

## 7.8 RULES : DEVELOPMENT CONTROLS

**Note:** An application to modify one or more of the development control rules may be considered under Clause 4.3.1.2B. DEVELOPMENT CONTROL MODIFICATION as a discretionary activity. Where the criteria for Clause 4.3.1.2B are not met, an application for a non-complying activity will be required. (Refer to Clauses 4.2.1.4 NON-COMPLYING ACTIVITIES and 4.3.1.3 NON-COMPLYING ACTIVITIES ASSESSMENT).

### 7.8.1 General

The following shall be the development controls for permitted activities in the Residential 1-6 zones.

#### 7.8.1.1 INTENSITY LEVEL

The following levels apply in respect to activities that attract or accommodate people. Except that the levels do not apply to Residential Units or Healthcare Services.

Residential Zones	1 Person/Child Per Area Of Site
1, 3a and 6b	40m <sup>2</sup>
6a	45m <sup>2</sup>
2a, 2b, 2c, 3b, and 5	65m <sup>2</sup>
5 (boarding house/hostel activity only)	100m <sup>2</sup>
4	150m <sup>2</sup>
7a, 7b and 7c	25m <sup>2</sup>

#### Explanation

##### General

*The intensity level has been introduced as a method of assessing activities that attract or accommodate people on a residential site. The level is an indication of 'people' generated activity that is acceptable within the various residential zones. Such activity can cause a disturbance to people living on neighbouring land as a result of noise, vibration, fumes or glare.*

##### Residential 2a, 2b, 2c, 3b, 4 and 5 Zones

*The residential environments contained within these zones generally differ from the other zones due to their character. These zones encompass areas representative of particular eras of development, derive their character from some natural element such as landform or vegetation, or from the spacious, less intensive nature of their built environment. Activities that generate large numbers of people will generally require large parking areas and buildings to accommodate visitors to a site. The intensity*

*level functions as a guide to determine the appropriate level of activity for a particular site.*

##### Residential 1, 3a, 6a and 6b

*These zones already have a more intense level of development and activity within them. The intensity level determined for them reflects the existing level of human activity.*

##### Residential 7a, 7b and 7c

*The higher density achievable in these zones is also reflected in the intensity level determined for them as a measure of the activity acceptable in these environments.*

#### 7.8.1.2 MAXIMUM HEIGHT

##### A. Maximum Height

Zone	Maximum Height
1, 2b, 2c and 4	8m
2a	10m
3a and 3b*	Variable up to 8m
5	8m
6a	8m
6b	10m
7a	10m
7b	12.5m
7c	20m

\*In these zones, for all lots except those lots which have a contiguous boundary with the Open Space zoned land at the top of the cone, 8 metre maximum height must be measured by the rolling height method (See PART 13 - INTERPRETATIONS AND DEFINITIONS) For any lots which have a boundary contiguous with the land zoned open space on the top of any cone, height is defined as the lower of either 8 metres as defined by the rolling height limit, or by a line between the highest points of the roof of the two houses on the abutting lots which also have a boundary contiguous with the open space zoned land at the top of the cone. Where one or both of the abutting sites do not contain buildings then height is defined as the lower of either 8 metres as defined by the rolling height limit or by a line between the highest points of the two houses on the nearest adjacent lots which also have a boundary contiguous with the open space zoned land at the top of the cone.

- The maximum height of building on site at 47A Mt St John Avenue Epsom is RL 103.37m being below the 7.3m special height limit.
- Chimneys, or similar structures, shall not exceed the 7.3metre limit.
- An application to exceed the height of RL 103.37m shall be considered a discretionary activity

##### B. Special Height Limits



## PART 7 - RESIDENTIAL ACTIVITY

The special height limits set out in Clause 5C.7.6 VIEWS shall apply where relevant

Except that:

i) The sites zoned Residential 7c and defined in Figure 7.3B shall be subject to the maximum height limits as specified therein;

ii) Height for Church Spires

A church spire may exceed the maximum height by not more than 10.0m where such a spire does not exceed 5.0m in any horizontal direction measured from the outside of exterior walls.

### C. Maximum Fence Height in Residential 6 & 7 Zones

Where 4 or more residential units are proposed on a site within the Residential 6 and 7 zones:

- The maximum height of a fence or wall on the road frontage boundary of the site, shall not exceed 1.2 metres in height if solid or up to 2.0 metres in height if more than 50% transparent.

### Explanation

#### General

*Of all the factors contributing to the amenity values of a neighbourhood, building height can have some of the most dramatic effects. Buildings and structures which are out of scale with their surroundings can overshadow and visually dominate other buildings, private property, public open space and the road. Height limits are intended to reflect the physical qualities, characteristics and aesthetic coherence of the areas to which they have been applied.*

#### Residential 1 Zone

*Part of the amenity which characterises this zone is the scale of existing development which is primarily one and two stories. The height limit for this zone will permit development at this scale to occur and ensure that any buildings that are established do not detract from the existing aesthetic coherence of the zone.*

#### Residential 2 Zone

*Most of this zone is characterised by one and two storey dwellings. The 8 metre height limit will provide for this form of development without detracting from its spacious, tree filled landscape. A greater height limit is permitted in some areas where existing houses and sites are larger.*

#### Residential 3 Zone

*This zone has been imposed on sites which occupy the slopes of the volcanic cones. A relatively restrictive height limit is a critical control applied to this zone to protect the appearance of these features.*

#### Residential 4 Zone

*To ensure that the natural, forest environment remains the dominant feature of this zone the height of buildings is limited.*

#### Residential 5 Zone

*This zone is characterised by mainly low rise, (1-2 storey) dwellings. This contributes to the spaciousness and aesthetic harmony of these areas and assists in limiting the scale and intensity of development within the zone.*

#### Residential 6 Zone

*This zone is applied to residential areas that tend to be more diverse than those in the low intensity zone. Two height limits have been set.*

*Because some areas in the zone exhibit physical characteristics which set them apart from the generality of locations. These areas may already contain larger scale development or are located adjacent to or near business zones or on major roads.*

*In some cases the Residential 6b zone's 10 metre height will form a transition between lower intensity residential development and business activities.*

#### Residential 7 Zone

*This zone is characterised by a range of building types and intensities including high-rise, high density developments.*

*A 10m height limit is applied to areas considered appropriate for high density development that are characterised however, by physical qualities and an aesthetic coherence of lower and medium rise.*

*The second height limit for this zone, 12.5 metres, increases design flexibility. This height limit provides the opportunity to create a diverse and interesting streetscape and neighbourhood amenity.*

*The third height limit 20 metres, is applied to those areas considered suitable for high-rise residential accommodation. Limiting the extent and location of the areas to which this zone applies minimises potential adverse effects on the amenity values of surrounding or nearby residential areas.*

#### Maximum Fence Height in Residential 6 & 7 Zones

*This rule requires fences and walls along the front boundaries of sites containing 4 or more residential units to be visually permeable or of a low enough height in order to enable outlook from dwellings to the road for safety and surveillance.*



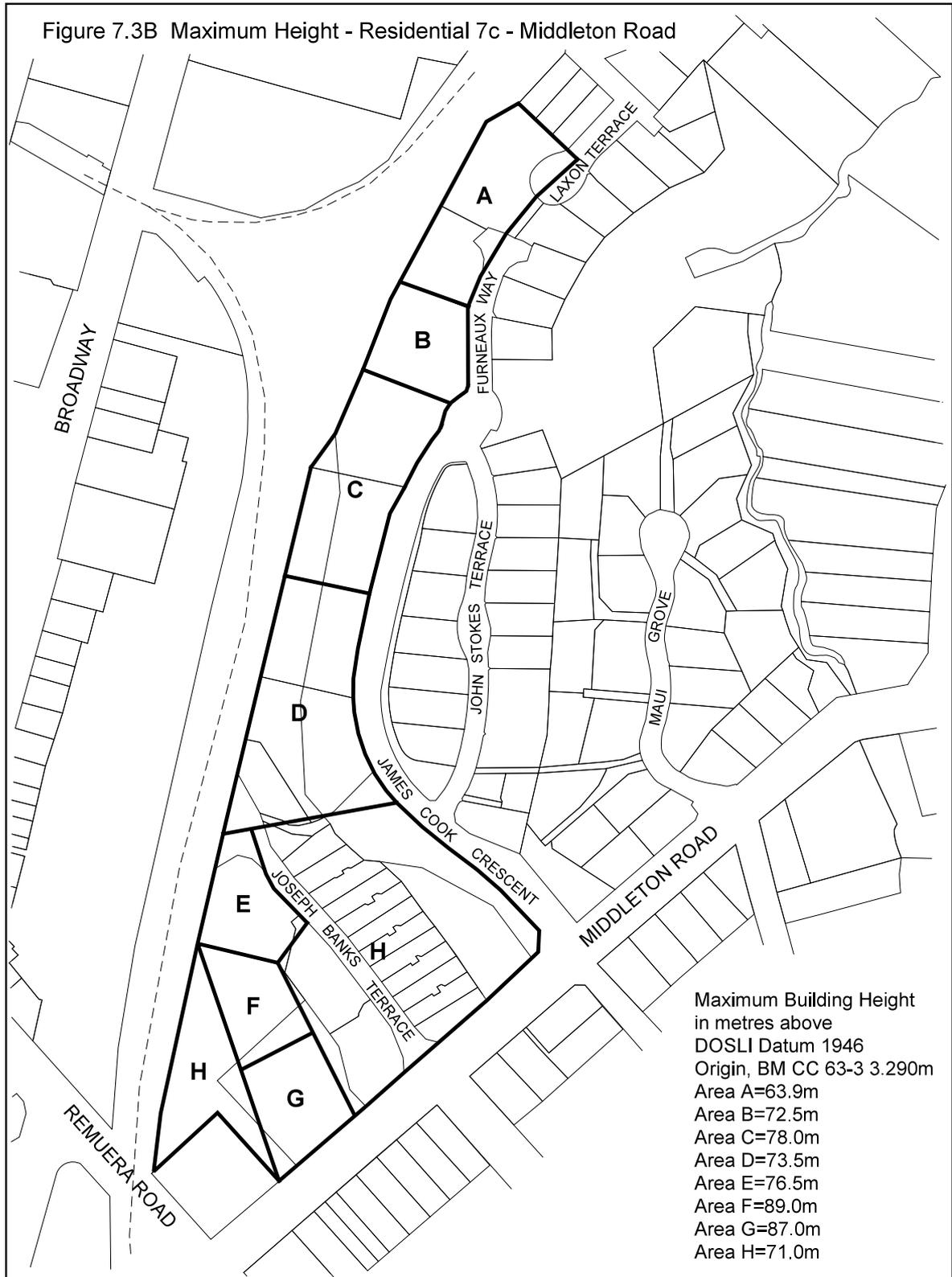
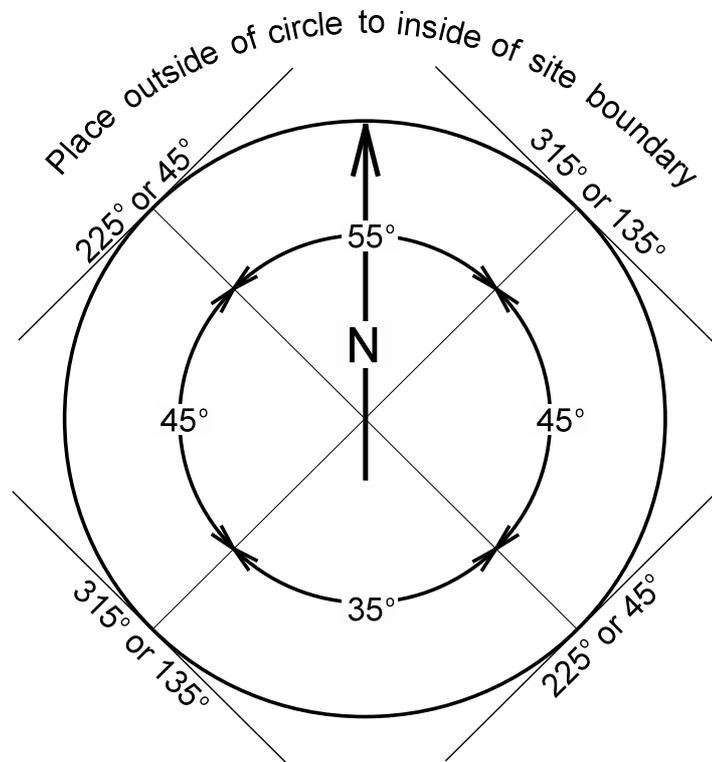


Figure 7.3C Defined Sites - Height in Relation to Boundary, Residential 1

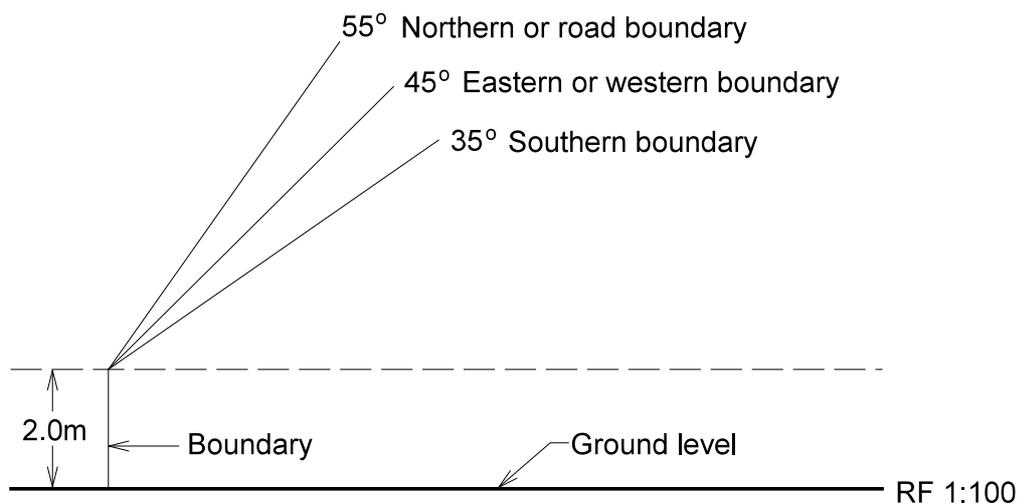


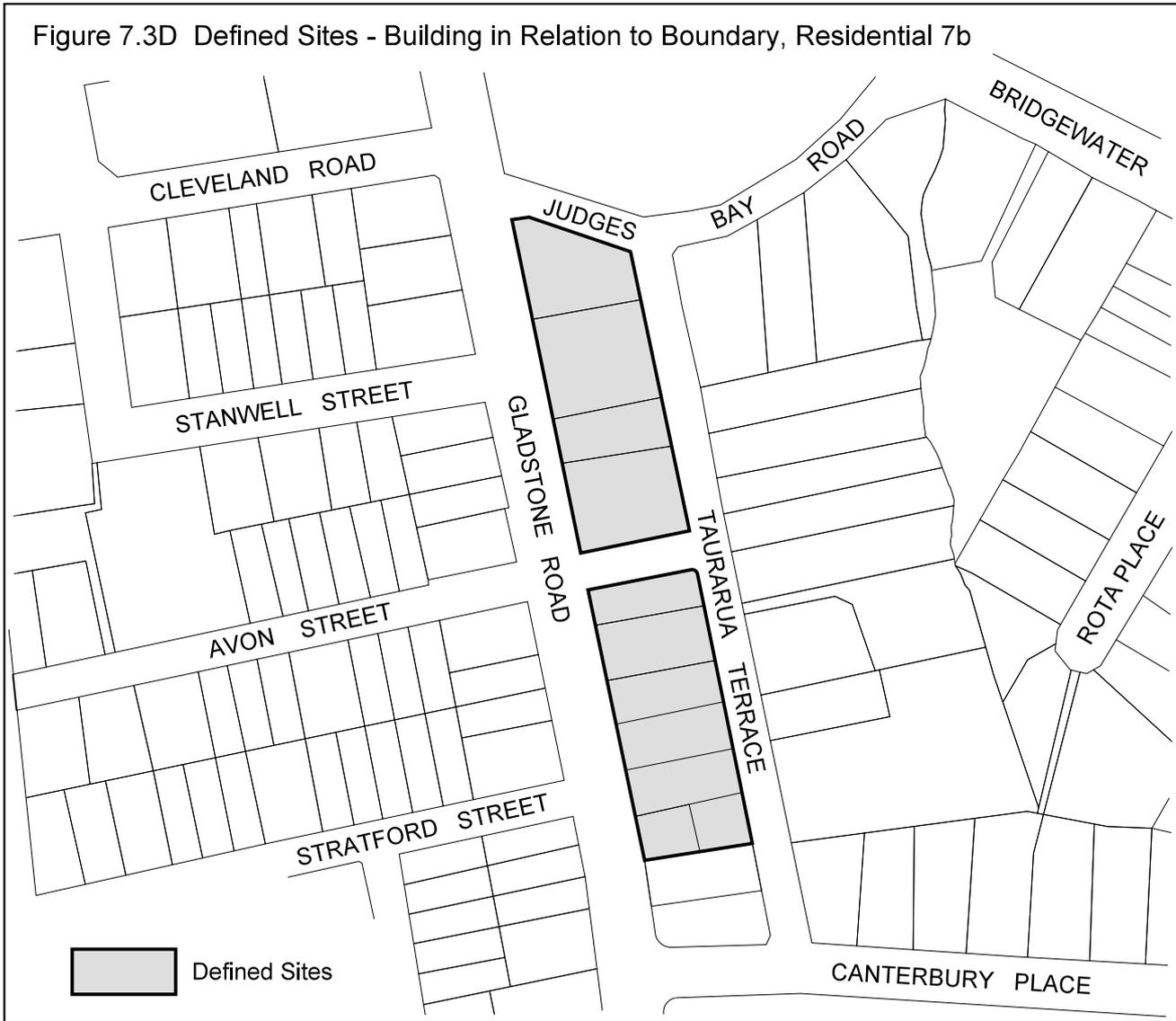
Figure 7.3 Recession Plane Indicator



Note: North is True North  
Bearings on the circle increase in a clockwise direction

Figure 7.4 Recession Plane Cross Section





**7.8.1.3 BUILDING IN RELATION TO BOUNDARY**

**(a) Residential 1 and 3a Zones - Height in Relation to Boundary**

No part of any building shall project above a 45° recession plane measured from any point 3m above the ground level along any boundary of the site other than a road boundary.

**Corner sites**

An exception to the above is that for any corner site in the Residential 1 zone only, the control shall also apply to whichever is the longer of the two road boundaries.

Provided that this control shall not apply to the sites defined in [Figure 7.3C](#). These defined sites will instead

be subject to the controls set out in subclause (b) following.

**(b) Residential 2, 3b, 4, 5 and 6 Zones - Height in Relation to Boundary**

A recession plane control is applied in these residential zones.

i) Application of recession planes.

Angles for recession planes vary with the direction of bearing of each site boundary according to Figures 7.3 and 7.4. They commence at points 2.0m above the ground level along boundaries abutting land zoned residential and open space. The recession plane angle is calculated by orientating both site plan and recession plane indicator to true north. The recession plane diagram is placed over the site plan with the



outside of the circle touching the inside of the site boundary under consideration. The recession plane angle shall be that indicated by the diagram at the point where it touches the site boundary.

- ii) All boundaries except boundaries adjacent to the road.

No part of any building shall project beyond a building envelope contained by recession planes from points 2.0m above any site boundary adjacent to land zoned residential or open space - as shown in Figures 7.3 and 7.4.

- iii) Boundaries adjoining the road.

No part of any building shall project beyond a building envelope contained by the 55° recession plane from points 2.0m above any boundary adjacent to the road - as shown in Figures 7.3 and 7.4.

- iv) Residential 3b - boundaries adjacent to open space zoned land.

No part of any building shall project above a 45° recession plane measured from any point 2m above the ground level along any boundary of its site adjoining any open space zoned land.

- v) Provided that, in respect of development at 7 Ngaiwi Street (Section 118, Town of Orakei), the height in relation to boundary control shall not apply along that site's north-eastern boundary to the limited extent of the footprint of the existing building as at 1 July 2005 and up to a height of 8 metres.

**(c) Residential 7 Zone Bulk in Relation to Boundary**

No part of any building shall be built so that it fails to comply with the standards achieved by the application of the indicators shown in Appendix 6 on any boundary of its site. Except that the height in relation to boundary control (b) applies at boundaries with any sites zoned Residential 2, 3b, 4, 5 and 6 and the height in relation to boundary control (a) applies at the boundaries with any sites zoned Residential 1 and 3a.

Provided that this control shall not apply to the Taurarua Terrace boundaries of the sites defined in Figure 7.3D. For these defined sites no part of any building shall project above a 45° recession plane measured from any point 2m above the ground level along the Taurarua Terrace boundary.

**(d) Provided that in all Residential Zones -**

- i) No account shall be taken of radio and television aerials, solar heating devices and chimneys, (not exceeding 1.1m in any horizontal direction), provided such structures are located at least 1m from each site boundary.

- ii) Where the land immediately beyond the site boundary forms part of one or more entrance strips and / or access lots, then the control can be taken from the far side of the entrance strip(s) and / or access lot(s)

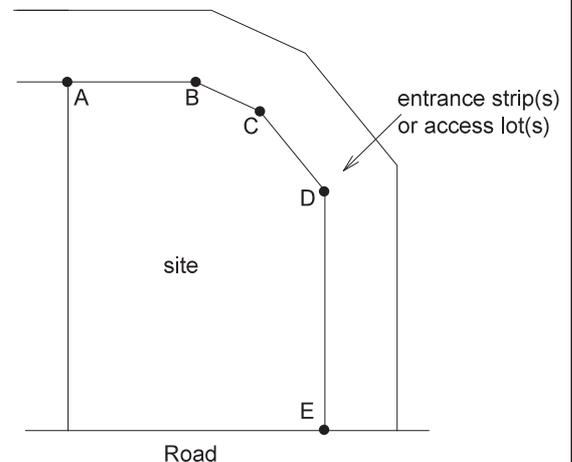
This is subject to the following:

- If the width of the adjoining entrance strip(s) or access lot(s) is greater than 3 metres, then the control will be taken at a parallel line 3 metres out from the site boundary.
- The exception cannot be applied along more than 60% or 20m (whichever is the greater) of the length of the site boundary where it adjoins the entrance strip(s) or access lot(s).

For the avoidance of doubt:

- As shown on Figure 7.3DD, where the exception is applied to a site which has a continuous series of boundaries that adjoin one or more entrance strips or access lots then the exception cannot be applied along more than 60% or 20m (whichever is the greater) of the cumulative length of those boundaries.
- The exception can be applied in one continuous length or it can be broken up into parts.

Figure 7.3DD Irregular shaped sites adjacent to entrance strips or access lots



The exception cannot be applied along more than 0.6 (AB+BC+CD+DE) m or 20m (whichever is the greater)

- iii) As illustrated in Figure 7.3E, where a common wall:

- Exists between two buildings on adjacent sites; and / or
- Is proposed between an existing building and a proposed building on an adjacent site; and / or

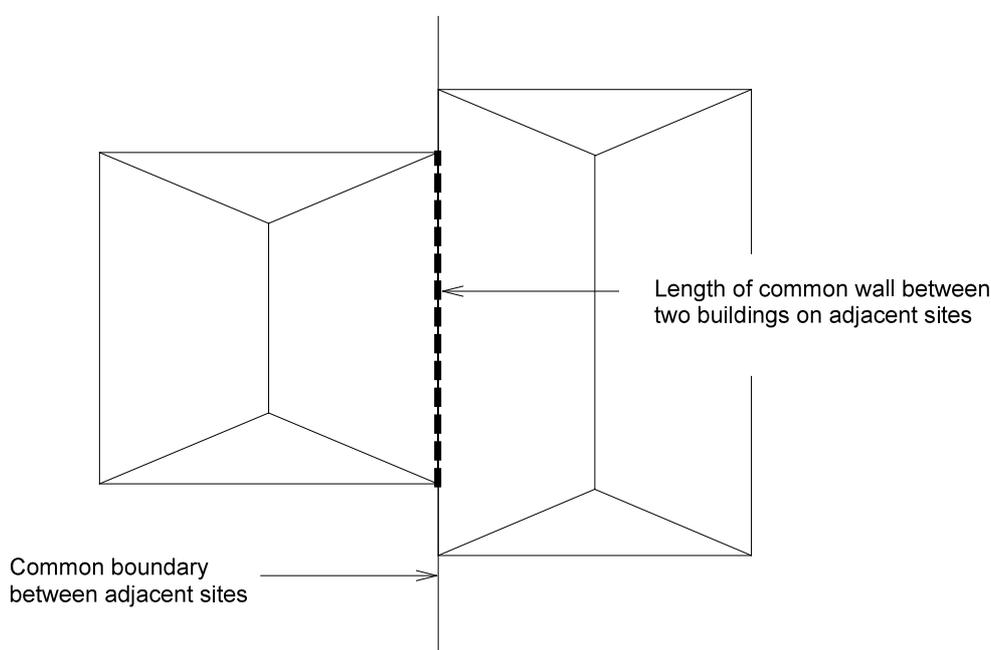


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- Is proposed between two buildings on adjacent sites
- then the building in relation to boundary control will not apply along the length of that common wall.
- iv) Where a site has a common boundary with land zoned business or Mixed Use, the height in relation to boundary control shall not be applied to the common boundary.
- v) No part of any retaining wall within 3m of any site boundary shall exceed:

- a height above ground level equal to the shortest horizontal distance between that part of the retaining wall and any boundary of the site; or
  - a height above ground level of 1m;
- whichever is the greater.
- vi) Height for the purpose of this control shall be measured from the ground level at the point on the site boundary to which the above measurement is taken.
- vii) Where a site has a common boundary with open space zoned land, the height in relation to boundary control (b) shall apply to the common boundary.

Figure 7.3E Common Wall



- (viii) As illustrated in Figure 7.3F, a gable end or dormer may project beyond the recession plane where the extent of the projection complies with the following:
- it has a maximum height of 1m; and
  - it has a maximum width of 1m measured parallel to the nearest adjacent boundary; and
  - it has a maximum depth of 1m measured horizontally at 90° to the nearest adjacent boundary; and
  - there are no more than two such projections occurring in relation to any 6m length of site boundary.



Figure 7.3F (1) Permitted Gable End Projection

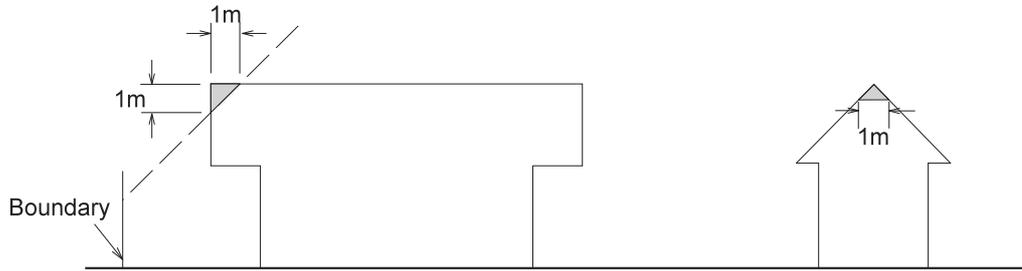


Figure 7.3F (2) Permitted Dormer Projection

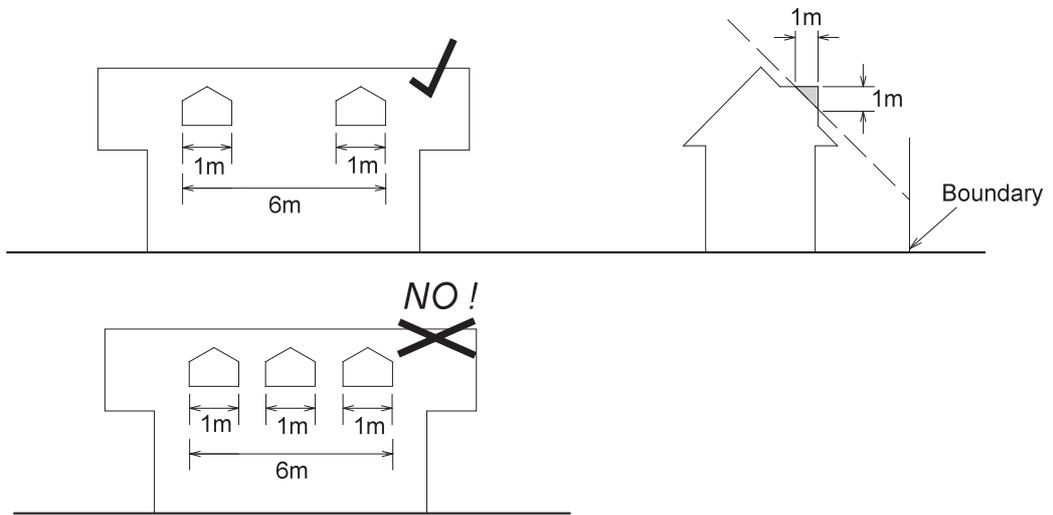
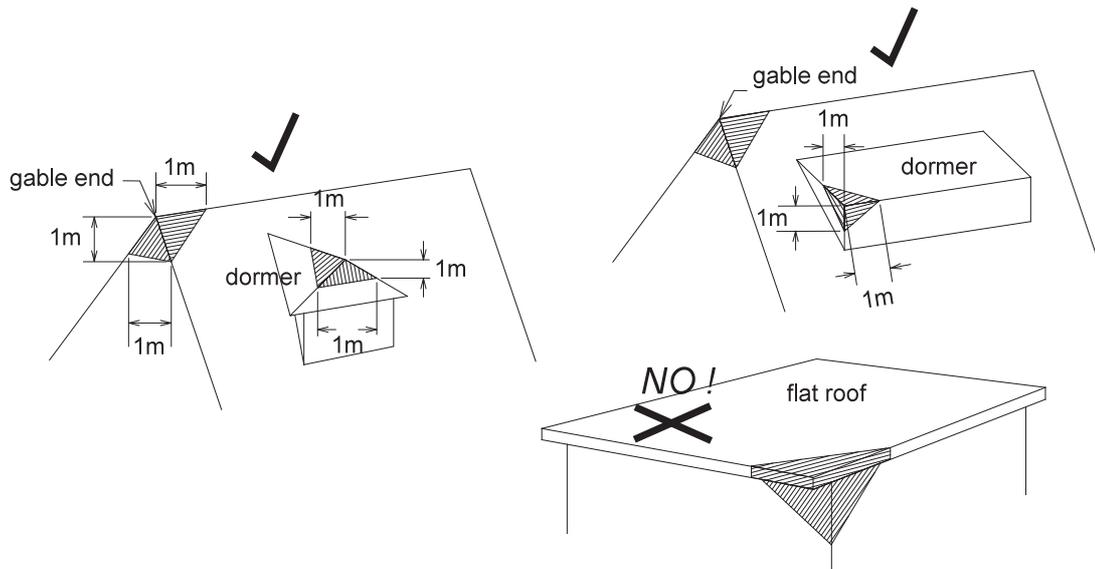


Figure 7.3F (3) Examples of Permitted Gable End and Dormer Projections



**Explanation**

**General**

Admission of light to living and work areas is fundamental to our existence. It is an amenity which we are not able to forego without compromising health and a sense of well-being. In addition, admission of sunlight to sites gives property owners the opportunity to use sunlight as a renewable energy source. Access to sunlight can enable sunny outdoor spaces to be created or provide a means of passively heating homes. If sun light is available it can also be used actively by solar receptors and water heaters.

Almost any development on a site will have an effect on the adjacent site in terms of access to light and the prospect of overdominance. The extent of this effect will differ depending on the proximity of buildings to boundaries in relation to their size and the orientation of the boundary being assessed.

**Residential 1 and 3a Zones**

A relatively built up, intimate environment characterises the Residential 1 and 3a zones. The close proximity of residential buildings on adjacent sites means that many of the existing buildings in these zones do not comply with the standard building in relation to boundary control applied to more spacious neighbourhoods. Expected levels of amenity in terms of daylight admission and separation of buildings on adjacent sites are also less.

In recognition of these factors, and in order to permit appropriate and sympathetic construction and alterations a more flexible control is applied in these zones.

In the Residential 1 zone, the building in relation to boundary control has been applied to one road boundary (the longer boundary) of a corner site to avoid buildings being overly dominant on two road frontages. The control has been applied to the longer boundary of a corner site to prevent significant building bulk being located along the more predominant road boundary.

**Residential 2, 3b, 4, 5 and 6 Zones**

A height in relation to boundary control is applied to the boundaries of these zones. To maximise light admission to sites, orientation is taken into account when applying these controls through a graduated recession plane.

This 55° recession plane is applied to the street boundary of front sites to compliment the front yard landscape control and to recognise the considerable amenity value contributed by the streetscape.

The Council is mindful that topography and other factors can also have an affect on access to light. In considering applications to deviate from the southern quadrant recession plane, favourable consideration may be given where properties to the immediate south will not suffer significant loss of light.

**Residential 7**

The bulk in relation to boundary control, is applied within the Residential 7 zone. It is anticipated that higher height limits will result in greater building bulk. Protection of sites within this zone has been balanced with the need to allow permitted zonal height limits to be achieved. As a compromise a more generous building envelope control is applied within the Residential 7 zone. Where a Residential 7 zoned site abuts another residential zone the more restrictive control is applied.

**(e) Distance between Buildings on Adjacent Sites**

**All Residential Zones**

If a building is not to be attached to buildings on adjacent sites, a minimum distance of 1.2m must be provided between the facing walls of these buildings.

**Explanation**

The purpose of this control is to ensure that where buildings are not attached, sufficient space is left to allow maintenance of walls.

**7.8.1.4 MAXIMUM BUILDING COVERAGE**

**Residential 1 and 3a**

See Figure 7.5 and the following:

a) For sites up to and including 200m<sup>2</sup>, the following controls apply:

Maximum building coverage	55%
Minimum landscaped permeable surface	28%
Maximum paved impermeable surface	17%

b) Formulae for sites between 201m<sup>2</sup> and 499m<sup>2</sup>:

- % Maximum building coverage  
35+[(500 - A) x 0.06•]
- % Minimum landscaped permeable surface  
40 - [(500 - A) x 0.04]
- % Maximum paved impermeable surface  
25 - [(500 - A) x 0.026•]

Where A = site area (m<sup>2</sup>)  
6• = 6 recurring

c) For sites of 500m<sup>2</sup> and over, the following controls apply:

Maximum building coverage	35%
Minimum landscaped permeable surface	40%
Maximum paved impermeable surface	25%



<b>Residential 2a</b>	25% of net site area.
<b>Residential 2b and 3b</b>	30% of net site area.
<b>Residential 2c</b>	25% of net site area.
<b>Residential 4</b>	7.5% of net site area.
<b>Residential 5-7</b>	35% of net site area.

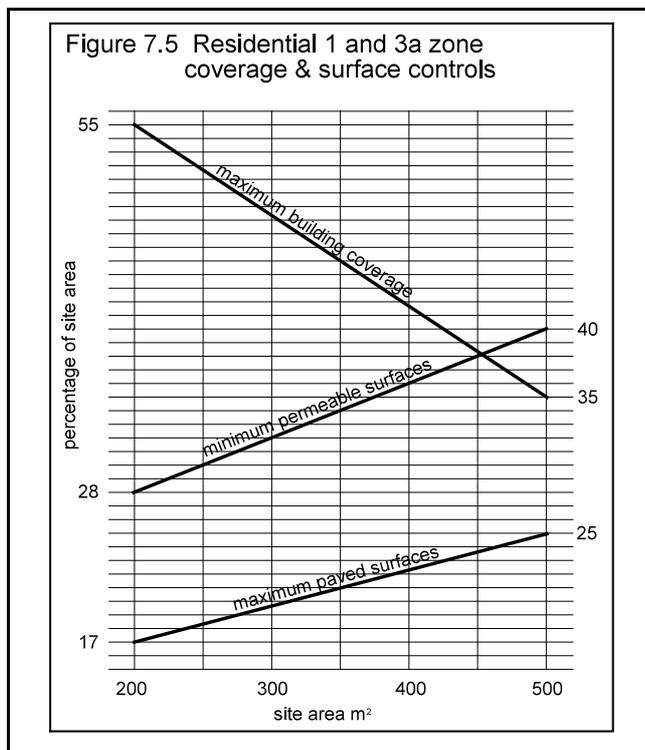
Except that sites affected by B09-01 (views to and from the Auckland War Memorial Museum) may have a different maximum building coverage. Refer Diagram B09-01 Appendix C to the Planning Maps.

**Explanation**

**Residential 1 and 3a Zones**

Relatively high building coverage and little room for landscaping characterise the Residential 1 and 3a zones. This environment is derived from small lots of 300-500m<sup>2</sup> typical of the Victorian/Edwardian subdivision of the area. This generates a close-knit, built up intimacy between buildings found in the period, resulting in an aesthetic coherence which contrasts with more spacious suburban areas. The Plan attempts to provide for this form of development through increased building coverage and graduated controls allowing greater coverage and reduced landscaping on very small sites through to standard controls on larger sites which are similar in size to those found in the standard residential zones.

**Figure 7.5 Residential 1 and 3a zone coverage & surface controls**



**Residential 2 and 3b Zones**

A reduced building coverage is applied in these zones. In the Residential 2a, 2b, 2c and 4 zones this is done to preserve the spaciousness and well-treed landscape which characterises areas so zoned. A similar control is applied to the Residential 3b zone to protect visual amenity when viewing the cones.

**Residential 4 Zone**

A particularly low building coverage has been applied to the zone to protect and maintain the predominance of forest in this unique area.

**Residential 5-7 Zones**

The building coverage control will both mitigate negative effects of development and produce positive effects within the residential environment.

Controlling building coverage will limit the intensity and scale of development on a residential site and will have the cumulative effect throughout a neighbourhood of avoiding the 'overcrowded' appearance which may result from overly intensive development established on residential sites. It can help create a spacious open feeling in an area which can contribute to its amenity value.

Building coverage controls also ensure that an area of permeable surface remains on a site. This may mitigate some of the negative effects on the environment, which can result from overloading the stormwater system as development occurs and runoff increases.

While some substrata, such as volcanic soils, are more efficient than others at absorbing stormwater, it is important to have open ground in all areas to help relieve stormwater problems.

Past practice has limited building coverage on residential sites throughout the City. Cumulatively these controls have created a spacious suburban setting appreciated by the resident community, while still allowing a reasonable level of development to occur. To maintain this level of amenity a basic maximum building coverage has been set for the district's residential areas.

**7.8.1.5 MINIMUM LANDSCAPED PERMEABLE SURFACE**

<b>Residential 1 and 3a</b>	Refer to Figure 7.5
<b>Residential 2b and 3b</b>	45% of net site area.
<b>Residential 2a and 2c</b>	50% of net site area.
<b>Residential 4</b>	85% of net site area.
<b>Residential 5-7</b>	Not less than 40% of net site area shall be landscaped to the satisfaction of the Council.



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### Explanation

#### Residential 1 and 3a Zones

The small sites in these zones are characterised by a highly built up appearance, with space for limited, but important landscaping. In addition, a small percentage of these sites can be taken up with paved impermeable surfaces. It is considered that this ensures an aesthetically appropriate balance between landscaping and paving. To provide for this a graduated control determines the minimum landscaped surface and maximum paved surface for a range of site sizes.

#### Residential 2 Zone

A landscaped, well-treed environment sets these zones apart from the generality of locations. Increased landscaped permeable area combined with reduced coverage in these zones produces increased space for vegetation.

#### Residential 3b Zone

An increased landscaped permeable surface is required for this zone. This is in addition to decreased building coverage. This combination of controls is intended to maintain a high level of landscaped area and open space on these sites which will compliment the appearance of the recreation land found at the top of the cones.

#### Residential 4 Zone

In this zone the retention of a high proportion of landscaped permeable surface on a site will compliment the reduced maximum building coverage; and ensure that forest protection and regeneration occurs.

#### Residential 5-7 Zones

This control is intended to complement the building coverage and paved impermeable surface controls. While coverage limits the amount of building which can take place on a site, landscape and paving controls specify a ratio of paved area to open space.

Driveways, paths, covered or closed jointed decks and other paved areas contribute to stormwater runoff to the same extent as buildings. Increasing the amount of 'soft' surface ensures a portion of the site is permeable. This can have the effect of slowing down surface water runoff.

In addition, application of the landscape control can contribute to the amenity values of an area, through open space that contributes to spaciousness and pleasantness and provides space for planting.

### 7.8.1.6 MAXIMUM PAVED IMPERMEABLE SURFACE

#### Residential 1 and 3a

Refer to Figure 7.5.

#### Residential 4

Not more than 7.5% of net site area shall be covered in a paved impermeable surface.

#### Residential 2a, 2b, 2c, 3b, 5-7

Not more than 25% of any net site area shall be covered in a paved impermeable surface, provided that the figure may be increased to a maximum 35% of net site area where any such increase above 25% of net site area is offset by an equivalent reduction in building coverage below the relevant maximum building coverage specified in [RULE 7.8.1.4 MAXIMUM BUILDING COVERAGE](#).

### Explanation

This control is intended to compliment and reinforce the coverage and landscape controls contained in the Plan. It limits the amount of space which may be paved on a site, including those areas which may be used for vehicle access, manoeuvring and uncovered parking.

The control will also help to limit the amount of stormwater runoff by limiting impermeable surfaces.

In addition, by limiting paved areas more open space is available for planting. This may improve the site's appearance and cumulatively maintain amenity values in a neighbourhood.

### 7.8.1.7 YARDS

#### A. Front Yard

##### Residential 1

No building or part of a building shall be erected between the road boundary and the average existing set back of residential units on adjacent sites in the zone. Adjacent sites in this context means:

- i) the three sites on each side of the subject site; or in the alternative
- ii) the six sites on one side of the subject site.

Residential units in this context means the residential dwelling on the adjacent site(s), excluding any accessory buildings or other structure, even if adjoined to the residential unit.

On sites other than rear sites, not less than 50% of the front yard shall comprise landscaped permeable surface. This landscaping requirement shall apply on each frontage of a corner site. In addition to the elements contained in the definition of landscaped permeable surface, the area within the front yard required to be in landscaped permeable surface may include parts of the site being not less than 2m<sup>2</sup> which is grassed or planted in trees or shrubs, and is capable of absorbing water.



**Residential 3a Zone**

No building or part of a building shall be erected between the road boundary and the average existing set back of residential units on adjacent sites in the zone. Adjacent sites in this context means:

- i) the three sites on each side of the subject site; or in the alternative
- ii) the six sites on one side of the subject site.

On sites other than rear sites, not less than 60% of the front yard shall comprise landscaped permeable surface. This landscaping requirement shall apply on each frontage of a corner site.

**Residential 2a, 2b, 2c and 3b Zones**

No building or part of a building shall be erected within the first 6.0 metres of the site provided that on a corner site one yard may be reduced to 3.0 metres.

On sites other than rear sites, not less than 60% of the front yard shall comprise landscaped permeable surface. This landscaping requirement shall apply on each frontage of a corner site.

**Residential 4 Zone**

7.5 metres

Not less than 90% of the front yard shall comprise landscaped permeable surface.

**Residential 5 Zone**

4.5 metres except that on sites other than rear sites not less than 50% of that part of the site between the road boundary and a parallel line 6 metres therefrom shall comprise landscaped permeable surface.

The landscaping requirement shall apply on each frontage of a corner site.

**Residential 6-7 Zones**

Residential 6a, 6b            2.5 metres

Residential 7a, 7b, 7c      1.5 metres

except that on sites other than rear sites not less than 60% of that part of the site between the road boundary and a parallel line 6 metres therefrom shall comprise landscaped permeable surface.

The landscaping requirement shall apply on each frontage of a corner site.

**Explanation****Residential 1 and 3a Zones**

*Consistency of building set-back is one of the character-forming elements of some roads in these zones. In other roads, set-backs show a gentle variation. In both cases the foregoing 'lining up' provisions ensure consistency with existing character.*

*In the Residential 1 zone, the landscaping requirement for the front yard is less than that for other special character zones in recognition that areas in this zone are generally characterised by a highly built up appearance. It is also recognised that sites are generally small and narrow and that off-street parking can, under certain circumstances, be provided within the front yard, where reserved on-street parking ('residents only' parking) is not available in the street.*

**Residential 2a, 2b, 2c, 3b and 4 Zones**

*The spacious, landscaped and well-treed sites which characterise these zones are often complemented by a high degree of visual amenity. Cumulatively these yards can create a landscaped space either side of the road which is appreciated by the resident community and those passing through these neighbourhoods.*

**Residential 5 Zone**

*This control in conjunction with other development controls assists in creating and preserving the generous areas of open space that characterise the Residential 5 zoned areas in the City.*

**Residential 6-7 Zones**

*This control ensures underground services can be accommodated within a residential site. It ensures windows, doors and garages can be opened within the site and will not interfere with pedestrian flows on the road. A front yard may also provide visibility for vehicles accessing the site and will produce a varying streetscape.*

**B. Open Space Protection Yard****Residential 3b**

A 6m yard shall be provided where any Residential 3b zoned site abuts land zoned open space.

**Explanation**

*The 6m yard will function in addition to the height in relation to boundary control and the maximum height control, to restrict development impinging on the visual amenity offered by the open space land at the top of the volcanic cones. It will generally result in development on the sites nearest the open space at the top of the cone, which can have a particular effect on visual amenity, being positioned at a lower level than otherwise possible, protecting views to the upper parts of the cone, which have a more natural character, as well as protecting the amenity within the open space land.*

**C. Special Yards****Residential 6a: Morrin Street Ellerslie**

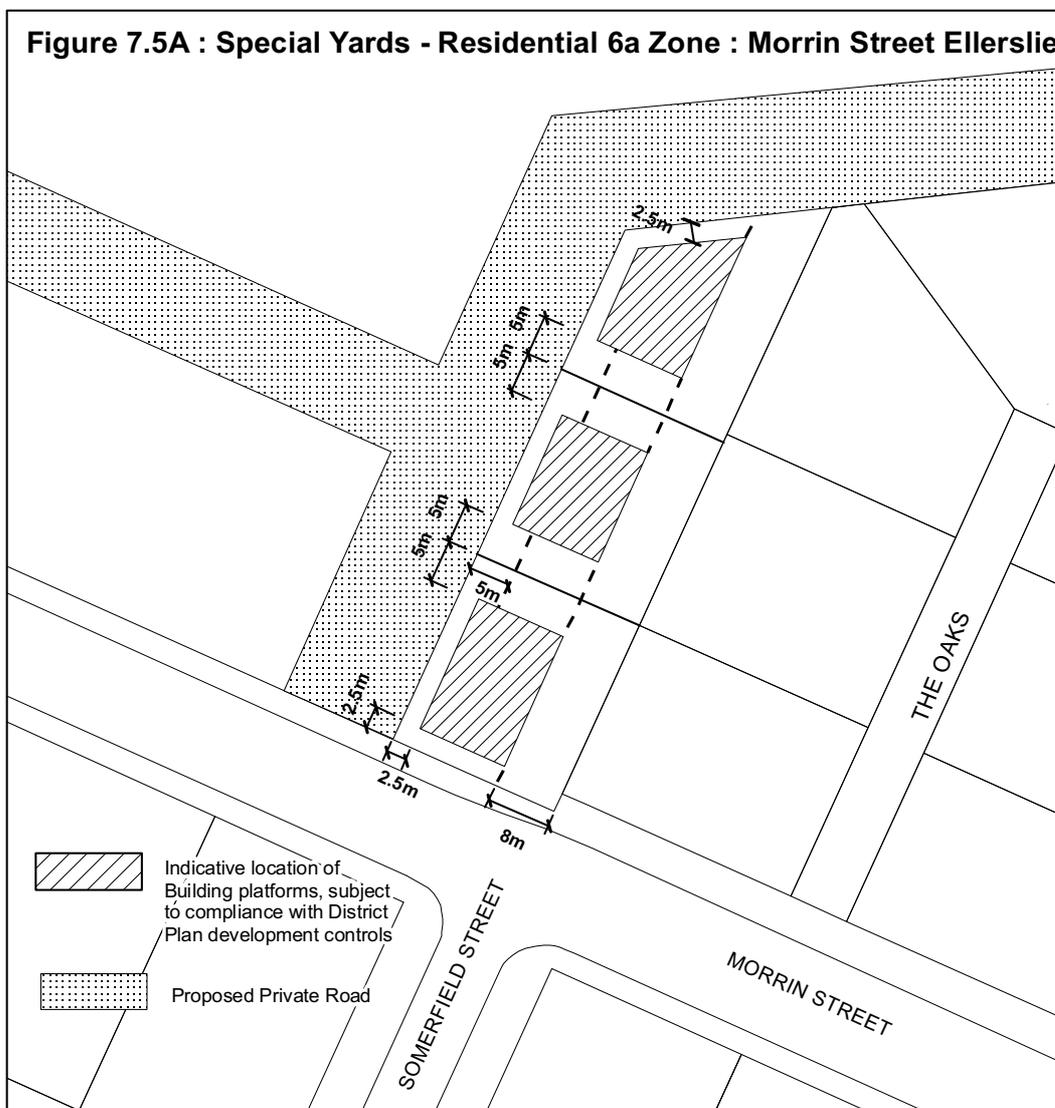
Special yards shall be provided in the Residential 6a zone located in Morrin Street, Ellerslie, as shown on Figure 7.5A, subject to the following:



**PART 7 - RESIDENTIAL ACTIVITY**

- i) The minimum landscaping requirement between a road boundary and a parallel line 6 metres therefrom in Rule 7.8.1.7 A shall apply.
- ii) Buildings may be erected in a 5 metre side yard as shown, provided that such buildings do not exceed a height of 3 metres.

- iii) Accessory buildings may be erected in the 8 metre rear yard as shown, provided that such accessory buildings do not exceed a height of 3 metres and a building coverage of 10% of the rear yard.



**Explanation**

The special yards will function in addition to the height in relation to boundary control and will restrict the location of new buildings in the Residential 6a zone in Morrin Street as shown in Figure 7.5A. The potential loss of visual amenity from adjoining existing dwellings that have an outlook over open spaces within the Ellerslie Racecourse will be mitigated by the separation of new and existing buildings by an 8 metre wide rear yard, and by a 10 metre wide separation for new buildings that may be constructed up to the permitted maximum height. Single level buildings may be located in a 5 metre side yard but are required to be set back

5 metres from the private road boundary in order to provide an interesting streetscape.

**7.8.1.8 PRIVATE OPEN SPACE**

This provision shall apply to -

- i) every residential unit, including fully self-contained units in integrated housing developments, retirement villages, and housing developments for the elderly or disabled;
- ii) the communal open space of all boarding houses/hostels, visitor accommodation, housing developments for the elderly or disabled and retirement villages (where any



units or bedrooms provided are not fully self-contained), and rest homes. In this instance, and only for the purpose of this provision, reference to “unit” or “units” below shall be deemed to mean the use as a whole.

#### A. Residential 1 and 3a Zone

Minimum area of outdoor living area - 80m<sup>2</sup> subject to the provisions contained in Clause 7.8.1.8B relating to dimensions and obstructions.

#### B. Residential 2a and 2b, 2c, 3b, 4, 5 and 6a Zones

All units shall have an outdoor living area complying with the following -

- Minimum size: 100m<sup>2</sup>.
- Minimum dimension: 3m measured at right angles to the perimeter of the area.
- Each area must be capable of containing a 6m diameter circle.
- Each area shall be accessible from the unit to which it relates.
- Obstructions - Private open space shall not be obstructed by buildings, parking spaces or vehicle access and manoeuvring areas.
- Each area shall be separated from the outdoor living area of any other unit on the site or adjacent site by a solid 1.8 metre high screen fence with the design and materials being to the satisfaction of the Council. Except that other methods or materials may be approved where the separation is physically defined and the two areas are adequately screened from each other.

#### C. Residential 6b and 7 Zones

All units shall comply with either A above, or the following requirement:

Each unit shall have an outlook area complying with the following -

- 80m<sup>2</sup>.
- Minimum dimension - 6 metres.
- 50% of outlook area must be contained within the site to which it relates - 50% may be over a road, public open space or the harbour.
- The outlook area shall adjoin glazing of the unit to which it relates.
- Obstructions - Private open space shall not be obstructed by buildings, parking spaces or vehicle access and manoeuvring areas.

**Note:** To ensure the surrounding amenity values are protected, landscape, building coverage and vehicular

use of site controls still apply to sites which use outlook area requirement.

#### Explanation

##### Residential 1 and 3a Zones

*The substantially built up smaller sites which characterise these zones provide less opportunity for outdoor spaces than exists in more spacious suburban settings. Outdoor space which currently exists in these zones generally comprises relatively small yards often containing accessory buildings. Based on the type of development which exists in these zones it is impracticable to require spaces as large as those provided in the standard zones. For these reasons a smaller outdoor area, 80m<sup>2</sup>, is required in these zones. It is considered spaces of this size can still provide a reasonable degree of amenity for residents.*

##### Residential 2, 3b, 4, 5, and 6a Zones

*Provision of private open space produces a range of positive effects in the urban environment. It provides space for children to play, space for a garden, personal and household privacy, space to entertain, and an area for clothes drying, storage and rubbish bins. Open space can also produce a visual buffer around or between homes. In many cases open spaces shared by a number of units can fail to perform these functions.*

*It is therefore considered important to ensure privacy in an infill situation through provision of separate private open spaces for each dwelling. Furthermore, it is considered that these areas need to be well planned to serve any useful function.*

##### Residential 6b and 7 Zones

*The Residential 6b and 7 zones provide opportunity to establish multi-unit, multi-level developments. Some dwellings which may be established in this zone will not be located at ground level and therefore may not enjoy direct access to areas of private open space. Often this is a choice made by the occupants of these dwellings who do not desire the amenity of large areas of open space and garden.*

*To facilitate this style of development while still providing a reasonable degree of amenity and privacy, outlook areas may be established in place of areas of open space.*

#### D. Housing Developments for the Elderly or Disabled and Retirement Villages

In situations where such housing developments consist of fully self-contained units, each unit shall comply with either (i) or (ii) below:

(i) have an outdoor living area complying with the following:

- An exclusive minimum area of 25m<sup>2</sup> at ground level with a minimum dimension of 3 metres, being accessible from the unit to which it relates;



or

- A balcony with an area of 8m<sup>2</sup> and a minimum width of 1.6 metres which has convenient access from a habitable room; or
- A roof-top space with a minimum area of 10m<sup>2</sup> and a minimum width of 2 metres which has convenient access from a habitable room;

(ii) have an outlook area complying with the following:

- 80m<sup>2</sup> with a minimum dimension of 6 metres, where 50% of the outlook area must be contained within the site to which it relates and 50% may be over a road, public open space or harbour.

Buildings, parking spaces, vehicle access or manoeuvring areas shall not obstruct private open space and outlook areas.

#### Explanation

*It is acknowledged that residents of such developments do not require large private open space areas for recreation purposes as is required above, however, a level of on-site amenity must still be provided by way of small garden spaces, balconies, or outlook areas where there is no access to such spaces at ground level. In some situations, appropriate communal spaces will assist in providing on-site amenity for residents. It is noted that an area is still required for clothes drying, storage, and rubbish facilities.*

#### E. Integrated Housing Developments

Each residential unit in an integrated housing development shall comply with the following:

(i) have an outdoor living area complying with the following:

- A minimum exclusive area of 40m<sup>2</sup> at ground level with a minimum dimension of 3 metres which is accessible from the unit to which it relates; or
- A balcony with a minimum area of 8m<sup>2</sup> and a minimum width of 1.6 metres which has convenient access to a habitable room ; or
- A roof-top space with a minimum area of 10m<sup>2</sup> and a minimum width of 2 metres which has convenient access to a habitable room;

The exception to this rule is where such a unit is provided within an existing building (ie through conversion) and it is not possible because of the form, location or layout of the building to provide one of the above outdoor living areas. In that instance, an outlook area complying with the following standards will be required:

(ii) have an outlook area complying with the following:

- 80m<sup>2</sup> with a minimum dimension of 6 metres, where 50% of the outlook area must be contained within the site to which it relates and 50% may be over a road, public open space or harbour.

Buildings, parking spaces, vehicle access or manoeuvring areas shall not obstruct private open space and outlook areas.

#### Explanation

*Many people live in more 'intensive' residential developments for reasons to do with life style choice. It may be that they choose to do so as they do not require large outdoor areas for active recreation purposes or are not wanting high maintenance properties. This control acknowledges this through requiring a smaller area of private open space on-site. Private open spaces in the form of balconies and terraces also provide for on-site amenity as they extend the living space of any unit. In providing a specific private open space provision for integrated housing developments, compliance with the minimum landscaped permeable control is very important in ensuring adequate landscaped areas/spaces are provided on-site, retaining a feeling of openness on the site especially by being a visual buffer around or between units. Provision is still required on-site for clothes drying, storage, and rubbish facilities.*

#### F. Four or more residential units within Residential 6 or 7 Zoned sites

(i) All residential units shall comply with either A, B or C above, or the following requirement.

Where 4 or more residential units are located within a Residential 6 or 7 zoned site, each unit shall have outdoor living areas consisting of at least:

- an exclusive area at ground level of 80m<sup>2</sup> which has a minimum width of 3m and convenient / direct access from a living room; or
- an exclusive area at ground level of 40m<sup>2</sup> which has a minimum width of 3m and convenient / direct access from a living room, and balconies and/or roof top spaces with a minimum combined area of 20m<sup>2</sup>. Each balcony and roof top space shall have a minimum area of 10m<sup>2</sup> with a minimum width of 2m, one such area shall also have convenient / direct access to a living room; or
- For residential units located entirely on upper floors, without direct access to ground floor private open space, each unit shall have outdoor living areas consisting of at least:
  - balcony and/or roof top spaces with a combined area of 40m<sup>2</sup>. Each space shall have a minimum area of 10m<sup>2</sup> with a minimum width of 2m, one such space shall



also have convenient/direct access to a living room.

**7.8.1.9 VEHICULAR USE OF RESIDENTIAL SITES**

**Residential 1 and 3a Zones**

No part of a parking or loading space shall be located in an outdoor living area or required landscaped area.

**Residential 2, 3b, 4, 5, 6, 7 Zones**

Except as otherwise specified in this Plan, no part of a parking or loading space shall be located in an outdoor living area, required landscaped area or front yard.

(In addition see Clause [7.8.1.6 MAXIMUM PAVED IMPERMEABLE SURFACE](#) )

**Explanation**

**Residential 1 and 3a Zones**

*It is recognised that in these zones there is often limited opportunity to provide off-street parking on the generally small, highly developed sites which characterise these zones. For this reason off-street parking can, under certain circumstances be provided in the front yard, either in carports or garages, paved open spaces or in excavated basement garaging under dwellings. However, such developments are dealt with as activities and assessed in terms of the criteria outlined in Clause [7.7.4.3 FURTHER CRITERIA TO BE CONSIDERED](#).*

**Residential 2, 3b, 4, 5, 6 and 7 Zones**

*It is considered inappropriate for parking and loading spaces, to be located in those parts of a site which provide amenity. By allowing vehicles to use such areas the amenity which they provide would be diminished. These areas include outdoor living areas, required landscaped areas and front yards.*

**7.8.1.10 NOISE**

The L10 noise level and maximum level (Lmax) arising from any activity measured at or within the boundary of any residential zoned property shall not exceed the following limits:

Monday to Saturday	7.00am - 10.00pm	L10 50dBA
Sunday & Public Holidays	9.00am - 6.00pm	
At all other times	L10 40dBA Lmax 75 dBA, or background (L95) plus 30 dBA, whichever is the lower	

Except that the noise levels may be exceeded by intermittent noise associated with normal household activity eg lawn mowing undertaken at reasonable times during the day.

The above noise levels shall be the L10 noise level as measured on residentially zoned land. Measurement and assessment shall be in accordance with the requirements of the NZS 6801:1991 “Measurement of Sound” and NZS 6802:1991 “Assessment of Environmental Sound”.

The noise shall be measured with a sound level meter complying at least with the International Standard IEC 651 (1979): Sound Level Meter, Type 1.

**Explanation**

*Noise, can have an adverse effect on the amenity values of a residential environment. To ensure that such an effect does not occur noise levels are imposed.*

**7.8.1.11 SCREENING OF STORAGE AND SERVICE AREAS AND PARKING SPACES**

Where any storage or service area (including incinerators, rubbish receptacle areas and boilerhouses) or parking area containing 4 or more spaces adjoins or directly faces land zoned residential or open space or a public road, such an area shall be screened from the residential or open space land or road by either:

- a solid wall or screen not less than 1.8m in height constructed of concrete, brick, timber, stone; or
- planting or other alternative materials which may be approved by the Council. Any such screening shall be established in a workmanlike manner to the satisfaction of the Council.

**Explanation**

*Some quasi-residential activities which are provided for in the residential zones, eg home occupations and rest homes, have the potential to require greater amounts of parking and outdoor storage than general domestic activities. It is considered appropriate to screen such activities from view of neighbouring sites and the street. The screening control is intended to preserve the visual amenity of residential activities and of the neighbourhood generally.*

**7.8.1.12 LIGHTING**

Refer to Bylaw.

**Explanation**

Refer Clause [8.8.1.8 REFUSE DISPOSAL](#)

**7.8.1.13 PARKING AND ACCESS**

Refer to [PART 12 - TRANSPORTATION](#).

**7.8.1.14 ADDITIONAL CONTROLS FOR HOME OCCUPATIONS**

Refer to the definition of home occupations in [PART 13 - INTERPRETATIONS AND DEFINITIONS](#) of this Plan.



## PART 7 - RESIDENTIAL ACTIVITY

- (a) No more than one full-time equivalent person from outside the household shall be employed in the home occupation activity.
- (b) No exterior display, other than a single sign that complies with the signs bylaw, no exterior storage of materials, no other exterior indication of the home occupation or variation from the residential character of the household unit or the neighbourhoods shall occur.
- (c) No objectionable noise, smoke, smell, effluent, vibration, dust or other noxiousness or danger, or significant increase in traffic, shall result from the operation of the home occupation activity.
- (d) No retail sales shall be made from the site other than:
- handicrafts produced on the site;
  - fruit and/or vegetables or other natural products grown on the property.

### 7.8.1.15 FENCES, WALLS OR OTHER STRUCTURES IN THE RESIDENTIAL 1, 2A, 2B AND 2C ZONES

#### Residential 1 zone

No fence, wall or other structure (not defined as a building), other than a picket fence up to 1.2m in height, shall be constructed within the front yard required by Clause [7.8.1.7A](#).

#### Residential 2a, 2b, 2c zones

No fence, wall or other structure (not defined as a building) within the front yard required by Clause [7.8.1.7A](#) shall exceed a maximum height of 1.4 metres.

Except that, the height of the fence, wall or other structure can be increased to a maximum height of 1.8 metres provided that a minimum of 40% of the entire structure is visually permeable.

Visually permeable in this context means the ability to clearly see through the street frontage elevation of the entire structure, and is determined by a comparison of the solid portion of the structure against any gaps provided.

Refer to the Architectural Design Guidelines for the Residential 1 and 2 zones ([Appendix 13](#)) for further detail on this control. Adherence to the Design Guideline in the Residential 2 zone is not mandatory; however reference to the Guideline is appropriate depending on the particular site and its streetscape context.

#### Explanation

##### Residential 1 zone

*It is recognised that in this zone, the front garden and house frontage is traditionally open to view, often beyond a low picket fence. For this reason, walls and fences generally need to be characteristic of the era being protected. In recognition of some areas within this zone being on a lava*

*flow where there may be a legacy of scoria walls, in exceptional cases a low stone wall may be appropriate. Concrete block or stucco walls shall generally be avoided.*

#### Residential 2 zone

*High, solid fences and walls detract from the spaciousness and well-landscaped qualities that are characteristic of many parts of the zone. It is recognised that fencing is varied across the zone, however it is considered important that fences and walls are either low in height (where solid) or are sufficiently visually permeable to ensure that the spacious and well-landscaped front yards remain visible from the street.*

### 7.8.1.16. FENCES, WALLS OR OTHER STRUCTURES IN THE RESIDENTIAL 3A OR 3B ZONES

#### Residential 3a zone

No fence, wall or other structure (not defined as a building), other than a 1.2m high picket fence or a 1.2 high stone wall of basalt, shall be constructed within the front yard required by Clause [7.8.1.7A](#).

#### Residential 3b zone

No fence, wall or other structure (not defined as a building) within the front yard required by Clause [7.8.1.7A](#) shall exceed a maximum height of 1.4 metres.

Except that, the height of the fence, wall or other structure can be increased to a maximum height of 1.8 metres provided that a minimum of 40% of the structure is visually permeable.

Visually permeable in this context means the ability to clearly see through the street frontage elevation of all of the structure, and is determined by a comparison of the solid portion of the structure against any gaps provided.

#### Explanation

##### Residential 3a zone

*It is recognised that in this zone, the front garden and house frontage is traditionally open to view, sometimes beyond a low fence or stone wall. For this reason, walls and fences generally need to be characteristic of the era being protected. Concrete block or stucco walls shall generally be avoided. Although some properties in this zone have been terraced to provide one or more flat areas between the house and the street, and make use of substantial retaining walls at the property to support a raised ground level, this should not be seen as an appropriate precedent to follow, given the adverse effect on the landform.*

##### Residential 3b zone

*High, solid fences and walls detract from the spaciousness and well-landscaped qualities that are characteristic of areas in this zone. They can also affect the appreciation of significant landforms and create inappropriate visual*



dominance. It is considered important that fences and walls are either low in height (where solid) or are sufficiently visually permeable to ensure that the spacious and well-landscaped front yards remain visible from the street.

**7.8.1.17 MINIMUM SIZE OF RESIDENTIAL UNITS IN THE RESIDENTIAL 6 & 7 ZONE**

Where 4 or more residential units are located within a Residential 6 or 7 zoned site, each unit shall be designed to meet the following minimum unit sizes:

Studio units	35m <sup>2</sup>
1 bedroom units	45m <sup>2</sup>
2 bedroom units	70m <sup>2</sup>
3 bedrooms	90m <sup>2</sup>

Any additional bedroom, above 3 bedrooms per unit, shall have a minimum internal floor area of 9m<sup>2</sup>.

Calculating of the minimum unit sizes should be based on the net internal floor area and shall exclude all balconies, decks and internal carparking areas. Internal circulation space which could be redesigned as common area shall be excluded.

**Explanation**

The purpose of this control is to achieve a minimum standard of internal amenity for occupants of residential units.

**REFERENCE SHOULD ALSO BE MADE TO THE FOLLOWING PARTS OF THE PLAN:**

- Part 4** Refer Clause 4.5 Signs  
Refer Clause 4.6 Artificial Lighting
- Part 4A** General Rules
- Part 4B** Financial Contributions
- Part 5A** Natural Resources
- Part 5B** Coastal
- Part 5C** Heritage
- Part 5D** Natural Hazards
- Part 5E** Hazardous Facilities
- Part 11** Subdivision
- Part 13** Interpretations and Definitions.

**7.8.2 DEVELOPMENT CONTROL RULES FOR RESIDENTIAL 8A, 8B & 8C ZONES**

**Note:** An application to modify one or more of the development control rules will be considered under Clause 4.3.1.2 E as a discretionary activity. Where the criteria for 4.3.1.2 E are not met, an application for a non-complying activity will be required.

The following shall be the development controls for permitted activities in the Residential 8a, 8b and 8c zones.

**7.8.2.1 INTENSITY LEVEL**

The following intensity levels apply in respect to activities that attract or accommodate people. Except that the levels do not apply to residential units.

Residential 8a, 8b & 8c 25m<sup>2</sup> of site area per 1 person/child.

**Explanation**

The intensity level has been introduced as a method of assessing activities that attract or accommodate people on a residential site. The level is an indication of 'people' generated activity that is acceptable within the various residential zones. Such activity can cause a disturbance to people living on neighbouring land as a result of noise, vibration, fumes or glare.

In the Residential 8 zones, the intensity level reflects the higher densities achievable in the zones.

**7.8.2.2 MINIMUM PLANNED UNIT DEVELOPMENT AREA**

Where the activity is a Planned Unit Development the minimum land area shall be one hectare (10,000m<sup>2</sup>).

**Explanation**

The restriction of Planned Unit Developments to a minimum area of 1 hectare is to maximise the potential for a well designed and integrated residential development.

**7.8.2.3 MAXIMUM HEIGHT**

**A. Maximum Building Height**

Zone	Maximum Height	Maximum Number of Storeys
8a	11 metres	3
8b	14 metres	4
8c	17 metres	5

Note: These heights may differ in particular areas in recognition of local character and form (Refer Special Height Limits).

**Explanation**

The height limits of the Residential 8 zones are designed to give flexibility in order to achieve the higher densities assigned to each zone. Horizontal development of sites within these zones is restricted by the need to ensure adequate permeability of the site for stormwater management.



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Therefore to achieve the densities of the zone, heights allowing for 3 – 5 levels are applied.

As well as a maximum height limit, there is also a control on the number of stories. This is to encourage innovative roof treatments, which contribute to façade articulation.

**B. Maximum Front Fence or Wall Height.**

The maximum height of a front fence or wall shall not exceed 1.2 metres in height if solid or up to 2.0 metres in height if more than 50% transparent.

**Explanation**

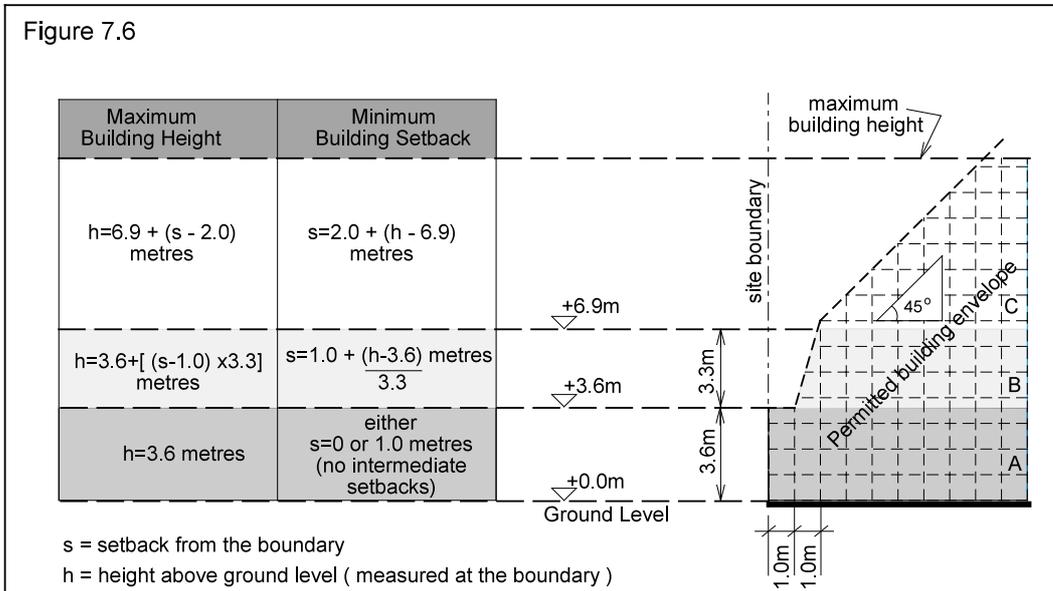
Maintaining the ability to overlook the road and footpath from buildings increases the safety of these areas. The provision seeks to ensure the front fences are designed to maintain views between the dwelling and the road from at least part of the dwelling.

**7.8.2.4 HEIGHT IN RELATION TO BOUNDARY**

**A. Height in Relation to Boundary**

No part of any building shall be built so that it fails to comply with the following:

- (i) All boundaries of a Residential 8 zoned site adjoining other Residential 8 zoned land shall comply with Figure 7.6 below



Except that in the Residential 8c zone, where a boundary adjoins other Residential 8c zoned land, within 14 metres of the road frontage of a site the following shall apply:

- the maximum height of a building shall not exceed 6 metres and 45° recession plan, measured from the boundary.

**Explanation**

*The Residential 8 zone provides for a more intensive form of residential development than the other residential zones in the city. The height in relation to boundary control is designed to enable development at or in close proximity to boundaries while providing daylighting and limiting dominance to adjoining sites.*

*To achieve this the rule provides a building envelope with three distinct steps related to setback from the boundary, these are illustrated in Figure 7.6 above. The first step, from the boundary to 1 metre horizontal setback allows a maximum height of 3.6 metres, with the proviso that if the*

*building is not on the boundary then it must be setback one metre.*

*The second step, between 1-2 metres horizontal setback from the boundary, allows the building envelope to rise from the 3.6 metre baseline already established to 6.9 metres. The third step, starting at a horizontal setback of 2 metres from the boundary, starts from the 6.9 metre baseline and allows a*

*recession plane of 45° until capped by the maximum height for the zone.*

**(ii) Where the boundary of the site abuts Residential 2, 3b, 4, 5, 6a or 6b zoned land.**

The maximum height of a building shall not exceed 2 metres and a 45° recession plane, measured from the boundary.

If a wall is not located on the boundary a 1 metre setback from the boundary is required.

**(iii) Where the boundary of the site abuts Residential 1, 3A or 7 zoned land.**

The maximum height of a building shall not exceed 3 metres and 45° recession plan, measured from the boundary.

If a wall is not located on the boundary a 1 metre setback from the boundary is required.

**(iv) Where the boundary of the site abuts Open Space zoned land**

The maximum height of a building shall not exceed 3m and a 45° recession plane measured from the boundary.

**(v) Where the front boundary of a Residential 8 zoned site adjoins a road and faces residentially zoned land, the height of any building on that part of a site which is directly opposite the residentially zoned land shall be as outlined in the table below:**

	ROAD	TYPE		
	Local	Collector	Arterial	Strategic
Zone*				
1	6m+45°	6m+45°	9m+45°	9m+45°
2	6m+45°	6m+45°	9m+45°	9m+45°
3	6m+45°	6m+45°	9m+45°	9m+45°
4	6m+45°	6m+45°	9m+45°	9m+45°
5	6m+45°	6m+45°	No Control**	No Control**
6	6m+45°	6m+45°	No Control**	No Control**
7	9m+45°	9m+45°	No Control**	No Control**
8	9m+45°	9m+45°	No Control**	No Control**

\* Residential zone across the road from the Residential 8 zone

\*\* No height in relation to boundary control applies to the front boundary of the residential 8 zoned site when adjoining these roads and facing these residential zones

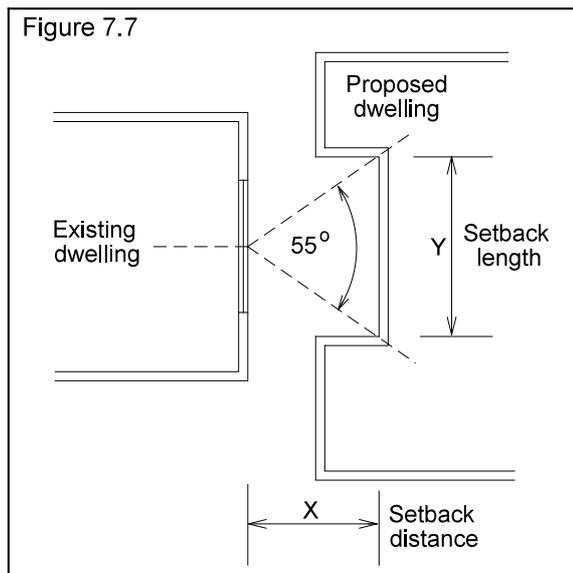


**B. Allowable encroachments and setbacks**

- (a) No account shall be taken of radio and television aerials, solar heating devices and chimneys (not exceeding 1.1m in any horizontal direction), provided such structures are located at least 1m from each site boundary.
- (b) Where the land immediately beyond the site boundary forms part of an entrance strip, pedestrian access way or access lot, the far side of these may be deemed to be the site boundary for the purpose of defining the origin of this control.
- (c) This provision shall not apply to the length of the common wall between abutting buildings.
- (d) Unless the written consent of the owner of the abutting site has been obtained, no part of any retaining wall within 3m of any site boundary shall exceed;
  - a height above ground level equal to the shortest horizontal distance between that part of the retaining wall and any boundary of the site; or
  - a height above ground level of 1m; whichever is greater.
- (e) Height for the purpose of this control shall be measured from the ground level at the point on the site boundary to which the measurement is taken.
- (f) No account shall be taken of gable and dormer roof elements provided that the portion of the gable or dormer which protrudes through the building in relation to boundary plane shall be limited to a dimension of no greater than 1.0 vertically, 1.0m parallel to the nearest adjacent boundary and 1.0m horizontally 90° to the nearest boundary. No more than 2 such protrusions shall exist within any 6.0m length of the building in relation to boundary surface measured along the adjacent boundary.
- (g) Where a site has a common boundary with land zoned business, the height in relation to boundary control shall not be applied to the common boundary.

**7.8.2.5 DAYLIGHT**

- (a) Walls higher than 3 metres opposite existing walls containing principal habitable room windows are limited in height to twice the horizontal distance between the two walls for a distance defined by a 55° arc from the centre of the existing window. The arc may be swung to within 35° of the plane of the wall containing the window.



- (b) Where the existing window is above ground level, the height restriction is calculated from the floor level of the room containing the window.

Provided that:

- This rule shall not apply to development opposite residential units approved for resource consent or constructed after the Council’s final decision on this plan change.
- This rule shall not apply to development opposite the first 5m of a residential unit which faces the street, measured from the front corner of the residential unit.

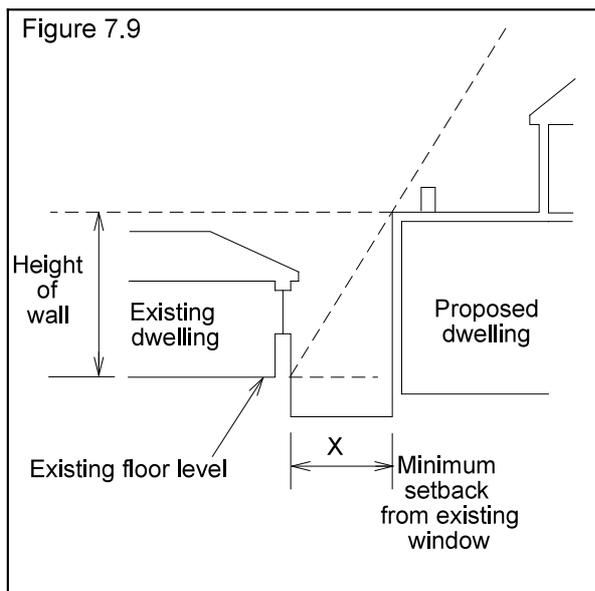
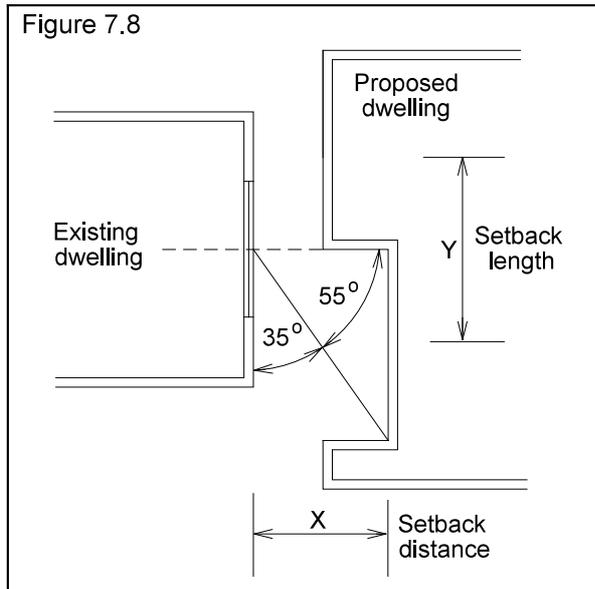
**Table 1**

Distance of wall from existing window (x)	Maximum height of wall	Length of wall restricted if 55° arc is perpendicular to window (y)
1.5m	3.0m	1.5m
2.0m	4.0m	2.0m
2.5m	5.0m	2.5m
2.7m	5.4m	2.7m
3.0m	6.0m	3.0m
3.5m	7.0m	3.5m
4.0m	8.0m	4.0m
4.5m	9.0m	4.5m
5.0m	10.0m	5.0m
5.5m	11.0m	5.5m
6.0m	12.0m	6.0m

*This table provides the restrictions to walls where a new wall is built opposite an existing principal habitable room window. The wall height is restricted to a height related to the distance from the existing window, and for a length defined by a 55° arc from the centre of the window. The arc may be swung to within 35° of the window. However, as an arc is swung away*



from the centre line the length of wall, which will be restricted, will increase. (Also refer Figures 7.7, 7.8, 7.9).



**Explanation**

Admission of light to living and work areas is fundamental to our existence. It is an amenity, which we are not able to forego without compromising health and a sense of well-being. In addition, admission of sunlight to sites gives property owners the opportunity to use sunlight as a renewable energy source. Access to sunlight can enable sunny outdoor spaces to be created or provide a means of passively heating homes. If sunlight is available it can also be used actively by solar receptors and water heaters.

Almost any development on a site will have an effect on the adjacent site in terms of access to light and the prospect of overdominance.

The extent of this effect will differ depending on the proximity of buildings to boundaries in relation to their size and the orientation of the boundary being assessed.

Within the Residential 8 zones relatively liberal height limits will result in greater building bulk. Protection of sites within this zone has been balanced with the need to allow permitted height limits to be achieved.

**7.8.2.6 VISUAL PRIVACY**

**(a) Protection to windows of existing dwellings**

Where the habitable room windows of a dwelling are less than 6 metres away, and have direct views of the habitable room windows of other residential units within the same, or adjacent sites, they shall:

- be offset a minimum of 1m (horizontally or vertically) from the edge of one window to the edge of the other; or
- have sill heights of 1.6m above floor level; or
- have fixed obscure glazing in any part of the window below 1.6m above floor level; or
- be on the ground floor level and separated by a fence of 1.6m minimum height.

**(b) Protection of neighbours private open space**

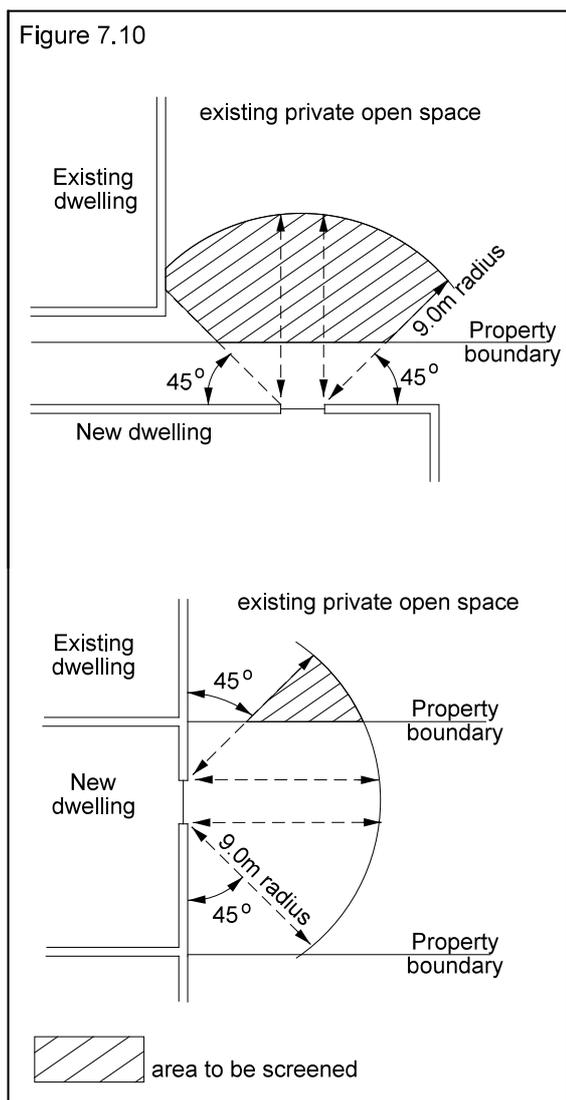
Direct views from habitable rooms into the principal areas of existing adjacent private open space should be screened or obscured within a 9m radius and 45° of the wall containing the window.

**Explanation**

This rule provides a balance between allowing the windows of upper storeys of new developments to have reasonable daylight and outlook while limiting intrusive overlooking of habitable rooms and private open space of existing units on adjoining sites.



Figure 7.10



**7.8.2.7 MAXIMUM BUILDING COVERAGE AND IMPERMEABLE SURFACE**

The maximum percentage of net site area which can be covered in buildings and impermeable surfaces is 60%.

**7.8.2.8 MINIMUM STORMWATER PERMEABLE SURFACE**

- a) Not less than 40 per cent of the net site shall be covered by landscaped permeable surface to the satisfaction of the Council.
- b) The exception to clauses 7.8.2.7 and 7.8.2.8 is that where a development can demonstrate that its stormwater management system will limit the peak discharge to less than that from the site with 60% impermeable area coverage, under the worst case from the following;
  - Limit the peak discharge in 10% AEP storm event (ie to match the design pipe capacity of the City's

receiving system) OR

- Limit the peak discharge in 2% AEP storm event (ie to match the extent and depth of the designated overland flow path),
- then the maximum building coverage and impermeable surface rules can be exceeded up to the following maximum levels, as a controlled activity;
- In the Residential 8a and 8b zones 70% of net site area
  - In the Residential 8c zone 80% of net site area

A development which complies with an approved solution from the Council's on-site stormwater management techniques manual (adopted by Council 2002) is deemed to meet this rule. A covenant capable of registration under the Land Transfer Act 1952, shall be registered against the title of every such site, to ensure the efficient future functioning and maintenance of the onsite stormwater management system

**Explanation**

*The maximum building coverage and impermeable surface control limits the intensity and scale of development on a site. This area of permeable surface allows stormwater soakage on site, and is an important factor in ensuring that the City's stormwater system can adequately cope with the development.*

*In the Residential 8 zones where a higher intensity of development is envisaged, the building coverage and impermeable surface controls have been combined in order to give greater flexibility in building form and layout.*

*The minimum stormwater permeable surface control works in conjunction with the Maximum Building Coverage and Impermeable Surface control to ensure that there is sufficient permeable surface on a site to slow down surface water runoff, and promote on-site stormwater soakage.*

*Where developments comply with an approved solution from the stormwater management technique manual it is appropriate for a higher Maximum Building Coverage and Impermeable Surface control to apply, as a controlled activity The additional maximum level will allow further on site development without compromising the amenity of neighbouring sites or the surrounding environment.*

**7.8.2.9 YARDS**

**(a) Front yards**

No building, or part of a building, shall be erected within 3 metres of the road frontage; except that encroachment into this front yard, to a maximum of 1.4 metres from the road frontage, shall be permitted for the following structures:

- Bay windows



- Entrance canopies
- Steps
- Open Decks
- Balconies

Not less than 60% of the 3m front yard area shall comprise landscaped permeable surface.

#### (b) Yard adjoining Open Space zoned land

Where the boundary of a site abuts Open Space zoned land no building or part of a building shall be erected within 3 metres of the boundary.

#### Explanation

*The setback of developments from the road influences the streetscape character, residents' privacy and the size of the private open space at the rear. Some encroachments into the required front yard are permitted for features such as bay windows and entrances. These features encourage variety in building facades, prominence of entrances and opportunities for windows facing the road.*

*A setback is also required where a site boundary adjoins open spaced zoned land. The setback and related height in relation to boundary controls encourage buildings to front into open space zoned land providing surveillance to these areas.*

### 7.8.2.10 PRIVATE OPEN SPACE

#### A. Residential Units

All residential units shall have outdoor living areas consisting of at least:

- an exclusive area at ground level of 40m<sup>2</sup> in the Residential 8a zone, and 25m<sup>2</sup> in the Residential 8b and 8c zones;
- and a minimum width of 3m which has convenient access from a living room; or
- a balcony with an area of 8m<sup>2</sup> and a minimum width of 1.6m which has convenient access from a living room; or
- a roof-top space with an area of 10m<sup>2</sup> and a minimum width of 2m which has convenient access to a living room.

The exception to this rule is where a residential unit was established from the conversion of a non residential building to a residential building, and the unit is not able to have direct access to areas of private outdoor living (including a balcony or roof top space). In that circumstance the following outlook area must be provided:

- 80m<sup>2</sup> in size;
- Minimum dimension – 6 metres;

- 50% of outlook area must be contained within the site to which it relates
- 50% may be over a road, public open space or the harbour.
- The outlook area shall adjoin main habitable glazing of the dwelling unit to which it relates.

Obstructions – private open space or outlook areas shall not be obstructed by buildings, parking spaces or vehicle access and manoeuvring areas.

#### B. Housing Developments for the Elderly and Disabled

In situations where such housing developments consist of units, each unit shall comply with either (i) or (ii) below:

- have an outdoor living area complying with the following:
  - An exclusive area of 25m<sup>2</sup> at ground level with a minimum dimension of 3 metres, being accessible from the unit to which it relates; or
  - A balcony with an area of 8m<sup>2</sup> and a minimum width of 1.6 metres which has convenient access from a habitable room; or
  - A roof-top space with a minimum area of 10m<sup>2</sup> and a minimum width of 2 metres which has convenient access from a habitable room;
- have an outlook area complying with the following:
  - 80m<sup>2</sup> with a minimum dimension of 6 metres, where 50% of the outlook area must be contained within the site to which it relates and 50% may be over a road, public open space or harbour.

Buildings, parking spaces or vehicle access or manoeuvring areas shall not obstruct private open space and outlook areas.

#### Explanation

*The inclusion of private open space for residents greatly increases the liveability of dwellings.*

*In some circumstances, it may not be possible to provide an outdoor living area, such as where dwellings are provided in the conversion of existing buildings. Where a dwelling in a new building is located above ground floor level and does not have access to areas of ground level private outdoor space, a balcony or roof top space will be required.*

*This provision defines a minimum principal outdoor living area or an outlook area that is considered useable and affordable.*

### 7.8.2.11 ACOUSTIC PRIVACY

#### (a) External Residential Noise Levels



## PART 7 - RESIDENTIAL ACTIVITY

The L10 noise level and maximum level (Lmax) arising from any activity measured at or within the boundary of any residential zoned property shall not exceed the following limits:

Monday to Saturday	7.00am - 10.00pm	L10 50dBA*
Sunday & Public Holidays	9.00am - 6.00pm	
At all other times	L10 40 dBA*, Lmax 75dBA	

\*Noise levels may be exceeded by intermittent noise associated with normal household activity (eg lawn mowing) undertaken at reasonable times during the day.

The above noise levels shall be measured at the boundary with adjacent residentially zoned land. Measurement and assessment shall be in accordance with the requirements of the NZS 6801:1991 "Measurement of Sound" and NZS 6802:1991 "Assessment of Environmental Sound".

The noise levels shall be measured with a sound level meter complying at least with the International Standard IEC 651 (1979): Sound Level Meter, Type 1.

### (b) Internal Noise Levels Within Residential Developments

- (i) The following internal noise levels within residential units will be required:
- In all bedrooms:
  - 10.00 pm - 7.00 am, no more than 35dBA (L10)
  - 7.00 am - 10.00 pm, no more than 45dBA (L10)
  - In all other habitable rooms, no more than 45dBA (L10)

Note

This is based on the noise level at the boundary of the site with any Strategic, Arterial or Collector Road or Business 2, 3, 4, Mixed Use or Special Purpose 3 (Transport Corridor) zoned site, being 65dBA (L10),

- (ii) At the same time and under the same physical conditions as the internal noise levels in (i) above, all bedrooms and other habitable rooms will be adequately ventilated in accordance with the Building Code; and

After completion of the construction of the building, the consent holder shall submit a report to the satisfaction of Council, which is signed by a suitably qualified engineer, and which certifies that the

building has been built in compliance with the noise and ventilation rules in (i) and (ii) above.

- (iii) In assessing compliance with the ventilation requirements of the Building Code for the purposes of part (ii) of this rule above, no source or means of ventilation shall be taken into account unless:

- It is available at all times while achieving the internal noise levels required under part (i) of this rule. For example, adjustable doors, windows or louvres may not be relied upon to meet the ventilation requirements of the Building Code if they can be adjusted to allow internal noise levels to exceed those specified in part (i) of this rule, above.

- (iv) Any report signed by an engineer in accordance with part (ii) of this rule above, shall not be deemed to be a producer statement or building certificate under the Building Act 1991, or relied upon by the Council for the purposes of that Act.

- (v) The noise shall be measured with a sound level meter complying at least with the International Standard IEC 651 (1979): Sound Level Meter, Type 1

### (c) Commercial Vehicles

That commercial vehicle delivery or pickups within areas zoned Residential 8 are disallowed between the hours of 10pm to 7am, Monday to Sunday. This provision excludes taxis or other people delivery vehicles i.e. buses.

### Explanation

*In the high density Residential 8 zones noise transmission between dwellings on the same site, and/or within the same buildings is an important amenity issue. This control seeks to minimise the transmission of unacceptable noise between sites and between dwellings within the same development.*

### 7.8.2.12 SCREENING OF STORAGE AND SERVICE AREAS AND PARKING SPACES

Where any storage or service area (including, rubbish receptacle areas and boilerhouses) or parking area containing 4 or more spaces, adjoins or directly faces land zoned residential or open space or a public road, such an area shall be screened from the residential or open space land or road by either:

- A solid wall, fence or screen constructed of concrete, brick, timber, stone or;
- Planting or other alternative materials which may be approved by the Council.

Any such screening shall be established in an appropriate manner, to the satisfaction of the Council, to the following heights:



Front boundary 1.2m  
 Side and rear boundaries 1.8m

**Explanation**

Some quasi-residential activities, which are permitted in the residential zones, eg home occupations and homes for the aged, have the potential to require greater amounts of parking and outdoor storage than general domestic activities. It is considered appropriate to screen such activities from view of neighbouring sites and the street. The screening control is intended to preserve the visual amenity of residential activities and the neighbourhood generally.

**7.8.2.13 LAUNDRY FACILITIES**

Each residential unit shall contain laundry facilities for the washing of clothes. Drying facilities shall either be provided for in individual Residential Units or within ground floor private open space areas.

Where Residential Units do not have access to ground floor private open space areas (i.e. private open space is provided by way of a balcony or roof top space) then drying facilities may be located communally within the development. All drying facilities shall be screened or visually separated from view of the public road.

**7.8.2.14 LIGHTING**

Refer to Bylaw

**7.8.2.15 DRIVEWAYS AND CARPARKING**

**(a) Parking Standards**

The parking standards for residential units shall be as follows:

Unit Size	Car Parks
Studio/One bedroom <75m <sup>2</sup> gfa	1 park per residential unit
Two bedrooms or more, and/or >75m <sup>2</sup> gfa (includes 1 bedroom with gfa of 75m <sup>2</sup> or more)	Maximum 2 parks per Residential Unit, minimum of 1 park per Residential Unit
Four bedrooms or more and/or >150m <sup>2</sup> gfa	2 parks per Residential Unit

Unit Size	Car Parks
Visitor spaces	1 space for every 5 residential units (to the nearest whole number).  If these visitor parking spaces are not located on the same site as the residential units that they serve, they shall: <ul style="list-style-type: none"> <li>• be located within 100 metres of the residential units that they serve, and</li> <li>• be held together by way of a covenant registered against the title of every such site, capable of registration under the Land Transfer Act 1952, in such a way that they cannot be dealt with separately without prior consent of Council.</li> <li>• include signage, complying with the provisions of the Signs Bylaw, which direct visitors to the residential units that they serve.</li> </ul>
Loading spaces	1 space per 10 or more residential units

Stacked parking, for the number of parking spaces required above, shall be considered as a restricted discretionary activity and shall be assessed against the relevant assessment criteria contained in section 12.9.1.2(d) of the plan.

**(b) Car spaces and access dimensions**

The following minimum dimensions apply to parking spaces provided in a development.

	LENGTH	WIDTH
Uncovered spaces - end entry - side access (parallel)	4.9m 6.7m	2.6m 2.3m
Carport (no walls) - single - double	5m 6m	3m 5.5m
Within/contained by walls - single - double	6m 6m	3m 5.5m

**(c) Parking and Access Dimensions**

Accessways shall have a minimum width:

- of 3.6m where entry to a car space is from the side;
- Where entry to a car space is from the end as follows:

Parking angle	Accessway width
45°	3.5m
60°	4.9m
90°	6.4m



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Where efficient 90° parking layout is constrained, the accessway width may be reduced, provided the width of car spaces is increased as follows:

Car space width	Accessway width
2.8m	5.8m
3.0m	5.2m
3.2m	4.8m

### (d) Amount of road frontage taken up by accessways

The amount of road frontage of a site taken up by accessways or car spaces is limited to a maximum of:

- 40% where the total frontage is 20m or less;
- 33% where the total frontage is more than 20m.

### (e) Setback from habitable rooms

Shared accessways, garages or car parks of other dwellings shall be located a minimum of 1.5m away from facing habitable room windows. This setback may be reduced if the accessway, garage or carpark is bounded by a fence of 1.5m height, or a comparable difference in slope.

### (f) Provision of internal (private) roads

- Vehicle accessways longer than 60m shall have dimensions that enable them to be designated as public roads and provide on-street parking. Wherever practical these should link through to surrounding roads.
- Where an internal road is between 60m and 100m in length and serves fewer than 40 dwellings or 100 vehicles per day, it shall be designed to have:
  - carriageway widths of 5m-5.5m or 3.6m with indented parking bays; and
  - a footpath where the road provides a connection through the neighbourhood.
- Where internal roads are 100m or more in length or serve 40 or more dwelling units, they are designed in accordance with the following table:

Vehicle volume	Carriageway Width*	Footpath (1.2m wide)	Reserve width
Less than 1000 vehicles per day	5.5m	Both sides	13m-13.5m
1000-2000 vehicles per day	7m-7.5m	Both sides	14-14.5m

- \* These carriageway widths assume on-street parallel parking. If angle or 90° parking is proposed, increased pavement and reserve width will be necessary.

### (g) Access to sites

Access shall be a minimum of 3m wide and, where there is a change of direction or at an intersection within the site, the internal radius of the accessway shall be at least 4m.

A turning space is provided so cars can enter and exit a road forwards where an accessway:

- serves 5 or more car spaces; or
- serves three or more dwellings; or
- connects to an arterial road.

When more than 10 car spaces are served and the accessway connects to an arterial road the accessway shall have an entrance at least 5m wide for a distance of 7m so vehicles may pass.

### Explanation

*These rules intend to provide adequate parking for residents, visitors and service vehicles. Within Strategic Growth Management Areas, the amount of parking required per dwelling is less than that in areas outside, recognising that most residents will live within reasonable walking distance of shops, services, and public transport.*

### (h) Transportation

**Refer 'Part 12 – Transportation' for all other transport rules.**

## 7.8.2.16 ADDITIONAL CONTROLS FOR HOME OCCUPATIONS

Refer to the definition of home occupations in Part 13 of this Plan.

- No more than one full-time equivalent person from outside the household shall be employed in the home occupation activity.
- No exterior display, other than a single sign that complies with the signs bylaw, no exterior storage of materials, no other exterior indication of the home occupation or variation from the residential character of the household unit or the neighbourhoods shall occur.
- No objectionable noise, smoke, smell, effluent, vibration, dust or other noxiousness or danger, or significant increase in traffic, shall result from the operation of the home occupation activity.
- No retail sales shall be made from the site other than:
  - Handicrafts produced on the site;



- Fruit and/or vegetables or other natural products grown on the property.

### 7.8.2.17 INTEGRATED HOUSING DEVELOPMENTS COMMUNAL OPEN SPACE

Integrated Housing Developments of 10 units or more shall provide communal open space at a rate of 20m<sup>2</sup> per unit that complies with the following.

- Be capable of containing a 6 metre diameter circle;
- Have a minimum horizontal dimension of 10 metres measured at right angles to its perimeter
- Be easily accessible for residents
- Not be used for parking or on site manoeuvring
- Be substantially fronted by units within the development and provide outlook for as many dwellings as practicable
- The communal open space shall be accessible and useable;

**REFERENCE SHOULD ALSO BE MADE TO THE FOLLOWING PARTS OF THE PLAN:**

<b>Part 4</b>	Refer Clause <a href="#">4.5 Signs</a> Refer Clause <a href="#">4.6 Artificial Lighting</a>
<b>Part 4A</b>	<a href="#">General Rules</a>
<b>Part 4B</b>	<a href="#">Financial Contributions</a>
<b>Part 5A</b>	<a href="#">Natural Resources</a>
<b>Part 5B</b>	<a href="#">Coastal</a>
<b>Part 5C</b>	<a href="#">Heritage</a>
<b>Part 5D</b>	<a href="#">Natural Hazards</a>
<b>Part 5E</b>	<a href="#">Hazardous Facilities</a>
<b>Part 11</b>	<a href="#">Subdivision</a>
<b>Part 13</b>	<a href="#">Interpretations and Definitions</a>

#### Plan change annotations - key



Indicates where content is affected by proposed plan modification x. Refer to plan modification folder or website for details.



Indicates where the content is part of plan modification x, which is subject to appeal.

Underlined content to be inserted.

~~Struck through~~ content to be deleted.

