

Proposed Plan Change 73

Annotated provisions of new Chapter 34 – Business Area rules and standards to Operative District Plan showing proposed changes

Key to the following annotated text

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

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

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).

Uses/Activities	Rule	P	C	DR	DU
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 ² GFA and integrated retail developments with a GFA greater than 10,000m ²	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)] ^{PC25} subject to conditions	34.1.5	●			
Any activity listed in Section 3.5.2.2 (hazardous substances)	34.2.1		●		
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 ²	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 ²	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 ²	34.4.4				●
Retail activities in Tawa South and Takapu Island that do not comply with standard 34.6.1.14	34.4.5				●
Helicopter landing areas	34.4.6				●
Buildings	Rule	P	C	DR	DU
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	34.2.2		●		
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	34.3.5			●	

Business 1 Areas with a gross floor area exceeding 500m ²					
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 ² 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 ² gross floor area in the Hazard (Fault Line) Area	34.3.10			●	
Construction of buildings or structures involving the provision of 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				●
Signs	Rule	P	C	DR	DU
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			●	
Subdivision	Rule	P	C	DR	DU
Subdivision except for company lease, cross lease and unit title subdivision, subject to standards 34.6.4	34.1.9	●			
Company lease, cross lease and unit title subdivision	34.2.32		●		
Subdivision not being Permitted or Controlled Activities	34.3.14			●	
Heritage	Rule	P	C	DR	DU
Activities affecting heritage items	21.0	●	●		●
Buildings affecting heritage items	21.0			●	
Utilities	Rule	P	C	DR	DU
Utilities	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

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 100m³, 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)

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.

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 1,500m² (see Rule 34.4.2)
- ~~integrated retail developments comprising large format retail activities, apart from trade supply, wholesalers and yard-based retail, with a cumulative total gross floor area exceeding 10,000m² (see Rule 34.4.3)~~
- ~~integrated retail developments comprising any other retail activity apart from large format retail activities with a cumulative total gross floor area exceeding 2,500m² (see Rule 34.4.4)~~
- integrated retail developments comprising large format retail activities (i.e. any individual activity exceeding 450m²) with a cumulative total gross floor area exceeding 10,000m² (see Rule 34.4.3)
- integrated retail developments that are not large format retail activities (i.e. any individual activity not exceeding 450m²) with a cumulative total gross floor area exceeding 2,500m² (see Rule 34.4.4)
- in Tawa South and Takapu Island, retail activities that do not comply with standard 34.6.1.14.1 (see Rule 34.4.5)

Retail activities, supermarkets, and integrated retail developments are defined in Chapter 3.10.

Note that trade supply, wholesalers and yard-based retail are permitted activities.

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. ^[PC70]

34.1.5 Quarrying and clean filling on part Lot 1, and part Lot 2 DP 72995, part Lot 4, part Lot 5 and part Lot 6 DP 72996, part Lot 1 DP 34015, part Lot 1 DP 65030 and part Lot 2 DP 91179 Ngauranga Gorge (known as Kiwi Point Quarry) 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 34.6.1.10.2 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 ~~34.2.2~~, 34.3.11 and 34.4.10).
- the construction of, or addition to, buildings and structures in Business 1 Areas with a gross floor exceeding 500m² (see Rule 34.3.5)
- the construction of new ~~residential~~ buildings or the conversion of existing buildings for residential activities on any site (see Rules 34.3.6, ~~34.4.7 and 34.4.8~~)
- 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 4000m² 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 30m² 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.

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:

- company lease, cross lease and unit title subdivision (see Rule 34.2.3)

For Pt Lot 2 DP 54434, Grenada, refer to Appendix 5

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.

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:

34.2.1.1 the use, storage or handling of hazardous substances

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

Non-notification/ service

~~In respect of Rule 34.2.1 applications do not need to be publicly notified and do not need to be served on affected persons.~~

~~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.

BUILDINGS AND STRUCTURES

~~**34.2.2 In the Tawa Hazard (Flooding) Area, the construction, alteration of, and addition to, buildings, including accessory buildings, and structures which are more than 10 metres from the Porirua Stream and have a flood level above the 1 in 100 year flood event within the Tawa Hazard (Flooding) Area are Controlled Activities in respect of:**~~

~~**34.2.2.1 building floor levels and building floor area**~~

~~**34.2.2.2 building and structure location within the site**~~

~~**34.2.2.3 the displacement of flood waters from the site.**~~

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

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

Non-notification/ service

~~In respect of Rule 34.2.2 applications do not need to be publicly notified and do not need to be served on affected persons.~~

Relevant policies for preparing resource consent applications

See policies 33.2.11.1 – 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.~~

SUBDIVISION

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

34.2.3.1 stormwater, sewerage and water supply

34.2.2.1

34.2.3.2 the allocation of accessory units to principal units and the
34.2.2.2 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 34.2.3 applications do not need to be publicly notified and do not need to be served on affected persons.~~

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.

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:**
- 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.**

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.

Non-notification/ service

~~In respect of Rule 34.3.1 applications do not need to be publicly notified and do not need to be served on affected persons.~~

~~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 may be considered to be an affected party to any application that involves a site that fronts a State highway.~~

Relevant policies for preparing resource consent applications

See policies 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

34.3.2.1 the location of the facility.

activities specified in section 34.6.1, Rule 34.3.4 applies in addition to this Rule.

Non-notification/ service

~~In respect of Rule 34.3.2 applications do not need to be publicly notified and do not need to be served on affected persons.~~

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) which would be Permitted 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 34.6.1.10.2 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, subject to compliance with the following condition:

34.3.3.1 the duration of any consent granted for processing plant or buildings in the southern part of the Quarry provided for under this Rule shall not exceed 10 years.

Non-notification/ service

~~In respect of Rule 34.3.3 applications do not need to be publicly notified and do not need to be served on affected persons.~~

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

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:

Any activity that does not comply with standard 34.6.1.14 will be covered by Rule

34.4.5.

- 34.3.4.1 noise (standard 34.6.1.1)
- 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 construction noise (standard 34.6.1.5)~~
- ~~34.3.4.6 port noise (standard 34.6.1.65)~~
- ~~34.3.4.5~~
- ~~34.3.4.7 vehicle parking, servicing and site access (standard 34.6.1.76)~~
- ~~34.3.4.6~~
- ~~34.3.4.8 lighting (standard 34.6.1.87)~~
- ~~34.3.4.7~~
- ~~34.3.4.9 use, storage, or handling of hazardous substances (standard 34.6.1.98)~~
- ~~34.3.4.8~~
- ~~34.3.4.10 screening of activities and storage (standard 34.6.1.109)~~
- ~~34.3.4.9~~
- ~~34.3.4.11 dust (standard 34.6.1.110)~~
- ~~34.3.4.10~~
- ~~34.3.4.12 electromagnetic radiation (standard 34.6.1.121)~~
- ~~34.3.4.11~~
- ~~34.3.4.13 discharge of contaminants (standard 34.6.1.13)~~
- subject to compliance with the following conditions:**
- ~~34.3.4.14~~ *noise emission levels under standards 34.6.1.1 and 34.6.1.2 shall not be exceeded by more than 5 decibels (if appropriate within the scope of the standards). This condition does not apply to temporary activity noise.*
- ~~34.3.4.12~~
- ~~34.3.4.15~~ *maximum lighting levels under standard 34.6.1.8 must not be exceeded by more than 20 percent.*
- ~~34.3.4.13~~
- ~~34.3.4.16~~ *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.*
- ~~34.3.4.14~~
- ~~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 Rule 34.3.4 applications do not need to be publicly notified and do not need to be served on affected persons in respect of:~~

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

- 34.3.4.76 (vehicle parking, servicing and site access), and
- 34.3.4.109 (screening of activities and storage), and
- 34.3.4.140 (dust), and
- 34.3.4.121 (electromagnetic radiation)

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 500m² are Discretionary Activities (Restricted) in respect of:

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

34.3.5.56 provision for pedestrian movement

34.3.5.67 site landscaping

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

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.

Non-notification/ service

~~In respect of Rule 34.3.5 applications do not need to be publicly notified and do not need to be served on affected persons.~~

~~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 residential 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:

34.3.6.1 design, external appearance and siting

34.3.6.2 the location and type of buildings or structures

34.3.6.2 residential amenity

34.3.6.3

34.3.6.3 site layout, parking and site access

34.3.6.4

34.3.6.4 adequate on-site car parking provision

34.3.6.5

34.3.6.6 provision for pedestrian movement

34.3.6.5 site landscaping

34.3.6.7

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)

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.

Non-notification/ service

~~In respect of Rule 34.3.6 applications do not need to be publicly notified and do not need to be served on affected persons.~~

~~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:

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

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.

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 4000m², and located on a site adjacent to or abutting a Residential Area or a state highway are Discretionary Activities (Restricted) in respect of:

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

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.

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

34.3.9.2 minimum building height (standard 34.6.2.2)**34.3.9.2 height control adjoining Residential Areas (standard 34.3.9.3 34.6.2.23)****34.3.9.3 yards (standard 34.6.2.34)****34.3.9.4****34.3.9.4 windows (standard 34.6.2.45)****34.3.9.5****34.3.9.6 active building edges (standard 34.6.2.6)****34.3.9.5 verandahs (standard 34.6.2.57)****34.3.9.7****34.3.9.6 proximity to high voltage transmission lines (standard 34.3.9.8 34.6.2.68), 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

34.3.9.7 fixed plant noise (standard 34.6.2.79)**34.3.9.9****34.3.9.8 noise insulation and ventilation (standard 34.6.2.810)****34.3.9.10****34.3.9.9 noise insulation – port noise affected area (standard 34.3.9.11 34.6.2.911)****34.3.9.11****34.3.9.12 noise insulation and ventilation – Air Noise Boundary (standard 34.6.2.12)**

subject to compliance with the following conditions:

34.3.9.10 in all Business Areas, except for Grenada North, 34.3.9.13 the southern end of Rongotai South (as identified in Appendix 4), and Ngauranga, the maximum building height assessed under standard 34.6.2.1.1 must not be exceeded by more than 50 percent.

34.3.9.14 **at the southern end of Rongotai South (as identified in Appendix 4), the maximum building height assessed under standards 34.6.2.1.1 must not be exceeded by more than 18 metres.**

34.3.9.14 **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.**

34.3.9.12 **in relation to height control adjoining Residential Areas,**
34.3.9.16 **the angle of inclination for recession plane access must not exceed the standard referred to in 34.6.2.2.1 by more than 10 degrees and the maximum height must not be exceeded by more than 20 percent the building recession planes must not be exceeded by more than 3 metres measured vertically.**

Non-notification/ service

In respect of Rule 34.3.9 applications do not need to be publicly notified and do not need to be served on affected persons in respect of:

In respect of the following items applications will not be publicly notified (unless special circumstances exist) or limited notified, except that Transpower New Zealand Limited may be considered to be an affected party to any application located within 32 metres of a high voltage transmission line:

- 34.3.9.~~34~~ (yards)
- 34.3.9.~~57~~ (verandahs)
- 34.3.9.~~810~~ (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 30m² within a Hazard (Fault Line) Area is a Discretionary Activity (Restricted) in respect of:

34.3.10.1 the location and type of buildings or structures.

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.

Non-notification/ service

~~In respect of Rule 34.3.10 applications do not need to be publicly notified and do not need to be served on affected persons.~~

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:

- **more than 10 metres from the Porirua Stream and its tributaries within the Tawa Hazard (Flooding) Area, and that are not Controlled Activities;** 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 ‘Section Chapter 23. Utility Rules’ of the District Plan.”

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

Non-notification/ service

~~In respect of Rule 34.3.11 applications do not need to be publicly notified and do not need to be served on affected persons.~~

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 ~~involving the provision of 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 do not need to be publicly notified and do not need to be served on affected persons.~~

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 may be considered to be an affected party to any application that involves a site that fronts a State highway.

Relevant policies for preparing resource consent applications

See policies 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 do not need to be publicly notified and do not need to be served on affected persons.~~

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 may be considered to be an affected party to any application that involves a site that fronts a State highway.

Relevant policies for preparing resource consent applications

See policies 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 do not need to be publicly notified and do not need to be served on affected persons.~~

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 - 33.2.2.134

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 1500m² are a Discretionary Activity (Unrestricted).**

Supermarkets are defined in Chapter 3.10.

Relevant policies for preparing resource consent applications

See policies 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, apart from trade supply, wholesalers, building improvement centres, and yard-based retail, in Business 1 Areas with a cumulative total gross floor area exceeding 10,000m² are a Discretionary Activity (Unrestricted).~~**

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

Integrated retail developments comprising large format retail activities (i.e. any individual activity exceeding 450m²) with a cumulative total gross floor area exceeding 10,000m² are a Discretionary Activity (Unrestricted).

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

Relevant policies for preparing resource consent applications

See policies 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.

34.4.4 ~~Integrated retail developments comprising any other retail activity apart from large format retail activities in Business 1 Areas with a cumulative total gross floor area exceeding 2,500m² are a Discretionary Activity (Unrestricted).~~

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

Integrated retail developments that are not large format retail activities (i.e. any individual activity not exceeding 450m²) with a cumulative total gross floor area exceeding 2,500m² are a Discretionary Activity (Unrestricted).

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

Relevant policies for preparing resource consent applications

See policies 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.

34.4.5 Retail activities in the Tawa South or Takapu Island Business 1 Areas that do not comply with standard 34.6.1.14.1 (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 33.2.2.5

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 residential 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)

- ~~less than 10 metres from the Porirua Stream within the Tawa Hazard (Flooding) Area, or~~
 - ~~less than 5 metres from the Takapu Stream within the Takapu Hazard (Flooding) Area, or~~
 - ~~less than 10 metres from the coastal marine area~~
- 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 ‘Section 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.