

Proposed Plan Change 56 – Information about which rules take immediate legal effect (ILE)

This information sheet provides plan users with an overview of which rules of Proposed Plan Change 56 will take immediate legal effect from 18 August 2022. This information sheet should be used as a starting point when you are in the planning stages of your application or for those processing a resource consent application. Should you require additional clarification or have any questions on the content below, further information can be sought from the Council directly.

Note, references made to the Operative Plan refer to the District Plan as it stood prior to notification of Proposed Plan Change 56.

1	Immediate legal effect: basics
Minimum requirements	
<p>Immediate legal effect only applies when all the following apply:</p>	<ul style="list-style-type: none"> • Activity is residential (buildings and land use) • The Proposed Plan Change makes it a permitted activity • The development meets a relevant Medium Density Residential Standard (MDRS) – see table 2 for a list of these. • The site was in a residential zone (General, Medium Density, Special, Historic, and some Hill) prior to 18 August 2022. • The site is within the Medium Density or High Density Residential Areas of the Proposed Plan Change.

If the activity is covered by Table 1, the following conditions apply (note that standards in the Operative Plan that are inconsistent with those listed below, cease to be operative on 18th August 2022 – this applies to both existing resource consent applications lodged prior to the 18th of August and new applications applied for on or after the 18th of August):

2	Conditions for immediate legal effect:
Circumstance	Specific Details
<p>Medium Density Residential Standards built development standards</p>	<ul style="list-style-type: none"> • Number of dwellings per site (3 dwellings) • Building height (11m + 1m pitched roof) • Building Coverage (50%) • Height in relation to boundary (4 m + 60° recession plane) • Outdoor living space (G Floor: 20 m² and 3m dimension, Above G Floor: 8m² and 1.8m dimension) • Outlook space (Living Room 4x4m, Other Habitable Rooms 1x1m) • Windows to street (20% glazing) • Landscaped area (20%)
<p>Where in a Natural Hazard area that is not subject to height or density restrictions</p>	<ul style="list-style-type: none"> • This includes sites in either of the following Natural Hazard overlays - Flood Inundation Area or Low Coastal Hazard Area. • Sites will be subject to the MDRS standards until the Proposed Plan Change becomes operative.

2	Conditions for immediate legal effect:	
Circumstance	Specific Details	
Changes in the activity status of a proposed development	<ul style="list-style-type: none"> Activities permitted in the Proposed Plan Change that were not permitted in the Operative Plan no longer require resource consent. 	

Check the following table in conjunction with the details listed in the tables above:

3	Parts of the Plan Change that DO NOT take immediate legal effect:	
Circumstance	Specific Details	
Sites in the Wellington Fault overlay, or medium and high Natural Hazard overlays in the Proposed Plan Change	<ul style="list-style-type: none"> The Operative Plan rules apply until the Proposed Plan Change becomes operative. 	
Non-residential developments	<ul style="list-style-type: none"> The Operative Plan rules apply until the Proposed Plan Change becomes operative. 	
Residential developments in non-residential zones	<ul style="list-style-type: none"> The Operative Plan rules apply until the Proposed Plan Change becomes operative. 	
Sites in the Community Iwi Activity Area	<ul style="list-style-type: none"> Not classed as a residential zone. The Operative Plan rules relating to these sites apply until the Proposed Plan Change becomes operative. 	
Developments that do not meet the MDRS requirements	<ul style="list-style-type: none"> The Operative Plan rules apply until the Proposed Plan Change becomes operative. 	
Additional development standards outside the MDRS	<ul style="list-style-type: none"> Permeable surfacing Accessory buildings Screening and storage Demolition Stormwater retention The Operative Plan rules apply until the Proposed Plan Change becomes operative. 	
Built development standards that are more permissive than the MDRS	<ul style="list-style-type: none"> In the proposed Medium Density and High Density Activity area, this applies to the Setback standard. Sites in either zone will be subject to the rules for that site as outlined in the Operative Plan. In the proposed High Density Activity area this also applies to the Building Height standard. Sites in this zone will be subject to the rules for that site as outlined in the Operative Plan. Where MDRS built development standards are breached, they will also become subject to the relevant rules for that site as outlined in the Operative Plan. 	

3	Parts of the Plan Change that DO NOT take immediate legal effect:	
Circumstance	Specific Details	
Sites removed from existing heritage areas	<ul style="list-style-type: none"> Includes sites removed from the Jackson St Heritage Area, Lower Hutt Civic Centre Heritage Area, and Riddlers Crescent Heritage Precinct. Rules of the Operative Plan relating to the protection of heritage values associated with the area continue to apply until the Proposed Plan Change becomes operative. Any breaches to these rules will continue to require resource consent. 	
Subdivision rules	<ul style="list-style-type: none"> The Operative Plan rules relating to subdivision apply until the Proposed Plan Change becomes operative. 	
Financial Contributions chapter	<ul style="list-style-type: none"> The rules in this chapter do not apply until the Proposed Plan Change becomes operative. 	
Wind chapter	<ul style="list-style-type: none"> The rules in this chapter do not apply until the Proposed Plan Change becomes operative. 	

The following details circumstances that require specific advice different to that provided above:

4	Special situations:		
Circumstance	Specific Details	Reasoning	
Sites in the proposed High Density Activity Area Zone	Buildings higher than 8m (operative General Residential Activity Area rule) or 10m (operative Medium Density Activity Area rule) will require resource consent.	The standards in the Proposed Plan Change are more permissive, therefore the Operative Plan rules continue to apply.	
Sites in the operative Medium Density Activity Area Zone	A development where site coverage exceeds 50% of the site will require resource consent.	The Operative Plan standard is more permissive than the MDRS, therefore the Proposed Plan Change standard takes precedence.	
Sites in the operative Special Residential Activity Area Zone	Any non-compliance with MDRS development standards will require resource consent.	The operative Plan includes a specific rule for development standard breaches that impacts sites in this zone. This will change when the Proposed Plan becomes operative.	

<p>New sites that are added to Heritage Areas that existed in the operative District Plan</p>	<p>This includes sites added to the Jackson Street Historic Area (renamed Jackson Street Heritage Precinct in the Proposed Plan Change) and Patrick St Workers' Dwelling Precinct (renamed Heretaunga Settlement in the Proposed Plan Change).</p> <p>Operative Plan rules relating to the protection of heritage values associated with these areas take immediate legal effect. Any breaches to these rules will require resource consent.</p>	<p>Any rules in proposed plan changes that protect heritage must have immediate legal effect under the Resource Management Act.</p>
<p>Sites in Residential Heritage Precincts introduced in the Proposed Plan Change</p>	<p>New rules in the Proposed Plan Change relating to the protection of heritage values associated with these areas take immediate legal effect. Any breaches to these rules will require resource consent.</p>	<p>Any rules in proposed plan changes that protect heritage must have immediate legal effect under the Resource Management Act.</p>
<p>Residential developments in new residential zones (that were not zoned residential in the Operative Plan)</p>	<p>This is only the case for one site that is being rezoned from General Recreation to High Density Residential (near Woburn station).</p>	<p>The Operative Plan rules relating to that site applies until the Proposed Plan becomes operative.</p>
<p>Plan Change 54 area (Boulcott Golf Course)</p>	<p>Residential area on the Boulcott Golf Course site.</p>	<p>This Plan Change was operative before notification of PC56, so it is an existing residential zone and immediate legal effect does apply.</p>
<p>Areas that were covered by a heritage overlay in the operative plan, but are no longer covered in the Proposed Plan Change</p>	<p>MDRS takes immediate legal effect as though the overlay did not apply.</p> <p>Heritage controls in the Heritage Chapter (14F) still apply, however.</p>	<p>If a consent is required, then Operative Plan must be considered.</p> <p>Demolition is not covered by the MDRS and so the Operative Plan rules apply to any demolition.</p>
<p>Areas that were covered by the Wellington Fault Study Area in the operative plan, but are no longer covered in the Proposed Plan Change</p>	<p>MDRS takes immediate legal effect as though the overlay did not apply.</p>	<p>If a consent is required, then Operative Plan must be considered.</p>