

IN THE ENVIRONMENT COURT
AT AUCKLAND

ENV-2016-AKL-

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

AND

IN THE MATTER of an appeal under section 156(1) of the LGATPA against a decision of the Auckland Council on a recommendation of the Auckland Unitary Plan Independent Hearings Panel (**Hearings Panel**) on the proposed Auckland Unitary Plan (**Proposed Plan**)

AND

IN THE MATTER of Proposed Plan Hearing Topic(s) 059 to 063 Residential Zones

BETWEEN **RON AND HANNAH DUNLOP FAMILY TRUSTS**
Appellant

AND **AUCKLAND COUNCIL**
Respondent

NOTICE OF APPEAL

Dated 16 September 2016

Address for service of appellant

17 Worley Place
St Johns
Auckland

ron@multiform.co.nz

09 5277752

Contact person: Ron Dunlop

To: The Registrar
 Environment Court
 Auckland

1. The Ron and Hannah Dunlop Family Trusts (**the Trust**) appeals against a decision of the Auckland Council (the **Council**) on the proposed Auckland Unitary Plan (**Proposed Plan**).
2. The Trust has the right to appeal the Council's decision under section 156(1) of the LGATPA because the Council rejected a recommendation of the Hearings Panel in relation to a provision or matter I addressed in my submission on the proposed plan (submission number 337). The Council decided on an alternative solution, which resulted in a provision being included in the Proposed Plan.
3. Further details of the Trust's reasons for the appeal are set out below.
4. The Trust is not a trade competitor for the purposes of section 308D of the RMA.
5. The Trust received notice of the decision on 19 August 2016.
6. The Trust is appealing Council's decision to reject the Hearings Panel recommendation to amend the threshold for requiring resource consent from three or more dwellings to five or more dwellings in the Mixed Housing Suburban Zone. This recommendation formed part of the Hearings Panel recommendations on topics 059 to 063 Residential Zones.

In the notified version of the Proposed Plan up to three dwellings per site were allowed as a permitted activity in the Mixed Housing Suburban Zone. Four or more dwellings per site would require resource consent for a restricted discretionary activity. In its recommendations, the Hearings Panel recommended that this increase to four dwellings per site as a permitted activity in the Mixed Housing Suburban Zone (see Table H4.4.1 (A3 – A4)). However, in its decisions on the Hearings Panel recommendations, Council rejected the Panel recommendation, and reduced the permitted activity threshold to two dwellings per site in the Mixed Housing Suburban Zone (see Table H4.4.1 (A3 – A4)).

7. The Trust appeals this decision on the basis that allowing up to four dwellings per site as of right in the Mixed Housing Suburban Zone will enable greater urban intensification and is therefore more consistent with the purpose of the zone.
8. The Trust seeks the following relief:
 - (a) That the threshold for requiring resource consent be amended to five or more dwellings in the Mixed Housing Suburban Zone to reflect the recommendations of the Hearings Panel; and



(b) Such further, other or consequential relief to these or other provisions as considered appropriate and necessary to address the concerns set out in this notice of appeal.

9. An electronic copy of this notice is being served today by email on the Auckland Council at unitaryplan@aucklandcouncil.govt.nz. Waivers and directions have been made by the Environment Court in relation to the usual requirements of the RMA as to service of this notice on other persons.

10. I attach the following documents to this notice:

(a) a copy of the relevant decision;

(b) a list of names and addresses of persons served with a copy of this notice (attached at page 5).

(c) a copy of my submission.



Signature of appellant



Date

Address for service of appellant

17 Worley Place

St Johns

Auckland

ron@multiform.co.nz

09 5277752

Contact person: Ron Dunlop

Note to appellant

You may appeal only if—

(a) the Council rejected a recommendation of the Hearings Panel in relation to a provision or a matter you addressed in your submission on the proposed plan and the Council decided on an alternative solution that resulted in a provision being included in the proposed plan or a matter being excluded from the proposed plan; or

(b) you are, were, or will be unduly prejudiced by the inclusion of a provision in or the exclusion of a matter from the proposed plan in relation to which the Council accepted a recommendation of the Hearings Panel that the Hearings Panel had identified as being beyond the scope of the submissions made on the proposed plan.

Your right to appeal may be limited by the trade competition provisions in Part 11A of the RMA.

You must lodge the original notice with the Environment Court, and serve a copy on the Council (by email to unitaryplan@aucklandcouncil.govt.nz), within 20 working days after the Council notifies its decisions in relation to the recommendations of the Hearings Panel under section 148(4)(a) of the LGATPA (i.e. by no later than **16 September 2016**).

You must pay the filing fee required by regulation 15 of the Resource Management (Forms, Fees, and Procedure for Auckland Combined Plan) Regulations 2013 at the time you lodge this notice with the Environment Court.

If your appeal concerns a regional coastal plan provision / the coastal marine area, you must serve a copy of this notice on the Minister of Conservation within 5 working days after this notice is lodged with the Environment Court.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003).

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may become a party to the appeal if you are one of the persons described in section 274(1) of the RMA.

To become a party to the appeal, you must, within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003) with the Environment Court by email (to unitaryplan.ecappeals@justice.govt.nz) and serve copies of your notice by email on the Auckland Council (to unitaryplan@aucklandcouncil.govt.nz) and the appellant.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the RMA.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland.

Names and addresses of persons served with a copy of this notice

Auckland Council

Private Bag 92300

Victoria Street West

Auckland 1142

Unitaryplan@aucklandcouncil.govt.nz



**Decisions of the Auckland Council on
recommendations by the Auckland Unitary
Plan Independent Hearings Panel on
submissions and further submissions to the
Proposed Auckland Unitary Plan**

Attachment D

A list of the Panel's Recommendations that have
been rejected by the Council.

19 August 2016

Attachment D – Panel’s recommendations rejected by the Council

Hearing Topic Number	Rejected Recommendation
Hearing topic 006 and 035 Air quality	Deletion of the Auckland Ambient Air Quality Standards
Hearing topic 010/029/030/079 Special character and pre 1944	The deletion of the objective that provides for management of heritage values in the Regional Policy Statement
Hearing topic 011 Rural environment	The deletion of objectives and policies for rural subdivision that: <ul style="list-style-type: none"> (i) Prevent inappropriate subdivision (ii) Promote the significant enhancement of indigenous biodiversity (iii) Facilitate transfer of titles only into the Countryside living zone.
Hearing topic 012 Infrastructure, energy and transport	The deletion of policies which encourage land use and transport integration and in particular, the location of higher intensity activities where those activities are served by key public transport services and routes.
Hearing topic 013 Urban growth	The deletion of objectives and policies that seek to focus growth within the existing metropolitan area
	Amendments to the policy that guides the location of the Rural Urban Boundary
	The enablement of commercial activities within centres and corridors
Hearing topic 022 Natural hazards and flooding and 026 – General others	Replacing the 1 per cent annual exceedance probability (AEP) flood hazard with the 2 per cent annual exceedance probability (AEP) flood hazard in urban areas
	No controls for buildings within floodplains to prevent the exacerbation of flood hazards
	No controls to manage a change of use to more vulnerable activities in existing buildings within floodplains
	Amending the definition of coastal storm inundation 1 per cent annual exceedance probability plus 1 metre of sea level rise to not include reference to maps
	No consent requirements for new buildings in the activity table for the coastal storm inundation 1 per

	cent annual exceedance probability (AEP) plus 1 metre of sea level rise area
Hearing topic 025 Trees	The deletion of scheduled items from the Schedule of Notable Trees which does not comply with section 76(4A) – (4D) of the Resource Management Act 1991
	The deletion of 18 scheduled items from the Schedule of Notable Tree with no explanation or reasoning.
	The trimming of up to 20 per cent of a notable tree's live growth as a permitted activity, subject to complying with specific standards.
Hearing topic 028 Future urban zone	Changing the activity status of subdivision in the Future Urban zone from a Prohibited activity to a Discretionary activity.
	Changing the activity status of landfills in the Future Urban zone from a Non-complying activity to a Discretionary activity.
Hearing topic 032 Schedule of historic heritage	The deletion of the Symonds Street flats, 44 Symonds Street, City Centre from the schedule
Hearing topic 033/034 General coastal marine zone	Amendment to the activity table for identifying which standards apply to discharges of hull bio-fouling organisms.
	Including in the definition of marine and port facilities reference to 'sea walls'
Hearing topic 038 Contaminated land	The inclusion of contaminated land in accidental discovery control provisions
	Changes to rules for discharges of contaminants from disturbing soil on land containing elevated levels of contaminants
	The deletion of the definition of land containing elevated levels of contaminants
Hearing topic 039 Hazardous substances and industrial and trade activities	Amendments to the definition of clean fill material which removes differentiation between clean fill and managed fills
Hearing topic 041 Earthworks and minerals,	The deletion of kauri dieback provisions
Hearing topic 042 Infrastructure	Increase the extent of the National Grid Corridor overlay, as it relates to the area 32m each side of 110kv lines and 37m each side of the centerline of 220kv lines
	No objective to manage the adverse effects of infrastructure in the District Plan provisions for

	infrastructure
	The tagging of the infrastructure objectives and policies as regional coastal provisions
	Electric vehicle charging stations should be Permitted activities in roads
	Deletion of the standards for minor infrastructure upgrading in the standards for activities in roads
	No default activity status for minor infrastructure upgrading where an upgrade to an existing network utility exceeds the specified standard
	Increasing the permitted threshold for the trimming and alteration of trees in streets and public open spaces subject to meeting specific standards including an agreed tree management plan
	Extending standards on vegetation removal within a Significant Ecological Area to roads
	The inclusion of standards relating to earthworks (filling) within a floodplain associated with road works
	The inclusion of standards relating to earthworks (filling) within overland flow paths associated with road work
	Specific limitations on earthworks within overlays for road network activities
Hearing topic 043/044 Transport	Amendment of the parking rates for the Metropolitan Centre, Town Centre, Local Centre, Mixed Use and Terrace Housing and Apartment Buildings zones to remove maximum and minimum parking rates for all activities within these zones with the exception of retail and commercial service activities
	Parking rates for residential and non-residential activities in the City Centre zone of 1:125m ² for non-residential activities within a proposed 'Outer core' parking area while applying a rate of 1:200m ² within a proposed 'Inner core' parking area. A maximum rate of 1.5 car parks per dwelling (regardless of dwelling size) is proposed for residential activities.
Hearing topic 046/047/048/049 Water quality and quantity, lakes, rivers and streams, aquifers and ground water and discharges of stormwater and wastewater	Inserting a permitted activity land use rule for stormwater runoff into the stormwater network and combined sewer network
	Amending to a Permitted activity status for sites that do not discharge to a stream or discharge below RL 2m in a Stormwater Management Areas Flow (SMAF).
	Amending the activity status for roads within a Stormwater Management Areas Flow (SMAF).
	Deleting the default activity status for roads/motorways

	within a Stormwater Management Areas Flow (SMAF).
	Amending the general standards in E10.6.11 and associated rules in E10.6.3.1 to refer to “site” which, as defined, does not include a road.
	Amending the hydrology mitigation requirements for some roading projects.
	Deleting the definition of “redevelopment of a road”
Hearing topic 050-054 City centre and business zones	Wynyard Precinct – the deletion of framework plans has resulted in a consequential amendment to the height and gross floor area controls in the Wynyard Precinct
	Queen Street Valley Precinct – the deletion of the pre – 1940 building demolition control from the Queen Street Valley Precinct
	The deletion of the minimum dwelling size standard in the City Centre and business zones
	The application of a Height in Relation to Boundary control within the Mixed Use Zone and between the Mixed Use Zone and the General Business Zone
	A recession plane indicator diagram which is inconsistent with the Height in Relation to Boundary controls in all business zones
	The deletion of specific standards to manage development within natural hazards areas within the Port Precinct
Hearing topic 058 Open space	Amending the activity status for new buildings and additions, and the height and gross floor area standards for the Open Space zones
Hearing topic 059 to 063 Residential zones	That Integrated Residential Developments are provided for as a Restricted Discretionary activity within the Single House Zone
	Amending the threshold for requiring resource consent from three or more dwellings to five or more dwellings in the Mixed Housing Suburban and Mixed Housing Urban zones (MHU)
	The deletion of the minimum dwelling size standard.
	Amending the Height in Relation to Boundary Controls in the Mixed Housing Suburban, Mixed Housing Urban and Terrace Housing and Apartment Building zones.
	Amendments to apply the Height in Relation to Boundary Control and the Alternative Height in Relation to Boundary Control to the front boundary within the Terrace Housing and Apartment Building zone. The Height in Relation to Boundary adjoining lower intensity zones is recommended to apply to the front boundary within the Mixed Housing Urban and Terrace Housing and Apartment Building zones.
	The deletion of a standard relating to reticulated water supply and wastewater network capacity and moving the matter to assessment criteria
	The deletion of the definition of building coverage

	The deletion of front fence rule and deleting policies relating to streetscape from the Single House, Mixed Housing Suburban, Mixed Housing Urban and Terrace House and Apartment Building zones.
Hearing topic 064 Subdivision – rural	The inclusion of objectives, policies and rules that enable sporadic and scattered rural subdivision
	The inclusion of provisions that allow for minimal environmental benefits to be accepted in exchange for rural-residential subdivision
	Absence in recommending specific site sizes for Countryside Living subdivision in the Caldwell's Road area in Whitford
Hearing topic 065 Definitions	Amendment to the definition of 'Height' makes the structures exempted from the definition subject to width and height limits that are unworkable for some structures.
Hearing topic 075 Waitakere ranges	Double-tagging [rp/dp] the activity tables in the Rural – Waitakere Ranges Foothills zone and the Rural – Waitakere Ranges zone sites.
Hearing topic 080 Rezoning and precincts (general) and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the SOUTH)	Removal of the Rural Urban Boundary at Crater Hill and Pukaki Peninsula, Puhinui
Hearing topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the WEST)	No mechanisms within the Redhills precinct relating to the provision of transport infrastructure
	No indicative roading pattern required to achieve an effective transport network in the Westgate Precinct.
Hearing topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in RODNEY)	No mechanisms within the new Wainui precinct for the provision of transport infrastructure
	The rezoning of the Kumeu Showgrounds from Mixed Rural to Countryside Living.
	The application of the Large Lot zone at 47-61 Dawson Road, Snells Beach
Hearing topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts	The deletion of the Akoranga precinct and reliance upon the Auckland University of Technology (AUT) designation (Designation 6010)

(Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the NORTH)	
	The deletion of the Takapuna 2 precinct and reliance upon the provisions of the underlying zones (Terraced House and Apartment Buildings and Business – Metropolitan)
	The extension of the Rural Urban Boundary north of the Vaughans Road ridgeline into the Okura catchment at a location east of Okura village
	The application of a new precinct to the land north of Vaughans Road, Okura and rezoning of approximately 130ha of land from Countryside Living to Mixed Housing Suburban, Large Lot, Open Space Conservation and Open Space Informal Recreation zones
	The rezoning of approximately 30ha of land from Countryside Living to Future Urban zone on land to the north of Vaughans Road/east of Okura Village
	As a consequential change, amend Table E39.6.5.2.1 Minimum and minimum average net site areas, to include a minimum net site area and average net site area without transferable rural site subdivision, of 4ha to land known as Okura East
	As a consequential change add the Control: Subdivision Variation Control - Rural, Okura East Countryside Living to the land know as Okura East
Hearing topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in CENTRAL)	Deletion of the Sylvia Park precinct and reliance on the underlying Metropolitan Centre zone

H4. Residential – Mixed Housing Suburban Zone

H4.1. Zone description

The Residential – Mixed Housing Suburban Zone is the most widespread residential zone covering many established suburbs and some greenfields areas. Much of the existing development in the zone is characterised by one or two storey, mainly stand-alone buildings, set back from site boundaries with landscaped gardens.

The zone enables intensification, while retaining a suburban built character. Development within the zone will generally be two storey detached and attached housing in a variety of types and sizes to provide housing choice. The height of permitted buildings is the main difference between this zone and the Residential – Mixed Housing Urban Zone which generally provides for three storey predominately attached dwellings.

Up to two dwellings are permitted as of right subject to compliance with the standards. This is to ensure a quality outcome for adjoining sites and the neighbourhood, as well as residents within the development site.

Resource consent is required for three or more dwellings and for other specified buildings in order to:

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

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.

H4.2. Objectives

- (1) Housing capacity, intensity and choice in the zone is increased.
- (2) Development is in keeping with the neighbourhood's planned suburban built character of predominantly two storey buildings, in a variety of forms (attached and detached).
- (3) Development provides quality on-site residential amenity for residents and adjoining sites 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.

H4.3. Policies

- (1) Enable a variety of housing types including integrated residential development such as retirement villages.

- (2) Achieve the planned suburban built character of predominantly two storey-buildings, in a variety of forms by:
 - (a) limiting the height, bulk and form of development;
 - (b) managing the design and appearance of multiple-unit residential development; and
 - (c) requiring sufficient setbacks and landscaped areas.
- (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.
- (4) Require the height, bulk and location of development to maintain a reasonable standard of sunlight access and privacy and to minimise visual dominance effects to adjoining sites.
- (5) Require accommodation to be designed to:
 - (a) provide privacy and outlook; and
 - (b) be functional, have access to daylight and sunlight and provide the amenities necessary to meet the day-to-day needs of residents.
- (6) Encourage accommodation to have useable and accessible outdoor living space.
- (7) 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.
- (8) Enable more efficient use of larger sites by providing for integrated residential development.
- (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 – Metro Centre Zone and Business – Town Centre Zone.

H4.4. Activity table

H4 Residential – Mixed Housing Suburban Zone

Table H4.4.1 Activity table specifies the activity status of land use and development activities in the Residential – Mixed Housing Suburban Zone pursuant to section 9(3) of the Resource Management Act 1991.

Table H4.4.1 Activity table

Activity		Activity status	Standards to be complied with
Use			
(A1)	Activities not provided for	NC	
Residential			
(A2)	Camping grounds	D	
(A3)	Up to two dwellings per site	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; Standard H4.6.11 Outlook space; Standard H4.6.12 Daylight; Standard H4.6.13 Outdoor living space; Standard H4.6.14 Front, side and rear fences and walls
(A4)	Three or more dwellings per site	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards
(A5)	The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings	P	Standard H4.6.3 The conversion of a principal dwelling into a maximum of two dwellings
(A6)	Home occupations	P	Standard H4.6.2 Home occupations
(A7)	Home occupations that do not meet Standard H4.6.2	D	
(A8)	Integrated Residential Development	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards
(A9)	Supported residential care accommodating up to 10 people per site inclusive of staff and residents	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; Standard H4.6.11 Outlook space; Standard H4.6.12 Daylight; Standard H4.6.13 Outdoor living space; Standard H4.6.14 Front, side and rear fences and walls
(A10)	Supported residential	RD	Standard H4.6.4 Building height;

H4 Residential – Mixed Housing Suburban Zone

	care accommodating greater than 10 people per site inclusive of staff and residents		Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards
(A11)	Boarding houses accommodating up to 10 people per site inclusive of staff and residents	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; Standard H4.6.11 Outlook space; Standard H4.6.12 Daylight; Standard H4.6.13 Outdoor living space; Standard H4.6.14 Front, side and rear fences and walls
(A12)	Boarding houses accommodating greater than 10 people per site inclusive of staff and residents	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards
(A13)	Visitor accommodation accommodating up to 10 people per site inclusive of staff and visitors	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; and Standard H4.6.14 Front, side and rear fences and walls
(A14)	Visitor accommodation accommodating greater than 10 people per site inclusive of staff and visitors	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards
Commerce			
(A15)	Dairies up to 100m ² gross floor area per site	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; and Standard H4.6.14 Front, side and rear fences and walls
(A16)	Restaurants and cafes up to 100m ² gross floor area per site	D	
(A17)	Service stations on arterial roads	D	
Community			
(A18)	Care centres accommodating up to	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to

H4 Residential – Mixed Housing Suburban Zone

	10 people per site excluding staff		boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; and Standard H4.6.14 Front, side and rear fences and walls
(A19)	Care centres accommodating greater than 10 people per site excluding staff	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; and Standard H4.6.14 Front, side and rear fences and walls
(A20)	Community facilities	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; and Standard H4.6.14 Front, side and rear fences and walls
(A21)	Education facilities	D	
(A22)	Tertiary education facilities	D	
(A23)	Emergency services adjoining an arterial road	D	
(A24)	Healthcare facilities up to 200m ² gross floor area per site	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; and Standard H4.6.14 Front, Side and rear fences and walls
(A25)	Healthcare facilities greater than 200m ² gross floor area per site	D	
(A26)	Veterinary clinics	D	
Rural			
(A27)	Grazing of livestock on sites greater than 2,000m ² net site area	P	
Mana Whenua			

(A28)	Marae complex	D	
Development			
(A29)	Demolition of buildings	P	
(A30)	Internal and external alterations to buildings	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; Standard H4.6.11 Outlook space; Standard H4.6.12 Daylight; Standard H4.6.13 Outdoor living space; Standard H4.6.14 Front, side and rear fences and walls; Standard H4.6.15 Minimum dwelling size
(A31)	Accessory buildings	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage.
(A32)	Additions to an existing dwelling	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; Standard H4.6.11 Outlook space; Standard H4.6.12 Daylight; Standard H4.6.13 Outdoor living space; Standard H4.6.14 Front, side and rear fences and walls; Standard H4.6.15 Minimum dwelling size
(A33)	Development which does not comply with H4.6.5 Height in relation to boundary	RD	Standard H4.6.6 Alternative height in relation to boundary
(A34)	New buildings and additions	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	

H4.5. Notification

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

- (a) three or more dwellings per site that comply with all of the standards listed in Table H4.4.1 Activity table
 - (b) an integrated residential development that complies with all of the standards listed in Table H4.4.1 Activity table;
 - (c) development which does not comply with Standard H4.6.5 Height in relation to boundary, but complies with Standard H4.6.6 Alternative height in relation to boundary.
 - (d) development which does not comply with H4.6.14 (1a) Front, side and rear fences and walls; or
 - (e) development which does not comply with Standard H4.6.15 Minimum dwelling size.
- (2) Any application for resource consent for an activity listed in Table H4.4.1 Activity table and which is not listed in H4.5(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).

H4.6. Standards

H4.6.1. Activities listed in Table H4.4.1 Activity table

- (1) Activities and buildings containing activities listed in Table H4.4.1 Activity table must comply with the standards listed in the column in Table H4.4.1 called Standards to be complied with.

H4.6.2. 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.

H4.6.3. 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 5m² for a studio or one-bedroom dwelling and 8m² for a two or more bedroom dwelling; and
 - (b) at least 1.8m in depth; and
 - (c) directly accessible from the dwelling.

H4.6.4. Building height

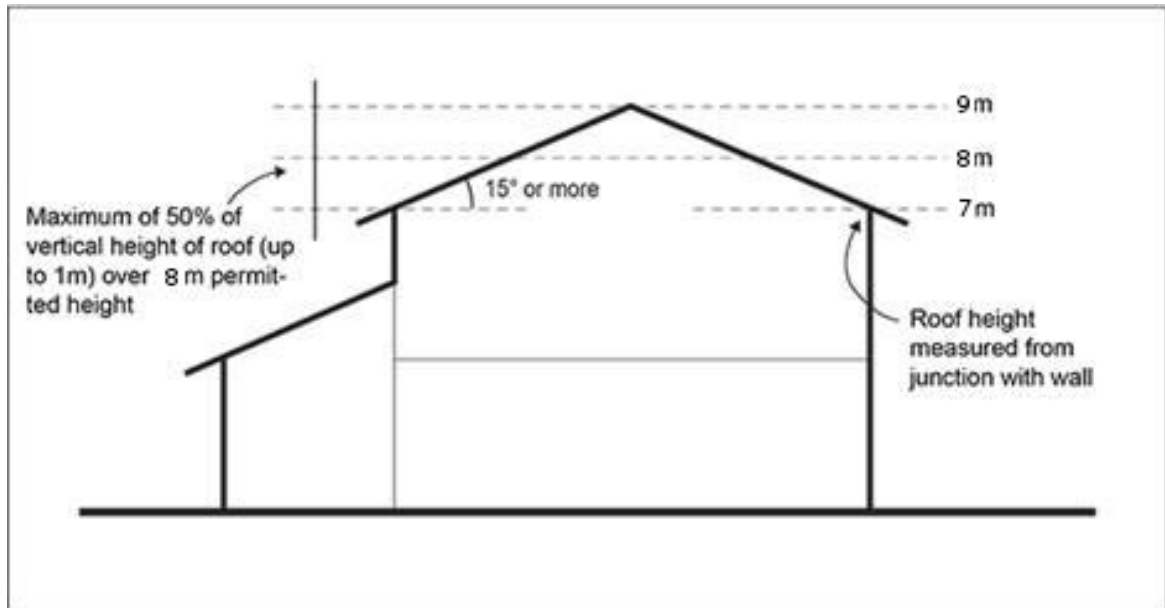
Purpose: to manage the height of buildings to:

- achieve the planned suburban built character of predominantly one to two 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.

H4 Residential – Mixed Housing Suburban Zone

- (1) Buildings must not exceed 8m in height except that 50 per cent 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 degrees or more, as shown in Figure H4.6.4.1 Building height in the Residential – Mixed Housing Suburban Zone below.

Figure H4.6.4.1 Building height in the Residential – Mixed Housing Suburban Zone

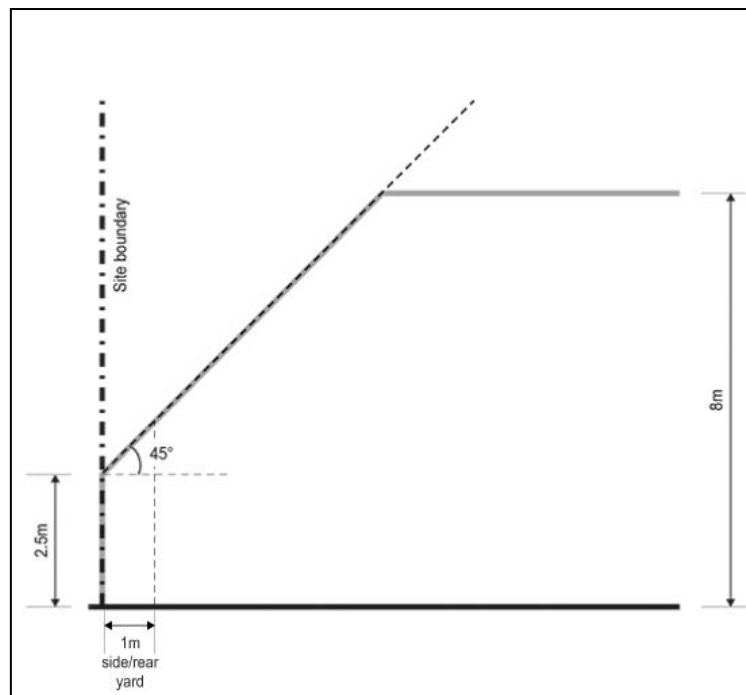


H4.6.5. Height in relation to boundary

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

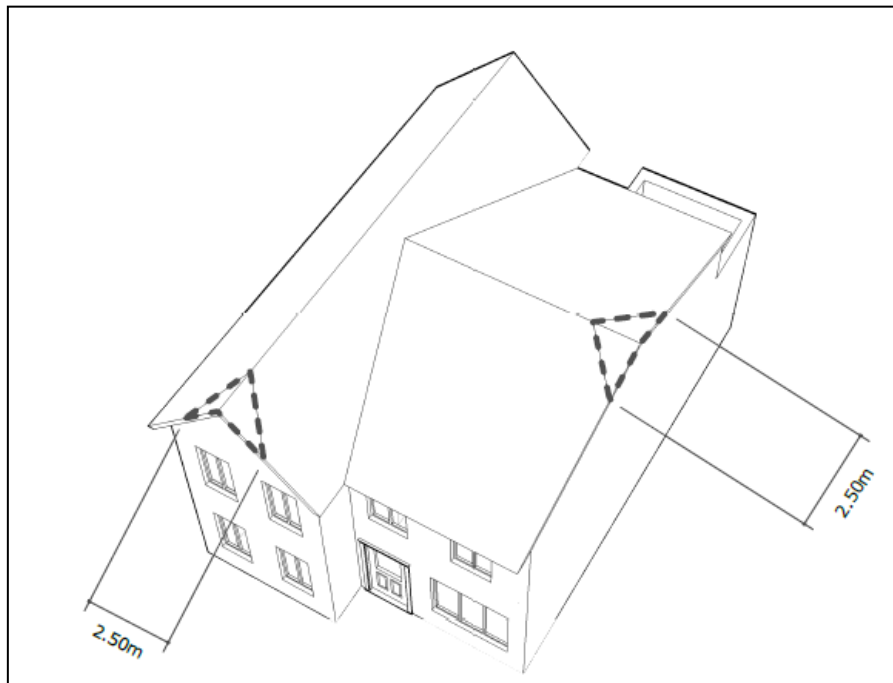
- (1) Buildings must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along side and rear boundaries, as shown in Figure H4.6.5.1 Height in relation to boundary below.

Figure H4.6.5.1 Height in relation to boundary



- (2) Standard H4.6.5(1) above does not apply to 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 exceeding 2000m².
- (3) Standard H4.6.5(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 or access site, the standard applies from the farthest boundary of that legal right of way, entrance strip or access site.
- (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 1.5m² 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 H4.6.5.2 Exceptions for gable ends and dormers below.

Figure H4.6.5.2 Exceptions for gable ends and dormers



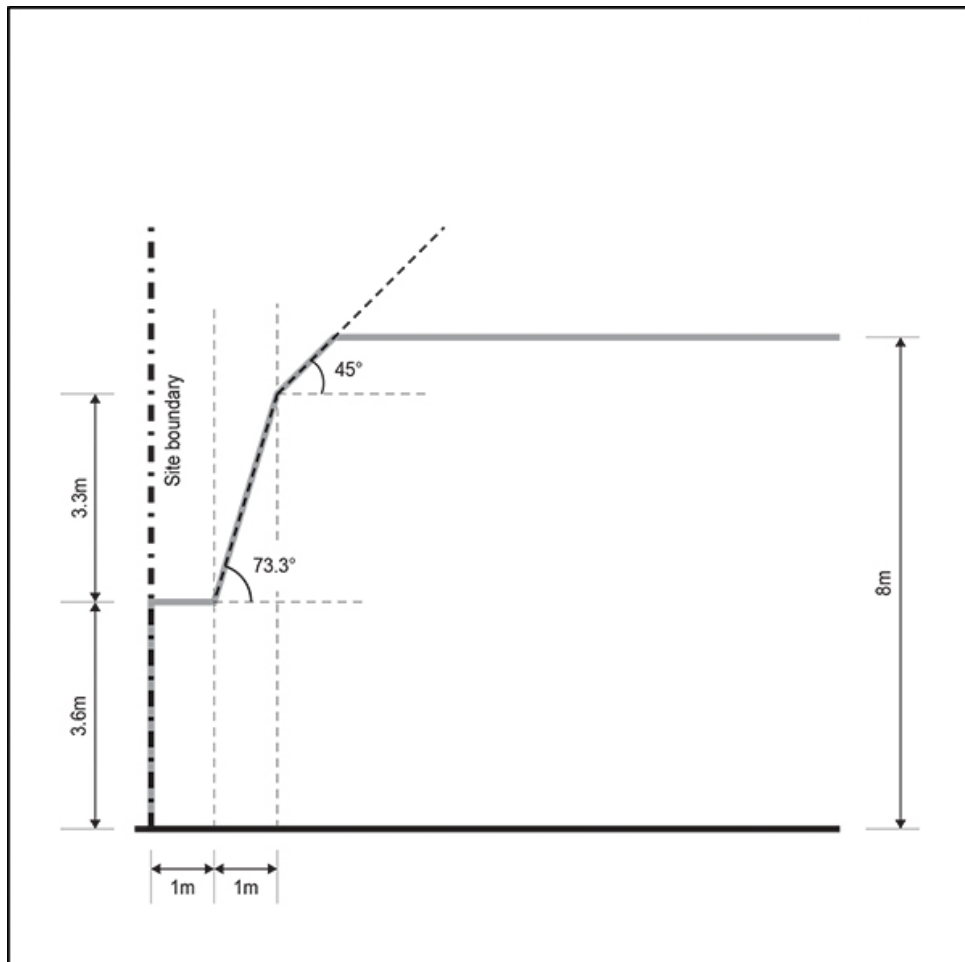
- (6) No more than two gable end, dormer or roof projections are allowed for every 6m length of site boundary.
- (7) The height in relation to boundary standard does not apply to existing or proposed internal boundaries within a site.

H4.6.6. Alternative height in relation to boundary

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

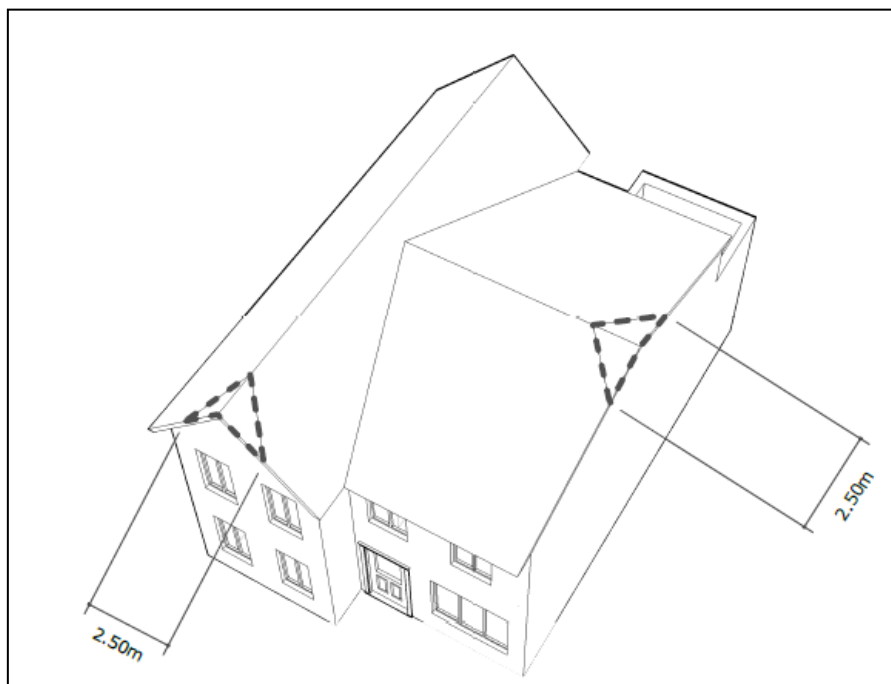
- (1) This standard is an alternative to the permitted Standard H4.6.5 Height in relation to boundary and applies to development that is within 20m of the site frontage.
- (2) Buildings within 20m of the site frontage must not exceed a height of 3.6m measured vertically above ground level at side and rear boundaries. Thereafter, buildings must be set back one metre and then 0.3m for every additional metre in height (73.3 degrees) up to 6.9m and then one metre for every additional metre in height (45 degrees) as shown in Figure H4.6.6.1 Alternative height in relation to boundary below.

Figure H4.6.6.1 Alternative height in relation to boundary



- (3) Standard H4.6.6(2) above does not apply to 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 exceeding 2000m².
- (4) Standard H4.6.6(2) 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.
- (5) Where the boundary forms part of a legal right of way, entrance strip or access site, the standard applies from the farthest boundary of that legal right of way, entrance strip or access site.
- (6) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:
- (a) no greater than 1.5m² 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 H4.6.6.2 Exceptions for gable ends and dormers below.

Figure H4.6.6.2 Exceptions for gable ends and dormers



- (7) No more than two gable ends, dormer or roof projections are allowed for every 6m length of site boundary.
- (8) The alternative height in relation to boundary standard does not apply to existing or proposed internal boundaries within a site.

H4.6.7. Yards

Purpose:

- to maintain the suburban built character of the streetscape 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 H4.6.7.1 Yards below.

Table H4.6.7.1 Yards

Yard	Minimum depth
Front	3m
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 Appendix 6 Coastal protection yard

- (2) Standard H4.6.7(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.

H4.6.8. 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 60 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.

H4.6.9. Building coverage

Purpose: to manage the extent of buildings on a site to achieve the planned suburban built character of buildings.

- (1) The maximum building coverage must not exceed 40 per cent of the net site area.

H4.6.10. Landscaped area

Purpose:

- to provide for quality living environments consistent with the planned suburban built character of buildings within a generally spacious setting; and
 - to maintain the landscaped character of the streetscape within the zone.
- (1) The minimum landscaped area must be at least 40 per cent of the net site area.
 - (2) At least 50 per cent of the area of the front yard must comprise landscaped area.

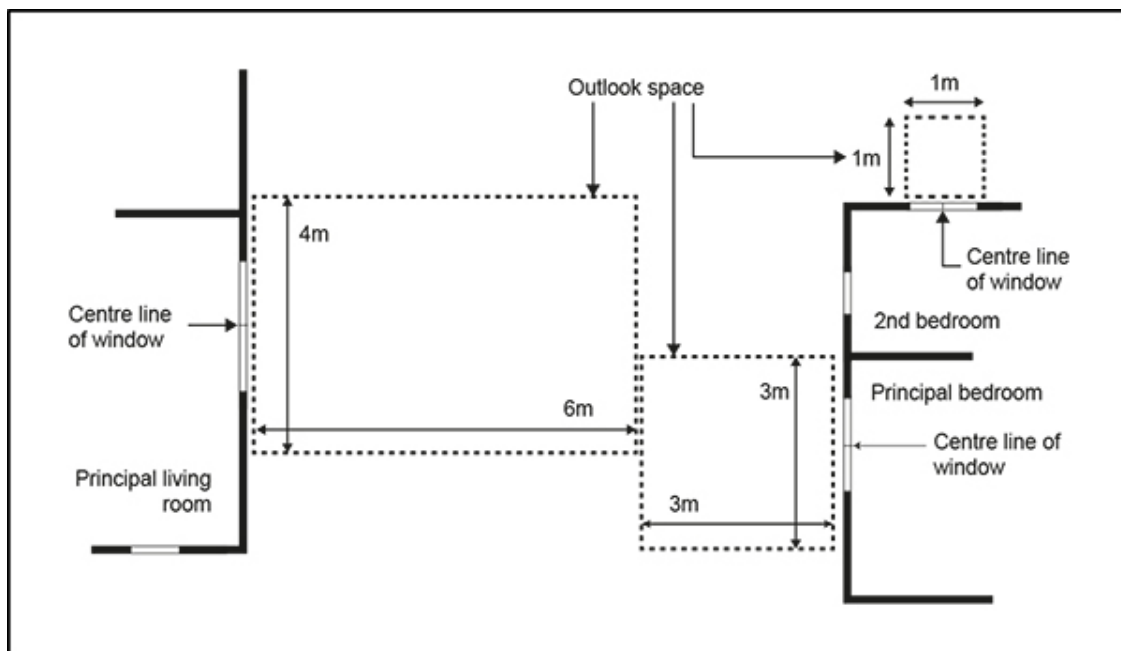
H4.6.11. Outlook space

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 the 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 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;
 - (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.
- (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) 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:
 - (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 Standard H4.6.11(6) above; and
 - (c) not extend over an outlook spaces or outdoor living space required by another dwelling.

Figure H4.6.11.1 Required outlook space



H4.6.12. 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 standard, manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space.

- (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. 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 (refer to Table H4.6.12.1 Maximum height of the part of a building within a site facing a principal living room or bedroom window within the same site; Figure H4.6.12.1 Required setbacks for daylight and Figure H4.6.12.2 Required setbacks for daylight below). The arc may be swung to within 35 degrees of the plane of the wall containing the window as shown in Figure H4.6.12.2 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 H4.6.12(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) Standards H4.6.12(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 H4.6.12.1 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
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Figure H4.6.12.1 Required setbacks for daylight

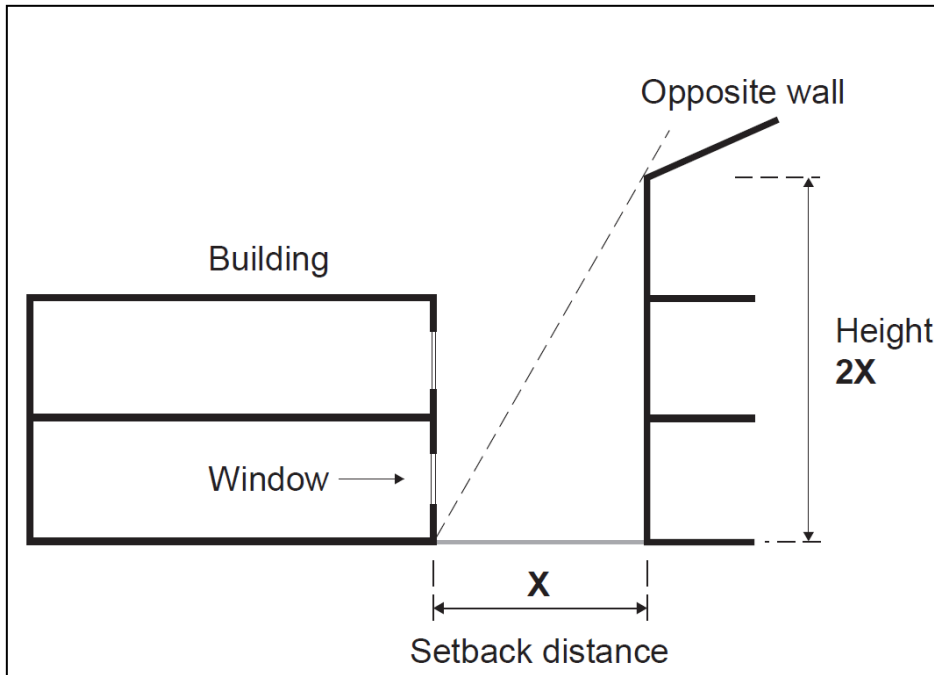
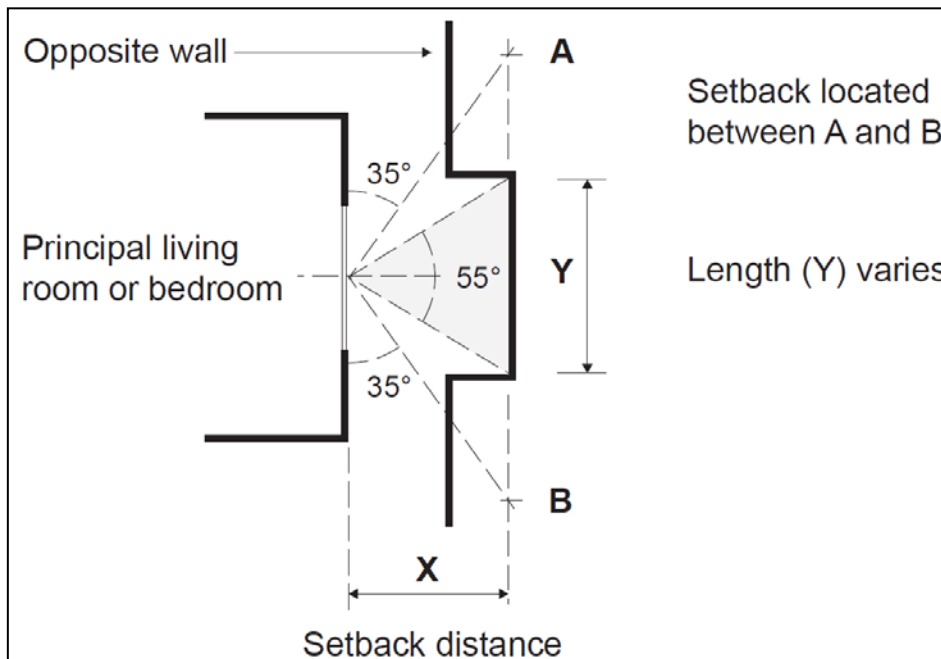


Figure H4.6.12.2 Required setbacks for daylight

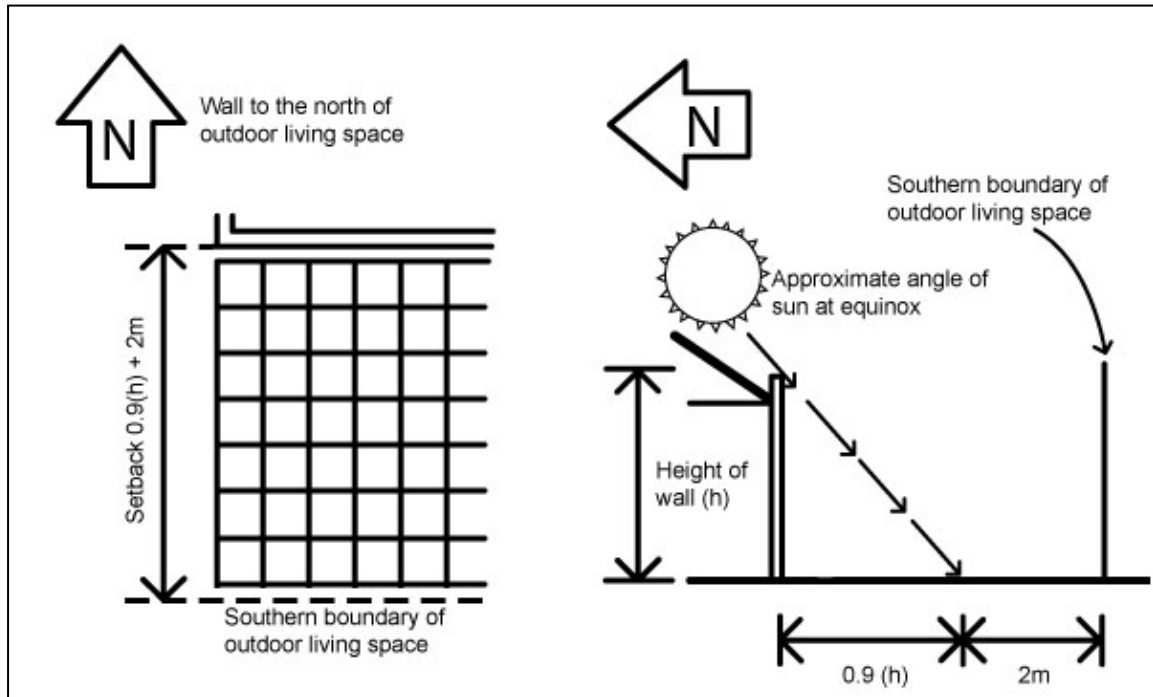


H4.6.13. Outdoor living space

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.

- (1) A dwelling, supported residential care or boarding house at ground floor level, must have an outdoor living space that is at least 20m² 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 5m² and has a minimum dimension of 1.8m; and
 - (c) is 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 5m² for studio and one-bedroom dwellings and has a minimum dimension of 1.8m; or
 - (b) is at least 8m² for two or more bedroom dwellings and has a minimum dimension of 1.8m; and
 - (c) is accessible from the dwelling, supported residential care unit or boarding house.
- (3) Where outdoor living space required by Standard H4.6.13(1) or Standard H4.6.13(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 H4.6.13.1 Location of outdoor living space below. For the purpose of this standard south is defined as between 135 and 225 degrees.

Figure H4.6.13.1 Location of outdoor living space



H4.6.14. 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 or rear yard to a height sufficient to:

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

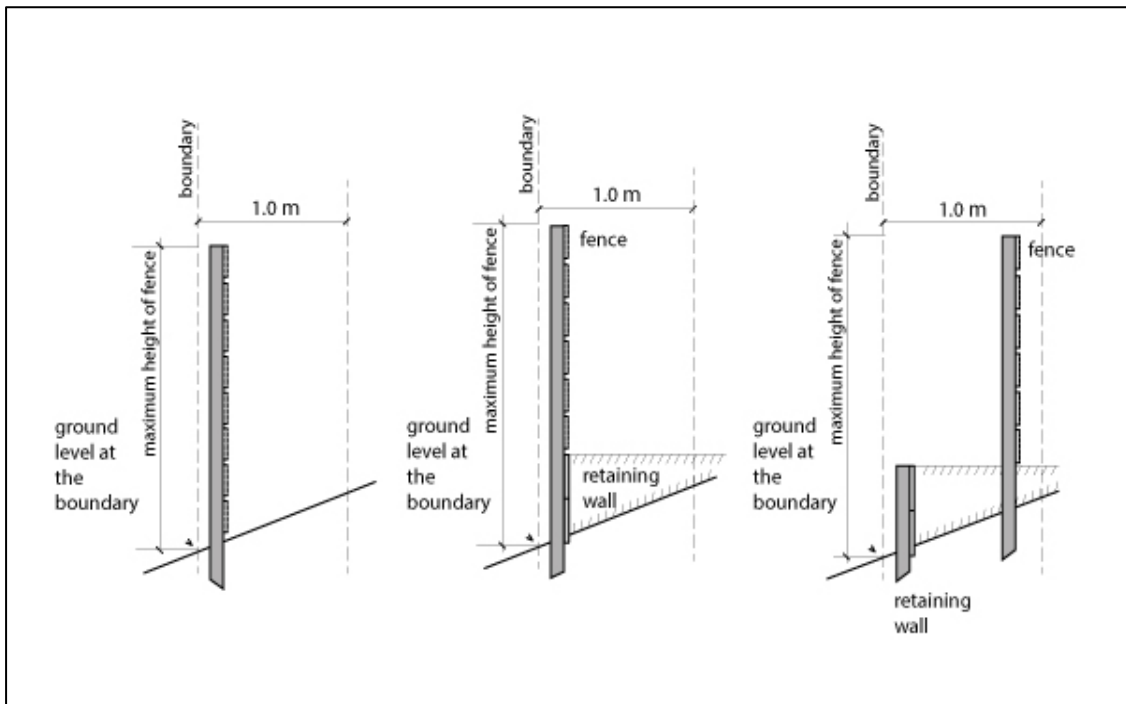
(1) Fences or walls or a combination of these structures (whether separate or joined together) must not exceed the height specified below, measured from the ground level at the boundary:

(a) Within the front yard, either:

- (i) 1.2m in height, or
- (ii) 1.8m in height for no more than 50 per cent of the site frontage and 1.2m for the remainder, or
- (iii) 1.8m in height if the fence is at least 50 per cent visually open.

(b) Within the side and rear yards: 2m.

Figure H.4.6.14.1 Measurement of fence height



H4.6.15. 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) 30m² for studio dwellings.
- (b) 45m² for one or more bedroom dwellings.

H4.7. Assessment – controlled activities

There are no controlled activities in this zone.

H4.8. Assessment – restricted discretionary activities

H4.8.1. Matters of discretion

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

- (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 100m² gross floor area per site; care centres accommodating greater than 10 people per site excluding staff; community facilities; and healthcare facilities up to 200m² gross floor area per site:

- (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;
 - (ii) traffic;
 - (iii) design of parking and access; and
 - (iv) noise, lighting and hours of operation.
 - (b) Infrastructure and servicing.
- (2) for three or more dwellings per site:
- (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;
 - (ii) traffic; and
 - (iii) design of parking and access.
 - (b) all of the following standards:
 - (i) Standard H4.6.8 Maximum impervious areas;
 - (ii) Standard H4.6.9 Building coverage;
 - (iii) Standard H4.6.10 Landscaped area;
 - (iv) Standard H4.6.11 Outlook space;
 - (v) Standard H4.6.12 Daylight;
 - (vi) Standard H4.6.13 Outdoor living space;
 - (vii) Standard H4.6.14 Front, side and rear fences and walls; and
 - (viii) Standard H4.6.15 Minimum dwelling size.
 - (c) Infrastructure and servicing.
- (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;
 - (ii) traffic;
 - (iii) design of parking and access; and
 - (iv) noise, lighting and hours of operation.
 - (b) all of the following standards:
 - (i) Standard H4.6.8 Maximum impervious areas;

- (ii) Standard H4.6.9 Building coverage;
 - (iii) Standard H4.6.10 Landscaped area;
 - (iv) Standard H4.6.11 Outlook space;
 - (v) Standard H4.6.12 Daylight;
 - (vi) Standard H4.6.13 Outdoor living space;
 - (vii) Standard H4.6.14 Front, side and rear fences and walls; and
 - (viii) Standard H4.6.15 Minimum dwelling size.
- (c) Infrastructure and servicing.
- (4) for buildings that do not comply with Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; Standard H4.6.11 Outlook space; Standard H4.6.12 Daylight; Standard H4.6.13 Outdoor living space; Standard H4.6.14 Front, side and rear fences and walls; Standard H4.6.15 Minimum dwelling size:
- (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 rural and coastal 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.
- (5) For buildings that use the Standard H4.6.6 Alternative height in relation to boundary:
- (a) Daylight and sunlight access and visual dominance effects.
 - (b) Attractiveness and safety of the street.

H4.8.2. 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 100m² gross floor area per site; care centres accommodating greater than 10 people per site excluding staff; community facilities; and healthcare facilities up to 200m² 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.

(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.

(d) design of parking and access:

(i) whether adequate parking and access is provided or required.

(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;
- screening or other design features; and
- controlling the hours of operation and operational measures.

(2) for three or more dwellings on a site:

(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 H4.6.8 Maximum impervious areas;
- (ii) Standard H4.6.9 Building coverage;
- (iii) Standard H4.6.10 Landscaped area;
- (iv) Standard H4.6.11 Outlook space;

- (v) Standard H4.6.12 Daylight;
 - (vi) Standard H4.6.13 Outdoor living space;
 - (vii) Standard H4.6.14 Front, side and rear fences and walls; and
 - (viii) Standard H4.6.15 Minimum dwelling size
- (b) refer to Policy H4.3(1);
 - (c) refer to Policy H4.3(2);
 - (d) refer to Policy H4.3(3);
 - (e) refer to Policy H4.3(4);
 - (f) refer to Policy H4.3(5);
 - (g) refer to Policy H4.3(6);
 - (h) refer to Policy H4.3(7); and
 - (i) 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.
- (3) for integrated residential development:
- (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 H4.6.8 Maximum impervious areas;
 - (ii) Standard H4.6.9 Building coverage;
 - (iii) Standard H4.6.10 Landscaped area;
 - (iv) Standard H4.6.11 Outlook space;
 - (v) Standard H4.6.12 Daylight;
 - (vi) Standard H4.6.13 Outdoor living space; and
 - (vii) Standard H4.6.14 Front, side and rear fences and walls; and
 - (viii) Standard H4.6.15 Minimum dwelling size.
 - (b) refer to Policy H4.3(1);
 - (c) refer to Policy H4.3(2);
 - (d) refer to Policy H4.3(3);
 - (e) refer to Policy H4.3(4);
 - (f) refer to Policy H4.3(5);

- (g) refer to Policy H4.3(6);
- (h) refer to Policy H4.3(7);
- (i) refer to Policy H4.3(8).
- (j) refer to Policy H4.3(9); and
- (k) 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.
- (4) for building height:
 - (a) refer to Policy H4.3(2);
 - (b) refer to Policy H4.3(4); and
 - (c) refer to Policy H4.3(5).
- (5) for height in relation to boundary:
 - (a) refer to Policy H4.3(2);
 - (b) refer to Policy H4.3(4); and
 - (c) refer to Policy H4.3(5).
- (6) for alternative height in relation to boundary:
 - (a) refer to Policy H4.3(2);
 - (b) refer to Policy H4.3(3);
 - (c) refer to Policy H4.3(4); and
 - (d) refer to Policy H4.3(5).
- (7) for yards:
 - (a) refer to Policy H4.3(2); and
 - (b) refer to Policy H4.3(4).
- (8) for maximum impervious areas:
 - (c) refer to Policy H4.3(7).
- (9) for building coverage:
 - (a) refer to Policy H4.3(2); and
 - (b) refer to Policy H4.3(4).
- (10) for landscaped area:

- (a) refer to Policy H4.3(2);
- (b) refer to Policy H4.3(4);
- (c) refer to Policy H4.3(5); and
- (d) refer to Policy H4.3(6).

(11) for outlook space:

- (a) refer to Policy H4.3(2);
- (b) refer to Policy H4.3(4);
- (c) refer to Policy H4.3(5); and
- (d) refer to Policy H4.3(6);

(12) for daylight:

- (a) refer to Policy H4.3(2);
- (b) refer to Policy H4.3(4); and
- (c) refer to Policy H4.3(5).

(13) for outdoor living space:

- (a) refer to Policy H4.3(2);
- (b) refer to Policy H4.3(4);
- (c) refer to Policy H4.3(5); and
- (d) refer to Policy H4.3(6).

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

- (a) refer to Policy H4.3(2);
- (b) refer to Policy H4.3(3); and
- (c) refer to Policy H4.3(4).

(15) For minimum dwelling size:

- (a) Policy H4.3(5)

H4.9. Special information requirements

There are no special information requirements in this zone.

(b) **Amending the threshold for requiring resource consent from three or more dwellings to five or more dwellings in the Mixed Housing Suburban and Mixed Housing Urban zones**

Reasons	
<p>(i) The Panel's recommended controls manage the bulk and location of buildings to provide for privacy, daylight access, and ratio of buildings to open space. However, the recommended development controls do not manage quality residential outcomes such as:</p> <ul style="list-style-type: none"> • amenity and safety of the street or public open spaces • the quality of building appearance, including modulation and articulation (e.g. the avoidance of large blank walls facing the street, parks or neighbouring properties) • the interrelationship between a number of amenity attributes including safety, daylight, sunlight, privacy, functionality, and visual amenity associated with multi-unit development 	
<p>(ii) Submitters who presented evidence at the hearing supported the two dwelling permitted threshold (i.e. resource consent required for three or more dwellings). These submitters included a broad cross-section of community groups and developers (Auckland 2040, Housing NZ, Property Council, Fletcher Residential, Herne Bay Residents Association, Todd Property and Ockham developments).</p>	
<p>(iii) No evidence was provided at the hearing stating that requiring a resource consent for three or four dwellings would be a disincentive to development.</p>	
<p>(iv) There is a high risk that permitting four dwellings without resource consent will result in poor design outcomes, particularly at the street interface.</p>	
Alternative solution	See Attachment A
Section 32AA evaluation	See Attachment B

H4. Residential – Mixed Housing Suburban Zone

H4.1. Zone description

The Residential – Mixed Housing ~~Urban~~ Suburban Zone is the most widespread residential zone covering many established suburbs and some greenfields areas. Much of ...

Up to ~~four~~ two dwellings are permitted as of right subject to compliance with the standards. This is to ensure a quality outcome for adjoining sites and the neighbourhood, as well as residents within the development site.

Resource consent is required for ~~five~~ three or more dwellings and for other specified buildings in order to:

- achieve the planned suburban built character of the zone;
- achieve attractive and safe streets and public open spaces;
- manage the ...

H4.3. Policies

(1) Enable a ...

(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.

~~(34)~~Require the ...

~~(45)~~Require accommodation to be designed to:

- (a) provide privacy and outlook; and
- (b) be functional, have access to daylight and sunlight and provide the amenities necessary to meet the day-to-day needs of residents.

~~(56)~~Encourage accommodation ...

H4.4. Activity table

Table H4.4.1 Activity table specifies the activity status of land use and development activities in the Residential – Mixed Housing Suburban Zone pursuant to section 9(3) of the Resource Management Act 1991.

Table H4.4.1 Activity table

Activity	Activity status	Standards to be complied with
Use		
(A1)	...	
Residential		
(A2)	...	
(A3)	Up to four <u>two</u> dwellings per site	P Standard H4.6.4 Building height; ... Standard H4.6.14 <u>Front</u> , side and rear fences and walls;
(A4)	Five <u>Three</u> or more dwellings per site	RD Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards
(A5)	...	
(A9)	Supported residential care accommodating up to 10 people per site inclusive of staff and residents	P Standard H4.6.4 Building height; ... Standard H4.6.14 <u>Front</u> , side and rear fences and walls
(A10)	...	
(A11)	Boarding houses accommodating up to 10 people per site inclusive of staff and residents	P Standard H4.6.4 Building height; ... Standard H4.6.14 <u>Front</u> , side and rear fences and walls
(A12)	...	
(A13)	Visitor accommodation accommodating up to 10 people per site inclusive of staff and visitors	P Standard H4.6.4 Building height; ... Standard H4.6.14 <u>Front</u> , side and rear fences and walls
(A14)	...	
Commerce		
(A15)	Dairies up to 100m ² gross floor area per site	RD Standard H4.6.4 Building height; ... Standard H4.6.14 <u>Front</u> , side and rear fences and walls
(A16)	...	
Community		
(A18)	Care centres accommodating up to 10 people per site excluding staff	P Standard H4.6.4 Building height; ... Standard H4.6.14 <u>Front</u> , side and rear fences and walls

Proposed Auckland Unitary Plan Submission Form

Sections 123 and 125, Local Government (Auckland Transitional Provisions) Act 2010
 Clause 6 of First Schedule, Resource Management Act 1991
 FORM 2



Correspondence to :
 Attn: Unitary Plan Submission Team
 Auckland Council
 Freepost Authority 237170
 Private Bag 92300
 Auckland 1142

AUCKLAND COUNCIL
 19 DEC 2013
 CBD - CIVIC

For office use only

Submission No: 337

Receipt Date: 20 DEC 2013

Submitter details

Full Name of Submitter or Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name)

Ronald Lindsey Dunlop

Organisation Name (if submission is on behalf of Organisation)

Ron & Hannah family trusts

Address for service of the Submitter

17 Worley Place

st Johns, Auck

Email: ron@multiform.co.nz

I live in the following Local Board area (if known)

Contact Person: (Name and designation if applicable)

Scope of submission

This is a submission to: Proposed Auckland Unitary Plan

The specific provisions that my submission relates to are: The right to subdivide sections.
 Please identify the specific parts of the Proposed Plan

Provision(s)

Or

Property Address

17 Worley Place, st Johns

Or

Map

Or

Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are: We currently have the right to subdivide our 1039m² section into two. Originally we had purchased the property knowing that we could put two houses or have two independent families on the property. The new scheme now restricts this activity. We are now at a disadvantage needing to decide building plans too quickly. (continue on a separate sheet if necessary)

we want the permanent right to subdivide the property so it can hold at least two families or two houses.

#337

I seek the following decision from Auckland Council:

Accept the Proposed Plan

Accept the Proposed Plan with amendments as outlined below

Decline the Proposed Plan

If the Proposed Plan is not declined, then amend it as outlined below.

One family per 500 m²

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I wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

Telephone

09 52 777 52 or 0274 77746

Please note that your contact details and phone number will be publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the council.

17 Dec 2013

Signature of Submitter

Date

(or person authorised to sign on behalf of submitter. A signature is not required if you make your submission by electronic means)

Notes to person making submission:

If you make your submission by electronic means, the email address from which you send the submission will be treated as an address for service.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of Schedule 1 of the Resource Management Act 1991.

I could could not gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission please complete the following:

I am am not directly affected by an effect of the subject matter of this submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

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