

## **Chapter 34. Business 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).





<b>Uses/Activities</b>	<b>Rule</b>	<b>P</b>	<b>C</b>	<b>DR</b>	<b>DU</b>
Activities that comply with standards in 34.6.1	34.1.1	•			
In Business 1 Areas, all retail activities, except supermarkets with a gross floor area greater than 1,500m <sup>2</sup> GFA and integrated retail developments with a GFA greater than 10,000m <sup>2</sup>	34.1.2	•			
In Business 2 Areas, trade supply retail, wholesalers, service retail, ancillary retail, and yard-based retail activities are a Permitted Activity	34.1.3	•			
Activities relating to the upgrade and maintenance of roads and accessways	34.1.4	•			
Quarrying - Kiwi Point or Kiwi Point Quarry Extension Area (Ngauranga Gorge) subject to conditions	34.1.5	•			
Any activity listed in Section 3.5.2.2 (hazardous substances)	34.2.1		•		
Quarrying and clean filling on part 4, part Lot 5 and part Lot 6 DP 72996 Ngauranga Gorge (known as Kiwi Point Quarry southern face shown in Appendix 2) is a Controlled Activity	34.2.3		•		
Activities that provide more than 70 parking spaces	34.3.1			•	
Critical facilities in a Hazard Area	34.3.2			•	
Quarrying and cleanfilling activities that do not meet standards in 34.6	34.3.3			•	
Permitted, Controlled or Discretionary (Restricted) Activities that do not meet standards in 34.6.1	34.3.4			•	
New noise sensitive activities within the Business 2 Areas	34.4.1				•
Supermarkets in all Business 1 Areas with a gross floor area greater than 1500m <sup>2</sup>	34.4.2				•
Integrated retail developments comprising large format retail activities in Business 1 Areas with a cumulative gross floor area greater than 10,000m <sup>2</sup>	34.4.3				•
Integrated retail developments comprising any other retail activity apart from large format retail activities in Business 1 Areas with a cumulative gross floor area greater than 2,500m <sup>2</sup>	34.4.4				•
Retail activities in Tawa South and Takapu Island that do not comply with standard 34.6.1.13	34.4.5				•
Helicopter landing areas	34.4.6				•
<b>Buildings</b>	<b>Rule</b>	<b>P</b>	<b>C</b>	<b>DR</b>	<b>DU</b>
Construction of, alteration of and addition to buildings and structures subject to standards in 34.6.2	34.1.6	•			
Total or partial demolition or removal of buildings and structures except heritage items	34.1.7	•			
Construction, alteration of, and addition to buildings, including accessory buildings, and structures within the Tawa Hazard (Flooding) Area and the Takapu Hazard (Flooding) Area	34.3.11			•	
Construction, alteration of, and addition to buildings, including accessory buildings, and structures within the Tawa Hazard (Flooding) Area and the Takapu Hazard (Flooding) Area	34.4.10				•
Construction, alteration of and addition to buildings and structures in Business 1 Areas with a gross floor area exceeding 500m <sup>2</sup>	34.3.5			•	
Construction of new residential buildings, including accessory					

buildings, or the conversion of existing buildings for residential activities on any site within Business 1 Areas (except the Shelly Bay Business Precinct and those sites contained within the airnoise boundary)	34.3.6				•	
Construction, alteration of, and addition to buildings and structures in Shelly Bay Business Precinct	34.3.7				•	
Construction, alteration of and addition to buildings and structures in Business 2 Areas with a gross floor area exceeding 4000m <sup>2</sup> and located on a site adjacent to or abutting a Residential Area or a state highway	34.3.8					
Construction, alteration of, or addition to buildings and structures that would be Permitted Activities but that do not meet standards in 34.6.2	34.3.9				•	
Construction, alteration and addition to buildings and structures exceeding 30m <sup>2</sup> gross floor area in the Hazard (Fault Line) Area	34.3.10				•	
Construction of buildings or structures which provide more than 70 parking spaces	34.3.12				•	
Construction of new residential buildings within the airnoise boundary	34.4.7					•
Construction of new residential buildings, including accessory buildings, or the conversion of existing buildings for residential activities on any site within Business 2 Areas	34.4.8					•
Pedestrian bridges, buildings and structures over roads	34.4.9					•
<b>Signs</b>	<b>Rule</b>	<b>P</b>	<b>C</b>	<b>DR</b>	<b>DU</b>	
Signs complying with the standards in 34.6.3	34.1.8	•				
Signs that do not meet standards in 34.6.3	34.3.13			•		
<b>Subdivision</b>	<b>Rule</b>	<b>P</b>	<b>C</b>	<b>DR</b>	<b>DU</b>	
Subdivision except for company lease, cross lease and unit title subdivision, subject to standards link,16814,34.1.9	link,16814,34.1.9	•				
Company lease, cross lease and unit title subdivision	link,16827,34.2.3		•			
Subdivision not being Permitted or Controlled Activities	link,17015,34.3.14			•		
<b>Heritage</b>	<b>Rule</b>	<b>P</b>	<b>C</b>	<b>DR</b>	<b>DU</b>	
Activities affecting heritage items	link,3561,21.0	•	•			•
Buildings affecting heritage items	link,3561,21.0			•		
<b>Utilities</b>	<b>Rule</b>	<b>P</b>	<b>C</b>	<b>DR</b>	<b>DU</b>	
Utilities	link,1989,23.0	•	•	•		•

## Schedule of Appendices

Number	Appendix
1	Shelly Bay Business Precinct – Boundary Location
2	Kiwi Point Quarry (Ngauranga Gorge)
3	Indicative list of activities under Schedule 3 of the Health Act 1956
4	Rongotai South Area Specific Provisions
5	Miramar/Burnham Wharf Operational Port Area

# 34 BUSINESS AREA RULES

## 34.1 Permitted Activities

Section 34.1 describes which activities, buildings, structures, signs and subdivisions are permitted in Business Areas provided they comply with the standards in section 34.6.

### ACTIVITIES

**34.1.1 Any activity is a Permitted Activity provided that it complies with the standards specified in section 34.6.1 (activities), except:**

- retail activities in Business 1 Areas (see Rule 34.1.2)
- retail activities in Business 2 Areas (see Rule 34.1.3)
- the use, storage or handling of those hazardous substances, listed in section 3.5.2.2 (see Rule 34.2.1)
- any activity that provides more than 70 parking spaces (see Rule 34.3.1)
- any critical facility within a Hazard Area (excluding port activities located within the Operational Port Area which are permitted) (see Rule 34.3.2)
- noise-sensitive activities within Business 2 Areas (see Rule 34.4.1)
- helicopter landing areas (see Rule 34.4.6)
- those activities listed under the Third Schedule to the Health Act 1956 (see Rule 34.5)
- cleanfills greater than 100m<sup>3</sup>, except as provided for in Rule 34.1.5, Kiwi Point Quarry Area in Ngauranga Gorge (see Rule 34.5)
- landfills (see Rule 34.5)
- quarrying, other than that provided for in Ngauranga Gorge under Rule 34.1.5 (see Rule 34.5)
- any activity in the southern part of the Kiwi Point Quarry (defined as the area south of the access point from State Highway One) in Ngauranga Gorge, other than that provided for in Rule 34.1.5 (see Rule 34.5)

**34.1.2 In Business 1 Areas, all retail activities, are a Permitted Activity provided that they comply with the standards specified in section 34.6.1 (activities), except:**

- supermarkets with a gross floor area exceeding 1,500m<sup>2</sup> (see Rule 34.4.2)
- integrated retail developments comprising large format retail activities (i.e. any individual activity exceeding 450m<sup>2</sup>) with a cumulative total gross floor area exceeding 10,000m<sup>2</sup> (see Rule 34.4.3)
- integrated retail developments that are not large format retail activities (i.e. any individual activity not exceeding 450m<sup>2</sup>) with a cumulative total gross floor area exceeding 2,500m<sup>2</sup> (see Rule 34.4.4)

- in Tawa South and Takapu Island, retail activities that do not comply with

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

*Noise sensitive activities are defined in Chapter 3.10.*

*Note, Appendix 63 lists the types of activities contained in the Third Schedule of the Health Act 1956.*

*Retail activities, supermarkets, and integrated retail developments are defined in Chapter 3.10. Note: For the avoidance of doubt, building improvement centres, trade supply, wholesalers and yard-based retail are permitted activities in Business 1 Areas.*

standard 34.6.1.13.1 (see Rule 34.4.5)

**34.1.3** In Business 2 Areas, the following retail activities are a Permitted Activity provided that they comply with the standards specified in sections 34.6.1 (activities):

- trade supply retail
- wholesalers
- building improvement centres
- service retail
- ancillary retail
- yard-based retail activities

*Definitions for Trade Supply Retail, Wholesalers, Building Improvement Centres, Service Retail, Ancillary Retail, and Yard Based Retail activities are defined in Section 3.10.*

**34.1.4** Any activity relating to the upgrade and maintenance of existing formed roads and public accessways including associated earthworks, except the construction of new legal road, is a Permitted Activity.

**34.1.5** Quarrying and clean filling on part Lot 1, and part Lot 2 DP 72995, part Lot 1 DP 34015, part Lot 1 DP 65030 and part Lot 2 DP 91179 Ngauranga Gorge (known as Kiwi Point Quarry shown in Appendix 2) is a Permitted Activity provided that it complies with the standards specified in sections 34.6.1 (activities), 34.6.2 (buildings and structures) and 34.6.5 (Kiwi Point Quarry standards), (except that standard 34.6.1.9.2 does not apply to the temporary stockpiling or storage of quarried rock material).

## BUILDINGS AND STRUCTURES

**34.1.6** The construction or alteration of, or addition to buildings and structures are Permitted Activities provided they comply with the standards specified in section 34.6.2 (buildings and structures), except:

- the construction, alteration of, and addition to, buildings, including accessory buildings, and structures within the Tawa Hazard (Flooding) Area or the Takapu Hazard (Flooding) Area (see Rules 34.3.11 and 34.3.10).
- the construction of, or addition to, buildings and structures in Business 1 Areas with a gross floor exceeding 500m<sup>2</sup> (see Rule 34.3.5)
- the construction of, or addition to, buildings and structures in the Shelly Bay Business Precinct Area (see Rule 34.3.7)
- the construction of, or addition to, buildings and structures in Business 2 Areas with a gross floor area exceeding 4000m<sup>2</sup> and located on a site adjacent to or abutting a Residential Area or a state highway (see Rule 34.3.8)
- the construction or alteration of, or addition to buildings and structures which would be Permitted, Controlled or Discretionary (Restricted) Activities but that do not meet one or more of the standards outlined in 34.6.2 (see Rule 34.3.9)
- any building or structure with a gross floor area exceeding 30m<sup>2</sup> within a Hazard (Fault Line) Area (see Rule 34.3.10)
- the erection of buildings or structures involving the provision of more than 70 parking spaces (see Rule 34.3.12)
- buildings and structures, including pedestrian bridges, located above the street that exceed 25 percent of the width of the street at any point (see Rule 34.4.9).

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

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

**34.1.7** The total or partial demolition or removal of buildings and structures are Permitted Activities, except those listed in the District Plan as heritage items or within an identified heritage area.

*For schedule of listed heritage items, refer to Chapter 21.*

## SIGNS

**34.1.8** Signs are a Permitted Activity provided that they comply with the standards specified in section 34.6.3 (signs).

**SUBDIVISION**

**34.1.9** Subdivision is a Permitted Activity provided that it complies with the standards specified in section 34.6.4 (subdivision), except:

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

- company lease, cross lease and unit title subdivision (see Rule 34.2.2)



## 34.2 Controlled Activities

Section 34.2 describes which activities are Controlled Activities in Business Areas. A resource consent will be required but consent cannot be refused. Conditions may be imposed relating to the matters specified in Rules 34.2.1 – 34.2.2. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

### ACTIVITIES

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

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

**34.2.1.1 the use, storage or handling of hazardous substances**

#### ***Non-notification/ service***

In respect of Rule 34.2.1 applications will not be publicly notified (unless special circumstances exist) or limited notified.

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

See policies 33.2.12.1 – 33.2.12.5

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

### SUBDIVISION

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

**34.2.2.1 stormwater, sewerage and water supply**

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

provided that all activities, buildings and structures and signs (existing and proposed) comply with the standards specified in section 34.6 relating to vehicle parking, loading, servicing and site access; buildings and structures; and signs. In terms of Standard 34.6.4.1.4, applications must either meet the vehicle access and parking standards, or demonstrate an ability to meet these standards.

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

#### ***Non-notification/ service***

In respect of Rule 34.2.2 applications will not be publicly notified (unless special circumstances exist) or limited notified.

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

See policy 33.2.8.1

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

### KIWI POINT QUARRY

**34.2.3** Quarrying and clean filling on part Lot 4, part Lot 5 and part Lot 6 DP 72996 Ngauranga Gorge (known as Kiwi Point Quarry southern face shown in Appendix 2) is a Controlled Activity if it complies with the standards specified in sections 34.6.1 (activities), 34.6.2 (buildings and structures) and 34.6.5 (Kiwi Point Quarry standards), except that:

- standard 34.6.1.9.2 does not apply to the temporary stockpiling or storage of quarried rock material);
- standard 34.6.1.10 does not apply to dust.

The Council's control shall be limited to the following matters:

**34.2.3.1** The importance of quarrying aggregate and meeting the supply demand for the city's use

**34.2.3.2** maximising the extent of residential buffer areas;

**34.2.3.3** the extent to which conditions are required to ensure that quarrying activities are timed and staged to ensure that rehabilitation of cut faces can begin as early as practicable;

**34.2.3.4** the detailed contents of a Quarry Management Plan for this area outlined in Policy 33.2.2.7;

**34.2.3.5** optimising the standard, location and staging of ecological mitigation through the provision of an ecological restoration plan including budgets and indicative timetables to ensure effective mitigation and rehabilitation;

**34.2.3.6** the design and location of screening quarry activities adjacent to State Highway 1;

**34.2.3.7** measures required to manage noise and vibration from blasting activities;

**34.2.3.8** measures required to maintain slope stability, and to prevent slope erosion or collapse;

**34.2.3.9** measures required to manage dust emissions from quarrying activities; and

**34.2.3.10** measures required to manage the impact of quarrying activity on the visual amenity of residential properties.

***Non-notification/ service***

In respect of Rule 34.2.3 applications will not be publicly notified or limited notified (unless special circumstances exist).

**Relevant policies for preparing resource consent applications**

See policy 33.2.2.7

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

*Note, applications under this rule are subject to specific information requirements at 3.2.2.18*

### 34.3 Discretionary Activities (Restricted)

Section 34.3 describes which activities are Discretionary Activities (Restricted) in Business Areas. Consent may be refused or granted subject to conditions. Grounds for refusal and conditions will be restricted to the matters specified in rules 34.3.1 – 34.3.14. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

Any activity under Rules 34.3.1 to 34.3.3 that do not meet one or more of the standards specified in 34.6.1 (activities) is also subject to Rule 34.3.4.

Any building or structure under Rules 34.3.5, 34.3.6, 34.3.7, 34.3.8, 34.3.10, 34.3.11 or 34.3.12 that does not comply with the standards specified in 34.6.2 (buildings and structures) is also subject to Rule 34.3.9.

#### ACTIVITIES

**34.3.1 Any activity that provides more than 70 parking spaces is a Discretionary Activity (Restricted) in respect of:**

*If the activity does not comply with standards for activities in 34.6.1, Rule 34.3.4 applies in addition to this Rule. Note, any activity that triggers Rule 34.3.1 will require a Transport Assessment to accompany any application for resource consent, as required by section 3.2.2.4 of the District Plan.*

**34.3.1.1 the movement of vehicular traffic to and from the site.**

**34.3.1.2 the impact on the roading network and the hierarchy of roads (see Map 33) from trip patterns, travel demand or vehicle use.**

**34.3.1.3 the provision and location of facilities for multiple modes of transport.**

#### ***Non-notification/ service***

In respect of Rule 34.3.1 applications will not be publicly notified (unless special circumstances exist) or limited notified, except that the New Zealand Transport Agency must be notified where it is considered to be an affected party to an application.

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

See policies 33.2.6.1-33.2.6.6

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

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

*If the activity does not comply with standards for activities specified in section 34.6.1, Rule 34.3.4 applies in addition to this Rule.*

**34.3.2.1 the location of the facility.**

#### ***Non-notification/ service***

In respect of Rule 34.3.2 applications will not be publicly notified (unless special circumstances exist) or limited notified.

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

See policies 33.2.12.1 - 33.2.12.5.

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

**34.3.3** **Quarrying and cleanfilling activities in Ngauranga Gorge (Kiwi Point Quarry north and south faces) which would be Permitted or Controlled Activities but that do not meet one or more of the standards specified in sections 34.6.1 (activities), 34.6.2 (buildings and structures) and 34.6.5 (Kiwi Point Quarry standards) are Discretionary Activities (Restricted), (except that standard 34.6.1.9.2 does not apply to the temporary stockpiling or storage of quarried rock material). Discretion is restricted to the effects generated by the standard(s) not met.**

***Non-notification/ service***

In respect of Rule 34.3.3 applications will not be publicly notified or limited notified (unless special circumstances exist).

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

See policy 33.2.2.7

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

**34.3.4** **Activities which would be Permitted or Controlled Activities but that do not meet one or more of the following standards outlined in section 34.6.1 (activities) are Discretionary Activities (Restricted). Discretion is restricted to the effects generated by the standard(s) not met:**

**34.3.4.1** noise (standards 34.6.1.1 and 34.6.1.1.1A)

**34.3.4.2** noise (fixed plant) (standard 34.6.1.2)

**34.3.4.3** electronic sound system noise (standard 34.6.1.3)

**34.3.4.4** temporary activity noise (standard 34.6.1.4)

**34.3.4.5** port noise (standard 34.6.1.5)

**34.3.4.6** vehicle parking, servicing and site access (standard 34.6.1.6)

**34.3.4.7** lighting (standard 34.6.1.7)

**34.3.4.8** use, storage, or handling of hazardous substances (standard 34.6.1.8)

**34.3.4.9** screening of activities and storage (standard 34.6.1.9)

**34.3.4.10** dust (standard 34.6.1.10)

**34.3.4.11** electromagnetic radiation (standard 34.6.1.11)

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

**34.3.4.12** *noise emission levels under standards 34.6.1.1 and 34.6.1.2 shall not be exceeded by more than 5 decibels. This condition does not apply to temporary activity noise.*

**34.3.4.13** *maximum lighting levels under standard 34.6.1.8 must not be exceeded by more than 20 percent.*

**34.3.4.14** *for hazardous substances, the cumulative Effect Ratio as assessed under the Hazardous Facilities Screening Procedure for the site where the activity is to occur is greater than or equal to 0.1 or does not meet the standard 34.6.2.3 unless the site is located in a Hazard Area.*

**34.3.4.15** *for hazardous substances, where the hazardous facility is located in a Hazard Area, the cumulative Effect Ratio as assessed under the Hazardous*

**Facilities Screening Procedure for the site where the activity is to occur is less than or equal to 0.5 but does not meet standard 34.6.2.3.**

**Non-notification/ service**

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

- 34.3.4.6 (vehicle parking, servicing and site access), and
- 34.3.4.9 (screening of activities and storage), and
- 34.3.4.10 (dust), and
- 34.3.4.11 (electromagnetic radiation)

except that in relation to 34.3.4.6 (vehicle parking, servicing and site access) the New Zealand Transport Agency must be notified where it is considered to be an affected party to an application.

**Relevant policies for preparing resource consent applications**

See policies 33.2.2.8 – 33.2.2.16, 33.2.6.2, 33.2.6.6, 33.2.9.1- 33.2.9.3, 33.2.12.1-33.2.12.5.

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

**BUILDINGS AND STRUCTURES**

**34.3.5 The construction of, or the addition to, buildings and structures in Business 1 Areas resulting in a total gross floor area exceeding 500m<sup>2</sup> are Discretionary Activities (Restricted) in respect of:**

*Building work covered by Rule 34.3.5 will be assessed against the provisions of the Business Areas Design Guide. Applications require a Design Statement as required by section 3.2.4. If the proposal does not comply with standards for buildings and structures in 34.6.2, Rule 34.3.9 applies in addition to this Rule.*

**34.3.5.1 design, external appearance and siting**

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

**34.3.5.3 site layout, parking and site access**

**34.3.5.4 adequate on-site car parking provision**

**34.3.5.5 the provision and location of facilities for multi modal transport**

**34.3.5.6 provision for pedestrian movement**

**34.3.5.7 site landscaping**

**34.3.5.8 the quality of the built edge and its relationship to the character of the Lyall Bay coastal environment (relates only to lots fronting Lyall Parade)**

**Except that this rule does not apply to the following:**

- any development that includes residential activities (see Rule 34.3.6)
- any development within the Shelly Bay Business Precinct Area (see Rule 34.3.7)

**Non-notification/ service**

In respect of Rule 34.3.5 applications will not be publicly notified (unless special circumstances exist) or limited notified.

**Relevant policies for preparing resource consent applications**

See policies 33.2.4.1, 33.2.4.3-33.2.4.8, 33.2.5.1-33.2.5.2, 33.2.6.1-33.2.6.6.

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

**34.3.6 The construction of new buildings, or the conversion of existing buildings, for residential activities on any site, within Business 1 Areas are a Discretionary Activity (Restricted) in respect of:**

*If the activity does not comply with standards for buildings and structures in 34.6.2, Rule 34.3.9 applies in addition to this Rule. Building work covered by Rule 34.3.6 will be assessed against the provisions of the Residential and Business Areas Design Guide. Applications require a Design Statement as required by section 3.2.4.*

- 34.3.6.1 design, external appearance and siting**
- 34.3.6.2 the location and type of buildings or structures**
- 34.3.6.3 residential amenity**
- 34.3.6.4 site layout, parking and site access**
- 34.3.6.6 provision for pedestrian movement**
- 34.3.6.7 site landscaping**

Except that this rule does not apply to the following:

- any development within the Shelly Bay Business Precinct Area (see Rule 34.3.7)
- any residential development on sites contained within the airnoise boundary as depicted on Planning Map 35 (see Rule 34.4.7)

***Non-notification/ service***

In respect of Rule 34.3.6 applications will not be publicly notified (unless special circumstances exist) or limited notified.

**Relevant policies for preparing resource consent applications**

See policies 33.2.4.1, 33.2.4.3-33.2.4.8, 33.2.5.1-33.2.5.2, 33.2.6.1-33.2.6.6.

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

**34.3.7 The construction of, or addition to, buildings and structures, including new residential buildings, or the conversion of existing buildings for residential activities in the Shelly Bay Business Precinct Area are Discretionary Activities (Restricted) in respect of:**

*If the activity does not comply with standards for buildings and structures in 34.6.2, Rule 34.3.9 applies in addition to this Rule. Building work covered by Rule 34.3.7 will be assessed against the provisions of the Shelly Bay Design Guide. Applications require a*

*Design Statement as required by section 3.2.4.*

- 34.3.7.1 design, external appearance and siting
- 34.3.7.2 residential amenity
- 34.3.7.3 character and sense of place
- 34.3.7.4 parking and site access
- 34.3.7.5 site landscaping

**Relevant policies for preparing resource consent applications**

See policies 33.2.3.1, 33.2.4.1, 33.2.4.3-33.2.4.8, 33.2.5.1-33.2.5.2, 33.2.6.1-33.2.6.6.

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

- 34.3.8 **The construction of, or the addition to, buildings and structures in Business 2 Areas resulting in a total gross floor area exceeding 4000m<sup>2</sup>, and located on a site adjacent to or abutting a Residential Area or a state highway are Discretionary Activities (Restricted) in respect of:**

*Building work covered by Rule 34.3.8 will be assessed against the provisions of the Business Areas Design Guide. Applications require a Design Statement as required by section 3.2.4. If the proposal does not comply with standards for buildings and structures in 34.6.2, Rule 34.3.9 applies in addition to this Rule.*

- 34.3.8.1 design, external appearance and siting
- 34.3.8.2 the location and type of buildings or structures
- 34.3.8.3 site layout, parking and site access
- 34.3.8.4 provision for pedestrian movement
- 34.3.8.5 landscaping

**Relevant policies for preparing resource consent applications**

See policies 33.2.4.1, 33.2.4.3-33.2.4.8, 33.2.5.1-33.2.5.2, 33.2.6.1-33.2.6.6.

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

- 34.3.9 **The construction or alteration of, or addition to buildings and structures which would be a Permitted, Controlled or Discretionary (Restricted) Activity but that does not meet one or more of the following standards outlined in section 34.6.2 (buildings and structures), are Discretionary Activities (Restricted). Unless otherwise noted below, discretion is limited to the effects generated by the standard(s) not met:**

- 34.3.9.1 height (standard 34.6.2.1)
  - design, external appearance and siting
  - the amenity of adjoining properties
  - sunlight access to streets, public space, or residential buildings in

**Residential Areas**

- the character of the surrounding streetscape, including the form and scale of neighbouring buildings
- the impact of wind from additional building height on pedestrian amenity and safety, particularly at surrounding building entries
- In the Miramar/Burnham Wharf Operational Port Area:
  - The height of construction related equipment and the construction methodology proposed to ensure no penetration of the airspace height restriction in Airport Designation (G2).
  - Building mass and bulk

- 34.3.9.2 minimum building height (standard 34.6.2.2)
- 34.3.9.3 height control adjoining Residential Areas (standard 34.6.2.3)
- 34.3.9.4 yards (standard 34.6.2.4)
- 34.3.9.5 windows (standard 34.6.2.5)
- 34.3.9.6 active building edges (standard 34.6.2.6)
- 34.3.9.7 verandahs (standard 34.6.2.7)
- 34.3.9.8 proximity to high voltage transmission lines (standard 34.6.2.8), discretion is limited to:
- the separation distance between the building or structure and the transmission lines
  - the impact of the proposed works on the ongoing operation, maintenance and upgrading of the national grid
- 34.3.9.9 fixed plant noise (standard 34.6.2.9)
- 34.3.9.10 noise insulation and ventilation (standard 34.6.2.10)
- 34.3.9.11 noise insulation – port noise affected area (standard 34.6.2.11)
- 34.3.9.12 noise insulation and ventilation – Air Noise Boundary (standard 34.6.2.12)  
subject to compliance with the following conditions:
- 34.3.9.13 in all Business Areas, except for:
- Grenada North;
  - Rongotai South (as identified in Appendix 4);
  - Area 1A and 1B of the Miramar/Burnham Wharf Operational Port Area as shown on Appendix 5; and
  - Ngauranga
- the maximum building height assessed under standard 34.6.2.1.1 must not be exceeded by more than 50%.
- 34.3.9.14 In Rongotai South (as identified in Appendix 4), the maximum building height assessed under standard 34.6.2.1.1 must not exceed the specified restricted discretionary heights identified in Appendix 4.
- 34.3.9.15 in Grenada North and Ngauranga, the maximum building height assessed under standards 34.6.2.1.1 must not be exceeded by more than 33 percent.
- 34.3.9.16 in relation to height control adjoining Residential Areas, the building recession planes must not be exceeded by more than 3 metres measured



vertically.

**34.3.9.17 in the Miramar/Burnham Wharf Operational Port Area the maximum discretionary (restricted) building and structure height, subject to the exceptions contained in 34.6.2.1.1, is specified in Appendix 5.**

***Non-notification/ service***

In respect of item 34.3.9.4 (yards) applications will not be publicly notified (unless special circumstances exist) or limited notified, except that Greater Wellington Regional Council will be considered to be an affected party- to any application that breaches Standard {34.6.2.4.2} in relation to Porirua Stream and tributaries.

In respect of item 34.3.9.8 (high voltage transmission lines) applications will not be publicly notified (unless special circumstances exist) or limited notified, except that Transpower New Zealand Limited may be considered to be an affected party to any application that breaches Standard 34.6.2.8.1 (proximity to high voltage transmission lines).

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

- 34.3.9.4 (yards)
- 34.3.9.7 (verandahs)
- 34.3.9.10 (noise insulation and ventilation)

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

See policies 33.2.2.9-33.2.2.13, 33.2.4.1 – 33.2.4.8, 33.2.5.1-33.2.5.2, 33.2.9.1-33.2.9.3.

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

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

*Building work covered by Rule 34.3.10 will be assessed against the provisions of the Business Areas Design Guide. If the proposal does not comply with the standards for buildings and structures in 34.6.2, Rule 34.3.9 applies in addition to this Rule.*

**34.3.10.1 the location and type of buildings or structures.**

***Non-notification/ service***

In respect of Rule 34.3.10 applications will not be publicly notified (unless special circumstances exist) or limited notified.

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

See policies 33.2.11.1 – 33.2.11.4.

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

**34.3.11 Within an identified Flood Hazard (Flooding) Area, the construction of, alteration of, and addition to, buildings, including accessory buildings, and structures which are:**

*If the activity does not comply with standards for activities in 34.6.1, Rule 34.3.9 applies in addition to this Rule.*

- more than 10 metres from the Porirua Stream and its tributaries within the Tawa Hazard (Flooding) Area; or
- more than 5 metres from the Takapu Stream within the Takapu

**Hazard (Flooding) Area; and**

- which have a floor level above the 1 in 100 year flood event

are Discretionary Activities (Restricted) in respect of:

- 34.3.11.1 building and structure floor levels and building floor area
- 34.3.11.2 building and structure location within the site
- 34.3.11.3 the displacement of flood waters from the site.
- 34.3.11.4 effects of the proposal on the erosion and flood hazard risks and stream maintenance access.

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

***Non-notification/ service***

In respect of Rule 34.3.11 applications will not be publicly notified (unless special circumstances exist) or limited notified, except that Greater Wellington Regional Council will be considered to be an affected party.

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

See policies 33.2.4.1 – 33.2.4.8, 33.2.5.1-33.2.5.2, 33.2.11.1, 33.2.11.3, 33.2.11.4.

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

**34.3.12 The construction of buildings or structures which provide more than 70 parking spaces is a Discretionary (Restricted) Activity in respect of:**

- 34.3.12.1 the movement of vehicular traffic to and from the site.
- 34.3.12.2 the impact on the roading network and the hierarchy of roads (see Map 33) from trip patterns, travel demand or vehicle use.
- 34.3.12.3 the provision and location of facilities for multiple modes of transport.

*If the activity does not comply with standards for buildings and structures in 34.6.2, Rule 34.3.9 applies in addition to this Rule. Note, any activity that triggers Rule 34.3.12 will require a Transport Assessment to accompany any application for resource consent, as required by section 3.2.2.4 of the District Plan.*

***Non-notification/ service***

In respect of Rule 34.3.12 applications will not be publicly notified (unless special circumstances exist) or limited notified, except that the New Zealand Transport Agency must be notified where it is considered to be an affected party to an application.

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

See policies 33.2.6.1-33.2.6.6.

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

**SIGNS**

**34.3.13** Signs that do not meet one or more of the standards specified in section 34.6.3.1, are a Discretionary Activities (Restricted), with discretion restricted to the standard not met.

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

***Non-notification/ service***

In respect of Rule 34.3.13 applications will not be publicly notified (unless special circumstances exist) or limited notified, except that the New Zealand Transport Agency must be notified where it is considered to be an affected party to an application.

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

See policies 33.2.7.1- 33.2.7.5

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

**SUBDIVISION**

**34.3.14** Any subdivision not being a Permitted or Controlled Activity is a Discretionary Activity (Restricted) in respect of:

**34.3.14.1** roading, access, stormwater, sewerage, and water supply

**34.3.14.2** esplanades

***Non-notification/ service***

In respect of Rule 34.3.14 applications will not be publicly notified (unless special circumstances exist) or limited notified.

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

See policies 33.2.8.1, 33.2.6.2 – 33.2.6.6

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

## 34.4 Discretionary Activities (Unrestricted)

Section 34.4 describes which activities are Discretionary Activities (Unrestricted) in Business Areas. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

### ACTIVITIES

**34.4.1 Noise sensitive activities within the Business 2 Areas and within the airnoise boundary are a Discretionary Activity (Unrestricted).**

*Noise sensitive activities are defined in Chapter 3.10.*

**Relevant policies for preparing resource consent applications**

See policies 33.2.2.3, 33.2.2.9 - 33.2.2.14

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

**34.4.2 Supermarkets in Business 1 Areas with a gross floor area exceeding 1500m<sup>2</sup> are a Discretionary Activity (Unrestricted).**

*Supermarkets are defined in Chapter 3.10*

**Relevant policies for preparing resource consent applications**

See policies 33.2.1.3, 33.2.2.4 - 33.2.2.5.

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

**34.4.3 Integrated retail developments comprising large format retail activities (i.e. any individual activity exceeding 450m<sup>2</sup>) with a cumulative total gross floor area exceeding 10,000m<sup>2</sup> are a Discretionary Activity (Unrestricted).**

*Integrated retail developments and large format retail activities are defined in Chapter 3.10.*

**Relevant policies for preparing resource consent applications**

See policies 33.2.1.3, 33.2.2.4 - 33.2.2.5 and Centres Design Guide.

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

*Note that trade supply, wholesalers, yard-based retail and building improvement centres are permitted activities.*

**34.4.4 Integrated retail developments that are not large format retail activities (i.e. any individual activity not exceeding 450m<sup>2</sup>) with a cumulative total gross floor area exceeding 2,500m<sup>2</sup> are a Discretionary Activity (Unrestricted).**

*Integrated retail developments and large format retail activities are defined in Chapter 3.10.*

**Relevant policies for preparing resource consent applications**

See policies 33.2.1.3, 33.2.2.4 - 33.2.2.5 and Centres Design Guide.

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

*Note that trade supply, wholesalers, yard-based retail and building improvement centres are permitted activities.*

**34.4.5 Retail activities in the Tawa South or Takapu Island Business 1 Areas that do not comply with standard 34.6.1.13.1 (minimum gross floor area) are a Discretionary Activity (Unrestricted).**

*Retail activities are defined in Chapter 3.10.*

**Relevant policies for preparing resource consent applications**

See policy 33.2.1.3 and 33.2.2.5

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

**34.4.6 Helicopter landing areas are a Discretionary Activity (Unrestricted).**

**Relevant policies for preparing resource consent applications**

See policies 33.2.2.9-33.2.2.13

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

**BUILDINGS AND STRUCTURES**

**34.4.7 The construction of new buildings for noise sensitive activities within the airnoise boundary as depicted on Map 35 are Discretionary Activities (Unrestricted).**

**Relevant policies for preparing resource consent applications**

See policies 33.2.2.9-33.2.2.13

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

**34.4.8 The construction of new residential buildings, including accessory buildings, or the conversion of existing buildings for residential activities on any site, within Business 2 Areas are Discretionary Activities (Unrestricted).**

**Relevant policies for preparing resource consent applications**

See policy 33.2.2.3

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

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

**Relevant policies for preparing resource consent applications**

See policies 33.2.4.1, 33.2.4.3, 33.2.4.7

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

**34.4.10 Within an identified Flood Hazard (Flooding) Area, the construction of, alteration of, and addition to, buildings, including accessory buildings, and structures: which are not Permitted Activities or Discretionary Activities (Restricted) are Discretionary Activities (Unrestricted).**

**“For the purposes of clarification, this Rule does not apply to Operational Port Area buildings and structures, or network utility infrastructure, as they are provided for in ‘Chapter 23 Utility Rules’ of the District Plan.”**

**Relevant policies for preparing resource consent applications**

See policies 33.2.11.1, 33.2.11.3 – 33.2.11.5

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

## **34.5 Non-Complying Activities**

Activities that contravene a Rule in the Plan, and which have not been provided for as Permitted, Controlled, Discretionary Activities (Restricted) or Discretionary Activities (Unrestricted) are Non-Complying Activities. Resource consents will be assessed in terms of section 105(2A)(b) of the Resource Management Act.

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

## 34.6 Business Area Standards

<b>34.6.1 ACTIVITIES STANDARDS</b>	<b>These standards apply to all activities in Business Areas.</b>
34.6.1.1 <i>Noise</i>	
34.6.1.2 <i>Fixed Plant Noise</i>	
34.6.1.3 <i>Electronic Sound Systems Noise</i>	
34.6.1.4 <i>Temporary Activity Noise</i>	
34.6.1.5 <i>Port Noise</i>	
34.6.1.6 <i>Vehicle Parking, Servicing and Site Access</i>	
34.6.1.7 <i>Lighting</i>	
34.6.1.8 <i>Use, Storage or Handling of Hazardous Substances</i>	
34.6.1.9 <i>Screening of Activities and Storage</i>	
34.6.1.10 <i>Dust</i>	
34.6.1.11 <i>Electromagnetic Radiation</i>	
34.6.1.12 <i>Discharge of Contaminants</i>	
34.6.1.13 <i>Minimum Gross Floor Area</i>	
<b>34.6.2 BUILDINGS AND STRUCTURES STANDARDS</b>	<b>These standards apply to the construction of buildings and structures in Business Areas.</b>
34.6.2.1 <i>Maximum building height</i>	
34.6.2.2 <i>Minimum building height</i>	
34.6.2.3 <i>Height control adjoining Residential Areas</i>	
34.6.2.4 <i>Yards</i>	
34.6.2.5 <i>Windows adjacent to Residential Areas</i>	
34.6.2.6 <i>'Active' building edges</i>	
34.6.2.7 <i>Verandahs</i>	
34.6.2.8 <i>Proximity to High Voltage Transmission Line</i>	
34.6.2.9 <i>Fixed Plant Noise</i>	
34.6.2.10 <i>Noise insulation and ventilation – Business Areas</i>	
34.6.2.11 <i>Noise insulation – Port Noise Affected Area</i>	
34.6.2.12 <i>Noise insulation and ventilation – Air Noise Boundary</i>	
<b>34.6.3 SIGN STANDARDS</b>	<b>These standards apply to signs in all Business Areas.</b>
34.6.3.1 <i>Signs</i>	
<b>34.6.4 SUBDIVISION STANDARDS</b>	<i>These standards apply to subdivisions in Business Areas.</i>
34.6.4.1 <i>Subdivisions</i>	
<b>34.6.5 KIWI POINT QUARRY</b>	<b>These standards only apply to the Kiwi Point Quarry</b>

STANDARDS	within the Business Zone
34.6.5.1 General	
34.6.5.2 Dust	
34.6.5.3 Quarry activities	
34.6.5.4 Cleanfill activities	
34.6.5.5 Location of quarry plant	
34.6.5.6 Traffic movement	
34.6.5.7 Rehabilitation and treatment of stripped areas	

<b>34.6.1 ACTIVITIES STANDARDS</b>	These standards apply to all activities in Business Areas.
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### 34.6.1.1 Noise

#### Noise (emitted and received within Business 1 Areas)

*Note, the term Noise Emission Level is defined in Section 3.10. This rule applies to those sources that can be readily controlled by the noise performance standards. Other day to day activities which may cause a noise nuisance can be controlled using the excessive noise provisions of the Act as well. Note, all activities have a duty to avoid unreasonable noise under section 16 of the Resource Management Act regardless of the standards set in this Plan. At all times Council retains its power under the Act to ensure that the general duty under sections 16 and 17 to avoid unreasonable noise and avoid, remedy or mitigate any adverse effects of activities on the environment is met, and section 326 may be used to control excessive noise. The best practicable option shall be adopted to ensure that the emission of noise does not exceed a reasonable level.*

- 34.6.1.1.1 Noise emission levels from activities in Business 1 Areas when measured at or within the boundary of any site or at the outside wall of any building on any site other than the site from which the noise is emitted in Business 1 Areas shall not exceed the following limits:  
At all times 60dB L<sub>Aeq</sub> (15 min)



At all times 85dB  $L_{AFmax}$

- 34.6.1.1.1A Any residential activity occurring on Lot 6 DP 21630 or Lot 16 DP 21360 must not have decks, terraces, balconies, skylights or opening windows that face Lot 7 - 9 DP 21630, Lot 11 -15 DP 21630, and Lot 1 DP 83928 (as identified in Appendix 4 - Rongotai South Area Specific Provisions).

**Noise (emitted and received within Business 2 Areas)**

- 34.6.1.1.2 Noise emission levels from activities in Business 2 Areas when measured at or within the boundary of any site or at the outside wall of any building on any site other than the site from which the noise is emitted in Business 2 Areas shall not exceed the following limits:  
At all times 65dB  $L_{Aeq}$  (15 min)  
At all times 85dB  $L_{AFmax}$
- 34.6.1.1.3 Where it is impractical to measure outside the building, measurements shall be made inside (with windows closed). Where indoor measurements are made, then the noise limits stated above shall be reduced by 15dB.
- 34.6.1.1.4 In relation to standard 34.6.2.10.1 where activities have been noise insulated in the vicinity of the site, to protect noise-sensitive uses (including residential use), then this shall not allow activities to increase noise emission levels above those that would apply if the noise insulation had not been undertaken.
- 34.6.1.1.5 The noise limits set in standard 34.6.1.1.1 do not apply to noise from port related activities located in the Operational Port Area. Noise from the Operational Port Area must comply with the Port Noise rules set out in standard 34.6.1.5 .

**Noise (emitted within Business Areas received in other Areas)**

- 34.6.1.1.6 Noise emission levels from activities in Business Areas when measured at or within the boundary of any residential site, in Centres, Residential and Rural Areas shall not exceed the following limits:

<b>Centres</b>		
At all times	60dB $L_{Aeq}$ (15 min)	
At all times	85dB $L_{AFmax}$	
<b>Inner Residential Area</b>		
Monday to Sunday	7am to 10pm	50dB $L_{Aeq}$ (15 min)
Monday to Sunday	10pm to 7am	40dB $L_{Aeq}$ (15 min)
Monday to Sunday	10pm to 7am	70dB $L_{AFmax}$
<b>Outer Residential Area</b>		
Monday to Sunday	7am to 7pm	50dB $L_{Aeq}$ (15 min)
Monday to Sunday	7pm to 10pm	45dB $L_{Aeq}$ (15 min)
Monday to Sunday	10pm to 7am	40dB $L_{Aeq}$ (15 min)
Monday to Sunday	10pm to 7am	65dB $L_{AFmax}$
<b>Rural Areas</b>		
At all times	55dB $L_{Aeq}$ (15 min)	
and		

on any conceptual boundary of a residential building in the Rural Area:		
Monday to Sunday	7am to 8pm	45dB $L_{Aeq}$ (15 min)
Monday to Sunday	8pm to 7am	35dB $L_{Aeq}$ (15 min)
Monday to Sunday	8pm to 7am	60dB $L_{AFmax}$

### 34.6.1.2 Fixed Plant Noise

34.6.1.2.1 Noise emission levels in Business 1 Areas from fixed plant when measured at or within the boundary of any site, or at the outside wall of any building on any site, other than the building or site from which the noise is emitted on shall not exceed the following limits:

At all times 55dB  $L_{Aeq}$  (15 min)

Monday to Sunday 10pm to 7am 80dB  $L_{AFmax}$

34.6.1.2.2 Noise emission levels in Business 2 Areas from fixed plant when measured at or within the boundary of any site, or at the outside wall of any building on any site, other than the building or site from which the noise is emitted on shall not exceed the following limits:

At all times 65dB  $L_{Aeq}$  (15 min)

Monday to Sunday 10pm to 7am 85dB  $L_{AFmax}$

34.6.1.2.3 The noise limits set in standards 34.6.1.2.1 and 34.6.1.2.2 do not apply to fixed plant located in the Operational Port Area. Noise from the Operational Port Area must comply with the Port Noise rules set out in standard 34.6.1.5.

34.6.1.2.4 Noise emission levels from fixed plant in Business Areas must comply with standard 34.6.1.1.6.

34.6.1.2.5 The noise limits set in standard 34.6.1.2.1 shall not apply to fixed plant that is used solely for emergency purposes. Examples of such equipment are standby generator sets that are used to supply electricity only at times of electrical supply failure, or for plant used only during life threatening situations such as smoke fans or sprinkler pumps. This fixed plant is exempt from the noise limits provided that it:

(i) only operates for maintenance between 8am and 5pm weekdays, and

(ii) can comply with standard 34.6.1.1.1 and 34.6.1.1.5, or

(iii) is an electricity generator sets that can only be used on an emergency basis and is not used to generate power for the national grid.

### 34.6.1.3 Electronic Sound Systems Noise

34.6.1.3.1 Noise emission levels in any public space (including streets and parks) generated by electronic sound systems shall not exceed 75dB  $L_{Aeq}$  when measured over any 2 minute period. In any event the measurements shall be made no closer than 0.6 metres from any part of a loudspeaker and at a height no greater than 1.8 metres (representative of the head of a passer-by).

*Aspects of these measurement and assessment criteria for electronic sound systems are different from and take precedent over the corresponding criteria that are set out in the Definitions Section of this Plan for 'Noise Emission Level'*

34.6.1.3.2 The measured level(s) under 34.6.1.3.1 shall be compared directly with the applicable noise limit without any adjustments for special audible characteristics. However, the measured level shall be adjusted for any significant background sound in the area.

### 34.6.1.4 Temporary Activity Noise

34.6.1.4.1 Temporary activities in Business Areas are not subject to the noise standards

stated in standards 34.6.1.1.1, 34.6.1.1.5, 34.6.1.3.1 and 7.6.1.6 This exemption applies between the hours of:

- 9am to 9pm each day (Sunday to Thursday)
- 9am to 10pm (Friday and Saturday).

On New Years Eve temporary activities are not subject to the noise standards stated in standards 34.6.1.1.1, 34.6.1.1.5, 34.6.1.3.1 and 34.6.1.6 between the hours of 9pm on 31st December to 1am the following day.

#### 34.6.1.5 Port Noise

34.6.1.5.1 At any point on land at, or beyond the Port Noise Control Line shown on the Plan Map 55, noise from port related activities shall not exceed the following levels:

Time Period	Sound Level
Any 5 consecutive 24 hour periods	65dBA L <sub>dn</sub>
Any 24 hour period	68dBA L <sub>dn</sub>
10pm – 7am (all days)	60dBA L <sub>eq</sub> (9 hr)
	65dBA L <sub>eq</sub> (15 min)
	85dBA L <sub>max</sub>

Measurements shall be made in accordance with the requirements of NZS 6801:1991 *Measurement of Sound* and NZS 6809:1999 *Port Noise Management and Land Use Planning*.

34.6.1.5.2 The port company shall undertake a noise monitoring programme to ensure that noise from port related activities comply with condition 34.6.1.5.1 at the Port Noise Control Line. This monitoring will be undertaken in accordance with the CentrePort Noise Management Plan and the information shall be reported to Wellington City Council.

34.6.1.5.3 The port company shall produce and at all times operate in accordance with a Port Noise Management Plan, which shall include but is not limited to the matters set out below. The Port Noise Management Plan shall be developed to the satisfaction of Wellington City Council and Greater Wellington Regional Council.<sup>PC49</sup>

The Port Noise Management Plan shall:

- (i) State the objectives of the Management Plan.
- (ii) Identify all significant noise sources from port related activities within the Operational Port Area and the adjacent Coastal Marine Area.
- (iii) Identify the best practical options to ensure the emission of noise does not exceed the noise levels specified in 34.6.1.5.1.
- (iv) Identify techniques that will be considered to reduce the emission of noise over time and indicate which of these techniques will be adopted to achieve realistic objectives in managing noise.
- (v) Explain how the port company will take noise effects into account in the design and location of new or extended port activities.
- (vi) Identify how the port company will work with independent companies to ensure that transport noise and noise from other activities within the port area will be kept to a minimum practical level.
- (vii) Identify procedures for noise reduction through the port company's staff and contractor training.
- (viii) Provide for the establishment and maintenance of a Port Noise Liaison Committee (the port company may provide for this function within the operation of its Environmental Consultative Committee).
- (ix) List the Port Noise Liaison Committee functions; and the procedures for the recommendations of the Committee to be considered and determined by the port company.
- (x) Detail procedures for receiving and deciding on complaints.
- (xi) Detail procedures for noise monitoring; auditing and reporting.
- (xii) Include procedures for the review and alteration of the Port Noise Management Plan.<sup>PC4</sup>

### 34.6.1.6 Vehicle Parking, Servicing and Site Access

#### Vehicle parking

34.6.1.6.1 All parking shall be provided and maintained in accordance with sections 1, 2 and 5 of the joint Australian and New Zealand Standard 2890.1 - 2004, Parking Facilities, Part 1: Off-Street Car Parking.

*Note, developments providing more than 70 parking spaces or have unsatisfactory car parking provision are provided for as Discretionary Activities (Restricted) whereby a Transport Assessment will be required.*

34.6.1.6.2 Where carparking is located within a building, a minimum height clearance of no less than 2.2 metres is required.

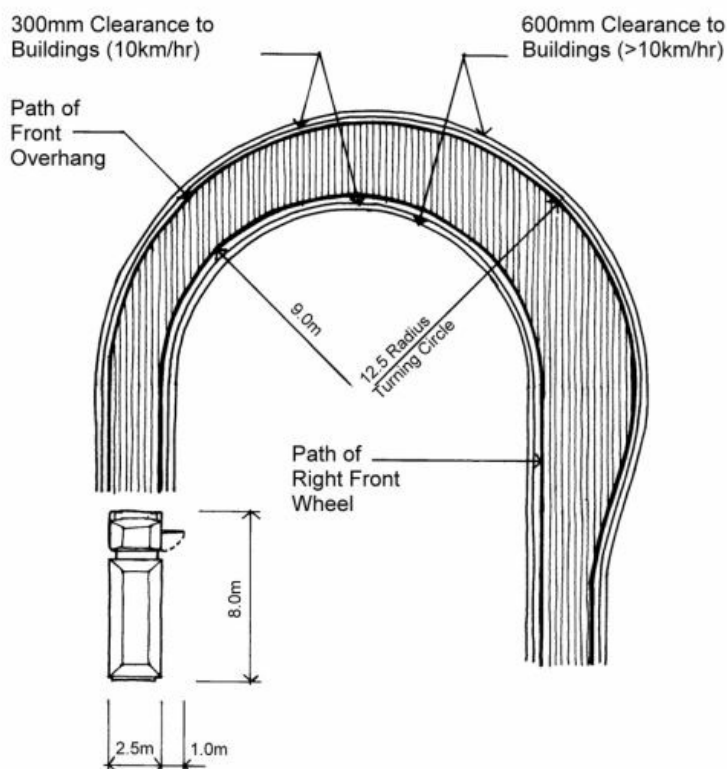
34.6.1.6.3 The gradient for carparking circulation routes shall not be more than 1 in 8.

34.6.1.6.4 Open vehicle parking areas or parking at ground level within a building must not be situated at ground level at the front of sites which adjoin the Open Space A zoned land fronting Lyall Parade, as identified in Appendix 4.

#### Servicing

34.6.1.6.5 On each site in Business Areas, at least one loading area shall be provided as follows:

- where loading areas are located within a building, a minimum height clearance of 4.25 metres is required
- for buildings serviced by lifts, all levels shall have access to a loading area by way of a lift
- the loading area shall be located no further than 15 metres from a lift and there shall be level access between them.
- turning paths shall be based on the standard for a medium rigid truck as illustrated below:



- 34.6.1.6.6 For loading areas located outdoors, the minimum width shall be 3 metres and the minimum length 9 metres.
- 34.6.1.6.7 For loading areas located within a building, the minimum width shall be 4 metres and the minimum length 9 metres.
- 34.6.1.6.8 New servicing and loading areas at ground level within a building must not be situated at ground level at the front of sites which adjoin the Open Space A zoned land fronting Lyall Parade, as identified in Appendix 4.

#### Site access for vehicles

- 34.6.1.6.9 Site access shall be provided and maintained in accordance with section 3 of the joint Australian and New Zealand Standard 2890.1 – 2004, Parking Facilities, Part 1: Off-Street Car Parking (or its successor).
- 34.6.1.6.10 Subject to standard 34.6.1.6.12 no vehicular access, shall be situated closer to an intersection than the following:  
Arterial and principal streets 20m  
Collector streets 15m  
Other streets 10m
- 34.6.1.6.11 No vehicle access is permitted to a site across any restricted road frontage identified on District Plan Maps 43 - 45
- 34.6.1.6.12 There shall be a maximum of one vehicle access to any site except that sites with more than one frontage may have one access across each frontage, unless one of the frontages is to a State highway, in which case no access shall be to the State highway.
- 34.6.1.6.13 Sites adjoining the Open Space A zoned land fronting Lyall Parade, as identified in Appendix 4, must not gain vehicle access from Lyall Parade.
- 34.6.1.6.14 The width of any vehicle crossing to a site shall not exceed 6 metres.
- 34.6.1.6.15 Where vehicular access can be provided from a service lane or right-of-way registered in favour of the site or other private road or private right-of-way, no vehicle access shall be from a street.
- 34.6.1.6.16 All access to sites must be designed to permit a free flow of traffic so that vehicles do not queue on the street.

#### 34.6.1.7 Lighting

- 34.6.1.7.1 Any activity which requires outdoor areas to be lit shall ensure that direct or indirect illumination does not exceed 10 lux at the windows of residential buildings in any Residential Area.
- 34.6.1.7.2 Subject to standard 34.6.2.3.1 any development which includes roads and outdoor public spaces available for use during hours of darkness shall be designed and installed in accordance with AS/NZS 1158.3.1 : 2005 and amendments.

#### 34.6.1.8 Use, Storage or Handling of Hazardous Substances

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

- 34.6.1.8.1 For those activities which are not specifically exempted (see Section 3.5.2.2) the cumulative Effect 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	Hazard Area	Not Hazard Area	Not Hazard Area
Effect Ratio	0.002 < ER <sup>PC35</sup> <=0.05	0.002 < ER <sup>PC35</sup> <=0.1	<=0.002
Conditions	34.6.1.8.2 to	34.6.1.8.2 to	34.6.1.8.9, 34.6.1.8.11 and

applying	34.6.1.8.12	34.6.1.8.12	34.6.1.8.12 only
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*Activities that do not meet the above Effects Ratio criteria or do not otherwise comply with the applicable conditions will be Discretionary (Restricted) Activities.*

- 34.6.1.8.2 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 handled on-site. Secondary containment systems also need to comply with any relevant provisions under the Hazardous Substances and New Organisms Act 1996.
- 34.6.1.8.3 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.
- 34.6.1.8.4 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 that is compliant with relevant provisions under the Hazardous Substances and New Organisms Act 1996.
- 34.6.1.8.5 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 sewerage or stormwater drainage system unless expressly permitted under a resource consent or trade waste permit.
- 34.6.1.8.6 All stormwater grates, collection structures and inspection chamber covers on the site shall be clearly marked as such.
- 34.6.1.8.7 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.
- 34.6.1.8.8 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 any relevant provisions under the Hazardous Substances and New Organisms Act 1996 and the Code of Practice for the "Design, Installation and Operation of Underground Petroleum Storage Systems" (1992) is a minimum requirement.

### **Signage**

- 34.6.1.8.9 All facilities must display signage to indicate the nature of the hazardous substances present (compliance with the provisions of the Hazardous Substances and New Organisms Act 1996 and the requirements of the Building Code (F8) or the Code of Practice "Signage for Premises Storing Hazardous Substances and Dangerous Goods" of the New Zealand Chemical Industry Council (Nov 2004) is a minimum requirement).

### **Waste Management**

- 34.6.1.8.10 Any process waste or waste containing hazardous substances shall be stored in a manner which complies with 34.6.1.8.2 to 34.6.1.8.9 above.
- 34.6.1.8.11 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 and also the provisions of the Hazardous Substances and New Organisms Act 1996.

*The on-site disposal of hazardous substances will be controlled through Council's Waste Management Strategy, through obtaining the appropriate discharge*

*consents from the Regional Council or trade waste permits, and through relevant controls on disposal of hazardous substances by the Hazardous Substances and New Organisms Act 1996.*

## **Other**

- 34.6.1.8.12 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 and off-site effects by a range of other legislation and regulations, and associated standards and codes of practice which should be complied with. Key pieces of legislation include:*

- *the Hazardous Substance and New Organisms Act 1996*
- *legislation, rules and standards relating to the transportation of hazardous substances (Land Transport Act 1993, Land Transport Rule: Dangerous Goods 1999 and New Zealand Standard 5433:1999)*
- *Building Act 1991*
- *Health Act 1956*
- *Fire Service Act 1975*
- *Health and Safety in Employment Act 1992*
- *Radiation Protection Act 1965*
- *Agricultural Compounds and Veterinary Medicines Act 1997*

### **34.6.1.9 Screening of Activities and Storage**

- 34.6.1.9.1 Sites with yards which abut a Residential or Open Space Area must be screened from view by a solid fence of no less than 1.8 metres high that conceals the outdoor storage and activities.
- 34.6.1.9.2 Any exterior storage area, including waste storage area, must be screened so that it is not visible from any adjoining Residential Area or public space.

### **34.6.1.10 Dust**

- 34.6.1.10.1 Activities must not create a dust nuisance. A dust nuisance will occur if:
- there is visible evidence of suspended solids in the air beyond the site boundary;
  - or
  - there is visible evidence of suspended solids traceable from a dust source settling on the ground, building or structure on a neighbouring site, or water.
- 34.6.1.10.2 With regard to the above provisions, where sites are contiguous and are held under the same ownership then any dust nuisance shall be measured at the periphery of the land holding within the District Plan area.

### **34.6.1.11 Electromagnetic Radiation**

- 34.6.1.11.1 Activities must be conducted to comply with the New Zealand Standard NZS 277.1:1999 (Radio Frequency fields) and any subsequent amendment.

*The Utilities chapters contain rules regarding safety from utility structure from where the highest levels of energy will be created. Council wishes to take a precautionary approach with adverse effects from other electromagnetic sources and acknowledges the provisions of s17 of the Act regarding the duty to avoid, remedy or mitigate adverse effects.*

### **34.6.1.12 Discharge of Contaminants**

*Note, 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.

### 34.6.1.13 Minimum Gross Floor Area

34.6.1.13.1 In the Tawa South and Takapu Island Business 1 Areas, the minimum gross floor area for any individual retail activity tenancy shall be 450m<sup>2</sup>, except for the following retail activities:

- (i) trade supply retail
- (ii) wholesale retail
- (iii) building improvement centre
- (iv) service retail
- (v) ancillary retail
- (vi) yard-based retail activities

<b>34.6.2 BUILDINGS AND STRUCTURES STANDARDS</b>	These standards apply to the construction of buildings and structures in Business Areas.
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### 34.6.2.1 Maximum building height

34.6.2.1.1 No building or structure shall exceed the building height as listed in Table 1 below, except for:

- cranes, elevators and similar cargo handling equipment and lighting poles in the Miramar/Burnham Wharf Operational Port Area, which may be higher than 12m
- buildings and structures in the Shelly Bay Business Precinct which are subject to the Shelly Bay Design Guide (refer to the Design Guide in Volume 2)

Table 1:

Area	Height (standard 34.6.2.1.1)	Planning Map No.
<b>Business 1 Areas</b>		
Glenside	15m	26
Greta Point	12m	12/7
Kaiwharawhara	15m	15/18
Kilbirnie North	15m	6/7
Miramar - Park Road and Weka Street	15m	7
Miramar - Ropa Lane, Maupuia Road and Tauhinu Road	12m	7
Newtown South	12m	6
Ngauranga	18m	22
Rongotai South	Refer to Appendix 4	5/7
Shelly Bay	Design Guidance	13
Takapu Island (between Willowbank Road, Takapu Road and State Highway 1)	12m	30
Tawa Junction (in vicinity of Surrey Street)	15m	30
Tawa South (in vicinity of both the northern and southern intersections of Main Road and Redwood Avenue)	12m	30
<b>Business 2 Areas</b>		
Grenada North	18m	30
Kiwi Point Quarry	12m	22/23
Miramar South	12m	7
Miramar/Burnham Wharf Operational Port Area	As specified in link,-1,Appendix 5	7



Newlands/Ngauranga (in vicinity of Hurring Place)	15m	23
Ngauranga	18m	22/23
Rongotai East	12m	7
Southern Landfill	12m	2/4
Tawa - Collins Ave	15m	31
Tawa - Tawa Street	12m	30

#### **34.6.2.2 Minimum building height**

- 34.6.2.2.1 The ground floor to floor height of all new buildings on sites adjoining the Open Space A zoned land fronting Lyall Parade, as identified in Appendix 4, shall be a minimum of 4m.
- 34.6.2.2.2 The above ground floor to floor height of all new buildings on sites adjoining the Open Space A zoned land fronting Lyall Parade, as identified in Appendix 4, shall be a minimum of 3m.

#### **34.6.2.3 Height control adjoining Residential Areas**

- 34.6.2.3.1 Any building or structure must comply with the applicable building recession plane rule for the Residential Area at any point along a boundary adjoining the Residential Area. In addition, no building or structures in Business Areas shall be higher than 3 metres within 5 metres of a Residential Area boundary.

#### **34.6.2.4 Yards**

- 34.6.2.4.1 Where any site adjoins the coast the minimum yard width is 10 metres measured from mean high water springs except at Shelly Bay where the design guide will apply.
- 34.6.2.4.2 No structure or building shall be located closer than:
- 10 metres to the Porirua Stream and its tributaries; provided that this standard does not apply to areas located within an identified Hazard (Flooding) Area, which are dealt with under Rules 34.3.11 and 34.4.10; or
- 10 metres to the coastal marine area, excluding artificial ponds or channels; or 5 metres to any other waterbody, excluding artificial ponds or channels.
- 34.6.2.4.3 No impervious surface associated with the use of the site shall extend closer than 5 metres to a waterbody or the coastal marine area, excluding artificial ponds or channels.
- 34.6.2.4.4 Standards 34.6.2.4.1 to 34.6.2.4.3 do not apply to areas used for port activities in the Miramar/Burnham Wharf Operational Port Area.

#### **34.6.2.5 Windows adjacent to Residential Areas**

- 34.6.2.5.1 All windows in walls of buildings above ground floor level located within 5 metres of and facing a Residential Area boundary shall have privacy glazing to protect the privacy of adjoining residentially zoned properties.
- 34.6.2.5.2 Any deck, terrace or balcony with a finished floor, paving or turf level of 1.5 metres or more above ground level at the boundary shall be located no closer than 5 metres to an adjoining Residential Area boundary.

#### **34.6.2.6 'Active' building edges**

- 34.6.2.6.1 The entire ground floor of all new buildings on sites adjoining the Open Space A zoned land fronting Lyall Parade, as identified in Appendix 4, shall be occupied by non-residential activities.
- 34.6.2.6.2 New buildings built on a site adjoining the Open Space A zoned land fronting Lyall Parade, as identified in Appendix 4, must be built in alignment with the existing Lyall Parade street frontage.

34.6.2.6.3 Any addition to, alteration or modification of a building or structure on a site adjoining the Open Space A zoned land fronting Lyall Parade, as identified in Appendix 4, where the works are confined to the area below verandah level must not create a featureless façade. A featureless façade will be considered to be one that lacks windows, doors, columns, recesses, stairs, niches, public access or other architectural detailing.

*This standard does not apply to new buildings/ structures, or to modifications extending above verandah level on existing buildings/ structures.*

### **34.6.2.7 Verandahs**

34.6.2.7.1 Verandahs may be constructed on any building frontage facing a public space within Business Areas provided that:

- the building is not a heritage building or area listed in Chapter 21.
- the verandah is a minimum clearance of 2.5 metres directly above the footpath or formed ground surface.
- the verandah is no more than 4 metres (measured at the base of the verandah fascia) directly above the footpath or formed ground surface.
- there is a minimum horizontal set back of 450mm from any point along the kerbing extending back to the site boundary.
- it extends no more than 3 metres in width from the front of the building.

### **34.6.2.8 Proximity to High Voltage Transmission Lines**

34.6.2.8.1 Any buildings (including additions), and structures over 2 metres in height, shall be located further than 32 metres from high voltage transmission lines (as measured from the centreline at ground level).

*Guidance is provided by the Transpower document titled "Guide for Development Near High Voltage Transmission Lines" Compliance with the New Zealand Electrical Code of Practice 34:2001 is mandatory for buildings, earthworks and mobile plant within close proximity to all electricity lines. Compliance with the Electricity (Hazards from Trees) Regulations 2003 is also mandatory for tree trimming and planting. Note, the term Noise Emission Level is defined in Section 3.10. These standards apply to those sources that can be readily controlled by the noise performance standards. Other day to day activities which may cause a noise nuisance can be controlled using the excessive noise provisions of the Act as well.*

### **34.6.2.9 Fixed Plant Noise**

34.6.2.9.1 Noise emission levels in Business 1 Areas from fixed plant when measured at or within the boundary of any site or at the outside wall of any building on any site, other than the building or site from which the noise is emitted shall not exceed the following limits:

At all times 55dB  $L_{Aeq}$  (15 min)

Monday to Sunday 10pm to 7am 80dB  $L_{AFmax}$

- 34.6.2.9.2 Noise emission levels in Business 2 Areas from fixed plant when measured at or within the boundary of any site, or at the outside wall of any building on any site, other than the building or site from which the noise is emitted shall not exceed the following limits:

At all times 65dB  $L_{Aeq}$  (15 min)

Monday to Sunday 10pm to 7am 85dB  $L_{AFmax}$

- 34.6.2.9.3 The noise limits set in standards 34.6.2.9.1 and 34.6.2.9.2 do not apply to fixed plant located in the Operational Port Area. Noise from the Operational Port Area must comply with the Port Noise rules set out in standard 34.6.1.5.
- 34.6.2.9.4 Noise emission levels from fixed plant in Business Areas must comply with standard 34.6.1.1.5.
- 34.6.2.9.5 The noise limits set in standard 34.6.2.9.1 shall not apply to fixed plant that is used solely for emergency purposes. Examples of such equipment are standby generator sets that are used to supply electricity only at times of electrical supply failure, or for plant used only during life threatening situations such as smoke fans or sprinkler pumps. This fixed plant is exempt from the noise limits provided that it:
- (i) only operates for maintenance between 8am and 5pm weekdays, and
  - (ii) can comply with standard 34.6.2.9.1 and 34.6.2.9.2, or
  - (iii) is an electricity generator sets that can only be used on an emergency basis and is not used to generate power for the national grid.

#### 34.6.2.10 Noise Insulation and Ventilation – Business Areas

*Note: In Business Areas the definition for Noise Sensitive Activity includes residential activities. For Port Noise, see Standard 34.6.2.11. For Airport Noise, see Standard 34.6.2.12.*

##### Noise Insulation Business 1 Areas

- 34.6.2.10.1 Except for port noise and airport noise zone, any habitable room in a building used by a noise sensitive activity within Business 1 Areas shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standard:

- $D_{nT,w} + C_{tr} > 30$  dB

Compliance with this performance standard shall be achieved by ensuring habitable rooms are designed and constructed in a manner that:

- accords with an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design as proposed will achieve compliance with the above performance standard, or
- accords with the schedule of typical building construction set out below:

(the schedule describes the minimum requirements necessary to achieve an external sound insulation level of  $D_{nT,w} + C_{tr}$  30 dB)

Building Element	Minimum Construction Requirement	
External Walls of Habitable Rooms	Stud Walls:	
	Exterior cladding:	20 mm timber or 9mm compressed fibre cement sheet over timber frame (100 mm x 50 mm). *

	Cavity infill:	Fibrous acoustic blanket (batts or similar of a minimum mass of 9 kg/m <sup>3</sup> ) required in cavity for all exterior walls. Minimum 90 mm wall cavity.
	Interior lining:	One layer of 12 mm gypsum plasterboard.
		Where exterior walls have continuous cladding with a mass of greater than 25 kg/m <sup>2</sup> (e.g. brick veneer or minimum 25 mm stucco plaster), internal wall linings need to be no thicker than 10 mm gypsum plasterboard.
	Combined superficial density:	Minimum not less than 25 kg/m <sup>2</sup> being the combined mass of external and internal linings excluding structural elements (e.g. window frames or wall studs) with no less than 10 kg/m <sup>2</sup> on each side of structural elements.
	Mass Walls:	190 mm concrete block, strapped and lined internally with 10 mm gypsum plaster board, or 150 mm concrete wall.
Glazed Areas of Habitable Rooms	Glazed areas up to 10% of floor area:	6 mm glazing single float
	Glazed areas between 10% and 35% of floor area:	6 mm laminated glazing
	Glazed areas greater than 35% of floor area:	Require a specialist acoustic report to show conformance with the insulation rule.
	Frames to be aluminium window frames with compression seals.	
Skillion Roof	Cladding:	0.5 mm profiled steel or 6 mm corrugated fibre cement, or membrane over 15mm thick ply, or concrete or clay tiles.
	Sarking:	17mm plywood (no gaps).
	Frame:	Minimum 100 mm gap with fibrous acoustic blanket (batts or similar of a mass of 9 kg/m <sup>3</sup> ).
	Ceiling:	Two layers of 10 mm gypsum plaster board (no through ceiling lighting penetrations unless correctly acoustically rated). Fibrous acoustic blanket (batts or similar of a minimum mass of 9 kg/m <sup>3</sup> ).
	Combined superficial density:	Combined mass of cladding and lining of not less than 25 kg/m <sup>2</sup> with no less than 10 kg/m <sup>2</sup> on each side of structural elements.
Pitched Roof (all roofs other than skillion roofs)	Cladding:	0.5 mm profiled steel or tiles, or membrane over 15mm thick ply.
	Frame:	Timber truss with 100 mm fibrous acoustic blanket. (batts or similar of a minimum mass of 9 kg/m <sup>3</sup> ) required for all ceilings.
	Ceiling:	12 mm gypsum plaster board.
	Combined superficial density:	Combined mass with cladding and lining of not less than 25 kg/m <sup>2</sup> .
Floor areas open to outside	Cladding:	Under-floor areas of non-concrete slab type floors exposed to external sound will require a cladding layer lining the underside of floor joists of not less than 12 mm ply
	Combined superficial density:	Floors to attain a combined mass not less than 25 kg/m <sup>2</sup> for the floor layer and any external cladding (excluding floor joists or bearers).

External Door to Habitable Rooms	Solid core door (min 25 kg/m <sup>2</sup> ) with compression seals (where the door is exposed to exterior noise).	
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**Notes:**

- The table refers to common specifications for timber size. Nominal specifications may in some cases be slightly less than the common specifications stated in the schedule for timber size.
- In determining the insulating performance of roof/ceiling arrangements, roof spaces are assumed to have no more than the casual ventilation typical of the jointing capping and guttering detail used in normal construction.

**Ventilation – Business 1 Areas**

- 34.6.2.10.2 Where habitable rooms with openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.

**Noise Insulation - Business 2 Areas**

- 34.6.2.10.3 Except for within the Port Noise Affected Area and Airport Noise Boundary, any habitable room in a building used by a noise sensitive activity within Business 2 Areas shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standard:

$$D_{nT,w} + C_{tr} > 35 \text{ dB}$$

Compliance with this performance standard shall be achieved by ensuring habitable rooms are designed and constructed in a manner that:

- accords with an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design as proposed will achieve compliance with the above performance standard.

**Ventilation – Business 2 Areas**

- 34.6.2.10.4 Where habitable rooms with openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.

**34.6.2.11 Noise Insulation – Port Noise Affected Area**

- 34.6.2.11.1 Except for within the airnoise boundary (refer to Rule 34.4.7), any habitable room in a building used by a noise sensitive activity within the Port Noise Affected Area shown on Planning Map 55 shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standards:

 **$D_{nT,w} + C_{tr} > 35 \text{ dB}$  – Inner Port Noise Affected Area**

Compliance with this performance standard shall be achieved by ensuring habitable rooms are designed and constructed in a manner that accord with an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design as proposed will achieve compliance with the above performance standard.

 **$D_{nT,w} + C_{tr} > 30 \text{ dB}$  – Outer Port Noise Affected Area**

Compliance with this performance standard shall be achieved by ensuring habitable rooms are designed and constructed in a manner that:

*Note: In Business Areas the definition for Noise Sensitive Activity includes residential activities. For Port Noise, see Standard 34.6.2.11. For Airport Noise, see Standard 34.6.2.12.*

- accords with an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design as proposed will achieve compliance with the above performance standard, or
- accords with the schedule of typical building construction set out in standard 34.6.2.10.1.

34.6.2.11.2 Where habitable rooms with openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.

34.6.2.11.3 The above provisions do not apply to construction of new residential buildings within the airnoise boundary.

### 34.6.2.12 Noise Insulation and Ventilation - Airnoise Boundary

34.6.2.12.1 Any new habitable room within the Airnoise boundary depicted on Map 35 must be designed and constructed to achieve an internal level of Ldn 40 dB with doors and windows closed.

The certification of an approved acoustical engineer will be accepted as evidence that the design meets the insulation standard.

34.6.2.12.2 Any new habitable room within the Airnoise boundary depicted on Map 35 that is proposed to have openable windows must be provided with at the time of fit-out a positive supplementary source of fresh air ducted from outside. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.

<b>34.6.3 SIGNS STANDARDS</b>	These standards apply to the erection of all signs in Business Areas. All signs will be assessed against the Signs Design Guide.
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### 34.6.3.1 Signs

*Note signs located on a site with a listed heritage building are subject to the Heritage Rules in Chapter 21.*

34.6.3.1.1 Any sign (excluding signs below verandah level) that is illuminated must not flash, or must not contain moving images, moving text or moving lights if that sign is:

- visible from a vehicle on the legal road within 100m of an intersection
  - visible from and located within 50m of a Residential Area
  - located on a building above ground floor level
  - located on a site frontage (including on any building) that is adjoining or opposite (on the other side of the legal road) any Heritage Area (as shown in Chapter 21)
- This standard does not apply to temporary signs provided for under standard 34.6.3.1.5

34.6.3.1.2 Any sign located on a building:

- that is affixed to the underneath of a verandah must provide at least 2.5 metres clearance directly above the footpath or ground level
- must be displayed only on plain wall surfaces
- must not obscure windows or architectural features
- must not project above the parapet level, or the highest part of that part of the building to which the sign is attached. This part of the standard does not apply to temporary signs provided for under standard 34.6.3.1.5
- must not project above the verandah level or the shopfront fascia. This part of the standard does not apply to temporary signs provided for under standard 34.6.3.1.5
- must not be more than a maximum area of 10m<sup>2</sup>
- may project up to a maximum of 1.5 metres from the elevation of the building on which the sign is located.

34.6.3.1.3 In addition to 34.6.3.1.2, any sign that is for the purpose of third party advertising:

- is limited to one sign per elevation (including roof space) or frontage
- must be no more than a maximum size of 5m<sup>2</sup>

34.6.3.1.4 For any free-standing sign or any sign located on a structure:

- the maximum area is 8m<sup>2</sup> except where the site adjoins or faces a Residential Area across the road, where the maximum area is 6m<sup>2</sup>
- the maximum height is 8m except where the site adjoins or faces a Residential Area across the road, where the maximum height is 6m
- only one sign is permitted on any site frontage.

34.6.3.1.5 Any temporary sign that is established for the purpose of advertising a community event:

*Note, the term Temporary Sign is defined in Section 3.10 Any sign that complies with relevant sign standards in 34.6.3.1 is also permitted on a temporary basis.*

- must not be erected for more than 28 consecutive days before, and must be fully removed (including any associated structures) within 7 days of the completion of the event for which the sign was erected
- may exceed the standards in 34.6.3.1.3 and 34.6.3.1.4 specifying the maximum area or maximum number of signs permitted, provided that all other sign standards are met
- may be an illuminated sign that flashes and contain moving text

For the purpose of this standard, a community event includes an event that promotes Wellington City or public activities within a local community, and that event is non-repetitive and temporary in nature. This standard excludes advertising for primarily commercial purposes.

<b>34.6.4 SUBDIVISION STANDARDS</b>	These standards apply to all subdivisions in Business Areas
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#### **34.6.4.1 Subdivisions**

34.6.4.1.1 Every building or structure adjoining a new boundary must comply fully with the standards for buildings and structures specified in 34.6.2 or otherwise be lawfully established.

*Subdivision within a heritage area or on a site associated with a heritage item is controlled by the provisions of the Heritage Chapter (chapters Chapter 20 and Chapter 21). Archaeological sites associated with human activity that occurred before 1900 are protected under 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.*

34.6.4.1.2 Every allotment must have services in compliance with City Bylaws or if applicable the Council's Code of Practice for Land Development.

34.6.4.1.3 Every allotment must have practical, physical and legal access to a formed legal road.

34.6.4.1.4 Every allotment must have drive-on vehicle access and parking constructed in accordance with standard 34.6.1.6.

34.6.4.1.5 All earthworks needed to complete the subdivision are undertaken.

34.6.4.1.6 No part of any allotment being subdivided may be within 20 metres of any river whose bed has an average width of 3 metres or more where the river flows through

or adjoins an allotment.

- 34.6.4.1.7 No part of any allotment being subdivided may be within 20 metres of the line of mean high water springs. This rule shall not apply in the Operational Port Area, provided the land is utilised for operational port purposes.
- 34.6.4.1.8 No subdivision may occur within a heritage area or on a site associated with a heritage item unless in the latter case the subdivision involves land that is not occupied by the heritage item and is not specifically identified for preservation in the Plan as important to the setting of the item.
- 34.6.4.1.9 For any subdivision incorporating new roads, all services must be reticulated underground.
- 34.6.4.1.10 Any new allotment within 32 metres of a high voltage transmission line (as measured from the centre line at ground level) must include sufficient land area outside of the transmission corridor to accommodate a complying building.
- 34.6.4.1.11 A Certificate of Compliance must be obtained for the subdivision to allow Council to assess survey plans for approval.

An applicant must supply the following:

- information to allow Council to assess compliance with standard 34.6.4.1.1.
- a certificate stating that all existing services have been located so that they are all contained entirely within the boundaries of the site being serviced or within such right of way or easement relating to the site, and are in accordance with the City Bylaws and if applicable the Council's Code of Practice for Land Development
- current copies of titles for all affected properties
- accurately drawn A4 plans at a scale of 1:500 or at a larger scale as appropriate and copies or reduced copies submitted to be of A4 or A3 size
- a certificate stating that the land is not likely to be subject to material damage by erosion, subsidence, slippage or inundation from any source

All certificates, plans and information supplied must be signed by a licensed cadastral or other suitably qualified person certifying their accuracy.

<b>34.6.5 KIWI POINT QUARRY STANDARDS</b>	These standards apply to all quarrying and clean filling activities in the Kiwi Pont Quarry.
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#### **34.6.5.1 General**

- 34.6.5.1.1 Any relevant provisions of standards 34.6.1 and 34.6.2 except that Rule 34.6.1.9.2 does not apply to the temporary stockpiling or storage of quarried rock material.

#### **34.6.5.2 Dust**

- 34.6.5.2.1 Dust control measures shall be undertaken to avoid creating a dust nuisance beyond the Quarry Boundary.

#### **34.6.5.3 Quarry activities**

- 34.6.5.3.1 Quarry activities shall be restricted to the area within the Business Area north of the abattoir and south of the access road, excluding the area shown as a buffer area, as identified on the plan included as Appendix 2.
- 34.6.5.3.2 Some blasting may be carried out as part of the normal quarrying operations. Blasting of faces for crushed rock production must take place between 10.00am and 2.00pm Monday to Friday only.
- 34.6.5.3.3 In all cases, for the northern face residents of Tarawera Road, Plumer Street, 113, 130, 166, 170 and 175 Fraser Avenue, and 146 Burma Road, and for the southern face the residents of 25-46 Gurkha Crescent, Shastri Terrace and 6-28 (even numbers) Imran Terrace and the abattoir operator must be notified by mail, by email or by other electronic means no less than one week in advance of blasting. Blasting must be immediately preceded by a siren or hooter with a sound which distinguishes it from normal Police, Ambulance or Fire Service sirens.
- 34.6.5.3.4 The finished slope of quarry faces shall not exceed 55 degrees from the horizontal.



- 34.6.5.3.5 The maximum height of finished batters shall not exceed 15 metres.
- 34.6.5.3.6 For the northern face a buffer area with a minimum width of 25 metres shall be maintained on the uphill boundary of the site as shown on Appendix 2. For the southern face a buffer area with a minimum width of 70 metres shall be maintained on the uphill boundary of the site as shown on Appendix 2. The northern face buffer areas will be allowed to revegetate naturally except where there is a need for additional planting. The southern face buffer area is subject to restoration planting.

*Note: At the north end of the quarry near Plumer Street and Tarawera Road, the buffer area is within the Open Space B Area as shown in Appendix 4 and is governed by the Open Space provisions. At the southern end of the quarry near Gurkha Crescent, Shastri Terrace and Imran Terrace the buffer area is within the Open Space B Area as shown in Appendix 2 and is governed by the Open Space provisions.*

- 34.6.5.3.6A A vegetated bank must be established in the location indicatively shown on Appendix 2 to provide screening between State Highway 1 and the quarry floor in the southern quarry area.
- 34.6.5.3.7 A fence must be maintained adjacent to any properties in the Residential Area along the quarry boundary to a height of 1.2m.
- 34.6.5.3.8 Prior to commencement of operations in any area, a security fence must be installed and maintained along the outer edge of the buffer area.
- 34.6.5.3.9 No quarry activities shall be undertaken within the buffer area .

*Note: an underground gas main traverses the quarry site from Maldive Street, across Lot 2 DP 91179, Lot 4 DP 72996 and Lot 1 DP 34015. An associated regulator station is also located within Lot 4 DP 72996. Advice from the gas main operator should be obtained before conducting any underground works in these areas to ensure the works do not intercept the main or regulator station. Contact information for the asset operator can be obtained from the Council.*

#### **34.6.5.4 Cleanfill activities**

- 34.6.5.4.1 Cleanfill activities shall be restricted to the area shown on the plan included as Appendix 2.
- 34.6.5.4.2 The cleanfill shall comply with the definition of cleanfill in Section 3 (Definitions) of this District Plan.

#### **34.6.5.5 Location of quarry plant**

- 34.6.5.5.1 The primary crusher may be moved as the quarry face recedes and new faces are worked. Any processing plant or buildings within the southern part of the quarry shall be relocatable.

#### **34.6.5.6 Traffic movement**

- 34.6.5.6.1 There shall be one entry point to the quarry, via Crossing Place 22 from State Highway One (also the main access to the adjacent Abattoir). This must be the sole means of entry and exit for quarry vehicles. This access must be maintained to the standard of local streets.

#### **34.6.5.7 Rehabilitation and treatment of stripped areas**

- 34.6.5.7.1 All land encompassed within the quarry boundary shall be progressively rehabilitated (except where used for other permitted or consented activities). Any planting will take place as soon as practicable following the completion of the quarry or cleanfill activity. Planting will be undertaken using indigenous species from local sources, except where exotic species are required to provide erosion control and/or temporary nurse cover for revegetation with indigenous species.
- 34.6.5.7.2 Excluding the Abattoir area, areas shown on Appendix 2 which are not shown as areas for quarrying and/or cleanfilling shall be allowed to revegetate.
- 34.6.5.7.3 All exposed surfaces of fill shall be hydro-seeded, or any other approved method, immediately following completion of works as a dust and erosion control measure.