

From: [Amanda Coats](#)
To: [Matthew Mackay](#); [Andrea Harris](#)
Subject: 5064 MDC Plan Change 51 Submission by Proarch Consultants Limited
Date: 23 July 2019 19:18:51
Attachments: [image001.png](#)

Hi Andrea and Matthew,

Proarch Consultants Limited (PCL) are identified as Submitter Number 29.

Further to our meeting, to discuss Plan Change 51, MDC has outlined that Council is seeking a greater understanding of the PCL submission and we provide the following clarifications to assist MDC in finalising reports for the hearing. Proarch confirms the following in relation to Submission Number 29 in terms of the relief sought and supply proposed wording as requested for Council consideration.

SO-29-C (a) We oppose the proposed wording for *Open Construction* and **SO29-E** and oppose 15.4.3 seek amendment **SO29-F** Any consequential amendments necessary in relation to this submission.

We understand from our discussion that Open Construction relates to the rules in Section 15 of the Plan, but does not apply to other areas and zones outside the Precinct 4 PC 51 area. (i.e. See 15.4.3 a, 15.4.3 b.).

15.4.3 Permitted Activities –Fencing

Fencing in Growth Precinct 4 is a permitted activity provided:

a. Boundaries with public spaces:

A fence must not exceed 1.1 metres in height for more than half the property boundary directly adjoining public open space (reserve, walkway or park) with the other half not exceeding 1.8 metres in height unless the fence is of open construction in which case the fence must not exceed 1.8 metres in height.

b. Boundaries with road frontage:

A fence must not exceed 1.1 metres in height along the entire property boundary directly adjoining a road frontage unless the fence is of open construction in which case the fence must not exceed 1.8 metres in height and not over more than 1/3 of the frontage width.

The proposed PC 51 wording is as follows;

Open construction means, with respect to fencing, able to be viewed through and with not less than 65% openness over the elevation of the fence. Open areas exclude any surface of the fence which is solid, but may include wire mesh, or wrought iron or similar elements with a facing edge not thicker than 12mm and space at not less than 80mm centres.

PCL considers the proposed wording of Open Construction combined with the proposed Rules may be problematic at 15.4.3 a and 15.4. b and the inclusion in the plan will result in additional consent applications and therefore costs to create new dwellings and has the potential to add to the cost of housing. We consider that consent would be necessary under the proposed provisions to enable owners to provide for the social wellbeing of larger dogs, an owners ability to secure privacy to outdoor spaces within their own property and the owner's ability to provide compliance with pool fencing requirements where a pool occurs in the northern portion of a site that adjoins a street boundary.

The current wording may result in unintended consequences. The proposed restrictions to fence height of these rules have the potential to compromise dog health and wellbeing of Larger dogs. Family dogs have physical and mental health needs and typically socialise with their human family.

Socialisation for healthy animals typically includes use and connectivity with the full extent of the external environment a property, where dogs are fully contained. This is not feasible where fence height is restricted to 1.1m along a street frontage.

In addition, where it may be assumed that Swimming Pool and Spa Pool Fencing is a rear yard activity, locating Pools and Spa Pools in rear yards are may trigger non-compliance issues where neighbouring trees to properties must not overhang the fence with branches which are climbable by a small child on the neighbours property. The interface for a pool is currently easier to control for compliance and create less conflict if they are on a Street boundary rather than a rear boundary, provided fences are 1.8m in height.

The advent of home intruder video systems mounted on soffits looking across roads and recording activities on the other side of the street inside someone else's property, inclusive of lip-reading technique software, facial recognition software, directional auto-recording devices, and reposting of video and sound recordings of footage obtained without consent on social media sites is more commonplace and extremely difficult to control once it has been posted. These considerations are not fanciful or unlikely. The right to privacy and with a higher solid fences to the boundary is becoming more important with the accelerated rate of technology being adopted. We also consider it should be explicit that an existing house owner with an existing fence is not required to re-fence a lot to a road or park interface if an existing fence exists prior to this Plan Change and where any existing house on the Precinct 4 land may end up as a balance lot at the time of subdivision.

PCL Proposed rewording:

15.4.3 Permitted Activities –Fencing

Fencing in Growth Precinct 4 is a permitted activity provided:

a. Boundaries with public spaces:

A fence must not exceed 1.1 metres in height for more than half the property boundary directly adjoining public open space (reserve, walkway or park) with the other half not exceeding 1.8 metres in height unless the fence is of open construction in which case the fence must not exceed 1.8 metres in height.

b. Boundaries with road frontage:

A fence must not exceed ~~1.1~~ 1.8 metres in height along the entire property boundary directly adjoining a road frontage unless the fence is of open construction **for 50 % of the length of the fence.** ~~in which case the fence must not exceed 1.8 metres in height and not over more than 1/3 of the frontage width.~~

c. 15.4.3 a. and 15.4.3 b. do not apply to new lots created from existing house lots with fencing that was in existence at 1 May 2019.

In addition, PCL does not support the inclusion of restrictive fence elements in the definition for Open Construction, the definition is onerous enough when an applicant may be required by the consents team to trace around the open area of a decorative wrought iron fence material, or perforated metal, etc. and draw elevations of each fence to document to Council that the % area does not exceed the % of openness for an activity. While this type of calculation is often undertaken by consultants familiar with Computer-Aided Design systems (which assist with the calculations for the open area), however, the manner in which these types of rules are applied in practice at the time of an application for consent has been extremely time-consuming and expensive. Once adopted the applicant must provide proof to satisfy Council and the robustness of proof is considered to be outside the capabilities of most layperson applicants' applying for a simple fencing consent.

Open construction means, with respect to fencing, able to be viewed through and with not less than

65% **50%** openness over the elevation of the fence **to any boundary of the site where it interfaces with a public street.** Open areas exclude any surface of the fence which is solid, ~~but may include wire mesh, or wrought iron or similar elements with a facing edge not thicker than 12mm and spaced at not less than 80mm centres.~~

SO-29-C (b) Permeable surface, definition. PCL would encourage an amendment to the proposed wording of the Permeable surface definition as follows;

Permeable surface means any part of a site which is grassed or planted in trees or shrubs and/or is capable of absorbing water or is covered by decks which allow water to drain through to a permeable surface. It does not include any area which:

- a. _____ falls within the definition of site coverage except for decks as above
- b. _____ is occupied by swimming pools; or
- c. _____ is **consists of an impermeable** paved, concreted or asphalted ~~with a continuous surface.~~

SO-29-D use of the word 'avoid' in Chapter 8 Objectives, Policies 2.4 and 2.5 may be detrimental to good outcomes. PCL consider that it is necessary to enable the use of cul-de-sacs where they are of shorter lengths to ensure the planned growth that MDC is seeking under the plan change. We do not advocate for multiple long winding cul-de-sacs which have other cul-de-sacs which filter off them. Our concern is primarily that short length cul-de-sac may enable better design outcomes where the main roads under the structure plan to be advanced by MDC have an uncertain timing. Some blocks of land may have a single road frontage for up to 10 years or more.

The absence of cul-de-sacs may result in multiple access ways to multiple rear lots feeding off from the new MDC serviced road for each block and no lots on the other faces where the MDC serviced road has not advanced.

We discussed that we would support more enabling wording such as the word 'avoid' being replaced with 'discourage' however, PCL would prefer more encouraging language or specifics on acceptable lengths for any cul-de-sac from a design perspective. A rule in the plan that permits cul-de-sacs could include that any cul-de-sacs

- must be established perpendicular to the existing road,
- must comply with sight distances under the operative district plan requirements to all future roads shown on the structure plan,
- shall be straight
- shall not exceed 50m in length to the turning head.

Or similar wording in a rule. This type of rule or guidance in the plan would then limit both the maximum number of cul-de-sac and their positioning within the structure plan proposed blocks and to the Councils Rooding pattern.

With reference to **SO-29-E** MDC asked that clarify our submission in relation to 15.4.2d.i and 15.4.2.e, g, h, l, m. We have reviewed post our meeting and confirm that we do not seek amended wording.

Thank you for the opportunity for a pre-hearing discussion and correspondence, to reduce unnecessary reporting time and /or hearing time.

Kind regards, Amanda

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