

**BEFORE THE CHRISTCHURCH REPLACEMENT  
DISTRICT PLAN INDEPENDENT HEARINGS PANEL**

**IN THE MATTER** of the Resource Management  
Act 1991 and the Canterbury  
Earthquake (Christchurch  
Replacement District Plan)  
Order 2014

**AND**

**IN THE MATTER** of the Residential Proposal  
(part)

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**STATEMENT OF EVIDENCE OF CHRISTIAN PAUL JORDAN  
SUBMITTER #1098 AND #1122  
20 MARCH 2015**

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## **LIST OF RULES WHERE CHANGE IS SOUGHT** (in order addressed)

Rule 14.3.3.17

Rule 8.3.1.1 Table 1

Table 14.2.2.1 Permitted Activities P20 P21

Table 14.2.2.3 Restricted Discretionary Activities RD8, RD14, RD16 and RD28

Rule 14.2.3.3 Building Height.

Table 14.4.2.3 Restricted Discretionary Activities RD15

Rule 14.4.3.1 Site Density (5)

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Rule 14.3.3.1

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Rule 14.2.3.7

Rule 14.3.3.8

## **1. INTRODUCTION**

1.1 My full name is Christian Paul Jordan. I am a residential landlord and developer based in Christchurch. I have been involved in property in Christchurch since 1996.

1.2 I previously submitted to Council on the L3 and L4 living zones review in 2010.

1.3 I have a degree in Mathematics from the University of Canterbury and previously worked as Investment Analyst.

## **2. SCOPE**

2.1 My submission relates primarily to parts of the residential chapter involving medium density housing, both the higher level density requirements as well as the built form rules.

2.2 I have made these submissions because loose rules have led to many developments within the current L3 zone that have negatively impacted parts of the city.

2.3 I have also made two requests for specific zone changes to properties.

## **3. EXECUTIVE SUMMARY**

3.1 *Density Rules in the RMD zone:*

- Both the *Notified Proposal* and the *Council's Revised Proposal* include minimum density requirements for subdivision and development based on the policy minimum of 30hh/ha.
- I demonstrate with examples that the proposed rules will actually enforce far greater minimum density requirements of between 40 and 65hh/ha.
- I highlight that in order to comply with minimum density rules most existing homes would need to be demolished and replaced. This is an unrealistic and has consequences, including:
  - preventing owners from altering, extending or replacing an existing dwelling;
  - preventing subdivision infill behind existing homes hence increasing house prices
  - encouraging "status quo" to remain, as development is too onerous
  - encouraging unproductive ways to circumvent the rules

Therefore I propose that the minimum density requirements be removed.

3.2 Multi-unit developments in RS, RSDT and Residential Bank Peninsula zones:

- The *Council's Revised Proposal* includes several provisions for multi-unit housing in these zones that were not in the *Notified Plan* and substantially impacts these zones.
- The *Notified Plan* permitted multi-unit housing of single storey and up to 3 units in RSDT, and gave restricted discretionary status to RSDT developments over 3 units.
- The *Council's Revised Proposal* permits developments of up to four - two storey units in the RSDT zone and gives restricted discretionary status to any two storey multi unit development anywhere in the RS, RSDT or RBP zones.
- This effectively turns all of these zones (the majority of urban areas) into the old L3 zone. Therefore I propose removing these revisions.

3.3 Building Heights in RMD zone and location of RMD zone:

I propose restricting buildings to 3 storeys (in the 11m height zone), and that the third storey should not exceed 15% of the site area. This increases the coherence between new and old and prevents limits shadowing and overlooking. I also propose altering the RMD zoning in Papanui and Bishopdale and including these areas in the lower height limit overlay.

3.4 Site Specific Rezoning:

- (i) Rezone 9 Parlane St from RMD to CF, the site has been commercial since before 1941 and the rezoning will have little residential impact.
- (ii) Rezone Kirkwood Ave, withdrawn.

3.5 The following amendments to built form rules in the RMD zone are proposed:

- (i) Requiring landscaping around driveways and reinstating “tree” rules
- (ii) Reducing building setbacks to 1m but making allowances for narrow sites and existing dwellings on proposed driveways
- (iii) Including setbacks for balconies, making living area setbacks more flexible
- (iv) Removing the setback requiring garages further back than habitable rooms.

3.6 I also strongly support the retention of the urban design panel process for multi-unit developments.

#### **4. Density Rules in the RMD zone**

4.0 The *Notified Plan* and the *Council's Revised Proposal* both contain rules that prescribe a minimum density in the RMD zone.

#### **4.1 Rule 14.3.3.17 Minimum site density from development or redevelopment of residential units**

4.2 Rule 14.3.3.17 is unnecessarily prescriptive and restricts the rights of property owners to use their property as they see fit.

4.3 The rule will (in the vast majority of cases) make any application to alter, extend or replace an existing dwelling a non-compliance.

4.4 It also prescribes a density which is in many cases far greater than the 30hh/ha prescribed by policy. As evidence I give the following examples:

*- Most streets in Linwood, St Albans and Sydenham have grid pattern street layouts, where the predominant lot size is 1/4 or 1/8 of an acre (1012m<sup>2</sup> or 506m<sup>2</sup>). The prescribed minimum number of units is therefore 4 and 2 respectively, which in both cases equates to 253m<sup>2</sup> per unit or 40hh/ha.*

*- In Sydenham, some streets such as Walton St have a predominant section size of just over 400m<sup>2</sup>. This means that the only permitted development will require section sizes of just over 200m<sup>2</sup> or 50hh/ha.*

*- In areas where the section size is 700m<sup>2</sup> the prescribed minimum of 3 units will create a minimum density of 43hh/ha.*

Due to the way the rule is written it will in all cases prescribe a density of above 30hh/ha.

4.5 In some cases the rule could force the demolition of perfectly good homes which would otherwise have been developed by the process of infill subdivision. This would unnecessarily increase the cost of housing in the area, with little benefit to increasing supply. As evidence I give the following example.

*Consider an older house on 680m<sup>2</sup>. There are two development options:*

*i) demolish and build three 120m<sup>2</sup> 2 storey townhouses, or*

*ii) retain the house, subdivide and build one 120m<sup>2</sup> 2 storey townhouse*

*Consider market value for the original house is \$330,000, for the townhouses \$430,000 each. Consider that subdividing reduces the value of the original house to \$300,000.*

*In case (i) there are now two houses worth an average of \$365,000.*

*In case (ii) there are now three houses worth an average of \$430,000.*

*The profit for the developer on building the single townhouse is also higher (on a per unit basis) as there is significantly lower land cost.*

4.6 There are also numerous ways to circumvent such a minimum density rule.

1. Choosing to maintain the existing dwelling and never developing.
2. Developing part of a site intensively. *For example: building 3 studio units on the back of a quarter acre while leaving 800m<sup>2</sup> to develop how the owner pleases.*
3. Buying multiple sites and leaving them vacant and on their own titles but aggregating them into a single large site for use as a single dwelling site.

4.7 Also the rule would impact on the retention of character homes in RMD areas. Subdivision and infill provides protection for homes that might otherwise be demolished. Central Auckland suburbs show the success of this, which is highlighted by the exceptionally high prices people are now prepared to pay to live in streets where the character has been retained. Improving the desirability of Christchurch's RMD zones and retention of character should be a priority which will hopefully be addressed in the "Character Areas" proposed in the stage two review.

4.8 Therefore as the rule is overly restrictive and onerous to existing property owners, **I propose that 14.3.3.17 be entirely removed apart from the exemption for car parking which should be incorporated elsewhere in the chapter.**

#### **4.9 Rule 8.3.1.1 Table 1. Minimum Allotment Sizes**

4.10 Following discussions in mediation, I understand that there is no impediment from the Council's perspective in amending the minimum site size in the RMD zone. (I have amended my minimum site size proposal to 200m<sup>2</sup> which I understand is in line with another submitter (CERA) on this issue).

4.11 I propose to amend the RMD minimum net site area in 8.3.1.1 table 1 to:

**200m<sup>2</sup> 400m<sup>2</sup> except where specified below:**

**~~a. where the existing allotment is between 400 and 600m<sup>2</sup> – not less than two residential units~~**

**~~b. where the existing allotment is between 600 and 900m<sup>2</sup> – not less than three residential units~~**

**~~c. where the existing allotment is over 900m<sup>2</sup> – not less than one residential unit per 300m<sup>2</sup>~~**

4.12 The reasons for removing a, b and c are the same as for removing the minimum site density requirement outlined above, as the provisions are overly restrictive.

4.13 In this case the rule also lacks clarity:

(a) to (c) is interpreted as there being no minimum section size (for a vacant lot) in the RMD zone, for example, where an existing site is 607m<sup>2</sup> (24 perches) rule (b) would require a minimum of 3 lots. To comply with this rule on a rectangular 15m x 40m site, a driveway 3m x 28m say will be required which leaves three sites averaging just 174m<sup>2</sup> (57hh/ha) each with no minimum dimension (to guarantee each site contained a buildable area). NB this would effectively be a maximum site size requirement for at least one unit (ie at least one site would be below 174m<sup>2</sup> net site area).

4.14 An irregular existing allotment shape with larger requirements for driveways, or a long narrow site, would require even smaller maximum site sizes. For example a 10m x

60m site would require a 45m x 3m drive which leaves an average 155m<sup>2</sup> net building area per site. Again meaning that at least one site was at or below 155m<sup>2</sup> (65hh/ha).

- 4.15 This rule creates maximum site sizes that are impractical and at far greater density than the policy 30hh/ha.
- 4.16 My proposal, clarifies and simplifies the rule. Introducing any site maximum size (at any level) would be onerous and unproductive as such a rule could easily be avoided by an owner electing to retain a second vacant site as garden space if a larger lot size was desired, or not subdividing in the first instance

## **5. Multi-unit developments in RS, RSDT and Residential Banks Peninsula zones:**

- 5.1 There is a vast difference between the *Notified Replacement District Plan* and the *Council's Revised Proposal* of 9 March 2015. This raises issues of “natural justice” for those who did not submit on the original plan.
- 5.2 I submit that all proposals around multi-unit housing revert back to the notified proposal.
- 5.3 The proposed changes in the *Council's Revised Proposal* can be summarised as follows:
- **Table 14.2.2.1 Permitted Activities** (RS and RSDT zone) **P20** *increases allowance for multi unit social housing in both zones from 3 to 4 units per site. **P21** increases allowance for multi unit housing in RSDT from 3 to 4 units per site.*
  - **Table 14.2.2.3 Restricted Discretionary Activities** (RS and RSDT zone) **RD8 and RD28** (duplicated rules with differing sub clauses) *both allow multi unit development in the residential suburban zone. **RD14** and **RD16** both allow increasing the site coverage from 35-40% in RS and 40-45% in RSDT without any need for written approvals*

- **14.2.3.3 Building Height** (RS and RSDT zones) *increases allowable multi unit building heights from 5.5m and of single storey to allowing two storey.*
- **Table 14.4.2.3 Restricted Discretionary Activities** (RBP zone) **RD15** *allows multi unit development without restriction*
- **14.4.3.1 Site Density (5)** (RBP zone) *requires no minimum net site area for multi units*

- 5.4 If we consider that the old L3 zone rules under which most multi unit developments have been constructed in Christchurch over the past 20 years:
- this allowed a maximum building to plot ratio of 0.8, a requirement for two carparks, visitors carpark (1 per 5 units) and outdoor living space of 40m<sup>2</sup> and no minimum site size.

*Exhibit 1.* L3 Complying 2 Storey Development of 5 units – the type that could be built on any site in the RSDT zone as a permitted activity (if 4 units) or in the RS or RBP zone as a restricted discretionary activity (providing site coverage rules are met).



5.5 The *Council's Revised Proposal* would as a permitted activity allow in the RSDT zone:

A 4 unit multi unit development with a building to plot ratio of 0.7 (= 2 storey x 35% site coverage), a requirement of 1 car per unit and an outdoor living space of 30m<sup>2</sup> and no minimum site size. (In addition RS/RSDT zone rules do not contain all of the RMD provisions which are included mitigate the effects of multi unit development.)  
(Note that 4 two storey four bedroom units with 120m<sup>2</sup> floor area plus a 20m<sup>2</sup> garage split evenly as 70m<sup>2</sup> per unit per floor (= 280m<sup>2</sup> site coverage) could be constructed on a single 800m<sup>2</sup> site as a permitted activity in the RSDT zone).

5.6 The *Council's Revised Proposal* would as a restricted discretionary activity allow:

- In the **RSDT** zone a multi unit development with any number of units and a building to plot ratio of 0.9 (= 2 storey x 45% site coverage) [Equivalent to 4 four bedroom units as outlined above on a 622m<sup>2</sup> site = 64hh/ha]
- In the **RS** zone a multi unit development with any number of units and a building to plot ratio of 0.8 (= 2 storey x 40% site coverage) [Equivalent to 4 four bedroom units as outlined above on a 700m<sup>2</sup> site = 57hh/ha]
- In the **RBP** zone a multi unit development with any number of units and a building to plot ratio of 0.7 (= 2 storey x 35% site coverage) [Equivalent to 4 four bedroom units as outlined above on an 800m<sup>2</sup> site = 50hh/ha]

5.7 The lack of provisions in the rules (particularly in the RBP zone) to deal with the impacts of allow multi unit developments demonstrates more consideration is required before such sweeping rule changes are proposed.

5.8 In the evidence of Dr Fairgray for council, he notes that according to council there are 59,000 properties in the RS zone which may accommodate a minor dwelling (over 450m<sup>2</sup>). The number that could accommodate a unit development is probably in the order of 40-60,000 properties (not all of which would be economic). However in the context that each multi unit development could on average accommodate 4 household units. Then this rule change to allow widespread two storey units would allow many tens of thousands of additional household units within the urban area.

- 5.9 Additional housing capacity could be more economically created by allowing greater infill (subdivision), rather than allowing widespread medium density development well outside the KACs and CBD.
- 5.10 As also outlined in earlier sections, multi unit developments act to increase the average cost of housing in many parts of Christchurch, as the new units generally are more expensive than the houses they replace.
- 5.11 I understood that the introduction of the multi unit rule was to “*make up for*” the removal of the EPH (elderly persons housing) allowance. The *Council’s Revised Proposal* moves well beyond the scope of elderly person housing and therefore I strongly request that the rules as they were proposed at notification be reinstated and only single level multi unit developments are allowed in the RSDT zone only.

*Exhibit 2:* The type of single storey housing original intended to be allowed in the notified plan:



**6. Building Height in RMD Zone and Location of RMD Zone**

**6.1 Rule 14.3.3.2 Building Height and Maximum Number of Storeys**

6.2 My submission seeks to amend the rules in the RMD zone to control the impact of three storey developments and also to constrain the number of floors to 3 in areas with an 11m height limit. This will:

- increase the cohesion between new developments and existing homes
- limit issues of overlooking and shading
- prevent developers attempting to squeeze 4 floors into 11m height zones by reducing inter-storey heights
- will have little impact on the density that can be achieved

6.3 I also proposed to lower the height limit in areas which were formerly Living 1 or 2 in Bishopdale and Papanui. This will:

- greatly reduce the impact of redevelopments in these areas

6.4 I propose amending the rule as follows:

<b>14.3.3.2 Building height and maximum number of storeys</b>	
The maximum height of any building shall be:	
<b>1. All buildings in areas not listed below</b>	<b>9m</b>
	<b>Provided that no building exceeds 3 storeys above ground level and the third storey does not exceed 15% of the site area</b>
<b>2. For buildings with a pitched roof of at least 22 degrees</b>	<b>11m</b>
	<b>Provided that no building exceeds 3</b>

**storeys above ground level and the third storey does not exceed 15% of the site area**

3 Medium Density lower height limit overlay area 8m  
4....*unchanged* ...

6.5 and amending the maps to show:

RMD in Bishopdale and Papanui included in the medium density lower height limit overlay

*Exhibit 3:* The types of 3 storey developments that are out of scale with neighbouring single storey properties. This example is in Mathesons Rd Phillipstown:



*Exhibit 3a: Development with restricted floor area at third level*



## **6.6 RMD Zone Boundaries**

- 6.7 The proposed RMD zone in Bishopdale includes areas where most houses were built in the 1980s and 1990s and are predominantly large (180-300m<sup>2</sup>) detached houses on 600m<sup>2</sup> sections (North of Leacroft St). It also includes areas of quality 1970s housing which again is on predominantly 600m<sup>2</sup> “fully developed” sections. Very few homes suffered major earthquake damage.
- 6.8 These properties offer little scope for redevelopment as the value as homes range from \$450,000 to \$700,000 on land parcels of around 600m<sup>2</sup>.
- 6.9 It is likely redevelopment would only occur very slowly in these areas leaving an incohesive streetscape if any individual sites were redeveloped.
- 6.10 Also due to the proximity of the high voltage overhead power lines south of Farrington Ave, much of the area is not suitable for intensification.
- 6.11 Also the RMD in Papanui should be amended to include a RSDT zone along both Grants Rd and Blighs Rd to provide a buffer between the RS and RSDT zonings.



*Exhibit 4: Elvira Court in Bishopdale north of Leacroft St. Most properties north of Leacroft are a similar age and style (late 1980s to mid 1990s). This is not a suitable location for a RMD zone.*

## **7. Site Specific Rezoning**

### **7.1 Rezoning of 9 Parlane St Addington**

7.2 I propose to amend the planning maps to rezone my 430m<sup>2</sup> property from residential medium density to commercial fringe. The site:

- has been occupied by the current commercial buildings since at least 1941
- has current commercial usage based on existing use rights
- has only one direct boundary to other residential zoned properties (the rear boundary borders a private access road) and that boundary has existing buildings built to that boundary, along nearly its entire length.
- has no potential for residential usage without demolition of the existing buildings

7.3 The residential impact is minor, as:

- the loss of *actual* residential capacity by this rezoning to commercial is *zero* (current commercial usage)
- the loss of *potential* residential capacity by this rezoning to commercial is at most 2 potential units (assuming 47hh/ha)
- there would be no greater impacts to any party than what currently exists

7.4 Therefore I submit that there is no impediment from a residential perspective to the proposed rezoning and ask that the panel consider the matter during the commercial hearings.



*Exhibit 5a Current Aerial View of 9 Parlane St*



*Exhibit 5b The site in 1941 (from [canterburymaps.govt.nz](http://canterburymaps.govt.nz)) The buildings are virtually unchanged.*



*Exhibit 5c* Current Street View of 9 Parlane St. The building is built to the road boundary and southern boundary of the site.

## **7.5 Rezoning of Kirkwood Avenue**

7.6 I had proposed to rezone the sites on the north side of Kirkwood Avenue between Clyde Rd and the University from Residential Suburban to Residential Suburban Density Transition zone.

7.7 As there are wastewater issues in the area and any rezoning would need to be deferred I am no longer pursuing this rezoning.

## **8. Built form rules in the RMD zone:**

### **8.1 Rule 14.3.3.1 Tree and Garden Planting**

#### **and 14.2.3.2 Multi – Unit Complexes ... Tree and Garden Planting**

- 8.2 My submission was to amend the driveway landscaping strip requirement (0.6m width) because it:
- unnecessarily restricted the developable width of the site
  - was inconsistent if dwellings were accessed off both sides of the driveway
  - did not allow enough width for any substantive planting
  - could create a compliance issue for further development on existing driveways and for infill subdivision behind existing dwellings
- 8.3 I sought to amend the rule to a requirement that landscaping equivalent to 0.2m<sup>2</sup> per square metre of the driveway surface area be provided in common areas immediately adjacent to the driveway. (This was based on 0.6m being 20% of a 3m driveway width).
- 8.4 The *Council's Revised Proposal* has struck out the landscape strip requirement.
- 8.5 Following discussion at mediation, I support this *revision* (in part) but propose that the table in both *rule 14.3.3.1 and 14.2.3.2 (which is the same rule in the RS/RSDT section)* be amended as follows:

**~~(a)~~ A minimum of 20% of the total site shall be provided for landscape treatment, ~~(which may include private or communal space) including a~~ which includes:**

**(a) Not less than 0.15m<sup>2</sup> of landscaping treatment per square metre of shared driveway area located adjacent and not separated from the driveway area.**

**(b) A minimum of one ~~native~~ tree for every 250m<sup>2</sup> of gross site area (prior to subdivision), or part thereof, including ~~A~~at least 1 tree ~~shall be~~ planted adjacent to the street boundary for every 12m of street boundary, or part thereof:**

**~~(b)~~ (i) All trees shall not be less than 1.5m high at the time of planting:**

~~(e)~~ (ii) All trees and landscaping required by this rule shall be maintained and if dead, diseased or damaged, shall be replaced.

8.6 My amendment proposes three changes to the *Council's Revised Proposal*:

1. It reinstates “tree” to be non-specific as per the *notified plan*.
2. It reinstates street tree requirements but to a less onerous extent than the *notified plan*.
3. It retains the requirement for landscaping around the common access areas. But has changed the prescriptive landscaping strip (in the *notified plan*) to a more flexible rule.

*Exhibit 6; Landscaping around accessway.*



*Exhibit 7: No accessway landscaping.*



8.7 Reason for changes to revised proposal:

*Change 1:* Returning to “tree” instead of “native tree”

- nearly all native species are evergreen, and many are coniferous (Totara, Rimu, Kauri, Kahikitea etc) and given the restricted space in medium density environments, the shading would create an unnecessary burden on future residents.
- Kowhai and Lacebark are suitable species, but in comparison there is a wide selection of exotic deciduous species that are both suitable and widespread in the city environment.
- options such as Pittosporums, Pseudopanax are bushy shrubs, and already widespread in most urban landscaping
- removing the word “native” would not preclude the planting of suitable native trees if desired

*Change 2:* Reinstating street boundary tree requirement

- trees adjacent to the road boundary will be within required building setbacks, hence no undue burden or restriction on development is created
- I suggest reducing the requirement from 1 per 10m to 1 per 12m which lowers any perceived burden on narrow frontage sites
- there is significant community benefit in have trees on the street boundary including greater privacy and an improved streetscape

*Change 3:* Reinstating requirement for landscaping adjacent to shared driveways

- this rule was introduced in earlier revisions of the City Plan to prevent developments which did not allow landscaping around the main accessways
- the rule proposed is flexible as the landscaping could be provided either as a driveway strip, an area at the front or end of the driveway, an area outside each unit, or a combination of all of those locations
- the rule in the Council’s Revised Proposal would allow developments with no landscaping visible from the main accessway (all landscaping provided in private spaces)

**8.8 Rule 14.3.3.6 Minimum Building Setback Internal Boundaries**  
**(and 14.2.3.7 Minimum Building Setback Internal Boundaries)**

8.9 From discussions in mediation, I understand that the setback for all buildings is to be reduced to 1m.

8.10 I propose the following amendments:

**14.3.3.6 Minimum building setbacks from internal boundaries**

The minimum building setback from internal boundaries shall be as follows:

1. All buildings not listed below ~~1.8~~m
2. ...*unchanged*
3. All other accessory buildings where the total length of walls or parts of the accessory building within ~~1.8~~m of each internal boundary does not exceed 10.1m in length NIL
4. ...*unchanged*
5. ~~All other~~ **Any existing** buildings where the internal boundary of the site adjoins a **proposed** access or part of a **proposed** access **which serves no more than two additional units** ~~1m~~ **NIL**
6. **Buildings on any part of a site that is less than 7.5m wide and existed as at 1 January 2015 where the total length of walls within 1m of each internal boundary does not exceed 10.1m in length** **NIL**

8.11 Reasons for changes:

8.12 Change to part 3:

This is to bring the clause into line with part 1. The same correction needs to be made to 14.2.3.7 part 3.

8.13 Change to part 5:

- This allows sites where there is an existing dwelling at the front and the driveway is of adequate width for access but not wide enough for a setback, to be economically developed.
- This change reduces the cost of requiring a resource consent for such a non compliance, and increases the availability of affordable infill sites.
- For consistency, the same amendment should be made to 14.2.3.7 part 5.

8.14 Change to add part 6:

- This allows a handful of small isolated sites across the city to be developed (some of which have become vacant due to the earthquake others having become vacant due to fire or demolition) without the burden of requiring resource consent
- The impact of the rule on neighbours is no greater than the building of an accessory building within part 3 of the above rule
- We own such a site in Sydenham, measuring 5.25m wide and 30m long. Current planning rules have made it too difficult to replace the dwelling that was demolished about quarter of a century ago.
- The same rule could be added to 14.2.3.7 and 14.5.3.4 to offer relief to the remainder of the existing residential zones in Christchurch and Banks Peninsula

## **8.15 Rule 14.3.3.7 Minimum Setback Distance to Living Area Windows and Balconies**

8.16 My submission proposes that:

- there should be a minimum setback for a balcony at first floor level or above
- a ground floor living room should have *at least* one window 4m from an internal boundary that does not include looking across a driveway
- that there is no need to prohibit secondary ground floor windows from being within 3 or 4m of an internal boundary

8.17 In consideration of the *Council's Revised Proposal*, I propose the further amendment as follows:

14.3.3.7 Minimum setback and distance to living area windows and balconies

1. ~~The minimum setback for a living area window at ground floor from an internal boundary shall be 3m.~~ **60% of the window glazing in any living area shall be setback at least 4m measured perpendicular to an internal boundary.** Note where the window is adjacent to an accessway the setback shall be measured from the **far** near side of the accessway. **This rule does not apply to that part of a living area containing kitchen units.**

2. The minimum setback for a living area window **or balcony** at first floor or above from an internal boundary shall be 4m, **except that where the internal boundary is shared with a residential property which is not part of the development the setback for a balcony shall be 6m.** Note where the window **or balcony** is adjacent to an accessway the setback shall be measured from the far side of the accessway.

8.18 *Reasons for changes:*

8.19 Ground Floor Windows:

- Maintains a reasonable separation from neighbours (4m) and an “outlook” in at least one direction

- Allows the provision of windows in a secondary direction with less separation
- Allows kitchen windows and windows in a secondary direction to have better ambient light and ventilation
- As the outlook from the living room is important, it prevents counting the driveway as the primary “outlook” space
- Maintains the privacy of the living space by ensuring that the principal living room window is not directly on the driveway

#### 8.20 Balconies:

- The current proposal does not indicate any setbacks for balconies
- My amendment creates a reasonable separation from neighbours and a reasonable protection from being overlooked
- Ideally a separation would be greater than 4m, but to avoid being unduly onerous I suggest leaving it at 4m except for where a property not associated with the development is overlooked. The increase to 6m for this case would encourage the design of balconies to either overlook the street or look within the development

#### **8.21 Rule 14.3.3.8 Road Boundary Garage and Building Setback**

8.22 My submission is that the setback requirement for the garage to be 1.2m further from the road boundary than a habitable space is unduly onerous because:

- the rule requires that there is a street facing habitable room, which maybe unpractical on existing narrow south facing sites or sites where a street fronting duplex was proposed
- negative design issues that may occur for larger scale developments could be resolved either within the urban design panel process or with the rule remaining for 3 or more units.

8.23 Therefore I propose the preferred amendment to rule 14.3.3.8 entirely removing part 2:

~~2. Habitable Space Front Façade~~

~~For road fronting units; garages and other accessory buildings (excluding basement car parking and swimming pools) shall be located at least 1.2m further from the road boundary than the front façade of any ground floor habitable space of that unit.~~

8.24 An alternative amendment would be to exclude detached and duplex units

2. Habitable Space Front Façade

~~For~~ **Where there are 3 or more attached** road fronting units; garages and other accessory buildings (excluding basement car parking and swimming pools) shall be located at least 1.2m further from the road boundary than the front façade of any ground floor habitable space of that unit.

Christian Jordan



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20 March 2015