

Before the Hearings Panel  
For the Proposed Queenstown Lakes District Plan

Under the Resource Management Act 1991 (**RMA**)

In the matter of Variation to the Queenstown Lakes Proposed District Plan:  
Urban Intensification Variation

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**Statement of Evidence of Richard Michael Kemp**

Relating To: Submission #682 - M and Y Wilson - on the Proposed Urban  
Intensification Variation

4 July 2025

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## 1. PROFESSIONAL DETAILS

- 1.1 My full name is Richard Michael Kemp.
- 1.2 I hold a Bachelor of Planning (Honours) from the University of Auckland and have thirteen years of experience working as a Planner, including four years working for the Queenstown Lakes District Council (including formerly, Lakes Environmental) as a Planner within the Resource Consent Team; and also a secondment to the QLDC Policy Team working on Stage 1 of the Proposed District Plan.
- 1.3 Since 2015 I have worked in the private sector as a Planning Consultant under the business name Pragmatic Planning; undertaking work for private clients mostly in the Queenstown Lakes District and Auckland. The scope of my private sector experience includes the preparation of resource consent applications, the processing of resource consent applications on behalf of Auckland Council (both under the RMA 1991 and HASHAA 2013), various policy-related work for the QLDC, submissions on the Queenstown Lakes Proposed District Plan and Proposed Plan Variations on behalf of the private sector, and providing general planning advice to the private sector.

## 2. INTRODUCTION

- 2.1 This evidence is on the QLDC's proposed Urban Intensification Variation (**UIV**) to the Proposed District Plan.
- 2.2 I prepared and submitted a submission (#682 - Appendix 1) on the UIV on behalf of Murray & Yvonne Wilson. My evidence elaborates on the submission (#682) and responds to the recommendations contained within the s42A report. My evidence is primarily with regard to High Density Residential Zone and supporting higher order higher order objectives and policies of the PDP.
- 2.3 In preparing this evidence I have reviewed the following reports and statements:
  - a) The National Policy Statement on Urban Development 2020 (**NPS-UD**);
  - b) The s32 Report for the UIV

- c) The PDP<sup>1</sup>, and in particular: Chapter 1 Introduction, Chapter 2 Definitions, Chapter 3 Strategic Directions, Chapter 4 Urban Development, and Chapter 9 High Density Residential, as updated by Environment Court decisions and consent orders; Relevant parts of the Partially Operative Otago Regional Policy Statement (**POORPS**) and the Proposed Otago Regional Policy Statement (**PORPS**);
- d) The s42a Report for the UIV prepared by multiple QLDC Officers and external experts.

2.4 I am very familiar with the Queenstown Lakes Proposed District Plan, including the High Density Residential Zone - having applied for, and secured, hundreds of resource consents from QLDC for land use and subdivision activities on behalf of the private sector.

### 3. CODE OF CONDUCT

3.1 I have read the Code for Conduct for Expert Witnesses in the Environment Court Practice Note 2023. This evidence has been prepared in accordance with that Code and I agree to comply with it. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### 4. BACKGROUND

- 4.1 Murray & Yvonne Wilson are the owner of the property at 56 Lismore Street in Wānaka, legally described as Lot 2 Deposited Plan 17097 as held in Record of Title OT8C/345. This property is located within the High Density Residential Zone of the Proposed District Plan (**PDP**).
- 4.2 Submission #682 was made on the UIV and seeks that the zone purpose statement, objectives, policies, and rules of the High Density Residential Zone are worded to achieve the objectives and policies of the NPS-UD, particularly Policy 5 of the NPS-UD.

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<sup>1</sup> <https://www.qldc.govt.nz/your-council/district-plan/proposed-district-plan>

- 4.3 This evidence makes the case that the notified UIV provisions, and those recommended by Council Officers in the s42a reports are insufficient to achieve the purpose of the UIV, and policy 5 of the NPS-UD.

## **5. STATUTORY CONSIDERATIONS**

- 5.1 The Resource Management Act 1991 (RMA) sets out the statutory framework for considering submissions on the variation. Ms Amy Bowbyes sets out the purpose of the UIV and statutory context in sections 4 and 5 of the s42a report ('Strategic Overview') which I agree with.

## **6. USE OF 'EXISTING' AMENITY VALUES**

- 6.1 In submission #682, I put forth the point that inclusion of the term "existing amenity values" in the High Density Residential (HDR) zone purpose statement and Objective 9.2.3 is problematic, as it suggests an expectation that current, often low-density, suburban character should be preserved, despite the zone's intention to enable higher-density urban development. This creates a conflict between the wording of the planning provisions and the reality of the built form anticipated under the HDR zoning, such as taller buildings and denser housing. As a result, protecting 'current' amenity values like privacy, sunlight, and open space is usually not feasible when intensification occurs. In my opinion it is not possible to maintain 'existing' amenity values when the potential bulk/location of a development as anticipated and encouraged by the HDR zone will be dramatically larger than an neighbouring property developed in a low-scale/intensity 'suburban' manner.
- 6.2 For conciseness I do not wish to repeat the content of the submission, but in order to illustrate the points raised – an development I was previously involved with is 3184 Great North Road in Auckland, which was re-zoned to the 'Terrace Housing and Apartment Buildings Zone' under the Auckland Unitary Plan. Prior to this re-zoning the area was characterised by low-scale detached '1950's' suburban residences. Figure 1 below is the site in 2015:



**Figure 1** - 3184 Great North Road in 2015. Source: Google Streetview

6.3 The ‘existing’ amenity values enjoyed by residents and neighbours prior to redevelopment included modest-sized single-level dwellings set amongst 800m<sup>2</sup>+ lot sizes, plenty of open space around dwellings, high levels of sunlight, and a general ‘suburban’ feeling.

6.4 The ‘Terrace Housing and Apartment Buildings Zone’ of the Auckland Unitary Plan is a high-intensity zone enabling a greater intensity of development than previously provided for. It is useful to understand the full zone purpose statement, which I will include as Appendix 2, however the leading part of the statement is as follows:

*“The Residential – Terrace Housing and Apartment Buildings Zone is a high-intensity zone enabling a greater intensity of development than previously provided for. This zone provides for urban residential living in the form of terrace housing and apartments. The zone is predominantly located around metropolitan, town and local centres and the public transport network to support the highest levels of intensification”*

6.5 The general maximum building height standard for this zone is 16m (*Rule H6.6.5. - Building height*). The redevelopment of the site was consented under this zone. Figure 2 below is 3184 Great North Road in 2021 post-redevelopment:



**Figure 2** - 3184 Great North Road in 2021. Source: Google Streetview

This redevelopment was of the general nature anticipated by the zone, and resulted in an uplift of residential units on the site from three (3), to forty (40).

- 6.6 As can be clearly seen in Figure 2, the ‘amenity values’ experienced by adjoining neighbours is dramatically different pre and post development. The new buildings inherently result in significantly more actual and perceived impact on neighbours in terms of shading, dominance, privacy, and loss of open space. Should ‘existing amenity values’ have been of key consideration during the consenting of the development – there would have been a mis-match between what the zone is actually trying to achieve, and what could be feasibly be resource-consented through a (relatively) straightforward process.
- 6.7 This example illustrates the careful need to ensure urban planning provisions designed to encourage change are not constrained by contrary provisions looking toward the past.
- 6.8 Returning to the QLDC’s proposed UIV, the s42a report recommends a number of changes to the HDR zone provisions compared to the notified version. However the s42a recommended zone purpose statement still contains the wording (**my emphasis**):
- “Development controls provide minimum protections for **existing** amenity values, and are otherwise prioritised towards enabling the community’s wellbeing by promoting growth and development”.*
- 6.9 A simple deletion of the word ‘existing’ from that zone purpose statement would, in my opinion, resolve the conflict.
- 6.10 The s42a report also does not recommend any substantive changes to the “existing amenity values” wording in objective 9.2.3. While it could be argued that ‘existing amenity values’ must be viewed in light of the anticipated nature of development set out by the zone (and therefore that a reduction in the previous level of amenity that neighbour’s experienced is too anticipated), in my experience through professional practice, wording such as ‘existing’ is usually assessed literally in a plain-English sense i.e. ‘existing’ means that exists at the present time a particular development proposal is being assessed – and again will conflict with the urban outcomes the District Plan is actually seeking. Put simply, ‘existing’ means existing.

- 6.11 While it could be argued that a development proposal complying with the permitted height limit (for example) should be assessed as compliant and therefore consideration of ‘existing amenity values’ would not come into consideration during a resource consent process, the reality is there are often small encroachments of a height plane with a development proposal (particularly on sloping sites), meaning that resource consent is often sought in this regard – and open to assessment. While an assessment against the objectives and policies is not a specific part of the s95 (notification) assessment undertaken through the resource consent process, the reality is that the objectives and policies are often referred to in the assessment of effects in an attempt to understand what the District Plan is otherwise attempting to achieve, and by nature, what the adverse effects are of not strictly complying with a particular rule/development standard.
- 6.12 Furthermore the zone has a general design-based resource consent trigger when more than three (3) residential units are proposed (rule 9.4.5) – as would almost always occur in a more comprehensive redevelopment. Several of the matters of reserved discretion within that rule relate to bulk, location, and external appearance of buildings – meaning that even if a development complies with the zone’s bulk and location standards, there is still a subjective assessment undertaken by a Council Planner (often informed by expert urban design input) as to what is appropriate on that particular site/in that particular context – and this assessment can be informed by the policy framework of the zone.
- 6.13 Changes to the zone purpose statement and also the wording of objective 9.2.3 are needed to not only resolve these likely conflicts, but also to align with the recommended removal of the policy 9.2.3.2 (as proposed by Council as part of the UIV): *“Ensure the amenity values of neighbours are adequately maintained.”*
- 6.14 In the s42a report, Ms Frischknecht considers that *“when removing the word ‘existing’ the question remains on what level of amenity should be provided for in the HDRZ. If removing the word existing, then the term ‘maintaining a minimum level’ refers to ensuring that the quality and characteristics of an area do not deteriorate below an acceptable baseline. It often refers to the lowest level of amenity that must be maintained”, and: “notified Policy 9.2.3.1 details the built form standards that contribute to ensuring a minimum level of neighbours amenity*

*values are provided for (including outlook space, sunshine and light access, and privacy)”<sup>2</sup>*

- 6.15 I remain of the view that the continued use of “existing” is both ambiguous and problematic in the context of the HDR zone, particularly given the significant changes to built form and urban character that the zone is expressly intended to enable.
- 6.16 Ms Frischknecht contends that if the term “existing” is removed, there is ambiguity as to what baseline of amenity is to be maintained. However, in my opinion this rebuttal is precisely why the retention of “existing” is problematic. By referencing amenity values that exist at the present time, the zone purpose statement and Objective 9.2.3 inadvertently suggest that the suburban-scale, low-density character currently present in many HDR zone locations is to be preserved. This directly undermines the strategic intent of the HDR zone, which is to facilitate a clear and planned transition to a denser urban form – one that inevitably results in a materially different amenity experience than what currently exists.
- 6.17 In practical terms, as illustrated by the 3184 Great North Road example, the amenity values experienced by neighbouring sites before and after high-density redevelopment differ substantially – a reality that is both anticipated and accepted under higher-density zoning. The ongoing reference to “existing” values in policy introduces a tension in decision-making, where developments that are otherwise consistent with the zone’s purpose and standards may be considered inconsistent due to perceived reductions in amenity relative to a previous ‘suburban’ baseline.
- 6.18 While Ms Frischknecht refers to notified Policy 9.2.3.1 as detailing the built form standards that provide for a “minimum level” of amenity, this reinforces the need to anchor amenity expectations to the anticipated outcomes of the zone – not to the existing environment. In other words, the “minimum” level of amenity must be assessed with reference to the urban outcomes explicitly sought by the zone (i.e. multi-unit, higher-rise development), rather than to the amenity derived from a pre-existing suburban form. To do otherwise invites inconsistency and increases

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<sup>2</sup> S42A report by Corinne Frischknecht, paras 5.47 & 5.48



planning risk for developments that generally comply with the zone's built form provisions but fail to maintain a historical benchmark of amenity.

- 6.19 In summary, in my opinion removing the word “existing” does not create ambiguity – rather, it clarifies that amenity is to be assessed in the context of the urban form envisaged by the zone. This is essential in ensuring that the District Plan gives proper effect to higher-order planning instruments such as the NPS-UD, while explicitly recognises that intensification may result in amenity shifts, and that these shifts are not, in themselves, adverse effects. The continued reference to “existing” runs counter to this direction, and risks frustrating otherwise appropriate development that aligns with the objectives of the HDR zone.

## **7. BUILDING HEIGHT IN WĀNAKA – ACTIVITY STATUS**

- 7.1 In submission #682 it was sought that with respect to rule 9.5.1.4, the revised maximum heights for a building in the HDR zone in Wānaka should be associated with a non-compliance standard of restricted discretionary, rather than discretionary, for consistency with the Queenstown height limits anticipated in 9.5.1.1, with similar matters of restricted discretion.
- 7.2 Council's position, as outlined in the s42A report, maintains that exceedance of the proposed HDR maximum height limits in Wānaka should be a discretionary activity under Rule 9.5.1.4, as opposed to the restricted discretionary activity status applied to similar height exceedances under Rule 9.5.1.1 in Queenstown<sup>3</sup>.
- 7.3 While it is acknowledged that the receiving context of the HDR zone in Wānaka differs in some respects from that of Queenstown (e.g. scale of existing development, current town centre intensity), I do not agree that this distinction alone justifies the imposition of a more restrictive planning pathway.
- 7.4 The key issue with the discretionary status is that it introduces unnecessary uncertainty and complexity, without any corresponding benefit in terms of managing adverse effects. While discretionary status provides Council with unfettered discretion to consider any matter, in practice the types of effects that arise from height exceedances such as dominance, shading, privacy, visual

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<sup>3</sup> S42A report by Corinne Frischknecht, paras 5.159 & 5.160

effects, and design are already comprehensively addressed by the matters of discretion listed under Rule 9.5.1.1. These include considerations around building appearance and articulation, effects on neighbouring properties and public views, internal amenity, sustainability, and positive intensification outcomes. These matters provide a robust framework for assessing height breaches in a targeted and effects-based manner.

- 7.5 Given these existing matters of reserved discretion, a discretionary activity status does not enable a deeper or more nuanced analysis - rather, it opens the door to broader, and potentially inconsistent, interpretations of what is 'appropriate,' and makes the resource consent process more ambiguous for Applicants. This is especially problematic given that the HDR zone is explicitly intended to accommodate increased density and scale. In this context, the ability to exceed height controls in a managed and design-led way is critical to realising the zone's strategic purpose. A restricted discretionary status offers a clearer and more efficient pathway to achieve this.
- 7.6 It is also worth noting that the application of a (slightly) more enabling restricted discretionary status in Queenstown's HDR zone has not resulted in planning outcomes that overtly undermine amenity or public expectations. The same controlled approach should be applied in Wānaka, particularly as both locations are subject to the same overarching intensification goals under the NPS-UD. Planning outcomes in both urban areas should be guided by design quality and context responsiveness - not by arbitrary differences in activity status that do not reflect material differences in environmental effects.
- 7.7 Moreover, a discretionary activity status may have the unintended consequence of discouraging higher-quality design. Under a restricted discretionary status, applicants are incentivised to tailor their proposals to address known and clearly articulated assessment matters. This improves both design outcomes and efficiency. By contrast, discretionary status creates additional risk and uncertainty, potentially leading to more conservative or compromised development proposals, or deterring appropriate intensification altogether - contrary to the strategic intent of the UIV.
- 7.8 For these reasons, I continue to support the amendment of Rule 9.5.1.4 to establish a restricted discretionary activity status for height exceedances in the general HDR zone in Wānaka, using the same matters of discretion as Rule

9.5.1.1. This approach strikes the right balance between managing effects and enabling urban growth in line with the District Plan's purpose and the NPS-UD.

## 8. RECOMMENDED CHANGES

- 8.1 The HDR Zone purpose statement is re-worded (in part) as follows, with the word 'existing' deleted:

"Development controls provide minimum protections for ~~existing~~ amenity values, and are otherwise prioritised towards enabling the community's wellbeing by promoting growth and development. Given the focus on intensification, moderate to substantial change is anticipated including to both public and private views as the character of land within the zone develops into one that is characteristically urban."

- 8.2 Objective 9.2.3 is re-worded to address the relief sought as follows (deletions struck out, additions underlined in bold):

"Objective – High density residential development ~~maintains a minimum level of existing amenity values for neighbouring sites~~ **provides for positive urban design outcomes, while recognising that amenity values experienced by neighbours will change over time as development occurs to achieve the high-density outcomes sought by the zone** ~~as part of positively contributing to the urban amenity values sought within the zone."~~

- 8.3 Rule 9.5.1.4 – the revised maximum height for a building in Wānaka should be associated with a non-compliance standard of restricted discretionary, rather than discretionary, for consistency with the Queenstown height limits anticipated in 9.5.1.1, with the same matters of restricted discretion as recommended in the s42a report.

- 8.4 s32AA of the RMA requires a further evaluation of these recommended changes.

## 9. SECTION 32AA EVALUATION

- 9.1 This section evaluates whether the relief sought is the best way to achieve the higher order objectives of the PDP and implement the NPS-UD, particularly policy 5 of the NPS-UD.

## ***Efficiency***

9.2 The proposed amendments will improve the efficiency of the HDR zone provisions by ensuring:

- The objective framework clearly reflects the intended urban outcomes of the zone and avoids internal conflict.
- Assessment processes are targeted and proportionate, avoiding unnecessary discretion when appropriate guidance already exists.
- Plan users and decision-makers are given clarity on the expected urban evolution and design outcomes, reducing interpretive uncertainty or misalignment between policy direction and built form.

9.3 Maintaining the word “existing” in Objective 9.2.3 creates a planning inefficiency by signalling retention of the pre-existing low-density amenity values in an area specifically zoned for change and intensification. Removing this word and rephrasing the objective ensures that decision-making aligns with the NPS-UD directive to accommodate urban density even where it results in changed (but not necessarily adverse) amenity outcomes.

9.4 Similarly, applying a discretionary activity status to height exceedances in Wānaka (which are often small in nature) adds complexity and risk for applicants without materially improving the environmental outcomes. The restricted discretionary status and matters of reserved discretion remains an efficient tool to manage effects such as dominance, shading, and privacy.

## ***Effectiveness***

9.5 The proposed amendments are more effective in achieving:

- The strategic intent of the HDR zone to accommodate high-density residential growth near centres and along transport routes.
- The objectives of the UIV and implementation of the NPS-UD, particularly the direction to enable intensification in well-located urban environments.
- A consistent approach to urban form management between Queenstown and Wānaka, where both centres are subject to growth pressures and need to deliver intensification outcomes.

- 9.6 The existing objective risks being interpreted in a manner that frustrates the enabling intent of the zone, particularly during resource consent processes. The revised objective and amended building height activity status will better guide assessment and design outcomes in a way that recognises change is anticipated, and ensures new development contributes positively to a more intensive urban fabric.

### ***Options Considered***

#### Option 1 – Retain notified provisions (Status Quo)

- The HDR zone purpose statement and Objective 9.2.3 continues to refer to “existing amenity values,” which may imply a preservation of suburban characteristics inconsistent with the urban built form encouraged under the zone.
- Rule 9.5.1.4 retains discretionary status for height exceedances in Wānaka, requiring a more complex and uncertain resource consent process for development that may be appropriate in urban design terms.
- This option risks undermining confidence in the zone’s enabling intent and reduces consistency in plan implementation across Queenstown and Wānaka.

#### Option 2 – Adopt proposed relief (Preferred Option)

- The HDR Zone purpose statement and Objective 9.2.3 is updated to better reflect urban transformation, aligning with the NPS-UD and supporting consistent interpretation and implementation.
- Rule 9.5.1.4 is amended to restricted discretionary status, with clear matters of discretion guiding assessment. This reduces unnecessary discretion where effects are identifiable and manageable.
- This option provides clarity, predictability, and a more proportional consent pathway, while still enabling Council to manage effects appropriately.

Option 3 – Retain “existing” in the HDR Zone Purpose Statement & Objective 9.2.3 but clarify meaning through policy

- Would involve retaining the existing wording but introducing an explanatory policy to indicate that “existing amenity” refers to that anticipated and enabled under HDR provisions.
- This option adds complexity and relies heavily on interpretation, risking continued uncertainty in implementation.
- Less effective than the preferred relief at addressing internal policy conflicts.

***Risk of Acting vs Not Acting***

Risk of Acting

- Limited. The proposed amendments align with higher-order planning documents including the NPS-UD and reflect common-sense interpretations of the HDR zone’s purpose.
- Height effects and amenity values will still be robustly assessed through existing standards and matters of discretion.

Risk of Not Acting

- Confusion and tension between the enabling intent of the HDR zone and the apparent directive to retain pre-existing suburban amenity.
- Potentially discourages efficient use of land due to uncertainty and/or more onerous consent requirements.
- Retains an inconsistent approach between Queenstown and Wānaka with no clear effects-based justification.

***Conclusion of s32AA Assessment***

9.7 The proposed amendments are the most appropriate and proportionate method of achieving the purpose of the HDR zone and implementing the NPS-UD. They:

- Promote efficient and effective planning outcomes;

- Align with national direction under the NPS-UD;
- Enable urban growth while retaining appropriate safeguards for design and amenity effects; and
- Provide a consistent and user-friendly consenting framework.

9.8 Accordingly, the relief sought represents the most suitable approach under Section 32AA of the RMA.

## **10. CONCLUSION**

- 10.1 On the basis of the analysis set out in this evidence, I recommend that the changes set out in paragraphs 8.1-8.3 above, be accepted by the Hearings Panel.
- 10.2 The recommend changes will give better effect to the strategic objectives and policies of the PDP and the NPS-UD (particularly Policy 5 of the NPS-UD) and are considered the most appropriate to achieve the purpose of the RMA and the direction set by the POORPS and the PORPS.

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Dated this 4<sup>th</sup> day of July 2025

Richard Michael Kemp

## **Appendix 1 – Submission #682**



## FORM 5

### SUBMISSION ON PROPOSED URBAN INTENSIFICATION VARIATION

#### Clause 6 of Schedule 1, Resource Management Act 1991

To: Queenstown Lakes District Council

#### Submitter Details:

Name of Submitter:

Murray & Yvonne Wilson

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C/- Pragmatic Planning  
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**1. This is a submission on the Proposed Urban Intensification Variation to the Queenstown Lakes Proposed District Plan.**

#### **2. Trade Competition**

The submitter could not gain an advantage in trade competition through this submission.

#### **3. Omitted**

#### **4. Murray & Yvonne Wilson's submission is that:**

The submitter **opposes** in part the Proposed Urban Intensification Variation on the following basis:

- 4.1 Murray & Yvonne Wilson are the owner of the property at 56 Lismore Street in Wānaka, legally described as Lot 2 Deposited Plan 17097 as held in Record of Title OT8C/345. This property (identified in Figure 1) is a rectangular-shaped vacant lot is 601m<sup>2</sup> and slopes down moderately/steeply from the north-eastern road boundary down to the south-western boundary.



**Figure 1** – Submitter's Property – 56 Lismore Street

- 4.2 The notified Urban Intensification Variation proposes to retain the current PDP High Density Residential Zoning over 56 Lismore Street.
- 4.3 Proposed changes to the objectives, policies, and rules of the High Density Residential (HDR) Zone are summarised page 59 of Council's s32 report for the plan variation. In general, the development standards (rules) within the HDR chapter are proposed to be 'relaxed' somewhat to enable a greater level of intensification of HDR-zoned sites, and accordingly contribute toward achieving Policy 5 of the NPS:UD.

In particular, the variation proposes a general increase to the maximum permitted building heights (rule 9.5.1) to a general 16.5m for both flat and sloping sites; other than in Wānaka where a 12m building height is proposed.
- 4.4 This is a substantial shift from the existing HDR provisions where, for example, a 7m general permitted building height applies to sloping sites (current rule 9.5.18).
- 4.5 Other notable changes to the development standards of the HDR zone proposed by the variation include the introduction of a recession plane applicable to both flat and sloping sites from 8m above ground level (proposed rule 9.5.3); a slight relaxation of the general standard relating to minimum boundary setbacks (1.5m proposed in rule 9.5.6 vs the existing 2m); the introduction of a 'stepped back' upper building height setback above 10m building height (by an additional 2m – proposed in rule 9.5.7); and the introduction of minimum outlook space requirements (proposed in rule 9.5.8).
- 4.6 While many of these rules contain either general or location-specific exemptions, the variation seeks that the overall extent of anticipated bulk/location of buildings (and by association, residential units) on a HDR-zoned site is increased to meet the objectives of the NPS:UD.
- 4.7 While certain changes are proposed to the zone purpose statement, objectives, and policies of the HDR zone, these changes proposed by the variation are insufficient to achieve the objectives and policies of the NPS:UD.

#### *Use of Existing Amenity Values*

- 4.8 For example, the zone purpose statement in part directs that the development controls provide minimum protections for existing amenity values:

*“Development controls provide minimum protections for **existing amenity values**, and are otherwise prioritised towards enabling the community’s wellbeing by promoting growth and development. Given the focus on intensification, moderate to substantial change is anticipated including to both public and private views as the character of land within the zone develops into one that is characteristically urban.”*

- 4.9 The Cambridge English Dictionary defines ‘existing’ as meaning *“that exists or is being used at the present time”*. Amenity values are defined in the RMA as *“means those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”*.
- 4.10 The inclusion of the word ‘existing’ within the zone purpose statement is problematic as ‘existing’ implies that amenity values of an area are to remain the same in future as they currently exist.
- 4.11 In many cases ‘existing amenity values’ in the zone are framed by existing low-density and long-established urban form. For example, the HDR-zone in Wānaka between Lakeside Road and Lismore Streets contains numerous properties that feature a single detached residential dwelling of one-to-two stories, surrounded by gardens/lawn areas. The ‘existing amenity values’ on these properties result from medium sized lots (500m<sup>2</sup>+), high levels of privacy, open space, sunlight, and a general sense of a ‘low-rise’ suburban environment with minimal dominance effects from neighbouring buildings.
- 4.12 A zone purpose statement which specifically directs that the development controls are intended to protect existing amenity values signals that these existing ‘suburban’ amenity values are intended to be retained - despite the proposed (and existing) development standards of the zone being intended to achieve an urban form that is an order of magnitude, denser and higher.
- 4.13 Objective 9.2.3 currently seeks that *‘High density residential development maintains a minimum level of existing amenity values for neighbouring sites as part of positively contributing to the urban amenity values sought within the zone’*.
- 4.14 This proposed variation does not seek any changes to Objective 9.2.3, despite the variation seeking to enable a much greater bulk/location of built form on a HDR-zoned site. For example, in the same area of the HDR zone in Wānaka as 56 Lismore Street, the current maximum permitted building height on a sloping site (which most are given the topography of the area) is 7m. The proposed 12m height limit would see this height limit increase by over 70% and allow for roughly four (4) storey buildings – yet Objective 9.2.3 seeks to maintain the existing amenity values of the area.
- 4.15 It is submitted that it is not possible to maintain existing amenity values when the potential bulk/location of a development as anticipated and encouraged by the HDR zone will be dramatically larger than an existing allotment next door developed in a ‘suburban’ manner.
- 4.16 Allowing a greater/higher level of built form on a given site will inherently reduce perceived amenity values compared to an existing ‘suburban-like’ nature of development. For example, increased shading/dominance/privacy effects

resulting from denser development will adversely affect amenity values compared to the existing environment.

- 4.17 However as per the zone purpose statement - the intention of the HDR zone is to provide for efficient use of land within close proximity to town centres. The reduction in perceived amenity values associated with a suburban-like environment is inherent as it transitions toward a higher density with apartments and townhouses. This is consistent with the intention of the plan change, the NPS:UD, and the recently notified draft National Planning Framework, in particular which recognises that planning decisions to achieve urban density outcomes (particularly in high density residential areas) 'may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types' and that such changes are not in and of themselves, an adverse effect.
- 4.18 Therefore, this perceived reduction to existing amenity values in the zone is anticipated by the District Plan and is not to be discouraged - but rather controlled to an acceptable level through the zone's development standards to be commensurate with that accepted as best practice in a higher density setting.
- 4.19 It is noted that the variation seeks to remove the existing policy 9.2.3.2 (*'ensure the amenity values of neighbours are adequately maintained'*). However, the retention of Objective 9.2.3 is contrary to the removal of this policy. The wording of Objective 9.2.3 will frustrate the assessment of otherwise anticipated development within the HDR zone, and not achieve the objectives and policies of the NPS:UD.
- 4.20 While it could be considered that 'existing amenity values' in the zone purpose statement and Objective 9.2.3 are intended to mean something like *'existing amenity values as reasonably expected by the built form enabled through the zone's development standards'* i.e. future amenity values at a higher urban density - the wording of these provisions needs to be clear and be easily understood by the general public at face value rather to rely on interpretation.

## 5. The submitter seeks the following relief from the Queenstown Lakes District Council:

- That the zone purpose statement, objectives, and policies of the High Density Residential Zone are worded to achieve the objectives and policies of the NPS:UD, particularly Policy 5 of the NPS:UD.
- Any references to 'existing amenity values' within the zone purpose statement, objectives, policies, related assessment matters and design guidelines of the High Density Residential Zone are removed.
- Objective 9.2.3 is re-worded to address the relief sought as follows (deletions struck out, additions **underlined in bold**):

*"Objective – High density residential development ~~maintains a minimum level of existing amenity values for neighbouring sites~~ provides for positive urban design outcomes, **while recognising that amenity values experienced by neighbours will change over time as development occurs to achieve the high-density outcomes sought by the zone** as part of positively contributing to the urban amenity values sought within the zone."*

- Alternatively, amend objective 9.2.3, policies 9.2.3.1, 9.2.3.2, and 9.2.2.1e, to better align with the NPS:UD and recognise that amenity, character, and urban form effects will change as a result of implementation of increased density and height provisions of the HDR Zone;
- Include alternative or consequential changes may be required to the purpose statement, objectives, and policies, in light of this removed wording to better recognise:
  - Changes to amenity values, access to sunlight, views, outlook space, sunshine and light access, and privacy will be expected to change in response to increased urban intensification in the Zone;
  - *Ensure policies, objectives and the zone purpose statement are flexibly drafted so as to encourage good urban design outcomes commensurate with what increased density and height rules envisage, rather than setting minimum amenity expectations or targets;*
  - *Revise policy 9.2.2.4 such that instead of requiring consideration of design guidelines, this is a matter to be 'had regard to';*
  - *Make consequential amendments to the Residential Zone Design Guide 2023 to reflect the above changes, in particular removing references to existing amenity values, and achieving minimum amenity outcomes which are inconsistent with the new density and height rules anticipated.*
- The Submitter generally supports the revised rules as notified, however seeks the following amendments:
  - *Rule 9.5.1.4 – the revised maximum heights for a building in Wānaka should be associated with a non-compliance standard of restricted discretionary, rather than discretionary, for consistency with the Queenstown height limits anticipated in 9.5.1.1, with similar matters of restricted discretion.*

*This will allow for greater flexibility in achieving sound urban design outcomes, and enabling higher density in suitable areas commensurate with the objectives of the plan change and the NPS:UD.*
- Amend any higher order objectives and policies of the PDP, including within chapters 3 and 4 to reflect the intention of the above issues set out in the submission, and to ensure better alignment with the NPS:UD, and draft NPF, particularly to the effect that development to revised HDR rules and standards:
  - may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and
  - are not, of themselves, an adverse effect:
- The submitter also seeks such further or consequential or alternative amendments necessary to give effect to this submission, and to:

- a) promote the sustainable management of resources and achieve the purpose of the Resource Management Act 1991 ("Act") and National Policy Statement on Urban Development 2020;
- b) meet the reasonably foreseeable needs of future generations;
- c) enable social, economic and cultural wellbeing;
- d) represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of other means available in terms of section 32 and other provisions of the Act.

**6. The submitter wishes to be heard in support of their submission.**

**7. If others make a similar submission the submitter will consider presenting a joint case with them at a hearing.**

Murray & Yvonne Wilson

**Dated:** 5 October 2023

**Appendix 2 - Auckland Unitary Plan – Chapter H6. Residential – Terrace Housing and Apartment Buildings Zone**

## H6. Residential – Terrace Housing and Apartment Buildings Zone

PC 78 ([see Modifications](#))

[new text to be inserted]

### H6.1. Zone Description

PC 78 ([see Modifications](#))

The Residential – Terrace Housing and Apartment Buildings Zone is a high-intensity zone enabling a greater intensity of development than previously provided for. This zone provides for urban residential living in the form of terrace housing and apartments. The zone is predominantly located around metropolitan, town and local centres and the public transport network to support the highest levels of intensification.

The purpose of the zone is to make efficient use of land and infrastructure, increase the capacity of housing and ensure that residents have convenient access to services, employment, education facilities, retail and entertainment opportunities, public open space and public transport. This will promote walkable neighbourhoods and increase the vitality of centres.

PC 78 ([see Modifications](#))

The zone provides for the greatest density, height and scale of development of all the residential zones. Buildings are enabled up to five, six or seven storeys in identified Height Variation Control areas, depending on the scale of the adjoining centre, to achieve a transition in height from the centre to lower scale residential zones. This form of development will, over time, result in a change from a suburban to urban built character with a high degree of visual change.

[new text to be inserted]

Standards are applied to all buildings and resource consent is required for all dwellings and for other specified buildings and activities in order to:

- achieve the planned urban built character of the zone;
- achieve attractive and safe streets and public open spaces;
- manage the effects of development on adjoining sites, including visual amenity, privacy and access to daylight and sunlight; and
- achieve high quality on-site living environments.

PC 78 ([see Modifications](#))

The resource consent requirements enable the design and layout of the development to be assessed; recognising that the need to achieve a quality design is increasingly important as the scale of development increases.

This zone also provides for a range of non-residential activities so that residents have convenient access to these activities and services while maintaining the urban residential character of these areas.

### H6.2. Objectives

PC 78 ([see Modifications](#))

[new text to be inserted]

- (1) Land adjacent to centres and near the public transport network is efficiently used to provide high-density urban living that increases housing capacity and choice and access to centres and public transport.



PC 78 ([see  
Modifications](#))

**[new text to be inserted]**

- (2) Development is in keeping with the areas planned urban built character of predominantly five, six or seven storey buildings in identified areas, in a variety of forms.
- (3) Development provides quality on-site residential amenity for residents and the street.
- (4) Non-residential activities provide for the community's social, economic and cultural well-being, while being compatible with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood.

PC 78 ([see  
Modifications](#))

**[new text to be inserted]**

### H6.3. Policies

**[new text to be inserted]**

- (1) Enable a variety of housing types at high densities including terrace housing and apartments and integrated residential development such as retirement villages.
- (2) Require the height, bulk, form and appearance of development and the provision of setbacks and landscaped areas to achieve a high-density urban built character of predominantly five, six or seven storey buildings in identified areas, in a variety of forms.
- (3) Encourage development to achieve attractive and safe streets and public open spaces including by:
  - (a) providing for passive surveillance
  - (b) optimising front yard landscaping
  - (c) minimising visual dominance of garage doors.

**[new text to be inserted]**

- (4) In identified locations adjacent to centres, enable greater building height through the application of the Height Variation Control where the additional development potential enabled:
  - (a) provides an appropriate transition in building scale from the adjoining higher density business zone to neighbouring lower intensity residential zones, and;
  - (b) supports public transport, social infrastructure and the vitality of the adjoining centre.
- (5) Manage the height and bulk of development to maintain daylight access and a reasonable standard of privacy, and to minimise visual dominance effects to adjoining sites and developments.

PC 78 (see  
Modifications)

(6) Require accommodation to be designed to meet the day to day needs of residents by:

- (a) providing privacy and outlook; and
- (b) providing access to daylight and sunlight, and providing the amenities necessary for those residents.

(10) Recognise the functional and operational requirements of activities and development.

PC 78 (see  
Modifications)

(7) Encourage accommodation to have useable and accessible outdoor living space.

(8) Restrict the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated.

(9) Provide for non-residential activities that:

- (a) support the social and economic well-being of the community;
- (b) are in keeping with the with the scale and intensity of development anticipated within the zone;
- (c) avoid, remedy or mitigate adverse effects on residential amenity; and
- (d) will not detract from the vitality of the Business – City Centre Zone, Business – Metropolitan Centre Zone and Business – Town Centre Zone.

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Modifications)

[new text to be inserted]

#### H6.4. Activity table

PC 78 (see  
Modifications)

Table H6.4.1 Activity table specifies the activity status of land use and development activities in the Residential – Terrace Housing and Apartment Buildings Zone pursuant to section 9(3) of the Resource Management Act 1991).

[new text to be inserted]

**Table H6.4.1 Activity table**

PC 78 (see  
Modifications)

Activity		Activity status	Standards to be complied with	[new text to be inserted]	[new text to be inserted]
<b>Use</b>					
(A1)	Activities not provided for	NC			
<b>Residential</b>					
(A2)	Camping grounds	NC			
[new text to be inserted]	[new text to be inserted]	[new text to be inserted]			

PC 78 (see  
Modifications)

## H6 Residential – Terrace Housing and Apartment Buildings Zone

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Modifications)

(A3)	Dwellings	RD	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards		
[new text to be inserted]	[new text to be inserted]	[new text to be inserted]	[new text to be inserted]	[new text to be inserted]	[new text to be inserted]
(A4)	The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings	P	Standard H6.6.3 The conversion of a principal dwelling into a maximum of two dwellings		
(A5)	Home occupations	P	Standard H6.6.2 Home occupations		
(A6)	Home occupations that do not meet Standard H6.6.2	D			
(A7)	Integrated residential development	RD	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards	[new text to be inserted]	[new text to be inserted]
(A8)	Supported residential care 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; Standard H6.6.7 Alternative height in relation to boundary; 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;	[new text to be inserted]	[new text to be inserted]

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Modifications)

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			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		
(A9)	Supported residential care accommodating greater than 10 people per site inclusive of staff and residents	RD	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards	[new text to be inserted]	[new text to be inserted]
(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; 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	[new text to be inserted]	[new text to be inserted]
(A11)	Boarding houses accommodating greater than 10 people per site inclusive of staff and residents	RD	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary;	[new text to be inserted]	[new text to be inserted]

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			Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards		
(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; 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	[new text to be inserted]	[new text to be inserted]
(A13)	Visitor accommodation accommodating greater than 10 people per site inclusive of staff and visitors	RD	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards	[new text to be inserted]	[new text to be inserted]
<b>Commerce</b>					
(A14)	Dairies up to 100m <sup>2</sup> gross floor area per site	RD	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; 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; and Standard H6.6.16 Front, side and rear fences	[new text to be inserted]	[new text to be inserted]

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			and walls		
(A15)	Restaurants and cafes up to 100m <sup>2</sup> gross floor area per site	RD	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; 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; and Standard H6.6.16 Front, side and rear fences and walls	[new text to be inserted]	[new text to be inserted]
(A16)	Service stations on arterial roads	D			
(A17)	Offices within the Centre Fringe Office Control as identified on the planning maps	P	Standard H6.6.4 Offices within the Centre Fringe Office Control as identified on the planning maps		
(A18)	Offices within the Centre Fringe Office Control as identified on the planning maps that do not comply with Standard H6.6.4	D			
<b>Community</b>					
(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; 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	[new text to be inserted]	[new text to be inserted]
(A20)	Care centres accommodating	RD	Standard H6.6.5 Building height;	[new text to be inserted]	[new text to be

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	greater than 10 people per site excluding staff		Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; 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		<a href="#">inserted</a>
(A21)	Community facilities	RD	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; 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	<a href="#">[new text to be inserted]</a>	<a href="#">[new text to be inserted]</a>
(A22)	Education facilities	D			
(A23)	Tertiary education facilities	D			
(A24)	Emergency services adjoining an arterial road	D			
(A25)	Healthcare facilities up to 200m <sup>2</sup> gross floor area per site	RD	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; Standard H6.6.8 Height	<a href="#">[new text to be inserted]</a>	<a href="#">[new text to be inserted]</a>

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			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		
(A26)	Healthcare facilities greater than 200m <sup>2</sup> gross floor area per site	D			
(A27)	Veterinary clinics	D			
<b>Rural</b>					
(A28)	Grazing of livestock on sites greater than 2,000m <sup>2</sup> net site area	P			
<b>Mana Whenua</b>					
(A29)	Marae complex	D			
<b>Development</b>					
(A30)	Demolition of buildings	P			
(A31)	Internal and external alterations to buildings	P	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; 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		
[new text]	[new text to be inserted]	[new text to	[new text to be inserted]	[new text to be inserted]	[new text to be

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Modifications)



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to be inserted]		be inserted ]			inserted]
(A32)	Accessory buildings	P	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; 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		
[new text to be inserted]	[new text to be inserted]	[new text to be inserted ]	[new text to be inserted]	[new text to be inserted]	[new text to be inserted]
(A33)	Additions to an existing dwelling	P	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; 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.		
[new text to be inserted]	[new text to be inserted]	[new text to be inserted ]	[new text to be inserted]	[new text to be inserted]	[new text to be inserted]
(A34)	New buildings and additions to buildings which do not comply	RD	H6.6.7 Alternative height in relation to boundary		

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	with H6.6.6 Height in relation to boundary but comply with H6.6.7 Alternative height in relation to boundary		Note: Compliance with standard H6.6.6 Height in relation to boundary is not required.		
(A35)	New buildings and additions to buildings	The same activity status and standards as applies to the land use activity that the new building or addition to a building is designed to accommodate			
(A36)	Rainwater Tank	P	Standard H6.6.18		

## 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(9) of the Resource Management Act 1991:

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- (a) dwellings that comply with all of the standards listed in Table H6.4.1 Activity table;

- (b) an integrated residential development that complies with all of the standards listed in Table H6.4.1 Activity table;

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

- (d) development which does not comply with H6.6.16 (1a) Front, side and rear fences and walls; or

- (e) development which does not comply with H6.6.17 Minimum dwelling size.

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- (2) Any application for resource consent for an activity listed in Table H6.4.1 Activity table and which is not listed in H6.5(1) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

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[new text to be inserted]

## H6.6. Standards

### H6.6.1. Activities listed in Table H6.4.1 Activity table

PC 78 ([see Modifications](#))

- (1) Activities and buildings containing activities listed in Table H6.4.1 Activity table must comply with the standards listed in the column in Table H6.4.1 Activity table called Standards to be complied with.

### **H6.6.2. Home occupations**

Purpose: to enable people to work from home at a scale that the residential character and amenity is maintained.

- (1) A home occupation must comply with all the following standards:
  - (a) at least one person engaged in the home occupation must use the dwelling on the site as their principal place of residence;
  - (b) no more than two people who do not use the dwelling as their principal place of residence may work in the home occupation;
  - (c) no more than four people in total may work in the home occupation;
  - (d) the sale of goods or services from the home occupation that requires customers to come to the site and the delivery of goods to and from the site may not occur before 7am or after 7pm;
  - (e) car trips to and from the home occupation activity must not exceed 20 per day;
  - (f) heavy vehicle trips must not exceed two per week;
  - (g) no more than one commercial vehicle associated with the home occupation may be on site at any one time;
  - (h) storage for rubbish and recycling associated with the home occupation must be provided on site and screened from public view;
  - (i) materials or goods manufactured, serviced or repaired in the home occupation must be stored and worked on within a building on the same site; and
  - (j) goods sold from the home occupation must be:
    - (i) goods produced on site; or
    - (ii) goods that are primarily ordered by mail or electronic transaction and redistributed by post or courier; or
    - (iii) goods ancillary and related to a service provided by the home occupation.

PC 78 ([see Modifications](#))

#### **H6.6.3. The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings**

Purpose: to enable a dwelling existing as at 30 September 2013 to be converted into a maximum of two dwellings and to provide for sufficient outdoor living space for each of the dwellings.

- (1) Where a principal dwelling existing as at 30 September 2013 is proposed to be converted into a maximum of two dwellings each dwelling must have an outdoor living space that is:
  - (a) at least 5m<sup>2</sup> for a studio or one-bedroom dwelling and 8m<sup>2</sup> for a two or more bedroom dwelling; and
  - (b) at least 1.8m in depth; and
  - (c) directly accessible from the dwelling.

#### **H6.6.4. Offices within the Centre Fringe Office Control as identified on the planning maps**

Purpose: enable offices in existing buildings in the Centre Fringe Office Control area.

- (1) Offices must be located in existing buildings.

PC 78 ([see Modifications](#))

[new text to be inserted]

#### **H6.6.5. Building height**

Purpose: to manage the height of buildings to provide for terrace housing and apartments and achieve an urban built character of predominantly five storeys or six or seven storeys in identified locations adjacent to centres.

- (1) Buildings must not exceed 16m in height.

[new text to be inserted]

[new figure to be inserted]

[new text to be inserted]
- (2) If the site is subject to the Height Variation Control, buildings must not exceed the height in metres shown for the site on the planning maps.
- (3) Standard H5.6.4 Building height applies to the site at 16 Spring Street, Freemans Bay (Lot 1 DP 85829) within a 10m setback area along Spring Street, England Street and adjoining the reserve at 10 England Street (Lot 1 DP 85953) as indicated on the planning maps. Outside of the setback area Buildings must not exceed 16m in height.

#### **H6.6.6. Height in relation to boundary**

Purpose: to minimise the adverse effects of building height on neighbours (i.e. dominance and shading) and reduce the overall visual dominance of buildings at upper levels.

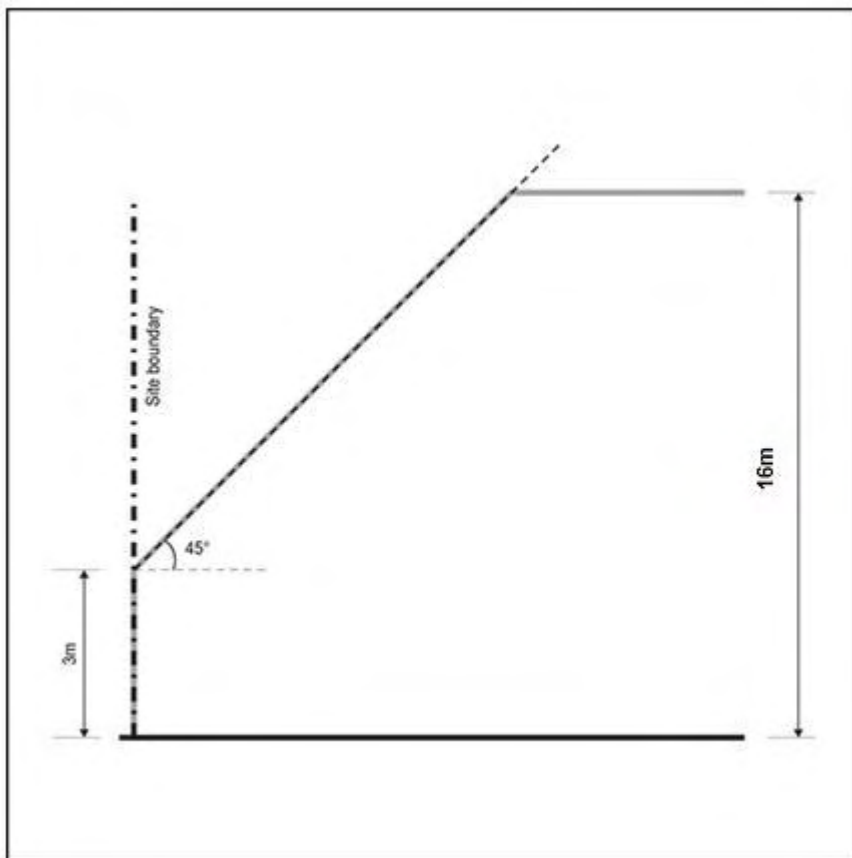
[new text to be inserted]

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Modifications)

- (1) Buildings must not project beyond a 45-degree recession plane measured from a point 3m vertically above ground level along the side and rear boundaries, as shown in Figure H6.6.6.1 Height in relation to boundary below.

**Figure H6.6.6.1 Height in relation to boundary**



[new text to be inserted]

[new figure to be inserted]

[new text to be inserted]

[new figure to be inserted]

[new text to be inserted]

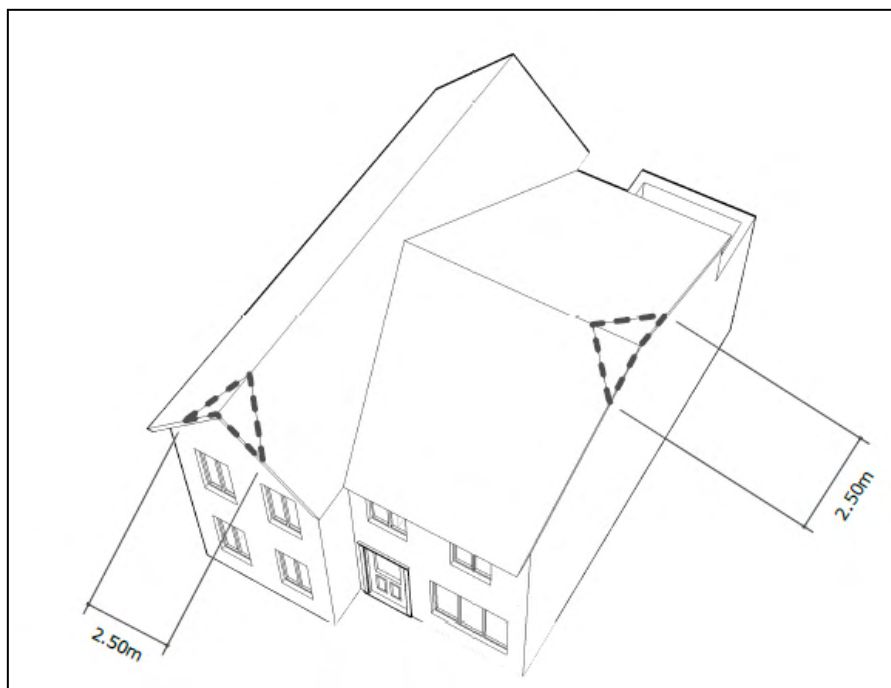
- (2) Standard H6.6.6(1) does not apply to a boundary, or part of a boundary, adjoining any of the following:
- (a) Business – City Centre Zone; Business – Metropolitan Centre Zone; Business – Town Centre Zone; Business – Local Centre Zone; Business – Neighbourhood Centre Zone; Business – Mixed Use Zone; Business – General Business Zone; Business – Business Park Zone; Business – Light Industry Zone and Business – Heavy Industry Zone; or
  - (b) sites within the Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone:

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- (i) that are greater than 2000m<sup>2</sup>;
  - (ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary; and
  - (iii) where an open space comprises multiple sites but has a common open space zoning, the entire zone will be treated as a single site for the purpose of applying the standards listed below.
- (3) Standard H6.6.6(1) does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.
- (4) Where the boundary forms part of a legal right of way, entrance strip, access site or pedestrian access way, the control in Standard H6.6.6(1) applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.
- (5) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:
- (a) no greater than 1.5m<sup>2</sup> in area and no greater than 1m in height; and
  - (b) no greater than 2.5m cumulatively in length measured along the edge of the roof as shown in Figure H6.6.6.2 Exceptions for gable ends and dormers and roof projections below.

**Figure H6.6.6.2 Exceptions for gable ends and dormers and roof projections**



- (6) No more than two gable end, dormer or roof projections are allowed for every 6m length of site boundary.

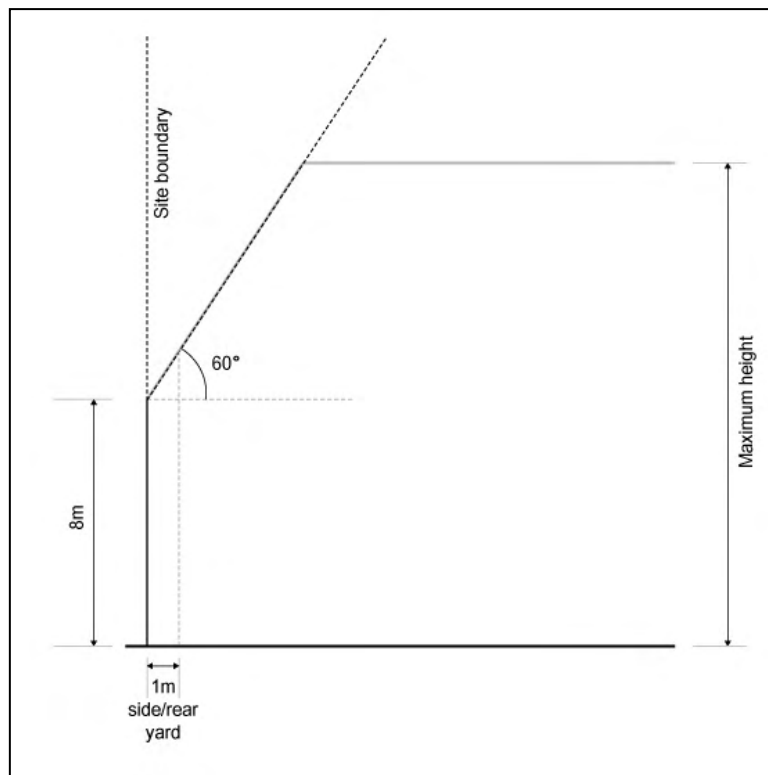
- (7) The height in relation to boundary standard does not apply to existing or proposed internal boundaries within a site.

#### **H6.6.7. Alternative height in relation to boundary within the Residential – Terrace Housing and Apartment Buildings Zone**

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

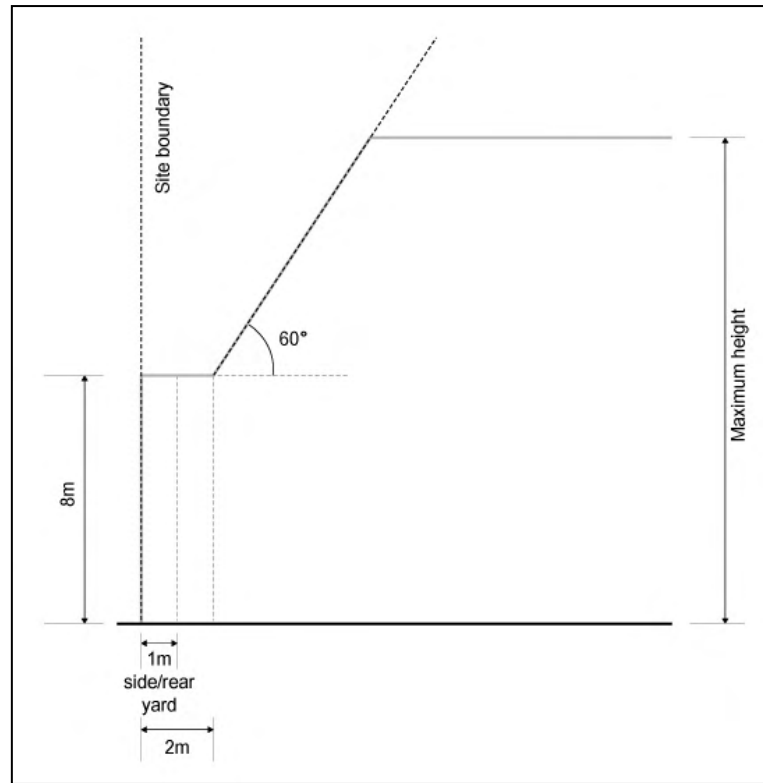
- (1) This standard is an alternative to the permitted Standard H6.6.6 Height in relation to boundary and applies to sites in the Terrace Housing and Apartment Buildings Zone that adjoin another site in the same zone or any other zone not specified in Standard H6.6.8 Height in relation to boundary adjoining lower intensity zones.
- (2) Buildings or any parts of buildings must not project beyond a 60 degree recession plane measured from a point 8m vertically above ground level along side and rear boundaries within 20m of the site frontage, as shown in Figure H6.6.7.1 Alternative height in relation to boundary within 20m of the site frontage below.

**Figure H6.6.7.1 Alternative height in relation to boundary within 20m of the site frontage**



- (3) Buildings or any parts of buildings further than 20m from the site frontage must not project beyond a 60 degree recession plane measured from a point 8m vertically above ground level, and 2m perpendicular to side and rear boundaries, as shown in Figure H6.6.7.2 Alternative height in relation to boundary further than 20m from the site frontage below.

**Figure H6.6.7.2 Alternative height in relation to boundary further than 20m from the site frontage**



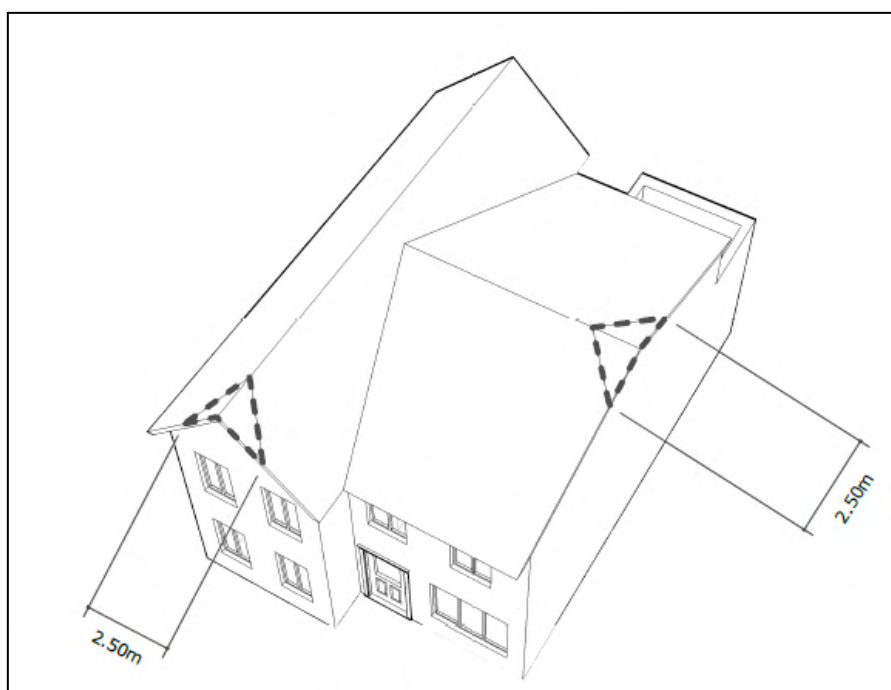
- (4) Standard H6.6.7(2) and (3) above do not apply to a boundary, or part of a boundary, adjoining any of the following:
- (a) a Business – City Centre Zone; Business – Metropolitan Centre Zone; Business – Town Centre Zone; Business – Local Centre Zone; Business – Neighbourhood Centre Zone; Business – Mixed Use Zone; Business – General Business Zone; Business – Business Park Zone; Business – Light Industry Zone and Business – Heavy Industry Zone; or
  - (b) sites within the Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone:
    - (i) that are greater than 2000m<sup>2</sup>;
    - (ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary; and
    - (iii) Where an open space comprises multiple sites but has a common open space zoning, the entire zone will be treated as a single site for the purpose of applying the standards listed below.
- (5) Standard H6.6.7(2) and (3) above do not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.



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- (6) Where the boundary forms part of a legal right of way, entrance strip, access site or pedestrian access way, the control in Standard H6.6.7(2) applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.
- (7) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:
  - (a) no greater than 1.5m<sup>2</sup> in area and no greater than 1m in height; and
  - (b) no greater than 2.5m cumulatively in length measured along the edge of the roof, as shown in Figure H6.6.7.3 Exceptions for gable ends, dormers and roof projections below.

**Figure H6.6.7.3 Exceptions for gable ends, dormers and roof projections**



- (8) No more than two gable end, dormer or roof projections are allowed for every 6m length of site boundary.
- (9) The building setback must be a stepped profile and must not be a literal regression of the recession plane.
- (10) This alternative height in relation to boundary standard does not apply to existing or proposed internal boundaries within a site.

#### **H6.6.8. Height in relation to boundary adjoining lower intensity zones**

Purpose: to manage the height and bulk of buildings at boundaries to maintain a reasonable level of sunlight access and minimise visual dominance effects to immediate neighbours within lower intensity zones and small public open spaces.

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- (1) Where sites in the Residential – Terrace Housing and Apartment Buildings Zone adjoin:

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- (a) a site in the Residential – Single House Zone; or
- (b) a site in the Residential – Mixed Housing Suburban Zone; or
- (c) sites less than 2000m<sup>2</sup> in the Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone except Standard H6.6.8(1)(c) does not apply to the site at 16 Spring Street, Freemans Bay (Lot DP 58529);

then buildings must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along the boundary of the site in the Residential – Terrace Housing and Apartment Buildings Zone with the zone listed in Standard H6.6.8(1)(a) – (c) above.

- (2) Where sites in the Residential – Terrace Housing and Apartment Buildings Zone adjoin sites in the Residential – Mixed Housing Urban Zone then Standard H5.6.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone or Standard H5.6.6 Alternative height in relation to boundary in the Residential – Mixed Housing Urban Zone applies to the boundary of the site in the Residential – Terrace Housing and Apartment Buildings Zone that adjoins the Residential – Mixed Housing Urban Zone.
- (3) The building setback must be a stepped profile and must not be a literal regression of the recession plane.
- (4) Where the boundary forms part of a legal right of way, entrance strip or access site or pedestrian access way, the control in Standard H6.6.8(1) applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.
- (5) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:
  - (a) no greater than 1.5m<sup>2</sup> in area and no greater than 1m in height; and
  - (b) no greater than 2.5m cumulatively in length measured along the edge of the roof.

#### **H6.6.9. Yards**

Purpose:

- to create an urban streetscape character and provide sufficient space for landscaping within the front yard;
- to maintain a reasonable standard of residential amenity for adjoining sites;
- to ensure buildings are adequately set back from lakes, streams and the coastal edge to maintain water quality and provide protection from natural hazards; and

- to enable buildings and services on the site or adjoining sites to be adequately maintained.
- (1) A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in Table H6.6.9.1 Yards below.

**Table H6.6.9.1 Yards**

Yard	Minimum depth
Front	1.5m
Side	1m
Rear	1m
Riparian	10m from the edge of all other permanent and intermittent streams
Lakeside	30m
Coastal protection yard	10m, or as otherwise specified in <a href="#">Appendix 6 Coastal protection yard</a>

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**[new text to be inserted]**

- (2) Standard H6.6.9(1) does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.

#### **H6.6.10. Maximum impervious area**

Purpose:

- to manage the amount of stormwater runoff generated by a development, particularly in relation to the capacity of the stormwater network and potential flood risks;
- to support the functioning of riparian yards, lakeside yards and coastal yards and water quality and ecology;
- to reinforce the building coverage and landscaped area standards; and
- to limit paved areas on a site to improve the site's appearance and cumulatively maintain amenity values in a neighbourhood.

- (1) The maximum impervious area must not exceed 70 per cent of site area.
- (2) The maximum impervious area within a riparian yard, a lakeside yard or a coastal protection yard must not exceed 10 per cent of the riparian yard, the lakeside yard or the coastal protection yard area.

#### **H6.6.11. Building coverage**

Purpose: to manage the extent of buildings on a site to achieve the planned urban character of buildings surrounded by open space.

- (1) The maximum building coverage must not exceed 50 per cent of the net site area.

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[new text to be inserted]

#### H6.6.12. Landscaped area

Purpose:

- to provide for quality living environments consistent with the planned urban built character of buildings surrounded by open space; and
- to create a landscaped urban streetscape character within the zone.

[new text to be inserted]

- (1) The minimum landscaped area must be at least 30 per cent of the net site area.

[new text to be inserted]

#### H6.6.13. Outlook space

Purpose:

- to ensure a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites;
- in combination with the daylight control, manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space.

[new text to be inserted]

[new figure to be inserted]

[new text to be inserted]

- (1) An outlook space must be provided from the face of a building containing windows to a habitable room. Where the room has two or more external faces with windows the outlook space must be provided from the face with the largest area of glazing.

- (2) The minimum dimensions for a required outlook space are as follows:

- (a) a principal living room of a dwelling or main living and dining area within a boarding house or supported residential care must have a outlook space with a minimum dimension of 6m in depth and 4m in width; and

[new text to be inserted]

- (b) a principal bedroom of a dwelling or a bedroom within a boarding house or supported residential care unit must have an outlook space with a minimum dimension of 3m in depth and 3m in width; and

- (c) all other habitable rooms must have an outlook space with a minimum dimension of 1m in depth and 1m in width.

- (3) The depth of the outlook space is measured at right angles to and horizontal from the window to which it applies.

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- (4) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.

**[new text to be inserted]**

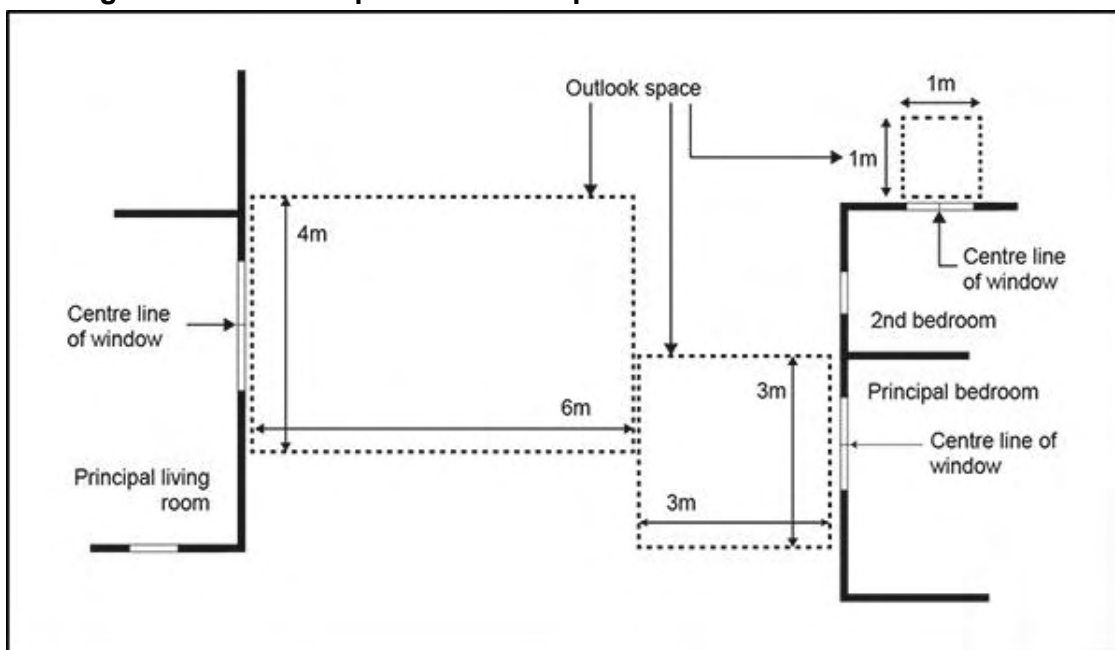
- (5) The height of the outlook space is the same as the floor height, measured from floor to ceiling, of the building face to which the standard applies.
- (6) Outlook spaces may be within the site, over a public street, or other public open space.
- (7) Outlook spaces required from different rooms within the same building may overlap.
- (8) Outlook spaces may overlap where they are on the same wall plane.
- (9) Outlook spaces must:

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- (a) be clear and unobstructed by buildings;
- (b) not extend over adjacent sites, except for where the outlook space is over a public street or public open space as outlined in H6.6.13(6) above; and
- (c) not extend over an outlook spaces or outdoor living space required by another dwelling.

**[new text to be inserted]**

**Figure H6.6.13.1 Required outlook space**



#### H6.6.14. Daylight

Purpose:

- to ensure adequate daylight for living areas and bedrooms in dwellings, supported residential care and boarding houses; and

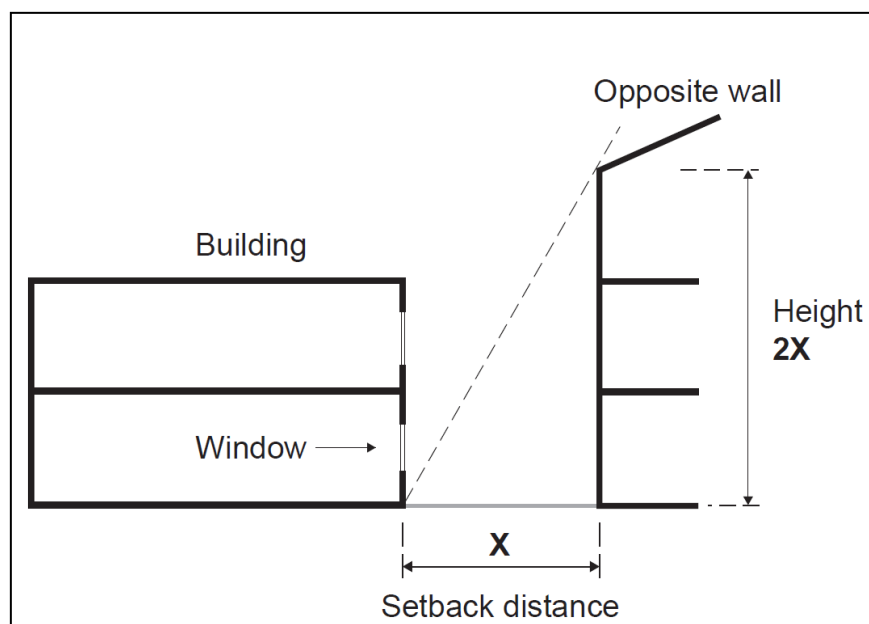
- in combination with the outlook control, manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space, particularly at upper building levels.
- (1) Where the proposed building and/or opposite building contains principal living room or bedroom windows in a dwelling, or main living/dining area or bedroom windows in supported residential care and boarding houses, then:
- a) that part of a building higher than 3m opposite buildings within the same site is limited in height to twice the horizontal distance between the two buildings for a length defined by a 55 degree arc from the centre of the window. The arc may be swung to within 35 degrees of the plane of the wall containing the window as shown in Figure H6.6.14.2 Required setbacks for daylight below.
- Refer to Table H6.6.14.1 Maximum height of the part of a building within a site facing a principal living room or bedroom window within the same site; Figure H6.6.14.1 Required setbacks for daylight and Figure H6.6.14.2 Required setbacks for daylight below.
- (2) Where the principal living room, main living/dining area or bedroom has two or more external faces with windows, Standard H6.6.14(1) above will apply to the largest window.
- (3) Where the window is above ground level, the height restriction is calculated from the floor level of the room containing the window.
- (4) Standard H6.6.14(1), (2) and (3) do not apply to development opposite the first 5m of a building which faces the street, measured from the front corner of the building.

**Table H6.6.14.1 Maximum height of that part of a building within a site facing a principal living room or bedroom window within the same site**

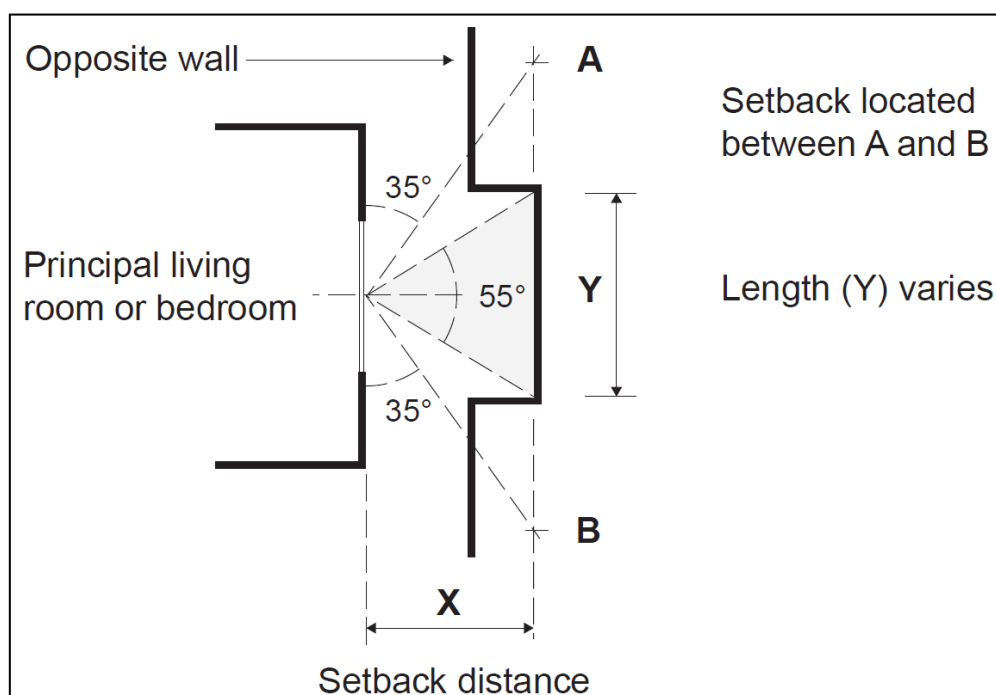
Distance of the building from the largest principal living room, living/dining room or bedroom window (x)	Maximum height of the defined portion of wall opposite an identified window	Length of wall restricted if 55 degree arc is perpendicular to window (y) (rounded)
1.0m	2.0m	1.0m
1.5m	3.0m	1.5m
2.0m	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

Distance of the building from the largest principal living room, living/dining room or bedroom window (x)	Maximum height of the defined portion of wall opposite an identified window	Length of wall restricted if 55 degree arc is perpendicular to window (y) (rounded)
5.5m	11.0m	5.5m
6.0m	12.0m	6.0m
7.0m	14.0m	7.0m
7.5m	15.0m	7.5m
8.0m	16.0m	8.0m
8.5m	17.0m	8.5m
9.0m	18.0m	9.0m
9.5m	19.0m	9.5m
10.0m	20.0m	10.0m
10.5m	21.0m	10.5m
11.0m	22.0m	11.0m
11.25m	22.5m	11.25m

Figure H6.6.14.1 Required setbacks for daylight



**Figure H6.6.14.2 Required setbacks for daylight**



#### H6.6.15. Outdoor living space

Purpose: to provide dwellings, supported residential care and boarding houses with outdoor living space that is of a functional size and dimension, has access to sunlight, and is directly accessible from the principal living room, dining room or kitchen and is separated from vehicle access and manoeuvring areas.

[new text to be inserted]

- (1) A dwelling, supported residential care or boarding house at ground floor level, must have an outdoor living space that is at least 20m<sup>2</sup> that comprises ground floor and/or balcony/roof terrace space that:
  - (a) where located at ground level has no dimension less than 4m and has a gradient not exceeding 1 in 20; and/or
  - (b) where provided in the form of balcony, patio or roof terrace is at least 5m<sup>2</sup> and has a minimum dimension of 1.8m; and
  - (c) is directly accessible from the dwelling, supported residential care unit or boarding house; and
  - (d) is free of buildings, parking spaces, servicing and manoeuvring areas.
- (2) A dwelling, supported residential care or boarding house located above ground floor level must have an outdoor living space in the form of a balcony, patio or roof terrace that:
  - (a) is at least 5m<sup>2</sup> for studio and one-bedroom dwellings and has a minimum dimension of 1.8m; or



- (b) is at least 8m<sup>2</sup> for two or more bedroom dwellings and has a minimum dimension of 1.8m; and
- (c) is directly accessible from the dwelling, supported residential care unit or boarding house; and
- (d) except that, a balcony or roof terrace is not required where the net internal floor area of a dwelling is at least 35m<sup>2</sup> for a studio and 50m<sup>2</sup> for a dwelling with one or more bedrooms.

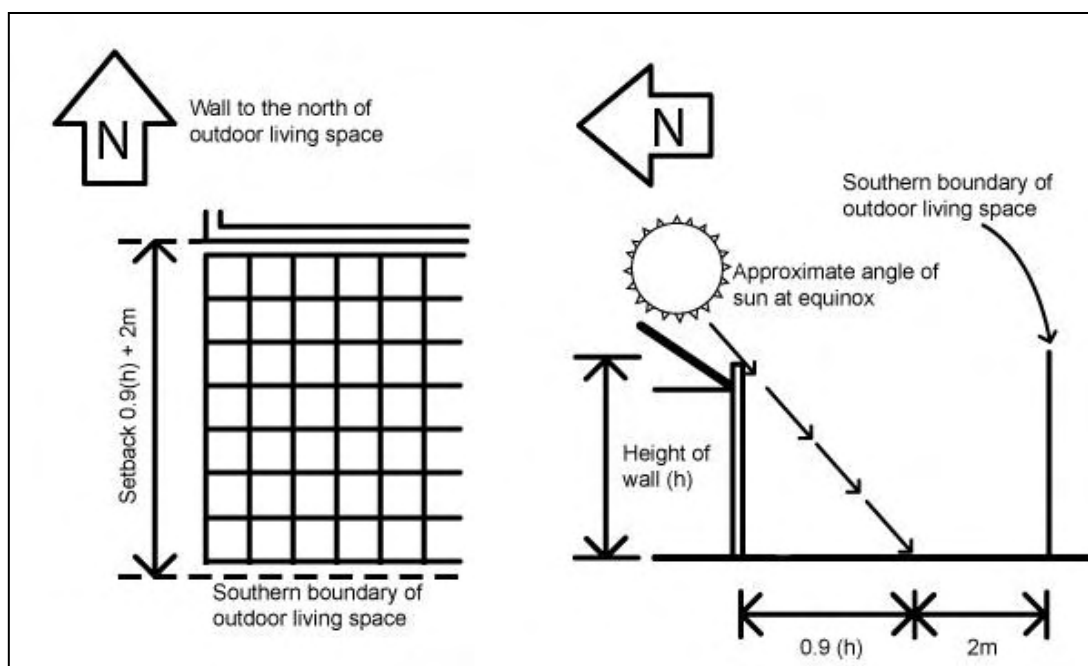
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- (3) Where outdoor living space required by Standard H6.6.15(1) or Standard H6.6.15(2) above is provided at ground level, and is located south of any building located on the same site, the southern boundary of that space must be separated from any wall or building by at least  $2m + 0.9(h)$ , where (h) is the height of the wall or building as shown in the Figure H6.6.15.1 Location of outdoor living space below. For the purpose of this standard south is defined as between 135 and 225 degrees.

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[new text to be inserted]

**Figure H6.6.15.1 Location of outdoor living space**



#### H6.6.16. Front, side and rear fences and walls

Purpose: to enable fences and walls to be constructed on a Front, side or rear boundary or within a front, side, rear, riparian, coastal protection or lakeside yard to a height sufficient to:

- provide privacy for dwellings while enabling opportunities for passive surveillance of the street or adjoining public place;
- minimise visual dominance effects to immediate neighbours and the street or adjoining public place.

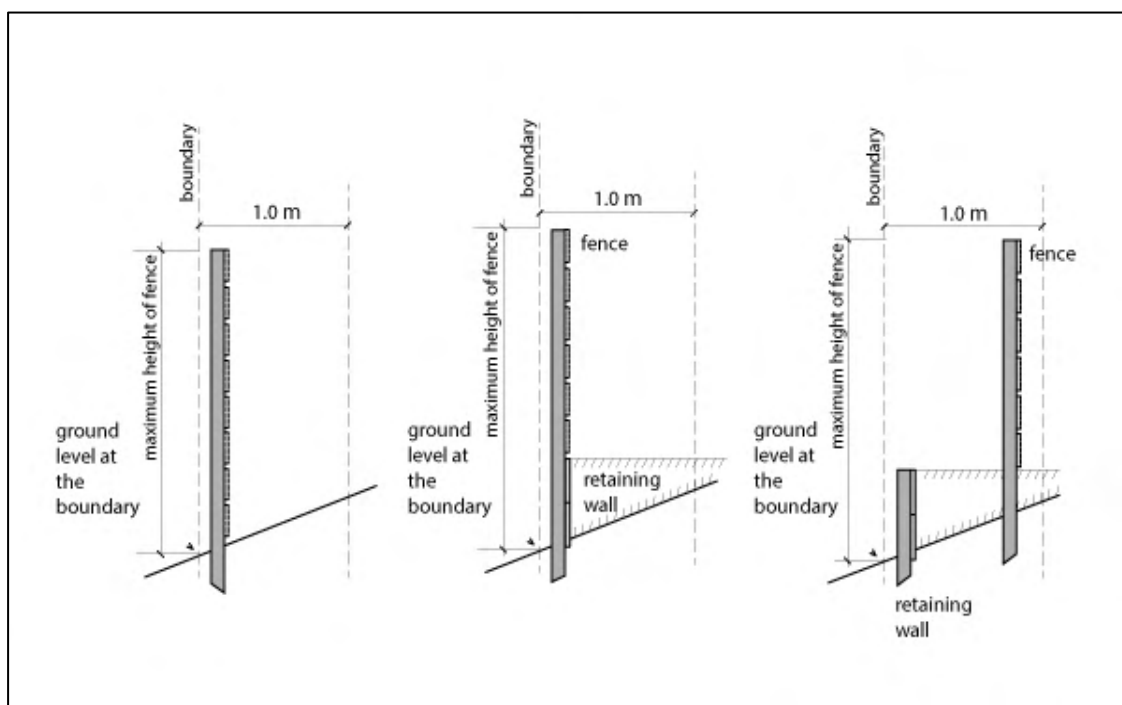
(1) Fences or walls or a combination of these structures (whether separate or joined together) must not exceed the height specified below, measured from the ground level at the boundary:

(a) Within the front yard, either:

- (i) 1.4m in height, or
- (ii) 1.8m in height for no more than 50 per cent of the site frontage and 1.4m for the remainder, or
- (iii) 1.8m in height if the fence is at least 50 per cent visually open as viewed perpendicular to the front boundary.

(b) Within side, rear, coastal protection, lakeside or riparian yards: 2m.

**Figure H.6.6.16.1 Measurement of fence height**



#### H6.6.17. Minimum dwelling size

Purpose: to ensure dwellings are functional and of a sufficient size to provide for the day to day needs of residents, based on the number of occupants the dwelling is designed to accommodate.

(1) Dwellings must have a minimum net internal floor area as follows:

- (a) 30m<sup>2</sup> for studio dwellings.
- (b) 45m<sup>2</sup> for one or more bedroom dwellings.

#### H6.6.18. Rainwater tanks

Purpose: To enable rainwater tank installation while maintaining amenity values.

(1) Rainwater tanks must not be located:

- (a) in a riparian, lakeside or coastal protection yard unless less than 1m in height or wholly below ground level;
  - (b) in a front yard or forward of any street facing or private vehicle access facing building façade, unless they are at least 1.5m from the front boundary and are a maximum height of 1 m.
- (2) Clause b) shall not apply to a rear service lane where the dwellings have frontage to a public street.
  - (3) Rainwater tanks located within a required outlook space area must be no higher than 1m.
  - (4) Rainwater tanks located within the required minimum 20m<sup>2</sup> outdoor living space with minimum dimensions of 4m must be installed wholly underground.
  - (5) Any overflow from the rainwater tank must discharge to the existing authorised stormwater system for the site.

Note: If there is a new stormwater discharge or diversion created Chapter E8.6.2.1 and Building Act requirements must be complied with.

Note: Building Act regulations apply. A building consent may be required under the Building Act.

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**[new text to be inserted]**

#### **H6.7. Assessment – controlled activities**

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There are no controlled activities in this zone.

#### **H6.8. Assessment – restricted discretionary activities**

##### **H6.8.1. Matters of discretion**

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

- (1) for supported residential care accommodating greater than 10 people per site inclusive of staff and residents; boarding houses accommodating greater than 10 people per site inclusive of staff and residents; visitor accommodation accommodating greater than 10 people per site inclusive of staff and visitors; dairies up to 100m<sup>2</sup> gross floor area per site; restaurants and cafes up to 100m<sup>2</sup> gross floor area per site; care centres accommodating greater than 10 people per site excluding staff; community facilities; and healthcare facilities up to 200m<sup>2</sup> gross floor area per site:
  - (a) infrastructure and servicing;
  - (b) the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following:
    - (i) building intensity, scale, location, form and appearance;
    - (ii) traffic;

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- (iii) location and design of parking and access; and
- (iv) noise, lighting and hours of operation.

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**[new text to be inserted]**

(2) for dwellings:

(a) the effects on the neighbourhood character, residential amenity, safety and the surrounding residential area from all of the following:

- (i) building intensity, scale, location, form and appearance;

**[new text to be inserted]**

- (ii) traffic; and

- (iii) location and design of parking and access.

(b) all of the following standards:

- (i) Standard H6.6.10 Maximum impervious areas;
- (ii) Standard H6.6.11 Building coverage;
- (iii) Standard H6.6.12 Landscaped area;
- (iv) Standard H6.6.13 Outlook space;
- (v) Standard H6.6.14 Daylight;
- (vi) Standard H6.6.15 Outdoor living space;
- (vii) Standard H6.6.16 Front, side and rear fences and walls; and
- (viii) Standard H6.6.17 Minimum dwelling size

(c) Infrastructure and servicing

**[new text to be inserted]**

(3) for integrated residential development:

(a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following:

- (i) building intensity, scale, location, form and appearance;

**[new text to be inserted]**

- (ii) traffic;

- (iii) location and design of parking and access; and

- (iv) noise, lighting and hours of operation.

(b) all of the following standards:

- (i) Standard H6.6.10 Maximum impervious areas;
- (ii) Standard H6.6.11 Building coverage;

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- (iii) Standard H6.6.12 Landscaped area;
- (iv) Standard H6.6.13 Outlook space;
- (v) Standard H6.6.14 Daylight;
- (vi) Standard H6.6.15 Outdoor living space;
- (vii) Standard H6.6.16 Front, side and rear fences and walls; and
- (viii) Standard H6.6.17 Minimum dwelling size

(c) Infrastructure and servicing.

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**[new text to be inserted]**

(4) for buildings that do not comply with Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; 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; Standard H6.6.17 Minimum dwelling size:

- (a) any policy which is relevant to the standard;
- (b) the purpose of the standard;
- (c) the effects of the infringement of the standard;
- (d) the effects on the urban built character of the zone;
- (e) the effects on the amenity of neighbouring sites;
- (f) the effects of any special or unusual characteristic of the site which is relevant to the standard;
- (g) the characteristics of the development;
- (h) any other matters specifically listed for the standard; and
- (i) where more than one standard will be infringed, the effects of all infringements.

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(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) Visual dominance effects;
- (b) Attractiveness and safety of the street; and
- (c) Overlooking and privacy.

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[new text to be inserted]

### H6.8.2. Assessment criteria

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

- (1) for supported residential care accommodating greater than 10 people per site inclusive of staff and residents; boarding houses accommodating greater than 10 people per site inclusive of staff and residents; visitor accommodation accommodating greater than 10 people per site inclusive of staff and visitors; dairies up to 100m<sup>2</sup> gross floor area per site; restaurants and cafes up to 100m<sup>2</sup> gross floor area per site; care centres accommodating greater than 10 people per site excluding staff; community facilities; and healthcare facilities up to 200m<sup>2</sup> gross floor area per site:

- (a) infrastructure and servicing:

- (i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development.
  - (ii) Where adequate network capacity is not available, whether adequate mitigation is proposed.

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- (b) building intensity, scale, location, form and appearance:

- (i) whether the intensity and scale of the activity, the building location, form and appearance is compatible with the character and residential amenity provided for within the zone and compatible with the surrounding residential area.

- (c) traffic:

- (i) whether the activity avoids or mitigates high levels of additional non-residential traffic on local roads.

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- (d) location and design of parking and access:

- (i) whether adequate access is provided or required.

[new text to be inserted]

- (e) noise, lighting and hours of operation:

- (i) whether noise and lighting and the hours of operation of the activity avoids, remedies or mitigates adverse effects on the residential amenity of surrounding properties, by:
    - locating noisy activities away from neighbouring residential boundaries; and
    - screening or other design features; and
    - controlling the hours of operation and operational measures.

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**[new text to be inserted]**

(2) for dwellings:

- (a) the extent to which or whether the development achieves the purpose outlined in the following standards or what alternatives are provided that result in the same or a better outcome:
  - (i) Standard H6.6.10 Maximum impervious areas;
  - (ii) Standard H6.6.11 Building coverage;
  - (iii) Standard H6.6.12 Landscaped area;
  - (iv) Standard H6.6.13 Outlook space;
  - (v) Standard H6.6.14 Daylight;
  - (vi) Standard H6.6.15 Outdoor living space; and
  - (vii) Standard H6.6.16 Front, side and rear fences and walls; and
  - (viii) Standard H6.6.17 Minimum dwelling size

**[new text to be inserted]**

(b) refer to Policy H6.3(1);

(c) refer to Policy H6.3(2);

(d) refer to Policy H6.3(3);

**[new text to be inserted]**

(e) refer to Policy H6.3(4);

(f) refer to Policy H6.3(5);

(g) refer to Policy H6.3(6);

(h) refer to Policy H6.3(7); and

(i) refer to Policy H6.3(8).

**[new text to be inserted]**

(j) infrastructure and servicing:

- (i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development.
- (ii) Where adequate network capacity is not available, whether adequate mitigation is proposed.

(k) the extent to which the necessary storage and waste collection and recycling facilities is provided in locations conveniently accessible and screened from streets and public open spaces.

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(l) traffic:

- (i) the extent to which the activity avoids or mitigates adverse effects on the safe and efficient operation of the immediate transport network.
- (ii) H6.8.2 (2)(l)(i) is not considered where the development is located adjacent to a Business – City Centre Zone, Business – Metropolitan Centre Zone or Business – Town Centre Zone.

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**[new text to be inserted]**

(3) for integrated residential development:

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- (a) the extent to which or whether the development achieves the purpose outlined in the following standards or what alternatives are provided that result in the same or a better outcome:
  - (i) Standard H6.6.10 Maximum impervious areas;
  - (ii) Standard H6.6.11 Building coverage;
  - (iii) Standard H6.6.12 Landscaped area;
  - (iv) Standard H6.6.13 Outlook space;
  - (v) Standard H6.6.14 Daylight;
  - (vi) Standard H6.6.15 Outdoor living space;
  - (vii) Standard H6.6.16 Front, side and rear fences and walls; and
  - (viii) Standard H6.6.17 Minimum dwelling size (excluding retirement villages).

(b) refer to Policy H6.3(1);

(c) refer to Policy H6.3(2);

(d) refer to Policy H6.3(3);

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**[new text to be inserted]**

(e) refer to Policy H6.3(4);

(f) refer to Policy H6.3(5);

(g) refer to Policy H6.3(6);

(h) refer to Policy H6.3(7);

(i) refer to Policy H6.3(8); and

**[new text to be inserted]**

(j) infrastructure and servicing:

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- (i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development.
  - (ii) Where adequate network capacity is not available, whether adequate mitigation is proposed.
- (k) traffic:
- (i) the extent to which the activity avoids or mitigates adverse effects on the safe and efficient operation of the immediate transport network.
  - (ii) H6.8.2 (3)(k)(i) is not considered where the development is located adjacent to a Business – City Centre Zone, Business – Metropolitan Centre Zone or Business – Town Centre Zone.

PC 78 ([see Modifications](#))

**[new text to be inserted]**

- (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.

- (5) for building height:

- (a) refer to Policy H6.3(1);

(b) refer to Policy H6.3(2);

(c) refer to Policy H6.3(4); and

(d) refer to Policy H6.3(5).

**[new text to be inserted]**

(6) for height in relation to boundary infringements:

(a) refer to Policy H6.3(1);

(b) refer to Policy H6.3(2);

(c) refer to Policy H6.3(4);

(d) refer to Policy H6.3(5); and

(e) refer to Policy H6.3(6).

**[new text to be inserted]**

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

(a) refer to Policy H6.3(1);

(b) refer to Policy H6.3(2);

(c) refer to Policy H6.3(3);

(d) refer to Policy H6.3(4);

(e) refer to Policy H6.3(5); and

(f) refer to Policy H6.3(6).

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

(a) refer to Policy H6.3(1);

(b) refer to Policy H6.3(2);

(c) refer to Policy H6.3(4);

(d) refer to Policy H6.3(5); and

(e) refer to Policy H6.3(6).

(9) for yards:

(a) refer to Policy H6.3(1);

(b) refer to Policy H6.3(2);

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Modifications](#))

PC 78 ([see  
Modifications](#))

PC 78 ([see  
Modifications](#))

(c) refer to Policy H6.3(4); and

(d) refer to Policy H6.3(5).

**[new text to be inserted]**

(10) for maximum impervious areas:

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(a) refer to Policy H6.3(8).

(11) for building coverage:

(a) refer to Policy H6.3(1);

(b) refer to Policy H6.3(2);

(c) refer to Policy H6.3(4);

(d) refer to Policy H6.3(5); and

(e) refer to Policy H6.3(6).

**[new text to be inserted]**

(12) for landscaped area:

(a) refer to Policy H6.3(1);

(b) refer to Policy H6.3(2);

(c) refer to Policy H6.3(4); and

(d) refer to Policy H6.3(5).

**[new text to be inserted]**

(13) for outlook space:

(a) refer to Policy H6.3(1);

(b) refer to Policy H6.3(2);

**[new text to be inserted]**

(c) refer to Policy H6.3(4);

(d) refer to Policy H6.3(5); and

(e) refer to Policy H6.3(6).

**[new text to be inserted]**

(14) for daylight:

(a) refer to Policy H6.3(2);

PC 78 ([see  
Modifications](#))

PC 78 ([see  
Modifications](#))

[new text to be inserted]

- (b) refer to Policy H6.3(4);
- (c) refer to Policy H6.3(5); and
- (d) refer to Policy H6.3(6).

(15) for outdoor living space:

- (a) refer to Policy H6.3(1);
- (b) refer to Policy H6.3(2);

PC 78 ([see  
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[new text to be inserted]

- (c) refer to Policy H6.3(5);
- (d) refer to Policy H6.3(6); and
- (e) refer to Policy H6.3(7).

[new text to be inserted]

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

PC 78 ([see  
Modifications](#))

- (a) refer to Policy H6.3(2);
- (b) refer to Policy H6.3(3);
- (c) refer to Policy H6.3(5); and
- (d) refer to Policy H6.3(6).

[new text to be inserted]

(17) For minimum dwelling size:

PC 78 ([see  
Modifications](#))

- (a) Policy H6.3(6)

[new text to be inserted]

#### H6.9. Special information requirements

PC 78 ([see  
Modifications](#))

There are no special information requirements in this zone.

[new text to be inserted]