

28. URBAN DEVELOPMENT AREA RULES

28.1 Permitted Activities

The following activities are permitted in Urban Development Areas provided that they comply with any specified conditions.

28.1.1 All permitted activities in the Rural Area are permitted activities in the Urban Development Zone provided that the additional conditions below are met:

28.1.1.1 There shall be no clearance of indigenous vegetation in any of the reserve or Limited Development areas shown on a structure plan appended to chapter 28.

28.1.2 Residential activities and the construction, alteration of, and addition to residential buildings, accessory buildings and residential structures, are permitted activities in the RA09, RA10 and RA11 stages of the Residential 1 land use area, as shown on the structure plan appended to Chapter 28, (except on legal road), provided they comply with the following conditions:

28.1.2.1 All residential activities, residential buildings, accessory buildings and residential structures shall comply with the relevant requirements of Standards 5.6.1 and 5.6.2 for the Residential (Outer) Area.

28.2 Controlled Activities

Section 28.2 describes which activities are Controlled Activities in the Urban Development Area. A Controlled Activity requires a resource consent but cannot be refused by Council. 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 notification provisions in the Act.

28.2.1 All controlled activities in the Rural Area are controlled activities in the Urban Development Zone provided the standards and terms are met.

The non-notification provisions, and assessment criteria for the respective rules apply.

28.3 Discretionary Activities (Restricted)

Section 28.3 describes which activities are Discretionary Activities (Restricted) in the Urban Development Area. Consent may be refused or granted subject to conditions. Grounds for refusal and conditions will be restricted to the matters specified in rules 28.3.1 and 28.3.2.

28.3.1 Those Rural Activities and Buildings as provided for in Rules 15.3.1, 15.3.2, 15.3.3a, 15.3.4, 30.2.1 and 15.3.6 are Discretionary Activities (Restricted) in the Urban Development Zone.

The non-notification provisions, matters over which council has reserved discretion, standards and terms and assessment criteria for the respective rules apply.

28.3.2 Subdivision and associated earthworks, provision of infrastructure, development of reserves, in accordance with a structure plan appended to Chapter 28 are Discretionary Activities (Restricted) in respect of:

28.3.2.1 The degree of modification of landforms, and natural features

28.3.2.2 The retention of indigenous vegetation

28.3.2.3 Public space structure and public space design

28.3.2.4 Road location and design, access and interconnections.

28.3.2.5 The extent and design of earthworks

28.3.2.6 Subdivision design and layout and provision for future land uses

28.3.2.7 Utilities and/or services provision

28.3.2.8 Stormwater management and the effect on waterbodies

28.3.2.9 The staging and phasing of the application

28.3.2.10 Separation distances between proposed development and landscape planting and high voltage transmission lines

Non-notification

The written approval of affected persons will not be necessary in respect of items 28.3.2.1 to 28.3.2.9. Notice of applications need not be served on affected persons and applications need not be notified.

Standards and Terms

Any application for resource consent must be supported by a detailed development plan addressing the matters specified by the structure plan.

In addition for the land identified as the Woodridge Special Residential Areas the following shall be supplied:

- An Urban Design Assessment report addressing the development principles for the area set out in Appendix 2 of the structure plan.

For any subdivision incorporating new roads, all services must be reticulated underground

For any subdivision incorporating new roads, all new residential, employment and commercial lots must be provided with a connection to a fibre optic cable.

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to, but will not be limited to, the following criteria:

- 28.3.2.11 The requirements of s106 of the Act.
- 28.3.2.12 The extent of compliance with the Principles and Requirements in the Structure Plan for the land.
- 28.3.2.13 The extent to which proposed earthworks are necessary to implement the approved Structure Plan for the land.
- 28.3.2.14 The extent of impact on any identified Ridgeline or Hilltop overlay.
- 28.3.2.15 The extent of compliance with the Subdivision Design Guide.
- 28.3.2.16 The extent of compliance with the Code of Practice for Land Development.
- 28.3.2.17 For the Woodridge Special Residential Area the extent of compliance with the Woodridge Special Residential Area development principles in the Structure Plan (refer to Appendix 2).

28.3.3 Residential activities including work from home activities and the construction, alteration of, and addition to, residential buildings and residential structures are Discretionary Activities (Restricted) in respect of:

28.3.3.1 Noise

28.3.3.2 Vehicle parking

28.3.3.3 Site access

28.3.3.4 Number of household units

28.3.3.5 Yards, site coverage, sunlight access, maximum fence height

28.3.3.6 Bulk and massing, including building height

Non-notification

The written approval of affected persons will not be necessary in respect of items 28.3.3.1 to 28.3.3.6. Notice of applications need not be served on affected persons and applications need not be notified.

Standards and Terms

Subject to any provisions in the structure plan regarding the exact location of the boundaries shown, the application must be for land in a structure plan area identified as Residential 1 or 2.

For the Residential 1 and Residential 2 areas all development shall comply with the relevant requirements of Standards 5.6.1 and 5.6.2 in the Residential (Outer) Area, except that, in the Residential 2 area:

- development shall be a minimum density of 25 household units per hectare of gross land area; and
- there shall be no limit on the number of household units per site.
- height shall not exceed 9 metres
- site coverage shall not exceed 50%.

Any application for resource consent must be supported by a detailed development plan addressing the matters as specified by the structure plan.

In addition for the land identified as the Woodridge Special Residential Areas the following shall be supplied:

- An Urban Design Assessment report addressing the development principles for the area set out in Appendix 2 of the structure plan.

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to, but will not be limited to, the following criteria:

- 28.3.3.7 Where multi-unit development is proposed, the extent of compliance with the multi-unit design guide.
- 28.3.3.8 The extent of compliance with the Principles and Requirements in the Structure Plan for the land.
- 28.3.3.9 The extent of impact on any identified Ridgeline or Hilltop overlay.
- 28.3.3.10 The extent of compliance with the bulk and location requirements for residential development under Rule 5.1.3 for the Residential (Outer) Area.
- 28.3.3.11 For the Woodridge Special Residential Area the extent of compliance with the Woodridge Special Residential Area development principles in the Structure Plan (refer to Appendix 2)

28.3.3A Residential activities and the construction, alteration of, and addition to residential buildings, accessory buildings and residential structures, which do not comply with one or more of the conditions for Permitted Activity Rule 28.1.2, are Discretionary Activities (Restricted) in respect of:

28.3.3A.1 Noise

28.3.3A.2 Vehicle Parking

28.3.3A.3 Site access

28.3.3A.4 Yards, site coverage, sunlight access, maximum fence height

28.3.3A.5 Bulk and massing, including building height

Non-notification

The written approval of affected persons will not be necessary in respect of items 28.3.3A.1 to 28.3.3A.5. Notice of application need not be served on affected persons and applications need not be notified.

Standards and Terms

- Site Coverage may only be exceeded by a maximum of 20%
- Maximum building height may only be exceeded by a maximum of 20%
- Sunlight access may only be exceeded by a maximum of 3 metres (the maximum of 3m cannot be increased by the gable end roof allowance)

Any application for resource consent must be supported by a detailed development plan addressing the matters as specified by the structure plan.

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to, but will not be limited to, the following criteria:

28.3.3A.6 The extent of compliance with the Principles and Requirements in the Structure Plan for the land.

28.3.3A.7 The extent of impact on any identified Ridgeline or Hilltop Overlay.

28.3.3A.8 The extent of compliance with the requirements for residential development under Standards 5.6.1 and 5.6.2 for the Residential (Outer) Area.

28.3.4 Any development and associated use of neighbourhood and employment centres identified in a structure plan appended to chapter 28 is a discretionary activity (restricted) in respect of:

28.3.4.1 Site design and layout

28.3.4.2 Public space structure and public space design

- 28.3.4.3 Design, bulk, massing and siting of building**
- 28.3.4.4 Landscaping and open space values**
- 28.3.4.5 Stormwater management and the effect on waterbodies**
- 28.3.4.6 Traffic effects**
- 28.3.4.7 Location and layout of parking and site access**
- 28.3.4.8 In Employment Area 2 the effect of any retail activity over 500m² GFA on the vitality and viability of surrounding town centres (particularly Tawa, Johnsonville and Newlands).**

Non-notification

The written approval of affected persons will not be necessary in respect of items 28.3.4.1 to 28.3.4.7. Notice of applications need not be served on affected persons and applications need not be notified.

Standards and Terms

Any application for resource consent must be supported by a detailed development plan addressing the matters specified by the structure plan.

The development of an employment centre or neighbourhood centre must comply with the following:

All development shall comply with the relevant requirements of standards 7.6.1 and 7.6.2 of the Centre zone, except that the following conditions apply:

- site coverage shall not exceed 70%
- building height shall not exceed 15m.
- there shall be no residential use or development on the ground floor.

In neighbourhood centres, no retail activity shall exceed 500m² GFA.

In Employment Areas 1 and 2, any retail activities must be ancillary to the primary activity on the site and not exceed 500m² of GFA.

In Employment Area 2 an application may be made for resource consent for a retail activity that occupies a gross floor area exceeding 500m², but a report must be supplied that addresses:

- the extent to which the retail activity avoids any adverse effect on the overall vitality and viability of existing retail centres
- the extent to which the activity promotes the efficient use of resources and a compact urban form

- the extent to which the activity affects existing public investment and minimises the need for additional public investment in infrastructure and public spaces
- how the activity promotes accessibility, manages traffic and parking demand, enables sustainable transport choices (including public transport), and minimises trip generation through the co-location of similar activities
- a detailed assessment may not be required if the applicant can show the proposed development is unlikely to have any significant impact on the matters referred to above.

Where an application for resource consent is for an office product supplier, second hand goods dealer or yard based supplier that occupies a gross floor area exceeding 500m², a report must be supplied that addresses:

- the matters referred to in bullet point four above .
- a detailed assessment may not be required if the applicant can show the proposed development is unlikely to have any significant impact on the matters referred to above with respect to accessibility, traffic and parking demand, sustainable transport choices, and trip generation.

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to, but will not be limited to, the following criteria:

28.3.4.9 The extent of compliance with the Principles and Requirements in the Structure Plan for the land.

28.3.5 Residential activities, and the construction, alteration of, and addition to residential buildings and structures and associated use in Rural/Residential Areas identified in a structure plan appended to chapter 28 is a discretionary (restricted) activity in respect of:

28.3.5.1 Design, external appearance and siting of buildings

28.3.5.2 Site and access landscaping and earthworks

28.3.5.3 Construction type and maximum building height

28.3.5.4 The effect on existing native vegetation and other natural features

28.3.5.5 Stormwater management and the effect on waterbodies

Non-notification

The written approval of affected persons will not be necessary in respect of items 28.3.5.1 to 28.3.5.5. Notice of applications need not be served on affected persons and applications need not be notified.

Standards and Terms

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

Any application for resource consent must be supported by a detailed development plan addressing the matters specified by the structure plan.

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to, but will not be limited to, the following criteria:

- 28.3.5.6 The extent of compliance with the principles and requirements in the Structure Plan for the land.
- 28.3.5.7 The extent of compliance with the Rural area design guide.
- 28.3.5.8 The extent of impact on any identified Ridgeline or Hilltop overly.
- 28.3.5.9 Measures proposed to avoid, remedy or mitigate impacts of development on the natural features of the land on an ongoing basis.

28.3.6 Cleanfills not provided for as a permitted activity under Rule 15.1.8 are a Discretionary Activity (Restricted) in respect of:

- 28.3.6.1 Location of the cleanfill**
- 28.3.6.2 The extent and level of fill**
- 28.3.6.3 Vehicular access, traffic management and effects**
- 28.3.6.4 Stormwater management and the effect on waterbodies**
- 28.3.6.5 The effect on existing native vegetation**
- 28.3.6.6 Noise and dust**
- 28.3.6.7 Site remediation, and future use**

Non-notification

The written approval of affected persons will not be necessary in respect of items 28.3.6.1 to 28.3.6.7. Notice of applications need not be served on affected persons and applications need not be notified.

Standards and Terms

Any application for resource consent must be supported by a detailed development plan addressing the matters specified by the structure plan .

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to, but will not be limited to, the following criteria:

- 28.3.6.8 The extent of compliance with the Principles and Requirements in the structure plan for the site.
- 28.3.6.9 The extent of impact on any identified Ridgeline and Hilltop overlay.

28.4 Non-Complying Activities

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

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