

SUMMARY STATEMENT

1. My name is **Hermione Claire Blair**. I am a Principal Advisor in the Resource Consents Unit at Christchurch City Council (the **Council**).
2. I have prepared evidence on behalf of the Council to address submissions and further submissions 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 implementation perspective.
3. My evidence deals only with the MRZ and HRZ zones and I do not address rules that relate to qualifying matters.
4. I discuss the structure of the rules, and in particular set out how built form standards apply to permitted and specified restricted discretionary (**RD**) activities only, which means they will apply to residential activities the subject of PC14.
5. My evidence then goes on to discuss the degree of enablement provided for in the rules when compared to the medium density residential standards (**MDRS**). I note some of the proposed rules are more enabling than the MDRS. I consider the additional built form standards beyond the MDRS are necessary to achieve well-functioning residential environments, and have been tested and refined from the current District Plan framework. I refer to Mr Hattam's evidence and the urban design s32 evaluation for the background to this.
6. I recommend amendments where necessary to improve the clarity and workability of the rule provisions, with the scope provided by wide-ranging submissions on these provisions.
7. 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.
8. I discuss the notification clauses for RD activities and recommend some changes to these to better recognise the scale and nature of the effect anticipated, noting some of these are internal to the site only, others will affect only immediate neighbours, and some may have wider effects that warrant a full s95 assessment.

9. I also discuss the matters of discretion which apply when assessing applications that breach the rules and make recommendations on amendments to some of those to better enable the effects of non-compliances to be assessed, and/or improve the clarity of the provisions and address relevant submission points.
10. In response to submissions seeking that some provisions be worded in more general terms, I would highlight the balance that needs to be struck between flexibility and certainty based on my experience with administering the current objective and policy, rule and assessment matter framework, and the level of understanding of this by the development community in Christchurch. I consider the proposed provisions (with recommended amendments) provide clear direction as to the outcomes sought for a well-functioning urban environment and do not need to impact on development potential, with good site and development design. Where consent is required, the assessment matters proposed appropriately narrow the focus to the effects of concern and guide applicants on what is required to address these.
11. I have recommended that Kāinga Ora's submission seeking the provisions relating to wind effects are relocated to Chapter 6 be implemented, with a draft Chapter 6.13 attached to my evidence and included in the updated rules package.
12. At the time of preparing my evidence, the approach to height limits in HRZ was still evolving, and so in my evidence I included two separate approaches to the relevant matters of discretion for the consideration of the Panel, one being amendments to the matters to make them better target the effects of concern, and the second being a consolidated redrafting of assessment matter 14.15.3 to reduce duplication and complexity. The second option was not completely carried through to the revised provisions package.
13. Due to the tight timeframes, I was unable to view the final draft of this assessment matter before the revised proposal was submitted. I consider some issues remain with the s42A version, and I attach to this summary a further revised version of this matter of discretion for the assistance of the Panel. I also include a clean version in Appendix 3.
14. I have discussed these changes with Mr Kleynbos, as they affect his recommendations on the submission of FENZ (842.46). Fire spread at boundaries is already dealt with under the building code, as are structural stability and siteworks (Clauses C3.3 and B1). It would be double handling to

include these in the resource consent process, and add time and complexity to consent processing that is not warranted given the matter is addressed through compliance with other legislation.

15. The remaining changes are to reduce duplication over the matters as a whole, to reintroduce the reference to amenity of adjacent properties which in my view is required to be able to consider effects on neighbours, and to improve the layout to make the provisions easier to read. Mr Kleynbos has accepted these changes, and I note consequential changes may be required to the RD rules in MRZ and HRZ remove the reference to individual clauses of 14.15.3, as that is no longer required. I have prepared a s32AA assessment of these changes and attach that as Appendix 2.
16. To summarise my position, I consider that the proposed provisions, with the recommended amendments, provide an appropriate balance between flexibility and certainty for Plan users, being developers, Council staff administering the Plan and members of the community. They will enable development to achieve the outcomes sought in the objectives and policies for a well-functioning urban environment that provides an acceptable standard of safety and amenity for occupiers and neighbours.
17. I welcome any questions.

Date: 1 November 2023

Hermione Blair

Appendix 1 to Summary – Recommended amendments to Matter of Discretion Rule 14.15.3

DISTRICT PLAN TEXT AMENDMENTS

Key:

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

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

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

Text in **bold purple underlined** indicates text recommended in the s42A report to be added and text in ~~**bold purple strikethrough**~~ text recommended in the s42A report to be deleted. Text in normal black font with purple underline indicates text that was proposed to be deleted in the notified PC14 and is recommended to be reinstated.

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

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

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

Text in **orange underline** is my (Hermione Blair) recommended alteration to the s42A updated provisions

Text in **orange highlight** indicates text that was proposed to be deleted in the notified PC14 OR s42A updated provisions and is recommended to be reinstated.

Text in ~~**orange highlight strikethrough**~~ indicates text that was proposed to be inserted in the notified PC14 OR s42A updated provisions and is recommended to be reinstated

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

14.15.3 Impacts on neighbouring property and planned urban built character

- a. Whether the increased **height**, **or** reduced **setbacks**, ~~**or recession plane intrusion**~~ would result in **buildings** that do not compromise the **amenity of adjacent properties** and/or the planned urban built character, ~~taking into account with particular consideration of:~~
 - i. **Building bulk and dominance effects on surrounding neighbours;**
 - ii. **Privacy and shading effects on surrounding neighbours, including on habitable rooms or outdoor living spaces;**
 - iii. **The extent to which an increased height 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;**
 - iv. **Modulation or design features of the roof-form and façade to reduce its visual impact;**

- v. How an increased building form may affect boundary retaining walls or other neighbouring structural building features;
- vi. Fire risk mitigation incorporated to avoid horizontal spread of fire across boundaries;
- vii. v. Reverse sensitivity effects on existing lawfully established non-residential activities;
- viii. vi. Whether the building is for the purposes of papakāinga / kāinga housing;
- ix. 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);
- x. vii. Impacts on the heritage values of adjoining properties; and
- xi. viii. In addition, For height breaches only:
 - A. the location of the building in relation to existing or planned public transport corridors, community facilities, or commercial activities and the connectivity of the building to these facilities;
 - B. The extent to which an increased height is necessary to enable more efficient, cost-effective and/or practical use of the site, or the long term protection of significant trees or natural features on the site;
- i. overshadowing of adjoining sites resulting in reduced sunlight and daylight admission to internal living spaces and external living spaces beyond that anticipated by the recession plane, and where applicable the horizontal containment requirements for the zone;
- ii. any loss of privacy through being overlooked from neighbouring buildings;
- iii. whether development on the adjoining site, such as large building setbacks, location of outdoor living spaces, or separation by land used for vehicle access, reduces the need for protection of adjoining sites from overshadowing;
- iv. the ability to mitigate any adverse effects of increased height or recession plane breaches through increased separation distances between the building and adjoining sites, the provision of screening or any other methods; and
- v. within a Flood Management Area, whether the recession plane infringement is the minimum necessary in order to achieve the required minimum floor level.
- b. Where the site is within the Akaroa Heritage Area, the matters set out in Rule 9.3.6.3;
- c. In addition, for height breaches within the Medium Density Residential zone, for buildings exceeding 14 metres in height, and within the High Density Residential zone, for buildings exceeding 32 metres in height, the matters of discretion are as follows mitigation of the effects of additional height, considering:
 - i. The degree of alignment of the building with the planned urban character of the zone or applicable precinct;
 - ii. Building bulk and dominance effects on surrounding neighbours, particularly the effects of building bulk and dominance on the relationship between buildings, public spaces, and views;

~~iii. The degree of privacy effects on surrounding neighbours, including on habitable rooms or outdoor living spaces;~~

~~iv. The degree of shading effects on surrounding neighbours, including the extent of impact on any habitable rooms or outdoor living spaces;~~

~~v. The extent to which the increased height is necessary to enable more efficient, cost effective and/or practical use of the site, or the long term protection of significant trees or natural features on the site; v. Any modulation or design features of the roof form and façade to reduce its visual impact;~~

~~vi. 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);~~

iii. 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 space 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;

~~vii~~ iv. 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;

~~viii~~ viii. Whether the building is for the purposes of papakāinga / kāinga housing;

~~ix.~~ 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;

~~x.~~ v. How the proposal contributes to or provides for a sense of local identity or place making;

~~xi~~ Residential Design Principles listed under 14.15.1.c (site layout and context) and 14.15.1.f (residential environment);

~~xii.~~ x. vi. In addition, for any building greater than 20 14 metres in height that does not meet the built form standards for additional setbacks from boundaries:

A. the effects of building dominance on the immediate and wider neighbourhood; and

B. effects on outlook and access to sun and daylight within the development site; and on neighbouring properties.

~~x~~ vii. In addition, for any building greater than 20 14 metres in height that does not include a complying communal outdoor space:

A. the nature and extent of outdoor living available on the site;

B. whether any communal indoor spaces are proposed;

C. the proximity of the development site to public open space;

- D. the ability for the site to support tree and garden planting;
- E. the effects on occupants of a smaller or no communal space; and
- F. whether the lack of communal space contributes to cumulative dominance of built form in the immediate and wider area and any mitigation offered.

~~xiii For sites within 1.2km walking distance 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. Whether the development detracts from the economic opportunities within the city centre and its primacy.~~

~~xi. reverse sensitivity effects on existing lawfully established non-residential activities.~~

Appendix 2 to Summary – S32AA Evaluation of proposed amendment to matter of discretion rule 14.15.3

Reference is made to **paragraph 12-13 and Appendix 1 of the summary of evidence, and paragraph 61-66 and 68-70** of my primary evidence.

Explanation of the changes (using the s42A rule provisions as the base):

- Reintroducing consideration of the amenity of adjacent properties in a. rather than solely the planned urban built character, as this better fits with the amenity considerations in a.i, ii, iv, and (renumbered) c.vii. F.
- Reintroduction of consideration of need for the breach for efficiency/cost effective/practical use of the site in a.iii – this applies to all height and side/rear setback breaches in all residential zones and is considered a useful matter to retain.
- Removal of the consideration of effects of increased building form on boundary retaining walls or neighbouring structural building features a.v. – this is addressed under clause B1 of the Building Code.
- Removal of the consideration of fire risk mitigation to avoid horizontal spread of fire across boundaries vi. – this is addressed under clause C3.3 of the Building Code.
- Consequential renumbering of subsequent clauses in a.
- Addition of the words “In addition” to (renumbered) a.vii. to confirm that the preceding matters in a. also apply to height breaches.
- Removal of the efficiency cost consideration from a.vii. B as this has been reinstated in a.iii.
- Correcting the numbering of the provisions in c. to reflect the removal of matters.
- Rewording of c.ii. to remove the reference to surrounding neighbours as this is already addressed under a.i.
- Removal of consideration of the effects of building dominance of the immediate neighbourhood from (renumbered) c.vi. as this is already addressed in a.i.
- Removal of consideration of the effects on outlook and access to sun and daylight on neighbouring properties from (renumbered) c.vi as this is already addressed in a.i. and ii.
- Addition of separately numbered/lettered clauses to (renumbered) c.vi. and vii. to make the provisions easier to read and reference.
- Amendment of height trigger from 20m to 14m in (renumbered) c.vi. and vii. to reflect the standards in the related rule 14.6.2.1 b.
- Removal of c.xi consideration of reverse sensitivity effects as this is already addressed in a.vii.

Benefits	Appropriateness in achieving the objectives/ higher order document directions
Environmental: Key effects of concern of overheight buildings/buildings close to boundaries are still able be assessed.	Efficiency: This is considered to be the most efficient means to address:
Economic: Removing duplication and reducing complexity and double handling makes the provisions easier to understand and administer, reducing costs for applicants and Council	MDRS Objectives 1 and 2, and Policy 1, 4 and 5; NPS-UD Objective 1 and 4 and Policies 1, 3, and 6; District Plan Strategic Direction Objectives 3.3.1, 3.3.2 and 3.3.3, Proposed policies 14.2.3.6, 14.2.3.7, 14.2.3.8, proposed objective 14.2.5, Policy 14.2.5.2 and 14.2.5.3.
Social: Neutral	
Cultural: Neutral	
Costs	
Environmental: Neutral	Effectiveness:
Economic: Some compliance costs with the provisions remain, but these are likely to be less than the previous version of the matter of discretion	The proposed amendments are considered to improve the overall effectiveness of the rule.
Social: Neutral	
Cultural: Neutral	
Risk of acting/not acting: Leaving the matter of discretion as proposed in the s42A version will result in duplication with other legislative processes, increasing time and costs for applicants and Council, and the unamended provisions increase complexity.	
Recommendation: This option is recommended as it is considered to give effect to the purpose of the Act.	

Appendix 3 to Summary - Clean version of amended matter of discretion 14.15.3 Impacts on neighbouring property and planned urban built character

- a. Whether the increased **height**, or reduced **setbacks** would result in **buildings** that do not compromise the amenity of adjacent properties and/or the planned urban built character, with particular consideration of:
- i. Building bulk and dominance effects on surrounding neighbours;
 - ii. Privacy and shading effects on surrounding neighbours, including on **habitable rooms** or **outdoor living spaces**;
 - iii. The extent to which 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**;
 - iv. Modulation or design features of the roof-form and façade to reduce its visual impact;
 - v. Reverse sensitivity effects on existing lawfully established non-residential activities;
 - vi. Whether the **building** is for the purposes of papakāinga / kāinga housing;
 - vii. Impacts on the **heritage values** of **adjoining** properties; and
 - viii. In addition, for **height** breaches only:
 - A. the location of the building in relation to existing or planned public transport corridors, community facilities, or commercial activities and the connectivity of the building to these facilities;
- b. Where the **site** is within the Akaroa Heritage Area, the matters set out in **Rule 9.3.6.3**;
- c. In addition, for **height** breaches within the Medium Density Residential zone and the High Density Residential zone mitigation of the effects of additional **height**, considering:
- i. The degree of alignment of the **building** with the planned urban character of the zone or applicable precinct;
 - ii. The effects of building bulk and dominance on the relationship between **buildings**, public spaces, and views;
 - iii. 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 space** 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**;
 - iv. 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;

- v. How the proposal contributes to or provides for a sense of local identity or place making;
- vi. In addition, for any **building** greater than 14 metres in **height** that does not meet the built form standards for additional **setbacks** from **boundaries**:
 - A. the effects of building dominance on the wider neighbourhood; and
 - B. effects on outlook and access to sun and daylight within the **development site**;
- vii. In addition for any **building** greater than 14 metres in **height** that does not include a complying communal outdoor space:
 - A. the nature and extent of outdoor living available on the **site**;
 - B. whether any communal indoor spaces are proposed;
 - C. the proximity of the **development site** to public open space;
 - D. the ability for the site to support tree and garden planting;
 - E. the effects on occupants of a smaller or no communal space; and
 - F. whether the lack of communal space contributes to cumulative dominance of built form in the immediate and wider area and any mitigation offered.

