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## **Part 5: Proposed Plan Changes within the District Plan**

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The following section indicates how the District Plan will look if the amendments proposed by Plan Change 12 (detailed in Part 3 of this document) become operative without further change.

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## **Proposed Plan Change to Chapter 3**

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See Amendments 1 to 6

# 3 Definitions

**100-Year Flood:** a 100-year flood in the Hutt River is equal to a 1 in 100 year event and currently has a magnitude of approximately 1900 cubic metres of water per second measured at Taita. It has about a 1% chance of being equalled or exceeded in any one year.

**Access Leg:** in relation to a rear site, means a strip of land which is included in the ownership of the site, and which provides the legal and physical access from legal road to the net area of the site and which may be satisfied by a registered right of way outside the title (outside the legal boundaries of the allotment).

## *\*Amendment 1*

**Accessory Building:** a building not being part of the principal building on the site, the use of which is incidental to that of any other building or buildings on the site. In the case of a site on which no building is erected, it is a building accessory to the use of the principal building permitted on the site. This includes a tool shed, playroom, recreation room, glasshouse, swimming pool and spa pool, but excludes any habitable room and in rural activity areas will include buildings accessory to rural land uses.

**Accessory Part:** those parts which are essential for the effective operation of the end product.

**Allied:** any secondary activity on a site that is dependent on, related to or connected with the primary activity for that site.

**Allotment:** for the purposes of subdivision means a lot, two or more adjoining lots to be held together, or any balance area shown on a subdivision consent plan, except that in the case of land being subdivided under the cross lease or company lease systems, or the Unit Titles Act 1972, allotment shall have the same meaning as site.

**Ancillary Retailing:** retailing that is associated with the permitted activity but is not the primary activity on the site or in the building; such retailing is incidental and secondary to the principal activity.

**Antenna:** any broadcasting and/or telecommunication or radiocommunication apparatus for transmission or reception including the antenna mounting but not any supporting mast or similar structure. This definition includes any satellite dish.

**Archaeological Site:** as defined in the Historic Places Act 1993.

**Boarding House:** a building or buildings providing permanent or semi-permanent accommodation for more than five boarders/lodgers for profit.

**Boundary:** any boundary of the net site area and includes any road boundary or internal boundary.

**Internal boundary** means any boundary of the net area of the site other than a road boundary.

**Road boundary** means any boundary of a site abutting a legal road (other than an accessway or service lane) or contiguous to a boundary of a road designation. Frontage or road frontages shall have the same meaning as road boundary.

**Brothel:** as defined in the Prostitution Reform Act 2003.

**\*Amendment 2**

**Building:** means any structure or part of a structure, whether temporary or permanent, movable or immovable, but for the purposes of this Plan excludes:

- (a) any fence not exceeding 2 metres in height;
- (b) any retaining wall not exceeding 1.2 metres in height;
- (c) satellite dishes with a diameter not exceeding 0.6m and antennas 2.5m above the maximum height permitted in the activity area or the rules in Chapter 13 - Utilities.
- ~~(d) all structures less than 1.2 metres in height and 20m<sup>2</sup> in area;~~
- (d) decks less than 500mm in height;
- (e) all tents and marquees erected on a temporary basis for a period not exceeding 3 months;
- (f) all signs, as defined in this Plan.

**Building Floor Level:** (in relation to flooding) means the underside of floor joist for timber structures or, for concrete slabs, shall be 150mm below the finished top of the slab.

**Building Improvement Centre:**

premises used for the storage, display and sale of materials used in the construction, repair, alteration and renovation of buildings and includes builders supply and plumbing supply centres and home and building display centres.

**Building Setback Line:** land on the landward side of the building setback line is protected by flood protection structures up to a 100-year flood event. Land on the riverside of the line is at risk of erosion from the Hutt River.

**Childcare Facility:** a facility for the care and/or education of children including crèche, day care centre, kindergarten, Kohanga Reo, playcentre, playgroups and day nurseries; such facilities shall not provide for overnight stays.

**Commercial Activity:** any activity of a commercial nature which principally comprises:

provision of office, financial, professional or other business services; including theatres, cinemas, video parlours, other places of entertainment, visitor accommodation, funeral parlours, showrooms, radio stations, television stations, car parking buildings, veterinary clinics, and any other use of a similar commercial nature

**but which excludes:**

- (a) retail activity, industrial activity, rural activity, recreational activity and residential activity; and
- (b) service stations, commercial garages, car sales yards and licensed premises.

**Commercial Forestry:** the planting and management of trees and the felling of timber for commercial gain.

**Commercial Garage:**

- (a) the storage of 2 or more vehicles, caravans, boats or trailers, not belonging to the occupier of the premises or his or her family; and/or
- (b) any one or more of the following: motor vehicle engine and/or body repairs, overhauling of motor vehicles; and/or
- (c) any one or more of the following: panel beating, trimming or spray painting of motor vehicles provided these operations are on a small scale.

**Commercial Recreation Activities:**

those recreational activities which require payment of a casual fee or membership fee for participation and includes camping grounds, public swimming pools and concessionaires (eg. jet ski hire, windsurfer hire).

**Commercial Sexual Services:**

as defined in the Prostitution Reform Act 2003.

**Community Activities/Facilities:**

those activities which provide for the social and cultural needs of the community; and includes libraries, halls, plunket rooms and childcare facilities.

**\*Amendment 3****~~Comprehensive Residential Development:~~**

~~any residential development of 5 or more dwellings on a site and includes Papakainga housing.~~

**Contaminated Site:**

a site at which hazardous substances occur at concentrations above background levels and where assessment indicates it poses or is likely to pose an immediate or long term hazard to human health or the environment.

**Cottage Industry:**

the production of light goods by woodworkers, leatherworkers, metalworkers, caneworkers, glass blowers, fabric printers, paper makers, stone and/or bone carvers, potters, weavers or workers producing goods of a similar nature using hand tools or machinery of a light nature and includes the sale of goods produced on the premises but not the sale of any other goods.

**Council:**

The Hutt City Council.

**Critical Facility:**

any facility which provides critical services and includes ambulance, fire and police stations, and hospitals.

**Detention Facility:**

a building or buildings for the detention or accommodation of persons detained pursuant to any statutory provision, where such detention is imposed for the protection of members of the public.

**Display Window:**

a window which permits the public to view display space within a building.

**Dripline:**

the line formed when a vertical line from the outermost extent of the spread of the tree's branches or canopy meets the ground.

**Drive Through Retail:**

a retail outlet at which customers receive service while in their vehicles.

**Dust Nuisance:**

a dust nuisance shall occur if there is visible evidence of suspended solids in the air beyond the site boundary and/or there is visible evidence of suspended solids from a dust source settling on the ground, building or structure of a neighbouring site, or water.

**\*Amendment 4****Dwelling House:**

a building providing self-contained residential accommodation for a person, a family or non-family group and includes a foster home, women's refuge, accommodation for up to five boarders/ lodgers and residential facilities for up to and including seven people but excludes:

~~(a) comprehensive residential developments;~~

~~(b)(a)~~ detention facilities;

~~(c)(b)~~ visitor accommodation;

~~(d)(c)~~ health care service; and

~~(e)(d)~~ boarding houses.

**Earthworks:** any modification of land associated with subdivision or development, including excavation and filling, removing and replacing soil, contouring, cutting, levelling, deposition of cleanfill, and road, driveway and access construction.

**Ecotoxicity:** adverse toxic effects on ecosystems or ecological communities, harmful to any living organism or ecosystem.

**Effects Ratio Trigger Level:**

the value of the Effects Ratio which is used in the Consents Status Matrix to define whether a proposed development requires a land use resource consent. The Effects Ratio trigger level differs for different activity areas to account for the difference in acceptable levels of risk.

**Emergency Facility:** any service which provides critical services and includes fire, ambulance and police stations, and civil defence.

**Environmentally Damaging Substance:**

any substance which, by effects other than toxicity, is able to damage an aquatic ecosystem (for example, milk or oil).

**Extraction Activity:** an operation in connection with prospecting, exploring and any mining operation including blasting, processing (crushing, screening, washing and blending), storage, distribution and sale of aggregates, ancillary earthworks, removal and deposition of overburden and rehabilitation works.

**Flood Hazard:** the potential for damage to property or people due to flooding and associated erosion.

**Flood Hazard Effects:** the negative impacts of flooding caused by fast flowing or deep-ponded flood waters. Fast-flowing or ponded flood waters are dangerous for people, becoming more severe where floods affect urban areas. These effects also include damage to the flood protection system, and other structures and buildings by water and debris, or by erosion.

**Flood Protection Structure:**

physical assets (including land) managed and maintained by the Wellington Regional Council or approved (including managed and maintained) by the Wellington Regional Council for the purpose of flood protection, such as stopbanks, flood gates, debris traps, river berms, bank-edge works and plantings.

**Gross Floor Area:** the sum of the gross areas of all the floors of a building or buildings measured from the exterior faces of exterior walls or from the centre-lines of walls separating two buildings.

For the purposes of calculating car parking and loading requirements only, this definition shall not include the floor area of interior balconies and mezzanines not available to the public, and any carparking within the building.

**Hazardous Facility:** activities involving hazardous substances and sites, at which these substances are used, stored, handled and disposed of

**but which excludes:**

- (a) the incidental use and storage of hazardous substances in minimal domestic scale quantities including up to 100kg of LPG;
- (b) fuel in motor vehicles, boats and small engines;
- (c) retail outlets for the domestic scale usage of hazardous substances (i.e. supermarkets, hardware shops, pharmacies, home garden centers);

- (d) developments that are potentially hazardous but do not involve hazardous substances (i.e. high voltage transmission lines, radio masts etc.);
- (e) facilities using genetically modified or new organisms;
- (f) trade waste sewer and waste treatments or disposal facilities;
- (g) gas and oil pipelines;
- (h) the occasional loading and unloading of hazardous substances on a site where this forms only a minor part of the site operations and includes the carriage of explosives within the Extraction Activity Area; and
- (i) oil filled transformers containing less than 1000 litres of oil.

**Hazardous Waste:** waste that poses a present or potential future threat to the environment due to, for example, its explosive, flammable, reactive, toxic, corrosive or infectious nature.

**Health Care Services:** any activity which provides services relating to physical and mental health and welfare and includes acupuncturists, chiropractors, dentists, dietitians, homeopathy practitioners, medical practitioners, medical radiographers, medical social workers and counsellors, naturopathy practitioners, nurses, occupational therapists, opticians, optometrists, osteopaths, pediatricians, pharmacists, physiotherapists, podiatrists, psychotherapists, and psychologists.

**Height:** **Maximum Height** shall be the perpendicular distance between the lowest ground level at any point and the highest part of the building immediately above that point.

- (a) For the purposes of calculating maximum height, ground level shall be deemed to be:
  - (i) the natural level of the ground or the finished level of the ground as a result of an approved subdivision, and shall not include earthworks which have resulted or will result from work undertaken as part of the construction of any building or development of the site.
  - (ii) where the natural ground level has fluctuated over time, as a direct result of nature, the natural ground level will be the level that exists at the time the level has to be ascertained.
- (b) When calculating maximum height the following shall be excluded:
  - (i) antennas, satellite dishes with a diameter not exceeding 0.6m, flagpoles, finials or other similar decorative features where the maximum height is not more than 3.0m above the maximum height permitted for the activity area and this shall also apply to utilities listed in Chapter 13 - Utilities.
  - (ii) chimneys, flues and ventilation shafts.
  - (iii) conductors relating to utilities.

**Maximum Overall Height** shall be the vertical distance between the lowest ground level and the highest part of the building immediately above that point.

- (a) For the purposes of calculating maximum overall height, ground level shall be deemed to be the lowest of the following levels:
  - (i) the finished level of the ground as a result of an excavation for building construction works.
  - (ii) the finished level of the ground as a result of any other works.

- (b) When calculating maximum overall height the following shall be excluded:
  - (i) antennas, satellite dishes with a diameter not exceeding 0.6m, flagpoles, finials or other similar decorative features where the maximum height is not more than 3.0m above the maximum height permitted for the activity area and this shall also apply to utilities listed in Chapter 13 - Utilities.
  - (ii) chimneys, flues and ventilation shafts.
  - (iii) conductors relating to utilities.

**Helicopter Landing Areas:**

any defined area of land or water, and any defined area on a structure, intended or designed to be used either wholly or partly for the landing, departure and surface movement of helicopters.

**Historic Area:** as defined in the Historic Places Act 1993:

**Historic Place:** as defined in the Historic Places Act 1993:

**Housing for the Elderly:** a building or part of a building used as a home under the Old People's Homes Regulations 1987 or any Regulation in substitution thereof. It includes old people's homes, rest homes, pensioner housing developments, retirement villages and associated ancillary facilities such as medical, recreational and other communal facilities which offer an exclusive service to the residents of the Home for the Elderly.

**Individual Retail Activity:**

a retail activity carried on under a single trading name from or in single premises.

**Industrial Activity:** any activity of an industrial nature which principally comprises:

- (a) extraction or conversion of natural resources;
- (b) production, manufacture or processing goods or energy from natural or converted resources;
- (c) research for industrial purposes, geological purposes or agricultural purposes;
- (d) service, repair or hire of goods; and
- (e) storage of goods;

**but which excludes:**

- (a) retail activities;
- (b) home occupations;
- (c) rural/agricultural activities; and
- (d) extraction activities.

**Intensive Farming:** the raising of livestock where

- (a) livestock are kept in buildings or concentrated on open space, or
- (b) livestock live predominantly off feed other than grass, or
- (c) more than five adult pigs (defined to be one year or older) are kept in buildings or on pasture.

**Intersection:** as defined in Section 2 of the Traffic Regulations 1976 and subsequent amendments, with the following provisos:

- (a) That where the areas so defined are separated by less than 50 metres, the intersection also includes all connecting roadways; and



- (b) That the edges of roadways are defined by kerblines and not painted markings.
- Kohanga Reo:** premises (language nest) where preschool children are taught and cared for in accordance with Tikanga Maori (Maori customs).
- Kokiri Centre:** as defined in the Maori Purposes Act 1980 to be any premises in which training and tuition is given in respect of any of the following matters:
- (a) any trade, profession or occupation:
  - (b) Any skill or art that promotes the general social well-being of the community:
  - (c) Maori language, Maori customs and traditions, Maori arts and handicrafts, and other aspects of Maori culture essential to the identity of the Maori race:
  - (d) Languages, customs and traditions, and arts and handicrafts of members of other areas.
- Landfill:** an area of land used for disposal of wastes for land, run in accordance with safety and environmental requirements laid down by a regulatory authority.
- Landscape Furniture:** includes picnic tables, seating, rubbish bins, lights, and tree protector guards.
- Landscaping:** the provision of tree and/or shrub plantings and may include any ancillary lawn, water, rocks, paved areas, amenity features or other forms of hard landscaping.
- Licensed Premises:** any premises, or any part of any premises, on which liquor may be sold pursuant to a licence; and includes any conveyance, or any part of any conveyance, in which liquor may be sold pursuant to a licence.
- Living Court:** a part of a net site area set aside for outdoor activities which is required to be unoccupied and unobstructed by buildings, pedestrian accessways or parking areas except as otherwise provided for in this Plan.
- Mana Whenua:** customary authority exercised by an iwi or hapu in an identified area.
- Marae:** includes the meeting house, dining hall, educational and associated facilities and residential accommodation associated with the marae.
- Mast:** any mast, pole, tower or similar structure designed to carry antennas to facilitate broadcasting, telecommunications and radiocommunications. This definition excludes any arm supports.
- Minor Boundary Adjustment:** an adjustment or relocation of allotment boundaries which is desirable in order to improve the practicality of existing boundaries providing the number of titles and the general area and use of the allotments remains the same.
- Net Site Area:** the total area of a site for the exclusive use of a single dwelling unit, including any area provided for parking or manoeuvring space and building, but does not include land held in common ownership, communal open space, communal parking and rights-of-way, and access legs to a rear site.
- Non-residential Activity:** the use of land and buildings for any activity within a residential or rural activity area which does not fall under the definition of residential activity and which does not meet the conditions for a home occupation.
- Notable Tree:** a tree recognised as possessing some significance or special value in the City, and which is listed in Chapter 14G - Appendix Trees 1.

- Offensive Odour:** an offensive odour occurs when an odour can be detected and is determined to be offensive by one or more observers; including at least one council officer.
- Office Activities:** any commercial, professional or administrative office and includes banks and offices of finance and building societies.
- Off-licence:** any premises licensed under Part II of the Sale of Liquor Act 1989 from which to sell or deliver liquor on or from the premises to any person for consumption off the premises.
- Papakāinga Housing:** residential accommodation on Maori owned land.
- Passive Recreation:** those recreational pursuits which are of a passive nature including walking picnicking, swimming, fishing and activities of a similar nature.

*\*Amendment 5*

- Permeable Surface:** any part of a site which is grassed or planted in trees or shrubs and is capable of absorbing water. It does not include any area which:
- (a) Falls within the definition of building coverage;
  - (b) Is covered by decks which do not allow water to drain through to a permeable surface;
  - (c) Is occupied by swimming pools; or
  - (d) Is paved with a continuous surface.

**Pesticide:** any substance used for the prevention or control of any pest including herbicides, fungicides, defoliant and desiccants, but not including any fertiliser or animal remedies.

**Places of Assembly:** any land and buildings which are used in whole or in part for the assembly of persons for such purposes as meetings of spiritual, cultural, entertainment, social, education or similar purposes and includes churches, halls, clubrooms, health and fitness centres.

**Plan:** this District Plan.

**Primary River Corridor:** contains fast flowing water and includes areas that are prone to erosion.

**Public Access:** the right or opportunity of the public to use or visit an area of land.

**Recession Plane:** a control relating to the receipt of natural light by adjoining sites; this control does not apply to chimneys, antennas, satellite dishes with a diameter not exceeding 0.6m, flagpoles, and any part of a mast that above a height of 2.5m from ground level has a diameter not exceeding 0.6m.

**Recreation Activity:** any activity whose primary aim is the passive or active enjoyment of leisure, whether competitive or non-competitive, casual or organised; and recreation has a corresponding meaning.

**Regional Council:** the Wellington Regional Council.

**Registered Place:** a place registered under Part II of the Historic Places Act 1993.

**Regulations:** the Resource Management Regulations 1992 and including any amendments.

**Residential Activity:** the use of land and buildings for any domestic/living purposes by people living in the building, but does not include home occupations or non-residential activities.

*\*Amendment 6*

**Residential Facility:** a building or buildings and activities providing:

- (a) residential support/care;
- (b) respite care; and
- (c) therapeutic/rehabilitation services;

**but which excludes:**

- (a) dwelling house (including residential facilities for up to and including seven people);
- ~~(b) comprehensive residential developments;~~
- ~~(c)~~(b) detention facilities;
- ~~(d)~~(c) visitor accommodation;
- ~~(e)~~(d) health care service; and
- ~~(f)~~(e) boarding houses.

**Restaurant or Cafe:** any land and/or building on or in which food is sold to the public generally for consumption on the premises.

**Retail Activity:** any activity which involves display, sale or hire of goods direct to the public; and includes restaurants, cafes and takeaway food premises, off-licences, auction rooms, hair dressers, laundries and dry cleaners; but excludes service stations, commercial garages, car sales yards, video parlours and licensed premises.

**Risk:** the probability of an event occurring and the extent of likely damages caused by that event:

**Individual Risk:** maximum probability that an individual person, object or function, if present in a certain location for a certain period, would be harmed by the cumulative risk from all the hazards from one or more sources.

**Societal Risk:** maximum probability that a group of a certain maximum size may get simultaneously killed by the cumulative risk from all the hazards from one or more sources.

**River Corridor:** includes land immediately adjacent to the river. It is the minimum area able to contain a major flood and enable the water to pass safely to the sea. Due to its location, the river corridor represents a significant flooding and erosion hazard to people, buildings and structures, including the flood defences, sited in the corridor. The river corridor comprises both primary and secondary areas.

**Roading Hierarchy:** a classification of roads which consists of distributor routes for through-traffic and access routes for local access purposes.

**Root Zone:** for most species the root zone can be taken to be the dripline of the tree. For trees with a narrow upright form a minimum of 3 metres either side of the trunk shall be taken as the root zone.

**Runanga:** tribal representative and administrative body.

**Rural Service Industry:** small scale activities servicing rural needs such as: fencing contractors, topdressing contractors and machinery maintenance contractors.

**Secondary River Corridor:** contains fast flowing water, but the erosion risk is not as significant as the Primary River Corridor.

**Separation Distance:** the distance from the edge of the area where hazardous substances are used, stored or otherwise handled, to the edge of the area exposed to adverse effects.

- Service Booth:** a position at a drive through retail outlets where vehicles stand while receiving service.
- Servicing Hours:** the hours when deliveries can be made to and from a site. Such deliveries include all collection or distribution of products, supplies, raw materials, waste materials and mail deliveries.
- Service Industry:** small scale activities serving local needs such as:
- (a) bakeries and catering depots;
  - (b) cabinet makers and associated woodcrafts, furniture restoration and upholstery;
  - (c) dressmaking, tailoring and footwear repair;
  - (d) jewellery manufacture and repair;
  - (e) laundries, dry cleaning;
  - (f) precision instrument manufacture and repair (including medical, surgical, optical, dental, photographic and electronic equipment);
  - (g) repair and servicing of household and garden equipment and appliances;
  - (h) studios (including arts and crafts, photographic recording);
  - (i) watch and clock repairs; and
  - (j) any other activity of a similar nature, being essentially small scale and which does not detract from the amenities of the locality.
- Service Station:** any site used for the retail sale of the following:
- (a) Retail sale of petrol, provided the storage does not exceed 100,000 litres;
  - (b) Retail sale of diesel, provided the storage does not exceed 50,000 litres;
  - (c) Retail sale of LPG, provided the storage does not exceed 6 metric tonnes in aboveground tanks, or 20 metric tonnes in underground tanks which comply with the Australian Standard AS 1596 - 1989 supplement No.1:1994 for LP Gas Storage and Handling - Siting of LP Gas Automotive Retail Outlets;
  - (d) Retail sale of CNG, Kerosene, and lubricating oils for motor vehicles;
  - (e) Retail sale of tyres, batteries, and other accessories normally associated with motor vehicles;
  - (f) Retail sale of general goods for the convenience and comfort of persons calling at the service station for the services described in this definition, provided that such goods shall be sold only when the service station is open for normal motor vehicle servicing. Retailing of such goods shall be ancillary and secondary to the sale of motor fuels and mechanical repairs;
 

Unless the site is located in a commercial activity area, not more than 150m<sup>2</sup> of the building may be used for the sale of general goods;
  - (g) The mechanical repair and servicing of motor vehicles, (excluding trucks, buses and heavy vehicles) trailers and motor fueled domestic equipment, provided that all motor repair and servicing activities are undertaken inside a building. Mechanical repairs and servicing shall not include body repairs, panel beating, trimming, spray painting, and heavy engineering (such as engine reboring and crankshaft regrinding) or the refuelling, adding air, water or oil (but not changing) where the vehicle is in the forecourt for a short period of time; and
  - (h) The mechanical washing of motor vehicles.

**Shape Factor:** a shape of a minimum size which must be able to be placed wholly within the site.

**Showroom:** an area of a building used for the display of goods and where trade sales are permitted.

**Sign:** any word, letter, model, sign, banner, placard, board, hoarding, billboard, poster, symbol, emblem, notice, name, image, character, outline, spectacle, display, waterdelineation, announcement, device or representation, or any other means of a similar advertising nature intended to principally attract attention whether a specially constructed device, structure or apparatus, whether painted, printed, written, carved, inscribed, endorsed or projected onto a place or otherwise fixed or attached to any wall, roof, fence, rock, stone, structure, canvas or stationary vehicle. Aerial signs (for example, blimps) and free standing signs are included.

Sign does not include any advertising matter placed on or within a display window of a shop, business (excluding home occupation) or industrial premises and does not include traffic signs.

**Onsite Sign:** a sign which is located on the site to which it relates.

**Offsite Sign:** a sign which advertises products, goods or services not available on the site on which the sign is located.

**Face Area:** the total area of a sign facing any one direction.

Where the lettering or design is on an existing surface, the face area of a sign is calculated by measuring the area which encloses all symbols, emblems, words and letters which make up the sign, together with any material or colour forming an integral part of the display or used to differentiate such a sign from the background against which it is placed.

**Temporary Sign:** a sign advertising an event not held frequently or regularly. A temporary sign shall only be visible for a short period of time.

**Significant Natural, Cultural and Archaeological Resources:**

any natural, cultural or archaeological resource which is considered to be significant to the City for historical, cultural, archaeological, botanical, geological or zoological reasons and which is listed in Chapter 14E - Appendix Significant Natural, Cultural and Archaeological Resources 1.

**Site:** an area of land which is:

1. (a) comprised in a single allotment, or other legally defined parcel of land and held in a single certificate of title; or  
(b) comprised in a single allotment or legally defined parcel of land for which a separate certificate of title could be issued without the further consent of Council;
2. any area of land which comprises two or more adjoining legally defined parcels of land held together in one certificate of title in such a way that the lots cannot be dealt with separately without prior consent of the Council; or
3. an area of land which comprises two or more adjoining certificates of title where such titles are:
  - (a) subject to a condition imposed under section 37 of the Building Act 1991 or section 643 of the Local Government Act 1974 incapable of being legally disposed of separately; or
  - (b) held together in such a way that they cannot be dealt with separately without the prior consent of Council;

**except** that site shall have the following meaning in the cases as set out in 4 to 6 below.

4. In the case of land subdivided under the cross lease or company lease systems (other than strata titles), site shall mean an area of land containing:
  - (a) a building or buildings for residential or business purposes with any accessory building(s), plus any land exclusively restricted to the users of that/those building(s); or
  - (b) a remaining share or shares in the fee simple creating a vacant part(s) of the whole for future cross lease or company lease purposes; and
5. In the case of land subdivided under the Unit Titles Act 1972 (other than strata titles), site shall mean an area of land containing a principal unit on a unit plan together with its accessory units; and
6. In the case of strata titles, site shall mean the underlying certificate of title of the entire land containing the strata titles, immediately prior to the subdivision.

Site shall also include the access to the site.

**Front Site:** a site having frontage to a legal road of not less than the minimum required.

**Corner Site:** a site which lies within a general change of direction of abutting roads;

**Through Site:** a site having 2 or more road frontages, other than a corner site;

**Rear Site:** a site situated to the rear of another site or a site not having the required frontage for a "Front Site".

**Site Coverage:** that portion of a site which is covered by any buildings.

**Spill Containment System:** a structure which will contain liquids or solids in the event of a spill, and prevent them from entering the stormwater system or a natural water body.

**Staff Member:** in relation to a place of employment either a full time or part time employee.

**Supermarket:** the use of a building, having a floor area exceeding 350m<sup>2</sup>, principally retailing groceries (including fresh fruit, vegetables, meat, fresh fish, bakery, delicatessen and liquor). A supermarket may also retail small variety goods (such as manchester, apparel and kitchenware), provided that the variety component occupies less than 20% of the floor area and that separate speciality shops do not comprise part of the operation.

**Tangata Whenua:** in relation to a particular area, means the iwi or hapu, that holds mana whenua over that area.

**Taonga:** treasure; property.

**Trade Sale:** the sale of an item either singularly or in bulk to a person who uses such an item in his/her occupation or to a person who resells, modifies, utilises or further processes such item as part of his/her business.

**Trading Warehouse:** a building used for the storage of bulky goods or materials, and/or for the storage of goods in bulk for sale from the premises and which is appropriately situated in a location peripheral to a main shopping area. Such uses include trade supplies and furniture or carpet warehouses, but exclude uses such as

supermarkets and department stores or other retail premises engaged in retailing and/or wholesaling directly to the public rather than to resellers.

**Utilities:**

comprises the following:

- (a) transformation, transmission or distribution of electricity provided by network utility operators or requiring authorities, and private connections to such utilities;
- (b) drainage or wastewater reticulation provided by network utility operators or requiring authorities and private connections to such utilities;
- (c) the distribution of water for supply, including irrigation;
- (d) broadcasting, telecommunication and radio communication facilities including transmitting/receiving devices such as antennas, dishes, wires, insulators, casings, tunnels and associated equipment as well as support structures such as towers, masts and poles and ancillary buildings;
- (e) pipes for the distribution or transmission of petroleum or natural or manufactured gas, and necessary incidental equipment provided by network utility operators or requiring authorities, and private connections to such utilities;
- (f) pipes for the conveyance of irrigation water, or drainage of water or wastewater, and necessary incidental equipment including pumping stations provided by network utility operators or requiring authorities and private connections to such utilities;
- (g) lighthouses, meteorological facilities, navigational aids and beacons including approach control services within the meaning of the Civil Aviation Act 1990;
- (h) roads, footways, cycleways and service lanes;
- (i) street lighting poles, traffic signals and equipment (including surveillance cameras);
- (j) street furniture and traffic signs, parking meters, parking control equipment, including Pay and Display Booths;
- (k) culverts;
- (l) recycling depots; and
- (m) wastewater treatment plants and booster pumping stations.

**Urupa:**

burial ground.

**Veterinary Clinic:**

any premises used for the medical care, surgery and associated holding of animals; but excludes animal pounds or animal boarding facilities.

**Visitor Accommodation:**

any building or buildings offering temporary accommodation and includes (but is not limited to) motels, tourist houses, backpackers accommodation, hostels and youth hostels. It does not include motor camps or camping grounds, and board and lodging facilities for up to and including five people.

**Waahi Tapu:**

a place sacred to Maori in the traditional, spiritual, religious, ritual or mythological sense.

**Waahi Tapu Area:**

an area of land that contains one or more waahi tapu.

**Warehouse:**

any building or part of a building or site used for the storage, distribution and trade sale of goods (but excluding bulk storage of fuel, oils and gases in any form) and ancillary workshops associated with the principal activity.

**Yard:**

any part of a net site area which is unoccupied and unobstructed by buildings except as otherwise provided by this Plan. Yards shall be measured from the boundaries of the net site area.

**Front Yard:** an area of land between the road line and a line parallel to and extending the full width of the site; for the purposes of a corner site, there shall be two front yards;

**Rear Yard:** an area of land between the rear boundary of the site and a line parallel to and extending across the full width of the site;

**Side Yard:** an area of land between a side boundary of the site and a line parallel to and extending:

- (a) from the front yard to the rear yard; or
- (b) if there is no front yard, from the front boundary of the site to the rear yard; or if there is no rear yard, from the front yard or boundary, as the case may be, to the rear boundary of the site; or
- (c) if there are two or more front yards, from yard to yard.

For the purposes of a corner site, there shall be one side yard.



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## **Proposed Plan Change to Chapter 4A**

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See Amendments 7 to 34 and Amendments 38 and 39

# 4A General Residential Activity Area

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## 4A 1 Issues, Objectives and Policies

### 4A 1.1 Local Area Issues

#### 4A 1.1.1 Residential Character and Amenity Values

##### Issue

**Residential dwellings and activities, subdivision patterns, open space, vegetation and a general absence of non-residential, or large scale commercial or industrial operations, all contribute to the residential character and amenity values associated with the general residential areas of the City. It is important that activities are managed to ensure residential character is retained, and amenity values are maintained and enhanced.**

##### Objective

To maintain and enhance the amenity values and residential character of the General Residential Activity Area of the City.

##### Policies

- (a) That opportunity be provided for a diversity of residential activities.
- (b) To restrict the range of non-residential, and commercial activities to those which will not affect adversely the residential character or amenity values.
- (c) To ensure residential amenity values are retained, protected and enhanced through the establishment of a net site area per dwelling house.
- (d) That adverse effects arising from noise, dust, glare, light spill and odour be managed.
- (e) That vegetation and trees which add to the particular amenity values of the area be retained where practicable.
- (f) That the clearance of vegetation be managed to avoid, remedy or mitigate any adverse effects on the intrinsic values of ecosystems.

##### Explanation and Reasons

Residential dwelling houses and activities, open space, existing subdivision patterns and a general absence of large scale commercial and industrial activities all contribute to the residential character and amenity values associated with the General Residential Activity Area.

Non-residential, commercial or industrial activities and inappropriate subdivision have the potential to alter the character of the residential environment, and affect adversely the

amenity values associated with a particular area. The adverse effects of these activities will be managed through the use of lists of activities and rules.

Residential dwellings and activities will be permitted with minimum conditions specified.

General commercial and industrial activities will be discouraged from locating within a residential environment. Adverse effects upon amenity values caused by noise, dust, glare, light spill and odour will also be managed through the use of rules.

It is necessary to control the clearance of vegetation to protect visual amenity values and the intrinsic values of ecosystems.

## 4A1.1.2 Higher Density Residential Development

### Issue

**The Plan seeks to provide opportunity for higher dwelling densities where adverse effects on the surrounding residential environment are managed, and amenity values are maintained and enhanced. Such opportunity should be provided along major transport routes, around some commercial centres, and where amenity values will not be affected adversely.**

### Objective

To ensure opportunity is made for higher density residential development around some commercial centres, along major transport routes, and where amenity values will not be affected adversely.

### Policies

- (a) That opportunity for higher dwelling densities be made along major transport routes, around some commercial centres, in the residential area between Jackson Street and The Esplanade, Petone, where existing dwelling densities are higher, and where amenity values will not be affected adversely.
- (b) To avoid, remedy or mitigate the adverse effects of higher dwelling densities on the surrounding area, caused by height of buildings, intensity, scale and location.
- (c) That design guides be developed to direct and encourage higher density development which maintains and enhances onsite amenities and consistency with the surrounding residential character.

*\*Amendment 7*

### Explanation and Reasons

Opportunity will be available for higher dwelling densities along major transport routes, around some commercial centres, and in the residential area between Jackson Street and The Esplanade, Petone, where existing residential dwelling densities are higher, and where amenity values will not be affected adversely.

This will encourage the use of public transport, promote the efficient use of resources, and takes into account the changing nature of the city's population.

These areas have been specifically chosen, as allowing densities to increase in all residential areas of the City may affect the character and amenity values associated with particular areas.

*\*Amendment 8*

The Plan will manage the effects of higher density development by managing site layout, building height, bulk, and site coverage and landscaping through the use of permitted activity standards. Other aspects of design, such as quality of onsite amenity,

landscaping, integration of buildings with open space and compatibility with surrounding development patterns, will be managed through the use of Design Guides.

### 4A 1.1.3 Home Occupations

#### Issue

**Many people want to work from home. Provision for such activities to occur within a residential environment requires that the adverse effects are managed, to ensure amenity values are maintained and enhanced, and residential characteristics are retained. Such adverse effects may arise from their nature, scale, exterior appearance, advertising, and potential for increased traffic movements, noise, dust, odour, and electrical interference.**

#### Objective

To avoid, remedy or mitigate adverse effects of home occupations on residential character and amenity values of the residential environment in which they are located.

#### Policies

- (a) To allow home occupations, where the adverse effects on the surrounding residential area are managed, and the residential characteristics of the site and buildings are maintained. Such adverse effects may be caused by the appearance of the site and building, nature, scale, traffic, noise, dust, electrical interference, and the potential to alter the residential character of the house, site or surrounding area.
- (b) To manage the adverse effects of signs associated with home occupations, taking into account their size, location, appearance, frequency, number and lighting.

#### Explanation and Reasons

The residential areas of the City are seen not only as a place to live, but ones in which to work as well. For many residents the home offers a positive working environment. As technology advances, it is becoming easier to conduct businesses from home.

Home occupations can cause the loss of residential character, or affect adversely the amenity values and physical appearance of the site, building and surrounding residential environment. This can be caused by their nature and scale, noise, dust, odour, vehicle and pedestrian activity.

Appropriate conditions have been specified in the Plan to manage the adverse effects of home occupations. Provided these conditions are met, home occupations will be permitted activities.

### 4A 1.1.4 Non-Residential Activities

#### Issue

**Non-residential activities in residential areas can support residential activities. Such activities can have significant adverse effects upon surrounding residential properties. These adverse effects need to be avoided, remedied or mitigated to ensure that residential amenity values and character are maintained and enhanced.**

## Objective

To ensure that any adverse effects of non-residential activities on the character and amenity values of surrounding residential areas are avoided, remedied or mitigated.

## Policies

- (a) To ensure that any adverse effects caused by the size, scale and nature of non-residential activities, and any associated storage of hazardous substances, light spill, noise, glare, vehicle and pedestrian activity upon surrounding residential properties, are avoided, remedied or mitigated.
- (b) To control the number of signs, and ensure that any adverse effects of sign location and appearance on surrounding properties, are avoided, remedied or mitigated.
- (c) To recognise that Site Management Plans may be appropriate to manage matters beyond those addressed in the Plan.

## Explanation and Reasons

There are many activities which are non-residential in nature, but which are essential to allow residents to provide for their social, economic, and cultural well being. These include education facilities ranging from child care facilities and pre-schools to tertiary facilities, places of assembly, medical and emergency facilities, and small retail activities to provide for daily needs of residents.

Non-residential activities can have adverse effects on the amenities of surrounding residential properties, and can alter the residential character of the area in which they are located. Adverse effects may arise due to the appearance of the building and site, layout of the site, noise, storage of hazardous substances, light spill, glare, vehicle and pedestrian movements.

In the General Residential Activity Area opportunity will be made for a range of non-residential activities where adverse effects can be managed.

Where retail activity is provided for in the General Residential Activity Area, it is intended that this be for the purposes of providing for the daily needs of residents, and not for the purposes of general retailing.

A Site Management Plan is one method available to address matters of protocol and procedure between neighbours, interest groups and non-residential activity managers. Such a Site Management Plan would be a document independent from the Plan but could be included within other formal documents for site management such as Standing Orders, Standard Operational Procedures, Operational or Business Plans, Best Practical Options, or other similar documents. A Site Management Plan may work in conjunction with relevant provisions within the Plan.

## 4A 1.2 Site Development Issue

### 4A 1.2.1 Building Height, Scale, Intensity and Location

#### Issue

**The height, scale, intensity and location of buildings and structures can cause adverse effects upon amenity values of neighbouring properties, and the residential character of the surrounding area. It is important that such adverse effects are managed.**

## Objective

To avoid, remedy or mitigate adverse effects caused by building height, intensity and location on the amenity values of adjacent residential sites and the residential character of the surrounding residential area.

## Policies

- (a) To establish a minimum net site area and maximum site coverage requirement to ensure medium density development is achieved.
- (b) To establish a minimum net site area and maximum site coverage to ensure opportunity is provided for higher density residential development where appropriate, without affecting adversely the amenity values.
- (c) To ensure all new development is of a height and scale, which is compatible with surrounding residential development.
- (d) To ensure a progressive reduction in height of buildings the closer they are located to a site boundary, to maintain adequate daylight and sunlight to adjoining properties.
- (e) To manage the siting of all buildings so as to minimise detracting from the character and visual attractiveness of the surrounding residential activity area.
- (f) To manage the siting of all buildings so as to minimise detracting from the amenities of adjoining properties.

### \*Amendment 9

(g) To establish a minimum permeable surface area to assist with the sustainable management of stormwater.

~~(g)~~(h) That where practicable, the siting of accessory buildings be managed to maintain safety and visibility during manoeuvres.

~~(h)~~(i) Where a certificate of title has been issued for a site prior to 5 December 1995 or where a site has been created by a staged development whether under a stage unit plan or cross lease plan lodged with the District Land Registrar and where part of the development has been completed prior to 5 December 1995, it is recognised that it is reasonable to permit the erection of buildings/structures (as contemplated when the title was issued or plan lodged) even though the maximum site coverage may exceed that set out in 4A 2.1.1(e). Under such circumstances the scale, intensity, visual attractiveness of buildings and/or structures as well as the adverse effects on the amenity values of adjoining properties, and the streetscape be taken into account in assessing the suitability of the development.

### \*Amendment 10

(i) To establish Design Guides to control other aspects of design, such as quality of onsite amenity, integration of buildings and landscaping in respect to open space and compatibility with surrounding development patterns.

### \*Amendment 11

## Explanation and Reasons

All buildings and structures have the potential to affect adversely the amenity values of adjacent sites if their height, location, intensity and scale is not managed.

Buildings can unnecessarily shade an adjacent property, or be out of scale with adjacent buildings if they are too tall, and can dominate adjacent sites if they are located too close to a site boundary ~~without some control on their length.~~

They also have the potential to affect adversely the character and amenities of the surrounding residential area. New development may be out of scale with existing development, or affect adversely the visual amenity value of the streetscape, if the height, location and intensity of all buildings and structures is not managed.

In order to ensure that amenity values and residential character are maintained and enhanced, and that adverse effects are managed, minimum conditions are specified.

**\*Amendment 12**

**(a) Net Site Area**

Within the General Residential Activity Area medium density residential development is encouraged to preserve the overall open character. ~~A specific net site area has been set to achieve this purpose. In addition, where provision is made for 3 or more dwellings on a site no minimum net area is required.~~

In specific areas of the City, opportunity is to be provided for higher density residential development. A specific net site area has been set to achieve this purpose also.

**(b) Site Coverage**

Combined with net site area, site coverage helps to control building density. A maximum acceptable site coverage of 35% has been set. Where higher density residential development is encouraged, this maximum site coverage has been set at 40% to allow more intensive use of the site, while protecting residential amenity values.

**(c) Recession Plane**

The recession plane ensures some sunlight and daylight are available to adjoining sites when a building is erected, and manages the bulk of buildings above a certain height. Compliance with the angle from the street boundary is necessary to ensure the amenity values of the streetscape are maintained and enhanced.

**(d) Yards**

The yard spaces provide space around dwellings and accessory buildings to ensure the visual amenity values of the residential environment are maintained or enhanced, to allow for maintenance of the exterior of buildings, and provide a break between building frontages.

The front yard space is to ensure a setback is provided to enhance the amenity values of the streetscape, and to provide a reasonable degree of privacy for residents.

**(e) Height**

Height of buildings and structures within the general residential activity area is restricted to ensure new development is not out of scale with existing buildings and structures, residential character is retained, and amenity values are maintained and enhanced.

**\*Amendment 13**

~~**(f) Length**~~

~~The length of a building is managed to control the adverse effects of a bulky building in close proximity to a site boundary.~~

**\*Amendment 14**

~~**(g)**~~ **(f) Accessory Buildings**

Accessory buildings can be used for a variety of different purposes, including vehicle storage, additional living space, workshops or home occupations. Their location on a site can cause adverse effects on the amenity values of adjoining sites or the streetscape, and it is important that these adverse effects are managed, whilst allowing an individual to make the best use of the site.

Accessory buildings shall comply with the same height, recession plane, and site coverage, ~~side and rear yard~~ restrictions as those for a dwelling house.

Accessory buildings shall also be required to comply with the front yard requirement. This is to ensure the visual amenity values of the streetscape are maintained and enhanced.

Some flexibility will be provided to allow accessory buildings to encroach side and rear yards requirements where effects on adjacent properties will be minimal.

Where a site is vacant (for example in the case of greenfield subdivision), the site is being completely redeveloped, or an additional dwelling house is erected on the site, an additional set back from the street will be required where a carport or garage is to be erected perpendicular to the street. This is to enable a vehicle to park in front of the garage, and be off the street, and for convenience and maintenance of both the vehicle and the building. It is also required for safety reasons, - visibility for the driver and pedestrians when cars enter or exit the site.

## 4A 1.2.2 Effects of the Hutt River Flood Hazard

### Issue

**Areas not protected by flood protection structures are at a risk of flooding by the Hutt River. The size, scale and location of buildings and structures need to be managed to avoid or mitigate adverse flood hazard effects.**

### Objective

To avoid or mitigate adverse flood hazard effects on existing and new development within areas susceptible to a 100-year flood event from the Hutt River.

### Policies

- (a) To ensure that all buildings and structures on sites immediately adjacent to the Hutt River (see Planning Map E3) are appropriately located to avoid damage from erosion hazards of the Hutt River.
- (b) To ensure that all buildings and structures (including additions that are more than minor to existing buildings and structures) on sites identified within the 100-year flood extent have floor levels constructed above the 1 in 100-year flood event.
- (c) To establish a maximum limit on area for additions to the gross floor area of existing buildings or structures as at 1 March 2005 on sites identified within the 100-year flood extent.
- (d) That minor additions (not more than 20m<sup>2</sup>) to existing buildings and structures on sites identified within the 100-year flood extent are permitted.
- (e) That all buildings and structures do not create adverse flood hazard effects for other land, buildings and structures off-site.
- (f) That new accessory buildings on sites identified within the 100-year flood extent are permitted, subject to a maximum gross floor area.
- (g) To discourage the siting of buildings and structures in the Primary and Secondary River Corridors.
- (h) To ensure that buildings and structures in the Primary or Secondary River Corridor of the Hutt River have no more than minor adverse effects on flood protection structures.
- (i) To mitigate the effects of flood hazards on building and structures in the Primary and Secondary River Corridors by managing their location, size and scale.
- (j) That any remaining risk that arises will be dealt with by emergency management procedures and other voluntary actions.



## Explanation and Reasons

In established areas of the Hutt River corridor and floodplain it is accepted that appropriate development must be able to continue, although landowners and developers will be expected to reduce flood hazard effects to an acceptable level. These effects are described in the Hutt River Floodplain Management Plan. Buildings and structures need to be located so they are not in a position likely to subside as a result of erosion or flooding, damaging other buildings and structures such as flood protection structures in the river corridor.

Buildings and structures in the Primary or Secondary River Corridor of the Hutt River could adversely affect flood protection structures. Buildings and structures in the river corridor will also be subject to effects of fast flowing water, deep flooding and erosion. The outcomes identified in the Hutt River Floodplain Management Plan are relevant and should be taken into account in any assessment of effects. It is important that buildings and structures are discouraged in the Primary and Secondary River Corridors. It is therefore appropriate to control the location of buildings and structures.

In order to ensure that flood hazard effects are managed, minimum conditions are specified.

Emergency management procedures and other voluntary actions will be initiated in the event of severe flooding in an effort to minimise the damage to properties and prevent injury and loss of life to people.

### **(a) Building Setback Line**

A building setback line (see Planning Map E3) has been established to ensure that all buildings and structures on properties immediately adjacent to the Hutt River are not located in a position where they are at risk from erosion by the Hutt River. Land on the riverside of the line could be subject to erosion over time due to the flow, velocity and meander patterns of the Hutt River. Buildings and structures on the riverside of the line require a resource consent. Buildings and structures on the landward side of the line that comply with the Permitted Activity Conditions for the General Residential Activity Area do not require a resource consent. At Belmont, erosion protection works have been undertaken on the riverside of the building setback line. These works have substantially increased the protection to Belmont from erosion. The remaining level of risk from erosion is now low when compared to an unprotected bank, though Council must manage this risk through appropriate rules in the District Plan and emergency management procedures.

### **(b) Floor levels**

A limited number of properties in Belmont and at the entrance to Stokes Valley have been identified as being within the 100-year flood extent (see planning maps D3, E3, G1). These properties are not protected by stopbanks. All buildings and structures, including additions that are more than minor, are required to have floor levels constructed above the 1 in 100-year flood event. This floor level is to minimise the flood hazard effects to buildings and structures up to a 100-year flood event. Council must manage the flood risk through appropriate rules in the District Plan and emergency management procedures.

Minor additions to existing buildings and structures not in excess of 20m<sup>2</sup> gross floor area are permitted at existing floor levels for properties within the 100-year flood extent. New accessory buildings not in excess of 20m<sup>2</sup> gross floor area are also permitted. The 20m<sup>2</sup> threshold relates to a desire to permit some building as of right without the need to require a raised floor level. In setting the 20m<sup>2</sup> limit Council needed to determine at what point the potential adverse effects of the buildings, on the flood hazard should be considered. It is considered that allowing development of 20m<sup>2</sup> would not significantly increase the flood hazard risk.

# 4A 2 Rules

## 4A 2.1 Permitted Activities

- (a) Dwelling houses.
- (b) Home occupations.
- (c) Child care and Kohanga Reo facilities.
- (d) Residential facility accommodating 8 - 10 persons.
- (e) Accessory buildings to the above permitted activities.
- (f) Corner of Eastern Hutt Road and Reynolds Bach Drive, Part Section 742 Hutt District, (identified in Appendix General Residential 1), in addition to the above (a) to (e):
  - (i) Residential accommodation and boarding facilities.
  - (ii) Visitor accommodation.
  - (iii) Conference facilities.
  - (iv) Places of assembly.
  - (v) Marae.
- (g) 95 and 97 Cuba Street, Lot 18 DP 709, (identified in Appendix General Residential 2), in addition to the above (a) to (e):
  - (i) Repair restoration and sale of second hand goods.
  - (ii) Parking associated with the sale of second hand goods.
- (h) Summit Road Nursery, Lot 1 DP 20206 and Lot 34 DP 31233, (identified in Appendix General Residential 3), and the Moores Valley Road Depot, 33 Moores Valley Road, Pt Lot 2 DP 88509, (identified in Appendix General Residential 4), in addition to the above (a) to (e):
  - (i) Plant propagation, and associated office functions and buildings.
  - (ii) The storage and non-mechanical maintenance of equipment for the purposes of maintaining parks and reserves.
- (i) 374 - 378 Stokes Valley Road, Stokes Valley, Lots 232, 233 and 234 DP 8382; 26 Buick Street, Petone, Lots 173 and 174 and Pt Lot 175 DP 1232 and Lot 42 DP 1533; 42 Fitzherbert Road, Wainuiomata, Section 32 Lowry Bay District; and 4 Makaro Street, Eastbourne, Lot 3 DP 55283, (identified in Appendix General Residential 5), in addition to the above (a) to (e):
  - (i) Emergency facilities.
- (j) Pt Sec 30 Hutt District located on the western side of the Wairarapa Railway Line between Knights Road and Wilford Street, (identified in Appendix General Residential 6), in addition to the above (a) to (e):
  - (i) Bus depot (Waterloo Bus Depot).
- (k) 214 Knights Road, Pt Lots 35 and 36 DP 1951, (identified in Appendix General Residential 7):
  - (i) Retail and commercial activities within the buildings and structures existing on the site as at 5 December 1995.
- (l) 190 Knights Road, Lot 25 DP 1951, (identified in Appendix General Residential 8):
  - (i) Retail and commercial activities within the buildings and structures existing on the site as at 5 December 1995.

- (m) Cnr Stokes Valley Road and Kamahi Streets, Lot 1 DP 55258, (identified in Appendix General Residential 9):
  - (i) Bus depot (Stokes Valley Bus Depot).
- (n) Main Road/Burden Avenue, Lot 3 DP 55256, (identified in Appendix General Residential 10):
  - (i) Bus depot (Wainuiomata Bus Depot).
- (o) 155-157 Waterloo Road, Lower Hutt, Lot 2 DP 82046, (identified in Appendix General Residential 11), in addition to the above (a) to (e):
  - (i) Emergency facilities
- (p) In respect of Lots 1 and 2 DP 83690 (Mandel Mews), in the 12m wide exclusion area, (identified in Appendix General Residential 12), land can only be utilised for the purpose of road reserve or a reserve created under the provisions of the Reserves Act 1977.
- (q) 20 Bellevue Road, Lot 2 DP 54165 and part of Lot 1 DP 71142 (identified in Appendix General Residential 13):
  - (i) For that part of the site identified as Transition House –  
Educational activities and buildings directly associated with the existing school where the education provided includes students in transition from the school environment to the wider community, teaching of those with special needs, those requiring remedial assistance and the teaching of life skills programmes, all taking place within a residential style building.
  - (ii) For that part of the site identified as Block F –  
Educational activities and buildings directly associated with the existing school.

#### 4A 2.1.1 Permitted Activities – Conditions

- (a) **Net Site Area:**
  - (i) Minimum net site area per Permitted Activity (excluding home occupations and accessory buildings) shall be 400m<sup>2</sup>.
  - (ii) On residential sites identified on the Planning Maps as Higher Density Residential, the minimum net site area per Permitted Activity (excluding home occupations and accessory buildings) shall be 300m<sup>2</sup>.
  - (iii) Where a certificate of title has been issued for a site prior to 5 December 1995 or where a site has been created by a staged development whether under a stage unit plan or cross lease plan lodged with the District Land Registrar and where part of the development has been completed prior to 5 December 1995, and it can be established that the site has been created with an intention to accommodate a dwelling, then in such circumstances the area of the site shall be the minimum net site area.  
Compliance with all other Permitted Activity Conditions.

*\*Amendment 15*

- (b) **Minimum Yard Requirements:**

For all buildings on the net site area:

Front Yard	3.0m
All Other Yards	<del>4.5m</del> <u>1.0m</u>

Provided that :

- (i) In the case of a vacant site, or in the case of the erection of an additional dwelling unit on a site any garage or carport (whether it be part of the

dwelling, attached to the dwelling or separate from the dwelling) must be a minimum distance of 5 metres from the front boundary if it has vehicular access directly from the street.

- (ii) In the case of a vacant site, or in the case of the erection of an additional dwelling unit on a site where a garage or carport (whether it be part of the dwelling, attached to the dwelling or separate from the dwelling) is parallel to the street, and the vehicle has the ability to turn on the site and drive off the site in a forward direction, such a set back is not required, and the normal front yard restriction shall apply.
- (iii) In all cases, for Through Sites and Corner Sites all road frontages shall be treated as front yards.
- (iv) For all yards an eave, chimney or exterior hot water cylinder may extend into any yard space by up to 0.6 metres.

**\*Amendment 15**

- (v) One accessory building may be located in one yard except the front yard, provided that it does not extend more than 6m along the length of the boundary.

**\*Amendment 16**

**(c) Recession Planes:**

For all buildings and structures, and from all site boundaries:

- ~~(i) From the north facing boundary: 2.5m + 45<sup>0</sup>~~
- ~~(ii) From the north-east and north-west facing boundary: 2.5m + 41<sup>0</sup>~~
- ~~(iii) From all other site boundaries: 2.5 m + 37.5<sup>0</sup>~~

~~See Appendix General Residential 15 and 16. See Appendix General Residential 15 and 16.~~

Provided the recession plane shall not apply to television aerials, flagpoles and chimneys.

Where the net site area boundary is immediately adjacent to an access leg to a rear net site area then the recession plane shall be calculated from the furthest or outside boundary of the access leg.

**(d) Maximum Height of Buildings and Structures: 8m**

Maximum overall height may not exceed 13m

**\*Amendment 31**

See Appendix General Residential ~~17~~16.

**\*Amendment 17**

**(e) Maximum Site Coverage: 35%, except where**

Residential sites within this activity area ~~have frontage to major or minor district distributor routes, surround certain suburban commercial centres, or are between Jackson Street and The Esplanade, (as that are identified on the planning maps as "higher density residential")~~, maximum site coverage shall be 40%.

In the calculation of site coverage, all buildings and structures on the net site area shall be included. The eaves of a building up to a maximum depth of 0.6m shall be excluded from this measurement.

~~Decks of less than 20m<sup>2</sup> shall not be included in the calculation of site coverage provided the deck does not exceed 1.2m in height.~~

**\*Amendment 18**

~~**(f) Maximum Length for all Buildings and Structures:**~~

~~No part of any building exceeding 20m in length may fall outside two arms meeting at a common point on the boundary and each making an angle of 20 degrees with that boundary.~~

~~See Appendix General Residential 18.~~

**\*Amendment 19**

**(f) Permeable Surface**

A minimum of 30% of the net site area shall be of permeable surface. This includes decks provided the surface material of the deck allows water to drain through to a permeable surface.

**\*Amendment 20**

**(g) Home Occupations:**

~~A~~ commercial occupation, craft or profession established on the same site as a dwelling, which is used for residential purposes, provided that:

- ~~(i)~~ At least one resident of that dwelling is employed in the home occupation;
- ~~(ii)~~ Not more than two persons who do not reside on the site shall work on the site at any one time;

(i) Not more than three persons (at least one of whom shall live on the site as their principal place of residence) at any one time shall work on the site in relation to any home occupation;

~~(iii)~~(ii) Home occupations shall not include:

- the repair, alteration, restoration or maintenance of motor vehicles ~~not belonging to residents of the site~~; and
- courier depots.

(iii) One parking space shall be provided for each person working on the site in addition to the parking requirements for residential activities in accordance with Chapter 14A;

- (iv) No home occupation shall involve the use of trucks or other heavy vehicles;
- (v) No retail sales shall be permitted directly from the site except for goods or produce grown or produced on the site;
- (vi) Home occupations shall not involve visitors to the site between 8.00pm and 7.00am;

~~(vii)~~ Not more than 35% of the gross floor area of all the buildings on the site, and not more than 15% of any outdoor areas on the site may be used in association with the home occupation; and

~~(viii)~~(vii) Any external storage of materials associated with the home occupation shall be screened so as not to be visible from outside the site; and

(viii) No vehicles, caravans, or trailers in connection with home occupation activities shall be parked within the first five metres of the site, from the front boundary of the site, except on an access drive.

**(h) Child Care and Kohanga Reo Facilities:**

- (i) The maximum number of children to be cared for at any one time shall not exceed 5.
- (ii) There shall be no overnight stays.

**\*Amendment 38**

**~~(f)~~(i) Dust:**

All outside areas shall be sealed, surfaced or managed appropriately so that there is no dust nuisance at or beyond the boundary of the site.

All storage of goods, raw materials and waste materials shall be stored in such a manner so that there is no dust nuisance at or beyond the boundary of the site.

All use of goods and raw materials shall be undertaken in such a manner so that there is no dust nuisance at or beyond the boundary of the site.

**~~(k)~~(i) Odour:**

All activities shall be carried out on the site in such a manner so as to ensure that there is not an offensive odour at or beyond the site boundary.

**~~(f)~~(k) Light Spill and Glare:**

Artificial light shall not result in added illuminance in excess of 8 lux measured at the window of any dwelling house.

All activities shall be undertaken to avoid glare (light reflection) and light spill beyond the boundary of the site.

**~~(m)~~(l) Vibration:**

Any activity that would cause vibration shall be managed and controlled in such a way that no vibration is discernable beyond the boundaries of the site.

**~~(n)~~(m) General Rules:**

Compliance with all matters in the General Rules - see Chapter 14.

**~~(e)~~(n) Corner of Eastern Hutt Road and Reynolds Bach Drive, Part of Section 742 Hutt District (identified in Appendix General Residential 1):**

In addition to the other Permitted Activity Conditions, the following shall apply to scheduled activities on this site:

All Permitted Activities may only be carried out in the existing buildings and structures on the site.

**~~(p)~~(o) 95 and 97 Cuba Street, Lot 18 DP 709 (identified in Appendix General Residential 2):**

In addition to the other Permitted Activity Conditions, the following shall apply to scheduled activities on this site:

(i) The restoration and repair of second hand goods may only occur within the principal building on the site. No other buildings are permitted to be erected or used for the restoration, repair or sale of second hand goods.

(ii) These uses shall cease on removal of the existing buildings from the site.

**~~(e)~~(p) Summit Road Nursery, Lot 1 DP 20206 and Lot 34 DP 31233, (identified in Appendix General Residential 3) and at the Moores Valley Depot, 33 Moores Valley Road, Pt Lot 2 DP 88509, (identified in Appendix General Residential 4):**

In addition to the other Permitted Activity Conditions, the following shall apply to the scheduled activities on this site:

(i) No retail sales are permitted directly from the site.

(ii) 20 on site parking spaces are to be provided at each location at all times. All parking to comply with the design standards in Chapter 14A.

**~~(r)~~(q) 214 Knights Road, Pt Lots 35 and 36 DP 1951 (identified in Appendix General Residential 7):**

In addition to the other Permitted Activity Conditions, the following shall apply to the scheduled activities on this site:

Servicing of activities shall not occur between the hours of 10.00pm and 7.00am.

**~~(s)~~(r) 190 Knights Road, Lot 25 DP 1951 (identified in Appendix General Residential 8):**

In addition to the other Permitted Activity Conditions, the following shall apply to the scheduled activities on this site:

Servicing of activities shall not occur between the hours of 10.00pm and 7.00am.

**~~(t)~~(s) Land south of Belmont School, Part Lot 2 Plan A2173:**

In addition to the other Permitted Activity Conditions, the following shall apply to the scheduled activities on this site:

(i) all buildings and structures must be sited within the area shown on Appendix General Residential 14, and

(ii) have a floor level set at a minimum of 13.5m above sea level.

**~~(u)~~(t) 155-157 Waterloo Road, Lower Hutt** (Lot 2 DP 82046):

In addition to the other Permitted Activity Conditions, the following shall apply to the scheduled activities on this site:

- (i) That there be no storage of large items in the rear yard (including the area of the covered wash) for more than seven consecutive days; and
- (ii) That high level tower training be limited to between 8.00am and 9.00am Monday - Saturday and 6.00pm and 7.00pm Monday - Friday.

**~~(v)~~(u) 20 Bellevue Road**, Lot 2 DP 54165 and part of Lot 1 DP 71142 (as shown on Appendix General Residential 13):

- (i) For that part of the site identified as Transition House, the Permitted Activity Conditions are those of the General Residential Activity Area; and
- (ii) For that part of the site identified as Block F –
  - The minimum yard requirement shall be 7.0m to the site boundary of 18A Bellevue Road (Lot 2 DP 27164) and 5.0m to the site boundary of 29 Hautana Square (Lot 2 DP 71142);
  - The maximum height of any building and structure is 5.8m; and
  - That part of the site identified by shading on Appendix General Residential 13 shall not be used for general school purposes and access to the area will be for emergency purposes only.
  - Permitted Activity Conditions (c), (e), (f), and (j) to (n) apply.

**~~(w)~~(v) Sites in Belmont that contain the building setback line** (see Planning Map E3):

No part of any building or structure shall be constructed on the riverside of the building setback line.

**~~(x)~~(w) Buildings and structures within the 1 in 100-year flood extent** (see Planning Maps D3, E3 and G1):

In addition to the other Permitted Activity Conditions, the following shall apply in this area:

- (i) All buildings and structures shall have a floor level above the 1 in 100-year flood level; except:
- (ii) Minor additions to existing buildings and structures are a Permitted Activity provided:
  - the floor level of additions is not below the floor level of the existing building or structure; and
  - the gross floor area of all additions does not exceed 20m<sup>2</sup> to the gross floor area of the building or structure existing as at 1 March 2005.
- (iii) New accessory buildings shall not exceed a total gross floor area of 20m<sup>2</sup>.

**~~(y)~~(x) Primary and Secondary River Corridors**

All new buildings and structures or additions in the Primary or Secondary River Corridor with a gross floor area of 20m<sup>2</sup> or less and with a setback of 20m or more from a flood protection structure.

## 4A 2.2 Controlled Activities

- (a) Corner of Hutt Road and Te Mome Road, Lot 26 DP 1984, any industrial activity in the industrial building.
- (b) 10 Bauchop Road, Lot 1 DP 10377, any industrial activity.



#### 4A 2.2.1 Matters in which Council Seeks to Control and Standards and Terms

- (i) Duration of Activity:  
The above provisions shall only apply to the use of the existing buildings on the site and shall cease upon the removal of the buildings.
- (ii) Hours of Operation:  
The hours of operation shall not exceed:  
8.00am to 5.30pm Monday to Friday.  
8.00am to 1.00pm Saturday.  
No work on Sundays or public holidays.
- (iii) Glare and Light Spill:
  - Artificial light shall not result in added illuminance in excess of 8 lux measured at the window of a dwelling house in a residential activity area.
  - All activities shall be undertaken so as to avoid all unreasonable light spill beyond the site boundary.
  - All activities and constructions shall be undertaken so as to avoid glare (light reflection) beyond the site boundary.
- (iv) Odour:  
All activities shall be carried out on the site in such a manner so as to ensure that there is not an offensive odour at or beyond the site boundary.
- (v) Vibration:  
All activities that cause vibration shall be managed and controlled in such a way that no vibration is discernible beyond the site boundary.
- (vi) Retailing:  
There shall be no retailing except where the goods are manufactured on the site, provided that such retailing shall be ancillary to the manufacturing industry.

#### 4A 2.2.2 Other Matters

All Controlled Activities must comply with other relevant Permitted Activity Conditions including the General Rules - See Chapter 14.

#### 4A 2.3 Restricted Discretionary Activities

**\*Amendment 21**

- (a) ~~Comprehensive residential development~~ Residential development of 3 or more dwelling houses on any site, excluding sites located within Petone, Eastern Bays and Moera General Residential Activity Areas and Higher Density Residential Areas as shown in Appendix 17.
- (b) The removal of vegetation in excess of 500m<sup>2</sup> or 35% of the site, whichever the lesser, provided that this shall not preclude the removal of any pest plant.
- (c) Health care service with a maximum of 4 practitioners.
- (d) Accessory buildings on legal road.
- (e) Cnr of Eastern Hutt Road and Reynolds Bach Drive, Part Section 742 Hutt District, forestry.



- (f) All buildings and structures that are sited wholly or in part on the riverside of the building setback line in Belmont.
- (g) All buildings and structures within the 1 in 100-year flood extent that do not comply with the Permitted Activity Conditions for floor levels or total gross floor area.
- (h) All new buildings and structures or additions in the Primary or Secondary River Corridor with a gross floor area greater than 20m<sup>2</sup> or with a setback less than 20m from a flood protection structure.

*\*Amendment 22*

- (i) Childcare facilities for more than 5 children and up to a maximum of 30 children.

#### 4A 2.3.1 Matters in which Council has Restricted its Discretion and Standards and Terms

*\*Amendment 23*

- (a) ~~Comprehensive residential development~~ Residential development of 3 or more dwelling houses.

- (i) Design Guidelines:

Consideration shall be given to how the proposal addresses the Higher Density Housing Design Guidelines.

- ~~(i)~~(ii) Amenity Values:

Consideration shall be given to adverse effects upon the amenity values both within the site concerned and upon surrounding residential area, including

- The separation distance between buildings, structures and outdoor living areas on site.
- The provision made for outdoor service and living areas for residents, and aural and visual privacy for dwelling units both on the site concerned and on adjacent sites.
- The effect of buildings and structures on the neighbouring and surrounding residential sites and, in particular, the impact of building density (net site area, coverage), location (yards), recession planes, height and length.

- ~~(ii)~~(iii) Traffic Effects:

The safe and efficient movement of all traffic needs to be ensured. It should be demonstrated that traffic generation and vehicles entering and leaving the site will not affect adversely normal traffic flows on the road, or cause a traffic hazard. Provision should also be made for pedestrians.

The proposal should comply with the parking and access controls contained in Chapter 14A.

- ~~(iii)~~(iv) Landscaping:

The extent to which landscaping is incorporated within the overall proposal, and existing vegetation is retained to mitigate any adverse effects which may arise.

A landscape plan will be required to ensure that any adverse effects of the proposal are kept within the site concerned. This may include landscaping of any on site parking areas. Landscaping may also be used to soften the impact of any building upon the surrounding area, adjacent sites and buildings, or to screen private living and service courts.

A landscape plan is to show the extent of the vegetation to be retained and the extent of planting to be undertaken.

*\*Amendment 24*

**(b) Residential development of 3 or more dwelling houses on sites located outside the Higher Density Residential area**

- (i) In addition to the above, on any site located outside the Higher Density Residential area consideration shall be given to whether public transport facilities and non-residential services such as education facilities, places of assembly, medical and emergency facilities and retail activities which provide for residents daily needs, are accessible within reasonable walking distances.

*\*Amendment 39*

**(b)(c) The removal of vegetation in excess of 500m<sup>2</sup> or 35% of the site, whichever the lesser, provided that this shall not preclude the removal of any pest plant.**

- (i) Amenity Values:

The extent to which the proposal will affect adversely the visual amenity values of the site and surrounding area. The visual prominence of the vegetation and any replacement planting to be undertaken will be taken into consideration.

- (ii) Site Stability:

The adverse effects upon the stability of the site caused by the removal of trees or vegetation.

- (iii) The Intrinsic Values of Ecosystems:

The extent to which the proposal will adversely affect the intrinsic value of ecosystems on the site and surrounding area.

**(e)(d) Health care service with a maximum of 4 practitioners.**

- (i) Amenity Values:

The extent to which the proposal will affect adversely the amenity values of the surrounding residential area.

- (ii) Traffic Effects:

The extent to which the proposal will affect adversely the safe and efficient movement of all traffic. It should be demonstrated that traffic generation and vehicles leaving and entering the site will not affect adversely the normal traffic flows on the road, or cause a traffic hazard. Provision should be made for pedestrians.

- (iii) Landscaping:

The extent to which landscaping is incorporated within the overall proposal to mitigate adverse effects, which may arise.

A landscape plan will be required to ensure that any adverse effects of the proposal are mitigated. This should include landscaping of any on site parking areas.

**(d)(e) Accessory buildings on legal road.**

- (i) Amenity Values:

The extent to which the proposal affects adversely the amenity values of the surrounding residential properties, including the amount of earthworks required, loss of vegetation, design and appearance of buildings. All such buildings must be painted.

- (ii) Traffic Effects:

The extent to which the accessory building will affect adversely the safe and efficient movement of traffic on the road. It should be demonstrated that the accessory building and vehicles using the accessory building shall not create a traffic hazard.

**(e)(f) Cnr of Eastern Hutt Road and Reynolds Bach Drive, Part Section 742 Hutt District, forestry.**

(i) Amenity Values:

Consideration shall be given to the amenity values of the site and in particular any adverse effects on the amenity values of residents in Stokes Valley and the impact on amenity values when the forestry is harvested. Details of any remedial work may form part of any conditions of consent

(ii) Traffic Effects:

The safe and efficient movement of all traffic needs to be ensured. All harvested logs shall be taken out through to Reynolds Bach Drive. No logs shall be taken out through Stokes Valley or directly on to Eastern Hutt Road.

**(f)(g) All buildings and structures that are sited wholly or in part on the riverside of the building setback line in Belmont.**

(i) In assessing proposals, Council will be guided by the degree to which buildings and structures further increase:

- The risk to people of exposure to the erosion hazard; and
- Any mitigation measures that are proposed.

**(g)(h) All buildings and structures within the 1 in 100-year flood extent that do not comply with the Permitted Activity Conditions for floor levels or total gross floor area.**

(i) In assessing proposals, Council will be guided by the degree to which buildings and structures further increase:

- The risk to people of exposure to the flood hazard; and
- The flood hazard effects for land, buildings and structures off-site.

**(h)(i) All new buildings and structures or additions in the Primary or Secondary River Corridor with a gross floor area greater than 20m<sup>2</sup> or with a setback less than 20m from a flood protection structure.**

- Proximity of buildings and structures to flood protection structures;
- Adverse effects of the flood hazard on buildings and structures and on flood protection structures; and
- The risk to people of exposure to the flooding and erosion hazard.

*\*Amendment 25*

**(i) Child care facilities for more than 5 children and up to a maximum of 30 children.**

(i) Site Layout and Landscaping

Consideration shall be given to whether the site layout and any proposed landscaping ensure adverse effects will be retained within the site, thus avoiding or minimising impacts on the adjacent roadway or adjacent residential sites.

(ii) Traffic Effects

The safe and efficient movement of all vehicle and pedestrian traffic needs to be ensured. It should be demonstrated that traffic generation and vehicles entering and leaving the site will not adversely affect normal traffic flows on the road, or cause a vehicle or pedestrian traffic hazard.

The proposal should comply with the access and manoeuvring controls contained in Chapter 14A.

(iii) Parking Effects

The extent to which the proposal appropriately provides for the carparking needs of the activity, without adversely affecting the carparking requirements of the surrounding area.

The proposal should comply with the parking and loading controls contained in Chapter 14A.

(iv) Noise

The proposal should comply with the maximum noise levels specified in Chapter 14C Noise.

With respect to non-compliances, consideration shall be given to any method or measure proposed to mitigate adverse noise effects of the proposal.

## 4A 2.3.2 Other Matters

*\*Amendment 26*

**For Restricted Discretionary Activity (a):** All Restricted Discretionary Activities must comply with Permitted Activity Conditions ~~(g)(b)~~ - (m), and (n) excluding only Chapter 14A relating to Transport.

**For Restricted Discretionary Activities (b) - (e):** All Restricted Discretionary Activities must comply with other relevant Permitted Activity Conditions.

## 4A 2.4 Discretionary Activities

- (a) Except where stated in the General Rules, any Permitted, Controlled or Restricted Discretionary Activity, which fails to comply with any of the relevant Permitted Activity Conditions, or relevant requirements of Chapter 14 - General Rules.
- (b) Visitor accommodation.
- (c) Marae.
- (d) Places of assembly.
- (e) Education facilities.
- (f) Emergency facilities.
- (g) Dairies with a Gross Floor Area of less than 100m<sup>2</sup>.
- (h) Health care services with more than 4 practitioners
- (i) On the Corner of Eastern Hutt Road and Reynolds Bach Drive, Part of Section 742 Hutt District (identified in Appendix General Residential 1) the erection of any new buildings or additions to existing buildings on the site.
- (j) Residential facility accommodating 11 or more persons.
- (k) Detention facilities.
- (l) Boarding houses.

*\*Amendment 27*

(m) Residential development of 3 or more dwelling houses on any site located within Petone, Eastern Bays and Moera General Residential Activity Areas and Higher Density Residential Areas as shown in Appendix 17.

### 4A 2.4.1 Assessment Matters for Discretionary Activities

- (a) The matters contained in Sections 104 and 105, and Part II of the Act shall apply.

**\*Amendment 28**

- (b) The degree of compliance or non-compliance with any relevant Permitted Activity Conditions.
- (c) With respect to residential development of 3 or more dwelling houses consideration shall be given to:
  - (i) How the proposal addresses the Higher Density Housing Design Guidelines.
  - (ii) The adverse effects on the amenity values of both adjacent properties and the surrounding residential area, including:
    - Whether the proposal will cause significant loss of sunlight, daylight or privacy of adjoining residential properties.
    - Whether the form, scale and character of the proposal is compatible with residential development of the surrounding area.
    - Whether the proposal maintains or enhances existing streetscape.
  - (iii) Whether public transport facilities and non-residential services such as education facilities, places of assembly, medical and emergency facilities and small retail activities which provide for residents daily needs, are accessible within reasonable walking distances.

## 4A 2.5 Non-Complying Activities

- (a) All other activities not listed as a Permitted, Controlled, Restricted Discretionary, or Discretionary Activity.

## 4A 2.6 Other Provisions

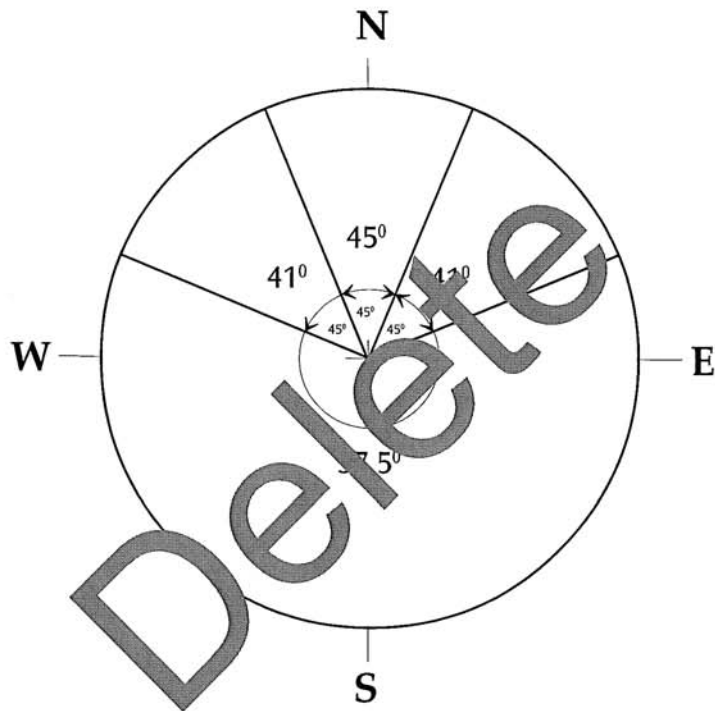
- (a) Subdivisions - See Chapter 11.
- (b) Financial Contributions - See Chapter 12.
- (c) Utilities - See Chapter 13.
- (d) General Rules - See Chapter 14.

## 4A 3 Anticipated Environmental Results

- (a) Maintenance and enhancement of residential characteristics and amenity values.
- (b) Higher density forms of development located in areas suited to such development.
- (c) Protection of amenity values from adverse effects of higher dwelling densities.
- (d) Opportunity for home occupations to be carried out within the residential environment.
- (e) Opportunity for non- residential activities and development to be carried out.
- (f) Opportunity provided for the establishment and continuance of educational establishments within the City.

- (g) To protect buildings and structures from potential erosion and flooding of land by the Hutt River.
- (h) The scale, size and location of buildings and structures will have adverse effects which are no more than minor on flood protection structures.
- (i) The adverse effects on buildings and structures in the Primary and Secondary River Corridors will be avoided or mitigated.

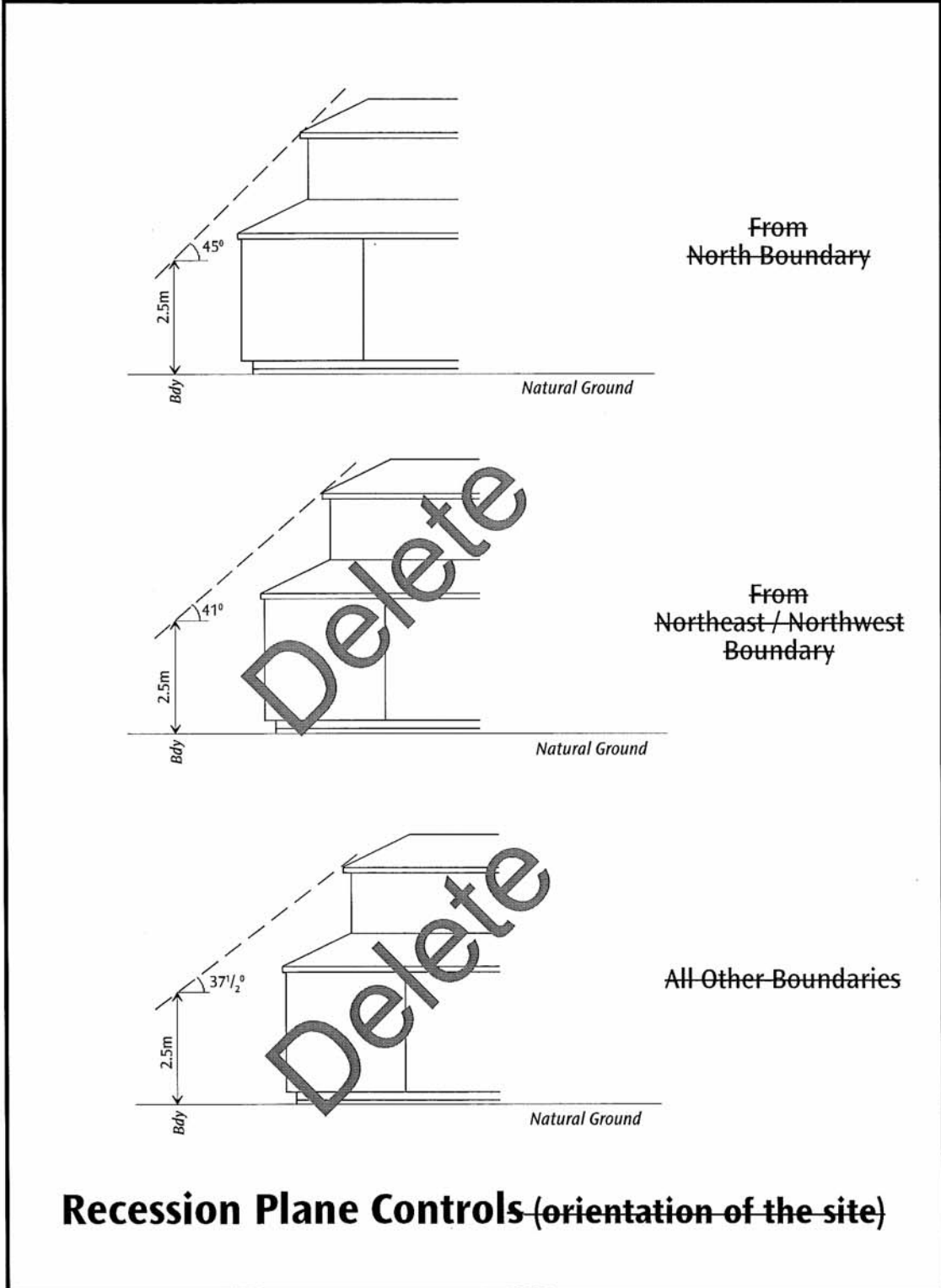
Appendix General Residential 15



**Recession Plane Indicator**

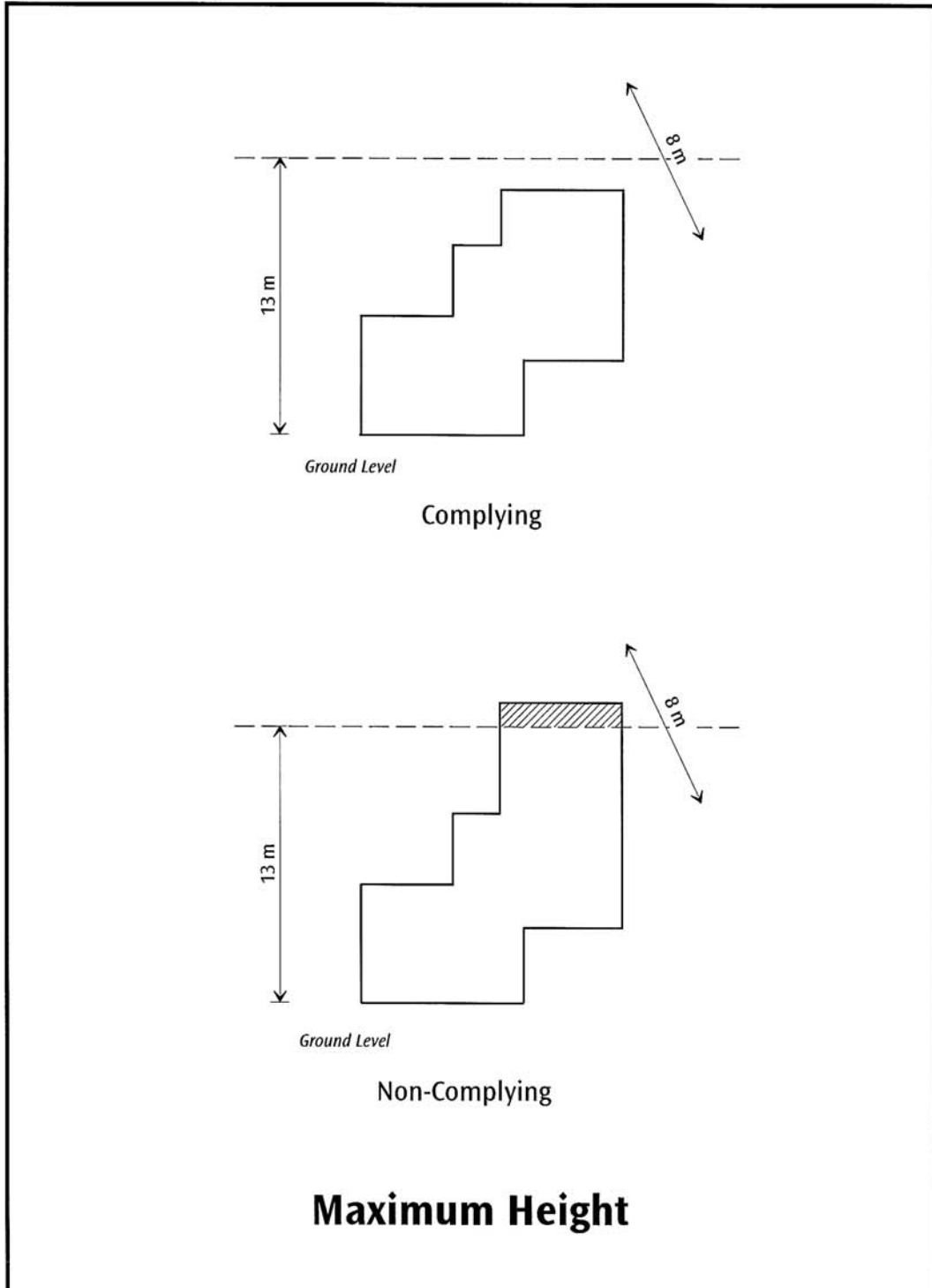
\*Amendment 30

### Appendix General Residential 46 15





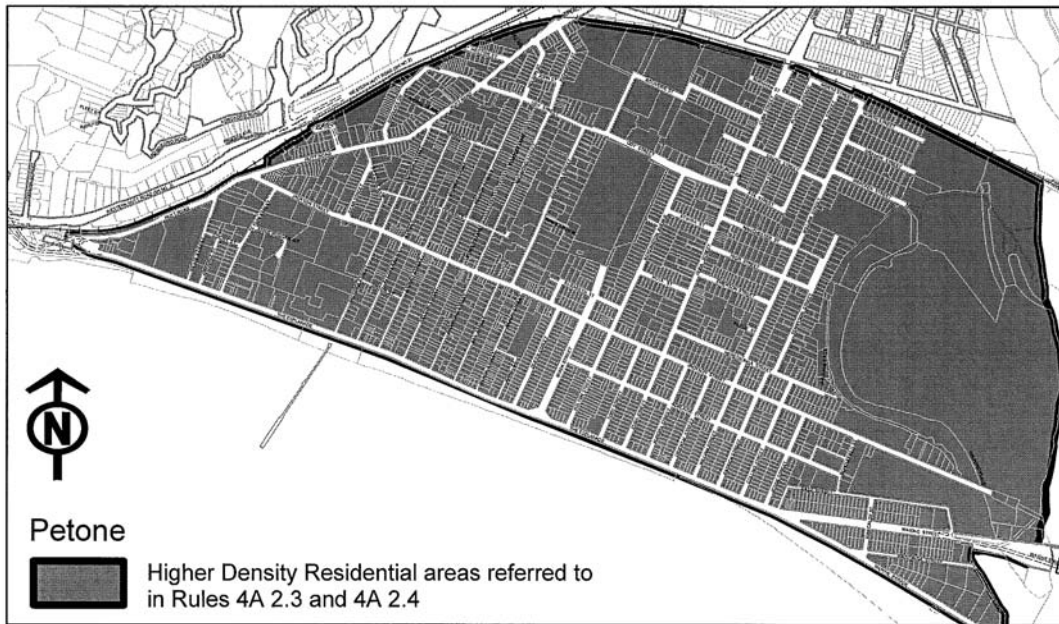
## Appendix General Residential 17 16



**\*Amendment 32**

# Appendix General Residential 17

Higher Density Residential areas referred to in Rules 4A 2.3 and 4A 2.4

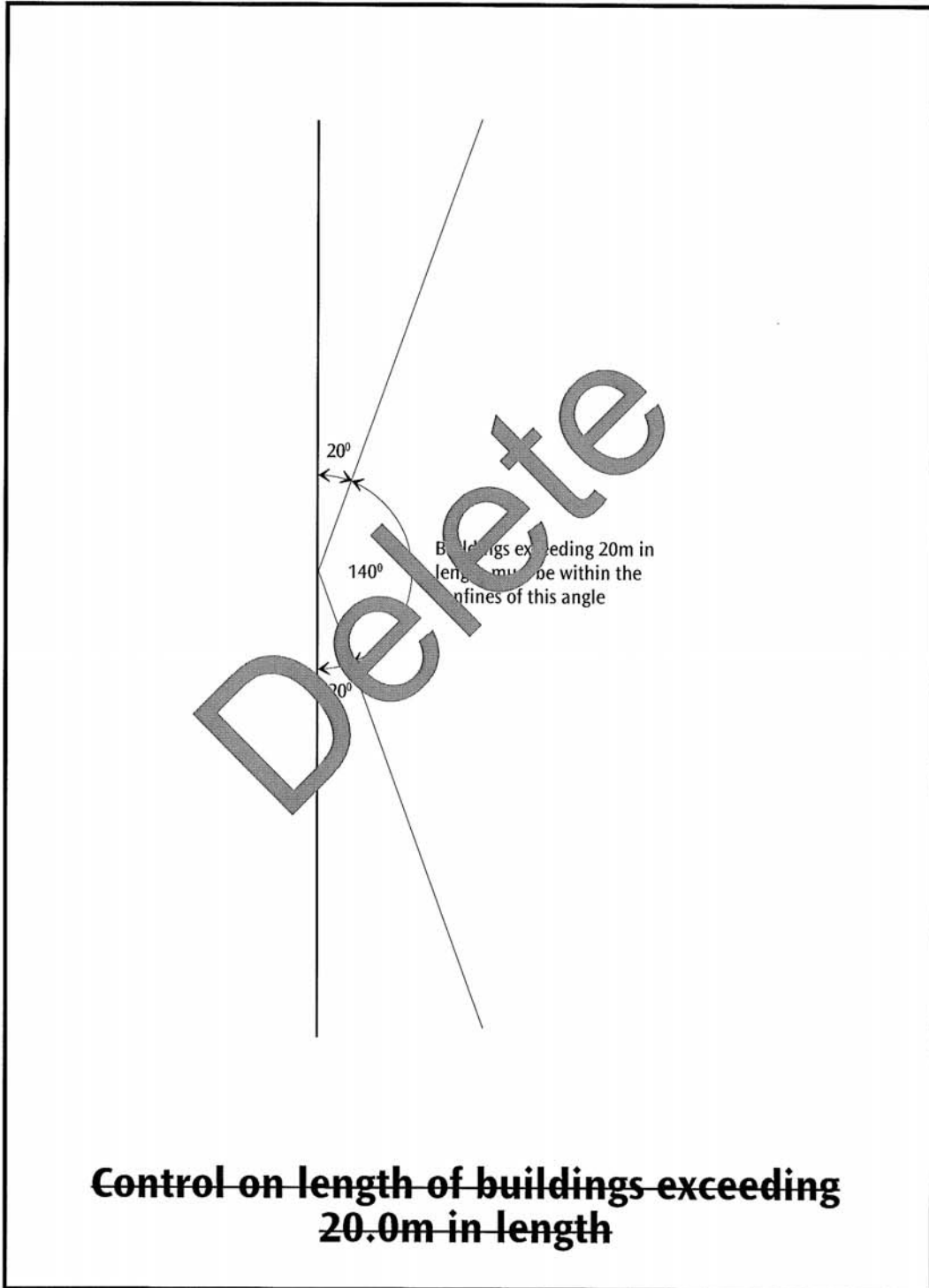


Appendix General Residential 17



Eastern Bays  Higher Density Residential areas referred to in Rules 4A 2.3 and 4A 2.4

## Appendix General Residential 18



## **Appendix General Residential 18**

### **Design Guide for Higher Density Housing**

#### **Introduction**

The purpose of the design guide is to provide design criteria for higher density residential development to ensure well designed, quality multi unit housing. These developments, because of their higher density and potential effect on residential amenity, require resource consents. Applications will be required to demonstrate how the design of the development has addressed these criteria in addition to compliance with the relevant standards in the District Plan.

The design of higher density residential development needs to respond to the qualities of the street and the area, and to provide for the needs of the inhabitants in respect of amenity issues such as sunlight, privacy, open space and the qualities usually enjoyed in residential areas.

#### **Aims for higher density housing**

- Houses and open space are located and arranged on the site in an integrated and comprehensive whole.
- Higher density development is compatible with the existing character of development in the neighbourhood.
- New development contributes to amenity and safety within the site, for neighbouring properties and the surrounding area.

- Reasonable privacy for the residents and neighbours is provided through well considered siting and design of buildings.

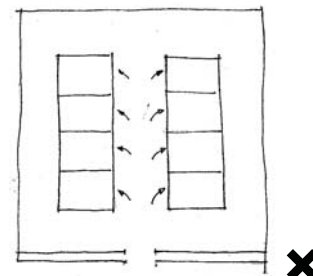
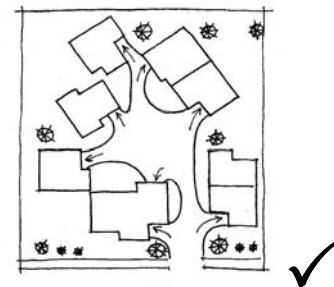
## Guidelines

### Integrated Buildings and Spaces

- The siting of buildings and open space should be designed in an integrated way so that buildings can connect with useful outdoor space and to ensure reasonable privacy, good access to sunlight, and a sense of openness and independence.
- Each unit should have its own private outdoor space and this should be accessible from the main living area.

*All units should be independent in terms of some private outdoor space, and reasonable privacy. Outdoor space within the site needs to be planned for at the design stage to ensure it is useable rather than residual to the buildings. It also needs to be easily accessible and connected to main living areas.*

- Where units are at first floor level, balconies or roof terraces may be appropriate to provide for outdoor space.
- Where there are shared outdoor spaces, these should connect with the built development by ensuring windows overlook the space, doors to units open on to the space and the dominance of the area by garage doors or parked cars is avoided.

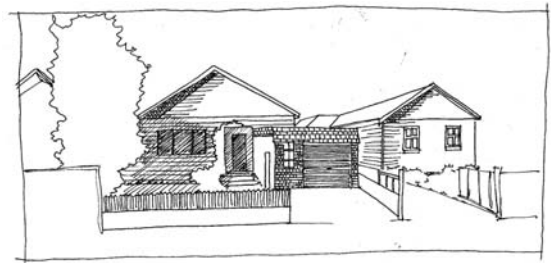
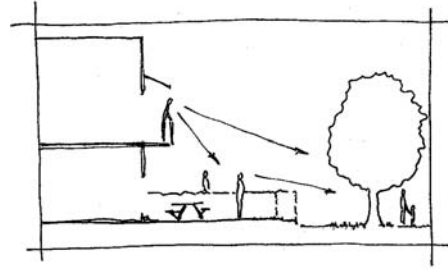




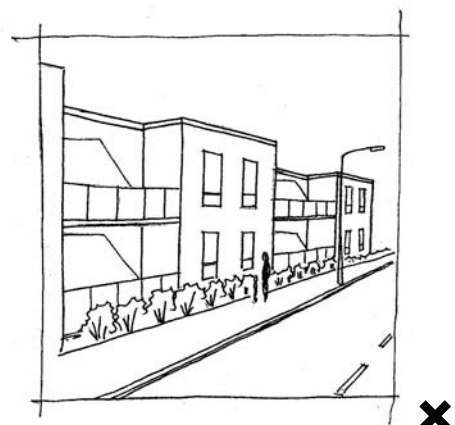
*Shared spaces can contribute positively to the enjoyment of a development. They can be used for meeting places, barbeque areas and a place to kick a ball around. These spaces can be made more enjoyable and safe if people inside units can oversee activity in them. The dominance of cars within these areas will detract from their ability to be used for these activities and the amenity of the development.*

### **Fitting in the neighbourhood**

- The siting and layout of buildings should respect the existing built character and patterns of the neighbourhood. This pattern may consist of the distance of buildings from the street edge, distance between buildings, height and width of buildings and types of buildings. Respecting this pattern in new development can be demonstrated by adopting a similar pattern while not replicating exactly the detailed design of buildings in the neighbourhood.
- Where the development is in an area of single units on single sites, the greater building bulk associated with higher density residential development should be arranged in terms of layout and form to relate to the scale of the neighbouring housing. This may be achieved by:
  - Clearly separating units rather than placing in one large block or using minor setbacks in alignment to reduce the perception of bulk.
  - Varying the size of units reflecting the variation of house size in the neighbourhood.



Existing built character



- Reducing the height and varying the form of units as they relate to adjacent properties to avoid a large dominant form at the boundary.
- Retain existing trees and vegetation on the site to assist the integration of the new development within the site and the neighbourhood.

*Understanding the key built patterns of the area will help guide new development so that it can sit comfortably within an established area and retain the amenity enjoyed by the neighbourhood and its residents.*

- Individual units should be designed and articulated to provide a sense of individuality.

*Most people like to identify their homes by some sense of individuality and this also adds to the visual interest of the development also found with the variety of housing in existing areas.*

### **Vehicles**

- Accessways and vehicle manoeuvring spaces should be designed to ensure cars enter and leave the site slowly, and are attractive and landscaped as an integral part of the development.

*To ensure the safety of people within the development, it is important that the layout and landscaping requires vehicles to move slowly within the area and also coming and going. Areas used by cars should be designed so that it is clear to drivers that the spaces are shared with other activities.*





- The layout of buildings on the site should ensure that garages and open carparking are not in a line on the street frontage so there is not a dominance of vehicles and garaging at the street edge.

*Lines of garages at the street edge tend to block visibility between the buildings and the street which detracts from the liveliness of the area and reduces the ability of the units to oversee the street and thereby contribute to the safety of the area. The monotony of a line of garages can also conflict with the pattern of existing development.*

- The design and materials of carports and garages should be consistent with that of the whole development.

*Garages should not be regarded as separate from the development or that their design is less important.*

### **Fences and Walls**

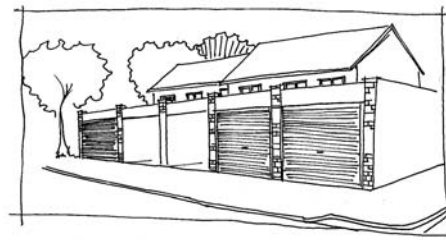
- Front fences and walls should be designed of materials compatible with the overall development and should not be so high as to preclude occupants looking out to the street.

*Fences can reduce the visibility from the development to the street which reduces the potential for overseeing and safety.*

### **Rubbish Bins**

- Outdoor rubbish and recycling storage space should be located so that it is not visually obtrusive and is accessible to all units.

*Rubbish and storage can detract from the appearance of the*



*Rubbish and storage can detract from the appearance of the development and the neighbourhood and as with most existing houses, is most appropriately located in the least visible area.*

### **Privacy and Safety**

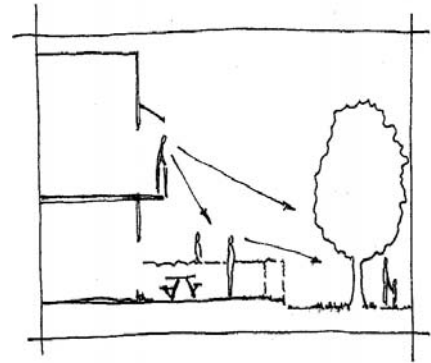
- The positioning of windows and doors should be oriented to the street and to shared spaces to provide an outlook while maintaining privacy within the unit.

*While privacy is important, entrances and windows adjacent to public or shared space mean that residents can contribute to making the space active and safe.*

- A separate entry for each unit should be provided that is accessible from shared areas or the street and which provides a sheltered threshold to the unit. It should be well lit and highly visible as the entrance to the unit. The entry should be able to provide for individuality and personalisation by the occupant.

*Visible entrances with some expression of individuality are important for people to be able to find an address.*

- The design and siting of buildings should take into account the potential for development on adjacent sites. It should therefore aim to maintain privacy and amenity on the site and at the boundaries taking into consideration possible future higher density residential development on adjacent sites.



*It is important to consider what is permitted on adjacent sites. They too could be redeveloped and the same issues of sunlight and privacy will be relevant.*

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## **Proposed Plan Change to Chapter 4D**

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See Amendment 35

# 4D Hill Residential Activity Area

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## 4D 1 Issues, Objectives and Policies

### 4D 1.1 Local Area Issues

#### 4D 1.1.1 Residential Character and Amenity Values

##### Issue

**There are several residential areas on the hillsides of the City, characterised by steep slopes, difficult access, low density residential development, extensive areas of vegetation and native bush. The effects of activities in such areas must be managed to ensure the character and amenity values are maintained and enhanced.**

##### Objective

To maintain and enhance the distinct characteristics and amenity values associated with the hillside residential areas of the City.

##### Policies

- (a) That the visual appearance and nature of earthworks be managed to minimise the adverse effects on the visual amenity values of the hillside environment.
- (b) That the clearance of vegetation be managed to avoid, remedy or mitigate any adverse effect on the visual amenity values of the hillside environment or the intrinsic values of ecosystems.
- (c) That where practicable significant trees which contribute to the amenity values of the hillside areas be retained.
- (d) That where practicable, the natural appearance of the skyline be preserved from development to maintain its visual appearance.
- (e) To ensure residential amenity values are maintained, protected and enhanced through the establishment of a net site area.

##### Explanation and Reasons

Residential areas of the City such as parts of the Western Hills, hillsides of the Eastern Bays and Eastbourne, and the hills surrounding Wainuiomata and Stokes Valley, have different topographical characteristics and amenity values to land on the valley floor.

These areas are characterised by steep slopes, often with access and parking difficulties, covered in vegetation, and development is of a low density. They are a visually pleasing landscape, often divided into a series of stream systems and associated bush and gullies, and provide a backdrop to the City.

Such land is suitable for low density residential development. Due to the limitations for further development, posed by the topography, some additional rules are necessary to control the adverse effects, and maintain and enhance the amenity values of the hillside areas.

It is also necessary to control earthworks and the clearance of vegetation to protect visual amenity values and the intrinsic values of ecosystems.

The skyline is to be protected from the adverse effects of development which may create an unsightly vista when viewed from the valley floor.

## 4D 1.1.2 Home Occupations

### Issue

**Many people want to work from home. Provision for such activities to occur within a hillside residential environment requires that the topographical constraints be taken into account, and the adverse effects arising from the nature of the home occupation are mitigated against.**

### Objective

To avoid, remedy or mitigate adverse effects of home occupations on residential character and amenity values of the residential environment in which they are located.

For the Policies, and Explanations and Reasons for Home Occupations in this activity area, refer to Objective, Policies, and Explanation and Reasons in the General Residential Activity Area in 4A 1.1.3.

## 4D 1.1.3 Non-Residential Activities

### Issue

**Non-residential activities and buildings on hillside residential areas can be complementary to and support residential activities. Such activities have a high potential to generate adverse effects on the natural features, roading network, surrounding residential environment, and amenity values associated with hillside areas. Adverse effects should be avoided, remedied or mitigated.**

### Objective

To ensure non-residential activities and buildings do not generate adverse effect on the surrounding environment, alter the residential character or affect adversely the amenity values of the area in which they are located.

For Policies, Explanations and Reasons with respect to Non-Residential Activities within the Hill Residential Activity Area refer to Policies General Residential Activity Area 4A1.1.4.

## 4D 1.2 Site Development Issues

### 4D 1.2.1 Site Stability

#### Issue

**Residential sites within this activity area are subject to development constraints due to the topography of the sites. Future development must be managed to ensure the stability of the site, and reduce any adverse effects and risk associated with landslide, erosion, and surface water runoff.**

#### Objective

To ensure future development does not affect adversely the stability of the site.

#### Policy

- (a) That earthworks and the clearance of vegetation be managed to ensure the stability of the site and to avoid, remedy or mitigate any consequential adverse effects on neighbouring properties.

#### Explanation and Reasons

Sites within the Hill Residential Activity Area are suitable for some types of residential development.

Development of the site for residential and non residential purposes must be managed to ensure the stability of the site is protected to reduce the risk of landslide and erosion, and to control surface water runoff.

### 4D 1.2.2 Building Height, Scale, Intensity and Location

#### Issue

**The height, scale, intensity and location of buildings and structures can cause adverse effects upon amenity values of neighbouring properties, and the surrounding residential area. It is important that such adverse effects be managed.**

#### Objective

To avoid, remedy or mitigate adverse effects caused by building height, intensity and location on the amenity values of adjacent residential sites and the residential character of the surrounding residential area.

#### Policies

- (a) To establish a minimum net site area and maximum site coverage requirement to ensure low density development is achieved.
- (b) To ensure all new development is of a height and scale which is compatible with surrounding residential development.
- (c) To ensure a progressive reduction in height of buildings the closer they are located to a site boundary, to maintain adequate daylight and sunlight for adjoining properties.

- (d) To manage the siting of all buildings so as to minimise detractions from the character and visual attractiveness of the surrounding residential activity area.
- (e) To manage the siting of all buildings so as to ensure that any detraction from the amenities of adjoining properties are no more than minor.
- (f) That the scale and siting of garages and carports be managed to reduce the need for extensive excavation into the hillside, and to enhance the streetscape and amenity values of adjoining sites.
- (g) Where a certificate of title has been issued for a site prior to 5 December 1995 or where a site has been created by a staged development whether under a stage unit plan or crosslease plan lodged with the District Land Registrar and where part of the development has been completed prior to 5 December 1995, it is recognised that it is reasonable to permit the erection of buildings/structures (as contemplated when the title was issued or plan lodged) even though the maximum site coverage may exceed that set out in 4A 2.1.1 (e) or 4D 2.1.1 (c). Under such circumstances the scale, intensity, visual attractiveness of buildings and/or structures as well as the adverse effects on the amenity values of adjoining properties, and the streetscape be taken into account in assessing the suitability of the development.

## Explanation and Reasons

Residential and non-residential buildings, and accessory buildings can have adverse effects on the amenity values of adjacent sites and the surrounding residential area, caused by their height, scale, proximity to a site boundary, length, density, site layout, and external appearance.

The land in the hill character residential activity area is suitable for some types of residential development, however, it is important to encourage low density development so that the character and amenity values of the hillside environment area are maintained or enhanced.

The Plan will set minimum acceptable conditions. These conditions will generally be the same as those for the General Residential Activity Area with the exception of net site area, and location of accessory buildings. As excavation is often required in the construction of a building, the maximum overall height condition shall apply in many cases.

### (a) Net Site Area

The minimum net site area has been determined to encourage low density residential development on the hillside areas of the City. This in turn will maintain and enhance the amenity values, recognise the difficulties in site development and servicing, and protect large areas of established and regenerating native vegetation.

### (b) Site Coverage

Combined with net site area, site coverage helps to control building density. A maximum acceptable site coverage has been determined at 35%, to ensure that the amenity values and character of the hillside areas is maintained and enhanced.

### (c) Height

The 8 metre height limit is to be measured from the natural ground level. This is to ensure development does not protrude obtrusively above the natural contours.

The maximum overall height limit of 13 metres allows a building to be stepped into the hillside, thus reducing the need for substantial excavation into the ground, and allowing opportunity for more floor space on a steep site.

The height controls are not designed specifically to protect views from private property, although on some occasions they can have this effect. Account should be taken of loss of view as part of the amenity associated with a particular site, when an over height building is assessed.



**(d) Accessory Buildings**

Accessory Buildings may be located on the front boundary within this activity area. This takes into account the topography of sites, to avoid the need for extensive excavation and clearance of vegetation for the purposes of vehicle storage and access to the site. The height of such structures will be restricted by the recession plane to recognise the amenity value of the streetscape. Side and rear yard restrictions shall apply.

In some instances it may not be possible to locate an accessory building on the site at all, due to the topography of the site. Allowance will be made for such structures to be located on the road reserve, as a Restricted Discretionary Activity, where the amenity values of adjacent sites and the surrounding residential area are maintained or enhanced.

## 4D 2 Rules

### 4D 2.1 Permitted Activities

- (a) Dwelling houses.
- (b) Home occupations.
- (c) Child care and Kohanga Reo facilities.
- (d) Residential facility accommodating 8 - 10 persons.
- (e) Accessory buildings to the above Permitted Activities.
- (f) 3 Howard Road, Point Howard, Lot 3 DP 5871, Part Lot 1A Blk I DP 2041 and Section 168 Harbour District (identified in Appendix Hill Residential 1):
  - (i) Emergency facilities.
- (g) 76 Normandale Road, Pt Lot 1 DP 7984 (identified in Appendix Hill Residential 2):

That there shall be no buildings or structures (except for footbridges where they satisfy the criteria for a Permitted Activity under the Regional Freshwater Plan for the Wellington Region or have been granted a Resource Consent under that Plan; and structures associated with utilities in the identified utilities corridor), or the removal of vegetation (this shall not preclude the removal of pest plants, or vegetation that has died or has become dangerous) in that part of the site identified to the north and east of the stream as shown on Appendix Hill Residential 2.
- (h) 27 Matuhi Street, Belmont, Lot 3 DP 66453 (identified in Appendix Hill Residential 3):

An educational activity, being an integrated composite or area school providing education at early childhood, primary, intermediate and/or secondary levels under the organisation and management of the Raphael House Rudolf Steiner School Board of Trustees.

#### 4D 2.1.1 Permitted Activities - Conditions

The conditions for the Permitted Activities for the General Residential Activity Area shall generally apply, with the following exceptions:

- (a) **Net Site Area:**

The minimum net site area per Permitted Activity (excluding home occupations and accessory buildings) shall be 1000m<sup>2</sup>.

Provided that:

- (i) 107 and 107A Maungaraki Road, Lots 1 and 2 DP 90829, (identified in Appendix Hill Residential 4), the minimum net site area per Permitted Activity (excluding home occupations and accessory buildings) shall be 600m<sup>2</sup>.
- (ii) For those lots in Maungaraki Road (identified in Appendix Hill Residential 5, immediately adjoining identified parts of the proposed local purpose reserve, the proposed Puketirotiro reserve or the Camels Hump reserve), the minimum net site area per Permitted Activity (excluding home occupations and accessory buildings) shall be 2000m<sup>2</sup>.

(Note for (i) and (ii): At 5 December 1995, the area shown on Appendix Hill Residential 4 consisted of Lot 1 DP 71986 and Part Section 35 Maungaraki Village contained in Certificate of Title 550/178 and the area identified in Appendix Hill Residential 5 consisted of Pt Secs 30 and 33 and Secs 31 and 32 Maungaraki Village.)

- (iii) 3 Howard Road, Point Howard, Lot 3 DP 5871, Part Lot 1A Blk I DP 2041 and Section 168 Harbour District, (identified in Appendix Hill Residential 1), the minimum net site area per Permitted Activity shall be 543m<sup>2</sup>.
- (iv) Where a certificate of title has been issued for a site prior to 5 December 1995 or where a site has been created by a staged development whether under a stage unit plan or crosslease plan lodged with the District Land Registrar and where part of the development has been completed prior to 5 December 1995, and it can be established that the site has been created with an intention to accommodate a dwelling, then in such circumstances the area of the site shall be the minimum net site area.

Compliance with all other Permitted Activity Conditions.

**(b) Minimum Yard Requirements:**

For that area in Maungaraki Road (identified in Appendix Hill Residential 6)

Front Yards	4.5m
Side Yards	3.0m
Rear Yards	7.5m except for land identified "A" where the minimum rear yard is 5m.

(Note: At 5 December 1995, the area identified in Appendix Hill Residential 6 consisted of Pt Secs 30 and 33 and Secs 31 and 32 Maungaraki Village and Lot 1 DP 71986.)

**(c) Maximum Site Coverage:**

For that area in Maungaraki Road (identified in Appendix Hill Residential 6) - 30%.

The eaves of a building up to a maximum depth of 0.6m shall be excluded from this measurement.

Decks of less than 20m<sup>2</sup> shall not be included in the calculation of site coverage provided the deck does not exceed 1.2m in height.

**(d) Building Envelope:**

For that area in Maungaraki Road (identified in Appendix Hill Residential 7), all buildings must be sited in the building envelope.

Note: At 5 December 1995, the area identified in Appendix Hill Residential 7 consisted of Pt Sec 35 Maungaraki Village.

**(e) Accessory Buildings:**

Any accessory building may encroach into the front yard requirement provided that the length of the building which encroaches onto the yard shall not exceed 25% of the length of the boundary parallel to that yard.

This shall not apply to that area identified in Appendix Hill Residential 6.

For that area identified in Appendix Hill Residential 7, accessory buildings shall be sited within the building envelope.

- (f) The limitation on the maximum number of children in 4A 2.1.1(h) shall not apply to the site specified in 4D 2.1 (h).

## 4D 2.2 Restricted Discretionary Activities

- (a) Accessory buildings on legal road.
- (b) The removal of vegetation in excess of 500m<sup>2</sup> or 35% of the site, whichever is the lesser, provided that this shall not preclude the removal of any pest plant (this rule does not apply to the identified area of 76 Normandale Road, Pt Lot 1 DP 7984, identified in Appendix Hill Residential 2, where vegetation removal is a Discretionary Activity).

### 4D 2.2.1 Matters in which Council has Restricted its Discretion and Standards and Terms

- (a) **Accessory buildings on legal road.**
  - (i) Amenity Values:

The extent to which the proposal affects adversely the amenity values of the surrounding residential properties, including the amount of excavation required and the loss of vegetation, design and appearance. All such buildings should be painted.
  - (ii) Traffic Effects:

The extent to which the accessory building will affect adversely the safe and efficient movement of traffic on the road. It must be demonstrated that the accessory building and vehicles using the accessory building shall not create a traffic hazard.
- (b) **The removal of vegetation in excess of 500m<sup>2</sup> or 35% of the site, whichever the lesser, provided that this shall not preclude the removal of any pest plant (this rule does not apply to the identified area of 76 Normandale Road, Pt Lot 1 DP 7984, identified in Appendix Hill Residential 2, where vegetation removal is a Discretionary Activity).**
  - (i) Amenity Values:

The adverse effects upon the visual amenity values of the site and surrounding area caused by the removal of any trees or vegetation. Consideration shall be had to the visual prominence of the vegetation, and any replacement planting to be undertaken.
  - (ii) Site Stability:

The adverse effects upon the stability of the site caused by the removal of the trees or vegetation.
  - (iii) The Intrinsic Values of Ecosystems:

The extent to which the proposal will adversely affect the intrinsic value of ecosystems on the site and surrounding area.

#### 4D 2.2.2 Other Matters

All Restricted Discretionary Activities must comply with other relevant Permitted Activity Conditions.

### 4D 2.3 Discretionary Activities

(a) Except where stated in the General Rules, any Permitted Activity or Restricted Discretionary Activity which fails to comply with any of the relevant Permitted Activity Conditions, or relevant requirements of Chapter 14 - General Rules.

(b) Marae.

*\*Amendment 35*

~~(c)~~ Comprehensive residential developments.

~~(d)~~(c) Places of assembly.

~~(e)~~(d) Dairies with a gross floor area of less than 100m<sup>2</sup>.

~~(f)~~(e) Visitor accommodation.

~~(g)~~(f) Health care services.

~~(h)~~(g) Education facilities.

~~(i)~~(h) Emergency facilities.

~~(j)~~(i) Residential facility accommodating 11 or more persons.

~~(k)~~(j) Detention facilities.

~~(l)~~(k) Boarding houses.

#### 4D 2.3.1 Assessment Matters For Discretionary Activities

(a) The matters contained in Sections 104 and 105, and Part II of the Act shall apply.

(b) The degree of compliance or non-compliance with any relevant Permitted Activity Conditions.

### 4D 2.4 Non-Complying Activities

(a) All other activities not listed as a Permitted, Restricted Discretionary or Discretionary Activity.

### 4D 2.5 Other Provisions

(a) Subdivision - See Chapter 11.

(b) Financial Contributions - See Chapter 12.

(c) Utilities - See Chapter 13.

(d) General Rules - See Chapter 14.

## 4D 3 Anticipated Environmental Results

- (a) Amenity values of the hill areas of the City are maintained or enhanced.
- (b) Natural topography used as a basis for development.
- (c) Retention of vegetation.
- (d) Residential characteristics and amenity values maintained and enhanced.
- (e) Opportunity provided for home occupations.
- (f) Opportunity provided for non-residential activities.

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## **Proposed Plan Change to Chapter 12**

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See Amendment 36

# 12 Financial Contributions

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## Introduction

Section 108(1)(a) as part of a resource consent authorises a condition requiring a financial contribution be made for purposes specified in the Plan.

Section 108 (9) defines financial contribution as -

- (a) *Money; or*
- (b) *Land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Maori land within the meaning of the Maori Land Act 1993 unless that Act provides otherwise; or*
- (c) *A combination of money and land.*

This Chapter contains the requirements for financial contributions which can be imposed for resource consents in all activity areas, subdivision and development of land.

The provisions of this Chapter apply to all activity areas. Activities must also be assessed in terms of the requirements of each activity area, and the requirements of Chapters 11, 13 and 15, to determine whether or not a resource consent is required.

## 12.1 Issues, Objectives and Policies

### 12.1.1 Provision of Utility Services and Reserves when land is subdivided or developed

#### Issue

**In the subdivision or development of land it is important that the cost of providing the necessary services and land for reserves are allocated fairly between subdividers or developers and the Council.**

#### Objective

To ensure that subdividers or developers and the Council make fair and reasonable contributions for the provision of utility services and land for reserves.

#### Policies

- (a) Subdividers and developers should bear the cost of providing all utility services within the land being subdivided or developed where the benefits accrue to the land being subdivided or developed.
- (b) In circumstances where the existing services outside the land being subdivided are adequate but, the proposed subdivision or development will require upgrading or provision of new services and facilities, the subdivider or developer shall pay the full and actual cost of such upgrading or new utility services and facilities.

- (c) Where Council has provided the necessary utility services in advance of land being subdivided, it is necessary for owners of such land to make a fair and reasonable contribution when the land is subdivided or developed.
- (d) Subdivision or development of land can lead to an increase in demand or need for reserves and open space and have adverse effects on the environment. It is important that subdividers or developers make a fair and reasonable contribution, either in cash or land, so that demand or need can be met and adverse effects can be avoided, remedied or mitigated.

### Explanation and Reasons

Subdividers and developers should bear the full and actual cost of providing all utility services, such as roading, footpaths, stormwater and waste water disposal, within the land being subdivided or developed as the benefits accrue directly to the subdivision or development.

In circumstances where Council has provided the necessary utility services in advance of the land being subdivided or developed so as to enable scale economies to be achieved and for the land to be properly developed, owners must reimburse the Council at the time the land is subdivided or developed.

The Plan seeks to ensure that there are adequate reserves and open space to meet community needs and requirements, and that adverse effects on the environment from the subdivision or development of land are avoided, remedied or mitigated. In this respect Council seeks a fair and reasonable reserve contribution, either in the form of land or cash, to assist in offsetting these effects. In general, cash will be taken unless it can be shown that land meets Council's reserve requirements or includes areas of significant natural resources which require conservation.

## 12.1.2 Traffic Impact

### Issue

**Large retail activities can have adverse effects on the surrounding roading network. It is important that such adverse effects are managed or mitigated.**

### Objective

To ensure that adverse traffic effects of large size retail activities are managed or mitigated.

### Policy

- (a) To ensure that developers make a fair and reasonable financial contribution to manage or mitigate adverse effects arising from large retail activities.

### Explanation and Reasons

Large retail activities can have adverse effects on the surrounding roading network and on pedestrian circulation. In such circumstances it is important that developers contribute to the upgrading or modification of surrounding roads, intersections and footpaths.



## 12.2 Rules

These rules will not apply to an allotment created for the purposes of a network utility operator where that allotment is unoccupied and has no water or sewerage connection.

### 12.2.1 Financial Contributions relating to subdivision of land

#### 12.2.1.1 Financial Contributions relating to roads, private ways, service lanes, accessways, footpaths and walkways

- (a) The full and actual costs of providing all new roads, private ways, service lanes, accessways, footpaths and walkways within the land being subdivided.
- (b) Where existing roads, service lanes, accessways, footpaths and walkways outside the subdivision are adequate to serve the existing development but the proposed subdivision will result in such roading facilities being inadequate in terms of specified performance standards the subdivider must pay the full and actual cost for all upgrading and/or any new facilities.
- (c) Notwithstanding (b) above, where the existing road(s), service lane, footpath, accessway and walkway outside the land being subdivided already are not in accordance with the engineering performance standards (see Subdivision Chapter for performance standards) and the increase in traffic, due to the subdivision, requires the existing road, service lane, footpath, accessway and walkway to be upgraded or widened, the subdivider shall make a contribution. The amount the subdivider will have to contribute will be based on the following method:
  - (i) Determine the number of dwelling units or buildings that could be developed in the proposed subdivision.
  - (ii) Using the number of dwelling units or buildings obtained, estimate the number of vehicular and pedestrian trips likely to be generated (including any future growth in traffic) by the proposed subdivision.
  - (iii) Estimate the number of vehicular and pedestrian trips generated by the existing development (including any future growth in traffic) and where appropriate taking into account future development (i.e. vacant land that could be subdivided in the future).
  - (iv) Determine the cost of upgrading the road, footpath, accessways or service lane based on the combined vehicular and/or pedestrian traffic.
  - (v) Divide the cost of upgrading the road, footpath, accessway or service lane by the total vehicular and/or pedestrian trips generated and allocate costs based on (i) and (ii).
- (d) Where in (c) above Council has contributed to the cost of upgrading or the provision of new roading facilities subdividers of such vacant land will pay the full and actual cost involved based on the trips generated and taking into account the time value of money.
- (e) Where Council has upgraded facilities to take into account both vehicular and pedestrian traffic increases from land yet to be developed subdividers of such undeveloped land shall be required to pay the full and actual costs of the upgrading and/or the new facilities based on trips generated by the subdivision and taking into account the time value of money.

### 12.2.1.2 Financial Contributions relating to road lighting

The subdivider must meet the full and actual cost of providing the necessary road lighting within the land being subdivided.

### 12.2.1.3 Financial Contributions relating to water supply

- (a) Within the land being subdivided the subdivider must pay the full and actual cost of providing the water supply for the proposed allotments.
- (b) Where the existing water supply capacity and pressure is adequate to serve existing development but the proposed subdivision will result in the capacity and/or pressure being inadequate the subdivider must pay the full and actual costs for all such upgrading and new facilities.
- (c) Where a subdivider is required to provide additional capacity to accommodate future demand beyond the land being subdivided, the Council shall pay the additional cost involved based generally on the following method:
  - (i) Estimate the total number of litres per day in the area to be served by the new facility.
  - (ii) Determine the actual and full cost of providing the new facility.
  - (iii) Determine average cost per litre:  $(ii)/(i) = (iii)$ .
  - (iv) Multiply (iii) by the development potential of land outside the land being subdivided to obtain the amount the Council has to contribute.
- (d) Where Council provides the necessary water supply facilities for vacant land in advance of land being subdivided either by carrying out the necessary work or through other means such as in (c) above, the Council shall require a contribution from the subdivider when land is subdivided based on the actual cost of providing the service to that land after taking into account the time value of money.

### 12.2.1.4 Financial Contributions relating to disposal of waste water and stormwater for subdivision of land

- (a) Within the land being subdivided the subdivider must pay the full and actual cost of providing the necessary waste water and stormwater disposal facilities.
- (b) Where the existing waste water and/or stormwater capacity outside the land being subdivided is adequate to serve existing development but the proposed subdivision will result in the capacity being inadequate the subdivider shall pay the full and actual cost for all such upgrading and new facilities.
- (c) Where the Council provides the necessary sewage and/or stormwater disposal system for vacant land in advance of such land being subdivided either by carrying out the necessary work the Council shall require a contribution from the subdivider when such land is subdivided based on the actual and full cost of providing the service to that land after taking into account the time value of money.
- (d) The above provisions shall apply to all staged subdivisions.

### 12.2.1.5 Financial Contributions relating to electricity, gas and telephone supply

Within the land being subdivided the subdivider must pay for the full and actual cost of providing the necessary electricity, gas and telephone services.

### 12.2.1.6 Financial Contributions relating to site formation and development works

- (a) The subdivider must pay for the full and actual cost of all site formation and development works within the land being subdivided.
- (b) Where site formation and development works within the land being subdivided require remedial or stabilising work to be carried out on land adjoining or adjacent to the land being subdivided the subdivider must pay the full and actual cost of such work.

### 12.2.1.7 Financial Contributions relating to reserves

*\*Amendment 36*

- (a) Where the subdivision results or will result in an increase or an intensification of use of land, whether for residential or commercial or industrial activities, the reserve contribution shall be a maximum contribution in cash or land to an equivalent value equal to 7.5% of the value of each new allotment, to provide a maximum dollar contribution of \$10,000 per allotment created in residential activity areas or \$5,000 per allotment created in rural activity areas.
- (b) Council recognises that the maximum reserve contribution is not appropriate in all cases and that each case must be assessed based on the particular circumstances that exist. In determining whether the base maximum should be reduced the following matters will be taken into account:
  - (i) Whether there will be an increase in intensity of use of land which will lead to an increase in demand or need for reserves and open space.
  - (ii) Whether there will be changes to the nature and character of the use of land which will have adverse effects on the environment.
  - (iii) The nature, type and suitability of recreation and open space provisions provided by the development.
  - (iv) The amount, type and distribution of open/recreation space and whether they are adequately meeting community needs and requirements.
  - (v) The nature of the topography, natural features, vegetation, landscape and visual amenity values of the land being developed to meet community open space and recreational requirements and/or to ensure protection of amenity values.
  - (vi) The amount of reserve contribution paid on the land in the last ten years.
  - (vii) The amount and nature of planting or improvements made to new and existing reserves and open space areas.
- (c) In determining whether land, cash or a combination of cash and land will be required the following matters will be taken into account:
  - (i) The size and nature of the proposed open/recreation space.
  - (ii) The ability of the open/recreation areas to be used for the proposed purpose.

- (iii) The distance and accessibility of the proposed open/recreation space to users.
- (iv) The cost of maintaining the proposed open/recreation space.
- (v) The topography of the proposed open/recreation space.
- (vi) The ability to link the proposed open/recreation space to an existing or future network of open/recreation space and/or community facilities.

## 12.2.2 Financial Contributions relating to the development of land

### 12.2.2.1 Traffic Impact Fee - for retail activities in all activity areas and places of assembly in all residential and rural activity areas.

In all activity areas for all retail activities with a gross floor area exceeding 3,000 m<sup>2</sup>, and all places of assembly in Rural and Residential Activity Areas, shall be assessed to determine whether a traffic impact fee is required.

- (a) Where the existing roading network is adequate to serve the current level of development but the proposed retail activity or place of assembly will result in the need to upgrade or provide new facilities due to an increase in traffic generated the developer must pay the full and actual cost of the upgrading or the provision new facilities.
- (b) Where the existing roading network is below specified performance standards the developer shall pay for the upgrading or the provision of new facilities. The amount the developer shall pay will be determined in accordance with the following method:
  - (i) Determine the number of vehicular and pedestrian trips likely to be generated by the proposed development (including any future growth in traffic).
  - (ii) Determine the number of vehicular and pedestrian trips generated by current development (including any future growth in traffic) and where appropriate taking into account future development.
  - (iii) Determine the cost of upgrading the roading network and/or the provision of new facilities.
  - (iv) Divide the cost of upgrading the roading network by the total number of vehicular and/or pedestrian trips generated and allocate costs based on (i) and (ii) above.
  - (v) Discounting the cost of upgrading the roading network, by the cost of completion of any works required, to bring the roading infrastructure up to an appropriate well maintained level for the activity area.
- (c) Council recognises that the impact fee is not appropriate in all cases and that each case must be assessed based on the particular circumstances that exist. In determining whether the base maximum should be adjusted the following matters need to be taken into account:
  - (i) Whether there will be increase in intensity of use of land from that which existed before.
  - (ii) Whether there is a change in nature and character of the use of land.
  - (iii) The subsidies that council may receive from Transit New Zealand.

### 12.2.2.2 Reserve Impact Fee - for all activities in the business and commercial activity areas

- (a) Where commercial or industrial development results or will result in an increase or intensification of use of land a contribution of money equivalent to 0.5% of the value of the development in excess of \$200,000 is required.
- (b) Council recognises that the maximum reserve contribution is not appropriate in all cases and that each case must be assessed based on the particular circumstances that exist. In determining whether the base maximum should be reduced the following matters will be taken into account:
  - (i) Whether there will be an increase in intensity of use of land which will lead to an increase in demand or need for reserves and open space.
  - (ii) Whether there will be changes to the nature and character of the use of land which will have adverse effects on the environment.
  - (iii) The nature, type and suitability of recreation and open space provisions provided by the development.
  - (iv) The amount, type and distribution of open/recreation space and whether they are adequately meeting community needs and requirements.
  - (v) The nature of the topography, natural features, vegetation, landscape and visual amenity values of the land being developed to meet community open space and recreational requirements and/or to ensure protection of amenity values.
  - (vi) The amount of reserve contribution paid on the land in the last ten years.
  - (vii) The amount and nature of planting or improvements made to new and existing reserves and open space areas.
  - (viii) The amount of floor area to be used exclusively for public recreation activities.

## 12.3 Anticipated Environmental Results

It is considered that the implementation of the above objectives, policies and rules will have the following environmental outcomes:

- (a) Developers and subdividers will make a fair and reasonable contribution to the cost of development.
- (b) Adverse effects resulting from development or the subdivision of land will be mitigated.

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## **Proposed Plan Change to Chapter 14A**

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See Amendment 37

# 14A Transport

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# Appendix Transport 3

## Minimum Parking Standards

ACTIVITY	PARKS	UNIT
<b>RESIDENTIAL</b>		
Existing single unit	1	dwelling
New single unit	2	dwelling
Historic Residential	1	dwelling
Home occupation	1 (in addition to dwelling)	home occupation
<b>*Amendment 37</b>		
<del>Comprehensive developments</del>	<del>2</del>	<del>dwelling</del>
<u>3 or more dwelling houses on any single site</u>	<u>1</u>	<u>dwelling</u>
Hostels, housing for the elderly	1 and 0.1 and 0.8	staff member res. < 18 yrs res. 18 yrs and over
Residential facility for 8 - 10 persons	3 if contained in an existing building (or buildings)	facility
	4 if contained in a new building (or buildings)	facility
<b>EDUCATION</b>		
Child care facilities, primary and intermediate schools	1	staff member
Secondary schools	1 and 0.1	staff member student 16 yrs and over
Tertiary	1 and 0.1	staff member 3 students (to be calculated according to the maximum number of students on site at any point in time)
<b>MEDICAL</b>		
Veterinary surgeries	3	staff member
Medical centres, clinics, health care services	3	staff member
Hospitals	The greater of: 0.7 or 1.5	bed staff member
Community Health Activity Area	0.75	For the first 800 persons employed (calculated according to the maximum number of full or part time employees on the site at any one time)
	2.0	For every staff member in excess of 800 persons employed (calculated according to the maximum number of full or part time employees on the site at any one time)



<b>ACTIVITY</b>	<b>PARKS</b>	<b>UNIT</b>
<b>RETAIL</b>		
Retailing	5	100 m <sup>2</sup> GFA
Drive-through Retail (e.g. service station, drive-through fast food outlet)	The greater of: 1 or 5 or 1	service booth 100 m <sup>2</sup> GFA staff member
Garden centres	5	100 m <sup>2</sup> space open to public
Vehicle sales (e.g. new and used vehicles, caravans, trailers and boats)	The greater of: 3 or 1	100 m <sup>2</sup> GFA 100 m <sup>2</sup> site area
Commercial garage	The greater of: 4 or 2	service bay staff member
Restaurants, cafes, licensed premises	The greater of: 0.2 or 0.2 or 5	occupants seats 100 m <sup>2</sup> GFA
Auctions	The greater of: 0.2 or 0.2 or 5	occupants seats 100 m <sup>2</sup> GFA
Trading Warehouses	3	100 m <sup>2</sup> GFA
<b>COMMERCIAL</b>		
Offices	2	100 m <sup>2</sup> GFA
Financial institutions (e.g. banks, insurance companies)	8 and 2	100 m <sup>2</sup> public space 100 m <sup>2</sup> GFA (other)
<b>INDUSTRIAL</b>		
Industrial activity and emergency facilities	The greater of: 1 or 1	staff member 100 m <sup>2</sup> GFA
Warehouse	1.5	staff member
Television and Film Studios	1	100m <sup>2</sup> GFA
Network Utility Operations	0 0 1	sites less than 200m <sup>2</sup> unstaffed sites per staff member for sites greater than 200m <sup>2</sup>
<b>ACCOMMODATION</b>		
Visitor accommodation, motor camps and camping grounds	The greater of: 1 or 0.2	unit occupant
<b>CULTURAL AND SPORTING</b>		
Places of assembly and sporting facilities	0.2 and 1	spectator staff member or participant

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## **Proposed Plan Change to Planning Maps**

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See Amendment 40