not be included in the building coverage calculation.</p>	<p><u>Site Building coverage</u></p> <p>...</p> <p>c. Eaves, and roof overhangs, up to 300mm in width and guttering, up to 650mm in <u>cumulative</u> width from the wall of a building shall not be included in the building coverage calculation.</p>	38
14.6.1.3 RD2	Discretion limited to 14.15.1	<p>a. <u>i.</u> Residential design principles – Rule 14.15.1</p> <p><u>ii. and iii. Residential design principles 14.15.1 d., g. and h.</u> OR delete a. ii. and iii. and amend RD20 to add in 14.15.1.g to the matters of discretion</p>	94 95
14.6.1.3 RD6	<p>Any residential activity that does not meet Rule 14.6.1.1.P1.e (number of residential units).</p> <p>b. An application arising from this rule shall not be publicly notified.</p>	Delete in entirety	95
14.6.1.3 RD7	Any building between 14-20 metres in height above ground level, when the following standards are met:...	Recommendation as per Mr Kleybos' s42A report. Whatever height trigger is chosen, consider applying modified matter of discretion 14.5.3	97

14.6.1.3 RD8	a. Any building over 32 metres in height above ground level. b. Any building over 20 metres in height above ground level within the High Density Residential Precinct, Large Local Centre Intensification Precinct, or Town Centre Intensification Precinct.	Recommendation as per Mr Kleynbos' s42A report. Whatever height trigger is chosen, consider applying modified matter of discretion 14.5.3	98
14.6.1.3 RD17	a. New buildings, structures or additions greater than 20m in height from ground level that do not result in wind conditions that exceed the following cumulative standards... b. New buildings, structures or additions greater than 20m in height that do not result in wind speeds exceeding 15 MUZ wind speeds...	Delete and make rule standards either matters of discretion under the modified height matter 14.5.3 or Alternatively, relocate the wind rules to Chapter 6 with appropriate permitted activity standards for buildings up to the chosen height threshold, and RD status for those meeting the standards set out currently in RD17, and D status for any not meeting those standards.	99
14.6.1.3 RD20	a. Any garage or carport that does not meet the garage and carport Rule 14.6.2.14 – Garaging and carport building location; or b. Any habitable room that does not meet Rule 14.6.2.9 – Ground floor habitable room. c. Any application arising from this rule shall not be limited or publicly notified	Delete in entirety OR delete ii. and iii. from 14.6.1.3 RD2 and add in matter of discretion 14.15.1 g to make the applicable matters of discretion 14.15.1.d. g. and h.	95
14.6.1.3 RD21	Matters of discretion Residential design principles Rules 14.15.1.d and 14.15.1e.	Amend matters of discretion to (modified) Rule 14.15.18.a.-d.	77 (in relation to MRZ, consistent)
14.6.1.4 D7	Any building for a residential activity that does not meet Rule 14.6.2.1 (d) Building height within the Industrial Interface Qualifying Matter Area.	Any building for a residential activity that does not meet Rule 14.6.2.1 c (d) Building height within the Industrial Interface Qualifying Matter Area.	104
14.6.2.1	a. Buildings must not exceed 14 metres in height above ground level. b. Residential units shall not be less than 7 metres in height above ground level. c. Buildings for residential activity within the Industrial Interface Qualifying Matter Area must not exceed 7 metres in	a. <i>Maximum height amended as per Mr Kleynbos' s42A report</i> b. <u>Other than where c. applies, residential units shall not be less than be a minimum of 7 metres in height above ground level, or two storeys (not including mezzanine floors), whichever is the lesser.</u>	104 100

	height above ground level or two storey, whichever is the lesser.		
14.6.2.2	c. This standard does not apply to- ... iv. the construction of three or more residential units of a maximum of 14 metres in height from ground level, to any part of a building: A. along the first 20 metres of a side boundary measured from the road boundary; or B. within 60% of the site depth, measured from the road boundary, whichever is the lesser. For corner sites, depth is measured from the internal boundaries, that are perpendicular to the road boundary. See Figure 1, below.	c. This standard does not apply to- ... iv. the construction of three or more residential units of a maximum of 14 metres in height from ground level, to any part of a building: A. along the first 20 metres of a side boundary measured from the road boundary; or B. within 60% of the site depth, measured from the road boundary, whichever is the lesser. For corner sites, depth is measured from the internal boundaries, that are perpendicular to the road boundary. See Figure 1, below; <u>except where the boundary is with a site in a residential zone other than HRZ, or an Open Space zone, where iv. A and B shall not apply.</u>	106
14.6.2.5	Building separation a. Residential units above 12 metres in height above ground level must be separated from any other residential units by at least 10 metres measured horizontally, except where a common wall is included.	Building separation a. Residential units above 12 metres in height above ground level must be separated from any other residential units <u>above 12 metres in height on the same development site</u> by at least 10 metres measured horizontally, except where a common wall is included. <u>other than where these buildings are joined by a common wall.</u>	107
14.6.2.9	b.ii. have at least 50% of any ground floor area as habitable rooms, except on sites where at least 25% of the building footprint is more than 4 storeys, which shall have at least 30% of any ground floor area as habitable rooms.	b.ii. have at least 50% of any ground floor area as habitable rooms, except on sites where at least 25% of the building footprint is more than 4 storeys <u>gross floor area of the building is at fifth floor level and above,</u> which shall have at least 30% of <u>any the</u> ground floor area as habitable rooms.	108
14.6.2.12	a. ii. In addition to 14.6.2.12.a.i. a total site coverage of up to 60% if the net site area is permitted when the following is met:	a. ii. In addition to 14.6.2.12.a.i. a total site <u>building</u> coverage of up to 60% if <u>of</u> the net site area is permitted when the following is met:	109
14.6.2.14	a. When developing four or more residential units on a single site, any detached garage or carport on a front site shall be located behind the rear façade of a residential unit.	b. When developing four <u>For development that results in four or more residential units on a single development site, any detached garage or carport on a front site shall be located at least 1.2m behind the rear street facing</u> façade of a residential unit.	110
14.15.1	e.ii.E	e.ii.E	86

	<p>ii. The relevant considerations include the extent to which the development: E. buildings that contain four or more residential units have a maximum building length that does not exceed 30 metres in length and are separated from other residential units by at least 3m.</p> <p>g.ii The relevant considerations are the extent to which the development: (...)</p> <p>h.ii The relevant considerations are the extent to which the development: (...)</p>	<p>ii. The relevant considerations include the extent to which the development: E. <u>where more than three residential units are proposed, these are contained within buildings that are designed and positioned to avoid extensive façade lengths along side and rear site boundaries, and blocks of units are separated with setbacks that allow access to daylight between buildings and to provide for privacy between blocks as well as facilitating safe access and landscaping.</u></p> <p>g.ii The relevant considerations are <u>include</u> the extent to which the development:</p> <p>h.ii The relevant considerations are <u>include</u> the extent to which the development:</p>	87
14.15.3.a	<p>iv. Modulation or design features of the roof-form to reduce its visual impact;</p> <p>v. Whether the majority of the ground floor area is occupied by habitable rooms and/or indoor communal living space (this area may include pedestrian access to lifts, stairs and foyers);</p>	<p>iv. Modulation or design features of the roof-form <u>and façade</u> to reduce its visual impact;</p> <p>v. Whether the majority of the ground floor area is occupied by habitable rooms and/or indoor communal living space (this area may include pedestrian access to lifts, stairs and foyers);</p> <p><i>See appendix 2 for an alternative</i></p>	65 66
14.15.3.c	<p>ii. Building bulk and dominance effects on surrounding neighbours,-particularly the effect on the relationship between buildings, public spaces, and views</p> <p>vii. Whether a minimum of 30% of the ground floor area is occupied by habitable rooms and/or indoor communal living space (including any shared pedestrian access to lifts, stairs and foyers)</p>	<p><i>See appendix 2 for an alternative</i></p> <p>ii. Building bulk and dominance effects on surrounding neighbours, particularly the effect on the relationship between buildings, public spaces, and views</p> <p>vii. Whether a minimum of 30% of the ground floor area is occupied by habitable rooms and/or indoor communal living space (including any shared pedestrian access to lifts, stairs and foyers) <u>The extent to which the ground floor area of the building provides adequate, appropriately located and glazed activated indoor space to link the building to the street and to accessways within the development, including through the provision of ground floor habitable and/or communal living space that provides such activation, and by locating garages or access to internal</u></p>	

	<p>xiii. For any building greater than 20 metres in height, where any part of the building above 20 metres does not meet the standards below, the effect of not complying with the standard(s) below. The standards are:</p> <p>A. At least 6 metres setback from all side and rear boundaries;</p> <p>B. At least 3 metres setback from any front boundary;</p> <p>C. A ground level communal outdoor living space shall be provided at a ratio of 50m² per 10 residential units. The number of units shall be rounded to the nearest 10, in accordance with the Swedish rounding system. This ratio shall be calculated on the number of residential units on the 4th floor of the building and any subsequent floors above, with the maximum required area being 20% of the site area. Any communal outdoor living space shall have a minimum dimension of no less than 8 metres.</p>	<p><u>carparking areas to the rear of such spaces to ensure the ground floor elevation is not dominated by garage/carpark access doors when viewed from the street or site access;</u></p> <p>xiii. For any building greater than 20 metres in height,;</p> <p><u>A. Where any part of the building above 20 metres does not meet the following standards: below</u> the effect of not complying with the standard(s) below. The standards are:</p> <p>A. At least i. Minimum <u>6 metres setback from all side and rear boundaries;</u></p> <p>B. At least ii. Minimum <u>3 metres setback from any front boundaries;</u></p> <p>Alternatively, relocate the wind rules to Chapter 6 with appropriate permitted activity standards for buildings up to the chosen height threshold, and RD status for those meeting the standards set out currently in RD27, and D status for any not meeting those standards.</p> <p><u>The effects of building dominance on the immediate and wider neighbourhood, effects on outlook and access to sun and daylight within the development site and on neighbouring properties.</u></p> <p><u>B. Where the development does not provide a communal outdoor living space:</u></p> <p><u>i. at ground level;</u></p> <p><u>ii. with an area of 5m² per residential unit at fourth floor level and above;</u></p> <p><u>iii. to a maximum of 20% of the development site area; and</u></p> <p><u>iv. with a minimum dimension of 8m,</u></p> <p>i. A ground level communal outdoor living space shall be provided at a ratio of 50m² per 10 residential units. The number of units shall be rounded to the nearest 10, in accordance with the Swedish rounding</p>	89
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	<p>xiv. Whether the development detracts from the economic opportunities within the city centre and its primacy.</p>	<p>system. This ratio shall be calculated on the number of residential units on the 4th floor of the building and any subsequent floors above, with the maximum required area being 20% of the site area. Any communal outdoor living space shall have a minimum dimension of no less than 8 metres</p> <p><u>The nature and extent of outdoor living available on the site; whether any communal indoor spaces are proposed; the proximity of the development site to public open space; the ability for the site to support tree and garden planting; the effects on occupants of a smaller or no communal space; and whether the lack of communal space contributes to cumulative dominance of built form in the immediate and wider area and any mitigation offered.</u></p> <p><u>C. Where the building creates wind conditions that exceed the cumulative standards in i. and ii. below (Gust Equivalent Mean) more than 5% annually at ground level, within 100 metres of the site, based on modelling and demonstrated by a suitably qualified professional: the effect of not complying with the standard(s) below.</u></p> <p><u>The standards are:</u></p> <ul style="list-style-type: none"> <u>i. 4m/s at the boundary of any site that adjoins public open space, private or communal outdoor living space, or footpaths; or</u> <u>ii. 6m/s within any carriageway or car parking areas provided within or external to the site.</u> <p><u>D. Where the building results in wind speeds that exceed 15m/s more than 0.3% annually at ground level as demonstrated by a suitably qualified professional,</u></p> <p><u>c. The requirements of a. and b. shall be demonstrated by a suitably qualified professional.</u></p> <p><u>For C. and D. the matters in 14.15.29 (or reproduce that here and delete 14.15.29)</u></p>	
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		xiv. Delete in entirety OR <u>For developments within 1.2km of the City centre zone, Whether whether the development detracts from the economic opportunities within the city centre and its primacy.</u>	
14.15.4	Whether the non-compliance is appropriate to its planned urban built character, taking into account the nature and degree of: i. Building bulk... ; ii. Privacy effects...; iii. Shading effects on adjoining neighbours and the degree of impact on any internal or outdoor living spaces or windows to habitable rooms; and..."	Whether the non-compliance is appropriate to its planned urban built character, taking into account The nature and degree of: i. Building bulk... ; ii. Privacy effects...; iii. Shading effects on adjoining neighbours <u>and including the degree of impact on any internal or outdoor living spaces or windows to habitable rooms; and..."</u>	63
14.15.18	a. The extent to which the proposed building will detract from the coherence, openness and attractiveness of the site as viewed from the street.	a. The extent to which the proposed building <u>or ventilation/heat pump unit</u> will detract from the coherence, openness and attractiveness of the site as viewed from the street.	77
14.15.20	c. The adverse effects of the location, or lack of screening, of the space on visual amenity from the street or adjoining sites, and communal outdoor living spaces.; and	c. The adverse effects of the location, or lack of screening, of the space on visual amenity from the street or adjoining sites, and communal outdoor living spaces.; and	73
14.15.21	b. The <u>accessibility</u> and convenience connection of the outdoor living space to the internal living area for occupiers of the residential unit(s) the outdoor living space serves.	b. The accessibility and convenience connection <u>of and ease of access to</u> the outdoor living space to <u>from</u> the internal living area for occupiers of the residential unit(s) the outdoor living space serves.	67
14.15.22	e. Any privacy benefits from a reduced outlook space dimension	e. Any privacy <u>effects, including benefits-positive effects,</u> from a reduced outlook space dimension.	75
14.15.23	Matters in a.-d.	Add new e. <u>The shortfall associated with need to provide appropriately sized windows to upper-level bedrooms to maintain privacy while still providing for outlook and access to sun and daylight; and</u> f. <u>Whether the non-compliance is attributable to the orientation of the façade and the need for thermal efficiency, including consideration of the affordability of glazing to the required level, and any mitigation offered for reduced glazing that ensures visual interest to the façade and passive surveillance of the street.</u>	71

14.15.24	c. The need to reduce landscaped areas due to the presence of on-site infrastructure and lack of alternative locations on the site for either the planting or the infrastructure;	c. The need to reduce landscaped areas due to the presence of on-site infrastructure and lack of alternative locations on the site for either the planting or the infrastructure <u>and whether mitigation in the form of planter boxes or similar above ground planting solutions can be accommodated and maintained on the site in appropriate locations;</u>	72
14.15.41	c. Whether the development reduces private motor vehicle dependence, by: i. limiting or preventing on-site vehicle parking; and ii. enhanced pedestrian access to and through the site.	Delete c. or retain c. and delete “, by: i.... and ii...”	101
14.15.42	-	New provision proposed: <u>14.15.42 Roof reflectivity</u> <u>a. Whether the proposal will integrate into the landscape and the appropriateness of the scale, form, design, and finish (materials and colours) proposed and mitigation measures such as planting. This shall include consideration of any adverse effects of reflectivity and glare;</u> <u>b. The extent to which natural elements such as landforms and vegetation within the site mitigate the visibility of the roof form;</u> <u>c. The extent to which the proposal will result in adverse cumulative effects.</u>	76

APPENDIX B: DRAFT FOR REVISED 14.5.3

14.15.3 Impacts on neighbouring property and planned urban built character

- . Whether the increased **height** or reduced **setbacks** would result in **buildings** that do not compromise the amenity of adjacent properties or the planned urban built character, with particular consideration of:
 - . Building bulk and dominance effects on surrounding neighbours;
 - i. Privacy and shading effects on surrounding neighbours, including on **habitable rooms** or **outdoor living spaces**;
 - ii. The extent to which an increased height **the breach** is necessary to enable more efficient, cost effective and/or practical use of the site, or the long term protection of significant trees or natural features on the site;
 - iii. Modulation or design features of the roof-form and/or façade to reduce its visual impact;
 - iv. Impacts on heritage values of **adjoining** properties;
 - v. In addition, for **height** breaches in MRZ and HRZ, mitigation of the effects of the additional height considering:
 - A. The location of the **building** in relation to existing or planned public transport corridors, community facilities, or commercial activities and the connectivity of the **building** to these facilities;
 - B. The degree of alignment of the **building** with the planned urban character of the zone or applicable precinct;
 - C. How the development contributes to or provides for a sense of local identity or place making;
 - D. Whether the **building** is for-papakāinga / kāinga housing;

- E. The extent to which the development provides for greater housing choice, by typology or price point compared to existing or consented development within the surrounding area;**
- F. The extent to which the ground floor area of the building provides adequate, appropriately located and glazed activated indoor space to link the building to the street and to accessways within the development, including through the provision of ground floor habitable and/or communal living space that provides such activation, and by locating garages or access to internal carparking areas to the rear of such spaces to ensure the ground floor elevation is not dominated by garage/carpark access doors when viewed from the street or site access.**
- G. Matters in 14.15.1.c (site layout and context) and 14.15.1.f (residential environment);**

vi. In addition, for buildings that exceed 20m in height:

- A. Where any part of the building above 20 metres in height does not meet the following standards:**
 - i. Minimum 6 metre setback from side and rear boundaries;**
 - ii. Minimum 3 metre setback from front boundaries;**

Consideration of the effects of building dominance on the immediate and wider neighbourhood, and the loss of opportunities for outlook between buildings and access to sun and daylight.

- B. Where the development does not provide a communal outdoor living space:**
 - i. at ground level;**
 - ii. with an area of 5m² per residential unit at fourth floor level and above;**
 - iii. to a maximum of 20% of the development site area; and**
 - iv. with a minimum dimension of 8m;**

Consideration of:

- 1. The nature and extent of outdoor living available on the site;**
- 2. Whether any communal indoor spaces are proposed;**
- 3. The proximity of the development site to public open space;**

4. The ability for the site to support tree and garden planting and the extent of this proposed;
5. The effects on occupants of a smaller or no communal space; and
6. Whether the lack of communal space contributes to cumulative dominance of built form in the immediate and wider area and any mitigation offered.

C. For sites within 1.2km of the City Centre zone, any direct or indirect economic effects on the city centre including the effects of directing investment away from the city centre.

D. Where the building creates wind conditions that exceed the cumulative standards in i. and ii. below (Gust Equivalent Mean) more than 5% annually at ground level, within 100 metres of the site, based on modelling and demonstrated by a suitably qualified professional:

- i. 4m/s at the boundary of any site that adjoins public open space, private or communal outdoor living space, or footpaths; or
- ii. 6m/s within any carriageway or car parking areas provided within or external to the site.

E. Where the building results in wind speeds that do not exceed 15m/s more than 0.3% annually at ground level as demonstrated by a suitably qualified professional.

F. Where the building results in wind speeds that exceed 15m/s more than 0.3% annually at ground level as demonstrated by a suitably qualified professional.

For viii. D and E:

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

For viii. F:

1. The mitigation measures required to reduce wind speed below this level and frequency, including modifications to the building.

- ~~i. overshadowing of adjoining sites resulting in reduced sunlight and daylight admission to internal living spaces and external living spaces beyond that anticipated by the recession plane, and where applicable the horizontal containment requirements for the zone;~~
- ~~ii. any loss of privacy through being overlooked from neighbouring buildings;~~
- ~~iii. whether development on the adjoining site, such as large building setbacks, location of outdoor living spaces, or separation by land used for vehicle access, reduces the need for protection of adjoining sites from overshadowing;~~
- ~~iv. the ability to mitigate any adverse effects of increased height or recession plane breaches through increased separation distances between the building and adjoining sites, the provision of screening or any other methods; and~~
- ~~v. within a Flood Management Area, whether the recession plane infringement is the minimum necessary in order to achieve the required minimum floor level.~~

APPENDIX C: DRAFT WIND PROVISIONS FOR CHAPTER 6 GENERAL RULES

Proposed new 6.13 Wind

6.13.1 Introduction

- a. This introduction is to assist the lay reader to understand how this sub-chapter works and what it applies to. It is not an aid to interpretation in a legal sense.
- b. Sub-chapter 6.13 Wind relates to the management of adverse wind effects from tall buildings in higher density zones, recognising the impact such effects can have on the amenity values and health of people and communities. Tall buildings are managed through wind assessments to demonstrate compliance with standards or through consent processes to assess appropriate mitigation to minimise adverse wind effects consistent with the anticipated outcomes for the receiving environment.
- c. The provisions in this sub-chapter give effect to the [Chapter 3 Strategic Directions Objectives](#).

Objective 6.13.2.1

6.13.2.1 Objective - Adverse wind effects

- a. The adverse impact of wind from tall buildings on public spaces and private open space is managed to ensure these buildings do not generate unsafe wind conditions and provide comfortable conditions for pedestrians and non-motorised transport users.

Policy 6.13.2.2.1 – Assessment of wind effects

- a. Maintain the comfort and safety of public and private space users by assessing and appropriately managing the adverse wind effects of residential buildings, and commercial buildings outside of the central city, exceeding 22m in height to ensure:
 - i. there is a low risk of harm to people;
 - ii. the building and site design incorporates effective measures to reduce wind speeds; and
 - iii. the comfort of private outdoor living spaces and public spaces is prioritised.

Policy 6.13.2.2.2 – Encourage early consideration of wind in building design

- a. Encourage consideration of wind effects in the early stage of building design to achieve optimum design for wind that minimises the impact of the building on users of surrounding public and private spaces.

6.13.3 How to interpret and apply the rules

- a. **The rules that apply to buildings over 22m in height (including additions and alterations) that may generate unsafe wind conditions in all zones are contained in:**
 - i. **The activity status tables (including activity specific standards) in Rules [6.13.4.1](#); and**
 - ii. **The matters of discretion in [Rule 6.13.5](#).**
- b. **These buildings are also subject to the rules in the relevant zone chapters.**
- c. **The activity status tables, rules and standards in the following chapters also apply to tall buildings (where relevant):**
 - [4 Hazardous Substances and Contaminated Land](#);**
 - [5 Natural Hazards](#);**
 - [6 The other sub-chapters of General Rules and Procedures](#);**
 - [7 Transport](#);**
 - [8 Subdivision, Development and Earthworks](#);**
 - [9 Natural and Cultural Heritage](#); and**
 - [10 Utilities and Energy](#).**

6.13.4 Wind Rules

6.13.4.1 Activity status tables

6.13.4.1.1 Permitted activities

- a. **The activities listed below are permitted activities if they meet the activity specific standards set out in the following table.**
- b. **Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules [16.13.4.1.2](#), [16.13.4.1.3](#), [16.13.4.1.4](#) and [16.13.4.1.5](#)**

	Activity	Activity specific standards
P1	<p><u>New buildings, structures or additions greater than:</u></p> <p>i. <u>22m in height from ground level in the MRZ, HRZ and TCZ, LCZ zones.</u></p>	<p>a. <u>Wind conditions do not exceed the following cumulative standards (Gust Equivalent Mean) more than 5% annually at ground level, within 100 metres of the site, based on modelling:</u></p> <p>i. <u>4m/s at the any boundary of any site, if that boundary adjoins public open spaces, private outdoor living spaces, or footpath(s);</u></p> <p>ii. <u>6m/s within any carriageway or car parking areas provided within or outside the site; and</u></p> <p>iii. <u>8m/s for any footpath along the road boundary of the site.</u></p> <p>b. <u>Wind speeds do not exceed 15m/s more than 0.3% annually at ground level.</u></p> <p>c. <u>The requirements of a. and b. shall be demonstrated by a suitably qualified professional.</u></p>

6.13.4.1.2 Controlled activities

There are no controlled activities.

6.13.4.1.3 Restricted discretionary activities

- a. **The activities listed below are restricted discretionary activities.**
- b. **Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rule 6.13.5 as set out in the following table.**

Activity		The <u>Council's</u> discretion shall be limited to the following matters:
RD1	<u>Any activity listed in Rule 6.13.4.1 P1 that exceeds the wind limits in the activity specific standards.</u>	a. Matters of discretion - Rule 6.13.5

6.13.4.1.4 Discretionary activities

There are no discretionary activities.

6.13.4.1.5 Non-complying activities

There are no non-complying activities.

6.13.5 Rules – Matters of discretion

- a. **The effects on the amenity and safety of surrounding properties or users of public or private space from any increases in wind speed resulting from the proposed building or addition;**
- b. **The use of landscaping to mitigate wind effects;**
- c. **The degree of change from the existing wind environment attributable to the proposed building, and any proposed additional mitigation measures; and.**
- d. **The mitigation measures required to reduce wind speed and frequency below 15m/s and more than 0.3% annually at ground level, including modification to the building.**