

## Chapter 5. Residential Area Rules

### Guide to Rules

**NOTE:** The following table is intended as a guide only and does not form part of the District Plan. Refer to specified rules for detailed requirements.

P refers to Permitted Activities, C to Controlled Activities, DR to Discretionary Activities (Restricted) and DU to Discretionary Activities (Unrestricted).

<b>Uses/Activities</b>	<b>Rule</b>	<b>P</b>	<b>C</b>	<b>DR</b>	<b>DU</b>
Residential activities that comply with standards 5.6.1	5.1.1	•			
Residential activities not provided for as Permitted Activities	5.3.1			•	
Work from home activities that comply with standards 5.6.1	5.1.2	•			
Educational Services on Karori Campus	5.1.2B	•	•		
Educational Services on Scots College, Samuel Marsden Collegiate School, Queen Margaret College, St Marks Church School, Basin Reserve	5.1.2C	•	•		
Hotel activities at 20 Kemp Street	5.1.2D	•	•		
Work from home activities not provided for as Permitted Activities	5.3.2			•	
Non-residential activities not specifically provided for as Permitted, Controlled or Discretionary (Restricted) Activities	5.4.1				•
Non-residential activities in existing non-residential buildings that contain a shopfront display window adjacent to the footpath	5.2.1		•		
Early Childhood Centres (up to 30 children)	5.3.3			•	
Temporary activities	5.1.3	•			
Storage, use, etc of hazardous substances, except in a Hazard Area, that comply with standards 5.6.1.6	5.1.4	•			
Storage, use, etc of hazardous substances not provided for as Permitted Activities	5.4.3				•
Upgrade and maintenance of existing formed roads and accessways	5.1.5	•			
The creation of open land for recreation or amenity purposes	5.1.6	•			
Helicopter Landing Areas	5.4.2				•
<b>Buildings</b>	<b>Rule</b>	<b>P</b>	<b>C</b>	<b>DR</b>	<b>DU</b>
Residential buildings, accessory buildings and residential structures subject to standards 5.6.2	5.1.7	•			
Residential buildings, accessory buildings and residential structures not provided for as Permitted Activities	5.3.4			•	
Alterations and additions to existing residential buildings constructed prior to 27 July 2000 subject to standards that do not comply with standards 5.6.2.2, 5.6.2.4, 5.6.2.5 and 5.6.2.8	5.1.8	•			
Construction of, alteration of, and addition to, buildings and structures within an Educational Precinct subject to standards 5.6.2	5.1.9	•			
Alterations of, and additions to, and structures within the Oriental Bay Height Area subject to standards 5.6.2	5.1.10	•			
Construction of, alteration of, and addition to, buildings and structures within the Oriental Bay Height Area that are not Permitted Activities	5.3.8			•	
Internal alterations, minor additions to existing residential buildings and new	5.1.11	•			

accessory buildings in the Tawa Hazard (Flooding) Area					
Construction, alteration of, and addition to residential buildings, including accessory buildings that are not a Permitted or Controlled Activity in the Tawa Hazard (Flooding) Area	5.3.10			•	
Construction, alteration of, and addition to residential buildings, accessory buildings and residential structures resulting in 2 household units within the Airnoise Boundary (Map 35)	5.3.10B			•	
Demolition or removal of buildings and structures except heritage items, pre 1930's buildings in the Inner Residential Area and Holloway Road (Outer Residential Area) and the removal or demolition of architectural features from the primary façade constructed prior to 1930.	5.1.12	•			
The demolition of any building, excluding accessory buildings, constructed before 1930 in the Inner Residential Area and Holloway Road (Outer Residential Area) (see Appendix 1)	5.3.6			•	
The construction, alteration of, and addition to residential buildings, accessory buildings and residential structure in the Thorndon and Mt Victoria North Residential Character Areas	5.3.5			•	
Multi-unit residential development – 2 or more household units on any site in a Medium Density Residential Area, the Inner Residential Area, or the Coastal Edge or 3 or more household units on a site in the Outer Residential Area	5.3.7			•	
Multi-unit residential development - 3 or more household units on any site inside the Airnoise Boundary (Map 35)	5.4.4				•
Two or more household units on any part of a site in the Hazard (Fault Line) Area	5.4.5				•
Any subdivision, use or activity, including the construction, alteration of, and addition to buildings or structures on the areas denoted (A) that is not a permitted activity on the Tapu Te Ranga land (Appendix 18)	5.4.6				•
In areas denoted (B) and (C) any subdivision, use or activity including earthworks					
Non-residential activities, non-residential buildings and structures not specifically provided for as Permitted , Controlled or Discretionary (Restricted) Activities	5.4.1				•
Accessory buildings and residential structures including fences and walls, on a legal road	5.3.9			•	
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Signs subject to conditions	5.1.13	•			
Signs not complying with conditions for Permitted Activities	5.3.11			•	
<b>Subdivision</b>	<b>Rule</b>	<b>P</b>	<b>C</b>	<b>DRDU</b>	
Subdivision around existing houses subject to conditions (excluding company lease, cross lease and unit title subdivision)	5.1.14	•			
Subdivision for 5 or less allotments subject to conditions	5.2.2		•		
Company lease, cross lease or unit title subdivision	5.2.3		•		
Subdivision for 5 or less allotments not complying with conditions for Permitted or Controlled Activities	5.3.12			•	
Subdivision for 5 or less allotments inside the Airnoise boundary (Map 35)	5.3.13			•	
Subdivision which is not a Permitted, Controlled or Discretionary (Restricted) Activity	5.4.7				•
<b>Earthworks</b>	<b>Rule</b>	<b>P</b>	<b>C</b>	<b>DRDU</b>	
Activities involving earthworks	30.0	•	•	•	•
<b>Heritage</b>	<b>Rule</b>	<b>P</b>	<b>C</b>	<b>DRDU</b>	
Activities affecting listed heritage items	21.0	•	•		•
<b>Utilities</b>	<b>Rule</b>	<b>P</b>	<b>C</b>	<b>DRDU</b>	
Buildings, structures and other utility activities	23.0	•	•	•	•

Contaminated Sites	Rule	P	C	DRDU
Activities involving contaminated sites	32.0	•	•	

## Schedule of Appendices

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21	Subdivision of Outer Residential Area, Part Lot 103 DP 340021 & Part Lot 15 and 16 DP 2205 –Bellevue Estates, Newlands
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## 5 RESIDENTIAL RULES

### 5.1 Permitted Activities

The following activities are permitted in Residential Areas (which includes the Inner and Outer Residential Areas and the identified Medium Density Residential Areas as shown on the planning maps) provided that they comply with any specified conditions.

#### ACTIVITIES

**5.1.1 Residential activities are Permitted Activities provided that they comply with the standards specified in section 5.6.1 (activities),**

except:

- In the areas denoted as (B) and (C) on the map contained in Appendix 18, Tapu Te Ranga Land, 16-50 Rhine Street, Island Bay (see Rule 5.4.6)

**5.1.2 Work from home activities are Permitted Activities providing that they comply with the standards specified in section 5.6.1 (activities),**

except:

- In the areas denoted as (B) and (C) on the map contained in Appendix 18, Tapu Te Ranga Land, 16-50 Rhine Street, Island Bay (see Rule 5.4.6)

**5.1.2.A Church and church related activities, and office activities are Permitted Activities on the site at 21 Hania St (Lot 1 DP 77128), provided they comply with the standards specified in 5.6.1,**

**5.1.2.B Educational services are Permitted Activities on the Karori Education Campus site (shown as Educational Precinct on planning Map 11) provided they comply with standards 5.6.1.1 (noise), 5.6.1.2 (fixed plant noise), 5.6.1.3 (vehicle parking) and 5.6.1.4 (site access),**

**5.1.2.C Education activities are Permitted Activities on the following sites (identified as Educational Precincts on the planning maps):**

- Scots College, Miramar
- Samuel Marsden Collegiate School, Karori
- Queen Margaret College, Thorndon
- St Marks Church School, Basin Reserve

provided they comply with standards 5.6.1.1 (noise), 5.6.1.2 (fixed plant noise), 5.6.1.3 (vehicle parking) and 5.6.1.4 (site access),

**5.1.2.D Hotel activities are Permitted Activities on the site at 20 Kemp Street (Sec 108 Evans Bay District), provided they comply with the standards specified in 5.6.1,**

**5.1.3 Temporary activities and uses are Permitted Activities provided they comply**

with the standards specified in section 5.6.1 (activities).

- 5.1.4** The storage, use or handling of hazardous substances are Permitted Activities provided that they comply with the standards specified in section 5.6.1.6,

*See Exemptions to the Hazardous Facilities Screening Procedure contained in section 3.5.2.*

except:

- in a Hazard Area (see Rule 5.4.3)
- in the areas denoted as (B) and (C) on the map contained in Appendix 18}, Tapu Te Ranga Land, 16-50 Rhine Street, Island Bay (see Rule 5.4.6)

- 5.1.5** Any activity relating to the upgrade and maintenance of existing formed public roads (or other lawfully established roads) and public accessways including associated earthworks, except the construction of new legal road, is a Permitted Activity.

- 5.1.6** The creation of open land for recreation or amenity purposes is a Permitted Activity.

#### **BUILDINGS AND STRUCTURES**

- 5.1.7** The construction, alteration of, and addition to, residential buildings, accessory buildings, and residential structures, except those listed below, is a Permitted Activity provided the new building or structure, or the new part of the building or structure, complies with the standards specified in section 5.6.2 (buildings and structures).

*For subdivisions above Patna Street and Huntleigh Park Way, Ngaio, and David Crescent and Parkvale Road, Karori refer to Appendix 12 and 15 For Lot 2 DP 71465 off Stockden Place, Karori refer to Appendix 8 For Section 105, Ohariu District, west of Johnsonville refer to Appendix 9 Multi-unit developments are defined in Chapter 3.0*

- works within an Educational Precinct (see Rule 5.1.9)
- works within the Oriental Bay Height Area (see Rule 5.1.10)
- works within the Tawa Hazard (Flooding) Area (see Rule 5.1.11)
- the construction, alteration of, and addition to residential buildings,

accessory buildings and residential structures in the Thorndon Character Area and Mount Victoria North Residential Character Area (see Rule 5.3.5)

- multi-unit developments (see Rule 5.3.7)
- any development that involves the removal or demolition of a building (excluding accessory buildings) constructed prior to 1930 in the Inner Residential Areas shown in Appendix 1 (see Rule 5.3.6)
- any works that involve the removal or demolition of architectural features from the primary elevation of a building (excluding accessory buildings) constructed prior to 1930 in the Inner Residential Areas shown in Appendix 1 (see Rule 5.3.6)
- accessory buildings and residential structures on a legal road (see 5.3.9)
- any development that will result in two household units on a site inside the Airnoise boundary depicted on Map 35 (see rule 5.3.10B)
- any development that will result in three or more household units on a site inside the Airnoise boundary depicted on Map 35 (see rule 5.4.4)
- any development that will result in two or more household units on a site inside the Hazard (Fault Line) Area (see Rule 5.4.5)
- in the areas denoted (B) and (C) on the map contained in Appendix 18, Tapu Te Ranga Land, 16-50 Rhine Street, Island Bay (see Rule 5.4.6)

**5.1.8 The alteration of, and addition to, existing residential buildings that do not comply with one or more of the following standards:**

*For any works in the Thorndon and Mount Victoria North Residential Character Areas (see Rule 5.3.5) For any works on a building constructed prior to 1930 in the Inner Residential Areas shown in Appendix 1 (see Rule 5.3.6)*

- building height (5.6.2.5),
- building recession planes (5.6.2.8),
- yards (5.6.2.2), or
- site coverage (5.6.2.4)

is a Permitted Activity, provided the existing non-compliance was lawfully constructed prior to 27 July 2000, and the resulting building complies with the standards specified in 5.6.2.9).

“For the purposes of clarification it is noted that applicants can request that building work

(undertaken on a building with an existing non-compliance) be considered under Rule 5.1.7 in conjunction with an existing use right assessment under s10 of the Resource Management Act. In such cases the onus is on the applicant to prove that the existing building work was lawfully established.”

- 5.1.9** The construction, alteration of, and addition to, buildings, accessory buildings, and structures, within an Educational Precinct is a Permitted Activity provided the new building or structure, or the new part of the building or structure, has a gross floor area of no more than 100 sq metres and the work complies with standards 5.6.2.2 (yards), 5.6.2.5 (maximum height), 5.6.2.8 (building recession planes) and 5.6.2.13 (fixed plant noise).
- 5.1.10** The following alterations of, and additions to buildings and structures within the Oriental Bay Height Area (as shown in Appendix 4) are Permitted Activities, provided they comply with the standards specified in section 5.6.2 (buildings and structures):
- 5.1.10.1** additions or alterations to existing buildings three storeys or less in height (including garaging), provided that the works do not increase the height of the building above the existing highest point of the building. For the purpose of this rule chimneys, flues, ventilation shafts, aerials, satellite dishes less than 1 metre in diameter, spires, flagpoles, or other decorative features shall be excluded from the measurement of the highest point; or
- 5.1.10.2** additions or alterations that do not alter the external appearance of the building or structure; or
- 5.1.10.3** additions or alterations that are not visible from public places; or
- 5.1.10.4** additions or alterations that do not require an application for building consent
- 5.1.11** In the Tawa Hazard (Flooding) Area, the following internal alterations, minor additions to existing residential buildings and new accessory buildings are Permitted Activities provided that they comply with the standards specified in section 5.6.2 (buildings and structures):
- 5.1.11.1** alterations and additions:
- that are not below the floor level of the existing dwelling; and
  - that do not exceed 10m<sup>2</sup> in area
- 5.1.11.2** accessory buildings with a floor area of 10m<sup>2</sup> or less.
- 5.1.12** The total or partial demolition or removal of buildings and structures is a Permitted Activity, except:

*For schedule of listed heritage items, refer to Chapter 21.0*

- the removal or demolition of any building or structure listed in the District Plan as a heritage item, or which is located in a listed heritage area (see Chapter 21)
- the removal or demolition of any building (excluding accessory buildings)

constructed prior to 1930, in the Inner Residential Areas and Holloway Road (Outer Residential Area) shown in Appendix 1 (see Rule 5.3.6)

· the removal or demolition of architectural features from the primary elevation of a building (excluding accessory buildings) constructed prior to 1930 in the Inner Residential Areas and Holloway Road (Outer Residential Area) shown in Appendix 1 (see Rule 5.3.6)

**5.1.12A Within the land shown in Appendix 20 (11A Huntleigh Park Way, 79 and 83 Heke Street, 19 and 21 Thatcher Crescent, Ngaio):**

*Refer to Rules 5.2.4 and 5.3.14 for activities that require a resource consent on these properties*

Any existing use or activity, and any future residential use or activity approved pursuant to Rules 5.2.4 and 5.3.14 and Appendix 20, including the alteration of, and addition to existing buildings or structures, is a permitted activity, provided it complies with the following conditions:

**5.1.12A.1 Compliance with Outer Residential Area Rules 5.1.1, 5.1.2, 5.1.3, 5.1.13, and 5.1.4**

**5.1.12A.2 Compliance with Outer Residential Area permitted activity conditions 5.6.2.2, 5.6.2.4, 5.6.2.5, 5.6.2.8, and 5.6.2.10.**

**5.1.12A.3 No earthworks shall extend beyond the area already developed for residential purposes at the date of 8 September 2007. This 'area' shall include land occupied by the existing dwellings, driveways, paths, lawns, and outdoor areas associated with the dwelling.**

**5.1.12A.4 Earthworks associated with the areas already developed for residential purposes and any future residential use or activity approved pursuant to Rules 5.2.4 and 5.3.14 shall comply with the following conditions:**

**(a) (i) The cut height or fill depth does not exceed 1.5m measured vertically; and**

**(ii) The cut or fill is not on an existing slope angle exceeding 34 degrees; and**

**(iii) The distance between any site boundary; building or structure (above or below ground); and the nearest cut or fill must be at least the same distance as the height of the cut or depth of the fill (measured on a horizontal plane); and**

**(iv) The area to be cut or filled does not exceed 250m<sup>2</sup>**

OR

**(b) (i) The cut height or fill depth does not exceed 2.5m measured vertically; and**

**(ii) The cut or fill is retained by a structure authorised by a building consent (which must be obtained prior to any earthworks commencing); and**

**(iii) The area to be cut and/or filled does not exceed 250m<sup>2</sup>.**



**Note:**

*Any minor building works such as the enclosing of an outdoor area associated with a dwelling is a permitted activity provided it complies with the bulk and location requirement under 5.6.1.*

**5.1.12A.5 The activity does not involve modification, damage, removal or destruction of indigenous vegetation of more than 100m<sup>2</sup> of indigenous vegetation at any time after 8 September 2007. This shall not apply to:**

- the creation and maintenance of pedestrian tracks not exceeding 1.5 metres in width. Construction and maintenance of these tracks shall be limited to the removal of understory vegetation, and shall not involve the removal of canopy trees.
- wind thrown trees, standing dead trees that have died as a result of natural causes, or vegetation that has become dangerous to human life or property as a result of natural causes.
- the pruning around existing residential buildings or residential structures.

*This rule provides for residential additions and earthworks, associated with the existing houses and future approved houses. Creation of small, low impact pedestrian tracks and some minor vegetation trimming and clearance is permitted to enable normal residential maintenance activities to be undertaken without the need for a resource consent. More intensive development and subdivision on this land are controlled by Rules 5.2.4 and 5.3.14]PC61*

**SIGNS**

- 5.1.13 Signs are Permitted Activities provided that they comply with the standards specified in section 5.6.3 (signs).

**SUBDIVISION**

- 5.1.14 Except for company lease, cross lease and unit title subdivision, any subdivision around an existing lawfully established residential building which does not result in the creation of any new undeveloped allotment (that contains no residential building) is a Permitted Activity provided that it complies with the standards specified in section 5.6.4 (Subdivision).

## **5.2 Controlled Activities**

Section 5.2 describes which activities are Controlled Activities in Residential Areas. A resource consent will be required but consent cannot be refused. Conditions may be imposed relating to the matters specified in Rules 5.2.1 to 5.2.3. The decision on whether or not a resource consent will be notified will be made in accordance with the provisions on notification in the Act.

**ACTIVITIES**

- 5.2.1 Non-residential activities in existing non-residential buildings (that contain a shopfront display window adjacent to the footpath) and extensions to existing non-residential buildings (that contain a shopfront display window adjacent to the footpath), are Controlled Activities in respect of:**

*If the proposal does not comply with the standards for buildings and structures in 5.6.2 then Rule 5.4.1 applies in addition to this rule.*

- 5.2.1.1 the design and external appearance of buildings**
- 5.2.1.2 the effects of the generation of noise, dust, glare, vibration, fumes, smoke, electromagnetic radiation, odours or the discharge of contaminants**
- 5.2.1.3 hours of operation**
- 5.2.1.4 vehicle parking**

provided that the non-residential activity complies with the standards specified in 5.6.1.1 (noise), 5.6.1.2 (fixed plant noise) and 5.6.1.4 (site access). Any construction, alteration of, or addition to buildings or structures must comply with the standards in section 5.6.2 (buildings and structures).

#### **Non-notification**

In respect of item 5.2.1.2 applications will not be publicly notified (unless special circumstances exist) or limited notified.

#### **Relevant policies for preparing resource consent applications**

See policies 4.2.7.2, 4.2.7.3, 4.2.7.4, 4.2.7.5.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

#### SUBDIVISION

#### **5.2.2 Any subdivision that is not a Permitted Activity and which creates five or less allotments, except those that:**

*For subdivision of Lot 1 DP 25046 and Pt Sec 10 Kaiwharawhara District above Patna Street and Huntleigh Park Way, Ngaio refer to Appendix 12 For Subdivision of Lot 1 DP 29604 off the end of Silverstream Road, Ngaio refer to Appendix 7 For subdivision of Lot 3 DP 71465 and Lot 33 DP 1022 off Allanbrooke Place refer to Appendix 8 For subdivision of Lot 29, DP 1747 off Freeling Street, Island Bay refer to Appendix 14 Note, section 3.2.4 requires a Design Statement to accompany any application for resource consent that is to*

*be assessed against the Residential Design Guide.*

- create an allotment of less than 400 sq.m.; or
- create an allotment which cannot contain a circle with a radius of 7 metres; or
- create more than 10 linear metres of legal road; or
- are on an identified ridgeline or a hilltop; or
- involve a requirement to set aside esplanade land; or
- result in an increase in the degree of non-compliance with the residential standards contained in 5.6.1 and 5.6.2; or
- involve the subdivision of land shown in Appendix 18 (Tapu Te Ranga Land, 16-50 Rhine Street, Island Bay) (see Rule 5.4.6)
- are within the Airnoise boundary depicted on Map 35 (see rule 5.3.13)

is a Controlled Activity in respect of:

**5.2.2.1 site design, frontage and area**

**5.2.2.2 standard, construction and location of vehicular access, and parking**

**5.2.2.3 road design and construction**

**5.2.2.4 landscaping**

**5.2.2.5 utility and/or services provision**

**5.2.2.6 protection of any special amenity feature.**

provided that all activities, buildings and structures (existing and proposed) must meet the conditions for subdivision (5.6.4.1-5.6.4.10) 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. In terms of standard 5.6.4.4, applications must either meet the vehicular access and parking standards, or demonstrate an ability to meet those standards.

### ***Non-notification***

In respect of rule 5.2.2 applications will not be publicly notified (unless special circumstances exist) or limited notified.

### **Relevant policies for preparing resource consent applications**

See policies 4.2.1.1, 4.2.1.2, 4.2.1.3, 4.2.1.4, 4.2.1.5, 4.2.5.1, 4.2.5.2, 4.2.6.1, 4.2.6.2, 4.2.6.3 and 4.2.6.4.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**5.2.3 Any subdivision which is a company lease, cross lease or unit title subdivision is a Controlled Activity in respect of:**

**5.2.3.1 stormwater, sewerage and water services**

**5.2.3.2 the allocation of accessory units to principal units and the allocation of covenant areas to leased areas to ensure compliance with standard 5.6.1.3 (vehicle parking) and to ensure practical physical access to every household unit.**

provided that all activities, buildings and structures (existing and proposed) must meet the conditions for subdivision (5.6.4.1-5.6.4.10) 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, or in the case of unit title subdivision, concurrently seek and obtain landuse consent for the building or buildings to be subdivided, or if landuse consent for the building or buildings has already been granted. In terms of standard 5.6.4.4, applications must either meet the vehicular access and parking standards, or demonstrate an ability to meet those standards.

#### ***Non-notification***

In respect of rule 5.2.3 applications will not be publicly notified (unless special circumstances exist) or limited notified.

#### **Relevant policies for preparing resource consent applications**

See policies 4.2.1.1, 4.2.1.2, 4.2.1.3, 4.2.1.4, 4.2.1.5, 4.2.5.1, 4.2.5.2, 4.2.6.1, 4.2.6.2, 4.2.6.3 and 4.2.6.4.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**5.2.4 [One household unit, accessory buildings and residential structures on the eastern side of the Vegetation Protection Boundary in Appendix 20, on 11A Huntleigh Park Way, is a Controlled Activity in respect of:**

*Rule 5.2.4 allows the first dwelling to be developed on 11A Huntleigh Park Way, subject to specific controls. Subdivision of the land is provided for by Rule 5.3.14.*

**5.2.4.1 Indigenous vegetation protection and management**

**5.2.4.2 Earthworks and retaining walls**

**5.2.4.3 Driveway construction**

**5.2.4.4 Service connections**

#### ***Non-notification***

Written approval of affected persons will not be necessary in respect of items 5.2.4.1 – 5.2.4.4. Notice of applications need not be served on affected parties and applications need not be notified.

### **Standards and Terms**

- 5.2.4.5 The new household unit accessory buildings and residential structures shall be contained within an area not exceeding 250m<sup>2</sup> (excluding driveways).
- 5.2.4.6 An *Earthworks Management Plan* shall be provided in respect of any proposed subdivision or development. The plan shall detail sediment control, erosion protection and construction management. The information must be consistent with the principles and guidelines in the Greater Wellington Regional Council's Small Earthworks, Erosion and Sediment Control for Small Sites (June 2006) and Greater Wellington's Erosion Control and Sediment Control guidelines (reprinted 2003).
- 5.2.4.7 Construction of connections to public sewer, water and stormwater beyond the 250m<sup>2</sup> specified in Standard and Term 5.2.4.4 shall be limited to the use of hand held tools and hand held machinery.
- 5.2.4.8 Compliance with Outer Residential Area Rules 5.1.1, 5.1.2, 5.1.3, 5.1.13 and 5.1.4
- 5.2.4.9 Compliance with Outer Residential Area permitted activity conditions 5.6.2.2, 5.6.2.4, 5.6.2.5, 5.6.2.8, 5.6.2.10.

*For the avoidance of doubt, residential dwellings, accessory buildings, residential structures, earthworks, indigenous vegetation clearance and subdivision involving the creation of separate allotment/s on land to the west of the Vegetation Protection Boundary (VPB) is not provided for by this rule, and will be assessed as a non-complying activity.*

### **Explanation**

*This site-specific rule relating to 11A Huntleigh Park Way reflects a number of important resource management issues associated with the land. The land is contiguous with the Huntleigh Park Conservation Site (5D) Site. Assessments undertaken as part of this plan change confirm that the majority of the land is of ecological and landscape significance. In particular, vegetation to the west of a Vegetation Protection Boundary (VPB), as identified in Appendix 20, is of such significance that any building, indigenous vegetation removal or earthworks are non-complying activities.*

*In order to allow reasonable residential use of the land on the eastern side of the VPB one dwelling (and associated subdivision, earthworks and vegetation removal) can be undertaken as a controlled activity subject to compliance with standards and terms relating to no more than 250m<sup>2</sup> per residential building site, and the development and implementation of an earthworks management plan. Provisions also encourage the protection of as much indigenous vegetation as possible, and compliance with the relevant residential bulk and location rules and permitted activity conditions.*

*One further household unit (two in total) may be developed east of the 'Vegetation Protection Boundary' on 11A Huntleigh Park Way in accordance with Discretionary Activity (Restricted) Rule 5.3.13.]<sup>PC61</sup>*

## **5.3 Discretionary Activities (Restricted)**

Section 5.3 describes which activities are Discretionary Activities (Restricted) in Residential Areas. Consent may be refused or granted subject to conditions. Grounds for refusal and conditions will be restricted to the matters specified in rules 5.3.1 to 5.3.13. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

### **ACTIVITIES**

- 5.3.1 Residential activities which would be Permitted Activities but which do not meet one or more of the standards outlined in section 5.6.1

(Activities), are Discretionary Activities (Restricted). Discretion is limited to the effects generated by the standard(s) not met:

*Work from home activities that do not comply with the standards in section 5.2.6.2 will be considered under Rule 5.3.2 Any activity involving the storage, use or handling of hazardous substances that does not comply with the standards in 5.2.6.3 will be considered under Rule 5.4.3.*

5.3.1.1 fixed plant noise (standard 5.6.1.2)

5.3.1.2 vehicle parking (standard 5.6.1.3)

5.3.1.3 site access (standard 5.6.1.4)

subject to compliance with the following condition:

5.3.1.4 noise emission levels under standard 5.6.1.2 (fixed plant noise) shall not be exceeded by more than 5 decibels. This condition does not apply to temporary activity noise.

#### **Non-notification**

In respect of rule 5.3.1, applications will not be publicly notified (unless special circumstances exist) or limited notified, except that in relation to 5.3.1.2 (vehicle parking) and 5.3.1.3 (site access) the New Zealand Transport Agency must be notified where it is considered to be an affected party to an application.

#### **Relevant policies for preparing resource consent applications**

See policies 4.2.4.2, 4.2.7.1, 4.2.7.2, 4.2.12.1, 4.2.12.2 and 4.2.12.4

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**5.3.2 Work from home activities which would be Permitted Activities but which do not meet one or more of the following standards outlined in section 5.6.1 (Activities), are Discretionary Activities (Restricted). Discretion is limited to the effects generated by the standard(s) not met:**

*Any activity involving the storage, use or handling of hazardous substances that does not comply with the standards in 5.2.6.3 will be considered under Rule 5.4.3.*

**5.3.2.1 noise (standard 5.6.1.1)**

**5.3.2.2 fixed plant noise (standard 5.6.1.2)**

**5.3.2.3 vehicle parking (standard 5.6.1.3)**

- 5.3.2.4 site access (standard 5.6.1.4)**
- 5.3.2.5 the floor area of buildings to be used (standard 5.6.1.5)**
- 5.3.2.6 external storage (standard 5.6.1.5)**
- 5.3.2.7 the generation of any dust nuisance (standard 5.6.1.5)**
- 5.3.2.8 vehicle parking, trucks and other heavy vehicles (standard 5.6.1.5)**

subject to compliance with the following conditions:

- 5.3.2.9 noise emission levels under standards 5.6.1.1 (noise) and 5.6.1.2 (fixed plant noise) shall not be exceeded by more than 5 decibels. This condition does not apply to temporary activity noise.**
- 5.3.2.10 no more than one half of the gross floor area of buildings on site shall be used for work from home activities**

### **Non-notification**

In respect of rule 5.3.2, applications will not be publicly notified (unless special circumstances exist) or limited notified, except that in relation to 5.3.2.3 (vehicle parking) and 5.3.2.4 (site access) the New Zealand Transport Agency must be notified where it is considered to be an affected party to an application.

### **Relevant policies for preparing resource consent applications**

See policies 4.2.7.2, 4.2.7.3, 4.2.7.4, 4.2.7.5, 4.2.12.1, 4.2.12.2 and 4.2.12.4

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

- 5.3.3 Early childhood education centres catering for up to 30 children (including the construction, alterations of or addition to buildings associated with early childhood education centres), are Discretionary Activities (Restricted) in respect of:**

*If the proposal does not comply with the standards for buildings and structures in section 5.6.2 then Rule 5.3.4 applies in addition to this rule.*

- 5.3.3.1 site layout and landscaping**
- 5.3.3.2 townscape character**
- 5.3.3.3 vehicle parking**
- 5.3.3.4 site access**
- 5.3.3.5 noise insulation (for sites within the Airport Air Noise Boundary shown on Map 35 or the Port Noise Affected Area shown on Map 55)**

**5.3.3.6 noise mitigation measures**

provided that the early childhood centre complies with the standards specified in 5.6.1.1 (noise), 5.6.1.2 (fixed plant noise), 5.6.1.3 (vehicle parking) and 5.6.1.4 (site access). Any construction, alteration of, or addition to buildings or structures must comply with the standards in 5.6.2 (buildings and structures)

**Non-notification**

In respect of rule 5.3.3, applications will not be publicly notified (unless special circumstances exist) or limited notified, except that in relation to 5.3.3.3 (vehicle parking) and 5.3.3.4 (site access) the New Zealand Transport Agency must be notified where it is considered to be an affected party to an application.

**Relevant policies for preparing resource consent applications**

See policies 4.2.3.7, 4.2.7.2, 4.2.7.6, 4.2.8.3, 4.2.12.1, 4.2.12.2 and 4.2.12.4

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**BUILDINGS AND STRUCTURES**

**5.3.4 The construction, alteration of, and addition to residential buildings, accessory buildings and residential structures which would be Permitted, Controlled or Discretionary (Restricted) Activities but which do not comply with one or more of the standards outlined in section 5.6.2 (Buildings and Structures) are Discretionary Activities (Restricted). Unless otherwise noted below, discretion is limited to the effects generated by the standard(s) not met:**

**5.3.4.1 minimum site dimension (standard 5.6.2.1), discretion is limited to the effect of reduced site area on:**

- the efficient use of land
- townscape character

**5.3.4.2 yards (standard 5.6.2.2)**

**5.3.4.3 ground level open space (standard 5.6.2.3)**

**5.3.4.4 site coverage (standard 5.6.2.4)**

**5.3.4.5 maximum height (standards 5.6.2.5, 5.6.2.6, and 5.6.2.7) and additions and alterations to buildings with an existing non-compliance (standard 5.6.2.9), discretion is limited to the effect of building height on:**

- the amenity values of adjoining properties
- the character of the surrounding neighbourhood, including the form and scale of neighbouring buildings
- the visual character of the coastal escarpment (for any site in the Residential Coastal Edge)

**5.3.4.6 maximum height of an accessory building in the Inner Residential Area (standard**



**5.6.2.5.4), discretion is limited to the effect of the building on:**

- the character of the surrounding neighbourhood, including the form and scale of neighbouring buildings

**5.3.4.7 building recession plane (standard 5.6.2.8)****5.3.4.8 maximum fence height (standard 5.6.2.10)****5.3.4.9 buildings in the Hazard (Fault Line) Area (standard 5.6.2.11), discretion is limited to:**

*Any proposal for two or more units in the Hazard (Fault Line) Area will also be considered under Rule 5.4.5.*

- building height
- construction type

**5.3.4.10 proximity to High Voltage Transmission Lines (standard 5.6.2.12), discretion is limited to:**

- the separation distance between the building or structure and the transmission lines
- the impact of the proposed works on the ongoing operation, maintenance and upgrading of the national grid

**5.3.4.11 fixed plant noise (standard 5.6.2.13)****5.3.4.12 noise insulation – Airport Area (standard 5.6.2.14)****5.3.4.13 noise insulation – Port Noise Affected Area (standard 5.6.2.15)**

subject to compliance with the following conditions:

**5.3.4.14 the standard for site coverage must not be exceeded by more than 20% in the Inner Residential Area, Medium Density Residential Areas, Roseneath (OR 3) and Mitchelltown (OR 4).****5.3.4.15 total site coverage (including uncovered decks over 1 metre in height) must not exceed 42% in the remainder of the Outer Residential Area****5.3.4.16 the maximum building height stated in standard 5.6.2.5 (except for Medium Density Residential Areas) must not be exceeded by more than 20%****5.3.4.17 the maximum building height stated in standard 5.6.2.5 must not be exceeded by more than 30% in Medium Density Residential Areas****5.3.4.18 in the Oriental Bay Height Area (shown in Appendix 4) the maximum building height shall not be exceeded, except for the property at 20A Oriental Terrace where the maximum height must not be exceeded by more than 20%**

- 5.3.4.19** the building recession planes stated in standard 5.6.2.8 must not be exceeded by more than 3 metres measured vertically (the maximum of 3 metres cannot be increased by the gable end roof allowance)
- 5.3.4.20** noise emission levels under standard 5.6.2.13 (fixed plant noise) shall not be exceeded by more than 5 decibels.

### ***Non-notification***

In respect of items 5.3.4.6 (accessory building height), 5.3.4.9 (hazard (fault line), 5.3.4.12 (noise insulation – airport), and 5.3.4.13 (noise insulation – port noise) applications will not be publicly notified (unless special circumstances exist) or limited notified.

In respect of item 5.3.4.2 (yards) Greater Wellington Regional Council will be considered to be an affected party to any application that breaches Standard 5.6.2.2.11 in relation to Porirua Stream and tributaries.

In respect of rule 5.3.4.3 (open space) applications will not be publicly notified (unless special circumstances exist) or limited notified, if:

- the site is in the Outer Residential Area; and
- the open space provided is greater than 35m<sup>2</sup> and has a minimum dimension greater than 3.5m; and
- the open space area not provided is the portion of open space that may be used for vehicle accessways and manoeuvring as outlined in standard 5.6.2.3.3.

In respect of item 5.3.4.10 (high voltage transmission lines) applications will not be publicly notified (unless special circumstances exist) or limited notified, except that Transpower NZ Ltd will be considered to be an affected party.

### **Relevant policies for preparing resource consent applications**

See policies 4.2.1.1, 4.2.1.2, 4.2.1.3, 4.2.1.4, 4.2.1.5, 4.2.1.6, 4.2.2.1, 4.2.2.2, 4.2.3.1, 4.2.3.2, 4.2.3.3, 4.2.3.5, 4.2.3.6, 4.2.3.7, 4.2.3.8, 4.2.4.1, 4.2.4.2, 4.2.4.3, 4.2.4.4, 4.2.8.3, 4.2.8.4, 4.2.10.2, 4.2.10.3, 4.2.12.1, 4.2.12.2, 4.2.12.4, 4.2.12.5, 4.2.13.1, 4.2.13.2, and 4.2.13.3.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

- 5.3.5** In the Thorndon Character Area and Mt Victoria North Residential Character Area identified on the District Plan maps, the construction, alteration of, and addition to residential buildings, accessory buildings and residential structures, is a Discretionary Activity (Restricted) in respect of:

*If the proposal does not comply with the standards for buildings and structures in section 5.6.2 then Rule 5.3.4 applies in addition to this rule.*

- 5.3.5.1** design (including building bulk, height, and scale), external appearance, and siting (including landscaping, parking areas, vehicle manoeuvring and site access)

*Note, section 3.2.4 requires a Design Statement to accompany any application for resource consent that is to be assessed against the*

*Residential Design Guide, the Thorndon Character Area Design Guide or the Mt Victoria North Design Guide, as relevant to the proposal.*

#### **5.3.5.2 provision of parking and site access**

##### ***Non-notification***

In respect of rule 5.3.5 applications will not be publicly notified (unless special circumstances exist) or limited notified.

##### **Relevant policies for preparing resource consent applications**

See policies 4.2.1.6, 4.2.2.1, 4.2.3.1 and 4.2.12.4.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**5.3.6 The demolition of any building (including the removal or demolition of architectural features from the primary elevation of any building), excluding accessory buildings, constructed prior to 1930 (or for which approval for construction was granted before 1930) in the Inner Residential Areas and Holloway Road (Outer Residential Area) shown in Appendix 1, is a Discretionary Activity (Restricted) in respect of:**

*If the proposal does not comply with the standards for buildings and structures in 5.6.2 then Rule 4.5.3.4 applies in addition to this rule.*

**5.3.6.1 the contribution made by the existing building to the townscape character of the neighbourhood**

*Note, section 3.2.4 requires a Design Statement to accompany any application for resource consent that is to be assessed against the Residential Design Guide.*

**5.3.6.2 the physical condition of the existing building**

**5.3.6.3 the design of any proposed works (including any replacement building, or additions and alterations to an existing building), and the impact of these works on the townscape character of the neighbourhood**

##### **Relevant policies for preparing resource consent applications**

See policies 4.2.1.6, 4.2.2.1, 4.2.3.1.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

## Multi-unit Developments

**5.3.7 The construction, alteration of, and addition to residential buildings, accessory buildings and residential structures, where the result will be a multi-unit development; OR the addition or alteration to an existing multi-unit development are a Discretionary Activity (Restricted) in respect of:**

*If the proposal does not comply with the standards for buildings and structures in section 5.6.2 then Rule 5.3.4 applies in addition to this rule.*

**5.3.7.1 design (including building bulk, height, and scale), external appearance, and siting (including landscaping, parking areas, vehicle manoeuvring and site access)**

*Note, section 3.2.4 requires a Design Statement to accompany any application for resource consent that is to be assessed against the Residential Design Guide.*

**5.3.7.2 provision of parking and site access**

**5.3.7.3 the efficient use of land on any site within a Medium Density Residential Area**

**5.3.7.4 traffic effects**

**5.3.7.5 the visual character of the coastal escarpment on any site in the Residential Coastal Edge**

Except that this rule does not apply to the following:

- development within the Oriental Bay Height Area (as shown in Appendix 4) (see Rule 5.3.8)
- any development that will result in three or more household units on a site inside the Airnoise boundary depicted on Map 35 (see Rule 5.4.4)
- any development that will result in two or more household units on a site inside the Hazard (Fault Line) Area (see Rule 5.4.5)
- any development in the areas denoted (B) and (C) on the map contained in Appendix 18, Tapu Te Ranga land, 16-50 Rhine Street, Island Bay (see Rule 5.4.6)

**Non-notification**

In respect of rule 5.3.7, applications will not be publicly notified (unless special circumstances exist) or limited notified, except for:

- any application for multi-unit development located outside of an identified Medium Density Residential

Area, where the height of any proposed building or structure exceeds 4.5m (or 6m on a building site that has a slope of more than 3:1 (approximately 15°)); and

- any application involving item 5.3.7.2 (provision of parking and site access), where the New Zealand Transport Agency must be notified if it is considered to be an affected party to an application.

**Relevant policies for preparing resource consent applications**

See policies 4.2.1.1, 4.2.1.2, 4.2.1.3, 4.2.1.4, 4.2.1.5, 4.2.1.6, 4.2.2.1, 4.2.2.2, 4.2.3.1, 4.2.3.2, 4.2.3.3, 4.2.3.5, 4.2.3.6, 4.2.3.7, 4.2.3.8, 4.2.4.1, 4.2.4.2, 4.2.4.3, 4.2.4.4, 4.2.5.1, 4.2.5.2, 4.2.8.1, 4.2.8.2, and 4.2.8.3.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**5.3.8 The construction or alteration of, and addition to, buildings and structures within the Oriental Bay Height Area (as shown in Appendix 4) that are not Permitted Activities, are Discretionary Activities (Restricted) in respect of:**

*If the proposal does not comply with the standards for buildings and structures in 5.6.2 then Rule 5.3.4 applies in addition to this rule.*

**5.3.8.1 design (including building bulk, height, and scale), external appearance and siting.**

***Non-notification***

In respect of rule 5.3.8 applications will not be publicly notified (unless special circumstances exist) or limited notified.

**Relevant policies for preparing resource consent applications**

See policies 4.2.1.1, 4.2.1.5, 4.2.3.3, 4.2.4.2, 4.2.5.1, 4.2.5.2, 4.2.8.1, 4.2.8.3 and 4.2.9.2.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**5.3.9 Accessory buildings and residential structures, including fences and walls, on a legal road are Discretionary Activities (Restricted) in respect of:**

**5.3.9.1 design (including building bulk, height, and scale), external appearance and siting**

**5.3.9.2 amenity protection**

**5.3.9.3 the visual character of the coastal escarpment (on any site in the Residential Coastal Edge)**

**5.3.9.4 safety.**

***Non-notification***

In respect of rule 5.3.9 applications will not be publicly notified (unless special circumstances exist) or

limited notified.

**Relevant policies for preparing resource consent applications**

See policies 4.2.2.2, 4.2.3.1, 4.2.3.8, 4.2.4.1, 4.2.8.1, 4.2.9.2 and 4.2.9.3.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**5.3.10 In the Tawa Hazard (Flooding) Area, the construction, alteration of, and addition to buildings, including accessory buildings, that is not a Permitted Activity, is a Discretionary Activity (Restricted) in respect of:**

*If the proposal does not comply with the standards for buildings and structures in 5.6.2 then Rule 5.3.4 applies in addition to this rule.*

**5.3.10.1 building floor level**

**5.3.10.2 building location within the site**

**5.3.10.3 building floor area.**

**5.3.10.4 effects of the proposal on the erosion and flood hazard risks, and stream maintenance.**

For the purposes of clarification, this rule does not apply to network utility infrastructure, as they are provided for in 'Section 23. Utility Rules' of the District Plan.

***Non-notification***

In respect of rule 5.3.10 applications will not be publicly notified (unless special circumstances exist) or limited notified, except that Greater Wellington Regional Council will be considered to be an affected party.

**Relevant policies for preparing resource consent applications**

See policy 4.2.10.3.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**5.3.10A The construction or alteration of, and addition to, buildings and structures within an Educational Precinct (as shown on the planning maps) that are not Permitted Activities, are Discretionary Activities (Restricted) in respect of:**

**5.3.10A.1 design (including building bulk, height and scale), external appearance and siting**

**5.3.10A.2 site landscaping**

**5.3.10A.3 historic heritage**

**5.3.10A.4 parking and site access, and the movement of vehicular traffic to and from the**

**site**

**5.3.10A.5 noise**

**5.3.10A.6 impact on the amenity of adjoining properties**

***Non-notification***

In respect of items 5.3.10A.1 (design, external appearance and siting), 5.3.10A.2 (site landscaping) and 5.3.10A.4 (parking and site access) applications will not be publicly notified (unless special circumstances exist) or limited notified.

***Relevant policies for preparing resource consent applications***

See policies 4.2.3.1, 4.2.4.1, 4.2.7.3 and 4.2.7.6A .

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**5.3.10B The construction, alteration of, and addition to residential buildings, accessory buildings and residential structures where the result will be two household units on a site within the Airnoise boundary depicted on Map 35 is a Discretionary Activity (Restricted) in respect of:**

*If the proposal does not comply with the standards for buildings and structures in 5.6.2 then Rule 5.3.4 applies in addition to this rule.*

**5.3.10B.1 the level of exposure of the site to permitted airport related noise**

*NB: This Rule is to be reviewed as part of a future Plan Change relating to airport noise*

**5.3.10B.2 any special characteristics of the site, and the design and materials of the building(s) or structure(s) that influence the level of permitted airport related noise received**

**5.3.10B.3 the health and amenity of occupiers of the new, altered or added to building(s) and/or structures(s)**

**5.3.10B.4 the potential for reverse sensitivity effects on permitted airport activities**

***Non-notification***

In respect of rule 5.3.10B applications will not be publicly notified (unless special circumstances exist) or limited notified, except that Wellington International Airport Limited will be considered to be an affected party.

***Relevant policies for preparing resource consent applications***

See policies 4.2.7.2 and 10.2.5.4

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

## SIGNS

**5.3.11 Signs (other than temporary signs) that do not meet one or more of the standards specified in section 5.6.3, are Discretionary Activities (Restricted) in respect of:**

**5.3.11.1 the area and size of signage**

**5.3.11.2 the number of signs**

**5.3.11.3 illumination or the method of illumination**

**5.3.11.4 sign display**

**5.3.11.5 impact on the amenity of the surrounding neighbourhood**

**5.3.11.6 impact on traffic safety**

Subject to compliance with the following conditions

**5.3.11.7 For permanent signs on residential sites and buildings, sign area shall not exceed 1.5m<sup>2</sup>**

**5.3.11.8 For permanent signs on non residential sites and buildings the maximum combined sign area shall not exceed 10m<sup>2</sup>.**

### ***Non-notification***

In respect of rule 5.3.11, applications will not be publicly notified (unless special circumstances exist) or limited notified, except that in relation to 5.3.11.1 (the area and size of signage), 5.3.11.2 (the number of signs), 5.3.11.3 (the illumination or the method of illumination), 5.3.11.4 (sign display) and 5.3.11.6 (impact on traffic safety) the New Zealand Transport Agency must be notified where it is considered to be an affected party to an application.

### ***Relevant policies for preparing resource consent applications***

See policy 4.2.14.1.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

## SUBDIVISION

**5.3.12 Any subdivision that is not a Permitted or Controlled Activity and which creates five or less allotments, except those that:**

*Note, section 3.2.4 requires a Design Statement to accompany any application for resource consent that is to be assessed against the Residential Design Guide.*

· create more than 10 linear metres of legal road; or



- are on a ridgeline or a hilltop; or
- involve a requirement to set aside esplanade land; or
- result in an increase in the degree of non-compliance with the residential standards contained in section 5.6.2; or
- involve the subdivision of land shown in Appendix 18 (Tapu Te Ranga Land, 16-50 Rhine Street, Island Bay) (see Rule 5.4.6)

is a Discretionary Activity (Restricted) in respect of:

**5.3.12.1 site design, frontage and area**

**5.3.12.2 lot size**

**5.3.12.3 standard, construction and location of vehicular access, and parking**

**5.3.12.4 road design and construction**

**5.3.12.5 landscaping**

**5.3.12.6 utility and/or services provision**

**5.3.12.7 protection of any special amenity feature**

**5.3.12.8 earthworks**

provided that all lots containing existing buildings and structures, all activities, buildings and structures must meet the standards for subdivision in 5.6.4 (except 5.6.4.4, 5.6.4.5 and 5.6.4.11) 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, or that the allotments are capable of meeting, standards for subdivision in 5.6.4 (except 5.6.4.4, 5.6.4.5 and 5.6.4.11).

### ***Non-notification***

In respect of rule 5.3.12 applications will not be publicly notified (unless special circumstances exist) or limited notified, except where the application involves a lot less than 400m<sup>2</sup> and does not ensure that a household unit will be constructed to the permitted building height provided for in standard 5.6.2.7.

### ***Relevant policies for preparing resource consent applications***

See policies 4.2.1.1, 4.2.1.2, 4.2.1.3, 4.2.1.4, 4.2.1.5, 4.2.3.7, 4.2.5.1, 4.2.5.2, 4.2.6.1, 4.2.6.2, and 4.2.6.3 4.2.6.4 and 4.2.8.3.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**5.3.13 Any subdivision that creates five or less allotments inside the Airnoise boundary depicted on Map 35 is a**

**Discretionary (Restricted) Activity in respect of:**

*NB: This Rule is to be reviewed as part of a future Plan Change relating to airport noise*

- 5.3.13.1 the level of exposure of the site to permitted airport related noise**
- 5.3.13.2 any special characteristics of the site that influence the level of permitted airport related noise received**
- 5.3.13.3 the health and amenity of potential occupiers of the new allotments**
- 5.3.13.4 the potential for reverse sensitivity effects on permitted airport activities**

**Non-notification**

In respect of rule 5.3.13 applications will not be publicly notified (unless special circumstances exist) or limited notified, except that Wellington International Airport Limited will be considered to be an affected party.

**Relevant policies for preparing resource consent applications**

See policies 4.2.7.2 and 10.2.5.4

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

- [5.3.14 One household unit, accessory buildings, residential structures, and any subdivision, on the eastern side of the Vegetation Protection Boundary in Appendix 20, on 11A Huntleigh Park Way, 79 and 83 Heke Street, and 19 and 21 Thatcher Crescent, Ngaio, is a Discretionary Activity (Restricted) in respect of:**

*Rule 5.3.14 enables subdivision and a second dwelling to be built on 11A Huntleigh Park Way, 79 and 83 Heke Street, and 19 and 21 Thatcher Crescent subject to specific controls*

- 5.3.14.1 Indigenous vegetation protection and management**
- 5.3.14.2 earthworks and retaining walls**
- 5.3.14.3 standard construction and location of vehicular access**
- 5.3.14.4 vehicular access design and construction**
- 5.3.14.5 utility and services provision and connection**
- 5.3.14.6 site design frontage and area**
- 5.3.14.7 lot size**

### 5.3.14.8 Configuration of new allotments

#### **Non-notification**

Written approval of affected persons will not be necessary in respect of items 5.3.14.1 – 5.3.14.8. Notice of applications need not be served on affected parties and applications need not be notified.

#### **Standards and Terms**

- 5.3.14.9 The new household unit, accessory buildings and residential structures shall be contained within an area not exceeding 250m<sup>2</sup> (excluding driveways).
- 5.3.14.10 An Earthworks Management Plan shall be provided in respect of any proposed subdivision or building development. The plan shall detail sediment control, erosion protection and construction management. The information must be consistent with the principles and guidelines in the Greater Wellington Regional Council's Small Earthworks, Erosion and Sediment Control for Small Sites (June 2006) and Greater Wellington's Erosion Control and Sediment Control guidelines (reprinted 2003)
- 5.3.14.11 Construction of connections to public sewer, water and stormwater beyond the 250m<sup>2</sup> specified in Standard and Term 5.3.14.9 shall be limited to the use hand held tools and hand held machinery.
- 5.3.14.12 Compliance with Outer Residential Area Rules 5.1.1, 5.1.2, 5.1.3, 5.1.13 and 5.1.4.
- 5.3.14.13 Compliance with Outer Residential Area Permitted Activity Conditions 5.6.2.2, 5.6.2.4, 5.6.2.5, 5.6.2.8 and 5.6.2.10.

*For the avoidance of doubt, residential dwellings, accessory buildings, residential structures, earthworks, indigenous vegetation clearance, and subdivision involving the creation of separate allotment/s on land to the west of the Vegetation Protection Boundary (VPB) is not provided for by this rule, and will be assessed as a non-complying activity.*

#### **Explanation**

*This site-specific rules relating to 11A Huntleigh Park Way, 79 and 83 Heke Street, and 19 and 21 Thatcher Crescent reflects a number of important resource management issues associated with these properties. The land is contiguous with the Huntleigh Park Conservation Site (5D) Site, Assessments undertaken as part of this plan change confirm that the majority of the land is of ecological and landscape significance. In particular, indigenous vegetation to the west of a Vegetation Protection Boundary (VPB), as identified in Appendix 20, is of such significance that any buildings, indigenous vegetation removal or earthworks are non-complying activities.*

*Rule 5.3.14 allows subdivision and a second residential dwelling on the eastern side of 11A Huntleigh Park Way as a Discretionary Activity (Restricted). Rule 5.3.14 also enables subdivision and a further (second) dwelling on 79 and 83 Heke Street, and 19 and 21 Thatcher Crescent provided they are on the eastern side of the VPB, the building platform does not exceed 250m<sup>2</sup>, and development is undertaken in accordance with an earthworks management plan, and complies with relevant bulk and location rules and permitted activity conditions. Provisions also ensure the retention of as much indigenous vegetation as possible, and compliance with the Residential Design Guide and relevant residential bulk and location rules and permitted activity conditions.*

*There are no earthworks or vegetation clearance restrictions on the creation of driveways or connection to services outside of the 250m<sup>2</sup> future development sites, however the standards and terms and assessment criteria enable careful consideration of these matters as part of the resource consent process.]<sup>PC61</sup>*

## 5.4 Discretionary Activities (Unrestricted)

Section 5.4 describes which activities are Discretionary Activities (Unrestricted) in Residential Areas. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

## ACTIVITIES

**5.4.1 Non-residential activities not specifically provided for as Permitted or Controlled or Discretionary Activities (Restricted) are Discretionary Activities (Unrestricted).**

### **Relevant policies for preparing resource consent applications**

See policies 4.2.3.1, 4.2.5.1, 4.2.7.2, 4.2.7.3, 4.2.7.4, 4.2.7.5, 4.2.7.6 and 4.2.7.7.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

5.4.2 Helicopter landing areas are a Discretionary Activity (Unrestricted).

### **Relevant policies for preparing resource consent applications**

See policy 4.2.7.2.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**5.4.3 The storage, use, handling or disposal of hazardous substances not specifically provided for as Permitted Activities are Discretionary Activities (Unrestricted).**

*See Exemptions to the Hazardous Facilities Screening Procedure contained in section 3.5.2*

Subject to compliance with the following conditions:

**5.4.3.1 the cumulative Effects Ratio as assessed under the Hazardous Facilities Screening Procedure for the site where the activity is to occur is less than or equal to 0.5 and does not meet the standards in section 5.6.1.6.**

**5.4.3.2 where the hazardous facility is located in a Hazard Area, the cumulative Effects Ratio as assessed under the Hazardous Facilities Screening Procedure for the site where the activity is to occur is less than or equal to 0.1 and does not meet the standards in section 5.6.1.6.**

### **Relevant policies for preparing resource consent applications**

See policies 4.2.11.1, 4.2.11.2, 4.2.11.3 and 4.2.11.4

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

## BUILDINGS AND STRUCTURES

**5.4.4 The construction of residential buildings, accessory buildings and residential structures, where the result will**

**be three or more household units on any site inside the airnoise boundary depicted on Map 35 is a Discretionary Activity (Unrestricted).**

*Note, section 3.2.4 requires a Design Statement to accompany any application for resource consent that is to be assessed against the Residential Design Guide.*

**Relevant policies for preparing resource consent applications**

See policies 4.2.1.1, 4.2.3.1, 4.2.3.7, 4.2.4.1, 4.2.4.2, 4.2.4.4, 4.2.5.1, 4.2.5.2, 4.2.7.2, 4.2.8.1 and 4.2.8.3.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**5.4.4.A Non-residential buildings and structures (including additions and alterations) not specifically provided for as Permitted or Controlled or Discretionary Activities (Restricted) are Discretionary Activities (Unrestricted).**

**Relevant policies for preparing resource consent applications**

See policies 4.2.3.1, 4.2.5.1, 4.2.7.2, 4.2.7.3, 4.2.7.4, 4.2.7.5, 4.2.7.6 and 4.2.7.7.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**5.4.5 The construction, alteration of, and addition to residential buildings, where the result will be two or more household units on any part of a site within the Hazard (Fault Line) Area, is a Discretionary Activity (Unrestricted).**

*Note, section 3.2.4 requires a Design Statement to accompany any application for resource consent that is to be assessed against the Residential Design Guide.*

**Relevant policies for preparing resource consent applications**

See policies 4.2.1.1, 4.2.1.6, 4.2.2.1, 4.2.3.1, 4.2.3.5, 4.2.3.6, 4.2.3.7, 4.2.3.8, 4.2.4.1, 4.2.4.2, 4.2.4.4, 4.2.5.1, 4.2.5.2, 4.2.10.2.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**5.4.6 Within the land shown in Appendix 18 (Tapu Te Ranga land, 16-50 Rhine Street, Island Bay):**

*For areas denoted (B) in Appendix 18 a geotechnical report and engineering design report shall be provided in respect of any proposed subdivision, building or infrastructure*

*development.*

In areas denoted (A) any subdivision, use or activity, including the construction, alteration of, and addition to buildings or structures, that is not a permitted activity, is a Discretionary Activity (Unrestricted). The exception to this rule is that all earthworks will be assessed as a Discretionary Activity (Unrestricted).

In areas denoted (B) and (C) any subdivision, use or activity including any earthworks is a Discretionary Activity (Unrestricted).

**Relevant policies for preparing resource consent applications**

See policies 4.2.1.1, 4.2.1.5, 4.2.1.6, 4.2.2.1, 4.2.3.1, 4.2.3.4, 4.2.3.5, 4.2.3.6, 4.2.3.7, 4.2.3.8, 4.2.4.1, 4.2.4.2, 4.2.4.4, 4.2.5.1, 4.2.5.2, 4.2.6.1, 4.2.6.2 and 4.2.6.3.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**SUBDIVISION**

**5.4.7 Any subdivision which is not a Permitted, Controlled or Discretionary Activity (Restricted) is a Discretionary Activity (Unrestricted).**

*For subdivision of Lot 1 DP  
25046 and Pt Sec 10  
Kaiwharawhara District  
above Patna Street and  
Huntleigh Park Way, Ngaio  
refer to Appendix 12.*

In respect of rule 5.4.7 Wellington International Airport Limited will be considered to be an affected party to any subdivision within the Airnoise boundary depicted on Map 35

*For subdivision of Lot 3 DP  
71465 on CT 40D/668 and  
Lot 33 DP 1022, Section 39  
Karori District on CT  
A2/321 (being land off  
Allanbrooke Place) there is  
an additional assessment  
criteria, refer to Appendix 8.*

**Relevant policies for preparing resource consent applications**

*For subdivision of Lot 24,  
DP 70931, Stebbings  
Valley refer to Appendix 13.*

See policies 4.2.1.1, 4.2.1.2, 4.2.1.3, 4.2.1.4, 4.2.1.5, 4.2.3.7, 4.2.5.1, 4.2.5.2, 4.2.3.7, 4.2.6.1, 4.2.6.2, 4.2.6.3, 4.2.6.4, 4.2.6.5 and 4.2.8.3

*For subdivision of Lot 29,  
DP 1747, off Freeling  
Street, Island Bay refer to  
Appendix 14.*

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**[5.4.8 Any subdivision within the area shown in Appendix 22 (off Ohiro Road, Brooklyn) is a Discretionary Activity (Unrestricted).**

*For the area covered by Appendix 22 a concept plan shall be provided to show how the total area might be developed and staged over time.*

**Notification**

Any resource consent application must be publicly notified

**Relevant policies for preparing resource consent applications**

See policies 4.2.5.1, 4.2.3.9, 4.2.3.10, 4.2.6.5, 4.2.6.2, 4.2.8.1 and 4.2.8.3

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.] PC30

## 5.5 Non-Complying Activities

Activities that contravene a rule in the Plan, and which have not been provided for as Discretionary Activities (Restricted) or Discretionary Activities (Unrestricted) are Non-Complying Activities. Resource consents will be assessed in terms of section 104D of the Act.

The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

Where an application for a non-complying activity is made in respect of any site between 62 to 90 Oriental Parade, written approval must be obtained from the owners and occupiers of adjoining land on Roxburgh Street before notification can be dispensed in accordance with section 94(2) of the Resource Management Act 1991.

## 5.6 Residential Area Standards

<b>5.6.1</b>	<b>ACTIVITY STANDARDS</b>	These standards apply to all activities in Residential Areas.
5.6.1.1	Noise	
5.6.1.2	Fixed Plant Noise	
5.6.1.3	Vehicle Parking	
5.6.1.4	Site Access	
5.6.1.5	Work from Home Activities	
5.6.1.6	Use, Storage and Handling of Hazardous Substances	
<b>5.6.2</b>	<b>BUILDINGS AND STRUCTURES</b>	These standards apply to the construction of buildings and structures in Residential Areas.
5.6.2.1	Minimum Site Area	
5.6.2.2	Yards	

5.6.2.3	Open Space	
5.6.2.4	Site Coverage	
5.6.2.5	Maximum Height	
5.6.2.6	Maximum Height within the Residential Coastal Edge	
5.6.2.7	Maximum Height of an Infill Household Unit	
5.6.2.8	Building Recession Planes	
5.6.2.8(a)	Building orientation and separation (Medium Density Residential Area 2)	
5.6.2.9	Alterations and additions to buildings with an existing non-compliance	
5.6.2.10	Maximum Fence Height	
5.6.2.11	Residential buildings within a Hazard (Fault Line) Area	
5.6.2.12	Proximity to High Voltage Transmission Line	
5.6.2.13	Fixed Plant Noise	
5.6.2.14	Noise insulation: Airport Area	
5.6.2.15	Noise insulation: Port Affected Area	
<b>5.6.3</b>	<b>SIGN STANDARDS</b>	These standards apply to signs in Residential Areas.
5.6.3.1	Permanent signs on residential sites and buildings	
5.6.3.2	Temporary signs	
5.6.3.3	Signs on non-residential sites and buildings	
<b>5.6.4</b>	<b>SUBDIVISION STANDARDS</b>	

<b>5.6.1 Activity Standards</b>	<b>These standards apply to all activities in the Residential Area.</b>
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#### 5.6.1.1 Noise

*Note, the term Noise Emission Level is defined in Section 3.10. This rule applies to those sources that can be readily controlled by the noise performance standards. Other day to day activities which may cause a noise nuisance can be controlled using the excessive noise provisions of the Act as well. Note, all activities have a duty to avoid unreasonable noise under section 16 of the Resource Management Act regardless of the standards*



*set in this Plan. At all times Council retains its power under the Act to ensure that the general duty under sections 16 and 17 to avoid unreasonable noise and avoid, remedy or mitigate any adverse effects of activities on the environment is met, and section 326 may be used to control excessive noise. The best practicable option shall be adopted to ensure that the emission of noise does not exceed a reasonable level.*

Noise (emitted from Residential Areas and received within Residential and Rural Areas)

- 5.6.1.1.1 Noise emission levels from any non-residential activity occurring within a Residential Area, when measured at or within the boundary of any site, other than the site from which the noise is emitted in Residential and Rural Areas, must not exceed the following noise limits:

<b>Inner Residential Area and Medium Density Residential Areas</b>	
<i>Monday to Sunday 7am to 10pm</i>	50dB L <sub>Aeq</sub> (15 min)
<i>Monday to Sunday 10pm to 7am</i>	40dB L <sub>Aeq</sub> (15 min)
<i>Monday to Sunday 10pm to 7am</i>	70dB L <sub>AFmax</sub>
<b>Outer Residential Area</b>	
<i>Monday to Sunday 7am to 7pm</i>	50dB L <sub>Aeq</sub> (15 min)
<i>Monday to Sunday 7pm to 10pm</i>	45dB L <sub>Aeq</sub> (15 min)
<i>Monday to Sunday 10pm to 7am</i>	40dB L <sub>Aeq</sub> (15 min)
<i>Monday to Sunday 10pm to 7am</i>	70dB L <sub>AFmax</sub>
<b>Rural Area</b>	
<i>At all times</i>	55dB L <sub>Aeq</sub> (15 min)
and on any Conceptual Boundary of a residential building:	
<i>Monday to Saturday 7am to 8pm</i>	45dB L <sub>Aeq</sub> (15 min)
<i>Monday to Sunday 8pm to 7am</i>	35dB L <sub>Aeq</sub> (15 min)
<i>Monday to Sunday 8pm to 7am</i>	60dB L <sub>AFmax</sub>

- 5.6.1.1.2 Where it is impractical to measure outside a residential building, then measurements shall be made inside (with windows closed). Where indoor measurements are made the noise limits stated above shall be reduced by 15dBA.

### Temporary Activity Noise

- 5.6.1.1.3 Temporary activities in Residential Areas are not subject to the noise standards stated in standard 5.6.1.1.1. This exemption applies between the hours of
- 9am to 9pm each day (Sunday to Thursday)
  - 9am to 10pm (Friday and Saturday).

On New Years Eve temporary activities are not subject to the noise standards stated in standards 5.6.1.1.1 between the hours of 9pm on 31st December, to 1am the following day.

### 5.6.1.2 Fixed Plant Noise

5.6.1.2.1 Noise emission levels from any residential or non-residential activities occurring within a Residential Area resulting from noise associated with power generation, heating, ventilation or air conditioning systems, or water or sewage pumping/treatment systems or other similar domestic installations when measured at or within the boundary of any site, other than the site from which the noise is generated, in a Residential and Rural Areas shall not exceed the following limits:

<b>Inner Residential Area and Medium Density Residential Areas</b>	
Monday to Sunday 7 am to 10 pm	45dB L <sub>Aeq</sub> (15 min)
Monday to Sunday 10pm to 7am	40dB L <sub>Aeq</sub> (15 min)
Monday to Sunday 10pm to 7am	65dB L <sub>AFmax</sub>
<b>Outer Residential Area</b>	
Monday to Sunday 7am to 10pm	45dB L <sub>Aeq</sub> (15 min)
Monday to Sunday 10pm to 7am	40dB L <sub>Aeq</sub> (15 min)
Monday to Sunday 10pm to 7am	65dB L <sub>AFmax</sub>
<b>Rural Area</b>	
At all times	55dB L <sub>Aeq</sub> (15 min)
and on any conceptual boundary of a residential building:	
Monday to Sunday 7am to 8pm	45dB L <sub>Aeq</sub> (15 min)
Monday to Sunday 8pm to 7am	35dB L <sub>Aeq</sub> (15 min)
Monday to Sunday 8pm to 7am	60dB L <sub>AFmax</sub>

Where it is impractical to measure outside a dwelling, then measurements shall be made inside (with windows closed). Where indoor measurements are made the noise limits stated above shall be reduced by 15dB L<sub>Aeq</sub> (15 min)

### 5.6.1.3 Vehicle Parking

*Where an assessment of the required parking standards results in a fractional space, any fraction less than or equal to 0.5 shall be disregarded. Any fraction of greater than 0.5 shall be counted as one parking space.*

On-site parking shall be provided as follows:

- *Removed by NPS-UD 2020 Policy 11*
- in the Inner Residential Area an existing building may be converted into two household units without provision of on-site parking

- no on-site parking is required to be provided on the properties at 9, 11, 13, 15, 17 and 19 Millward Street, Newtown
- *Removed by NPS-UD 2020 Policy 11*
- *Removed by NPS-UD 2020 Policy 11*
- *Removed by NPS-UD 2020 Policy 11*
- all parking must be provided and maintained in accordance with sections 1, 2, and 5 of the joint Australian and New Zealand Standard 2890.1 – 2004, Parking Facilities, Part I: Off-Street Car Parking.

#### **5.6.1.4 Site Access**

- 5.6.1.4.1 Sites with one road frontage shall have a maximum of one vehicle access.

*Refer to Maps 33 and 34 for road hierarchy. Refer to Maps 43-45 for restricted road frontage.*

- 5.6.1.4.2 Sites with two or more road frontages may have one vehicle access per frontage, subject to 5.6.1.4.3 - 5.6.1.4.5.
- 5.6.1.4.3 Sites with road frontages to:
- a State highway, or an Arterial, Principal or Collector Road; and
  - one or more local roads or sub-collector roads (that do not have restricted road frontages)
- may only have vehicle access to the local or sub-collector roads.
- 5.6.1.4.4 Sites with two or more road frontages that are all categorised as:
- a State highway; or
  - restricted road frontage; or
  - Arterial, Principal or Collector roads
- shall have a maximum of one vehicle access. This vehicle access shall not be from a State highway or a restricted road frontage.
- 5.6.1.4.5 No vehicle access is permitted to a site across any restricted road frontage.
- 5.6.1.4.6 Site access for vehicles must be formalised by a legal right of way instrument where not directly provided from a public road, and must be provided and maintained in accordance with Section 3 of the joint Australian and New Zealand Standard 2890.1-2004, Parking Facilities, Part I: Off-Street Car Parking.
- 5.6.1.4.7 The maximum width of any vehicular access is:
- 3.7 metres in the Inner Residential Area and within the Residential Coastal Edge
  - in Medium Density Residential Areas 3.7 metres for sites containing up to 6 units, and 6.0 metres for sites containing 7 or more units
  - 6.0 metres in the Outer Residential Area (excluding the Residential Coastal Edge).

#### **5.6.1.5 Work from Home Activities**

- 5.6.1.5.1 The site must be occupied by a residential building and used for residential activities by the person or persons living on the site as their principal place of residence.

- 5.6.1.5.2 Not more than one third of the total gross floor area of buildings on the site shall be used for work from home activities.
- 5.6.1.5.3 Noise generated by any work from home activity (or fixed plant associated with the activity), when measured at or within the boundary of any site, other than the site from which the noise is emitted, must comply with the noise limits stated in 5.6.1.1 and 5.6.1.2 .
- 5.6.1.5.4 Activities must not create a dust nuisance. A dust nuisance will occur if:
- there is visible evidence of suspended solids in the air beyond the site boundary; or
  - there is visible evidence of suspended solids traceable from a dust source settling on the ground, building or structure on a neighbouring site, or water.
- 5.6.1.5.5 Any on site parking space that is provided for each person working on the site, excluding people resident on the site, shall be in accordance with sections 1, 2, and 5 of the joint Australian and New Zealand Standard 2890.1 – 2004, Parking Facilities, Part 1: Off-Street Car Parking. *NPS-UD 2020 Policy 11*
- 5.6.1.5.6 No vehicles, caravans, or trailers in connection with the work from home activity shall be parked within the first five metres of the site, from the front boundary of the site, except on an access drive.
- 5.6.1.5.7 No work from home activity will be permitted which involves the use of trucks or other heavy vehicles or would require the parking of such vehicles on the site or in nearby streets.
- 5.6.1.5.8 Any external storage of materials associated with the work from home activity shall be screened so as not to be visible from outside the site.
- 5.6.1.5.9 No retailing shall be conducted on the site.

#### 5.6.1.6 Use, storage and handling of hazardous substances

- 5.6.1.6.1 For those activities which are not specifically exempted (see Section 3.5.2.2) the cumulative Effect Ratio calculated using the HFSP will be used to determine whether or not those other activities should be Permitted Activities according to the table below.

Location	Any Residential Zone	Any Residential Zone	<i>Activities that do not meet the above Effects Ratio criteria or do not otherwise comply with the applicable conditions will be Discretionary (Unrestricted) Activities.</i>
Effect Ratio	0.002 < ER <=0.02	<=0.002	
Conditions applying	5.6.1.6.2 to 5.6.1.6.12	5.6.1.6.9, 5.6.1.6.11 and 5.6.1.6.12 only	

- 5.6.1.6.2 Except for the storage, use or handling of Liquid Petroleum Gas (LPG), any area where hazardous substances are used, stored or handled in any manner on-site shall have secondary containment (via bunding or otherwise) using materials that are resistant to the hazardous substances contained on-site. Secondary containment systems also need to comply with any relevant provisions under the Hazardous Substances and New Organisms Act 1996.
- 5.6.1.6.3 Except for the storage, use or handling of Liquid Petroleum Gas (LPG), any secondary containment system shall be maintained to ensure that it will perform the functions for

which it was designed and contain any spill or accidental release.

- 5.6.1.6.4 Except for the storage, use or handling of Liquid Petroleum Gas (LPG), any area(s) where hazardous substances are loaded, unloaded, packaged, mixed, manufactured or otherwise handled shall have a spill containment system that is compliant with relevant provisions under the Hazardous Substances and New Organisms Act 1996.
- 5.6.1.6.5 Except for the storage, use or handling of Liquid Petroleum Gas (LPG), secondary containment systems shall be designed to contain any spill or accidental release of hazardous substance, and any storm water and/or fire water that has become contaminated, and prevent any contaminant from entering the environment unless expressly permitted under a resource consent or trade waste permit.
- 5.6.1.6.6 All stormwater grates, collection structures and inspection chamber covers on the site shall be clearly marked as such.
- 5.6.1.6.7 Any area where vehicles, equipment or containers that are or may have been contaminated with hazardous substances are washed down shall be designed, constructed and managed to prevent the effluent from the washdown area from discharging into or onto land, or entering or discharging into the sewerage or stormwater drainage system, unless expressly permitted by a rule in a regional plan, trade waste permit or resource consent.
- 5.6.1.6.8 Underground tanks for the storage of petroleum products shall be designed, constructed, installed, maintained, operated, managed and at the end of their life removed, to prevent leakage and spills. Compliance with any relevant provisions under the Hazardous Substances and New Organisms Act 1996 and the OSH Code of Practice for the "Design, Installation and Operation of Underground Petroleum Storage Systems" (1992) is a minimum requirement.

### **Signage**

- 5.6.1.6.9 All facilities must display signage to indicate the nature of the hazardous substances present (compliance with the provisions of the Hazardous Substances and New Organisms Act 1996 and the requirements of the Building Code (F8) or the Code of Practice "Signage for Premises Storing Hazardous Substances and Dangerous Goods" of the New Zealand Chemical Industry Council (Nov 2004) is a minimum requirement).

### **Waste Management**

- 5.6.1.6.10 Any process waste or waste containing hazardous substances shall be stored in a manner which complies with 5.6.1.6.1 to 5.6.1.6.9 above.

*The on-site disposal of hazardous substances will be controlled through Council's Waste Management Strategy, through obtaining the appropriate discharge consents from the Regional Council or trade waste permits, and through relevant controls on disposal of hazardous substances by the Hazardous Substances and New Organisms Act 1996.*

- 5.6.1.6.11 Any hazardous facility generating wastes containing hazardous substances shall dispose of these wastes to facilities which, or waste disposal contractors who, meet all the requirements of regional and district rules for discharges to the environment and also the provisions of the Hazardous Substances and New Organisms Act 1996.

#### Other

- 5.6.1.6.12 Council must be informed of the activity's location, the nature of the activity and when the activity commences and ceases.

<b>5.6.2 Buildings and Structure Standards</b>	<b>These standards apply to the construction of buildings and structures in the Residential Area.</b>
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#### 5.6.2.1 Minimum Site Dimension

- 5.6.2.1.1 In order to undertake multi-unit development within Medium Density Residential Area 2 - Johnsonville, sites must be of a size that can accommodate a circle with a radius of 11 metres (laid horizontally).

#### 5.6.2.2 Yards

##### *Front Yards*

- 5.6.2.2.1 Minimum front yard standards are listed in Table 1 below.

*Table 1: Minimum depth of Front Yards*

<b>Medium Density Residential Areas</b>	3 metres
<b>Inner Residential Area</b> (exceptions listed below)	1 metre
IR4 – Mt Cook, Newtown, Berhampore	3 metres
IR5 – Oriental Bay Height Area	No requirement
<b>Outer Residential Area</b>	3 metres, or 10 metres less half the width of the road, which ever is the lesser

- 5.6.2.2.2 Only one front yard is required on corner sites in the Inner Residential Area and Medium Density Residential Areas.
- 5.6.2.2.3 In the Outer Residential Area where a property fronts the turning area at the end of a cul de sac or is located at the closed end of a dead end street a minimum of 3m applies.
- 5.6.2.2.4 Buildings may extend into the required front yard if the part of the building nearest the street does not project forward of a line from the forward most part of the two adjoining residential buildings (excluding accessory buildings). This provision does not apply to corner or rear sites.
- 5.6.2.2.5 Accessory buildings, including structures, may be erected in front yards. The maximum width of the accessory building or structure (or the total combined width if there are multiple accessory buildings) is specified in Table 2.

*Table 2: Maximum width of Accessory Buildings in Front Yards*

<b>Medium Density Residential Areas</b>	4 metres
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<b>Inner Residential Area</b> (exception listed below)	4 metres
IR5 – Oriental Bay Height Area	No maximum
<b>Outer Residential Area</b> (exception listed below)	6 metres
OR 2 – Residential Coastal Edge	4 metres

### **Side and Rear Yards**

5.6.2.2.6 Minimum side and rear yard standards are listed in Table 3 below:

*Table 3: Minimum width of Side and Rear Yards*

<b>Medium Density Residential Areas</b>	No requirement
<b>Inner Residential Area</b> (exception listed below)	No requirement
IR2 – Mt Victoria	1.5 metre rear yard
<b>Outer Residential Area</b>	No requirement

5.6.2.2.7 On all Inner and Outer Residential sites, outdoor access to any open area to the rear of a building is to be provided with a minimum width of 1 metre.

5.6.2.2.8 A minimum width of 1 metre must be maintained between buildings where a residential building (other than an accessory building) on an adjoining site is sited less than 1 metre from the boundary

5.6.2.2.9 Decks, terraces, or balconies with a finished floor, paving or turf level of 1.5 metres or more above ground level at the boundary shall be located no closer than 2 metres to any side or rear boundary, except for the following:

- the required 2 metre setback applies only to the finished floor surface of the deck, terrace or balcony. It does not apply to structural or support elements that are not accessible to, and cannot be occupied by, users of the deck, terrace or balcony
- driveways and parking structures
- pedestrian walkways, provided they are not more than 1.5 metres wide
- stairs and stair landings, provided that the area of any individual stair tread or landing is not more than 4 square metres
- where a boundary abuts a public accessway or drainage reserve, the boundary shall be taken from the furthest boundary of the public accessway or drainage reserve, or any combination of these areas. Where a boundary abuts an access strip, access lot, public accessway, drainage reserve, right-of-way, or any combination of these areas, the boundary shall be taken from the furthest boundary.
- where a boundary abuts an unencumbered access strip, access lot, public accessway, drainage reserve, other legally unencumbered reserve, or any combination of these areas, which is in excess of 3 metres in width, the boundary shall be taken from the furthest boundary.
- where a boundary abuts an unencumbered access strip, access lot, public accessway, drainage reserve, other legally unencumbered reserve, or any combination of these areas which is 3 metres or less in width, the boundary shall be taken from the closest boundary.

5.6.2.2.10 Standards 5.6.2.2.5 to 5.6.2.2.9 do not apply to the Oriental Bay Height Area (as shown in Appendix 4) except in relation to the rear yards required at 282-300 and 232-234 Oriental Parade:

- for 282-300 Oriental Parade a minimum 1 metre rear yard is required
- for 232-234 Oriental Parade a minimum 6 metre rear yard is required.

### **General Yards**

- 5.6.2.2.11 No building or structure, including a fence or wall, shall be located closer than 10 metres to the Porirua Stream (and its tributaries), 10 metres to the coastal marine area, or 5 metres to any other water body, excluding artificial ponds or channels. For the purpose of this standard the tributaries to the Porirua Stream include any part of the Stebbings Stream below the toe of the Stebbings Dam and the stream below the Seton Nossitor Dam.
- 5.6.2.2.12 No impervious surface associated with the use of the site shall extend closer than 5 metres to a waterbody or the coastal marine area, excluding artificial ponds or channels.
- 5.6.2.2.13 On the Fort Dorset site, Seatoun no building or structure shall be constructed in the portion of the site shown in Appendix 10

### 5.6.2.3 Ground Level Open Space

- 5.6.2.3.1 Ground level open space must comply with the standards in Table 4 below:

*Table 4 - Ground Level Open Space per Unit (minimum dimension)*

<b>Medium Density Residential Areas</b> (exception listed below)	No requirement
Medium Density Residential Area 2 – Johnsonville	20 sq.m per unit (minimum dimension 3 metres)
<b>Inner Residential Area</b> (exception listed below)	35 sq.m per unit (minimum dimension 3 metres)
IR5 – Oriental Bay Height Area	No requirement
<b>Outer Residential Area</b>	50 sq.m per unit (minimum dimension 4 metres)

- 5.6.2.3.2 In the Inner Residential Area an existing building may be converted into two household units without provision of ground level open space, provided the existing building was constructed prior to 27 July 2000 and the development will not result in more than two household units on the site.
- 5.6.2.3.3 No area of ground level open space shall be used for vehicle accessways, parking or manoeuvring areas, or be covered by buildings, except for:
- 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.
  - For sites within the Outer Residential Area up to 15m<sup>2</sup> of ground level open space area may be used for vehicle accessways or manoeuvring areas.
  - For sites within the Outer Residential Area up to 15m<sup>2</sup> of ground level open space area may be used for non-open space purposes when the car parking is provided in a basement or undercroft.
- 5.6.2.3.4 In the Outer Residential Area ground level open space shall be calculated per unit and shall be provided as private ground level open space adjoining the unit to which it relates.
- 5.6.2.3.5 In Medium Residential Density Areas and the Inner Residential Area ground level open space shall be calculated as an aggregate total for the site and may be provided as either private or shared open space. Shared open space may be provided in more than one area on site. All areas of shared open space shall have a minimum area of 30 square metres and a minimum width of 3 metres.



**5.6.2.4 Site Coverage**

5.6.2.4.1 Site coverage must comply with the maximum standards listed in Table 5 below.

*Table 5 – Site Coverage*

<b>Medium Density Residential Areas</b>	50%
<b>Inner Residential Area</b> (exceptions listed below)	50%
IR 3 – Aro Valley	40%
IR 5 – Oriental Bay Height Area	No requirement
<b>Outer Residential Area</b> (exceptions listed below)	35% (this may be increased to 40% if the extra site coverage comprises only uncovered decks over 1 metre in height)
OR 3 – Roseneath	45%
OR 4 – Mitchell Town/Holloway Road (see Appendix 5)	Area 1 = 40%
	Area 2 = 30%
	Area 3 = 20%

**5.6.2.5 Maximum Height.**

5.6.2.5.1 Subject to standards 5.6.2.6, 5.6.2.7 and 5.6.2.8, the maximum height standards for buildings and structures are listed in Table 6 below.

*Table 6 – Maximum Height of Buildings and Structures*

<b>Medium Density Residential - Kilbirnie</b>	10 metres
<b>Medium Density Residential - Johnsonville</b>	8 metres
<b>Inner Residential Area</b> (exceptions listed below)	10 metres
IR 3 – Aro Valley	7.5 metres
IR 4 – Mt Cook, Newtown, Berhampore	9 metres
IR 5 – Oriental Bay Height Area	13 – 34 metres above mean sea level (refer Appendix 4)
IR 6 – North Kelburn/Bolton Street	10 - 16 metres (refer Appendix 3)
<b>Outer Residential Area</b> (exception listed below)	8 metres
OR 3 – Roseneath	10 metres

5.6.2.5.2 For properties located within the Hazard (Fault Line) Area the maximum height is 8m.

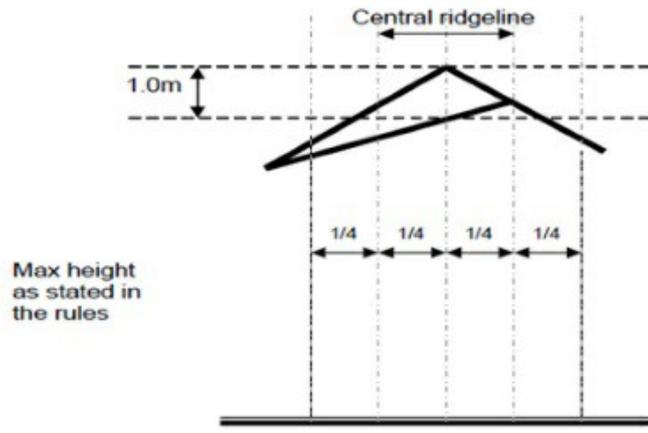
5.6.2.5.3 For additions to existing non-complying buildings standard 5.6.2.9 applies in addition to standard 5.6.2.5.1

5.6.2.5.4 Any accessory building in Residential Areas shall have a maximum height of 3.5 metres, except that accessory buildings erected between the street frontage and an existing residential building on a site in the Inner Residential Areas (as shown in Appendix 1), shall have a maximum height of 3 metres (measured from ground level directly in front of the proposed accessory building). For Lot

2 DP 14867 (1 Carlton Gore Road, Roseneath) refer to Appendix 24.

*The front of accessory buildings is the side nearest to the street.*

- 5.6.2.5.5 In Residential Areas (excluding the Oriental Bay Height Area) an additional 1m can be added to the maximum height (stated in standards 5.6.2.5.1, 5.6.2.5.4 and 5.6.2.7) of any building with a roof slope of 15 degrees or greater (rising to a central ridge) as illustrated on the following diagram:



#### 5.6.2.6 Maximum Height within the Residential Coastal Edge

- 5.6.2.6.1 In addition to the maximum height specified for the Outer Residential Area in standard 5.6.2.5.1, within the Residential Coastal Edge the highest point of any building and structure shall not exceed 13 metres above mean sea level.
- 5.6.2.6.2 Standard 5.6.2.6.1 does not apply to existing buildings and structures located entirely above the 13 metre contour.

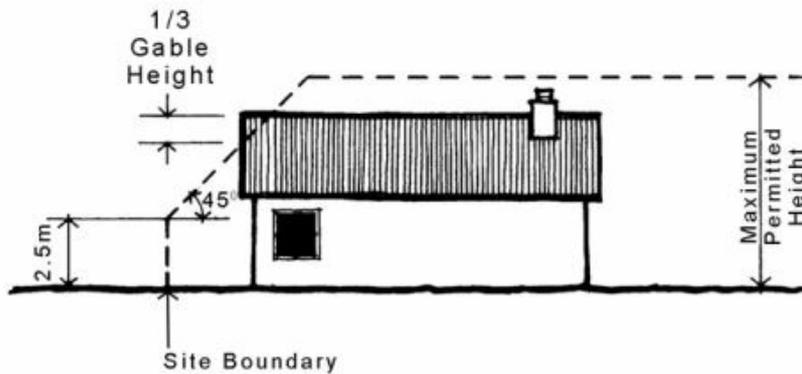
#### 5.6.2.7 Maximum Height of an Infill Household Unit

- 5.6.2.7.1 On sites in the Outer Residential Area with a site area of less than 800m<sup>2</sup> the maximum building height of an Infill Household Unit shall be:
- 4.5 metres on a building site that has a slope of no more than 1:3 (approximately 18 degrees)
  - 6.0 metres on a building site that has a slope of more than 1:3 (approximately 18 degrees)

#### 5.6.2.8 Building Recession Planes

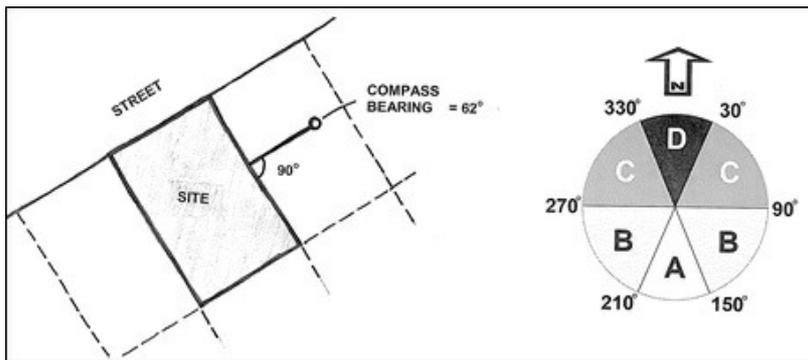
- 5.6.2.8.1 All buildings and structures, including fences and walls, shall be contained within a building recession envelope (in the form of a “tent” constructed by drawing recession control lines over the site from all parts of all boundaries), provided that:
- no account shall be taken of aerials, satellite dishes, light tubes, skylights, chimneys or decorative features, provided none of the above may exceed 1 metre in any horizontal direction
  - no account shall be taken of solar panels or solar hot water systems (and associated hardware) provided that the panels do not protrude more than 500mm from the surface

- of the roof and the total area of solar panels does not exceed 10 square metres.
- gable end roofs may penetrate the building recession plane by no more than one third of the gable height.



- building recession planes do not apply to site boundaries fronting the street.

5.6.2.8.2 Each recession control line shall rise vertically for 2.5m from ground level at the boundary and then incline inwards, at 90° to the boundary in plan. For each boundary the angle of inclination to the horizontal is determined by the direction in which the boundary faces (i.e. its compass bearing) which is ascertained by the bearing of a line drawn outwards from the site perpendicular to that boundary line.



The orientation of a boundary is determined by the true north bearing of a perpendicular line drawn outwards from the boundary. In the example above the bearing is 62° so the building recession plane angle for Sector C would apply along this boundary.

5.6.2.8.3 The building recession plane angles for the different boundary bearings (as shown in the bearing diagram to the right) are contained within Table 7 below.

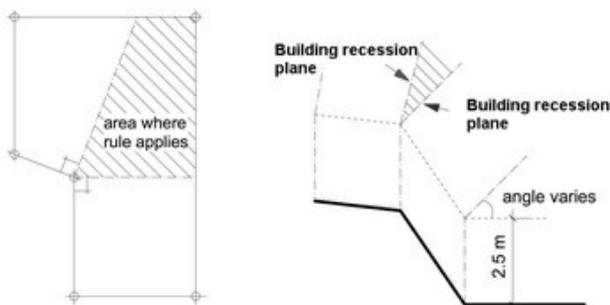
Table 7 – Building Recession Planes

<b>Medium Density Residential Areas</b>	Sectors A & B – 1.5 vertical : 1 horizontal (approximately 56°) Sector C & D – 2 vertical : 1 horizontal (approximately 63°)
<b>Inner Residential Area</b> (exception listed below)	Sector A – 1 vertical : 1 horizontal (45°) Sector B - 1.5 vertical : 1 horizontal (approximately 56°) Sector C - 2 vertical : 1 horizontal (approximately 63°) Sector D - 3 vertical : 1 horizontal (approximately 71°)

IR 3 – Aro Valley	Sector A – 0.5 vertical : 1 horizontal (approximately 26°)
	Sector B – 0.85 vertical : 1 horizontal (approximately 40°)
	Sector C - 0.85 vertical : 1 horizontal (approximately 40°)
	Sector D - 3 vertical : 1 horizontal (approximately 71°)
<b>Outer Residential Area</b>	On all boundaries - 1 vertical : 1 horizontal (45°)

5.6.2.8.4 Where a bearing lies exactly on a boundary between two sectors, the owner of the site may use either of the two sector inclinations

5.6.2.8.5 Where two boundaries of a site have an angle between them that is greater than 180° (meaning the building recession planes cannot be inclined at right angles in plan from the boundaries to all the areas adjoining the boundaries), an intermediary building recession plane shall be inclined to cover the whole area between the two closest positions where lines can be drawn at right angles to the boundaries using the edges of the two adjoining building recession planes to determine the direction and slope of the intermediary recession plane.



5.6.2.8.6(i) Where a boundary abuts an access strip, access lot, public accessway, drainage reserve, right-of-way, or any combination of these areas, the boundary shall be taken from the furthest boundary.

5.6.2.8.6(ii) Where a boundary abuts an unencumbered access strip, access lot, public accessway, drainage reserve, other legally unencumbered reserve, or any combination of these areas, which is in excess of 3 metres in width, the boundary shall be taken from the furthest boundary.

5.6.2.8.6(iii) Where a boundary abuts an unencumbered access strip, access lot, public accessway, drainage reserve, other legally unencumbered reserve, or any combination of these areas which is 3 metres or less in width, the boundary shall be taken from the closest boundary.

5.6.2.8.7 Where a site in a Medium Density Residential Area abuts a property zoned Outer Residential Area the building recession plane for the Outer Residential Area shall apply along the shared boundary.

5.6.2.8.8 In the Oriental Bay Height Area (Appendix 4) building recession planes do not apply except on boundaries with adjacent residential properties that are located outside the Oriental Bay Height Area.

#### **5.6.2.8(a) Building orientation and separation**

- 5.6.2.8(a).1 Within the Medium Density Residential Area 2 - Johnsonville, the first unit back from the street frontage (or units when multiple units are proposed along the site frontage) shall be oriented to face the street, with windows and the principal pedestrian entrance facing the street.
- 5.6.2.8(a).2 Within the Medium Density Residential Area 2 - Johnsonville, physical separation of at least 7 metres must be maintained between the first unit back from the street frontage (or units when multiple units are proposed along the site frontage) and any buildings located to the rear.

### 5.6.2.9 Alterations and additions to buildings with an existing non-compliance

- 5.6.2.9.1 Any alteration, including the insertion of windows, must be contained within the existing building volume.

*NB: failure to meet the requirements of Standard 5.6.2.9 does not preclude an assessment of the proposed works against Section 10 of the RMA. Where proposed works fail to meet Standard 5.6.2.9 and Section 10 of the RMA, then the proposed works will be assessed against the relevant items of Rule 5.3.4.*

- 5.6.2.9.2 Any addition must not increase the degree of non-compliance of the building.
- 5.6.2.9.3 When the existing building exceeds the standards for height (5.6.2.5) or building recession planes (5.6.2.8) any addition that increases the footprint of the existing building must not exceed a building height of:
- 4.5 metres on a building site that has a slope of no more than 1:3 (approximately 18 degrees)
  - 6.0 metres on a building site that has a slope of more than 1:3 (approximately 18 degrees)

For the purpose of this standard:

**Existing Non-Compliance** means any portion of the existing building that breaches one or more of the standards for building height (5.6.2.5), building recession planes (5.6.2.8), yards (5.6.2.2) or site coverage(5.6.2.4).

**Alteration** refers to any modification of the fabric of the building that does not result in an increase in the bulk or height of any part of the building.

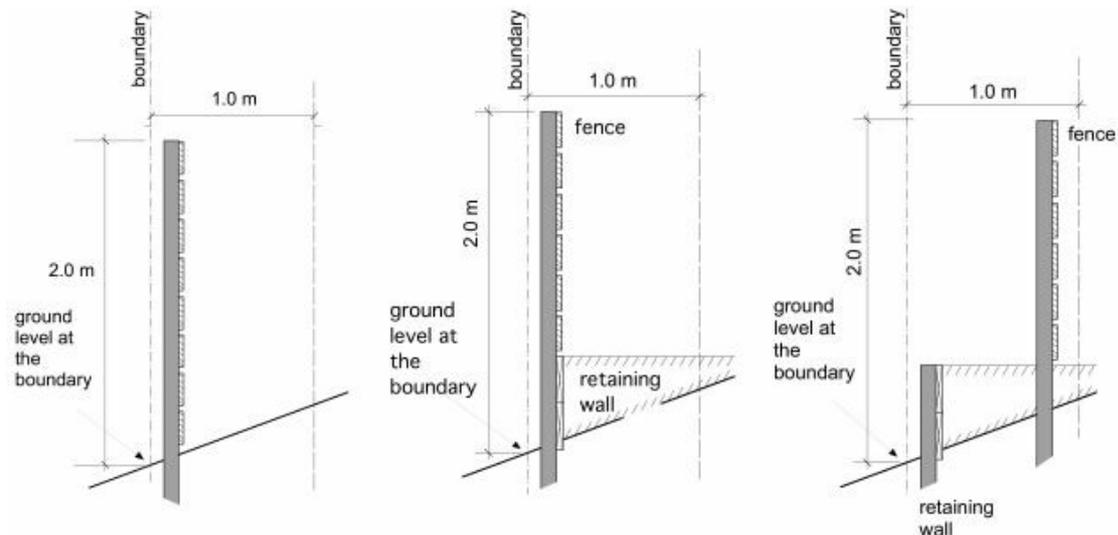
**Footprint** means any existing building or structure that would be included within the definition for site coverage.

**Building Volume** means the total three dimensional bulk of the existing building on the site.

### 5.6.2.10 Maximum Fence Height

- 5.6.2.10.1 On a street frontage or in a front yard, a fence or wall, or combination of these structures (whether separate or joined together), shall have a maximum height of 2 metres measured from the ground level at the boundary.
- 5.6.2.10.2 Within 1 metre of any side or rear boundary, a fence or wall, or combination of these structures (whether separate or joined together), shall have a maximum height of 2

metres measured from the ground level at the boundary.



- 5.6.2.10.3 In the Residential Coastal Edge (as shown in Appendix 2) fences erected on a street frontage (or in a front yard) that exceed 1.2m in height must maintain at least 50 percent of the area of the fence that is over 1.2 metres in height, as transparent voids or gaps.
- 5.6.2.10.4 In the Residential Coastal Edge (as shown in Appendix 2) any fence erected above the 10 metre contour line must be of post and wire construction and comprise at least 80 percent transparent voids or gaps.

#### 5.6.2.11 Residential buildings within a Hazard (Fault Line) Area.

In any Hazard (Fault Line) Area, residential buildings shall be built with a light roof and light wall cladding.

#### 5.6.2.12 Proximity to High Voltage Transmission Lines

- 5.6.2.12.1 Any buildings (including additions), and structures over 2 metres in height, shall be located further than 32 metres from high voltage transmission lines (as measured from the centreline at ground level).

*Guidance is provided by the Transpower document titled "Guide for Development Near High Voltage Transmission Lines" Compliance with the New Zealand Electrical Code of Practice 34:2001 is mandatory for buildings, earthworks and mobile plant within close proximity to all electricity lines. Compliance with the Electricity (Hazards from Trees) Regulations 2003 is also mandatory for tree trimming and planting.*

#### 5.6.2.13 Fixed Plant Noise

- 5.6.1.2.1 Noise emission levels from any residential or non-residential activities occurring within a Residential Area resulting from noise associated with power generation, heating, ventilation or air conditioning systems, or water or sewage pumping/treatment systems or other similar domestic installations when measured at or within the boundary of any site, other than the site from which the noise is generated, in Residential and Rural Areas shall not exceed the following limits:

Inner Residential Area and Medium Density Residential Areas	
Monday to Sunday 7 am to 10 pm	45dB L <sub>Aeq</sub> (15 min)
Monday to Sunday 10pm to 7am	40dB L <sub>Aeq</sub> (15 min)
Monday to Sunday 10pm to 7am	65dB L <sub>AFmax</sub>
Outer Residential Area	
Monday to Sunday 7am to 10pm	45dB L <sub>Aeq</sub> (15 min)
Monday to Sunday 10pm to 7am	40dB L <sub>Aeq</sub> (15 min)
Monday to Sunday 10pm to 7am	65dB L <sub>AFmax</sub>
Rural Area	
At all times	55dB L <sub>Aeq</sub> (15 min)
and on any conceptual boundary of a residential building:	
Monday to Sunday 7am to 8pm	45dB L <sub>Aeq</sub> (15 min)
Monday to Sunday 8pm to 7am	35dB L <sub>Aeq</sub> (15 min)
Monday to Sunday 8pm to 7am	60dB L <sub>AFmax</sub>
Where it is impractical to measure outside a dwelling, then measurements shall be made inside (with windows closed). Where indoor measurements are made the noise limits stated above shall be reduced by 15dB L <sub>Aeq</sub> (15 min)	

**5.6.2.14 Noise Insulation and Ventilation: Airnoise Boundary**

*The certification of an approved acoustic engineer will be accepted as evidence that designs meet the insulation standard. A list of approved acoustical engineers shall be agreed between the Council and the Airnoise Management Committee and shall be made available on request by the Council.*

- 5.6.2.14.1 Any new habitable room within the Airnoise boundary depicted on Map 35 must be designed and constructed to achieve an internal level of Ldn 40dB with doors and windows closed.

The certification of an approved acoustical engineer will be accepted as evidence that the design meets the insulation standard.

- 5.6.2.14.2 Any new habitable room within the Airnoise boundary depicted on Map 35 that is proposed to have openable windows must be provided with at the time of fit-out a positive supplementary source of fresh air ducted from the outside. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.

**5.6.2.15 Noise Insulation and Ventilation - Port Noise Affected Area.**

- 5.6.2.15.1 Except for new noise sensitive activities within the airnoise boundary (refer to Rule 5.6.2.14), any **habitable room** in a building used by a residential activity within the Port Noise Affected Area shown on Plan Map 55 shall be protected from noise arising from outside the building by ensuring the **external sound insulation level** achieves the following minimum performance standard:

$$D_{nT,w} + C_{tr} > 30 \text{ dB}$$

Compliance with this performance standard shall be achieved by ensuring habitable rooms are designed and constructed in a manner that:

- accords with the schedule of typical building construction set out below:
- or
- accords with an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design as proposed will achieve compliance with the above performance standard.

The schedule below describes the minimum requirements necessary to achieve an external noise insulation level of  $D_{nT,w} + C_{tr} > 30 \text{ dB}$

<b>Building Element</b>	<b>Minimum Construction Requirement</b>	
External Walls of Habitable Rooms	Stud Walls:	
	Exterior cladding:	20 mm timber or 9mm compressed fibre cement sheet over timber frame (100 mm x 50 mm). *
	Cavity infill:	Fibrous acoustic blanket (batts or similar of a minimum mass of 9 kg/m <sup>3</sup> ) required in cavity for all exterior walls.



		Minimum 90 mm wall cavity.
	Interior lining:	One layer of 12 mm gypsum plasterboard.
		Where exterior walls have continuous cladding with a mass of greater than 25 kg/m <sup>2</sup> (e.g. brick veneer or minimum 25 mm stucco plaster), internal wall linings need to be no thicker than 10 mm gypsum plasterboard.
	Combined superficial density:	Minimum not less than 25 kg/m <sup>2</sup> being the combined mass of external and internal linings excluding structural elements (e.g. window frames or wall studs) with no less than 10 kg/m <sup>2</sup> on each side of structural elements.
	Mass Walls:	190 mm concrete block, strapped and lined internally with 10 mm gypsum plaster board, or 150 mm concrete wall.
Glazed Areas of Habitable Rooms	Glazed areas up to 10% of floor area:	6 mm glazing single float
	Glazed areas between 10% and 35% of floor area:	6 mm laminated glazing
	Glazed areas greater than 35% of floor area:	Require a specialist acoustic report to show conformance with the insulation rule.
	Frames:	Frames shall be aluminium window frames with compression seals.
Skillion Roof	Cladding:	0.5 mm profiled steel or 6 mm corrugated fibre cement, or membrane over 15mm thick ply, or concrete or clay tiles.
	Sarking:	17mm plywood (no gaps).
	Frame:	Minimum 100 mm gap with fibrous acoustic blanket (batts or similar of a mass of 9 kg/m <sup>3</sup> ).
	Ceiling:	Two layers of 10 mm gypsum plaster board (no through ceiling lighting penetrations unless correctly acoustically rated). Fibrous acoustic blanket (batts or similar of a minimum mass of 9 kg/m <sup>3</sup> ).
	Combined superficial density:	Combined mass of cladding and lining of not less than 25 kg/m <sup>2</sup> with no less than 10 kg/m <sup>2</sup> on each side of structural elements.
Pitched Roof (all roofs other than skillion roofs)	Cladding:	0.5 mm profiled steel or tiles, or membrane over 15mm thick ply.
	Frame:	Timber truss with 100 mm fibrous acoustic blanket (batts or similar of a minimum mass of 9 kg/m <sup>3</sup> ) required for all ceilings.
	Ceiling:	12 mm gypsum plaster board.
	Combined superficial density:	Combined mass with cladding and lining of not less than 25 kg/m <sup>2</sup> .
Floor areas open to outside	Cladding:	Under-floor areas of non-concrete slab type floors exposed to external sound will require a cladding layer lining the underside of floor joists of not less than 12 mm ply
	Combined superficial density:	Floors to attain a combined mass not less than 25 kg/m <sup>2</sup> for the floor layer and any external cladding (excluding floor joists or bearers).

External Door to Habitable Rooms	Solid core door (min 25 kg/m <sup>2</sup> ) with compression seals (where the door is exposed to exterior noise).	
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**Note:**

- The table refers to common specifications for timber size. Nominal specifications may in some cases be slightly less than the common specifications stated in the schedule for timber size.
- In determining the insulating performance of roof/ceiling arrangements, roof spaces are assumed to have no more than the casual ventilation typical of the jointing capping and guttering detail used in normal construction.

5.6.2.15.2 Where bedrooms with openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. For the purposes of this requirement, a bedroom is any room intended to be used for sleeping. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.

5.6.2.15.3 The above provisions do not apply to construction of new residential buildings within the airnoise boundary.

### 5.6.3 Signs

#### 5.6.3.1 For permanent signs on residential sites and buildings:

- the maximum area must not exceed 0.5m<sup>2</sup>
- the maximum height must not exceed 2 metres
- only one sign may be displayed on any site
- signs must denote only the name, character or purpose of any Permitted Activity on the site
- signs must not be illuminated.

#### 5.6.3.2 For temporary signs:

- the maximum area must not exceed 3m<sup>2</sup>
- the maximum height must not exceed 4 metres
- signs must not be erected more than 28 days before, and must be removed within 7 days of the completion of the purpose or event for which the sign was erected.

#### 5.6.3.3 For signs relating to non-residential activities:

- the maximum combined area of permanent signs must not exceed 5m<sup>2</sup>
- the maximum height must not exceed 2 metres
- signs must denote only the name, character or purpose of any Permitted Activity on the site
- illuminated signs must not flash
- signs must be displayed only on plain wall surfaces where they do not obscure windows or architectural features
- no sign shall project above the parapet level or the highest part of the building to which it is attached.

### 5.6.4 Subdivision

5.6.4.1 Every building or structure (both existing and proposed) adjoining a new boundary must comply fully with all standards in section 5.6.2 unless a resource consent has been obtained for any non-complying aspect which is generated by the proposed subdivision.

*Archaeological sites  
associated with human*

*activity that occurred before 1900 are protected under the Historic Places Act 1993. An archaeological authority will be required from the New Zealand Historic Places Trust to destroy, damage or modify these sites.*

- 5.6.4.2 Any new services must be in compliance with the City Bylaws and if applicable the Council's Code of Practice for Land Development.
- 5.6.4.3 Every allotment must have practical, physical and legal access directly to a formed legal road or by way of a registered right-of-way.
- 5.6.4.4 Where vehicle access and parking is provided NPS-UD 2020 Policy 11 it must be constructed in accordance with standards 5.6.1.3 and 5.6.1.4.
- 5.6.4.5 Any earthworks and any associated structures must be permitted by rule 30.1.1, excluding 30.1.1.1(a).
- 5.6.4.6 No part of any allotment being subdivided may be within 20 metres of any river whose bed has an average width of 3 metres or more where the river flows through or adjoins an allotment.
- 5.6.4.7 No part of any allotment being subdivided may be within 20 metres of the line of mean high water springs.
- 5.6.4.8 No subdivision may occur within a heritage area or on a site associated with a heritage item unless in the latter case the subdivision involves land that is not occupied by the heritage item and is not specifically identified for preservation by the Plan as important to the setting of the item.
- 5.6.4.9 For any subdivision incorporating new roads, all services must be reticulated underground. All subdivisions incorporating new roads must make provision for fibre optic cable connections to all new residential, employment, institutional or commercial lots.
- 5.6.4.10 Any new allotment within 32 metres of a high voltage transmission line (as measured from the centre line at ground level) must include sufficient land area outside of the transmission corridor to accommodate a complying building.
- 5.6.4.11 A Certificate of Compliance must be obtained for the subdivision to allow Council to assess survey plans for approval. An applicant must supply the following:
- information to allow Council to assess compliance with standards 5.6.4.1 to 5.6.4.10.
  - a certificate stating that all existing services have been located so that they are all contained entirely within the boundaries of the site being serviced, or within such existing or proposed right of way or easement relating to the site and are in accordance with the City Bylaws and if applicable the Council's Code of Practice for Land Development
  - current copies of titles for all affected properties
  - accurately drawn A4 plans at a scale of 1:500 or at a larger scale as appropriate
- All certificates, plans and information supplied must be signed by a licensed cadastral surveyor or other suitably qualified person certifying their accuracy.