

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).

Uses/Activities	Rule	P	C	DR	DU
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	●			
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				●
Buildings	Rule	P	C	DR	DU
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	●			
Conversion of an existing house into two household units	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 accessory buildings in the Tawa Hazard (Flooding) Area	5.1.11	●			
Construction, alteration of, and addition to residential buildings, including accessory buildings in the Tawa Hazard (Flooding) Area	5.2.2		●		

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			●	
Demolition or removal of buildings and structures except heritage items, pre 1930's buildings in the Inner 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 (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 an Area of Change, 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 Airoise 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) In areas denoted (B) and (C) any subdivision, use or activity including earthworks	5.4.6				●
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			●	
Signs	Rule	P	C	DR	DU
Signs subject to conditions	5.1.13	●			
Signs not complying with conditions for Permitted Activities	5.3.11			●	
Subdivision	Rule	P	C	DR	DU
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	5.2.3		●		
Company lease, cross lease or unit title subdivision	5.2.4		●		
Subdivision for 5 or less allotments not complying with conditions for Permitted or Controlled Activities	5.3.12			●	
Subdivision which is not a Permitted, Controlled or Discretionary (Restricted) Activity	5.4.7				●
Earthworks	Rule	P	C	DR	DU
Activities involving earthworks	30.0	●	●	●	●
Heritage	Rule	P	C	DR	DU
Activities affecting listed heritage items	21.0	●	●		●
Utilities	Rule	P	C	DR	DU
Buildings, structures and other utility activities	23.0	●	●	●	●
Contaminated Sites	Rule	P	C	DR	DU
Activities involving contaminated sites	32.0	●		●	

Schedule of Appendices

Number	Appendix
1	Inner Residential Area where pre-1930s demolition controls apply
2	Residential Coastal Edge
3	North Kelburn/Bolton Street Building Height
4	Oriental Bay Height Area
5	Mitchelltown Density Area
6	Roseneath Height and Coverage Area
7	Land off the end of Silverstream Road, Ngaio
8	Lands off the end of Stockden Place and Allanbrooke Place, Karori
9	Land west of Cortina Avenue, Johnsonville
10	Fort Dorset, Seatoun
11	Ridvan Gardens, off Downing Street, Ngaio
12	Land above Patna Street and Huntleigh Park Way, Ngaio
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18	Tapu Te Ranga Land, Island Bay

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 Areas of Change 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)**

5.1.3 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,

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)**

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

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).

- works to buildings that have an existing non-compliance in relation to the standards for building height, building recession planes, yards or site coverage as specified in section 5.6.2 (buildings and structures) (see Rule 5.1.8)
- the conversion of an existing house (built prior to 27 July 2000) into two household units, or additions and alterations to an existing building (built prior to 27 July 2000) containing two household units (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 Rule 5.3.9)
- 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)

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

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

- 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.”

For any works in the Thorndon and Mount Victoria North Residential Character Areas (see Rule 5.3.3)

For any works on a building constructed prior to 1930 in the Inner Residential Areas shown in Appendix 1 (see Rule 5.3.6)

5.1.9 The conversion of an existing house into two household units, or additions and alterations to an existing building containing two household units, where:

- the existing building was constructed prior to 27 July 2000; and
- the existing building complies with the relevant standards for building height, building recession planes, yards and site coverage; and
- the development will not result in more than two household units on the site; and
- the development does not increase the footprint of the existing building by more than 20 percent

is a Permitted Activity, provided the proposal complies with the standards specified in section 5.6.2 (buildings and structures).

For any works in the Thorndon and Mount Victoria North Residential Character Areas (see Rule 5.3.3)

For any works on a building constructed prior to 1930 in the Inner Residential Areas shown in Appendix 1 (see Rule 5.3.6)

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 10m² in area

5.1.11.2 accessory buildings with a floor area of 10m² or less.

5.1.12 The total or partial demolition or removal of buildings and structures is a Permitted Activity,

except:

- 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 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 shown in Appendix 1 (see Rule 5.3.6)

For schedule of listed heritage items, refer to Chapter 21

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 5.2.5. 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:

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).

If the proposal does not comply with the standards for buildings and structures in 5.6.2 then Rule 5.3.9 applies in addition to this rule.

Non-notification

The written approval of affected persons will not be necessary in respect of item 5.2.2.1. Notice of applications need not be served on affected persons and applications need not be 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.

BUILDINGS AND STRUCTURES

5.2.2 In the Tawa Hazard (Flooding) Area the construction, alteration of, and addition to residential buildings, including accessory buildings, that are not Permitted Activities, are a Controlled Activity in respect of:

5.2.2.1 building location within the site

5.2.2.2 building floor area

provided that any construction, alteration of, or addition to, buildings or structures must comply with the standards in 5.6.2 (buildings and structures), and the floor

If the proposal does not comply with the standards for buildings and structures in 5.6.2 then Rule 5.3.9 applies in addition to this rule.

level of the proposed building work must be above the level of a 1 in 100 year flood event

“For the purposes of clarification, this rule does not apply to network utility infrastructure, as they are provided for in ‘Chapter 23: Utility Rules’ of the District Plan.”

Non-notification

The written approval of affected persons will not be necessary in respect of items 5.2.2.1 and 5.2.2.2. Notice of applications need not be served on affected persons and applications need not be notified.

Relevant policies for preparing resource consent applications

See policies 4.2.10.1 and 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.

SUBDIVISION

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

- **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)**

is a Controlled Activity in respect of:

5.2.3.1 site design, frontage and area

5.2.3.2 standard, construction and location of vehicular access

5.2.3.3 road design and construction

5.2.3.4 landscaping

5.2.3.5 utility and/or services provision

5.2.3.6 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

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.

under section 10 of the Act.

Non-notification

The written approval of affected persons will not be necessary in respect of rule 5.2.3. Notice of applications need not be served on affected persons and applications need not be 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 Any subdivision which is a company lease, cross lease or unit title subdivision is a Controlled Activity in respect of:

5.2.4.1 stormwater, sewerage and water services

5.2.4.2 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.

Non-notification

The written approval of affected persons will not be necessary in respect of rule 5.2.4. Notice of applications need not be served on affected persons and applications need not be 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.

5.3 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 5.3.11. 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

<p>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:</p> <p>5.3.1.1 fixed plant noise (standard 5.6.1.2)</p> <p>5.3.1.2 vehicle parking (standard 5.6.1.3)</p> <p>5.3.1.3 site access (standard 5.6.1.4)</p> <p>subject to compliance with the following condition:</p> <p>5.3.1.5 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.</p>	<p><i>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</i></p> <p><i>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.</i></p>
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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.

<p>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:</p> <p>5.3.2.1 noise (standard 5.6.1.1)</p> <p>5.3.2.2 fixed plant noise (standard 5.6.1.2)</p> <p>5.3.2.3 vehicle parking (standard 5.6.1.3)</p> <p>5.3.2.4 site access (standard 5.6.1.4)</p>	<p><i>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.</i></p>
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| 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

The written approval of affected persons will not be necessary in respect of item 5.3.2.5. Notice of applications need not be served on affected persons and the application need not be 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, 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:**
- 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) 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)**

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.

Non-notification

The written approval of affected persons will not be necessary in respect of items 5.3.3.1 to 5.3.3.5. Notice of applications need not be served on affected persons and applications need not be notified.

Relevant policies for preparing resource consent applications

See policies 4.2.7.2, 4.2.7.6, 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 following 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, and 5.6.2.6), 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 (or 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 additions and alterations to buildings with an existing non-compliance (standard 5.6.2.9), discretion is limited to the effect of building work on:**
- the amenity values of adjoining properties
 - the character of the surrounding neighbourhood, including the form and scale of neighbouring buildings
- 5.3.4.9 maximum fence height (standard 5.6.2.10)**
- 5.3.4.10 buildings in the Hazard (Fault Line) Area (standard 5.6.2.11), discretion is limited to:**
- building height
 - construction type
- 5.3.4.11 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
- 5.3.4.12 fixed plant noise (standard 5.6.2.13)**
- 5.3.4.13 noise insulation – Airport Area (standard 5.6.2.14)**
- 5.3.4.14 noise insulation – Port Noise Affected Area (standard 5.6.2.15)**
- subject to compliance with the following conditions:**

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

- 5.3.4.15** the standard for site coverage must not be exceeded by more than 20% in the Inner Residential Area, Area of Change, Roseneath (OR 3) and Mitchelltown (OR 4).
- 5.3.4.16** total site coverage (including decks) must not exceed 42% in the remainder of the Outer Residential Area
- 5.3.4.17** the maximum building height stated in standard 5.6.2.5 (except for Areas of Change) must not be exceeded by more than 20%
- 5.3.4.18** the maximum building height stated in standard 5.6.2.5 must not be exceeded by more than 30% in Areas of Change
- 5.3.4.19** 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%
- 5.3.4.20** 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)
- 5.3.4.21** noise emission levels under standard 5.6.2.13 (fixed plant noise) shall not be exceeded by more than 5 decibels.

Non-notification

The written approval of affected persons will not be necessary in respect of items 5.3.4.10 (hazard (fault line)), 5.3.4.12 (noise (fixed plant)), 5.3.4.13 (noise insulation – airport), and 5.3.4.14 (noise insulation – port noise). Notice of applications need not be served on affected persons and applications need not be notified.

In respect of item 5.3.4.11 (high voltage transmission lines) the written approval of affected persons (other than the transmission line owner) will not be necessary. Notice of applications need not be served on affected persons and applications need not be notified.

In respect of item 5.3.4.3 (open space), applications do not need to be publicly notified and do not need to be served on affected persons where:

- the site is in the Outer Residential Area; and
- the open space provided is greater than 35m² 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.

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, 4.2.10.2, 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:

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

5.3.5.2 provision of parking and site access

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.

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.

Non-notification

The written approval of affected persons will not be necessary in respect of items 5.3.5.1 to 5.3.5.3. Notice of applications need not be served on affected persons and applications need not be 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 shown in Appendix 1, is a Discretionary Activity (Restricted) in respect of:

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

5.3.6.2 the physical condition of the existing building

5.3.6.2 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

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.

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 4.2.1.6, 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 are a Discretionary Activity (Restricted) in respect of:**
- 5.3.7.1 design (including building bulk, height, and scale), external appearance, and siting (including landscaping, parking areas, vehicle manoeuvring and site access)**
- 5.3.7.2 provision of parking and site access**
- 5.3.7.3 the efficient use of land on any site within an Area of Change**
- 5.3.7.4 the mix of housing type on any site within an Area of Change**
- 5.3.7.5 the visual character of the coastal escarpment on any site in the Residential Coastal Edge**

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.

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.

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)**

If a proposal located in the Outer Residential Area does not meet the maximum height standards for an infill household unit it will be assessed as a multi-unit development under Rule 5.3.7.

Non-notification

In respect of Rule 5.3.7 applications do not need to be publicly notified and do not need to be served on affected persons, unless:

- for an application for a multi-unit development located outside of an identified Area of Change the height of any proposed building or structure exceeds 4.5 metres (or 6 metres on a building site that has a slope of more than 3:1 (approximately 15 degrees)).

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**

If the proposal does not comply with the standards for

Activities, are Discretionary Activities (Restricted) in respect of:

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

buildings and structures in 5.6.2 then Rule 5.3.4 applies in addition to this rule.

Non-notification

The written approval of affected persons will not be necessary in respect of Rule 5.3.8. Notice of applications need not be served on affected persons and applications need not be 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

The written approval of affected persons will not be necessary in respect of Rule 5.3.9. Notice of applications need not be served on affected persons and applications need not be notified.

Relevant policies for preparing resource consent applications

See policies 4.2.2.2, 4.2.3.1, 4.2.3.9, 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 residential buildings, including accessory buildings, that is not a Permitted or Controlled Activity, is a Discretionary Activity (Restricted) in respect of:

- 5.3.10.1 building floor level**
- 5.3.10.2 building location within the site**
- 5.3.10.3 building floor area.**

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.

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

The written approval of affected persons will not be necessary in respect of Rule 5.3.10. Notice of applications need not be served on affected persons and applications need not be notified.

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.

SIGNS

5.3.11 Signs (other than temporary signs) that do not meet one or more of the standards specified in section 5.6.4, 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 1.5m²**
- 5.3.11.8 For permanent signs on non residential sites and buildings the maximum combined sign area shall not exceed 10m².**

Non-notification

The written approval of affected persons will not be necessary in respect of items 5.3.11.1, 5.3.11.2 and 5.3.11.4. Notice of applications need not be served on affected persons and applications need not be notified.

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:**
- 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)

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.

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
- 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

provided that all lots containing existing buildings and structures, all activities, buildings and structures must meet the standards 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.

For all other lots the application must show that the proposed development meets, or that the allotments are capable of meeting, the standards for subdivision (5.6.4.1-5.6.4.10).

Non-notification

In respect of rule 5.3.12 applications do not need to be publicly notified and do not need to be served on affected persons, except where the application involves a lot less than 400m² 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, 4.2.5.1, 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.

5.4 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, 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.

5.4.2 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).

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.

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

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, 4.2.4.1, 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.

5.4.5 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):

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).

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.

Relevant policies for preparing resource consent applications

See policies 4.2.1.1, 4.2.1.5, 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).

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.

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

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.

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

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

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 105(2A)(b) 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.