

NORTH SHORE CITY DISTRICT PLAN



PROPOSED PLAN CHANGE 17

Addressing the Effects of Infill Housing on the Character of Residential Areas

Public notification: 6 April 2006

Close of submissions: 19 May 2006

This is a Council-initiated plan change

EXPLANATORY NOTE

We are seeking your feedback on the proposed changes to the district plan to address the effects of infill housing on the character of residential areas. The changes include:

1. Deleting provision for minor residential units from the residential zones but allowing a 2nd kitchen and dishwashing facility to provide accommodation for dependant relatives;
2. Amending the definition of boardinghouses, reducing the threshold for when a resource consent is required;
3. Changing the activity status for stormwater works in the coastal conservation area and foreshore yard from controlled to limited discretionary activity;
4. Applying additional assessment criteria relating to landform, vegetation and landscaping to all residential zones;
5. Combining the Residential 4A and 4B zones into one zone and increasing the minimum site area for subdivision and development to 450 sqm; strengthening the assessment criteria to include compatibility with established neighbourhood character; requiring a structure plan for the subdivision/development of large blocks of land;
6. Deleting provision for intensive housing in the Residential 2 zone;
7. Removing the ability to decrease the separation distance between dwellings by limited discretionary activity (becomes non complying);
8. Amending the assessment criteria for visual privacy to include reference to mitigation measures such as building design and adding decks and other living areas to the areas from where visual privacy must be achieved;
9. Deleting the ability to reduce private outdoor living space size and dimensions by limited discretionary resource consent for infill housing (becomes non complying) and adding a gradient control for outdoor living spaces;
10. Making any additional vehicle crossings for sites associated with infill housing a limited discretionary activity, & amending the assessment criteria to include cumulative effects of multiple vehicle crossings on safety;
11. Additional controls on the location of garages and carports in the front yard of all residential zones throughout the city;
12. Preventing new rear lots in the Residential 3 zone, increasing the minimum lot size in the Residential 3A zone to 450 sqm, changing the status of second or more residential dwellings on sites in the Residential 3 zone to non complying and amending the objectives and policies to address the effects of development on neighbouring properties.

Proposed Amendments to the North Shore City District Plan

Note:

New text is shown as underlined and deleted text as ~~striketrough~~.
Some existing text is shown to place the changes in context.

Note: *This plan change takes effect from the date of public notification – 6 April 2006. However, any application for resource consent (either subdivision or land use) or building consent lodged prior to 6 April 2006 will be processed under the rules applying at the time prior to this plan change.*

1. Minor Residential Units

16.3.5 Housing Choice

Policies

2. By providing opportunities in the main residential area for housing developments at a variety of densities, including smaller dwellings on smaller sized sites, which are compatible with the maintenance of local environmental values.
3. By providing opportunities for the establishment of a variety of housing forms throughout the residential zones, including houses, units, and apartments and ~~minor residential units,~~ by the inclusion of such activities as Permitted, Controlled and Discretionary activities.
4. ~~By enabling minor residential units to be established as a Permitted activity in all zones in order to facilitate the provision of accommodation for extended families and to increase the availability of small units, notwithstanding that such development has greater impact on residential amenities than the establishment of a single dwelling per site.~~
4. By allowing residential units to have a second kitchen and/or dishwashing facility to enable dependant relatives to be accommodated. These facilities will be required to be removed once the dependant relative no longer resides there.

Methods

- Policies 1-9 will be implemented by rules.

Explanation and Reasons

Specific groups within the community also have specialised housing needs, in particular those on low incomes, the elderly, the intellectually and physically challenged, and those in need of emergency or refuge accommodation. The policies of the Plan are intended to ensure that there is an ability to meet these needs within the residential area at an intensity and scale which is comparable to a residential unit. However, in relation to minor residential units, in recognition of the social benefit of providing accommodation for extended families, and to increase the availability of small units, this use is included as a Permitted or Controlled activity in all zones. The activity imposes impacts on the character and amenity of residential areas, but these impacts are slight and are offset by the benefit to the wider community of increasing the availability of this form of accommodation.

The establishment of separate minor residential units under previous District Plan provisions has resulted in a doubling of the density in areas where such units have been established. Adverse environmental effects associated with such development have included an increase in traffic, loss of open space, loss of trees and vegetation and effects on the privacy of neighbouring properties. Minor residential units as a permitted activity have therefore been removed from the District Plan. However in recognition of the social benefits that such housing provides, the definition of residential unit allows a second kitchen sink or dishwashing facility so that dependant relatives can be accommodated. These facilities will be required to be removed once the dependant relative no longer resides there.

Expected Environmental Results

- A range of housing densities and forms appropriate to the location, and character of the area and size of the lot, as measured by a five-yearly residential land use survey, an annual assessment of building consents issues and an annual assessment of subdivisions approved.
- Establishment of minor residential units for extended family members, as measured by an annual assessment of building consents issued

16.5 Rules: Residential Activities

16.5.1 Determination of Activity Status

Table 16.2 Residential Activities								
Activities	Zones							
	Settlement 1	Natural 2	Built 3	Main 4	Main 4	Peripheral 5	Intensive 6	Office 7
				A	B			
Minor residential units	P	P	C	P	P	P	P	P

Note: Under 5. Minimum Lot Sizes – Res 4A & 4B, the Residential 4A and 4B Zones are combined into one Res 4 zone.

16.6.2.4 Outdoor Living Space

a) Residential 1-7 Zones

Each residential or minor residential unit shall be provided with an outdoor living space which:

- i) Is not less than 80m², or for a minor residential unit is not less than 40m² in area; and

16.6.3 Additional Controls for Specific Activities

Any activities listed in this rule shall comply with the controls specified in this rule in addition to those of [Rule 16.6.1 General Development Controls](#).

16.6.3.1 Minor Residential Units

- a) Any minor residential unit shall not exceed 70m² gross floor area.
- b) No more than one residential unit may be on the same site as a minor unit, and only one minor residential unit may be erected on any site.
- c) Any minor residential unit shall comply with [Rule 16.6.2.4\(a\) Outdoor Living Space](#) and [Rule 16.6.2.5 Service Court: Residential 1, 2, 3, 4, 5, 6 and 7 zones](#), except that compliance with [Rule 16.6.2.4\(a\) Outdoor Living Space](#), [Rule 16.6.2.5 Service Court: Residential 1, 2, 3, 4, 5, 6 and 7 zones](#) and [Section 12.4.2.1 Parking Standard](#) is not required if the unit is provided in rooms in an existing house which are used by an elderly or dependent relative being cared for as part of an extended family. A statutory declaration that the accommodation is to be used only for a family member and that the new owners will be informed of this restriction if the house is sold, is required from the owners.

Control Flexibility

Available only in relation to (a) above. Application may be made to increase the gross floor area up to 80m², where part of an existing building is proposed to be converted for this purpose.

Explanation and Reasons

The purpose of this control is to provide for the establishment of a small dwelling in association with a main residential unit which can either provide accommodation for a relative or be used as a home and income. The control seeks to ensure that the minor residential unit and the main residential unit retain a good standard of amenity.

Renumber remaining provisions accordingly.

17.7.1 Determination of Activity Status

Activities	Residential Expansion Zone	Albany Centre Expansion Zone
Housing		
Minor Residential Unit	P	P

17.8.3 Additional Controls for Specific Activities

17.8.3.1 Minor Residential Units

A minor residential unit shall comply with the following:

- a) It shall not exceed 80m² gross floor area.
- b) The minor residential unit shall be located on a site which contains not more than one other residential unit.
- c) The residential unit and its associated minor residential unit shall comply with rule 16.6.2.4 (a) and rule 16.6.2.5 (Living Courts and Service Courts).

Control Flexibility

Available only in relation to Clause (a) to a maximum 90m² gross floor area, where part of an existing building is converted for this purpose, by means of a Limited Discretionary Application.

Explanation and Reasons

The purpose of this control is to provide for the establishment of a small dwelling in association with a main residential unit which can either provide accommodation for a relative or be used as a home and income. The control seeks to ensure that the minor residential unit and the main residential unit retain a good standard of amenity.

Renumber remaining provisions accordingly.

17A.4.1 Determination of Activity Status

Table 17A.1 Structure Plan Zone Activities					
Activities	Albany Structure Plans: Area A: Environmental Protection Greenhithe Structure plans: Area A: Mixed environmental	Area B: Large Lot Residential	Area C: Standard Residential	Area D: Varied Residential	Mixed Use Overlay Area
Minor Residential Units in Albany Structure Plans	P	D	P	P	
Minor Residential Units in Greenhithe Structure Plans	P	P	P	P	

17A.5.2.3 Outdoor Living Spaces

c) Area C: Standard Residential

Each residential or minor residential unit shall be provided with an outdoor living space which:
i) is not less than 80m², or for a minor residential unit is not less than 40m² in area; and

17A.5.4 Additional Controls for Specific Activities

17A.5.4.1 Minor Residential Units

- i) ~~a) In the Albany Structure Plans:
Any minor residential unit shall not exceed 70m² gross floor area.~~
~~b) In the Greenhithe Structure Plans:
Any minor residential unit shall not exceed 70m² gross floor area where the lot size is less than 4000m² and 80m² gross floor area where the lot size is 4000m² or greater.~~
- ii) ~~No minor residential unit shall be located on a site which contains more than one other residential unit; and~~
- iii) ~~Any minor residential unit shall comply with rule 17A.5.2.3 Outdoor Living Spaces and rule 17A.5.2.4 Service Courts.~~

17A.5.4.1.1 Control Flexibility

~~A limited Discretionary activity application may be made to increase the gross floor area up to 80m², where part of an existing building is proposed to be converted for this purpose.~~

17A.5.4.1.2 Explanation and Reasons

~~This control provides for a small ancillary dwelling which can be used for a relative, or as a home and income, while protecting the amenity of neighbouring properties.~~

Section 21 – Definitions

Residential Unit

Means any self-contained residence of one or more persons as a single household which in each case contains one kitchen sink or dishwashing facility, and includes any dwelling house, flat, home unit or townhouse or papakaianga housing on ancestral land. A second kitchen sink or dishwashing facility to enable dependant relatives to be accommodated within a residential unit shall not constitute a separate unit. Note: An agreement will be required to be entered into with the Council for the removal of the sink/dishwashing facility once the dependant relative(s) no longer reside there.

2. Boarding Houses

Table 16.2 Residential Activities								
Activities	Zones							
	Settlement 1	Natural 2	Built 3	Main 4 A	Main 4 B	Peripheral 5	Intensive 6	Office 7
Residential care centre or boarding house housing up to 75 residents (including live-in support staff)	P	P	P	P	P	P	P	P

Residential care centre or boarding house housing 8 or more residents (including live-in support staff)	D	D in Res 2B only	D	D	D	D	D	D
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Note: Under 5. Minimum Lot Sizes – Res 4A & 4B, the Residential 4A and 4B Zones are combined into one Res 4 zone.

Section 21. Definitions

Boardinghouse

Means a residential building in which board and/or lodging is provided or intended to be provided for reward or payment for three or more boarders or lodgers (other than members of the family of the occupier or person in charge or control of the building) but does not include a licensed hotel or building forming part of a motor camp or hostel.

3. Coastal Conservation Area/Foreshore Yard

8.4 Natural Environment Rules

8.4.1 Protection of Natural Coastal Character

8.4.1.1 Controlled Activities

All buildings and structures in the Coastal Conservation Area shall be Controlled activities. (Note: the status of an activity may change according to controls in other sections of the Plan.)

8.4.1.2 Assessment Criteria for Controlled Activities

All Controlled activities must comply with all relevant controls of the Plan. In addition, the Council may impose conditions in respect of the matters specified in Sections 108 and 220 of the RMA, and any of the matters referred to in the assessment criteria set out below:

e) Wherever possible stormwater shall be disposed of in locations other than the coastal edge.

~~f) Development proposals should ensure that any stormwater pipes or runoff of stormwater resulting from within the development activity does not lead to a reduction in water quality in the coastal marine area, contribute to any erosion, or detract from the natural character of the coastal environment.~~

Existing criteria g) to be renumbered f).

8.4.1.3 Limited Discretionary Activities

All stormwater infrastructure in the Coastal Conservation Area shall be a limited discretionary activity.

8.4.1.4 Restrictions – Limited Discretionary Activity

For a limited discretionary activity, the Council may grant or refuse consent, and (if granted) may impose conditions under Section 108 of the RMA in respect of the following matters over which it has restricted its discretion:

Design and implementation of site works;

Location and design of structures and infrastructure;

Protection of landforms, vegetation and heritage features;

Reinstatement and landscaping;
Protection of riparian margins;
Granting, reserving and extinguishment of easements;
Maintenance requirements.

8.4.1.5 Assessment Criteria for Limited Discretionary Activities

- a) Development proposals should ensure that any stormwater pipes or runoff of stormwater resulting from the development activity does not lead to a reduction in water quality in the coastal marine area;
- b) The proposal will have no more than minor adverse effects on the landscape and the amenity value of the foreshore or any adjacent beach, reserve area, or walkway, as a result of the cumulative effect of structures/infrastructure;
- c) The proposal does not increase the natural rate of erosion or create significant risk of accelerated erosion and/or instability of the site or adjacent land;
- d) If the land is affected by coastal erosion, structures are located or designed so as to minimise or avoid the need for associated coastal protection works and/or effects on the amenity of the area are not increased as cliffs erode;
- e) The location of any structure takes into account secondary or overland flow paths;
- f) Consideration is given to the use of alternative stormwater management techniques to control stormwater at source, including rain tanks and rain gardens;
- g) There is provision for adequate and ongoing maintenance of the infrastructure.

16.6.1.5A Foreshore Yard

The foreshore yard is the setback distance identified in [Appendix 21E](#).

Provided that:

For the purpose of the foreshore yard, 'building' has the Plan definition but also includes:

- a) any fence, boundary wall or combination thereof greater than 1 metre in height above natural ground level.
- b) structures such as swimming pools and boat storage sheds, whether those structures are above or below ground.
- c) coastal protection works including retaining walls of any height where the retaining walls are used for coastal protection, palisade walls, and other coastal protection measures such as rock deposits, whether those structures or measures are above or below ground.
- d) stormwater infrastructure.

AND

In those areas where [Appendix 21E](#) specifies that a foreshore yard reference line is to be applied, for the foreshore yard area between Mean High Water Springs and the foreshore yard reference line, 'building' means any structure and includes any decks, terraces, steps, fences, retaining walls and coastal protection measures.

Control Flexibility

1. An application may be made for a building in the foreshore yard as a Limited Discretionary activity, provided that:

- a) the foreshore yard is reduced by no more than 33.3 percent of the width specified in [Appendix 21E](#), or
- b) the application is for a fence, boundary wall or combination thereof greater than 1 metre and less than 1.8 metres in height above natural ground level (provided that where the foreshore yard reference line is applied, the building is not within the area between Mean High Water Springs and the foreshore yard reference line);or
- c) the application is for stormwater infrastructure.

Limited discretionary applications will be assessed in accordance with the assessment criteria in Rule 16.7.5 and Rule 16.7.5.1.

16.7.5.1 Foreshore Yard

In assessing an application in the foreshore yard account shall be taken of:

b) The proposed development is for: small-scale development such as accessory buildings, swimming pools, decks or terraces or stormwater infrastructure.

l) Where the proposal is for stormwater infrastructure within the foreshore yard, the criteria in 8.4.1.5 shall apply, in addition to the above criteria, where relevant.

4. Landform, Vegetation & Landscaping

16.7.2 Assessment Criteria for Controlled and Discretionary Activities

Controlled Activities

All Controlled activities must comply with the relevant rules of the Plan. In addition, the Council may impose conditions in respect of the matters specified in Sections 108 and 220 of the RMA, and any relevant criteria specified below.

Discretionary Activities

Without restricting the exercise of its discretion to grant or refuse consent or impose conditions, the Council will have regard to the assessment criteria set out below when considering any application under Sections 104 and 105 104B of the RMA.

For the demolition or removal of an existing house in the Residential 3 zone, the Council restricts the exercise of its discretion to grant or refuse consent to the matters set out in 16.7.3.3 Demolition or Removal of Existing House in the Residential 3 zone.

h) Environment

i) In all residential areas, development should be designed to minimise any adverse effects on the environment. In the vicinity of the coast the natural and visual qualities of the coast should be protected, and in the Residential 1 and 2 zones development should be designed to protect the particular natural qualities which characterise these areas.

ii) Activities and associated development should not have any adverse effect on any building, tree or feature scheduled in [Appendix 8A](#) to [Appendix 8F](#).

iii) Consent will be refused to those Discretionary activities which could have a significant adverse effect on environmental values.

In addition the following matters shall be considered:

- The extent to which existing vegetation and landforms are retained and landscaping adds to the amenity of the development and assists in stormwater management;
- Excavations and retaining walls/structures should generally be incorporated within the building footprint;
- Existing mature trees and native bush should be incorporated into the site and landscape design;
- Areas of native bush and natural watercourses within or adjoining the site should be retained and/or not compromised by the development in terms of their long term protection;
- On site landscaping should be designed to enhance the appearance of the development, assist in stormwater management, and soften or screen the visual impact of car parking and service areas;
- Low impact stormwater design methods including source control should be incorporated into the site, building and landscaping design;
- Additional landscaping should be integrated or complementary to natural vegetation and assist stormwater management.

5. Minimum Lot Sizes – Res 4A & 4B

9.4.5.4 Residential 4 Zones

a) Site Area Requirements

• Residential 4A Zone

Minimum Net Site Area	450m ² ; or
	350m ² where the associated residential unit or units have been granted resource consent in accordance with Rule 16.5.1 .

• Residential 4B Zone

Minimum Net Site Area	450m ² ; or
	400m ² where the associated residential units have been granted resource consent in accordance with Rule 16.5.1 , or where an additional unit has been granted resource consent under the control flexibility referred to in Rule 16.6.2.3 .

Except, the following minimum net site areas shall apply to applications for resource and building consent lodged with the Council prior to 6 April 2006 or any residential unit lawfully established prior to 6 April 2006:

Former Residential 4A zone – 350m²

Former Residential 4B zone – 400m²

9.4.5.11 Structure Plan

For the subdivision of all sites in the Residential 1-7 zones, that are 5000 sqm or larger, a structure plan shall be prepared as part of the subdivision consent. The structure plan shall be prepared in accordance with section 17.5.4 – 17.5.5 of this Plan and the Auckland Regional Council Guide to Structure Planning: A Regional Practice and Resource Guide 2005.

16.4.4 Residential 4 Zone: Main Residential Area

Policies

~~3. By imposing two separate subzones (Residential 4A and 4B) having different density controls in order to recognise and protect existing character and amenity and historical variations which have arisen in response to residential preference in housing styles and demand with:~~

- ~~a) The Residential 4A zone applying to those parts of Glenfield, Takapuna, Northcote and a small part of Devonport which had a development density of 300m² – 325m² per unit in the Transitional District Plan.~~
- ~~b) The Residential 4B zone applying to those parts of Birkenhead, East Coast Bays and a small part of Devonport which are characterised by a more spacious style of development.~~

~~4. By encouraging and facilitating less intense infill development in the Residential 4A zone by providing for these as a Permitted activity.~~

~~5. By requiring those developments in the Residential 4A zone which are at a higher density (350m² – 449m²) to be assessed as a controlled activity to enable the impacts of the development on the neighbourhood to be mitigated.~~

~~6. By providing as discretionary activity in the Residential 4B zone for those larger unit developments which require minimal or no earthworks or tree removal to have a reduced area per unit in order to provide limited flexibility.~~

3. By ensuring that lots sizes for infill development and redevelopment of sites recognise and protect existing character and amenity values.

4. By ensuring that development on small infill lots is of a scale compatible with the lot size and is designed in a manner that maintains privacy of adjacent properties, retains a spacious character consistent with properties in the neighbourhood and provides opportunity for the retention or establishment of trees and gardens .

Explanation and Reasons

The Residential 4 zones are is the standard or conventional residential zones which extends over most of the developed urban area of the city. ~~They~~ The areas to which the zone applies generally enjoy high standards of amenity and are predominantly, but not exclusively, used for residential purposes. The zone recognises the need for further development while retaining and sustaining a good level of amenity and environmental quality. In particular, it provides opportunities for a limited range of non-residential activities required to serve residents' daily needs and for some further infill development, provided minimum lot sizes are able to be achieved.

~~The Residential 4 zone comprises two subzones, the Residential 4A and 4B zones. These two zones differ only in relation to the density of development that is provided for in each. The permitted density of development in the two zones to a large extent reflects historical variations within the city, which have arisen over time in response to resident preferences and variations in housing styles and demands. The Residential 4A zone applies to parts of Glenfield, Takapuna, Northcote, and a small area of Devonport. In the transitional District plan these areas were all affected by rules which provided for 300m²–325m² of land per residential unit. Developments at these densities have been causing increasing concern due to their impacts on the amenities of adjacent sites and the city as a whole. In the Plan, the Council has two principal options to address the problems arising from 'as of right' unit development at these higher densities – increase the minimum area required for each unit, or impose better control over development. It is largely this latter option that the council has chosen. The plan requires that developments of 2-5 units having an area of 350m²–449m² per unit be considered as a Controlled activity. Those developments with a greater land area per unit, i.e. 450m² or greater, per unit, can proceed as a permitted activity where not more than 2 units per site are proposed. The option of significantly increasing the land area required for all unit developments has been rejected due to the significant development expectations which now exist in these areas, and the need to accommodate increasing household growth.~~

~~The Residential 4B zone applies to parts of east Coast Bays and Birkenhead. It continues the Transitional Plan's requirement for 450m² per unit, thereby ensuring that the amenities of these areas are retained and that, on a city wide basis, opportunities are provided for housing at a variety of different densities. In order to provide a limited degree of flexibility, opportunities are provided for unit area requirements to be slightly reduced for larger developments (3 or more units), provided that the impacts on the environment will be slight.~~

Historically the Residential 4 zone comprised two subzones – Residential 4A and 4B. The Residential 4A zone applied to those parts of Glenfield, Takapuna, Northcote and a small part of Devonport which had a development density of 300m² – 325m² per unit in the transitional plan. The Residential 4B zoned applied to those parts of Birkenhead, East Coast Bays and a small part of Devonport which were characterised by a more spacious style of development. The historical difference was also recognised in the North Shore City District Plan 2002, with the two zones differing only in relation to the density of development that was provided for in each zone.

The potential for infill development in the Residential 4 zone is now nearing capacity. Many of the remaining sites with infill potential have constraints relating to topography, the presence of regenerating native bush or mature trees, and existing dwellings or buildings which constrain new development. The redevelopment of sites is becoming common and this is resulting in the removal or demolition of existing dwellings.

Developments at the densities permitted under the Transitional Plan and the 2002 Plan have resulted in increasing concern due to their impacts on the amenities of adjacent sites and the character of neighbourhoods generally. These developments often have multiple bulk and location encroachments which cumulatively impact on the character of a neighbourhood.

For this reason, the minimum lot size in the Residential 4 zone has been increased to 450 sqm per dwelling thereby ensuring that the character and amenity values of these areas are retained. An increase in lot size will also assist in maintaining a range of lot sizes in the Residential 4 zone. As there is no longer a density distinction between the two subzones, the former Residential 4A and 4B zones have been combined into one Residential 4 zone.

Expected Environmental Results

- Increased Provision for some additional infill development in the residential 4 zone, as measured by a five-yearly residential zone land use survey

Amend Table 16.2 Residential 4 Zone in accordance with the following (note other zones are not shown and only those rows where there is a difference between Res 4A and 4B are shown. For other rows where the activity status is the same these become rolled into one column).

Activities	Zones
	Main 4
Housing	
Residential units, not exceeding 1 per site Where the site has a net site area of 450m2 or greater	P
Where the site has a net site area of 449m2 or less	C
Residential units, not exceeding 2 per site, in accordance with rule 16.6.2.3 Density Or has been granted consent in accordance with Rule 16.6.2.2 Control Flexibility Or where each unit has a minimum delineated area of 450m2	P
Residential units, 2-5 per site where each unit has a minimum delineated area of 450m2, in accordance with rule 16.6.2.3 Density	C
Residential units 3-5 per site, in accordance with Rule 16.6.2.3 Density, or has been granted consent in accordance with rule 16.6.2.2 Control Flexibility <ul style="list-style-type: none"> • Where each unit has a minimum delineated area of 450m2 • Where each unit has a minimum delineated area of 400m2 	C D
Terrace housing for up to 3 residential units in accordance with rule 16.6.2.3 Density	C
Terrace housing for more than 3 residential units in accordance with rule 16.6.2.3 Density	D

Terrace housing for up to 2 residential units in accordance with rule 16.6.2.3 Density	C
Terrace housing for more than 2 residential units in accordance with rule 16.6.2.3 Density	D
Motels and restaurants provided they are located on Lot 1, DP 190311, East Coast Road, Mairangi Bay	C

16.6.2.2 Delineated Area

Each residential unit shall have associated with it an area of land called a delineated area which shall be identified on a building consent application, provided that this rule does not apply to the following: development in the Residential 2C zone; multi-unit development on Lot 1 and 2 DP 42433 and lot 1 DP 58391 (8-12 Rangitira Ave, Takapuna); Intensive Housing in the Residential 6A-C zones; multi-unit developments in the Residential 6C or 7 zones; and Terraced Housing Developments. The delineated area shall:

- a) Have access to the street in accordance with Rule 16.6.1.13 vehicle Access.
- b) ~~Contain the unit, a share of communal open space, outdoor living space, service courts, access to courts, and car parking spaces required to be provided in association with the unit, provided that each such delineated area shall include not more than 20m² of communal entrance strip.~~
- c) Comprise an area sufficiently large enough to comply with the net site area requirements of rule 16.6.2.3 Density and having no dimension smaller than 3 metres.
- d) Include an area capable of containing a square of 12 metres by 12 metres which is clear of any required building line setback, foreshore yard or lakeside yard requirement, right of way easement, or the Eadys Bush Protection Line in accordance with Rule 9.4.5.9 Shape Factor.

Control Flexibility

~~e) In the Residential 4B zone the minimum delineated area of any individual unit may be reduced to 400m², where the reduction is necessary due to the location of the existing dwelling or a significant tree(s), provided that the average delineated area in the development shall not be less than 450m² per unit.~~

Control Flexibility shall not be used to reduce delineated areas due to the location of an existing dwelling, except as provided for in clauses (d) and (e) above.

16.6.2.3 Density

Development of more than one residential unit per site in the Residential 1 to 7 zones shall comply with the provisions of **Table 16.6**.

Control Flexibility

Control Flexibility shall only be utilised in conjunction with Control Flexibility for Delineated Areas in accordance with the circumstances specified in **Rule 16.6.2.2** Delineated Area.

16.6.2.3 Density

Table 16.6 Density		
Zone	Minimum Net Site Area Per Residential Unit	Other Controls
Residential 4 4A and B	450 m2, provided that: 4A: 2-5 units at 350 per unit as a Controlled Activity 6 3-5 or more units at 350 450m2 per unit as Discretionary Controlled activity More than 5 units per site at 450m2 per unit as a Discretionary activity. 4B: 3 or more units at 400m2 per unit as a Discretionary activity	
Residential 6 6A and 6A1 6B and 6B1	The provisions of Residential 4A apply 2-5 units at 350m2 per unit as a controlled activity More than 5 units at 350m2 per unit as a Discretionary activity The provisions of Residential 4B apply 3 or more units at 400m2 per unit as a discretionary activity	

Except, the following minimum net site area per residential unit shall apply to applications for resource and building consent lodged with the Council prior to 6 April 2006 or a residential unit lawfully established prior to 6 April 2006;

Former Residential 4A zone – 350m2

Former Residential 4B zone – 400m2

Place existing Explanation and Reasons after Table 16.6.

Explanation and Reasons

Residential 4: *The density in these zones has been imposed in recognition of existing development rights, but also have regard to the need to better control the impacts of more intense developments, particularly infill development, on the surrounding neighbourhood.*

16.7.2 Assessment Criteria for Controlled and Discretionary Activities

e) Building Design and Site Layout

Proposals should be designed so as to ensure that there is no significant detracting from the amenities of adjoining sites or the neighbourhood as a whole. The following matters are of particular significance:

iv) The bulk, design and appearance of buildings should be compatible with the established neighbourhood character, or in an area undergoing redevelopment, the desired future character.

v) The bulk of the dwelling and associated accessory buildings are appropriate to the size of the lot and compliance with height in relation to boundary, site coverage, minimum permeable area and private open space requirements is achieved.

Renumber existing iv) to be vi) and v) to vii).

16.7.3.4 Residential Units as a Controlled Activity in the Residential 4A Zone

16.7.3.5 ~~Three or More~~ than 5 Residential Units With a Delineated Area of 400 450m² as a Discretionary Activity in the Residential 4B Zone

Planning Map Changes

Change the Residential 4A and 4B zones to a single Residential 4 zone.

6. Intensive Residential Development in the Residential 2 Zone

16.4.2 Residential 2 Zones

16.4.2.1 Residential 2A: Native Bush Areas

Policies

5. By providing for dwellings ~~more intense forms of development, e.g. apartments,~~ on existing areas which are clear of native vegetation where provision is made for the protection of the natural and amenity values of the balance of the site.

Explanation and Reasons

The type and range of development, activities and buildings permitted in the zone is restricted to those which are considered compatible with the zone's protectionist emphasis. The zone seeks to provide for the use and development of existing cleared areas, while protecting land which is currently in native bush by minimising the development pressures on this land. Accordingly, the clustering development of housing in accordance with the Residential 2 Zone density controls on existing cleared areas is provided for and encouraged.~~, including housing forms such as higher density units, apartments and attached housing.~~ However, in order to better control the impact of buildings on the landscape, all buildings are a Controlled activity. In general, additional clearing, whether it is for building platforms, access, or to establish additional cleared open space, will be discouraged and only minor clearing will be permitted.

Section 21

Apartment Building

~~Means a single building comprising two or more residential units.~~

16.5.1 Determination of Activity status

Table 16.2 Residential Activities	
Activities	Zones
	Natural 2
Apartment in the Residential 2A zone	D
Terrace housing for up to 3 residential units in accordance with rule 16.6.2.3 Density	D
Terrace housing for more than 3 residential units in accordance with rule 16.6.2.3 Density	D

16.7.3 Additional Assessment Criteria for Specific Activities

16.7.3.7 Apartments in the Residential 2A Zone

- a) The proposed apartment building and its associated access shall be situated on land which is clear of vegetation.
- b) The development should not require large scale earthworks.
- c) The number of household units which comprise the apartment complex shall not exceed one per 550m² of net site area. When calculating this ratio, regard shall be had to any other household units which may exist on the site.
- d) The assessment criteria contained in ~~Rule 16.7.3.6, Intensive Housing in the Residential 6 zone, and Retirement Complexes shall apply.~~

Renumber existing provisions accordingly.

7. Separation Distance Between Units

16.6.1.5 Other Yards

Subject to the provisions contained in the following clauses (a), (b), (c), (d) and (e), development in the Residential 1-7 zones shall comply with the controls of **Table 16.3:**

Yards in Residential Zones:

- a) **Provided that for the purpose of this control the delineated area boundary around any unit, whether subdivided, cross-leased or not, shall be treated as a site boundary for which corresponding yards are required.**

Control Flexibility

By means of a Limited Discretionary activity application, with the length of that part of the building infringing the yard to be no greater than 10 metres: Except:

No Control Flexibility for the lakeside yard; and

No Control Flexibility for infill development or additions or alterations to infill development in respect of the separation distance between dwellings/units.

8. Visual Privacy

16.7.2 Assessment Criteria for Controlled and Discretionary Activities

e) Building Design and Site Layout

Proposals should be designed so as to ensure that there is no significant detracting from the amenities of adjoining sites or the neighbourhood as a whole. The following matters are of particular significance:

- i) The maintenance of an appropriate level of visual and aural privacy on neighbouring sites by such factors as building design and layout, landscaping, screening and appropriate separation distances from boundaries to buildings, outdoor activity areas, car parking and manoeuvring, particularly on smaller sites.

vi) Development of sites less than 600 sqm in the Residential 3 and 4 zones should be of a smaller scale than is expected on larger sites, and designed in a manner which enables the retention of privacy, maintains a spacious appearance, and provides opportunities for the retention or establishment of trees and gardens in keeping with the neighbourhood.

16.6.2.6 Visual Privacy

a) Between Principal Living Rooms

In order to avoid direct views from the principal living room(s) of one unit into that those of another, there shall be a minimum separation distance of 20 metres between the main glazing

of the principal living room(s) of one unit and that of another unit situated on either the same or an adjoining lot site or delineated area, provided that where the windows are less than 20 metres apart, either:

- i) The living room(s) main glazing is located at least 10 metres from the nearest site boundary or delineated area boundary of that unit; or
- ii) The main glazing of any principal living room shall be offset so that it is not possible to draw a horizontal angle of less than 120° from one window to another; or
- iii) Fencing, trellis or a vegetative screen of appropriate height and density shall be provided as a visual screen between the two windows.

Compliance options are illustrated in Appendix 16E.

b) Between Principal Living Rooms and Outdoor Living Spaces

In order to avoid direct views from the principal living room(s) of one residential unit into the outdoor living space of another residential unit (whether on the same, or an adjoining lot site or delineated area), the main glazing of the principal living room(s) shall not be within 10 metres of the outdoor living space of another unit (measured at right angles to the glazing), unless:

- i) ~~The windows have a sill height greater than 1.5 metres or comprise opaque or non-transparent glass; or~~
- ii) ~~i) A visual screen between the window and the outdoor living space is provided by fencing, trellis, vegetative screen or other feature (e.g. topography, garden shed); or~~
- iii) ~~ii) The consent of the affected owners has been obtained. on the building consent plans. Provided that where the required neighbours' consent has not been obtained, the proposal may be considered under control flexibility where the proposal satisfies the criteria contained in rule 16.7.4 Assessment criteria.~~

Compliance options are illustrated in Appendix 16F.

c) Balconies and decks

In order to prevent direct views from the balcony or deck of one residential unit into the outdoor living space of another residential unit (whether on the same or an adjoining lot site or delineated area), any balcony or deck which is situated adjacent to the principal living room and that has any part of it the deck floor 1.5 metres or more above natural ground level shall comply with the following:

- i) No part of the balcony or deck shall be located within a horizontal distance of 10 metres of an outdoor living space of another residential unit (whether on the same or an adjoining lot site or delineated area) unless either:
 - A visual screen is provided between the balcony or deck and the outdoor living space by such means as an architectural feature, fencing, trellis or vegetative screen of appropriate height and density; or
 - The consent of the affected owners has been obtained. ~~on the building consent plans. Provided, that where the required neighbours' consent has not been obtained, the proposal may be considered under Control Flexibility where the proposal satisfies the criteria contained in Rule 16.7.4 Assessment Criteria.~~

This rule is illustrated in [Appendix 16G](#).

Visual Privacy Appendices

Amend Appendices 16E: Visual Privacy Between Living Rooms Determined at the Main Glazing; Appendix 16F: Visual Privacy Between Living Rooms and Living Courts and Appendix 16G: Visual Privacy Between a Balcony and Living court and Between Two Living Courts by deleting the word "principal" from "principal living room".

Section 21 Definitions

Principal Living Room

Means a lounge or family room which is identified as the principal living room of in a residential unit.

Main Glazing

Means any large glazed window or door. It shall not include glazing with a minimum sill height of 1.5 m above any floor level with an outlook from that window, or any glazing on the face of a wall associated with a living room where the total glazed area is less than 1 sqm. Main glazing shall not comprise any glazing that consists of opaque or non-transparent glass.

9. Open Space

16.6.2.4 Outdoor Living Space

a) Residential 1-7 Zones

Each residential ~~or minor residential~~ unit shall be provided with an outdoor living space which:

- i) Is not less than 80m², ~~or for a minor residential unit is not less than 40m² in area;~~ and
- ii) Contains no dimension less than 4 metres; and
- iii) Is able to contain a circle with a 6 metre diameter. Has no more than 50% of it located to the south of any part of the unit to which it relates, in accordance with the diagram in [Appendix 16D](#); and
- iv) Is conveniently accessible from the dwelling's principal living room. The outdoor living space may be reduced to 60m² where it is directly adjacent and directly accessible from this room; and
- v) Where a unit does not have its living room at ground floor level, it shall have:
 - Convenient access to the outdoor living space; and
 - A balcony having a minimum area of 10m², with no dimension less than 1.8 metres, such balcony to adjoin and have direct access from the living room of the unit for which it is provided. The outdoor living space may be reduced in size ~~in direct ratio to the size of the balcony~~ by a maximum of 10m².
- vi) Has a gradient of no more than 1 in 5 (20%)

Control Flexibility

Unrestricted in nature or extent, by means of a Limited Discretionary activity application, Except:

No control flexibility for infill development in respect of the area and dimension of outdoor living spaces.

10. Vehicle Crossings

12.4.2.7 Vehicle Crossings

Vehicle crossings shall meet the following requirements:

a) Numbers of Crossings

In all zones vehicle crossings, including those over footpaths and/or channels, shall comply with the following requirements:

The maximum number of crossings and the maximum width of each crossing at the boundary of the site shall be determined as follows:

Table 12.3 Vehicle Crossing Standards				
i) For sites in all zones except Business zones and infill subdivision and development in Residential Zones				
Street Frontage	No. of Residential Units	Maximum No. of Crossings	Maximum Width of Each Crossing at Site Boundary	Minimum Width
Less than 18 metres	Less than 6	1	3.5 metres	2.75 metres
	More than 6	1	5.5 metres	2.75 metres
18 metres or more		2	A total of 5.5 metres and if 2 crossings are established they must be located at least 9.5 metres apart	2.75 metres
For sites created by infill subdivision and or development in Residential zones, any new vehicle crossing(s), in addition to those that currently exist, shall be a limited discretionary activity. Discretion shall be limited to the number, width and location of crossings. The assessment criteria in 12.5.1.2(d) shall apply.				

12.5.1.2 Additional Assessment Criteria for Control Flexibility

d) Number and Widths of Crossings and Proximity of Crossings to Intersections

An application to provide an alternative arrangement for a vehicle crossing will be assessed against the following:

- The need for an increase in the width of any crossing or the number of crossings to be provided, based on the configuration of the site, and the access requirements of the activity concerned
- The safe ingress and egress of vehicles to the site and the safe movement of vehicles on the adjoining road network
- The cumulative effect of additional vehicle crossing(s) on traffic, cyclist and pedestrian safety
- The extent to which other users of the road reserve, including pedestrians, will be adversely affected
- The practicalities of sharing the use of an existing vehicle crossing(s)
- In the Mixed Use Overlay Area, the extent to which the number of on-street parking spaces is reduced.

11. Setback of Buildings From Street Frontage

16.6.1.7 Garages/Carports

The establishment of a private garage or carport shall comply with the following:

a) In the Residential ~~1-7~~ 1, 2, 3, 4, 6, 7 zones the provisions of **Rule 16.6.1.4** Front Yards shall apply to garages. In addition, the following shall apply:

i) Garages or carports must not exceed 50 per cent of the width of the front face of the dwelling or unit to which they relate.

ii) They must be set back at least 1 metre behind the front face of the dwelling or unit.

iii) The garage door must be set back at least 5 metres from the street boundary it faces.

b) ~~In the Residential 5 zone:~~

- i) Private garages may be erected in the front yard either independently or attached to the main building provided that the garage is set back 1.5 metres from the front boundary, does not exceed 3.5 metres in height and does not exceed 20% of the front yard.
- ii) There shall be no other buildings within the front yard.

Control Flexibility

As per Control Flexibility in [Rule 16.6.1.4](#) Front Yards.

Explanation and Reasons

In the Residential 1-7 1-4 and 6-7 Zones, the purpose of this rule is to ensure that garages do not dominate the streetscape, and that sufficient space is available between garages and the street to allow a car to be parked in this location without encroaching on the street and obstructing pedestrians.

The purpose of this control is to provide opportunities for garages to be established as of right within the front yards of sites zoned Residential 5, but with controls to ensure that the impacts on adjacent sites and the streetscape are minimised. The Residential 5 zone requires that a comprehensive and integrated approach be adopted in the subdivision design, housing layout and landscaping of new neighbourhoods. This rule and its Control Flexibility together provide the flexibility that allows this process to take place.

16.7.2 Assessment Criteria for Controlled and Discretionary Activities

f) Streetscape and Neighbourhood Character and Amenity

The criteria in 16.7.3.6 (a) shall apply where applicable.

Renumber existing criteria accordingly.

12. Residential 3 Lot Sizes

9.4.5.3 Residential 3 Zone

a) Site Area Requirements

- Residential 3A Zone

Minimum Net Site Area	400m ² 450m ²
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Except, the following minimum net site area shall apply to applications for resource and building consent lodged with the Council prior to 6 April 2006 or any residential unit lawfully established prior to 6 April 2006 – 400m²

- Residential 3B Zone

Minimum Net Site Area	500m ²
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- Residential 3C Zone

Minimum Net Site Area	600m
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b) Minimum Frontage Requirements

See [Rule 9.4.5.8](#).

Residential 3A, 3B and 3C zones

Front Sites	12m
Corner Sites	24m
Rear Sites	No rear sites shall be permitted.

Except, rear sites with a minimum site area of 400 sqm shall be permitted for resource and building consents lodged with the Council prior to 6 April 2006 or a residential unit lawfully established prior to 6 April 2006;

c) Shape Factor

See [Rule 9.4.5.9](#).

d) Terraced Housing

See [Rule 9.4.5.10](#).

9.4.5.8 Minimum Frontage and Access Requirements

All sites in the Residential 3, 4, 5, 6 and 7 zones, and rear sites in the Residential 1 and 2 zones shall comply with the following:

16.4.3 Residential 3 Zone: Built Heritage

Objective

To ensure that the historical and architectural character of certain distinctive areas of North Shore City is retained.

Policies

2. By using regulatory methods which:

c) Limit the intensity of development and do not provide for infill development.

d) Control demolition and removal of houses, and control alterations and new building work to retain and enhance coherent streetscapes, avoid adverse effects on adjacent properties and maintain the visual record of earlier settlements.

5. By ensuring the retention of mature native trees and mature exotic trees, and private open spaces that enhance the historical or architectural character of the heritage area and contribute to the amenity, landscape and ecological values of the area.

Explanation and Reasons

Built heritage is vulnerable to unsympathetic development and, to be sustainable, the special character must be identified and protected against the impacts of changes. The planning policies and rules address the elements which together contribute to the character. The age, style and condition of the buildings are the most important elements, but others include the space around buildings, orientation to the street, landscape design and planting, and complementary community and commercial facilities. The combination of these elements is as important as any one of them and some are capable of ameliorating adverse impacts. Landscape planting, in particular, can help to screen out incompatible building bulk while at the same time complement the scale of buildings and provide attractive surroundings. In addition, only a single dwelling per site is permitted and infill development is not provided for. Such forms of development have resulted in the loss of trees and the openness of the site and adversely affected the visual privacy of adjoining properties.

16.5.1 Determination of Activity Status

Table 16.2 Residential Activities	
Activities	Zones
	Built 3
Residential units, not exceeding 2 per site, in accordance with Rule 16.6.2.3 Density • Or has been granted consent in accordance with Rule 16.6.2.2 Control Flexibility	C C

<ul style="list-style-type: none"> • Or where each unit has a minimum delineated area of 450m² 	
Residential units 3-5 per site, in accordance with Rule 16.6.2.3 Density, or has been granted consent in accordance with rule 16.6.2.2.2. Control Flexibility <ul style="list-style-type: none"> • Where each unit has a minimum delineated area of 450m² • Where each unit has a minimum delineated area of 400m² 	C

16.6.2.3 Density

Table 16.6 Density		
Zone	Minimum Net Site Area Per Residential Unit	Other Controls
Residential 3		
3A	400m ² <u>450 m²</u>	
3B	500m ²	
3C	600m ²	

Except, a minimum net site area per residential unit of 400 sqm shall apply to applications for resource and building consent lodged with the Council prior to 6 April 2006 or any residential unit lawfully established prior to 6 April 2006.