

# PROPOSED DISTRICT PLAN CHANGE 33 – RIDGELINES AND HILLTOPS (VISUAL AMENITY) AND RURAL AREA

The following pages make up the formal part of Proposed District Plan Change 33. The proposed changes affect all volumes of the District Plan as follows:

**Volume 1 – Objectives, Policies and Rules:**

- € Changes are made to chapters 3, 4, 5, 16, 17, 19, 22 and 23 in relation to Ridgelines and Hilltops
- € Changes are made to some of the objectives and policies in Chapter 14 (Rural Area)
- € Chapters 15 (Rural Area Rules) is substantially amended
- € New appendices 1A, 4, 5, 6, 7 and 8 are added to Chapter 15

The way in which the changes to Volume 1 are to be read is outlined in the key below. This describes how you can see what text is being deleted and what is being added to the current Operative District Plan.

<b>Key to changes:</b>	
<del>Abcdefghijklmnop</del> Abcdefghijklmnop	Existing text (Operative District Plan) to be deleted
<u>Abcdefghijklmnop</u> <u>Abcdefghijklmnop</u>	Proposed new text

The information in the box shown on the right explains where changes to the text have originated either from Plan Change 28 or from existing rules in the Operative Plan. These boxes are **for information purposes only** – they do not form part of the proposed change and will not be part of the District Plan when the plan change is finalised.

Rule 15.4.7 originates from the deleted rule 15.4.5, and contains a number of the original provisions.  
*(example only)*

**Volume 2 – Design Guides:**

- € New **Rural Area Design Guide** added

**Volume 3 – Planning Maps:**

- € The map index sheet is amended
- € Maps 1-31 are amended except for Maps 7 and 17
- € The legend to the planning maps is amended
- € A new index sheet to the inventory maps is added (see below)
- € New inventory maps number 50-61 are added

# 3. DISTRICT PLAN GENERAL PROVISIONS

[.....]

## 3.2 Information to be Submitted with an Application for a Resource Consent

[.....]

### 3.2.2 Land Use Consents

[.....]

- 3.2.2.7.1 The applicant must provide a site plan detailing where relevant the **existing situation** including:
- details of hazardous areas (for example uncompacted filling or flood prone areas)
  - topography (noting significant landforms, ~~and~~ natural features and identified ridgelines and hilltops)
  - waterbodies and catchment orientation
  - vegetation (including that located on adjacent road reserve or surrounding properties) and/or habitats of indigenous fauna
  - all certificate of title boundaries
  - road frontages
  - existing buildings (indicating those to be retained)
  - buildings on adjacent sites.

[.....]

### 3.2.3 Subdivision Consents

[.....]

3.2.3.7 The applicant must provide a site information plan detailing the existing situation including:

- topographical information, wherever possible in terms of Wellington City Datum, together with a certificate as to its origin and accuracy
- details of hazardous areas (for example, uncompacted filling or flood-prone areas)
- existing buildings and buildings on adjacent sites
- landforms and landscape elements including identified ridgelines and hilltops
- waterbodies and catchment orientation
- the location and areas of any existing esplanade reserves, esplanade strips, or access strips
- all significant areas of vegetation (including any vegetation located on adjoining road reserve or properties) and/or significant habitats of indigenous fauna
- existing street names and numbers
- existing easements and covenant areas
- the location of existing public transport stops, and pedestrian access routes to those stops

## 3.10 Definitions

[.....]

**RIDGELINES AND HILLTOPS:** means all of the land ~~at the top of a ridge or hill measured 50 metres vertically from the apex.~~ within those areas identified as ridgelines and hilltops on the planning maps.

# 4. RESIDENTIAL AREAS

[.....]

## 4.2 Residential Objectives and Policies

[.....]

### OBJECTIVE

**4.2.5 To maintain and enhance natural features (including landscapes and ecosystems) that contribute to Wellington's natural environment.**

### POLICIES

To achieve this objective, Council will:

[.....]

**4.2.5.2 ~~Encourage the protection of undeveloped skylines and ridges that make an important contribution to the landscape of Wellington.~~**

Ensure that the adverse visual effects of development are avoided, remedied or mitigated in ways that achieve a relatively undeveloped character within identified ridgelines and hilltops.

### METHOD

- Design Guide (Subdivision)
- Rules

*The undeveloped character of ~~skylines~~ identified ridgelines and hilltops is ~~are another~~ an important component of the urban landscape of Wellington, ~~which should be preserved~~. The visual intrusion caused by buildings, structures and earthworks can be ~~dramatic~~, detrimental to the visual amenity of the surrounding area, and for this reason Council seeks to ~~limit~~ control development to ensure that potential visual effects can be addressed at the subdivision design stage. ~~To prevent adverse effects, ridges and skylines will be evaluated for their landscape significance and development on significant skylines will be restricted.~~ Where specific provisions have been included in Appendices to Chapter 5, such provisions take precedence over provisions for identified ridgelines and hilltops criteria stated elsewhere in Chapter 5.*

*The environmental result will be the ~~protection of significant skylines from intrusive new developments~~. ~~visual continuity of a relatively undeveloped character on the upper slopes and summit of ridgelines or hilltops that surround the urban areas of Wellington~~*

# 5. RESIDENTIAL RULES

[.....]

## 5.2 Controlled Activities

[.....]

<p><b>5.2.5</b> Any subdivision that is not a Permitted Activity and;</p> <p>(a) creates five or less allotments, except those that:</p> <ul style="list-style-type: none"><li>• create more than 10 linear metres of legal road; or</li><li>• are on an <u>identified</u> ridgeline or a hilltop; or</li><li>• involves a requirement to set aside esplanade land;</li></ul> <p>is a Controlled Activity in respect of:</p> <p><b>5.2.5.1</b> site design, frontage and area</p> <p><b>5.2.5.2</b> standard, construction and location of vehicular access</p> <p><b>5.2.5.3</b> road design and construction</p> <p><b>5.2.5.4</b> earthworks</p>
---

*For subdivision of Lot 1 DP 25046 and Pt Sec 10 Kaiwharawhara District above Patna Street and Huntleigh Park Way, Ngaio refer to Appendix 17*

*For Subdivision of Lot 1 DP 29604 off the end of Silverstream Road, Ngaio refer to Appendix 12*

*For subdivision of Lot 3 DP 71465 and Lot 33 DP 1022 off Allanbrooke Place refer to Appendix 13*

- 5.2.5.5 landscaping
- 5.2.5.6 utility and/or services provision
- 5.2.5.7 protection of any special amenity feature.
- (b) is a company lease, cross lease or unit title subdivision is a Controlled Activity in respect of:
- 5.2.5.8 stormwater, sewerage and water services
- 5.2.5.9 the allocation of accessory units to principal units and the allocation of covenant areas to leased areas to ensure compliance with rule 5.1.1.2 (vehicle parking) and to ensure practical physical access to every household unit.

*For subdivision of Capital Coast Health Land, Newtown refer to Appendix 19*

*For subdivision of Lot 29, DP 1747 off Freeling Street, Island Bay refer to Appendix 20*

#### ***Non-notification***

The written approval of affected persons will not be necessary in respect of items 5.2.5.1 to 5.2.5.9 and applications need not be notified.

#### ***Standards and Terms***

All activities, buildings and structures (existing and proposed) must meet the conditions for vehicle parking (5.1.1.2), site access (5.1.1.3) and building (5.1.3) in relation to all existing and proposed fee simple allotments or meet the terms of any relevant resource consent or have existing use rights under section 10 of the Act.

#### ***Assessment Criteria***

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

- 5.2.5.10 The requirements of Section 106 of the Act.
- 5.2.5.11 Whether proposed allotments are capable of accommodating Permitted Activities in compliance with the Residential Area rules.
- 5.2.5.12 The extent of compliance with the relevant parts of the Subdivision Design Guide, City Bylaws and if applicable the Council's Code of Practice for Land Development.
- 5.2.5.13 In respect of cross lease or unit title subdivisions:
  - the need for permanent site access and access to and around buildings
  - the current and future allocation for use of land area, accessory buildings and amenities
  - the need to service and use land and buildings efficiently.

*Subdivisions involving few allotments are a Controlled Activity to facilitate the process of infill development. The more significant subdivisions will be assessed as Discretionary Activities (Unrestricted). [ It is intended that the design of each allotment can accommodate permitted developments under the District Plan. If the activities, buildings or structures (either existing or proposed) do not meet the specified conditions for permitted activities the subdivision will be assessed as a Discretionary Activity (Unrestricted). However, the application will remain a Controlled Activity where the land use was established under an earlier resource consent or it has existing use rights under the Act. ]<sup>1</sup>*

*Conditions will be imposed by Council to ensure that a quality subdivision design is attained. In particular, Council will assess access requirements, allotment size and the potential for development*

Council is seeking to retain in a permanent manner appropriate site arrangements that are established at the time of cross leasing. This is intended to ensure the efficient use of land. Flexibility of use can be addressed through private arrangements or by reapplying to Council for alterations to the lease arrangements.

Applicants are reminded of the need for proposed subdivisions to comply with the City Bylaws. In addition, where private infrastructure is proposed to be vested in the Council or where private stormwater, water and sewerage lines are connected or proposed to be connected to public infrastructure, applicants will need to liaise with the Council concerning the requirements set out in the Council’s Code of Practice for Land Development so that the Council will either accept the vesting of such infrastructure or will authorise connection or continued connection to public infrastructure. Refer to Section 3.9 of the Plan.

[.....]

### 5.3 Discretionary Activities (Restricted)

[.....]

- 5.3.9 Earthworks that do not comply with the conditions for Permitted Activities are a Discretionary Activity (Restricted) in respect of:**
  - 5.3.9.1 the alteration or disturbance of the ground**
  - 5.3.9.2 the degree of slope**
  - 5.3.9.3 the undertaking of earthworks in a Hazard (Flooding) Area**
  - 5.3.9.4 the undertaking of earthworks within 5 metres of a waterbody or the coastal marine area.**

*For earthworks on Lot 1 DP 29604 off the end of Silverstream Road, Ngaio refer to Appendix 12*

*Standards and Terms*

There are no standards and terms.

*Assessment Criteria*

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

- 5.3.9.5 The extent to which any earth cut or fill will remove existing vegetation, alter existing landforms, affect water quality, cause or contribute to soil erosion or affect existing natural features, such as waterbodies.
- 5.3.9.6 The extent to which any cut or fill can be restored or treated to resemble natural landforms. Council will seek to avoid the creation of unnatural scar faces.

- 5.3.9.7 The extent to which any earthworks may impact on prominent or visually sensitive situations, including the coastal marine area, identified ridgelines and hilltops, cliffs, escarpments and waterbodies. Where located within identified ridgelines and hilltops, the extent that earthworks are sited and designed in ways that avoid being visually obtrusive by:
- minimising the visibility of earthworks in relation to district wide, community wide and neighbouring views
  - mitigating the visibility of earthworks by appropriate planting and/or screening
- 5.3.9.8 The necessity for carrying out the works.
- 5.3.9.9 Whether the earthworks proposed increase or decrease flood hazards.
- 5.3.9.10 Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.
- 5.3.9.11 The effects on any water body or the coastal marine area arising from the contaminants associated with earthworks.
- 5.3.9.12 Rule 5.3.9 shall not apply to a subdivision where earthworks is controlled or subject to a discretion in the grant or refusal of a subdivision consent.

*Council's Earthworks Bylaw (Part 8) is designed to ensure that any earthworks are properly engineered and will be safe. Council is also concerned that earthworks should not adversely affect existing landforms or detract from the amenities of an area. Discretionary control has therefore been imposed so that any proposal may be evaluated.*

**[.....]**

**5.4.5 Any subdivision which is not a Permitted or Controlled Activity is a Discretionary Activity (Unrestricted).**

*Standards and Terms*

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

*Assessment Criteria*

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

- 5.4.5.1 The requirements of section 106 of the Act.
- 5.4.5.2 Whether proposed allotments are capable of accommodating Permitted Activities in compliance with the Residential Area rules.
- 5.4.5.3 The extent of compliance with the relevant parts of the Subdivision Design Guide and the Code of Practice for Land Development.
- 5.4.5.4 Where the activity is within a Maori Precinct, the outcome of consultation with tangata whenua and other Maori.

*All the more significant subdivisions in Residential Areas, particularly those which involve substantial modification of existing land forms and more roads, will be assessed as Discretionary Activities (Unrestricted). This will enable the full effects of a subdivision to be considered with public involvement where appropriate. Even though subdivisions under this rule will occur on land within the urban area of the City which is generally available for development, the resource consent process will be used to determine the extent of land considered suitable for subdivision and the most appropriate design having regard to the intended future use.*

*For subdivision of Lot 1 DP 25046 and Pt Sec 10 Kaiwharawhara District above Patna Street and Huntleigh Park Way, Ngaio refer to Appendix 17*

*For subdivision of Lot 3 DP 71465 on CT 40D/668 and Lot 33 DP 1022, Section 39 Karori District on CT A2/321 (being land off Allanbrooke Place) there is an additional assessment criteria, refer to Appendix 13*

*For subdivision of Lot 24, DP 70931, Stebbings Valley refer to Appendix 18*

*For subdivision of Capital Coast Health Land, Newtown refer to Appendix 19*

*For subdivision of Lot 29, DP 1747, off Freeling Street, Island Bay refer to Appendix 20*

- 5.4.5.5 Whether esplanade land is required to be set aside as part of the subdivision.

Esplanade land to a maximum of 20 metres is required as a part of subdivision on the following water bodies or the coastal marine area where they meet the criteria specified in the Act:

- all parts of the Wellington Coast
- the Porirua Stream and tributaries
- the Kaiwharawhara Stream and tributaries.

A reduction in the width of land required and the appropriate type of land tenure will be assessed as part of the subdivision application. The need for esplanade land will be assessed against the following:

- whether the land holds conservation or ecological values
- whether the land is necessary to maintain or enhance conservation or ecological values of the adjacent land, water or the water quality of the waterbody or coastal water

- whether the land is necessary to provide or maintain public access, both present and future, to or along the edge of the waterbody or the coastal marine area
- whether the land is necessary to maintain or enhance other natural values of the esplanade land.

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

- contribute to the protection of conservation values
- enable public access along or to water bodies or the coastal marine area
- enable public recreational use of esplanade land or waterbodies or the coastal marine area.

Where there is no necessity for Council to own esplanade land to achieve these outcomes, esplanade strips will be considered as a way of ensuring access or maintaining natural values.

*Access to waterways and the coast remains an important issue. Council aims to continue to provide access to waterbodies and the coastal marine area and to conserve their natural values. Each subdivision is assessed on its merits. Each application for subdivision should address the issue of providing esplanade land in the context of the listed criteria. Esplanade land may also be considered for reserves contributions where esplanade reserves or strips are not deemed to be necessary. With regard to esplanade land, section 345(3) of the Local Government Act 1974 also applies to esplanade land.*

5.4.5.6 The extent that earthworks, buildings and structures within identified ridgelines and hilltops will be sited and designed in ways that are visually sensitive and avoid being visually obtrusive by:

- ensuring that earthworks, buildings and structures do not appear to encroach onto the upper most slopes and summit of the ridgeline or hilltop
- minimising skyline effects by ensuring that buildings and structures will be seen against a landform backdrop when viewed from district wide, community wide and neighbouring land
- ensuring that the visibility of buildings, structures and earthworks will be mitigated by appropriate siting and design, and planting and/or screening when viewed from district wide, community wide and neighbouring land

*There are some residential areas that lie within the identified ridgelines and hilltops. The Council accepts that residential development can be accommodated within these areas, however the visual effects need to be carefully planned at the subdivision design stage given the visibility of these ridgelines and hilltop areas from district wide, local and neighbouring areas. Where specific provisions have been included in Appendices to Chapter 5, these provide for specific standards and assessment in this regard.*

# 14. RURAL AREA

## 14.1 Introduction

The Rural Area extends from the outer boundary of the urban areas of the city to the coastal margins and boundaries of Hutt City and Porirua City to the north. About 65 percent of the total City land area is included in the Rural Area.

The landscape of the Rural Area is rugged and is characterised by steep ridges and deep gullies like much of the hill country of the North Island. Some areas are reverting back to native bush in parts of Makara and South Karori, otherwise a pastoral character predominates. The Rural Area has important landscape values for the City as a whole, and contains areas of indigenous vegetation and habitat for indigenous fauna.

Maori occupied the area for centuries, particularly along the coast, but there are no existing Maori settlements. Numerous sites of significance to Maori still remain and these are identified and protected.

~~In 1994 the rural population of some 800 people resided mainly in Makara, the Ohariu Valley and at Horokiwi. The existing character of the Rural Area is determined by a focus on pastoral farming and the development of a scattered residential settlement pattern. Today, Wellington's rural population of some 1200 people reside mainly in Makara, Ohariu and Takapu Valleys and Horokiwi. Two clustered settlements exist, one at Makara Village and the other at Makara Beach. Rural residential/lifestyle blocks are a feature of the land adjoining the northern motorway around Grenada Village and Grenada North. Council intends to maintain the open rural character of most of the rural area while recognising that some change will occur over time.~~

~~The primary force urging change is the demand for rural/residential living and lifestyle farming blocks.~~

There is continuing demand for rural/residential living and lifestyle farming blocks within rural areas. This demand imposes pressures to subdivide existing titles and erect new dwellinghouses. The potential environmental impacts of allowing further subdivision in Wellington's diverse rural areas has been the subject of a significant investigation and consultation with existing rural communities.

~~The impact of such development is still not fully understood, and Council intends to study the capacity of the Rural Area to accommodate further subdivision. Limitations on subdivision and the erection of dwellings have been maintained as a holding measure. Development is also restricted on visually sensitive landscape features such as ridgelines and hilltops, to protect the rural character.~~

During 2001/2002 the Council undertook a Rural planning exercise and through consultation with rural landowners developed four non-statutory rural community plans for South Karori, Makara, Ohariu Valley and Horokiwi. The community plans that were adopted by the Council in 2002 have subsequently informed a review of the rural provisions of the District Plan, and reflect a community led response to Wellington's rural resource management issues.

Council's policy is to generally discourage the fragmentation of most rural land, and particularly land to the west of the Outer Green Belt, Takapu Valley and at Horokiwi. However, provision has been made for some minor subdivision on an incremental basis in these areas.

In addition, provision has been made for rural residential development close to specified areas to the east of the Outer Green Belt generally on the city fringe. In all cases, where subdivision and the development of new dwellings is proposed in these areas, the Council will seek to ensure that developments are sensitively located and designed to respect the existing rural character and to ensure that existing amenities will not be compromised. Flexibility with design solutions is possible through the use of the Rural Area Design Guide. It is

expected that densities in these areas will be generally low due to topographical constraints, and to achieve consistency with the principles of the Rural Area Design Guide.

A particular resource management issue for the City is the extent to which rural land on the edge of the city (particularly in the north where there is a significant area of undeveloped rural land) should be used for new urban development. In this regard, the Council initiated a planning review of the northern suburbs in March 2001. The Northern Growth Management Framework was adopted by the Council in October 2003. This strategic plan provides a framework for the growth and development of the northern area of the City over the next 20 years and identifies areas of existing rurally zoned land considered appropriate for urban expansion. Rural land proposed to be developed for urban purposes will be considered by way of a change to the District Plan.

Council has undertaken a city-wide study to identify which important ridgelines and hilltops should be afforded greater protection than less prominent landforms in the District. Areas that have been mapped are referred to as identified ridgelines and hilltops, and are shown as an overlay on the planning maps. A resource consent for a Discretionary Activity (Unrestricted) will be required for buildings, structures and earthworks in these areas. The assessment criteria that will be applied aim to integrate any proposed development with the immediate landform and natural features, in context with the wider landscape character. Some identified ridgelines and hilltops within the urban area of the city are also identified for possible rural (restricted) subdivision, and provision for such development is recognised in the ridgeline and hilltops policies.

Council specifically seeks to encourage farming activities with the Rural Area. Provision is made for most activities and farm buildings as either Permitted or Controlled Activities, subject to compliance with specified conditions.

The impact of possible future change from pastoral farming to forestry is also a matter requiring assessment. No restrictions on forestry planting currently apply

The impact of possible future change from pastoral farming to forestry will be monitored. No restrictions on forestry planting or harvesting currently apply. The effects of forestry activities have not proved to be a significant resource management issue for Wellington to date, although consultation relating to appropriate rural and non-rural activities has raised a concern over the short term effects of the harvesting of trees. There is also a need to consider the visual and ecological effects of permitting forestry activities within the Outer Green Belt. Further monitoring and assessment work will be undertaken to work through an appropriate approach to these issues.

Various activities that provide services to the City, but which are not traditionally rural or suitable to an urban location, are proposed from time to time. In particular, there has been a noticeable increase in recreational and tourism ventures seeking to establish. Council supports the establishment of a limited range of appropriate non-rural activities in the Rural Area provided that the adverse effects on rural character and amenity are avoided, remedied or mitigated. Such activities require individual assessment through the resource consent process to ensure that they are appropriate to the Rural Area and that adverse effects on the environment will be avoided, remedied or mitigated.

A major resource management issue for the City is the extent to which rural land should be used for new urban development. The Council's policy is to provide for the general containment of the City. Requests for new greenfield subdivision on the edge of the existing urban area will be considered where they do not compromise this policy. Where it is determined that rural land should be subdivided, this will be confirmed by a change to the District Plan.

## 14.2 Rural Area Objectives and Policies

### OBJECTIVE

**14.2.1 To promote the efficient use and development of natural and physical resources in the Rural Area.**

### POLICIES

To achieve this objective, Council will:

**14.2.1.1 Encourage new urban development to locate within the established urban area.**

#### METHODS

- Rules
- Design Guide (Rural Area)
- Operational activities (management of infrastructure)

*The existing urban area of Wellington City is contained by the surrounding hills and particularly the Outer Green Belt that separates the urban area from the main rural areas of Makara and the Ohariu Valley.*

*Council intends to contain urban development to the east of the Outer Green Belt. Within the rural area to the east of the Outer Green Belt the Council will support well designed rural residential development in identified locations (shown on Appendices 4 to 7 in Chapter 15) on the city fringe if it can be demonstrated that this will promote sustainable management. In many of these areas steep slopes or difficult access will need to be overcome before consideration will be given to allowing rural parcels of land on the edge of the city to be subdivided. In general such sites will only be appropriate for a lower density of residential development than that allowed in residential areas. An assessment will need to be made on a case by case basis, with the Council seeking a high standard of design through the assessment of proposals against the Rural Area Design Guide.*

*In 2003, the Council completed a comprehensive planning review of the future development of the northern part of the City between Newlands and Johnsonville in the south and Porirua to the north. The resulting Northern Growth Management Framework provides the communities, landowners, developers and Wellington City Council with a set of agreed goals and an agreed process for urban expansion. This includes the identification of areas currently zoned rural that are considered suitable for residential development and which will strengthen existing communities. Rezoning of areas earmarked for new urban development will be undertaken by way of future plan changes.*

*The edge of the urban area of the city is defined by the interface between the Outer Residential Area and nearby Rural and Open Space Areas. Council generally intends to contain new development within the existing urban area, as it considers that continuously expanding the city's edge will not promote sustainable management. Expansion beyond the existing urban form will only be considered where it can be demonstrated that the adverse effects, including cumulative effects, of such expansion can be avoided, remedied or mitigated. However, the Council recognises that some parts of the Rural Area are more likely to be suitable than others for future urban development. In particular, the land east of the motorway generally north of Newlands and south of Grenada North known as Lincolnshire Farm is a strategic resource for the future development of the city given its central location in the greater Wellington area, topography and access to infrastructure. Historically parts of this land have been identified for possible future urban growth. This land also has ridgelines and gullies with significant natural and landscape values which must be protected.*

*The environmental result will be that the City's development occurs in a manner which will reduce transport distances, make public transport systems more viable and make better use of existing infrastructure.*

**14.2.1.2 Encourage the design of any rural subdivision or housing development to optimise resource and energy use.**

**METHODS**

- Rules
- Design Guide (~~Subdivision~~) (Rural Area)
- Advocacy

*Subdivision development in the Rural Area is generally limited, but where it occurs Council seeks to ensure that the most effective use is made of available land and that houses are oriented to the sun. ~~Flexible siting provisions and Design Guides for subdivision are included in the Plan to help achieve this.~~ Flexible siting provisions and the Rural Area Design Guide which applies to subdivision and buildings are included in the Plan to help achieve this.*

*The environmental result will be improved subdivisions and housing developments.*

**14.2.1.3 Allow work-from-home activities in Rural Areas.**

**METHOD**

- Rules

*It is in keeping with the objective of achieving a sustainable city that rural residents have the opportunity to work from home.*

*The environmental result will be a greater mix of compatible uses in the Rural Area.*

**OBJECTIVE**

**14.2.2 To maintain and enhance the character of the Rural Area by managing the scale, location, rate and design of new building development.**

**POLICIES**

To achieve this objective, Council will:

**14.2.2.1 Control the number, location and design of new building developments and activities to avoid, remedy or mitigate their adverse effects on the rural character and landscape.**

**METHOD**

- Rules
- Design Guide (Rural Area)
- Other mechanisms (Rural Community Plans)

*Council seeks to maintain the natural elements which give the Rural Area its character. ~~For this reason the District Plan seeks to limit the number of new buildings or structures by controlling the subdivision of rural land and limiting the intensity of residential settlement. Further study will establish the capacity of the Rural Area to accommodate new development, especially those areas west of the Outer Green Belt and within Horokiwi. These areas (South Karori, Makara, Ohariu Valley and Horokiwi) have their own non-statutory Rural Community Plans which have a primary focus to maintain and enhance rural character, amenity and identity for those living, working and visiting these areas. A large component of ensuring this is for new development to be limited and controlled when it does occur. This focus has therefore been reflected in the District Plan rules, and is implemented through the application of a Rural Area Design Guide. The District Plan seeks to limit the intensity of residential development by controlling the subdivision of rural land. Resource consents are required for all subdivisions and most residential buildings, including alterations and additions that result in large dwellings.~~*

The Rural Area Design Guide is a key mechanism by which the Council will determine the appropriateness of specific proposals for subdivisions and residential buildings.

Council recognises the essential nature of accessory buildings and structures associated with rural activities for the efficient use of the rural resource and has provided for them accordingly. It is also acknowledged that accessory buildings associated with rural activities have different characteristics to residential buildings, and they are an accepted feature of the rural environment.

There are some areas adjacent to the urban fringe (identified on Appendices 4 to 7 of Chapter 15) where well designed low density residential development can be visually absorbed, and that the sustainable management of the City's land resources can be achieved by careful development of these areas. Again, rather than attempting to apply a formula for how development in these areas should occur, the Council uses the Rural Area Design Guide to inform good design. Flexibility in lot size is provided to enable subdivisions to be designed to fit the natural features and landscape of the site.

~~The environmental result will be the restricted development of the Rural Area, ensuring that new buildings reflect the rural character of the area.~~

~~The environmental result will be limited development of the more remote parts of the Rural Area, ensuring that new buildings reflect the rural character of the area and well considered and sustainable development of some land closer to the urban fringe.~~

#### **14.2.2.2 ~~Control the location of new structures and earthworks on ridgelines and hilltops.~~**

**Control the construction and siting of new buildings, structures and earthworks on identified ridgelines and hilltops in ways that avoid, remedy or mitigate adverse visual effects on the rural character.**

##### **METHOD**

- Rules
- Design Guide (Rural Area)

~~The rural landscape can be severely affected when ridgelines and hilltops are altered by earthworks or have buildings or other structures sited on them. The Council is particularly concerned to maintain the natural and unmodified ridgelines which form the Outer Town Belt network between the rural and urban areas of the City. Where activities are allowed to locate on ridgelines or hilltops controls aim to ensure that any adverse effects are avoided, remedied or mitigated.~~

~~The environmental result will be that Wellington's character, which derives so strongly from its natural ridgelines and hilltops, will be preserved.~~

~~The Council has undertaken a city wide study to identify which important ridgelines and hilltops should be afforded greater protection than less prominent landforms in the city. The important ridgelines and hilltops are identified on the District Plan maps.~~

~~In the Rural Area the Council wishes to maintain the relatively undeveloped character of the important ridgelines and hilltops, although this character can vary throughout the Rural Area. Rules have therefore been included to account for variations in local character, whereby any proposed new building, structure or earthworks, can be assessed according to the visibility and how well development can be integrated while maintaining the visual continuity of the ridgeline or hilltop from district wide, community of interest and neighbouring views.~~

~~It is acknowledged that ridgelines and hilltops in rural areas covered by the Northern Growth Management Framework (adopted by Council in 2003) will be the subject of further work relating to the rezoning of land for~~

future urban development. The adoption of appropriate ridgeline and hilltop provisions in these areas will be part of future changes to the District Plan.

In other rural areas not covered by the ridgeline and hilltop rules, the Rural Area Design Guide will work to ensure that any new development fits sensitively into the landscape.

The environmental result will be the visual integration of new development with the immediate landform and natural features, in context with the wider landscape character of ridgelines and hilltops.

**14.2.2.3 Control the construction and siting of buildings, structures and earthworks on identified ridgelines and hilltops in city fringe areas where satisfactory infrastructure allows for future growth.**

**METHOD**

- Rules
- Design Guide (Rural Area)

Some identified ridgelines and hilltops cover rural land, located within or close to existing residential areas, which has potential for low density rural residential type development. These areas have been specifically identified in Appendices 4 to 7 in Chapter 15. Separate ridgeline and hilltop provisions have therefore been included to provide for development in these situations. The Council will seek to ensure that any development is designed to respect the special location.

The environmental result will be limited rural residential development that is sensitively designed to respect the important ridgeline and hilltop locations.

**14.2.2.4 Control the siting and size of new signs within the Rural Area.**

**METHOD**

- Rules

The Rural Area is presently free of any significant signage. District Plan rules control the erection of new signs and protect existing amenities. Temporary signs are permitted for specified purposes.

The environmental result will be Rural Areas which are generally free of signs.

**14.2.2.5 Seek to ensure that activities located in the Rural Area do not have harmful effects on urban areas.**

**METHOD**

- Rules (Conditions on resource consents)
- Design Guide (Rural Area)

Certain activities in Rural Areas can have effects far beyond the rural environment. Activities in the Rural Area can, for example, generate heavy traffic or appear unsightly from nearby Residential Areas. Through the determination of resource consents and other means Council works to ensure that any adverse effects on the urban area are avoided, remedied or mitigated.

The environmental result will be the protection of Residential Areas from the adverse effects of rural activities.

**OBJECTIVE**

**14.2.3 To maintain and enhance the amenity values and rural character of Rural Areas.**

## **POLICIES**

To achieve this objective, Council will:

### **14.2.3.1 Control non-rural activities to ensure that their potential adverse effects on the rural environment are avoided, remedied or mitigated.**

#### **METHOD**

- Rules
- Design Guide (Rural Area)
- Other mechanisms (Rural Community Plans)

*Although farming and residential activities predominate in the Rural Area there are other uses which serve both the local, rural and wider City populations. Council supports the establishment of a limited range of appropriate non-rural activities in the Rural Area provided that the adverse effects on rural character and amenity are avoided, remedied or mitigated. The rural environment is generally more sensitive to certain environmental effects than the urban parts of the city. Non-rural activities may generate effects such as noise, traffic, and odour which could have a major impact on the quality of rural life.*

*Such activities are assessed as Discretionary Activities to make sure that they are appropriate to the Rural Area and any potentially harmful effects prevented.*

*The environmental result will be that Rural Areas are maintained primarily for rural purposes, but a mix of activities is allowed where the adverse effects on rural character and amenity are avoided, remedied or mitigated.*

### **14.2.3.2 Control the adverse effects of noise within the Rural Area.**

#### **METHODS**

- Rules
- Other mechanisms (Enforcement Orders, Abatement Notices)

*With the exception of noise from power generation, heating, ventilation and air-conditioning systems, water, sewage pumping and treatment systems and other similar domestic installations associated with rural or residential activities, residential and rural activities shall be controlled by the provisions of Section 327 of the Act (Issue and effect of excessive noise direction) or other relevant Acts or bylaws. The Rural Area is a working environment and as such will be subject to noisier rural activities, mostly on a seasonal basis. Nothing in the Plan shall limit reasonable noise emissions resulting from the working of the land or raising of livestock.*

*The District Plan Rules aim to avoid, remedy or mitigate unreasonable noise from factory farming and non rural activities including Work-from-Home.*

*Traffic noise is not controlled through rules, and alternative actions need to be taken to avoid, remedy or mitigate intrusions from this source.*

*The environmental result will be less noise in Rural Areas.*

### **14.2.3.3 Acknowledge the natural and cultural landscape of the Belmont Hills in recognition of their scenic and recreational values.**

#### **METHODS**

- Rules
- Other mechanisms (Belmont Regional Park Management Plan)

*This policy is taken into account when assessing activities within areas that are part of the Regional Park (specifically the land to the east of Horokiwi Road).*

*The environmental result will be the establishment of activities that support the intention of the Belmont Regional Park Management Plan.*

## OBJECTIVE

**14.2.4 To ensure that the adverse effects of new subdivisions in the Rural Area are avoided, remedied or mitigated and that subdivision is consistent with the approach to containment of the urban area in this Plan.**

## POLICIES

To achieve this objective, Council will:

**14.2.4.1 Control greenfield subdivision initiated in the Rural Area to ensure that adverse effects are avoided, remedied or mitigated and that if land is developed, it is developed in a way that will lead to neighbourhoods which have a high amenity standard and which are adequately integrated with existing infrastructure.**

### METHODS

- Rules
- Design Guides (Rural Area and Subdivision)

*The District Plan Maps identify the extent of urban (primarily residential) areas on the basis of existing residential and suburban centre development and land subject to current subdivision consents. In accordance with the purpose of sustainable management, the aim is to provide for the intensification of land use within the urban area and to accommodate, where adverse effects can be avoided, remedied or mitigated, the orderly development of new subdivisions on the fringes of the existing urban area.*

*In most circumstances, greenfield subdivision will be considered as part of a District Plan change to extend the urban area. This enables the full effects of the potential development to be assessed. Assessments will include the design of the subdivision, its impact on the natural and physical environment, and constraints (such as natural hazards) imposed by the environment.*

*The environmental result will be a more compact city and, where approved, the development of new subdivisions that are well designed and integrated with existing infrastructure.*

**14.2.4.2 Manage the rate of subdivision to minimise fragmentation of land in the Rural Area and to maintain a compact city.**

### METHODS

- Rules
- Design Guides (Rural Area and Subdivision)

*Council seeks to manage subdivision in the Rural Area to enable rural land use activities to be undertaken but also to restrict the amount of fragmentation that occurs, thereby maintaining Wellington as a compact city. In addition, the rate of subdivision is managed to maintain the open, undeveloped rural character. This has been supported in the consultation with the rural communities of South Karori, Makara, Ohariu Valley and Horokiwi, which revealed a strong desire to maintain the existing natural and rural character. These goals have been balanced against the recognition that some subdivision would be beneficial to the wellbeing and viability of the rural communities.*

*For these reasons, in most of the Rural Area, provision is made for subdivision on an incremental and limited basis, provided that it can be demonstrated that any effects on the environment can be managed. Where subdivision is possible, other than Horokiwi, no minimum lot size has been specified for new allotments. This allows flexibility for subdivisions to be designed sensitively to fit in with the local environment in accordance with the principles of the Rural Area Design Guide. The ability to subdivide is limited in terms of the size of the*

parent allotment and a 5 year period before another subdivision can occur. A stricter approach to subdivision will apply in Horokiwi where land is already fragmented, and on allotments of less than 1200m<sup>2</sup> at Makara Beach and Makara Village because of sewage treatment issues.

The environmental result will be the retention of a compact city and the existing character of the Rural Area, while providing for limited and sensitively designed subdivision that will support the continued wellbeing and viability of rural communities.

#### **14.2.4.3 Ensure the sound design, development and appropriate servicing of all subdivisions.**

##### **METHODS**

- Rules (compliance with Code of Practice for Land Development)
- Information (promotion of good subdivision practice)

*To encourage the sound design, development and appropriate servicing of subdivisions, Council requires that relevant parts of the Subdivision Design Guide and Code of Practice for Land Development be taken into account.*

*The environmental result will be the development of well-designed and properly serviced subdivisions that maintain amenity standards.*

#### **14.2.4.4 To require esplanade areas along identified streams and the coast to protect conservation values, provide public access or other recreational use.**

##### **METHODS**

- Rules

Esplanade areas are required on all new lots that are less than 4 hectares (including boundary adjustments) that are created along identified streams or the sea coast to protect conservation values, provide public access or other recreational use. In addition to the coast, the esplanade rules apply to the following streams:

- š Porirua Stream and tributaries
- š Makara Estuary
- š Makara Stream and tributaries including Ohariu Stream
- š Oteranga Stream and tributaries
- š Karori Stream and tributaries

Because of significant conservation values in the case of the Makara Estuary esplanade reserves will be required rather than esplanade strips.

The environmental result will be the provision of esplanade areas to provide for conservation values, public access and recreational use.

## **OBJECTIVE**

**14.2.5 To maintain and enhance natural features (including landscapes and ecosystems) that contribute to Wellington's natural environment.**

## **POLICIES**

To achieve this objective, Council will:

#### **14.2.5.1 Protect significant escarpments and coastal cliffs from development and visual obstruction.**

## METHOD

- Rules

*The Wellington faultscarp, coastal cliffs, areas of open space and skylines are important parts of the City's visual character. Where these are not protected by public ownership, Council aims to restrict development and avoid, remedy or mitigate its visual impact. The Open Space and Rural rules will be the main methods of dealing with this issue, but where possible Council also seeks added protection where subdivision or other non-permitted rural development is proposed.*

*The environmental result will be the protection of significant features of Wellington's rural landscape.*

### ~~14.2.5.2 Restrict the construction of structures on undeveloped skylines and ridges that make an important contribution to the landscape of Wellington.~~

## ~~METHOD~~

- ~~• Rules~~

~~*Undeveloped skylines are an important feature of the rural landscape. The visual intrusion caused by structures can be dramatic. To prevent such effects, development will be restricted on ridges and skylines.*~~

~~*The environmental result will be that Wellington's undeveloped ridgelines and hilltops will be kept in their natural state.*~~

### 14.2.5.2 Ensure that any approved earthworks are designed and engineered to reflect natural landforms.

## METHODS

- Rules
- Design Guides (Rural Area and Subdivision)
- Other mechanisms (WCC Bylaws ~~No.15~~)

*Excavations or earthfills can leave unnatural forms or unsightly scars which detract from the amenities of an area. The city bylaws control earthworks to ensure that they are properly engineered, but the District Plan enables amenity considerations to be assessed. The Council aims to ensure that approved earthworks, when completed, are not unsightly.*

*The environmental result will be to ensure that earthworks, when completed, reflect natural landforms in the area.*

### 14.2.5.3 Encourage retention of existing vegetation, especially established trees and existing native vegetation.

## METHODS

- Rules
- Design Guides (Rural Area and Subdivision)
- Wellington Wet and Wild: Bush and Streams Restoration Plan
- ~~Conservation Strategy~~
- Open Space Strategy
- Other mechanisms (Rural Community Plans)

*Existing native vegetation and established trees are an important element in Wellington's landscape and can also have importance as wildlife habitat, as linking corridors and buffer zones, and for soil and water conservation values. Remaining areas of native vegetation and established trees will be retained as far as possible where subdivision or other development is proposed.*

*The environmental result will be the greater protection of indigenous ecosystems.*

## OBJECTIVE

**14.2.6 To maintain and enhance the quality of the coastal environment within and adjoining the Rural Area.**

### POLICIES

To achieve this objective, Council will:

- 14.2.6.1 Maintain the public’s ability to use and enjoy the coastal environment by requiring that public access to and along the coastal marine area is maintained, and enhanced where appropriate and practicable.**
- 14.2.6.2 Enhance the natural values of the rural coastal environment by requiring developers to consider the ecological values that are present, or that could be enhanced, on the site.**
- 14.2.6.3 Ensure that any developments near the coastal marine area are designed to maintain and enhance the character of the coastal environment.**

### METHODS

- Rules
- Design Guide (Rural Area)
- Advocacy
- Other mechanisms (New Zealand Coastal Policy Statement, Regional Coastal Plan)

*The coastal environment is an important asset for Wellington, and Council is concerned that its qualities and character should not be lost through inappropriate activities or development. Council aims to maintain and enhance the character and public amenity of the coastal environment by means of rules and strategies.*

*Maintenance and enhancement of public access to and along the coast is an important issue. However, there are occasions when public access will not be appropriate or practicable. “Appropriate and practicable” means:*

*“Public access may not be appropriate where it is necessary to protect any Area of Significant Conservation Value, Area of Important Conservation Value, sites of significance to tangata whenua, public health or for safety, animal health, security, defence purposes, or quarantine facilities. In other cases, particularly along sections of coastal cliff, access along the foreshore may not be practicable. Practicable includes recognition of both technical and financial constraints.” (Coastal Plan for the Wellington Region - Explanation to policy 4.2.17).*

*The environmental result will be maintenance and enhancement of the coastal environment within and adjoining the Rural Area.*

## OBJECTIVE

**14.2.7 To avoid or mitigate the adverse effects of natural and technological hazards on people, property and the environment.**

### POLICIES

To achieve this objective, Council will:

- 14.2.7.1 Identify the hazards that pose a significant threat to Wellington, to ensure that areas of significant potential hazard are not occupied or developed for vulnerable uses or activities.**

### METHODS

- Rules

- Other mechanisms (Building Act controls)

*Hazards occur whenever people are in contact with natural or technological phenomena that pose a threat to health and safety. It is therefore necessary to identify the hazards and risks that people face by living in Wellington.*

*~~Although control can be exercised over some hazards such as technological hazards, others like earthquakes are unavoidable.~~ Council's hazard management involves four phases - mitigation, preparedness, response and recovery. Mitigation is addressed through a combination of land use management within the District Plan and Building Act controls. Control can be exercised over some hazards to avoid the hazard (such as technological hazards), whereas other hazards such as fault rupture and ground shaking from earthquakes are unavoidable. However, the risk to life from these unavoidable hazards can be reduced with appropriate mitigation measures.*

*Not everyone is able to respond to an event in the same way. Some people, due to socio-economic factors (for example, age, health and income) may be less able to cope with an emergency and are more vulnerable. Certain high-intensity land uses, (such as public assembly sites and schools) may also increase the hazard risk.*

*The environmental result will be the minimisation of hazards and risks to people in high hazard risk areas.*

**14.2.7.2 Ensure that the adverse effects of hazards on critical facilities and lifelines are avoided, remedied or mitigated.**

**METHODS**

- Rules
- Advocacy

*The services people depend on to help them cope with emergencies include the fire, police, ambulance and civil defence organisations as well as other volunteer services. People also rely on other services, such as communications, transport routes, electricity, gas and water, to cope after the event. These important services are known as lifelines. For these reasons, Council considers it essential for critical facilities to be located as far as is reasonably practicable from Hazard Areas.*

*The environmental result will be the establishment of critical facilities and lifelines in locations that avoid, remedy or mitigate the risk from hazards*

**14.2.7.3 Ensure that the adverse effects on the natural environment arising from a hazard event are avoided, remedied or mitigated.**

**METHODS**

- Rules
- Advocacy

*If a hazard event occurs, the natural environment needs to be protected from its flow-on effects, such as contamination of ground and surface water from ruptured pipelines and storage tanks. The potential for an activity to affect the natural environment under emergency conditions is also an important consideration. For these reasons relevant rules have been included in the District Plan.*

*The environmental result will be better protection of the natural environment from hazard events.*

**14.2.7.4 Ensure that earthworks and structures in the Rural Area do not exacerbate natural hazards, particularly flood events.**

**METHOD**

- Rules

*Earthworks and large structures have the potential to increase the degree of risk associated with flooding. Where they are proposed for flood plains or flood-prone areas they will be controlled to ensure that they do not increase the flood hazard.*

*The environmental result will be the minimisation of hazard risks on flood plains or flood-prone areas.*

## **OBJECTIVE**

**14.2.8 To prevent or mitigate any adverse effects of the storage, use, disposal, or transportation of hazardous substances, including waste disposal, and formation of contaminated sites.**

## **POLICIES**

To achieve this objective, Council will:

**14.2.8.1 Require that the storage, use, handling and disposal of hazardous substances are subject to analysis using the Hazardous Facilities Screening Procedure and, where appropriate, the resource consent procedure in order that any potential or actual adverse effects are managed in such a way as to safeguard the environment.**

### **METHODS**

- Rules
- Other mechanisms (Health Act, Hazardous Substances and New Organisms Act 1996 and its Transitional Provisions, Health and Safety in Employment Act, 1992)

*Council is concerned that the community and environment should not be exposed to unnecessary risk from hazardous substances. The District Plan aims to control use of land in order to prevent or mitigate any potential adverse effects of hazardous substances by considering the appropriateness of the site location and other site requirements to minimise the risk of accidental release. Although these are only two facets of hazardous substances management, others are outside the scope of the District Plan.*

*The Regional Council has developed rules in the Regional Plans to control discharge of hazardous substances to land, air and water.*

*The Hazardous Facilities Screening Procedure has been incorporated into the District Plan. Uses which have unacceptable potential effects will be located and contained where their potential adverse effects can be prevented or mitigated.*

*The environmental result will be a safer environment as a result of the safer storage, use and disposal of hazardous substances.*

**14.2.8.2 Reduce the potential adverse effects of transporting hazardous substances.**

### **METHODS**

- Rules (conditions on resource consents)
- Other mechanisms (advocacy and bylaws)

*Because there is always a risk of an accident, the transportation of hazardous substances potentially has adverse effects on the surrounding locality. Where practicable, transport of hazardous substances to a hazardous facility will be restricted to main arterial routes and avoid peak periods of commuter traffic.*

*The environmental result will be safer communities.*

**14.2.8.3 Control the use of land for end point disposal of waste to ensure the environmentally safe disposal of solid and hazardous waste.**

## **METHODS**

- Rules
- Operational activities (Waste Management Strategy)
- Designation
- Other mechanisms (Regional Plans)

*Unrestricted land disposal of waste by landfilling is increasingly less environmentally acceptable as a method of dealing with the City's waste. For this reason, Council wishes to discourage the proliferation of waste disposal sites.*

*Council's Waste Management Strategy, which addresses waste disposal in Wellington City, includes guidelines on the environmentally acceptable management of the hazardous wastes produced in Wellington.*

*The environmental result will be fewer and better-managed waste disposal sites.*

**14.2.8.4 To require hazardous facilities to be located away from Hazard Areas.**

**METHOD**

- Rules

*The likelihood of an accidental release of a hazardous substance is increased during a natural hazard event.*

*For this reason, Council wishes to discourage the development of new hazardous facilities in identified Hazard Areas.*

*The environmental result will be the minimisation of hazards and risk to the environment and people in Hazard Areas.*

**14.2.8.5 Co-operate with the Regional Council in compiling a database of all contaminated sites in the city.**

**14.2.8.6 Control activities on any contaminated site.**

**14.2.8.7 Encourage the restoration of any contaminated sites.**

**METHODS**

- Rules
- Other mechanisms (Regional Discharge to Land Plan)

*Because contaminated sites can damage human and ecological health, Council believes that District Plan restrictions are necessary. Council aims to identify such sites and to restrict activities until the contamination is controlled or removed.*

*The environmental result will be the recognition and restoration of contaminated sites.*

**OBJECTIVE**

**14.2.9 To enable efficient, convenient and safe access for people and goods within the Rural Area.**

**POLICIES**

To achieve this objective, Council will:

**14.2.9.1 Manage the road network to avoid, remedy or mitigate any adverse effects of road traffic on Rural Areas.**

**METHODS**

- Rules
- Operational activities (traffic management)
- Other mechanisms (Rural Community Plans)

*The movement of traffic on narrow, winding rural roads requires appropriate management to maintain access and safety. Council will use traffic management techniques and road improvement measures to achieve these ends.*

*The environmental result will be safer rural roads.*

**14.2.9.2 Manage the road system in accordance with a defined road hierarchy.** *Refer to District Plan Map 33*

**METHOD**

- Rules

*The road hierarchy, which classifies roads according to their function, is used in the administration of the Plan to ensure that land uses or activities are appropriately related to the network.*

*The environmental result will be that uses or activities in Rural Areas are appropriately located in relation to the roads that service them.*

**14.2.9.3 Provide for, and in certain circumstances require, extensions to the existing road network. In particular the actual development or potential for future development of the following connector routes is sought:** *For the routes listed in 14.2.9.3 refer to District Plan Maps 23, 26 and 27*

- from the existing alignment of Westchester Drive in the north to Ohariu Valley Road in the south
- from Ohariu Valley Road in the north to McLintock Street in the south
- the connector between the existing northern and southern ends of John Sims Drive
- from Jamaica Drive in the north to Mark Avenue in the south with a connection to the Grenada interchange

**METHOD**

- Rules (conditions on resource consents)

*To improve access for motor traffic in the City, some additional roads may be required. Proposed extensions to the existing road network are implemented through the designation process or through requirements on subdivision proposals.*

*The reference to connector routes on the accompanying District Plan Maps is not an indication that Council wishes to see the urban area expand along these routes or to fill the area between the proposed road and the present urban fringe. They are an acknowledgement that the future efficient development of the City may require these connector roads to be established. Unplanned subdivision may prevent the construction of these routes. The indications give the approximate location of the connector routes. The actual alignment of the road will be established as required.*

*The environmental result will be that motor traffic will have better access to parts of the Rural Area, and energy will be saved.*

**OBJECTIVE**

**14.2.10 To promote the development of a safe and healthy City.**

**POLICIES**

To achieve this objective, Council will:

**14.2.10.1 Improve the design of developments to reduce threats to personal safety and security.**

**METHOD**

- Advocacy (Crime Prevention Design Guide)

*A city's operation and design must take account of its occupants. The District Plan aims to reduce crime and to increase safety through the use of environmental design guidelines.*

*The environmental result will be that buildings or spaces are designed to avoid, remedy or mitigate the incidence of crime.*

**14.2.10.2 Promote and protect the health and safety of the community in development proposals.**

**METHODS**

- Rules
- Other mechanisms (Rural Community Plans, WCC Bylaws)
- Advocacy

*The promotion of a healthy and safe city will be implemented through a broad range of Council actions, including District Plan rules. Wellington's rural communities have also taken responsibility for community well-being through the development and implementation of non-statutory Rural Community Plans (South Karori, Makara, Ohariu Valley and Horokiwi).*

*Council also uses other mechanisms, such as the Healthy City initiative and general bylaws, to promote the health and safety of Wellington's communities. Some involve physical actions, while others centre on providing information.*

*The environmental result will be Rural Areas that provide for the health and safety of people by controlling the adverse effects of activities.*

**14.2.10.3 Reduce the potential risks associated with high voltage transmission lines by encouraging the location of these away from inhabited areas and by restricting the location of residential development near such lines.**

**METHOD**

- Rules

*High voltage transmission lines generate potentially hazardous electromagnetic fields. Council is taking a precautionary approach by restricting activities near these transmission lines.*

*The environmental result will be the minimisation of possible hazards to people from the effects of high voltage transmission lines*

**OBJECTIVE**

**14.2.11 To facilitate and enable the exercise of tino rangatiratanga and kaitiakitanga by Wellington's tangata whenua and other Maori.**

*Maori concepts present a different view for the management of the city's natural and physical resources. In particular, kaitiakitanga is a specific concept of resource management. By acknowledging ancestral relationships with the land and natural world, a basis can be constructed for addressing modern forms of cultural activities.*

## **POLICIES**

To achieve this objective, Council will:

### **14.2.11.1 Identify, define and protect sites and precincts of significance to tangata whenua and other Maori using methods acceptable to tangata whenua and other Maori.**

#### **METHODS**

- Rules
- Information

*Particular features of the natural and cultural landscape hold significance for tangata whenua and other Maori. The identification of specific sites (such as wahi tapu/sacred sites, and wahi tupuna/ancestral sites) and precincts will ensure that this significance is respected. For this reason sites of significance and precincts are listed and mapped within the Plan.*

*The environmental result will be the identification of such sites and precincts and their protection from inappropriate development.*

### **14.2.11.2 Provide the opportunity for establishing marae, papakainga/group housing, kohanga reo/language nests, or similar activities in Rural Areas that relate to the needs and wishes of tangata whenua and other Maori, provided that environmental conditions are met.**

#### **METHODS**

- Rules
- Information

*General provision has been made for non-rural activities in Rural Areas as Discretionary Activities. This enables tangata whenua and other Maori to undertake activities that are appropriate in Rural Areas.*

*The environmental result will be that, if such non-rural uses establish, they are managed in such a way as to avoid or mitigate any adverse effects.*

### **14.2.11.3 In considering resource consents, Council takes into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi.**

#### **METHODS**

- Rules
- Information

*The principles that underlie the Treaty of Waitangi provide a basis for the management of natural and physical resources. These principles include having regard to consultation, partnership and a shared responsibility for decision making. For this reason rules have been included in the Plan requiring consultation in specific situations.*

*The environmental result will be that appropriate developments respect the existence of Maori cultural values.*

# 15. RURAL AREA RULES

## 15.1 Permitted Activities

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

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

### 15.1.1.1 Noise

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

7.00am to 7.00pm	55dBA(L10)
7.00pm to 7.00am	45dBA(L10); and
7.00pm to 7.00am	75dBA(Lmax).

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

Monday to Saturday 7am to 8pm	45dBA(L10)
All days 8pm to 7am	60dBA(Lmax)
At all other times	35dBA(L10)

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

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

#### **15.1.1.2 Discharge of contaminants**

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

#### **15.1.1.3 Site Access and Parking**

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

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

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

15.1.1.3.3 For all allotments under 1200m<sup>2</sup> in the Makara Village and Makara Beach settlements rules 5.1.1.2 and 5.1.1.3 and Appendices 2 and 3 for site access and parking in the Outer Residential Area shall apply.

#### **15.1.2 Work-from-home activities are Permitted Activities provided that they comply with the following conditions:**

- 15.1.2.1 The site must be occupied by a residential building.
- 15.1.2.2 Not more than one third the total gross floor area of residential buildings on the site may be used for work-from-home activities.
- 15.1.2.3 No more than three persons may work on the site at any one time.
- 15.1.2.4 The residential character and appearance of the dwelling must be maintained.
- 15.1.2.5 Activities must not create a dust nuisance. A dust nuisance will occur if:

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

- there is visible evidence of suspended solids in the air across a site boundary; or
  - there is visible evidence of suspended solids traceable from a dust source settling on the ground or structure on a neighbouring site, or water.
- 15.1.2.6 Any external storage must be screened so as not to be visible from outside the site.
- 15.1.2.7 On allotments under 1200m<sup>2</sup> no work-from-home activity is permitted which generates trucks or other heavy vehicles to the site or which would require such vehicles to park on site or in nearby streets.
- 15.1.2.8 Any parking associated with a work-from-home activity must not be on a public road.
- 15.1.2.9 No retailing shall be conducted on the site.
- 15.1.2.10 All activities that cause discharges to air, land or water must obtain and keep in a current state the necessary discharge consents, and must comply with the relevant conditions of consent.
- 15.1.2.11 Activities must not create noise emission levels that exceed the limits in Rule 15.1.1.1 Noise.

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

**15.1.3 The construction, alteration of and addition to residential buildings, except for the construction of new residential buildings on ridgelines or hilltops, are Permitted Activities providing that they comply with the following conditions:**

- ~~15.1.3.1 A maximum of one household unit per title is permitted provided that:~~
- ~~• it is on a separate title registered in the applicant's name with the District Land Registrar at the time of the notification of the District Plan; and~~
  - ~~• the allotment has physical vehicular access and legal frontage to a formed road.~~
- ~~15.1.3.2 For all allotments under 1200m<sup>2</sup> in the Makara Village and Makara Beach settlements, rules 5.1.3.2 to 5.1.3.5 for the construction, alteration and addition of residential buildings in the Outer Residential Area apply.~~
- ~~15.1.3.3 For all other parts of the Rural Area:~~
- ~~**Yards** All yards must be a minimum of 6 metres~~
- ~~**Height** The maximum building height is 8 metres, except in a Hazard (Fault Line) Area~~
- ~~15.1.3.4 Residential buildings within a Hazard (Fault Line) Area:~~
- ~~In any Hazard (Fault Line) Area, residential buildings shall have a maximum height of 8m and shall be of specifically designed to the~~

The provisions for residential buildings are contained in two new rules as follows:  
 - on allotments under 1200m<sup>2</sup> within Makara Beach and Makara Village, refer to rule 15.1.3.  
 - for all other areas, refer to rule 15.1.3a.

requirements of New Zealand Standard 4203:1992 'Code of Practice for General Structural Design and Design Loadings for Buildings'.

~~15.1.3.5 Residential buildings within a Hazard (Flooding) Area:~~

- ~~• the buildings must not be sited so as to impede the flow of flood waters~~
- ~~• the floor level of buildings must be constructed above the current flood hazard level identified by Council.~~

~~15.1.3.6 Septic Tank Location~~

~~Septic tanks shall be located no closer than 20 metres to a waterbody or the coastal marine area.~~

~~15.1.3.7 Proximity to High Voltage Transmission Lines~~

~~Any residential buildings shall be further than 40 metres from high voltage transmission lines as defined on the Planning Maps (as measured from the centreline at ground level).~~

~~New residential dwellings may be built in the Rural Area, although the rules have been devised to limit numbers and to ensure that they are sited to avoid, remedy or mitigate the danger from natural hazards.~~

~~Houses are limited to existing titles, to encourage the maintenance of the existing rural character. Council seeks to preserve the present pattern where houses are scattered throughout the Rural Area. The siting requirements also work to maintain an open rural situation.~~

~~For houses at Makara Village and Makara Beach, where all existing lots are 1200m<sup>2</sup> or less, the rules for the Outer Residential Area apply. This is to enable the reasonable development of existing sites.~~

~~The construction of buildings on ridgelines are Discretionary Activities (Restricted) to enable their impact on visual amenities to be assessed.~~

~~In the Rural Area any new residential building must be located further than 40 metres from high voltage transmission lines as defined on the Planning Maps. (refer to Policy 14.2.10.3)~~

**15.1.3 The construction, alteration of, or addition to, residential buildings, accessory buildings (associated with a residential activity) and residential structures on allotments under 1200m<sup>2</sup> in Makara Village and Makara Beach settlements as identified in Appendix 8, are Permitted Activities provided they comply with the following conditions:**

15.1.3.1 No of Household Units:

A maximum of one household unit is permitted per allotment.

15.1.3.2 Bulk and location and maximum fence height:

Rules 5.1.3.2 to 5.1.3.6 for the construction, alteration of, or addition to, residential buildings in the Outer Residential Area apply.

15.1.3.3 Residential buildings (including additions) within a Hazard (Fault Line) Area:

- must not exceed a maximum height of 8m
- shall be built with a light roof and light wall cladding

15.1.3.4 Residential buildings (including additions) within a Hazard (Flooding) Area:

- must not be sited so as to impede the flow of flood waters
- the floor level must be constructed above the current flood hazard level identified by Council.

15.1.3.5 Septic Tank Location:

Septic tanks (including the outer edge of the associated drainage field) shall be located no closer than 20 metres to a waterbody or the coastal marine area, or a property boundary other than a road boundary.

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

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

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

§ **within identified ridgelines and hilltops**

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

15.1.3a.1 No of Household Units:

A maximum of one household unit is permitted per allotment.

15.1.3a.2 Yards:

All yards must be a minimum of 6 metres.

15.1.3a.3 Maximum Height:

The maximum building height is 5m.

15.1.3a.4 The combined gross floor area of all residential buildings and residential accessory buildings on the site shall not exceed 300m<sup>2</sup> in area.

15.1.3a.5 Alterations and additions within a Hazard (Fault Line) Area shall be built with a light roof and light wall cladding.

15.1.3a.6 Alterations and additions within a Hazard (Flooding) Area:

- must not be sited so as to impede the flow of flood waters
- the floor level must be constructed above the current flood hazard level identified by Council.

15.1.3a.7 Septic Tank Location:

Septic tanks (including the outer edge of the associated drainage field) shall be located no closer than 20 metres to a waterbody or the coastal marine area, or a property boundary other than a road boundary.

15.1.3a.8 Proximity to High Voltage Transmission Lines

Any alterations and additions to residential buildings shall be further than 40 metres from high voltage transmission lines as defined on the Planning Maps (as measured from the centreline at ground level).

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

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

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

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

§ **for the construction of new accessory buildings on within identified ridgelines and hilltops**

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

~~For all allotments under 1200m<sup>2</sup> in the Makara Village and Makara Beach settlements, rules 5.1.3.2 to 5.1.3.5 for the construction, alteration of, and addition to, accessory buildings in the Outer Residential Area apply.~~

~~For all other areas:~~

*For Woodridge Estate, Newlands refer to Appendix 3*

15.1.4.1 ~~Building~~ Maximum Height:

The maximum ~~building~~ height is 8 metres.

15.1.4.2 Floor Area:

The maximum gross floor area is 400m<sup>2</sup> for one accessory building or an aggregated total gross floor area of 800m<sup>2</sup> for the site.

15.1.4.3 Yards:

~~For buildings under 50m<sup>2</sup> in area, all yards must be a minimum of 3 metres.~~

~~For buildings over 50m<sup>2</sup> in area, All yards must be a minimum of 6m.~~

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

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

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

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

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

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

**15.1.7 Any activity relating to the upgrade and maintenance of existing formed roads and accessways except the construction of new legal road is a Permitted Activity.**

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

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

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

**15.1.9.1 For permanent signs:**

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

**15.1.9.2 For temporary signs:**

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

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

**15.1.10 Earthworks involving the relocation of earth within the site are Permitted Activities provided that they comply with the following conditions:**

*For Woodridge Estate, Newlands refer to Appendix 3*

15.1.10.1 That the existing ground level is not altered by more than 2.5 metres measured vertically, except within the identified ridgelines and hilltops where the existing ground level shall not be altered by more than 1.5 metres, measured vertically.

~~15.1.10.2 That earthworks are not undertaken on ridgelines or hilltops.~~

15.1.10.2 That earthworks do not take place in Hazard (Flooding) Area.

15.1.10.3 That earthworks are not undertaken on slopes of more than 45 degrees.

15.1.10.4 That no earthworks are undertaken within 5 metres of a waterbody or the coastal marine area.

15.1.10.5 That no contamination, including siltation, of any waterbody or the coastal marine area occurs.

**15.1.11 The storage, use or handling of hazardous substances are Permitted Activities, except in a Hazard Area, provided that**

*See Exemptions to the Hazardous Facilities Screening Procedure*

**they comply with the following conditions:**

*contained in section 3.5.2*

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

Location	Either Zone	Either Zone
Effects Ratio	0.002 < x 0.02	0.002
Conditions applying	15.1.1.11.2 to 15.1.1.11.12	15.1.1.11.9, 15.1.1.11.11 and 15.1.1.11.12 only

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

- 15.1.11.2 Except for the storage, use or handling of Liquid Petroleum Gas (LPG), any area where hazardous substances are used, stored or handled in any manner on-site shall have secondary containment (via bunding or otherwise) using materials that are resistant to the hazardous substances contained on-site.
- 15.1.11.3 Except for the storage, use or handling of Liquid Petroleum Gas (LPG), any secondary containment system shall be maintained to ensure that it will perform the functions for which it was designed and contain any spill or accidental release.
- 15.1.11.4 Except for the storage, use or handling of Liquid Petroleum Gas (LPG), any area(s) where hazardous substances are loaded, unloaded, packaged, mixed, manufactured or otherwise handled shall have a spill containment system able to contain the maximum volume of substance of the largest bulk storage vessel, or half the volume of the total stored volume if it is stored in drums.
- 15.1.11.5 Except for the storage, use or handling of Liquid Petroleum Gas (LPG), secondary containment systems shall be designed to contain any spill or accidental release of hazardous substance, and any storm water and/or fire water that has become contaminated, and prevent any contaminant from entering the environment unless expressly permitted under a resource consent or trade waste permit.
- 15.1.11.6 All stormwater grates, collection structures and inspection chamber covers on the site shall be clearly marked as such.
- 15.1.11.7 Any area where vehicles, equipment or containers that are or may have been contaminated with hazardous substances are washed down shall be designed, constructed and managed to prevent the effluent from the washdown area from discharge into or onto land, entry or discharge into the sewerage or stormwater drainage system unless expressly permitted by a rule in a regional plan, trade waste permit or resource consent.
- 15.1.11.8 Underground tanks for the storage of petroleum products shall be designed, constructed, installed, maintained, operated, managed and at the end of their life removed, to prevent leakage and spills. Compliance with the OSH Code of Practice for the “Design, Installation and

Operation of Underground Petroleum Storage Systems” (1992) is a minimum.

**Signage**

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

**Waste Management**

- 15.1.11.10 Any process waste or waste containing hazardous substances shall be stored in a manner which complies with 15.1.11.1 to 15.1.11.9 above.
- 15.1.11.11 Any hazardous facility generating wastes containing hazardous substances shall dispose of these wastes to facilities which, or waste disposal contractors who, meet all the requirements of regional and district rules for discharges to the environment.

**Other**

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

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

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

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

## 15.2 Controlled Activities

Section 15.2 describes which activities are Controlled Activities in the Rural Area. A resource consent application will be required but cannot be refused. Conditions may be imposed relating to the matters specified. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

**15.2.1 ~~Factory farming of animals (excluding pigs) in buildings with total floor area of more than 50m<sup>2</sup> is a Controlled Activity in respect of:~~**

**15.2.1.1 ~~the location of the activity.~~**

*~~Non-notification~~*

~~The written approval of affected persons will not be necessary in respect of item 15.2.1.1 and applications need not be notified.~~

*~~Standards and Terms~~*

~~This activity must comply with all the conditions specified for activities in rules 15.1.1 and 15.1.4.~~

*~~Assessment Criteria~~*

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

~~15.2.1.2 Whether the factory farming activity is appropriately located in the Rural Area to maintain the amenities of the surrounding environment. In particular the effects of noise and odour are taken into account.~~

~~15.2.1.3 Whether all activities that cause discharges to air, land or water have the necessary discharge consents and comply with the conditions of consent.~~

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

**15.2.1 Goat farming is a Controlled Activity in respect of:**

**15.2.1.1 the means for ensuring goats do not escape from the farming operation**

**15.2.1.2 the method of owner identification.**

***Non-notification***

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

***Standards and Terms***

The application must comply with all the conditions specified for activities in rules 15.1.1 and 15.1.4.

***Assessment Criteria***

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

15.2.1.3 Whether adequate provision has been made to stop the escape of goats from the farming operation.

15.2.1.4 Whether the adequate means of goat owner identification will be provided.

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

This change to the non-notification statement shown in the box has been already notified under Proposed District Plan Change 28. Submissions can not therefore be made to this statement.

**15.2.2 Any subdivision of land involved in the adjustment or relocation of the boundaries of existing allotments except:**

§ **any subdivision that results in the creation of an additional allotment**

**is a Controlled Activity in respect of:**

**15.2.2.1 subdivision design, frontage and area**

**15.2.2.2 site access**

**15.2.2.3 standard, construction and location of vehicular access**

**15.2.2.4 earthworks**

**15.2.2.5 landscaping**

**15.2.2.6 utility and/or services provision**

**15.2.2.7 protection of any special amenity feature**

**15.2.2.8 esplanade areas**

### **Non-notification**

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

### **Standards and Terms**

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

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

**or**

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

**or**

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

### **Esplanade areas**

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

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

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

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

### **Assessment Criteria**

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

- 15.2.2.9 The requirements of section 106 of the Act.
- 15.2.2.10 Whether the proposed adjustment or relocation of boundaries facilitates the operation of rural or other lawfully established activities.
- 15.2.2.11 Whether suitable access to a formed public road is retained or is to be provided as a result of the boundary adjustment or relocation.

- 15.2.2.12 The extent of compliance with the relevant parts of the Code of Practice for Land Development.
- 15.2.2.13 Where relevant, the extent of compliance with the Rural Area Design Guide.
- 15.2.2.14 Whether the proposal makes adequate provision for any additional utility provision required, including sewage and stormwater disposal and water supply.
- 15.2.2.15 Whether any special heritage, amenity or ecological features are proposed to be protected as a result of the boundary adjustment or relocation.
- 15.2.2.16 Where any land is located within identified ridgelines and hilltops then where relevant, the extent that the access and building location will meet the assessment criteria of Rule 15.4.2 or 15.4.2a.

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

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

## 15.3 Discretionary Activities (Restricted)

Section 15.3 describes which activities are Discretionary Activities (Restricted) in the Rural Area. Consent may be refused or granted subject to conditions. Grounds for refusal and conditions will be restricted to the matters specified in rules 15.3.1 to 15.3.7. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

### 15.3.1 Rural Activities (excluding factory farming) and Residential Activities that do not comply with conditions for Permitted Activities are Discretionary Activities (Restricted) in respect of :

15.3.1.1 noise

15.3.1.2 site access

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

#### *Non-notification*

The written approval of affected persons will not be necessary in respect of items 15.3.1.1, 15.3.1.2 and 15.3.1.3. Notice of applications need not be served on affected persons and applications need not be notified.

#### *Standards and Terms*

Noise emission levels under rules 15.1.1.1 and 15.1.1.3 shall not be exceeded by more than 5 decibels.

#### *Assessment Criteria*

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

- 15.3.1.4 In respect of noise the extent to which noise emissions will be intrusive. Council will seek to ensure that the best practicable option is used to mitigate noise and that adverse effects are minor.
- 15.3.1.5 Whether access to and from the site can be achieved without adversely affecting the safe and efficient operation of the road network and pedestrian safety.
- 15.3.1.6 Whether the creation of on-site parking will detract from the visual appearance of the property or lessen the quality of outdoor living environments.
- 15.3.1.7 Whether suitable alternative provision for parking can be made.

This change to the non-notification statement shown in the box has been already notified under Proposed District Plan Change 28. Submissions can not therefore be made to this statement.

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

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

15.3.2.1 noise

15.3.2.2 the floor area of buildings to be used

15.3.2.3 external storage

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

15.3.2.5 the number and area of signs

15.3.2.6 the creation of a dust nuisance.

15.3.2.7 site access

***Non-notification***

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

***Standards and Terms***

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

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

- not more than one half of the total gross floor area of buildings on the site shall be used for work from home activities
- rule 15.1.2.11 (noise emission levels) shall not be exceeded by more than 5 decibels.

***Assessment Criteria***

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

15.3.2.8 The extent to which the rural character and appearance of the property is maintained and any adverse effects of the activity avoided, reduced or mitigated.

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

This change to the non-notification statement shown in the box has been already notified under Proposed District Plan Change 28. Submissions can not therefore be made to this statement.

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

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

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

**~~15.3.3 The construction, repair, alteration of, and addition to residential buildings and accessory buildings are Discretionary Activities (Restricted) if they do not comply with conditions applying to Permitted Activities in respect of:~~**

**~~15.3.3.1 yards~~**

**~~15.3.3.2 site coverage~~**

**~~15.3.3.3 building height~~**

**~~15.3.3.4 sunlight access~~**

**~~15.3.3.5 floor area of accessory buildings.~~**

The provisions for residential buildings and accessory buildings as a Discretionary Activity (Restricted) are now covered in new rules 15.3.3, 15.3.3a, and 15.3.6.

***Non-notification***

The written approval of affected persons will not be necessary in respect of item 15.3.3.3 and applications need not be notified.

***Standards and Terms***

Except for the matters specified in rule 15.3.3 this activity must comply with all relevant conditions specified for activities in rules 15.1.3 and 15.1.4.

The conditions specified in rule 15.1.3 and 15.1.4 may be waived totally except that:

- ~~rule 15.1.3.3 relating to building height must not be exceeded by more than 20 percent~~
- ~~rule 15.1.4.2 relating to the floor area for accessory buildings must not be exceeded by more than 20 percent.~~

For residential buildings and accessory buildings on all allotments under 1200m<sup>2</sup> in the Makara Village and Makara Beach Settlements:

- ~~rule 5.1.3.2 may be waived totally~~
- ~~rule 5.1.3.3 relating to site coverage and rule 5.1.3.4 relating to building height may only be exceeded by a maximum of 20 percent~~

- ~~rule 5.1.3.5 relating to sunlight access may only be exceeded by a maximum of 3 metres.~~

*Assessment Criteria*

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

- ~~15.3.3.6 Whether a better standard of development can be achieved by reducing or varying the conditions.~~
- ~~15.3.3.7 Whether the topography of the site or the location of any built feature(s) on the site, or other requirements such as easements or rights of way or restrictive covenants impose constraints which make compliance impracticable.~~
- ~~15.3.3.8 Whether the form, scale and character of the new building is compatible with that of buildings in the immediate vicinity of the site.~~
- ~~15.3.3.9 Whether the new building work will cause significant loss of sunlight, daylight or privacy to adjoining sites.~~
- ~~15.3.3.10 The extent to which it can be demonstrated that buildings adjoining Conservation Sites will have no adverse effects on the ecological values of the Conservation Site.~~

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

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

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

**15.3.3.1 yards**

**15.3.3.2 site coverage**

**15.3.3.3 maximum height**

**15.3.3.4 sunlight access**

**15.3.3.5 construction type and height of buildings within a Hazard (Fault Line) Area**

**15.3.3.6 the floor level, floor area and the location of residential buildings within the site for buildings within the Hazard (Flooding) Area**

### **15.3.3.7 septic tank design and location**

#### **Non-notification**

The written approval of affected persons will not be necessary in respect of items 15.3.3.5, 15.3.3.6 and 15.3.3.7. Notice of applications need not be served on affected persons and applications need not be notified.

#### **Standards and Terms**

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

In relation to Rule 15.1.3.2:

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

#### **Assessment Criteria**

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

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

**Refer to Rule 3.2.2.13 for information on geotechnical and engineering design reports**

failure following a fault rupture can be reduced to minimise the effects of fault rupture on the safety of occupiers and neighbours.

15.3.3.16 In the Hazard (Flooding) Area, whether the size of the building or structure will impede the flow of flood waters.

15.3.3.17 In the Hazard (Flooding) Area, whether the building or associated works will accelerate, worsen or result in the erosion or inundation of the site, or any other site or building.

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

15.3.3.19 Whether the septic tank has been designed and located to minimise the risk of any adverse health or environmental effects.

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

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

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

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

§ **within identified ridgelines and hilltops**

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

**are Discretionary Activities (Restricted) in respect of:**

**15.3.3a.1 design, external appearance and siting**

**15.3.3a.2 site access**

**15.3.3a.3 site landscaping**

**15.3.3a.4 construction type and maximum height within a Hazard (Fault Line) Area**

**15.3.3a.5 shielding of residential buildings from electromagnetic effects within 40m of high voltage transmission lines designed to operate at or over 110kV**

**15.3.3a.6 the floor level, floor area and the location of residential buildings and structures within the site for building within the Hazard (Flooding) Area**

**15.3.3a.7 septic tank design and location**

**Non-notification**

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

**Standards and Terms**

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

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

**Assessment Criteria**

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

- 15.3.3a.8 The extent of compliance with Rural Area Design Guide.
- 15.3.3a.9 Whether the septic tank has been designed and located to minimise the risk of any adverse health or environmental effects, or whether other suitable alternative means of sewage disposal has been provided.
- 15.3.3a.10 Whether access can be provided to the site without adversely affecting the safe and efficient operation of the road network.
- 15.3.3a.11 Within the Hazard (Fault Line) Area, the extent to which the maximum height or construction type can be varied without jeopardising the safety of occupiers and neighbours.
- 15.3.3a.12 Within the Hazard (Fault Line) Area, the extent to which the siting and layout of the development will reduce the effects of fault rupture on the safety of occupiers and neighbours.
- 15.3.3a.13 Within the Hazard (Fault Line) Area, the extent to which a geotechnical report and an engineering design report shows that the risk of building failure following a fault rupture can be reduced to minimise the effects of fault rupture on the safety of adverse effects on occupiers or and neighbours.
- 15.3.3a.14 Within 40m of a transmission line, whether people can be effectively shielded from electromagnetic effects.
- 15.3.3a.15 In the Hazard (Flooding) Area, whether the size of the building or structure will impede the flow of flood waters.
- 15.3.3a.16 In the Hazard (Flooding) Area, whether the building or associated works will accelerate, worsen or result in the erosion or inundation of the site, or any other site or building.

**Refer to Rule 3.2.2.13 for information on geotechnical and engineering design reports**

15.3.3a.17 In the Hazard (Flooding) Area, whether the potential threat to the health and safety of people, property or the environment from flooding is avoided, remedied or mitigated.

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

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

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

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

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

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

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

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

**15.3.4.1 the area of signs**

**15.3.4.2 the number of signs.**

### *Non-notification*

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

### *Standards and Terms*

Except for the matters specified in rule 15.3.4 this activity must comply with all relevant conditions specified for activities in rules 15.1.9. The conditions relating to signs in rule 15.1.9 may be waived totally.

### *Assessment Criteria*

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

- 15.3.4.3 Whether signs are obtrusively visible from any adjacent Residential Area, public space, or Conservation Site.
- 15.3.4.4 Whether signs are in scale with associated activity or building development and are compatible with the visual character of the area in which they are situated.
- 15.3.4.5 Whether additional signs will result in clutter.
- 15.3.4.6 Whether the size, number or method of illumination of a sign or signs will compromise traffic or pedestrian safety.

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

### **15.3.5 Earthworks (except for earthworks ~~on~~ within identified ridgelines and hilltops) that do not comply with the conditions for Permitted Activities are Discretionary Activities (Restricted) in respect of:**

- 15.3.5.1 the alteration or disturbance of the ground**
- 15.3.5.2 the degree of slope**
- 15.3.5.3 the undertaking of earthworks in a Hazard (Flooding) Area**
- 15.3.5.4 the undertaking of earthworks within 5 metres of a waterbody or the coastal marine area.**

This change to the non-notification statement shown in the box has been already notified under Proposed District Plan Change 28. Submissions can not therefore be made to this statement.

### *Non-notification*

The written approval of affected persons will not be necessary in respect of items 15.3.5.1 to 15.3.5.4. Notice of applications need not be served on affected persons and applications need not be notified.

### *Standards and Terms*

~~The conditions for the removal, relocation or deposit of earth in rule 15.1.10 may be waived totally. A soil rehabilitation plan must be produced where, as a result of the activity, soils will or are likely to be eroded, removed, disturbed, or otherwise rendered unable to sustain their life supporting capacity or meet the needs of the local community. There are no standards and terms.~~

### *Assessment Criteria*

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

- 15.3.5.5 The extent to which any earth cut or fill will remove existing vegetation, alter existing landforms, affect water quality, or affect existing natural features, such as waterbodies. (Council may require a soil rehabilitation plan to be provided).
- 15.3.5.6 The extent to which any cut or fill can be restored or treated to resemble natural landforms. Council will seek to avoid the creation of unnatural scar faces.
- 15.3.5.7 The extent to which any earthworks may impact on prominent or visually sensitive situations, including the coastal marine area, ridgelines, cliffs, escarpments and waterbodies.
- 15.3.5.8 The necessity for carrying out the works.
- 15.3.5.9 Whether the earthworks proposed increase or decrease flood hazards.
- 15.3.5.10 Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.
- 15.3.5.11 The effects on any water body or the coastal marine area arising from the contaminants associated with earthworks.

*Council's Earthworks Bylaw (Part 8) is designed to ensure that any earthworks are properly engineered and will be safe. Council is concerned that earthworks should not adversely affect existing landforms or detract from the amenities of an area. Discretionary control has been imposed so that any proposal may be evaluated.*

**~~15.3.5 Residential buildings within a Hazard (Fault Line) Area are Discretionary Activities (Restricted) if they do not comply with the conditions for Permitted Activities in respect of:~~**

**~~15.3.5.1 building height~~**

This change to the non-notification statement shown in the box has been already notified under Proposed District Plan Change 28. Submissions can not therefore be made to this statement.

The provisions for residential buildings within a Hazard (Fault Line) Area as a Discretionary Activity (Restricted) are now located in rules 15.3.3 and 15.3.3a.

**15.3.5.2 construction type.**

*Non-notification*

The written approval of affected persons will not be necessary in respect of items 15.3.5.1 and 15.3.5.2 and applications need not be notified.

*Standards and Terms*

Except for the matters specified in rule 15.3.5 this activity must comply with all relevant conditions specified for activities in rules 15.1.1, 15.1.2 and 15.1.3.

The conditions in rule 15.1.3 may be waived totally.

*Assessment Criteria*

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

15.3.5.3 — The extent to which the building height or construction type can be varied without jeopardising the safety of occupiers.

*Limitations have been imposed on development in fault zones to reduce development intensity and to promote safety. Alternative building forms may, however, be acceptable and may be considered as a Discretionary Activity (Restricted).*

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

**15.3.6.1 yards**

**15.3.6.2 building height**

**15.3.6.3 floor area**

This rule originates from the deleted rule 15.3.3. The new rule 15.3.6 contains a number of the original provisions that currently apply to accessory buildings associated with rural activities.

*Non-notification*

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

*Standards and Terms*

Except for the matters specified in rule 15.3.6 this activity must comply with all relevant conditions specified for activities in rule 15.1.4.

Rule 15.1.4.2 relating to the floor area for accessory buildings must not be exceeded by more than 20 percent.

Assessment Criteria

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

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

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

**15.3.6 The construction of residential buildings including additions within 40 metres of high voltage transmission lines designed to operate at or over 110 kV are Discretionary Activities (Restricted) in respect of:**

**15.3.6.1 ~~the separation distance between residential buildings and transmission lines.~~**

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

***Non-notification***

The written approval of affected persons will not be necessary in respect of item 15.3.6.1 and applications need not be notified.

***Standards and Terms***

Except for the matters specified in rule 15.3.6 this activity must comply with all relevant conditions specified for activities in rules 15.1.1, 15.1.2 and 15.1.3.

***Assessment Criteria***

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

- ~~15.3.6.2 Whether people can be effectively shielded from electromagnetic effects.~~

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

## 15.4 Discretionary Activities (Unrestricted)

Section 15.4 describes which activities are Discretionary Activities (Unrestricted) in the Rural Area. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

**15.4.1 Non-rural activities, buildings and structures (excluding residential buildings and associated residential accessory buildings and structures), and factory farming which are not specifically provided for as a Permitted or Controlled Activities are Discretionary Activities (Unrestricted).**

*For Woodridge Estate, Newlands refer to Appendix 3*

### *Assessment Criteria*

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

- 15.4.1.1 Whether the buildings, structures or other works are of an appropriate scale having regard to local landforms and the nature of surrounding development. Where new buildings or structures are sited within the more densely settled areas of the Makara Valley, Ohariu Valley or Horokiwi, they should reflect the scale and form of existing farm houses and buildings ~~and structures.~~
- 15.4.1.2 Whether the extent to which the amenities and the quality of the rural environment can be maintained or enhanced. The potential impacts of noise, dust, glare, vibration, fumes, smoke, electromagnetic effects, odour, other discharges or pollutants or the excavation or deposition of earth are assessed to avoid, remedy or mitigate adverse effects. Particular consideration will be given to maintaining a quiet night-time rural environment.
- 15.4.1.3 For the factory farming of pigs Council will consider, but not be restricted to, the Code of Practice - Pig Farming (NZ Pork Industry Board) 2nd Edition August 1993 and the activity will only be considered where an appropriate method of treatment / utilisation for effluent can be demonstrated or the effluent from the site can be discharged into a public sewer without harming the public sewage treatment system.
- 15.4.1.4 Whether the site of ~~any non-rural or residential use~~ of the proposed activity is appropriately located having regard to the scale of the building development proposed and the intensity of the activity. Council will generally look to encourage the dispersal of non-rural activities in the Rural Area and discourage their concentration in any particular location. Council will also consider the extent to which any non-rural activity, building or structure may hinder farming activities.
- 15.4.1.5 Whether activities which generate traffic flows which are significant in the rural context have access from formed, sealed roads. Council takes into account whether the amount or type of traffic will exceed the capacity of the roading network or will otherwise adversely effect the rural environment. ~~Reasonable parking should be provided on site.~~

- 15.4.1.6 The extent to which the foreseeable parking demands for the activity can be contained within the site. It is preferable to remove any possibility of vehicles parking on the sides of Wellington’s rural roads, due to their narrow width and winding nature.
- 15.4.1.7 Whether access to and from the site can be achieved without adversely affecting the safe and efficient operation of the road network and pedestrian safety.
- 15.4.1.8 The extent to which the landscape amenities and ecological values will be maintained or enhanced. Existing vegetation on the site should be retained where possible.
- 15.4.1.9 The potential for factory farming to adversely affect the amenities of the surrounding area and in particular the potential effects of odour.
- 15.4.1.10 The objectives and policies of the Belmont Regional Park Management Plan (1989 edition).
- 15.4.1.11 Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.
- 15.4.1.12 Whether alternative sites for the activity, including sites in the urban area, and alternative methods for undertaking the activity, have been considered, and the impact of the alternatives on the environment.

*Although farming and residential activities predominate in the Rural Area there are other uses which serve both the local and wider City populations.*

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

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

**15.4.2 ~~The construction or siting of any structure, or the undertaking of any earthworks on ridgelines or hilltops are Discretionary Activities (Unrestricted).~~**

*For Woodridge Estate, Newlands refer to Appendix 3*

***Assessment Criteria***

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

- ~~15.4.2.1 Whether structures or earthworks are visible against the skyline or alter the shape of the natural skyline when viewed from any Residential Area or any formed public road, accessway or Open Space Areas situated in the Rural Area.~~

The provisions for buildings, structures and earthworks within identified ridgelines and hilltops are located in rules 15.1.10, 15.4.2 and 15.4.2a.

- ~~15.4.2.2 — The extent to which any adverse visual effect can be reduced or improved.~~
- ~~15.4.2.3 — The extent to which any building or structure may cause a hazard.~~
- ~~15.4.2.4 — The extent to which any earth cut or fill will remove existing vegetation, alter existing landforms, affect water quality, or affect existing natural features, such as waterbodies.~~
- ~~15.4.2.5 — The extent to which any cut or fill can be restored or treated to resemble natural landforms. Council seeks to avoid the creation of unnatural scar faces.~~
- ~~15.4.2.6 — The extent to which any earthworks may impact on prominent or visually sensitive situations, including the coastal marine area, ridgelines, cliffs and escarpments and waterbodies.~~
- ~~15.4.2.7 — The necessity for carrying out the works.~~
- ~~15.4.2.8 — Whether the proposed earthworks increase or decrease flood hazards.~~
- ~~15.4.2.9 — Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.~~

~~*The skyline of Wellington's ridgelines and hills is an important and sensitive feature of the landscape.*~~

~~*Development is therefore subject to control to enable its visual effects to be assessed. Careful consideration is given to proposals which might result in the modification of skylines when viewed from public places.*~~

**15.4.2 The construction or, alteration of, or addition to buildings or siting of any structures or the undertaking of any earthworks (except the construction of fences associated with rural activities which are Permitted Activities) within identified ridgelines or and hilltops are Discretionary Activities (Unrestricted).**

**Assessment Criteria**

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

- 15.4.2.1 Whether the site is located in a remote area where the construction of any buildings or structures, or associated road and earthworks, would detract from the character of the surrounding landscape.
- 15.4.2.2 The extent that future earthworks, buildings and structures are sited and designed in ways that avoid being visually obtrusive by:
- ensuring visual continuity is achieved on the upper slopes up to the apex of the ridgeline or hilltop
  - minimising skyline effects and visibility of buildings, structures and earthworks by construction design, in relation to district wide, community wide and neighbouring views

- using local topography, and/or allowing earthworks, to create a backdrop to development with which any cut or fill can be restored or treated to resemble natural landforms without increasing the potential for soil instability.
- 15.4.2.3 The extent to which the siting of any earthworks, buildings or structures will remove existing vegetation where existing vegetation mitigates the visibility of earthworks, buildings or structures.
- 15.4.2.4 The extent to which new planting mitigates the visibility of the earthworks, buildings or structures.
- 15.4.2.5 The extent to which the proposal meets the relevant aspects of the Rural Design Guide.
- 15.4.2.6 Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.

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

*In addition to the above assessment criteria, Council's Earthworks Bylaw (Part 8) is designed to ensure that any earthworks are properly engineered and will be safe. Council is concerned that earthworks should not adversely affect existing landforms or detract from the amenities of an area.*

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

**15.4.2a The construction, alteration of, or addition to buildings or structures or undertaking earthworks (except the construction of fences associated with rural activities and earthworks that are Permitted Activities) within identified ridgeline and hilltop areas in Appendix 4, 5, 6 and 7 to this rule are Discretionary Activities (Unrestricted).**

**Assessment Criteria**

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

- 15.4.2a.1 The extent that earthworks, buildings and structures are sited and designed in ways that are sensitive to landform and other natural

features in locations that are highly visible to district wide, community wide and adjoining residential areas.

- 15.4.2a.2 The extent to which local topography, and/or earthworks create a backdrop to earthworks, buildings and structures, with which any cut or fill can be restored or treated to resemble natural landforms without increasing the potential for soil instability.
- 15.4.2a.3 The extent to which the siting of any earthworks, buildings or structures will remove existing vegetation where existing vegetation mitigates the visibility of earthworks, buildings or structures.
- 15.4.2a.4 The extent to which new planting mitigates the visibility of the earthworks, buildings or structures.
- 15.4.2a.5 The extent to which the proposal meets the relevant aspects of the Rural Area Design Guide.

There are some rural areas that lie within the identified ridgelines and hilltops that are also located within or close to existing urban areas to the east of the Outer Green Belt. Council accepts that rural residential development can be accommodated within these areas because of their urban context and access to existing services. However, it is expected that in view of the visual values of these areas and the topographical constraints development will be low density. Careful planning will be required given the visibility of these ridgelines and hilltop areas from neighbouring residential areas. Specific assessment criteria for these areas reflect Council's desire for well integrated development that will retain a non-urban character.

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

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

**Standards and Terms**

This rule applies where:

- the cumulative effects ratio as assessed under the Hazardous Facilities Screening Procedure for the site where the activity is to occur is **less than or equal to 1** but does not meet the conditions in rule 15.1.11.
- the hazardous facility is located in a Hazard Area, the cumulative effects ratio as assessed under the Hazardous Facilities Screening Procedure for the site where the activity is to occur is **less than or equal to 0.1** and does not meet the conditions in rule 15.1.11.

**Assessment Criteria**

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

- 15.4.3.1 Site design and management to avoid, remedy or mitigate any adverse effects of the activity.

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

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

**15.4.4 Any use of a contaminated site is a Discretionary Activity (Unrestricted).**

*Assessment Criteria*

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

- 15.4.4.1 The nature of the contamination and the extent to which the community and the environment will be exposed to the contaminants.
- 15.4.4.2 The proposed approach to, and timing of, the future decontamination of the site or the management of the decontamination risk.

*Activities on contaminated sites are controlled for two reasons. First, to prevent the contamination adversely affecting occupiers of the site or processes which could take place there, and secondly, to ensure that such sites are cleaned up. Contaminated sites will become more common in Wellington as they are discovered through the environmental monitoring procedures of both the City and Regional Councils.*

*Although the use of contaminated sites is discretionary, this will not be used as a barrier to the decontamination of the site. Council is eager to see such sites cleaned up and will facilitate this process to the best of its ability. Council will seek decontamination in accordance with ANZECC "Guidelines for the Assessment and Management of Contaminated Sites" or similar.*

**15.4.5 Any subdivision of land is a Discretionary Activity (Unrestricted).**

*For Woodridge Estate, Newlands refer to Appendix 3*

*Standards and Terms*

~~For all subdivision where new allotments are created, a minimum area of 50 hectares is required, except that:~~

- ~~• on that part of the Rural Area shown in Appendix 2 allotments are to have a minimum area of 1ha provided that the total number of allotments in the area marked 'A' on Appendix 2 shall not exceed 30 allotments~~
- ~~• on that part of the Rural Area marked as A, B, and C in Appendix 3 the standards and terms as set out in that Appendix will apply.~~

*Assessment Criteria*

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

~~Note: Additional assessment criteria will also apply to the land referred to in Appendix 3.~~

- ~~15.4.5.1 The requirements of section 106 of the Act.~~
- ~~15.4.5.2 Whether the subdivision is for the adjustment of boundaries where no new allotments are created. Applications will generally be supported if~~

The provisions for subdivision as a Discretionary Activity (Unrestricted) are located in new rules 15.4.5, 15.4.6 and 15.4.7.

Boundary adjustments are provided as a Controlled Activity under rule 15.2.2.

~~they are of a minor nature and will facilitate the operation of rural or other lawfully established activities.~~

~~15.4.5.3 Whether the new allotments have suitable access to a formed public road.~~

~~15.4.5.4 The extent to which allotment boundaries are located to conform with the local topography.~~

~~15.4.5.5 The extent of compliance with the relevant parts of the Code of Practice for Land Development.~~

~~15.4.5.6 Whether the result of land clearance (or the method of land clearance proposed) would adversely affect amenities.~~

~~15.4.5.7 Whether the design of the subdivision makes adequate provision for, sewage disposal for each allotment, having regard to the susceptibility of groundwater or coastal water or freshwater to contamination by sewage or sewage effluent, and having regard to the potential for cumulative effects arising from on site sewage disposal.~~

~~15.4.5.8 Whether esplanade land is required to be set aside as part of the subdivision.~~

~~Esplanade land to a maximum of 20 metres is required as part of subdivision on the following waterbodies or the coastal marine area where they meet the criteria specified within the Resource Management Act:~~

~~Karori Stream and tributaries  
Makara Stream and tributaries  
Makara Estuary  
Oteranga Stream and tributaries  
All parts of the Wellington Coast  
Porirua Stream and tributaries.~~

~~A reduction in the width of land required and the appropriate type of land tenure will be assessed as part of the subdivision application. The need for esplanade land will be assessed against the following:~~

- ~~• whether the land is needed to provide access to the waterbody or the coastal marine area for recreational purposes~~
- ~~• whether the esplanade land holds conservation or ecological values~~
- ~~• whether the land is needed to maintain or enhance conservation or ecological values of the adjacent land or water, or the water quality of the waterbody or coastal water~~
- ~~• whether the land is needed to provide present or future public access, along the edge of the waterbody or the coastal marine area~~
- ~~• whether the land is needed to maintain or enhance other natural values of the esplanade land.~~

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

- ~~• contribute to the protection of conservation values~~

- ~~• enable public access along or to waterbodies or the coastal marine area; or~~
- ~~• enable public recreational use of esplanade land or waterbodies, or the coastal marine area.~~

~~Where there is no need for Council to own esplanade land, the creation of esplanade strips will be considered as a mechanism to ensure access or the maintenance of natural values.~~

~~15.4.5.9 Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.~~

~~15.4.5.10 Where more than one new allotment of less than 50ha is to be created, whether community treatment and disposal of sewerage should be required.~~

~~15.4.5.11 Where more than one new allotment of less than 50ha is to be created, whether the stormwater run off control to be provided in relation to each allotment is adequate.~~

*The rules applying to subdivision in the Rural Area are designed as holding measures until such time as more comprehensive provisions can be introduced. The effects of additional dwellinghouse development are to be assessed as part of a study of the Rural Area. In the interim, Council is concerned that new rural/residential development should be limited. A high minimum allotment size has therefore been set to limit subdivision for normal rural activities. A smaller allotment size has, however, been included for land shown in Appendix 2 as this area has partly been developed for rural/residential situations.*

*Further, an appeal lodged against the Rural/Residential Subdivision provisions has been resolved by consent. Refer Appendix 3. This is an example of where the effects of further rural/residential development has been carefully considered, and site specific rules have been developed to reflect the suitability of development of this area. However, resource consent applications will still be required to assess the precise subdivision design and layout.*

*Access to waterbodies and the coast remains an important issue. Council aims to continue to provide access to waterbodies and the coastal marine area and conserve their natural values. Its approach is to assess each subdivision on its merits. Each application for subdivision should address the issue of providing esplanade land in the context of the criteria listed. Esplanade land may also be considered for reserves contributions where esplanade reserves or strips are not deemed to be necessary. Section 345(3) of the Local Government Act 1974 also applies to esplanade land.*

***Note: Greenfield Subdivision in the Rural Area***

In most circumstances greenfield subdivision in the Rural Area will be considered as part of a District Plan Change to extend the urban area.

The District Plan Change process will also enable an assessment of the effects of subdivision of the area. Council will require that any new area provisions will not come into effect until the subdivisional plan which forms part of the Plan Change is sealed.

*Council considers that there is adequate subdivision potential within the existing suburban area to accommodate the city's needs over the 10 year District Plan period. However, where it can be shown that the subdivision of additional suburban land can be justified, this will be accomplished by a change to the District Plan.*

~~Greenfield subdivisions that provide a direct extension of existing urban roading, drainage and water supply systems will be more favourably considered.~~

~~The District Plan Change will involve both an extension of the suburban area boundary and consideration of the detailed subdivision of the land. All subdivision will be considered with regard to the Subdivision Design Guide. Council views this as being necessary to enable the full environmental effects of the proposal to be assessed.~~

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

- € **any subdivision provided for as a Controlled Activity**
- € **on land identified in Appendix 2, 3, 4, 5, 6 and 7 to this rule**

**is a Discretionary Activity (Unrestricted).**

**Standards and Terms**

Except in Horokiwi, an allotment must be at least five years old from the deposit of a survey plan, unless it has been created by a boundary adjustment under Rule 15.2.2.

The following maximum number and minimum area requirements apply:

<b><u>Area</u></b>	<b><u>Minimum size of allotment that may be subdivided</u></b>	<b><u>Total number of new allotments (including balance allotment) that can be created</u></b>	<b><u>Minimum Lot Size</u></b>
<u>Horokiwi</u>	–	<u>No Limit</u>	<u>50ha</u>
<u>All other areas</u>	<u>30ha</u>	<u>2</u>	<u>None</u>

All proposed new allotments must adequately show the location of a building site.

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

**Esplanade areas**

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

Where a new allotment, of less than 4 hectares, is created along a stream, an esplanade strip of 20 metres is required where the stream bed

has an average width of three metres or more where it flows through or adjoins the allotment. This rule applies to the following streams:

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

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

#### **Assessment Criteria**

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

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

*Provided any effects on the environment can be managed, a limited amount of subdivision will be allowed to occur in areas such as, Makara (other than on lots of less than 1200m<sup>2</sup> in area at Makara Beach and Village), Ohariu Valley and Takapu Valley. However, as the ability to subdivide in these areas is a departure from a fairly strict approach in the past, applications for subdivision will be limited in most areas, from a parent lot of 30ha or greater, every five year, so that potential effects*

on the rural environment in these areas can be monitored. Land at Horokiwi is more fragmented and the subdivision regime will remain strict. There is no provision to further subdivide at Makara Beach and Village, because of sewage disposal problems.

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

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

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

**15.4.6 Any subdivision of land on Appendices 4, 5, 6 and 7 to this rule, except:**

**A subdivision provided for as a Controlled Activity**

**is a Discretionary Activity (Unrestricted).**

**Standards and Terms**

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

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

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

**Esplanade areas**

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

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

Porirua Stream and tributaries

Makara Stream and tributaries including Ohariu Stream

Oteranga Stream and tributaries

Karori Stream and tributaries.

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

**Assessment Criteria**

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

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

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

A 20 metre wide esplanade reserve or esplanade strip is required on all new lots that are created along streams or the sea coast to protect conservation values,

provide public access or other recreational use. This provision applies to lots that are less than 4 hectares in area.

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

**15.4.7 Any subdivision of land in Appendix 2 and 3 is a Discretionary Activity (Unrestricted).**

*These rules provide for subdivision in specified areas within Takapu Valley (Appendix 2) and Woodridge Estate, Newlands (Appendix 3).*

**Standards and Terms**

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

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

**Esplanade areas**

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

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

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

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

**Assessment Criteria**

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

Note: Additional assessment criteria will also apply to the land referred to in Appendix 3.

15.4.7.1 The requirements of section 106 of the Act.

15.4.7.2 Whether the new allotments have suitable access to a formed public road.

15.4.7.3 The extent of compliance with the relevant parts of the Code of Practice for Land Development.

Rule 15.4.7 originates from the deleted rule 15.4.5, and contains a number of the original provisions.

15.4.7.4 Whether the result of land clearance (or the method of land clearance proposed) would adversely affect amenities.

15.4.7.5 Whether the design of the subdivision makes adequate provision for, sewage disposal for each allotment, having regard to the susceptibility of groundwater or coastal water or freshwater to contamination by sewage or sewage effluent, and having regard to the potential for cumulative effects arising from on site sewage disposal.

15.4.7.6 Where more than one new allotment of less than 50ha is to be created, whether community treatment and disposal of sewerage should be required.

15.4.7.7 Where more than one new allotment of less than 50ha is to be created, whether the stormwater run off control to be provided in relation to each allotment is adequate.

15.4.7.8 Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.

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

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

Further, an appeal lodged against the Rural/Residential Subdivision provisions has been resolved by consent. Refer to Appendix 3. This is an example of where the effects of further rural/residential development have been carefully considered, and site specific rules have been developed to reflect the suitability of development of this area. However, resource consent applications will still be required to assess the precise subdivision design and layout.

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

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

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

§ **the proposal is to reduce the width of the esplanade reserve or esplanade strip to less than 20 metres**

§ **the proposal is to waive the esplanade reserve or esplanade strip**

**is a Discretionary Activity (Unrestricted).**

### **Non-notification**

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

### **Standards and Terms**

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

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

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

Any subdivisions on land in Appendix 2 or 3 must meet all the standards and terms for Rule 15.4.7, except for the standards and terms for esplanade areas.

### **Assessment Criteria**

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

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

the land to be joined with other esplanade land, to provide public access at a future date.

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

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

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

#### Assessment of other matters

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

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

15.4.8.5 For subdivisions on land in Appendix 4, 5, 6 and 7; the assessment criteria set out in rules 15.4.6.1 to 15.4.6.10.

15.4.8.6 For subdivisions on land in Appendix 2 or 3; the assessment criteria set out in rules 15.4.7.1 to 15.4.7.8.

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

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

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

## 15.5 Non-Complying Activities

Activities that contravene the Plan, and which have not been provided for as Controlled Activities, Discretionary Activities (Restricted) or Discretionary Activities (Unrestricted) are Non-Complying Activities. Resource consents will be assessed in terms of section ~~105(2A)(b)~~ 104 of the Resource Management Act.

The decision on whether or not ~~a resource consent application will~~ notice of applications needs to be served on affected persons and whether applications need to be publicly notified will be made in accordance with the provisions on notification in the Act.

# Appendix 1. Noise

Activities must comply with the following noise limits.

## **Residential (Outer)**

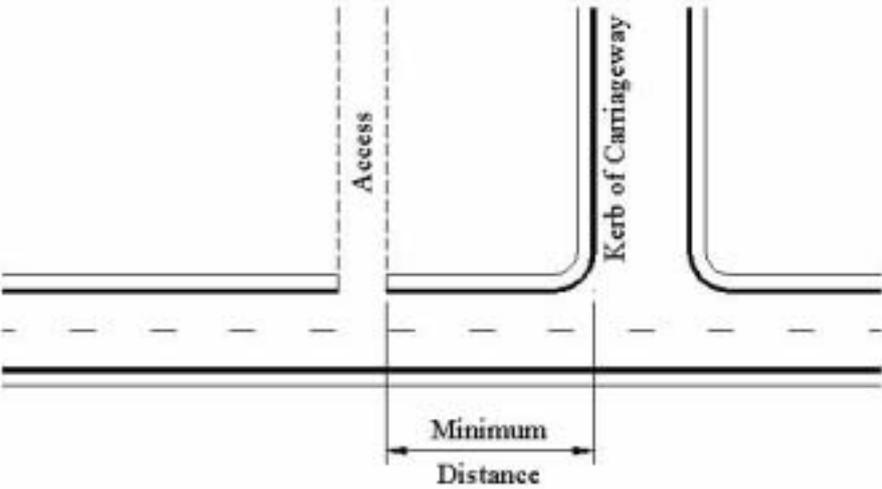
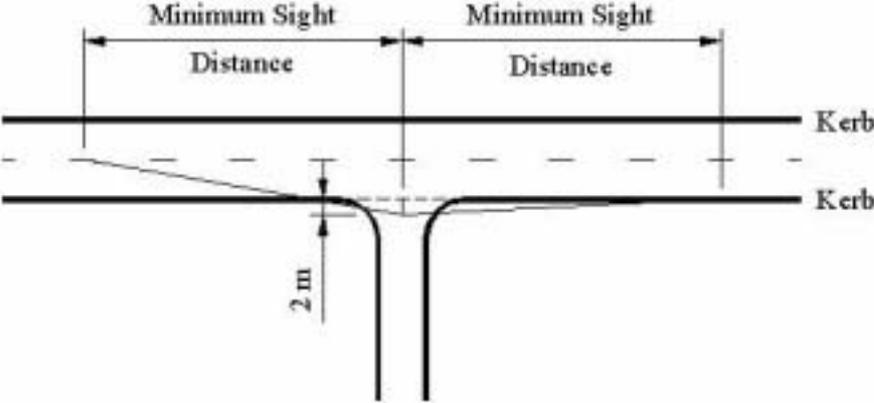
Noise emission levels when measured on any residential site in the Outer Residential Area must not exceed:

<i>Monday to Saturday 7am to 7pm</i>	<i>50dBA(L10)</i>
<i>Monday to Saturday 7pm to 10pm</i>	<i>45dBA(L10)</i>
<i>At all other times</i>	<i>40dBA(L10)</i>
<i>All days 10pm to 7am</i>	<i>65dBA(Lmax)</i>

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

# Appendix 1A: Site Access for Vehicles

## Distance to intersection and access sight lines



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

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

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

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



## Appendix 3: Woodridge Estate, Newlands - Development of Area Subject to Consent Order as per the attached map

*The following provisions were the result of settling the District Plan reference filed by Woodridge Estates Limited (RMA 595/96) by Environment Court Consent Order dated 18/10/99.*

### **Subdivision**

Subdivision must be assessed in accordance with rule ~~15.4.5~~ 15.4.7 except that the additional standards and terms, and assessment criterion will apply as set out below.

### *Standards and terms*

The residential allotment number and size must not exceed the following:

Map area	Maximum number of residential allotments	Minimum allotment size
Area A	13	3,900m <sup>2</sup>
Area B	11	6,400m <sup>2</sup>
Area C	5	8,000m <sup>2</sup>
<b>Total:</b>	29	-

[Note: The dotted area on the attached map can be used for the calculation of minimum allotment size. For the avoidance of doubt the 50ha minimum allotment size applies to the cross hatched area on the attached map.]

Building sites must be identified and secured at the time of subdivision by covenant or consent notice.

Restrictions by way of covenant or consent notice must be placed on the new allotments so that they will not be further subdivided, and that there will be no more than one household unit per allotment.

### *Assessment criteria*

That building sites are located to avoid, remedy or mitigate adverse effects of buildings on the ridgeline, rural/residential character, and the visual effect of the proposed buildings when viewed from the dwelling at 277 Horokiwi Road.

### **Buildings, Accessory Buildings and Earthworks**

Rules 15.1.4 and 15.4.2 do not apply to buildings and accessory buildings that are located in the dotted area. Buildings and accessory buildings in these areas will be assessed as a Non-Complying Activity.

Rule 15.1.10 does not apply to earthworks in the dotted area. Earthworks in this area is to be assessed under rule 15.4.2.

All buildings, accessory buildings and earthworks in the remainder of Areas A, B and C must be assessed as appropriate in accordance with rules 15.4.1 and 15.4.2 except that the additional assessment criteria will apply as set out below.

### ***Assessment Criteria***

The extent to which design and siting of dwellings avoid, remedy or mitigate adverse effects of buildings on the ridgelines, rural/residential character and the visual effect of the proposed buildings or earthworks when viewed from the dwelling at 277 Horokiwi Road.

## **Explanation to Appendix 3**

This appendix was agreed as a result of settling the District Plan reference from Woodridge Estates Limited by consent (Environment Court Consent Order dated 18/10/99).

*The resolution of this appeal has recognised that part of the Woodridge Estates land (shown as A, B and C on the attached map) is suitable for rural/residential development provided that the effects of subdivision are managed. Successful development of this site will require a mixture of reserve development, minimum allotment size, restrictions on the number of household units or on further subdivision, and the siting and design of buildings.*

*The cross-hatched and dotted area identifies the predominant ridgeline. The cross-hatched area is subject to the Rural Area rules. Development on the areas marked A, B and C is mitigated by requiring buildings to be located off the ridgeline. Some of the area sought to be protected has been recognised as being able to be included in the rural/residential lots. There is an expectation that this land (ie the dotted area) will be subject to covenants to protect it from development. Accordingly, the dotted area is subject to more stringent rules affecting buildings, accessory buildings and earthworks than the rest of areas A, B and C to first discourage development, and second to ensure that any proposals to develop the area takes into account the visual and rural character features of the covenanted area itself, and the balance of the land in Appendix 3. Adequate long term protection of the cross hatched area will be discussed with Council at the time of subdivision and will be a key to mitigating the effects of developing areas A, B and C.*

*A lower minimum lot size has been allowed in area A because it is contiguous with the existing Newlands residential area to the south. The topography of the land in Appendix 3 is such that the provision of the predominant ridgeline has provided a natural buffer between the more residential type development to the south, and the rural/residential areas of Horokiwi to the north.*

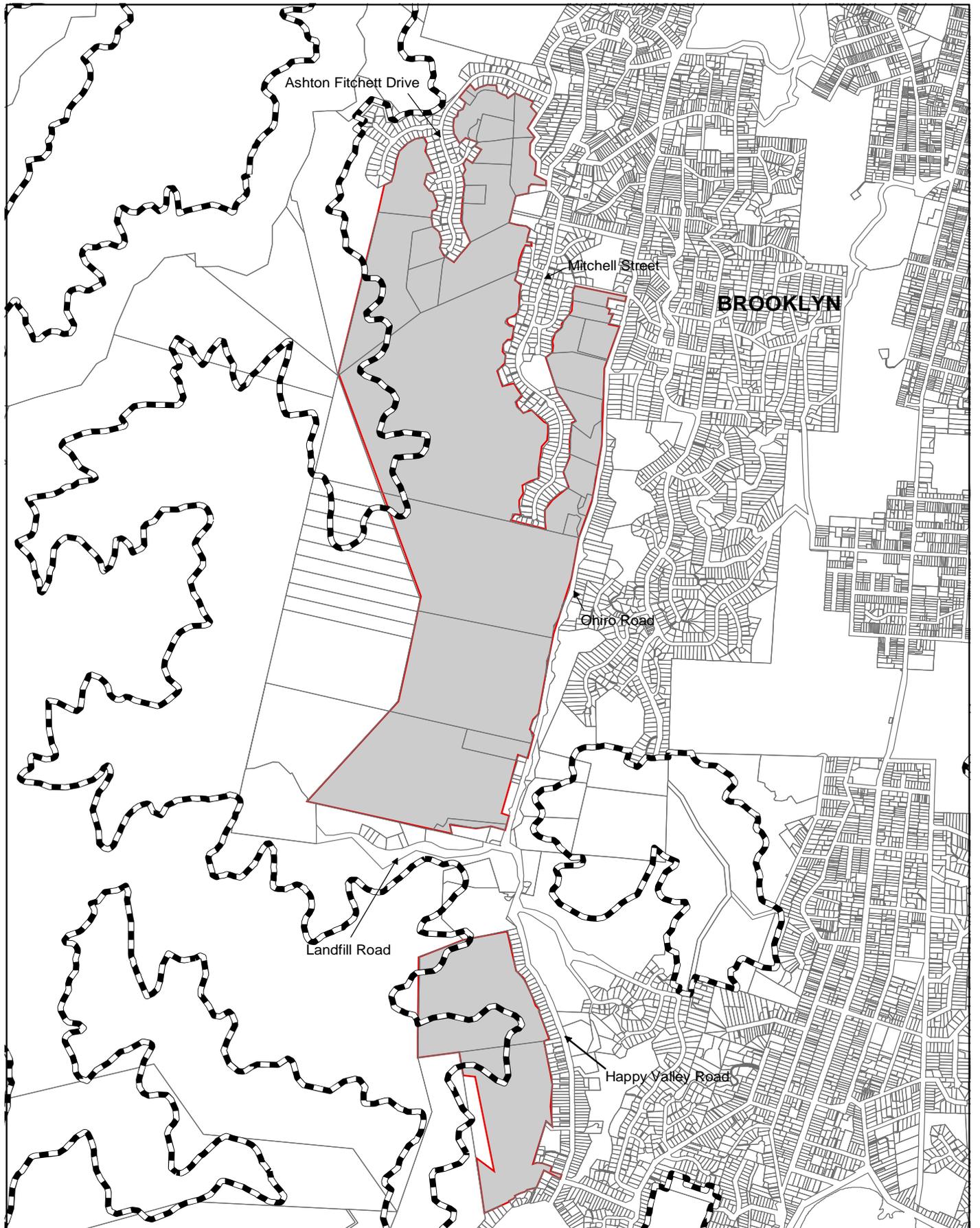
*Issues relating to the appropriate transition between residential and rural/residential areas bordering the existing rural/residential Horokiwi area will need to be addressed in the future.*

*Notwithstanding these controls, and because of the prominent visual features of the land, it is still important that proposals are assessed through the consent process to more particularly assess the effects of development. This appendix has been agreed on following a long process of discussions and an Environment Court mediation.*

*In addition to being considered under the subdivision rules consent, consent will be required under either rule 15.4.1 or 15.4.2. However as visual issues have been largely addressed through the resolution of RMA 595/96 (and the location of building sites through the subdivision process), the focus of the assessment under these rules is the detailed design of buildings within the areas marked A, B and C. Further, as any development will take place on allotments that contravene the conditions of rule 15.1.3 (in particular the first bullet point) consent will also be required under rule 15.3.1.*

*Other land owned by Woodridge Estates, in particular the land to the north west, remains subject to the 50ha minimum lot size requirement. The explanation to rule 15.4.5 (in particular the part relating to Greenfield Subdivision in the Rural Area) applies to this land.*

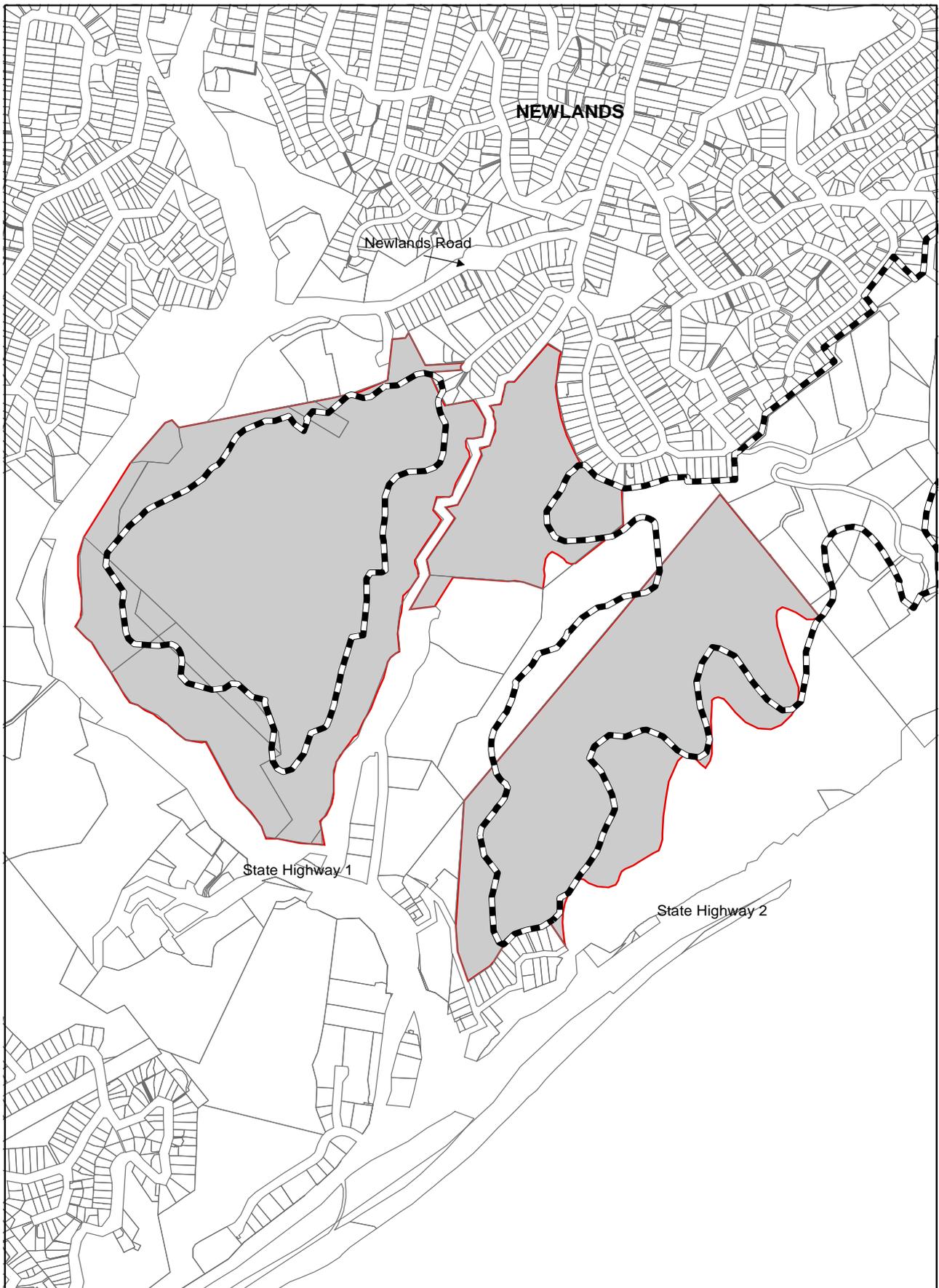
# Appendix 4 - West of Ohio Road and South of Panorama Heights, Brooklyn - Area where Subdivision Rule 15.4.6 applies



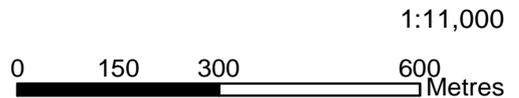
-  Identified ridgelines and hilltops
-  Rural land where subdivision is provided as a Discretionary Activity (Unrestricted) under Rule 15.4.6



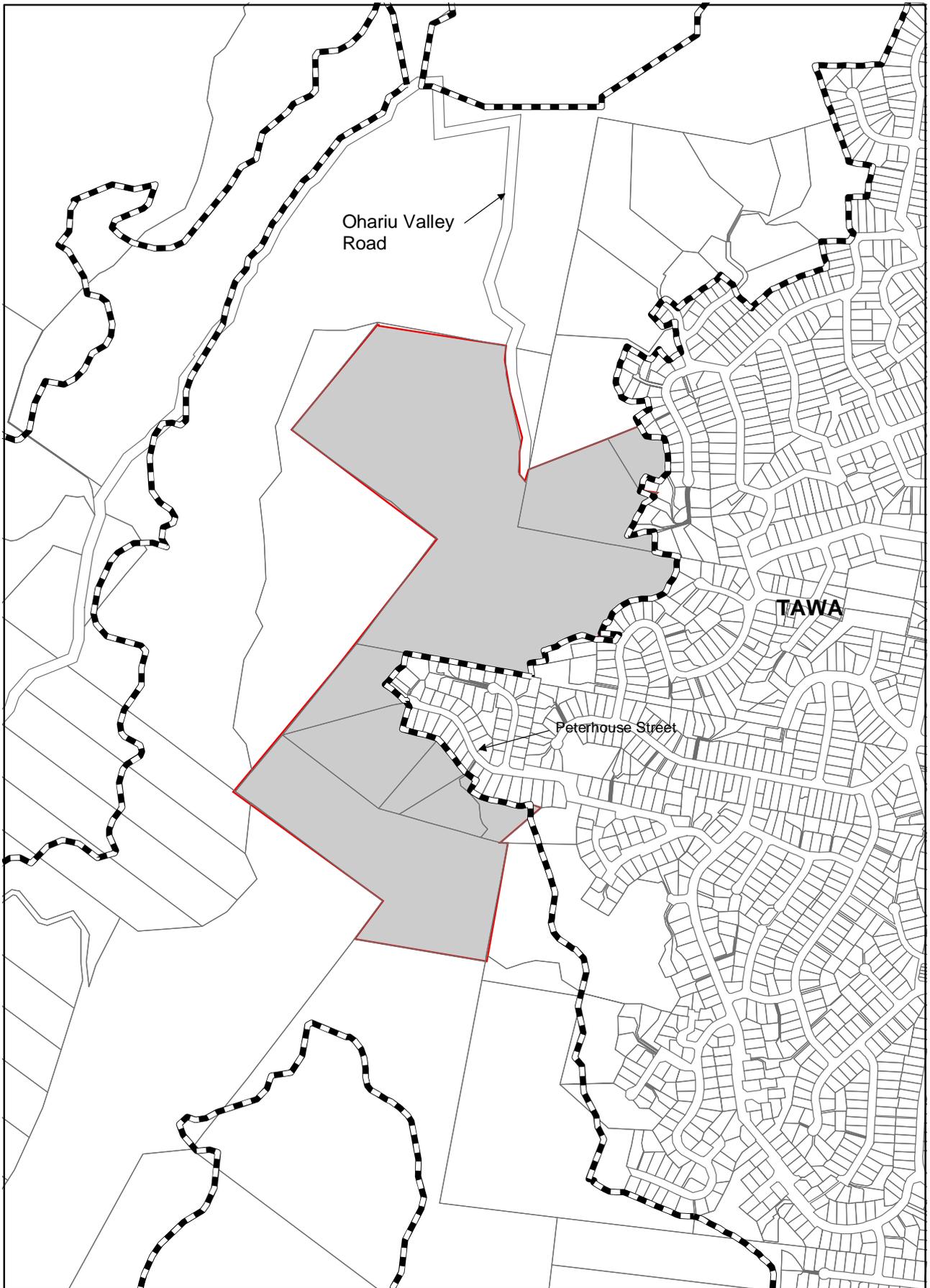
# Appendix 5 - To north-east of Ngauranga Gorge - Area where Subdivision Rule 15.4.6 applies



-  Identified ridgelines and hilltops
-  Rural land where subdivision is provided as a Discretionary Activity (Unrestricted) under Rule 15.4.6



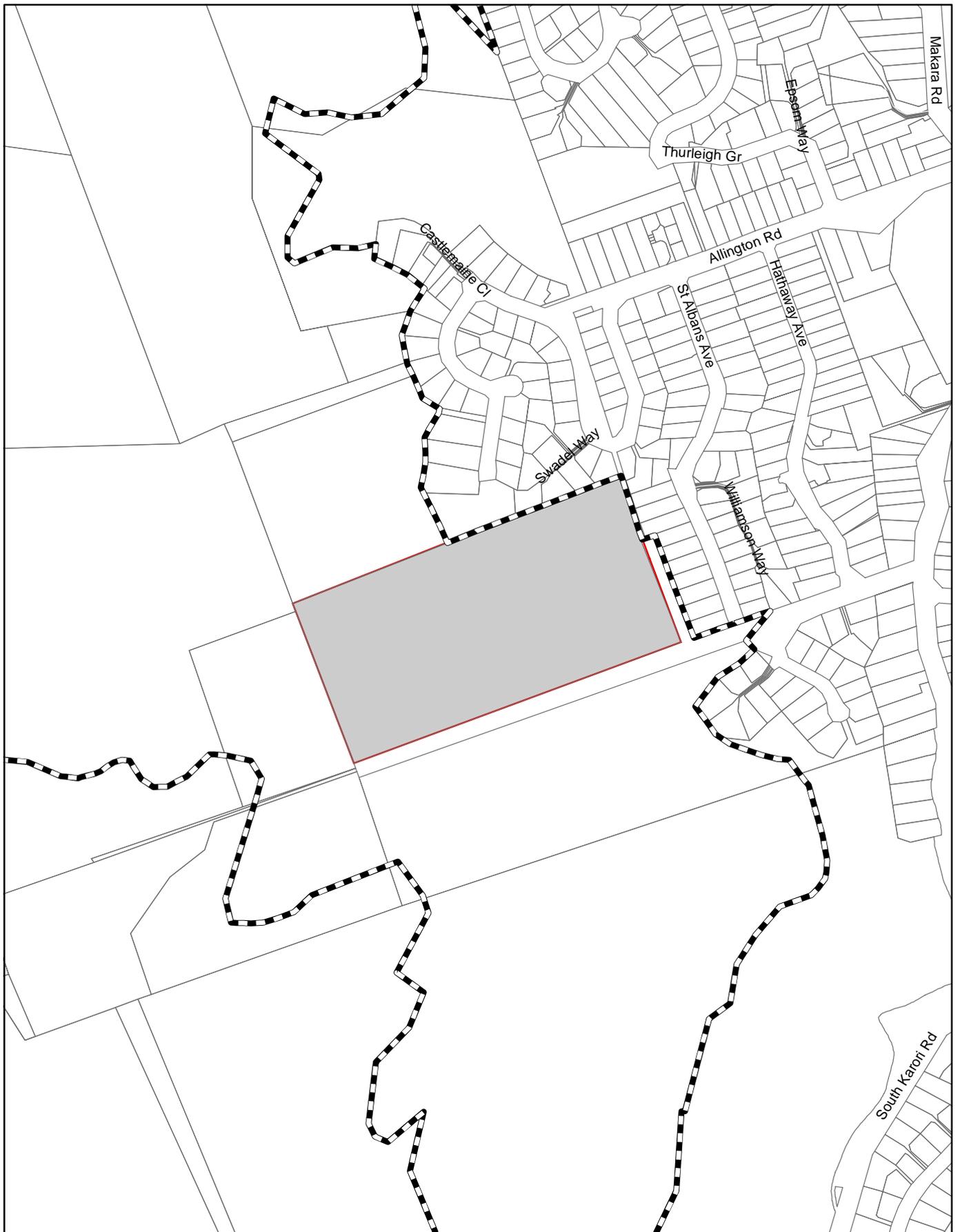
# Appendix 6 - Western slopes of Tawa - Area where Subdivision Rule 15.4.6 applies



-  Identified ridgelines and hilltops
-  Rural land where subdivision is provided as a Discretionary Activity (Unrestricted) under Rule 15.4.6



# Appendix 7 - Western end of Karori Basin - Area where Subdivision Rule 15.4.6 applies



-  Identified ridgelines and hilltops
-  Rural land where subdivision is provided as a Discretionary Activity (Unrestricted) under Rule 15.4.6



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



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



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



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



# 16. OPEN SPACE

## 16.1 Introduction

Open space covers a large proportion of the City. It encompasses a wide variety of environments from coastal habitats to mountain tops and from bush covered areas to playing fields, and includes areas such as parks and reserves that are available to the public for recreational use, both passive and active. Private and publicly owned land is included.

Activities and uses on publicly owned land are required to obtain permission (such as a lease or a licence) from the Council as the administering authority. This is in addition to any requirements under the District Plan and the Resource Management Act 1991. Council, as steward of much of the City's open space, is working to ensure Wellington retains the asset of its open space. All activities will also have regard to any relevant management plans and legislation (for example the Wellington Town Belt Management Plan, the Town Belt Deed and also the Reserves Act 1977).

The Inner Town Belt is administered under the terms of its own Deed and the Wellington Town Belt Management Plan. Most other publicly owned land that is held for recreation purposes has reserve status under the Reserves Act 1977 and is administered as such.

Council has an important role in administering open space on behalf of the public. People go to open spaces to escape the urban setting or their normal surroundings. The environmental qualities of open space such as openness, sunlight and tranquillity all contribute to its character and success. These should be as equitably and as easily enjoyable by older people and all others with mobility restrictions as by the rest of the public.

Open space is characterised by the fact that it has few buildings. It can be enjoyed and experienced from a distance as a visual distinction between built and unbuilt areas of the city. This enjoyment of open space from a distance also needs to be taken into account when activities in open space areas are being considered.

Many open space areas have conservation values as support or buffer areas for Conservation Sites, and in particular contribute to wildlife corridors. It is envisaged that some will eventually become Conservation Sites.

Some land zoned open space has also been included as part of the District Plan's rules for identified ridgelines and hilltops, and Council's strategy is to maintain a relatively un-developed character in these areas.

Open space is used for a variety of activities from which people experience enjoyment for different reasons. Three broad distinctions have been made to facilitate the management of activities that can adversely impact on open space. These distinctions are Open Space A, Open Space B and Open Space C.

[.....]

## 16.5 Open Space Objectives and Policies

### OBJECTIVE

**16.5.1 To maintain, protect and enhance the open spaces of Wellington City.**

[.....]

**16.5.1.5 Identify land that contributes towards an Outer Town Belt that will provide an open, undeveloped edge to the City.**

#### METHODS

- Other mechanisms (strategic planning)
- Operational activities (reserve management plans)
- Rules

*Since the 1970s Council has been progressively working towards creating an Outer Town Belt for Wellington. Like the original Inner Town Belt, in years to come the Outer Town Belt will become an important demarcation line for the city and will provide recreation opportunities for the community. Council is committed to this long-standing aim and intends to acquire, or secure in other ways, land that can fulfil this function. Rules are included in the District Plan to control activities that reduce the open space character of such land, particularly where located within identified ridgelines and hilltops.*

*The environmental result will be the retention of a largely undeveloped open space area on the urban fringe.*

### OBJECTIVE

**16.5.2 To maintain and enhance natural features (including landscapes and ecosystems) that contribute to Wellington's natural environment.**

### POLICIES

To achieve this outcome, Council will:

[.....]

**16.5.2.2 Restrict the construction of buildings, structures and earthworks on skylines, hilltops and ridges that make an important contribution to the landscape of Wellington, identified ridgelines and hilltops.**

**METHODS**

- Rules
- Operational activities (Reserves management, Management Plans)

*The Council has undertaken a city wide study to identify which important ridgelines and hilltops should be afforded greater protection than less prominent landforms in the city. The important ridgelines and hilltops are identified on the District Plan maps as identified ridgelines and hilltops.*

*Undeveloped ~~skylines~~, ridgelines and hilltops, are ~~another~~ an important contributor to the landscape of ~~the open space areas~~ of the city. The visual intrusion caused by buildings, structures and earthworks can be ~~dramatic~~ detrimental to the visual amenity of the open space zone and the surrounding area, and for this reason Council seeks to control development to ensure that any adverse visual effects can be avoided, remedied or mitigated. To prevent such effects, development on identified ~~ridges~~ ridgelines and skylines is restricted hilltops will be assessed to ensure that where buildings, structures and earthworks are to be located within identified ridgelines and hilltop overlay map, they are visually integrated into the landscape.*

*Excavations or earthfills can leave unnatural forms and unsightly scars which detract from the amenities of an area. The city bylaws control earthworks to ensure that they are properly engineered, but the District Plan provisions consider the potential for effects on amenity. Council's aim is to ensure that earthworks do not cause any visual detraction from the landscape.*

*The environmental result will be the protection of significant skylines from intrusive new development.*

# 17. OPEN SPACE RULES

[.....]

## 17.3 Discretionary Activities (Unrestricted)

Section 17.3 describes those activities that are Discretionary Activities (Unrestricted) in Open Space 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.

### 17.3.1 Activities or structures in Open Space A not specifically provided for as Permitted Activities are Discretionary Activities (Unrestricted).

#### *Assessment Criteria*

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

- 17.3.1.1 The impact that the activity will have on the surrounding environment.
- 17.3.1.2 Whether any structures are needed for the public enjoyment of the site's recreational potential.
- 17.3.1.3 Whether the site's recreational potential is maintained or enhanced.
- 17.3.1.4 Any relevant provisions of any of the following:
  - Reserves Act 1977 and any amendments to that Act
  - Queen Elizabeth II National Trust Act 1977 and any amendments to that Act
  - any management plan prepared for the site.
- 17.3.1.5 The extent to which the proposal affects current or future access.
- 17.3.1.6 The extent that buildings and structures are sited and designed in ways that are sensitive to landform and other natural features where located within identified ridgelines and hilltops.

*Activities and uses on public land are also required to obtain permission (such as a lease or a licence) from the Council as the administering authority. Council, as steward of much of the City's open space, is working to ensure Wellington retains the asset of its open space. All activities will have regard to the relevant provisions of any management plans (for example the Wellington Town Belt Management Plan), the Town Belt Deed or the Reserves Act 1977.*

*Activities and uses on public land are required to obtain permission (a lease or a licence) from Council as the administering authority. Council, as steward of much of the City's open space, is working to ensure Wellington retains the asset of its open*

*spaces. The management of built form on identified ridgelines and hilltops is a key resource management issue for Wellington. Therefore activities will be carefully assessed to ensure that where development is proposed in these areas, it is done in a comprehensive and sensitive manner responsive to the local natural features.*

**17.3.2 Any recreational and other activities in Open Space B or Open Space C not specifically provided for as Permitted Activities;**

**and**

**any construction, alteration of and additions to buildings and structures in Open Space B or Open Space C not specifically provided for as Permitted Activities are Discretionary Activities (Unrestricted).**

*Assessment Criteria*

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

- 17.3.2.1 ~~Whether the structure is designed and located so as to be visually unobtrusive. Whether the site is located in an area where the construction of any buildings or structures would detract from the relatively unmodified character of the landscape.~~
- 17.3.2.2 The extent that buildings and structures within identified ridgelines and hilltops are sited and designed in ways that avoid visually obtrusive development by:
- ensuring visual continuity is achieved on the upper slopes up to the apex of the ridgeline or hilltop
  - ensuring that the visibility of buildings, structures and earthworks is mitigated by appropriate siting and design, and planting and/or screening when viewed from district wide, community wide and neighbouring land
  - minimising skyline effects by ensuring that buildings and structures will be seen against a landform backdrop when viewed from district wide, community wide and neighbouring land
- 17.3.2.23 Whether the structure is needed for the public enjoyment of the site's recreational potential.
- 17.3.2.34 Whether the site's open space character is maintained.
- ~~17.3.2.4 Whether any structure is proposed to be built on a ridgeline or hilltop. In general this will be unacceptable.~~
- 17.3.2.5 Any relevant provisions of:
- Reserves Act 1977 and any amendments to that Act
  - Queen Elizabeth II National Trust Act 1977 and any amendments to that Act

- any management plan prepared for the site e.g. Belmont Regional Park Management Plan and the Wellington Town Belt Management Plan
  - the Town Belt Deed 1873.
- 17.3.2.6 Whether established public access or the possibility of such access is maintained.
- 17.3.2.7 Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.
- 17.3.2.8 The extent to which any adverse effects of any new accessway or carparking, or change in use of any existing accessway or carparking, can be avoided, remedied or mitigated.

*In general, structures on Open Space B or Open Space C are viewed unfavourably unless there is a need for public facilities that cannot reasonably be satisfied by using other land. Council will pay particular attention to this point in decisions on the use of Inner Town Belt land. Any new building works will also be governed by the provisions of any relevant management plans (for example the Wellington Town Belt Management Plan).*

**17.3.3 The removal, relocation or deposit of earth which is not a Permitted Activity is a Discretionary Activity (Unrestricted).**

*Assessment Criteria*

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

- 17.3.3.1 The extent to which any earth cut or fill will remove existing vegetation, alter existing landforms, affect water quality, or affect existing natural features, such as waterbodies.
- 17.3.3.2 The extent to which any cut or fill can be restored or treated to resemble natural landforms. Council seeks to avoid the creation of unnatural scar faces.
- 17.3.3.3 The extent to which any earthworks may impact on prominent or visually sensitive situations, including the coastal marine area, identified ridgelines and hilltops, cliffs, escarpments and waterbodies. Where located within identified ridgelines and hilltops, the extent that earthworks are sited and designed in ways that avoid being visually obtrusive by:
- minimising the visibility of earthworks in relation to district wide, community wide and neighbouring views
  - mitigating the visibility of earthworks by appropriate planting and/or screening
- 17.3.3.4 The necessity for carrying out the works.
- 17.3.3.5 Whether the earthworks proposed increase or decrease flood hazards.
- 17.3.3.6 Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.

*Council's Earthworks Bylaw (Part 8) is designed to ensure that any earthworks are properly engineered and will be safe. Council is concerned that earthworks should not adversely affect existing landforms or detract from the amenities of an area. Discretionary control is imposed so that any proposal may be evaluated.*

[.....]

# 19. CONSERVATION SITE RULES

[.....]

## 19.4 Discretionary Activities (Unrestricted)

The following are Discretionary Activities (Unrestricted) in Conservation Sites. 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.

**19.4.1 Any activity which is not a conservation activity and which is not otherwise specified as a Permitted, Controlled or Discretionary (Restricted) Activity, and any building or structure (except fences less than 2 metres in height) is a Discretionary Activity (Unrestricted).**

### *Assessment Criteria*

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

- 19.4.1.1 The need for the activity or structure for the maintenance or enhancement of the ecological values of the site.
- 19.4.1.2 The extent to which the ecological values of the site are adversely affected.
- 19.4.1.3 The effect of the activity, building or structure on adjoining areas.
- 19.4.1.4 Any relevant provisions of any of the following:
  - Reserves Act 1977 and any amendments to that Act
  - Queen Elizabeth II National Trust Act 1977 and any amendments to that Act
  - any management plan prepared for the site.

19.4.1.5 The extent to which any activity, building or structure would impact on prominent or visually sensitive situations, including the coastal marine area, identified ridgelines and hilltops, cliffs, escarpments and waterbodies. Where located within identified ridgelines and hilltops, the extent that buildings and structures are sited and designed in ways that avoid being visually obtrusive by:

- ensuring that buildings and structures do not appear to encroach onto the upper most slopes and summit of the ridgeline or hilltop
- minimising skyline effects by ensuring that buildings and structures will be seen against a landform backdrop when viewed from district wide, community wide and neighbouring land
- ensuring that the visibility of buildings, structures and earthworks is mitigated by appropriate siting and design, and planting and/or screening when viewed from district wide, community wide and neighbouring land

19.4.1.6 The extent to which the structure or activity affects current or future access to the site and the amenity values of the site.

*Conservation Sites identify part of our natural heritage and therefore Council wishes to protect the ecological values associated with Conservation Sites. In general, non-conservation activities will be assessed as Discretionary (Unrestricted) Activities. However, some non-conservation activities are otherwise provided for as Permitted, Controlled, or Discretionary (Restricted) Activities. The construction, alteration of, and addition to all buildings and structures, except permitted fences are also Discretionary (Unrestricted). These activities will be closely scrutinised to ensure that they do not undermine the ecological significance of the site, or unduly affect access or other values of the site or adjoining areas.*

#### **19.4.2 The removal, relocation or deposit of earth which is not a Permitted Activity is a Discretionary Activity (Unrestricted).**

##### *Assessment Criteria*

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

- 19.4.2.1 The necessity for carrying out the works.
- 19.4.2.2 The extent to which any earth cut or fill will remove existing vegetation, alter existing landforms, affect water quality, or affect existing natural features, such as waterbodies.
- 19.4.2.3 The extent to which any cut or fill can be restored or treated to resemble natural landforms. Council seeks to avoid the creation of unnatural scar faces.
- 19.4.2.4 The extent to which any earthworks would impact on prominent or visually sensitive situations, including the coastal marine area, identified ridgelines and hilltops, cliffs, escarpments and waterbodies. Where located within identified ridgelines and hilltops, the extent that earthworks are sited and designed in ways that avoid being visually obtrusive by:

- minimising the visibility of earthworks in relation to district wide, community wide and neighbouring views
- mitigating the visibility of earthworks by appropriate planting and/or screening

19.4.2.5 Whether the earthworks proposed increase or decrease flood hazards.

*Council's Earthworks Bylaw (Part 8) is designed to ensure that any earthworks are properly engineered and will be safe. Council is concerned that earthworks should not adversely affect existing landforms or detract from the amenities of an area. Discretionary control is imposed so that any proposal may be evaluated*

[.....]

# 22. UTILITIES

[.....]

## 22.2 Utilities Objectives and Policies

### OBJECTIVES

**22.2.1 To provide for the efficient development and maintenance of utility networks throughout the city while avoiding, remedying or mitigating any adverse effects of activities on the environment.**

### POLICIES

To achieve this objective, Council will:

**22.2.1.1 Avoid, remedy or mitigate any adverse environmental effects of utility networks by requiring resource consents for structures and activities with a significant impact.**

**22.2.1.2 Have regard to the operational requirements of utility networks when exercising discretion in any resource consent process.**

### METHOD

- Rules

*Utilities are grouped according to their size, scale of effect and the sensitivity of their surrounding environment. Excluding those utilities that are Permitted Activities, the resource consent process enables Council to ensure that utilities are appropriately sited and designed to maintain an area's amenities, and that they can operate effectively with a minimum of adverse environmental effects.*

*In assessing applications for resource consents, Council considers the sensitivity of the surrounding environment and examines the necessity for the work's size, location, design, and scale of structures, and whether alternative options have been considered. Co-siting with existing utilities and potential cumulative effects will also be considered.*

*Utility networks often have technical requirements for their operation which place constraints on their location - telecommunications masts, for example, require elevated positions. While recognising these constraints, Council is concerned with the potential for the significant adverse environmental effects which they may incur, particularly on the visual character of ridgelines and hilltops.*

*Some components of utility networks (underground pipes, lines and cables, and small structures, among others) have minimal environmental effects and are*

*therefore Permitted Activities in most areas of the city. Where these utility structures are located on a road, Council exercises its authority as owner to ensure that they are appropriately designed and sited.*

[.....]

# 23. UTILITY RULES

*These provisions apply to utility network infrastructure dealt with in this chapter throughout all parts of the city. The area based objectives, policies and rules shall not apply to utility network infrastructure dealt with in this chapter except that the conditions that apply to Permitted Activities in respect of noise, dust, lighting, electromagnetic radiation and hazardous substances apply to all activities in this chapter.*

*For the avoidance of doubt, references to the “Central Area” in this chapter include the Te Ara Haukawakawa Precinct.*

*For the avoidance of doubt, where utilities will be located on a site with a Hazard Area notation, the utility rules in this chapter applying to the underlying Area (e.g. Central Area, Residential Area etc.) will apply and the Hazard Area notation will only be relevant if the proposal is a utility structure and is to be dealt with under rules 23.2.1 or 23.4.1.*

## 23.1 Permitted Activities

The activities in 23.1 are Permitted Activities in the Areas specified provided that they comply with any specified conditions, and the payment of any financial contributions (refer to rule 3.4).

The activities in rules 23.1.1 to 23.1.9 are Permitted Activities in all Areas of the city except where:

- a rule in Chapter 23.1.1 to 23.1.9 provides that it does not apply (or has limited application) in Open Space B and C Areas and Conservation Sites; or
- a rule in Chapter 23.1.1 to 23.1.9 provides that it does not apply where the site is or contains a heritage item; or
- rule 23.1.10 (heritage) applies and the conditions are not met.

The activities in rules 23.1.11 to 23.1.15 are Permitted Activities in the Areas specified, provided that:

- rule 23.1.16 (heritage) does not apply; or
- where rule 23.1.16 applies, the conditions are met.

[.....]

**23.1.8 Masts with or without antennas, aerials or utility network apparatus are Permitted Activities in all Areas (except Open Space B and C Areas and Conservation Sites or where the site is, or contains a heritage item) provided that they comply with the following conditions:**

23.1.8.1 Any antennas and aerials attached to a mast must be a Permitted Activity.

23.1.8.2 No mast is located on a an identified ridgeline or hilltop ~~in the Rural Area, provided that this condition does not apply after 31 December 2001 to all of the Rural Area except the Makara/Terawhiti area (shown on Appendix 1). This condition will continue to apply to the Makara/Terawhiti area until such time as the plan change relating to ridgelines and hilltops and/or landscape issues becomes operative or 31 December 2004, whichever is earlier.~~

23.1.8.3 No mast is located less than 5m from mean high water springs or less than 3m from all other waterbodies.

23.1.8.4 No guy wires are permitted, except in the Rural Area.

23.1.8.5 No mast shall be located closer than 3m from a boundary in the Residential Area (measured from the outer edge of the mast, excluding any base or foundation).

23.1.8.6 In the Rural Area no mast:

- 20m or more in height shall be located 50m or less from the closest external wall of a dwelling (excluding balconies or decks)
- less than 20m in height shall be located 20m or less from the closest external wall of a dwelling (excluding balconies and decks)

provided that this condition will not apply if the mast is not visible from living spaces inside the dwelling or any balconies or decks or from up to 2m above ground outside at the closest external wall, or (if the mast is visible) the written approval of the owner of the dwelling is provided to the Council.

23.1.8.7 Except as provided for in 23.1.8.8 or in 23.1.15.2:

- the maximum height of any mast (including any antennas, but excluding any aerials and lightning rod) shall not exceed the height limits below
- where antennas or aerials are attached to the mast, they must be located within one horizontal diameter circle as provided below:

Area	Height	Horizontal diameter circle
Central Area	15m	3m
Institutional Precincts	15m	3m
Rural Area	15m	3m
Rural Area	8m	5m
Residential Area	Building height	3m

Area	Height	Horizontal diameter circle
Suburban Centres	Building height	3m
Open Space A	Building height	3m
Airport and Golf Course Precincts	15m	3m

Note: building height = Maximum Permitted Building Height in the Area.

23.1.8.8 Except as provided for in 23.1.15.2 where antennas or aerials attached to a mast are within a 750mm horizontal diameter circle measured through the centre of the mast, and the diameter of the mast is less than 600mm (when measured at any point above 6m from the bottom of the mast, excluding any base or foundation) the maximum height of any mast (including any antennas, but excluding any aerials and lightning rod) shall not exceed:

- Open Space A 15m
- Suburban Centres 15m
- Central Area 20m
- Institutional Precincts 20m
- Airport and Golf Course Precinct 20m
- Rural Area 20m
- Residential Area Maximum Permitted Building Height in the Area.

23.1.8.9 Any utility network apparatus attached to the mast (not otherwise provided for) shall:

- not exceed the size limits for Permitted Activity antenna (attached to a mast)
- be located within the horizontal diameter circle requirement in 23.1.8.7 or 23.1.8.8
- be located on the mast so that it is no higher than the maximum height of the mast allowed in 23.1.8.7 or 23.1.8.8
- if applicable, be designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz (or subsequent amendments) at all times and in all places to which the public has access.

[.....]

**23.1.11 Except as provided under Rule 23.1.3, in the Rural Area, the construction, alteration of and addition to lines for conveying electricity at a voltage up to and including 66 kV with a capacity up to and including 50 MVA or for the purpose of telecommunication are Permitted Activities provided that they comply with the following conditions:**

- 23.1.11.1 Any new support structures are located on or within 20m from the edge of the carriageway of a formed legal road.
- ~~23.1.11.2 That new overhead lines are not located on a ridgeline or hilltop provided that this condition does not apply after 31 December 2001 to all of the Rural Area except the Makara/Terawhiti area (shown on Appendix 1). This condition will continue to apply to the Makara/Terawhiti area until such time as the plan change relating to ridgelines and hilltops and/or landscape issues becomes operative or 31 December 2004, whichever is earlier.~~
- 23.1.11.32 That support structures are located at least 5m from mean high water springs or 3m from any other waterbodies.
- 23.1.11.43 That 23.1.11.1, and 23.1.11.2 ~~and 23.1.11.3~~ do not apply if the line is to provide a customer connection that is intended principally for the supply of electricity, or for telecommunication services, to an end user, or end users, at or in the vicinity of the connected property.

## 23.3 Discretionary Activities (Restricted)

Section 23.3 describes which activities are Discretionary Activities (Restricted) in respect of Utilities. Consent may be refused or granted subject to conditions. Grounds for refusal and conditions will be restricted to the matters specified in rules 23.3.1, 23.3.2, 23.3.3 and 23.3.4. 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.

**23.3.1 Except as provided for in 23.3.2, antennas and masts with or without associated antennas or aerials, which are not provided for as a Permitted or Controlled Activity, or do not meet the conditions of the Permitted Activity rules, or the standards and terms of the Controlled Activity rules are Discretionary Activities (Restricted) in respect of:**

**23.3.1.1 maximum height of the mast and area or diameter of any antenna**

**23.3.1.2 visual effects and siting**

**23.3.1.3 heritage significance.**

### *Standards and Terms*

All antennas and aerials shall be designed and operated in compliance with New Zealand Standard NZS2772: Part 1: 1999 Radio Frequency Fields Part 1 - Maximum Exposure Levels - 3kHz to 300GHz (or subsequent amendments) at all times and in all places to which the public has access.

Masts in the Rural Area shall not exceed 40m in height.

Masts in the Central Area, Institutional Precincts, Suburban Centres, Open Space A Area and Airport and Golf Course Precinct, shall not exceed 30m in height.

Masts in the Residential Area shall not exceed 20m in height.

No masts or antennas shall be located in the Open Space B and C Areas or Conservation Sites.

The antenna must not exceed the following:

Area	Maximum size when located on a building or structure	Maximum size when located on a mast $m^2 = \text{area}$ $m = \text{diameter}$
Central Area	9m <sup>2</sup> /6m	3.5m <sup>2</sup> /3m
Institutional Precincts	9m <sup>2</sup> /6m	3.5m <sup>2</sup> /3m
Airport and Golf Course Precinct	9m <sup>2</sup> /6m	3.5m <sup>2</sup> /3m
Suburban Centres	6m <sup>2</sup> /4.5m	3.5m <sup>2</sup> /3m
Residential Area/Open Space A	3.5m <sup>2</sup> /3m	3.2m <sup>2</sup> /2m
Rural Area	9m <sup>2</sup> /6m	3.5m <sup>2</sup> /3m

#### *Assessment Criteria*

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

- 23.3.1.4 The extent to which the mast or antennas will be obtrusively visible, will adversely affect landscape values, or will detract from the amenities of the area in which it is situated or those in any nearby area, particularly where the proposed site is within an identified ridgeline or hilltop.
- 23.3.1.5 The extent to which the height, area, diameter or siting of the mast or antennas will have more than minor adverse effects on significant views or sunlight to Residential Areas or public places.
- 23.3.1.6 The extent of variance from the conditions for Permitted Activities or Controlled Activities.
- 23.3.1.7 The extent to which the mast or antennas can be co-sited with similar structures or other buildings to avoid, remedy or mitigate their visual impact.
- 23.3.1.8 If the mast or antennas are likely to result in a significant adverse effect on the environment, whether the location and scale are appropriate having regard to alternative locations or other options.
- 23.3.1.9 The extent to which the mast or antennas located on a road will affect harbour views. Council seeks to protect views on the seaward side of:
- Oriental Parade
  - Evans Bay Parade
  - Shelly Bay Road
  - Massey Road
  - Karaka Bay Road
  - Owhiro Bay Road
  - Palliser Road
  - Grafton Road
  - Hornsey Road
  - Dunedin Road
  - Sutherland Road
  - Thane Road
  - The Crescent
  - [Moeller Street]
  - Northland Road from the tunnel to Governor Road.

23.3.1.10 Where antennas are proposed to be sited on the top of a building, the extent to which they can be designed or screened so that they form an integral part of the total building design.

23.3.1.11 Where whether the mast or antennas are located on a an identified ridgeline or hilltop, and the extent that this will affect landscape values, and where it is likely that the activity will result in any significant adverse effects on the environment, whether the mast or antennas can be placed elsewhere without a disproportionate loss in functionality, whether they can be located elsewhere without a disproportionate loss in functionality and if not, whether they can be sited and designed in ways that avoid, remedy or mitigate adverse visual effects having regard to:

- the visibility of the subject site and the mast and antennas in relation to district wide, local and neighbouring views
- the potential to co-locate the mast and antennas with any similar existing structures or other buildings to avoid, remedy or mitigate their visual impact
- the potential to site and design associated buildings and earthworks to be unobtrusive by screening or back drop earthworks or planting where appropriate
- the use of external materials on masts, antennas and associated buildings to minimise the visual contrast with the surrounding environment

23.3.1.12 In respect of heritage items whether the heritage significance of the area or site is affected by the construction or placement of the mast or antennas.

23.3.1.13 The extent to which any of the above criteria are constrained by operational or technical issues.

*Masts and antennas above those that are permitted or controlled are Discretionary Activities to enable their more significant effects to be assessed. The Council is particularly concerned about the visual effects of masts and antennas on building tops the amenities of the area and landscape values.*

[.....]

**23.3.4 New or additional overhead lines that are not provided for as a Permitted Activity or do not meet the Permitted Activity conditions are Discretionary Activities (Restricted) in respect of:**

**23.3.4.1 visual effects**

**23.3.4.2 siting.**

*Standards and Terms*

No individual overhead cable, wire, or other similar conductor shall measure more than 30mm in diameter (provided that where more than 1 cable and or wire and/or other similar conductor is bundled or lashed together, no such bundle of cables and/or wires, and/or other similar conductors shall exceed 30mm in diameter).

If the overhead line is for conveying electricity, the voltage shall not exceed 66 kV with the capacity up to and including 50 MVA.

No overhead line is located on a an identified ridgeline or hilltop ~~in the Rural Area (except that this standard and term does not apply after 31 December 2001 to all of the Rural Area except the Makara/Terawhiti area (shown on appendix 1 of Chapter 23). This condition will continue to apply to the Makara/Terawhiti area until such time as the plan change relating to ridgelines and hilltops and/or landscape issues becomes operative or 31 December 2004, whichever is earlier).~~

No overhead line is located in Open Space B and C Areas or Conservation Sites.

*Assessment Criteria*

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

- 23.3.4.3 The extent to which the size and scale of the proposed new or additional lines is in keeping with the size and scale of any overhead reticulation which exists.
- 23.3.4.4 The extent to which there are any technological, operational or topographical reasons why the new or additional overhead lines cannot be placed underground.
- 23.3.4.5 The extent to which the effects of the overhead lines are mitigated by matters such as:
- any visual backdrop
  - viewing angle from adjacent properties
  - viewing distances
  - the diameter of the conductors, wires and cables, and if they are bundled or lashed together, the technique used
  - the location of the wires, conductors, cables and any other equipment included in the definition of line on the support structures
  - the location of support structures.

- 23.3.4.6 The extent to which the location of new or additional overhead lines will have an impact on:
- amenity values of the area, including rural and residential amenity
  - significant public views
  - areas of landscape or open space values
  - streetscape.
- 23.3.4.7 Where it is likely that the activity will result in any significant adverse effect on the environment, whether the location and scale are appropriate having regard to alternative locations or other options.
- 23.3.4.8 The extent to which any of the above criteria are constrained by operational or technical issues.

## 23.4 Discretionary Activities (Unrestricted)

Section 23.4 describes which activities are Discretionary Activities (Unrestricted) in all 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.

**23.4.1 Antennas, masts (with or without associated antennas, aerials and utility network apparatus) and utility structures including water reservoirs, not specifically provided for as Permitted, Controlled or Discretionary Activities (Restricted) or that do not meet the conditions or standards and terms for Permitted, Controlled or Discretionary Activities (Restricted) are Discretionary Activities (Unrestricted) in all areas.**

### *Assessment Criteria*

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

23.4.1.1 Whether the size and scale of the proposal is generally compatible with other development in the area. More substantial structures may be acceptable in circumstances where:

- the size or location of sites permits a greater separation from existing development
- the local topography, existing vegetation or surrounding building forms and development will diminish the impact of the new structure
- development on adjacent sites is similar in size and scale.

Council seeks to ensure that structures located in or visible from Residential Areas are not obtrusively visible.

23.4.1.2 The degree to which the utility structure, mast or antenna is appropriately located. Wellington's hilly terrain imposes constraints on the siting of some utilities but structures are generally discouraged on prominent ridgelines and hilltops. Where located on identified ridgelines or hilltops, ridgeline and hilltop locations are necessary, Council encourages the avoidance, remediation or mitigation of visual effects by:

- the co-siting of utilities to help reduce the effect on visual amenities avoid, remedy or mitigate their visual impact
- the ~~The~~ siting of utilities away from Residential or Open Space Areas will also be generally supported to protect the amenities of these areas
- minimising the visibility of the site and/or structures in relation to district wide, local and neighbouring views
- ensuring visual continuity of relatively undeveloped land is maintained on the upper slopes and summit of the ridgeline or hilltop

- ensuring the antenna, mast or utility structure is seen against a landform backdrop and not the sky
- mitigating against potential adverse visual effects of development by sensitive siting and design and appropriate planting and/or screening
- the use of external colour and materials to minimise the visual contrast with the surrounding environment

23.4.1.3 With regard to water reservoirs, the extent to which they can be sited to harmonise with the natural or built features of the area in which they are situated, by one or more of the following means:

- burying the reservoir
- partial or complete backfilling of reservoir walls
- screening using mounding
- locating the reservoir so that it is not visible from a Residential Area.

23.4.1.4 Where the above treatments are not possible for hydraulic, topographical or other reasons, the extent to which impacts will be avoided, remedied or mitigated through:

- appropriate screening and/or planting
- colour treatment to reduce visual dominance; and/or
- design modifications such as domed roofs where reservoirs are situated on hills.

23.4.1.5 The extent to which the utility can be designed to reflect the form of development in the immediate locality. Where practicable, Council expects the design of structures to reflect elements such as roof pitch and materials of buildings in the vicinity. Special consideration should be given to design near heritage sites or character areas. Where structures are proposed to be sited on the top of a building, they should be designed or screened so that they form an integral part of the total building design.

23.4.1.6 The extent to which any utility will be hazardous or otherwise affect people's health or safety. Appropriate separation distances will be considered for the siting of such utilities. Where relevant, Council seeks compliance with Codes of Practice or New Zealand Standards.

23.4.1.7 In respect of noise, dust, lighting and electromagnetic radiation, the extent to which noise emissions, dust nuisance, lighting glare and electromagnetic effects will be intrusive. Council will seek to ensure the best practicable option is used to mitigate such effects and that any adverse effects are minor.

23.4.1.8 Where a utility structure is located within a Hazard Area the extent that measures are taken to mitigate the effects of any hazard event.

23.4.1.9 In respect of heritage items whether the heritage significance of the area or site is affected by the construction or placement of the utility structure, mast or antennas.

23.4.1.10 The extent to which any of the above criteria are constrained by operational or technical issues.

**23.4.2 New or additional overhead lines and cables that are not provided for as Permitted or Discretionary (Restricted) Activities or that do not meet the conditions or standards and terms for Permitted Activities or Discretionary (Restricted) Activities are Discretionary Activities (Unrestricted)**

*Assessment Criteria*

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

- 23.4.2.1 Whether the size and scale of the proposed new or additional lines in is keeping with the size and scale of any overhead reticulation which currently exists.
- 23.4.2.2 Whether there are any technological, operational or topographical reasons why the new or additional lines cannot be placed underground.
- 23.4.2.3 Whether the location of new or additional overhead lines will have an impact upon:
- amenity values of the area, including rural and residential amenity
  - significant public views
  - areas of landscape or open space values
  - streetscape.
- 23.4.2.4 In respect of heritage items whether the heritage significance of the area or site is affected by the lines construction or placement.
- 23.4.2.5 Where proposed within identified ridgelines and hilltops, whether the extent of new or additional overhead lines and cables are sited and designed in ways that avoid being visually obtrusive by:
- ensuring visual continuity of relatively undeveloped land is maintained on the upper slopes and summit of the ridgeline or hilltop
  - minimising the visibility of the overhead lines and cables in relation to district wide, local and neighbouring views
  - the co-siting of new and additional overhead lines and cables with existing overhead lines and cables
  - ensuring the overhead lines and cables are seen against a landform backdrop and not the sky in relation to district wide, local and neighbouring views
  - mitigating against potential adverse visual effects of overhead lines and cables by sensitive siting and design and appropriate planting and/or screening
  - the use of external colour and materials to minimise the visual contrast with the surrounding environment

*So that a full assessment of any environmental effects can be made, utility structures which are not provided for as Permitted or Controlled Activities or Discretionary*

*Activities (Restricted) or that do not meet the standards and terms for Permitted, Controlled or Discretionary Activities (Restricted), are Discretionary Activities (Unrestricted). These tend to be larger, more prominent structures and may visually dominate their surroundings or seem out of place in them. Council will take into particular consideration the effects of proposals on identified ridgelines and hilltops. Some may also affect health or safety. For these reasons, Council wishes to exercise some control over such utilities.*

*Council is aware of the technical requirements that can influence the siting of utility structures. However, it has a responsibility to ensure that any environmental effects are given due consideration. Where there are existing utility structures or buildings, Council encourages the co-siting or the location of new works close to these.*

*New or additional overhead lines that are not Permitted Activities or do not meet the standards and terms of the Discretionary Activity (Restricted) rule are Discretionary Activities (Unrestricted) so that an assessment of the environmental impacts of the proposal can be made. Council will consider the location of the proposed lines, the extent of existing overhead reticulation, any technical or topographical reasons for overhead lines and whether it will impact on residential, visual amenity, or on landscape values.*

# Appendix 1. Makara Terawhiti Area

