

## Proposed Plan Change 73

### Annotated provisions of Chapter 7 – Centre rules and standards to Operative District Plan showing proposed changes

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#### ***Key to the following annotated text***

The way in which the changes are to be read is outlined in the key below. This shows what text is being deleted and what text is being added to the provisions since District Plan Change 73 was publicly notified.

<b>Key to Changes:</b>	
<del>Abcdefghijklmnop</del>	Text deleted following the hearing of submissions
<u>Abcdefghijklmnop</u>	Text added following the hearing of submissions

# Chapter 7. Centres 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
Activities that comply with standards in 7.6.1	7.1.1	●			
Activities relating to the upgrade and maintenance of roads and accessways	7.1.2	●			
Activities provided for in the Churton Park District Centre Concept Plan subject to standards <u>in 7.6.1 and 7.6.5</u>	7.1.3	●			
Any activity listed in Section 3.5.2.2 (hazardous substances)	7.2.1		●		
Activities with more than 70 parking spaces	7.3.1			●	
Critical facilities in a Hazard Area	7.3.2			●	
<del>Creation</del> Demolition of buildings to create vacant land, open land or parking areas visible from public spaces or on primary or secondary street frontages	7.3.3			●	
Integrated retail developments in Centres with a gross floor area exceeding 20,000 m <sup>2</sup>	7.3.4			●	
Permitted, Controlled or Discretionary (Restricted) Activities that do not meet standards in 7.6.1	7.3.5			●	
Helicopter landing areas	7.4.1				●
Activities in the Churton Park District Centre that do not comply with the standards in 7.6.5	7.4.2				●
Buildings	Rule	P	C	DR	DU
Construction of, alteration of, or addition to buildings and structures subject to standards in 7.6.2	7.1.4	●			
Total or partial demolition or removal of buildings and structures except heritage items and where the result is vacant land, open land or parking areas visible from public spaces or on primary or secondary street frontages	7.1.5	●			
<del>Construction, alteration of, and addition to buildings, including accessory buildings, and structures within the Tawa Hazard (Flooding) Area</del>	<del>7.2.2</del>		●		
Construction, alteration of, and addition to buildings, including accessory buildings, and structures within the Tawa Hazard (Flooding) Area	7.3.9			●	
Construction, alteration of, and addition to buildings, including accessory buildings, and structures within the Tawa Hazard (Flooding) Area	7.4.4				●
Construction, alteration of and addition to buildings and structures that are not Permitted or Controlled Activities	7.3.6			●	
Construction, alteration of, or addition to buildings and structures that would be Permitted, Controlled or Discretionary (Restricted) Activities that do not meet standards in 7.6.2	7.3.7			●	
Construction, alteration and addition to buildings and structures exceeding 30m <sup>2</sup> gross floor area in the Hazard (Fault Line) Area	7.3.8			●	
Construction of buildings or structures <u>involving the provision of which provide</u> more than 70 parking spaces	7.3.10			●	
Demolition or removal of pre-1930s buildings in the Thorndon Character Area	7.3.11			●	●

Pedestrian bridges, buildings and structures over roads	7.4.3				●
Construction, alteration of, and addition to buildings, including accessory buildings, less than 10 metres from Porirua Stream within the Tawa Hazard (Flooding) Area	7.4.4				●
<b>Signs</b>	<b>Rule</b>	<b>P</b>	<b>C</b>	<b>DR</b>	<b>DU</b>
Signs complying with the standards in 7.6.3	7.1.6	●			
Signs that do not meet standards in 7.6.3	7.3.1 <del>2</del> <sup>2</sup>			●	
<b>Subdivision</b>	<b>Rule</b>	<b>P</b>	<b>C</b>	<b>DR</b>	<b>DU</b>
Subdivision except for company lease, cross lease and unit title subdivision, subject to standards in 7.6.4	7.1.7	●			
Company lease, cross lease and unit title subdivision	7.2.2		●		
Subdivision within the Churton Park District Centre Concept Plan area	7.3.1 <del>2</del> <sup>3</sup>			●	
Subdivision not being Permitted or Controlled Activities	7.3.1 <del>3</del> <sup>4</sup>			●	
<b>Heritage</b>	<b>Rule</b>	<b>P</b>	<b>C</b>	<b>DR</b>	<b>DU</b>
Activities affecting heritage items	21.0	●	●		●
Buildings affecting heritage items	21.0			●	
<b>Utilities</b>	<b>Rule</b>	<b>P</b>	<b>C</b>	<b>DR</b>	<b>DU</b>
Utilities	23.0	●	●	●	●

## Schedule of Appendices

Number	Appendix
1	Masterplans: (a) Churton Park District Centre – Concept Plan (b) Johnsonville Height Zones (c) Adelaide Road Height Zones
2	Wind
3	Indicative list of activities under Schedule 3 of the Health Act 1956

# 7. CENTRES RULES

## 7.1 Permitted Activities

Section 7.1 describes which activities, buildings, structures, signs and subdivisions are permitted in Centres, provided they comply with the relevant standards outlined in section 7.6.

### ACTIVITIES

**7.1.1 Any activity is a Permitted Activity, provided that it complies with the standards specified in section 7.6.1 (activities), except:**

- activities in the Churton Park District Centre (see Rule 7.1.3)
- the use, storage or handling of those hazardous substances, listed in section 3.5.2.2 (see Rule 7.2.1)
- any activity that provides more than 70 parking spaces (see Rule 7.3.1)
- any critical facility within a Hazard Area (excluding port activities located within the Operational Port Area which are permitted) (see Rule 7.3.2)
- the ~~creation of~~ demolition of buildings to create vacant land, open land or parking areas (at ground level) on sites that are visible from public spaces or that have a located on primary or secondary street frontages as identified on maps 43 to 49aA (see Rule 7.3.3)
- integrated retail developments with a cumulative total gross floor area greater than 20,000m<sup>2</sup> (see Rule 7.3.4)
- any activity that would be Permitted, Controlled or Discretionary (Restricted) Activities but that does not meet one or more of the standards specified in section 7.6.1 (activities) (see Rule 7.3.65)
- ~~the creation of vacant land, open land or parking areas (at ground level) that are visible from public spaces or located on primary or secondary street frontages as identified on maps 43 to 49 (see Rule 7.3.3)~~
- helicopter landing areas (see Rule 7.4.1)
- those activities listed under the Third Schedule to the Health Act 1956 (see Rule 7.5)
- cleanfills (see Rule 7.5)

*Note, that the activities listed in section 3.5.2.1 do not require a HFSP assessment and are consequently exempt from the hazardous substances provisions of the Plan.*

*Integrated retail development is defined in Section 3.10.*

*Note, Appendix 3 lists the types of activities contained in the Third Schedule of the Health Act 1956*

- landfills (see Rule 7.5)
- quarrying (see Rule 7.5)

**7.1.2** Any activity relating to the upgrade and maintenance of existing formed roads and public accessways including associated earthworks, except the construction of new legal roads, is a Permitted Activity. <sup>[PC70]</sup>

**7.1.3** Activities provided for in the Churton Park District Centre Concept Plan, as shown in Appendix 1, subject to compliance with the standards specified in sections 7.6.1 and 7.6.5 are a Permitted Activity.

*Any activity that does not comply with the standards in section 7.6.1 or 7.6.5 is a Discretionary Activity (Unrestricted) under Rule 7.4.2.*

## BUILDINGS AND STRUCTURES

**7.1.4** The construction or alteration of, or addition to buildings and structures listed below are Permitted Activities provided they comply with the standards specified in section 7.6.2 (buildings and structures):

**7.1.4.1** Any alterations or additions that:

- do not alter the external appearance of the building or structure; or
- relate to building elevations below verandah level (except in Thorndon Character Area); or
- are not visible from public spaces.

*For work on listed heritage buildings and within Heritage Areas see Chapters 20 and 21.*

**7.1.4.2** The construction of any building or structure, on sites with frontages other than primary or secondary street frontages, with a gross floor area of less than 100m<sup>2</sup> and resulting in a total coverage (together with other buildings) of no more than 20 percent of the site.

*For primary and secondary street frontages, refer to Planning Maps 43 to 49, and 49a 47-49E.*

**7.1.5** The total or partial demolition or removal of buildings and structures are Permitted Activities except those listed below:

- when the result is the creation of vacant land, open land or parking areas (at ground level) that are visible from public spaces or that have a located on primary or secondary street frontages (see Rule 7.3.3).

- the total or partial demolition, or removal of any building constructed prior to 1930 in the Thorndon Character Area (see Rule 7.3.11).

## SIGNS

- 7.1.6** Signs are a Permitted Activity provided that they comply with the standards specified in section 7.6.3 (signs).

## SUBDIVISION

- 7.1.7** Subdivision is a Permitted Activity provided that it complies with the standards specified in section 7.6.4 (subdivision), except:
- company lease, cross lease and unit title subdivision, which is a Controlled Activity (see Rule 7.2.3)
  - subdivision within the Churton Park District Centre Concept Plan area which is a Discretionary Activity (Restricted) (see Rule 7.3.13).

*Subdivision proposals must comply with the City Bylaws. Refer to Section 3.9 of the Plan about requirements to meet Council's Code of Practice for Land Development, service connections to public infrastructure, and vesting infrastructure in the Council.*

## 7.2 Controlled Activities

Section 7.2 describes which activities are Controlled Activities in Centres. Resource consent will be required but consent cannot be refused. Conditions may be imposed relating to the matters specified in Rules 7.2.1 – 7.2.2. 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

**7.2.1 Any activity listed in Section 3.5.2.2, involving the use, storage or handling of hazardous substances, is a Controlled Activity in respect of:**

**7.2.1.1 use, storage or handling of hazardous substances**

*Note, that the activities listed in section 3.5.2.1 do not require a HFSP assessment and are consequently exempt from the hazardous substances provisions of the Plan.*

#### *Non-notification/ service*

~~In respect of Rule 7.2.1 applications do not need to be publicly notified and do not need to be served on affected persons.~~

~~In respect of Rule 7.2.1 applications will not be publicly notified (unless special circumstances exist) or limited notified.~~

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

See policies 6.2.9.1 - 6.2.9.5

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**

~~**7.2.2 In the Tawa Hazard (Flooding) Area, the construction, alteration of, and addition to, buildings, including accessory buildings, and structures which are more than 10 metres from the Porirua Stream and have a flood level above the 1 in 100 year flood event within the Tawa Hazard (Flooding) Area are Controlled Activities in respect of:**~~

~~**7.2.2.1 building floor levels and building floor area**~~

~~**7.2.2.2 building and structure location within the site**~~

~~**7.2.2.3 the displacement of flood waters from the site.**~~

~~*If the activity does not comply with standards for activities in 7.6.1, Rule 7.3.7 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/ service*

In respect of Rule 7.2.2 applications do not need to be publicly notified and do not need to be served on affected persons.

**Relevant policies for preparing resource consent applications**

See policies 6.2.8.1, 6.2.8.3, 6.2.8.4 and 6.2.8.5

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

## SUBDIVISION

**7.2.32 Company lease, cross lease and unit title subdivision is a Controlled Activity in respect of:**

**7.2.32.1 stormwater, sewerage and water supply**

**7.2.32.2 the allocation of accessory units to principal units and the allocation of covenant areas to leased areas to ensure compliance with servicing rules, and to ensure practical physical access to every household unit**

provided that all activities, buildings and structures and signs (existing and proposed) comply with the standards specified in section 7.6 relating to vehicle parking, loading, servicing and site access; buildings and structures; and signs. In terms of Standard 7.6.4.1.4, applications must either meet the vehicle access and parking standards, or demonstrate an ability to meet these standards.

The requirement to meet these standards may be waived if resource consent has been sought and granted for those aspects that do not comply, or the buildings has existing use rights under section 10 of the Resource Management Act.

*Non-notification/ service*

In respect of Rule 7.2.2 applications do not need to be publicly notified and do not need to be served on affected persons.

**Relevant policies for preparing resource consent applications**

See policy 6.2.7.1

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



## 7.3 Discretionary Activities (Restricted)

Section 7.3 describes which activities are Discretionary Activities (Restricted) in Centres. Consent may be refused or granted subject to conditions. Grounds for refusal and conditions will be restricted to the matters specified in ~~Rules~~ Rules 7.3.1 – 7.3.14. 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.

Any activity under Rules 7.3.1 – 7.3.4 that does not meet one or more of the standards specified in section 7.6.1 (activities) is also subject to Rule 7.3.5.

Any building or structure under Rules 7.3.6, 7.3.8, 7.3.9, 7.3.10 or 7.3.11 that does not comply with the standards specified in section 7.6.2 (buildings and structures) is also subject to Rule 7.3.7.

### ACTIVITIES

- 7.3.1 Any activity that provides more than 70 parking spaces is a Discretionary (Restricted) Activity in respect of:**
- 7.3.1.1 the movement of vehicular traffic to and from the site.**
- 7.3.1.2 the impact on the roading network and the hierarchy of roads (see Map 33) from trip patterns, travel demand or vehicle use.**
- 7.3.1.3 the provision and location of facilities for multiple modes of transport.**

*If the activity does not comply with standards for activities in section 7.6.1, Rule 7.3.5 applies in addition to this Rule.*

*Note, any activity that triggers Rule 7.3.1 will require a Transport Assessment to accompany any application for resource consent, as required by section 3.2.2.4 of the District Plan.*

#### *Non-notification/ service*

~~In respect of Rule 7.3.1 applications do not need to be publicly notified and do not need to be served on affected persons.~~

In respect of Rule 7.3.1 applications will not be publicly notified (unless special circumstances exist) or limited notified, except that the New Zealand Transport Agency may be considered to be an affected party to any application that involves a site that fronts a State highway.

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

See policies 6.2.5.1 – 6.2.5.68

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

**7.3.2 Any critical facility within any Hazard Area is a Discretionary Activity (Restricted) in respect of:**

**7.3.2.1 the location of the facility.**

*If the activity does not comply with standards specified in section 7.6.1, Rule 7.3.5 applies in addition to this Rule.*

*Non-notification/ service*

~~In respect of Rule 7.3.2 applications do not need to be publicly notified and do not need to be served on affected persons.~~

In respect of Rule 7.3.2 applications will not be publicly notified (unless special circumstances exist) or limited notified.

**Relevant policies for preparing resource consent applications**

See policies 6.2.8.1 – 6.2.8.5

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

**7.3.3 The ~~creation of~~ demolition of buildings to create vacant land, open land or parking areas (at ground level) on sites that are visible from public spaces, or that have a located ~~on~~ primary or secondary street frontages as identified on maps 43 to 49 and 49aA, is a Discretionary Activity (Restricted) in respect of:**

**7.3.3.1 the effect on the vitality of the Centre.**

**7.3.3.2 the effect on the visual quality of the streetscape.**

*Non-notification/ service*

~~In respect of Rule 7.3.3 applications do not need to be publicly notified and do not need to be served on affected persons.~~

In respect of Rule 7.3.3 applications will not be publicly notified (unless special circumstances exist) or limited notified.

**Relevant policies for preparing resource consent applications**

See policies 6.2.3.1 – 6.2.3.13

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

**7.3.4 Integrated retail developments (including additions and alterations to existing developments) that will result in a cumulative total gross floor area exceeding 20,000m<sup>2</sup> are a Discretionary Activity (Restricted) in respect of:**

**7.3.4.1 the cumulative effect of the development on the viability**

*If the activity does not comply with standards for activities specified in section 7.6.1, Rule 7.3.5 applies in*

and vitality of the Golden Mile.

*addition to this Rule.*

- 7.3.4.2 the consequential effect on the range of services available to visitors and any resulting loss of economic activity to Wellington.
- 7.3.4.3 the cumulative effect of the development on the sustainability of the transport network.
- 7.3.4.4 the cumulative effect on the roading network and the hierarchy of roads (see Map 33) from trip patterns, travel demand or vehicle use.

**Relevant policies for preparing resource consent applications**

See policies 6.2.1.1 – 6.2.1.5, 6.2.2.1, 6.2.2.2, 6.2.5.1 – 6.2.5.6

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

- 7.3.5 **Activities which would be Permitted, Controlled or Discretionary (Restricted) Activities but that do not meet one or more of the standards specified in section 7.6.1 (activities), are Discretionary Activities (Restricted). Discretion is restricted to the effects generated by the standard(s) not met:**
  - 7.3.5.1 noise (standard 7.6.1.1)
  - 7.3.5.2 noise (fixed plant) (standard 7.6.1.2)
  - 7.3.5.3 electronic sound system noise (standard 7.6.1.3)
  - 7.3.5.4 temporary activity noise (standard 7.6.1.4)
  - ~~7.3.5.5 construction noise (standard 7.6.1.5)~~
  - ~~7.3.5.6 port noise (standard 7.6.1.6)~~
  - ~~7.3.5.7 vehicle parking, servicing and site access (standard 7.6.1.7)~~  
~~7.3.5.5~~
  - ~~7.3.5.8 lighting (standard 7.6.1.8)~~  
~~7.3.5.6~~
  - ~~7.3.5.9 use, storage, or handling of hazardous substances (standard 7.6.1.9)~~  
~~7.3.5.7~~
  - ~~7.3.5.10 screening of activities and storage (standard 7.6.1.10)~~  
~~7.3.5.8~~
  - ~~7.3.5.11 dust (standard 7.6.1.11)~~  
~~7.3.5.9~~
  - ~~7.3.5.12 electromagnetic radiation (standard 7.6.1.12)~~

**7.3.5.10****7.3.5.13 discharge of contaminants (standard 7.6.1.13)**

**subject to compliance with the following conditions:**

**7.3.5.14****7.3.5.11**

*noise emission levels under standards 7.6.1.1 and 7.6.2.1.2 shall not be exceeded by more than 5 decibels (if appropriate within the scope of the standards). This condition does not apply to temporary activity noise.*

**7.3.5.15****7.3.5.12**

*maximum lighting levels under standard 7.6.1.4 7.6.1.6 must not be exceeded by more than 20 percent.*

**7.3.5.16****7.3.5.13**

*for hazardous substances, the cumulative Effect Ratio as assessed under the Hazardous Facilities Screening Procedure for the site where the activity is to occur is greater than or equal to 0.1 or does not meet the standard 7.6.1.9 unless the site is located in a Hazard Area.*

**7.3.5.17****7.3.5.14**

*for hazardous substances, where the hazardous facility is located in a Hazard Area, the cumulative Effect 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 but does not meet standard 7.6.1.9.*

***Non-notification/ service***

In respect of Rule 7.3.5 applications do not need to be publicly notified and do not need to be served on affected persons in respect of:

In respect of the following items applications will not be publicly notified (unless special circumstances exist) or limited notified, except that the New Zealand Transport Agency may be considered to be an affected party to any application that involves a site that fronts a State highway:

- 7.3.4.7 7.3.5.5 (vehicle parking, servicing and site access), and
- 7.3.4.10-7.3.5.9 (screening of activities and storage), and
- 7.3.4.11-7.3.5.9 (dust), and
- 7.3.4.12-7.3.5.10 (electromagnetic radiation)

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

See policies 6.2.2.3 – 6.2.3.8, 6.2.5.2, 6.2.5.3, 6.2.5.4, 6.2.5.6, 6.2.9.1 – 6.2.9.5

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**

- 7.3.6 The construction, alteration of, or addition to buildings and structures that are not a Permitted or Controlled Activity are Discretionary Activities (Restricted) in respect of:**
- 7.3.6.1 design, external appearance and siting of buildings and structures**
  - 7.3.6.2 site layout**
  - 7.3.6.3 site access, pedestrian and vehicular access**
  - 7.3.6.4 site landscaping**
  - 7.3.6.5 the provision of amenity for any residential activities located on-site**
  - 7.3.6.6 the placement of building mass (in Johnsonville and Kilbirnie and Mt Cook Town Centre only)**
  - 7.3.6.7 structure and design of public space (in the Churton Park District Centre only)**
  - 7.3.6.8 location and layout of parking and servicing, and servicing hours (in the Churton Park District Centre only)**
  - 7.3.6.9 density of residential development (in the Churton Park District Centre only)**
  - 7.3.6.10 stormwater management (in the Churton Park District Centre only)**
  - 7.3.6.11 effects of the building work on the context and setting of Government House and Grounds, including effects on views to and from Government House (on the eastern side of Adelaide Road in the Mt Cook Centre only).**

*Building work covered by Rule 7.3.56 will be assessed against the provisions of the Centres Design Guide.*

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

*If the proposal does not comply with standards for buildings and structures in 7.6.2, Rule 7.3.7 applies in addition to this Rule.*

*Note, existing buildings on a site contribute to the total building mass of any new development.*

Except this rule does not apply to the following:

- the total or partial demolition, or removal of any building constructed prior to 1930 in the Thorndon Character Area (see Rule 7.3.11)
- buildings and structures, including pedestrian bridges, located above the street that exceed 25 percent of the width of the street at any point (see Rule 7.4.3)
- the construction, alteration of, and addition to, buildings, including accessory buildings within the Tawa Hazard (Flooding) Area and which are not Discretionary Activities (Restricted) (see Rule 7.4.4)

#### *Non-notification/ service*

**In respect of Rule 7.3.6 applications do not need to be publicly notified and do not need to be served on affected persons in respect of:**

- **7.3.6.4 (site landscaping)**
- **7.3.6.6 (the placement of building mass)**

In respect of Rule 7.3.6 applications will not be publicly notified (unless special circumstances exist) or limited notified.

**Relevant policies for preparing resource consent applications**

See policies 6.2.3.1 – 6.2.3.13, 6.2.5.1~~4~~, ~~6.2.5.2~~, 6.2.5.4~~6~~ – 6.2.5.6~~8~~, 6.2.4.1, 6.2.8.5

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

<b>7.3.7</b>	<b>The construction or alteration of, or addition to buildings and structures which would be a Permitted, Controlled or Discretionary (Restricted) Activity but that do not meet one or more of the standards outlined specified in section 7.6.2 (buildings and structures), are Discretionary Activities (Restricted). Unless otherwise noted below, discretion is limited to the effects generated by the standard(s) not met:</b>	<i>Building work covered by Rule 7.3.5<del>7</del> will be assessed against the provisions of the Centres Design Guide and the Design Guidelines for Wind.</i>
<b>7.3.7.1</b>	<b>height (standard 7.6.2.1), discretion is limited to the effect of <u>the additional</u> building height on:</b> <ul style="list-style-type: none"> <li>• design, external appearance and siting</li> <li>• the amenity of adjoining properties</li> <li>• sunlight access to streets, public space, or residential buildings in Residential Areas</li> <li>• the character of the surrounding streetscape, including the form and scale of neighbouring buildings</li> <li>• the wind environment at ground level</li> </ul>	<i>Note, section 3.2.4 requires a Design Statement to accompany any application for resource consent that is to be assessed against a Design Guide.</i>
<b><u>7.3.7.2</u></b>	<b><u>minimum building height (standard 7.6.2.2)</u></b>	
<b><u>7.3.7.3</u></b>	<b><u>height control adjoining Residential Areas (standard 7.6.2.3)</u></b>	
<b><u>7.3.7.2</u> <u>7.3.7.4</u></b>	<b>building mass (in Johnsonville and Kilbirnie, and Mt Cook Town Centre) (standard 7.6.2.2<del>4</del>)</b>	<i>Note, any activity in Johnsonville, Kilbirnie, or the Mt Cook Centres triggering Rule 7.3.7 will require a full Wind Assessment by a suitably qualified wind expert to accompany any application for resource consent, as required by section 3.2.2.14 of the District Plan. For all other town centres, a shorter wind assessment in letter form will be acceptable.</i>
<b><u>7.3.7.3</u> <u>7.3.7.5</u></b>	<b>yards (standard 7.6.2.3<del>5</del>)</b>	
<b><u>7.3.7.4</u> <u>7.3.7.6</u></b>	<b>windows (standard 7.6.2.4<del>6</del>)</b>	
<b><u>7.3.7.5</u></b>	<b><del>verandahs (standard 7.6.2.5)</del></b>	
<b><u>7.3.7.6</u> <u>7.3.7.7</u></b>	<b>primary and secondary street frontages and display windows (standard 7.6.2.6<del>7</del>)</b>	
<b><u>7.3.7.7</u> <u>7.3.7.8</u></b>	<b>fixed plant noise (standard 7.6.2.7<del>8</del>)</b>	
<b><u>7.3.7.8</u> <u>7.3.7.9</u></b>	<b>noise insulation and ventilation (standard 7.6.2.8<del>9</del>)</b>	
<b><u>7.3.7.9</u></b>	<b><del>noise insulation – port noise affected area (standard</del></b>	

**7.6.2.9)****subject to compliance with the following conditions:**

- 7.3.7.10** *in Zone 1 of the Johnsonville Sub-Regional Centre and the Mt Cook Town Centre, the maximum building height assessed under standard 7.6.2.1.1 must not be exceeded by more than 50 percent. In Zone 2 of the Johnsonville Sub-Regional Centre and the Mt Cook Town Centre, maximum building height must not be exceeded by more than 33 percent.*
- 7.3.7.11** *in the Kilbirnie Sub-Regional Centre and the Town and District Centres (except for Mt Cook Town Centre and Churton Park District Centre), the maximum building height assessed under standard 7.6.2.1.1 must not be exceeded by more than 50 percent. In the Churton Park District Centre maximum building height must not be exceeded by more than 33 percent.*
- 7.3.7.12** *in the Neighbourhood Centres, apart from 68-82 Aro Street within the Aro Valley Neighbourhood Centre, the maximum building height assessed under standard 7.6.2.1.1 must not be exceeded by more than 33 percent.*
- 7.3.7.13** *~~in relation to height control adjoining Residential Areas, the angle of inclination for recession plane access must not exceed the standard referred to in 7.6.3.1.6 by more than 10 degrees, and the maximum height must not be exceeded by more than 20 percent~~ the building recession planes must not be exceeded by more than 3 metres measured vertically.*

*Note, on the sites at 68-82 Aro Street within the Aro Valley Neighbourhood Centre there is no discretion to exceed the maximum permitted building height.*

***Non-notification/ service***

~~In respect of Rule 7.3.7 applications do not need to be publicly notified and do not need to be served on affected persons in respect of:~~

In respect of the following items applications will not be publicly notified (unless special circumstances exist) or limited notified:

- ~~7.3.7.3~~ 7.3.5.5 (yards)
- ~~7.3.7.5~~ (verandahs)
- 7.3.7.7 (primary and secondary street frontages and display windows)
- ~~7.3.7.8~~ 7.3.7.9 (noise insulation and ventilation)

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

See policies 6.2.2.4 – 6.2.2.6, 6.2.3.1 – 6.2.3.13, 6.2.4.1, and 6.2.4.2

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

**7.3.8 The construction, alteration of, or addition to buildings and structures exceeding a gross floor area of 30m<sup>2</sup> within a Hazard (Fault Line) Area is a Discretionary Activity (Restricted) in respect of:**

**7.3.8.1 the location and type of buildings or structures**

*If the proposal does not comply with the standards for buildings and structures in 7.6.2, Rule 7.3.7 applies in addition to this Rule.*

~~Building work covered by Rule 7.3.5 will be assessed against the provisions of the Centres Design Guide. Applications require a Design Statement as required by section 3.2.4.~~

*Non-notification/ service*

~~In respect of Rule 7.3.8 applications do not need to be publicly notified and do not need to be served on affected persons.~~

~~In respect of Rule 7.3.8 applications will not be publicly notified (unless special circumstances exist) or limited notified.~~

**Relevant policies for preparing resource consent applications**

See policies 6.2.8.1 – 6.2.8.2

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

**7.3.9 In the Tawa Hazard (Flooding) Area, the construction of, alteration of, and addition to buildings, including accessory buildings and structures, which are more than 10 metres from the Porirua Stream and its tributaries and which have a floor area above the 1 in 100 year flood event are Discretionary Activities (Restricted) in respect of:**

**7.3.9.1 building and structure floor levels and building floor area.**

**7.3.9.2 building and structure location within the site.**

**7.3.9.3 the displacement of flood waters from the site.**

**7.3.9.4 effects of the proposal on the erosion and flood hazard risks and stream maintenance access.**

*If the proposal does not comply with the standards for buildings and structures in 7.6.2, Rule 7.3.7 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 Chapter 23. Utility Rules' of the District Plan.***

*Non-notification/ service*

~~In respect of Rule 7.3.9 applications do not need to be publicly notified and do not need to be served on affected persons.~~



In respect of Rule 7.3.9 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 policies 6.2.5.1 – 6.2.5.6

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

- 7.3.10 The construction of buildings or structures ~~involving the provision of which provide~~ more than 70 parking spaces is a Discretionary (Restricted) Activity in respect of:**
- 7.3.10.1 the movement of vehicular traffic to and from the site.**
- 7.3.10.2 the impact on the roading network and the hierarchy of roads (see Map 33) from trip patterns, travel demand or vehicle use.**
- 7.3.10.3 the provision and location of facilities for multiple modes of transport.**

*If the activity does not comply with standards for buildings and structures in 7.6.2, Rule 7.3.7 applies in addition to this Rule.*

*Note, any activity that triggers Rule 7.3.10 will require a Transport Assessment to accompany any application for resource consent, as required by section 3.2.2.4 of the District Plan.*

***Non-notification/ service***

In respect of Rule 7.3.10 applications do not need to be publicly notified and do not need to be served on affected persons.

In respect of Rule 7.3.10 applications will not be publicly notified (unless special circumstances exist) or limited notified, except that the New Zealand Transport Agency may be considered to be an affected party to any application that involves a site that fronts a State highway.

**Relevant policies for preparing resource consent applications**

See policies 6.2.5.1 – 6.2.5.6

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

- 7.3.11 The total or partial demolition, or removal of any building constructed prior to 1930 in the Thorndon Character Area is a Discretionary Activity (Restricted) in respect of:**
- 7.3.11.1 the contribution made by the existing building to the streetscape and character of the neighbourhood.**
- 7.3.11.2 the physical condition of the existing building.**

*Note: The total or partial demolition, or removal of any building listed as a heritage building, or within heritage areas is covered in Chapters 20 and 21.*

**7.3.11.3 the heritage and/or architectural significance of the building.**

**7.3.11.4 whether the building can be relocated on the site or to another site in the Thorndon Character Area and the impact that the relocation would have on the heritage significance of the building.**

**7.3.11.5 the extent to which any redevelopment will comply with the Thorndon Character Area Design Guidelines.**

**Relevant policies for preparing resource consent applications**

See policy 6.2.3.1

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

## SIGNS

**7.3.12 Signs that do not meet one or more of the standards specified in section 7.6.3.1, are a Discretionary Activity (Restricted), with discretion restricted to the standard not met.**

*An encroachment licence must be obtained from Council to locate any sign on or in the airspace over Council land, even where the sign is affixed to a building on private property. Similarly, landowner approval should be obtained to erect a sign on or in the airspace over private land.*

***Non-notification/ service***

~~In respect of Rule 7.3.12 applications do not need to be publicly notified and do not need to be served on affected persons.~~

In respect of Rule 7.3.12 applications will not be publicly notified (unless special circumstances exist) or limited notified, except that the New Zealand Transport Agency may be considered to be an affected party to any application that involves a site that fronts a State highway.

**Relevant policies for preparing resource consent applications**

See policies 6.2.6.1 – 6.2.6.6

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

## SUBDIVISION

**7.3.13 Any type of subdivision of land or buildings anywhere within the Churton Park District Centre Concept Plan area is a Discretionary Activity (Restricted) in respect of:**

**7.3.13.1 subdivision design and layout and the provision for future land uses anticipated by the Churton Park District Centre Concept Plan (see Appendix 1A).**

**7.3.13.2 allotment size and location.**

**7.3.13.3 site access.**

**7.3.13.4 pedestrian access.**

**7.3.13.5 stormwater management and effects on water bodies.**

**7.3.13.6 the matters in standards 7.6.4.1.**

provided that all activities, buildings and structures and signs (existing and proposed) comply with the standards specified in section 7.6 relating to vehicle parking, loading, servicing and site access; buildings and structures; ~~and signs;~~ and Churton Park District Centre standards.

The requirement to meet these standards may be waived if resource consent has been sought and granted for those aspects that do not comply, or the building(s) have existing use rights under section 10 of the Resource Management Act. <sup>[PC60]</sup>

*Any subdivision not able to meet the meeting the concept plan requirements of Rule 7.3.13 will default to a non-complying activity.*

#### *Non-notification*

In respect of Rule 7.3.13 and matters of discretion 7.3.13.1 to 7.3.13.6, applications that meet the standards and terms do not need to be publicly notified and do not need to be served on affected persons.

In respect of Rule 7.3.13 applications will not be publicly notified (unless special circumstances exist) or limited notified.

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

See policies 6.2.7.1, 6.2.5.4 – 6.2.5.6, 6.2.8.4 – 6.2.8.5

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

**7.3.14 Any subdivision not being a Permitted or Controlled Activity, except for subdivision within the Churton Park District Centre Concept Plan area, is a Discretionary Activity (Restricted) in respect of:**

**7.3.14.1 roading, access, site servicing and parking**

**7.3.14.2 landscaping**

*Subdivisions that trigger Rule 7.3.13~~4~~ will be assessed against the provisions of the Subdivision Design Guide.*

**7.3.14.3 earthworks*****Non-notification***

~~In respect of Rule 7.3.14, applications that meet the standards and terms do not need to be publicly notified and do not need to be served on affected persons.~~

In respect of Rule 7.3.14 applications will not be publicly notified (unless special circumstances exist) or limited notified.

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

See policies 6.2.3.2, 6.2.5.2, 6.2.5.4 – 6.2.5.6 and 6.2.7.1

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

## 7.4 Discretionary Activities (Unrestricted)

Section 7.4 describes which activities are Discretionary Activities (Unrestricted) in Centres. 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 Acts

### ACTIVITIES

#### 7.4.1 Helicopter landing areas are a Discretionary Activity (Unrestricted).

**Relevant policies for preparing resource consent applications**

See policies 6.2.2.4 – 6.2.2.6

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

#### 7.4.2 Any activities in the Churton Park District Centre that do not comply with the standards in 7.6.1 and 7.6.5 are a Discretionary Activity (Unrestricted).

**Relevant policies for preparing resource consent applications**

See policies 6.2.1.1, 6.2.1.2, 6.2.1.4, 6.2.1.5, 6.2.2.1 – 6.2.2.8, 6.2.3.1 – 6.2.3.9, 6.2.3.13, 6.2.4.1 – 6.2.4.2, 6.2.5.1 – 6.2.5.24, 6.2.5.46 – 6.2.5.68

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

#### 7.4.3 Buildings and structures, including pedestrian bridges, located above the street that exceed 25 percent of the width of the street at any point are Discretionary Activities (Unrestricted).

**Relevant policies for preparing resource consent applications**

See policies 6.2.3.1 and 6.2.3.5

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

#### 7.4.4 In the Tawa Hazard (Flooding) Area, the construction of, alteration of, and addition to, buildings, including accessory buildings, or structures, which are not Permitted Activities or Discretionary Activities (Restricted) are Discretionary Activities (Unrestricted).

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

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

See policies 6.2.8.1, 6.2.8.3 – 6.2.8.5

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

## **7.5 Non-Complying Activities**

Activities that contravene a Rule in the Plan, and which have not been provided for as Permitted, Controlled, 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 Resource Management 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.