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Tēnā koutou katoa

## Christchurch City Council submission on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill

1. Christchurch City Council (the Council) thanks the Environment Committee for the opportunity to submit on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill (the Bill). I request that the Christchurch City Council has an opportunity to present orally to the Select Committee.
2. The Council is supportive of the Government's aims to address Aotearoa New Zealand's housing shortage and enable the delivery of a wider range of housing options.
3. The Council notes the bipartisan support for the Bill and commends the Government and Opposition for their commitment to addressing the housing crisis. At the same time, though, we do emphasise that there is no single solution to ensuring housing sufficiency and we urge the Government to look more widely than the legislative lever of this Bill with its focus on accelerating medium density housing, and consider the likes of financial tools to support home ownership and addressing supply chain issues. Also, the Council suggests that while the outcomes sought by the Bill fit within the Government's work programme, the provisions are incongruous with other key Government work programmes<sup>1</sup> and the outcomes anticipated to result from these.
4. The lack of engagement with local government and residents of Tier 1 cities to date is incredibly disappointing. The Bill, as proposed, will have significant impacts on councils' place-making, land-use and infrastructure planning work, as well as on our local communities and neighbourhoods. A collaborative partnership between local and central government would bring better housing outcomes than a blunt, one-size-fits-all, legislative approach.
5. Since the 2010/2011 Canterbury earthquakes, there has been significant movement in the population both within and outside the Greater Christchurch sub-region. As Ōtautahi Christchurch has recovered, the city's population has grown. Despite the growth, our housing remains the most affordable of Aotearoa New Zealand's main centres. Our pre-earthquake planning documents such as the 2007 Urban Development Strategy (UDS) have served us especially well, and enabled residential land to be made available for housing comparatively quickly. Post-earthquake, in conjunction with central government, we reviewed our plans for how and where we grow. The 2013 Land Use Recovery Plan denoted areas where growth and intensification could occur. The subsequent Replacement Christchurch District Plan (2017) also sought increased residential

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<sup>1</sup> We draw attention to the recent work on Government Policy Statement on Housing and Urban Development (GPS-HUD); the Government Policy Statement on Land Transport; the Emissions Reduction Plan; improving freshwater outcomes as some examples.

growth through intensification, rather than urban sprawl. 'Our Space 2018-2048', developed jointly with our Greater Christchurch partner councils, refreshed the 2007 UDS defining additional areas for housing on the fringe of towns, incl. Rangiora, Kaiapoi and Rolleston. Through these progressive documents, we continue to support growth through intensification in Ōtautahi Christchurch.

6. Our work to give effect to the National Policy Statement on Urban Development (NPS-UD) is well underway. However, the Bill adds additional work and will require elements of the NPS-UD to be reworked. This is frustrating at a time when there are already resourcing issues in the sector, and while other significant reforms are taking place. As a consequence of this Bill, some plan changes and district plan reviews across Tier 1 councils will be delayed, compounding the issue of land availability.
7. We are particularly concerned by the haste of this Bill, and note that the constrained period for submissions has limited our ability to meaningfully engage with our communities. We heard from a number of community leaders who advised us that their local community groups were under significant pressure to prepare their submissions within the Select Committee's timeframes. They are very concerned and upset about the impacts of further increasing household density in some areas, where they see loss of greenspace and trees as highly detrimental to local amenity and the liveability of local neighbourhoods. The Council is also concerned that the full implications of the Bill, in terms of the scale of the potential built form, the geographical extent, and the permitted nature of the Medium Density Residential Standards (MDRS), have not been clearly communicated with the public, nor adequate time provided for them to effectively engage in the Bill's development.

#### Key submission points

8. The key points of our submission are as follows:
  - That the spatial extent that the MDRS applies to is targeted to the areas identified for medium density growth in the District Plan, rather than city-wide; and that the geographic scope of the Bill is clarified.
  - That the Bill includes a building standard requiring at least a minimum of 20 percent of a site's area to be landscaped (planted), with a requirement for a specified percentage to be used for trees.
  - That the MDRS should be amended to include greater acknowledgement of well-being
  - That robust design standards should be introduced. The urban design standards developed by Kāinga Ora could be used to modify the MDRS in the Bill.
  - That a minimum density of 15 households per hectare is included in the MDRS.

#### Structure of our submission

9. This submission is presented in two main parts. The first part is framed around the recently released Government Policy Statement on Housing and Urban Development (GPS-HUD), which includes in its vision the comment that 'places should be accessible, connected, well designed and resilient'.<sup>2</sup> The following sections of this submission use these four pillars as headings. In using this structure, we are proposing that the Government considers better aligning the Bill with the place-related vision of the GPS-HUD – a vision we consider is missing from this Bill.
10. The second part of our submission (Appendix 1) comprises technical matters that we believe require further clarification and development. We have also enclosed images that depict the scale of potential development enabled by the Bill, illustrating some of the potential impacts of the MDRS (Appendix 2).

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<sup>2</sup> GPS-HUD, p.23

## PART ONE

### Places should be resilient

*We need to ensure that the houses we are building are resilient (including climate resilient), healthy, universally designed and accessible.<sup>3</sup>*

11. We are deeply concerned by the Bill's omission of minimum landscaping requirements for residential developments. As well as providing more attractive streets and neighbourhoods, trees and planted open spaces play a vital role in climate change mitigation by absorbing carbon dioxide emissions and contribute significantly to biodiversity, air quality and cultural recognition.
12. We have heard vehemently from our community about the importance of trees in their neighbourhoods, and their concerns that increased density often comes at the expense of mature trees. Councils cannot provide the optimum tree canopy coverage solely on public land – 75 percent of Ōtautahi Christchurch's tree canopy cover surveyed in 2015 was located on privately-owned land. Currently, medium-density residential developments in Ōtautahi Christchurch require a minimum 20 percent site coverage of landscaping. However, even with this minimum provision, Ōtautahi Christchurch has seen a decrease in its urban tree canopy cover of approximately 2 percent since 2015/2016, due in part to increased residential intensification. The MDRS will likely lead to a further reduction in tree canopy cover. **We need the Government to include a building standard requiring at least a minimum of 20 percent of a site's area to be landscaped (planted), with a requirement for a specified percentage to be used for trees.** We consider that this minimum landscaping percentage could be incorporated within the allowed space for pervious surfaces, and should not impact the available building area.
13. The trouble with a one-size-fits-all approach is that topography is not taken into account. Apart from the Port Hills, we are a low-lying coastal city. Our flat environment means we don't have the natural gullies that exist in both Auckland and Wellington. The extent of tree canopy within those cities is naturally greater than ours.
14. The form and location of residential development has a great influence on the long-term greenhouse gas emissions of a city. Well-located residential intensification near and around commercial centres that have diverse work, retail, recreational and transport opportunities, would enable people to more easily meet their daily needs. The Bill provides for ad-hoc intensification, which could undermine the thoughtful location of people and consequently increase their need to travel. Given New Zealand's climate emergency and commitment to reduce its emissions, it is especially important that Government moves to increase housing supply are consistent with wider goals of reducing emissions and building resilience to climate impacts.
15. Well-being is key to resilience. Section 3 of the LGA provides for local authorities to play a broad role in promoting the social, economic, environmental and cultural well-being of their communities, taking a sustainable development approach. Sustainable development is defined as development that meets the needs of the present without compromising the ability of future generations to meet their needs, so this section requires us to consider long-term, intergenerational aspects of our city and district development. The Council is concerned that these well-being aspects have not been adequately considered through the development of the Bill, and considers that the broad-brush approach to enabling intensification will not deliver well-balanced well-being outcomes for present and future generations. **We submit that the MDRS should be amended to include greater acknowledgement of well-being** and draw the Committee's attention to our submission on the Natural and Built Environments Bill, where we sought recognition of built environmental attributes' contribution to well-being.<sup>4</sup>

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<sup>3</sup> GPS-HUD, p.30

<sup>4</sup> Christchurch City Council submission on the Natural and Built Environments Bill, July 2021, <https://ccc.govt.nz/assets/Documents/The-Council/Request-information/2021/Christchurch-City-Council-submission-on-NBA-exposure-draft.PDF>

16. The Council welcomes the scope that exists within the Bill to consider Qualifying Matters that may influence the application of the proposed standards where there are concerns around natural hazards or the impact on heritage. Hazard mitigation is a key area of work for the Council currently with our Coastal Hazards Plan Change and Coastal Adaptation Planning programme underway.
17. The Council stresses the important role of local government – in partnership with central government, mana whenua, local communities and the development sector – in providing quality, well-functioning urban environments that provide for the well-being of their people. We believe it is fundamental that the Bill is informed by and strongly delivers to the four well-beings – social, economic, environmental and cultural – to ensure that good outcomes are achieved for both current and future generations.

### Places should be accessible

*Everyone is living in communities that meet their needs. The places where people live are accessible and connected to employment, education, social and cultural opportunities.<sup>5</sup>*

18. The city-wide application of the MDRS is problematic as it is likely to result in increased residential density in locations that lack appropriate accessibility for our communities. The Council supports targeted intensification in accessible locations – where there are ‘density enablers’ that support well-functioning urban environments. These ‘density enablers’ include public transport, connections to local schools and other social and community infrastructure, and proximity to parks and open space.
19. The Bill’s current geographic scope is unclear because of the broad definition of the term “urban environment,” and our concern is that it potentially enables development in small towns and settlements in the Christchurch City Council district, such as Akaroa. We do not consider that increasing the residential population or density of these smaller towns of our district meets the intent of the Bill as it enables further residential development of dormitory suburbs far from main urban areas. As such **we require clarification of the geographic scope of the Bill.** In the Christchurch district, the boundary should align with the urban environments within the established Greater Christchurch Partnership’s statutory boundary.<sup>6</sup> This would also better align with StatsNZ Tatauranga Aotearoa’s functional urban area for Christchurch.
20. **Additionally, we request that the spatial extent that the MDRS applies to within the Bill is targeted to the areas identified for medium density growth in the District Plan.** The areas currently zoned for medium density development in the District Plan have been identified to support the vitality and viability of centres consistent with their function and that provides for the targeted growth of Ōtautahi Christchurch. This anticipated growth has been strengthened through the prioritisation of the provision of infrastructure. The Council does not consider it appropriate to provide for medium density growth in the outer suburbs unless those suburbs are located near a commercial centre or on a transport corridor. Unrestricted, medium density development in the outer suburbs would reduce the Council’s ability to target development in accessible locations to support transport mode shift and reduce green-house gas emissions. **Council seek that the proposed MDRS are limited in the outer suburbs unless the location is in proximity to a commercial centre or on a transport corridor.**
21. The Council supports intensification in appropriate locations, and considers that the Bill should enable local decision-making to guide the application of the MDRS. The Council has and continues to progress intensification and growth within Ōtautahi Christchurch to ensure housing supply is enabled in the District Plan over the short, medium and long term. Ōtautahi Christchurch is widely acknowledged as the most affordable of the five main centres. To encourage affordable housing in Ōtautahi Christchurch, the Council is progressing work to enable ground up community development through a proposed Ōtautahi Christchurch Plan. The Council also supports the “15 minute neighbourhood” concept, as it encapsulates the positive

<sup>5</sup> GPS-HUD, p.24

<sup>6</sup> This statutory boundary includes the metropolitan area of Ōtautahi Christchurch (and the neighbouring towns in the Selwyn and Waimakariri districts) and is identified in the Canterbury Regional Policy Statement at Chapter 6, Map A.

community outcomes that can come from intensification done well.

### Places should be connected

*We build enough infrastructure and housing in the right places at the right cost.<sup>7</sup>*

22. The Christchurch District Plan and work currently underway to give effect to the NPS-UD purposefully locates increased residential development around centre zones in areas where there is current or planned infrastructure capacity to service intensified development. The city-wide application of the MDRS will enable medium density development in parts of our city where there is little to no capacity in our wastewater, storm water and drinking water networks, and where capacity cannot easily be increased. Councils need the ability to at least ring-fence areas of limited infrastructure capacity from the provisions of the Bill. Of particular concern is the ability to provide for the management of additional storm water in some existing urban environments, both in terms of the water quantity and in terms of ensuring it is adequately managed so that it does not result in the deterioration of water quality and biodiversity.
  
23. In areas where, for example, there is insufficient wastewater capacity to support the level of development enabled by the MDRS, and providing the additional wastewater capacity would likely be cost-prohibitive, then from our experience wastewater connections for any additional development that would exceed the capacity of the wastewater infrastructure is declined. This limitation on development is especially challenging to communicate with our community. This is an example of the risk of enabling development in areas without adequate infrastructure capacity.
  
24. Applying the city-wide MDRS, as proposed, will enable development in areas without public transport connections and potentially some distance from centre zones. This will contradict other work underway to improve uptake of public and active travel options and to reduce emissions from transport.
  
25. The Bill will reduce councils' ability to target specific areas for development through their district plans so as to achieve integrated management of development and infrastructure provision as is required by s31(1)(a) of the RMA. It will also reduce councils' ability to focus growth to encourage critical mass to promote the feasibility for new large infrastructure investments (i.e. Mass Rapid Transit); will reduce councils' visibility of upcoming developments; and will put increased onus on developers' due diligence processes. Theoretically, the first a council could hear of a planned development will be a building consent application, by which time a developer will likely have already invested significantly in land acquisition and professionals' fees. If there is no capacity in the existing network, the council will have no option but to decline the building consent application. This may bring additional consequences for potential purchasers who might have bought off the plans for a new development. As above, **the spatial extent of the MDRS must be targeted to and aligned with the areas identified for medium density growth in the District Plan.**
  
26. With the proposed city-wide MDRS, councils will be required to provide additional infrastructure capacity everywhere at once to meet potential demand that may not eventuate. This would create undue pressure on rates for our communities, and/or will result in increased costs of new developments which will be passed on to purchasers. It is also likely to hinder councils' ability to prioritise infrastructure development in the spatial planning that is being proposed as part of the Resource Management reforms, under the Strategic Planning Act.

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<sup>7</sup> GPS-HUD, p.15

## Places should be well designed

*Planning and investing in our places needs to focus on ensuring land, infrastructure, good urban design, and the right types of housing supply come together in the right places.<sup>8</sup>*

27. The Council considers that good urban design can co-exist with increased density and the delivery of affordable homes to provide more liveable environments. The Bill does not include any design standards, which is likely to lead to poorer urban design outcomes, within walkable neighbourhoods. The Council notes that the proposed building standards would provide almost no protection from adverse effects such as shading, privacy and outlook for the wellbeing of occupants or neighbours. In the Bill the primary constraint on development capacity is the restriction on site coverage. More effective standards could easily be introduced without reducing the amount of development that could be achieved on a site.

28. **We submit that robust design standards should be introduced** that consider factors such as the following:

- The New Zealand Urban Design Protocol.<sup>9</sup>
- Crime Prevention through Environmental Design principles that help to create safer environments.
- Accessible and universal design features that provide greater liveability for people living with disabilities and an ageing population (e.g. level access, ground floor homes).
- Sustainable construction methods and energy-efficiency (e.g. above-Building Code specifications; inclusion of eco elements like solar panels or hot water systems; greywater recycling; permeable swales etc.) to support long term affordability and environmental quality.

In looking for examples of good design standards, the Council notes that recent Ōtautahi Community Housing Trust and Kāinga Ora developments achieve positive outcomes in terms of design, while also providing increased density. **We submit that the urban design standards developed by Kāinga Ora are used to add further building standards to the MDRS in the Bill.<sup>10</sup>**

29. As above, we request that the design standards incorporate the need for universal design and accessibility and mandate a minimum percentage of developments that must meet these standards, noting approximately 24 percent of the population are disabled<sup>11</sup> but the current housing supply falls well short of meeting this need.

30. The Council notes that under the MDRS, there is no minimum density requirement and new dwellings are permitted. As clause 6(a) in schedule 3A for the MDRS prevents size related subdivision requirements, there is no ability for the Council at subdivision stage to require minimum densities of development. Consequently, this undermines the direction in the Canterbury Regional Policy Statement of 15 houses per hectare as a minimum density within greenfield residential development. **The Council requests a minimum density of 15 households per hectare is included in the MDRS for residential development within the established Greater Christchurch Partnership's statutory boundary.**

## Conclusion

31. The Council notes that in the recent Greater Christchurch Housing and Business Capacity Assessment, Ōtautahi Christchurch had a surplus of housing enabled in its District Plan.<sup>12</sup> We suggest that constraints on housing supply exist in many sectors, and will not be solved purely with legislative reform of the NPS-UD. The building and construction sector faces serious resourcing and supply issues that pose risks to the realisation

<sup>8</sup> GPS-HUD, p.39

<sup>9</sup> <https://environment.govt.nz/assets/Publications/Files/urban-design-protocol-colour.pdf>

<sup>10</sup> Kainga Ora Design guidelines are available online at: <https://kaingaora.govt.nz/publications/design-guidelines/>

<sup>11</sup> [www.health.govt.nz/our-work/populations/maori-health/tatau-kahukura-maori-health-statistics/nga-mana-hauora-tutohu-health-status-](http://www.health.govt.nz/our-work/populations/maori-health/tatau-kahukura-maori-health-statistics/nga-mana-hauora-tutohu-health-status-)

[indicators/disability&ved=2ahUKewi5zqPglPjzAhUBheYKHUa7Dc8QFXoECAyQBg&usg=AOvVaw0UOVt2SPzIbnN088QOBWDJ](https://www.greaterchristchurch.org.nz/assets/Documents/greaterchristchurch/Capacity-Assessment-reports-2021/Greater-Christchurch-Housing-Development-Capacity-Assessment-July-2021.pdf)

<sup>12</sup> <https://www.greaterchristchurch.org.nz/assets/Documents/greaterchristchurch/Capacity-Assessment-reports-2021/Greater-Christchurch-Housing-Development-Capacity-Assessment-July-2021.pdf>

of the outcomes of the NPS-UD and the Bill. The Council requests the Government continues to take steps to address labour shortages and issues with the supply and cost of building materials.

32. Thank you for the opportunity to provide this submission. For any clarification on points within this submission please contact Emily Allan, Senior Policy Planner ([Emily.Allan@ccc.govt.nz](mailto:Emily.Allan@ccc.govt.nz) | (03) 941 5931).

Ngā mihi



Lianne Dalziel

**MAYOR**

## APPENDIX 1:

### PART TWO – TECHNICAL MATTERS

#### Financial Contributions

1. The Council supports the provisions in the Bill to enable Financial Contributions to be required from permitted developments and not just those that require resource consent. The Council also supports the Bill to enable district plan financial contributions provisions to be amended using the ISPP.
2. The Bill should allow councils to collect Financial Contributions from the date when development is enabled. **The Council submits that further provisions are required to clarify the framework for charging and the timing implications.** Rules enabling levying Financial Contributions on permitted activities ought to be in legal effect to align with the other aspects of the Bill that will have immediate legal effect from August 2022.

#### Impact on work under way

3. The timing of this Bill has also presented challenges for the Council, with the likelihood of having to delay/withdraw plan changes that are likely to be affected. This will have the unintended consequence of stalling supply of land for residential development in specific cases – an outcome at odds with the intent of the Bill. **The Council submits that the Bill should be amended so that the withdrawal of plan changes is not required, but rather a process should be enabled that plan changes can be automatically updated to incorporate the MDRS.** Likewise **the Bill should also be amended to enable operative plans to incorporate the MDRS.**<sup>13</sup> The current wording in subpart 3 of the Bill adds additional process without any benefit of public scrutiny.
4. The narrow scope of the Intensification Streamlined Planning Process, as proposed, will overcomplicate councils' district plan reviews. District Plans work best if they are considered as an integrated package, so the entire plan change and/or District Plan Review, should be considered through the Intensification Streamlined Planning Process, not just the intensification planning instrument in isolation. Therefore **we suggest that the scope of the Intensification Streamlined Planning Process should be broadened to be available to any plan change or all full district plan review.**
5. The Bill proposes that the Minister for the Environment will be the final step in the decision-making process on the ISPP. **The Council submits that a merit hearing in the Environment Court is a more appropriate decision-maker on Intensification Plan Change recommendations by the Independent Hearing Panel that are not accepted by councils.** The Environment Court is a specialist tribunal that has been established for, and has expertise in, precisely that type of issue.
6. The Council seeks that the Government provide funding assistance to help implement these changes and to run the Intensification Streamlined Planning Process.

#### Applicable standards

7. The Council is concerned with the proposed Schedule 3A clause 2(3) which states:  
*(3) There must be no other building standards included in a district plan additional to those set out in Part 2 relating to a permitted activity.*<sup>14</sup>
8. Additionally, the Council is concerned with ambiguity of terminology in the Schedule. The Bill is not clear on

<sup>13</sup> This could be achieved by using Section 55(2) of the Resource Management Act 1991, rather than having to notify these changes through a plan change that has immediate legal effect.

<sup>14</sup> RM (EHS) Bill, p.28 (new Schedule 3A), clause 2 (3)



what constitutes a building standard, design standard, built form standard, engineering standard or subdivision standard, or if these standards are intended to be specific to a particular type of development.

9. Many District Plans include standards such as regarding earthworks, transport matters (such as design of safe access ways including pedestrian, cycle parking, accessible parking etc.), noise insulation, lighting, landscaping, setbacks from railway lines, transmission lines, water supply for firefighting etcetera. These standards are important to ensure houses are well-designed, safe, accessible, and resilient and contribute to a well-functioning urban environment. It is essential that the ability for District Plans to provide these standards and other engineering standards is retained. **The Council submits that the Bill must be more specific regarding what the bar in Schedule 3A clause 2(3) does and does not cover.**
10. Additional to the existing standards in the District Plan identified above, implementing the NPS UD will require that new standards which apply to permitted activities are developed. These will be needed to manage qualifying matters, such as natural hazards, or where financial contributions are required.
11. The Council also requests that the generous building standards described in the Bill (including the 11m height and recession planes) are limited to when three units are developed on a site. Enabling single residential units to be built to these standards will potentially result in super-sized homes, with no increase for housing supply.

#### Policy 3(d)

12. The Council supports the proposed amendments to Policy 3(d) in the NPS-UD.
13. The Council requests that the Ministry reviews the wording of the definition of ‘other intensification policies’ in clause 77E which refers to policies 3(c) and (d) as it applies to ‘urban non-residential zones’. Also there appears to be an error in the amended Policy 3(d) of the NPS-UD,<sup>15</sup> in that the final words should presumably be “community services” rather than “community centres,” which includes a much smaller range of activities than community services.<sup>16</sup>
14. We do not consider that the ‘neighbourhood centres’ described in the Bill are considered to be ‘accessible places’ with links to a range of employment, commercial and social activities. **We request that the reference to neighbourhood centres is removed from the new Policy 3(d).**

#### Māori land

15. The Bill makes no specific provision for expediting the development of Māori owned land. More specificity within the Bill providing for housing on Māori owned land, within and outside of urban areas, would provide the necessary policy platform for mana whenua to springboard housing developments with fewer policy and consenting barriers.

#### Setbacks from water bodies

16. The current Bill omits any requirement for setbacks from water bodies. **The Council strongly suggests waterway setbacks are included in the Bill, and suggest that for the Christchurch District these are line with the following schedule:**
  - Network waterways – 5m setback
  - Hill waterway – 10m setback

<sup>15</sup> New schedule 3B

<sup>16</sup> This amendment would also be consistent with the terminology used in section 77 O (1).

- Environmental asset waterways – 7m setback
- Environmental asset standing water body – 7m setback
- Upstream waterways – 10m setback
- Downstream waterways – 30m<sup>17</sup>

17. A generous corridor width will facilitate natural functioning of the waterway in terms of its ecology, and enhance other values. To better protect waterways from catchment modifications a waterway corridor of reasonable width should be protected. Additionally, Council seeks setbacks from wetlands and estuary edge areas.

### Covenants

18. Council notes that development covenants could be a barrier by limiting intensification which may preclude the outcomes sought by this Bill from being achieved. The Regulatory Impact Statement<sup>18</sup> recognises this issue and identifies further work needed to investigate this by Government. The Council also notes that the development of community (social) housing and affordable housing types are also limited by covenants. **The Council supports prompt Government attention on this issue.**

### Buffer zones around open space

19. The height limits proposed in the Bill do not provide buffer zones around open spaces, potentially enabling developments of 11m height on the boundary of Council parks and reserves. This could have significant implications for shading – especially for longer, narrower parks. This could impact on the ability for open space to provide for its designated function. **The Council seeks the inclusion of buffer zones around open space specifically of 2.5m.**

### Subdivisions and minimum lot sizes

20. The Council supports intensification within new neighbourhoods. However, the city-wide application of the MDRS presents challenges for delivering appropriate subdivision outcomes. While no minimum subdivision size may be appropriate in proximity to the centre city, it will likely compound accessibility issues and infrastructure capacity constraints in outer suburbs.

21. The Council disagrees with the assumption in the Ministry for the Environment’s Regulatory Impact Statement that increased development under the MDRS will occur close to city centres, within inner city zones<sup>19</sup>. The Council considers that this development is more likely to take place in outer residential areas where the cost of land is lower, and where lots are typically larger and in suburbs considered desirable. The Council notes that the Bill enables vacant subdivision to facilitate more density and then three units per new site. If this is not what is intended, this is likely a perverse outcome of the Bill and we suggest that the subdivision provisions are reviewed to minimise this impact on the intended outcomes of the Bill.

22. The Council suspects that the change is likely to result in less affordable outcomes being delivered in the short term as the development potential may increase the price of land in the more desirable intensification locations. **The Council reiterates its request above for the spatial extent of the MDRS to be targeted to the areas identified for medium density growth in the District Plan.**

### Recession Planes

23. The proposed Recession Planes in the MDRS are significantly higher than any of the Recession Planes in the

<sup>17</sup> These are the current waterway setbacks within the Christchurch District Plan (Section 6.6.6 of the Christchurch District Plan).

<sup>18</sup> RIS, paragraphs 122 – 124, p. 34

<sup>19</sup> RIS, paragraphs 93 and 94, p. 25

existing Tier 1 territorial authorities' district plans - in most cases they are double what is allowed in the existing district plans. This will have a significant negative impact on the shading of neighbouring properties, particularly in hillside areas. Recession planes also provide some protection of privacy by ensuring windows are not close to the boundary and preserve a sense of openness in outdoor living areas, which is especially important where these are small .

24. In particular, the MDRS does not take into account the latitudinal difference between Tier 1 cities, with shading effects more pronounced in Ōtautahi Christchurch than in Auckland.<sup>20</sup> **The Council suggests that Recession Planes should be lowered to be more consistent with the existing Tier 1 councils' District Plans.** Access to light and sunlight is a matter of personal well-being, particularly in areas of the country affected by more adverse climatic conditions.

### Height Limit

25. The proposed height limit would allow for 4 storeys in most circumstances as 4 storeys can be accommodated within a height of 10.5m. The rule of thumb for building height to storeys is approximately 3m. **The Council seeks an overall height limit of 9m with an additional 2m for the roof (total height of 11m).**

### Common Wall

26. The allowance for common walls on adjacent development sites would allow for a continuous building to be established from the depth of the site (sausage blocks). Removing this clause would create breaks in the row of units to allow some access to sunlight, view shafts and opportunities for service access. An alternative would be a limit on built form continuous length or a requirement for a building to be stepped over a particular length.

### Permitted Baseline

27. The Council is concerned that the height limits set out in the Bill will facilitate a level of development greater than intended because of the increased baseline for development. This is because the effects assessed at a resource consent over the 11m height will just be the additional effects from going above 11m rather than the effects from the entire development (i.e. the effects of four storeys compared with the effects of more than five storeys). This will compound the effects of development in inaccessible suburban locations on the edges of the city. In addition, the increased building height, and number of storeys, will compound accessibility issues, particularly for people with disabilities if this is not factored into required yields, as discussed above. **The Council reiterates its request above for the spatial extent of the MDRS to be targeted to the areas identified for medium density growth in the District Plan.**

### Cost Benefit Analysis assumptions

28. Council notes that the Cost Benefit Analysis (CBA) assumes that for Christchurch City, the increased brownfield infrastructure requirements for unrecovered costs will be minus \$7 million dollars for Christchurch. We consider that this is underestimating the cost of providing infrastructure capacity anywhere it is required and that may not be recoverable through development contributions due to the developments utilising the upsized capacity not reaching the full capacity of the infrastructure. This is an extremely inefficient allocation of resources and will result in the existing community picking up the cost of development capacity. **The Council reiterates its request above for the spatial extent of the MDRS to be targeted to the areas identified for medium density growth in the District Plan.**

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<sup>20</sup> Ōtautahi Christchurch is 7 degrees further south than Auckland, and has a colder winter climate. This means that the negative shading impacts are multiplied.

**Large lot residential zone**

29. The Council supports the exclusion of the large lot residential zone from the application of the MDRS, as these zones are typically used in semi-rural locations.

**Outdoor living space**

30. The Council requests the Government consider increasing the minimum outdoor living space requirements from 3m x 3m to at least 4m x 4m.
31. The Council would also appreciate increased flexibility for applying outdoor living space provisions, and ask the Government to consider enabling the per unit outdoor living space standard to be grouped together into communal space. We suggest a lower space requirement is enabled where this is the case. The benefit of enabling outdoor living space to be grouped together is that it produces more usable space (eg in the form of roof top gardens) and is more economical to construct than individual balconies. It therefore has the potential to result in units with a lower cost.

**APPENDIX 2:  
IMAGES SHOWING THE POTENTIAL IMPACTS OF THE MDRS**

The following are images are worked through examples of the application of the permitted activity standards, including what has been described in the messaging of the Bill (Figure 1) and the reality of the standards as they could be implemented:

- The potential extent of subdivision allowed (Figure 2)
- The potential built form resulting from 11m +1m, party wall standard, 1m & 2.5m setbacks and the 60° recession plane (Figure 3), Crime Prevention Through Environmental Design (CPTED) including access and street interface
- The potential built form in situ in Ōtautahi Christchurch (Figure 4)
- Outdoor living space comparisons current and proposed by standards for 2 bed+ units (Figures 5 & 6).



*Figure 1: What has been described by the Bill*

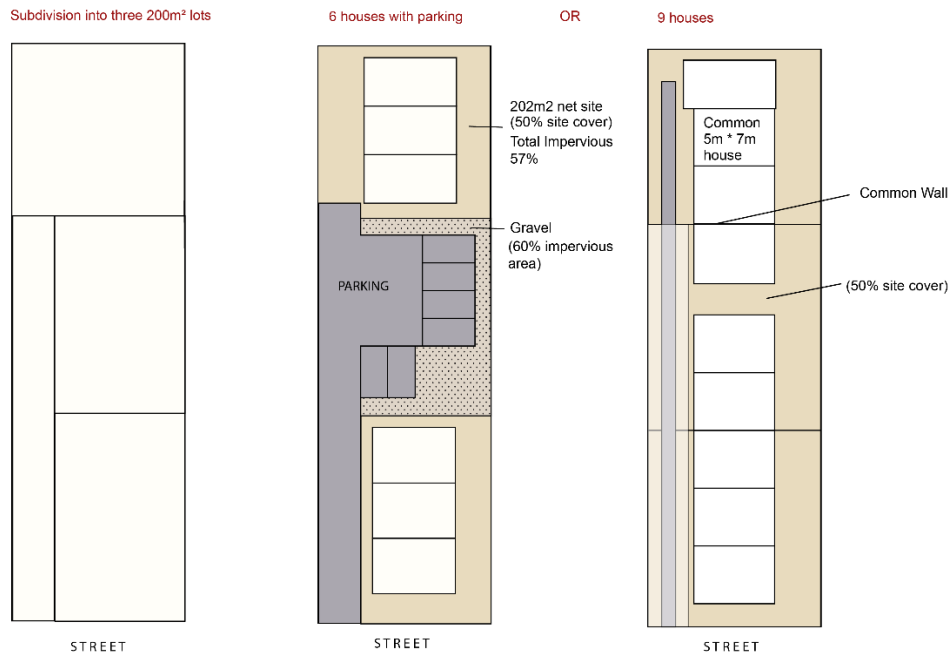


Figure 2: Potential extent of subdivision permitted



Figure 3: The potential built form resulting from the permitted standards



Figure 4: The potential built form resulting from the permitted standards in a typical Ōtautahi suburb

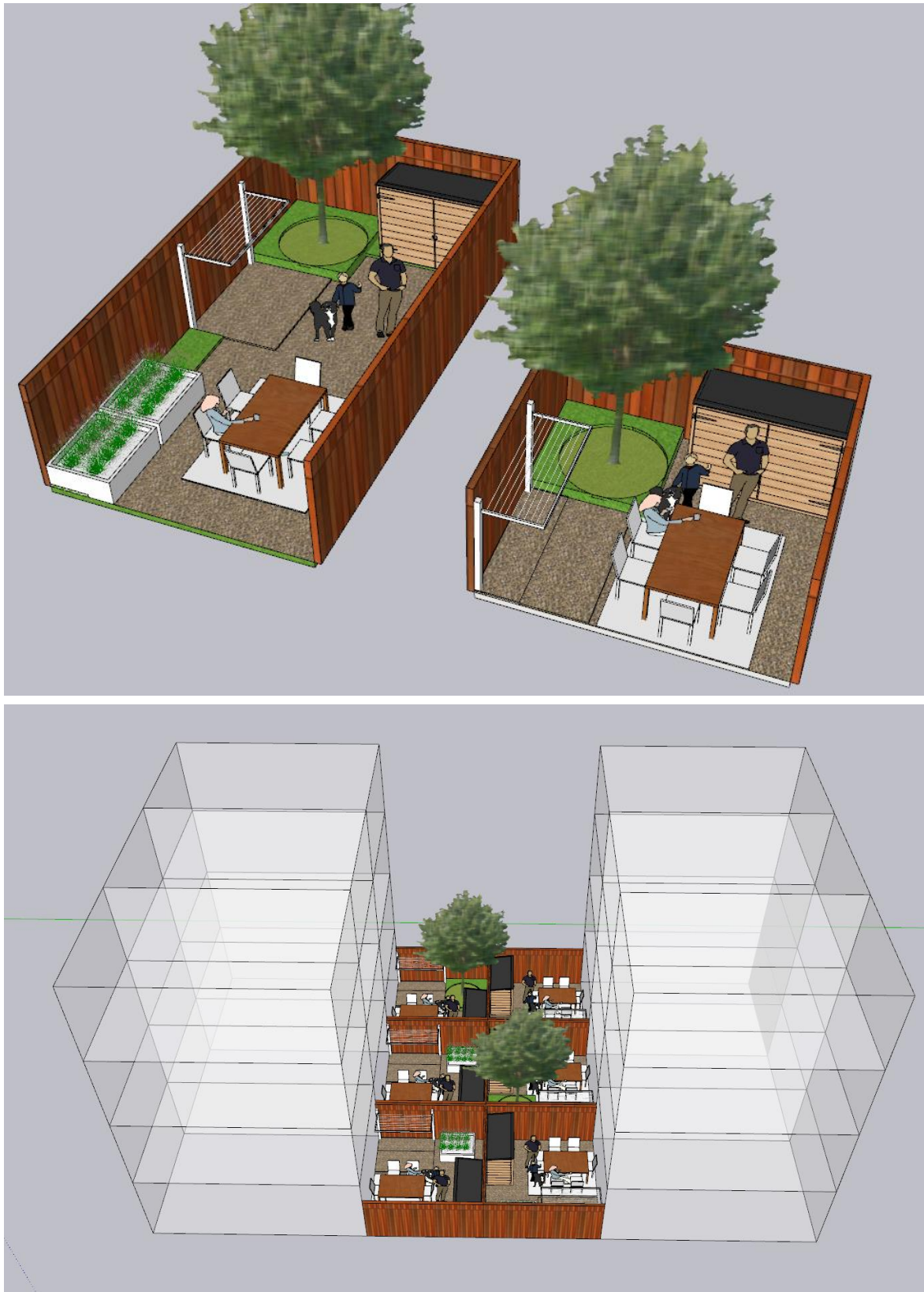


Figure 5: Outdoor living space comparisons current (30m<sup>2</sup> and 15m<sup>2</sup> respectively) and proposed by standards for 2 bed+ units, and in the context of the allowed building heights (Figure 6).