

BEFORE THE ENVIRONMENT COURT  
I MUA I TE KOOTI TAIAO O AOTEAROA

IN THE MATTER of the Local Government (Auckland Transitional Provisions) Act 2010 ("LGATPA") and the Resource Management Act 1991 ("RMA")

AND of appeals under s 156(1) of the LGATPA

BETWEEN RYMAN HEALTHCARE LIMITED AND THE RETIREMENT VILLAGE ASSOCIATION OF NEW ZEALAND

ENV-2016-AKL-000230

MAHI PROPERTIES LIMITED

ENV-2016-AKL-000235

Appellants

AND AUCKLAND COUNCIL

Respondent

Principal Environment Judge L J Newhook sitting alone under s 279 of the RMA  
In CHAMBERS at Auckland

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CONSENT ORDER

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- [A] Under s 279(1)(b) of the RMA, the Environment Court, by consent, orders that:
- (a) the appeal filed by Ryman Healthcare Limited and the Retirement Village Association of New Zealand is allowed in part; and
  - (b) the appeal filed by Mahi Properties Limited is allowed in full subject to the agreed amendments to the Auckland Unitary Plan (Operative in Part) set out in **Annexure A** to this order.



[B] Under s 285 of the RMA, there is no order as to costs.

## REASONS

### Introduction

- [1] These appeals relate to aspects of the decisions of the Auckland Council on the proposed Auckland Unitary Plan, now the Auckland Unitary Plan Operative in Part, and referred in this order as the Unitary Plan.
- [2] Ryman Healthcare Limited and the Retirement Village Association of New Zealand (Ryman/RVA) and Mahi Properties Limited (Mahi) filed appeals under s 156(1) of the LGATPA.
- [3] Mahi and Ryman/RVA's appeals challenged the Council's decisions to reject the Panel's recommendations in respect to the 'Alternative Height in Relation to Boundary' (AHIRB) development control in the Mixed Housing Suburban (MHS) and Mixed Housing Urban (MHU) zones of the Unitary Plan. The appeal filed by Ryman/RVA additionally challenged the AHIRB control in the Terrace Housing and Apartment Building (THAB) zone.
- [4] The Auckland Unitary Plan Independent Hearing Panel (Panel) recommended that the control have a permitted activity status in the Mixed Housing Suburban (MHS), Mixed Housing Urban (MHU) and Terrace Housing and Apartment Building (THAB) zones of the Unitary Plan. The Council rejected the Panel's recommendations in relation to the AHIRB control, and included the control as a restricted discretionary activity (non notified) in its decisions on the Unitary Plan.
- [5] Knox Home Trust Board joined the appeal filed by Ryman/RVA as an interested party under s 274 of the RMA. HNZ joined both appeals under s 274 of the RMA.
- [6] The parties have reached an agreement that will resolve the appeal filed by Mahi entirely, and the appeal filed by Ryman/RVA in part, specifically Ryman/RVA's appeal points recorded at the following paragraphs of its notice of appeal:



- (a) 6.1(f)(i), in relation to (A33) only;
- (b) 6.1(f)(ii) in relation to paragraph (1)(c) only;
- (c) 6.1(g)(i), in relation to (A33) only;
- (d) 6.1(g)(ii) in relation to paragraph (1)(c) only;
- (e) 6.1(h)(i)
- (f) 6.1(h)(ii) in relation to paragraph (1)(c) only;
- (g) 6.1(j)(i);
- (h) 6.1(k)(i);
- (i) 6.1(n)(i) in relation to Matters of discretion (5);
- (j) 6.1(n)(ii) in relation to Assessment criterion (15);
- (k) 6.1(o)(i) in relation to Matters of discretion (5);
- (l) 6.1(o)(ii) in relation to Assessment criterion (16);
- (m) 6.1(p)(i) in relation to Matters of discretion (5); and
- (n) 6.1(p)(ii) in relation to Assessment criterion (16).

[7] The Agreement primarily involves amending the Assessment Criteria for the AHIRB control in the MHS, MHU and THAB zones to provide greater clarity and direction to plan users utilising the control. The Agreement also involves a small number of amendments to the MHS, MHU and THAB zone chapters relating to the AHIRB control, for example the purpose statement and minor consistency amendments to the activity tables. No amendments to the activity status of the AHIRB control are proposed. The amended provisions are set out in Annexure A.

[8] In making this order, the Court has read and considered the appeals and the memorandum of the parties dated 15 December 2017.

[9] The Court is making this order under s 279(1)(b) of the RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297.

[10] The Court understands for present purposes that:

- (a) All parties with an interest in the matters to be resolved by this order have executed the memorandum requesting this order.



- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the RMA, including in particular Part 2.

**Order**

[10] The Court orders, by consent, that:

- (a) The appeals are allowed to the extent that the Council is directed to amend provisions in the MHS, MHU and THAB zone chapters contained in the Unitary Plan relating to the AHIRB control, as shown in Annexure "A" (additions are underlined and deletions are struckthrough);
- (b) The appeal filed by Mahi is allowed in full;
- (c) The appeal filed by Ryman/RVA is allowed in part; and
- (d) There is no order in relation to costs.

SIGNED at AUCKLAND this 21<sup>st</sup> day of December 2017



L J Newhook  
Principal Environment Judge

"A"

**Mixed Housing Suburban Zone (Chapter H4)**

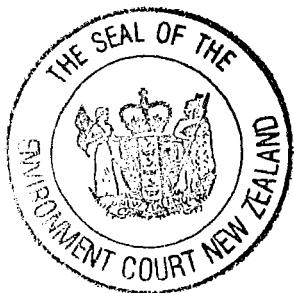
1. Amend the Mixed Housing Suburban zone chapter of the Unitary Plan (H4) as follows (additions shown in underline and deletions shown as ~~strike through~~):

(a) Amend Table H4.4.1 Activity table as follows:

(A3)	Up to two dwellings per site	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; <del>Standard H4.6.6 Alternative height in relation to boundary</del> ; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; Standard H4.6.11 Outlook space; Standard H4.6.12 Daylight; Standard H4.6.13 Outdoor living space; Standard H4.6.14 Front, side and rear fences and walls
(A9)	Supported residential care accommodating up to 10 people per site inclusive of staff and residents	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; <del>Standard H4.6.6 Alternative height in relation to boundary</del> ; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; Standard H4.6.11 Outlook space; Standard H4.6.12 Daylight; Standard H4.6.13 Outdoor living space; Standard H4.6.14 Front, side and rear fences and walls
(A11)	Boarding houses accommodating up to 10 people per site inclusive of staff and residents	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; <del>Standard H4.6.6 Alternative height in relation to boundary</del> ; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; Standard H4.6.11 Outlook space; Standard H4.6.12 Daylight; Standard H4.6.13 Outdoor living space; Standard H4.6.14 Front, side and rear fences and walls
(A13)	Visitor accommodation accommodating up to 10 people per site inclusive of staff and visitors	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; <del>Standard H4.6.6 Alternative height in relation to boundary</del> ; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped



			area; and Standard H4.6.14 Front, side and rear fences and walls
(A18)	Care centres accommodating up to 10 people per site excluding staff	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; <del>Standard H4.6.6 Alternative height in relation to boundary</del> ; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; and Standard H4.6.14 Front, side and rear fences and walls
(A30)	Internal and external alterations to buildings	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; <del>Standard H4.6.6 Alternative height in relation to boundary</del> ; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; Standard H4.6.11 Outlook space; Standard H4.6.12 Daylight; Standard H4.6.13 Outdoor living space; Standard H4.6.14 Front, side and rear fences and walls; Standard H4.6.15 Minimum dwelling size
(A31)	Accessory buildings	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; <del>Standard H4.6.6 Alternative height in relation to boundary</del> ; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage.
(A31)	Additions to an existing dwelling	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; <del>Standard H4.6.6 Alternative height in relation to boundary</del> ; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; Standard H4.6.11 Outlook space; Standard H4.6.12 Daylight; Standard H4.6.13 Outdoor living space; Standard H4.6.14 Front, side and rear fences and walls; Standard H4.6.15 Minimum dwelling size
(A33)	<del>Development which does</del> <u>New buildings and additions to buildings which do not comply with H4.6.5. Height in relation to boundary, but comply with H4.6.6 Alternative height in relation to boundary</u>	RD	Standard H4.6.6 Alternative height in relation to boundary  <u>Note: Compliance with Standard H4.6.5 Height in relation to boundary is not required.</u>



- b) Amend H4.5 Notification as follows:

Any application for resource consent for the following activities will be considered without public or limited notification or the need to obtain the written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991:

...

- (c) ~~development~~ New buildings and additions to buildings which does not comply with H5.6.5 Height in relation to boundary, but comply with H5.6.6 Alternative height in relation to boundary;

...

- c) Amend H4.6.6 Alternative height in relation to boundary as follows:

Purpose: to enable the efficient use of the site by providing design flexibility at ~~first floor of where a dwelling building is located~~ close to the street frontage, while maintaining a reasonable level of sunlight access and minimising ~~visual dominance overlooking and privacy~~ effects to immediate neighbours.

...

- d) Amend 4.8 Assessment – restricted discretionary activities as follows:

#### H4.8.1. Matters of discretion

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary activity resource consent application:

...

- (5) For new buildings and additions to buildings which do not comply with H4.6.5. Height in relation to boundary, but comply with H4.6.6 Alternative height in relation to boundary:

- (a) ~~Daylight and sunlight~~ access and ~~visual dominance effects~~; and  
(b) Attractiveness and safety of the street; ~~and~~  
(c) Overlooking and Privacy.

- e) Add a new paragraph (4) in H4.8.2 Assessment criteria as follows:

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

...



- (4) For new buildings and additions to buildings which do not comply with H4.6.5. Height in relation to boundary, but comply with H4.6.6 Alternative height in relation to boundary:

**Sunlight access**

- (a) Whether sunlight access to the outdoor living space of an existing dwelling on a neighbouring site satisfies the following criterion:

Four hours of sunlight is retained between the hours of 9am – 4pm during the Equinox (22 September):

- (i) over 75% of the existing outdoor living space where the area of the space is greater than the minimum required by Clause H4.6.13: or
- (ii) over 100% of existing outdoor living space where the area of this space is equal to or less than the minimum required by Clause H4.6.13.
- (b) In circumstances where sunlight access to the outdoor living space of an existing dwelling on a neighbouring site is less than the outcome referenced in (a):
- (i) The extent to which there is any reduction in sunlight access as a consequence of the proposed development, beyond that enabled through compliance with Standard H4.6.5 Height in relation to boundary control; and
- (ii) The extent to which the building affects the area and duration of sunlight access to the outdoor living space of an existing dwelling on a neighbouring site, taking into account site orientation, topography, vegetation and existing or consented development.

**Attractiveness and safety of the street**

- (c) The extent to which those parts of buildings located closest to the front boundary achieve attractive and safe streets by:
- (i) providing doors, windows and balconies facing the street;
- (ii) optimising front yard landscaping;
- (iii) providing safe pedestrian access to buildings from the street; and
- (iv) minimising the visual dominance of garage doors as viewed from the streets.

**Overlooking and privacy**

- (d) The extent to which direct overlooking of a neighbour's habitable room windows and outdoor living space is minimised to maintain a reasonable standard of privacy, including through the design and location of habitable room windows, balconies or terraces, setbacks, or screening.

(45) for building height:

...

(56) for height in relation to boundary:

...





(67) for alternative height in relation to boundary infringements:

...

(78) for height in relation to boundary adjoining lower intensity zones:

...

(89) for yards:

...

(910) for maximum impervious areas:

...

(1011) for building coverage:

...

(1112) for landscaped area:

...

(1213) for outlook space:

...

(1314) for daylight:

...

(1415) for outdoor living space:

...

(1516) for front, side and rear fences and walls:

...

(1718) For minimum dwelling size:

...

### Mixed Housing Urban Zone (Chapter H5)

2. Amend the Mixed Housing Urban zone chapter of the Unitary Plan (H5) as follows (additions shown in underline and deletions shown as ~~strike through~~):

- (a) Amend Table H5.4.1 Activity table as follows:

(A3)	Up to two dwellings per site	P	Standard H5.6.4 Building height; Standard H5.6.5 Height in relation to boundary; <del>Standard H5.6.6 Alternative height in relation to boundary</del> ; Standard H5.6.7 Height in relation to boundary adjoining lower intensity zones; Standard H5.6.8 Yards; Standard H5.6.9 Maximum impervious areas; Standard H5.6.10 Building coverage; Standard H5.6.11 Landscaped area; Standard H5.6.12 Outlook space; Standard H5.6.13 Daylight; Standard H5.6.14 Outdoor living space; Standard H5.6.15 Front, side and rear fences and walls
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(A9)	Supported residential care accommodating up to 10 people per site inclusive of staff and residents	P	Standard H5.6.4 Building height; Standard H5.6.5 Height in relation to boundary; <del>Standard H5.6.6 Alternative height in relation to boundary</del> ; Standard H5.6.7 Height in relation to boundary adjoining lower intensity zones; Standard H5.6.8 Yards; Standard H5.6.9 Maximum impervious areas; Standard H5.6.10 Building coverage; Standard H5.6.11 Landscaped area; Standard H5.6.12 Outlook space; Standard H5.6.13 Daylight; Standard H5.6.14 Outdoor living space; Standard H5.6.15 Front, side and rear fences and walls
(A11)	Boarding houses accommodating up to 10 people per site inclusive of staff and residents	P	Standard H5.6.4 Building height; Standard H5.6.5 Height in relation to boundary; <del>Standard H5.6.6 Alternative height in relation to boundary</del> ; Standard H5.6.7 Height in relation to boundary adjoining lower intensity zones; Standard H5.6.8 Yards; Standard H5.6.9 Maximum impervious areas; Standard H5.6.10 Building coverage; Standard H5.6.11 Landscaped area; Standard H5.6.12 Outlook space; Standard H5.6.13 Daylight; Standard H5.6.14 Outdoor living space; Standard H5.6.15 Front, side and rear fences and walls
(A13)	Visitor accommodation accommodating up to 10 people per site inclusive of staff and visitors	P	Standard H5.6.4 Building height; Standard H5.6.5 Height in relation to boundary; <del>Standard H5.6.6 Alternative height in relation to boundary</del> ; Standard H5.6.7 Height in relation to boundary adjoining lower intensity zones; Standard H5.6.8 Yards; Standard H5.6.9 Maximum impervious areas; Standard H5.6.10 Building coverage; Standard H5.6.11 Landscaped area; and Standard <b>Error! Use the Home tab to apply Chapter Heading to the text that you want to appear here.</b> H5.6.15 Front, side and rear fences and walls
(A18)	Care centres accommodating up to 10 people per site excluding staff	P	Standard H5.6.4 Building height; Standard H5.6.5 Height in relation to boundary; <del>Standard H5.6.6 Alternative height in relation to boundary</del> ; Standard H5.6.7 Height in relation to boundary adjoining lower intensity zones; Standard H5.6.8 Yards; Standard H5.6.9 Maximum impervious areas; Standard H5.6.10 Building coverage; Standard H5.6.11 Landscaped area; and Standard H5.6.15 Front, side and rear fences and walls
(A30)	Internal and external alterations to buildings	P	Standard H5.6.4 Building height; Standard H5.6.5 Height in relation to boundary; <del>Standard H5.6.6 Alternative height in relation to boundary</del> ; Standard H5.6.7 Height in relation to boundary adjoining lower intensity zones; Standard H5.6.8 Yards; Standard H5.6.9 Maximum impervious areas; Standard H5.6.10 Building coverage; Standard H5.6.11 Landscaped area; Standard H5.6.12 Outlook space; Standard H5.6.13 Daylight; Standard H5.6.14 Outdoor living space; Standard H5.6.15 Front,



			side and rear fences and walls, Standard H5.6.16 Minimum dwelling size
(A31)	Accessory buildings	P	Standard H5.6.4 Building height; Standard H5.6.5 Height in relation to boundary; <del>Standard H5.6.6 Alternative height in relation to boundary</del> ; Standard H5.6.7 Height in relation to boundary adjoining lower intensity zones; Standard H5.6.8 Yards; Standard H5.6.9 Maximum impervious areas; Standard H5.6.10 Building coverage
(A32)	Additions to an existing dwelling	P	Standard H5.6.4 Building height; Standard H5.6.5 Height in relation to boundary; <del>Standard H5.6.6 Alternative height in relation to boundary</del> ; Standard H5.6.7 Height in relation to boundary adjoining lower intensity zones; Standard H5.6.8 Yards; Standard H5.6.9 Maximum impervious areas; Standard H5.6.10 Building coverage; Standard H5.6.11 Landscaped area; Standard H5.6.12 Outlook space; Standard H5.6.13 Daylight; Standard H5.6.14 Outdoor living space; Standard H5.6.15 Front, side and rear fences and walls, Standard H5.6.16 Minimum dwelling size
(A33)	<del>Development</del> <u>New buildings and additions to buildings which do not comply with H5.6.5. Height in relation to boundary, but comply with H5.6.6 Alternative height in relation to boundary</u>	RD	H5.6.6 Alternative height in relation to boundary  <u>Note: Compliance with Standard H5.6.5 Height in relation to boundary is not required.</u>

b) Amend H6.5 Notification as follows:

Any application for resource consent for the following activities will be considered without public or limited notification or the need to obtain the written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991:

...

- (c) ~~development~~ New buildings and additions to buildings which does not comply with H5.6.5 Height in relation to boundary, but comply with H5.6.6 Alternative height in relation to boundary;

...



- c) Amend H5.6.6 Alternative Height in relation to boundary as follows:

Purpose: to enable the efficient use of the site by providing design flexibility at upper floors of a building close to the street frontage, while maintaining a reasonable level of sunlight access and minimising visual dominance overlooking and privacy effects to immediate neighbours.

- d) Amend paragraph (5) at 5.7 Assessment – restricted discretionary activities as follows:

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary activity resource consent application:

- ...
- (5) For new buildings and additions to buildings which do not comply with H5.6.5. Height in relation to boundary, but comply with H5.6.6 Alternative height in relation to boundary:

- (a) Daylight and sunlight access and visual dominance effects; and  
(b) Attractiveness and safety of the street; and  
(c) Overlooking and Privacy.

- e) Amend H5.8.2 Assessment criteria as follows:

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- ...
- (5) For new buildings and additions to buildings which do not comply with H5.6.5. Height in relation to boundary, but comply with H5.6.6 Alternative height in relation to boundary:

**Sunlight access**

- (a) Whether sunlight access to the outdoor living space of an existing dwelling on a neighbouring site satisfies the following criterion:

Four hours of sunlight is retained between the hours of 9am – 4pm during the Equinox (22 September):

- (i) over 75% of the existing outdoor living space where the area of the space is greater than the minimum required by Clause H5.6.13: or  
(ii) over 100% of existing outdoor living space where the area of this space is equal to or less than the minimum required by Clause H5.6.13.



(b) In circumstances where sunlight access to the outdoor living space of an existing dwelling on a neighbouring site is less than the outcome referenced in (a):

(i) The extent to which there is any reduction in sunlight access as a consequence of the proposed development, beyond that enabled through compliance with Standard H5.6.5 Height in relation to boundary control; and

(ii) The extent to which the building affects the area and duration of sunlight access to the outdoor living space of an existing dwelling on a neighbouring site, taking into account site orientation, topography, vegetation and existing or consented development.

**Attractiveness and safety of the street**

(c) The extent to which those parts of buildings located closest to the front boundary achieve attractive and safe streets by:

(i) providing doors, windows and balconies facing the street;

(ii) optimising front yard landscaping;

(iii) providing safe pedestrian access to buildings from the street; and

(iv) minimising the visual dominance of garage doors as viewed from the streets.

**Overlooking and privacy**

(d) The extent to which direct overlooking of a neighbour's habitable room windows and outdoor living space is minimised to maintain a reasonable standard of privacy, including through the design and location of habitable room windows, balconies or terraces, setbacks, or screening.

(45) for building height:

...

(56) for height in relation to boundary:

...

(67) for alternative height in relation to boundary infringements:

...

(78) for height in relation to boundary adjoining lower intensity zones:

...

(89) for yards:

...

(910) for maximum impervious areas:

...

(1011) for building coverage:

...

(1112) for landscaped area:

...



(4213) for outlook space:

...

(4314) for daylight:

...

(4415) for outdoor living space:

...

(4516) for front, side and rear fences and walls:

...

(4718) For minimum dwelling size:

...

### Terrace Housing and Apartment Building Zone (Chapter H6)

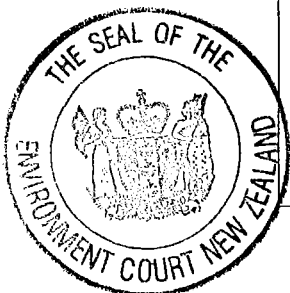
3. Amend the Terrace Housing and Apartment Building zone chapter of the Unitary Plan (H6) as follows (additions shown in underline and deletions shown as ~~strike through~~):

- (a) Amend Table H6.4.1 Activity table as follows:

(A10)	Boarding houses accommodating up to 10 people per site inclusive of staff and residents	P	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; <del>Standard H6.6.7 Alternative height in relation to boundary</del> ; Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards; Standard H6.6.10 Maximum impervious areas; Standard H6.6.11 Building coverage; Standard H6.6.12 Landscaped area; Standard H6.6.13 Outlook space; Standard H6.6.14 Daylight; Standard H6.6.15 Outdoor living space; Standard H6.6.16 Front, side and rear fences and walls
(A12)	Visitor accommodation accommodating up to 10 people per site inclusive of staff and visitors	P	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; <del>Standard H6.6.7 Alternative height in relation to boundary</del> ; Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards; Standard H6.6.10 Maximum impervious areas; Standard H6.6.11 Building coverage; Standard H6.6.12 Landscaped area; Standard H6.6.16 Front, side and rear fences and walls
(A19)	Care centres accommodating up to 10 people per site excluding staff	P	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; <del>Standard H6.6.7 Alternative height in relation to boundary</del> ; Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards; Standard H6.6.10 Maximum impervious areas; Standard H6.6.11 Building coverage; Standard H6.6.12 Landscaped area; Standard



			H6.6.16 Front, side and rear fences and walls
(A31)	Internal and external alterations to buildings	P	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; <del>Standard H6.6.7 Alternative height in relation to boundary</del> ; Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards; Standard H6.6.10 Maximum impervious areas; Standard H6.6.11 Building coverage; Standard H6.6.12 Landscaped area; Standard H6.6.13 Outlook space; Standard H6.6.14 Daylight; Standard H6.6.15 Outdoor living space; Standard H6.6.16 Front, side and rear fences and walls, H6.6.17 Minimum dwelling size
(A32)	Accessory buildings	P	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; <del>Standard H6.6.7 Alternative height in relation to boundary</del> ; Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards; Standard H6.6.10 Maximum impervious areas; Standard H6.6.11 Building coverage
(A33)	Additions to an existing dwelling	P	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; <del>Standard H6.6.7 Alternative height in relation to boundary</del> ; Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards; Standard H6.6.10 Maximum impervious areas; Standard H6.6.11 Building coverage; Standard H6.6.12 Landscaped area; Standard H6.6.13 Outlook space; Standard H6.6.14 Daylight; Standard H6.6.15 Outdoor living space; Standard H6.6.16 Front, side and rear fences and walls, H6.6.17 Minimum dwelling size.
(A34)	<u>Development which does New buildings and additions to buildings which do not comply with H6.6.6 Height in relation to boundary but comply with H6.6.7 Alternative height in relation to boundary</u>	RD	H6.6.7 Alternative height in relation to boundary  <u>Note: Compliance with standard H6.6.6 Height in relation to boundary is not required.</u>



- b) Amend Rule H6.5 Notification as follows:

**H6.5. Notification**

- (1) Any application for resource consent for the following activities will be considered without public or limited notification or the need to obtain the written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991:

...

- (c) ~~development~~ New buildings and additions to buildings which does not comply with H6.6.6 Height in relation to boundary, but comply with Rule 6.6.7 Alternative height in relation to boundary;

...

- c) Amend Standard H6.6.7 Alternative height in relation to boundary within the Residential – Terrace Housing and Apartment Buildings Zone as follows:

Purpose: to enable the efficient use of the site by providing design flexibility at the upper floors of a building ~~close to the street frontage~~, while maintaining a reasonable level of ~~sunlight~~ daylight access ~~where possible~~ and ~~minimising~~ reducing visual dominance effects to immediate neighbours.

...

- d) Amend H6.8.1 Matters of Discretion as follows:

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary activity resource consent application:

...

- (5) For New buildings and additions to buildings which do not comply with H6.6.6 Height in relation to boundary but comply with H6.6.7 Alternative height in relation to boundary:

(a) ~~Daylight and sunlight access and~~ Visual dominance effects.;

(b) Attractiveness and safety of the street.;; and

(c) Overlooking and privacy.

- e) Add a new paragraph (4) to H6.8.2 Assessment Criteria as follows:

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

...





- (4) For new buildings and additions to buildings which do not comply with H6.6.6 Height in relation to boundary but comply with H6.6.7 Alternative height in relation to boundary:

**Visual dominance**

- (a) The extent to which buildings as viewed from the side or rear boundaries of adjoining residential sites or developments are designed to reduce visual dominance effects, taking into account:
- (i) the planned urban built character of the zone;
  - (ii) the location, orientation and design of development; and
  - (iii) the physical characteristics of the site and the neighbouring site.

**Attractiveness and safety of the street**

- (b) The extent to which those parts of buildings located closest to the front boundary achieve attractive and safe streets by:
- (i) providing doors, windows and balconies facing the street;
  - (ii) optimising front yard landscaping;
  - (iii) providing safe pedestrian access to buildings from the street; and
  - (iv) minimising the visual dominance of garage doors as viewed from the street.

**Overlooking and privacy**

- (c) The extent to which direct overlooking of a neighbour's habitable room windows and outdoor living space is minimised to maintain a reasonable standard of privacy, including through the design and location of habitable room windows, balconies or terraces, setbacks, or screening.

(45) for building height:

...

(56) for height in relation to boundary:

...

(67) for alternative height in relation to boundary infringements:

...

(78) for height in relation to boundary adjoining lower density zones:

...

(89) for yards:

...

(910) for maximum impervious areas:

...



(~~10~~11) for building coverage:

...

(~~11~~12) for landscaped area:

...

(~~12~~13) for outlook space:

...

(~~13~~14) for daylight:

...

(~~14~~15) for outdoor living space:

...

(~~15~~16) For front, side and rear fences and walls:

...

(~~16~~17) For minimum dwelling size:

...

