

**Kim Seaton**

**Post-Hearing Information in Response to Panel Request**

**Kauri Lodge Rest Home 2008 Limited**

**Submitter FS2059**

This information is provided in response to the following Panel questions:

1. Report back factually regarding understanding of permitted fencing entitlements along fence boundaries in terms of height and solidity in operative district plan and proposed PC14 version.
2. Asked to confirm extent fencing permitted, does that extend to gates across the frontage as part of continuous frontage fence, set back and other controls?  
Request this information includes coverage to retirement activity and standard residential development and distinguishes between standard dwelling and multi units.
3. How the plan deals with side yards and rear yards, sections behind front/road boundaries (rear allotments and corner allotments), reference to 1 metre and 3 metre side boundaries.
4. Requested simple tabulation presentation of requested material with any clarification notes.

I have endeavoured to keep the response tabular and as simple as possible, though the rule framework itself is complex which inevitably restricts how simply they can be summarised, hence the liberal use of explanatory footnotes. I have separated the rule summaries into Suburban Residential and Medium Density tables.

**RESIDENTIAL SUBURBAN ZONE**

<b>Rule/Panel Query</b>	<b>Operative District Plan</b>	<b>PC14 (version filed by CCC with Memorandum of counsel on 18 August 2023)</b>
<p>Permitted fencing</p> <p>Maximum height</p> <p>Transparency</p>	<p><sup>1</sup> Rule applies to all residential types<sup>2</sup></p> <p>1.8m within building setback from road boundary (on road boundary frontage)<sup>3</sup>. Excludes exterior wall of a building. Building setback requirement other than for garages is 4.5m.</p> <p>On internal boundaries – height not specified, so in effect is 2m max.<sup>4</sup></p> <p>Not specified</p>	<p>Unchanged</p>
<p>Does the fencing rule apply to gates?</p>	<p>'Fences' are not defined in the District Plan. There is therefore not clarity as to whether it applies to gates or not. In Novo Group's experience, gates tend to be considered part of the fence.</p>	<p>Unchanged</p>

<sup>1</sup> Different rule applies in Character Area Overlay, where road frontage fences over 1 metre in height are a controlled activity (14.4.3.1.2 C1)

<sup>2</sup> Retirement village, standard residential and multi-unit.

<sup>3</sup> Rule 14.4.2.10

<sup>4</sup> Any fence over 2m in height is defined as a building and subject to internal building setback rules.

<p>Side yards</p>	<p>Referred to as “internal boundaries”, which means ‘any boundary of the net site area of a site other than a road boundary.’</p> <p><u>Minimum building setback<sup>5</sup></u>  <sup>6</sup>Unless otherwise listed – 1m.  Accessory buildings where the total length of walls or parts of the accessory buildings within 1 metre of each internal boundary does not exceed 10.1 metres in length – nil  All other buildings where internal boundary adjoins an access – 1m  Abutting a rail corridor – 4m</p> <p><u>Minimum setback balconies and living space windows<sup>7</sup></u>  Balconies – 4m (does not apply to internal boundaries within retirement villages).</p>	<p>Unchanged, except:  - rule 14.4.3.2.5 (see footnote 5) to be deleted.</p>
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<sup>5</sup> Different rules apply to building setbacks in Peat Ground Condition Constraint and Stormwater Capacity Constraint Overlays, Prestons Road Retirement Village Overlay, see Rule 14.4.3.2.5.

<sup>6</sup> Rule 14.4.2.7, contains more nuances for decks and terraces, buildings with common walls on internal boundaries, the above list covers most common scenarios. Excludes guttering up to 200mm in width from the building wall.

<sup>7</sup> Rule 14.4.2.8

Rear yard	Falls within 'internal boundaries' definition unless abuts a legal road. See side yards above.	Unchanged
Road boundary	Means any boundary of a site abutting a legal road (other than an access way or service lane), road reserve or road designation.  <sup>8</sup> Buildings other than garages – 4.5m <sup>9</sup>	Unchanged, except rule 14.4.3.2.13 to be deleted (see footnote 9).

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<sup>8</sup> Rule 14.4.2.9. Garage setback requirements are more nuanced, either 5.5m if vehicle door faces the road, or lesser for side facing garages <6.5m length and with specified landscaping strips, or if a single garage with sectional doors etc.

<sup>9</sup> Different rules apply to building setbacks for non residential activity in the Accommodation and Community Facilities Overlay see Rule 14.4.3.2.13.

## **RESIDENTIAL MEDIUM DENSITY ZONE**

<b>Rule/Panel Query</b>	<b>Operative District Plan</b>	<b>PC14 (version filed by CCC with Memorandum of counsel on 18 August 2023)</b>
Permitted fencing	<sup>10</sup> Rule 14.5.2.10 applies to all residential types <sup>1112</sup> , other than retirement villages in Accommodation and Community Facilities Overlay <sup>13</sup>	<sup>16</sup> Unchanged, except that Rule 14.5.1.3 RD1 (see footnote 12) requiring consent for specified residential units is amended to apply to 4 or more units, but the rule still covers fencing as part of the restricted discretion. Rule 14.5.1.3 RD2 (see footnote 12) is to be deleted.
Maximum height	Within building setback from road boundary (on road boundary frontage) Excludes exterior wall of a building <sup>14</sup> :	Rule 14.5.2.10 (Street scene amenity and safety – fences) renumbered as 14.5.2.9. Rule applies to fencing at the road boundary, does not explicitly apply within the building setback. Does not exclude external wall of a building.

<sup>10</sup> Different rule applies in Character Area Overlay, where road frontage fences over 1 metre in height are a controlled activity (14.5.3.1.2 C1). Accommodation and Community Facilities Overlay administered by Rule 14.5.3.1.1 P3.

<sup>11</sup> Retirement village, standard residential and multi-unit.

<sup>12</sup> Rule 14.5.1.3 RD1 requires consent for specified residential units (e.g. 3 or more, 1 or 2 on a site smaller than 300m2 GFA) and this consent also covers fencing. Rule 14.5.1.3 RD2 requires consent for retirement villages with matters of discretion also including fencing.

<sup>13</sup> Refer Rule 14.5.3.1.1 P3.

<sup>14</sup> Rule 14.5.2.10

<sup>16</sup> Different rule applies in Character Area Overlay, refer rule 14.5.3.2.14 (fencing in character areas).

	<p>On a local road.</p> <ul style="list-style-type: none"> <li>- Where at least 50% of the fence is visually transparent – 1.8m</li> <li>- Where less than 50% of the fence is visually transparent – 1m.</li> </ul> <p>On a collector or arterial road.</p> <ul style="list-style-type: none"> <li>- Maximum 1.8m (transparency not required)</li> </ul> <p>Parking areas must be separated from road boundaries, open space or adjoining residential zone sites by fenceings meeting the above requirements.</p> <p>On internal boundaries – height not specified, so in effect is 2m max.<sup>15</sup></p>	<p>On non-arterial and arterial roads.</p> <ul style="list-style-type: none"> <li>- 50% of the road boundary width excluding accessways – 1.8m.</li> <li>Remaining road boundary width – 1m.</li> </ul> <p>No transparency requirement in Rule 14.5.2.9.</p> <p>New rule 14.5.2.18 specifies fencing requirement for sites with a road boundary to the City Spine Transport Corridor<sup>17</sup>.</p> <p>‘Side, rear and internal boundary’ – 2m max. Transparency not specified.</p>
Does the fencing rule apply to gates?	‘Fences’ are not defined in the District Plan. There is therefore not clarity as to whether it applies to gates or not. In Novo Group’s experience, gates tend to be considered part of the fence.	‘Fences’ remains undefined.

<sup>15</sup> Any fence over 2m in height is defined as a building and subject to internal building setback rules.

<sup>17</sup> For all properties fronting the City Spine Transport Corridor: i. where the road is 24m or less in width, a minimum building setback from the road boundary of 4m is required; and ii. Any fencing provided between the road boundary and the required setback in i. shall have a maximum height of 1m , except that the maximum height shall be 2 metres where the whole fence or screening structure is at least 75% visually transparent

<p>Side yards</p>	<p>Referred to as “internal boundaries”, which means ‘any boundary of the net site area of a site other than a road boundary.’</p> <p><u>Minimum building setback</u>  <sup>18</sup>Unless otherwise listed – 1m.  Where residential buildings on adjoining sites have a ground floor window of a habitable space located within 1m of a common internal boundary – 1.8m from the neighbouring window for a minimum length of 2m either side of the window.  Accessory buildings where the total length of walls or parts of the accessory buildings within 1 metre of each internal boundary does not exceed 10.1 metres in length – nil  All other buildings where internal boundary adjoins an access – 1m  Abutting a rail corridor – 4m</p>	<p>The definition of boundary remains largely unchanged. Internal boundary definition unchanged. No new definition of side or rear boundaries. “Rear site” is defined but this does not assist understanding the meaning of “rear boundary”.</p> <p><u>Minimum building setback</u>  Rule 14.5.2.7 now covers all site boundaries<sup>20</sup>. Does not apply to Riccarton Bush Interface Area.  Front – 1.5m  Side – 1m  Rear – 1m (excl. on corner sites)  Where a common wall between 2 buildings on adjacent sites – nil  Eaves, roof overhangs and guttering – on road boundary only – eaves, overhangs and guttering to a maximum width of 650mm from the building wall.</p>
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<sup>18</sup> Rule 14.5.2.7 applies to internal boundaries and railway line boundaries, Excludes guttering up to 200mm in width from the building wall.

<sup>20</sup> Different rule applies to Sumner Master Plan Overlay for road boundaries and front yard boundaries within Suburban Density Precinct and Suburban Hill Density Precinct (Rule 14.5.3.2.2). Different rule applies within Character Area Overlays and Residential Heritage Areas (Rule 14.5.3.2.8).

	<p><u>Minimum setback balconies and living space windows</u><sup>19</sup></p> <p>Balconies – 4m (does not apply to internal boundaries within retirement villages).</p>	<p>All other accessory buildings and/or garages that internally access a residential unit – side and rear boundaries only have no setback where the building is no more than 3m in height and a cumulative boundary length not exceeding 10.1m per boundary.</p> <p>In Riccarton Bush Interface Area<sup>21</sup>:</p> <ul style="list-style-type: none"> <li>- Front boundary - 4.5m</li> <li>- Side boundary - 3m.</li> </ul> <p><u>Minimum setback balconies and living space windows</u></p> <p>Rule 14.5.2.8 (minimum setback balconies and living space windows) deleted. Replaced to an extent by Rule 14.5.2.8 (outlook space per unit), which requires 4m depth of outlook space from principal living room window.</p>
Rear yard	Falls within 'internal boundaries' definition unless abuts a legal road. See side yards above.	No new definition of rear boundary or yard. "Rear site" is defined but this does not

<sup>19</sup> Rule 14.5.2.8

<sup>21</sup> Rule 14.5.3.2.8



		assist understanding the meaning of “rear yard” or “rear boundary”.
Road boundary	<p>Means any boundary of a site abutting a legal road (other than an access way or service lane), road reserve or road designation.</p> <p><sup>22</sup>Buildings other than garages – 2m <sup>23</sup></p>	<p>Unchanged definition. See ‘<u>Minimum building setback</u>’ discussion above, and Rule 14.5.2.7 and Rule 15.5.3.2.8.</p> <p>‘Front boundary’ setback now 1.5m for all buildings, except 4.5m in Riccarton Bush Interface Area.</p> <p>N.B. ‘Front boundary’ is not defined, though ‘frontage’ is defined as having the same meaning as road boundary.</p> <p>Garages or carports to be setback 1.2m further from the road boundary than the street-facing façade of the residential unit<sup>24</sup>.</p>

<sup>22</sup> Rule 14.5.2.9. Garage setback requirements are more nuanced, either 5.5m if vehicle door faces the road, or lesser for side facing garages <6.5m length and with specified landscaping strips, or if a single garage with sectional doors etc.

<sup>23</sup> Different rules apply to building setbacks in Peat Ground Condition Constraint and Stormwater Capacity Constraint Overlays, and Prestons Road Retirement Village Overlay, see Rule 14.4.3.2.5 and 14.4.3.2.13. Different rules apply to sites with frontage to Bealey Avenue, Fitzgerald Avenue, Deans Avenue and within Sumner Master Plan Overlay (14.5.3.2.2).

<sup>24</sup> Rule 14.5.2.15.

