

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	•			
Educational Services on Karori Campus	5.1.2B	•		•	
Educational Services on Scots College, Samuel Marsden Collegiate School, Queen Margaret College, St Marks Church School, Basin Reserve	5.1.2C	•		•	
Hotel activities at 20 Kemp Street	5.1.2D	•		•	
Work from home activities not provided for as Permitted Activities	5.3.2			•	
Non-residential activities not specifically provided for as Permitted, Controlled or Discretionary (Restricted) Activities	5.4.1				•
Non-residential activities in existing non-residential buildings that contain a shopfront display window adjacent to the footpath	5.2.1		•		
Early Childhood Centres (up to 30 children)	5.3.3			•	
Temporary activities	5.1.3	•			
Storage, use, etc of hazardous substances, except in a Hazard Area, that comply with standards 5.6.1.6	5.1.4	•			
Storage, use, etc of hazardous substances not provided for as Permitted Activities	5.4.3				•
Upgrade and maintenance of existing formed roads and accessways	5.1.5	•			
The creation of open land for recreation or amenity purposes	5.1.6	•			
Helicopter Landing Areas	5.4.2				•
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	•			
Construction of, alteration of, and addition to, buildings and structures within an Educational Precinct subject to standards 5.6.2	5.1.9	•			
Alterations of, and additions to, and structures within the Oriental Bay Height Area subject to standards 5.6.2	5.1.10	•			
Construction of, alteration of, and addition to, buildings and structures within the Oriental Bay Height Area that are not Permitted Activities	5.3.8			•	
Internal alterations, minor additions to existing residential buildings and new accessory buildings in the Tawa Hazard (Flooding) Area	5.1.11	•			
Construction, alteration of, and addition to residential buildings, including accessory buildings that are not a Permitted or Controlled Activity in the Tawa Hazard (Flooding) Area	5.3.10			•	

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

5.1 Permitted Activities

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

ACTIVITIES

- 5.1.1 Residential activities are Permitted Activities provided that they comply with the standards specified in section 5.6.1 (activities),**
- except:**
- In the areas denoted as (B) and (C) on the map contained in Appendix 18, Tapu Te Ranga Land, 16-50 Rhine Street, Island Bay (see Rule 5.4.6)
- 5.1.2 Work from home activities are Permitted Activities providing that they comply with the standards specified in section 5.6.1 (activities),**
- except:**
- In the areas denoted as (B) and (C) on the map contained in Appendix 18, Tapu Te Ranga Land, 16-50 Rhine Street, Island Bay (see Rule 5.4.6)
- 5.1.2.A Church and church related activities, and office activities are Permitted Activities on the site at 21 Hania St (Lot 1 DP 77128), provided they comply with the standards specified in 5.6.1,**
- 5.1.2.B Educational services are Permitted Activities on the Karori Education Campus site (shown as Educational Precinct on planning Map 11) provided they comply with standards 5.6.1.1 (noise), 5.6.1.2 (fixed plant noise), 5.6.1.3 (vehicle parking) and 5.6.1.4 (site access),**
- 5.1.2.C Education activities are Permitted Activities on the following sites (identified as Educational Precincts on the planning maps):**
- Scots College, Miramar
 - Samuel Marsden Collegiate School, Karori
 - Queen Margaret College, Thorndon
 - St Marks Church School, Basin Reserve
- provided they comply with standards 5.6.1.1 (noise), 5.6.1.2 (fixed plant noise), 5.6.1.3 (vehicle parking) and 5.6.1.4 (site access),**
- 5.1.2.D Hotel activities are Permitted Activities on the site at 20 Kemp Street (Sec 108 Evans Bay District), provided they comply with the standards specified in 5.6.1,**
- 5.1.3 Temporary activities and uses are Permitted Activities provided they comply with the standards specified in section 5.6.1 (activities).**
- 5.1.4 The storage, use or handling of hazardous substances are Permitted Activities provided that they comply with the standards specified in section 5.6.1.6,**
- 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 within an Educational Precinct (see Rule 5.1.9)
 - works within the Oriental Bay Height Area (see Rule 5.1.10)
 - works within the Tawa Hazard (Flooding) Area (see Rule 5.1.11)
 - the construction, alteration of, and addition to residential buildings, accessory buildings and residential structures in the Thorndon Character Area and Mount Victoria North Residential Character Area (see Rule 5.3.5)
 - multi-unit developments (see Rule 5.3.7)
 - any development that involves the removal or demolition of a building (excluding accessory buildings) constructed prior to 1930 in the Inner Residential Areas shown in Appendix 1 (see Rule 5.3.6)
 - any works that involve the removal or demolition of architectural features from the primary elevation of a building (excluding accessory buildings) constructed prior to 1930 in the Inner Residential Areas shown in Appendix 1 (see Rule 5.3.6)
 - accessory buildings and residential structures on a legal road (see 5.3.9)
 - any development that will result in two household units on a site inside the Airnoise boundary depicted on Map 35 (see rule 5.3.10B)
 - any development that will result in three or more household units on a site inside the Airnoise boundary depicted on Map 35 (see rule 5.4.4)
 - any development that will result in two or more household units on a site inside the Hazard (Fault Line) Area (see Rule 5.4.5)
 - in the areas denoted (B) and (C) on the map contained in Appendix 18, Tapu Te Ranga Land, 16-50 Rhine Street, Island Bay (see Rule 5.4.6)
- 5.1.8** The alteration of, and addition to, existing residential buildings that do not comply with one or more of the following standards:

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

For any works in the Thorndon and Mount Victoria North Residential Character Areas (see Rule 5.3.5)

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

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

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

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

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

For schedule of listed heritage items, refer to Chapter 21.0

- the removal or demolition of any building or structure listed in the District Plan as a heritage item, or which is located in a listed heritage area (see Chapter 21)
 - the removal or demolition of any building (excluding accessory buildings) constructed prior to 1930, in the Inner Residential Areas and Holloway Road (Outer Residential Area) shown in Appendix 1 (see Rule 5.3.6)
 - the removal or demolition of architectural features from the primary elevation of a building (excluding accessory buildings) constructed prior to 1930 in the Inner Residential Areas and Holloway Road (Outer Residential Area) shown in Appendix 1 (see Rule 5.3.6)
- 5.1.12A** Within the land shown in Appendix 20 (11A Huntleigh Park Way, 79 and 83 Heke Street, 19 and 21 Thatcher Crescent, Ngaio):
- Any existing use or activity, and any future residential use or activity approved pursuant to Rules 5.2.4 and 5.3.14 and Appendix 20, including the alteration of, and addition to existing buildings or structures, is a permitted activity, provided it complies with the following conditions:
- 5.1.12A.1** Compliance with Outer Residential Area Rules 5.1.1, 5.1.2, 5.1.3, 5.1.13, and 5.1.4
- 5.1.12A.2** Compliance with Outer Residential Area permitted activity conditions 5.6.2.2, 5.6.2.4, 5.6.2.5, 5.6.2.8, and 5.6.2.10.
- 5.1.12A.3** No earthworks shall extend beyond the area already developed for residential purposes at the date of 8 September 2007. This 'area' shall include land occupied by the existing dwellings, driveways, paths, lawns, and outdoor areas associated with the dwelling.
- 5.1.12A.4** Earthworks associated with the areas already developed for residential purposes and any future residential use or activity approved pursuant to Rules 5.2.4 and 5.3.14 shall comply with the following conditions:
- (a) (i) The cut height or fill depth does not exceed 1.5m measured vertically; and
- (ii) The cut or fill is not on an existing slope angle exceeding 34 degrees; and
- (iii) The distance between any site boundary; building or structure (above or below ground); and the nearest cut or fill must be at least the same distance as the height of the cut or depth of the fill (measured on a horizontal plane); and
- (iv) The area to be cut or filled does not exceed 250m²
- OR**
- (b) (i) The cut height or fill depth does not exceed 2.5m measured vertically; and
- (ii) The cut or fill is retained by a structure authorised by a building consent (which must be obtained prior to any earthworks commencing); and
- (iii) The area to be cut and/or filled does not exceed 250m².
- Note:**
- Any minor building works such as the enclosing of an outdoor area associated with a dwelling is a permitted activity provided it complies with the bulk and location requirement under 5.6.1.*
- 5.1.12A.5** The activity does not involve modification, damage, removal or destruction of indigenous vegetation of more than 100m² of indigenous vegetation at

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

any time after 8 September 2007. This shall not apply to:

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

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

SIGNS

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

SUBDIVISION

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

5.2 Controlled Activities

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

ACTIVITIES

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

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

5.2.1.1 the design and external appearance of buildings

5.2.1.2 the effects of the generation of noise, dust, glare, vibration, fumes, smoke, electromagnetic radiation, odours or the discharge of contaminants

5.2.1.3 hours of operation

5.2.1.4 vehicle parking

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

Non-notification

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

Relevant policies for preparing resource consent applications

See policies 4.2.7.2, 4.2.7.3, 4.2.7.4, 4.2.7.5.

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

SUBDIVISION

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

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

application for resource consent that is to be assessed against the Residential Design Guide.

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

is a Controlled Activity in respect of:

- 5.2.2.1 site design, frontage and area
- 5.2.2.2 standard, construction and location of vehicular access, and parking
- 5.2.2.3 road design and construction
- 5.2.2.4 landscaping
- 5.2.2.5 utility and/or services provision
- 5.2.2.6 protection of any special amenity feature.

provided that all activities, buildings and structures (existing and proposed) must meet the conditions for subdivision (5.6.4.1-5.6.4.10) in relation to all existing and proposed fee simple allotments, or meet the terms of any relevant resource consent, or have existing use rights under section 10 of the Act. In terms of standard 5.6.4.4, applications must either meet the vehicular access and parking standards, or demonstrate an ability to meet those standards.

Non-notification

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

Relevant policies for preparing resource consent applications

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

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

- 5.2.3 Any subdivision which is a company lease, cross lease or unit title subdivision is a Controlled Activity in respect of:
 - 5.2.3.1 stormwater, sewerage and water services
 - 5.2.3.2 the allocation of accessory units to principal units and the allocation of covenant areas to leased areas to ensure compliance with standard 5.6.1.3 (vehicle parking) and to ensure practical physical access to every household unit.

provided that all activities, buildings and structures (existing and proposed) must meet the conditions for subdivision (5.6.4.1-5.6.4.10) in relation to all existing and proposed fee simple allotments or meet the terms of any relevant resource consent or have existing use rights under section 10 of the Act, or in the case of unit title subdivision, concurrently seek and obtain landuse consent for the building or buildings to be subdivided, or if landuse consent for the building or buildings has already been granted. In terms of standard 5.6.4.4, applications must either meet the vehicular access and parking standards, or demonstrate an ability to meet those standards.

Non-notification

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

Relevant policies for preparing resource consent applications

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

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

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

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

5.2.4.1 Indigenous vegetation protection and management

5.2.4.2 Earthworks and retaining walls

5.2.4.3 Driveway construction

5.2.4.4 Service connections

Non-notification

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

Standards and Terms

5.2.4.5 The new household unit accessory buildings and residential structures shall be contained within an area not exceeding 250m² (excluding driveways).

5.2.4.6 An *Earthworks Management Plan* shall be provided in respect of any proposed subdivision or development. The plan shall detail sediment control, erosion protection and construction management. The information must be consistent with the principles and guidelines in the Greater Wellington Regional Council's Small Earthworks, Erosion and Sediment Control for Small Sites (June 2006) and Greater Wellington's Erosion Control and Sediment Control guidelines (reprinted 2003).

5.2.4.7 Construction of connections to public sewer, water and stormwater beyond the 250m² specified in Standard and Term 5.2.4.4 shall be limited to the use of hand held tools and hand held machinery.

5.2.4.8 Compliance with Outer Residential Area Rules 5.1.1, 5.1.2, 5.1.3, 5.1.13 and 5.1.4

5.2.4.9 Compliance with Outer Residential Area permitted activity conditions 5.6.2.2, 5.6.2.4, 5.6.2.5, 5.6.2.8, 5.6.2.10.

For the avoidance of doubt, residential dwellings, accessory buildings, residential structures, earthworks, indigenous vegetation clearance and subdivision involving the creation of separate

allotment/s on land to the west of the Vegetation Protection Boundary (VPB) is not provided for by this rule, and will be assessed as a non-complying activity.

Explanation

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

In order to allow reasonable residential use of the land on the eastern side of the VPB one dwelling (and associated subdivision, earthworks and vegetation removal) can be undertaken as a controlled activity subject to compliance with standards and terms relating to no more than 250m² per residential building site, and the development and implementation of an earthworks management plan. Provisions also encourage the protection of as much indigenous vegetation as possible, and compliance with the relevant residential bulk and location rules and permitted activity conditions.

One further household unit (two in total) may be developed east of the 'Vegetation Protection Boundary' on 11A Huntleigh Park Way in accordance with Discretionary Activity (Restricted) Rule 5.3.13.J^{PC61}

5.3 Discretionary Activities (Restricted)

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

ACTIVITIES

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

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

5.3.1.1 fixed plant noise (standard 5.6.1.2)

5.3.1.2 vehicle parking (standard 5.6.1.3)

5.3.1.3 site access (standard 5.6.1.4)

subject to compliance with the following condition:

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

Non-notification

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

Relevant policies for preparing resource consent applications

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

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

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

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

5.3.2.1 noise (standard 5.6.1.1)

5.3.2.2 fixed plant noise (standard 5.6.1.2)

5.3.2.3 vehicle parking (standard 5.6.1.3)

5.3.2.4 site access (standard 5.6.1.4)

5.3.2.5	the floor area of buildings to be used (standard 5.6.1.5)
5.3.2.6	external storage (standard 5.6.1.5)
5.3.2.7	the generation of any dust nuisance (standard 5.6.1.5)
5.3.2.8	vehicle parking, trucks and other heavy vehicles (standard 5.6.1.5)
subject to compliance with the following conditions:	
5.3.2.9	noise emission levels under standards 5.6.1.1 (noise) and 5.6.1.2 (fixed plant noise) shall not be exceeded by more than 5 decibels. This condition does not apply to temporary activity noise.
5.3.2.10	no more than one half of the gross floor area of buildings on site shall be used for work from home activities

Non-notification

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

Relevant policies for preparing resource consent applications

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

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

5.3.3	Early childhood education centres catering for up to 30 children (including the construction, alterations of or addition to buildings associated with early childhood education centres), are Discretionary Activities (Restricted) in respect of:
5.3.3.1	site layout and landscaping
5.3.3.2	townscape character
5.3.3.3	vehicle parking
5.3.3.4	site access
5.3.3.5	noise insulation (for sites within the Airport Air Noise Boundary shown on Map 35 or the Port Noise Affected Area shown on Map 55)
5.3.3.6	noise mitigation measures

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

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

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

Relevant policies for preparing resource consent applications

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

Note that this is an indicative list of relevant policies; applicants should check all policies for

relevance to a particular consent application.

BUILDINGS AND STRUCTURES

- 5.3.4** The construction, alteration of, and addition to residential buildings, accessory buildings and residential structures which would be Permitted, Controlled or Discretionary (Restricted) Activities but which do not comply with one or more of the standards outlined in section 5.6.2 (Buildings and Structures) are Discretionary Activities (Restricted). Unless otherwise noted below, discretion is limited to the effects generated by the standard(s) not met:
- 5.3.4.1** minimum site dimension (standard 5.6.2.1), discretion is limited to the effect of reduced site area on:
- the efficient use of land
 - townscape character
- 5.3.4.2** yards (standard 5.6.2.2)
- 5.3.4.3** ground level open space (standard 5.6.2.3)
- 5.3.4.4** site coverage (standard 5.6.2.4)
- 5.3.4.5** maximum height (standards 5.6.2.5, 5.6.2.6, and 5.6.2.7) and additions and alterations to buildings with an existing non-compliance (standard 5.6.2.9), discretion is limited to the effect of building height on:
- the amenity values of adjoining properties
 - the character of the surrounding neighbourhood, including the form and scale of neighbouring buildings
 - the visual character of the coastal escarpment (for any site in the Residential Coastal Edge)
- 5.3.4.6** maximum height of an accessory building in the Inner Residential Area (standard 5.6.2.5.4), discretion is limited to the effect of the building on:
- the character of the surrounding neighbourhood, including the form and scale of neighbouring buildings
- 5.3.4.7** building recession plane (standard 5.6.2.8)
- 5.3.4.8** maximum fence height (standard 5.6.2.10)
- 5.3.4.9** buildings in the Hazard (Fault Line) Area (standard 5.6.2.11), discretion is limited to:
- building height
 - construction type
- 5.3.4.10** proximity to High Voltage Transmission Lines (standard 5.6.2.12), discretion is limited to:
- the separation distance between the building or structure and the transmission lines
 - the impact of the proposed works on the ongoing operation, maintenance and upgrading of the national grid
- 5.3.4.11** fixed plant noise (standard 5.6.2.13)
- 5.3.4.12** noise insulation – Airport Area (standard 5.6.2.14)

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

5.3.4.13 noise insulation – Port Noise Affected Area (standard 5.6.2.15)

subject to compliance with the following conditions:

- 5.3.4.14** the standard for site coverage must not be exceeded by more than 20% in the Inner Residential Area, Medium Density Residential Areas, Roseneath (OR 3) and Mitchelltown (OR 4).
- 5.3.4.15** total site coverage (including uncovered decks over 1 metre in height) must not exceed 42% in the remainder of the Outer Residential Area
- 5.3.4.16** the maximum building height stated in standard 5.6.2.5 (except for Medium Density Residential Areas) must not be exceeded by more than 20%
- 5.3.4.17** the maximum building height stated in standard 5.6.2.5 must not be exceeded by more than 30% in Medium Density Residential Areas
- 5.3.4.18** in the Oriental Bay Height Area (shown in Appendix 4) the maximum building height shall not be exceeded, except for the property at 20A Oriental Terrace where the maximum height must not be exceeded by more than 20%
- 5.3.4.19** the building recession planes stated in standard 5.6.2.8 must not be exceeded by more than 3 metres measured vertically (the maximum of 3 metres cannot be increased by the gable end roof allowance)
- 5.3.4.20** noise emission levels under standard 5.6.2.13 (fixed plant noise) shall not be exceeded by more than 5 decibels.

Non-notification

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

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

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

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

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

Relevant policies for preparing resource consent applications

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

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

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

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

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

Note, section 3.2.4 requires a Design Statement to accompany any application for resource consent that is to be assessed against the Residential Design Guide, the Thorndon Character Area Design Guide or the Mt Victoria North Design Guide, as relevant to the proposal.

5.3.5.2 provision of parking and site access

Non-notification

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

Relevant policies for preparing resource consent applications

See policies 4.2.1.6, 4.2.2.1, 4.2.3.1 and 4.2.12.4.

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

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

If the proposal does not comply with the standards for buildings and structures in 5.6.2 then Rule 4,5.3.4 applies in addition to this rule.

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

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

5.3.6.2 the physical condition of the existing building

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

Relevant policies for preparing resource consent applications

See policies 4.2.1.6, 4.2.2.1, 4.2.3.1.

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

Multi-unit Developments

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

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

- 5.3.7.1** design (including building bulk, height, and scale), external appearance, and siting (including landscaping, parking areas, vehicle manoeuvring and site access)
- 5.3.7.2** provision of parking and site access
- 5.3.7.3** the efficient use of land on any site within a Medium Density Residential Area
- 5.3.7.4** traffic effects
- 5.3.7.5** the visual character of the coastal escarpment on any site in the Residential Coastal Edge

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)

Non-notification

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

- any application for multi-unit development located outside of an identified Medium Density Residential Area, where the height of any proposed building or structure exceeds 4.5m (or 6m on a building site that has a slope of more than 3:1 (approximately 15°)); and
- any application involving item 5.3.7.2 (provision of parking and site access), where the New Zealand Transport Agency must be notified if it is considered to be an affected party to an application.

Relevant policies for preparing resource consent applications

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

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

- 5.3.8** The construction or alteration of, and addition to, buildings and structures within the Oriental Bay Height Area (as shown in Appendix 4) that are not Permitted Activities, are Discretionary Activities (Restricted) in respect of:
- 5.3.8.1** design (including building bulk, height, and scale), external appearance and siting.

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.

Non-notification

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

Relevant policies for preparing resource consent applications

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

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

5.3.9	Accessory buildings and residential structures, including fences and walls, on a legal road are Discretionary Activities (Restricted) in respect of:
5.3.9.1	design (including building bulk, height, and scale), external appearance and siting
5.3.9.2	amenity protection
5.3.9.3	the visual character of the coastal escarpment (on any site in the Residential Coastal Edge)
5.3.9.4	safety.

Non-notification

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

Relevant policies for preparing resource consent applications

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

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

5.3.10	In the Tawa Hazard (Flooding) Area, the construction, alteration of, and addition to buildings, including accessory buildings, that is not a Permitted Activity, is a Discretionary Activity (Restricted) in respect of:
5.3.10.1	building floor level
5.3.10.2	building location within the site
5.3.10.3	building floor area.
5.3.10.4	effects of the proposal on the erosion and flood hazard risks, and stream maintenance.

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

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

Relevant policies for preparing resource consent applications

See policy 4.2.10.3.

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

5.3.10A	The construction or alteration of, and addition to, buildings and structures within an Educational Precinct (as shown on the planning maps) that are not Permitted Activities, are Discretionary Activities (Restricted) in respect
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	of:
5.3.10A.1	design (including building bulk, height and scale), external appearance and siting
5.3.10A.2	site landscaping
5.3.10A.3	historic heritage
5.3.10A.4	parking and site access, and the movement of vehicular traffic to and from the site
5.3.10A.5	noise
5.3.10A.6	impact on the amenity of adjoining properties

Non-notification

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

Relevant policies for preparing resource consent applications

See policies 4.2.3.1, 4.2.4.1, 4.2.7.3 and 4.2.7.6A .

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

5.3.10B	The construction, alteration of, and addition to residential buildings, accessory buildings and residential structures where the result will be two household units on a site within the Airnoise boundary depicted on Map 35 is a Discretionary Activity (Restricted) in respect of:
5.3.10B.1	the level of exposure of the site to permitted airport related noise
5.3.10B.2	any special characteristics of the site, and the design and materials of the building(s) or structure(s) that influence the level of permitted airport related noise received
5.3.10B.3	the health and amenity of occupiers of the new, altered or added to building(s) and/or structures(s)
5.3.10B.4	the potential for reverse sensitivity effects on permitted airport activities

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

Non-notification

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

Relevant policies for preparing resource consent applications

See policies 4.2.7.2 and 10.2.5.4

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

SIGNS

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

5.3.11.2	the number of signs
5.3.11.3	illumination or the method of illumination
5.3.11.4	sign display
5.3.11.5	impact on the amenity of the surrounding neighbourhood
5.3.11.6	impact on traffic safety
Subject to compliance with the following conditions	
5.3.11.7	For permanent signs on residential sites and buildings, sign area shall not exceed 1.5m²
5.3.11.8	For permanent signs on non residential sites and buildings the maximum combined sign area shall not exceed 10m².

Non-notification

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

Relevant policies for preparing resource consent applications

See policy 4.2.14.1.

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

SUBDIVISION

5.3.12	Any subdivision that is not a Permitted or Controlled Activity and which creates five or less allotments, except those that:
	<ul style="list-style-type: none"> · 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, and parking
5.3.12.4	road design and construction
5.3.12.5	landscaping
5.3.12.6	utility and/or services provision

5.3.12.7 protection of any special amenity feature

5.3.12.8 earthworks

provided that all lots containing existing buildings and structures, all activities, buildings and structures must meet the standards for subdivision in 5.6.4 (except 5.6.4.4, 5.6.4.5 and 5.6.4.11) in relation to all existing and proposed fee simple allotments or meet the terms of any relevant resource consent or have existing use rights under section 10 of the Act.

For all other lots the application must show that the proposed development meets, or that the allotments are capable of meeting, standards for subdivision in 5.6.4 (except 5.6.4.4, 5.6.4.5 and 5.6.4.11).

Non-notification

In respect of rule 5.3.12 applications will not be publicly notified (unless special circumstances exist) or limited notified, except where the application involves a lot less than 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, 4.2.3.7, 4.2.5.1, 4.2.5.2, 4.2.6.1, 4.2.6.2, and 4.2.6.3 4.2.6.4 and 4.2.8.3.

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

5.3.13 Any subdivision that creates five or less allotments inside the Airnoise boundary depicted on Map 35 is a Discretionary (Restricted) Activity in respect of:

5.3.13.1 the level of exposure of the site to permitted airport related noise

5.3.13.2 any special characteristics of the site that influence the level of permitted airport related noise received

5.3.13.3 the health and amenity of potential occupiers of the new allotments

5.3.13.4 the potential for reverse sensitivity effects on permitted airport activities

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

Non-notification

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

Relevant policies for preparing resource consent applications

See policies 4.2.7.2 and 10.2.5.4

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

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

5.3.14.1 Indigenous vegetation protection and management

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

5.3.14.2	earthworks and retaining walls
5.3.14.3	standard construction and location of vehicular access
5.3.14.4	vehicular access design and construction
5.3.14.5	utility and services provision and connection
5.3.14.6	site design frontage and area
5.3.14.7	lot size
5.3.14.8	Configuration of new allotments

Non-notification

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

Standards and Terms

- 5.3.14.9 The new household unit, accessory buildings and residential structures shall be contained within an area not exceeding 250m² (excluding driveways).
- 5.3.14.10 An Earthworks Management Plan shall be provided in respect of any proposed subdivision or building development. The plan shall detail sediment control, erosion protection and construction management. The information must be consistent with the principles and guidelines in the Greater Wellington Regional Council's Small Earthworks, Erosion and Sediment Control for Small Sites (June 2006) and Greater Wellington's Erosion Control and Sediment Control guidelines (reprinted 2003)
- 5.3.14.11 Construction of connections to public sewer, water and stormwater beyond the 250m² specified in Standard and Term 5.3.14.9 shall be limited to the use hand held tools and hand held machinery.
- 5.3.14.12 Compliance with Outer Residential Area Rules 5.1.1, 5.1.2, 5.1.3, 5.1.13 and 5.1.4.
- 5.3.14.13 Compliance with Outer Residential Area Permitted Activity Conditions 5.6.2.2, 5.6.2.4, 5.6.2.5, 5.6.2.8 and 5.6.2.10.

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

Explanation

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

Rule 5.3.14 allows subdivision and a second residential dwelling on the eastern side of 11A Huntleigh Park Way as a Discretionary Activity (Restricted). Rule 5.3.14 also enables subdivision and a further (second) dwelling on 79 and 83 Heke Street, and 19 and 21 Thatcher Crescent provided they are on the eastern side of the VPB, the building platform does not exceed 250m², and development is undertaken in accordance with an earthworks management plan, and complies with relevant bulk and location rules and permitted activity conditions. Provisions also ensure the retention of as much indigenous vegetation as possible, and compliance with the Residential Design Guide and relevant residential bulk and location rules and permitted activity conditions.

There are no earthworks or vegetation clearance restrictions on the creation of driveways or connection to services outside of the 250m² future development sites, however the standards and terms and assessment criteria enable careful consideration of these matters as part of the resource consent process.]^{PC61}

5.4 Discretionary Activities (Unrestricted)

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

ACTIVITIES

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

Relevant policies for preparing resource consent applications

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

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

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

Relevant policies for preparing resource consent applications

See policy 4.2.7.2.

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

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

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

Subject to compliance with the following conditions:

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

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

Relevant policies for preparing resource consent applications

See policies 4.2.11.1, 4.2.11.2, 4.2.11.3 and 4.2.11.4

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

BUILDINGS AND STRUCTURES

5.4.4 The construction of residential buildings, accessory buildings and residential structures, where the result will be three or more household units on any site inside the airnoise boundary depicted on Map 35, is a Discretionary Activity (Unrestricted).

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

Relevant policies for preparing resource consent applications

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

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

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

Relevant policies for preparing resource consent applications

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

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

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

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

Relevant policies for preparing resource consent applications

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

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

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

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

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

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

Relevant policies for preparing resource consent applications

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

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

SUBDIVISION

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

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

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

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

Relevant policies for preparing resource consent applications

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

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

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

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

Notification

Any resource consent application must be publicly notified

Relevant policies for preparing resource consent applications

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

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

5.5 Non-Complying Activities

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