

# 4E Landscape Protection Residential Activity Area

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## 4E 1 Issues, Objectives and Policies

### 4E 1.1 Local Area Issues

#### 4E 1.1.1 Residential Character and Amenity Values

##### Issue

**In addition to the hillside residential areas of the City, there are several areas of land on steep hillsides. They are characterised by little or no development for residential purposes, extensive open space, severe constraints on development due to the steepness of the land, access difficulties, and vegetation cover. These characteristics contribute to the character and amenity values, and the areas are an important visual asset to the City.**

**Future development and activities should be managed to ensure the character and visual amenity values are maintained and enhanced.**

##### Objective

To ensure the character and amenity values of undeveloped steep hillside areas are maintained and enhanced.

##### Policies

- (a) That significant steep hillside areas with regenerating bush cover which are undeveloped for residential purposes and provide a visual backdrop to the City be identified on the Planning Maps.
- (b) That the visual appearance and nature of earthworks (excavation and fill) be managed to minimise the adverse effects on the visual amenity values of the hillside environment.
- (c) That the clearance of vegetation be managed to avoid, remedy or mitigate any adverse effects on the visual amenity values of the hillside environment or the intrinsic values of ecosystems.
- (d) That significant trees which contribute to the amenity values of the hillside areas be retained where practicable.
- (e) To preserve the natural features of the environment which contribute to the visual amenity values, and provide a visual backdrop to the City.
- (f) That where practicable, the natural appearance of the skyline be preserved from development to maintain its visual appearance.

- (g) That the range and nature of non-residential activities be limited to ensure the amenity values of the activity area are not affected adversely.
- (h) To establish a large minimum net site area to ensure low building density is achieved, and amenity values are retained, protected and enhanced.

### Explanation and Reasons

In addition to the Hill Residential Activity Area, there are several pockets of land on steep hillside areas which have not yet been developed for residential purposes. Such areas have significant natural features, extensive native vegetation cover and are an important visual backdrop to the City. The skyline also has an important amenity value to the City, and it is essential that this be protected from unsympathetic development.

It is important that the residential character and special amenity values associated with these areas are maintained and enhanced, and that any adverse effects of non residential activities are controlled.

The nature of non-residential activities considered appropriate for this activity area will be limited to those which do not affect adversely the distinctive characteristics and amenity values of the activity area.

Future development must ensure the visual amenity values are maintained and enhanced.

Low density development will be encouraged, and excavation and the removal of vegetation together with the intrinsic values of ecosystems will be managed.

## 4E 1.1.2 Home Occupations

### Issue

**Many people want to work from home. Provision for such activities to occur on sites sensitive to any disturbances requires that the topographical constraints be taken into account, and the adverse effects arising from the nature of the home occupation are avoided, remedied or mitigated against.**

For the Objective, Policies, Explanations and Reasons for Home Occupations in this activity area, refer to Objective, Policies, and Explanation and Reasons in the General Residential Activity Area in 4A 1.1.3.

## 4E 1.2 Site Development Issues

### 4E 1.2.1 Site Stability

#### Issue

**Residential sites within this activity area are subject to development constraints due to the topography of the sites. Future development must be managed to ensure the stability of the site, and reduce the risk associated with landslide, erosion, and surface water runoff.**

For Objectives and Policies on this matter refer to Hill Residential 4D 1.2.1

### Explanation and Reasons

Sites within this activity area have severe development constraints due the steepness of the land, and the extensive vegetation cover. It is essential that in the development of the site, any earthworks (excavation and fill), and clearance of vegetation is restricted, to minimise the risks of landslip or erosion, and surface water runoff.

## 4E 1.2.2 Building Height, Scale, Intensity and Location

### Issue

**Building height, coverage, scale, intensity and siting can cause adverse effects upon the amenity values of neighbouring properties, and surrounding hillside environment. It is important that such adverse effects be avoided, remedied or mitigated.**

For Objectives, Policies refer to Hill Residential 4D 1.2.2 with the addition of the following policy.

### Policy

- (a) Where a certificate of title has been issued for a site prior to 5 December 1995 or where a site has been created by a staged development whether under a stage unit plan or crosslease plan lodged with the District Land Registrar and where part of the development has been completed prior to 5 December 1995, it is recognised that it is reasonable to permit the erection of buildings/structures (as contemplated when the title was issued or plan lodged) even though the maximum site coverage may exceed that set out in 4E 2.1.1(a). Under such circumstances the scale, intensity, visual attractiveness of buildings and/or structures as well as the adverse effects on the amenity values of adjoining properties, and the streetscape be taken into account in assessing the suitability of the development.

### Explanation and Reasons

Residential buildings and their accessory buildings can have adverse effects upon the amenity values of adjacent sites and the surrounding residential area, caused by their height, scale, proximity to a site boundary, length, site layout, and external appearance.

It is important to manage such aspects of development to ensure low density residential development is achieved, and the open space, extensive vegetation, and visual amenity values are maintained.

The Plan will set minimum acceptable conditions. These conditions are similar to those for the General Residential Activity Area with the exception of net site area, site coverage and the location of accessory buildings. As excavation is often required in the construction of a building on steep sites, the maximum overall height condition shall apply in most cases.

#### (a) Net Site Area

The minimum net site area has been determined to encourage low density residential development within the activity area. This will assist in the maintenance of the open space, visual amenity values, and assist in protecting large areas of established and regenerating native vegetation.

#### (b) Site Coverage

Combined with net site area site coverage helps to control building density. A maximum acceptable site coverage has been determined at 15%, to ensure that visual

amenity values and open space are maintained, and native and regenerating vegetation is protected.

(c) **Height**

The 8 metre height limit is to be measured from the natural ground level. This is to ensure development does not protrude obtrusively above the natural contours, and is in scale with surrounding development.

The maximum overall height limit of 13 metres allows a building to be stepped into the hillside, thus reducing the need for substantial excavation into the ground, and allowing more opportunity for floor space on a steep site.

The height controls are not designed to specifically protect views from private property, although on some occasions they can have this effect. Account should be taken of loss of view as part of the amenity values associated with a particular site, when an overheight building is assessed.

(d) **Accessory Buildings**

Accessory buildings may be located on the front boundary within this activity area. This taken into account the topography of the sites, and to avoid the need for extensive excavation and clearance of vegetation. The height of such structures will be restricted by the recession plane to recognise the amenity values of the street and surrounding area.

In some cases it may not be able to locate an accessory building on the site at all due to the topography of the site. Allowance will be made for such structures to be located on the road reserve as a Restricted Discretionary Activity, where amenity values of adjacent sites and the surrounding residential area are maintained or enhanced.

## 4E 2 Rules

### 4E 2.1 Permitted Activities

- (a) Dwelling houses.
- (b) Home occupations.
- (c) Child care and Kohanga Reo facilities.
- (d) Accessory buildings to the above Permitted Activities.

#### 4E 2.1.1 Permitted Activities - Conditions

The conditions for the Permitted Activities for the General Residential Activity Area shall generally apply, with the following exceptions:

- (a) **Maximum Site Coverage:** 15%.

The eaves of a building up to a maximum depth of 0.6m shall be excluded from this measurement.

Decks of less than 20m<sup>2</sup> shall not be included in the calculation of site coverage provided the deck does not exceed 1.2m in height.

**(b) Net Site Area:**

- (i) The minimum net site area per Permitted Activity (excluding home occupations and accessory buildings) shall be 2000m<sup>2</sup>.
- (ii) Where a certificate of title has been issued for a site prior to 5 December 1995 or where a site has been created by a staged development whether under a stage unit plan or crosslease plan lodged with the District Land Registrar and where part of the development has been completed prior to 5 December 1995, and it can be established that the site has been created with an intention to accommodate a dwelling, then in such circumstances the area of the site shall be the minimum net site area.

Compliance with all other Permitted Activity Conditions.

**(c) Accessory Buildings:**

Any accessory building may encroach into the front yard requirement provided that the length of the building which encroaches onto the yard shall not exceed 25% of the length of the boundary parallel to that yard. Side and rear yard restrictions shall apply.

## 4E 2.2 Restricted Discretionary Activities

- (a) Accessory buildings on legal road.
- (b) The removal of vegetation in excess of 300m<sup>2</sup> or 15% of the site, whichever the lesser, provided that this shall not preclude the removal of any pest plant.

### 4E 2.2.1 Matters in which Council has Restricted its Discretion and Standards and Terms

**(a) Accessory buildings on legal road.****(i) Amenity Values:**

The extent to which the proposal affects adversely the amenity values of the surrounding residential properties, including the amount of excavation required, the loss of vegetation, design and appearance of buildings.

**(ii) Traffic Effects:**

The extent to which the accessory building will affect adversely the safe and efficient movement of traffic on the road. It should be demonstrated that vehicles using the accessory building shall not create a traffic hazard.

**(b) The removal of vegetation in excess of 300m<sup>2</sup> or 15% of the site, whichever the lesser, provided that this shall not preclude the removal of any pest plant.****(i) Amenity Values:**

The adverse effects upon the visual amenity values of the site and surrounding area caused by the removal of any vegetation cover. The visual prominence of the vegetation and any replacement planting to be undertaken will be taken into consideration.

**(ii) Site Stability:**

The adverse effects upon the stability of the site caused by the removal of vegetation.

(iii) **The Intrinsic Values of Ecosystems:**

The extent to which the proposal will adversely affect the intrinsic value of ecosystems on the site and surrounding area

#### 4E 2.2.2 **Other Matters**

All Restricted Discretionary Activities must comply with other relevant Permitted Activity Conditions.

### 4E 2.3 **Discretionary Activities**

- (a) Except where stated in the General Rules, any Permitted or Restricted Discretionary Activity which fails to comply with any of the Permitted Activity Conditions, or relevant requirements of Chapter 14 - General Rules.

#### 4E 2.3.1 **Assessment Matters for Discretionary Activities**

- (a) The matters contained in Sections 104 and 105, and Part II of the Act shall apply.
- (b) The degree of compliance or non-compliance with any relevant Permitted Activity Conditions.

#### 4E 2.4 **Non-Complying Activities**

- (a) All other activities not listed as a Permitted, Restricted Discretionary, or Discretionary Activity.

#### 4E 2.5 **Other Provisions**

- (a) Subdivision - See Chapter 11.
- (b) Financial Contributions - See Chapter 12.
- (c) Utilities - See Chapter 13.
- (d) General Rules - See Chapter 14.

## 4E 3 **Anticipated Environmental Results**

- (a) Amenity values of the land maintained and enhanced.
- (b) Natural topography used as a basis for development.
- (c) Retention of vegetation.
- (d) Opportunity provided for home occupations.