

## Appendix 9: Provisions in the Operative District Plan that are replaced by MDRS and supporting objectives and policies (s80H assessment)

Section 80H of the EHS Amendment Act requires that the IPI identifies:

- which provisions incorporate the density standards in Part 2 of Schedule 3A and the supporting objectives and policies in cl.6 of Schedule 3A (s80H(1)(a)); and
- which provisions in the operative and proposed district plans are to be replaced by the density standards in Part 2 of Schedule 3A and the supporting objectives and policies in cl.6 of Schedule 3A (s80H(1)(b)).

Part A of the IPI that comprises Variation 1 to the Proposed District Plan shows which provisions are incorporated and replaced by Part 2 of Schedule 3A and the supporting objectives and policies in cl.6 of Schedule 3A in the [ePlan](#). Sections in the ePlan marked with a blue dashed line are affected by Variation 1. Any added text is shown with a **green highlight** and underlined, and any deleted text with a **red highlight** and ~~strike through~~.

Those provisions in the Township Volume of the Operative District Plan that are replaced by Part 2 of Schedule 3A and the supporting objectives and policies in cl.6 of Schedule 3A for the purposes of sections 77M, 86B, and 86BA are assessed as comprising the below-listed provisions where they apply in the context of the following zones:

- Rolleston – L1, L1A, L1B, L1C, LZ & L2A
- Lincoln – L1, L1A, L1A1, L1A2, L1A3, L1A4, LX, LZ & L2 (Te Whāriki only)
- Prebbleton – L1, L1A, L1A1, L1A2, L1A3, L1A4, L1A5, L1A6, LX & LZ

Provision	Relevance
<u>Quality of the Environment</u>	
Objective B3.4.4 Growth of existing townships has a compact urban form and provides a variety of living environments and housing choices for residents, including medium density housing typologies located within areas identified in an Outline Development Plan.	<ul style="list-style-type: none"> <li>• Medium density housing typologies are not limited to within areas identified in an Outline Development Plan.</li> </ul>
Policy B3.4.1 To provide zones in townships based on the existing quality of the environment, character and amenity values, except within Outline Development Plan areas in the Greater Christchurch area where provision is made for high quality medium density housing.	<ul style="list-style-type: none"> <li>• The proposed MRZ in the IPI is not based on the existing quality of the environment, character and amenity values within relevant residential zones.</li> </ul>
Policy B3.4.2 To provide for any activity to locate in a zone provided it has effects which are compatible with the character, quality of the environment and amenity values of that zone.	<ul style="list-style-type: none"> <li>• The proposed MRZ in the IPI is not based on the existing quality of the environment, character and amenity values within relevant residential zones.</li> </ul>
Policy B3.4.3 To provide Living zones which: <ul style="list-style-type: none"> <li>• are pleasant places to live in and provide for the health and safety of people and their communities;</li> <li>• are less busy and more spacious than residential areas in metropolitan centres;</li> </ul>	<ul style="list-style-type: none"> <li>• Medium density housing typologies are not limited to within areas identified in an Outline Development Plan.</li> <li>• Medium density development may not be located in close proximity to</li> </ul>

Provision	Relevance
<ul style="list-style-type: none"> <li>• have safe and easy access for residents to associated services and facilities;</li> <li>• provide for a variety of living environments and housing choices for residents, including medium density areas identified in Outline Development Plans;</li> <li>• ensure medium density residential areas identified in Outline Development Plans are located within close proximity to open spaces and/or community facilities and</li> <li>• ensure that new medium density residential developments identified in Outline Development Plans are designed in accordance with the following design principles: <ul style="list-style-type: none"> <li>• access and connections to surrounding residential areas and community facilities and neighbourhood centres are provided for through a range of transport modes;</li> <li>• block proportions are small, easily navigable and convenient to encourage cycle and pedestrian movement;</li> <li>• streets are aligned to take advantage of views and landscape elements;</li> <li>• section proportions are designed to allow for private open space and sunlight admission;</li> <li>• a subdivision layout that minimises the number of rear lots;</li> <li>• layout and design of dwellings encourage high levels of interface with roads, reserves and other dwellings;</li> <li>• a diversity of living environments and housing types are provided to reflect different lifestyle choices and needs of the community;</li> <li>• a balance between built form and open spaces complements the existing character and amenity of the surrounding environment and;</li> <li>• any existing natural, cultural, historical and other unique features of the area are incorporated where possible to provide a sense of place, identity and community.</li> </ul> </li> </ul>	<p>open spaces and/or community facilities or achieve the design principles listed in Policy B3.4.3.</p>
<b>Residential Density</b>	
<p><b>Objective B4.1.1</b> A range of living environments is provided for in townships, while maintaining the overall 'spacious' character of Living zones, except within Medium Density areas identified in an Outline Development Plan where a high quality, medium density of development is anticipated.</p>	<ul style="list-style-type: none"> <li>• The proposed MRZ in the IPI may not maintain the overall 'spacious' character of Living zones within relevant residential zones.</li> <li>• Medium density housing typologies are not limited to within areas identified in an Outline Development Plan.</li> </ul>
<p><b>Policy B4.1.1</b> (a) Provide for a variety of allotment sizes for erecting dwellings in Living 1 Zones, while maintaining average section size similar to that for existing residential areas in townships, except within the Living Z Zone, including any Medium Density area identified in an Outline Development Plan where a higher density of development is anticipated. (b) Facilitate development in the Living 1A6 Zone in Prebbleton where it is consistent with the density provisions of the Regional Policy Statement, and is compatible with the form and character</p>	<ul style="list-style-type: none"> <li>• The proposed MRZ in the IPI may not maintain the average section sizes similar to those within existing relevant residential zones; or be compatible with the form and character of development in adjacent Living zones.</li> <li>• Medium density housing typologies are not limited to within areas</li> </ul>

Provision	Relevance
of development in adjacent Living zones, with a particular emphasis on maintaining residential lots of not less than 1,000m <sup>2</sup> along the common boundary of the Kingcraft Drive Existing Development Area.	identified in an Outline Development Plan.
<p>Policy B4.1.6</p> <p>In Living 1, X Zones and Medium Density areas identified in an Outline Development Plan in Living Z zones, allow site coverage to exceed that for permitted activities, provided any adverse effects on the overall residential density of the area are avoided, remedied or mitigated.</p>	<ul style="list-style-type: none"> <li>• Medium density housing typologies are not limited to within areas identified in an Outline Development Plan.</li> <li>• MDRS allows for greater site coverage than otherwise permitted</li> </ul>
<p>Policy B4.1.8</p> <p>Manage the number of sites with more than one dwelling in Living 1 or X Zones, to maintain the overall residential density of the zone.</p>	<ul style="list-style-type: none"> <li>• Medium density housing typologies are not limited to within areas identified in an Outline Development Plan.</li> </ul>
<p>Policy B4.1.13</p> <p>To ensure that development in Medium Density areas identified in an Outline Development Plan provides a high quality living environment and achieves a good level of urban design, appearance and amenity. Relevant urban design considerations include:</p> <ul style="list-style-type: none"> <li>• That the design of medium density developments is of a high quality, with a good balance of consistency and variety in form, alignment, materials and colour and a sufficient level of architectural detailing;</li> <li>• That residential units provide an open and attractive streetscene through being oriented towards the street or other adjacent public spaces, have low or no front fencing, front facades that are not dominated by garaging but instead have clearly visible pedestrian front entrances and a balanced ratio of glazing to solid walls;</li> <li>• That opportunities for landscaping and tree planting is provided, commensurate with a medium density living environment;</li> <li>• That opportunity for comprehensive developments are provided, including the ability to erect short terraces or share internal side boundary walls;</li> <li>• That medium density developments make provision for adequate, well located and well designed private outdoor living areas;</li> <li>• That internal amenity is provided for occupants through levels of privacy and access to sunlight appropriate to a medium density living environment;</li> <li>• That the appearance of cramped development is avoided by limiting site coverage and ensuring there is open space between houses, duplexes or blocks of terraces, particularly at first floor level.</li> </ul>	<ul style="list-style-type: none"> <li>• Medium density housing typologies are not limited to within areas identified in an Outline Development Plan.</li> <li>• Medium density development may not satisfy the urban design considerations listed in Policy B4.1.13.</li> </ul>
<b>C4. Living Zone Rules – Buildings</b>	
<p><u>4.6 Buildings and Building Density</u></p> <p><b>Permitted Activities — Buildings and Building Density</b></p> <p>4.6.1 The erection on an allotment (other than a site at Castle Hill) of not more than either:</p> <ul style="list-style-type: none"> <li>• One dwelling and one family flat up to 70m<sup>2</sup> in floor area; or</li> <li>• One principal building (other than a dwelling) and one dwelling, shall be a permitted activity, except that within a comprehensive residential development within a</li> </ul>	<ul style="list-style-type: none"> <li>• Superseded by MDRS within relevant residential zones</li> </ul>

Provision	Relevance
<p>Living Z Zone, more than one dwelling may be erected on the balance lot prior to any subsequent subdivision consent that occurs after erection of the dwellings (to the extent that the exterior is fully closed in).</p> <p><b>Restricted Discretionary Activities — Buildings and Building Density</b></p> <p>4.6.3 Except as provided in Rule 4.6.6 the erection of not more than two dwellings on an allotment in a Living 1 zone shall be a restricted discretionary activity.</p> <p>4.6.4 Under Rule 4.6.3 the Council shall restrict the exercise of its discretion to:</p> <p>4.6.4.1 Whether each dwelling has adequate outdoor living space for the exclusive use of that dwelling for residential activities; and</p> <p>4.6.4.2 Whether each outdoor living space will receive direct sunlight on the shortest day of the year; and</p> <p>4.6.4.3 Whether there is adequate privacy between the habitable rooms of the two dwellings erected on the same allotment; and</p> <p>4.6.4.4 The proportion of allotments in the street or subdivision where there is more than one dwelling or principal building; and</p> <p>4.6.4.5 Any adverse effects, including cumulative effects, on the residential density or sense of spaciousness of the area; and</p> <p>4.6.4.6 The need for a ‘step in plan’ to be provided at each 20 metre interval along a continuous building wall in order to mitigate any adverse effects of continuous ‘building bulk’ being close to the boundary of a neighbouring property. The Step shall be sufficient spacing, depth, and length to provide a well articulated façade that provides visual variety and relief from long monotonous buildings.</p> <p>4.6.4.7 Within the Lowes Road Outline Development Plan Area, that the siting of the dwelling does not preclude the establishment of any roads or indicative walkways as shown in Appendix 34.</p> <p>Note: Building density and site coverage rules both apply.</p> <p><b>Discretionary Activities — Buildings and Building Density</b></p> <p>4.6.5 Except as provided in Rule 4.6.6, the erection on any allotment of any building (other than an accessory building) which does not comply with Rule 4.6.1, Rule 4.6.2.1 Rule 4.6.3 or Rule 4.6.4A shall be a discretionary activity in Living 1 zones and the Living North WM Zone.</p> <p><b>Non-Complying Activities — Buildings and Building Density</b></p> <p>4.6.6 The erection on an allotment of any building (other than an accessory building) which does not comply with Rule 4.6.1 shall be a non-complying activity in the Living Z, 1A, 1A2, 1A3, 1A4 and Living 1A6 Deferred zones at Prebbleton and all Living Z, 2, 2A, WM South and Living 3 zones.</p>	
<p><b><u>4.7 BUILDINGS AND SITE COVERAGE</u></b></p> <p><b>Permitted Activities — Buildings and Site Coverage</b></p> <p>4.7.1 Except as provided in <a href="#">Rule 4.7.2</a>, the erection of any building which complies with the site coverage allowances set out in Table C4.1 below shall be a permitted activity. Site coverage shall be calculated on the net area of any allotment and shall exclude areas used exclusively for access,</p>	<ul style="list-style-type: none"> <li>• Superseded by MDRS within relevant residential zones</li> </ul>

Provision	Relevance
<p>reserves or to house utility structures or which are subject to a designation.</p> <p>Table C4.1 Site Coverage Allowances</p> <p>L1 - including garage – 40%  - excluding garage – 40% minus 36m<sup>2</sup>  - emergency services only – 50%</p> <p>L1A3 Lincoln – 45%</p> <p>L1A4 Lincoln – 40%</p> <p>LZ - including garage – 40%  - excluding garage – 40% minus 36m<sup>2</sup>  - medium density – 40% (including garage) or 40% minus 18m<sup>2</sup> (excluding garage)  - comprehensive medium density - 50% and shall be calculated across the area of the entire comprehensive residential development, excluding any undeveloped balance lot.</p> <p>L1A2 Prebbleton – 40%</p> <p>L1A5 Prebbleton – 40%  For comprehensive residential development, site coverage shall be applied over the whole Living 1A5 Zone</p> <p>L1A6 Prebbleton – 40%</p> <p>L2 (Te Whāriki only)  - including garage – lesser of 20% or 500m<sup>2</sup>  - excluding garage – lesser of 20% minus 36m<sup>2</sup> or 500m<sup>2</sup> minus 36m<sup>2</sup>  - emergency services only – 40%</p> <p>L2A (Prebbleton only)  - 10% and a maximum additional area in hardsurfacing of 10%  - emergency services only – 40%</p> <p><b>Restricted Discretionary Activities</b>  <b>— Buildings and Site Coverage</b></p> <p>4.7.3 Any activity which does not comply with <a href="#">Rule 4.7.1</a> shall be a restricted discretionary activity if it complies with all of the following standards and terms:</p> <p>4.7.3.1 The site is located in a Small Lot Medium Density area located within an Outline Development Plan and the maximum area of the site occupied by a building(s) is:  (a) 45% - including a garage; or  (b) 45% - 18m<sup>2</sup> - excluding a garage; or</p> <p>4.7.3.2 Where a site forms part of a comprehensive residential development the maximum site coverage shall be 55% and shall be calculated across the area of the entire comprehensive residential development, excluding any undeveloped balance lot.</p> <p>4.7.3.3 The site is located in a Living Z Medium Density area located within an Outline Development Plan and the maximum area of the site occupied by a building(s) is:  (a) 45% - including a garage; or  (b) 45% - 18m<sup>2</sup> - excluding a garage; or  (c) part of a comprehensive residential development of four or more adjoining lots under 350m<sup>2</sup> in size, in which case the maximum site coverage shall be 50% and shall be calculated across the area of the entire comprehensive</p>	

Provision	Relevance
<p>residential development, excluding any undeveloped balance lot.</p> <p>4.7.4 Under <a href="#">Rule 4.7.3</a>, any resource consent application shall not be notified and shall not require the written approval of affected parties, and the Council shall restrict the exercise of its discretion to consideration of:</p> <p>4.7.4.1 The number of sites in the street or subdivision where the site coverage already exceeds</p> <p>(a) 40% for Small Lot Medium Density</p> <p>(b) 50% for Comprehensive Medium Density.</p> <p>4.7.4.2 Any adverse effects, singularly or cumulatively, on the residential density or 'spaciousness' of the area, including:</p> <p>(a) the extent to which a complying outdoor living area and opportunities for tree planting and garden landscaping are to be provided;</p> <p>(b) whether there are any areas of communal or public open space in the immediate vicinity of the site;</p> <p>(c) the extent to which a balance is achieved between buildings and hardsurfacing, and landscaping and open space;</p> <p>(d) the avoidance of an appearance of cramped development that is out of keeping with an open and spacious streetscene; and</p> <p>(e) whether the visual effects of increased site coverage are offset by the provision of an attractive, well designed street frontage with good levels of architectural detailing and articulation and the siting of garaging and parking areas to the rear of the site.</p> <p><b>Non-Complying Activities — Buildings and Site Coverage</b></p> <p>4.7.5 Any activity which does not comply with <a href="#">Rule 4.7.3</a> shall be a non-complying activity.</p>	
<p><b>4.8 BUILDINGS AND BUILDING HEIGHT</b></p> <p><b>Permitted Activities — Buildings and Building Height</b></p> <p>4.8.1 The erection of any building which has a height of not more than 8 metres shall be a permitted activity.</p> <p>4.8.2 The erection of any building within the area shown as "Medium Density (potential 11m height area)" within Lincoln ODP 7 which has a height of between 8m and 11m shall be a restricted discretionary activity.</p> <p>4.8.3 Under <a href="#">Rule 4.8.2</a> the Council shall restrict the exercise of its discretion to consideration of:</p> <p>4.8.3.1 The scale and bulk of the building in relation to adjacent sites, the street and the surrounding area.</p> <p>4.8.3.2 The extent to which the height would have any adverse effect on other sites in the surrounding area in terms of loss of privacy through being over-looked from neighbouring buildings.</p> <p>4.8.3.3 The extent to which the additional height will shade or physically dominate adjacent sites.</p> <p>4.8.3.4 The extent to which the non-compliance leads to a better or more efficient use of the site and/or creates a higher level of on-site amenity.</p> <p><b>Discretionary Activities — Buildings and Building Height</b></p> <p>4.8.5 Any activity which does not comply with <a href="#">Rule 4.8.1</a> or <a href="#">Rule 4.8.2</a> shall be a discretionary activity.</p>	<ul style="list-style-type: none"> <li>• Superseded by MDRS within relevant residential zones</li> </ul>

Provision	Relevance																											
<p><b>4.9 BUILDINGS AND BUILDING POSITION</b></p> <p><b>Permitted Activities — Buildings and Building Position</b></p> <p>The following shall be permitted activities</p> <p><b>Recession Planes</b></p> <p>4.9.1 Except in <a href="#">Rule 4.9.1.1</a> and <a href="#">Rule 4.9.1.2</a>, the construction of any building which complies with the Recession Plane A requirements set out in <a href="#">Appendix 11</a>;</p> <p>4.9.1.1 In a Living Z medium density area located within an Outline Development Plan (ODP) on any internal boundary which is</p> <p>(a) not a boundary of a lot in a low density area; and</p> <p>(b) which is not a boundary of the ODP area as a whole – the construction of any building which complies with a recession plan angle of 45 degrees, with the starting point for the recession plane to be 4m above ground level; and</p> <p>4.9.1.2 Where buildings on adjoining sites have a common wall along an internal boundary, the recession plane shall not apply along that part of the boundary covered by such a wall.</p> <p><b>Setbacks from Boundaries</b></p> <p>4.9.2 Except as provided in <a href="#">Rules 4.9.3</a> to <a href="#">Rules 4.9.33</a>, any building which complies with the setback distances from internal boundaries and road boundaries, as set out in Table C4.2 below</p> <p>Table C4.2 - Minimum Setbacks for Buildings</p> <table><tr><th>Building Type</th><th colspan="2">Metres from Boundary</th></tr><tr><th></th><th>Internal</th><th>Road (or shared access w here specified)</th></tr><tr><td>Dwelling or principal building</td><td>2 m</td><td>4 m</td></tr><tr><td>Garage: Wall length 7m or less and vehicle door faces road or shared access</td><td>1 m</td><td>5.5 m</td></tr><tr><td>Garage: Wall length 7m or less and vehicle door faces internal boundary</td><td>1 m</td><td>2 m</td></tr><tr><td>Garage: Wall length greater than 7m and Vehicle door faces road or shared access</td><td>2m</td><td>5.5 m</td></tr><tr><td>Garage: Wall length greater than 7m and Vehicle door faces internal boundary</td><td>2 m</td><td>4 m</td></tr><tr><td>Accessory Building with wall length not more than 7m</td><td>1 m</td><td>2 m</td></tr><tr><td>Accessory Building with wall length greater than 7m</td><td>2 m</td><td>4 m</td></tr></table> <p><b>Note:</b> Where a garage is proposed on a corner site i.e. has two road frontages, only one wall may be located up to 2m from</p>	Building Type	Metres from Boundary			Internal	Road (or shared access w here specified)	Dwelling or principal building	2 m	4 m	Garage: Wall length 7m or less and vehicle door faces road or shared access	1 m	5.5 m	Garage: Wall length 7m or less and vehicle door faces internal boundary	1 m	2 m	Garage: Wall length greater than 7m and Vehicle door faces road or shared access	2m	5.5 m	Garage: Wall length greater than 7m and Vehicle door faces internal boundary	2 m	4 m	Accessory Building with wall length not more than 7m	1 m	2 m	Accessory Building with wall length greater than 7m	2 m	4 m	<ul style="list-style-type: none"><li>• Superseded by MDRS within relevant residential zones</li></ul>
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<p>a road boundary, provided that that wall does not contain a vehicle door and is less than 7m in length. All other walls are to be set back at least 4m from the road boundary, with walls containing a vehicle door set back 5.5m from the road boundary.</p> <p><b>Common Wall</b></p> <p>4.9.7 Buildings may be sited along an internal boundary of the site if the building shares a common wall with another building</p> <p><b>Prebbleton</b></p> <p>4.9.10 Any building in the Living 1A Zone at Prebbleton shall be setback from the road boundary of Trices Road by not less than 10 metres. The 10 metre area shall be landscaped.</p> <p>4.9.11 Any building shall be setback not less than 6 metres from the north east or north west zone boundaries of the Living 1A2 Zone at Prebbleton.</p> <p>4.9.12 Any dwelling shall be setback not less than 3 metres from an internal boundary in the Living 1A2, 1A3 and 1A4 Zones in Prebbleton.</p> <p>4.9.13 For the Living 1A6 Zone in Prebbleton, no dwelling shall be sited within 5m of the north western common boundary with the Kingcraft Drive Existing Development Area, as identified in the ODP contained in <a href="#">Appendix 19</a>.</p> <p><b>Small Lot Medium Density areas located within an Outline Development Plan</b></p> <p>4.9.23 Any dwelling or principal building shall be set back a minimum of 3m from any road boundary, with the exception of any comprehensive development within the Medium Density area of Lincoln ODP 7 where any dwelling or principal building shall be set back a minimum of 2m from any road boundary</p> <p>4.9.24 Where an allotment has legal access to a private Right of Way or shared access, any dwelling or principal building on that allotment shall be set back a minimum of 3m along the entire length of the boundary with that private Right of Way or shared access, with the exception of Medium Density area of Lincoln ODP 7 where any dwelling or principal building on that allotment shall be set back a minimum of 2m.</p> <p>4.9.25 Any garage where a vehicle door faces the road, a private Right of Way or shared access shall be set back a minimum of 5.5m from the road boundary, private Right of Way, or shared access.</p> <p>4.9.26(a) No garage or accessory building is to be located between the front façade of the dwelling and the road boundary, or the rear service lane by which the allotment is accessed, where the lot does not have any other frontage to a public road.</p> <p>4.9.26(b) If the site has a net area of less than 430m<sup>2</sup>, garages with a total vehicle door width greater than 3m are to be accessed off a rear service lane only. (This rule does not apply to lots that gained subdivision consent prior to 30th June 2014).</p> <p>4.9.27 Any dwelling or principal building, excluding garages or accessory buildings, shall be set back a minimum of 2m from any internal boundary. Buildings may however be sited along an internal boundary if the building shares a common wall with another building on an adjoining site.</p> <p>4.9.28 No set back is required for any garage or accessory building from an internal boundary, provided that the total length</p>	



Provision	Relevance						
<p>of garages or accessory buildings adjacent to the internal boundary do not exceed 7m and provided those garages or accessory buildings comply with a 45 degree recession plane measured from 2.5m above ground level at the boundary, except when the site is on the boundary of a low density area or another Living zone, in which case <a href="#">Rule 4.9.2</a> applies</p> <p>4.9.29 All balconies at first floor level and above may only be located in a façade that faces a road boundary or an internal boundary shared with land vested or designated with Council for stormwater, recreation or esplanade reserve/ strip purposes</p> <p>4.9.29.1 Any windows at first floor level or above must:</p> <ul style="list-style-type: none"><li>• Face a road boundary, or an internal boundary shared with land vested or designated with Council for stormwater, recreation or esplanade reserve/ strip purposes; or</li><li>• Be set back a minimum of 10m from an internal boundary; or</li><li>• Have a sill height of at least 1.6m above internal floor level; or</li><li>• Be obscure glazed, and either non-opening or top-hinged, and be associated with a bathroom, toilet, or hallway.</li></ul> <p><b>Special Character Low Density Areas (Living 1C zoning)</b></p> <p>4.9.40 In Living 1C zoned areas, buildings shall have a setback from the road boundary of not less than 6m.</p> <p>4.9.41 Dwellings and family flats shall be positioned at least 6m from any existing dwelling or family flat (or footprint of a planned dwelling or family flat for which a building consent has been granted within the previous 2 years).</p> <p>An exception is where family flats are attached to the principal dwelling</p> <table><tr><th>Restricted</th><th>Discretionary</th><th>Activities</th></tr><tr><td colspan="3"><b>— Buildings and Building Position</b></td></tr></table> <p>4.9.46 Any activity which does not comply with <a href="#">Rule 4.9.1</a>, <a href="#">Rule 4.9.25</a> or <a href="#">4.9.26</a> shall be a restricted discretionary activity.</p> <p>4.9.47 Under Rule 4.9.45 the Council shall restrict the exercise of its discretion to consideration of</p> <p>4.9.47.1 Any adverse effects of shading on any adjoining property owner; or on any road or footpath during winter</p> <p>4.9.48 Any activity which does not comply with <a href="#">Rule 4.9.2</a> and <a href="#">Rules 4.9.4</a> to <a href="#">Rule 4.9.30</a> and <a href="#">Rule 4.9.32</a> to <a href="#">Rule 4.9.33</a> shall be a restricted discretionary activity.</p> <p>4.9.49 Under Rule 4.9.45 the Council shall restrict the exercise of its discretion to consideration of:</p> <p>4.9.49.1 Internal Boundary</p> <p>Any adverse effects on the:</p> <p>(a) privacy</p> <p>(b) outlook</p> <p>(c) shading; or</p> <p>(d) amenity values</p> <p>of the adjoining property, its occupiers and their activities; and</p> <p>4.9.49.2 Road Boundary</p> <p>Any adverse effects on:</p> <p>(a)the character of the street</p> <p>(b) safety and visibility of pedestrians, cyclists and motorists, and</p>	Restricted	Discretionary	Activities	<b>— Buildings and Building Position</b>			
Restricted	Discretionary	Activities					
<b>— Buildings and Building Position</b>							

Provision	Relevance
<p>(c) shading of the road or footpath in winter;  (d) methods to mitigate any adverse effects of traffic noise on the occupants of a dwelling; and  4.9.52 Any activity which does not comply with Rules 4.9.40 or Rule 4.9.41 shall be a restricted discretionary activity.  4.9.53 Under Rule 4.9.49 the Council shall restrict the use of its discretion to consideration of the unique spacious character of the area and its sensitivity to incongruous or closely spaced buildings.</p> <p><b>Discretionary Activities — Buildings and Building Position</b>  4.9.56 Any activity which does not comply with <a href="#">Rule 4.9.3</a> and <a href="#">Rule 4.9.35</a> to <a href="#">Rule 4.9.39</a> and <a href="#">Rule 4.9.42</a> and <a href="#">Rule 4.9.42(a)</a> and <a href="#">Rule 4.9.43</a> and <a href="#">Rule 4.9.45</a> shall be a discretionary activity</p>	
<p><b>4.11 COMPREHENSIVE RESIDENTIAL DEVELOPMENT IN PREBBLETON</b>  <b>Discretionary Activities — Comprehensive Residential Development in Prebbleton</b>  4.11.1 In the Living 1A5 Zone in Prebbleton, comprehensive residential development shall be a discretionary activity where Council shall take into account, but not be limited to, the following:  4.11.1.1 Effects associated with the width, location, form and layout of accesses and roads on the amenity of the area;  4.11.1.2 Effects of vehicle parking and garaging on the amenity of the area or the enjoyment of neighbouring properties;  4.11.1.3 The ability to provide adequate vehicle parking and manoeuvring on the site;  4.11.1.4 Impacts on the road network in traffic generation and traffic safety;  4.11.1.5 The extent to which levels of traffic generation or pedestrian activity will result that are incompatible with the character of the surrounding living environment;  4.11.1.6 Effects on the sense and spaciousness of the immediate area and wider neighbourhood;  4.11.1.7 The extent to which the scale, form, modulation, design, colours and materials of buildings will be compatible with other buildings in the surrounding area and will not result in visual dominance or incongruency;  4.11.1.8 The extent to which site layout and buildings have been designed to avoid adverse effects on the privacy, outlook, access to sunlight and daylight and other amenity values of neighbouring properties;  4.11.1.9 The amount of variety in design and size of dwellings on the site, in order to provide a choice of living accommodation;  4.11.1.10 Whether the dwellings are clustered in larger or smaller groups and the extent to which the grouping or spacing of dwelling units on the site leads to an attractive and varied development rather than a monotonous one;  4.11.1.11 The need for a ‘step in plan’ to be provided at 20 metre intervals along a continuous building wall in order to mitigate adverse effects of continuous ‘building bulk’ being close to the boundary of a neighbouring property;  4.11.1.12 The attractiveness of the street frontages of the site;</p>	<ul style="list-style-type: none"> <li>• Superseded by MDRS within relevant residential zones</li> </ul>

Provision	Relevance
<p>4.11.1.13 The extent to which mature vegetation is retained and the character of the site remains dominated by tree and garden plantings;</p> <p>4.11.1.14 Privacy between habitable rooms of neighbouring dwellings;</p> <p>4.11.1.15 The quality of landscaping and its effectiveness in mitigating adverse effects;</p> <p>4.11.1.16 Impacts on the sense of spaciousness of the immediate area and wider neighbourhood;</p> <p>4.11.1.17 The extent to which outdoor living space remains open and not contained or partitioned by fencing;</p> <p>4.11.1.18 Whether the amount of outdoor living space is accessible to, and adequate for, the occupants of all dwellings and whether it will receive direct sunlight on the shortest day of the year.</p>	
<p><b><u>4.12 COMPREHENSIVE RESIDENTIAL DEVELOPMENT IN MEDIUM DENSITY AREAS COVERED BY AN OUTLINE DEVELOPMENT PLAN</u></b></p> <p><b>Restricted Discretionary Activities — Comprehensive Residential Development in Medium Density areas covered by an Outline Development Plan</b></p> <p>4.12.1 Within any comprehensive residential development shall be a restricted discretionary activity where there is at least one gap of a minimum of 6m between units for every 8 road-fronting residential units.</p> <p>Please refer to the Medium Density guide for examples of the use of this gap and the design of short terraces</p> <p>4.12.2 Any comprehensive residential development which comply with <a href="#">Rule 4.12.1</a> shall not be notified and shall not require the written approval of affected parties. Under <a href="#">Rule 4.12.2</a> the Council shall restrict the exercise of its discretion to consideration of:</p> <p>4.12.2.1 Context and Spaciousness</p> <p>The extent to which medium density development responds to the existing context through:</p> <p>(a) Providing compatibility in scale between the new development and any neighbouring buildings;</p> <p>(b) Being oriented towards adjoining public spaces such as roads, parks, or reserves and presents a front façade with a good level of glazing. Visible pedestrian front entrances and low front fencing;</p> <p>(c) Providing dwellings which relate to each other and surroundings in terms of regularity of features such as window height and detailing and a consistency in roof slope and form.</p> <p>(d) Provide visual breaks by varying the alignment of dwellings and variation in dwelling type and form. In general the same design should not be used for more than 6 adjacent dwellings where they are an attached terrace, or more than 4 dwellings where they are detached or semi-detached townhouses.</p> <p>(e) Avoid long terraces or rows of dwellings in order to provide both visual separation and to facilitate if appropriate mid-block pedestrian access and/or vehicle access to rear service lanes.</p> <p>4.12.2.2 Attractive street scene, Public Interface and External Appearance</p>	<ul style="list-style-type: none"> <li>• Superseded by MDRS within relevant residential zones</li> </ul>

Provision	Relevance
<p>The extent to which the street scene, public interface and external appearance of buildings in medium density developments:</p> <ol style="list-style-type: none"> <li>Provides dwellings with visual interest when viewed from any public spaces through articulation, roof form, openings and window location. In particular there should be regular steps-in-plan in the front façade along road frontages to support the individualisation and differentiation between dwellings;</li> <li>Provides visible entry to the dwelling when viewed from the road or the main public access to the development;</li> <li>Provides a good level of glazing and overlooking from habitable rooms towards the road and any adjacent public open spaces</li> <li>Building design provides a balance of consistency and variety in the street scene;</li> <li>Provides open frontages which will not be enclosed by fences over 1m in height.</li> </ol> <p>4.12.2.3 Dwelling design, position and orientation</p> <p>The extent to which the dwelling design, position and orientation of buildings in medium density developments</p> <ol style="list-style-type: none"> <li>Locates and orientates dwellings to define external spaces, to allow adequate sunlight and daylight into main living rooms and private outdoor spaces;</li> <li>Positions dwellings to ensure that dwellings front on to, and are accessed from, the road, private Right of Way, or shared accessways;</li> <li>Positions dwellings to capitalise on any views or natural features;</li> <li>Minimises the visual dominance of garaging and vehicle parking areas, especially as viewed from the street or public open spaces. The use of rear courtyards for parking is encouraged;</li> <li>Incorporates attractive detailed design including provision of mailboxes and space for bin storage and collection;</li> <li>Provides attractive and efficient shared parking where required.</li> <li>Windows of Living rooms and kitchens should be set back a minimum of 2m from internal boundaries.</li> </ol> <p>4.12.2.4 Visual and acoustic privacy</p> <p>The extent to which buildings in comprehensive developments achieve visual and acoustic privacy through:</p> <ol style="list-style-type: none"> <li>Avoiding or minimising direct views from the windows of one dwelling into another at distances less than 20m through the use of the following design devices: <ul style="list-style-type: none"> <li>The shape and position of the buildings</li> <li>The location of windows e.g. offset windows and high sill windows Intervening screening e.g. 1.8 metre high fences (not on road boundary or frontage with accessways), hedges, trees</li> <li>Screening devices on balconies to ensure that they do not overlook windows or private spaces</li> </ul> </li> <li>The provision of acoustic treatment between dwellings through enhancing separation between openings, effective solid acoustic screening and by locating</li> </ol>	

Provision	Relevance
<p>noise sensitive spaces from noisy activities (e.g. separation of bedrooms from service areas and garages).</p> <p><b>4.12.2.5 Private outdoor living spaces</b> The extent to which comprehensive developments provide private outdoor living spaces that:</p> <ul style="list-style-type: none"> <li>(a) Have the primary outdoor living space directly accessible from an internal living room;</li> <li>(b) Have any secondary outdoor living spaces such as balconies directly accessible from living rooms or bedrooms;</li> <li>(c) Are located so that the principal private outdoor living space will receive sunshine for a reasonable portion of the day in winter;</li> <li>(d) Are located so that the principal outdoor living space is not directly overlooked by windows or balconies of neighbouring dwellings;</li> <li>(e) The extent to which communal outdoor living space is provided within a comprehensively designed development and the functionality of that space for meeting the likely needs of future occupants;</li> <li>(f) Are located to the side or rear of the dwelling and not adjacent to the road boundary.</li> </ul> <p><b>4.12.2.6 Safety and security</b> The extent to which comprehensive developments are designed to reduce the fear and incidence of crime through.</p> <ul style="list-style-type: none"> <li>(a) The avoidance of narrow alleyways and places of entrapment;</li> <li>(b) A clear definition between public and private spaces;</li> <li>(c) The ability to provide casual surveillance of public space from private property and vice versa.</li> </ul> <p><b>4.12.2.7 Accessibility and connectivity</b> The extent to which comprehensive developments are designed for accessibility and connectivity through:</p> <ul style="list-style-type: none"> <li>(a) Providing for the safe and efficient movement of pedestrians, cyclists and motorised vehicles within and through the development and to surrounding residential areas and commercial and community facilities;</li> <li>(b) Providing direct pedestrian and cycle linkages from developments to and between any adjoining reserves and open spaces.</li> </ul> <p><b>Discretionary Activities — Comprehensive Residential Development in Medium Density areas covered by an Outline Development Plan</b></p> <p>4.12.3 Any activity which does not comply with <a href="#">Rule 4.12.1</a> shall be a discretionary activity</p>	
<p><b>4.14 BUILDINGS AND PRIVATE OUTDOOR LIVING SPACE</b> <b>Permitted Activities — Buildings and Private Outdoor Living Space</b> Living Z Medium Density areas located within an Outline Development Plan</p> <p><b>4.14.1</b></p> <ul style="list-style-type: none"> <li>(a) Living Z Medium Density areas located within an Outline Development Plan, each dwelling shall be provided with a private outdoor living space with a minimum area of 50m<sup>2</sup> and a minimum dimension of 4m.</li> <li>(b) Any area provided by balconies with a minimum dimension of 1.5m counts towards the minimum required area of outdoor living space.</li> </ul>	<ul style="list-style-type: none"> <li>• Superceded by MDRS within relevant residential zones</li> </ul>

Provision	Relevance
<p>(c) The outdoor living space (excluding balconies) is not to be located between the front building façade and the road boundary</p> <p><b>Restricted Discretionary Activities — Buildings and Private Outdoor Living Space</b></p> <p>4.14.2 Any activity which does not comply with <a href="#">Rule 4.14.1</a> shall be a restricted discretionary activity which shall not be notified and shall not require the written approval of affected parties. Under Rule [Link,4.389,Rule 4.14.1} the Council shall restrict the exercise of its discretion to consideration of:</p> <p>4.14.2.1 The degree to which any reduction in outdoor living space will adversely affect the ability of the site to provide for the outdoor living needs of residents of the site.</p> <p>4.14.2.2 The extent to which any outdoor living space intrudes in front of any residential unit such that it would be likely to give rise to pressure to erect high fences between the dwelling and the street, to the detriment of an open street scene.</p> <p>4.14.2.3 The degree to which large areas of public open space are provided within very close proximity to the site.</p> <p>4.14.2.4 The degree to which any communal outdoor living areas are proposed where individual dwellings form part of a comprehensive residential development.</p> <p>4.14.2.5 The degree to which a reduction in outdoor living space would contribute to a visual perception of cramped development or over-development of the site</p>	