

PC14 – COUNCIL PLANNING EXPERT RESPONSE TO CONFERENCING OF ARCHITECTURAL SUBMITTERS

Relevant s42A authors have reviewed the outputs/commentary following informal conferencing of architectural submitters and CCC urban designers on 11 December 2023.

The below provides a planning assessment by Mr Ike Kleynbos (Residential s42A author), Ms Anita Hansbury (Tree Canopy Financial Contributions s42A author), Ms Clare Piper (Transport s42A author) and Mr Ian Bayliss (Subdivision & FUZ s42A author).

1. Landscaping and tree canopy cover:

- a. Landscaping provisions are set by MDRS density standards and cannot be modified to be more restrictive (unless a QM applies). Only where the Plan is being more lenient can there be more directive controls on landscaping, so long as the MDRS pathway for development is unimpeded. An example of this is the 60% building coverage pathway provided for in HRZ; the 50% MDRS option remains unchanged (see rule 14.6.2.2.a).
- b. Regarding driveway controls: pedestrian access widths require minimum 3m, with formed access minimum 1.5m¹. This does provide opportunity for landscaping.
- c. The s42A recommendation (on Council submission #751) is to add, in the tree canopy cover rules in 6.10A, minimum dimensions for tree planting areas (previous loose soil) for small, medium, large and very large trees respectively as follows (in purple):

Table 1 - Tree size classes with their corresponding height and projected canopy size:

<u>Tree size classes</u>	<u>Tree height (m)</u>	<u>Projected tree canopy cover at maturity (m²)</u>	<u>Land area (m²) and soil volume (m³) required*</u>	<u>Minimum dimension of planting area/ berm</u>
<u>Small</u>	<u>0-5</u>	<u>10</u>	<u>3.8 *</u>	<u>1.5m</u>
<u>Medium</u>	<u>6-12</u>	<u>67</u>	<u>25.5 *</u>	<u>2m</u>
<u>Large</u>	<u>13-20</u>	<u>186</u>	<u>70.8 *</u>	<u>2.5m</u>
<u>Very Large</u>	<u>20+</u>	<u>250</u>	<u>95.4 *</u>	<u>3m</u>
<u>Average tree size</u>	<u>-</u>	<u>130</u>	<u>50.0 *</u>	<u>n/a</u>

** Soil volume required for a tree/tree roots (m³) equals the land area (m²) x 1m depth.*

- d. This may have the effect of eliminating the use of the landscape strip beside driveways for the required tree canopy planting.

¹ See para 7.2 in Summary Statement: Transport for further details ([10-Clare-Piper-Summary-Statement-transport-Hearings-22-November-2023.pdf \(ihp.govt.nz\)](#))

2. Building height, enabling steeper roof pitches:

- a. There was an interest expressed by architectural submitters to allow for greater height to enable roof pitches over 30°.
- b. MDRS provides for a building height of '11+1m' with the extra 1m only allowable for roof space "where the entire roof slopes 15° or more" (cl 11). The density standard therefore provides for greater pitches but is limited to a total building height of 12m.
- c. Assessment undertaken as part of the Sunlight Access QM demonstrated that 11m is a generous building height for a three storey building, with 8.5m providing adequate wall height for such a building². Therefore, if there is a desire for greater roof pitch, then there is flexibility within the MDRS density standard to achieve this when applying a lesser wall height. In addition, it is proposed that HRZ and LCIP both provide for an overall greater building height, which would offer the greatest flexibility in roof pitch.

3. Outdoor living space (OLS):

- a. Architectural submitters are interested in setting standards for outdoor living space location to avoid the south side of buildings and reduce size requirements in MRZ.
- b. As above, Council cannot further direct an MDRS rule, therefore no further change is possible for where the MDRS rule would apply. However, Council has opted to further direct the likes of communal outdoor living space where a building form greater than MDRS is enabled. This is set as a performance standard to the HRZ building height rule 14.6.2.1.b.i.B.
- c. This has been discussed with Mr Hattam and there is agreement that preventing such spaces to be located on the southern side of a building is desirable.
- d. The consideration of lesser OLS for 1-bedroom units has been considered throughout residential reporting as only being appropriate in HRZ³. The approach has been that this is focused on the most intensive areas that offer the greatest access to services and amenity, being HRZ. However, it is acknowledged that LCIP also meets this criteria (being a Policy 3 response) and therefore there is merit in adding the same exemption that has been proposed in HRZ (rule 14.6.2.10.c) to also apply within LCIP. This would require a modification of MRZ rule 14.5.2.5.

² See paras 6.30.10 and 6.30.11 of Qualifying Matters s32 (Part 3): <https://ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/2023/PC14/Section-32/Plan-Change-14-HBC-NOTIFICATION-Section-32-Qualifying-Matters-Part-3-15-March.pdf>

³ See pages 26, 105, 109-112 of Residential s32 report <https://ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/2023/PC14/Section-32/Plan-Change-14-HBC-NOTIFICATION-Section-32-Residential.pdf>

4. Height in relation to boundary:

- a. Architectural submitters would like a more restrictive recession plane (height in relation to boundary) to apply along the MRZ/HRZ interface and allowances for gables to intrude the recession plane.
- b. Council has proposed a Sunlight Access QM that has set a more restrictive recession plane across MRZ and HRZ due to latitudinal and climatic characteristics of Christchurch. This has not considered as part of the QM and could be difficult to justify further as part of the QM response. However, provisions have been included to exemptions to this rule to be more lenient, being in HRZ and LCIP to better enable perimeter block development (see rule 14.6.2.2.c.iv and rule 14.5.2.6.b.iv).
- c. An exclusion of the exemption in HRZ (rule 14.6.2.2.c.iv) has been recommended through s42A reporting that states: *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.* Doing so would address the concern raised by architects.
- d. It is noted, however, that this exclusion has not been recommended to the instance in LCIP applies in MRZ and there is merit in applying the equivalent here, also.

5. Outlook space:

- a. Concern was raised by architectural submitters that the MDRS density standard for outlook space could be misinterpreted as permitting an outlook space that crossed a private parcel boundary. Conversely, that doing so would restrict development of the neighbouring property by being unable to build in the neighbouring outlook space area.
- b. Clause 16(5) mentions that the outlook space must be contained "within the site". National Planning Standard terms apply in accordance with Clause 1(3) of the MDRS. There is no other subclause in Clause 16 that expressly provides for an outlook space to be over an adjoining private property, acknowledging that Clause 16(5) also permits outlook spaces to be "over a public street or other public open space". This implies an exception for outlook spaces being within the site.

6. Fencing:

- a. Architectural submitters would the fence height taken from FFL within flood areas, rather than ground level.
- b. This approach is not supported as it would likely result in the ability to construct a fence of several metres (relative to local FFL requirements) along a property boundary. This has the potential adversely affect sunlight access along adjacent property boundaries where a building has not been replaced and constructed to the new FFL, amongst other effects.

- c. If there is a desire to breach the fence height control, s87BA of the Act provides for such an activity to be permitted, subject to the approval of landowners along the infringing boundary.

7. Windows to street:

- a. Concern was expressed by architectural submitters on the scale of glazing required and the requirement to have glazing on a rear unit within 12m of the road boundary.
- b. Exemptions have been made to allow 15% glazing under specific conditions, which offers an avenue to have lesser glazing in circumstances where this is desired. Changes to the Building Code also ensure that greater levels of glazing are required for south-oriented facades.
- c. Exemptions have also been included in the windows to street rules to remove the requirement for any secondary dwelling behind a dwelling that fronts the street. This, alongside the yard setback controls, ensure that the effects architectural submitters are concerned about is addressed.

8. Storage:

- a. Some of the architectural submitters seek to modify or remove the internal storage requirements. Removing the internal storage requirements is not supported as it is considered fundamental to achieving functional residential living in a compact form.
- b. Storage requirements are scaled to match number of bedrooms and are in addition to other utility storage areas, such as kitchens and bathrooms. Storage is permitted within garages, so long as this is not within an area for a single vehicle space.
- c. The locational requirements for internal storage are considered fit for purpose. The volume and size (minimum 600mm) metrics are based on industry best practice guides, notably the New South Wales Apartment Design Guide (Objective 4G-1) and the Auckland Design Manual.
- d. The conclusion from informal conferencing was as follows:
 - i. 2m³ required internal and accessible*
 - ii. For 2 or more bedrooms a further 2m³ (may be attic or garage)*
 - iii. Note this is in addition to any bike parking.*
- e. PC14 recommended standards are for a minimum internal storage area of 3m² (one-bedroom unit) to 5m² (three or greater bedroom units). The equivalent volume would also need to be provided external to the unit.
- f. The table below provides a comparison of recommended storage rule volumes, by typology:

Typology	PC14 Recommendation ⁴	Architectural submitters
1-bed	3m ³ (internal) 3m ³ (external) 6m³ total volume	2m ³ (internal) 0m ³ (external) 2m³ total volume
2-bed [or greater, for architectural submitters]	4m ³ (internal) 4m ³ (external) 8m³ total volume	2m ³ (internal) 2m ³ (external, optional) 4m³ total volume
3-bed, or greater	5m ³ (internal) 5m ³ (external) 10m³ total volume	2m ³ (internal) 2m ³ (external, optional) 4m³ total volume

- g. The proposed total volume recommended via architectural submitter conferencing is in most cases less than half the PC14 recommended volume. Furthermore, there is little scalability based on typology, with only a single change between one-bed units and two-units, or greater. As previous, the internal storage controls are considered an important facet of residential controls that helps to transition housing preferences to a more compact form by maintaining practicality and functionality of residential units.
- h. To provide a practical example of volume requirements, the minimum 3m² internal requirement for a one-bed unit could be provided in the form of a hallway cupboard measuring 0.6m deep by 2m wide by 2.5m (ceiling height⁵) high. The same sized area would also be provided external to the unit, or a second cupboard of the same size be provided internal to the unit, the rule being flexible either way. To reach the maximum 10m³ volume, three cupboards each measuring approximately 0.6m deep by 2.2m wide and 2.5m high. Again, the flexibility of the rule means that only 50% of this could be provided internal to the unit. This could result in, for instance, two cupboards within the unit and one within a single garage provided alongside a three-bedroom unit.

⁴ The PC14 rules require that "at least 50% of storage provided internal to the unit". The table therefore proports to show the minimum internal volume, acknowledging that there is not a requirement as such for a specific volume external to the unit.

⁵ Testing as part of the Sunlight Access QM found that ceiling heights of 2.455m were commonplace, with 2.55m also observed for more upmarket developments (see para 6.30.11 of the s32 on Qualifying Matters (Part 3) at: <https://ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/2023/PC14/Section-32/Plan-Change-14-HBC-NOTIFICATION-Section-32-Qualifying-Matters-Part-3-15-March.pdf>)

- i. It is considered that achieving the recommended PC14 internal storage rules can be practically achieved and fit for purpose.

9. Outdoor Mechanical Ventilation:

- a. Some of the architectural submitters expressed concern about the potential cost of screening outdoor mechanical ventilation units.
- b. Proposed rules require that a 1.2m fence at 50% visual transparency. There are two aspects if the rule that have merit in updating: incorporation of boundary fencing; and alternative screening solutions.
- c. There is potentially a risk that compliance with the rule as recommended may result in two fencing structures in proximity when a front boundary fence is also constructed. This may also result in the fence for the ventilation unit being taller than the fence at the boundary, as the ventilation screening is required to be 1.2m, whereas the maximum height for 50% of fencing is 1m. In circumstances where the unit is in near proximity to the front boundary, then a boundary fence may also achieve the desired result.
 - i. There is merit in tying an exemption to ventilation screening to the MDRS 1.5m front yard setback. For example, assuming that in the order of 0.5m in depth is needed for the unit, this still provides for 1m separation between the unit and front boundary, which aligns with the 1m yard requirements for side and rear boundaries. Such an exemption could apply when a boundary fence is constructed to the form specified under the fencing rules (14.5.2.9 and 14.6.2.6) and the ventilation unit is located within 1.5m of a fencing structure.
- d. In the absence of the above being utilised, alternative screening could be permissible, in the form of landscaping, such as shrubs or bushes. This would likely also achieve the desired outcome, so long as the updated rule stated the bush/shrub height at the time of planting was stated. This approach has a greater risk than a fencing structure as it is more susceptible to damage and may not be replaced, resulting in a greater enforcement/monitoring resource being required.
- e. Lastly, the issue that this rule is seeking to address is likely only an issue for newly constructed units of a medium density typology that seek to capitalise on MDRS rules. For example, it would be inappropriate for the rule to apply to existing suburban housing that seek to install a heatpump unit in the absence of any redevelopment to the house. This is because such housing is usually setback several metres, contains established landscaping or boundary fencing, and has a wider lot size that reduces the chances of visual clutter. There is merit in therefore adding a further exclusion clause removing the rule from applying after the date of operative effect.

- f. Concluding changes to the outdoor mechanical ventilation controls are summarised as follows:
- i. Excepting screening requirement where a mechanical ventilation unit is located within 1.5m of the road boundary and a fencing structure has been constructed in accordance with the requirements of residential fencing standards (14.5.2.9 & 14.6.2.6), except where the top of the unit is 0.3m or higher than the top of the road boundary fencing structure.
 - ii. Screening may be in the form of bushes or shrubs, where planting is at a height of at least 80% of the height of the ventilation unit at the time of planting. Diseased or dying planting shall be replaced and meet this standard.
 - iii. This rule shall not apply where mechanical ventilation is installed to existing dwellings constructed at least 4.5m from the road boundary⁶.

10. HRZ height in relation to boundary:

- a. Concern was raised by some submitters that greater consideration was needed to of the impacts HRZ would have on narrow streets.
- b. This aspect has been addressed in recommended change to the rule, which require that a building's street-facing façade is setback 4m from the road boundary, for any part of the building above 14m. Lesser than this is able to be 1.5m from the road boundary, in accordance with the MDRS density standard.

11. Waste management areas:

- a. This issue has been addressed through s42A recommendations and isn't further considered here⁷. An option has been added for a communal waste management area that would avoid the scale multiplier effect that may arise through the current communal waste management rule, being the sum of the separate individual area.

12. HRZ Building coverage:

- a. There does not appear to be a consensus on this topic, however some seek that 60% site coverage is permitted across HRZ, rather than this being conditional. This is discussed on page 26 of the Residential s32 report.

⁶ This seeks to align with the operative standard for road boundary setback for Residential Suburban and Residential Suburban Density Transition Zones (see rule 14.4.2.9).

⁷ See page 119, and pages 323-326 [of PDF] of s42A of Ike Kleynbos: <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/05-Ike-Kleynbos-Section-42A-Report-final.PDF>

13. New rule for street-facing facades / Front yard setbacks:

- a. Architectural submitters have an interest in avoiding the monotony of flat street-facing facades, suggesting that requiring a 400mm step in building line every 6m may help to address this.
- b. Such a building control is likely to conflict with MDRS density standards. However, potentially a means around this is to be more lenient along the front yard by exempting an intrusion of the 1.5m setback in accordance with the above. This cannot be a directive to require such a step but would act as an incentive.
- c. A similar level of leniency has been proposed as part of the HRZ setbacks rule exemption (14.6.2.3.b.iii), which allows for porches of 1.2m wide and an intrusion into the setback of 0.8m.
- d. It is noted that the porches exemption has not been included in MRZ rules. There is merit in applying the same exemption here also.

14. Minimum heights in HRZ:

- a. Architectural submitters expressed an interest in setting a minimum building height of 3 or 4 storeys.
- b. A minimum building height of two storeys has been proposed as part of HRZ standards, when developing 3 units or more. Evidence provided as part of the s42A from Mr Kleynbos⁸ noted the complexity of building at increased height. The two-storey minimum height for comprehensive developments (>3 units) is considered to be a suitable height that avoids any risk of preventing development in HRZ (i.e. forcing development outwards) due to easier development being able to be progressed in alternate zones. The residential s32 report (page 112) notes that 59% of development in RMD was two storeys and 4% was three-storey, meaning there is a good market maturity of two storeys development.

⁸ See pages 162-164 of the s42A report from Ike Kleynbos: <https://chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/05-Ike-Kleynbos-Section-42A-Report-final.PDF>