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Eaglehurst Road Precinct Provisions

IXXX. Eaglehurst Road Precinct

IXXX.1 Precinct Description

The purpose of the precinct is to incorporate the Medium Density Residential Standards (MDRS) contained in Schedule 3A of the Resource Management Act 1991.

The Eaglehurst Road Precinct applies to an area of approximately 650 at the rear of 36a Eaglehurst Road, Ellerslie. The zoning of the land within this precinct is Residential – Mixed Housing Suburban Zone. The outcomes anticipated in the precinct correspond to the Residential – Mixed Housing Suburban Zone with MDRS incorporated, and the provisions apply except to the extent the MDRS provisions are incorporated.

IXXX.2 Objectives

- (1) A well-functioning urban environment that enables all people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, now and into the future.
- (2) A relevant residential zone provides for a variety of housing types and sizes that respond to –
 - (a) housing needs and demand; and
 - (b) the neighbourhood's planned urban built character, including three-storey buildings.

In addition to the objectives specified above, all relevant overlay, Auckland-wide and zone objectives apply in this precinct with the exception of the following:

- Objective H4.2(2)

IXXX.3 Policies

- (1) Enable a variety of housing types with a mix of densities within the zone, including three-storey attached and detached dwellings, and low-rise apartments.
 - (2) Apply the MDRS across all relevant residential zones in the District Plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga).
 - (3) Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.
 - (4) Enable housing to be designed to meet the day-to-day needs of residents.
 - (5) Provide for developments not meeting permitted activity status, while encouraging high-quality developments.
 - (6) Require development to achieve a built form that contributes to high-quality built environment outcomes by:
 - (a) maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site;
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- (b) providing for residents' safety and privacy while enabling passive surveillance on the street;
- (c) minimising visual dominance effects to adjoining sites;
- (d) maintaining a level of privacy, and sunlight and daylight access for adjoining sites;
- (e) minimising visual dominance effects of carparking and garage doors to streets and private accessways;
- (f) minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce 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;
- (g) requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees;
- (h) designing practical, sufficient space for residential waste management; and
- (i) designing practical, sufficient space for internal storage and living areas.

In addition to the policies specified above, all relevant overlay, Auckland-wide and zone policies apply in this precinct with the exception of the following:

- Policy H4.3(2)

IXXX.4 Activity table

All relevant overlay, Auckland-wide and zone activities apply in this precinct unless specified below at IXXX.4(1).

- (1) H4.4.1(A5) The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings.

Table IXXX.4.1 specifies the activity status of activities in the IXXX Eaglehurst Road Precinct pursuant to section 9(3) and section 11 of the Resource Management Act 1991.

A blank table cell with no activity status specified means that the zone, Auckland-wide and overlay provisions apply.

Note 1

All applications for subdivision consent are subject to section 106 of the RMA.

Note 2

Particular values associated with an area or resource that are managed by overlay or Auckland-wide Plan Chapters that apply in this precinct may be a qualifying matter under

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section 77I of the RMA. For this precinct there are no controls that limit the height or density permitted by the Medium Density Residential Standards.

Table IXXX.4.1 Activity Table

Activity		Activity Status
Use		
(A1)	Up to three dwellings per site each of which complies with Standards IXXX.6.1.1 to IXXX.6.1.9 inclusive	P
(A2)	The conversion of a principal dwelling into a maximum of three dwellings each of which complies with Standards IXXX.6.1.1 to IXXX.6.1.9 inclusive	P
Development		
(A3)	Accessory buildings associated with a development of dwellings each of which complies with Standards IXXX.6.1.1 to IXXX.6.1.9 inclusive	P
(A4)	Internal and external alterations to buildings for a development of dwellings all of which complies with Standards IXXX.6.1.1 to IXXX.6.1.9 inclusive	P
(A5)	Additions to an existing dwelling which complies with Standards IXXX.6.1.1 to IXXX.6.1.9 inclusive	P
Subdivision for the purpose of the construction or use of dwellings		
(A6)	Subdivision in accordance with an approved land use consent for the purpose of the construction, or use of dwellings as permitted or restricted discretionary activities in the precinct, and meeting IXXX.6.2 Standards for controlled subdivision activities	C
(A7)	Subdivision for up to three sites accompanied by: <ul style="list-style-type: none"> (a) A land use consent application for up to three dwellings one or more of which does not comply with any of Standards IXXX.6.1.2 to IXXX.6.1.9 inclusive but does comply with all applicable zonal, Auckland-wide, precinct and overlay standards; or (b) A certificate of compliance for up to three dwellings each of which complies with 	C

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Activity		Activity Status
	Standards IXXX.6.1.2 to IXXX.6.1.9 inclusive and applicable zonal, Auckland-wide, precinct and overlay standards	
(A8)	Any subdivision listed above not meeting IXXX.6.2 Standards for controlled subdivision activities	
(A9)	Any subdivision listed above not meeting General Standards E38.6.2 to E38.6.6 inclusive	D
(A10)	Any subdivision listed above not meeting Standards for subdivision in residential zones E38.8.1.1(1) and E38.8.1.2	D

IXXX.5 Notification

- (1) Unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991, public notification of an application for resource consent is precluded if the application is for the construction and use of one, two or three dwellings that do not comply with one or more of Standards IXXX.6.1.2 to IXXX.6.1.9
- (2) Unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991, public and limited notification of an application for a controlled subdivision resource consent is precluded if the subdivision is associated with an application:
 - (a) for the construction and use of one, two or three dwellings that do not comply with one or more of the Standards listed in IXXX.6.1.2 to IXXX.6.1.9; or
 - (b) four or more dwellings for which a land use consent has been approved for the purpose of the construction, or use of dwellings as a restricted discretionary activity in the precinct.
- (3) Any application for a resource consent which is listed above which also requires resource consent under other rules in the Plan, including standards other than IXXX.6.1.2 to IXXX.6.1.9, will be subject to the normal tests for notification under the relevant sections of the RMA.

IXXX.6 Standards

- (1) Unless specified in Standard IXXX.6(2) below, all relevant overlay, Auckland-wide and zone standards apply to all activities in the IXXX [insert Name] precinct.
- (2) The following zone standards do not apply to activities (A1) to (A5) listed in Activity Table IXXX.4.1 above:
 - (a) H4.6.3 The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings;

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- (b) H4.6.4 Building height;
 - (c) H4.6.5 Height in relation to boundary;
 - (d) H4.6.6 Alternative height in relation to boundary;
 - (e) H4.6.7 Yards;
 - (f) H4.6.9 Building coverage;
 - (g) H4.6.10 Landscaped area;
 - (h) H4.6.11 Outlook space; and
 - (i) H4.6.13 Outdoor living space.
- (3) The activities listed as a permitted activity in Activity Table IX.4.1 must comply with permitted activity standards IXXX.6.1.1 to IXXX.6.1.9.
- (4) The activities listed as a controlled activity in Activity Table IXXX.4.1 must comply with IXXX.6.2 Standards for controlled subdivision activities and the E38 subdivision standards listed in Activity Table IXXX.4.1.

IXXX.6.1 Standards for land use activities

IXXX.6.1.1 Number of dwellings per site

- (1) There must be no more than three dwellings per site.

IXXX.6.1.2 Building height

Purpose: To manage the height of buildings to:

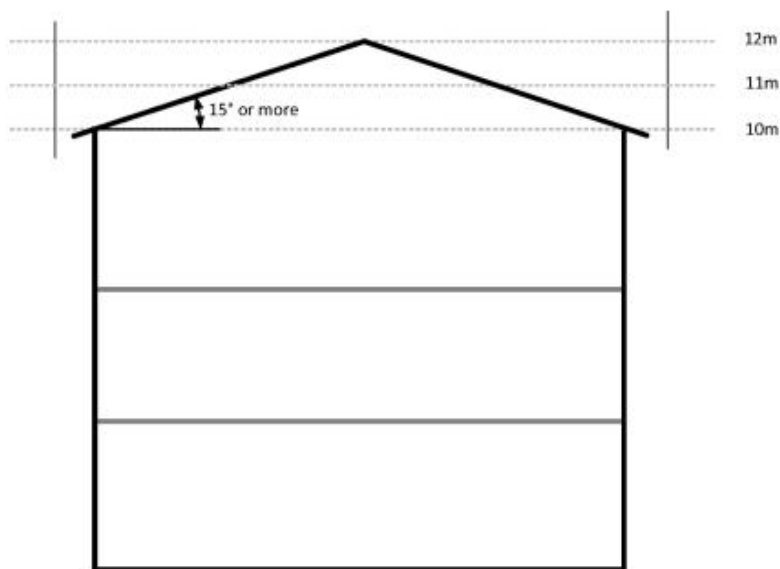
- achieve the planned urban built character of predominantly three storeys;
- minimise visual dominance effects;
- maintain a reasonable standard of residential amenity for adjoining sites; and
- provide some flexibility to enable variety in roof forms.

- (1) Buildings must not exceed 11m in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15° or more, as shown in Figure IXXX.6.1.2.1 below.

Figure IXXX.6.1.2.1 Building height

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IXXX.6.1.3 Height in relation to boundary

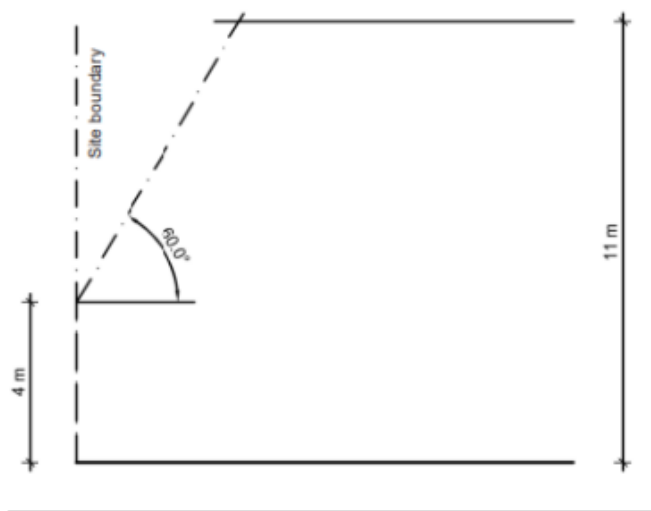
Purpose: To manage the height and bulk of buildings at boundaries to maintain a reasonable level of sunlight access, privacy and minimise adverse visual dominance effects to immediate neighbours.

- (1) Buildings must not project beyond a 60-degree recession plane measured from a point 4m vertically above ground level along side and rear boundaries as shown in Figure IXXX.6.1.3.1 Height in relation to boundary below.
- (2) Standard IXXX.6.1.3(1) above does not apply to a boundary, or part of a boundary, adjoining any Business Zone.
- (3) Standard IXXX.6.1.3(1) above 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 IXXX.6.1.3 applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.
- (5) The height in relation to boundary standard does not apply to existing or proposed internal boundaries within a site.

Figure IXXX.6.1.3.1 Height in relation to boundary

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IXXX.6.1.4 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 below:

- (a) Front yard: 1.5m.
- (b) Side yard: 1m
- (c) Rear yard: 1m

(2) Standard IXXX.6.1.4(1)(b) 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.

IXXX.6.1.5 Building coverage

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

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

IXXX.6.1.6 Landscaped area

Purpose:

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- to provide for quality living environments consistent with the planned urban built character of buildings surrounded by vegetation; and
 - to create a vegetated urban streetscape character.
- (1) A dwelling at ground floor level must have a landscaped area of a minimum of 20 per cent of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them.
- (2) The landscaped area may be located on any part of the development site, and does not need to be associated with each dwelling.

IXXX.6.1.7 Outlook space

Purpose:

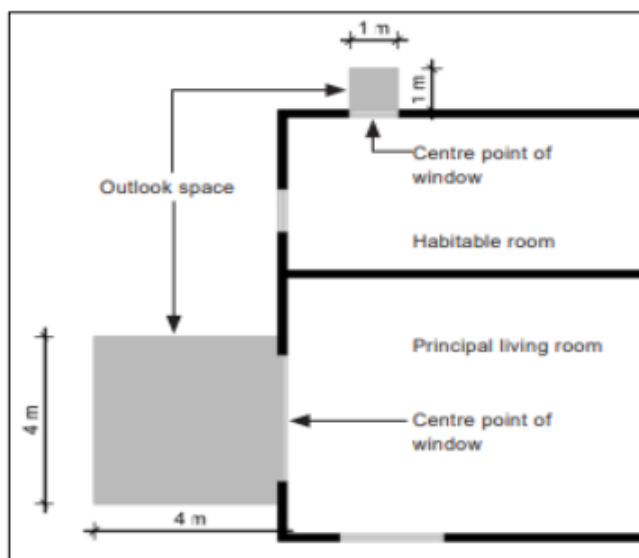
- to ensure a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites; and
 - in combination with H5.6.13 Daylight Standard, manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space.
- (1) An outlook space must be provided for each dwelling as specified in this standard.
- (2) An outlook space must be provided from habitable room windows as shown in Figure IXXX.6.1.7.1 Outlook space requirements.
- (3) The minimum dimensions for a required outlook space are as follows and as shown in Figure IXXX.6.1.7.1 Outlook space requirements:
- (a) a principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and
 - (b) all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.
- (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.
- (5) Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.
- (6) Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.
- (7) Outlook spaces may be under or over a balcony.
- (8) Outlook spaces required from different rooms within the same building may overlap.
- (9) Outlook spaces must—
- (a) be clear and unobstructed by buildings; and
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- (b) not extend over an outlook space or outdoor living space required by another dwelling.

Figure IXXX.6.1.7.1 Outlook space requirements



IXXX.6.1.8 Outdoor living space

Purpose: To provide dwellings with outdoor living space that is of a functional size and dimension, has access to sunlight, is separated from vehicle access and manoeuvring areas, and ensure:

- private outdoor living spaces are directly accessible from the principal living room, dining room or kitchen;
 - communal outdoor living spaces are conveniently accessible for all occupants.
- (1) A dwelling at ground floor level must have an outdoor living space that is at least 20m² and that comprises ground floor, balcony, patio, or roof terrace space that, —
- (a) where located at ground level, has no dimension less than 3 metres; and
 - (b) where provided in the form of a balcony, patio, or roof terrace, is at least 8m² and has a minimum dimension of 1.8 metres; and
 - (c) is accessible from the dwelling; and
 - (d) may be—
 - (i) grouped cumulatively by area in 1 communally accessible location; or
 - (ii) located directly adjacent to the dwelling; and
 - (e) is free of buildings, parking spaces, and servicing and manoeuvring areas.
- (2) A dwelling located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that—

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- (a) is at least 8m² and has a minimum dimension of 1.8 metres; and
- (b) is accessible from the dwelling; and
- (c) may be—
 - (i) grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or
 - (ii) located directly adjacent to the dwelling.

IXXX.6.1.9 Windows facing the street

Purpose: To provide for passive surveillance while maintaining privacy for residents and users.

- (1) Any dwelling facing the street must have a minimum of 20 per cent of the street-facing façade in glazing. This can be in the form of windows or doors.

IXXX.6.2 Standards for controlled subdivision activities

Purpose:

- To provide for subdivision of land for the purpose of construction and use of dwellings in accordance with MDRS permitted and restricted discretionary land use activities

IXXX.6.2.1 Subdivision in accordance with an approved land use consent for the purpose of the construction or use of dwellings as permitted or restricted discretionary activities in the precinct

- (1) Any subdivision relating to an approved land use consent must comply with that land use consent.
- (2) Subdivision does not increase the degree of any non-compliance with standards IXXX.6.1.1 to IXXX.6.1.9 except that Standard IXXX.6.1.3(1) does not apply along the length of any proposed boundary where dwellings share a common wall.
- (3) No vacant sites are created.

IXXX.6.2.2 Subdivision around existing buildings and development

- (1) Prior to subdivision occurring, all development must meet the following:
 - (a) Comply with the relevant overlay, Auckland-wide, zone and precinct rules; or
 - (b) Be in accordance with an approved land use consent.
- (2) Subdivision does not increase the degree of any non-compliance with standards IXXX.6.1.1 to IXXX.6.1.9 except that Standard IXXX.6.1.3(1) does not apply along the length of any proposed boundary where dwellings share a common wall.
- (3) No vacant sites are created.

IXXX.6.2.3 Subdivision for up to three sites accompanied by a land use consent application or certificate of compliance for up to three dwellings

- (1) The subdivision application and land use consent application or certificate of compliance relate to a site on which there are no dwellings;
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- (2) The subdivision application and land use consent application or certificate of compliance must be determined concurrently;
- (3) Each dwelling, relative to its proposed boundaries, complies with Standards IXXX.6.1.2 to IXXX.6.1.9;
- (4) A maximum of three sites and three dwellings are created; and
- (5) No vacant sites are created.

IXXX.7 Assessment – controlled activities

IXXX.7.1 Matters of control

The Council will reserve control over all of the following matters when assessing a controlled activity resource consent application:

- (1) All controlled subdivision activities in Table IXXX.4.1:
 - (a) compliance with an approved resource consent or consistency with a concurrent land use consent application or certificate of compliance;
 - (b) compliance with the relevant overlay, Auckland-wide, precinct and zone rules;
 - (c) the effects of infrastructure provision.

IXXX.7.2 Assessment criteria

(1) The Council will consider the relevant assessment criteria for controlled subdivision from the list below:

- (a) compliance with an approved resource consent or consistency with a concurrent land use consent application or certificate of compliance:
 - (i) refer to Policy E38.3(6);
- (b) compliance with the relevant overlay, Auckland-wide, precinct and zone rules;
 - (i) refer to Policy E38.3(1) and (6);
- (c) whether there is appropriate provision made for infrastructure including:
 - (i) whether provision is made for infrastructure including creation of common areas over parts of the parent site that require access by more than one site within the subdivision; and
 - (ii) whether appropriate management of effects of stormwater has been provided;
 - (iii) refer to Policies E38.3(1), (6), (19) to (23).

IXXX.8 Assessment – restricted discretionary activities

IXXX.8.1 Matters of discretion

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

- (1) For buildings that do not comply with one or more Standards IXXX.6.1.2 to IXXX.6.1.9:
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- (a) any precinct and zone policies 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 precinct;
- (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 considered together.

IXXX.8.2 Assessment criteria

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

- (1) For buildings that do not comply with one or more of Standards IXXX.6.1.2 to IXXX.6.1.9 1:
 - (a) for all infringements to standards:
 - (i) refer to Policy IXXX.3(5)
 - (ii) refer to Policy IXXX.3(6)
 - (b) for building height:
 - (i) refer to Policy IXXX.3(1)
 - (ii) refer to Policy IXXX.3(5)

Visual dominance

- (iii) the extent to which buildings as viewed from the street or public places are designed to minimise visual dominance effects of any additional height, taking into account:
 - the planned urban built character of the precinct; and
 - the location, orientation and design of development,
 - the effect of the proposed height on the surrounding and neighbouring development.

Character and Visual Amenity

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- (iv) the extent to which the form and design of the building and any additional height responds to the planned form and existing character of the surrounding area, including natural landforms and features, and the coast
- (v) how buildings as viewed from the street or public places are designed to appear against the skyline, taking into account:
 - whether roof plan, services and equipment are hidden from views; and
 - whether the expression of the top of the building provides visual interest and variation.
- (c) for height in relation to boundary:
 - (i) refer to Policy IXXX.3(1)
 - (ii) refer to Policy IXXX.3(5)

Sunlight access

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

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

 - over 75% of the existing outdoor living space where the area of the space is greater than the minimum required by Standard IXXX.6.1.8: or
 - over 100% of existing outdoor living space where the area of this space is equal to or less than the minimum required by Standard IXXX.6.1.8.
- (iv) in circumstances where sunlight access to the outdoor living space of an existing dwelling on a neighbouring site is less than the outcome referenced in IXXX.8.2(1)(c)(iii)
 - the extent to which there is any reduction in sunlight access as a consequence of the proposed development, beyond that enabled through compliance with Standard IXXX.6.1.3 Height in relation to boundary control; and
 - the extent to which the building affects the area and duration of sunlight access to the outdoor living space of an existing dwelling on a neighbouring site, taking into account site orientation, topography, vegetation and existing or consented development.

Visual dominance

- (v) 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:
 - the planned urban built character of the zone;
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- the location, orientation and design of development;
- the physical characteristics of the site and the neighbouring site;
- the design of side and rear walls, including appearance and dominance;
and
- providing adequate visual and/or physical break up of long continuous building forms.

Overlooking and privacy

(vi) 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.

(d) for yards:

- (i) refer to Policy IXXX.3(1)
- (ii) refer to Policy IXXX.3(3)

(e) for building coverage:

- (i) refer to Policy IXXX.3(1)
- (ii) refer to Policy IXXX.3(3)
- (iii) whether the non-compliance is appropriate to the context, taking into account:
 - whether the balance of private open space and buildings is consistent with the planned urban built character anticipated for the precinct;
 - the degree to which the balance of private open space and buildings reduces onsite amenity for residents, including the useability of outdoor living areas and functionality of landscape areas;
 - the proportion of the building scale in relation to the proportion of the site.

(f) for landscaped area:

- (i) refer to Policy IXXX.3(1)
- (ii) refer to Policy IXXX.3(3)
- (iii) refer to Policy H5.3(10) and
- (iv) the extent to which existing trees are retained.

(g) for outlook space:

- (i) refer to Policy IXXX.3(1)
 - (ii) refer to Policy IXXX.3(3)
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- (iii) refer to Policy IXXX.3(4)
- (iv) The extent to which overlooking of a neighbour's habitable room windows and private and/or communal outdoor living space can be minimised through the location and design of habitable room windows, balconies or terraces and the appropriate use of building and glazing setbacks and/or screening which is integrated part of the overall building design.
- (h) for outdoor living space:
 - (i) refer to Policy IXXX.3(1);
 - (ii) refer to Policy IXXX.3(4); and
 - (iii) the extent to which dwellings provide private open space and communal open space that is useable, accessible from each dwelling and attractive for occupants.
- (i) for windows facing the street:
 - (i) refer to Policy IXXX.3(3)
 - (ii) the extent to which the glazing:
 - allows views to the street and/or accessways to ensure passive surveillance; and
 - provides a good standard of privacy for occupants.

IXXX.9 Special information requirements

There are no special information requirements in this precinct.

IXXX.10 Precinct plans

There are no precinct plans in this precinct.
