



Plan Change 9 Pre-Notification Consents Workshop

8 August 2022

Agenda

1. Process and timeframes
2. Recap Plan Change
3. Legal effect overview
 1. Amendment Act requirements
 2. PC9 Qualifying matter areas
 3. PC9 rules
4. Residential zones & subdivision
 - Development Scenarios
 - Applying the Design Guide
5. Other PC9 changes



Process & timeframes

- 19th August – PC9 notified
- 22nd – 14th October – submission period
 - Website: <https://bit.ly/3Ss2l6f>
 - Information sessions with stakeholders, consultants & community
 - Friend of the Submitter (Belinda Messenger: planchange9@resourceplanning.nz or through RLC Customer Services)
- 25th October – 22nd November – further submission period
- August 2023 – Hearings
- 31st March 2024 – Plan Change operative

Recap of key changes

What is changing	Scopes of changes
Strategic direction objectives & policies	Alignment with NPSUD & MDRS
Residential 1 zone provisions	MDRS & design related changes
Residential 2 zone zoning extent and provisions	MDRS & design related changes
Wharenui & Pukehangi development areas	Pukehangi: MDRS & adjust heights Wharenui: MDRS & remove redundant standards
Subdivision	MDRS and changes to min lot size, shape factor
City Centre 1, 2 and 3 provisions	Increased height & design related changes
Commercial 1, 2 and 6 provision	Increased height & design related changes
Commercial 4 zone	Increased height & design related changes <i>Strengthened policy framework</i>
Hazard provisions	Changes to flooding rules & geothermal rules
Financial contributions provisions	Apply to permitted activities and reduce rates
Heritage provisions	Require consent for development adjoining heritage item
Transport provisions	Transport assessment for 20+ residential units Amended access standards
Papakainga	Changes to provisions to better enable development within both the residential and rural zone.

Legal effect overview

- The usual process will apply to the majority of the plan change.
- **Usual process:**
 - Only objectives and policies have legal effect on notification and require weighting in assessment.
 - Rules do not have legal effect until decisions are notified.
 - Exceptions for rules that protect historic heritage, protection of water, air or soil etc.

Legal effect overview

Amendment Act requirements:

- Rules will have immediate legal effect for **permitted residential units** in a relevant residential zone complying with the **density standards** (s86BA).
- Inconsistent rules in the District Plan **cease to have legal effect** and are **no longer treated as operative provisions** (s86BA).
- **Exceptions:**
 - A new residential zone – none proposed
 - A qualifying matter area
 - Additional or more enabling standards

Processing Resource Consents

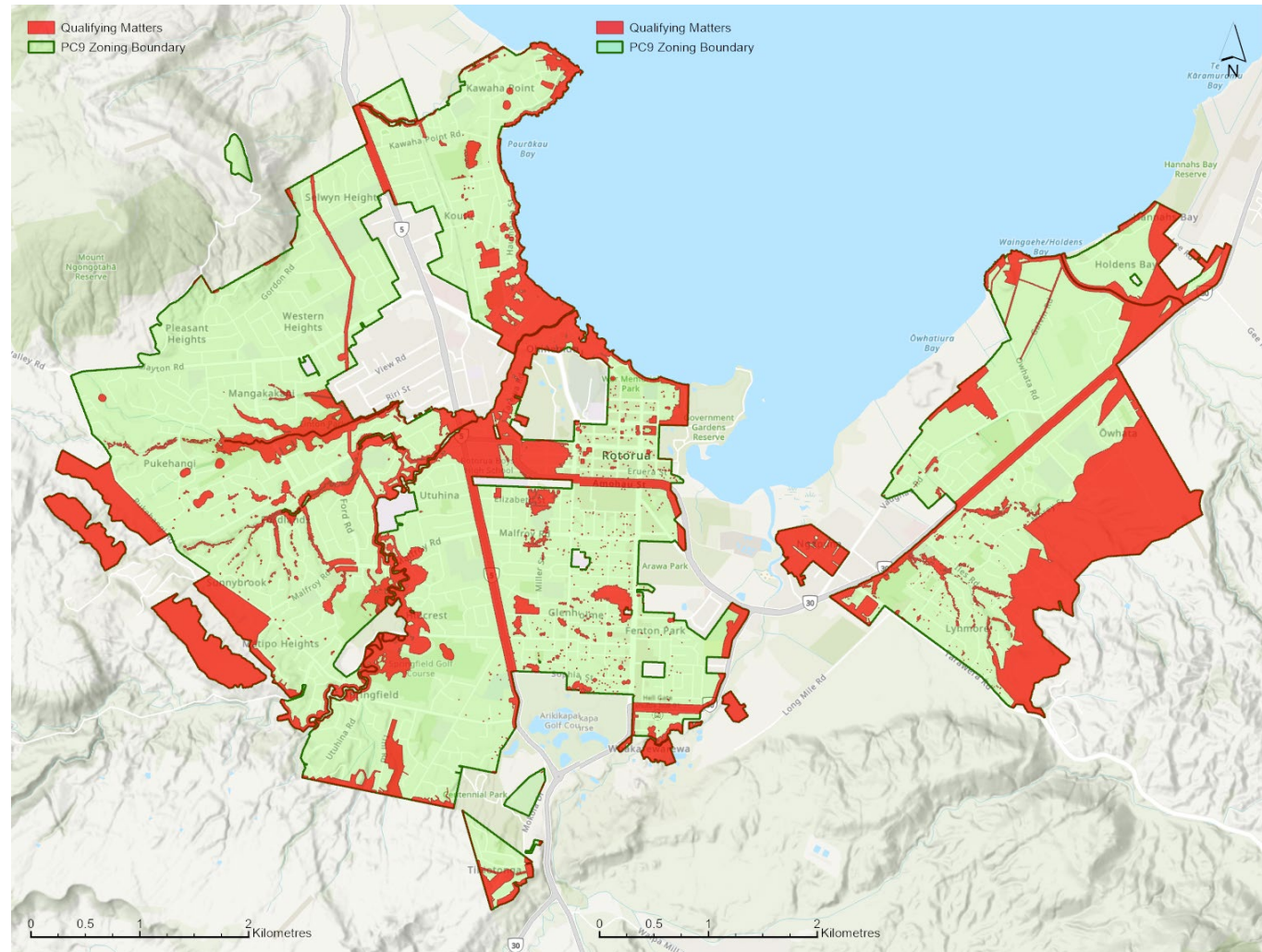
- Section 77M applies to an application for resource consent for an activity to which the MDRS are proposed to apply in an area in a relevant residential zone.
- When assessing the application under section 104(1)(b):
 - The provisions of the operative District Plan that are inconsistent with the objectives and policies in clause 6 of Schedule 3A cease to have effect, and the mandatory objectives and policies apply.
 - Inconsistent objectives and policies of the RPS no longer apply.

Qualifying matters

- Qualifying matters may make the MDRS less enabling of **development** in a relevant residential zone.
- Qualifying matters relate to:
 - Section 6 matters
 - Nationally significant infrastructure
 - Open space providing public use
 - Giving effect to a designation
 - Any other matter that makes the density in the MDRS inappropriate
- Qualifying matters can apply over part of a site.

PC9 Qualifying matter areas

Fault lines – NH-R1, R3
Geothermal – SUB-R42
Flooding – NH-R4
Pukehangi – PHDA-R5, SS6-SS8
Wharenui – WHDA-R3, R4, S3
Heritage – HH-R2, R2A, R3, SUB-R41
Archaeology – HH-R5, R6, SUB-R41
SS Māori – SASM-R3-R6, RESZS2(4)
SI Vegetation – ECO-R1
ONF/L – NFL-R1, R19, R20
Public access – RA-R1
Airport OLS – EIT-R17
Airport noise – NOISE R7-R8, SUB-R39-R49
National Grid – EIT-R18, SUB-R38
Notable trees – TREE-R2, R3
Residential 3 zone



Legal effect – zone rules

Standard	MDRZ	HDRZ
Dwellings per site	Up to 3 permitted 4+ restricted discretionary	Up to 3 permitted 4+ restricted discretionary
Height	11m (+1m for roof)	11m (+1m for roof) / 19.5m
HiRB	4m + 60°	4m + 60° / 12m & 60° within 23.5m of road
Building Coverage	50%	50%
Impervious Surfaces	70%	80%
Landscaping	20% of a developed site 50% of front yard	20% of a developed site 50% of front yard
Outlook Space	4 X 4m/ 1 X 1m	4 X 4m/ 1 X 1m
Outdoor Living Space	3m - 20m ² @ GF / 1.8m -8m ² Offset for south facing open space	3m - 20m ² @ GF / 1.8m -8m ² (1.5m - 6m ²) Offset for south facing open space
Windows to the Street	20% glazing Exclusions for front doors/garages/roof space	20% glazing Exclusions for front doors/garages/roof space
Maximum building length	22m	22m
Yards	1.5m front, 1m all others	1.5m front, 1m all others
Minimum dwelling size	35m ² Studio/ 45m ² 1-bed+	35m ² Studio/ 45m ² 1-bed+
Fences	1.2m high / 1,8m if 50% permeable	1.2m high / 1,8m if 50% permeable

Bold text = immediate legal effect

Subdivision & notification

- Minor changes to objectives and policies (P-31 & P-35A).
- Subdivision remains a controlled activity, unless rules infringed.
- Amendments proposed in PC9 will not have immediate legal effect.
- Notification rules do not have immediate legal effect in residential zones or subdivision.

Potential scenarios from 20th August

Scenario	What applies
Less than 3 residential units proposed complying with MDRS	• MDRS and other operative District Plan rules apply.
Less than 3 residential units infringing MDRS	• Operative District Plan applies • Mandatory MDRS objectives and policies apply instead of inconsistent Operative District Plan objectives and policies (see s77M) • Weighting of other PC9 objectives and policies
Any development in a qualifying matter area	• Operative District Plan applies • Weighting of other PC9 objectives and policies
4 or more residential units complying with MDRS	• Operative District Plan applies • Mandatory MDRS objectives and policies apply instead of inconsistent Operative District Plan objectives and policies (see s77M) • Weighting of other PC9 objectives and policies

Scenario 1: Complying development & no QMs

- Simple & straightforward.
- MDRS rules apply.
- Other rules in the District Plan will continue to apply in Residential 1 and 2 zones and in other plan chapters.
- Resource consent may be required for other reasons.

Scenario 2: Infringing MDRS e.g. 4+ residential units & no QMs

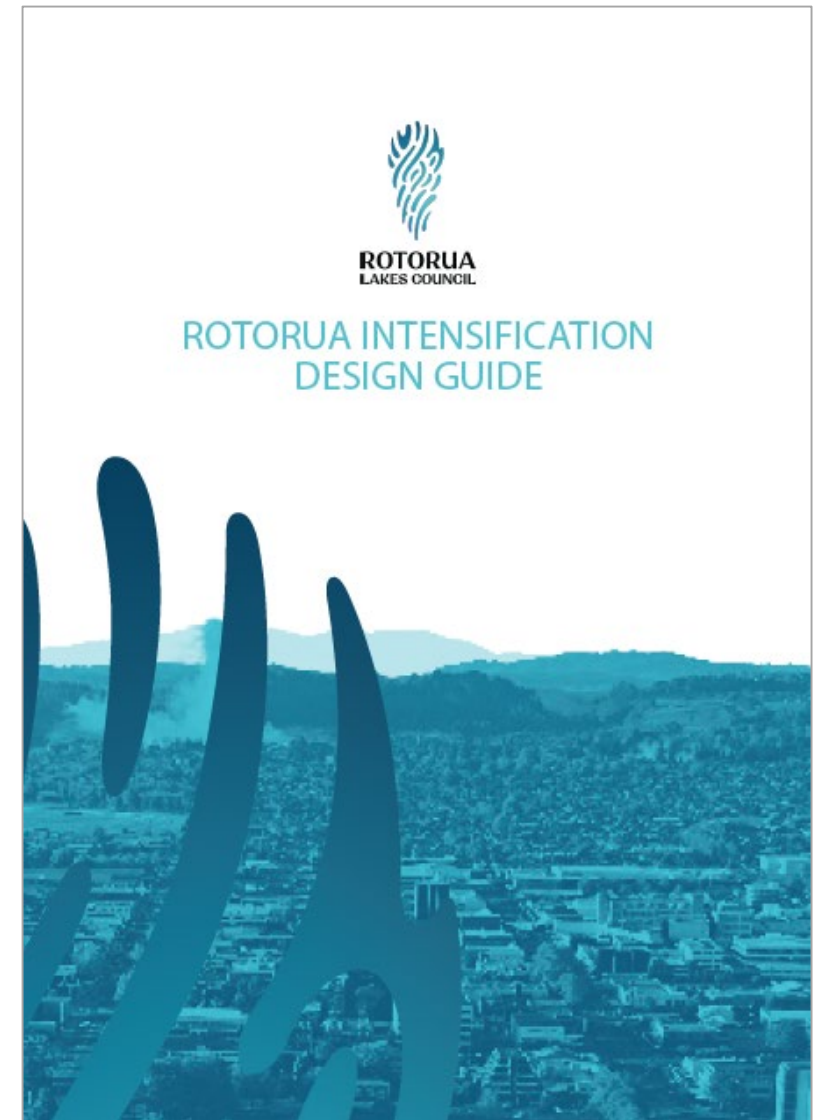
- MDRS **do not** have immediate legal effect.
- Operative District Plan provisions apply e.g. density, height, coverage, matters of discretion.
- Mandatory MDRS objectives and policies apply instead of inconsistent Operative District Plan objectives and policies.
- Weighting of other PC9 objectives and policies.
- Considerations for this scenario:
 - MDRS permitted baseline can apply – supports s95 assessment.
 - Mandatory objectives and policies assists with s104 assessment and inform the effects that are relevant to consider.

Scenario 3: Applications in QM area

- MDRS **do not** have immediate legal effect.
- Operative District Plan provisions apply e.g. density, height, coverage, matters of discretion.
- Weighting on PC9 objectives and policies, as per normal process.
- Considerations for this scenario:
 - No permitted baseline – operative district plan starting point for s95 assessment.
 - Mandatory objectives and policies assists with s104 assessment but s77M does not apply as there will be objectives and policies relating to the qualifying matter.

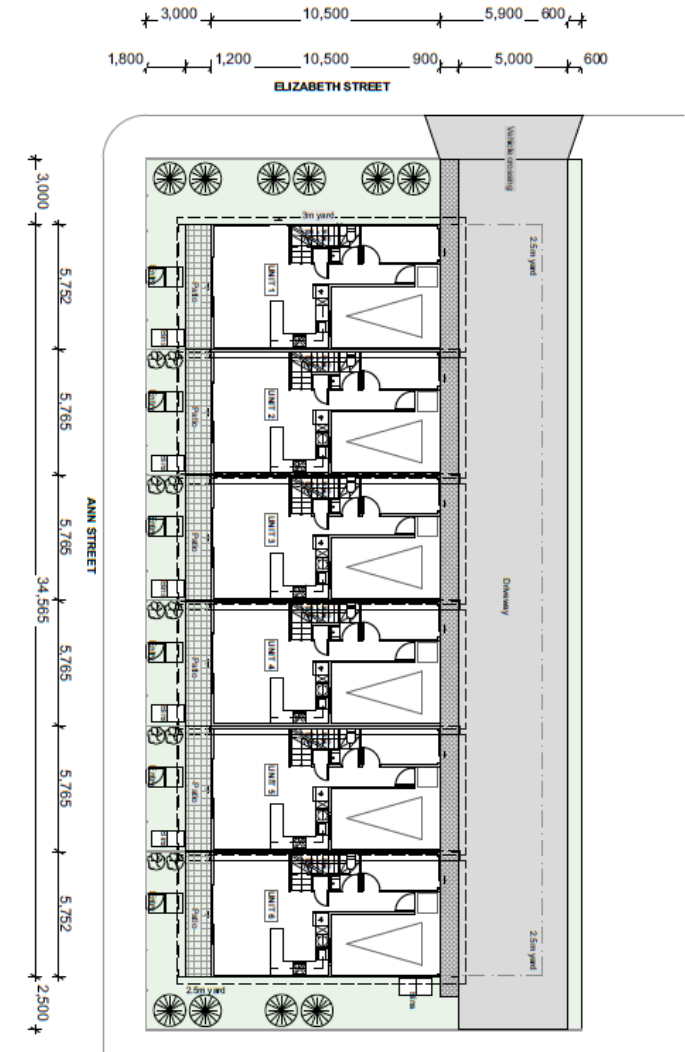
Applying the Design Guidelines

- Although general in nature, the Guidelines have been developed to inform and respond to key objectives, policies, matters of discretion and assessment criteria which form part of PC9.
 - e.g. what design features can contribute to “attractive and safe streets”
- Can be applied to both medium & high density typologies.
- Cheat sheet developed



Worked Example

- 64 Elizabeth Street – Pre-app – 6 terraced dwellings on a corner site.
- RD activity. Consent required for:
 - 6 dwellings (RESZ-R3),
 - GF Outdoor living Space less than 20m² (RESZ-S6A.2)
 - Front yard fencing more than 1.2m? (RESZ-S6A.7)



PC9 Matters of Discretion

- 4+ dwellings:
 - Attractive and safe streets
 - Quality on-site living environments
 - Effects on adjoining sites
 - Parking & access
- Outdoor living:
 - Quality of on-site living environments
 - Location, orientation, functional size etc.
- Fencing:
 - Safety and attractiveness of street (e.g. passive surveillance)
 - Quality of on-site living environments
- *Broadly align with mandatory objectives and policies.*

Cheat Sheet

Issue	Matter of Discretion	Design Guideline References
1. Attractive and safe streets and open spaces	a. Whether development provides a quality and attractive frontage to the street or public open space at ground level. This includes orientating residential units to front the street with clear and direct pedestrian access, and minimising long expanses of blank walls and at grade carparking. b. Whether the orientation of development and the placement of doors, windows and balconies maximises visibility over the street and public open space to enhance safety and security. c. Whether development optimises landscaping within the front yard to provide privacy for residential units at ground level and visual interest and safety along the street.	2.0 (1), (6), (7) 3.1 (4), (5) 3.2 (1), (2), (3), (4), (5), (6) 4.1 (1), (2), (4), (5), (6) 5.1 (8), (9) 5.2 (1), (3), (4) 5.4 (1), (3), (7), (8), (9), (11)
2. Quality on-site living environments	a. Whether principal living rooms and outdoor living spaces are orientated and designed to provide privacy between residential units and optimise sunlight access. b. The extent to which outdoor living spaces are directly accessible from the principal living room. c. Whether landscaped areas can be consolidated to allow opportunities for large scale trees on site, and contribute to the overall quality of outlook space and allow some privacy between residential units. d. Where communal open space is provided on site, whether it is located to provide convenient access for all residents and maximise sunlight access, amenity and use. e. Whether storage areas for rubbish are sufficiently sized, conveniently located and appropriately screened.	4.1 (1), (3), (6) 5.1 (1), (2), (3), (4), (5), (6), (8), (9) 5.2 (2) 5.3 (1), (2), (3), (4), (5), (6) 5.4 (2), (8), (9), (10)
3. Effects on adjoining sites	a. Without limiting the ability to achieve the residential built character enabled by the zone, whether: i. the development is designed to be visually attractive when viewed from neighbouring sites and mitigate privacy effects on adjoining sites, through the orientation and design of habitable rooms and outdoor living spaces relative to adjoining sites, and the use of architectural treatments and landscaping; ii. The development provides opportunities for some sunlight access to adjoining sites through building placement or breaks in building form <u>along side</u> or rear boundaries.	3.1 (1), (4), (5), (6) 3.2 (1), (4), (5), (6) 4.1 (1), (3) 5.1 (6), (7) 5.4 (4), (5), (11)
4. Parking, access and servicing	a. Whether safe and direct pedestrian access that is easily identifiable is provided from the street to residential units on the site. b. Whether vehicle access and carparking areas are designed as low speed environments that prioritise pedestrian movement. c. Whether storage areas for rubbish are sufficiently sized, conveniently located and appropriately screened. d. Whether each residential unit has sufficient space within the site for the secure storage of at least one bicycle.	6.0 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12)

Design Guidelines

3.2 FACADE DESIGN AND ROOFLINES



Northcote Development, Auckland.
An example of using material to create
façade articulation

- 1** Use roof eaves (or the absence of them) to provide visual interest to the building's form and clearly define the edge of the roof, as well as providing weather protection.

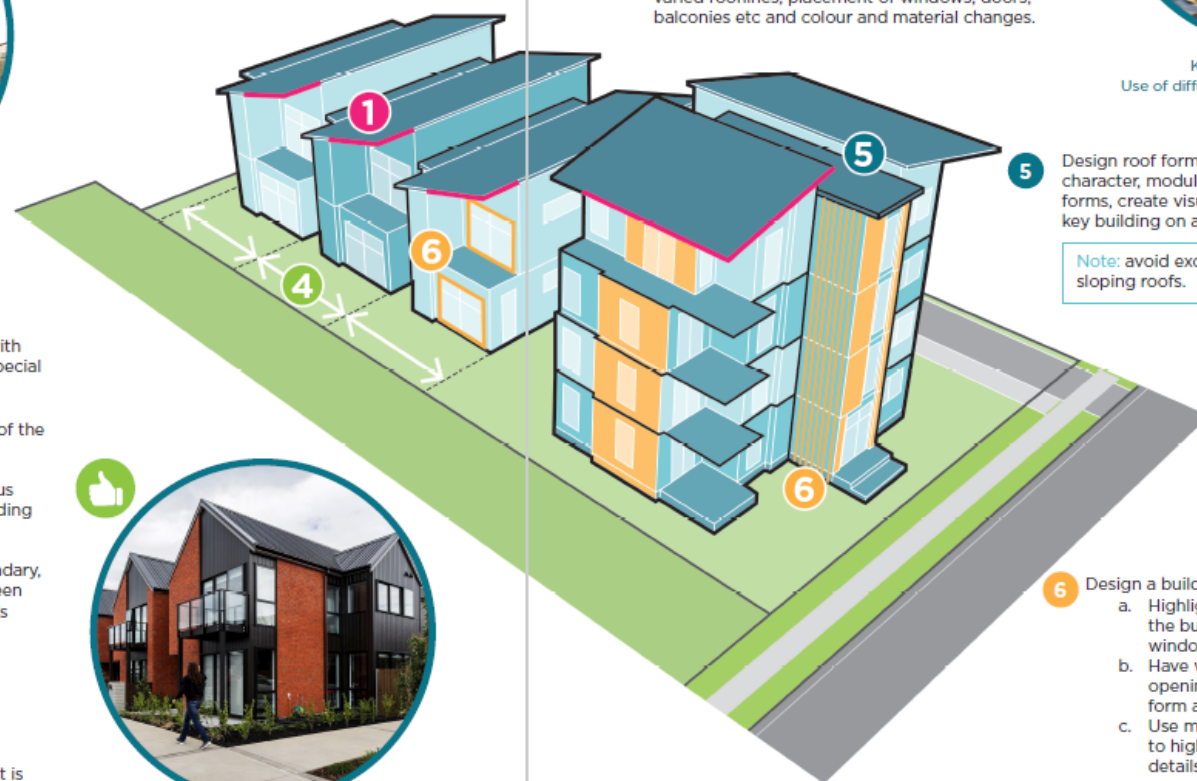
- 2** Design buildings located on corner sites with two street frontages, to emphasise their special street corner position. Techniques include:

- Locating prominent building entranceways at the front corner of the building.
- Using architectural features like balconies, windows and continuous rooflines, to wrap around the building at the corner.
- Cut / chamfer the building's front corner back from the corner boundary, to create a transition space between the public street and the building's entrance.

- 3** A corner building must consider the two streets it is located on and use its building form and appearance to signal if one street is more significant than the other, to assist in the creation of legible, walkable neighbourhoods.



Buckley Terraces, Hobsonville.
The internal layout and associated façades
have been designed to address both street
frontages.



- 4** Apartments, terrace houses and units within multi-unit developments should be expressed as separate entities in a building's form and façade. This provides a residential scale to large buildings, enables identification of individual homes and can reduce potential visual dominance effects. Techniques include modulation, orientation of units, varied rooflines, placement of windows, doors, balconies etc and colour and material changes.



Karaka Grove, Takapuna.
Use of different roof shapes to individualise
each unit.

- 5** Design roof forms to express a building's character, modulate large buildings into smaller forms, create visual interest and/or identify a key building on a site with multiple buildings.

Note: avoid excessively high or steeply sloping roofs.

- 6** Design a building's façade to:
- Highlight and define parts of the building, such as entries and windows.
 - Have well-proportioned windows and openings that relate to the shape, form and size of the building.
 - Use materials, texture and colour to highlight the building's form and details.

Note: Use of wood on a façade can add a fine grained texture to a development and helps to reflect Rotorua's emerging urban character which is reflected through Council's Wood First Policy.

- 7** Consider how ancillary building services like solar panels and rain water collection devices can be integrated into the roof form to help reduce a building's impact on te taiao/the environment.

Assessment

- Positives:
 - Buildings/ building mass aligned to main street frontage (Ann St);
 - Vehicle access doubles as buffer/ separation from neighbour;
 - Main living spaces orientated towards street;
 - Articulated/ modulated massing (e.g. recessed balconies, sawtooth roofline) helps to break down mass and add interest.
- Issues:
 - Private open space fronting street
 - Vehicle access/ landscaping
 - Boundary treatments? (fencing – privacy)
 - Relationship with Elizabeth Street
 - Size/ function of outdoor living space (counterbalanced with provision of upper storey balcony and proximity to other open spaces)

3c. Cheat Sheet

Issue	Matter of Discretion	Design Guideline References
1. Attractive and safe streets and open spaces	a. Whether development provides a quality and attractive frontage to the street or public open space at ground level. This includes orientating residential units to front the street with clear and direct pedestrian access, and minimising long expanses of blank walls and at grade carparking. b. Whether the orientation of development and the placement of doors, windows and balconies maximises visibility over the street and public open space to enhance safety and security. c. Whether development optimises landscaping within the front yard to provide privacy for residential units at ground level and visual interest and safety along the street.	2.0 (1), (6), (7) 3.1 (4), (5) 3.2 (1), (2), (3), (4), (5), (6) 4.1 (1), (2), (4), (5), (6) 5.1 (8), (9) 5.2 (1), (3), (4) 5.4 (1), (3), (7), (8), (9), (11)
2. Parking, access and servicing	a. Whether safe and direct pedestrian access that is easily identifiable is provided from the street to residential units on the site. b. Whether vehicle access and carparking areas are designed as low speed environments that prioritise pedestrian movement. c. Whether storage areas for rubbish are sufficiently sized, conveniently located and appropriately screened.	6.0 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (12)

5 Design roof forms to express a building's character, modulate large buildings into smaller forms, create visual interest and/or identify a key building on a site with multiple buildings.

12 Incorporate landscaping, fencing and lighting within carparking and vehicle manoeuvring areas to soften the appearance of parked cars as viewed from the street and create an attractive outlook for residents.

8 Where views from public space (e.g. the footpath) into private outdoor living spaces occur, balance visual privacy and passive surveillance:

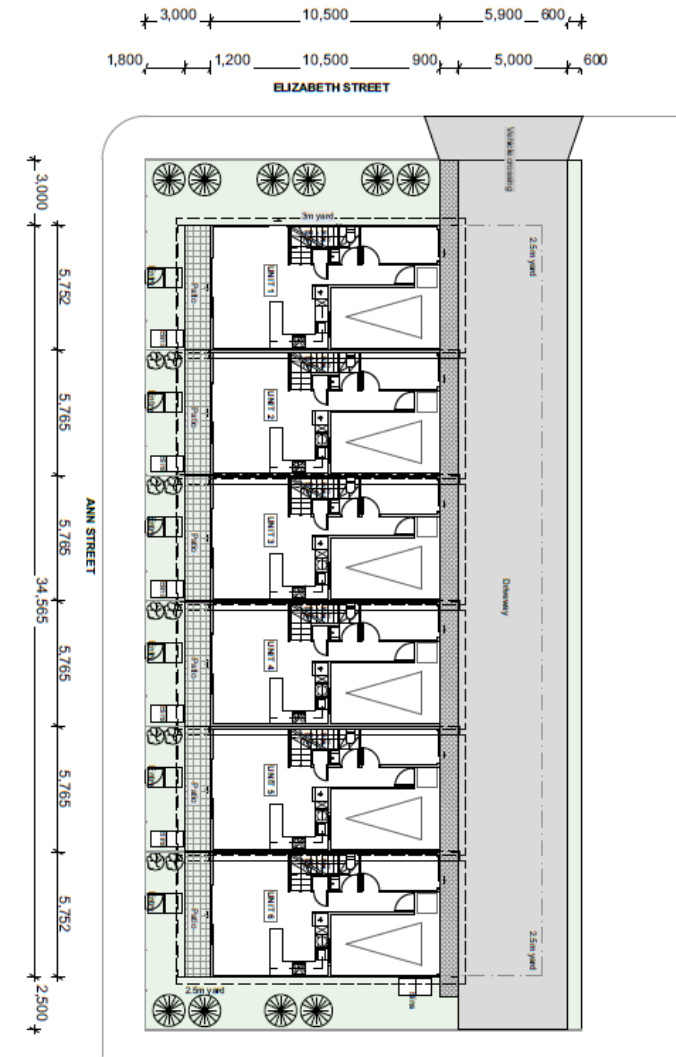
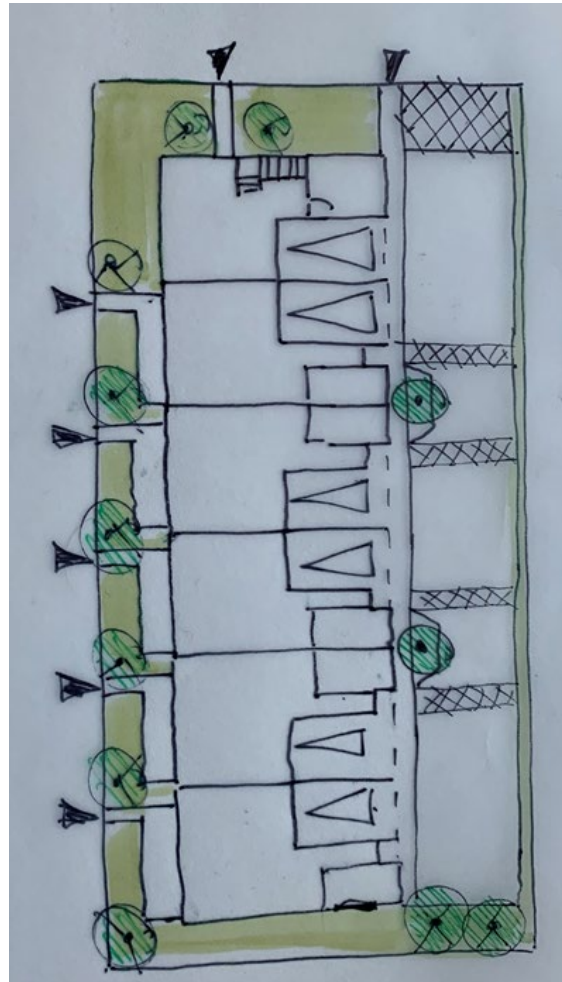
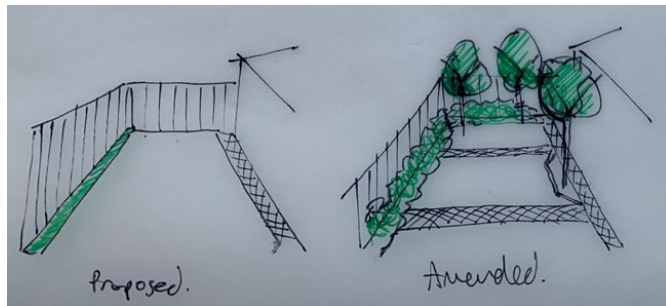
- a. Minimise direct views from the public space into the private property by setting the building and its outdoor living space a little above street level (i.e. half a floor height above the footpath).
- b. Use a combination of fence heights and permeability along a boundary to create areas of privacy while allowing views in and out of other areas.

9 When locating private outdoor living space in front of a dwelling is unavoidable, place entrance paths along the edge of the space, rather than through the middle of it, so to maximise usability of the space.

8 Extend landscape design and planting to include parking and service areas, to soften and shade what can otherwise be large areas of hard surfaces.

Worked Example

- Changes focused on detailed elements:
 - Paired car-ports to create more room for landscaping along ROW
 - Front door to Elizabeth Street
 - Consider fencing/ screening at GF and upper level balcony (fins vs glass)



Heritage

- Require RD consent for new buildings on the same site as a heritage structure in the Residential 1, 2 or Commercial 4 zone:
 - Glenholme dwelling
 - St Peter's Aglican
 - Robertson House
 - Guide Rangi's House
 - Landmark Restaurant
- Landmark Restaurant – also applies to 2 and 3 Meade Street.
- Does not apply to Pukehangi Cottage.
- Matters of discretion focus on whether the new building is complementary to heritage values of the structure & its setting.
- Provisions have immediate legal effect are require weighting.

Financial contributions

- Residential:
 - Applies to all permitted activities
 - Minor residential units – 1% of land value
 - Other residential units – 3.5% of land value
 - Residential 4 & 5 zones – 450m² site area
- Rural zones – 2.5% of land value
 - Rural 1 & 2 zones – site area – 2,500m²
 - Rural 3 zone – site area – 1,500m²
 - Residential unit rates apply
- Applying to Env Court for these rules to have immediate legal effect.
Timing for decision TBC but after 20th August.

Commercial 4 zone

- Additional objectives and policies proposed to address design quality:
 - Residential development provides **healthy, safe and quality living environments for residents** (COMZ-O3A)
 - Enable a mix of high density residential uses, accommodation activities, including visitor accommodation and supporting commercial activities (COMZ-P5)
 - Require the design of buildings to **positively contribute to the safety and attractiveness of the street...** buildings to orientate to front the street, locate active uses to the street edge, including building entrances, lobbies and commercial activities, where proposed (COMZ-P12)
 - Require the **design of residential buildings to...** provide open space that is functional and accessible; a reasonable level of visual privacy & outlook; safe and convenient pedestrian access to residential units from the street; outside of commercial centres, opportunities to on-site landscaping... (COMZ-P13)
- Can consider these objectives and policies from notification but likely to have limited weight initially.

Next Steps

- PC9 notified 20th August.
- Direct people to the website for information on making submissions.
- Friend of the submitter appointed to assist the community.
- Templates to be updated and practice notes can be issued to address key implementation/interpretation issues that arise.
- Current applications may need to be resubmitted or updated.