

***Proposed District
Plan Change 56***

**Managing Infill
Housing Development**

5 May 2007

Wellington City District Plan

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WELLINGTON CITY COUNCIL

Wellington

APPENDIX ONE

Proposed Plan Change

PROPOSED DISTRICT PLAN CHANGE 56 – MANAGING INFILL HOUSING DEVELOPMENT

Detailed below are the proposed alterations to the Wellington City District Plan to incorporate changes to the Residential Area objectives, policies and rules. To assist in the understanding of the new provisions an annotated copy of the relevant policies and rules are included as Appendix 4 to the main report.

Chapter 3: General Provisions

Section 3.2.2.7.2

1. **Add** the words '*a landscaping plan that outlines*' at the beginning of the 6th bullet point under section 3.2.2.7.2.

Section 3.2.2 Subdivision Consents

2. **Amend** section 3.2.3.6, by **adding** the following words '(eg. 1:200, 1:500)', after the words 'determine its effects'.
3. In the right hand margin next to section 3.2.3.7, **add** the following bold, italicised explanatory text: '*Site information such as contours, existing vegetation and the position of dwellings on neighbouring lots is essential to allow impact on amenity of proposed development to be determined, especially in respect of subdivision within established residential areas.*'
4. In section 3.2.3.8, **delete** the words 'concept plan' and **replace** with the words '*site development plan*'.
5. In section 3.2.3.8, **delete** the third bullet point and **replace** it with the following two bullet points:
 - *indicative building sites and building footprints*
 - *indicative vehicle accessways and indicative parking and turning areas*
6. In section 3.2.3.8, **add** the following three bullet points:
 - *proposed site contours*
 - *indicative open space areas*
 - *major new landscaping elements (eg. fences, trees and hedges)*

7. In section 3.2.3.8, **amend** the bullet point that begins with ‘proposed earthworks’ to add the following text ‘, *including retaining walls (indicating height, and intended construction)*’.
8. In section 3.2.3.8, **add** the following bullet point after the bullet point relating to earthworks:
 - *areas of on-site drainage*
9. **Delete** words in section 3.2.3.9 and **replace** with the following text:

3.2.3.9 *1:200 – 1:500 colour aerial photograph:*

 - *showing existing trees, vegetation and all other landscape features*
 - *overlaid with existing contours and property boundaries*
 - *extending at least 20 metres beyond all side and rear boundaries, and showing frontages of properties across the street.*

Section 3.2.4.2.1 (multi-unit housing)

10. In part 3 of this section regarding dwelling floor plans, at the end of the first bullet point, **add** the words “*with common furniture items drawn to scale and door opening arcs illustrated.*”

Chapter 3.10 Definitions

11. **Delete** the current definition of ‘Access Strip’ and **replace** with the following definition:

ACCESS STRIP: *means:*

- *an access leg or an area of land defined by a legal instrument, providing or intended to provide access to a site or sites, or*
- *an area of land allocated for permanent access within a unit title, cross lease or company lease subdivision.*

However, if that area of land is:

- *5m or more wide, and*
- *not legally encumbered to prevent the construction of buildings,*

it is excluded from the definition of access strip.

12. Amend the definition of ‘Site Area’ by **deleting** the words ‘*and in relation to rear sites*’ from the third bullet point, and by **adding** the words ‘*access lot or*’ after the words ‘the area of any’ as found in the third bullet point.

Chapter 4: Residential Area Objectives and Policies

Section 4.1 Introduction

13. In the 10th paragraph, **amend** the third sentence by **adding** at the end of the sentence the following words ‘ *although infill housing in these larger sections has reduced the spaciousness of some outer residential properties.*’
14. At the end of the 10th paragraph, **insert** a new paragraph as follows:

Infill housing of established suburbs is provided for in the Plan as a way to facilitate a compact, sustainable urban form. The benefits of infill housing can be diminished where the housing is poorly designed and results in reduced amenity for adjoining property owners and a reduction in streetscape quality.
15. In the 16th paragraph, **add** the following words at the end of the first sentence ‘*and other development proposals that facilitate infill housing where certain residential standards cannot be met.*’

Objective 4.2.1: To promote the efficient use and development of natural and physical resources in Residential Areas.

16. **Amend** the last sentence of the first paragraph in Policy 4.2.1.1, so that the words ‘Applying more flexible’, are **deleted** and **replaced** with the word ‘Adopting’.
17. **Amend** the last sentence of the first paragraph in Policy 4.2.1.1, so that the word ‘allow’ is **deleted** and **replaced** with the word ‘provide’.
18. **Amend** the last sentence of the first paragraph in Policy 4.2.1.1, so that the word ‘good quality’ is **added** after the words ‘more intensive’.

Objective 4.2.2: To maintain and enhance the amenity values of Residential Areas

19. **Add** two new policies to this objective, following policy 4.2.2.1, as follows:
 - 4.2.2.1A *Control residential development density so that new developments result in a density of land use consistent and compatible with the surrounding residential environment.*
 - 4.2.2.1B *Control the siting, scale and intensity of residential buildings (particularly infill housing and multi-unit developments) to ensure such developments are appropriately located and of a scale that is compatible with existing development patterns in order to reduce adverse effects on residential amenity values.*

20. **Amend** the ‘Methods’ listed to implement these policies by **adding** the following two methods after the first bullet point:
- *Residential Design Guide*
 - *Subdivision Design Guide*
21. After the third paragraph of explanatory text for policy 4.2.2.1 and proposed new policies 4.2.2.1A and 4.2.2.1B, **add** the following 8 paragraphs of explanatory text:

There are three tools in the Plan used to manage development density of a site. Over development of a site can result in adverse amenity effects for adjoining neighbours, and may affect residential character of a street or neighbourhood. Site coverage is the main tool used to control development density. Thresholds are set for different areas to reflect existing patterns of development density, and to allow some scope for additions and alterations. Careful consideration will be given to any proposed breach of site coverage to ensure the effects are able to be managed appropriately.

Two other tools that influence development intensity include the car parking requirement per unit and the open space requirement per unit. The open space requirement acts to ensure that each unit on a site has sufficient outdoor space associated with it and also acts to reduce the visual dominance of buildings within a site. A proposal that seeks to breach one or more of these requirements is likely to result in an over developed site. Solutions to mitigate the effects of an overdeveloped site may require a reduction in the number of units on the site or the overall site coverage.

The permitted bulk and location standards that apply both within the Inner and Outer Residential Areas are reflective of the area’s predominant development type, which is typically one dwelling per site. A single dwelling on a site, built in accordance with the bulk and location standards, will generally be of a scale and mass that is consistent with the character of the surrounding area. Single dwellings, even when built up to full site coverage and height, retain a significant degree of openness and greenery on site. However, infill housing and multi-unit developments designed and built in accordance with the bulk and location controls can have quite different effects on the amenity of adjoining neighbours.

The increase in the number of units and residents on a site may adversely impact on privacy, shading and reduced daylight and sunlight access for neighbouring properties. These effects are typically generated when the new units are located near boundaries and built taller than adjacent dwellings in order to maximise the development potential of the site. It is noted however that infill housing on smaller lots can result in positive outcomes where both the subdivision and residential dwellings are well designed to fit into the existing neighbourhood.

The permitted activities for the Outer Residential Area provide for one dwelling to be up to 8m high and a second unit is permitted where the height of that second unit is limited to 4.5m (approximately one storey). This acknowledges that the adverse effects associated with a second unit on a site can be significantly reduced where the height of the dwelling is

restricted to a single storey development. Most Inner Residential Areas only permit one dwelling per site, with a maximum height limit set to reflect the characteristics of that particular area. As comprehensively designed multi-unit developments are Discretionary Activities and assessed against the Residential Design Guide, any adverse amenity effects associated with two or more storied dwellings are able to be addressed through the design assessment process. The assessment will seek to ensure that the development is consistent and compatible with the scale of dwellings in the surrounding residential environment.

Where a neighbourhood contains regular patterns of residential development (eg. regular front yard setbacks, single storey dwellings, double storey dwellings) it is important that new development respect those patterns to safeguard the amenity values of that area. For example, a two-storey, rear yard infill house in a street characterised by spacious rear yards will severely affect the amenity of adjoining owners. Any such development should minimise such effects by appropriate siting of the proposed dwelling and reducing the size and scale of the dwelling. Conversely, where the dominant housing pattern is two storey dwellings on smaller sections (eg. new Greenfield subdivisions), it is reasonable for further development to also be of a two storey nature.

Due to the more intensive living environments often created through infill and multi unit developments, the open space requirements of the Plan are also important for achieving quality on-site amenity. Of the open space that is required for each unit (i.e. a minimum of 50m² in the Outer Residential Area and 35m² in the Inner Residential Area), it is important to note that the Residential Design Guide seeks that a minimum of 35m² of that space is of high quality and able to cater for the private recreation needs of residents. This space should be practical to manage and easily accessible from the unit itself.

The adverse effects associated with one breach of the permitted activity conditions can usually be mitigated on site, depending on the degree of the breach. However, the cumulative effects of several breaches to the permitted activities standards (particularly site coverage, sunlight access planes, height) can result in developments that are out of scale with the surrounding environment and are likely to generate adverse effects on adjoining properties. As development of this nature is not generally anticipated by the Plan, the assessment of the consent will include consideration of whether the amenity values of adjoining neighbours are affected and whether the proposed development is out of scale with the surrounding residential environment. Where written approvals are obtained from all persons who may be adversely affected by the proposed development, the Council will still need to consider the effects on the amenity in the surrounding environment and unless those effects are no more than minor, then public notification will be required.

22. **Amend** the anticipated environmental result, found in the last paragraph of explanatory text for policy 4.2.2.1 and proposed new policies 4.2.2.1A and 4.2.2.1B, by **adding** the following words to the end of the sentence ‘*and high quality infill developments that reflect surrounding patterns of development density.*’

Objective 4.2.3: To maintain and enhance the physical character of Residential Areas and identified areas of special streetscape or townscape character.

23. **Amend** the list of Methods under Policy 4.2.3.1, to **add** 'Residential Design Guide'.
24. **Amend** the first paragraph of explanatory text under Policy 4.2.3.1, by **adding** the following three sentences after the second sentence:

The residential character of the Outer Residential Area is more diverse. It is a result of varied section size and shape, topography, building age and form, and other geographic features including bush and streams. The housing stock in many Outer Residential Area suburbs has accommodated a wide variety of additions and alterations over the past century adding to its diversity. Recently subdivided suburbs have a more consistent character, typically being two-storied dwellings on smaller, squarer sections.

25. **Add** three new policies (including methods and explanatory text), after Policy 4.2.3.1, as follows:

4.2.3.1.A Require open space to be provided as part of new residential developments to ensure a suitable degree of on-site green open space is provided on site to mitigate potential adverse effects.

METHODS

- Rules
- Advocacy
- Residential Design Guide

The traditional development pattern in both the Inner and Outer Residential Areas is a single dwelling per site. As a result most properties retain a reasonable area of open space on site. Rear yards with mature visually prominent vegetation and well landscaped front gardens are typical features that contribute to the character and amenity of most established suburbs. The building bulk of new development (whether it is one additional unit or several additional units) together with the hard surface areas required for vehicle parking and manoeuvring, can alter the valued character and amenity by reducing the sense of greenness and open space. The requirement to provide open space is an important tool for ensuring that new developments are of appropriate density and are capable of providing a suitable degree of openness and greening on-site. It can also help to:

- *Provide a setting for the new buildings and structures on site*
- *Integrate the new development into the surrounding area*
- *Soften the visual impact of new buildings and structures from surrounding public spaces*
- *Provide open space allowing for substantial trees and vegetation on site.*

- *Enhance the on-site amenity of the development where the space is a well-designed and connected to the main living areas.*

For these reasons, open space is an integral part of new residential developments. When a development seeks a reduction in the amount of open space provided on a site in order to maximise permitted site coverage or to make provision for off-street car parking, it is often a signal that the site is being overdeveloped. As open space is also a means of managing development density of a site, the provision of adequate open space on a site may mean that the maximum permitted site coverage is not able to be achieved. In this situation reduced site coverage, or a reduction in the number of household units will generally be the appropriate way to manage development density on the site (rather than a waiver of the open space requirement) to ensure streetscape amenities and residential character is maintained.

4.2.3.1.B Minimise hard surfaced areas associated with new residential development and increase opportunities for green open space and planting to enhance visual amenity and to integrate the development into the character of the surrounding area.

METHODS

- Advocacy
- Residential Design Guide

Though the Residential Areas are diverse, they can be characterised by a sense of openness, greenery and the presence of mature vegetation. Infill housing and multi-unit developments can compromise this characteristic feature due to the percentage of the site taken up with building footprint, and vehicle parking and manoeuvring space. For this reason Council will seek to ensure that the hard surfacing associated with new residential developments is kept to a minimum. A reduction in the use of hard surfacing on a site will also help to maintain permeability of the site, reducing storm water run-off.

4.2.3.1.C Encourage the retention of mature, visually prominent trees and bush in association with site redevelopment

METHOD

- Advocacy
- Subdivision Design Guide
- Residential Design Guide

Mature, visually dominant trees and areas of regenerating bush make an important contribution to the amenity of many established suburbs. Mature trees are often located along site boundaries, helping to define traditional subdivision patterns and enhance streetscape character. New residential development may result in the loss of such trees and bush. Proposals that seek to retain mature, visually dominant trees and bush during site redevelopment are encouraged as this will help to integrate the new development into the surrounding environment and will be viewed as a positive effect of the proposal. Where mature trees and bush have been removed recently or are proposed to be removed to facilitate new development, the landscaping plan will need to demonstrate how new planting will be effective in mitigating the visual effects of new residential dwellings.

26. **Amend** Policy 4.2.3.3, by **adding** the words ‘infill housing and’, after the words ‘adverse effects of’.
27. **Amend** the list of methods noted under Policy 4.2.3.3 by **deleting** the words ‘Multi Unit Housing’, and **adding** the word ‘Residential’ before the words ‘Design Guide’.
28. **Delete** the first paragraph of explanatory text under Policy 4.2.3.3, and **replace** with the following paragraph:

To allow effective use of land in the developed parts of the city, the Plan provides for infill housing and multi-unit residential developments. Infill housing and multi-unit housing can significantly alter neighbourhood character and streetscape, particularly where smaller sites are amalgamated and established development patterns are changed. Council seeks to promote excellence in the design of multi-unit residential developments. To ensure that all multi-unit developments are designed to be compatible with existing residential development; proposals will be assessed against the Residential Design Guide as Discretionary (Restricted) Activities. Infill housing that does not meet the height requirements will also be assessed against the Residential Design Guide to ensure design excellence and compatibility with the surrounding residential environment is achieved. The Residential Design Guide identifies various design principles to be followed but does not seek to impose aesthetic control. The benefits of achieving high standards of development and more efficiency in the city are expected to be greater than the costs of promoting good development in this way.

29. **Add** a new paragraph to the explanatory text under Policy 4.2.3.3, so that it becomes the second paragraph of that policy, as follows:

The permitted bulk and location standards that apply both within the Inner and Outer Residential Areas are reflective of the area’s predominant development type, which is typically one dwelling per site. A single dwelling on a site, built in accordance with the bulk and location standards, will generally be of a scale and mass that is consistent with the character of the surrounding area. Single dwellings, even when built up to full site coverage and height, retain a significant degree of openness and greenery on site. However, multi-unit developments (and some infill housing developments) designed and built in accordance with the bulk and location controls can have quite different effects on neighbourhood character because:

- *The increased number of units and residents on a site can potentially adversely impact on privacy and overlooking.*
- *The height and mass of buildings, being often substantially larger than is characteristic of the surrounding neighbourhood can adversely affect the quality of the streetscape character.*

- *Increased site area required for vehicle manoeuvring and parking can reduce green space and landscaping opportunities on site. For this reason the Council will not apply a permitted baseline assessment when considering the effects of new multi-unit developments on the surrounding residential character.*

Objective 4.2.4: To ensure that the adverse effects of new subdivisions are avoided, remedied or mitigated.

30. **Amend** policy 4.2.4.1, by **deleting** the word ‘Allow’ and **replacing** it with the word ‘Control’.
31. **Amend** Policy 4.2.4.1 by **deleting** the word ‘suburban’ and **replacing** it with the word ‘residential’.
32. **Amend** Policy 4.2.4.1 by **adding** the following words ‘to facilitate future residential land use’ after the phrase ‘residential areas’.
33. **Add** a new policy 4.2.4.1A, as follows:
 - 4.2.4.1A *Control subdivision lot size and design within established residential suburbs to provide for flexibility in allotment sizes without unduly compromising the overall density of the surrounding residential area. This will assist to avoid adverse effects on residential character and amenity of adjoining properties, particularly where subdivision facilitates an infill dwelling of more than one storey.*
34. **Amend** the Methods outlined under Policy 4.2.4.1 and newly proposed 4.2.4.1A to **add** ‘Subdivision Design Guide’ as the second bullet point and ‘Residential Design Guide’ as the third bullet point.
35. **Delete** the explanatory text under Policy 4.2.4.1 and **replace** with the following text:

To help promote a sustainable city Council seeks to minimise the peripheral expansion of urban development and to allow more intensive development within the existing urban area where the adverse effects of such development can be minimised. Plan controls will work to ensure that the general residential character and amenity of particular neighbourhoods or character areas is maintained upon the subdivision of land.

The Plan does not use a ‘minimum lot size’ tool to control the density of subdivisions. This is a deliberate measure, recognising that Wellington’s hilly topography makes it difficult to facilitate infill subdivisions that maintain a traditional allotment size and shape. The approach recognises that well designed residential dwellings, provided they meet all the permitted activity conditions, are possible on smaller sites. This approach has led to numerous examples of dwellings being constructed on very small sites,

particularly in the Outer Residential Area where lot sizes are larger and able to be subdivided.

This approach has resulted in a development pattern whereby dwelling footprints are smaller (to meet the site coverage requirements of the Plan) and dwellings are correspondingly taller in order to create the necessary floor space. The adverse effects associated with very small sections can be avoided if the subdivision is well designed (and of a sufficient size and shape) to allow future residential dwellings to be built at a density appropriate to the character of the surrounding neighbourhood. The adverse effects associated with a second dwelling on a site can be reduced where the height of the second dwelling is restricted to a single storey development. Accordingly the permitted height of a second dwelling on site is set at a threshold to encourage single storey infill housing developments.

Whilst there is no specific rule requiring a minimum lot size is achieved, the Council will still exercise control over lot size and design with assistance from the Subdivision Design Guide to ensure that the resulting development is consistent and compatible with the surrounding area. For such infill development to be properly assessed against the Subdivision Design Guide, it is necessary that subdivision applications include plans outlining the proposed development. These plans will also be assessed against the Residential Design Guide to ensure the proposed allotment is capable of facilitating a residential dwelling that respects the surrounding residential amenity values. Covenants may be imposed to ensure that the residential dwelling plans proposed is built in accordance with any approved subdivision. This requirement may not be imposed for lots over 400m² in established residential suburbs as lots of that size will be capable of facilitating a dwelling that is compatible with the surrounding residential environment.

Subdivision of land is a Discretionary Activity to ensure that proposed allotments are well designed and accommodate residential buildings and activities that are consistent and compatible with the surrounding residential area. In assessing an infill subdivision, the objectives, policies and rules that apply to residential development (were it to proceed without the subdivision) will also be used to assess the proposal.

Subdivision of land often requires the written approval of affected landowners, due to the proposed position of a new boundary which results in an existing dwelling not complying with the Plan. Where written approvals are obtained from all persons who may be adversely affected by the proposed development, the Council will still need to consider the effects on the amenity in the surrounding environment and unless those effects are no more than minor, then public notification may be required.

The environmental result will be the efficient and sustainable use of existing residential lots in Residential Areas that are well designed to maintain and enhance residential amenity and character.

Chapter 5: Residential Area Rules

Permitted activity conditions

Rule 5.1.1.2 Vehicle parking

36. **Add** a new bullet point to Rule 5.1.1.2 after the first bullet point, as follows:

- *visitor parking for residential activities: minimum 1 dedicated space for every four household units for any proposal considered under Rules 5.3.4, 5.3.10, 5.4.6 or 5.4.8.*

Where an assessment of the required parking standards results in a fractional space, any fraction under one half shall be disregarded. Any fraction of one half and greater shall be counted as one visitor space.

Rule 5.1.1.3.2 Site Access

37. **Amend** rule 5.1.1.3.2 by **adding** the words '*formalised by a legal right of way instrument where not directly from a public road and be*', after the words 'Site access for vehicles must be'.

38. **Amend** rule 5.1.1.3.4 by **deleting** the phrase '6 metres', and **adding** the following words in its place: '*3.7 metres in the Inner Residential Area and shall not exceed 6 metres in the Outer Residential Area*'.

New Rule 5.1.3.2B Open Space

39. **Insert** a new rule after 5.1.3.2 and 5.1.3.2A (added by Plan Change 39), as follows:

5.1.3.2B Open Space

Inner Residential (except in the Oriental Bay Height Area)

5.1.3.2B.1 On-site ground level open space shall be provided at a minimum of 35 square metres per household unit. Open space shall be calculated as an aggregate total for the site and may be provided as either private or shared open space.

5.1.3.2B.2 No area of ground level open space shall be used for vehicle accessways, parking or manoeuvring areas, or be covered by buildings. Balconies or verandahs may extend out of ground level open space up to a maximum depth of 1.5 metres. Uncovered decks less than 1m above ground are regarded as ground level open space for this rule.

5.1.3.2B.3 All areas of ground level open space must have a minimum width of at least 3 metres and be directly accessible from the dwelling.

5.1.3.2B.4 Any household unit that has less than 20 square metres of private ground level open space must also provide private open space in the form of a deck or balcony. A total deck area of at least 6 square metres is required for one bedroom units, while units with two or more bedrooms must provide a deck area of at least 10 square metres. All decks must have a minimum dimension of at least 2 metres. Open space provided as decks does not contribute towards the aggregate open space total for the site.

5.1.3.2B.5 For the purpose of this rule:

Private Open Space means open space that adjoins the unit to which it relates and which is for the exclusive use of the occupiers of that unit.

Shared Open Space means open space that is provided on-site but which is not for the exclusive use of any specific occupier. Shared open space may be provided in more than one area on site, but each area of shared open space shall have a minimum area of 30 square metres and a minimum width of 3 metres.

Outer Residential Area

- 5.1.3.2B.6 On-site ground level open space shall be provided at a minimum of 50 square metres per household unit.
- 5.1.3.2B.7 No area of ground level open space shall be used for vehicle accessways, parking or manoeuvring areas, or be covered by buildings. Balconies or verandahs may extend out over ground level open space up to a maximum depth of 1.5 metres. Uncovered decks less than 1m above ground are regarded as ground level open space for this rule.
- 5.1.3.2B.7 All areas of ground level open space must have a minimum width of at least 4 metres and be directly accessible from the dwelling.

40. **Insert** a new rule after rule 5.1.3.4.2, as follows:

- 5.1.3.4.3 Height of a second household unit on an Outer Residential Area site.

In the Outer Residential Area, the maximum height of a second household unit which is outside the footprint of the existing household unit and on a fee-simple site area of less than 1000m² shall be 4.5 metres.

- 41. In the explanatory text to the residential permitted activity standards, **amend** the first sentence of the second paragraph by **adding** the words '*a reasonable level of*' after the words 'buildings are designed to ensure that'.
- 42. In the explanatory text to the residential permitted activity standards, **amend** the first sentence of the second paragraph by **adding** the words '*and amenity*' after the words 'primary visual character'.
- 43. **Amend** the explanatory text to the residential permitted activity standards, by **inserting** two new paragraphs after the 4th paragraph, as follows:

The rules adopted to ensure better management of infill housing in existing residential areas include a reduced permitted height level for the second dwelling on a site and introducing an open space requirement for each dwelling on site.

The requirement to provide open space is an important tool in maintaining a sense of openness and space between buildings. The open space standards are set to reflect typical density patterns of the Inner and Outer Residential Areas. It will also have a benefit for occupants through increased amenity values, and provide space for the retention of vegetation.

New Rule 5.1.3A: Additions and alterations to existing residential buildings

44. **Insert** a new rule after rule 5.1.3, as follows:

- 5.1.3.A The alteration of, and addition to existing residential buildings that do not comply with any of the following
- 5.1.3.2 (yards)
 - 5.1.3.4 (maximum height)
 - 5.1.3.5 (sunlight access)
- are a Permitted Activities provided any new part of the building complies with the following conditions:
- 5.1.3.A.1 the part of the existing building that does not comply was constructed before 27 July 2000.
- 5.1.3.A.2 any addition and alteration (within the footprint of the existing building) complies with rules 5.1.3.4 (maximum height) and 5.1.3.5 (sunlight access).
- 5.1.3.A.3 any addition that increases the footprint of the existing building does not exceed a height of 4.5 metres and complies with rules 5.1.3.2 (yards) and 5.1.3.5 (sunlight access).
- 5.1.3.A.4 the existing building with the alterations and/or additions complies with rules 5.1.3.1 (number of household units), 5.1.3.2.A and 5.1.3.2.B (open space), 5.1.3.3 (site coverage), 5.1.3.7 (Hazard (Fault Line) Area), 5.1.3.8 (noise insulation: Airport Area) and 5.1.3.9 (high voltage transmission lines).

Rule 5.1.3 contains bulk and location provisions that guide the scale of building works that can occur on sites within Residential Areas. The provisions are set at levels that provide for a reasonable scale of development, while at the same time providing neighbouring properties with appropriate access to sunlight, daylight and amenity.

Many older buildings, particularly in the Inner Residential Area, do not comply with the bulk and location provisions. This is because these buildings are often built close to side boundaries and are unable to comply with the yard and sunlight access requirements. Because of the non-compliance created by the existing building, undertaking 'complying' additions and alterations to these buildings often requires an assessment to consider the combined effect of the proposed work and the areas of non-compliance created by the existing building (or structure). Rule 5.1.3.A stipulates the scale of work that can be undertaken on an existing 'non-complying' building as a permitted activity.

Additions and alterations to an existing building are permitted provided they are contained within the existing building footprint, and comply with the rules for maximum height and sunlight access. Additions that increase the footprint of the building are limited to a single storey (measured as being below 4.5 metres in height) are considered appropriate as the potential for shading or loss of privacy on adjoining sites is limited. Accordingly Rule 5.1.3.A provides for these additions as a permitted activity, provided they comply with the other bulk and location standards contained in Rule 5.1.3. This will make additions to character houses easier, encouraging their retention and adaptation.

When an existing building does not comply with the bulk and location standards in the District Plan, any new works to that building not provided for under Rule 5.1.3.A will be subject to an existing use rights assessment under section 10 of the Resource Management Act.

In order to carry out work under existing use rights, the proposal must be able to demonstrate that the combined effects of the proposed works and the existing dwelling,

will be the same (or similar) in character, scale and intensity, as the effects created by the existing dwelling. If the proposed work does not fall within the ambit of existing use rights, a resource consent would need to be sought and granted before work can be undertaken.

Chapter 5: Residential Area Rules

5.2 Controlled Activities

45. **Amend** 5.2.4.2, to **delete** the reference to ‘the design guide for Multi-unit Development’, and **replace** it with a reference to the ‘*Residential Design Guide*’.
46. **Delete** rule 5.2.5a and b (Subdivision).

Chapter 5: Residential Area Rules

5.3 Discretionary Activities (Restricted)

Rule 5.3.1: Residential Activities

47. **Amend** assessment criterion 5.3.1.6, by **adding** the words ‘(particularly if located in the front yard)’, after the words ‘on-site parking’.
48. **Amend** assessment criterion 5.3.1.6, by **adding** the words ‘and adversely affect the streetscape’, after the words ‘visual appearance of the property’.
49. **Insert** a new assessment criterion after 5.1.3.10, as follows:

5.3.1.11 Whether an increase in the width of the vehicle access to the site will result in a loss of on-street parking in streets where on-street parking is at a premium, or reduce streetscape values as a result of vehicle dominance of the front yard, loss of street trees or affect pedestrian safety.

Rule 5.3.3: Residential Buildings

50. **Amend** 5.3.3.3 so that the following words ‘(except the requirement in 5.1.4.3.4 – height of a second dwelling).’ are **added** after the words ‘Maximum Height’.
51. **Add** a cross reference in the right hand margin next to rule 5.3.3.3, containing the following words ‘Proposals to exceed the permitted activity condition for the height of the second dwelling require consent under Rule 5.3.4’.

52. After 5.3.3.4A and 5.3.3.4B (inserted by Plan Change 39), **add** the following matter of discretion in rule 5.3.3:
5.3.3.4C open space
53. In assessment criterion 5.3.3.7, **delete** the words Design Guide for Multi-unit Housing, and **replace** with the words '*Residential Design Guide*'.
54. **Add** three new assessment criteria under Rule 5.3.3, after 5.3.3.9 and 5.3.3.10 (inserted by Plan Change 39), as follows:
- 5.3.3.11 Where a proposal results in a breach of site coverage, the extent to which that breach will adversely affect the amenity of adjoining sites as well as the cumulative effect of over-development on the surrounding environment.*
- 5.3.3.12 Where a proposal fails to provide the specified open space requirement per unit, the degree to which it results in a development density that is not consistent or compatible with the surrounding residential environment (see Policy 4.2.3.1A).*
- 5.3.3.13 Where a proposal involves breaches to several permitted activity conditions, the extent to which the cumulative effects of that proposal results in a development that is out of scale with the surrounding residential development and whether it will create adverse effects on the amenity of that residential environment that are not reasonably anticipated by the Plan.*
55. After the first paragraph of explanatory text under rule 5.3.3, **insert** a new paragraph, as follows:
- Proposals that involve more than one breach of the permitted activity conditions (especially site coverage, sunlight access planes and height standards) may result in cumulative effects on the surrounding environment that are not anticipated by the Plan. It is likely that the proposal will be of an intensity and scale that is not in keeping with the surrounding residential environment. Council will consider the cumulative effects and seek to ensure that the proposal adopts measures that will mitigate any such effects.*

Rule 5.3.4: Multi-unit developments

56. **Delete** Rule 5.3.4, and **replace** with the following rule:

5.3.4a The construction, alteration of, and addition to residential buildings, accessory buildings [and residential structures]³, where the result will be three or more household units on any site, except

- in the area shown in Appendix 9 (Thorndon, Mt Victoria and [Aro Valley]’)
- in the Thorndon and Mt Victoria North Character Areas
- [in the circumstances where Rule 5.4.8 applies]² in a Hazard (Faultline) Area
- inside the airnoise boundary depicted on Map 35;

or

5.3.4b where the result will be two household units on any site and the proposal does not meet condition 5.1.3.4.3;

the proposal is a Discretionary Activity (Restricted) in respect of:

- 5.3.4.1** Design (including building bulk and scale), external appearance, and siting
- 5.3.4.2** site landscaping
- 5.3.4.3** parking and site access
- 5.3.4.4** where relevant, height of proposed 2nd dwelling on a site

Non-notification

In respect of rule 5.3.4 applications do not need to be publicly notified and do not need to be served on affected persons. This non-notification clause does not apply if the proposal for residential development requires land use consent under rule 5.3.3 for failure to meet the permitted activity conditions, or where consent is required under rule 5.3.4 for failure to comply with rule 5.1.3.4.3.

Standards and Terms

[All activities, buildings and structures must meet the conditions for parking (5.1.1.2), site access (5.1.1.3) and building (5.1.3.2 - 5.1.3.6, and 5.1.3.9 but excluding 5.1.3.4.3) unless consent is concurrently sought and granted for the condition(s) not met.]⁵

A proposed development under Rule 5.3.4.4 (relating to the maximum height of a second unit on a site) may not exceed 7 metres.

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

- 5.3.4.5 The Design Guide for Residential Development.
- 5.3.4.6 Where rules 5.1.3 for yards, site coverage, building height, sunlight access, and open space are not met and the written approval of any affected person has not been obtained, whether new building work will cause significant loss of sunlight, daylight or privacy to adjoining sites.
- 5.3.4.7 The extent to which building bulk, scale and siting of the proposal respects the scale, building form and topography of the neighbourhood.
- 5.3.4.8 The degree to which the proposal (through inappropriate siting, building height and bulk) significantly increases the opportunities for overlooking into adjacent properties (both indoor and outdoor spaces), reducing amenity for neighbours.
- 5.3.4.9 Whether additional hard surfacing for on-site parking and manoeuvring areas is minimised or mitigated by appropriate site landscaping.
- 5.3.4.10 The extent to which the landscaping plan ensures that buildings, accessways, parking areas, visible earthworks and retaining structures are integrated into the surrounding neighbourhood and the degree to which sufficient space is provided for maturing trees, and the retention of existing trees.
- 5.3.4.11 Whether any trees removed from the site in the previous two years will be replaced by planting of a similar nature and scale.
- 5.3.4.12 Whether the amount of kerbside parking is reduced as a result of the development (ie additional vehicle access way or a widened kerb crossing), especially in areas where on-street parking is at a premium.

Multi-unit developments can include both comprehensive townhouse development proposals as well as additional detached dwellings associated with infill housing. Although both of these development scenarios provide desirable variety and diversity of accommodation, they can detract from the visual character or amenities of residential neighbourhoods. The Design Guide for residential development provides the criteria for assessment. The general intention of the Guide is not to impose specific design solutions but to identify design principles that will promote better development and enhance existing suburban environments.

A second household unit on a site that breaches the 4.5m height requirement can result in adverse amenity effects on surrounding neighbours, especially where the second dwelling is located so that it overlooks and shadows living areas of adjoining dwelling and valued outdoor open space areas of adjoining properties. The residential design guide provides guidance on the design of such dwellings, seeking to ensure that adjoining properties will not be adversely affected by an infill development resulting in a much greater intensity of development on a site.

[Multi-unit development within the Hazard (Fault Line) Area is classified as a Discretionary (Unrestricted) Activity because intensive development of sites within this area is generally inappropriate except where site specific conditions and design proposals can mitigate the risk to personal safety.]⁶

Rule 5.3.10: Multi-unit developments in specified areas

57. In rule 5.3.10, **amend** 5.3.10.1 to **add** the words '*including building bulk and scale*' after the word 'Design'.

58. In rule 5.3.10, **delete** all assessment criteria (5.3.10.4 – 5.3.10.6), and **replace** with the following assessment criteria:

5.3.10.4 *The extent to which the proposal fulfils the intent of the Design Guide for Residential Development (particular attention will be paid to area specific Appendices).*

5.3.10.5 *The relevant character area design guide.*

In respect of development in the Mt Victoria North Character Area the Residential Design Guide shall be the predominant document. In respect of development in the Thorndon Character Area, the Thorndon Character Area Design Guide shall be the predominant document.

5.3.10.6 *Where rules 5.1.3 for yards, site coverage, building height, sunlight access and open space are not met and the written approval of any affected person has not been obtained, whether new building work will cause significant loss of sunlight, daylight or privacy to adjoining sites.*

5.3.10.7 *The extent to which building bulk, scale and siting of the proposal respects the scale, building form and topography of the neighbourhood.*

5.3.10.8 *The degree to which the proposal (through inappropriate siting, building height and bulk) significantly increases the opportunities for overlooking into adjacent properties (both indoor and outdoor spaces), reducing amenity for neighbours.*

5.3.10.9 *The extent to which the landscaping plan ensures that buildings, accessways, parking areas, visible earthworks and retaining structures are integrated into the surrounding neighbourhood and the degree to which*

sufficient space is provided for maturing trees, and the retention of existing trees.

5.3.10.11 *Whether any trees removed from the site in the previous two years will be replaced by planting of a similar nature and scale.*

5.3.10.12 *The extent to which additional hard surfacing for on-site parking and manoeuvring areas is minimised and/or softened by appropriate site landscaping.*

5.3.10.13 *Whether the amount of kerbside parking is reduced as a result of the development (ie. additional vehicle access way or a widened kerb crossing), especially in areas where on-street parking is at a premium.*

59. **Add** a new paragraph at the beginning of the explanatory text for rule 5.3.10, as follows:

Multi-unit developments can include both comprehensive townhouse development proposals as well as additional detached dwellings associated with infill housing. Although both of these development scenarios provide desirable variety and diversity of accommodation, they can also detract from the visual character or amenities of residential neighbourhoods. The Design Guide for residential development provides the criteria for assessment. The general intention of the Guide is not to impose specific design solutions but to identify design principles that will promote better development and enhance existing suburban environments.

Rule 5.3.11: Demolition of pre-1930 buildings

60. **Amend** 5.3.11.3, to **delete** the reference to ‘the design guide for Multi-unit Development’, and **replace** it with a reference to the ‘*Residential Design Guide*’.

Rule 5.3.14: Subdivision

61. **Add** new Rule 5.3.14: Subdivision after rule 5.3.13, as follows:

- 5.3.14 Any subdivision that is not a Permitted Activity and;**
- (a) creates five or less allotments, except those that:**
- create more than 10 linear metres of legal road; or
 - are on a ridgeline or a hilltop; or
 - involves a requirement to set aside esplanade land
- is a Discretionary Restricted Activity in respect of:**
- 5.3.14.1 site design, frontage and area**
- 5.3.14.2 lot size**
- 5.3.14.3 standard, construction and location of vehicular access**
- 5.3.14.4 road design and construction**
- 5.3.14.5 landscaping**
- 5.3.14.6 utility and/or services provision**
- 5.3.14.7 protection of any special amenity feature.**
- (b) is a company lease, cross lease or unit title subdivision is a Discretionary (Restricted) Activity in respect of:**
- 5.3.14.8 stormwater, sewerage and water services**
- 5.3.14.9 the allocation of accessory units to principal units and the allocation of covenant areas to leased areas to ensure compliance with rule 5.1.1.2 (vehicle parking) and to ensure practical physical access to every household unit.**

For subdivision of Lot 1 DP 25046 and Pt Sec 10 Kaiwharawhara District above Patna Street and Huntleigh Park Way, Ngaio refer to Appendix 17

For Subdivision of Lot 1 DP 29604 off the end of Silverstream Road, Ngaio refer to Appendix 12

For subdivision of Lot 3 DP 71465 and Lot 33 DP 1022 off Allanbrooke Place refer to Appendix 13

For subdivision of Lot 29, DP 1747 off Freeling Street, Island Bay refer to Appendix 20

Non-notification

In respect of rule 5.3.14 applications do not need to be publicly notified and do not need to be served on affected persons.

Standards and Terms

For all lots containing existing buildings and structures, all activities, buildings and structures (existing and proposed) must meet the conditions for vehicle parking (5.1.1.2), site access (5.1.1.3) and building (5.1.3) in relation to all existing and proposed fee simple allotments **or** meet the terms of any relevant resource consent **or** have existing use rights under section 10 of the Act.

For all other lots the application must show that the proposed development meets the requirement of the residential rules.

Assessment Criteria

In determining the conditions to be imposed, if any, Council will have regard to the following criteria:

- 5.3.14.10 The requirements of Section 106 of the Act.
- 5.3.14.11 The extent of compliance with the Subdivision Design Guide, City Bylaws and if applicable the Council's Code of Practice for Land Development.
- 5.3.14.12 Where the subdivision is used to create a vacant lot, and where there is no landuse consent sought in conjunction with the subdivision consent, whether the proposed lot size is capable of accommodating a wide variety of building forms compatible with the surrounding residential environment. A lot size of at least 400m² will generally be able to achieve this.
- 5.3.14.13 Where the subdivision process is used to facilitate a residential infill development within an existing residential area:
- Whether the proposed lot is capable of accommodating permitted activity residential buildings that are consistent and compatible with the predominant housing pattern or density of the surrounding residential area.
 - The degree to which any lot size, which is significantly smaller than surrounding lots, will result in a dwelling which creates adverse effects on adjoining properties due to its 'infill nature'. That is, due to its position on site, its height and bulk, the extent to which the proposed development results in adverse effects not generally anticipated by the permitted activities of the Plan (were subdivision not a feature of the development).
 - The degree to which the proposed lot will result in a residential dwelling that is not capable of complying with the Residential Area objectives and policies for residential development and relevant guidelines of the Residential Design Guide.
- 5.3.14.14 In respect of cross lease or unit title subdivisions:
- the need for permanent site access and access to and around buildings
 - the current and future allocation for use of land area, accessory buildings and amenities
 - the need to service and use land and buildings efficiently.

Subdivision is an important process used to facilitate land tenure; either a Greenfield subdivision or residential infill subdivision within an existing suburb.

If designed poorly, subdivision can adversely affect the quality of developments subsequently created on the newly formed lot as well as the amenities of neighbouring lots. With no minimum lot size provision in the District Plan, greater emphasis on the design of the subdivision is needed to ensure future developments are compatible with the surrounding residential area. The Subdivision Design Guide is applied to both residential infill subdivision as well as large subdivision proposals typically associated with Greenfield subdivision.

Subdivisions will be assessed to ensure they are capable of containing residential activities that are in keeping with the surrounding residential environment. Council will assess access requirements, allotment size and shape and the potential for development

against the permitted activity conditions and the Subdivision Design Guide. Covenants may be required to ensure that proposed residential dwellings are built in accordance with any approved subdivision consent.

If the activities, buildings or structures (either existing or proposed) do not meet the specified conditions for permitted activities the subdivision will be assessed as a Discretionary Activity (Unrestricted). However, the application will remain a Discretionary (Restricted) Activity where the land use was established under an earlier resource consent or it has existing use rights under the Act. The more significant subdivisions will be assessed as Discretionary Activities (Unrestricted).

Council is seeking to retain in a permanent manner appropriate site arrangements that are established at the time of cross leasing. This is intended to ensure the efficient use of land. Flexibility of use can be addressed through private arrangements or by reapplying to Council for alterations to the lease arrangements.

Applicants are reminded of the need for proposed subdivisions to comply with the City Bylaws. In addition, where private infrastructure is proposed to be vested in the Council or where private stormwater, water and sewerage lines are connected or proposed to be connected to public infrastructure, applicants will need to liaise with the Council concerning the requirements set out in the Council's Code of Practice for Land Development so that the Council will either accept the vesting of such infrastructure or will authorise connection or continued connection to public infrastructure. Refer to Section 3.9 of the Plan.

Chapter 5: Residential Area Rules

5.4 Discretionary (Unrestricted) Activities

Rule 5.4.5: Subdivision

62. **Amend** Rule 5.4.5 by **deleting** the word 'Controlled' and **replace** with the words '*Discretionary (Restricted) Activity*'.
63. **Amend** the assessment criteria under rule 5.4.5 to **add** the following two assessment criteria after 5.4.5.2:
 - 5.4.5.2A Where the proposal involves a subdivision where permitted activities cannot be achieved, the extent to which mitigation measures have been adopted in the proposal to ensure that future landuse activities will not cause significant adverse effects on the amenity of adjoining neighbours.
 - 5.4.5.2B Whether a dwelling of two or more storeys is proposed as the future intended land use and the degree to which site topography, subdivision design and the nature and scale of surrounding land uses mitigate the adverse effects typically associated with such dwellings on the amenity of adjoining properties.
64. **Amend** the explanatory text of rule 5.4.5 to **add** the words '*and those where permitted activities cannot be achieved,*' after the words 'more roads'.
65. **Amend** 5.4.8.1, to **delete** the reference to 'the design guide for Multi-unit Development', and **replace** it with a reference to the '*Residential Design Guide*'.

66. **Amend** 5.4.9.7, to **delete** the reference to ‘the design guide for Multi-unit Development’, and **replace** it with a reference to the ‘*Residential Design Guide*’.

Volume 2: Design Guides

67. **Delete** the design guide for Multi Unit Housing (specifically sections 1-3, but excluding the appendices for Thorndon, Mt Victoria and Aro Valley) and **replace** with the attached Residential Design Guide.
68. **Amend** section 4.0 of the Subdivision Design Guide by **adding** a new section under Building Scale and Location, to be called Individual lot design. The text to be inserted is attached.