

## Chapter 15. Rural 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
Rural and residential activities subject to conditions	15.1.1	•			
Rural and residential activities not complying with conditions for Permitted Activities	15.3.1			•	
Work from home subject to conditions	15.1.2	•			
Work from home not complying with conditions for Permitted Activities	15.3.2			•	
Non-rural activities, buildings and structures and factory farming not provided for as a Permitted or Controlled Activities	15.4.1				•
Temporary activities	15.1.6	•			
Road repair, maintenance, upgrading	15.1.7	•			
Cleanfills less than 100m3	15.1.8	•			
Hazardous substances storage, use, handling (except in a Hazard Area) subject to conditions	15.1.11	•			
Hazardous substances not complying with conditions for Permitted Activities	15.4.3				•
Goat Farming	15.2.1		•		
<b>Buildings</b>	<b>Rule</b>	<b>P</b>	<b>C</b>	<b>DR</b>	<b>DU</b>
Residential buildings except on ridgelines or hilltops subject to conditions	15.1.3	•			
Accessory buildings except on ridgelines or hilltops subject to conditions	15.1.4	•			
Structures on ridgelines and hilltops	15.4.2				•
Demolition or removal of buildings (except listed heritage items)	15.1.5	•			
Residential buildings and accessory buildings not complying with conditions for Permitted Activities	15.3.3			•	
Residential buildings in a Hazard (Fault Line) Area not complying with conditions for Permitted Activities	15.3.5			•	
Residential buildings near high voltage transmission lines	15.3.6			•	
Signs subject to conditions	15.1.9	•			
Signs not complying with conditions for Permitted Activities	15.3.4			•	
<b>Subdivision</b>	<b>Rule</b>	<b>P</b>	<b>C</b>	<b>DR</b>	<b>DU</b>
Any subdivision	15.4.5				•
<b>Heritage</b>	<b>Rule</b>	<b>P</b>	<b>C</b>	<b>DR</b>	<b>DU</b>
Activities affecting listed 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	•	•	•	•
<b>Earthworks</b>	<b>Rule</b>	<b>P</b>	<b>C</b>	<b>DR</b>	<b>DU</b>
Earthworks	30.0	•		•	•
<b>Contaminated and Potentially Contaminated Land</b>	<b>Rule</b>	<b>P</b>	<b>C</b>	<b>DR</b>	<b>DU</b>
Investigations on any contaminated land or potentially contaminated land to determine whether the land is contaminated, and the nature and extent of that contamination	32.1.1	•			
The use, development or subdivision of any potentially contaminated land that has been confirmed as not being contaminated through investigations	32.1.2	•			
The remediation, use, development and subdivision of any contaminated or potentially contaminated land.	32.2.1			• PC33	

### Schedule of Appendices

Number	Appendix
1	Noise
2	Rural Area with a 1 Hectare Minimum Allotment Size on Subdivision (Takapu Valley)
3	Woodridge Estate (Newlands)

## 15 RURAL AREA RULES

[The following rules apply in the Rural Area. Rules for Earthworks (Chapter 30), Contaminated Land (Chapter 32) and Heritage (Chapter 21) may also apply.

- The sign rules in Chapter 21D apply for all signs on sites where a listed heritage building or object is located (except for individual sites on which listed heritage buildings or objects are located that are also separate heritage areas).
- The subdivision rules in Chapter 21A apply for any subdivision of a site on which a listed heritage building or object is located.
- The subdivision rules in Chapter 21B apply for any subdivision of a site in a listed Heritage Area. ] PC43

### 15.1 Permitted Activities

The following activities are permitted in Rural Areas providing that they comply with any specified conditions and the payment of any financial contributions (refer to Rule 3.4).

**15.1.1** Rural activities (excluding factory farming in buildings with a total floor area of more than 50m<sup>2</sup> and excluding all factory farming of pigs and goat farming) and residential activities are permitted provided they comply with the following conditions:

#### 15.1.1.1 Noise

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

7.00am to 7.00pm	55dB L <sub>Aeq</sub> (15min)
7.00pm to 7.00am	45dB L <sub>Aeq</sub> (15min);and
7.00pm to 7.00am	75dB L <sub>AFmax</sub> .

15.1.1.1.2 Noise emission levels resulting from noise associated with power generation, heating, ventilating or air conditioning systems, or water or sewage pumping/treatment systems or other similar domestic installations when measured at or within any conceptual boundary of a residential building, other than the site from which the noise is generated, shall not exceed:

Monday to Saturday 7am to 8pm	45dB L <sub>Aeq</sub> (15min)
All days 8pm to 7am	60dB L <sub>AFmax</sub>
At all other times	35dB L <sub>Aeq</sub> (15min)

15.1.1.1.3 Any activity occurring within the Rural Area when measured from any land or premises outside that area must comply with the noise levels stated in Appendix 1.

*This Rule applies to those sources that are readily controlled by such noise performance standards. Other day to day rural and residential activities can be more effectively controlled using the excessive noise provisions of the Resource Management Act.*

*Noise limits on rural land, including measurements from conceptual boundaries, are designed to protect people from uncharacteristic noise that causes a nuisance. Rural land in Wellington experiences typically low background sound levels and limits are set against these. Noise measurements from conceptual boundaries are also used to minimise restrictions on noise where residential buildings on neighbouring properties are located some distance from site boundaries.*

#### 15.1.1.2 Discharge of contaminants

*The discharge of contaminants to land, air or water is a Regional Council responsibility and activities causing discharges may need to obtain a relevant consent from the Regional Council. However, every person has a general duty under Section 17 of the Act to avoid, remedy or mitigate the adverse effects of activities. Where adverse effects are generated the Council will use its enforcement powers as appropriate to protect the environment.*

#### [15.1.1.3 Site Access and Parking

15.1.1.3.1 The minimum distance of any vehicular access to an intersection shall be 20 metres, measured in accordance with the diagram in Appendix 1A.

15.1.1.3.2 As shown in Appendix 1A the minimum sight distances from any vehicle crossing shall be:

50km/hr speed limit 40 metres  
 60km/hr speed limit 65 metres  
 70km/hr speed limit 85 metres  
 80km/hr speed limit 115 metres  
 100km/hr speed limit 170 metres

15.1.1.3.3 For all allotments under 1200m<sup>2</sup> in the Makara Village and Makara Beach as identified in Appendix 8 settlements, rules 5.6.1.3 and 5.6.1.4 for site access and parking in the Outer Residential Area shall apply. ] PC33

- 15.1.2** Work-from-home activities are Permitted Activities provided that they comply with the following conditions:
- 15.1.2.1 The site must be occupied by a residential building.
- 15.1.2.2 Not more than one third the total gross floor area of residential buildings on the site may be used for work-from-home activities.
- 15.1.2.3 No more than three persons may work on the site at any one time.
- 15.1.2.4 The residential character and appearance of the dwelling must be maintained.
- 15.1.2.5 Activities must not create a dust nuisance. A dust nuisance will occur if:
- there is visible evidence of suspended solids in the air across a site boundary; or
  - there is visible evidence of suspended solids traceable from a dust source settling on the ground or structure on a neighbouring site, or water.
- 15.1.2.6 Any external storage must be screened so as not to be visible from outside the site.
- 15.1.2.7 On allotments under 1200m<sup>2</sup> no work-from-home activity is permitted which generates trucks or other heavy vehicles to the site or which would require such vehicles to park on site or in nearby streets.
- 15.1.2.8 Any parking associated with a work-from-home activity must not be on a public road.
- 15.1.2.9 No retailing shall be conducted on the site.
- 15.1.2.10 All activities that cause discharges to air, land or water must obtain and keep in a current state the necessary discharge consents, and must comply with the relevant conditions of consent.
- 15.1.2.11 Activities must not create noise emission levels that exceed the limits in Rule 15.1.1.1 Noise.

*[Provision is made for small business to operate from home, with strict controls to ensure that the amenities of the rural area are maintained.] PC33*

- 15.1.3** The construction, alteration of, or addition to, residential buildings, accessory buildings (associated with a residential activity) and residential structures on allotments under 1200m<sup>2</sup> in Makara Village and Makara Beach settlements as identified in Appendix 8, are Permitted Activities provided they comply with the following conditions:
- 15.1.3.1 No. of Household Units:
- A maximum of one household unit is permitted per allotment.
- 15.1.3.2 Bulk and location and maximum fence height:
- Standards 5.6.2.2 to 5.6.2.10 for the construction, alteration of, or addition to, residential buildings, accessory buildings and residential structures in the Outer Residential Area apply.
- 15.1.3.3 Residential buildings (including alterations and additions) within a Hazard (Fault Line) Area:
- must not exceed a maximum height of 8m
  - shall be built with a light roof and light wall cladding
- 15.1.3.4 Residential buildings (including alterations and additions) within a Hazard (Flooding) Area:
- must not be sited so as to impede the flow of flood waters
  - the floor level must be constructed above the current flood hazard level identified by Council.
- 15.1.3.5 Septic Tank Location:
- Septic tanks (including the outer edge of the associated drainage field) shall be located no closer than 20 metres to a waterbody or the coastal marine area, or no closer than 5 metres from a property boundary other than a road boundary. <sup>1</sup>

<sup>1</sup> Agreed by Consent Order with Wellington Regional Council.

<sup>2</sup> Agreed by Consent Order with Tawa Development

*For houses at Makara Village and Makara Beach, on existing allotments under 1200m<sup>2</sup>, the rules for the Outer Residential Area apply. It is considered that the application of these controls will enable the reasonable development of these sites while ensuring that the amenity values in these more intensively developed rural areas are maintained. Controls have also been imposed to avoid remedy and mitigate natural or technological hazards to protect people and the environment.*

**[15.1.3a** Alteration of, or addition to residential buildings, and the construction, alteration of, or addition to accessory buildings (associated with a residential activity) and residential structures, except:

- on allotments under 1200m<sup>2</sup> in Makara Village and Makara Beach settlements as identified in Appendix 8.
- within identified ridgelines and hilltops

are Permitted Activities provided they comply with the following conditions:

- 15.1.3a.1 No of Household Units:

- A maximum of one household unit is permitted per allotment.
- 15.1.3a.2 Yards:  
All yards must be a minimum of 6 metres except for fences which may be constructed in a yard.
- 15.1.3a.3 Maximum Height:  
The maximum height is 5m, or the height of the existing buildings, whichever is the greater, up to a maximum of 8m.
- 15.1.3a.4 The combined gross floor area of all residential buildings and residential accessory buildings on the site shall not exceed 400m<sup>2</sup> in area.
- 15.1.3a.5 Alterations and additions to residential buildings within a Hazard (Fault Line) Area shall be built with a light roof and light wall cladding.
- 15.1.3a.6 Alterations and additions to residential buildings within a Hazard (Flooding) Area:
- must not be sited so as to impede the flow of flood waters
  - the floor level must be constructed above the current flood hazard level identified by Council.
- 15.1.3a.7 Septic Tank Location:  
If on site sewerage disposal is by septic tank, septic tanks (including the outer edge of the associated drainage field) shall be located no closer than 20 metres to a waterbody or the coastal marine area, or no closer than 5 metres to a property boundary other than a road boundary.
- 15.1.3a.8 Proximity to High Voltage Transmission Lines  
Any alterations and additions to residential buildings shall be further than 40 metres from high voltage transmission lines as defined on the Planning Maps (as measured from the centreline at ground level).

*Alterations to existing residential dwellings and accessory buildings associated with the residential activity in the rural area will generally be permitted activities. Controls have been imposed to ensure that dwellings will not adversely affect the existing rural character and amenity. This includes controls on the height of the buildings to and the gross floor area. Buildings which do not comply with these requirements will be assessed as a Discretionary Activity (Restricted), which will enable the Council to assess the merits of the proposal against the Rural Design Guide.*

*The Rural Area is generally characterised by larger land holdings relative to urban areas and can provide an opportunity for large buildings to be successfully integrated into the landscape. The limits on gross floor area and height act as a trigger to enable the assessment of additions and alterations that exceed the limits in this rule against the Rural Design Guide. This is to ensure consistency of the overall approach in the Rural Area that requires assessment of all new buildings against the Rural Design Guide. In all circumstances the appropriate bulk and scale of new buildings and structures in the Rural Area will be determined and informed by the characteristics of the site and the Rural Design Guide.*

*Controls have also been imposed to avoid remedy and mitigate natural or technological hazards to protect people and the environment.*

**15.1.4** The construction, alteration of, or addition to accessory buildings and structures associated with rural activities, except:

*For Woodridge Estate, Newlands refer to Appendix 3*

- on allotments under 1200m<sup>2</sup> in the Makara Village and Makara Beach settlements as identified in Appendix 8
- within identified ridgelines and hilltops (excluding fences)

are Permitted Activities provided that they comply with the following conditions:

- 15.1.4.1 Maximum Height:  
The maximum height is 8 metres.
- 15.1.4.2 Floor Area:  
The maximum gross floor area is 400m<sup>2</sup> for one accessory building or an aggregated total gross floor area of 800m<sup>2</sup> for the site.

**15.1.4.3 Yards:**

Except for fences which may be constructed in a yard, buildings under 50 metres squared in area must be a minimum of 3 metres from all yards and buildings over 50 metres squared in area must be a minimum of 6 metres from all yards.

*The construction of farm accessory buildings and structures is permitted as they are an essential component of farming activities in the rural area. The extensive floor area recognises special rural needs such as the storage of animal feed.*

*In addition to the essential nature of farm buildings, the approach taken to farm accessory buildings differs from residential buildings and their associated accessory buildings recognising that the effects are not the same, for example activities within farm accessory buildings, such as storage sheds, will not generally generate adverse privacy effects.*

*Farm accessory buildings within the identified ridgelines and hilltops are Discretionary Activities (Unrestricted) to enable their impact on visual amenities to be assessed. Provision for farm accessory buildings is considered unnecessary and inappropriate within the more closely settled Makara Beach and Makara Village.*

**15.1.5** The total or partial demolition or removal of buildings and structures (except listed heritage items) are Permitted Activities.

**15.1.6** Temporary activities and uses are Permitted Activities.

*Council will use its powers under the Act to ensure that the general duty under section 17 of the Act to avoid, remedy or mitigate any adverse effects of activities on the environment is met.*

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

*[Archaeological sites associated with human activity that occurred before 1900 are protected by the Historic Places Act 1993. An archaeological authority will be required from the New Zealand Historic Places Trust to destroy damage or modify these sites.]<sup>PC70</sup>*

**15.1.8** Cleanfills of less than 100m<sup>3</sup> in volume per title per year (except in the identified ridgelines and hilltops) are Permitted Activities.

*Although cleanfills may be acceptable in the Rural Area, a discharge permit may still be required from the Wellington Regional Council. Cleanfills are not considered appropriate in the identified ridgelines and hilltops.*

**15.1.9** Signs are Permitted Activities provided that they comply with the following conditions:

**15.1.9.1 For permanent signs:**

- the maximum area must not exceed 1m<sup>2</sup>
- only one sign may be displayed on any site
- signs must denote only the name, character or purpose of any Permitted Activity on the site
- illuminated signs must not flash.

**15.1.9.2 For temporary signs:**

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

*The limitations on signs help protect the appearance of the Rural Area by ensuring that individual signs are not a dominant element in the landscape and by preventing a cluttered sign environment. Temporary signs are permitted as they fulfil a useful information function and have no lasting environmental effects.*

**Rule 15.1.10 has been deleted by Plan Change 70**

**15.1.11** The storage, use or handling of hazardous substances are Permitted Activities, except in a Hazard Area, provided that they comply with the following conditions:

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

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

Location	Either Zone	Either Zone
Effect Ratio	0.002 < x ≤ 0.2	≤ 0.002
Conditions applying	15.1.1.11.2 to 15.1.1.11.12	15.1.1.11.9, 15.1.1.11.11 and 15.1.1.11.12 only

*Activities that do not meet the above effects ratio criteria or do not otherwise comply with the applicable conditions will be Discretionary (Unrestricted) Activities.*

15.1.11.2 Except for the storage, use or handling of Liquid Petroleum Gas (LPG), any area where hazardous substances are used, stored or handled in any manner on-site shall have secondary containment (via bunding or otherwise) using materials that are resistant to the hazardous substances contained on-site.

15.1.11.3 Except for the storage, use or handling of Liquid Petroleum Gas (LPG), any secondary containment system shall be maintained to ensure that it will perform the functions for which it was designed and contain any spill or accidental release.

15.1.11.4 Except for the storage, use or handling of Liquid Petroleum Gas (LPG), any area(s) where hazardous substances are loaded, unloaded, packaged, mixed, manufactured or otherwise handled shall have a spill containment system able to contain the maximum volume of substance of the largest bulk storage vessel, or half the volume of the total stored volume if it is stored in drums.

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

**Signage**

- 15.1.11.9 All facilities must display signage to indicate the nature of the hazardous substances present (meeting the requirements of the Building Code (F8), or meeting the requirements of the Code of Practice "Warning Signs for Premises Storing Hazardous Substances" of the New Zealand Chemical Industry Council (October 1988) as a means of complying).

**Waste Management**

- 15.1.11.10 Any process waste or waste containing hazardous substances shall be stored in a manner which complies with 15.1.11.1 to 15.1.11.9 above.

- 15.1.11.11 Any hazardous facility generating wastes containing hazardous substances shall dispose of these wastes to facilities which, or waste disposal contractors who, meet all the requirements of regional and district rules for discharges to the environment.

*The on-site disposal of hazardous substances will be controlled through Council' Waste Management Strategy and through obtaining the appropriate discharge consents from the Regional Council or trade waste permits.*

**Other**

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

*In addition to the provisions of the Plan, all activities which involve the use, storage, handling or transportation of hazardous substances are regulated for on site effects by other legislation, codes of practice and regulations. These activities must comply with all relevant Acts, regulations, and codes of practice, which include:*

- all regulations and Codes of Practice relating to the transportation of hazardous substances
- New Zealand and any joint New Zealand/Australian standards relating to the storage of hazardous substances
- OSH regulations and Codes of Practice for the storage of hazardous substances.]<sup>PC33</sup>

**15.2 Controlled Activities**

Section 15.2 describes which activities are Controlled Activities in the Rural Area. A resource consent application will be required but cannot be refused. Conditions may be imposed relating to the matters specified. 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.

- [15.2.1** Goat farming is a Controlled Activity in respect of:
- 15.2.1.1** the means for ensuring goats do not escape from the farming operation
- 15.2.1.2** the method of owner identification.

**Non-notification**

The written approval of affected persons will not be necessary in respect of items 15.2.1.1 and 15.2.1.2. Notice of applications need not be served on affected persons and applications need not be notified.

**Standards and Terms**

The application must comply with all the conditions specified for activities in rules 15.1.1 and 15.1.14.

**Assessment Criteria**

**In determining the conditions to be imposed, if any, Council will have regard to the following criteria:**

- 15.2.1.3 Whether adequate provision has been made to stop the escape of goats from the farming operation.
- 15.2.1.4 Whether the adequate means of goat owner identification will be provided.

*Goat farming is generally appropriate in Rural Areas, but is included as a Controlled Activity to ensure that conditions can be imposed if necessary if adverse environmental effects may result.*

<b>15.2.2</b>	Any subdivision of land involved in the adjustment or relocation of the boundaries of existing allotments except: <ul style="list-style-type: none"> <li>• any subdivision that results in the creation of an additional allotment</li> </ul> is a Controlled Activity in respect of:
<b>15.2.2.1</b>	subdivision design, frontage and area
<b>15.2.2.2</b>	site access
<b>15.2.2.3</b>	standard, construction and location of vehicular access
<b>15.2.2.4</b>	Earthworks
<b>15.2.2.5</b>	Landscaping
<b>15.2.2.6</b>	utility and/or services provision
<b>15.2.2.7</b>	protection of any special amenity feature
<b>15.2.2.8</b>	esplanade areas

**Non-notification**

The written approval of affected persons will not be necessary in respect of items 15.2.2.1 to 15.2.2.8. Notice of applications need not be served on affected persons and applications need not be notified.

**Standards and Terms**

All existing activities, buildings and structures must meet the following conditions in relation to all fee simple allotments:

- 15.1.1.3 (vehicle access and parking)
- 15.1.3.1 to 15.1.3.5 (residential construction, alterations and additions in Makara Village and Makara Beach)
- 15.1.3(a).1 to 15.1.3(a).8 (residential alterations and additions in the general Rural Area)
- 15.1.4.1 to 15.1.4.3 (buildings and structures associated with rural activities);

or

the activities, buildings and structures meet the terms of any relevant earlier resource consent,

or

they have existing use rights under section 10 of the Act.

**Esplanade areas**

Where a new allotment, of less than 4 hectares, is created adjoining the Makara Estuary, an esplanade reserve of 20 metres is required.

Where a new allotment, of less than 4 hectares, is created along a stream, an esplanade strip of 20 metres is required where the stream bed has an average width of three metres or more where it flows through or adjoins the allotment. This rule applies to the following streams:

Porirua Stream and tributaries  
 Makara Stream and tributaries including Ohariu Stream  
 Oteranga Stream and tributaries  
 Karori Stream and tributaries.

Where a new allotment, of less than 4 hectares, is created along any part of the Wellington Coast, an esplanade strip of 20 metres is required.

**Assessment Criteria**

**In determining the conditions, if any, to impose, Council will have regard to the following criteria:**

15.2.2.9	The requirements of section 106 of the Act.
15.2.2.10	Whether the proposed adjustment or relocation of boundaries facilitates the operation of rural or other lawfully established activities.
15.2.2.11	Whether suitable access to a formed public road is retained or is to be provided as a result of the boundary adjustment or relocation.
15.2.2.12	The extent of compliance with the relevant parts of the Code of Practice for Land Development.
15.2.2.13	Where relevant, the extent of compliance with the Rural Area Design Guide.
15.2.2.14	Whether the proposal makes adequate provision for any additional utility provision required, including sewage and stormwater disposal and water supply.
15.2.2.15	Whether any special heritage, amenity or ecological features are proposed to be protected as a result of the boundary adjustment or relocation.

- 15.2.2.16 Where any land is located within identified ridgelines and hilltops then where relevant, the extent that the access and building location will meet the assessment criteria of Rule 15.4.2 or 15.4.2a.

*The rules applying to the adjustment or relocation of boundaries have been specifically designed to support and facilitate the functioning of the rural area for rural activities. The Council acknowledges that such adjustments need to be made from time to time to enable rural activities to be responsive to logistical farming or rural land use needs.*

*A 20 metre wide esplanade reserve or esplanade strip is required on all new lots of less than 4 hectares that are created along streams or the sea coast to protect conservation values, provide public access or other recreational use. Any proposal to waive or reduce the width of the esplanade reserve or esplanade strip requires resource consent under Rule 15.4.8.] PC33*

### 15.3 Discretionary Activities (Restricted)

Section 15.3 describes which activities are Discretionary Activities (Restricted) in the Rural Area. Consent may be refused or granted subject to conditions. Grounds for refusal and conditions will be restricted to the matters specified in rules 15.3.1 to 15.3.7. 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.

**15.3.1** Rural Activities (Excluding Factory Farming) and Residential Activities that do not comply with conditions for Permitted Activities are Discretionary Activities (Restricted) in respect of :

**15.3.1.1** Noise

**[15.3.1.2** Site access

**15.3.1.3** Vehicle parking on allotments under 1200m<sup>2</sup> in Makara Beach and Makara Village identified in Appendix 8] PC33

#### **Non-notification**

The written approval of affected persons will not be necessary in respect of item 15.3.1.1, 15.3.1.2 and 15.3.1.3. Notice of application need not be served on affected persons and applications.] PC33

#### **Standards and Terms**

Noise emission levels under rules 15.1.1.1.1 and 15.1.1.1.3 shall not be exceeded by more than 5 decibels.

#### **Assessment Criteria**

**In determining whether to grant consent, and what conditions, if any, to impose, Council will have regard to the following criteria:**

15.3.1.4 In respect of noise the extent to which noise emissions will be intrusive. Council will seek to ensure that the best practicable option is used to mitigate noise and that adverse effects are minor.

[15.3.1.5 Whether access to and from the site can be achieved without adversely affecting the safe and efficient operation of the road network and pedestrian safety.

15.3.1.6 Whether the creation of on-site parking will distract from the visual appearance of the property or lessen the quality of outdoor living environments.

15.3.1.7 Whether suitable alternative provisions for parking can be made

15.3.1.8 Whether on-street parking can be easily accommodated without causing congestion or danger.] PC33

**15.3.2** Work-from-home activities are Discretionary Activities (Restricted) if they do not comply with conditions for Permitted Activities in respect of:

**15.3.2.1** noise

**15.3.2.2** the floor area of buildings to be used

**15.3.2.3** external storage

**15.3.2.4** the number of home occupation workers employed or resident on the site

**15.3.2.5** the number and area of signs

**15.3.2.6** the creation of a dust nuisance.

**[15.3.2.7** Site access] PC33

#### **Non-notification**

The written approval of affected persons will not be necessary in respect of items 15.3.2.2, 15.3.2.5 and 15.3.2.7. Notice of applications need not be served on affected persons and applications need not be notified.

#### **Standards and Terms**

Except for the matters specified in rule 15.3.2 this activity must comply with all relevant conditions specified for activities in rules 15.1.1 and 15.1.2 .

The work-from-home conditions in rule 15.1.2 may be waived totally except that:

- not more than one half of the total gross floor area of buildings on the site shall be used for work from home activities

- rule 15.1.2.11 (noise emission levels) shall not be exceeded by more than 5 decibels.] PC33



**Assessment Criteria**

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

- 15.3.2.8 The extent to which the rural character and appearance of the property is maintained and any adverse effects of the activity avoided, reduced or mitigated.
- 15.3.2.9 In respect of noise the extent to which noise emissions will be intrusive. Council will seek to ensure that the best practicable option is used to mitigate noise and that adverse effects are minor.
- [15.3.2.10 Whether access to and from the site can be achieved without adversely affecting the safe and efficient operation of the road network and pedestrian safety.] PC33

*The maintenance of amenities is an important objective for Rural Areas and for this reason the District Plan includes noise rules. It is nevertheless accepted that in some situations the rules could be varied. Care will be taken to ensure that any variation is of a minor nature.*

*Council supports work-from-home activities in Rural Areas provided that the amenities enjoyed by residents are protected. The conditions applying to Permitted Activities aim to provide the necessary protection, but it is accepted that in some cases variations may be appropriate to facilitate development.*

**[15.3.3** The construction, alteration of, or addition to, residential buildings, accessory buildings (associated with a residential activity) and residential structures on allotments under 1200m<sup>2</sup> in Makara Village and Makara Beach settlements as identified in Appendix 8, which do not comply with one or more of the following conditions for Permitted Activities in Rule 15.1.3:

are Discretionary Activities (Restricted) in respect of the condition(s) that are not met:

- 15.3.3.1 Yards
- 15.3.3.2 site coverage
- 15.3.3.3 maximum height
- 15.3.3.4 sunlight access
- 15.3.3.5 maximum fence height
- 15.3.3.6 construction type and height of buildings within a Hazard (Fault Line) Area
- 15.3.3.7 the floor level, floor area and the location of residential buildings within the site for buildings within the Hazard (Flooding) Area
- 15.3.3.8 septic tank design and location

**Non-notification**

The written approval of affected persons will not be necessary in respect of items 15.3.3.6, 15.3.3.7 and 15.3.3.8. Notice of applications need not be served on affected persons and applications need not be notified.

**Standards and Terms**

The number of household units per allotment shall not exceed one.

In relation to Rule 15.1.3.2:

- site coverage under 5.6.2.4 may only be exceeded by a maximum of 20 percent
- maximum height under standard 5.6.2.6 may only be exceeded by a maximum of 20 percent
- sunlight access under 5.6.2.8 may only be exceeded by a maximum of 3 metres (the maximum of 3 metres cannot be increased by the gable end roof allowance).

**Assessment Criteria**

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

- 15.3.3.9 Whether a better standard of development can be achieved by reducing or varying the conditions.
- 15.3.3.10 Whether the topography of the site or the location of any built feature(s) on the site, or other requirements such as easements or rights-of-way or restrictive covenants impose constraints which make compliance impracticable.
- 15.3.3.11 Whether the form, scale and character of the new building or structure is compatible with that of buildings and structures in the immediate vicinity of the site.
- 15.3.3.12 Whether the new building work will cause significant loss of sunlight, daylight or privacy to adjoining sites.
- 15.3.3.13 The extent to which it can be demonstrated that buildings or structures adjoining Conservation Sites will have no adverse effects on the ecological values of the Conservation Site.
- 15.3.3.14 In the Hazard (Fault Line) Area the extent to which the maximum height or construction type can be varied without jeopardising the safety of occupiers and neighbours.
- 15.3.3.15 In the Hazard (Fault Line) Area, the extent to which the siting and layout of the development will reduce the effects of fault rupture on the safety of occupiers and neighbours.

- 15.3.3.16 In the Hazard (Fault Line) Area, the extent to which a geotechnical report and an engineering design report shows that the risk of building failure following a fault rupture can be reduced to minimise the effects of fault rupture on the safety of occupiers and neighbours. *Refer to Rule 3.2.2.13 for information on geotechnical and engineering design reports*
- 15.3.3.17 In the Hazard (Flooding) Area, whether the size of the building or structure will impede the flow of flood waters.
- 15.3.3.18 In the Hazard (Flooding) Area, whether the building or associated works will accelerate, worsen or result in the erosion or inundation of the site, or any other site or building.
- 15.3.3.19 In the Hazard (Flooding) Area, whether the potential threat to the health and safety of people, property or the environment from flooding is avoided, remedied or mitigated.
- 15.3.3.20 Whether the septic tank has been designed and located to minimise the risk of any adverse health or environmental effects.

*Council seeks to ensure that all residential buildings and associated structures within Makara Beach and Makara Village are appropriately designed and located to maintain the existing amenities of these areas.*

*Conditions may be imposed on resource consents to avoid, remedy or mitigate adverse effects on the environment. Where this is not possible, the Discretionary Activity (Restricted) status allows the Council to decline to grant resource consent.*

**15.3.3a** The construction, alteration of, conversion to, or addition to, residential buildings, accessory buildings (associated with a residential activity) and residential structures, except:

on allotments under 1200m<sup>2</sup> in Makara Village and Makara Beach settlements as identified in Appendix 8

within identified ridgelines and hilltops

the alteration of or addition to residential buildings, and the construction, alteration of, or addition to accessory buildings (associated with residential activity) that are provided for as Permitted Activities

are Discretionary Activities (Restricted) in respect of:

- 15.3.3a.1 design, external appearance and siting
- 15.3.3a.2 site landscaping
- 15.3.3a.3 construction type and maximum height within a Hazard (Fault Line) Area
- 15.3.3a.4 within 40m of high voltage transmission lines designed to operate at or over 110kV, the separation distance between residential buildings and transmission lines.
- 15.3.3a.5 the floor level, floor area and the location of residential buildings and structures within the site for building within the Hazard (Flooding) Area
- 15.3.3a.6 the design and location of waste water disposal

#### **Non-notification**

The written approval of affected persons will not be necessary in respect of items 15.3.3a.1 – 15.3.3a.7. Notice of applications need not be served on affected persons and applications need not be notified.

#### **Standards and Terms**

The number of household units per allotment shall not exceed one.

The allotment must have legal access to a formed road and the ability to provide vehicle access to that road.

#### **Assessment Criteria**

**In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:**

- 15.3.3a.7 The extent of compliance with Rural Area Design Guide.
- 15.3.3a.8 Whether the septic tank has been designed and located to minimise the risk of any adverse health or environmental effects, or whether other suitable alternative means of sewage disposal has been provided.
- 15.3.3a.9 Within the Hazard (Fault Line) Area, the extent to which the maximum height or construction type can be varied without jeopardising the safety of occupiers and neighbours.
- 15.3.3a.10 Within the Hazard (Fault Line) Area, the extent to which the siting and layout of the development will reduce the effects of fault rupture on the safety of occupiers and neighbours.
- 15.3.3a.11 Within the Hazard (Fault Line) Area, the extent to which a geotechnical report and an engineering design report shows that the risk of building failure following a fault rupture can be reduced to minimise the effects of fault rupture on the safety of occupiers and/or neighbours. *Refer to Rule 3.2.2.13 for information on geotechnical and engineering design reports*
- 15.3.3a.12 Whether people can be effectively shielded from electromagnetic effects.
- 15.3.3a.13 In the Hazard (Flooding) Area, whether the size of the building or structure will impede the flow of flood waters.
- 15.3.3a.14 In the Hazard (Flooding) Area, whether the building or associated works will accelerate, worsen or result in the erosion or inundation of the site, or any other site or building.

15.3.3a.15 In the Hazard (Flooding) Area, whether the potential threat to the health and safety of people, property or the environment from flooding is avoided, remedied or mitigated.

*Residential buildings can, if inappropriately located and designed, adversely affect the character and amenity of the rural environment through visual, amenity impacts (including loss of privacy) and/or ecological effects.*

*To ensure that such effects do not occur Council requires that new houses and large additions to existing houses require a resource consent for a Discretionary Activity (Restricted). In conjunction with this requirement, the Council has adopted a Design Guide for the Rural Area which sets out objectives and criteria for sustainable rural living while enhancing and protecting rural character and amenity. Applicants seeking resource consent for residential buildings will be expected to demonstrate a commitment to the principles in the Design Guide. The intention of the Design Guide is to make such criteria transparent so anyone wishing to develop in the Rural Area can take these expectations into account when formulating their proposal.*

*In addition, Council seeks to ensure that all residential buildings and associated structures are sited to avoid, remedy or mitigate adverse effects from natural or technological hazards.*

*In addition, to wind noise and corona discharge, high voltage transmission lines generate potentially hazardous electro-magnetic fields. Although positive correlation between such fields and health problems have not been substantiated a precautionary approach is advocated. At a distance of 40 metres the strength of an electromagnetic field from a high voltage transmission line is equivalent to general background household electromagnetic fields. Council also encourages the location of any new transmission lines away from more densely settled Rural Areas.*

*The construction of buildings and structures within the identified ridgelines and hilltops is a Discretionary Activity (Unrestricted) as the potential effects from new development is greater in these locations.*

*Limitations have been imposed on development in the Hazard (Fault Line) Area to promote safety. Alternative building forms may be considered as a Discretionary Activity (Restricted) where considered acceptable and where safety is not compromised. The provision of site-specific geotechnical and engineering design reports carried out by experts will assist the Council to assess the adverse effects arising from the fault rupture hazard for the development site and how those effects can be minimised.*

*Conditions may be imposed on resource consents to avoid remedy or mitigate adverse effects on the environment. Where this is not possible, the Discretionary Activity (Restricted) status allows the Council to decline to grant resource consent.] PC33*

**15.3.4** Signs (other than Temporary Signs) are Discretionary Activities (Restricted) if they do not comply with the conditions for Permitted Activities in respect of:

**15.3.4.1** the area of signs

**15.3.4.2** the number of signs.

#### **Non-notification**

The written approval of affected persons will not be necessary in respect of items 15.3.4.1 and 15.3.4.2. [Notice of applications need not be served on affected persons]PC28 and applications need not be notified.

#### **Standards and Terms**

Except for the matters specified in rule 15.3.4 this activity must comply with all relevant conditions specified for activities in rule 15.1.9.

#### **Assessment Criteria**

**In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:**

15.3.4.3 Whether signs are obtrusively visible from any adjacent Residential Area, public space, or Conservation Site.

15.3.4.4 Whether signs are in scale with associated activity or building development and are compatible with the visual character of the area in which they are situated.

15.3.4.5 Whether additional signs will result in clutter.

15.3.4.6 Whether the size, number or method of illumination of a sign or signs will compromise traffic or pedestrian safety.

*In some circumstances larger or more numerous signs may be required to identify activities. In such cases signs are carefully assessed to ensure that visual amenities are maintained.*

#### **Rule 15.3.5 has been deleted by Plan Change 70**

**[15.3.6** The construction, alteration of, or addition to accessory buildings and structures associated with rural activities are Discretionary Activities (Restricted) if they do not comply with conditions applying to Permitted Activities in respect of:

**15.3.6.1** yards

**15.3.6.2** building height

**15.3.6.3** floor area

#### **Non-notification**

The written approval of affected persons will not be necessary in respect of item 15.3.6.2. Notice of applications need not be served on affected persons and applications need not be notified.

#### **Standards and Terms**

Except for the matters specified in rule 15.3.6 this activity must comply with all relevant conditions specified for activities in rule 15.1.4. Rule 15.1.4.2 relating to the floor area for accessory buildings must not be exceeded by more than 20 percent.

**Assessment Criteria**

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

- 15.3.6.4 Whether a better standard of development can be achieved by reducing or varying the conditions.
- 15.3.6.5 Whether the topography of the site or the location of any built feature(s) on the site, or other requirements such as easements or rights-of-way or restrictive covenants impose constraints which make compliance impracticable.
- 15.3.6.6 Whether the form, scale and character of the new building is compatible with that of buildings in the immediate vicinity of the site.
- 15.3.6.7 Whether the new building work will cause significant loss of sunlight, daylight or privacy to adjoining sites.
- 15.3.6.8 The extent to which it can be demonstrated that buildings or structures adjoining Conservation Sites will have no adverse effects on the ecological values of the Conservation Site.

*The conditions for permitted accessory buildings and structures associated with rural activities, are designed to help protect the visual amenities of the Rural Area. Because of the diversity of building forms and the rugged nature of Wellington's topography, variations to the conditions may be necessary in particular cases. Variations to the extent specified are flexible enough to allow the establishment of new development while maintaining general amenity standards.] PC33*

*The provisions for residential buildings within 40 metres of high voltage transmission lines designed to operate at or over 110kV as a Discretionary Activity (Restricted) are now located in rule 15.3.3a.*

## 15.4 Discretionary Activities (Unrestricted)

Section 15.4 describes which activities are Discretionary Activities (Unrestricted) in the Rural Area. 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.

- 15.4.1** Non-rural activities, buildings and structures [(excluding residential buildings and associated residential accessory buildings and structures)]<sup>PC33</sup>, and factory farming which are not specifically provided for as Permitted Activity are Discretionary Activities (Unrestricted).

*For Woodridge Estate, Newlands refer to Appendix 3*

**Assessment Criteria**

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

- 15.4.1.1 Whether the buildings, structures or other works are of an appropriate scale having regard to local landforms and the nature of surrounding development. Where new buildings or structures are sited within the more densely settled areas of the Makara Valley, Ohariu Valley or Horokivi, they should reflect the scale and form of existing farm houses and buildings [and structures] <sup>PC33</sup>.
- 15.4.1.2 Whether the extent to which the amenities and the quality of the rural environment can be maintained or enhanced. The potential impacts of noise, dust, glare, vibration, fumes, smoke, electromagnetic effects, odour, other discharges or pollutants or the excavation or deposition of earth are assessed to avoid, remedy or mitigate adverse effects. Particular consideration will be given to maintaining a quiet night-time rural environment.
- 15.4.1.3 For the factory farming of pigs Council will consider, but not be restricted to, the Code of Practice - Pig Farming (NZ Pork Industry Board) 2nd Edition August 1993 and the activity will only be considered where an appropriate method of treatment / utilisation for effluent can be demonstrated or the effluent from the site can be discharged into a public sewer without harming the public sewage treatment system.
- 15.4.1.4 Whether the site of [the proposed activity] <sup>PC33</sup>, is appropriately located having regard to the scale of the building development proposed and the intensity of the activity. Council will generally look to encourage the dispersal of non-rural activities in the Rural Area and discourage their concentration in any particular location. Council will also consider the extent to which any non-rural activity, building or structure may hinder farming activities.
- 15.4.1.5 Whether activities which generate traffic flows which are significant in the rural context have access from formed, sealed roads. Council takes into account whether the amount or type of traffic will exceed the capacity of the roading network or will otherwise adversely effect the rural environment.
- 15.4.1.6 [The extent to which the foreseeable parking demands for the activity can be contained within the site. It is preferable to remove any possibility of vehicles parking on the sides of Wellington's rural roads, due to their narrow width and winding nature
- 15.4.1.7 Whether access to and from the site can be achieved without adversely affecting the safe and efficient operation of the road network and pedestrian safety.] <sup>PC33</sup>.
- 15.4.1.8 The extent to which the landscape amenities and ecological values will be maintained or enhanced. Existing vegetation on the site should be retained where possible.
- 15.4.1.9 The potential for factory farming to adversely affect the amenities of the surrounding area and in particular the potential effects of odour.
- 15.4.1.10 The objectives and policies of the Belmont Regional Park Management Plan (1989 edition).
- 15.4.1.11 Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.
- 15.4.1.12 Whether alternative sites for the activity, including sites in the urban area, and alternative methods for undertaking the activity, have been considered, and the impact of the alternatives on the environment.

Council supports the establishment of a limited range of appropriate non-rural activities in the Rural Area [which serve the needs of both the local and wider City population,]<sup>PC33</sup> provided that the adverse effects on rural character and amenity are avoided, remedied or mitigated.

[Intensive farming is generally appropriate in rural area, but it has the potential to adversely affect amenities. For these activities,]<sup>PC33</sup> assessing proposals under the discretionary consent process will enable their full environmental effects to be evaluated and appropriate steps to be taken to avoid, remedy or mitigate any adverse environmental effects.

**15.4.2** [The construction or, alteration of, or addition to buildings or siting of any structures (except minor rural structures that are Permitted Activities) within identified ridgelines and hilltops are Discretionary Activities (Unrestricted).

#### Standards and Terms

The number of household units per allotment shall not exceed one.

#### Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

- 15.4.2.1 Whether the site is located in a remote area where the construction of any buildings or structures, or associated road would detract from the character of the surrounding landscape.
- 15.4.2.2 The extent that buildings and structures are sited and designed in ways that avoid being visually obtrusive by:
- ensuring visual continuity is achieved on the upper slopes up to the apex of the ridgeline or hilltop
  - minimising skyline effects and visibility of buildings [and]<sup>PC70</sup> structures by construction design, in relation to district wide, community wide and neighbouring views
  - using local topography, and/or allowing earthworks, to create a backdrop to development with which any cut or fill can be restored or treated to resemble natural landforms without increasing the potential for soil instability.
- 15.4.2.3 The extent to which the siting of buildings or structures will remove existing vegetation where existing vegetation mitigates the visibility of buildings or structures.
- 15.4.2.4 The extent to which new planting mitigates the visibility of the buildings or structures.
- 15.4.2.5 The extent to which the proposal meets the relevant aspects of the Rural Design Guide.
- 15.4.2.6 Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.
- 15.4.2.7 The extent to which effects on any other natural, recreational or heritage values can be avoided, remedied or mitigated.

*Wellington's ridgelines and hilltops are an important and sensitive feature of the landscape. The rural area to the west is characterised by rugged and broken hill country while Horokiwi and other areas to the east of the Outer Green Belt have a more rolling character. The management of built form and earthworks on identified ridgelines and hilltops is a key resource management issue for Wellington. Therefore activities will be carefully assessed to ensure that where development is proposed in these areas, it is done in a comprehensive and sensitive manner responsive to the local natural features. The Rural Design Area Guide will assist Council's control in this regard. Opportunity for design solutions is possible through the assessment criteria. Careful consideration will be given to proposals which might result in the modification of skylines when viewed from any place outside the subject property.*

*In addition to the above assessment criteria, [Chapter 29 and 30 address the issue of earthworks. Ensuring that they are designed to reflect natural landforms]<sup>PC70</sup> and are properly engineered [to]<sup>PC70</sup> be safe.*

*The environmental result will be integration of development on identified ridgelines and hilltops, retaining an overall un-built character of the more prominent ridgelines and hilltops in the District.*

**15.4.2a** The construction, alteration of, or addition to buildings or structures (except the minor rural structures that are Permitted Activities) within identified ridgeline and hilltop areas in Appendix 4, 5 and 6 to this rule are Discretionary Activities (Unrestricted).

#### Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following assessment criteria:

- 15.4.2a.1 The extent that buildings and structures are sited and designed in ways that are sensitive to landform and other natural features in locations that are highly visible to district wide, community wide and adjoining residential areas.
- 15.4.2a.2 The extent to which local topography, and/or earthworks create a backdrop to earthworks, buildings and structures, with which any cut or fill can be restored or treated to resemble natural landforms without increasing the potential for soil instability.
- 15.4.2a.3 The extent to which the siting of any earthworks, buildings or structures will remove existing vegetation where existing vegetation mitigates the visibility of earthworks, buildings or structures.
- 15.4.2a.4 The extent to which new planting mitigates the visibility of the earthworks, buildings or structures.
- 15.4.2a.5 The extent to which the proposal meets the relevant aspects of the Rural Area Design Guide.

*There are some rural areas that lie within the identified ridgelines and hilltops that are also located within or close to existing urban areas to the east of the Outer Green Belt. Council accepts that rural residential development can be accommodated within these areas because of their urban context and access to existing services. However, it is expected that in view of the visual values of these areas and the topographical constraints development will be*

low density. Careful planning will be required given the visibility of these ridgelines and hilltop areas from neighbouring residential areas. Specific assessment criteria for these areas reflect Council's desire for well integrated development that will retain a non-urban character.]<sup>PC33</sup>

**15.4.3** The storage, use, handling or disposal of hazardous substances that do not meet the conditions for Permitted Activities are Discretionary Activities (Unrestricted).

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

#### Standards and Terms

This rule applies where:

- 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 1** but does not meet the conditions in rule 15.1.11.
- 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 0.1** and does not meet the conditions in rule 15.1.11.

#### Assessment Criteria

**In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:**

- 15.4.3.1 Site design and management to avoid, remedy or mitigate any adverse effects of the activity.
- 15.4.3.2 The adequacy of the design, construction and management of any part of a hazardous facility site where hazardous substances are used for their intended function, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled such that:
  - any significant adverse effects of the intended use from occurring outside the intended use, handling or storage area is prevented
  - the contamination of any land in the event of a spill or other unintentional release of hazardous substances is prevented
  - the entry or discharge of the hazardous substances into surface or groundwater, the stormwater drainage system or into the sewerage system (unless permitted under a regional plan, resource consent or trade waste permit) is prevented.
- 15.4.3.3 Location of the facility in relation to the nearest waterbody or the coastal marine area.
- 15.4.3.4 Access routes to the facility, location and separation distance between the facility and sensitive activities and uses, sensitive environments and areas of high population density.
- 15.4.3.5 Existing and proposed (if any currently under consideration by Council) neighbouring uses.
- 15.4.3.6 Potential cumulative hazards presented in conjunction with nearby facilities.
- 15.4.3.7 Transport of hazardous substances to and from the site.
- 15.4.3.8 Potential for contamination of the surroundings of the site and sensitivity of the surrounding environment.
- 15.4.3.9 Whether the site has adequate signage to indicate the presence of hazardous substances.
- 15.4.3.10 Whether adequate arrangement has been made for the environmentally safe disposal of any hazardous substance or hazardous wastes generated.
- 15.4.3.11 Whether the site design has been subject to risk analysis, such as Hazop (Hazard and Operabilities Studies), to identify the potential hazards, failure modes and exposure pathways.
- 15.4.3.12 Where the hazardous facility is located within a Hazard Area, any additional requirements to mitigate the potential effect of natural hazard event.
- 15.4.3.13 Type and nature of the existing facility.

To reduce the potential adverse effects, Council will require the production of a Site Management Plan or Environmental Management System when a resource consent application is made, this will be before hazardous substances are brought onto the hazardous facility. In addition, Council will require the design of the site to include measures which will prevent the accidental releases of any hazardous substances into the environment. Through this process, Council seeks to protect the surrounding environment from any adverse effects of the hazardous facility.

**Rule 15.4.4 has been deleted as a result of Variation 8**

**[15.4.5** Any subdivision of land in the Rural Area that creates no more than two new allotments (including the balance allotment), except

- any subdivision provided for as a Controlled Activity
- on land identified in Appendix 2, 4, 5 and 6.

is a Discretionary Activity (Unrestricted).

#### Standards and Terms

Except in Horokiwi, an allotment must be at least five years old from the deposit of a survey plan.

The following maximum number and minimum area requirements apply:

Area	Minimum size of allotment that may be subdivided	Total number of new allotments (including balance allotment) that can be created	Minimum Lot Size
Horokiwi (refer to Appendix 9)	–	2	50ha
All other areas	30ha	2	None

The plans submitted with the subdivision application must show the location of a building site within each allotment.

#### Esplanade areas

Where a new allotment, of less than 4 hectares, is created adjoining the Makara Estuary, an esplanade reserve of 20 metres is required.

Where a new allotment, of less than 4 hectares, is created along a stream, an esplanade strip of 20 metres is required where the stream bed has an average width of three metres or more where it flows through or adjoins the allotment. This rule applies to the following streams:

Porirua Stream and tributaries  
Makara Stream and tributaries including Ohariu Stream  
Oteranga Stream and tributaries  
Karori Stream and tributaries.

Where a new allotment, of less than 4 hectares, is created along any part of the Wellington Coast, an esplanade strip of 20 metres is required.

#### Assessment Criteria

In determining whether to grant a consent and what conditions, if any, to impose, Council will have regard to the following criteria:

- 15.4.5.1 The requirements of section 106 of the Act.
- 15.4.5.2 Whether the subdivision will facilitate the operation of rural or other lawfully established activities.
- 15.4.5.3 Whether suitable access to a formed public road is retained or is to be provided as a result of the proposed subdivision.
- 15.4.5.4 The extent of compliance with the relevant parts of the Code of Practice for Land Development.
- 15.4.5.5 The extent that the subdivision, access and building location will meet the objectives and guidelines of the Rural Area Design Guide.
- 15.4.5.6 Whether the proposal makes adequate provision for services including water supply, stormwater runoff control and sewage treatment. Where the proposal is located near an existing urban area or an existing residential subdivision, consideration should be given to the undergrounding of services.
- 15.4.5.7 Whether any special heritage, amenity or ecological features are proposed to be protected as a result of the proposed subdivision, including:
  - Whether any areas of native vegetation or wetlands are to be protected by covenants or other mechanisms
  - Whether any heritage feature is to be acknowledged and protected
  - Whether public access will be facilitated to protected amenity features
- 15.4.5.8 Where any land is located within identified ridgelines and hilltops, the extent that the access and building location will meet the assessment criteria of Rule 15.4.2.
- 15.4.5.9 Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.

*Provided any effects on the environment can be managed, a limited amount of subdivision will be allowed to occur in areas such as, Makara (other than on lots of less than 1200m<sup>2</sup> in area at Makara Beach and Village), Ohariu Valley and Takapu Valley. However, as the ability to subdivide in these areas is a departure from a fairly strict approach in the past, applications for subdivision will be limited in most areas, from a parent lot of 30ha or greater, every five years, so that potential effects on the rural environment in these areas can be monitored. Land at Horokiwi is more fragmented and the subdivision regime will remain strict. There is no provision to further subdivide at Makara Beach and Village, because of sewage disposal problems.*

*In all cases the design and layout of all subdivision and including the proposed location of residential building sites, will be assessed against the criteria of the Rural Area Design Guide, and where relevant the assessment criteria listed above for the identified ridgelines and hilltops, to ensure that the existing rural character is maintained and enhanced.*

*A 20 metre wide esplanade reserve or esplanade strip is required on all new lots that are created along streams or the sea coast to protect conservation values, provide public access or other recreational use. This provision applies to lots that are less than 4 hectares in area.*

*Any proposal to waive or reduce the width of the esplanade reserve or esplanade strip requires resource consent under Rule 15.4.8.*

- 15.4.6** Any subdivision of land on Appendices 4, 5 and 6, except:
- A subdivision provided for as a Controlled Activity
- is a Discretionary Activity (Unrestricted).

#### Standards and Terms

There is no minimum lot size and no restriction on the number of lots.

All proposed new allotments must adequately show the location of proposed buildings.

**Esplanade areas**

Where a new allotment, of less than 4 hectares, is created adjoining the Makara Estuary, an esplanade reserve of 20 metres is required.

Where a new allotment, of less than 4 hectares, is created along a stream, an esplanade strip of 20 metres is required where the stream bed has an average width of three metres or more where it flows through or adjoins the allotment. This rule applies to the following streams:

Porirua Stream and tributaries  
Makara Stream and tributaries including Ohariu Stream  
Oteranga Stream and tributaries  
Karori Stream and tributaries.

Where a new allotment, of less than 4 hectares, is created along any part of the Wellington Coast, an esplanade strip of 20 metres is required.

**Assessment Criteria**

**In determining whether to grant a consent and what conditions, if any, to impose, Council will have regard to the following criteria:**

- 15.4.6.1 The requirements of section 106 of the Act.
- 15.4.6.2 Whether the subdivision will facilitate the operation of rural or other lawfully established activities.
- 15.4.6.3 Whether suitable access to a formed public road is retained or is to be provided as a result of the proposed subdivision.
- 15.4.6.4 The extent of compliance with the relevant parts of the Code of Practice for Land Development
- 15.4.6.5 The extent that the subdivision, access and building location will meet the objectives and guidelines of the Rural Area Design Guide.
- 15.4.6.6 Whether the proposal makes adequate provision for services including water supply, stormwater run off control and sewage treatment. Where the proposal is located near an existing urban area or an existing residential subdivision, consideration should be given to the undergrounding of services.
- 15.4.6.7 Whether any special heritage, amenity or ecological features are proposed to be protected as a result of the proposed subdivision, including:
- Whether any areas of native vegetation or wetlands are to be protected by covenants or other mechanisms
  - Whether any heritage feature is to be acknowledged and protected
  - Whether public access will be facilitated to protected amenity features
- 15.4.6.8 Where any land is located within identified ridgelines and hilltops, the extent that the access and building location will meet the assessment criteria of Rule 15.4.2a.
- 15.4.6.9 Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.

*The Council has identified areas of rural land on the eastern side of the Outer Green Belt that is adjacent or close to urban areas, including associated infrastructure, roading and amenities, where sensitively designed rural residential development of generally low density and of varying lot sizes is appropriate. While the subdivision rules for these areas potentially allows greater density than the general Rural Area, visual effects and associated environmental effects still need to be carefully planned given that much of the developable areas lie within identified ridgelines and hilltops. Council wishes to maintain a non-urban character, particularly because new development will be visible to neighbouring residential areas. Consideration of the identified ridgelines and hilltops assessment criteria at the time the subdivision is planned and designed is important for the Council's desire for integrated development on these visible landforms. In all cases the design and layout of all subdivision and including the proposed location of building sites, will be assessed against the criteria of the Rural Area Design Guide.*

*A 20 metre wide esplanade reserve or esplanade strip is required on all new lots that are created along streams or the sea coast to protect conservation values, provide public access or other recreational use. This provision applies to lots that are less than 4 hectares in area.*

*Any proposal to waive or reduce the width of the esplanade reserve or esplanade strip requires resource consent under Rule 15.4.8.*

**15.4.7** Any subdivision of land in Appendix 2 is a Discretionary Activity (Unrestricted).

*These rules provide for subdivision in specified areas within Takapu Valley (Appendix 2).*

**Standards and Terms**

On that part of the Rural Area shown in Appendix 2 allotments are to have a minimum area of 1ha provided that the total number of allotments in the area marked 'A' on Appendix 2 shall not exceed 30 allotments

On that part of the Rural Area marked as A, B, and C in Appendix 3 the standards and terms as set out in that Appendix will apply.

**Esplanade areas**

Where a new allotment, of less than 4 hectares, is created adjoining the Makara Estuary, an esplanade reserve of 20 metres is required.

Where a new allotment, of less than 4 hectares, is created along a stream, an esplanade strip of 20 metres is required where the stream bed has an average width of three metres or more where it flows through or adjoins the allotment. This rule applies to the following streams:

Porirua Stream and tributaries  
Makara Stream and tributaries including Ohariu Stream  
Oteranga Stream and tributaries  
Karori Stream and tributaries.



Where a new allotment, of less than 4 hectares, is created along any part of the Wellington Coast, an esplanade strip of 20 metres is required.

#### **Assessment Criteria**

**In determining whether to grant a consent and what conditions, if any, to impose, Council will have regard to the following criteria:**

- 15.4.7.1 The requirements of section 106 of the Act.
- 15.4.7.2 Whether the new allotments have suitable access to a formed public road.
- 15.4.7.3 The extent of compliance with the relevant parts of the Code of Practice for Land Development.
- 15.4.7.4 Whether the result of land clearance (or the method of land clearance proposed) would adversely affect amenities.
- 15.4.7.5 Whether the design of the subdivision makes adequate provision for, sewage disposal for each allotment, having regard to the susceptibility of groundwater or coastal water or freshwater to contamination by sewage or sewage effluent, and having regard to the potential for cumulative effects arising from on site sewage disposal.
- 15.4.7.6 Where more than one new allotment of less than 50ha is to be created, whether community treatment and disposal of sewerage should be required.
- 15.4.7.7 Where more than one new allotment of less than 50ha is to be created, whether the stormwater run off control to be provided in relation to each allotment is adequate.
- 15.4.7.8 Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.

*A smaller allotment size has been included for land shown in Appendix 2 as this area has partly been developed for rural/residential situations.*

*A smaller allotment size has been provided for land shown in Appendix 2 as this area has partly been developed for rural / residential situations.*

*A 20 metre wide esplanade reserve or esplanade strip is required on all new lots that are created along streams or the sea coast to protect conservation values, provide public access or other recreational use. This provision applies to lots that are less than 4 hectares in area.*

*Any proposal to waive or reduce the width of the esplanade reserve or esplanade strip requires resource consent under Rule 15.4.8.*

**15.4.8** Any subdivision of land that requires an esplanade area that does not meet the standards and terms of Rules 15.2.2, 15.4.5, 15.4.6 or 15.4.7, where

- the proposal is to reduce the width of the esplanade reserve or esplanade strip to less than 20 metres
- the proposal is to waive the esplanade reserve or esplanade strip

is a Discretionary Activity (Unrestricted).

#### **Non-notification**

The written approval of affected persons will not be necessary in respect of any subdivisions of land involved in the adjustment or relocation of the boundaries of existing allotments (except any subdivision that results in the creation of an additional allotment). Notice of applications need not be served on affected persons and applications need not be notified.

#### **Standards and Terms**

Any subdivisions of land involved in the adjustment or relocation of the boundaries of existing allotments (except any subdivision that results in the creation of an additional allotment) must meet all the standards and terms for Rule 15.2.2, except for the standards and terms for esplanade areas.

Any subdivisions on land in the rural area subject to Rule 15.4.5 must meet all the standards and terms for Rule 15.4.5, except for the standards and terms for esplanade areas

Any subdivisions on land in Appendix 4, 5, 6 and 7 must meet all the standards and terms for Rule 15.4.6, except for the standards and terms for esplanade areas.

Any subdivisions on land in Appendix 2 must meet all the standards and terms for Rule 15.4.7, except for the standards and terms for esplanade areas.

#### **Assessment Criteria**

**In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:**

- 15.4.8.1 A reduction in the width of an esplanade reserve or an esplanade strip will be assessed against the following:
  - whether the land will contribute to maintaining or enhancing the natural functioning of the adjacent stream or area of sea.
  - whether the land will contribute to maintaining or enhancing the water quality of the stream or area of sea.
  - whether the land will contribute to maintaining or enhancing the aquatic habitats of plants, insects, shellfish, fish, birds and other stream or sea life.
  - whether the proposal will contribute to protecting the natural values associated with the esplanade land
  - whether the land will contribute to mitigating slipping, flooding or other natural hazards.
  - whether the land will contribute to protecting any other conservation values.

- whether the land enables public access to the stream or sea coast, or along the stream or sea coast. Council will consider the potential for the land to be joined with other esplanade land, to provide public access at a future date.

- whether the esplanade area enables recreational use of the land itself or the adjacent stream, coast or area of sea. The recreational use must be compatible with conservation values.

15.4.8.2 The requirement to provide 20 metres of esplanade land may be waived totally where the land will not:

- contribute to the protection of conservation values
- enable public access along or to streams or the sea coastal; or
- enable public recreational use of esplanade land or the adjoining stream or sea, where this use is consistent with conservation values.

Assessment of other matters

15.4.8.3 Any subdivisions of land involved in the adjustment or relocation of the boundaries of existing allotments (except any subdivision that results in the creation of an additional allotment); the assessment criteria set out in 15.2.2.8 to 15.2.2.16.

15.4.8.4 For subdivisions in the main rural area subject to Rule 15.4.5; the assessment criteria set out in rules 15.4.5.1 to 15.4.5.9.

15.4.8.5 For subdivisions on land in Appendix 4, 5 and 6; the assessment criteria set out in rules 15.4.6.1 to 15.4.5.10.

15.4.8.6 For subdivisions on land in Appendix 2; the assessment criteria set out in rules 15.4.7.1 to 15.4.5.8.

*The District Plan requires an esplanade reserve or esplanade strip on all new lots of less than 4 hectares that are created along streams or the sea coast, to protect conservation values, to provide public access or for other recreational use.*

*The Act provides for rules in the District Plan to indicate the streams or parts of the coast where esplanade land will be required. It also provides for the use of an esplanade strip, rather than an esplanade reserve, where the land remains in private ownership subject to a legal instrument on the title of the property.*

*The Act also permits Council to include rules in the District Plan to consider esplanade reserves or esplanade strips of less than 20 metres or to waive the esplanade requirement altogether.] PC33*

## 15.5 Non-Complying Activities

Activities that contravene the Plan, and which have not been provided for as [Controlled Activities,] PC33 Discretionary Activities (Restricted) or Discretionary Activities (Unrestricted) are Non-Complying Activities. Resource consents will be assessed in terms of section [104] PC33 of the Resource Management Act.

The decision on whether or not [notice of applications needs to be served on affected persons and whether applications need to] PC33 be [publicly] PC33 notified will be made in accordance with the provisions on notification in the Act.

### Appendix 1. Noise

Activities must comply with the following noise limits.

#### Residential (Outer)

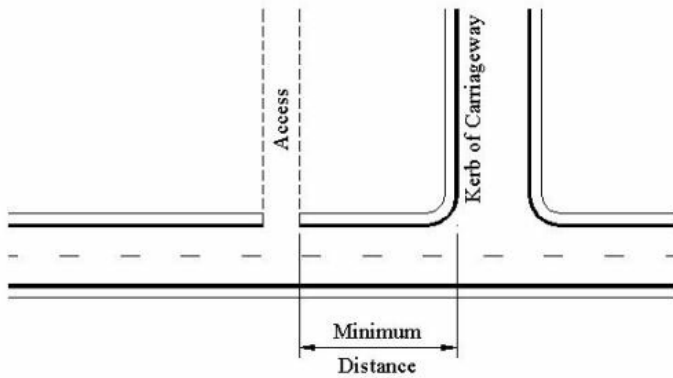
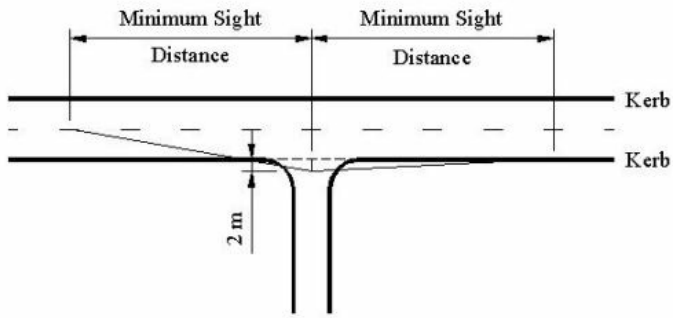
Noise emission levels when measured on any residential site in the Outer Residential Area must not exceed:

Monday to Saturday 7am to 7pm	50dB LAeq(15min)
Monday to Saturday 7pm to 10pm	45dB LAeq(15min)
At all other times	40dB LAeq(15min)
All days 10pm to 7am	65dB LAFmax

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

### [Appendix 1A: Site Access for Vehicles

#### Distance to intersection and access sight lines

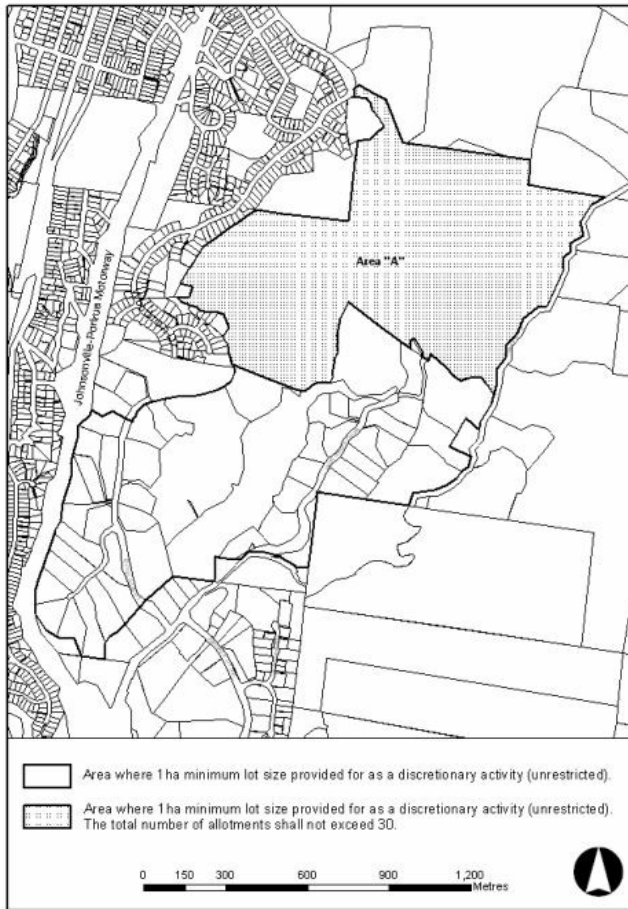


Within the area represented by the visibility splay, full visibility is required above a level of one metre above the level of the adjacent carriageway.

For one-way streets and dual carriageway visibility will only be required in the direction of approaching traffic.] PC33

## Appendix 2: Rural Area With a 1 Hectare Minimum Allotment Size on Subdivision, Takapu Valley

The following provisions were the result of settling the District Plan references filed by Sir Ronald and Lady Trotter, Wellington Regional Council and Porirua City Council (RMA 588/96, RMA 605/96, RMA 25/98 and 606/96) by Environment Court Consent Order dated 17/08/98

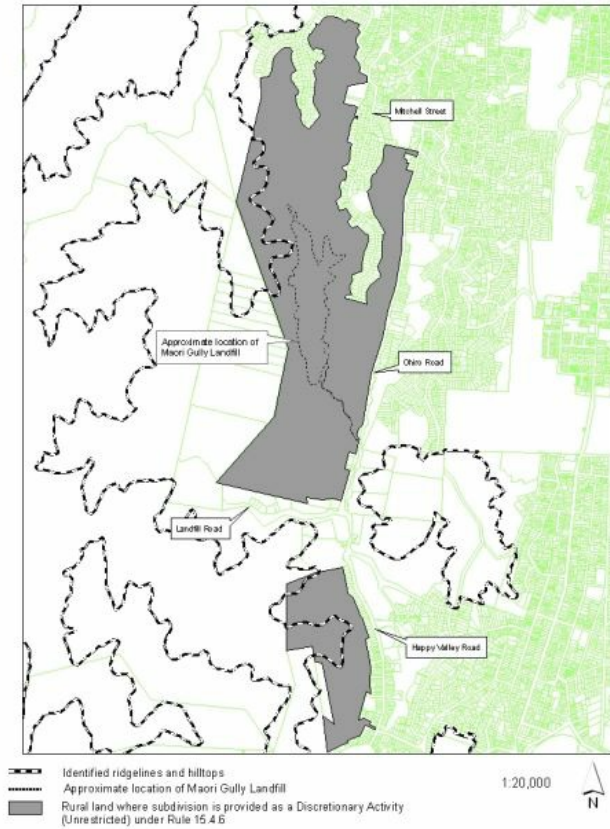


**Appendix 3: [Deleted Variation 2 PC33]**

**Appendix 4: West of Ohiro Road and South of Panorama Heights, Brooklyn - Area where subdivision rule 15.4.6 applies**

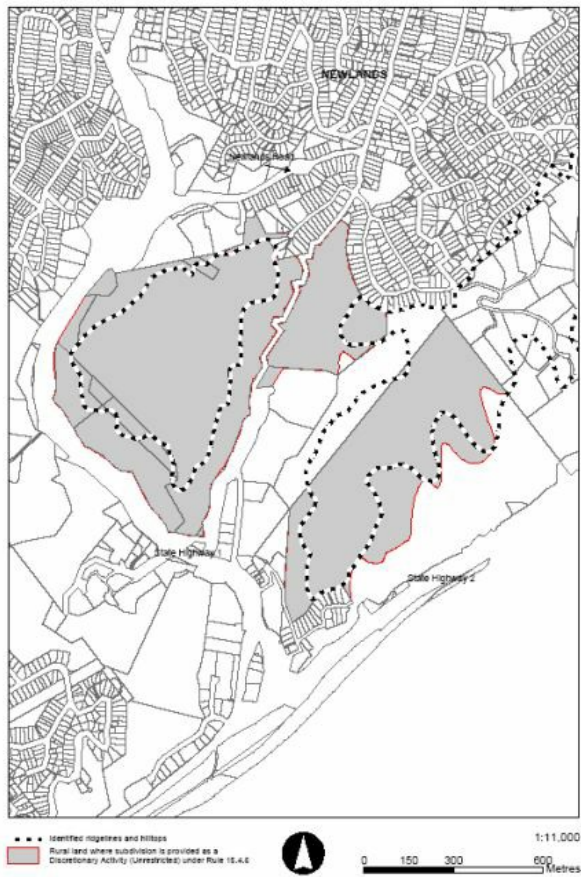
Appendix G

Appendix 4 - West of Ohiro Road and South of Panorama Heights,  
Brooklyn - Area where subdivision rule 15.4.6 applies

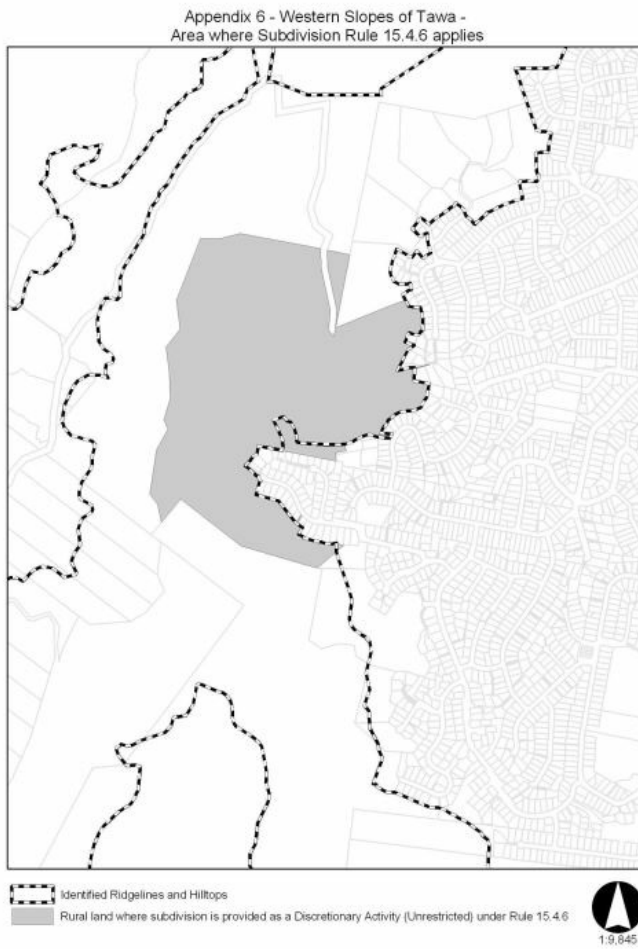


Appendix 5: To the north-east of Ngauranga Gorge - Area where subdivision rule 15.4.6 applies

Appendix 5 - To north-east of Ngauranga Gorge - Area where Subdivision Rule 15.4.6 applies

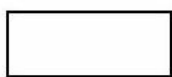


Appendix 6: Western Slopes of Tawa -Area where subdivision rule 15.4.6 applies

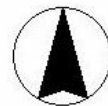


**Appendix 8: Makara Beach - Area where Rules 15.1.3 and 15.3.3 applies**

### Appendix 8 - Makara Beach - Areas where Rules 15.1.3 and 15.3.3 apply



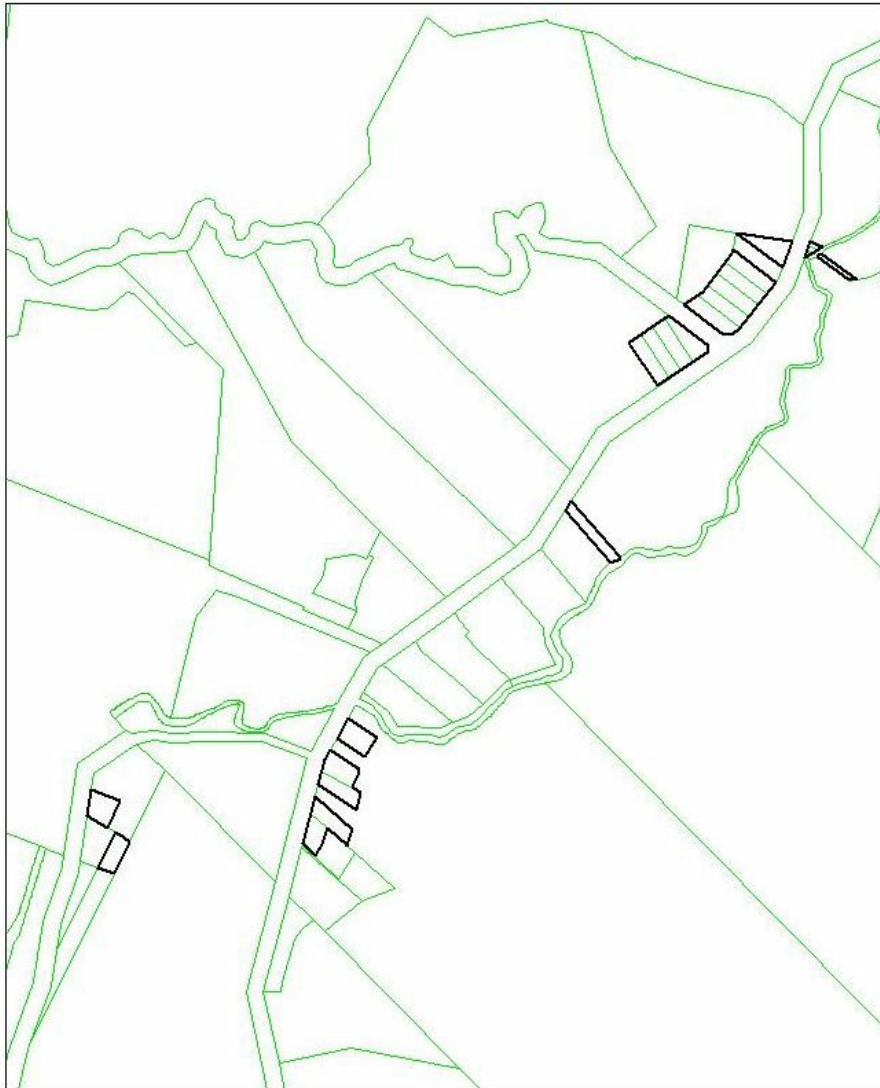
Boundary of area where Rules 15.1.3 and 15.3.3 apply for buildings, accessory buildings and residential structures - Map 1 of 2



### Appendix 8: Makara Village - Area where Rules 15.1.3 and 15.3.3 applies



### Appendix 8 - Makara Village - Areas where Rules 15.1.3 and 15.3.3 apply



Boundary of area where Rules 15.1.3 and 15.3.3 apply for buildings, accessory buildings and residential structures - Map 2 of 2



### Appendix 9: Horokiwi Area where Rule 15.4.5 applies

Appendix 9 - Horokiwi Area where Rule 15.4.5 applies

