

**HIS WORSHIP THE MAYOR AND COUNCILLORS  
FULL COUNCIL MEETING (2 OCTOBER 2019)**

(From Consultant Planner)

(Through the Director of Planning and Regulatory Services)



Item:

File: 351/12/050

Ref: B0

Date: 20/09/19

## **Proposed Plan Change 45 to the Upper Hutt District Plan 2004: Signs**

### **Purpose of report**

1. This report accompanies the final recommendation report on proposed Plan Change 45 - Signs (PC45). The report was delivered by the Hearings Panel on 2 August 2019.
2. This report seeks Council's decision on the proposed Plan Change.
3. Attached as appendices to this report are:
  - Appendix 1: Hearing Panel recommendation report to Council
  - Appendix 2: Recommended Amendments to the relevant District Plan chapters.

### **Recommendations**

That Council:

- (i) adopts the recommendations of the Hearing Panel report and the recommended amendments to the District Plan (Appendices 1 and 2) as its decisions on the provisions and matters raised in submissions on proposed Plan Change 45: Signs, in accordance with clause 10 of the First Schedule of the Resource Management Act 1991;
- (ii) pursuant to Clause 10 of the First Schedule of the Resource Management Act 1991, gives notice of its decision on proposed Plan Change 45: Signs;
- (iii) if no appeals are received by the close of the appeal period, approves proposed Plan Change 45: Signs in accordance with clause 17 of the First Schedule of the Resource Management Act 1991 for the reasons set out in the Hearing Panel report (Appendix 1); and
- (iv) if no appeals are received by the close of the appeal period, makes proposed Plan Change 45: Signs operative in accordance with clause 20 of the First Schedule of the Resource Management Act 1991.

## Background

4. Plan Change 45 (PC45) involved a review and update of the existing operative signs provisions within the District Plan. The provisions were due for review in accordance with the Resource Management Act 1991 ("RMA") as they had not been updated since becoming operative in 2004. The review was undertaken at the same time as the review of the Council's Control of Advertising Signs Bylaw (now the Control of Temporary Signs Bylaw) to ensure an integrated approach to the management of signs in Upper Hutt.
5. The plan change consolidates the existing signs provisions into a new chapter (Chapter 8A.3) while also proposing relevant updates to the provisions. These changes improve District Plan navigation, reduce repetition, improve usability and integrate with the recent changes to temporary signs within the updated Signs Bylaw.
6. The format of the plan change adopts the most recent chapter structure where both objectives and rules are contained within a single chapter, centralising all information relevant to signs.
7. As a result of the plan change, the signs provisions which are currently spread through the various zone chapters, will be removed, and all associated provisions will be located within a new Chapter 8A (General Rules). This results in the changes to the following chapters of the district plan:

**Table 1:** Summary of changes.

Chapter Number	Chapter Title	Proposed Change
Chapter 2	Definitions	Amended definition of sign and new definitions for temporary sign and health and safety sign.
Chapter 4	Residential Zone	Remove Policy 4.4.8
Chapter 8A.3	General Rules (New Chapter)	Insert a new chapter - Chapter 8A.3: Signs. New objective, policies and rules, including matters of discretion.
Chapter 15	Environmental Quality	Remove Policy 15.4.5 Remove methods which relate to signs
Chapter 18	Residential Zone Rules	Remove rules for signs and matters for consideration and matters of discretion relating to signs.
Chapter 19	Rural Zone Rules	
Chapter 20	Business Zone Rules	
Chapter 21	Open Space Rules	
Chapter 22	Special Activity Zone Rules	

8. Overall the revised signs provisions within PC45 update the provisions addressing illumination and digital signage and remove duplication across the zone chapters while continuing to enable commercial signage and provide for residential amenity. The temporary signs duration and exemptions are also aligned with the Signs Bylaw to avoid conflicting requirements.

### Submissions

9. The submission period for Plan Change 45 opened on 6 June 2018 and closed on 18 July 2018. Further submissions opened on 10 October 2018 and closed 25 October 2018. Six submissions and four further submissions were received and all submitters requested to be heard.
10. The scope of the submission points and relief sought included changes to the proposed permitted standards as well as the addition of new standards to support the proposed rule framework. The submissions also identified issues within PC45 and sought resolution on the following matters;
  - Temporary signage requires a clearer definition;

- Health and Safety signs require a definition;
  - Illumination of signs to be addressed;
    - relative to the zone;
    - at the appropriate activity status; and,
    - for all signs (temporary and permanent).
  - Illumination standards for digital signs; and
  - Traffic Safety standards clarified and the permitted standards applied to both temporary and permanent signs.
11. Pre-hearing communication was undertaken to address some of the key submission points. This resulted in agreement on some matters to the extent three submitters advised they no longer wished to be heard. This left three submitters (NZTA, the Oil Companies and Ms Tindale) who still wished to be heard and they circulated evidence ahead of the hearing.
12. A hearing was held on 8 May 2019 by a Hearing Panel comprising Councillor Glenn MacArthur and Councillor John Gwilliam, and chaired by Independent Hearing Commissioner Jane Black.

### **Hearing panel recommendations**

13. The Hearing Panel considered the material before them. This included the section 42A report from the Council planning advisor, the submissions and further submissions, evidence provided at the hearing, together with requirements of s32 of the RMA and other statutory requirements. The Panel then made an overall recommendation to Council at section 13 of the report:

*“The Panel makes the recommendations to reject, reject in part, accept in part or accept submissions as recorded in this report. The Panel considers that the proposed plan change is consistent with Part 2 of the Act and that the Council can approve PPC45 with the recommended amendments.”*

14. The recommended amendments are identified within the Hearing Panel report (Appendix 1) and are illustrated through use of ‘strikethrough’ amendments to the relevant chapters (Appendix 2).

### **Council to make a decision**

15. Council delegated the power to hold the hearing and hear submissions on PC45 to a Hearing Panel chaired by Independent Hearing Commissioner Jane Black. The panel was not given the final power to make a decision under clause 10 of the First Schedule to the RMA, but rather, was given the power to hear submissions and make recommendations to the Council.
16. As the Council did not directly hear the submissions on the plan change, its ability to impose outcomes that differ from, or that are additional to, those recommended by the Hearing Panel is limited. As a result, the decision-making options available to the Council on the PC45 recommendations are limited to either:
- (a) Accepting the Hearing Panel’s recommendations entirely; or

- (b) Rejecting the Hearing Panel's recommendations entirely, if there are good reasons to do so.
17. If rejection is considered then Council would need to consider either withdrawing the plan change or re-running the hearing process with the full council hearing submissions and forming a decision under clause 10.
18. If the Council adopts the Plan Change and notifies its decision, there will be an appeal period of 30 working days. If no appeals are received by the close of the appeal period, PC45 can be made operative in accordance with clause 20 of the First Schedule of the Resource Management Act 1991.

### **Legal implications**

19. There are no legal implications arising from Council's decision in this case, noting that Council's process is prescribed by the Resource Management Act 1991.

### **Financial implications**

20. There are no significant financial implications if Council decides to adopt the Hearing Panel's recommendations. In the event of an appeal, significant professional and legal costs could potentially be incurred.

Report prepared by:

Report reviewed by:

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**PLANNING POLICY MANAGER**

Report approved by:

Richard Harbord  
**DIRECTOR OF PLANNING AND REGULATORY SERVICES**

**Appendix 1:**

**Hearing Panel Decision**

## **PROPOSED PLAN CHANGE 45 –SIGNS**

### **REPORT FOR UPPER HUTT CITY COUNCIL**

**PREPARED BY JANE BLACK (INDEPENDENT HEARING COMMISSIONER),  
Councillor John Gwilliam, Councillor Glenn McArthur**

**10 June 2019**

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#### **1. RECOMMENDATION**

- 1.1. That Proposed District Plan Change 45 (DPC45): Signs be approved with amendments.

#### **2. INTRODUCTION AND SCOPE**

- 2.1. The Upper Hutt City Council is undertaking a rolling review of its District Plan and PPC 45 is a review of the signs provisions. The signs provisions have not been reviewed since the District Plan was made operative. In addition the signs provisions were reviewed together with the Council's Control of Advertising Bylaw (Signs Bylaw). The S42A report outlines the scope of the proposed change:

*These changes improve the District Plan navigation, reduce repetition, improve usability of the provisions and integrate with the recent changes to temporary signs within the updated Signs Bylaw.*

The S32 report further explains:

*The scope of the review includes the signs provisions (objective, policies, rules, and definitions) in the zone and city-wide chapters. The review does not consider any zoning changes, or other changes to planning maps and schedules. The heritage rules as they relate to signs (Chapter*

*11) have not been reviewed, and neither have the specific rules for signs in the Gateway Precinct of the Wallaceville Structure Plan Area*

*There is an inter-relationship between the District Plan and Signs Bylaw given that both manage signs. The Signs Bylaw is prepared under the Local Government Act 2002, and assists in protecting the public from health, safety and nuisance. The Resource Management Act 1991 is concerned with the sustainable management of resources. Reviewing the signs provisions in conjunction with the Signs Bylaw helps to prepare complementary tools and avoid unnecessary duplication of controls.*

*The Council provides for temporary signs relating to one-off events and temporary activities to be placed in approved locations across the district. These locations are currently set out in the Council document 'Approved Sites for Temporary Signage in the Road Reserve'. This document also includes requirements for temporary signs, such as size and duration. Whether to maintain a separate policy document for these approved locations has formed part of the wider review for signs management by Council, and will be specifically considered by the review of the Signs Bylaw.*

*The following summarises the main changes proposed by PPC45:*

- All general signs provisions are combined into a single signs chapter.*
- A new signs objective is inserted which recognises the need for signs and that they need to be well managed (as relates to issues for character, amenity and transport safety).*
- The insertion of more specific signs policies which apply across the district, but which recognise and provide for the different characteristics of zones.*
- Updated and amended rules, matters of discretion, and definitions, which maintain the current approach that most signs are permitted*

*subject to meeting minimum standards.*

- *Improved clarity of rules including introducing a diagram to help explain the rules.*

- *Where standards are not met, they would be assessed as restricted discretionary or discretionary activities. This retains the primary activity status for most activities of restricted discretionary, where permitted standards are not met*

- *A new discretionary activity status for signs is introduced for signs which incorporate movement or changing content (including digital signage) and signs which are not situated on the site to which they relate.*

- *The scope of the District Plan is significantly reduced as it relates to temporary signs, as they are proposed to be managed primarily through the Signs Bylaw.*

### **3. NOTIFICATION AND SUBMISSIONS**

**3.1.** PPC 45 was notified on 6 June 2018 and submissions closed on 18 July 2018. Further submissions were received from 10 October 2018 to 25 October 2018.

**3.2.** Six submissions were received with four further submissions.

<b>Submitter number</b>	<b>Submitter name</b>
1	Woolworths New Zealand Ltd
2	Allison Tindale
3	Z Energy Limited, BP Oil NZ Limited & Mobil Oil Ltd ("The Oil Companies")



Submitter number	Submitter name
4	PowerCo Limited
5	Kiwirail Holdings Limited
6	NZ Transport Agency (“NZTA”)

**3.3.** There was overall support for the plan change with some changes sought. The S42A report identified the key issues to which submitters sought resolution :

- *Temporary signage needing clearer definition;*
- *Health and Safety signs requiring a definition for scope;*
- *Illumination of signs to be addressed;*
  - *relative to the zone;*
  - *at the appropriate activity status; and,*
  - *for all signs (temporary and permanent).*
- *Illumination standards for digital signs;*
- *Traffic Safety standards clarified and the permitted standards applied to both temporary and permanent signs.*

There were a number of minor and consequential changes that submitters sought.

#### **4. THE HEARING**

**4.1.** The hearing was held on 8 May 2019 at Upper Hutt City Council. The Hearing Panel members were Jane Black (Chair and Independent Hearings Commissioner), Councillors John Gwiliam and Glenn McArthur. The S42A report had been pre circulated. This was written by Brett Osborne a consultant planner on behalf of the Council. Evidence was pre-circulated from:

- Alison Tindale
  
- Matthew Thode representing The Oil Companies
  
- Aaron Hudson representing NZTA
  
- Stephen Muir representing NZTA

A letter from MJ Foster from Zomac Planning Solutions Ltd on behalf of Woolworths NZ Ltd was pre-circulated. This stated that they did not wish to be heard at the hearing.

Oral submissions from Mr Thode were circulated as he was unable to attend the hearing.

**4.2.** In their evidence, submitters indicated where they supported the recommendations of the S42a report and there was significant support not just for the intent and objectives but also for most of the provisions. Further amendments were sought in response to S42A report.

**4.3.** During the hearing and in response to questions some matters were able to be resolved between parties. The Panel also gave direction to parties to meet following adjournment of the hearing to work together to come to agreement on wording of identified provisions.

**4.4.** Mr Osborne prepared his right of reply following the hearing so that he

could record his responses and the outcome of agreed wording with submitters. This was circulated. The Panel then met to deliberate and this report records the views of the Panel and the recommendations to the Council.

## 5. RECOMMENDATIONS

5.1. This recommendation report follows the same format as the S42A report for consistency and ease of understanding with additional comments as a result of the right of reply:

- Definitions
- Objectives
- Policies
- Rules
- Standards
- Matters of Discretion
- Other Matters

5.2. All amendments are shown in the attached strikethrough version of the provisions and the updated s32AA table.

## 6. DEFINITIONS

6.1. The submission by the Oil Companies (3.5) sought clarification that the definition of sign did not include any face of a building or structure that is painted in corporate colours and any sign necessary for traffic direction or instruction within a site. Mr Osborne agreed that this added clarity to the meaning. They also sought additional wording for clarification to include that a sign should be "directed and legible". Mr Osborne considered that this added uncertainty to the definition. The Panel accepts his analysis and adopts the recommendation of the S42A report.

**Recommendation:** In relation to the above submission points, the Panel recommends:

- **Accept in part** the submission by The Oil Companies (3.5) to amend the definition of 'Sign' to clarify buildings painted in a corporate colour are excluded; and,

- **Reject** the insertion of the additional terms “directed to and legible to a person...”.

Based on this it is recommended that the definition of sign is amended as follows:

**Sign:** Means any device or facility, graphics or display that is visible from outside the site, for the purposes of: identification of, or provision of information about any building, activity, site; providing directions; or promoting goods, services or events. Signage may be part of, attached, or projected onto any building, site, or structure, or other object. Any sign may be illuminated and may contain moving content, including changing content and digital signage. A building or structure that is painted in corporate colours does not, of itself, constitute signage.

- 6.2. Powerco (4.4) and the Oil Companies (3.8) sought the insertion of a new definition of a 'Health and Safety Sign' to provide clarity to the Permitted Activity status of such signs. Mr Osborne agreed that this would provide clarity. This was further analysed under consideration of the Permitted Activity status which was supported by the same submitters but opposed by NZTA (6.5) unless the signs were required to meet the Permitted Activity standards so that design and location were controlled. Mr Osborne in his report considered that without a definition and standards, the Permitted Activity provision would be open to interpretation and lacked certainty. NZTA also sought that health and safety signs be subject to the performance standards of 8A.3.4.9 and 8A.3.4.13. Further submissions by Powerco and the Oil companies opposed this on the grounds that health and safety signage is a legal requirement and if the Permitted Activity standards were applied there could be conflicts between requirements. The Council sought legal advice on these matters and were satisfied that the wording of the definition as proposed by Powerco was sufficient to form the basis of a definition. Mr Osborne confirmed the proposed wording for the definition was supported by the submitters and concurred with Powerco and the Oil Companies that such signs should also be exempt from the Permitted Activity standards.

The panel accepts his analysis and adopts the recommendation of the S42A report.

**Recommendation:** In relation to the above submission points, the panel recommends:

**Accept (in part)** submissions 3.8 and 4.4 to insert a new definition for Health and Safety signs into PC45 to address the relief sought by the submissions, to read:

***“Health and Safety Sign: A sign affixed to a structure or building for the sole purpose of providing a health and safety warning or identifying hazardous substances that is required by legislation or the regulations made under those Acts. This includes but is not limited to the Health and Safety at Work Act 2015 and the Hazardous Substances and New Organisms Act 1996. A health and safety sign excludes any additional advertising or content not required by the relevant legislation (which would be assessed as a ‘sign’ and those provisions would apply) and is not directly illuminated, digital or contains changing content.”***

**Reject** submission 6.5 to require Rule 8A.3.4.1 to meet the Permitted Activity standards 8A.3.4.9 to 8A.3.4.13; and

**Accept** submission 3.8 to delete exemption (b) under Table 8A.3.4 as a consequence of inserting the ‘health and safety sign’ definition and add an exemption clause and express exclusion to the “signs” definition as follows:

***The Permitted Activity standards 8A.3.4.8 to 8A.3.4.13 do not apply to Health and Safety Signs under Rule 8A.3.4.1.***

Add the following to the definition for “Signs”;

***▪ “This definition excludes ‘Health and Safety’ signs.”***

## 7. OBJECTIVE

The objective was supported by all six submitters. Powerco (4.3) sought the addition of “Network Utility Operators” to the activities identified. NZTA sought wording to emphasise that signs are important to clear wayfinding as well as maintaining local character and amenity values. To this end they sought that the words “while ensuring” to the “safe and efficient functioning of the transport network.” Mr Osborne agreed with the submitters and the panel accepts his analysis and adopts the recommendation of the S42A report.

**Recommendation:** In relation to the above submission points, the panel recommends:

That the submission point of PowerCo (4.3) and NZTA (6.8) are **accepted** and the following changes made to Objective 8A.3.2.1(a) and (b):

... (a) supports the needs of the community, **network utility operators** and businesses, to identify and advertise businesses and activities; and

... (b) maintains the local character and amenity values, **while ensuring and** the safe and efficient functioning of the transport network.

## 8. POLICIES

8.1. Policy 8A.3.3.1 was supported by Woolworths (1.2), Alison Tindale (2.3) and The Oil Companies (3.2). No amendments were sought.

8.2. Policy 8A 3.3.2 (b) was supported by Woolworths (1.2) and Alison Tindale (2.3). The Oil Companies sought amendment to clarify the extent to which the ..." amenity values of the adjoining residential zone" might be "adversely affected". Their concern was based on a potential perception that the fact that a sign was visible could be interpreted as an effect. Mr Osborne commented in his report that the rule framework provided for signs in the Business and Special Activity Zone as of right which sets a permitted baseline. The activity status hierarchy then allows for consideration of effects for signs that are not permitted as of right.

The panel accepts his analysis and adopts the recommendation of the S42A report.

**Recommendation:** In relation to the above submission points, the panel recommends that the Oil Companies' submission (3.6) is rejected.

8.3. Alison Tindale (2.6) sought the removal of the word "residential" so the effects of digital and moving signage were considered in all areas. The Oil Companies opposed this in a further submission on the basis that residential activities are more sensitive than other zones and that the amenity effects of signage in the wider area are addressed under Policy 8A 3.3.3(b). Mr Osborne agreed with this submission. In her evidence Ms Tindale considered that the wording in policy 8A.3.3.3 (e) was too negative with

the word “limit” while other words were more positive such as “ensure” and “provided for”. She also thought that (e) could be a standalone policy. Mr Osborne disagreed as did the Panel. The terminology is consistent with the RMA and the structure of the proposed plan change follows best practice.

Ms Tindale also sought amendment to 8A.3.3.3(e) to read:

*'limit signs which are not situated on the site to which they relate, except where*  
*- there is a need for off-site signage; and*  
*- the design and location of signs contributes to the maintenance of the character and amenity of the surrounding area*  
*~~- and when considering proposals for such signs have regard to the following:~~*  
*~~(i) The need for the sign to be located away from the site, including any constraints relating to the location of the businesses, which creates a need for off-site signage, and~~*  
*~~(ii) The capacity for the site and surrounding environment to accommodate the sign, and for the character and amenity values to be maintained; and~~*  
*~~(iii) Any adverse effects on transport safety or efficiency, or transport benefits in providing for the sign to be located away from the site.~~*

She submitted that (i) to (iii) above be moved to the relevant rule as matters of discretion. NZTA supported this amendment and the Oil Companies opposed it and they submitted that moving (i) to (iii) would only work if the status of the activity at 8A.3.4.7 (signs not situated on a site to which the sign relates) was a Restricted Discretionary Activity and not a Discretionary Activity. Mr Osborne commented that the matters in (i) to (iii) are relevant to the activity status of these signs which are Discretionary Activities. That is, the full Discretionary status provides for policy matters to be considered. He agreed with the Oil Companies that the amendment would only work if the activity status was changed. There was no basis for this to be altered.

The panel accepts his analysis and adopts the recommendation of the S42A report.

**Recommendation:** In relation to the above submission points, the panel recommends:

**Reject** the submission by Ms Tindale seeking deletion of “residential” to broaden the scope of Policy 8A.3.3.3 (d);

**Reject** the submission to delete the matters (i) and (iii) from Policy 8A.3.3.3 (e) and add to matters of discretion for the full discretionary activity Rule 8A.3.4.7.

- 8.4.** The Oil Companies(3.7) sought rewording of 8A 3.3.3(b) from “... maintains the character and visual amenity of the site and surrounding area...” to “... minimises the potential to detract from...”. The submitter was concerned that this could be interpreted that any sign will alter the visual amenity and character of a site and therefore it would be more accurate to say that the sign should not detract from the amenity and character. Mr Osborne’s view was that the word “maintain” encompasses the wider context and is therefore not restrictive. He supported the retention of the wording. In his evidence Mr Thode did not accept Mr Osborne’s assessment and recommendation. He considered that if the word “values” was added to “character and amenity” that this would better capture the wider sense of what is trying to be achieved. Mr Osborne in his right of reply agreed that this would be consistent with the wording of other policies in 8A3.3.

The panel agreed with the Oil Companies and Mr Osborne’s reassessment of the wording.

**Recommendation:** In relation to the above submission points, the panel recommends:

**Accept** the submission seeking the addition of the word “values” to policy 8A3.3.3)b) to read:

*(b) maintains the character and visual amenity values of the site and surrounding area, and does not result in additional visual clutter or dominate the skyline; and...*

- 8.5.** Kiwirail (5.3) sought an amendment to policy 8A.3.3.3(d) to include consideration of the safety of all transport network users and not just road users when managing the provision of signage. Mr Osborne agreed that this was consistent with the objective and provided clarity. The panel agrees with the submitter and Mr Osborne’s analysis.



**Recommendation:** In relation to the above submission points, the panel recommends:

**Accept** the submission to amend policy 8A.3.3.3(d) to read:

*'manages any moving, digital, or changing signage, and illuminated signage to protect residential amenity and to not compromise the safety of road transport network users'*

- 8.6. NZTA (6.9) sought an amendment to Policy 8A.3.3.3 (e)(ii) to place more emphasis on safety and efficiency of the transport network. They submitted that "and" should be added to the provision.. Mr Osborne agreed that this provided better clarity.

The Panel agrees and and adopts the recommendation of the S42A report.

**Recommendation:** In relation to the above submission points the panel recommends:

**Accept** the submission to amend policy 8A.3.3.3(e) (iii) to read:

*'Any adverse effects on transport safety and/or efficiency...'*

Alison Tindale (2.7) sought amendment to the wording of Policy 8A.3.3.4 to improve clarity and more specificity to the policy direction and the link between the matters of discretion and the policy. This submission was supported in the further submission from NZTA in that it provides more clarity to plan users.

Mr Osborne agreed that this provided stronger linkage between policy and the associated rule. The Panel agrees that this provided greater clarity.

**Recommendation:** In relation to the above submission points, the panel recommends:

**Accept in part** the request to amend policy 8A.3.3.4 to read:

*(a) Enable temporary signs which meet a limited set of standards as a*

permitted activity; and

(b) Provide for the consideration of temporary signs of longer than two months a larger duration or above 3m<sup>2</sup> in size where amenity values are maintained and the safety of road users is not compromised.

## 9. RULES

9.1. There was support from a number of submitters who sought no amendments.

9.2. A number of submissions were made on Rule 8A.3.4.1 in relation to Health and Safety Signs and exemption from standards. This was addressed in this recommendation report at section 6.2 where a new definition is recommended and amendments to subsequent rules.

9.3. NZTA (6.3) supported the proposed exemption of health and safety signs from Permitted Activity standards. Kiwi Rail (5.4) sought that the exemption (c) be expanded to refer to “transport” rather than “traffic”. Mr Osborne supported this rewording as it would be more consistent with related wording in the proposed plan change. The Panel agrees with the consistency and clarity of wording and adopts the analysis and recommendation of the S42A report.

**Recommendation:** In relation to the above submission points, the panel recommends:

**Accept** submission 5.4 by amending the wording to exemption (c) to read:

“(c) Any official regulatory or traffic transport network sign.”

9.4. Alison Tindale (2.8) sought greater restrictions on illuminated signs and specifically that they be identified as Restricted Discretionary or Discretionary Activities within Residential and Rural Zones. The submission also sought that consideration be given to requiring resource consent for

illuminated signs within Open Space, Business Commercial and Industrial zones which are sited less than 10m from a residential zone. This is to address illumination impacts on the amenity of residential and rural zones.

The Oil Companies (3.3) supported the Restricted Discretionary Activity status.

Mr Osborne commented in his S42A report that the urban design report that was carried out as part of the assessment of submissions, advised that *“illuminated signs should not adversely affect the amenity values of neighbouring areas especially residential areas at night and recommends no illuminated signs within residential areas.”* The report also advised that *“flashing signs in the rural area could result in safety issues particularly at night given the general lack of street lighting in rural areas.”*

While there is some guidance through the policy framework in relation to illumination, it is not adequately addressed through the rule framework to deliver on the policies. Mr Osborne found that the relief sought by Ms Tindale was consistent with the direction of the proposed plan change. In his view amending the rule framework was the appropriate way to address this issue. In his report he states:

*“rather than insert a new (additional) Restricted Discretionary Activity rule as requested by submission 2.8, it is instead recommended to amend the permitted standards. This is because the rule framework for PC45 addresses signs based on typology (i.e. freestanding, fixed to buildings etc) and manages them via a zoned-based approach. Therefore capturing (or excluding) illuminated signs at the Permitted Activity level can be managed on a zoned based approach. In this case via the permitted standards under 8A.3.4.9 which address signs within the Residential, Rural and Open Space Zones. The addition of a new standard “(i)” would expressly exclude ‘illumination’ of signs in the Residential and Rural Zones.*

*The above amendment will elevate such proposals to Rule 8A.3.4.5 as a Restricted Discretionary Activity. The relevant matters of discretion will also require an amendment to capture assessment of the illumination effect. This can be achieved through incorporation within 8A.3.4.14 (f), which assesses the effect of signage on residential amenity.”*

Ms Tindale also sought restrictions on illuminated signs in Business

Commercial, Business Industrial and Open Space Zones where they are within 10m of a residential area. The nature of such zoning is such that there are numerous residential boundaries. This was illustrated in the example from the Planning Maps below:

**Figure 1: Example of zone interfaces:**



There is therefore the potential for adverse effects on residential properties and Mr Osborne supported some controls at these boundaries. To this end he took the same approach as for residential and rural zones with a new Permitted Activity standard excluding illuminated signs 10m from residential boundaries in these zones. As a result, proposals for illuminated signs within 10m of a residential zone would become Restricted Discretionary.

The Panel agrees and adopts the analysis and recommendation of the S42A report.

**Recommendation:** In relation to the above submission points, the panel recommends:

**Accept** submission 2.8 in part by amending the provisions to reflect:

**Residential, Rural and Open Space Zones;**

Add a new standard to 8A.3.4.9 as "(i)" to expressly exclude 'illumination' (internal or external) of signs in the Residential and Rural zones.

Add a new standard to 8A.3.4.9 as "(j)" to expressly exclude 'illumination' (internal or external) of signs in the Open Space zone.

Add to the matter of discretion 8A.3.4.14 (f) "including any effects of illumination or glare".

**Business Commercial, Business Industrial and Special Activity Zones;**

Add a new standard to 8A.3.4.10 (freestanding signs) as "(g)" to expressly exclude illumination (internal or external) of signs in the Business Commercial and Business Industrial Zones within 10m of a residential zone boundary.

Add a new standard to 8A.3.4.11 (signs attached to buildings) as "(l)" to expressly exclude illumination (internal or external) of signs in the Business Commercial and Business Industrial Zones within 10m of a residential zone boundary.

- 9.5. Alison Tindale (2.9) questioned the Discretionary Activity status for activities in Rule 8A3.4.6 – any sign (other than a temporary sign) which incorporates movement or changing content and digital signage. In her view it would be more appropriate to be a Restricted Discretionary Activity.

NZTA (6.10) supported the full Discretionary status but sought addition of standards to control luminance and animation of digital signage where visible from a state highway or road. In their view this should also apply to temporary signs. NZTA (6.6) also opposed the Permitted Activity standards for temporary signs in relation to this matter. In addition NZTA (6.12) while supporting the Permitted Activity standards for permanent signs in 8A3.4.13 – traffic safety, also sought standards to control luminance for consistency.

In his analysis, Mr Osborne agreed that there were no standards that addressed illumination and that the proposed plan change simply identifies digital signage as a Discretionary Activity leaving them without guidance on this matter. In his view a Restricted Discretionary status would be most appropriate where matters of discretion can be identified. NZTA had provided an example of the guidance they thought appropriate but Mr Osborne said that these were taken from a Permitted Activity standard and therefore not appropriate. He said that a matter of discretion could however be added to assist assessment. Reference to the traffic permitted standards proposed by NZTA could be added for guidance. NZTA in their evidence supported this approach.

The Oil Companies in a further submission opposed NZTA (6.10) to the extent that they didn't want the standards for controlling luminance to apply to petrol station signs which include digital petrol prices. Mr Thode in his evidence said that they would be satisfied if the standard did apply, it should only apply to that part of the sign that is digital. While he agreed with the clarification recommended by Mr Osborne to add an advice note to ensure only the digital components of the sign are considered, he thought this was not the most appropriate way to address it. In his view this should be dealt with at the activity status level. *"In my opinion, the rule itself should clearly state the activity status an activity will fall into. An advice note should not be needed to interpret a rule; the wording of the rule should be clear and certain and should convey the intent without any need for further clarification."*

Mr Osborne in his right of reply agreed with Mr Thode to amend the rule and delete the advice note. The Panel agrees with Mr Osborne's analysis and recommendation.

**Recommendation:** In relation to the above submission points, the panel recommends:

**Accept** submissions (2.9) and (6.10) and further submission by the Oil Companies by amending the provisions accordingly:

- Amend the activity status of Rule 8A.3.4.6 to Restricted Discretionary Activity;
- Amend the wording of Rule 8A.3.4.6 to ensure digital signs are captured for both Temporary and Permanent signs as follows;
  - Rule 8A.3.4.6 – “Any part of the sign (~~other than a~~ including temporary signs) which incorporate movement or changing content, and ~~and~~ digital signage. RD.”
- Amend standard 8A.3.4.8 by adding exclusion standard (d) as follows;
  - “(d) Is not a digital sign or incorporates movement or changing content”
- Amend standard 8A.3.4.13 by adding exclusion standard (g) as follows;
  - “(g) Is not a digital sign or incorporates movement or changing content visible from a state highway or road”
- Amend the Matters of Discretion at 8A.3.4.15 (Traffic Safety) by inserting reference to assess the matter of illuminated digital signs;
  - The illumination effect from digital signs or glare resulting in

distraction to road users (note: see standard 8A.3.4.13 (i) for guidance on illumination levels);

- o (i)(ii) The potential for obstruction, confusion or distraction in the observance of traffic directions, controls or conditions; and
- o (ii)(iii) The potential for obstruction to sightlines to intersections, corners, bends in roads and vehicle and pedestrian entrances.

9.6. In respect of Rule 8A.3.4.7 – Any sign (other than a temporary sign) which is not situated on a site to which the sign relates, there were two submissions. Alison Tindale (2.9) questioned the Discretionary Activity status when the matters of discretion or those in policy 8A.3.3.3 are adequate to address the effects. The Oil Companies (3.3) supported the proposed rule and activity status. NZTA further submitted in support of the Oil Companies.

Mr Osborne considered that the policy provided the necessary guidance and also that the status enables the Council to consider all effects including those beyond what is anticipated. The Panel agrees with this analysis and adopts the recommendation.

**Recommendation:** In relation to the above submission points, the panel recommends:

**Reject** the submission of Alison Tindale (2.9)

**Accept** the submission of The Oil Companies (3.3) and the further submission of NZTA.

## 10. PERMITTED ACTIVITY STANDARDS

10.1. In relation to standard 8A.3.4.8- Temporary signs in all zones, NZTA (6.6)



sought a standard to address illumination of temporary digital signs.

Mr Osborne in his report explained that digital signs are discretionary activities and therefore the Permitted Activity standards don't apply. In the recommendation above, digital signs that contain movement or illumination have been addressed for all signs that are digital. In addressing submission NZTA (6.12) which seeks standards to control luminance effects on the safety of the road network, it was recommended that a table of luminance standards be added to 8A.3.4.13. However this only applies to permanent signs and temporary signs have separate standards. In order to make this consistent so that temporary signs are subject to the same control, Mr Osborne recommended that a standard for temporary signs be added that requires that the luminance standards of 8A.3.4.13 (i) apply where visible from the road network. This then ensures that the effects of luminance are controlled in the same way for all signs whether temporary or permanent. This was supported by Alan Hudson from NZTA in his evidence at the hearing but he also sought additional clarification of the wording of 8A.3.4.8 which Mr Osborne accepted in reply. The panel agree with this recommendation as it ensures consistent treatment for all signs and recognises the effects of luminance on road safety. However, in respect of the wording of 8A.3.4.8 (d) and 8A.3.4.13 (g), the Panel thought that the way it is expressed is inconsistent with the part of speech used for the other standards. They therefore recommend that it read:

*“(d) Any temporary sign shall not be digital or incorporate movement or changing content”*

**Recommendation:** In relation to the above submission points, the panel recommends:

**Accept** the submission from NZTA (6.6) in part by adding a standard to 8A.3.4.8 to reference the luminance standards of 8A.3.4.13(i) to read:

**(e) The sign complies with the luminance standards at 8A.3.4.13 (i) where visible from the road network.**

Reword 8A.3.4.8 (d) and 8A.3.4.13 (g), to read:

(d) Any temporary sign shall not be digital or incorporate movement or changing content

**10.2.** In relation to standard 8A.3.4.9 – Signs in Residential Zones, Rural Zones, and Open Space Zones, Alison Tindale (2.10) raised five issues;

- Standards for signage in Residential, Rural and Open Space Zones are overly restrictive, particularly for non-residential activities in these areas;
- The 'visibility in any one direction' in subsection (a) and (c) is open to debate;
- It would be preferable to group all permitted standards relating to the same type of sign(s) in the same zone together;
- The need for a permitted standard of 2m<sup>2</sup> for interpretative signs in the Open Space Zone is unclear; and,
- 'Signs not covering windows' is unclear and could prevent community notices being displayed within the residential area.

She sought the following relief although not all of these relate to the issues raised:

- Increasing the permitted number of signs from one to three signs on a Residential, Rural or Open Space zoned site if it comprises a non-residential activity;
- Exclusions of illuminated, or digital signage;
- Deletion of the 'visible in any one direction' terminology; and,
- Deletion of the 2m<sup>2</sup> interpretation sign with the Open Space Zone

standards.

Ms Tindale provided suggested reformatting of the provisions. A further submission from NZTA opposed Ms Tindale's submission as they considered that an increase of the number of permitted signs could lead to a proliferation of signage which could cause a distraction to drivers.

Mr Osborne did not support an increase in the number of permitted signs for non-residential activities in the three zones. He said that there was no evidence to suggest that the provision for one sign was an issue or unduly restrictive. He also cited research that that he had carried out and there is no evidence of demand or consents being sought for additional signs. He added that providing for more signs would not be consistent with the policy framework and the direction of the proposed plan change. The Panel agrees with this assessment.

Ms Tindale sought deletion of the 'visible in any one direction' which is tied to the standard allowing a maximum of one sign per site. Mr Osborne said that this was in the operative District Plan and dealt with two sided signs. He said that there is no evidence of this wording causing any compliance issues. He had undertaken a review of the Council's resource consent records back to 2007 and the last five years of compliance monitoring records. There was much discussion about this point at the hearing and Mr Osborne was reasonably satisfied that the words could be removed and the standard would require one sign per site with control on the maximum total area. The Panel however thought that the evidence that there had been no issues with this provision was persuasive. Two sided signs are quite common and "visible in one direction" addresses this matter adequately. The Panel thought that removal of the words could lead to misinterpretation and recommend that the provision remain as it is.

Ms Tindale sought that all the Permitted Activity standards relating to the same type of signs, be grouped together. Mr Osborne said that the structure of the plan provisions is arranged in zones and there would be no gain in restructuring the provisions. The Panel agrees with Mr Osborne and

think that the structure of the proposed plan change is clear and legible.

Ms Tindale questioned the need for specific provision for interpretive signage in Open Space Zones. Mr Osborne said in his report that the open spaces are large and signs can be accommodated within these areas without causing any detracting from the amenity of the site itself or the surrounding areas. There is little evidence to show that there is any issue with these signs and in fact the Council's asset manager said the standard was appropriate. The Panel agrees with Mr Osborne's assessment.

Ms Tindale questioned the standard that requires that signs must not cover any windows. From an urban design perspective, Mr Osborne said this aims to maintain the residential character. Ms Tindale was concerned that this would restrict community groups putting up signs in windows. Mr Osborne said that the signs bylaw provides for such signage. The Panel agrees with Mr Osborne that maintenance of residential amenity is important and this provision is consistent with the policy framework.

Ms Tindale proposed standards to exclude illumination of signs as a Permitted Activity. This is dealt with elsewhere in these recommendations and digital signs are identified as Discretionary Activities so there is no need to be excluded from Permitted Activity standards.

**Recommendation:** In relation to the above submission points, the panel recommends:

**Reject** the submission from Alison Tindale (2.10)

- 10.3.** Two submissions were received in relation to standard 8A.3.4.10 – Freestanding Signs in Business Commercial Zones, Business Industrial Zones and Special Activity Zones.

Woolworths (1.4) and the Oil Companies (3.9) both submitted that the size restrictions on signs were too restrictive. Woolworths said that they were too small for monolith signs used by Countdown. The Oil Companies sought

specific increase in area. Mr Osborne referred to the urban design advice provided by Jaime Devereux. She said that while large signs may be appropriate in larger urban settings, in Upper Hutt the scale is smaller and it would be inappropriate to allow an increase in size when larger signs should be considered through a resource consent process so that the effects and appropriateness can be assessed on a one off basis. The Panel agree that the rule framework is appropriate to achieve the objectives and policies of the provisions and that larger signs can be dealt with through the resource consent process.

**Recommendation:** In relation to the above submission points, the panel recommends:

**Reject** the submissions from Woolworths (1.4) and the Oil Companies (3.9).

**10.4.** Ms Tindale (2.11) sought clarity on the distinction between freestanding signs and traffic signs provided for in 8A.3.4.12. She also sought a limit on illuminated signs near residential properties. The Oil Companies further submission opposed Ms Tindale's submission. They submitted that the distinction is made clear in the proposed plan change. The provision for traffic signs in 8A.3.4.12 specifically says that they must be for "directional purposes". Mr Osborne agreed with these comments and the Panel agrees too. The provisions are purposefully different and provide clarity to the user.

**Recommendation:** In relation to the above submission points, the panel recommends:

**Reject** the submission from Alison Tindale (2.11).

**10.5.** In respect of Standard 8A.3.4.11 – Signs on buildings and other structures in Business Commercial Zones, Business Industrial and Special Activity Zones Woolworths (1.5) sought an increase in the maximum area of a sign on a building to 15m<sup>2</sup>. They submitted that there was a conflict between this and the maximum percentage coverage which could lead to a

proliferation of smaller signage.

Alison Tindale (2.12) also sought clarification and reformatting in relation to the extent of signage permitted on a building.

Mr Osborne agreed that there was some confusion within the standard and in comparison with Appendix 1 – Business Zone Diagram. One aspect that could cause confusion was use of the word *façade* as this can also refer to more than one elevation. Mr Osborne said that this could be remedied by using the word *elevation* or *front elevation* where that was relevant in the standard. This was accepted by the submitters and the Panel agree. It was also raised that the word *elevation* should be used throughout the proposed plan change and Mr Osborne supported this.

The Council's urban designer provided comment on the issue of potential proliferation of signs and the maximum area of a sign. She said that these were also linked to the 5m separation standard for signs above ground floor. The combination of the provisions – maximum area, number of signs permitted, separation distance and for the front *façade*/elevation maximum coverage – will avoid proliferation and clutter. Mr Osborne commented in his report that this may not be clear in the standard but the result of the application of the provisions resulted in the outcome sought and he did not agree that an increase in size was justified or desirable. He did agree with some reformatting for greater clarity.

Mr Osborne agreed with Alison Tindale that the word *maximum* in relation to the horizontal distance between signs above ground floor should be replaced by *minimum*. This better conveys the outcome sought and based on the explanation provided by the urban designer.

Alison Tindale sought reformatting of 8A.3.4.11 (g) to include a standard for signs suspended underneath a veranda so that a minimum 2.5m clearance is maintained. Mr Osborne agreed with this addition as he said it was omitted from the notified proposed plan change.

Alison Tindale submitted that there was a conflict between (a) and (f) for projecting signs. Mr Osborne agreed and proposed an amendment to include an exemption at (a) where by the two provisions are linked and signs projecting from the front of the building are excluded.

Alison Tindale questioned why there was an exclusion and special provisions for Eastern Hutt Road. Mr Osborne explained that this was a provision carried through from the operative provisions that was specific to an underlying zoning and undeveloped area. He said that the site was distinct from the other developed industrial land and the provisions were still relevant and should be carried over.

Overall the Panel agrees with Mr Osborne's assessment and recommended amendments. These amendments meet the concerns of the submitters.

**Recommendation:** In relation to the above submission points, the panel recommends:

**Reject** the submission by Woolworths (1.5)

**Accept** in part the submission by Alison Tindale (2.12) so that 8A.3.4.11 reads:

**“8A.3.4.11** *Signs on buildings and other structures in Business Commercial Zones, Business Industrial and Special Activity Zones*

(a) No sign shall extend beyond the elevation façade of the building or beyond the height of the structure to which it is to be attached to, or extend above the roofline of the building, except where:

(i) The sign is positioned at 90 degrees to the front elevation façade of the building; and

(ii) must not extend from the wall by more than 1m.

(b) The maximum area of any single sign on a building façade or structure shall not exceed 5m<sup>2</sup>, other than in the Business Industrial Zone, where the maximum area of any sign on a front façade or structure shall not exceed 10m<sup>2</sup>.

(b) The maximum area of any single sign is

i) 5m<sup>2</sup> for Business Commercial and Special Activity Zones;

ii) 10m<sup>2</sup> for Business Industrial Zone.

~~(c) For signs on any building façade or structure, the total area of all combined signs shall not exceed 30% of the total area of that building façade or structure.~~

(c) the total area of all combined signs does not exceed 30% of the total area of ~~the that~~ building ~~elevation façade~~ or structure.

(d) For signs located above a building's ground floor level there shall be a ~~minimum maximum~~ horizontal separation distance of 5 metres between signs on the same floor level.

(e) Any sign located on the parapet of a building shall not exceed an area of 5m<sup>2</sup>, or an area of 30% of the total area of the parapet, whichever is the lesser.

~~(f) Any sign which is projecting from the façade of a building must be:~~

~~(i) positioned at 90 degrees to the façade of the building; and~~

~~(ii) must not extend from the wall by more than 1m.~~

~~(g)~~ The maximum height of any sign located on the fascia of a veranda must not exceed a height of:

(i) 0.6 metres; or

(ii) where the height of the fascia is 0.6m or greater, an additional 25% of the fascia height.

~~(g) Signs below verandas which overhang pedestrian pathways, must have a minimum clearance of 2.5m above ground level.~~

~~(h) Signs must:~~

~~(i) not have changing content;~~

~~(ii) not be in a digital format;~~

~~(iii) be situated on the site to which the sign relates; and,~~

~~(iv) not be illuminated within 10m of a Residential zone.~~

i) In the Business Industrial Zone on Eastern Hutt Road identified in Appendix 3 of Chapter 20 – Business Zones Rules:

(i) no sign shall be located within 6m of Eastern Hutt Road.

(ii) no sign shall be located on the façade ~~elevation~~ of any building facing Eastern Hutt Road.

(iii) there shall be a maximum of one free-standing sign which may be located at the road entrance to the Business Industrial Zone and it shall not exceed a face area of 20m<sup>2</sup> visible from any one direction; or be more than 9m above ground level.

j) On land identified in the Business Commercial Zone at Riverstone Terrace in Appendix Business 2 of Chapter 20, the area of any signs attached to buildings shall not exceed a total area of 7.5m<sup>2</sup>.

**10.6.** Two submissions were received in relation to standard 8A.3.4.12 – signs for direction of traffic on a site in Business Commercial, Business Industrial Zones and Special Activity Zones. Woolworths (1.6) sought a slight increase in the area and vertical dimension of these signs to enable more easily read wayfinding signs in supermarket carparking. Mr Osborne advised that on the urban design advice received, there was no concern about this increase. The Oil Companies (3.10) sought a minor correction for clarification.



In Mr Thode's evidence, he supported Mr Osborne's recommendation. The Panel agrees as it meets the needs of the submitter without causing any detracting from the intent of the proposed plan change.

**Recommendation:** In relation to the above submission points, the panel recommends:

**Accept** the submissions of Woolworths (1.6) and The Oil Companies (3.10) so that the relevant provisions of 8A.3.4.12 are amended to read:

8A.3.4.12 Signs for direction of traffic on a site in Business Commercial **Zones**, Business Industrial Zones and Special Activity Zones

- (a) The maximum vertical dimension of the sign shall not exceed **1.2m**.
- (b) The maximum area of the sign, visible in any one direction, shall not exceed **0.5 1m<sup>2</sup>**.

**10.7.** Two submissions were received from Woolworths (1.3) and Alison Tindale (2.13) in respect of standard 8A.3.4.13. Woolworths supported the provisions. Ms Tindale supported the standard but said that it generally applies to signs in road corridors. She sought that this be made explicit and the heading of the standard be reworded accordingly –“ *standards for signs in road corridors*”. She also submitted that the standard should be incorporated with the other standards as they should also apply to private land. NZTA and KiwiRail opposed Ms Tindale's submission on the grounds that the scope of the standard is broad enough to cover all zones and locations. The Panel agrees with Mr Osborne's analysis and recommendation.

**Recommendation:** In relation to the above submission points, the panel recommends:

**Reject** the submission from Alison Tindale (2.13)

**10.8.** The Oil Companies (3.11) supported the standard 8A.3.4.13 with minor rewording so that point (f) (iii) reads:

- (iii) Be located so as to provide an unrestricted view of the road to the

motorists for a minimum distance of 180 metres.

NZTA opposed this submission as they considered that it would narrow the scope so that other elements were excluded such as visibility splays from driveways. Mr Osborne in his report agreed with NZTA and recommended that the Oil Companies' submission be rejected.

At the hearing however, Mr Thode's tabled evidence rejected Mr Osborne's recommendation and he suggested alternative wording to capture the intent of his submission: "(III) Be located so as to not unsafely obstruct or hinder the ~~provide an unrestricted~~ view to the motorist for a minimum distance of 180 metres"

In reply Mr Osborne stated:

*"The evidence raises concern that there could be an unintended consequence of the Permitted Activity standard through any sign that restricts the view of a motorist in any direction so that the permitted standard could not be met, regardless of whether that view was of the road or not.*

*The rule is an existing operative provision within the current District Plan zone chapters (e.g. Rule 18.24) that has been retained as part of this plan change. The evidence has clarified the concern and suggests an amendment. I recommend the wording suggested within the primary submission as more preferable to address this matter. Therefore my recommendation is that the wording for Rule 8A.3.4.13(f)(iii) is updated to reflect the primary submission as set out below:*

*(iii) Be located so as to provide an unrestricted view of the road to the motorists for a minimum distance of 180 metres."*

NZTA made no further comment on this matter at the hearing and the Panel agreed with Mr Osborne's subsequent recommendation as this provides clarity and better meets the intent of the proposed plan change.

**Recommendation:** In relation to the above submission points, the panel recommends:

**Accept** the submission from The Oil Companies (3.11)

**Reject** the further submission from NZTA

**NZTA** (6.11, 6.12, and 6.13) supported the standard 8A.3.4.13 subject to amendments:

*“To include consideration of flashing and/or revolving lights, as they can distract road users, and can be mistaken for emergency vehicles/roadworks and result in a driver incorrectly taking evasive action. Relief sought: Insert new standard as 8A.3.4.13(g) – no sign shall include any flashing lights.*

*Insertion of the illuminance standards to ensure all illuminated and/or digital signage is stringently controlled, and that luminance is consistent with best practice standards. Relief sought: Insert new rule 8A.3.4.13(h) to control luminance and glare (table).*

*There is a specific lack of best practice guidance on safe separation distances between signs and traffic signs, signals and intersections which could result in the safe and efficient operation of the region's land transport system being compromised by inappropriately located signs. Relief sought: In relation to standards for 8A.4.3.13(a) and (c), insert new 8A.3.4.13(h) that adds standards for location etc to both >70km roads and < 70km roads.*

*The submitter supports the proposed advice note but suggests that plan users are not aware that signage within Upper Hutt is subject to both the District Plan and the Upper Hutt City Council Control of Advertising signs Bylaw 2005. Relief Sought: Insert an additional advice note to explicitly highlight the UHCC Bylaw provisions also relevant.” (S42A report Para 163)*

The Oil Companies opposed these amendments.

Mr Osborne agreed that the first two amendments would provide clarity as well as providing maximum standards for luminance. In relation to the third point, The Oil Companies opposed this as they contended it duplicated standard 8A.3.4.13 (a). Mr Osborne disagreed as he said that the provision at (a) was more general in terms of obstruction by signs of views of traffic signs. The provision (c) is specifically about line of sight and visibility at intersections, bends and corners. The suggested provision provides more specific guidance and clarity for the user and that this would be best added to (c). The Panel agreed that the two standards address different matters.

At the hearing NZTA supported the amendment. However, The Oil Companies disagreed. Mr Thode said that the words “*road environment*” lacked definition and therefore the recommended standards (i) and (ii) would result in uncertainty. The Oil Companies said in their further submission that use of the term “*road reserve*” could be supported. Mr Osborne replied that it would be better to remove the word “*environment*” so that the word “*road*” stood on its own and relied on the common understanding of that word with the added clarification to prefix this by adding “*legal*” The Panel agreed that this would provide more clarity.

In his evidence, Mr Hudson said that while they had supported the insertion of the luminance table to provide guidance to the Permitted Activity standard, there had been an updated standard (AS/NZS 4282) released to address the effects of outdoor lighting on traffic safety. Mr Muir outlined this in his evidence. To ensure consistency Mr Hudson requested that reference be made in the Permitted Activity standard to AS/NZS 4282. At the hearing Mr Muir and Mr Hudson said that the new standards provided a finer grained approach recognising different light environments. Mr Osborne correctly pointed out that it was not appropriate to reference an external standard which could be altered and to which access may be difficult. He therefore recommended that

the table itself should be incorporated into the standard. Mr Hudson agreed with this approach. Mr Osborne's recommended amendment to insert the table also included reference to the "*transport network*" rather than "*road*" as he had recommended in his S42A report. This is a consequential amendment as a result of recommending acceptance of KiwiRail's submission point (5.3). For consistency, it follows also that this needs to apply to the Permitted Activity standard for temporary signs at 8A3.4.8(e).

In her evidence, Ms Tindale commented that speed limits should be written in full. Mr Osborne commented in his reply that "km/h" is a commonly used and well understood abbreviation. The Panel agrees with this assessment. On another abbreviation Ms Tindale requested that "cd/m<sup>2</sup>" be expressed in full. Mr Osborne agreed that unlike "km/h" this was a less known abbreviation and should be expressed in full. The Panel agrees with this for clarity.

Ms Tindale also pointed out that in respect of 8A3.14.13, there was a conflict between clauses (g) and (i) in that (g) says that a digital sign is not permitted but (i) refers to digital signs. Mr Osborne and the Panel agree that the work "digital" should be removed from clause (i) to address this conflict.

On the final point raised by NZTA, that an advisory note be added to reference the Upper Hutt City Council Bylaws, Mr Osborne agreed but said that the correct reference was to "*Control of Temporary Signs Bylaw*"

The panel considers that the recommended amendments provide clarity and certainty to the plan user.

**Recommendation:** In relation to the above submission points, the panel recommends:

**Reject and accept in part** the submission from Alison Tindale.

**Reject** the further submission from The Oil Companies.

**Accept** the submission from NZTA (6.11, 6.12, and 6.13) and amend the proposed provisions accordingly:

**Add** the following to **8A.3.4.13 (c)**;

- o (c) No sign may restrict the line of sight to any intersection, bend or corner on a road, and;
- o "(i) Within legal road environments with a posted speed environment of <70km/h no signs shall be located 100m from an intersection and/or permanent regulatory or warning or advisory sign and/or traffic signal, and/or pedestrian crossing"
- o "(ii) Within legal road environments with a posted speed environment of >70km/h no signs shall be located 200m from an intersection and/or permanent regulatory or warning or advisory sign and/or traffic signal, and/or pedestrian crossing"

**Add** "No sign will include any flashing and/or revolving lights" as **8A.3.4.13 (h)**

**Insert** the following luminance standards to **8A.3.4.13 as (i)**;

- o "(i) All illuminated visible from a transport network must be designed, installed and maintained to ensure they do not exceed the following luminance standards;
- o Table: Maximum luminance

	Low Light Environment (rural / semi-rural environment)	Medium Light Environment (Suburban / Urban Environment)
Maximum Candelas per Square Meter (CDM2)	150	300

- o Add an advice note to read: "it is also advised to check the Upper Hutt City Council Control of Temporary Signs Bylaw 2018 to ensure all signs comply with Council's specific requirements"

**Amend** 8A.3.4.8 (e) to read: "The sign complies with the luminance standards at 8A.3.4.13(i) where visible from the road transport network."

## 11. MATTERS OF DISCRETION

- 11.1. Woolworths (1.3) and The Oil Companies (3.4) supported the provision 8A.3.4.14. Alison Tindale (2.14) generally supported the provision but requested that (b) was worded in a negative manner and could be expressed more neutrally. She also considered that (e) addresses two

separate issues and would be clearer if it was expressed in two separate clauses.

Mr Osborne supported the suggested rewording with some amendment. He did however point out that this would involve removal of the reference to “*different location*”. Signs on sites not related to the site they are located on are dealt with as a full Discretionary Activity in rule 8A.3.4.7 and therefore require consideration against the policy 8A.3.3.3 rather than a matter of discretion. To this end the suggested amendments will meet the intent of the proposed plan change and work with the rule framework.

While the Oil Companies supported the S42A recommendations and Mr Thode reiterated this in his evidence, he sought an amendment to clause (g) to emphasise the focus on residential amenity. Mr Osborne responded that it wasn't necessary as it was already clear as it directly refers to residential amenity. He did recommend that additional clarity could be added regardless. The Panel agrees with this assessment and the recommended amendments will add clarity to the proposed provisions.

**Recommendation:** In relation to the above submission points, the panel recommends:

**Accept** the submission from Alison Tindale and amend 8A.3.4.14 to read:

**8A.3.4.14**

**(b) Effect of the sign on the appearance of the building to which it is attached due to:**

- (i) The proportion of the sign to the building ~~façade~~ **elevation**; and
- (ii) The location of and design of the sign, including the colour, display, materials, and how the sign relates to any architectural features on the building; and
- (iii) The number of signs on the building.

**(e) Whether there are any special circumstances or functional need for proposed signage including operational, directional or safety reasons;**

**(f) Whether vegetation or landscaping would mitigate the visual impact of the sign.**

(g) Whether the sign would impact on residential amenity due to its location and design or proximity to residential activities including any effects of illumination or glare on adjoining residential properties.

11.2. Alison Tindale (2.5) and the NZTA (6.4) support the provision 8A.3.4.15 – Transport safety – all signs. However in his evidence Mr Hudson said that while they supported the recommendation they would like the dwell and transition times for digital signage to be included in the matters for discretion. It wasn't entirely clear how NZTA wanted them referenced and so following adjournment of the hearing Mr Hudson and Mr Osborne discussed how best to address this. In his reply Mr Osborne recommended that this be included in 8A.3.4.15 (i). The Panel were pleased that this was resolved and both parties satisfied. The provision will add clarity and certainty to the proposed plan change. The Panel did however consider that the wording of the provision could be improved with minor amendment without changing the meaning. At the hearing Ms Tindale requested that in clause (a) (i) illuminated signs should be expressly identified rather than just digital signs. Mr Osborne was of the view that this was not necessary: "*illuminated signs are managed and commence at a permitted status while digital signs are not permitted and commence at a Restricted Discretionary status*"

**Recommendation:** In relation to the above submission points, the panel recommends:

**Reject** the submission from Alison Tindale.

**Accept** the submission from NZTA and amend 8A.3.4.15 (a) (i) to read:

".....The illumination or glare from digital signs resulting distraction to road users (note: see standard 8A.3.4.13 (i) for guidance on illumination levels) including consideration of the effect where minimum dwell time of 10 seconds and maximum transitions time of 0.5 seconds is not met;"

11.3. Alison Tindale (2.15) sought amendment to 8A.3.4.15 – Temporary signs on the basis that she considered that temporary signs were more likely to



affect the visual quality of the street scene than impact on residential amenity per se.

Mr Osborne in his report acknowledged that this would provide an additional consideration for temporary signs where an extension to the duration of a proposed sign was sought. Such a sign could have greater effect on the character of the area and the suggested addition of another element to consider this aspect was warranted.

The Panel agrees with Ms Tindale and Mr Osborne's assessment as it provides greater consideration of the effect of temporary signs on the character of the area.

**Recommendation:** In relation to the above submission points, the panel recommends:

**Accept in part** the submission of Alison Tindale (2.15) and add a further matter of discretion to 8A.3.4.16:

***"(e) Whether the sign is compatible with the visual street scene character of the area in which it is situated."***

- 11.4.** Alison Tindale (2.16) sought a new matter of discretion to address the assessment of signs not related to the site they are located on. The Oil Companies opposed the amendment on the basis that such signs are full Discretionary Activities and therefore reference to the policy is the correct procedure. A matter of discretion is not triggered in this instance.

Mr Osborne agreed with The Oil Companies and added that for clarity an advice note could be added to the activity status table to reference that importance of the Policy 8A.3.3.3 (e) to consideration of signs under 8A3.4.7. The Panel agree that this will add more clarity, understanding and guidance to the rules.

**Recommendation:** In relation to the above submission points, the panel recommends:

**Reject in part** the submission of Alison Tindale and add an advice note under the Activity Status Table (8A3.4.) to read:

***Proposals for signs under Rule 8A.3.4.7 must include an assessment against the relevant policies including, but not limited to, the criteria of Policy 8A.3.3.3 (e)."***

## 12. OTHER MATTERS

- 12.1. Woolworths (1.7) submitted that the signs shown in Appendix 1- Business Zones Diagram do not accurately reflect current signs for supermarkets and that those in the diagram do not encourage good urban design outcomes.

Mr Osborne commented that this was related to the submitter's point (1.4) and (1.5) where they sought greater dimension and area for signs. He therefore recommended that this submission point be rejected. The Panel agrees that this recommendation is consistent with the recommendations made in respect of signs in Business Commercial Zones, Business Industrial and Special Activity Zones.

**Recommendation:** In relation to the above submission points, the panel recommends:

**Reject** the submission from Woolworths (1.7).

- 12.2. KiwiRail (5.1) and NZTA (6.7) support the Introduction to Signs. NZTA however sought a minor amendment so that it is consistent with NZTA (Signs on State Highways) Bylaw 2010.

Mr Osborne agreed that this would be consistent with the provisions of the proposed plan change. The Panel agrees with this assessment and consider it provides consistency.

**Recommendation:** In relation to the above submission points, the panel recommends:

**Accept** the submission from NZTA (6.7) and amend the Introduction to read:

*“...For signs located in road corridors, approvals may be needed from the Road Controlling Authority (including the Council), or the New Zealand Transport Agency for signs on **or over** the State Highway. These approvals may need to be sought regardless of whether the sign complies with the provisions of the District Plan.”*

**12.3.** Alison Tindale made some general comments in her evidence that were responded to by Mr Osborne. She considered that the provisions should indicate signs which are likely to be favourably considered through the resource consent process. She also commented that the objectives and policies were broadly stated and open to subjective interpretation. She considered that a non-statutory design guide for signs would be helpful. This was not a matter raised in her submission and so can not be considered. In respect of the other matters, the Panel considered that the structure of the proposed plan change followed best practice and that this was not appropriate.

**12.4.** Alison Tindale (2.1), The Oil Companies (3.1), Powerco (4.1) and NZTA (6.1) supported the intent of the proposed plan change subject to requested amendments.

**12.5.** There were a number of consequential changes that have been made as a result of recommendations on the proposed plan change and some corrections to typographical errors. The Panel has also recommended some grammatical corrections to the wording of some clauses for consistency of parts of speech. These have been amended at the relevant parts of this report.

### **13. RECOMMENDATIONS ON SUBMISSIONS**

**13.1.** The Panel makes the recommendations to reject, reject in part, accept in part or accept submissions as recorded in this report. The Panel considers that the proposed plan change is consistent with Part 2 of the Act and that the Council can approve PPC45 with the recommended

Proposed Plan Change 45 – Signs

amendments.

A handwritten signature in black ink that reads "Jane Black". The signature is written in a cursive style with a period at the end.

Jane Black

Independent Commissioner

Cr John Gwilliam

Cr Glenn McArthur

## Proposed Plan Change 45 – Signs

## Proposed Plan Change 45 – Signs

**Appendix 2:**

**Recommended Amendments to Chapters**

For the purposes of the Plan, unless the context requires otherwise, the following definitions apply:

<b>the Act</b>	the Resource Management Act 1991 including any amendments thereto.
<b>Access lot</b>	any separate lot, owned in common undivided shares, and used primarily for access to one or more lots that have no legal frontage.
<b>Accessory building</b>	a building which is accessory to the main use of the site. On residential sites, this includes garages, carports, workshops, garden sheds, swimming pools, spa pools and glasshouses that are not used for commercial purposes other than home occupations. It also includes walls, fences and retaining walls defined as buildings. For the purposes of the Southern Hills Overlay Area, accessory buildings do not include any building in the Residential Zone or Residential Hill which exceeds 36m <sup>2</sup> in floor area and/or 3 metres in height. (See definition of “building”)
<b>Active recreation</b>	recreation activities that are active in nature. It includes motorised activities and gun clubs which have an intermittent noise component but excludes all temporary events, such as organised competitive sporting events.
<b>Activity</b>	the use of a site including the construction, operation, maintenance, minor upgrading, replacement and refurbishment of buildings, structures, plant and equipment.
<b>Allotment</b>	has the same meaning as in section 218 of the Resource Management Act 1991.
<b>Amenity values</b>	has the same meaning as in section 2 of the Resource Management Act 1991.
<b>Ancillary</b>	in relation to an activity means an activity serving a supportive function to, and located on the same site as a primary activity, and which is small in scale.



**Anemometer**

means a mast and supporting sensors for the purpose of wind resource measurement. This includes guy wires and various meteorological instruments to be erected at varying heights, including:

- Anemometers to measure the average wind speed, wind gust speeds, turbulence intensity and wind shear;
- wind vanes to measure wind direction; and
- other meteorological instruments to measure temperature, air pressure, humidity and rainfall.

**Antenna**

means antenna as defined in the Resource Management (National Environmental Standard for Telecommunications Facilities) Regulations 2008.

An antenna does not include:

- Devices used in amateur radio configurations
- Devices used only for television reception; and
- Any other device not otherwise defined above that is less than 1.5m<sup>2</sup> in area

**Advice note:** The mountings of any antenna and any radiofrequency equipment or similar device shall not be included in the measurement of area or diameter of each antenna, provided that the radiofrequency unit or similar device is smaller in area or diameter than the antenna itself. Any antenna only need meet the area or diameter measurement, as appropriate to the type of antenna and the measurement is of each individual antenna and is not a cumulative measurement.

**Boundary**

the legal boundary of a site, unless otherwise specified.

**Building**

any structure whether temporary or permanent, movable or immovable, which, in addition to its ordinary and usual meaning, includes the following:

- Any structure of over 5m<sup>2</sup> in area with a height of more than 1.2m.
- Any fence or wall with a height of more than 2m.
- Any retaining wall with a height of more than 1.5m above the finished ground level.
- Any tank or pool, and any structural support:
  - (i) Which has a capacity of not less than 25,000 litres and is supported directly by the ground.
  - (ii) Which has a capacity of 2,000 litres or more and is supported at a height of more than 2.0 metres from the base of its structure.
  - (iii) Which has a capacity of 500 litres or more and is supported at a height of more than 4.0 metres from the base of its supporting structure.

This definition does not apply to network utilities as defined in this chapter.

<b>Building improvement centres</b>	are premises used for the storage, display and sale of goods and materials used in the construction, repair, alteration, improvement and renovation of buildings and includes building supply, electrical supply and plumbing supply centres, building recyclers and home and building display centres.
<b>Cabinet</b>	means a box-shaped structure which houses radio and telecommunication equipment, electrical equipment, equipment associated with the continued operation of network utilities and includes single transformers and associated switching gear distributing electricity at a voltage up to, and including, 110KV.
<b>Cleanfill</b>	an activity involving the depositing of exclusively inert, non decomposing material into or onto land, including materials such as clay, soil, rock, concrete or brick, that are free of combustible or putrescible components or hazardous substances or materials likely to create a hazardous leachate by means of biological or chemical breakdown.
<b>Code of Practice for Civil Engineering Works</b>	a document prepared by the Council which sets out performance criteria, standards and procedures for engineering works within Upper Hutt.
<b>Commercial scale renewable energy generation activities</b>	means the land, buildings, substations, turbines, structures, underground cabling earthworks, access tracks and roads associated with the generation of electricity from a renewable energy source and the operation of the renewable energy generation activity. It does not include: <ul style="list-style-type: none"><li>• Small scale wind turbines turbines of less than 5kW</li><li>• Community scale renewable energy generation activities</li><li>• Any cabling required to link the wind energy facility to the point of entry into the electricity network, whether transmission or distribution in nature.</li></ul>
<b>Commercial unit</b>	any land or buildings designed to be self-contained for individual or separate commercial activities, companies or businesses.
<b>Community care housing</b>	special care housing used for the rehabilitation or care of any group of persons.
<b>Community scale renewable energy generation</b>	means renewable energy generation for the purpose of supplying electricity to a whole community which is not connected to the distribution network ('off grid'); or to supplying an immediate neighbourhood in an urban area with some export back into the distribution network.
<b>Community facilities</b>	any land or building used, or intended to be used, for public indoor or outdoor recreation, meetings, or social or cultural events, and includes the provision of information, advice and training associated with the use of the facility.

**Comprehensive residential development**

a residential development of at least three dwellings, on a site within a Residential (Centres Overlay) Area, at a density greater than the minimum net site area requirement for the Residential zone.

**Note:** A Comprehensive Residential Development may include an existing dwelling.

**Conservation**

the maintenance or enhancement of environmental and heritage values.

**Construction and Commissioning activities:**

in respect of renewable electricity generation activities includes those activities directly involved with the building and operation of a new renewable electricity generation activity. This includes site preparation, earthworks, quarrying, concrete batching, plant construction, road construction and widening, traffic generation, reservoir formation, clearance or inundation of vegetation, but specifically excludes investigative activities such as geological sampling, surveys and geotechnical investigations.

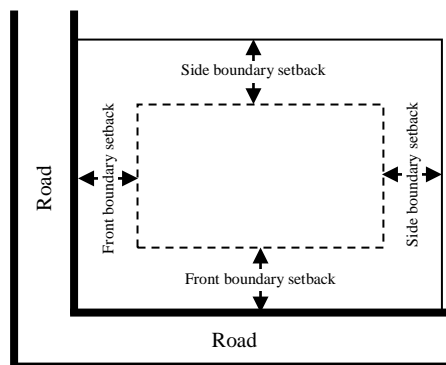
Activities associated with “construction and commissioning” includes rapid and temporary population increases and the associated effects on infrastructure and community facilities; the need to reroute or relocate network utilities and community facilities;; the need to construct new infrastructure including the system of electricity conveyance transmission (including substations) required to convey electricity to the distribution network and/or the national grid as provided for in the definition of ‘renewable electricity generation activity.

**Contaminated site**

a site at which hazardous substances are present above local background levels and are likely to pose an immediate or long-term hazard to human health or the environment.

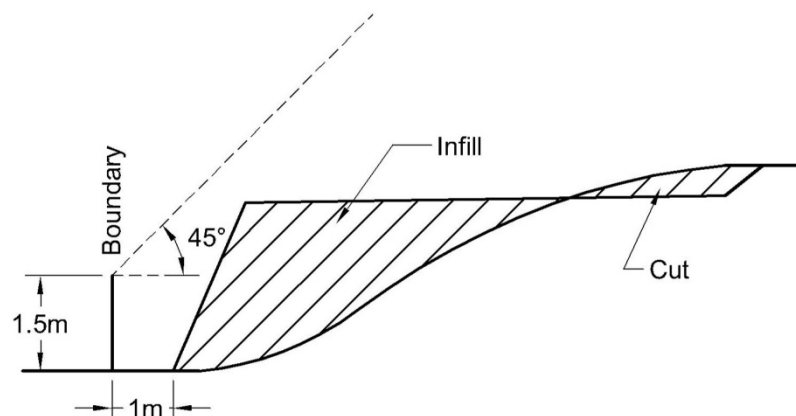
**Corner lot**

any site adjoining two or more contiguous roads with two or more contiguous frontages that each comply with the relevant subdivision standard (for the minimum frontage) of a corner lot in the relevant zone, but excludes any rear lot.



**Corner lot**

<b>Council</b>	the Upper Hutt City Council or any committee, subcommittee or person to whom the Council's powers, duties and discretions have been lawfully delegated.
<b>Distribution network</b>	For the purpose of Chapter 30A, has the same meaning as in the National Policy Statement for Renewable Electricity Generation and means a distributor's lines and associated equipment used for the conveyance of electricity on lines other than lines that are part of the national grid.
<b>Distributor</b>	for the purpose of Chapter 30A, has the same meaning as in the National Policy Statement for Renewable Electricity Generation and means a business engaged in distribution of electricity.
<b>Dripline (of a tree)</b>	the shape defined on the ground by a series of vertical lines formed around the outer most extent of the tree, branches and foliage.
<b>Dwelling</b>	a building or buildings, including detached habitable rooms, designed as self-contained accommodation for one or more persons on any site.
<b>Early childhood centre</b>	means premises used for the care or education of four or more children under the age of seven, including but not limited to Kindergartens, Playcentres, Kohanga Reo, Licensed Childcare Centres, Day Nurseries and Creches.
<b>Earthworks</b>	the removal, relocation or depositing of soil, earth or rock from, to or within a site, including quarrying or mining and the deposition of cleanfill, but excluding land disturbance resulting exclusively from domestic gardening and planting, cropping or drainage of land in connection with farming and forestry operations.
<b>Earthworks plane</b>	means a height control plane applied at the ground level at a boundary from a height of 1.5 metres above any point along that boundary and entering the site at an angle of 45°



<b>Ecosystem</b>	a dynamic complex of plant, animal and micro-organism communities and their non-living environment, interacting as a functional unit.
<b>Effect</b>	has the same meaning provided in section 3 of the Resource Management Act 1991.
<b>Environment</b>	has the same meaning provided in section 2 of the Resource Management Act 1991.
<b>Esplanade reserve and esplanade strip</b>	have the same meaning provided in section 2 of the Resource Management Act 1991.
<b>External sound insulation level</b>	<p>External sound insulation level means the standardised level difference (outdoor to indoor) and is a measure of the airborne sound insulation provided by the external building envelope (including windows, walls, ceilings and floors where appropriate) using insulation spectrum No.2 (A-weighted traffic noise spectrum) described in units of D<sub>2m,nT,w</sub> +C<sub>tr</sub> as defined in the following Standard:</p> <p>ISO 717-1:2013 Acoustics - Rating of sound insulation in buildings and of building elements - Part 1: Airborne sound.</p> <p>The term “external sound insulation level” is used in this Plan primarily as a calculated value to demonstrate compliance with the stated minimum standard of acoustic isolation against sounds arising from outside the building. If field testing of built structures is employed to verify predictions, these tests shall be carried out using <i>ISO 140-5:1998 Acoustics - Measurement Of Sound Insulation In Buildings And Of Building Elements, Part 5: Field Measurements Of Airborne Sound Insulation Of Facade Elements And Facades</i>.</p>
<b>Family flat</b>	<p>a self-contained dwelling unit no more than 55m<sup>2</sup> in floor area, on the same property and in the same ownership as the principal dwelling (and not leased to another party), for the purpose of providing ancillary accommodation.</p> <p><b>Note:</b> For clarity, a family flat which exceeds the 55m<sup>2</sup> limit will be considered as a dwelling and will be assessed against the appropriate rules.</p>
<b>Farming activity</b>	an activity with the primary purpose of commercially producing livestock or vegetative matter. It includes horticulture but does not include forestry, veterinary hospitals, boarding kennels, catteries, aviaries or farm products processing industries. It also includes the sale of goods produced on the site, except where sale takes place via access to a State Highway.

**Forestry**

the management of forests for:

Soil conservation.

Forest protection.

Regulation of water.

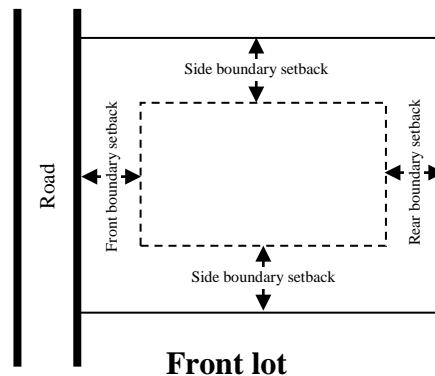
Production of timber or other forest products.

Recreational, aesthetic or scientific purposes.

It does not include forest products industries or on-site milling.

**Front lot**

any site abutting a road that complies with the relevant subdivision standard (for the minimum frontage) of a front lot in the relevant zone, but excludes any rear or corner lot.

**Gang fortification**

any building or site which is used by groups for accommodation as a base or headquarters, and which is typified by high fencing and other fortification.

**Garden centre**

any land and/or buildings used principally for the storage, display and sale of shrubs, plants, seedlings, and associated home garden supplies.

**Ground level**

the natural level of the ground before any excavation or filling has taken place. It also means the finished level of the ground after earthworks have been carried out in an approved subdivision.

**Habitable building**

any building where people live, work or may assemble, but does not include buildings associated with the storage or use of dangerous goods on the site.

**Habitable room**

a room used for activities normally associated with domestic living, but excludes any bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, or other space of a specialised nature occupied neither frequently nor for extended periods.

<b>Hazardous substance</b>	has the same meaning provided in section 2 of the Hazardous Substances and New Organisms Act 1996.
<b>Health and safety sign</b>	<u>A sign affixed to a structure or building for the sole purpose of providing a health and safety warning or identifying hazardous substances that is required by legislation or the regulations made under those Acts. This includes but is not limited to the Health and Safety at Work Act 2015 and the Hazardous Substances and New Organisms Act 1996. A health and safety sign excludes any additional advertising or content not required by the relevant legislation (which would be assessed as a 'sign' and those provisions would apply) and is not directly illuminated, digital or contains changing content.</u>
<b>Home occupation</b>	an occupation, art, craft, business, trade or profession which is ancillary to residential activities on a site.
<b>Indigenous vegetation</b>	a plant community of any species or genetic variants of plants found naturally in New Zealand.
<b>Indigenous vegetation clearance</b>	<p>the removal, damage or destruction of indigenous vegetation, but excluding where such work is undertaken solely in relation to any one or more of the following:</p> <ul style="list-style-type: none"><li>• Clearance of diseased, dead or dying vegetation;</li><li>• Clearance undertaken for the purpose of flood control undertaken or approved by local authorities;</li><li>• Clearance where necessary to maintain or restore existing essential services or for emergency work to avoid injury to persons or damage to property;</li><li>• Clearance of regenerating vegetation under the canopy of a plantation forest;</li><li>• Clearance of indigenous vegetation that has been planted and managed specifically for the purposes of harvesting.</li></ul>
<b>Industrial unit</b>	any building or buildings or land designed to be self contained for individual or separate industrial activities, companies or businesses.
<b>Intensive animal farming</b>	any farming operation where animals are kept and/or fed in a building or outdoor enclosures, where the stocking density precludes the maintenance of pasture or vegetative ground cover.
<b>Kaitiakitanga</b>	has the same meaning provided in section 2 of the Resource Management Act 1991.
<b>Kohanga reo</b>	premises where pre-school children are taught and cared for in accordance with tikanga Maori (Maori customs).

<b>Land</b>	has the same meaning provided in section 2 of the Resource Management Act 1991.
<b>Landscaping</b>	the provision of tree and shrub planting, and may include ancillary lawn, rocks, paved areas or amenity features.
<b>Large format retail</b>	is a retail activity or activities, located within a standalone building or complex of buildings, where the gross floor area of each retail activity is no less than 750m <sup>2</sup> .



**Line** means 'line' as defined in Section 5 of the Telecommunications Act 2001 or Section 2 of the Electricity Act 1992.

**Loading** the loading and unloading of a vehicle including adjusting, covering or tying its load.

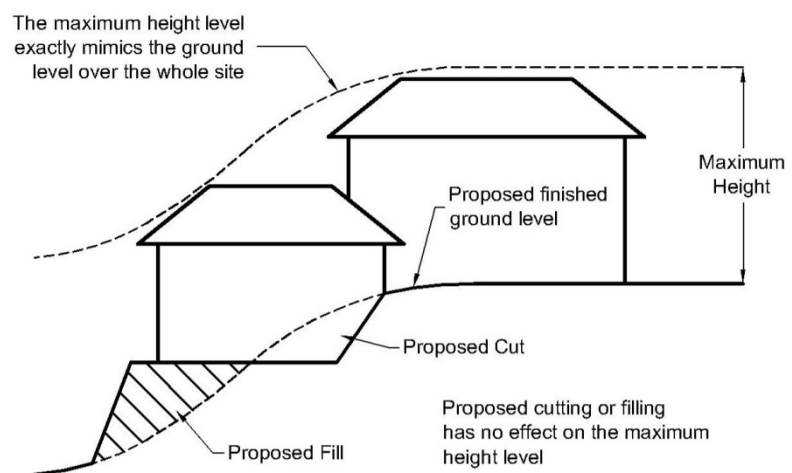
**Lot** has the same meaning as allotment.

**Maintenance** as it applies to network utilities, means the replacement, repair or renewal of existing network utilities and where the effects of that utility remain the same or similar in character, intensity and scale, and excludes 'minor upgrading' and 'upgrading'.

**Marae** customarily means the open space in front of a meeting house upon which various ceremonial occasions are centred, but for the purpose of the District Plan a marae also consists of a Maori meeting house and/or hall together with the associated area of open ground.

**Mast** any pole, tower or similar structure which is fixed to the ground specifically designed to carry an antenna to facilitate the transmission of telecommunication and radiocommunication signals.

**Maximum height** in relation to a building means the vertical distance between the ground level at any point along the building and the highest part of the building immediately above that point.



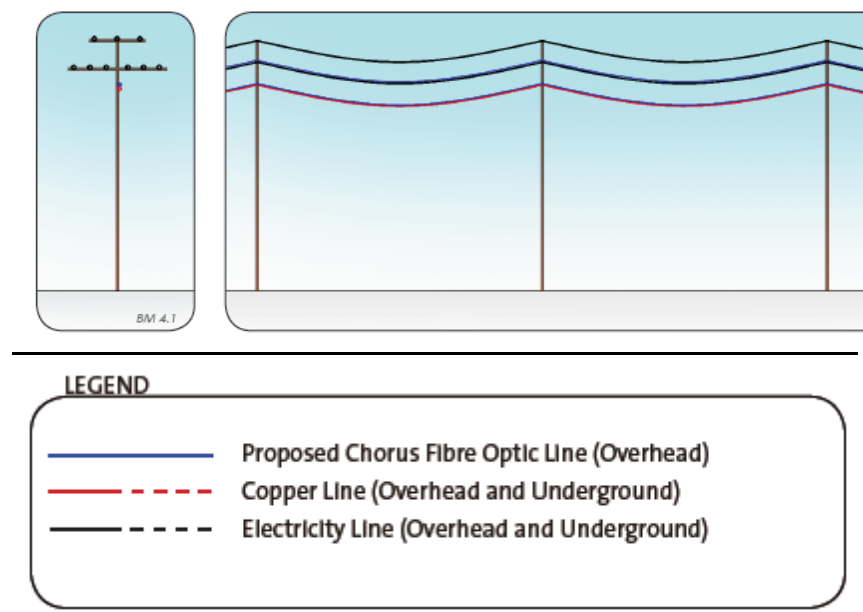
**Minor above ground line** means a line that provides an above ground connection to a site, including any connection to a building within that site, from an existing or permitted new above ground line provided that no more than one new support structure is required for that connection.

**Minor upgrading**

means an increase in the carrying capacity, efficiency or security of electricity and telecommunication lines, which utilise the existing or replacement support structures and includes:

- (1) the reconductoring of the line with higher capacity conductors; and
- (2) the resagging of conductors; and
- (3) the addition of longer and more efficient insulators; and
- (4) A support structure replacement within 5 metres of the support structure that is to be replaced; and
- (5) The addition of earthwires, which may contain telecommunication lines, earthpeaks and lightning rods; and
- (6) The addition of electrical or telecommunication fittings; and
- (7) Support structure replacement in the same location or within the existing alignment of the transmission line corridor; and
- (8) The replacement of existing cross arms, including with cross arms of an alternative design; and
- (9) An increase in tower height to achieve compliance with the clearance distances specified in NZECP34:2001; and
- (10) an increase in the height of replacement poles in the road reserve by a maximum of 1m, for the purpose of achieving road controlling authority clearance requirements, provided the permitted height in Rule 30.4 is not exceeded;
- (11) an increase in voltage of electricity lines from 11kV to no more than 33kV.and
- (12) the addition of a new overhead telecommunication fibre optic line provided that:
  - (i) the maximum number of fibre optic lines on existing support structures does not exceed two lines;
  - (ii) the diameter of new fibre optic lines does not exceed 25mm; and
  - (iii) the location of the new fibre optic line is consistent with the following figure

Figure X: Location of new fibre optic line



Minor upgrading shall not include:

- (i) Any increase in the voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage, or
- (ii) Any increase in any individual wire, cable, or other similar conductor to a diameter that exceeds 35mm, or
- (iii) The bundling together of any wire, cable, or other similar conductor so that the bundle exceeds 43mm in diameter, or
- (iv) The addition of any new circuits, lines or utility structures, where this results in an increase in the number of circuits, lines or utility structures except as provided for in (12) above.

Note: The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 applies to the existing National Grid, transmission lines that were operational, or able to be operated, on 14 January 2010.

**Motor vehicle wrecking**

any land and/or building used for the dismantling and storage of wrecked motor vehicles for private or commercial purposes.

**Natural and physical resources**

has the same meaning provided in section 2 of the Resource Management Act 1991.

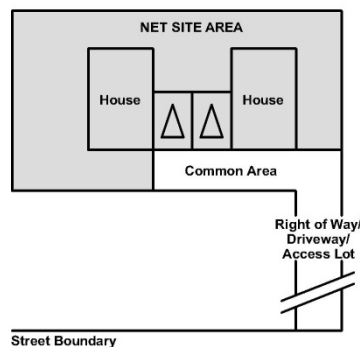
**Net floor area**

the superficial floor area of the actual room, rooms or spaces used for the particular activity and excludes areas such as hallways, ablutions, storage areas, stairwells and loading spaces.

**Net site area**

the area of a site excluding:

- Any access lot, driveway or right of way in the case of a rear lot.
- Any common area, access lot, driveway or right of way where there is more than one dwelling on a site.



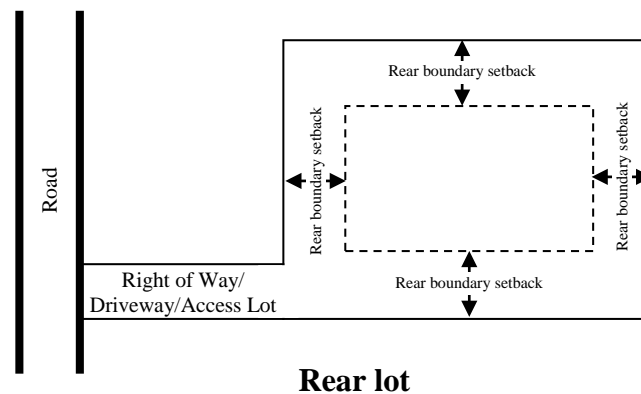
<b>Network Utility</b>	<p>means any activity undertaken by a network utility operator as defined in s166 of the RMA, relating to:</p> <ul style="list-style-type: none"> <li>(i) Distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel or geothermal energy, or</li> <li>(ii) Telecommunication as defined in section 5 of the Telecommunications Act 2001; or radiocommunications as defined in section (2)(1) of the Radiocommunications Act 1989, or</li> <li>(iii) works as defined in section 2 of the Electricity Act 1992 for the conveyancing of electricity, or</li> <li>(iv) The distribution of water for supply including irrigation, or</li> <li>(v) Sewerage or drainage reticulation, or</li> <li>(vi) Construction and operation of roads and railway lines, or</li> <li>(vii) The operation of an airport as defined by the Airport Authorities Act 1966, or</li> <li>(viii) the provision of any approach control service within the meaning of the Civil Aviation Act 1990, or</li> <li>(ix) Undertaking a project or work described as a 'network utility operation' by regulations made under the Resource Management Act 1991 and includes: <ul style="list-style-type: none"> <li>• Lighthouses, navigation aids, beacons, signal and trig stations and natural hazard emergency warning devices,</li> <li>• Meteorological services,</li> <li>• all associated structures; and</li> <li>• regionally significant network utilities</li> </ul> </li> </ul>
<b>Network utility structure</b>	<p>means any structure associated with a network utility and includes, but is not limited to, pipes, valves, meters, regulator stations, support poles and towers for lines, transformers (other than pole mounted transformers), substations (other than overhead substations), compressor stations, pumping stations, navigational aids, meteorological installations, containers, cabinets, and similar structures. It does not include lines, antennas and masts.</p>
<b>Notional boundary</b>	<p>a line 20m from the façade of any rural dwelling or the legal boundary where this is closer to the dwelling.</p>
<b>Organised fireworks display</b>	<p>The public display of fireworks conducted by a suitably qualified person.</p>
<b>Outdoor living court</b>	<p>an area located on the net site area of a site set aside for outdoor activities in association with a dwelling.</p>
<b>Passive recreation</b>	<p>comprises all forms of informal recreational activity that are passive in nature, including the use of walkways, bridle paths and picnic areas, swimming and fishing activities, cycling and outdoor education. It excludes facilities for organised, competitive sports.</p>

**Pest species of plant** Any species of plant that has been specifically identified as being a pest for the Wellington Region in the Wellington Regional Pest Management Strategy.

**Places of assembly** land and/or buildings used for the public and/or private assembly of people primarily for worship, religious, educational, recreational, social and cultural purposes. This definition includes marae, churches and associated halls and grounds.

**Property** all of that land held in one ownership.

**Rear lot** any site situated generally to the rear of another site, which does **not** comply with the relevant subdivision standard (for the minimum frontage) for a front or corner lot in the relevant zone. It also includes any site, the net site area of which is accessed from a road by an access strip (i.e. right of way, access leg or access lot) that is **less** than the relevant subdivision standard (for the minimum frontage) for a front or corner lot.



**Regionally significant network utilities**

includes:

- pipelines for the distribution or transmission of natural or manufactured gas or petroleum
- the National Grid, as defined by the National Policy Statement on Electricity Transmission
- facilities for the generation and transmission of electricity where it is supplied to the network, as defined by the Electricity Governance Rules 2003
- the local authority water supply network and water treatment plants
- the local authority wastewater and stormwater networks, systems and wastewater treatment plants
- the Strategic Transport Network, detailed in Appendix 1 to the Wellington Regional Land Transport Strategy 2010-2040

**Regional park** land which is managed and administered by the Wellington Regional Council in accordance with a Regional Park management plan.

<b>Renewable electricity generation</b>	means generation of electricity from solar, wind, hydro, geothermal, biomass, tidal, wave, or ocean current sources.
<b>Renewable electricity generation activities</b>	has the same meaning as under the National Policy Statement for Renewable Electricity Generation and means the construction, operation and maintenance of structures associated with renewable electricity generation. This includes small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.
<b>Renewable energy</b>	is defined in section 2 of the Resource Management Act 1991
<b>Relocated building</b>	any building or other structure, over two years old or which has been occupied for more than two years, which is intended to be removed and re-erected on another site.
<b>Residential</b>	the use of land, buildings, or any other facility, for domestic living purposes by people living alone or in family or non-family groups, and includes dwelling units and accessory buildings.
<b>Residential (Centres Overlay) Area</b>	an area identified on the planning maps as a Residential (Centres Overlay) Area.
<b>Restaurants</b>	the use of land and/or buildings for the sale of food, mainly prepared on the premises, to the public. The food may be consumed on or off the premises. Cafes, coffee bars and take away food places are included. The premises may or may not be licensed under the Sale of Liquor Act.
<b>Rest home</b>	any nursing or convalescent home for aged and infirm persons or similar facility.
<b>Retail</b>	refers to any land, building or part of a building where goods, merchandise, equipment or services are sold, displayed or offered for sale or direct hire to the public. The definition does not include the sale and hire of motor vehicles, boats, caravans, motor homes and accessories and motor vehicle spare parts, home occupations, restaurants or service stations.
<b>Road</b>	has the same meaning provided in section 43 of the Transit New Zealand Act 1989 and section 315 of the Local Government Act 1974.
<b>Roading hierarchy</b>	the classification of roads according to their intended function within the City's roading network (see Chapter 37).

<b>Service station</b>	<p>any land and buildings where the predominant activity is the retail sale of motor vehicle fuels (including petrol, LPG, CNG and diesel) and may also include, as ancillary activities:</p> <ul style="list-style-type: none"> <li>• The mechanical repair and servicing of motor vehicles (other than panelbeating, trimming or spray painting, heavy engineering such as engine restoring and crankshaft grinding).</li> <li>• The sale or hire of any goods, including the preparation and sale of food and beverages.</li> <li>• Car wash facilities.</li> <li>• The hire of light trailers and motor vehicles.</li> </ul>
<b>Setback</b>	<p>the minimum distance from a particular boundary of a site.</p>
<b>Sewage</b>	<p>liquid wastes (including matter in solution or suspension therein) discharged from residential premises, or wastes of the same character discharged from other premises.</p>
<b>Shape factor</b>	<p>a square with sides of the specified dimension which can be fitted within the net site area.</p>
<b>Sign/Signage</b>	<p><del>a device or facility that displays information and which is visible from outside the site. It includes sandwich boards, shop frontages and every advertising device or advertising matter.</del></p> <p><del>means any device or facility, graphics or display that is visible from outside the site, for the purposes of: identification of, or provision of information about any building, activity, site; providing directions; or promoting goods, services or events. Signage may be part of, attached, or projected onto any building, site, or structure or other object. Any sign may be illuminated and may contain moving content, including changing content and digital signage. A building or structure that is painted in corporate colours does not, of itself, constitute signage. This definition excludes 'Health and Safety Signs'.</del></p>
<b>Significant Exterior Alteration</b>	<p>In the Gateway Precinct of the Wallaceville Structure Plan Area, any horizontal or vertical extension to, or demolition of, a wall(s) or roof of a building and any recladding, repair or maintenance of a building, or the replacement of windows or doors (including their framing) where the new materials are not the same or similar in appearance to the existing materials. It does not include any works to existing, or installation of new, mechanical structures relating to ventilation, or means of ingress and egress for the building (including lift shafts).</p>

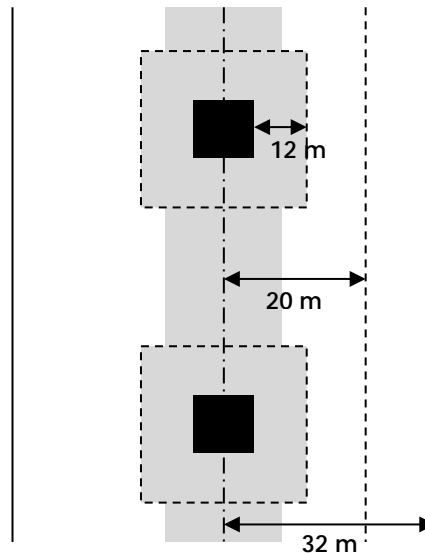
<b>Site</b>	<p>means:</p> <p>a. an area of land comprised in:</p> <ul style="list-style-type: none"> <li>i. a single computer freehold register; or</li> <li>ii. a single allotment for which a separate computer freehold register could be issued without further involvement of, or prior consent from, the Council;</li> </ul> <p>whichever is the smaller.</p> <p>b. an area of land comprised in two or more allotments:</p> <ul style="list-style-type: none"> <li>i. that are subject to a certificate issued under section 75(2) of the Building Act 2004, section 37(2) of the Building Act 1991, section 643(2) of the Local Government Act 1974, or any equivalent legislation; or</li> <li>ii. that cannot be transferred or leased independently of each other without the Council's prior consent.</li> </ul> <p>c. an area of land:</p> <ul style="list-style-type: none"> <li>i. comprised in two or more computer freehold registers; or</li> <li>or</li> <li>ii. for which two or more separate computer freehold registers could be issued without further involvement of, or prior consent from, the Council;</li> </ul> <p>where the land will be amalgamated into a single computer freehold register as part of the resource consent process.</p> <p>d. in the case of land that is subject to a unit title, cross-lease, or company lease development, the area of land comprising the original parcel that was subdivided, leased or licenced (as the case may be) to create the unit title, cross-lease or company lease development.</p>
<b>Site coverage</b>	that portion of the net site area, expressed in percentage terms, which may be covered by buildings, including accessory buildings (excluding fences and retaining walls).
<b>Small Scale Renewable Energy Generation</b>	means small scale renewable energy generation development for the purpose of using or generating electricity on a particular site (single household or business premise) with or without exporting back into the distribution network.
<b>Small scale wind turbines</b>	means wind turbines that are capable of generating up to 10kW of electricity.
<b>Solar Panel</b>	means a panel exposed to radiation from the sun, used to heat water or, when mounted with solar cells, to produce electricity direct
<b>Subdivision</b>	has the same meaning provided in section 218 of the Resource Management Act 1991.
<b>Tangata whenua</b>	has the same meaning provided in section 2 of the Resource Management Act 1991.



<b>Taonga</b>	treasure or valued highly by Maori.
<b>Temporary event</b>	an organised event that is of a temporary nature, has a limited duration and that includes public entertainment events, cultural events and organised competitive sporting and recreational events, but excludes commercial promotional events.
<b>Temporary sign</b>	<u>means a sign in connection with any of the purposes identified in the definition of sign, but for a short duration only and with the purpose relating to a one-off or temporary activity, event or provision of information.</u>
<b>Temporary renewable energy assessment and research structures</b>	means structures for the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation by existing and prospective generators and includes the following activities: <ul style="list-style-type: none"><li>• Erecting an anemometer mast.</li><li>• Digging test pits, drilling boreholes, constructing investigation drives and removing samples to investigate geological conditions.</li><li>• Installing instruments into drill holes for monitoring groundwater levels and land movement.</li><li>• Erecting survey monuments and installing instruments to monitor land movement.</li><li>• Erecting telemetry stations for the transmission of instrument data.</li><li>• Installing microseismic stations to measure microseismic activity and ground noise.</li><li>• Erection of signs or notices giving warning of danger</li></ul>
<b>Topsoil removal</b>	the removal, relocation or stockpiling of topsoil for purposes other than in conjunction with conventional domestic gardening or the planting, cropping or drainage of land in connection with farming and forestry operations.
<b>Tourism facilities</b>	land and/or structures used for ventures, features, events and services primarily intended to attract tourists, visitors and travellers.

**Transmission line**

has the same meaning as in section 3 of the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.



■ = Tower support structure

Note: The measurement of setback distances from electricity transmission lines shall be taken from the centre line of the electricity transmission line and from the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span. The diagram above depicts setback distances.

**Vehicle movement**

a movement of a vehicle between a road and a site, with the number of movements per day being calculated over a 24 hour period as follows:

1 car to and from a site = 2 vehicle movements

1 truck to and from a site = 6 vehicle movements

1 truck and trailer to and from a site = 10 vehicle movements

**Urban Environmental Allotment**

**urban environment allotment** or **allotment** means an allotment within the meaning of section 218

- a. that is no greater than 4 000 m<sup>2</sup>; and
- b. that is connected to a reticulated water supply system and a reticulated sewerage system; and
- c. on which there is a building used for industrial or commercial purposes or as a dwelling house; and
- d. that is not reserve (within the meaning of section 2(1) of the Reserves Act 1977) or subject to a conservation management plan or conservation management strategy prepared in accordance with the Conservation Act 1987 or the Reserves Act 1977.

<b>Upgrading</b>	<p>as it applies to network utilities, upgrading means the improvement or physical works that result in an increase in carrying capacity, operational efficiency, security or safety of existing network utilities but excludes:</p> <ul style="list-style-type: none"><li>• 'maintenance' (as it relates to network utilities); and</li><li>• 'minor upgrading'; and</li><li>• any other activity specifically otherwise provided for under Rule 30.1</li></ul>
<b>Verandah</b>	<p>a permanent structure, constructed of weatherproof material, which is either cantilevered or supported on posts or pillars, which extends from a building facade, usually on the street frontage and at first floor level, and overhangs a footpath or other similar public pedestrian accessway or space.</p>
<b>Visitor accommodation</b>	<p>any land or building or other facility used to provide accommodation for visitors and backpackers. It includes hotels, motels, hostels and camping grounds but excludes homestays covered by the rules relating to home occupations.</p>
<b>Waahi tapu</b>	<p>a place which is particularly sacred or spiritually meaningful to tangata whenua. It includes burial grounds, tribal altars and locations where significant events have taken place.</p>
<b>Wallaceville Structure Plan Area</b>	<p>The area of land defined in the Wallaceville Structure Plan Map (refer Chapter 39: Wallaceville)</p>
<b>Water body</b>	<p>has the same meaning provided in section 2 of the Resource Management Act 1991.</p>
<b>Water catchment</b>	<p>land managed and administered by the Wellington Regional Council for water supply purposes, protection and enhancement of native vegetation, forestry, and passive recreation uses, according to any management plan adopted by the Wellington Regional Council.</p>
<b>Warehouse</b>	<p>any building or part of a building, or land, where materials, articles or goods are stored. A warehouse may include offices and showrooms. Wholesale outlets may be included if incidental to, and a part of, the principal use of the site as a warehouse.</p>
<b>Wetland</b>	<p>has the same meaning provided in section 2 of the Resource Management Act 1991.</p>

**Yard oriented activities**

are activities where the goods sold are sold in bulk and where internal retail (being retailing undertaken entirely from within a building but does not include goods stored outside under cover) does not occupy more than 20% of the area occupied by the activity. Yard oriented retailing is primarily for the sale of natural materials such as gravel, sand, shingle, rock, concrete, coal, fire wood and timber for construction purposes.

## **8A GENERAL RULES**

### **8A.1 Background**

This chapter intends to capture those activities which are common throughout the Upper Hutt District. Activities covered therein may not necessarily relate to specific zones, but rather are seen as common throughout all zones. Placement within this single chapter is therefore designed to assist Plan users in their assessment of these common activities.

As the Rolling Review of the District Plan progresses, it is envisioned that this chapter will be populated with additional sub-sections upon the completion of related Plan Changes.

### **8A.2 TEMPORARY EVENTS**

#### **8A.2.1 Objective**

**8A.2.1.1** *Enable temporary events which manage adverse effects on amenity, the roading network, and the community through:*

- (a) Maintaining an appropriate level of residential amenity;*
- (b) Ensuring the safety and efficiency of the roading network;*
- (c) Recognising the detrimental effects of high noise levels;*  
*and*
- (d) Recognising the positive contribution events have on social, cultural, artistic, and economic activity in the community.*

#### **8A.2.2 Policies**

**8A.2.2.1** *Support temporary events which contribute to the community and reasonably maintain expected amenity values of the local residential environment.*

**8A.2.2.2** *Manage the adverse effect light spill from temporary events can have on residential amenity values and traffic safety.*

**8A.2.2.3** *Limit temporary events with high noise levels to maintain residential amenity values.*

**8A.2.2.4** *Provide for temporary events which safely manage traffic effects, reflective of event scale and the dependent roading network.*

**8A.2.2.5** *Provide for temporary events where:*  
*(a) social interactions are facilitated, or;*  
*(b) cultural and artistic expression is promoted, or;*  
*(c) economic activity is stimulated in the Upper Hutt district.*

## **8A.2.3 Temporary Event Rules**

<b>Temporary Events Activity Table</b>		
<b>Rule</b>	<b>Activity</b>	<b>Activity Status</b>
<b>8A.2.3.1</b>	Temporary events which comply with all Permitted Standards.	<b>P</b>
<b>8A.2.3.2</b>	Event overnighting of event attendees which complies with the standards in Rule 8A.2.3.13.	<b>C</b>
<b>8A.2.3.3</b>	Any temporary event which does not comply with Permitted and Controlled Standards in Rules 8A.2.3.7 to 8A.2.3.13.	<b>RD</b>
<b>8A.2.3.4</b>	Any temporary event which does not comply with one or more of the Event Duration standards in Rule 8A.2.3.15.	<b>D</b>
<b>8A.2.3.5</b>	Any event overnighting by attendees or event staff which does not comply with one or more of the standards in Rule 8A.2.3.18.	<b>D</b>
<b>8A.2.3.6</b>	Any noise from any temporary event which exceeds standards in Rule 8A.2.3.21	<b>NC</b>

## **Standards for Permitted Activities**

### **8A.2.3.7 Hours of Operation**

All temporary events shall only be operated between the following times:

- (a) Sporting events:
  - (i) Sunday to Thursday (inclusive): 7am to 10pm
  - (ii) Friday to Saturday: 7am to 11pm
- (b) All other events:
  - (i) Monday to Thursday: 9am to 10pm
  - (ii) Friday to Saturday: 9am to 11pm

**Exemptions:**

- (c) On December 31<sup>st</sup> of any calendar year the finish time may be extended to 1am the following day.
- (d) Event Overnighting which is permitted under rule 8A.2.3.12.
- (e) Any temporary event located in a community facility building.

**Advice Note:**

- Community facilities are defined in Chapter 2. The rule therefore includes such places as libraries, halls, art galleries, schools etc.

**8A.2.3.8**

**Event Duration**

The duration of a temporary event shall not exceed 6 consecutive days, and the site shall not be occupied for a consecutive 10 day period, when including set-up and pack-up time.

**Exemptions:**

- (a) Event Overnighting shall not be considered under this rule; and
- (b) Any temporary event located at a community facility building.

**Advice Note:**

- Community facilities are defined in Chapter 2. The rule therefore includes such places as libraries, halls, art galleries, schools etc.

**8A.2.3.9**

**Outdoor Amplified Noise**

Any outdoor amplified sound from a temporary event (including sound testing) which exceeds 65 dB  $L_{Aeq(5\text{ mins})}$  shall:

- (a) Be emitted for a maximum of 6 hours per day between the following hours:
  - (i) Sunday to Thursday (inclusive): 9am to 10pm
  - (ii) Friday and Saturday: 10am to 11pm; and
- (b) Be emitted for a consecutive period of no more than 3 days per event site, and
- (c) Be emitted for no more than a total of 3 days over any 17 day period, from a single site.

When measured:

- i. At any point within the boundary of any site (other than the source site/s) within a Residential zone; and
- ii. At any point within the notional boundary of any dwelling on a site (other than the source sites/s) within a Rural zone; and
- iii. At any point within the boundary of any site (other than the source sites/s) occupied by a hotel, motel, motor camp, early childhood centre, school or education facility, health care facility or aged care facility within any zone.

**Exemptions:**

- (d) On December 31<sup>st</sup> of any calendar year the finish time may be extended to 1am the following day; and
- (e) All activities occurring at the Speedway Area (including temporary events) shall be subject to specific rules pertaining to the Speedway Area in Chapter 21.

**8A.2.3.10**

**Non-amplified Noise**

- (a) Any noise resulting from a temporary event (other than amplified sound) must not exceed:
  - (i) 70db  $L_{Aeq}$  (15 min)
  - (ii) 85 db  $L_{Amax}$

When measured:

- (1) At any point within the boundary of any site (other than the source site/s) within a Residential zone; and
  - (2) At any point within the notional boundary of any dwelling on a site (other than the source site/s) within a Rural zone; and
  - (3) At any point within the boundary of any site (other than the source site/s) occupied by a hotel, motel, motor camp, early childhood centre, school or education facility, health care facility or aged care facility within any zone.
- (b) Any such noise shall also be pursuant to the general hours of operation standards 8A.2.3.7.
    - (i) Any noise outside these permitted hours of operation associated with the set-up and pack-up times shall comply with the relevant noise standards in Chapter 32.

**Exemptions:**

- (c) Noise produced by crowds;
- (d) All activities occurring at the Speedway Area (including temporary events) shall be subject to specific rules for the Speedway Area outlined in Chapter 21; and
- (e) Organised fireworks displays undertaken at Trentham Memorial Park shall be subject to the specific provisions in Rule 21.14A.

**8A.2.3.11**

**Light Spill**

All artificial light sources from temporary events shall be directed away from residential dwellings and any road with a posted speed limit of greater than 70km/h.



**8A.2.3.12 Overnighting of Event Staff**

The overnighting of up to 20 event staff, provided that:

- (a) Overnighting facilities are located at least 50m from the formation of any legal road and dwelling;
- (b) Any supporting ablution facilities are located at least 30m from the formation of any legal road, or dwelling;
- (c) When located at Riverbank Park (Lot 1 DP 33753), and Karapoti Park (SEC 896 Hutt District Recreation Reserve 365):
  - i. Overnighting facilities and any supporting ablution facilities are located at least 15m from the formation of any legal road, and at least 30m from any residential dwelling;
- (d) When located at The Green Space (Sec 1 SO 35740 and Lots 43 to 47 DP 1336):
  - i. Overnighting facilities or supporting ablution facilities are to be located at least 5m from the formation of legal road (except Criterion Lane), from any adjoining site.
- (e) Ablution facilities are provided to cater for all anticipated attendees.

**Exemptions:**

- (f) Permanent ablution facilities already available on-site are not subject to setback provisions.

**Advice Notes:**

- Any overnighting or ablution structures may be subject to the definition of 'Building' under Chapter 2 and the corresponding water body setback under Rule 29.1.
- Event overnighting is subject to the corresponding definition under Chapter 2 and General Noise Provisions under Chapter 32.

**Controlled Activities****8A.2.3.13 Overnighting of Event Attendees**

The overnighting of 30 event attendees or less is a Controlled Activity, provided that:

- (a) overnighting facilities are located at least 50m from the formation of any legal road and dwelling;
- (b) any supporting ablution facilities are located at least 30m from the formation of any legal road, or dwelling;
- (c) The site has not been occupied for this purpose more than 3 times within the last 12 months of receiving the application;
- (d) When located at Riverbank Park (Lot 1 DP 33753), and Karapoti

Park (SEC 896 Hutt District Recreation Reserve 365):

- i. Overnighting facilities and any supporting ablution facilities are located at least 15m from the formation of any legal road, and at least 30m from any residential dwelling.
- (e) When located at The Green Space (Sec 1 SO 35740 and Lots 43 to 47 DP 1336):
- i. Overnighting facilities or supporting ablution facilities are to be located at least 5m from the formation of legal road (except Criterion Lane), from any adjoining site.
- (f) Ablution facilities are provided to cater for all anticipated attendees.

The matters Council seek to control are as follows:

- (g) The hours of operation;
- (h) Site access;
- (i) The area of occupation;
- (j) Location and number of ablution facilities;
- (k) Noise effects;
- (l) The appointment of a designated site manager and be provided their contact details.

**Exemptions:**

- (m) Permanent ablution facilities already available on-site are not subject to setback provisions;
- (n) Temporary Events located in Kaitoke Regional Park; and
- (o) When attendees overnight at established camping grounds.

**Advice Notes:**

- Any overnighting or ablution structures may be subject to the definition of ‘Building’ under Chapter 2 and the corresponding water body setback under Rule 29.1.
- Event overnighting is subject to the corresponding definition under Chapter 2 and General Noise Provisions under Chapter 32.

**Restricted Discretionary Activities**

**8A.2.3.14**

**Temporary events which do not comply with Permitted hours of operation standards**

Council shall restrict its discretion to the following matters:

- (a) The nature of the event and hours of operation;
- (b) The anticipated level of disruption to residents, considering:
  - i. The density, proximity, and nature of housing surrounding the site; and
  - ii. Any existing or proposed buffer between the event and residential occupation likely to mitigate adverse effects;

and

- (c) Adverse effects the event may have on parking, and the safety and efficiency of the roading network; and
- (d) The reoccurrence of the event.

**8A.2.3.15 Temporary events which do not comply with permitted event duration standards**

Subject to meeting the following standards:

- (a) Any event will not be conducted for a consecutive period of over 15 days, and shall not occupy a site for a consecutive period of over 19 days, when including set-up and pack-up times; and
- (b) Any single event shall not exceed 6 consecutive days or a 10 day period on a site, when including set-up and pack-up times, more than 3 times over a 12 month period.

Council shall restrict its discretion to the following matters:

- (c) The nature of the temporary event and hours of operation;
- (d) Cumulative effects associated with occupation of the site;
- (e) Sensitivity of the site to occupation in terms of:
  - i. The density, proximity, and nature of housing surrounding the site;
  - ii. Any existing or proposed buffer between the temporary event and residential occupation likely to mitigate adverse effects;
  - iii. Impacts on the local natural and physical environment; and
- (f) Adverse effects the temporary event may have on parking, and the safety and efficiency of the roading network.

**8A.2.3.16 Noise from a temporary event which does not comply with permitted noise standards and is not a Non-Complying Activity**

Council shall restrict its discretion to the following matters:

- (a) The nature of the temporary event and operating hours;
- (b) The level and nature of noise emitted as part of the temporary event;
- (c) The anticipated level of disruption to residence, considering:
  - a. The density, proximity, and nature of housing surrounding the site; and
  - b. Any existing or proposed buffer between the temporary event and residential occupation likely to mitigate adverse effects; and
- (d) The reoccurrence of the temporary event.

**8A.2.3.17 Any artificial light source from temporary events directed towards residential dwellings and/or any road with a posted speed limit of greater than 70km/h.**

Council shall restrict its discretion to the following matters:

- (a) The nature, type, duration and, location of the light source and its consequential adverse effects on residential amenity; and
- (b) Adverse effects on traffic safety.

**8A.2.3.18 Any overnighting of attendees or event staff as part of a temporary event which does not comply with one or more of the Permitted or Controlled standards.**

Subject to meeting the following standards:

Any overnighting shall be limited to only:

- (a) 100 people, comprised of a mix of attendees and event staff; and
- (b) Overnighting at a single site for a consecutive period of no more than 3 nights.

Council shall restrict its discretion to the following matters:

- (c) The anticipated level of disruption to residence, considering:
  - i. The density, proximity, and nature of housing surrounding the site; and
  - ii. Any existing or proposed buffer between the temporary event and residential occupation likely to mitigate adverse effects.
- (d) Adverse effects the temporary event may have on parking, and the safety and efficiency of the roading network;
- (e) The reoccurrence of the temporary event;
- (f) Adverse effects on visual amenity, including:
  - i. Site dominance;
  - ii. Public visibility; and
  - iii. Maintenance of the site as its intended, permanent, use.
- (g) The availability of ablution facilities

**Discretionary Activities**

**8A.2.3.19 Any temporary event which does not comply with one or more of the Restricted Discretionary Standards for event duration in Rule 8A.2.3.15.**

**8A.2.3.20 Any event overnighting by attendees or event staff which does not comply with one or more of the standards in Rule 8A.2.3.18.**

## Non-complying Activities

**8A.2.3.21** Any noise from any temporary event which exceeds 80 dB  $L_{Aeq}$  (5 mins) or 85dB  $L_{Amax}$ .

When measured:

- i. At any point within the boundary of any site (other than the source site/s) within a Residential zone; and
- ii. At any point within the notional boundary of any dwelling on a site (other than the source sites/s) within a Rural zone; and
- iii. At any point within the boundary of any site (other than the source sites/s) occupied by a hotel, motel, motor camp, early childhood centre, school or education facility, health care facility or aged care facility within any zone.

**Exemptions:**

- (a) Noise produced by crowds;
- (b) All activities occurring at the Speedway Area (including temporary events) shall be subject to specific rules pertaining to the Speedway Area in Chapter 21; and
- (c) Organised fireworks displays undertaken at Trentham Memorial Park shall be subject to the specific provisions in Rule 21.14A.

## 8A.3 SIGNS

### 8A.3.1 Introduction to Signs

This chapter recognises the role of signs in communicating information for businesses and the community. It provides a framework to manage the effects of signs in the different zones across the district, while recognising the purpose, character and amenity of these zones, and transport safety matters.

Outside of the District Plan, there is other legislation and regulations that manage signs, for example New Zealand Transport Agency regulations and Council by-laws.

For signs located in road corridors, approvals may be needed from the Road Controlling Authority (including the Council), or the New Zealand Transport Agency for signs on or over the State Highway. These approvals may need to be sought regardless of whether the sign complies with the provisions of the District Plan.

### 8A.3.2 Objective

**8A.3.2.1** Signage in the district:

- (a) supports the needs of the community, network utility operators and businesses to identify and advertise businesses and activities; and
- (b) maintains the local character and amenity values, while ensuring and the safe and efficient functioning of the transport network.

**8A.3.3 Policies**

**8A.3.3.1** Manage the number, size and design of signs in the Open Space Zones, Rural Zones, and Residential Zones to maintain the character and amenity values of these zones.

**8A.3.3.2** Provide for a range of signs in the Business Zones, and Special Activity Zones that support business identification and advertising, while:

- (a) maintaining the character and amenity values of these zones; and
- (b) ensuring that the character and amenity values of adjoining residential zones are not adversely affected by signs in these locations; and
- (c) allowing the consolidation of signs to convey information about multiple businesses or tenancies.

**8A.3.3.3** Ensure that the location and design of signs is provided for in a way that:

- (a) is compatible with the site, or building on which it is placed, and is of a scale that is appropriate for what the sign is identifying or advertising; and
- (b) maintains the character and visual amenity values of the site and surrounding area, and does not result in additional visual clutter or dominate the skyline; and
- (c) integrates with the facade elevation of the building to which it is attached including verandas, roofline and architectural features; and
- (d) manages any moving, digital or changing signage, and illuminated signage to protect residential amenity and to not comprise the safety of road transport network users; and
- (e) limits signs which are not situated on the site to which they relate and when considering proposals for such signs have regard to the following:
  - (i) The need for the sign to be located away from the site, including any constraints relating to the location of the businesses, which creates a need for off-site signage, and
  - (ii) The capacity for the site and surrounding environment to accommodate the sign, and for character and amenity values to be maintained; and
  - (iii) Any adverse effects on transport safety and/or efficiency, or

transport benefits in providing for the sign to be located away from the site.

#### 8A.3.3.4

- (a) Enable temporary signs which meet a limited set of standards as a permitted activity; and
- (b) Provide for the consideration of temporary signs of longer than two months a larger duration or above 3m<sup>2</sup> in size where amenity values are maintained and the safety of road users is not compromised.

8A.3.3.5 Ensure that signs located within, or visible from, the road corridor do not interfere with the safe and efficient use of all roads (including State Highways), pedestrian footpaths, and cycleways.

### 8A.3.4 Rules

#### Activity Status Table

Rule	Activity	Activity Status
8A.3.4.1	Any health and safety sign.	P
8A.3.4.2	Any temporary sign which complies with permitted standards in 8A.3.4.8.	P
8A.3.4.3	Any sign (other than a temporary sign) which complies with permitted standards 8A.3.4.9 – 8A.3.4.13.	P
8A.3.4.4	Any temporary sign which does not comply with permitted standard in 8A.3.4.8.	RD
8A.3.4.5	Any sign (other than a temporary sign) which does not comply with one or more of the permitted standards at 8A.3.4.9 – 8A.3.4.13.	RD
8A.3.4.6	Any part of the sign (other than a including temporary sign(s) which incorporates movement or changing content, and and digital signage.	RD
8A.3.4.7	Any sign (other than a temporary sign) which is not situated on a site to which the sign relates.	D

**Exemptions:**

The following exemptions apply:

- (a) Signs that are expressly permitted under the Council's bylaw for signs.
- (b) ~~Signs indicating hazardous substances used at a hazardous facility. The permitted activity standards 8A.3.4.8 to 8A.3.4.13 do not apply to Health and Safety Signs under Rule 8A.3.4.1.~~
- (c) Any official regulatory or ~~traffic transport network~~ sign.
- (ed) Signs located on the interior of a building unless the sign is for external display from the interior surface of any window or door.

**Advice Notes:**

- Activities listed in the activity status table are identified as permitted (P), restricted discretionary (RD) or discretionary (D) activities. For those activities listed as RD, discretion is restricted to the identified matters of discretion listed in the standards.
- The rules apply in all zones unless otherwise stated. Activities are also subject to rules in the relevant chapter.
- The rules that relate to signs, other than temporary signs, in the heritage covenant area in the Gateway Precinct of the Wallaceville Structure Plan Area are contained in Chapter 20 - Business Zone Rules.
- For signs proposed in the road reserve, the adjoining Zone rules apply.
- The Figure at Appendix 1 shows location and size requirements for signs in the Business Zones. The diagram supports the rules but where there is a conflict in the wording of the rules and the diagram, the rules prevail.
- Where a sign is located within the state highway corridor, the express permission is required from the New Zealand Transport Agency as the road controlling authority.
- Refer to the National Environmental Standards for Electricity Transmission Activities Regulations 2009 for standards for signs on support structures of existing transmissions lines.
- ~~For the purposes of Rule 8A.3.4.6, only the digital components of the sign will be subject to the rule.~~
- ~~Proposals for signs under Rule 8A.3.4.7 must include an assessment against the relevant policies including, but not limited to, the criteria of Policy 8A.3.3.3 (e).~~

**Standards for Permitted Activities**

**8A.3.4.8 Temporary signs – all zones**

- (a) The maximum area of any one temporary sign shall not exceed 3m<sup>2</sup>.
- (b) In residential zones, the maximum total area of all temporary signs on a site shall not exceed 4.5m<sup>2</sup>.
- (c) The maximum duration for any temporary sign shall not exceed 2 months.



(d) Is not a digital sign or incorporates movement or changing content

(e) The sign complies with the luminance standards at 8A.3.4.13 (i) where visible from the road network.

**Advice notes:**

- There are no duration standards for signs advertising real estate.
- Refer to Council bylaws for any specific requirements for temporary signs, including for signs advertising real estate.

**Council shall restrict its discretion to, and may impose conditions on, the matters listed below where any of the above standards are not met:**

- 8A.3.4.15 - Transport Safety – All signs
- 8A.3.4.16 - Temporary Signs.

**8A.3.4.9 Signs in Residential Zones, Rural Zones, and Open Space Zones**

(a) In Residential Zones and Rural Zones, a maximum of one sign per site, visible in any one direction.

(b) In Open Space Zones there shall be no more than one free-standing sign per 100m of road frontage.

(c) The maximum area of any sign visible in any one direction shall not exceed:

- 1.5m<sup>2</sup> in Residential Zones;
- 3.0 m<sup>2</sup> in Rural Zones;
- In Open Space Zones:

- 4.5m<sup>2</sup> for free-standing signs,
- 3m<sup>2</sup> for any sign attached to a building;
- 0.5m<sup>2</sup> for signs used for marking tracks; and
- 2m<sup>2</sup> for signs providing interpretation or identification.

(d) The maximum height of any part of a free-standing sign above ground level shall not exceed 3 metres.

(e) No sign shall extend beyond the facade elevation of the building to which it is attached, or extend above the roofline of the building.

(f) The maximum width of any free-standing sign shall not exceed 2 metres.

(g) In Residential Zones, signs on buildings must not cover any windows.

(h) In Open Space Zones, signs not directly visible from any public road or the boundary of any residential zone are not limited in size and number.

(i) No illumination (internal or external) of signs in the Residential and Rural zones.

(j) No illumination (internal or external) of signs in the Open Space zone.

**Council shall restrict its discretion to, and may impose conditions on, the matters listed below where any of the above standards are not met:**

- 8A.3.4.14 - All signs other than temporary signs
- 8A.3.4.15 - Transport Safety – All signs

**8A.3.4.10 Free-Standing Signs in Business Commercial Zones, Business Industrial Zones, and Special Activity Zones**

- (a) The number of free-standing signs on a site visible in any one direction shall not exceed:
- (i) One sign per site on sites with road frontages less than 50m; or
  - (ii) Two signs per site where the road frontage exceeds 50m.
- (b) The maximum height of any part of a free-standing sign above ground level shall not exceed:
- (i) 8m in Business Commercial Zones.
  - (ii) 9m in Business Industrial and Special Activity Zones.
- (c) The maximum width of any free-standing sign shall not exceed 2m.
- (d) The maximum area of any free-standing sign, visible in any one direction shall not exceed 7.5m<sup>2</sup>.
- (e) In Business Industrial Zones, free-standing signs greater than 4 metres in height on any site must be located a minimum distance of 15m from any other free-standing sign that is greater than 4m in height on an adjoining site; and
- (f) Signs on land identified in the Business Zone in Appendix Business 2 of Chapter 20 one free-standing sign per site visible in any one direction with a maximum area of 7.5m<sup>2</sup>.
- (g) No illumination (internal or external) of signs in the Business Commercial and Business Industrial zones within 10m of a residential zone boundary.

**Council shall restrict its discretion to, and may impose conditions on, the matters listed below where any of the above standards are not met:**

- 8A.3.4.14 - All signs other than temporary signs.
- 8A.3.4.15 - Transport Safety – All signs.

**8A.3.4.11 Signs on buildings and other structures in Business Commercial Zones, Business Industrial and Special Activity Zones**

- (a) No sign shall extend beyond the elevation facade of the building or beyond the height of the structure to which it is to be attached to, or extend above the roofline of the building, except where:
- (i) The sign is positioned at 90 degrees to the front elevation facade of the building; and
  - (ii) must not extend from the wall by more than 1m.
- (b) The maximum area of any single sign on a building facade or structure shall not exceed 5m<sup>2</sup>, other than in the Business Industrial Zone, where the maximum area of any sign on a front facade or structure shall not exceed 10m<sup>2</sup>.

The maximum area of any single sign is:

- i) 5m<sup>2</sup> for Business Commercial and Special Activity Zones;
- ii) 10m<sup>2</sup> for Business Industrial Zone.

(c) For signs on any building façade or structure, the total area of all combined signs shall not exceed 30% of the total area of that building façade or structure.

the total area of all combined signs on any elevation does not exceed 30% of the total area of the that building elevation-façade or structure.

(d) For signs located above a building's ground floor level there shall be a maximum minimum horizontal separation distance of 5 metres between signs on the same floor level.

(e) Any sign located on the parapet of a building shall not exceed an area of 5m<sup>2</sup>, or an area of 30% of the total area of the parapet, whichever is the lesser.

Any sign which is projecting from the façade of a building must be:

- (i) positioned at 90 degrees to the façade of the building;
- and
- (ii) must not extend from the wall by more than 1m.

(f) The maximum height of any sign located on the fascia of a veranda must not exceed a height of:

- (i) 0.6 metres; or
- (ii) where the height of the fascia is 0.6m or greater, an additional 25% of the fascia height.

(g) Signs below verandas which overhang pedestrian pathways, must have a minimum clearance of 2.5m above ground level.

(h) Signs must:

- (i) not have changing content;
- (ii) not be in a digital format;
- (iii) be situated on the site to which the sign relates; and,
- (iv) have no illumination (internally or externally) of signs in the Business Commercial and Business Industrial zones within 10m of a Residential zone boundary.

(i) In the Business Industrial zone on Eastern Hutt Road identified in Appendix 3 of Chapter 20 – Business Zones Rules:

- (i) no sign shall be located within 6m of Eastern Hutt Road.
- (ii) no sign shall be located on the façade elevation of any building facing Eastern Hutt Road.

(iii) there shall be a maximum of one free-standing sign which may be located at the road entrance to the Business Industrial Zone and it shall not exceed a face area of 20m<sup>2</sup> visible from any one direction; or be more than 9m above ground level.

(f)(i) On land identified in the Business Commercial Zone at Riverstone Terrace in Appendix Business 2 of Chapter 20, the area of any signs attached to buildings shall not exceed a total area of 7.5m<sup>2</sup>.

**Council shall restrict its discretion to, and may impose conditions on, the matters listed below where any of the above standards are not met:**

- 8A.3.4.14 - All signs other than temporary signs.
- 8A.3.4.15 - Transport Safety – All signs.

**8A.3.4.12 Signs for direction of traffic on a site in Business Commercial Zones, Business Industrial Zones and Special Activity Zones**

(a) The maximum vertical dimension of the sign shall not exceed 1.2m.

(b) The maximum area of the sign, visible in any one direction, shall not exceed 0.5 1m<sup>2</sup>.

(c) The content of the sign must be limited to directional purposes.

**Council shall restrict its discretion to, and may impose conditions on, the matters listed below where any of the above standards are not met:**

- 8A.3.4.14 - All signs other than temporary signs.
- 8A.3.4.15 - Transport Safety – All signs.

**8A.3.4.13 Traffic safety - All signs**

(a) No sign shall be located so that it obstructs or obscures any traffic sign or signal, or any official road sign, whether they are for regulatory, warning or advisory purposes.

(b) No sign shall resemble any traffic sign or traffic signal, whether they are for regulatory, warning or advisory purposes.

(c) No sign may restrict the line of sight to any intersection, bend or corner on a road, and:

(i) Within legal road environments with a posted speed environment of <70km/h no signs shall be located 100m from an intersection and/or permanent regulatory or warning or advisory sign and/or traffic signal, and/or pedestrian crossing

(ii) Within legal road environments with a posted speed environment of >70km/h no signs shall be located 200m from an intersection and/or permanent regulatory or warning or advisory sign and/or traffic signal, and/or pedestrian crossing

- (d) No sign shall incorporate reflective materials.
- (e) Signs located over a pedestrian pathway, including free-standing signs and signs below verandas, should have a minimum clearance of 2.5 metres when measured from ground level.
- (f) Where any sign is visible from the State Highway and the speed limit is 70km/hr or greater, the sign shall:
  - (i) Have a minimum letter height of 160 mm;
  - (ii) Contain no more than six words and no more than 40 characters; and
  - (iii) Be located so as to provide an unrestricted view of the road to the motorist for a minimum distance of 180 metres.
- (g) Is not a digital sign or incorporates movement or changing content visible from a state highway or road
- (h) No sign will include any flashing and/or revolving lights
- (i) All illuminated signs visible from the transport network must be designed, installed and maintained to ensure they do not exceed the following luminance standards:

**Table: Maximum luminance (cd/m<sup>2</sup> of illuminated advertising device)**

	<b>Low Light Environment (Rural &amp; Rural residential areas)</b>	<b>Medium Light Environment (Suburban &amp; Urban Areas)</b>
<b>Maximum Candelas per Square Meter (cd/m<sup>2</sup>)</b>	<b>150</b>	<b>300</b>

**Council shall restrict its discretion to, and may impose conditions on, the matters listed below where any of the above standards are not met:**

- 8A.3.4.15 Transport Safety – All signs

**Advice note:**

For signs which are on or over any State Highway, it is advised to check relevant New Zealand Transport Agency Bylaws and regulations for specific requirements, such as location and design, including materials.

It is also advised to check the Upper Hutt City Council Control of Temporary Signs Bylaw 2018 to ensure all signs comply with Council’s specific requirements.

**Matters of discretion**

**8A.3.4.14 All signs other than temporary signs**

- (a) Whether the sign is in scale with the associated activities or building development and is compatible with the visual character of the area in which it is situated.
- (b) Whether the sign detracts from the appearance of the building to which it is attached due to:
  - Effect of the sign on the appearance of the building to which it is attached due to:
    - (i) The proportion of the sign to the building facade elevation; and
    - (ii) The location and design of the sign, including the colour, display, materials, and how the sign relates to any architectural features on the building; and
    - (iii) The number of signs on the building.
- (c) Whether the sign results in additional clutter of signs on the building or site.
- (d) Whether the sign, will result in a more consolidated or co-ordinated sign display on the building or site.
- (e) Whether there are any special circumstances or functional need for an increase in sign size, or different location of the sign including for
  - (i) operational, directional or safety purposes; or
  - (ii) any mitigating features of the site which would lessen the impact of the sign, such as vegetation or landscaping.
- (e) Whether there are any special circumstances or functional need for proposed signage including operational, directional or safety reasons;
- (f) Whether vegetation or landscaping would mitigate the visual impact of the sign.
- (g) Whether the sign would impact on residential amenity due to its location and design or proximity to residential activities including any effects of illumination or glare on adjoining residential properties.
- (h) The extent to which the sign is clear and legible.

**8A.3.4.15 Transport Safety – All signs**

- (a) Whether there would be any adverse effects on traffic, cyclist or pedestrian safety, and the efficiency of the surrounding transport network due to:
  - (i) The illumination or glare from digital signs resulting in distraction to road users (note: see standard 8A.3.4.13 (i) for

guidance on illumination levels) including consideration of the effect where the minimum dwell time of 10 seconds and maximum transition time of 0.5 seconds is not met;

(i)(ii) The potential for obstruction, confusion or distraction in the observance of traffic directions, controls or conditions; and

(ii)(iii) The potential for obstruction of sightlines to intersections, corners, bends in roads and vehicle and pedestrian entrances.

(b) Whether due to the siting and design of the sign, there are any transport safety benefits for the site and surrounding transport network.

#### **8A.3.4.16 Temporary signs**

(a) Whether the information being displayed relates to the business or activity on the site.

(b) The need for the business or activity to identify or promote itself beyond the specified duration.

(c) Whether the signage would impact on residential amenity due to the location and design of the sign or proximity to residential activities; and

(d) Any mitigation measures which are proposed to be implemented that would lessen the impact of the sign.

(e) Whether the sign is compatible with the visual street scene character of the area in which it is situated.

#### **APPENDIX 1 – BUSINESS ZONE DIAGRAM**





## **4 RESIDENTIAL ZONE**

### **4.1 Background**

The residential areas within the City are characterised by mainly low-rise dwellings sited on individual allotments. Past architectural styles, settlement patterns and geographical factors have resulted in diverse residential characteristics and form, resulting in a range of individual neighbourhoods.

Demand for higher density residential development is increasing in the City and the manner in which the District Plan provides for higher density residential development is important to the character and amenity of existing established neighbourhoods. Higher density residential development is becoming more desirable to certain sectors of the community and it is also desirable in establishing a variety of housing types and styles, thereby providing a greater variety to the housing stock of the City.

Higher density residential development is best located in close proximity to retail, service and public transport centres specifically near the central business district, neighbourhood centres and major transport nodes. Higher density residential development is provided for in these areas in the form of Comprehensive Residential Development and by way of an increased density for residential development.

Within the Residential Zone the Residential Conservation and Residential Hill areas reflect the particular environmental and topographical characteristics of those areas.

The City's residential areas are also characterised by the presence of non-residential activities and community facilities. These activities tend to provide essential community services, including shops, churches, schools, doctors' surgeries, day care centres and halls. In some areas motels and hotels have been established. Many non-residential activities and community facilities are generally accepted within residential areas provided they do not give rise to significant adverse effects.

## **4.2 Resource Management Issues**

### **4.2.1 *The loss of environmental quality within residential areas caused by adverse effects of activities.***

Amenity values are those inherent qualities or characteristics which contribute to people's appreciation or enjoyment of the local environment. Components of amenity include privacy, sunlight admission, open space, visual streetscape, noise and public health and safety.

Factors which could adversely affect the amenity values of the local residential environment include:

- Noise and illumination.
- The presence of non-residential activities and facilities.
- Signs.
- The design, appearance and siting of buildings.
- Toxic, noxious, offensive, dangerous or hazardous elements.

Dwellings and other buildings can block out sunlight, and reduce privacy and amenity in residential areas. Council seeks to minimise these adverse effects while maintaining a choice of dwelling styles and development opportunities.

Operating non-residential activities in residential areas may also have adverse effects including noise, increased traffic flows and the appearance of utilitarian buildings. Council seeks to maintain a high standard of residential amenity in residential environments.

### **4.2.2 *The effects on amenity values of infill development, redevelopment and new subdivisions within and adjoining established residential areas.***

The amount of land suitable for urban use is influenced by servicing, topographical, ecological and other constraints. The Residential Zone covers the existing residential areas as well as undeveloped land suitable for residential use in the future. Expansion of existing urban areas will be encouraged in appropriate environments with the existing urban areas being the preferred location for higher density development. Council will promote the maintenance of the general character and amenity values of particular neighbourhoods.

## 4.3 Objectives

### 4.3.1 ***The promotion of a high quality residential environment which maintains and enhances the physical character of the residential areas, provides a choice of living styles and a high level of residential amenity.***

The essential components of residential amenity values include adequate daylight and open space, satisfactory design standards, a reasonable degree of privacy and low noise levels.

The primary role of the Residential Zone is to provide opportunities for residential activity. Residents want a range of living styles to reflect their various needs, while maintaining high levels of amenity and residential character. In the Residential Zone, the provisions of the Plan seek to ensure that new development will be provided for in a manner that will respect existing forms. Appropriate activities are provided for as permitted and others will be assessed by way of resource consent applications.

Certain non-residential activities are most appropriately located within the residential zone provided that the effects of these activities, such as noise and traffic, are appropriately managed.

### 4.3.2 ***The maintenance and enhancement of the special landscape and natural values of the Conservation and Hill Areas.***

Within the Residential Zone of the City are environments with special character. The Residential Conservation Sub-zone includes the areas adjoining Trentham Memorial Park, Palfrey Street, Chatsworth Road and parts of Pinehaven. These areas have a mature landscape and townscape, contain native flora and fauna, natural watercourses, as well as larger sections. They also include residential development on the hills surrounding the urban area. These areas require a lower density of development in order to maintain their important landscape and ecological values.

In contrast, the Residential Hill Sub-zone is characterised by more recent development which recognises the topographical constraints by having a lower density of development. This sub-zone also contains areas undergoing development as well as some earmarked for future development.

Within the Conservation and Hill Areas there are a number of standards and controls which maintain and enhance the special values of those parts of the Residential Zone. These controls are in addition to the provisions relating to the Residential Zone.

**4.3.3                    *The management of the adverse effects of subdivision within residential areas.***

This objective seeks to provide for subdivision which promotes residential amenity values, creates safe and well-designed housing development and promotes the efficient use of natural and physical resources.

**4.3.4                    *To provide for higher density residential development by way of Comprehensive Residential Developments and specific net site area standards around the central business district, neighbourhood centres and major transport nodes.***

Providing a choice of living options involves the provision of more intensive types of residential development as well as traditional forms of development in Upper Hutt, which generally comprise standalone dwellings on individual lots. Higher density housing may suit the needs of certain groups of the community.

It is important to locate higher density housing in appropriate areas. The Plan identifies areas where higher density housing is specifically encouraged due to the proximity of these areas to retail and service centres and transport nodes. The Plan provides for this type of development through reduced minimum net site area standards compared to the remainder of the Residential Zone, and through provisions for Comprehensive Residential Development.

To ensure that new higher density residential development, including Comprehensive Residential Development, is well designed and achieves a high degree of amenity, assessment against the Design Guide for Residential Developments will be required.

**4.3.5                    *To promote the sustainable management and efficient utilisation of land within the Wallaceville Structure Plan area, while avoiding, remedying or mitigating adverse effects.***

The Wallaceville Structure Plan Area comprises a mix of residential and commercial zoning and provides opportunity for higher density living. It has a number of site specific values, constraints and opportunities. It is also a very important land resource within the City's urban boundary. Its development should therefore occur in a manner that is consistent with the Wallaceville Structure Plan, in an integrated way that does not compromise the amenity or servicing requirements of future development stages. Particular regard must be paid to the potential for reverse sensitivity issues arising from interfaces within adjoining land uses.

The Wallaceville Structure Plan (Chapter 39: Wallaceville) was developed to provide for the development of the Wallaceville Structure Plan Area in a logical and coherent manner that takes into account the historical, cultural, environmental and landscape characteristics of the area. The Wallaceville Structure Plan has been adopted by the Council as the

guiding document for the development of this area and as such all development should be guided by this document as to what is appropriate. The intentions and outcomes for each of the precincts provide an outline of the development that the Wallaceville Structure Plan is seeking to achieve. These are the key considerations for development in this area.

## **4.4 Policies**

### **4.4.1 *To provide for a range of building densities within the residential areas which takes into account the existing character of the area, topography and the capacity of the infrastructure.***

A number of housing density standards are provided for within the Residential Zone to provide choice, and to take into account existing characteristics, topography and infrastructure. These differences were recognised under zoning policies relating to the Residential General and Residential Conservation Zones in the previous District Plan. In addition the Plan makes specific provision for higher density housing through reduced minimum net site area standards and Comprehensive Residential Developments in identified areas of the City within which this form of development is considered to be most appropriate. These locations are called Residential (Centres Overlay) Areas.

Density refers to the amount of built development in a given area, together with the relationship between buildings and open spaces on sites. Density affects the potential number of people living in an area, the area occupied by buildings and the amount of hard surfacing, as well as the available space for gardens. The controls on allowable levels of development provide a degree of certainty to residents on such matters.

Increasing the amount of buildings and hard surfaces on a site also has an impact on infrastructure, in particular on the amount of stormwater runoff. Over time, incremental change can have a significant effect on infrastructure operations. The Plan includes a requirement for new Comprehensive Residential Developments to include a specified amount of on-site stormwater soakage, in order to reduce this impact.

**4.4.2**

***To ensure that the scale, appearance and siting of buildings, structures and activities are compatible with the character and desired amenity values of the area.***

Buildings, structures and activities need to be of a scale or type that reflects the character of the neighbourhood. The overall aim of this policy is to promote residential character, and to ensure the compatibility of activities with the surrounding environment. Assessment of new developments may include the degree of integration a proposal achieves with not only the adjoining sites, but with the streetscape and, in some cases, the wider townscape.

The Plan includes visual amenity standards, including controls over the location of residential buildings, and the screening of non-residential buildings. The relocation of residential buildings requires resource consent as it can cause adverse visual effects.

Higher density housing has the potential to affect both existing residential character and amenity. Accordingly the Plan includes standards and design guidelines for higher density housing against which this type of development is assessed in order to ensure that residential character is appropriately managed and that existing amenity values are not adversely affected. The retention of existing trees and vegetation where practical is important in this respect.

Comprehensive Residential Developments may include an existing dwelling on a site, but there may be instances where an existing dwelling requires additional changes to ensure it is compatible with a proposed development. This will be assessed through the resource consent and Design Guide assessment process.

On the land identified in Appendix Residential 3, particular care needs to be taken with the design of any residential development or subdivision to ensure that it appropriately addresses the interface with Maidstone Park and the adjoining Business Industrial Zone.

**4.4.2A**

***To avoid development and subdivision on land identified in Appendix Residential 3 ('Maidstone Terrace Residential') which does not comply with site specific standards controlling the number of lots and dwellings, access from Railway Avenue, boundary setbacks and fencing.***

*On the land identified in Appendix Residential 3, particular care needs to be taken with the design of any residential development or subdivision to ensure that it appropriately addresses the interface with the adjoining Business Industrial Zone. In particular, site specific standards apply to the site and compliance with these standards is critical to ensuring that development and subdivision is appropriate.*

**4.4.3**

***To ensure that non-residential activities within residential areas do not cause significant adverse environmental effects.***

Some business activities service or benefit the local community. Changing technology and business practices mean that some non-residential activities can occur without adversely affecting the character or amenity values of the residential environment.

Similarly, many people now work from home, and this creates social and economic advantages. This policy provides the opportunity for home occupations and non-residential activities to establish, provided any adverse effects are avoided, remedied, or mitigated, and the character of residential areas is maintained.

Certain activities such as early childhood centres, can be appropriately located within residential areas provided the adverse environmental effects caused by these activities, primarily noise and traffic effects, are appropriately managed.

To control the adverse effects of such uses on residential amenity, the Plan includes standards on the scale and location of buildings, noise, car parking and use of hazardous substances.

While provided for as a Discretionary Activity, it is recognised that commercial development may take place in the Urban Precinct of the Wallaceville Structure Plan, which may include the commercial redevelopment of the farm management building and dairy building, provided that significant adverse environmental effects on the Business Commercial Zone (the Gateway Precinct), residential activities and other areas of Upper Hutt City can be avoided or mitigated. This does not preclude other potential development options for the Urban Precinct being developed that are compatible with residential activities.

Resource consent applications for any commercial development not consistent with the Wallaceville Structure Plan will need to be carefully assessed against Policies 4.4.3 and 4.4.16 in particular.

**4.4.4** *To ensure that the location and design of buildings and earthworks do not significantly detract from the residential amenity of the area.*

There are a number of matters that influence residential amenity. These include:

- The density and topography of sites.
- The closeness of dwellings to boundaries and other buildings.
- The height and orientation of buildings.
- The height or existence of fences, trees or other vegetation.
- The size, location and appearance of earthworks, retaining walls and fill batters.

Private open space is an important factor in the use and enjoyment of a residential site. Open space provides an area for outdoor leisure activities. This policy seeks to provide a reasonably open and private outlook protecting residential sites from being 'closed in' by neighbouring buildings.

Access to sunlight and daylight also contribute to the use and enjoyment of a residential site. To avoid excessive shading effects and allow the admission of daylight to a site, the Plan provides daylight controls on all side and rear boundaries. Similarly, to control the size and height of earthworks and associated retaining, the Plan provides for earthworks plane controls along all boundaries in order to avoid or mitigate adverse effects.

In the Wallaceville Structure Plan Area, the intentions and outcomes for each of the Precincts define the particular amenity that is envisaged for development of this area.

**4.4.5** *To ensure that sites fronting streets present a pleasant and coherent residential appearance.*

The setback of buildings from the front boundary assists with privacy and provides for landscaping. The front setback provides an open style streetscape which is part of the established residential character of Upper Hutt.

**4.4.6** *To mitigate the adverse effects of noise within residential areas to a level consistent with a predominantly residential environment.*

Noise is a particularly important amenity consideration in residential areas as people are living in close proximity to each other. This policy aims to ensure that noise levels experienced are reasonable for a Residential Zone. In the Wallaceville Structure Plan Area, fencing, noise insulation and/or ventilation standards seek to mitigate the reasonable



adverse effects of noise arising from adjoining activities. The standards ensure a reasonable level of acoustic amenity within buildings that have their windows closed. Ventilation standards have been developed to avoid the need to open windows.

**4.4.7** *To promote a safe and efficient roading network which avoids, remedies or mitigates the adverse effects of road traffic on residential areas.*

Traffic on roads, whether mobile or stationary, can have major impacts on the amenity values of residential areas.

An efficient residential roading network of a high standard will meet the mobility needs of the City's residents, give access to available transport services, provide safety for those using the network and mitigate the adverse effects of traffic on the environment.

**4.4.8** ~~*To ensure that signs in residential areas do not adversely affect neighbourhood amenity or traffic safety.*~~

~~The Residential Zone is relatively free from signs, which can detract from amenity values. For this reason, controls are needed to prevent the proliferation of signs and to manage the effects of those that are appropriate in the zone.~~

**4.4.9** *To promote a relatively low intensity of development within the Conservation and Hill Areas.*

These areas have a lower level of building density with a corresponding sense of spaciousness compared with other residential areas. They have developed a certain character as a result of past patterns of development. Higher density forms of development such as Comprehensive Residential Development may erode the character and amenity of these areas, and higher density housing is therefore not encouraged. This policy seeks to recognise and protect the existing and potential future levels of amenity.

**4.4.10** *To protect trees and vegetation which contribute to the amenity values, landscape values, character, ecological, historical and cultural values of the Conservation and Hill Areas.*

Trees add to the character of residential areas and also have ecological, historical, and cultural values.

The Conservation and Hill Areas have special qualities which merit the protection of trees. They also merit different requirements for development and subdivision to assist in protecting their amenity values and land stability.

**4.4.11** *To provide for new residential development within the City in a sustainable manner.*

The edge of the urban area is defined primarily by a rural interface. Council generally intends to contain new residential development within the existing zoned urban area. Continuous expansion at the City's edge, while large parts of the urban areas remain undeveloped, does not constitute sustainable management.

Greenfield subdivision, for urban residential development outside Residential Zones should be considered by way of a District Plan change to extend the urban area. This enables the full effects of the potential development to be assessed.

**4.4.12** *To promote subdivision and residential development with a high level of amenity and ensure that it has adequate access to infrastructural requirements.*

The Plan provides for the intensification of land use within the urban area to accommodate residential development where adverse effects can be avoided, remedied or mitigated.

Subdivision requires resource consent because Council may need to impose conditions that relate to provision or co-ordination of services and other matters relating to the sustainable management of resources.

**4.4.13** *To encourage higher density housing through the provision of reduced net site area standards and in the form of Comprehensive Residential Developments in identified areas of the City.*

The Plan identifies areas considered suitable for higher density residential development. These areas are located surrounding the central business district, around the Trentham neighbourhood centre located at Camp Street, near the Wallaceville railway station from Ward Street to Lane Street and within the Urban Precinct and Grants Bush Precinct of the Wallaceville Structure Plan Area.

These areas are in close proximity to retail and service facilities as well as the availability of major transport points, including rail and bus services, and a major bus terminal in the CBD.

The reduction of net site area standards in the Residential (Centres Overlay) Areas recognises a minimum site area Council is prepared to allow for housing development. Any reduction below this minimum net site area is provided for as a discretionary activity and will be assessed against the Design Guide for Comprehensive Residential Development so as to ensure that any subdivision or development below this net site area can still achieve a high quality.

**4.4.14** *Provide for subdivision and/or Development within the Wallaceville Structure Plan Area that is consistent with the Wallaceville Structure Plan.*

The Wallaceville Structure Plan in Chapter 39: Wallaceville includes the following:

- the Wallaceville Structure Plan Map
- Wallaceville Precinct descriptions, intentions and outcomes
- Wallaceville Indicative Road Typologies
- Wallaceville Stormwater Management Principles

The Wallaceville Structure Plan has been based on detailed assessment of site constraints and opportunities and sets out an appropriate response to these. It includes detailed consideration of servicing requirements to ensure that adverse effects of urban development within the Wallaceville Structure Plan Area is appropriately managed while incorporating an element of design flexibility to ensure a suitable level of amenity while responding to housing demand.

**4.4.15**

***Subdivision and/or development in the Wallaceville Structure Plan Area, will only be appropriate if it:***

- ***Is integrated with the development generally anticipated in the Wallaceville Structure Plan***
- ***Provides a high level of residential amenity;***
- ***Ensures adequate infrastructure and transport provision;***
- ***Facilitates the safety of road users;***
- ***Provides adequate on-site stormwater management; and***
- ***Does not detract from the vitality and vibrancy of the Upper Hutt CBD***

The Wallaceville Structure Plan provides for the development of the Wallaceville Structure Plan Area in a logical and coherent manner that takes into account the historical, cultural, environmental and landscape characteristics of the area. It also establishes outcome expectations based on an analysis of site values, constraints and opportunities. Requiring development to be consistent with this plan will ensure that future development represents sustainable management of the land resource. Subdivision within the Wallaceville Structure Plan Area is a restricted discretionary activity to enable consideration of consistency with the Structure Plan. Subdivision and/or development that is consistent with the Wallaceville Structure Plan will satisfy Policy 4.4.15, and provide for sustainable management of the land resource.

The development of the site will occur over an extended period. During this time opportunities to integrate alternative land uses within the site may arise. This policy provides a framework for the consideration of such alternative land uses and layouts. The policy emphasises the importance of ensuring development ensures adequate infrastructure provisions, minimises potential effects on the Upper Hutt CBD, is integrated with the remainder of the site's development, and that it avoids, remedies or mitigates adverse environmental effects.

**4.5****Methods****4.5.1**

District Plan provisions consisting of a Residential Zone identifying the residential environments within the City, including the Conservation and Hill Areas, and Residential (Centres Overlay) Areas and the Wallaceville Structure Plan Area. Rules and standards apply to activities so that adverse effects are avoided, remedied or mitigated. Consent application procedures provide for the consideration of effects on a case-by-case basis and the imposition of appropriate conditions when necessary. Design guidelines provide for assessment of Comprehensive Residential Developments and subdivision design in Residential (Centres Overlay) Areas.

- 4.5.2** Code of Practice for Civil Engineering Works.
- 4.5.3** Abatement notices and enforcement orders may be issued where it is necessary to enforce the Plan rules and mitigate any adverse effects of activities.
- 4.5.4** Reserve Management Plans.
- 4.5.5** District Plan rules requiring reserve contributions and development impact fees.

## **4.6 Anticipated environmental results and monitoring**

The following results are expected to be achieved by the objectives, policies and methods of this Chapter. The means of monitoring whether this Plan achieves the anticipated environmental results are also set out below.

<b>Anticipated environmental results</b>	<b>Monitoring indicators</b>	<b>Data source</b>
Maintenance of residential amenity and special landscape characteristics, including on-site amenity, streetscape design and appearance	Number of resource consents by type	Council records
	Community Survey	Council Survey
	Complaints and enforcement proceedings	Complaints register
Development of the Residential Zone which reflects the amenity values of the area	Compliance with performance standards within the Residential Zone	Council records
	Number of resource consents by type	

**15****ENVIRONMENTAL QUALITY****15.1****Background**

The Resource Management Act includes a wide definition of the environment. Many aspects of the environment are covered in other Chapters of the Plan. A number of aspects of environmental quality deserve special attention. These include tangible matters such as visual amenity, landscapes, buildings, air, water and soil. There are intangible things such as the social and cultural aspects of our environment and a community's sense of place. Poor levels of environmental quality, such as air pollution, badly designed buildings, inappropriate signage, high levels of noise, inadequate open space and over-intensive development can degrade the quality of life. Upper Hutt enjoys high standards of environmental quality which should be preserved and protected.

**15.2****Resource Management Issues****15.2.1**

***The potential reduction of the City's high standard of environmental amenity as a result of inappropriate development or inadequate protection from activities.***

Without adequate management to maintain or enhance a level of amenity appropriate to an area, the environmental quality of the City could be reduced. This could be as a result of inappropriate signs, lack of open space, high noise levels, over-intensive development and degradation of landscape and visual amenity values.

**15.2.2**

***The promotion of a healthy and safe built environment.***

The environment must be maintained in such a way that people's health is not adversely affected by land use activities. Factors which may influence the health and safety of the community include the design of subdivisions and roads, noise, provision of open space, density of settlement and mitigation of hazards.

**15.2.3**

***Air pollution of the City resulting from discharges.***

The Wellington Regional Council is responsible for the management of discharges of contaminants to air under the Act.

<b>15.3</b>	<b>Objective</b>
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**15.3.1**                    ***The promotion of a high level of environmental quality in the City by protecting amenity values.***

This objective seeks to minimise the effects of activities which can adversely affect the quality of the environment. It also seeks to promote a high level of environmental amenity within the City by appropriately managing the use, development and protection of natural and physical resources.

**15.3.2**                    ***To enable temporary events to occur throughout the City and to manage them appropriately.***

Temporary events are important to the vitality of Upper Hutt and the wellbeing of the community. This objective seeks to provide for temporary events, whilst ensuring that the effects generated are of acceptable levels.

<b>15.4</b>	<b>Policies</b>
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**15.4.1**                    ***To identify and maintain amenity values that the community wishes to protect.***

Amenity values are those features or aspects about an area which enhance it or make it pleasant to be in. They can include access to sunlight, landscaping and visual qualities. They may also include important public features, such as parks and reserves. Activities which can adversely affect the amenities of an area must be managed, while also recognising the rights of individuals to use their own properties and the need for utilities to operate effectively and safely.

A particular concern of the Upper Hutt community relates to the effects of the establishment and use of what are commonly referred to as gang fortifications. These are sometimes accompanied by an increase in anti-social behaviour.

It is Council's view that the adverse effects of these fortifications on the environment, in particular in respect of the social, economic, aesthetic and cultural conditions of the Upper Hutt people and community, and the amenity values of the Upper Hutt environment, are such that these activities should not be permitted. The activity is therefore prohibited anywhere in Upper Hutt City.

The management of areas with distinctive characteristics and environmental qualities forms the basis of the zoning approach used in the Plan. One such area is the Southern Hills Overlay Area which is identified for its landscape and/or visual amenity values and significant

indigenous vegetation. Given the identified values, activities and development within the overlay area require a greater degree of management.

#### 15.4.2

##### ***To promote the maintenance of air quality within the City.***

Environmental quality can be considerably affected by air quality. Upper Hutt, being at the head of a valley, is affected by a 'negative lapse rate' or temperature inversion. This is when warm rising air is trapped under a layer of falling cooler air. This condition means pollutants are easily contained in Upper Hutt's atmosphere.

Under the Act, there is an overlap of functions between the City Council and the Wellington Regional Council in relation to air quality. The Regional Council is charged with controlling discharges of contaminants into air. Discharges may be from a point source, such as a chimney, or from a non-point source, such as an intensive farming operation. The City Council is charged with controlling the effects of the use of land. Such effects may include effects on air quality.

Intensive farming, which includes activities ranging from pig farming to mushroom production, can be a source of nuisance to people. Compliance with Codes of Practice, such as that for pig farming, is encouraged.

Some industries, farming activities and other activities may create dust. It is not the intention of the Plan to manage these matters as these are primarily controlled by the Wellington Regional Council. In some cases, the Health Act 1956 may be used to minimise dust nuisance.

Another source of nuisance affecting air quality is the spraying of forests, weeds and crops with pesticides, fertilisers and other chemicals. In the process of spraying, these chemicals can be distributed beyond the site and can potentially adversely affect neighbouring properties and/or people. These matters are primarily under the control of the Wellington Regional Council.

#### 15.4.3

##### ***To promote the development of a safer and more secure environment for the community.***

Part of the environmental amenity of urban areas is dependent on the degree to which pedestrians feel comfortable moving from place to place. Buildings, roads and the network of pedestrian accessways within the built environment can significantly affect the way people feel about where they live and work, and their ease of movement, safety and security. For example, pedestrian amenity is promoted by the inclusion of some protection from the elements in the design of commercial premises. Personal safety and security is also an issue. Promotion of good design is a key method to implement the policy. This also applies to safety and the perception of public safety.



Other Policies within the District Plan impact directly or indirectly on the health and safety of the community, such as those addressed in Chapter 14 (Natural Hazards) and Chapter 17 (Hazardous Substances and Waste Management).

**15.4.4                    *To manage noise emissions to levels acceptable to the community.***

Noise (including vibration) is a significant health and environmental issue, and affects amenity. Noise emissions which are acceptable to the general public are those at levels which do not conflict with normal daily activities, including sleep. Occasional noise is tolerated at much higher levels than continuous noise. The Act requires that the emission of noise does not exceed a reasonable level. Council has responsibility for the management and mitigation of the effects of noise in the City.

The most effective method is to implement performance standards by way of District Plan rules. Such rules are based on community-derived values, rather than individuals' perceptions. For example, the emission of noise from activities which have a legitimate function or established presence in an area, such as tractor noise in a farming area or noise from motor vehicles using roads, is deemed to be 'acceptable'. Conversely, noise from activities which are not an accepted part of the character and functioning of an area will be considered to be unacceptable.

The noise standards in this Plan have been designed with the advice of acoustic consultants. These standards have been developed to suit the specific characteristics of the planning zones in Upper Hutt City. These characteristics include the proximity of noise generating activities to residential areas.

Council also has a role in monitoring information concerning background noise in order to ensure that the noise standards remain appropriate.

Council is also empowered, under the provisions of the Act, to deal with noise which is considered to be unreasonable by enforcement or abatement proceedings or by the use of excessive noise directions.

**15.4.5                    ~~[Removed by Plan Change 45]  
*To avoid, remedy or mitigate the detrimental effects of signs on amenity values and traffic safety.*~~**

~~Signs are a necessary element of the City landscape. They provide information and advertise goods and services. Signs are essential to the economic viability of many businesses.~~

Signs can also be unattractive and distracting to motorists. For these reasons, the number, size and location of signs are managed in this Plan.

Transit New Zealand, as a body responsible for the maintenance of road safety, prohibits any extraneous roadside signs on State Highways. In addition, the Traffic Regulations 1976 and the Transport Act 1962 govern aspects of the design of signs which are visible from major highways.

The structural integrity of signs erected in the City is managed under the Building Act 1991, and all signs must comply with its standards.

Signs are considered more acceptable in business and industrial areas than in rural and residential areas because the activities in these areas need signs to advertise their products and services and because people expect higher environmental amenity standards in Rural and Residential Zones. The environmental character of business and industrial areas is less sensitive to the effects of signs than other areas. Thus, there are stricter rules in the Rural and Residential Zones of the City.

The size and number of signs are controlled in this Plan at the interface between residential and non residential sites to reflect the relatively greater sensitivity of residential activities to the effects of signs.

#### 15.4.6

***To provide for temporary events throughout the City subject to appropriate performance standards.***

Temporary events occur regularly throughout the City and contribute to the social, cultural and economic wellbeing of the community. The Plan provides for these events in a flexible manner that recognises their infrequent nature and limited duration, whilst seeking to manage the anticipated environmental effects.

Adverse effects relating to noise are managed through appropriate noise limits that allow flexibility for a range of event activities, whilst also limiting the duration of amplified music events.

The majority of temporary events occur on public land or on legal roads. In addition to using the District Plan provisions the Council will also continue to control the effects of temporary events through its role as manager of these public spaces.

<b>15.5</b>	<b>Methods</b>
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**Air quality**

- 15.5.1** Encouragement of the implementation and use of efficient equipment, systems and methods which minimise emissions.
- 15.5.2** Encouragement of the use of Codes of Practice, such as for pig farming or for agrichemical users.
- 15.5.3** Consultation and co-ordination with the Wellington Regional Council in developing and implementing the Regional Air Quality Plan for the Wellington Region.
- 15.5.4** Liaison with relevant industry groups. This may assist in identifying potential sources of air pollution at the pre-development stage.
- 15.5.5** Abatement and enforcement procedures under the Resource Management Act 1991, the Health Act 1956 and other relevant legislation.

**Healthy and Safe City**

- 15.5.6** District Plan rules specifying minimum standards to support a healthy and safe living environment.
- 15.5.7** Council encouragement of design which contributes to the safe movement and security of pedestrians.
- 15.5.8** Other activities of Council, outlined in the Annual Plan and the activities of the Safer Community Council.

**Noise**

- 15.5.9** District Plan rules setting noise standards.
- 15.5.10** Abatement and enforcement procedures under the Resource Management Act 1991.
- 15.5.11** Research and consultation to determine ambient noise levels in different parts of the City and to review noise standards to protect environmental quality.

### Signs

- 15.5.12** ~~[Removed by Plan Change 45]  
District Plan rules setting standards to manage the effects of signs on amenity and the safe and efficient operation of the roading network (including the State Highways).~~
- 15.5.13** ~~[Removed by Plan Change 45]  
Promotion of good design and appropriate location of signs.~~
- 15.5.14** ~~[Removed by Plan Change 45]  
Consultation with relevant authorities (for example, the New Zealand Historic Places Trust), requiring authorities (for example, Transit New Zealand) and local groups.~~

### Amenity

- 15.5.15** District Plan rules setting standards to protect adjacent properties from adverse shading effects.
- 15.5.16** District Plan rules prohibiting gang fortifications because of their adverse effects on the environment.
- 15.5.17** District Plan rules setting standards to control activities within the Southern Hills Overlay Area, to protect, maintain or enhance the identified values of the area.

### Temporary Events

- 15.5.18** District Plan rules setting standards to manage the effects of temporary activities.
- 15.5.19** Enforcement procedures under the Resource Management Act 1991.
- 15.5.20** Promotion of appropriate locations for temporary events to ensure that the venue can accommodate the event.

## **15.6 Anticipated environmental results and monitoring**

The following results are expected to be achieved by the objective, policies and methods of this Chapter. The means of monitoring whether this Plan achieves the anticipated environmental results are also set out below.

<b>Anticipated environmental results</b>	<b>Monitoring indicators</b>	<b>Data source</b>
An acceptable level of air quality throughout the City	Resource consents and type and effect on air quality issues  Consultation - community initiatives	Council records
A built environment which supports the health and safety of the City's residents	Resource consents and type and effect on health and safety issues  Consultation and community initiatives	Council records
An acceptable level of noise throughout the City	Effectiveness of conditions of consents and methods used in managing the adverse effects of noise  Effects of noise on the environment	Council complaints register  Ambient noise level testing  Community opinion
The maintenance of amenity values as appropriate to particular areas of the City	Complaints and enforcement proceedings  The adequacy of conditions of consent in different situations  Consultation and community initiatives	Council complaints register  Council resource consent records
The accommodation of a wide range of temporary events that cause acceptable levels of environmental effects	Number and type of consents  Effectiveness of conditions of consents and methods used in managing the adverse effects of temporary events  Effects on the noise environment  Complaints and enforcement proceedings	Council records  Monitoring of resource consent conditions

<b>18</b>	<b>RESIDENTIAL ZONE RULES</b>
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<b>Activities Tables</b>
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*Policies 3.4.1, 4.4.3, 4.4.11, 4.4.13, 16.4.3, 16.4.7*

<b>18.1</b>	<b>Subdivision Activities</b>
<b>Subdivision excluding unit title subdivision</b>	
Subdivision which complies with the standards in rules 18.5 and 18.9 unless specified below	<b>C</b>
Subdivision in the Wallaceville Structure Plan Area (Chapter 39: Wallaceville) which complies with the standards in rules 18.5 and 18.9 unless specified below	<b>RD</b>
Subdivision in the Wallaceville Structure Plan Area that does not comply with the standards of rule 18.5 and 18.9	<b>D</b>
Subdivision which does not comply with the standards specified in rule 18.5	<b>D</b>
Subdivision which complies with the standards of rule 18.5 but not rule 18.9	<b>RD</b>
Subdivision around any existing lawfully established dwelling which does not result in the creation of any new undeveloped site that contains no dwelling  <b>Note:</b> this form of subdivision does not need to comply with the minimum net site area requirements of rule 18.5, but does need to meet the access standards of rule 18.9	<b>C</b>
Subdivision around any existing lawfully established dwelling that does not result in the creation of any new undeveloped site that contains no dwelling, that does not comply with the access standards of rule 18.9	<b>RD</b>
Subdivision of land for utilities, reserves or conservation purposes	<b>C</b>
Subdivision of a site identified in Schedules 26.8 or 27.7	<b>D</b>
Creation of a lot that does not have formed legal access to a formed legal road, unless the proposal is for a paper road or other access to be formed as a condition of subdivision approval in accordance with the Code of Practice for Civil Engineering Works	<b>NC</b>
Subdivision which creates building platforms within 20m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps *(refer to the definition of <i>transmission line</i> )	<b>RD</b>
Subdivision within the Residential (Centres Overlay) Area which complies with the standards of rule 18.5 but not rule 18.9	<b>RD</b>
Subdivision within the Residential (Centres Overlay) Area which does not comply with the standards specified in rule 18.5	<b>D</b>
<b>Subdivision of Comprehensive Residential Developments</b>	
Subdivision of a Comprehensive Residential Development applied for concurrently with a Comprehensive Residential Development under Rule 18.28A.	<b>RD</b>

<b>Updates of existing company lease and cross lease, and all unit title subdivision</b>	
Subdivision which is a unit title subdivision or an alteration to a company lease, unit title or cross lease title to include a building extension or alteration or accessory building on the site (excluding an additional dwelling) that has been lawfully established in terms of the Building Act 2004	<b>C</b>
<b>In relation to land identified in Appendix Residential 3 ('Maidstone Terrace Residential')</b>	
Subdivision which complies with standards in 18.5, 18.8A and 18.9	<b>RD</b>
Subdivision which does not comply with standards in 18.5, 18.8A and/or 18.9	<b>NC</b>
<b>Any subdivision not provided for in this table</b>	<b>D</b>

<b>Key</b>	<b>P</b> Permitted activity which complies with standards for permitted activities specified in the Plan
	<b>C</b> Controlled activity which complies with standards for controlled activities specified in the Plan
	<b>RD</b> Restricted discretionary activity
	<b>D</b> Discretionary activity
	<b>NC</b> Non complying activity

<b>18.2</b>	<b>Land Use Activities</b>
<b>Residential Activities</b>	
One dwelling per site	<b>P</b>
One family flat in conjunction with a dwelling on any site	<b>P</b>
Two or more dwellings on a site complying with the net site area standard of rule 18.10	<b>C</b>
Two or more dwellings on a site within a Residential (Centres Overlay) Area except on land identified as Pt Section 618 Hutt District complying with the net site area standard of rule 18.5	<b>C</b>
Two or more dwellings on a site within a Residential (Centres Overlay) Area that does not comply with the net site area standard of rule 18.5	<b>D</b>
Comprehensive Residential Development on a site within a Residential (Centres Overlay) Area complying with the standards and terms of rule 18.28A	<b>RD</b>
Comprehensive Residential Development on a site within a Residential (Centres Overlay) Area not complying with the standards and terms of rule 18.28A	<b>D</b>
Rest homes and community care housing	<b>P</b>
A family flat in conjunction with a dwelling where the family flat does not comply with permitted activity standards	<b>RD</b>
Removal of a building from a site	<b>P</b>
Establishment of a relocated building from another site	<b>C</b>
Buildings accessory to a permitted or controlled activity which do not comply with permitted and controlled activity standards	<b>RD</b>

<b>In relation to the land identified in Appendix Residential 3 ('Maidstone Terrace Residential')</b>	
Activities which do not comply with standards of 18.5, 18.8A, 18.9, 18.12 and/or 18.21(b)	<b>NC</b>
Rest homes and community care housing	<b>NC</b>
<b>Non-Residential Activities</b>	
Home occupations ancillary to residential activities carried out on the site	<b>P</b>
Home occupations ancillary to residential activities carried out on the site, which do not comply with permitted activity standards	<b>RD</b>
Veterinarian, medical and health clinics	<b>D</b>
Early childhood centre(s)	<b>RD</b>
Marae	<b>C</b>
Places of assembly (including places of worship, educational facilities)	<b>D</b>
Visitor accommodation including hotels and motels	<b>D</b>
Passive Recreation	<b>P</b>
Buildings accessory to a permitted or controlled activity which do not comply with permitted or controlled activity standards	<b>RD</b>
<b>Signs</b>	<b>P</b>
<b>Signs which do not comply with permitted activity standards</b>	<b>RD</b>
Gang fortifications	<b>Prohibited</b>
Buildings or structures within 12m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps *(refer to the definition of transmission line)	<b>NC</b>
Buildings or structures within 12-20m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps *(refer to the definition of transmission line)	<b>RD</b>
Activities listed as permitted or controlled which do not comply with the relevant standards in this chapter, except as specified below	<b>D</b>
Activities listed as permitted or controlled which do not comply with the access standards in 18.9	<b>RD</b>
<b>Activities which are not listed in this Table unless otherwise covered in the City-wide provisions of the Plan</b>	<b>D</b>



**18.3****City-wide provisions**

Each activity including subdivision in the Residential Zone shall comply with the relevant permitted activity standards in the City-wide provisions of the Plan as listed below.

<b>Chapter</b>	<b>City-wide provisions</b>
23	Earthworks
24	Esplanade Reserves and Strips
25	Reserves and Leisure Facilities Contributions
25A	Temporary Events
26	Heritage Features
27	Notable Trees
27A	Urban Tree Groups and Removal of Indigenous Vegetation
28	Southern Hills Overlay Area and Protected Ridgelines
29	Water Bodies
30	Network Utilities
30A	Renewable Energy Generation
31	Car Parking
32	Noise and Vibration
33	Flooding and Fault Band Hazards
34	Hazardous Substances and Contaminated Land

**18.4**

**Controlled activities – restrictions on notification**

Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application for a controlled activity is precluded from public notification under section 95A and, subject to section 95B(3), is precluded from limited notification under section 95B(2) of the Act.

**Standards for Permitted and Controlled Activities**

**18.5**

**Minimum requirements for subdivision**

*Policies 3.4.1, 4.4.1, 4.4.9, 4.4.13*

	<b>Front lots</b>	<b>Rear lots</b>	<b>Corner lots</b>	<b>Land Identified in Appendix Residential 1</b>
<b>Residential Areas</b>				
Minimum net site area	400m <sup>2</sup> -	400m <sup>2</sup> -	450m <sup>2</sup> -	600m <sup>2</sup> (900m <sup>2</sup> average)
Minimum frontage	6m	N/A	6m	N/A
Shape factor	12m	12m	12m	12m
<b>Residential (Centres Overlay) Areas</b>				
Minimum net site area	300m <sup>2</sup>	300m <sup>2</sup>	350m <sup>2</sup>	N/A
Minimum net site area for Comprehensive Residential Developments	No minimum	No minimum	No minimum	N/A
Minimum frontage	6m	N/A	6m	N/A
Shape factor	10m	10m	10m	N/A
<b>Conservation and Hill Areas</b>				
Minimum net site area	750m <sup>2</sup> -	900m <sup>2</sup> -	750m <sup>2</sup> -	900m <sup>2</sup> (1500m <sup>2</sup> average)
Minimum frontage	6m	N/A	6m	N/A
Shape factor	17m	17m	17m	17m
<b>Exemptions</b>				
These standards shall not apply to any lot for utility, reserve or conservation purposes.				

## 18.6

### **Subdivision which complies with the standards in rule 18.5 and 18.9, and on land identified in Appendix Residential 3 which also complies with standard 18.8A, and subdivision of land for utilities, reserves or conservation purposes**

*Policies 4.4.2, 4.4.2A, 4.4.7, 4.4.12, 9.4.3, 10.4.1, 16.4.3*

Excluding land identified in Appendix Residential 3 Council may impose conditions over the following matters:

- Design, appearance and layout of the subdivision.
- Landscaping.
- Provision of and effects on network utilities and/or services.
- Standard, construction and layout of vehicular access.
- Earthworks.
- Provision of esplanade reserves and strips.
- Protection of any special amenity feature.
- Financial contributions.
- The outcome of consultation with the owner or operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.

Note: Rule 18.29 covers subdivision within the Electricity Transmission Corridor.

- The outcome of consultation with the owner or operator of consented or existing renewable energy generation activities located on or in proximity to the site.

In relation to the land identified in Appendix Residential 1 Council may impose conditions over the following matters:

- Landscape character and visual amenity.

In relation to the land identified in appendix Residential 3, Council will restrict its discretion to the matters listed above, except that matter relating to Appendix Residential 1, and to:

- The measures necessary to address the interface of any residential development with both Maidstone Park and the Business Industrial Zone. These may include, but are not limited to:
  - the future orientation of dwellings and the location of habitable rooms, relative to the Mainstone Park and adjacent Business Industrial zoned properties;
  - the future orientation of buildings, fences or landscaping to buffer outdoor living spaces from adjacent Business Industrial zoned properties;
  - whether the subdivision could result in more than 12 dwellings being constructed within Area B in Appendix Residential 3; and
  - the imposition of the consent notices to give effect to these matters.

**18.7 Subdivision which is a company lease, cross lease or unit title subdivision**

*Policy 10.4.1*

In addition to the matters listed in rule 18.6, Council may impose conditions over the following matters:

- Allocation of accessory units to principal units and covenant areas to leased areas to ensure compliance with car park provisions and to ensure practical physical access to units.
- Allocation of areas.

**18.8 More than one dwelling on a site**

*Policies 4.4.1, 4.4.2, 4.4.2A, 4.4.4, 4.4.12, 9.4.3 10.4.1*

Council may impose conditions over the following matters:

- Design, appearance and layout of the development.
- Landscaping.
- Provision of and effects on utilities and/or services.
- Standard, construction and layout of vehicular access.
- Earthworks.
- Provision of esplanade reserves and strips.
- Protection of any special amenity feature.
- Financial contributions.

In relation to the land identified in Appendix Residential 3, Council may impose conditions over the following matters.

- The measures necessary to address the interface of any residential development with both Maidstone Park and the Business Industrial Zone. These may include, but are not limited to:
  - the orientation of dwellings and the location of habitable rooms relative to Maidstone Park and adjacent Business Industrial zoned properties;
  - the orientation of dwellings and the location of habitable rooms relative to Maidstone Park and adjacent Business Industrial zoned properties;
  - the orientation of buildings, fences or landscaping to buffer outdoor living spaces from adjacent Business Industrial zoned properties;
  - the orientation of buildings, fences or landscaping to buffer outdoor living spaces from adjacent Business Industrial zoned properties.

## 18.8A

### Maximum number of lots and dwellings along Maidstone Terrace

Policies 4.4.2,  
4.4.2A

In relation to the land identified as Area B in Appendix Residential 3,

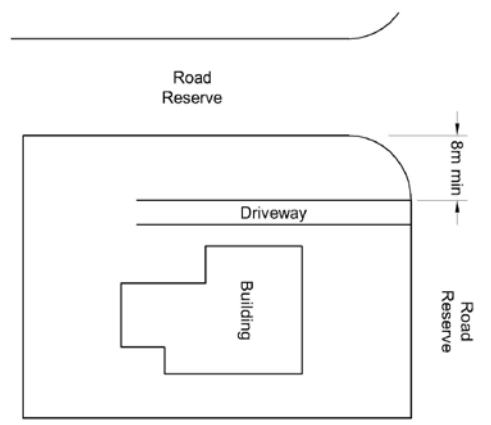
- (a) There shall be no more than 12 dwellings. To avoid any doubt:
  - o The maximum is not the maximum number of dwellings on any particular site.
- (b) There shall be no more than 12 allotments.

## 18.9

### Access standards for subdivision and land use activities

Policies 4.4.2,  
4.4.2A, 4.4.7,  
4.4.12, 9.4.3

- Where vehicle access points are shared by three or more dwelling units, for all rear lots and for all sites fronting arterial, or distributor/collector streets (identified in Chapter 37) there must be provision for turning a vehicle on site in order that vehicles do not reverse into the street.
- All accessways and manoeuvring areas shall be formed and surfaced in accordance with the Code of Practice for Civil Engineering Works. The required surfacing must be completed prior to certification of the survey plan. Exemption – the requirement for accessways serving sites solely occupied by unstaffed utilities shall be that the accessway shall be surfaced with permanent all weather surfacing for a minimum length of 5m from the edge of the road carriageway seal.
- All sites shall have practical vehicle access to car parking and loading spaces, in accordance with the Code of Practice for Civil Engineering Works. This requirement does not apply to sites solely occupied by unstaffed utilities, provided that vehicles associated with utilities shall not obstruct the footpath or create a traffic hazard on the road.
- Vehicular access to a corner lot shall be located no closer than 8m from the street corner. Where a site is located on an intersection of a primary or secondary arterial traffic route (identified in Chapter 37) the siting of the vehicular access shall be located as far as practicable from the corner of the street. The 8 metre setback shall be measured from where the two front boundaries of the site (refer to the definition of a corner lot) join, or in accordance with the diagram below.



- Where a corner lot is located at an intersection of a national, primary or secondary arterial traffic route, as identified in Chapter 37, no building, fence or other structure is to be erected and no vegetation allowed to grow so as to obstruct a traffic sight line.
- At the intersection of a road or rail level crossing, no building, fence or other obstructions which block sight lines for trains shall be erected, placed or grown in the hatched area marked in Diagram A in Chapter 38.
- Subdivision and land use activities with direct access to a State Highway shall comply with the access and visibility standards set out in Diagrams B to E in Chapter 38.
- There shall be no private vehicle access to or egress from Alexander Road for any site contained within Area B of the Wallaceville Structure Plan Area.
- There shall be no new private vehicle access to or egress from Alexander Road to land identified as Lot 2 DP 471766, Pt Section 102B Hutt District Wellington or Pt Section 618 Hutt District.
- In relation to the land identified in Appendix Residential 3:
  - There will be no access off Maidstone Terrace. Access to the land shall be off Railway Avenue.
  - Neither a right of way, private way or legal boundary of any road or accessway serving the land shall at any point encroach within Area B of Appendix Residential 3.

### **18.10 Minimum net site area for dwellings**

*Policies 4.4.1, 4.4.2*

The minimum net site area required for any dwelling to be erected on a site is the same as the minimum required for subdivision.

#### **Exemption:**

Within a Residential (Centres Overlay) Area there is no minimum net site area requirement for a dwelling forming a part of a Comprehensive Residential Development.

### **18.11 Site coverage**

*Policies 4.4.1, 4.4.2, 4.4.13*

The maximum coverage by buildings on the net area of a site shall not exceed:

- 30% in the Residential Conservation and Residential Hill Sub-zones;
- 35% in the remainder of the Residential Zone; and
- 45% for Comprehensive Residential Development in the Residential (Centres Overlay) Areas.

#### **Exemption:**

Non-enclosed and uncovered decks.

**18.12****Setbacks from boundaries**

Policies 4.4.2,  
4.4.2A, 4.4.4

The setback distance for residential and non-residential buildings (excluding accessory buildings) shall not be less than:

<b>Boundary</b>	<b>Minimum setback</b>
In relation to the land identified in Area B of Appendix Residential 3, measured from the legal edge of Maidstone Terrace.	8m
Front boundary along all roads specifically named in Chapter 37 and all roads abutting the Residential Conservation and Residential Hill Sub-zones.	6m
Front boundary along all roads specifically named in Chapter 37 where the site is located within a Residential (Centres Overlay) Area.	4m
Front boundary along all other roads.	4m
Rear boundaries.	3m
Side boundaries except within the Residential Conservation and Residential Hill Sub-zones.	One of 1.5m & one of 3m
Side boundaries within the Residential Conservation and Residential Hill Sub-zones.	3m (both sides)
For Comprehensive Residential Development within the Urban Precinct of the Wallaceville Structure Plan Area: 1.5m	1.5m
Within the Wallaceville Structure Plan Area, rear and side boundaries adjoining rail corridor designation TZR1	5m

<b>Notes:</b>
<ul style="list-style-type: none"> <li>On a rear lot, as defined in Chapter 35, rear boundary setbacks apply to all boundaries.</li> </ul>
<b>Exemptions:</b>
<ul style="list-style-type: none"> <li>Eaves, bay windows or similar features may encroach into boundary setbacks by up to 0.7m.</li> <li>Non-enclosed and uncovered decks of 1.0m or less in height above ground level.</li> </ul>

**18.13 Outdoor living court**

Policy 4.4.2,  
4.4.13

**One outdoor living court capable of containing a 6m diameter circle shall be provided for each dwelling and be located at its northern aspect, or directly accessible from a living area.**

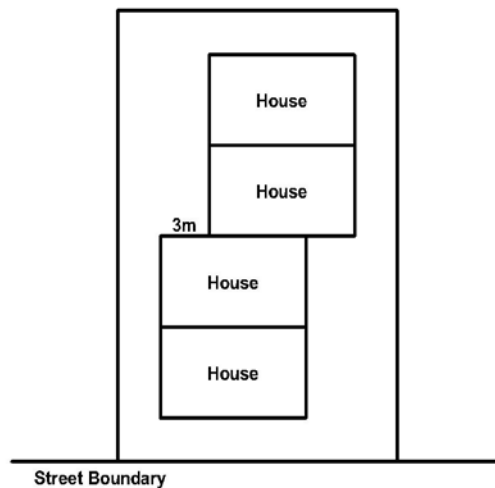
Exemptions:

- For Comprehensive Residential Developments in the Residential (Centres Overlay) Areas, an area of outdoor living space(s) shall be provided for each dwelling on the net site area for that dwelling that meets the following criteria:
  1. Able to accommodate a 'principal area' of 4 metres by 4 metres; and
  2. Is not required for vehicle access, parking or manoeuvring.
- Non-enclosed verandahs, decks, porches, swimming pools, and a glassed conservatory with a maximum area of 13m<sup>2</sup> may encroach over or into 25% of the outdoor living court.
- For new residential buildings as part Comprehensive Residential Developments in the Urban Precinct of the Wallaceville Structure Plan Area, any dwelling with no habitable rooms at ground level shall have an outdoor living space (such as a balcony or terrace) that is directly accessible from an internal living room with a minimum depth of 2.2m and a minimum area of 10m<sup>2</sup>.

**18.14 Building form**

Policies 4.4.2,  
4.4.4

Where three or more dwellings are attached, a step in plan of at least 3m shall be provided between every second unit, as shown in the following diagram:





**18.15 Building height**

*Policies 4.4.2,  
4.4.4*

The maximum height of any building shall not exceed 8m.

**Exemption:**

Chimneys, flues and minor decorative features may exceed the maximum height by up to 1m.

New buildings as part of a Comprehensive Residential Development in the Urban Precinct of the Wallaceville Structure Plan Area where the maximum height of any building shall not exceed 10m

**18.16 Sunlight access**

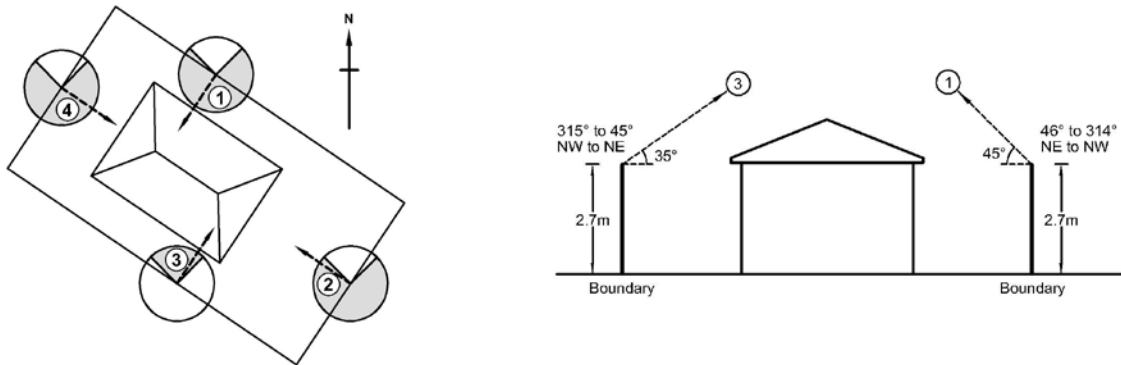
*Policies 4.4.2,  
4.4.4*

Height control planes apply to all buildings:

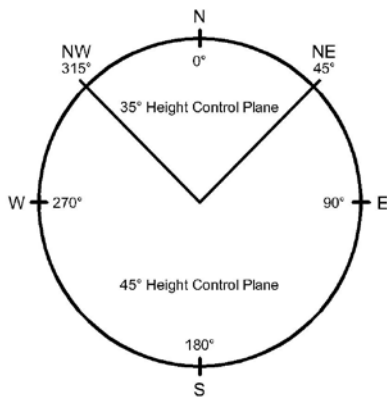
- In, or adjacent to, a Residential Zone.
- On sites smaller than 1500m<sup>2</sup> in a Rural Zone.

Buildings shall be designed so that they fit within the height control planes defined below:

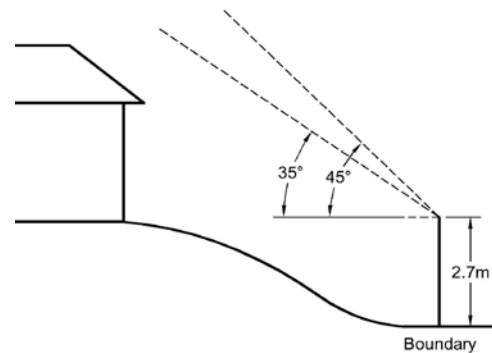
**a) Height control planes in relation to site boundaries:**



**b) Determining which height control plane to use:**



**c) Application of height control planes to a sloping site:**



**Exemptions:**

- Chimneys, flues, and minor decorative features may extend beyond the height control plane by up to 1m.
- The top of a dormer or gable, but not the eaves, may extend beyond the height control plane by up to 0.5m provided that the aggregate length of all projections through the plane does not exceed 25% of the total building length.
- Where the boundary involved in the measurement of the height control plane adjoins an access strip or right-of-way to a rear lot, the outside boundary of such an access strip or right-of-way may be substituted for the nearest site boundary.
- In the Urban Precinct of the Wallaceville Structure Plan Area, for semi-detached dwellings the sunlight access provisions shall not apply on the shared common wall

**18.16A**

**Ventilation**

Within the Wallaceville Structure Plan Area, where:

1. sleeping rooms and studies where openable windows are proposed in dwellings within 20m of the Alexander Road boundary or 50m of the rail corridor (designation TZR1); or
2. sleeping rooms and studies in buildings within 50m of a site designated as MAF1;

a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. For the purposes of this requirement, a sleeping room is any room primarily used for sleeping. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.

**18.16B**

**Noise Insulation**

Within the Wallaceville Structure Plan Area, where

1. any sleeping room or study within 12m of the Alexander Road boundary; or
2. any sleeping room or study in dwellings within 30m of a site utilised for railway purposes (Designation TZR1)

shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standard:

$D_{2m,nT,w} + C_{tr} > 35$

Compliance with this rule shall be achieved by either:

1. Constructing the building in accordance with the minimum requirements set out in the attached construction schedule; or
2. Providing to Council's satisfaction a certificate from an experienced acoustic expert stating that the external sound insulation level of the proposed sleeping room or study will achieve the minimum performance standard of  $D_{2m,nT,w} + C_{tr} > 35$

## Noise Insulation Construction Schedule

(this schedule describes the minimum requirements necessary to achieve an external sound insulation level of  $D_{2m,nT,w} + C_{tr} > 35$  )

Building Element	<u>Minimum</u> Construction Requirement
<u>External Walls</u>	<p>External cladding with a surface mass not less than <math>23 \text{ kg/m}^2</math>, ex 100 x 50 timber framing at 600 mm centres, Fibrous thermal insulation, Internal lining of one layer 13 mm thick high density Gypsum board (minimum <math>12 \text{ kg/m}^2</math>).</p> <p><u>Or:</u> Any wall construction utilising at least 50 mm thick concrete, Secondary timber strapping or wall framing not less than 50 mm thick lined with at least 10 mm thick gypsum board, and, Fibrous thermal insulation</p> <p><u>Combined superficial density:</u> Minimum not less than <math>35 \text{ kg/m}^2</math> being the combined mass of external and internal linings excluding structural elements (e.g. window frames or wall studs) with no less than <math>12 \text{ kg/m}^2</math> on each side of structural elements.</p>
<u>Glazed Areas</u>	<p>4/12/4 thermal double glazing, with 6 mm thick secondary pane at least 75 mm from the outer glazing</p> <p>Windows to be new aluminium frames with fixed panes or opening sashes with full compression seals.</p> <p>NOTE: Rooms with glazed areas in external walls greater than 35% of <u>floor area</u> of the room will require a specialist acoustic report to show conformance with the <u>insulation rule</u>.</p>
<u>Pitched Roof</u> (all roofs other than skillion roofs)	<p>Profiled longrun steel or tiles, with minimum steel thickness of 0.4 mm, Timber trusses at minimum 800 mm centres, Fibrous thermal insulation, Ceiling lining of one layer 13 mm thick high density Gypsum board (minimum <math>12 \text{ kg/m}^2</math>).</p>
Skillion roof	<p>Profiled long-run steel or tiles, with minimum steel thickness of 0.4 mm, Timber framing at minimum 600 centres, Fibrous thermal insulation, Ceiling lining of two layers 13mm thick high density Gypsum board (minimum <math>12 \text{ kg/m}^2</math> each</p>
<u>External Door</u> in outside walls	Solid core door (min $25 \text{ kg/m}^2$ ) with compression seals (where the door is exposed to exterior noise).

### Notes:

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

### 18.16C

#### Fencing

Within the Wallaceville Structure Plan Area:

- A 1.5m high close boarded fence shall be erected along the boundaries of a site where it adjoins a site designated for railway purposes (Designation TZR1). The fence shall be constructed of materials having superficial mass of not less than 10kg per square metre and shall be constructed prior to the occupation of dwellings on the site
- A 2m high close boarded fence shall be erected along the

boundaries of a site where it adjoins a site designated as MAFL. The fence shall be constructed of materials having superficial mass of not less than 10kg per square metre and shall be constructed prior to occupation of buildings on the site.

- Fences along front yards of sites within the Urban Precinct and Grants Bush Precinct must not exceed a maximum height of 1.5m.
- Within Area B, fences along the boundaries of a site where it adjoins Alexander Road must not exceed a maximum height of 1.8m and the portion of fence over 1.3m must be permeable.

### 18.17

*Policies 4.4.2, 4.4.4, 4.4.5*

#### **Accessory buildings**

- Accessory buildings shall not be erected within the front boundary setback.
- Any wall closer than 1m from a boundary shall be no longer than 8m, **except** in a Residential (Centres Overlay) Area on a site with a net site area of less than 400m<sup>2</sup>, where any wall closer than 1m from a boundary shall be no longer than 6m.
- The distance between an accessory building and any point of the main window of a habitable room on an adjoining site, measured at right angles to the plane of the window, shall be not less than 3m.

For garages and other accessory buildings which form a part of a dwelling, the standards for accessory buildings shall apply to that dwelling, but only to the area of the dwelling which is an accessory building.

### 18.18

*Policies 9.4.3, 13.4.1*

#### **Water supply, stormwater and wastewater**

All activities shall comply with the water supply, stormwater and wastewater standards in the Code of Practice for Civil Engineering Works.

### 18.18A

*Policy 4.4.1*

#### **On-site soakage**

Within a Comprehensive Residential Development an outdoor area of 25m<sup>2</sup> of water-permeable surface per dwelling shall be provided.

### 18.19

*Policies 4.4.3, 15.4.1*

#### **Artificial light**

- Light emissions from a site shall not exceed a measurement of 8 lux (lumens per m<sup>2</sup>) measured in both the horizontal and vertical planes, 1.5m above the ground at the site boundary.

- Light emissions from a site shall not spill directly onto roads.
- Light emissions will be measured by an instrument that meets NZSS CP22 (1962) requirements and amendments.

## 18.20

### Dust

*Policies 4.4.3,  
15.4.1, 15.4.2*

Activities shall not create a dust nuisance. A dust nuisance may occur if:

- There is visible evidence of suspended solids in the air beyond the site boundary.
- There is visible evidence of suspended solids, traceable from a dust source, settling on the ground, building or structure on a neighbouring property or on water.

## 18.21

### Screening

*Policies 4.4.2,  
4.4.2A, 4.4.3,  
4.4.5, 15.4.1*

- a) Outdoor storage areas shall be screened by a close-boarded fence, a solid wall or dense planting of vegetation. The screening shall be no less than 1.8m in height
- b) In relation to the land identified in Area B of Appendix Residential 3, sites which have a south boundary adjacent to Maidstone Terrace shall be screened along that boundary by a close-boarded fence or a solid wall no less than 1.8m in height.

## 18.22 Home occupations ancillary to residential activities carried out on the site

Policies 4.4.3,  
15.4.1

- At least one of the persons engaged in the home occupation shall live on the site as their principal place of residence.
- No more than three non-resident persons may be engaged in the home occupation at any one time.
- The repair or maintenance of vehicles or engines, other than those belonging to the residents, is not permitted.
- The site shall not be used as a depot for any heavy vehicle associated with a trade.
- Only goods produced or grown on the site may be sold from the site, provided that no retailing activity shall take place where access is to the State Highway.
- Homestay activities, where accommodation and meals are provided in a family type environment, are permitted provided the total number of persons accommodated on the site at any one time, including persons normally resident on the site, does not exceed twelve.
- Equipment used shall not interfere with radio and television reception.

## 18.23

[Removed by Plan Change 45]

### Temporary signs

Policies 4.4.8,  
15.4.5, 16.4.4

Temporary signs, in all zones, must meet all of the following conditions:

- The sign face shall be no greater than 3m<sup>2</sup> in area visible from any one direction.
- The sign shall relate to a temporary or one off activity.
- The maximum period for any temporary sign shall be 2 months, except for signs required to be erected for health and safety reasons, where the maximum period shall be 6 months.
- Any temporary sign shall be removed within 48 hours of the ceasing of the activity to which the sign relates.
- Real estate signs involved in the advertising and sale of properties must relate to the property on which they are erected.
- Any sign shall be located so that it does not obstruct any official traffic sign.
- Any sign must not be flashing, animated or continuously differ in form or detail.

- Any sign directed at the State Highway where the speed limit is 70km/hr or greater shall comply with the following:
  - Have a minimum letter height of 160mm; and,
  - Contain no more than six words and symbols and no more than 40 characters; and,
  - Be located so as to provide an unrestricted view to the motorist for a minimum distance of 180 metres.

## 18.24

[Removed by Plan Change 45]

### **Signs within roads**

*Policies 4.4.8,  
15.4.5, 16.4.4*

Road, traffic and advertising signs within roads, in all zones, must be approved by the road controlling authority.

## 18.25

[Removed by Plan Change 45]

### **All other signs**

*Policies 4.4.8,  
15.4.5, 16.4.4*

One sign per site with a maximum face area of 1.5m<sup>2</sup> visible from any one direction.

- Any sign shall be situated on the site to which the sign relates.
- Any sign must not be flashing, animated or continuously differ in form or detail.
- Any sign shall be removed when the activity to which it relates has ceased.
- Any sign shall be located so that it does not obstruct any official traffic sign.
- Any sign directed at the State Highway where the speed limit is 70km/hr or greater shall comply with the following:
  - Have a minimum letter height of 160mm; and,
  - Contain no more than six words and symbols and no more than 40 characters; and,
  - Be located so as to provide an unrestricted view to the motorist for a minimum distance of 180 metres.

## 18.26

### **Marae**

*Policies 4.4.3,  
4.4.6*

Council may impose conditions over the following matters:

- Bulk, location, appearance and design of the buildings.
- Design and layout of car parking, loading, manoeuvring and access areas.
- Provision of and effects on utilities and/or services.
- Landscaping, including the retention of existing trees.
- Hours of operation.
- Financial contributions.



## 18.27 Relocated Buildings

### Policy 4.4.2

Council may impose conditions on:

- a) Reinstatement works to the condition and appearance of the building relating to:
  - Works to the exterior fabric of the building to repair, replace or renovate damaged, defective or substandard elements;
  - Painting and/or cleaning of the exterior fabric of the building if necessary;
  - Cladding or other means of enclosing open subfloor areas below the building;
  - Alterations required to ensure that the reinstated exterior of any relocated building is not likely to detract from the amenity values of the surrounding area.
- b) The timeframe for the work to be completed;
- c) Landscaping, screening and boundary treatment;
- d) Execution of a performance bond to provide security for exterior reinstatement works required as a condition of resource consent;
- e) Provision of and effects on utilities and/or services;
- f) Standard, construction and layout of vehicular access.

Notes in respect of d):

- A bond is not mandatory. It will only be required when Council considers it necessary in view of the scale and/or nature of exterior reinstatement works required. The requirement for a bond and its value will be determined in the context of the building assessment report submitted at resource consent stage.
- The bond shall be executed at the time application is made for a building consent, and security shall be in the form of either money or a guarantee by an institution approved by Council as guarantor.
- The bond shall be cancelled upon completion of exterior reinstatement works required in the conditions of the resource consent. The verification method for completion of these works shall be the issuing of a full or interim Code Compliance Certificate as defined in the Building Act. In the event that conditions relating to exterior reinstatement works are not complied with, the bond may be used in whole or in part to complete the works.

## Restricted Discretionary Activities

### 18.28A

### Comprehensive Residential Development

*Policies 4.4.1, 4.4.2, 4.4.4, 4.4.12, 4.4.13, 16.4.3*

**Note:** Comprehensive Residential Development within Residential (Centres Overlay) Areas is not subject to the minimum net site area requirements of rule 18.10

Standards and terms for Comprehensive Residential Development:

- Compliance with the access standards of rule 18.9.
- Compliance with the site coverage standard of rule 18.11.
- Compliance with the yard setback standards of rule 18.12 and 18.17 for external boundaries only.
- Compliance with the outdoor living court standard of rule 18.13
- Compliance with the maximum building height standard of rule 18.15.
- Compliance with the sunlight access planes of rule 18.16 for external boundaries only.
- Compliance with the on-site soakage standard of rule 18.18A.

Additional standards and terms for Comprehensive Residential Development within the Wallaceville Structure Plan Area:

- Compliance with noise insulation and ventilation standards of rule 18.16A and 18.16B
- Compliance with the fencing standards of rule 18.16C

For subdivision of a Comprehensive Residential Development under Rule 18.1, Council's discretion is also limited to the matters specified in this rule, but not the standards and terms.

Council will restrict its discretion to, and may impose conditions on:

- Site layout, design and external appearance.
- Provision of and effects on network utilities and/or services.
- Landscaping.
- Standard, construction and layout of vehicular access.
- Protection of any special amenity feature.
- Financial contributions.
- The outcome of consultation with the owner or operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.

Note: Rule 18.29 covers subdivision within the Electricity Transmission Corridor.

In relation to the land identified in Appendix Residential 3, Council will restrict its discretion to and may impose conditions over the following matters:

- The measures necessary to address the interface of any residential development with both Maidstone Park and the Business Industrial Zone. These may include, but are not limited to:
  - the orientation of dwellings and the location of habitable rooms relative to Maidstone Park and adjacent Business Industrial zoned properties;
  - the orientation of buildings, fences, or landscaping to buffer outdoor living spaces from adjacent Business Industrial zoned properties.

In considering a resource consent application, Council's discretion is also restricted to an assessment against the Design Guide for Residential (Centres Overlay) Areas (refer to Appendix Residential 2) and, where relevant, the Wallaceville Structure Plan (refer Chapter 39: Wallaceville).

#### **Restriction on notification**

In respect of rule 18.28A, and subject to sections 95A(2)(b), 95A(4) and 95C of the Act, an application which meets the standards and terms of rule 18.28A will be decided without the need for public notification under section 95A, but limited notification of an application will still be determined in accordance with section 95B. The restriction in respect of public notification does not apply if the application requires land use consent under any other provision of the Plan.

For Comprehensive Residential Development in the Wallaceville Structure Plan Area, in respect of rule 18.28A, and subject to sections 95A(2)(b), 95A(4) and 95C of the Act, an application which meets the standards and terms of rule 18.28A will be decided without the need for public notification under section 95A and any application that is consistent with the Wallaceville Structure Plan will be decided without the need for limited notification under section 95B.

#### **Note:**

- a) A Comprehensive Residential Development that does not comply with the standards and terms of this rule, will be assessed against the matters set out in Rule 18.37.
- b) Notwithstanding 18.28A any Comprehensive Residential Development on land identified in Appendix Residential 3 that does not comply with 18.5, 18.8A, and 18.9, 18.12 and/or 18.21 (b) is a non-complying activity.

**18.28B**

**Subdivision within the Wallaceville Structure Plan Area**

Standards and terms for Subdivision in the Wallaceville Structure Plan Area

- Compliance with the access standards of rule 18.9
- Compliance with the minimum requirements for subdivision of rule 18.5

Council will restrict its discretion to, and may impose conditions on:

- The extent to which the subdivision is consistent with the Wallaceville Structure Plan (Chapter 39: Wallaceville)
- The extent to which the subdivision is consistent with the spatial layout plan for Area B required under Section 2.6.9D
- Design, appearance and layout of the subdivision
- Landscaping that complements existing species
- Standard, construction and layout of roads (including intersections) and vehicular access.
- Provision of and effects on utilities and/or services.
- Earthworks and land stability
- Provision of reserves
- Protection of any special amenity feature
- Provision of pedestrian and cycleway connections
- The alignment of proposed subdivision boundaries with Precinct boundaries as identified in the Wallaceville Structure Plan
- Financial contributions

**Restriction on notification**

In respect of rule 18.28B, and subject to sections 95A(2)(b), 95A(4) and 95C of the Act, an application which meets the standards and terms of rule 18.28B will be decided without the need for public notification under section 95A and any application that is consistent with the Wallaceville Structure Plan will be decided without the need for limited notification under section 95B.

**Notes:**

- Failure to comply with this rule will require resource consent as a Discretionary Activity
- A resource consent application for subdivision consent under this rule shall contain the information listed in 2.6.9D in addition to the requirements of the Fourth Schedule of the Resource Management Act 1991. Where relevant, applications may rely upon any spatial layout plan submitted as part of a prior subdivision application that has received consent

**18.29 Subdivision which creates building platforms within 20m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps**

*Policies 16.4.1, 16.4.7*

In addition to the matters listed in rule 18.6, Council will restrict its discretion to, and may impose conditions on:

- The extent to which the subdivision design manages potential conflicts with existing lines by locating roads and reserves under the route of the line.
- The extent to which maintenance and inspections of transmission lines are affected including access.
- The extent to which potential adverse effects including risk or injury, property damage and visual impact are mitigated through the location of building platforms and landscaping.
- The outcome of any consultation with the affected utility operator.
- Separation distances between trees and conductors and the location and mature size of trees planted near the transmission lines.
- Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34:2001).
- Measures necessary to avoid, remedy or mitigate the potential adverse effects of earthworks, dust generation and construction activities, including provision of appropriate separation distances, managing the risks to structural integrity, and safety risks associated with the use of mobile machinery.

**Restriction on notification**

Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application under this rule will be precluded from public notification under section 95A, and limited notification will be served on Transpower New Zealand Limited as the only affected party under section 95B.

**18.30 Subdivision and land use activities which do not comply with the access standards in 18.9**

*Policy 16.4.6*

Council will restrict its discretion to, and may impose conditions on:

- The extent to which the activity will adversely affect traffic and pedestrian safety.
- The extent to which the activity will adversely affect the efficient functioning of the roading network.

For subdivision, Council's restriction is also restricted to the matters listed in rule 18.6

**18.31 Buildings or structures within 12-20m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps**

*Policy 16.4.7*

Council will restrict its discretion to, and may impose conditions on:

- a) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34:2001).
- b) The location, height, scale, orientation and use of buildings and structures to ensure the following are addressed:
  - The risk to the structural integrity of the transmission line.
  - The effects on the ability of the transmission line owner to operate, maintain and upgrade the transmission network.
  - The risk of electrical hazards affecting public or individual safety, and risk of property damage.
  - The extent of earthworks required, and use of mobile machinery near the transmission line which may put the line at risk.
  - Minimising the visual effects of the transmission line.
  - The outcome of any consultation with the affected utility operator.

**Restriction on notification**

Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application under this rule will be precluded from public notification under section 95A, and limited notification will be served on Transpower New Zealand Limited as the only affected party under section 95B.

**18.32 Family flats which do not comply with the permitted activity standards**

*Policies 4.4.2,  
4.4.4*

Council will restrict its discretion to, and may impose conditions on:

- Land tenure.
- Location.
- Provision of and effects on utilities and/or services.
- Landscaping.
- Setbacks and coverage.
- Height and sunlight access.
- Standard, construction and layout of vehicular access.
- Effects on character and amenity.
- Financial contributions.

**18.33 Home occupations ancillary to residential activities carried out on the site which do not comply with the permitted activity standards**

*Policies 4.4.3, 4.4.6*

Council will restrict its discretion to, and may impose conditions on:

- External storage.
- The number of non-resident workers employed on the site.
- The creation of dust, light, noise, vibration or other nuisance.
- Appearance of buildings.
- Size, number of location and appearance of signs.
- Car parking, traffic and pedestrian safety and the efficient functioning of the roading network.
- Financial contributions.

**18.34 Buildings accessory to permitted and controlled activities which do not meet permitted or controlled activity standards**

*Policies 4.4.2, 4.4.4, 4.4.5*

Council will restrict its discretion to, and may impose conditions on:

- Height and sunlight access.
- Setbacks and coverage.
- Landscaping and screening.
- Provision of and effects on utilities and/or services.
- Standard, construction and layout of vehicular access, manoeuvring and traffic safety.
- Streetscape effects.
- Effects on neighbourhood character and amenity.
- Financial contributions.

**18.35**

[Removed by Plan Change 45]

**~~Signs which do not comply with the standards for permitted activities~~**

~~Policies 4.4.8,  
15.4.5, 16.4.4~~

~~Council will restrict its discretion to:~~

- ~~• Whether the sign is in scale with the associated activities or building development and compatible with the visual character of the area in which it is situated.~~
- ~~• Whether signs are obtrusively visible from any residential area or public space.~~
- ~~• Whether signs will have adverse effects on traffic or pedestrian safety.~~
- ~~• Whether signs detract from the appearance of the building to which they are attached.~~
- ~~• Whether signs will result in additional clutter.~~

~~Council may impose conditions on:~~

- ~~• The area of signs.~~
- ~~• The number of signs.~~
- ~~• The colour and materials used.~~
- ~~• The location of signs.~~
- ~~• Sign content.~~
- ~~• Illumination, lighting, reflectorisation and animation.~~

**18.36**

**Early childhood centre(s)**

~~Policies 4.4.3,  
4.4.6, 4.4.7~~

~~Council will restrict its discretion to, and may impose conditions on:~~

- ~~• Location of the proposed early childhood centre.~~
- ~~• Bulk, location, appearance and design of the buildings.~~
- ~~• The extent to which the proposal will adversely affect traffic and pedestrian safety, and the efficient functioning of the roading network.~~
- ~~• Design and layout of car parking, loading, manoeuvring and access areas.~~
- ~~• Provision of and effects on utilities and/or services.~~
- ~~• Landscaping, including the retention of existing trees.~~
- ~~• Hours of operation.~~
- ~~• Financial contributions.~~



**Restriction on notification**

Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application for an early childhood centre will be precluded from public notification under section 95A, but limited notification of an application will be determined in accordance with section 95B.

## Matters for Consideration

- 18.37** Matters that may be relevant in the consideration of any resource consent, other than for a restricted discretionary activity, may include the following:

<b>Subdivision</b>
<ul style="list-style-type: none"> <li>• The requirements of section 106 of the Act.</li> <li>• Whether the proposed allotments are capable of accommodating a range of activities in compliance with zone standards.</li> <li>• Whether the subdivision compromises future subdivision potential of the land.</li> <li>• The cumulative effect on existing infrastructure as a result of the proposed subdivision.</li> <li>• The extent of compliance with the Council's Code of Practice for Civil Engineering Works.</li> <li>• For subdivisions with a net site area less than 400m<sup>2</sup> located in a Residential (Centres Overlay) Area, the extent to which the proposal meets the requirements for 'small site design and development' of the Design Guide for Residential (Centres Overlay) Areas;</li> <li>• For subdivisions of a Comprehensive Residential Development, the extent to which the proposal meets the requirements of the Design Guide for Residential (Centres Overlay) Areas.</li> <li>• The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of, and access to, regionally significant network utilities (excluding the National Grid), located on or in proximity to the site.</li> <li>• The outcome of consultation with the owner or operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site. Note: Rule 18.29 covers subdivision within the Electricity Transmission Corridor.</li> <li>• The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of, and access to, consented or existing renewable energy generation activities located on or in proximity to the site.</li> <li>• The outcome of consultation with the owner or operator of consented or existing renewable energy generation activities located on or in proximity to the site.</li> <li>• Account must be taken of the future development potential of adjoining or adjacent land.</li> <li>• Account must be taken of any potential reverse sensitivity effects on regionally significant network utilities (excluding the National Grid).</li> </ul>
<b>Site layout, area and coverage</b>
<ul style="list-style-type: none"> <li>• The arrangement of buildings, car parking and vehicle movements on site.</li> <li>• The extent of landscaping and screening.</li> <li>• Whether the topography of the site has been taken into account.</li> <li>• Whether a better standard of development can be achieved by varying the design standards.</li> <li>• The ability to provide adequate outdoor living areas.</li> <li>• The extent to which decreases in site size or increased site coverage would have an adverse effect on the amenity of the area.</li> </ul>

<b>Bulk and location of buildings</b>
<ul style="list-style-type: none"> <li>• Whether the buildings will cause a loss of privacy, interfere with sunlight access or create shadows on surrounding allotments.</li> <li>• Whether the building location, design, appearance and scale will detrimentally affect the character of the surrounding area.</li> </ul>
<b>Comprehensive Residential Development</b>
<ul style="list-style-type: none"> <li>• The extent to which the proposal meets the guidance for Comprehensive Residential Developments included in the Design Guide for Residential (Centres Overlay) Areas.</li> <li>• Matters listed under 'Site layout, area and coverage' in this rule.</li> <li>• Matters listed under 'Bulk and location of buildings' in this rule.</li> <li>• Matters listed under 'Sunlight access' in this rule.</li> <li>• Matters listed under 'Traffic generation and access' in this rule.</li> </ul>
<b>Development of two or more dwellings with a net site area less than 400m<sup>2</sup> in Residential (Centres Overlay) Areas that is not otherwise a Comprehensive Residential Development</b>
<ul style="list-style-type: none"> <li>• The extent to which the proposal meets the guidance on small site design and development contained in the Design Guide for Residential (Centres Overlay) Areas.</li> </ul>
<b>Traffic generation and access</b>
<ul style="list-style-type: none"> <li>• Accessibility for public transport, cyclists and pedestrians.</li> <li>• Whether activities which generate significant traffic flows have the necessary access, do not adversely impact upon the street environment, and maintain public safety.</li> </ul>
<b>On-site soakage</b>
<ul style="list-style-type: none"> <li>• Whether there are any factors that limit or preclude the provision of on-site soakage, and the extent to which any reasonable alternatives to providing on-site soakage have been explored.</li> </ul>
<b>Sunlight access</b>
<ul style="list-style-type: none"> <li>• Whether the building will adversely interfere with sunlight access or create adverse shading on surrounding sites.</li> <li>• Whether the topography of the site or the location of any built features on the site or other requirements, such as easements, impose constraints that make compliance impracticable.</li> </ul>
<b>Non-residential activities</b>
<ul style="list-style-type: none"> <li>• Whether the buildings, structures or other works are of a compatible scale having regard to the local environment and the nature of the surrounding development.</li> <li>• The extent to which the amenity values and the quality of the residential environment can be maintained and enhanced.</li> </ul>
<b>Signs</b>
<ul style="list-style-type: none"> <li>• Whether the sign is in scale with the associated activities or building development and compatible with the visual character of the area in which it is situated.</li> <li>• Whether signs are obtrusively visible from any residential area or public space.</li> <li>• Whether signs will have adverse effects on traffic or pedestrian safety.</li> <li>• Whether signs detract from the appearance of the building to which they are attached.</li> <li>• Whether signs will result in additional clutter.</li> </ul>

<b>Work on trees in the Residential Conservation and Residential Hill Sub-zones</b>
<ul style="list-style-type: none"> <li>• The contribution the tree makes to the amenity of the area.</li> <li>• The health of the tree.</li> <li>• The function the tree may have in an ecosystem or habitat.</li> <li>• Whether the tree is causing or is likely to cause significant damage to buildings, structures or utilities.</li> <li>• Significant adverse environmental effects caused by the tree and the nature of works proposed to avoid, remedy or mitigate them.</li> </ul>
<b>Hours of operation</b>
<ul style="list-style-type: none"> <li>• The nature, extent and duration of noise and traffic effects from active recreation.</li> </ul>
<b>Nuisance</b>
<ul style="list-style-type: none"> <li>• The potential impacts of noise, dust, glare, vibration, fumes, smoke, other discharges or pollutants or the excavation or deposition of earth.</li> </ul>
<b>Infrastructure</b>
<ul style="list-style-type: none"> <li>• The capacity of the infrastructure.</li> </ul>
<b>Cumulative effects</b>
<ul style="list-style-type: none"> <li>• Whether cumulative effects such as pollution, risk to public safety and nuisances have been assessed.</li> </ul>
<b>Subdivision and/or development in the Wallaceville Structure Plan Area</b>
<ul style="list-style-type: none"> <li>• Relevant matters in the sections above</li> </ul>
<ul style="list-style-type: none"> <li>• The extent to which the subdivision and/or development is consistent with the Wallaceville Structure Plan</li> </ul>
<ul style="list-style-type: none"> <li>• The extent to which any subdivision and/or development that is not consistent with the Wallaceville Structure Plan will avoid, remedy or mitigate adverse effects on other areas of Upper Hutt City, does not detract from the vitality and vibrancy of the Upper Hutt CBD, will adequately provide for stormwater management, will contribute to the safe functioning of the road network and will integrate with adjoining development anticipated through the Structure Plan</li> </ul>

**Appendix Residential 1**

99-105 Blue Mountains Road.



**Appendix Residential 2**

Residential (Centres Overlay) Area Design Guide

## **Design Guide for Residential (Centres Overlay) Areas**

### **The Design Guide**

The purpose of the design guide is to provide design criteria that will direct the delivery of well designed, good quality higher density housing in an Upper Hutt-specific context. The guide applies specifically to Comprehensive Residential Development and subdivision that produces small lots. These developments, because of their higher density and potential effect on residential amenity, will require resource consents. Applications will be required to demonstrate how the design of the development has addressed the criteria in this Design Guide, in addition to meeting the relevant standards and objectives and policies of the District Plan.

This design guideline is structured in three parts. The first focuses on the specific requirements of Comprehensive Residential Developments and the second concentrates on small site design – most relevant to infill style subdivision, or developments of small scale stand-alone dwellings. The two parts should be read as a whole, and the guidance provided should be considered to achieve improved urban outcomes for all forms of residential development.

The third part of the Design Guide contains Character Statements for the Residential (Centres Overlay) areas, to assist in understanding the elements of character in those areas and responding positively to the Design Guide with these in mind.

### **What is Comprehensive Residential Development?**

Comprehensive residential development is a way of providing a greater degree of choice in housing in Upper Hutt. It involves developing sites in a planned and efficient way with a greater density of housing than has been done in the past. It delivers an alternative to traditional development patterns of houses on large sections, and is a way to make efficient use of land while still providing houses that are attractive, private and often, more affordable to buy and through improved design, providing lower cost of living. Different forms of housing also provide choice for those who do not want or need larger houses or sections, especially if they wish to remain in a community they have come to like.

Across the residential areas of Upper Hutt, several areas called Residential (Centres Overlay) Areas have been specifically identified as suitable locations for this sort of development to occur. These areas are in proximity to local amenities and public transport, and are ideal locations for housing developments at a greater density

As density increases, more thought needs to be given to creating good quality living spaces alongside pleasing streets and townscape. Higher density housing is often thought to lead to poor urban quality, overcrowding and reduced space standards. However, poor quality outcomes are often a result of poorly conceived or inflexible design rather than just increased density. The best sorts of outcomes are achieved by examining context and designing a carefully considered, specific solution for each site.

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. Good quality housing will meet current and future demand, and cater for the needs of the city's changing population.

#### **Aims for comprehensive residential developments:**

- Houses and open space are located and arranged on the site in an integrated and comprehensive manner.
- New development contributes positively to the character of the neighbourhood.
- Reasonable privacy for the residents and neighbours is provided through well considered siting and design of buildings.

- Housing provides a high quality and efficient living environment (both internal and external) for occupants.

*Note: Where a development incorporates an existing house(s) the requirements of this Guide shall apply equally to that house(s).*

### **What is a ‘small site’?**

Within the Residential (Centres Overlay) Areas, the District Plan provides for a lower minimum net site area than in other residential areas.

Such small lots present design challenges, and simply ‘miniaturising’ more commonly seen forms of development may not produce the best outcomes for amenity either on-site or for the wider area. A careful approach is needed to ensure that small lots continue to create sites that are both developable, and able to accommodate houses that are well-designed and afford good amenity to occupants.

#### **Aims for small site design:**

- Lots are of an adequate width and suitable shape to accommodate a residential dwelling.
- Lots are oriented for access to sunlight and to take advantage of solar gain to internal spaces.
- Lots are designed to ensure that useable outdoor space will be readily accessible from future dwelling sites.
- Lots are laid out and designed, and building sites identified, so as to provide for the retention of significant trees and vegetation.
- Access to lots is designed so as to minimise its visual impact and dominance.
- Lots and dwelling sites are located and shaped to minimise adverse impact on existing development surrounding the site, and potential future development.



## COMPREHENSIVE RESIDENTIAL DEVELOPMENTS

### Integrated Buildings and Spaces

As housing density increases there is a corresponding need to make sure that buildings are arranged carefully across sites and that spaces around them fulfil useful and sensible functions. In Upper Hutt, the sense of space around buildings is valued as part of the townscape, so new developments should aim to enhance this wherever possible.

However, this does not mean that all houses need to be physically separate and have space on all sides. Well-designed attached housing can provide both on-site amenity and value to the wider area, by employing careful consideration of how buildings are arranged and outdoor spaces are allocated from the outset of the design process. The ability to accommodate landscaping on-site (particularly vegetation that grows to a mature height above fence level) will also have an impact on both the sense of spaciousness around houses and the character of the wider neighbourhood.

How vehicles are accommodated on sites also has an impact on amenity outcomes. Site design should aim to consider buildings, the spaces surrounding them, vehicles and landscaping as part of a comprehensive whole at the outset of the design process.

### Guidelines

- The siting of buildings and open space should be designed in an integrated way so that buildings can connect with useful outdoor space that has reasonable privacy, good access to sunlight, and a sense of openness. (See figure 1)

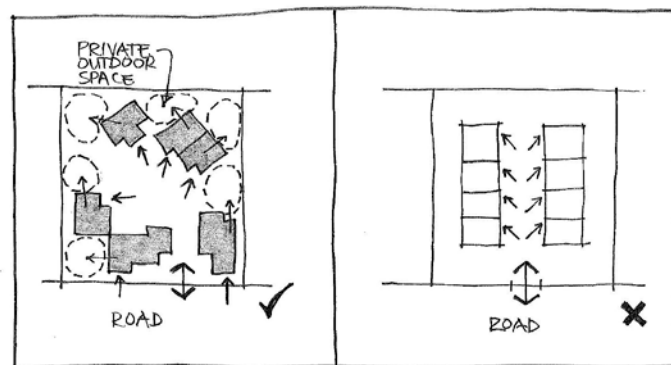


Figure 1: Carefully considered layout of buildings on sites helps to contribute to a more pleasant living environment.

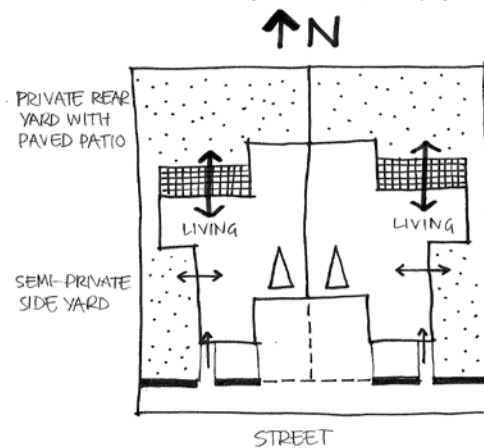
- Each unit should have its own private outdoor space, for use exclusively as outdoor recreational space. Shared spaces as the principal means of providing outdoor living areas will only be considered in special circumstances.

*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, and should not have any part of its area used for any other required function for the site i.e. as part of the on-site parking or manoeuvring requirements.*

*Shared spaces may be considered in situations such as for comprehensively planned elderly persons' housing, sheltered/community housing or papakainga. Such instances will be individually assessed to ensure the space provided is of the best quality possible and will meet the specific needs of residents, while also ensuring reasonable privacy to interior living spaces.*

- The outdoor living area allocated to each dwelling should have within it a 'principal area' that is:
  - Directly accessible from the main indoor living area of that dwelling;
  - Positioned to have regard to shelter from the prevailing wind, or be detailed so as to minimise the worst effects of that wind;
  - Oriented with a northerly aspect to take advantage of natural sunlight;
  - Able to accommodate a square of 4m x 4m;
  - Nominally flat, with a gradient of no greater than 1 in 12;
  - Not located between the dwelling and any public street.

*The allocation of a 'principal area' within the overall requirement of outdoor living space ensures that a minimum amount of the outdoor space for a dwelling is carefully considered, and of the highest quality for usability, access and privacy. Although one larger space is preferred, two or more smaller spaces will be considered acceptable where it is possible to demonstrate that this leads to a better outcome in terms of providing quality, useable outdoor living space. (See figure 2)*



*Figure 2: Different types of spaces can all contribute to creating a pleasant outdoor living environment.*

- Landscaping of outdoor spaces should be comprehensively planned as part of the overall site design from an early stage.

*Landscaping can play a role in helping to define spaces on a site. Landscaping plans should ideally be submitted as part of a resource consent application so the outcomes can be considered as part of a comprehensive whole.*

- Where units are at first floor level or above, balconies or roof terraces may be appropriate to provide for outdoor space, subject to careful consideration of privacy. If adequate privacy cannot be obtained by orientation of the spaces or the placement of windows, screening should be used.
- Where there are common outdoor areas on a site, 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.

*Common areas or 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.*

- Outdoor rubbish, clothes drying, recycling and storage space should be located so that these facilities are not visually obtrusive, are not located within the 'principal area', do not dominate the entry to residences and are easily accessible to the unit which they serve.

*Rubbish enclosures and storage can detract from the appearance of the development and the neighbourhood as well as the amenity of outdoor spaces and as with most existing houses, is most appropriately located in less visible areas and away from locations used for outdoor living.*

*Outdoor rubbish areas should be screened if they are located within sight of the principal outdoor area.*

*For terraced houses, where front yard rubbish/recycling storage may be the most appropriate to avoid the need to move these items through the interior of the house, a carefully designed enclosure with adequate ventilation, incorporated into the overall landscaping plan, will usually be the best solution.*

## Fitting in with the neighbourhood

Many areas of Upper Hutt have a well-developed sense of character. Much of the city's residential area (and the locations in which redevelopment is most likely to occur) is located on the flat valley floor. Older housing stock is often single storey, set back from the street edge and located near the centre of a large rectangular site. Housing displays a wide variety of architectural styles, and mature vegetation contributes to the sense of established neighbourhoods.

Comprehensive residential developments will introduce housing at a greater density into established neighbourhoods. In order for this to be successful, the essential elements of character in a neighbourhood must be understood, and where those elements create a positive contribution, they should be respected (but not necessarily replicated) in the new design. Understanding the key building 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.

### Guidelines

- The siting and layout of buildings should respect the existing character and building patterns of the neighbourhood. This pattern may consist of the distance of elements such as front yard setbacks, the spacing between buildings, height and width of buildings, materials used, and types of buildings.

*Respecting existing patterns in new development can be demonstrated by adopting similar patterns while not necessarily exactly replicating the detailed design of buildings in the neighbourhood. (See figure 3).*



Figure 3: New houses respect the patterns set by existing ones.

- Where the development is in an area of single houses on single sites, the greater building bulk associated with comprehensive 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:
  - Modulating the appearance of larger buildings by using setbacks in alignment;
  - Varying the roof design to reduce the perception of bulk;
  - Varying the size of units to reflect the variation of house size in the neighbourhood, where this exists;
  - Varying the height and form of units to avoid a large or dominant form at the boundary;
  - Using complementary/contrasting materials or colours on exteriors to relieve the appearance of bulk;
  - Retaining existing mature trees and vegetation on the site, where possible, to assist the integration of the new development within the site and the neighbourhood.

*New developments can fit into existing neighbourhoods by paying attention to existing details and patterns.*

*Mature trees benefit neighbourhood amenity beyond the development site and are often highly valued by the community. Unless they unreasonably hinder development or are in poor health they should be retained.*

- Dwellings within a larger development should be designed and detailed to provide a sense of individuality, and provide opportunities for personalisation.

*Most people like to identify their homes by some sense of individuality and this also adds to the visual interest of the development. Where design elements are replicated across a development, providing opportunities for individualisation of houses is important.*

- Sites with wide frontages should have more than one connection to the adjoining road.

*Vehicle and pedestrian access to sites in most established neighbourhoods is provided at regular intervals along the street edge. The benefits of this are providing good access to and from the street, and creating interesting and active 'fronts' along the street edge. Sites with wide frontages (or amalgamated sites) with shared/fewer driveways need to be carefully considered to ensure that the design will continue to provide these benefits. (See figure 4).*

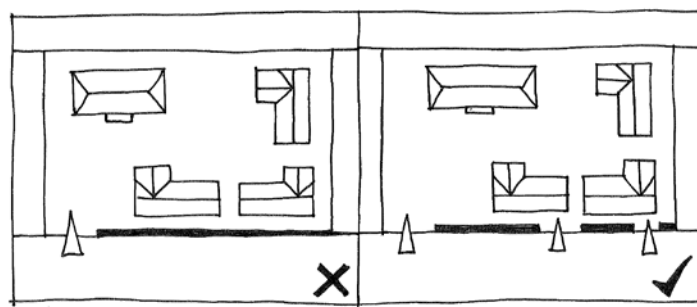


Figure 4: Multiple entrances activate site edges

- Houses on corner lots with frontage to two roads should be designed to provide interest and opportunities for passive surveillance on both facades.

*Buildings on corner sites should have one front/primary façade facing the street. Attention should be given to ensuring that the other street-facing façade does not present a blank wall to a public space. Secondary facades could include things like bedroom or dining room windows.*

- Dwellings and garages should be designed so that blank walls do not face the street. Any other large surfaces facing the street (e.g. fences) should be either minimised or suitably modulated.

*Large blank walls usually have a detrimental effect on streetscape. While being generally unattractive to look at, they also restrict opportunities for passive surveillance of public spaces.*

- Where an existing dwelling is proposed to form a part of a Comprehensive Residential Development, consideration should be given to the integration of the existing dwelling into the development through the specific consideration of the factors outlined in this section.

*Whilst an existing dwelling can form a part of a Comprehensive Residential Development, this may not always be desirable where the existing dwelling cannot be adequately integrated into the proposed development. Factors such as architectural style, bulk and form, and the use of particular materials may affect the ability of a dwelling to be integrated.*

## Accommodating vehicles on sites

The accommodation of vehicles on sites can have a significant impact on external amenity. Driveways and paving, garages and garage doors all have the potential to dominate if not carefully considered with the view to minimising visual impact.

Driveways and paved areas within larger developments should be designed and detailed so that they are able to function more like ‘shared spaces’, where vehicles and people have equal priority. This will ensure that both visual amenity and vehicle and pedestrian safety are enhanced.

*Note: The Code of Practice for Civil Engineering Works gives the specific technical requirements relating to the length, width, gradient and other geometric and construction aspects of driveways and parking spaces. Once these have been met, consideration should be given to the following guidelines.*

### Guidelines

- Accessways and vehicle manoeuvring spaces should be designed to ensure cars enter and leave the site slowly.

*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 when 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.*

- Open parking or vehicle manoeuvring areas should be designed and landscaped as an integral part of the development.
- Expanses of driveway and access areas should be relieved by contrasting patterns and materials to give interest, moderate the apparent scale of paving and add to the visual quality of the development.

*Reducing the dominance of vehicle paving is particularly important on larger sites, and on narrow sites where a greater proportion of the width of the site must be dedicated to access and manoeuvring. Long driveways should be detailed with contrasting paving to break up the expanse of hard surfacing.*

- The layout of buildings on the site should ensure that garages and car parking spaces are not visually dominant on either the street frontage or within the site.



*Figure 5: Eliminating blank walls and rows of garages creates a more pleasant streetscape.*

*A row of garages at the street edge tends to block visibility between the buildings and the street. This usually has a negative impact on a site’s attractiveness and reduces the*

*ability of the residents to oversee the street and thereby contribute to the safety and liveliness of the area. The monotony of a line of garages can also conflict with the pattern of existing development. (See figure 5).*

- The design and materials of carports and garages should be integrated into the design of the overall development.

*Garages should not be regarded as separate from the development or of lesser design importance.*

- Car parking spaces and garages should be conveniently located for the dwelling they serve.
- Any open parking spaces not allocated to a dwelling should have adequate passive surveillance.

*Open parking areas and visitor parking needs to be both convenient and safe.*

- Access and circulation paths around the site should take into account the need to accommodate rubbish and recycling on collection days, without creating danger or nuisance to either pedestrians or vehicles.

## Privacy and Safety

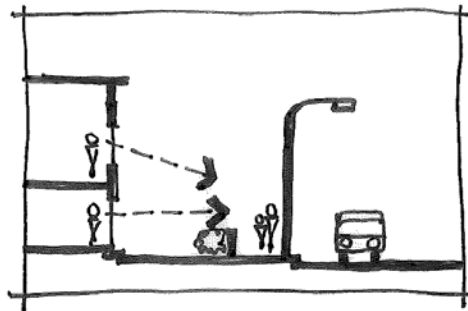
Residential privacy is a valued commodity in Upper Hutt. Past development patterns characterised by single-storey houses located near the centre of large flat sites, with outdoor space to the rear means that many houses enjoy high levels of both visual and acoustic privacy within both the dwelling and typically, for the rear yard.

Medium density housing can be well-designed to protect privacy both within the development site and to adjacent sites. Careful consideration of the placement of doors, windows and internal uses within the dwelling can continue to maintain highly reasonable levels of privacy while still allowing a pleasant outlook, opportunities for passive surveillance and adequate opportunities for solar gain.

### Guidelines

- Front doors should be oriented to face the street where possible, or to face common areas within the development.
- Position windows adjacent to common areas so that they provide an outlook while maintaining privacy within the dwelling.

*While privacy is important, locating entrances and windows adjacent to public or shared space means that residents can contribute to making the space active and safe. (See figure 6)*



*Figure 6: Window placement can enhance passive surveillance of public spaces.*

- For dwellings that have a ground-floor level, position the main living areas on the ground floor. This will help maintain privacy to the outdoor areas of adjoining sites.
- Wherever possible, each unit should have its own entry that provides a sheltered threshold. It should be well lit and highly visible as the entrance to the unit. The entry should be able to provide for personalisation by the occupant, and should not be dominated by service areas.

*Particularly, rubbish or wheelie bin storage should not be located adjacent to the front door due to potential smell, leakage or pest nuisance.*

- Position windows or otherwise restrict or direct outlook so that the short-range view from the main indoor living area of one dwelling is not directly into the main indoor living area of any adjacent dwelling, either within the site or on adjacent sites.

*Internal living rooms within dwellings are the most frequently used spaces and should have the highest consideration of privacy afforded to them (See figure 7).*



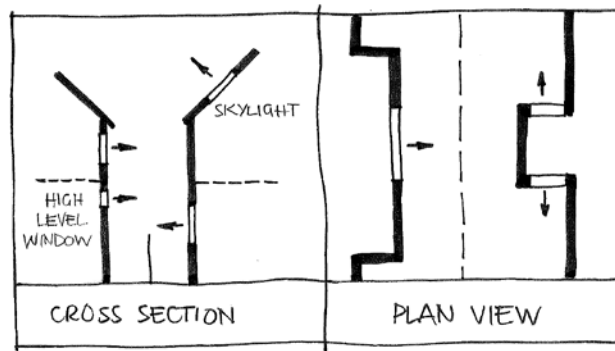


Figure 7: Window positioning can help maintain privacy

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

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

- Housing should be clearly numbered both from the public street and within the site, to assist legibility for both visitors and emergency services.
- Front fences and walls should be designed of materials compatible with the overall development and should ideally incorporate opportunities for visual connection with the adjacent street.

*Fences can enhance both the attractiveness of developments, and the ability to provide passive surveillance. The design of fences adjacent to the public street is particularly important (See figure 8).*

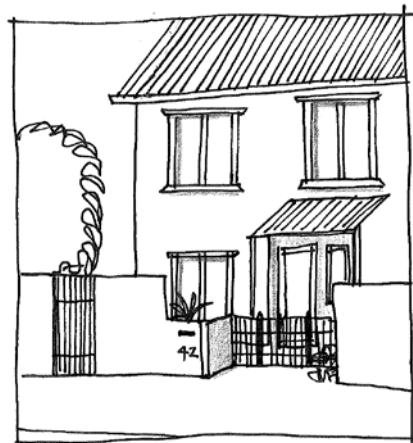
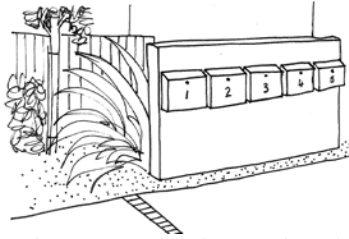


Figure 8: The front entry of a dwelling should be clearly visible.

- Provide lighting as required for night-time way finding and in situations where personal safety is likely to be important.

*Lighting for night-time visibility should be energy-efficient, low-glare lighting along paths and accessways within the development and around shared areas. The design and placement of lighting should be included at the stage of developing a landscape plan.*

- Mail boxes should be located in accordance with the requirements of NZ Post. Where houses do not have frontage to a public road, the mail boxes should be grouped in a visible location (See figure 9).



*Figure 9: Grouped letter boxes at the front of a site can help strengthen the visibility of an entrance.*

## Sustainable Development

The inclusion of Overlay Areas in the District Plan aims to ensure that new higher-density housing will be located in the most efficient locations, close to local amenities and public transport. New housing design can also contribute to local infrastructure efficiency by being designed in a way that reduces service infrastructure requirements.

The topography and existing development pattern of much of Upper Hutt provides good opportunities for designing housing that is site-responsive and takes advantage of solar gain, energy efficiency measures and promoting alternative forms of transport such as walking and cycling.

## Guidelines

- The orientation and construction methodology of new houses should maximise opportunities for passive solar gain in winter and adequate shade in summer, particularly to the main living areas and private outdoor spaces.

*The main indoor living area of a dwelling should ideally receive midwinter sun for at least four hours per day, ideally falling on an interior surface that incorporates thermal mass.*

- Opportunities for on-site disposal/soakage of stormwater should be included in the landscaping design.

*Developments of multiple units often increase the amount of hard surfacing over a site area by a significant amount. On-site soakage of stormwater reduces the impact of multiple sites on stormwater infrastructure. On-site soakage can be provided by garden areas and lawns, or by using materials such as water-permeable paving or loose chip.*

- Noise-sensitive areas of dwellings (such as bedrooms) should be located away from noise generating activities on adjacent sites (i.e. major roads, railway lines or non-residential uses).
- Attached dwellings should employ appropriate noise-resistant wall, ceiling and floor materials and construction details.
- The principles of Crime Prevention through Environmental Design should be applied to all developments.

*Refer to Upper Hutt City Design Guidelines for Crime Prevention through Environmental Design, July 2009).*



## SMALL SITE DESIGN AND DEVELOPMENT

Within the Residential (Centres Overlay) Areas, the District Plan provides for a lower minimum net site area than in other residential areas. As part of the resource consent process for the subdivision of sites in these areas, or for the development of more than one dwelling on a site in these areas, some basic design considerations should be made and assessed against the criteria of this design guide.

Smaller sites require greater care and attention in the design of developments to ensure appropriate standards of on-site, streetscape and townscape amenity are maintained.

These guidelines can also be considered in other areas as a means to ensure fundamental 'good practice' aspects of site design are addressed.

### Guidelines

#### Lot shape and size

- Lots should be designed to be predominantly square or rectangular in shape, and following this, avoiding the creation of areas and shapes that do not contribute to the usability of the lot.
- Lots should be designed to consider the location of outdoor living spaces and to ensure that these will be easily accessible from future buildings.

#### Site context

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

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

#### On-site amenity

- Small site design and development should meet the matters contained in the guidelines for Comprehensive Residential Developments in respect of:
  - Outdoor living areas (qualitative attributes only);
  - Landscaping, including retention of existing trees, fences, walls, and planting;
  - Servicing and storage facilities;
  - Accommodating vehicles on site;
  - Privacy and safety;
  - Sustainable development.

*Many of the quality issues relating to residential development are common to proposals irrespective of whether they are Comprehensive Residential Development or small site development. The same guidelines can be applied for both the sake of consistency, and to ensure that an equally high standard of development and amenity is achieved by small site proposals as is expected of Comprehensive Residential Development.*

**Character Assessment:  
CENTRAL AREA**

The Central Residential (Centres Overlay) Area surrounds the CBD of Upper Hutt and represents a key opportunity for higher density redevelopment.

Residential development at an increased density around the Central Business District would create a variety of housing types close to the city centre, attracting and supporting a wide cross-section of the population to live and work in Upper Hutt.

The CBD offers a good range of attractions, from shops and bars to businesses and public services. Increasing the density of housing in the surrounding area would contribute to enlivening the CBD and providing a thriving centre to Upper Hutt.

The Central Area has a number of existing character elements that any new development should seek to maintain and enhance through good design and planning:

- Connection
- Dwelling Types
- Avenues
- Public spaces



**Connection**

The Central Area surrounds the CBD of Upper Hutt City and is therefore close to the numerous businesses and services located in the city centre.

The area is well-served by local bus connections and Upper Hutt Railway Station is within walking distance, connecting the city to Lower Hutt and Wellington.

The roadways in the Central Area are flat and wide and provide ample room for cycling and on street parking. The openness and spaciousness of the streets is an attractive element of the City Centre.

Many of the streets in the Central Area are tree-lined and this quality should be maintained and amplified through any new development.

Development should also seek to improve connections and promote sustainable methods of transport.



**Streets & Open Space & Public Space**

The Central area has a strong grid pattern of streets, with many short streets, parks and walking links enhancing the area's walkability and ease of access. New development should capitalise on these links and assist with providing passive surveillance.

**Double-Storey Development**

Two storey houses are frequently seen in the Central Area. This element of the existing character presents an opportunity to develop 1.5 or 2 storey development on smaller building footprints.

**Dwelling Type**

The Central Area is comprised of a range of different housing types from small cottage style development to large double-storey detached houses, multi-dwelling units and estate style development, mostly for the elderly and vulnerable.



Existing 1.5 & 2 storey development in the Central Area

The range of housing types is an important quality of the CBD and new development should seek to maintain this in order to offer a wide range of housing options. It also offers options for diversity in the style of new developments.



**CBD Avenues**

The roads leading into the CBD are an important aspect of the 'sense of arrival' in the CBD, and present an opportunity to develop multi-unit apartment dwellings close to the amenities of the city centre. Development here could be more 'urban' in appearance, with buildings creating a more positive street edge, use of more contemporary materials and of a similar scale to the retail and light industrial buildings that are present in the area.

**Character Assessment:  
TRENTHAM**



Trentham is a suburb located 3km southwest of the CBD. The area comprising the Residential (Centres Overlay) Area is located directly north of the railway station between Stafford Street and Fergusson Drive, from Ranfurly Street in the east to Bathurst Street in the west.

The general character of Trentham is a pleasant suburb with good local amenities such as Trentham Memorial Park, Trentham Racecourse and convenient access to public transport services.

Further to these amenities, Trentham has a number of existing character elements that any new development should seek to maintain and enhance through good design and planning:

- Connection
- Dwelling Style / Materials
- Layout
- Dwelling Type
- Boundaries

**Connection**

The train connects Trentham to Upper Hutt CBD in 5 minutes and southern connections to Lower Hutt and Wellington are regular, with travel times of around 30mins and 40mins respectively.

To the south of the train line is the Trentham Racecourse, and to the north of Fergusson Drive is Trentham Memorial Park which provides both local landscape amenity, sports grounds and local recreation activities.

The streets around Trentham are tree-lined, wide and open, which allows for good views to the north and south and visual links to the park and the racecourse. Opportunities exist to improve these links and the quality of public space with high quality developments and good street design.

**Style Materials**

There are a number of well-maintained cottage-style properties in the area that could inform a general style for any future development in Trentham. This style' incorporates timber construction clad in weatherboards, with pitched roofs, bargeboards and carved detailing.



*Example of timber cottage detailing*

**Site boundaries**

A large number of existing properties along Ararino Street have a high fence adjacent to the street boundary. This is a feature that should be discouraged in future as it creates an inactive edge to the public space and reduces the opportunity for passive surveillance of the street.



**Dwelling Type**

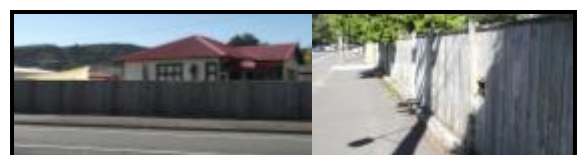
Variety in the type of housing in Trentham is not great and any new development should seek to provide a range of housing types to encourage a wider diversity of people to live in Trentham.

**Layout**

The main Trentham shops are located on Camp Street but there are additional shops and businesses on Ararino Street and along Fergusson Drive, interspersed with housing. Any future development of the area should seek to encourage and support one of these areas to develop into a more coherent centre. A key opportunity would be to provide a greater density of housing within the walking catchment of shops.



*Local shops on the corner of Islington St. and Fergusson Dr. (left) and on Camp St. (right)*



*Inactive edges along Ararino St.*

**Character Assessment:  
WALLACEVILLE**



The Wallaceville Residential (Centres Overlay) Area is located to the south of the Upper Hutt CBD on the south side of the train line. The area is comprised of a mix of residential and industrial uses.

Assessment of Wallaceville has identified a number of local characteristics that should influence future development.

The assessment identified the following elements as having particular qualities that are important to the character of Wallaceville:

- Setting
- Connections
- Housing

Any future development of sites in this area should seek to retain the following qualities through good design and planning.

**Setting**

Physical features play an important part in the character of Wallaceville. Views of the hillsides are prominent to the north and, even more so, the south. Seddon Street and Wilford Street are long, straight roads that run east-west with clear sight lines and minimal signage.

Views of the hills to the south of Wallaceville are visible between the houses on Seddon Street and through and over the dwellings on Wilford Street. This is an important part of the character and amenity of the area and any future development should seek to maximise this aspect from both public and private locations.



*View of Southern Hills from Wilford St*



*Seddon Street and Ward Street, lined with trees*

**Connections**

The area is well served by public transport links and is within walking distance of the Upper Hutt CBD. The road layout is simple and legible, with street trees and a wide carriageway and footpaths. Development should seek to improve connections and encourage sustainable methods of travel within the area such as walking and cycling.



**Style and Materials**

There is no particular architectural style that can be attributed to the Wallaceville area. The housing stock is varied in scale, style, type, material and detailing. The variation of styles and materials allows for individuality within the street scene which should be retained.

The proximity to the industrial zone and the former AgResearch site give an opportunity for a more contemporary design style to be introduced in this area.

**Dwelling Type**

Current housing stock includes many small to medium sized one-storey dwellings, some of which have been converted into flats. Smaller dwellings are therefore common in the area and this housing type can be encouraged in new forms in the future.

**Setbacks**

The large majority of properties have generous building setbacks from the front boundary, which has given rise to a prevalence of activity occurring in front yards. This gives the streets in this area a unique sense of vitality and should be encouraged in any future development. Front boundaries are generally marked with low level wooden fences, which allow for surveillance and further contribute to a general feeling of openness and space.



*Front yard uses in Wallaceville*

### Appendix Residential 3

#### Maidstone Terrace Residential





# 19 RURAL ZONE RULES

## Activities Tables

Policies 3.4.1, 5.4.1, 5.4.2, 5.4.3, 5.4.9, 5.4.10, 16.4.7

19.1 Subdivision Activities	
<b>Subdivision excluding unit title subdivision</b>	
Subdivision which complies with the standards in rules 19.5 and 19.8 unless specified below	<b>C</b>
Subdivision which does not comply with the standards specified in rule 19.5	<b>D</b>
Subdivision which complies with the standards of rule 19.5 but not rule 19.8	<b>RD</b>
Subdivision around any existing lawfully established dwelling which does not result in the creation of any new undeveloped site that contains no dwelling  <b>Note:</b> this form of subdivision does not need to comply with the minimum net site area requirements of rule 19.5, but does need to comply with the access standards of rule 19.8	<b>C</b>
Subdivision around any existing lawfully established dwelling which does not result in the creation of any new undeveloped site that contains no dwelling, that does not comply with the access standards of rule 19.8	<b>RD</b>
Subdivision of land for utilities, reserves or conservation purposes	<b>C</b>
Subdivision of a site identified in Schedules 26.8 or 27.7	<b>D</b>
Subdivision in the Blue Mountains Area	<b>NC</b>
Creation of a lot that does not have formed legal access to a formed legal road, unless the proposal is for a paper road or other access to be formed as a condition of subdivision approval in accordance with the Code of Practice for Civil Engineering Works	<b>NC</b>
Subdivision which creates building platforms within 32m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps *(refer to the definition of <i>transmission line</i> )	<b>RD</b>
<b>Updates of existing company lease and cross lease, and all unit title subdivision</b>	
Subdivision which is a unit title subdivision or an alteration to a company lease, unit title or cross lease title to include a building extension or alteration or accessory building on the site (excluding an additional dwelling) that has been lawfully established in terms of the Building Act 2004	<b>C</b>

<b>Key</b>	<b>P</b>	Permitted activity which complies with standards for permitted activities specified in the Plan
	<b>C</b>	Controlled activity which complies with standards for controlled activities specified in the Plan
	<b>RD</b>	Restricted discretionary activity
	<b>D</b>	Discretionary activity
	<b>NC</b>	Non complying activity

<b>19.2</b>	<b>Land Use Activities</b>	<b>Rural Lifestyle</b>	<b>Rural Valley Floor</b>	<b>Rural Hill</b>
	<b>Rural Activities</b>			
	Farming activities (unless otherwise specified in this table)	<b>P</b>	<b>P</b>	<b>P</b>
	Intensive animal farming, including pig farming	<b>NC</b>	<b>D</b>	<b>D</b>
	Forestry	<b>P</b>	<b>P</b>	<b>P</b>
	Topsoil removal	<b>D</b>	<b>D</b>	<b>D</b>
	Field based agricultural research and ancillary buildings and activities (including field days and open days) on the Kaitoke Agricultural Research Farm legally described as Pt DP 12431 Lot 2 DP 22844 & sec 41 Pt secs 1, 2, 29 Pakuratahi Dist Blk XV Akatarawa SD - Animal Research Farm Sec 1 SO 24123 Sec 43 SO 23658 - Animal Research Station, Sec 3 Pakuratahi Dist Blk XV Akatarawa SD.	-	<b>P</b>	-
	<b>Residential Activities</b>			
	One dwelling per site	<b>P</b>	<b>P</b>	<b>P</b>
	One family flat in conjunction with a dwelling	<b>P</b>	<b>P</b>	<b>P</b>
	Family flat which does not meet permitted or controlled activity standards	<b>RD</b>	<b>RD</b>	<b>RD</b>
	Two or more dwellings on any one site	<b>NC</b>	<b>NC</b>	<b>NC</b>
	<b>Other Activities</b>			
	Home occupations incidental to residential activities carried out on the site	<b>P</b>	<b>P</b>	<b>P</b>
	Home occupations, ancillary to residential activities carried out on the site, which do not meet permitted or controlled activity standards	<b>RD</b>	<b>RD</b>	<b>RD</b>
	Visitor accommodation, other than as part of any home occupation	<b>D</b>	<b>D</b>	<b>D</b>
	Veterinary clinics	<b>D</b>	<b>P</b>	<b>P</b>
	Educational institutions and places of assembly	<b>D</b>	<b>D</b>	<b>D</b>
	Community facilities	<b>D</b>	<b>D</b>	<b>D</b>
	Tourism facilities	<b>D</b>	<b>D</b>	<b>D</b>

<b>Land Use Activities</b>	<b>Rural Lifestyle</b>	<b>Rural Valley Floor</b>	<b>Rural Hill</b>
Passive recreation activities	<b>P</b>	<b>P</b>	<b>P</b>
Active recreation activities	<b>D</b>	<b>C</b>	<b>C</b>
<b>Signs</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>Signs which do not comply with permitted activity standards</b>	<b>RD</b>	<b>RD</b>	<b>RD</b>
Removal of a building from a site	<b>P</b>	<b>P</b>	<b>P</b>
Establishment of a relocated building from another site	<b>C</b>	<b>C</b>	<b>C</b>
Buildings accessory to a permitted or controlled activity which do not comply with permitted or controlled activity standards	<b>RD</b>	<b>RD</b>	<b>RD</b>
Gang fortifications	<b>Prohibited</b>		
Buildings or structures within 12m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps *(refer to the definition of <i>transmission line</i> )	<b>NC</b>	<b>NC</b>	<b>NC</b>
Buildings or structures within 12-32m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps *(refer to the definition of <i>transmission line</i> )	<b>RD</b>	<b>RD</b>	<b>RD</b>
Activities listed as permitted or controlled which do not comply with the relevant standards in this chapter, except as specified below	<b>D</b>	<b>D</b>	<b>D</b>
Activities listed as permitted or controlled which do not comply with the access standards in 19.8	<b>RD</b>	<b>RD</b>	<b>RD</b>
<b>Activities which are not listed in this Table unless otherwise covered in the City-wide provisions of the Plan</b>	<b>NC</b>	<b>NC</b>	<b>NC</b>

### 19.3 City-wide provisions

Each activity including subdivision in the Rural Zone shall comply with the relevant permitted activity standards in the City-wide provisions of the Plan as listed below.

<b>Chapter</b>	<b>City-wide provisions</b>
23	Earthworks
24	Esplanade Reserves and Strips
25	Reserves and Leisure Facilities Contributions
25A	Temporary Events
26	Heritage Features

<b>Chapter</b>	<b>City-wide provisions</b>
27	Notable Trees
27A	Urban Tree Groups and Removal of Indigenous Vegetation
28	Southern Hills Overlay Area and Protected Ridgelines
29	Water Bodies
30	Utilities
31	Car Parking
32	Noise and Vibration
33	Flooding and Fault Band Hazards
34	Hazardous Substances and Contaminated Land

#### **19.4 Controlled activities – restrictions on notification**

Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application for a controlled activity is precluded from public notification under section 95A and, subject to section 95B(3), is precluded from limited notification under section 95B(2) of the Act.

### **Standards for Permitted and Controlled Activities**

#### **19.5 Minimum requirements for subdivision**

*Policies 3.4.1, 5.4.1, 5.4.9*

<b>Zone</b>	<b>Minimum net site area</b>	<b>Shape factor</b>
<b>Rural Lifestyle</b>	1ha	50m
<b>Rural Valley Floor</b>	4ha	N/A
<b>Rural Hill</b>	20ha	N/A
<b>Exemptions</b>		
These standards shall not apply to any lot for utility, reserve or conservation purposes.		

#### **19.6 Subdivision which complies with the standards in rule 19.5 and 19.8, and subdivision of land for utilities, reserves or conservation purposes**

*Policies 5.4.12, 9.4.3, 10.4.1*

Council may impose conditions over the following matters:

- Design, appearance and layout of the subdivision.

- Landscaping.
- Provision of and effects on utilities and/or services.
- Standard, construction and layout of vehicular access.
- Earthworks.
- Provision of esplanade reserves and strips.
- Protection of any special amenity feature.
- Financial contributions.

**19.7 Subdivision which is a company lease, cross lease or unit title subdivision**

*Policies 9.4.3, 10.4.1*

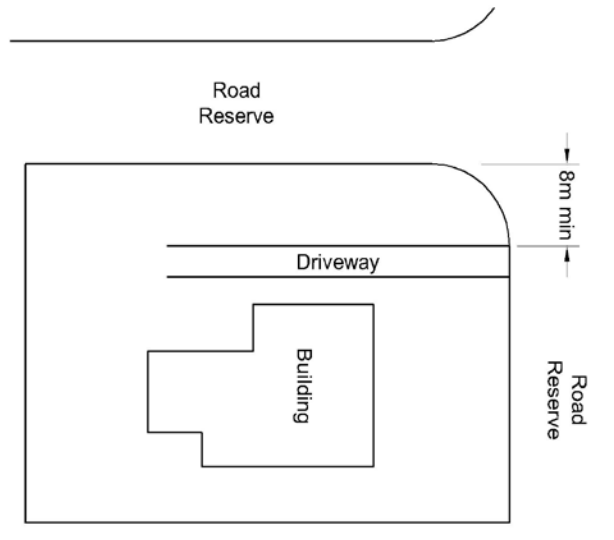
In addition to the matters listed in rule 19.6, Council may impose conditions over the following matters:

- Allocation of accessory units to principal units and covenant areas to leased areas to ensure compliance with car park provisions and to ensure practical physical access to units.
- Allocation of areas.

**19.8 Access standards for subdivision and land use activities**

*Policies 5.4.6, 9.4.3*

- Access to any allotment, including rear lots, shall be sited at least 20m, measured along the road carriageway, from any access on an adjoining lot, unless the two access provisions join the road carriageway at a common point.
- All accessways and manoeuvring areas shall be formed and surfaced in accordance with the Code of Practice for Civil Engineering Works. Exemption – the requirement for accessways serving sites solely occupied by unstaffed utilities shall be that the accessway shall be surfaced with permanent all weather surfacing for a minimum length of 5m from the edge of the road carriageway seal.
- All sites shall have practical vehicle access to car parking and loading spaces, in accordance with the Code of Practice for Civil Engineering Works. This requirement does not apply to sites solely occupied by unstaffed utilities, provided that vehicles associated with utilities shall not obstruct the footpath or create a traffic hazard on the road.
- Vehicular access to a corner lot shall be located no closer than 8m from the street corner. Where a site is located on an intersection of a primary or secondary arterial route (identified in Chapter 37), the siting of the vehicular access shall be located as far as practicable from the corner of the street. The 8 metre setback shall be measured from where the two front boundaries of the site (refer to the definition of a corner lot) join, or in accordance with the diagram below.



- Where a corner site is located at an intersection of a national, primary or secondary arterial traffic route, as identified in Chapter 37, no building, fence or other structure is to be erected and no vegetation allowed to grow so as to obstruct a traffic sight line.
- At the intersection of a road or rail level crossing, no building, fence or other obstructions which block sight lines for trains shall be erected, placed or grown in the hatched area marked in Diagram A in Chapter 38.
- Subdivision and land use activities with direct access to a State Highway shall comply with the access and visibility standards set out in Diagrams B to E in Chapter 38.

## 19.9

### Setbacks

*Policies 5.4.1, 5.4.11*

The setback distance for buildings from boundaries shall not be less than:

Rural Hill Sub-zone - all boundaries:	12m
Rural Valley Floor Sub-zone - all boundaries:	12m
Rural Lifestyle Sub-zone - front boundary:	8m
Rural Lifestyle Sub-zone - all other boundaries:	3m

### Notes:

- Sites of less than 1500m<sup>2</sup> in all Rural Sub-zones shall comply with the setback standards of the Residential Conservation Sub-zone.
- New dwellings shall not be built within 10m of an existing forest.

**Exemptions:**

- Eaves, bay windows or similar features, may encroach into boundary setbacks by up to 0.7m.
- Non-enclosed and uncovered decks of 1.0m or less in height above ground level.

**19.10**

**Building height**

*Policies 5.4.1,  
5.4.11, 5.4.12*

The maximum height of any building shall not exceed 8m.

**Exemption:**

Chimneys, flues and minor decorative features may exceed the maximum height by up to 1m.

**19.11**

**Sunlight Access**

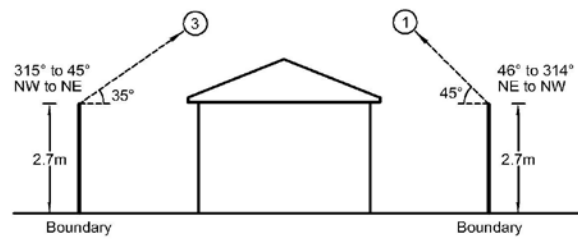
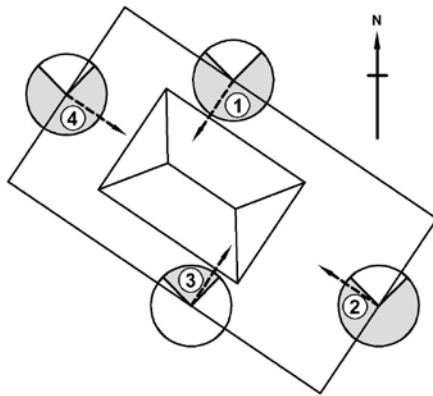
*Policies 4.4.4,  
5.4.11, 5.4.12*

Height control planes apply to all buildings:

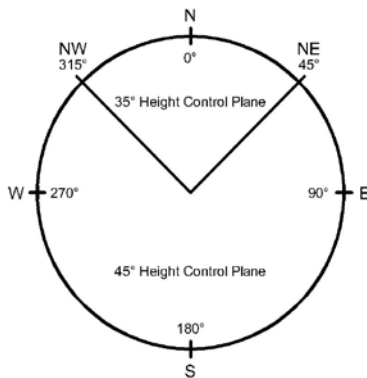
- Adjacent to a Residential Zone.
- On sites smaller than 1500m<sup>2</sup> in a Rural Zone.

Buildings shall be designed so that they fit within the height control planes defined below:

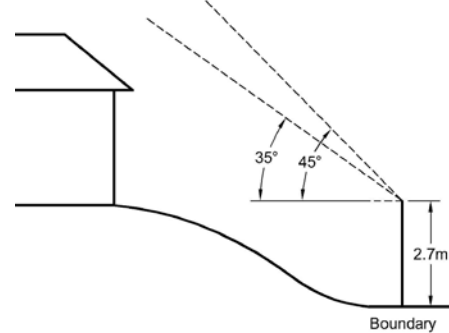
**a) Height control planes in relation to site boundaries:**



**b) Determining which height control plane to use:**



**c) Application of height control planes to a sloping site:**



**Exemptions:**

- Chimneys, flues, and minor decorative features may extend beyond the height control plane by up to 1m.
- The top of a dormer or gable, but not the eaves, may extend beyond the height control plane by up to 0.5 m provided that the aggregate length of all projections through the plane does not exceed 25% of the total building length.
- Where the boundary involved in the measurement of the height control plane adjoins an access strip or right-of-way to a rear lot, the outside boundary of such an access strip or right-of-way may be substituted for the nearest site boundary.

**19.12**

**Water supply, stormwater and wastewater**

*Policies 9.4.3, 13.4.1*

All activities shall comply with the water supply, stormwater and wastewater standards in the Code of Practice for Civil Engineering Works.



**19.13****Artificial light**

*Policies 5.4.1,  
15.4.1*

- Light emissions from a site shall not exceed a measurement of 8 lux (lumens per m<sup>2</sup>) measured 1.5m above the ground at the boundary in both horizontal and vertical planes.
- Light emissions from a site shall not spill directly onto roads.
- Light emissions shall be measured by an instrument that meets NZSS CP22 (1962) requirements and amendments.

**19.14****Forestry**

*Policies 5.4.2, 5.4.4,  
5.4.7, 5.4.8, 5.4.11*

- a) Forest owners and managers are expected to comply with the management and operational practices in the New Zealand Forest Code of Practice.
- b) There shall be a 10m non-millable buffer from any water body with a width greater than 1m.
- c) A buffer width of at least 10m is to be provided to any existing dwelling on another site.
- d) No less than 20 working days before harvesting any forest or section of a forest, the harvester shall submit a Forestry Harvesting Notice to the Council. This Notice shall contain the following information:
  - A description of the extent of the area to be harvested and the method of tree removal from the site.
  - The date of commencement and duration of the harvesting.
  - The expected volume of timber to be extracted.
  - The regularity of logging truck movements.
  - The roads proposed to be used for the cartage of timber or logs or machinery used in harvesting.
  - Appropriate measures to manage the adverse impacts of road use resulting from harvesting.

**19.15****Home occupations ancillary to residential activities carried out on the site**

*Policies 5.4.11,  
15.4.1*

- At least one of the persons engaged in the home occupation shall live on the site as their principal place of residence.
- No more than three non-resident persons may be engaged in the home occupation at any one time.
- The repair or maintenance of vehicles or engines, other than those belonging to the residents, is not permitted.
- The site shall not be used as a depot for any heavy vehicle associated with a trade.

- Only goods produced or grown on the site may be sold from the site, provided that no retailing activity shall take place where access is to the State Highway.
- Homestay activities, where accommodation and meals are provided in a family type environment, are permitted provided the total number of persons accommodated on the site at any one time, including persons normally resident on the site, does not exceed twelve.
- Equipment used shall not interfere with radio and television reception.

## 19.16

### Active recreation

Policy 5.4.11

Council may impose conditions on:

- Avoiding, remedying or mitigating adverse effects of the use on the locality.
- Traffic generation, car parking, access arrangements and on-site vehicle movements.
- Bulk, location, design and appearance of buildings.
- Hours of operation.
- Signage.
- Landscaping and screening.
- Servicing and infrastructure.
- Mitigation of noise effects.
- Financial contributions.

## 19.17

[Removed by Plan Change 45]

### Temporary signs

~~Policies 15.4.5,  
16.4.4~~

~~Temporary signs, in all zones, must meet all of the following conditions:~~

- ~~The sign face shall be no greater than 3m<sup>2</sup> in area visible from any one direction.~~
- ~~The sign shall relate to a temporary or one-off activity.~~
- ~~The maximum period for any temporary sign shall be 2 months, except for signs required to be erected for health and safety reasons, where the maximum period shall be 6 months.~~
- ~~Any temporary sign shall be removed within 48 hours of the ceasing of the activity to which the sign relates.~~
- ~~Real estate signs involved in the advertising and sale of properties must relate to the property on which they are erected.~~
- ~~Any sign shall be located so that it does not obstruct any official traffic sign~~

- Any sign must not be flashing, animated or continuously differ in form or detail.
- Any sign directed at the State Highway where the speed limit is 70km/hr or greater shall comply with the following:
  - Have a minimum letter height of 160mm; and,
  - Contain no more than six words and symbols and no more than 40 characters; and,
  - Be located so as to provide an unrestricted view to the motorist for a minimum distance of 180 metres.

**19.18**

[Removed by Plan Change 45]

**Signs within roads**

*Policies 15.4.5, 16.4.4*

Road, traffic and advertising signs within roads, in all zones, must be approved by the road controlling authority.

**19.19**

[Removed by Plan Change 45]

**All other signs**

*Policies 15.4.5, 16.4.4*

- One free standing sign or painted wall or roof sign per site with a maximum face area of 3m<sup>2</sup> visible from any one direction.
- No part of a free standing sign shall be more than 3.0m above ground level.
- Any sign shall be situated on the site to which the sign relates.
- Any sign which is located within 50m of, and visible from a Residential Zone or directed at the State Highway must not be flashing, animated or continuously differ in form or detail.
- Any sign shall be removed when the activity to which it relates has ceased.
- Any sign shall be located so that it does not obstruct any official traffic sign.
- Any sign directed at the State Highway where the speed limit is 70km/hr or greater shall comply with the following:
  - Have a minimum letter height of 160mm; and,
  - Contain no more than six words and symbols and no more than 40 characters; and,
  - Be located so as to provide an unrestricted view to the motorist for a minimum distance of 180 metres.

**19.20**

**Relocated Buildings**

*Policy 5.4.12*

Council may impose conditions on:

- a) Reinstatement works to the condition and appearance of the building relating to:

- Works to the exterior fabric of the building to repair, replace or renovate damaged, defective or substandard elements;
  - Painting and/or cleaning of the exterior fabric of the building if necessary;
  - Cladding or other means of enclosing open subfloor areas below the building;
  - Alterations required to ensure that the reinstated exterior of any relocated building is not likely to detract from the amenity values of the surrounding area.
- b) The timeframe for the work to be completed;
- c) Landscaping, screening and boundary treatment;
- d) Execution of a performance bond to provide security for exterior reinstatement works required as a condition of resource consent.
- e) Provision of and effects on utilities and/or services.
- f) Standard, construction and layout of vehicular access.

Notes in respect of d):

- A bond is not mandatory. It will only be required when Council considers it necessary in view of the scale and/or nature of exterior reinstatement works required. The requirement for a bond and its value will be determined in the context of the building assessment report submitted at resource consent stage.
- The bond shall be executed at the time application is made for a building consent, and security shall be in the form of either money or a guarantee by an institution approved by Council as guarantor.
- The bond shall be cancelled upon completion of exterior reinstatement works required in the conditions of the resource consent. The verification method for completion of these works shall be the issuing of a full or interim Code Compliance Certificate as defined in the Building Act. In the event that conditions relating to exterior reinstatement works are not complied with, the bond may be used in whole or in part to complete the works.

## Restricted Discretionary Activities

### **19.21 Subdivision which creates building platforms within 32m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps**

*Policies 16.4.1, 16.4.7*

In addition to the matters listed in rule 19.6, Council will restrict its discretion to, and may impose conditions on:

- The extent to which the subdivision design manages potential conflicts with existing lines by locating roads and reserves under the route of the line.
- The extent to which maintenance and inspections of transmission lines are affected including access.
- The extent to which potential adverse effects including risk or injury, property damage and visual impact are mitigated through the location of building platforms and landscaping.
- The outcome of any consultation with the affected utility operator.
- Separation distances between trees and conductors and the location and mature size of trees planted near the transmission lines.
- Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34:2001).
- Measures necessary to avoid, remedy or mitigate the potential adverse effects of earthworks, dust generation and construction activities, including provision of appropriate separation distances, managing the risks to structural integrity, and safety risks associated with the use of mobile machinery.

#### **Restriction of notification**

Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application under this rule will be precluded from public notification under section 95A, and limited notification will be served on Transpower New Zealand Limited as the only affected party under section 95B.

### **19.22 Buildings or structures within 12-32m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps**

*Policy 16.4.7*

Council will restrict its discretion to, and may impose conditions on:

- a) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34:2001).
- b) The location, height, scale, orientation and use of buildings and structures to ensure the following are addressed:

- The risk to the structural integrity of the transmission line.
- The effects on the ability of the transmission line owner to operate, maintain and upgrade the transmission network.
- The risk of electrical hazards affecting public or individual safety, and risk of property damage.
- The extent of earthworks required, and use of mobile machinery near the transmission line which may put the line at risk.
- Minimising the visual effects of the transmission line.
- The outcome of any consultation with the affected utility operator.

### **Restriction on notification**

Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application under this rule will be precluded from public notification under section 95A, and limited notification will be served on Transpower New Zealand Limited as the only affected party under section 95B.

## **19.23**

### **Subdivision and land use activities which do not comply with the access standards in 19.8**

*Policy 16.4.6*

Council will restrict its discretion to, and may impose conditions on:

- The extent to which the activity will adversely affect traffic and pedestrian safety.
- The extent to which the activity will adversely affect the efficient functioning of the roading network.

For subdivision, Council's discretion is also restricted to the matters listed in rule 19.6.

## **19.24**

### **Family flats which do not comply with the permitted activity standards**

*Policy 15.4.1*

Council will restrict its discretion to, and may impose conditions on:

- Land tenure.
- Location.
- Provision of and effects on utilities and/or services
- Landscaping
- Setbacks and coverage.
- Height and sunlight access.

- Standard, construction and layout of vehicular access.
- Effects on character and amenity
- Financial contributions

## 19.25

### **Home occupations incidental to residential activities carried out on the site which do not meet permitted activity standards**

*Policies 5.4.11,  
15.4.1*

Council will restrict its discretion to, and may impose conditions on:

- External storage.
- The number of non-resident workers employed on the site.
- The creation of dust, light, noise, vibration or other nuisance.
- Appearance of buildings.
- Size, number of, location and appearance of signs.
- Car parking, traffic and pedestrian safety and the efficient functioning of the roading network.
- Financial contributions.

## 19.26

### **Buildings accessory to a permitted or controlled activity which do not meet permitted or controlled activity standards**

*Policies 5.4.12,  
15.4.1,*

Council will restrict its discretion to, and may impose conditions on:

- Height and sunlight access.
- Setbacks and coverage.
- Landscaping and screening.
- Provision of and effects on utilities and/or services.
- Standard, construction and layout of vehicular access, manoeuvring and traffic safety.
- Streetscape effects.
- Effects on rural character and amenity.
- Financial contributions.

## 19.27

~~[Removed by Plan Change 45]~~

### ~~**Signs which do not meet the standards for permitted activities**~~

~~*Policies 15.4.5,  
16.4.4*~~

~~Council will restrict its discretion to:~~

- ~~• Whether the sign is in scale with the associated activities or~~

building development and compatible with the visual character of the area in which it is situated.

- Whether signs are obtrusively visible from any residential area or public space.
- Whether signs will have adverse effects on traffic or pedestrian safety.
- Whether signs detract from the appearance of the building to which they are attached.
- —Whether signs will result in additional clutter.

Council may impose conditions on:

- The area of signs.
- The number of signs.
- The colour and materials used.
- The location of signs.
- Sign content.
- Illumination, lighting, reflectorisation and animation.

## Matters for Consideration

### 19.28

Matters that may be relevant in the consideration of any resource consent, other than for a restricted discretionary activity, may include the following:

#### Subdivision

- The requirements of section 106 of the Act.
- Whether the proposed allotments are capable of accommodating a range of activities in compliance with zone standards.
- Whether the subdivision compromises future subdivision potential of the land.
- The cumulative effect on existing infrastructure as a result of the proposed subdivision.
- The extent of compliance with Council's Code of Practice for Civil Engineering Works.

#### Access

- Accessibility for public transport, cyclists and pedestrians.
- Compliance with the Code of Practice for Civil Engineering Works.
- Whether the topography, size or shape of the site or the location of any natural or built feature(s) on the site or other requirements such as easements, rights-of-way or restrictive covenants impose constraints that make compliance impracticable.
- Whether the activities proposed will not generate a demand for servicing facilities.
- Whether suitable alternative provision for servicing can be made.
- Whether the nature of adjacent roads is such that the entry, exit and manoeuvring of vehicles can be conducted safely.



<b>Intensive animal farming, including pig farming</b>
<ul style="list-style-type: none"> <li>• Whether amenities of the surrounding environment can be maintained.</li> <li>• Whether the effluent from the site can be discharged appropriately.</li> </ul>
<b>Forestry</b>
<ul style="list-style-type: none"> <li>• The method and timing of the activity.</li> <li>• The area to be cleared at any one time.</li> <li>• Traffic and access considerations and financial contributions regarding these.</li> <li>• Effects on the amenity of neighbouring residential properties.</li> </ul>
<b>Topsoil removal</b>
<ul style="list-style-type: none"> <li>• Whether the activity is to be the subject of a Management Plan to provide certainty as to the nature, timing and duration of ongoing activity, and a Rehabilitation Plan to show how the land will be restored to a state that respects the natural landform and ensures its long term sustainability for plant growth.</li> <li>• The nature and extent of effects on visual amenity or on sites or features of ecological, cultural or heritage value.</li> <li>• The nature and extent of effects on water bodies, including effects on water quality and the potential for flooding.</li> <li>• The extent to which the activity causes or exacerbates soil erosion or compromises the versatility of the soil resource.</li> <li>• Whether the activity includes measures to deal with the effects of wind blown soil and dust.</li> <li>• The effects of vehicle movements to, from and within the site.</li> <li>• Regard for the provisions of the Regional Soil Plan (including Appendix 3 ‘Guidelines for Topsoil Mining’).</li> <li>• The nature and effectiveness of measures to avoid, remedy or mitigate adverse effects.</li> <li>• Noise.</li> <li>• Financial contributions.</li> </ul>
<b>Active recreation</b>
<ul style="list-style-type: none"> <li>• The location, hours of operation and layout of facilities in relation to their noise effects on adjoining land uses.</li> <li>• Access and parking.</li> <li>• Timing and frequency of events.</li> </ul>
<b>Non-rural activities</b>
<ul style="list-style-type: none"> <li>• Whether the activity, buildings, structures or other works are of an appropriate scale having regard to the local landforms and the nature of the surrounding environment.</li> <li>• Whether the amenities and the quality of the rural environment can be maintained.</li> <li>• The potential impacts of noise, dust, glare, vibration, fumes, smoke, discharges or pollutants or the excavation or deposition of earth.</li> <li>• Traffic effects and access to formed, sealed roads.</li> <li>• Whether the site of any non-rural or residential use is appropriately located having regard to the scale of the building development proposed and the intensity of the activity. The Council will consider the extent to which any non-rural activity, building, dwelling or structure may hinder the continued operation of any lawfully established activity.</li> <li>• The extent to which landscape character and ecological values will be maintained or enhanced.</li> </ul>

<b>Dwellings</b>
<ul style="list-style-type: none"> <li>• Provision for effluent treatment, disposal and water supply.</li> <li>• The necessity for the number of dwellings proposed.</li> <li>• Whether the form, scale and character of the new buildings are compatible with those of the buildings in the immediate vicinity of the site.</li> </ul>
<b>Scale, bulk, location and appearance of buildings</b>
<ul style="list-style-type: none"> <li>• Whether the building design, appearance, location and scale detrimentally affects the character of the surrounding area.</li> <li>• Whether a better standard of development can be achieved by varying the design, location or size of the buildings.</li> <li>• The arrangement of buildings, car parks and vehicle movements on site.</li> <li>• Whether the topography of the site has been taken into account.</li> </ul>
<b>Amenity values</b>
<ul style="list-style-type: none"> <li>• Whether the proposed activity will have more than minor effect on the amenity values of the area in which it is to be located.</li> </ul>
<b>Sunlight access</b>
<ul style="list-style-type: none"> <li>• Whether the building will adversely interfere with sunlight access or create adverse shading on surrounding sites.</li> <li>• Whether the topography of the site or the location of any built features on the site or other requirements, such as easements, impose constraints that make compliance impracticable.</li> </ul>
<b>Signs</b>
<ul style="list-style-type: none"> <li>• Whether the sign is in scale with the associated activities or building development and compatible with the visual character of the area in which it is situated.</li> <li>• Whether signs are obtrusively visible from any residential area or public space.</li> <li>• Whether signs will have adverse effects on traffic or pedestrian safety.</li> <li>• Whether signs detract from the appearance of the building to which they are attached.</li> <li>• Whether signs will result in additional clutter.</li> </ul>

**20****BUSINESS ZONE RULES****Activities Tables**

Policies 3.4.1, 6.4.1, 16.4.7

<b>20.1 Subdivision Activities</b>	
<b>Subdivision excluding unit title subdivision</b>	
Subdivision which complies with the standards in rules 20.5 and 20.8 unless specified below	<b>C</b>
Subdivision in the Wallaceville Structure Plan Area that does not comply with the standards in rules 20.5 and 20.8 unless specified below	<b>RD</b>
Subdivision which does not comply with the standards specified in rule 20.5	<b>D</b>
Subdivision which complies with the standards of rule 20.5 but not 20.8	<b>RD</b>
Subdivision in the Wallaceville Structure Plan Area that does not comply with the standards of rule 20.5 and 20.8	<b>D</b>
Subdivision around any existing lawfully established dwelling or commercial unit which does not result in the creation of any new undeveloped site that contains no dwelling or commercial unit  <b>Note:</b> this form of subdivision does not need to comply with the minimum net site area requirements of rule 20.5, but does need to meet the access standards of rule 20.8	<b>C</b>
Subdivision around any existing lawfully established dwelling or commercial unit which does not result in the creation of any new undeveloped site that contains no dwelling or commercial unit, that does not comply with the access standards of rule 20.8	<b>RD</b>
Subdivision of land for utilities, reserves or conservation purposes	<b>C</b>
Subdivision of a site identified in Schedules 26.8 or 27.7	<b>D</b>
Creation of a lot that does not have formed legal access to a formed legal road, unless the proposal is for a paper road or other access to be formed as a condition of subdivision approval in accordance with the Code of Practice for Civil Engineering Works	<b>NC</b>
Subdivision which creates building platforms within 20m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps *(refer to the definition of <i>transmission line</i> )	<b>RD</b>
<b>Updates of existing company lease and cross lease, and all unit title subdivision</b>	
Subdivision which is a unit title subdivision or an alteration to a company lease, unit title or cross lease title to include a building extension or alteration or accessory building on the site (excluding an additional dwelling) that has been lawfully	<b>C</b>

established in terms of the Building Act 2004	
<b>Any subdivision not provided for in this table</b>	<b>D</b>

<b>Key</b>	<b>P</b>	Permitted activity which complies with standards for permitted activities specified in the Plan
	<b>C</b>	Controlled activity which complies with standards for controlled activities specified in the Plan
	<b>RD</b>	Restricted discretionary activity
	<b>D</b>	Discretionary activity
	<b>NC</b>	Non complying activity

20.2 Land Use Activities	Business Commercial	Business Industrial
<b>All activities other than those identified below are permitted provided they meet the standards specified in the Plan for permitted activities</b>	<b>P</b>	<b>P</b>
Large format retail activities on land identified in Appendix Business 1	-	<b>P</b>
Any other retail activity on land identified in Appendix Business 1, unless otherwise provided for below	-	<b>D</b>
Any retail activity unless otherwise provided for below	<b>P</b>	<b>D</b>
<p>The following retail activities:</p> <ul style="list-style-type: none"> <li>• The sale and maintenance of heavy machinery;</li> <li>• Garden centres;</li> <li>• Building improvement centres;</li> <li>• Yard oriented retail activities;</li> <li>• The sale of goods manufactured on the site, provided that the retail component is ancillary to the manufacturing activity;</li> <li>• The sale of kit-set buildings and framing.</li> </ul>	<b>P</b>	<b>P</b>
Retail activity, restaurants, offices, early childhood centres, and residential accommodation (including at ground level) on land identified in Appendix Business 2	<b>P</b>	-
Retail activity, restaurants, offices, early childhood centres, and residential accommodation above ground level on land identified in the Gateway Precinct of Wallaceville Structure Plan	<b>P</b>	-
Garden centres and all activities other than retail activity, restaurants, offices, early childhood centres and residential accommodation (including at ground level) on land identified in Appendix Business 2	<b>D</b>	-
Garden centres and all activities other than retail activity, restaurants, offices, early childhood centres, and residential accommodation above ground level and not otherwise provided for as non-complying in Table 20.2 in the Gateway Precinct of the Wallaceville Structure Plan Area	<b>D</b>	-
Visitor accommodation	<b>P</b>	<b>NC</b>
Warehouses	<b>D</b>	<b>P</b>
Service stations and motor vehicle garages	<b>D</b>	<b>C</b>
Motor vehicle wrecking	<b>NC</b>	<b>D</b>
Public car parks	<b>D</b>	<b>D</b>
Every activity listed as an offensive trade in the third schedule of the Health Act 1956	<b>NC</b>	<b>D</b>

<b>20.2 Land Use Activities</b>	<b>Business Commercial</b>	<b>Business Industrial</b>
The sale and hire of motor vehicles, boats, caravans, motor homes and accessories and motor vehicle spare parts	<b>D</b>	<b>P</b>
Churches	<b>C</b>	<b>P</b>
Establishment of a relocated building from another site	<b>C</b>	<b>C</b>
Residential accommodation at ground floor level	<b>D</b>	<b>D</b>
Residential accommodation for a caretaker, where the caretaker is required to live on the site	<b>P</b>	<b>P</b>
Residential accommodation not otherwise provided for in this table	<b>P</b>	<b>D</b>
<b>Signs</b>	<b>P</b>	<b>P</b>
<b>Signs which do not comply with permitted activity standards</b>	<b>RD</b>	<b>RD</b>
Signs in the heritage covenant in the Gateway Precinct of the Wallaceville Structure Plan Area	<b>RD</b>	-
Buildings which do not comply with permitted or controlled activity standards	<b>RD</b>	<b>RD</b>
In the Wallaceville Structure Plan Area all new buildings or significant exterior alterations to existing buildings not listed as significant heritage feature in Chapter 26	<b>RD</b>	-
In the Wallaceville Structure Plan Area demolition of buildings not listed as a significant heritage feature in Chapter 26	<b>P</b>	-
Any activity other than conservation and passive recreation in the area identified as "Hulls Creek Overlay" within the Business Industrial zone on Eastern Hutt Road as shown in Appendix Business 3	-	<b>NC</b>
Initial landscaping of the front boundary setback required by rule 20.9 within the Business Industrial zone on Eastern Hutt Road	-	<b>C</b>
Residential activity (except for caretaker accommodation) within the Business Industrial zone on Eastern Hutt Road	-	<b>NC</b>
Gang fortifications	<b>Prohibited</b>	
<b>Activities otherwise permitted or controlled which do not comply with the access standards in 20.9</b>	<b>RD</b>	<b>RD</b>
<b>Activities otherwise permitted or controlled, which do not comply with the relevant standards in this Chapter, except where otherwise specified in this table or in the City-wide provisions of the Plan</b>	<b>D</b>	<b>D</b>

### 20.3 City-wide provisions

Each activity including subdivision in the Business Zone shall comply with the relevant permitted activity standards in the City-wide provisions of the Plan as listed below.

Chapter	City-wide provisions
23	Earthworks
24	Esplanade Reserves and Strips
25	Reserves and Leisure Facilities Contributions
25A	Temporary Events
26	Heritage Features
27	Notable Trees
27A	Urban Tree Groups and Removal or Indigenous Vegetation
28	Southern Hills Overlay Area and Protected Ridgelines
29	Water Bodies
30	Utilities
30A	Renewable Energy Generation
31	Car Parking
32	Noise and Vibration
33	Flooding and Fault Band Hazards
34	Hazardous Substances and Contaminated Land

### 20.4 Controlled activities – restrictions on notification

Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application for a controlled activity is precluded from public notification under section 95A and, subject to section 95B(3), is precluded from limited notification under section 95B(2) of the Act.

### Standards for Permitted and Controlled Activities

#### Note:

The following standards for Permitted and Controlled Activities apply to all properties in the respective Sub-Zone throughout the Business Zone unless otherwise specified in the text of the standard in question.

## 20.5 Minimum requirements for subdivision

Policies 3.4.1, 6.4.1

Business Sub-Zone	Minimum net site area	Shape factor
Business Commercial	300m <sup>2</sup>	7.5m
Business Industrial	500m <sup>2</sup>	20m
<b>Exemptions</b>		
These standards shall not apply to any lot for utility, reserve or conservation purposes.		

## 20.6 Subdivision which complies with the standards in rule 20.5 and 20.8, and subdivision of land for utilities, reserves or conservation purposes

Policies 6.4.3,  
6.4.4, 9.4.3,  
16.4.3

Council may impose conditions over the following matters:

- Design, appearance and layout of the subdivision.
- Landscaping.
- Provision of and effects on network utilities and/or services.
- Standard, construction and layout of vehicular access.
- Earthworks.
- Provision of esplanade reserves and strips.
- Protection of any special amenity feature.
- Financial contributions.
- The outcome of consultation with the owner or operator of consented or existing renewable energy generation activities located on or in proximity to the site.
- The outcome of consultation with the owner or operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.

Note: Rule 20.28 covers subdivision within the Electricity Transmission Corridor.



**20.7 Subdivision which is a company lease, cross lease or unit title subdivision**

*Policies 6.4.3, 6.4.4, 9.4.3*

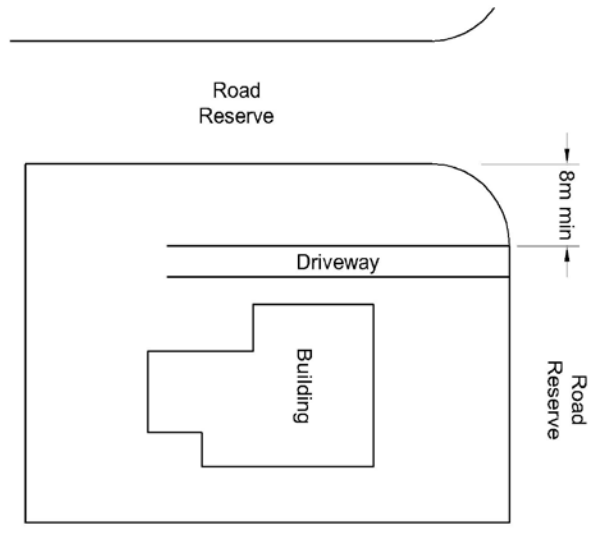
In addition to the matters outlined in rule 20.6, Council may impose conditions over the following matters:

- Allocation of accessory units to principal units and covenant areas to leased areas to ensure compliance with car park provisions and to ensure practical physical access to units.
- Allocation of areas.

**20.8 Access standards for subdivision and land use activities**

*Policies 6.4.1, 6.4.2, 9.4.3*

- All accessways and manoeuvring areas shall be formed and surfaced in accordance with the Code of Practice for Civil Engineering Works. Exemption – the requirement for accessways serving sites solely occupied by unstaffed utilities shall be that the accessway shall be surfaced with permanent all weather surfacing for a minimum length of 5m from the edge of the road carriageway seal.
- All sites shall have practical vehicle access to car parking and loading spaces, in accordance with the Code of Practice for Civil Engineering Works. This requirement does not apply to sites solely occupied by unstaffed utilities, provided that vehicles associated with utilities shall not obstruct the footpath or create a traffic hazard on the road.
- Adequate vehicular access shall be made available to the rear of every new building in accordance with the Code of Practice for Civil Engineering Works.
- Vehicular access to a corner lot shall be located no closer than 8m from the street corner. Where a site is located on an intersection of a primary or secondary arterial traffic route (as identified in Chapter 37) the siting of the vehicular access shall be located as far as practicable from the corner of the street. The 8 metre setback shall be measured from where the two front boundaries of the site (refer to the definition of a corner lot) join, or in accordance with the diagram below.



- Where a corner lot is located at an intersection of a national, primary or secondary arterial traffic route, as identified in Chapter 37, no building, fence or other structure is to be erected and no vegetation allowed to grow so as to obstruct a traffic sight line.
- At the intersection of a road or rail level crossing, no building, fence or other obstructions which block sight lines for trains shall be erected, placed or grown in the hatched area marked in Diagram A in Chapter 38.
- Subdivision and land use activities with direct access to a State Highway shall comply with the access and visibility standards set out in Diagrams B to E in Chapter 38.

**20.9 Setbacks from boundaries**

Policies 6.4.3, 6.4.4

The setback distance for buildings from boundaries shall be not less than:

	<b>Business Commercial Sub-zone</b>	<b>Business Industrial Sub-zone</b>
Front boundary	8m	8m
Side and rear boundaries except where adjoining a Residential or Open Space Zone	0m	0m
Side and rear boundaries adjoining a Residential or Open Space Zone	3m	5.5m
Front boundary on land identified in Appendix Business 2	4m	-

Front boundary setback on land identified in Appendix Business 2 for residential accommodation at ground floor level	6m	-
Side boundaries on land identified in Appendix Business 2	0m	-
Minimum building setback from the power pylon and electricity transmission lines on land identified in Appendix Business 2	12m	-
Rear boundaries on land identified in Appendix Business 2 except where the rear boundary adjoins a Reserve in which case an exemption from the rear boundary setback applies.	3m	-
<b>Exemptions:</b>		
<ul style="list-style-type: none"> <li>• Service station canopies are exempt from the front boundary setback requirement.</li> </ul>		
<ul style="list-style-type: none"> <li>• Pole signs are exempt from the front boundary setback requirement.</li> </ul>		
<ul style="list-style-type: none"> <li>• Properties within the CBD are exempt from all boundary setback requirements, except where sites adjoin a Residential or Open Space Zone, then the setback requirements shall apply along the adjoining boundary.</li> </ul>		
<ul style="list-style-type: none"> <li>• Within the Business Industrial zone located on Eastern Hutt Road, buildings shall be set back from the front boundary with Eastern Hutt Road by 6m, and this setback area shall be landscaped prior to the construction of any buildings.</li> </ul> <p><b>Note:</b> the setback area may also be developed for flood protection purposes if necessary.</p>		

## 20.10 Building height

### Policy 6.4.4

The maximum height of any building in the following areas shall not exceed:

Business Commercial (except CBD)	8m
CBD (except for northern side of Main Street)	40m
CBD (northern side of Main Street only)	20m
Business Industrial	12m
Business Industrial zone located on Eastern Hutt Road	15m

**Exemption:**

Chimneys, smoke stacks and similar structures in the Business Industrial Sub-zone shall not exceed 30m in height.

**20.11 Sunlight access**

*Policies 4.4.4,  
6.4.3, 6.4.4*

All buildings on sites adjoining, or separated by a road from a site in the Residential or Open Space Zone, shall comply with the height control planes defined in rule 18.16 along the adjoining boundary or the boundary or boundaries separated by a road.

For sites within the CBD, all buildings shall comply with the height control planes defined in rule 18.16 along all boundaries adjoining a Residential or Open Space Zone, or along all boundaries which face and are within 25 metres of a site within the Residential or Open Space Zone.

**20.11A Site coverage on land identified in Appendix Business 2**

The maximum coverage by buildings on the net area of a site shall not exceed 20% for land identified in Appendix Business 2.

**20.12 Loading provisions**

*Policies 6.4.2,  
6.4.3*

The number of loading spaces needed for any building in the Business Zone shall be as follows:

<b>Floor area</b>	<b>Loading spaces required</b>
Between 100m <sup>2</sup> and 1000 m <sup>2</sup>	1 space
Between 1001m <sup>2</sup> and 2000m <sup>2</sup>	2 spaces
More than 2000m <sup>2</sup>	2 spaces or 4 spaces if the building is used as a retail store
<b>Notes</b>	
<ul style="list-style-type: none"> <li>• Every loading space requires a manoeuvring space for ingress and egress. The extent of the manoeuvring space is to be in accordance with the Code of Practice for Civil Engineering Works.</li> </ul>	
<ul style="list-style-type: none"> <li>• Loading areas must be kept clear and must be available at all times for vehicles used in association with the building during which time the building is being used for the activity to which the car parking and loading spaces relate.</li> </ul>	
<ul style="list-style-type: none"> <li>• Direct access to each loading space may be allowed from any vested service lane.</li> </ul>	

<ul style="list-style-type: none"> <li>• All loading spaces are required to be formed and surfaced in accordance with the Code of Practice for Civil Engineering Works.</li> </ul>
<ul style="list-style-type: none"> <li>• Loading spaces required do not apply to the floor area of residential activities located in the Gateway Precinct of the Wallaceville Structure Plan Area</li> </ul>

**20.13 Water supply, stormwater and wastewater**

*Policies 9.4.3, 13.4.1*

All activities shall comply with the water supply, stormwater and wastewater standards in the Code of Practice for Civil Engineering Works.

**20.14 Artificial light**

*Policies 6.4.3, 15.4.1*

- Light emissions from a site which adjoins a Residential or Open Space Zone shall not exceed a measurement of 8 lux (lumens per m<sup>2</sup>) measured in both the horizontal and vertical planes, 1.5m above the ground at the site boundary.
- Light emissions from a site shall not spill directly onto roads.
- Light emissions will be measured by an instrument that meets NZSS CP22 (1962) requirements and amendments.

**20.14A Ventilation**

Within the Wallaceville Structure Plan Area, habitable rooms must have a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.

For the purposes of this standard a habitable room means a space used for activities normally associated with domestic living, but excludes any bathroom, laundry, watercloset, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, or other space of a specialised nature occupied neither frequently nor for extended periods.

**20.15 Dust**

*Policies 6.4.3, 15.4.1, 15.4.2*

Activities shall not create a dust nuisance. A dust nuisance may occur if:

- There is visible evidence of suspended solids in the air beyond the site boundary.

- There is visible evidence of suspended solids, traceable from a dust source, settling on the ground, building or structure on a neighbouring property or on water.

## 20.16

### Screening

*Policies 6.4.3,  
15.4.1*

Sites adjoining a Residential or Open Space Zone shall be fenced on the common boundary by a solid 2m high fence.

#### **Exemption:**

The land identified in Appendix Business 2 and in the Gateway Precinct of the Wallaceville Structure Plan Area is exempt from the screening specified above, but outdoor storage areas on land identified in Appendix Business 2 shall be screened as follows:

- Outdoor storage areas shall be screened by a close-boarded fence, a solid wall or dense planting of vegetation. The screening shall be no less than 1.8m in height.

## 20.17

### Landscaping

*Policies 6.4.2,  
6.4.3, 6.4.4*

- If a building is required to be set back from the road boundary, the set back area between the road boundary and the building shall be landscaped unless it is used for access or car parking purposes. If car parking or accessways are provided between the road boundary and the building, a landscape strip with a minimum width of 0.6m shall be provided within the site along the road boundary.
- Where a site adjoins a non-Business Zone (excluding road boundaries) or is within 25m of a Residential or Open Space Zone, a landscape buffer with a minimum width of 0.6m shall be provided within the site between the zone boundary and the buildings.

#### **Exemption:**

The land identified in Appendix Business 2 and in the Gateway Precinct of the Wallaceville Structure Plan Area is exempt from the landscaping specified in the second bullet point above except that it shall apply to the common rear boundary of the land identified in Appendix 2 and Lots 8 to 11 DP 399832 of the Cosgrove Rise subdivision.

**20.17A**

**Fencing**

Within the Wallaceville Structure Plan Area a 2m high close boarded fence shall be erected along the boundaries of a site where it adjoins a site designated as MAFI. The fence shall be constructed of materials having superficial mass of not less than 10kg per square metre and shall be constructed prior to occupation of dwellings on the site.

**20.18**

**Requirements for buildings on sites adjoining Main Street**

*Policies 6.4.2,  
6.4.4*

- All buildings on sites adjoining Main Street shall provide continuous building frontage onto the boundary with Main Street.
- All yards, outdoor storage, outdoor retail areas, or other unbuilt areas on a site shall not be located adjoining the boundary with Main Street.
- All buildings fronting Main Street shall ensure that at least 50% of the ground floor frontage is glazed.
- For sites fronting onto Main Street, all vehicle access or egress shall be via alternative streets or service lanes or other accesses which do not connect on to Main Street.

**20.19**

**Main Street verandahs**

*Policies 6.4.2,  
6.4.4*

Buildings fronting Main Street shall provide verandahs for pedestrian cover, meeting the following standards:

- The lowest part of a verandah, not including signage, shall be at least 2.9m above the footpath.
- The verandah shall extend for the full length of the frontage of the site.
- The verandah shall cover the full width of the footpath less 500mm.
- Any new or refurbished verandah shall provide in its design for a visual continuity between any existing adjoining verandah(s) and the proposed verandah.

**20.20 Car parking areas**

*Policies 6.4.2,  
6.4.3*

Any car parking provided on a site shall be primarily for the purposes of meeting the car parking demand generated by the use of that site.

**20.21 Hours of operation for activities adjoining the Residential Zone**

*Policy 6.4.3*

Any activity which is open to the public (including licenced premises, places of assembly, shops, restaurants and takeaway food outlets) and adjoins a site which is zoned Residential, shall not be open to the public outside the hours of 7am - 11pm Sunday to Thursday (inclusive) and until 1am the following day on Friday, Saturday, Christmas Eve and New Year's Eve.

**20.22 Initial landscaping of the front yard setback of the Business Industrial zone located on Eastern Hutt Road required under rule 20.9**

*Policy 6.4.5*

Council may impose conditions over the following matters:

- Design, appearance and layout of the landscaping, and its ongoing management and maintenance.
- The extent to which the landscaping will screen buildings and structures viewed from Eastern Hutt Road.
- The extent to which the landscaping can contribute to the provision of an ecological corridor between the eastern and western Hutt hills.
- Effects on flood protection works.



## **20.23 Service stations and motor vehicle garages**

*Policies 6.4.3,  
6.4.4*

Council may impose conditions on:

- Traffic generation, car parking, access arrangements and on-site vehicle movements.
- Bulk, location, design and appearance of buildings.
- Hours of operation.
- Landscaping and screening.
- Health and safety issues.
- Noise.
- Lighting.
- Signage.
- Provision of and effects on utilities and/or services.
- Financial contributions.

## **20.24 Churches**

*Policies 6.4.3,  
6.4.4*

Council may impose conditions on:

- Avoiding, remedying or mitigating adverse effects on the business function of the area.
- Location and nature of activities within the site.
- Traffic generation, car parking, access arrangements and on-site vehicle movements.
- Bulk, location, design and appearance of buildings.
- Hours of operation.
- Landscaping and screening.
- Noise.
- Lighting.
- Signage.
- Provision of and effects on utilities and/or services.
- Financial contributions.

**20.24A Relocated Buildings**

Policy 6.4.4

Council may impose conditions on:

- a) Reinstatement works to the condition and appearance of the building relating to:
  - Works to the exterior fabric of the building to repair, replace or renovate damaged, defective or substandard elements;
  - Painting and/or cleaning of the exterior fabric of the building if necessary;
  - Cladding or other means of enclosing open subfloor areas below the building;
  - \* Alterations required to ensure that the reinstated exterior of any relocated building is not likely to detract from the amenity values of the surrounding area.
- b) The timeframe for the work to be completed;
- c) Landscaping, screening and boundary treatment;
- d) Execution of a performance bond to provide security for exterior reinstatement works required as a condition of resource consent.
- e) Provision of and effects on utilities and/or services.
- f) Standard, construction and layout of vehicular access.

Notes in respect of d):

- A bond is not mandatory. It will only be required when Council considers it necessary in view of the scale and/or nature of exterior reinstatement works required. The requirement for a bond and its value will be determined in the context of the building assessment report submitted at resource consent stage.
- The bond shall be executed at the time application is made for a building consent, and security shall be in the form of either money or a guarantee by an institution approved by Council as guarantor.
- The bond shall be cancelled upon completion of exterior reinstatement works required in the conditions of the resource consent. The verification method for completion of these works shall be the issuing of a full or interim Code Compliance Certificate as defined in the Building Act. In the event that conditions relating to exterior reinstatement works are not complied with, the bond may be used in whole or in part to complete the works.

**20.25****[Removed by Plan Change 45]****Temporary signs**~~Policies 15.4.5,  
16.4.4~~~~Temporary signs, in all zones, must meet all of the following conditions:~~

- ~~The sign face shall be no greater than 3m<sup>2</sup> in area visible from any one direction.~~
- ~~The sign shall relate to a temporary or one off activity.~~

- The maximum period for any temporary sign shall be 2 months, except for signs required to be erected for health and safety reasons, where the maximum period shall be 6 months.
- Any temporary sign shall be removed within 48 hours of the ceasing of the activity to which the sign relates.
- Real estate signs involved in the advertising and sale of properties must relate to the property on which they are erected.
- Any sign shall be located so that it does not obstruct any official traffic sign.
- Any sign must not be flashing, animated or continuously differ in form or detail.
- Any sign directed at the State Highway where the speed limit is 70km/hr or greater shall comply with the following:
  - Have a minimum letter height of 160mm; and,
  - Contain no more than six words and symbols and no more than 40 characters; and,
  - Be located so as to provide an unrestricted view to the motorist for a minimum distance of 180 metres.

**20.26**

[Removed by Plan Change 45]

**Signs within roads**

Policies 15.4.5,  
16.4.4

Road, traffic and advertising signs within roads, in all zones, must be approved by the road controlling authority.

**20.27**

[Removed by Plan Change 45]

**All other signs**

Policies 15.4.5,  
16.4.4

**Note:** The land identified in Appendix Business 2 is exempt from the following signs standards. The signs standards that apply to the property at land identified in Appendix Business 2 are contained in rule 20.27A.

- There is no limit on the number of signs attached to buildings, provided that:
  - They do not encroach into any required setback.
  - They do not protrude beyond the roof line of the building to an extent greater than 10% of the face area of the sign.
  - The total face area of signage on the site does not exceed 1m<sup>2</sup> per metre of street frontage up to a maximum of 35m<sup>2</sup> visible from any one direction.
- One freestanding sign per site, provided that no part of the sign shall be more than 9m above ground level and the total face area visible from any one direction shall be no greater than 7.5m<sup>2</sup>.

- ~~Additional signs on a site where they are for the purposes of directing traffic, provided that:
 
  - ~~The maximum vertical dimension of the sign face shall not exceed 1m.~~
  - ~~The total face area of the sign visible in any one direction does not exceed 0.5m<sup>2</sup>.~~
  - ~~Content of directional signs is restricted to directional arrows and “entry” or “exit” or equivalent terminology.~~~~
- ~~Sandwich board signs, provided that:
 
  - ~~No part of the sign shall be more than 1m above ground level.~~
  - ~~The width of the sign is no greater than 0.6m.~~
  - ~~The location of the sign does not affect pedestrian or traffic safety.~~~~
- ~~Any sign (except sandwich boards) shall be situated on the site to which the sign relates.~~
- ~~Any sign which is located within 50m of, and visible from, a Residential Zone must not be flashing, animated or continuously differ in form or detail.~~
- ~~Any sign shall be removed when the activity to which it relates has ceased.~~
- ~~Any sign shall be located so that it does not obstruct any official traffic sign.~~
- ~~Any sign must not be flashing, animated or continuously differ in form or detail.~~
- ~~Any sign directed at the State Highway where the speed limit is 70km/hr or greater shall comply with the following:
 
  - ~~Have a minimum letter height of 160mm; and,~~
  - ~~Contain no more than six words and symbols and no more than 40 characters; and,~~
  - ~~Be located so as to provide an unrestricted view to the motorist for a minimum distance of 180 metres.~~~~
- ~~Within the Business Industrial zone on Eastern Hutt Road, no signs shall be permitted within 6m of Eastern Hutt Road or on the façade of any building facing Eastern Hutt Road, except that one freestanding sign shall be permitted, which shall be located at the road entrance to the Business Industrial zone, provided that no part of the sign shall be more than 9m above ground level and the total face area visible from any one direction shall be no greater than 20m<sup>2</sup>.~~

**20.27A**

~~[Removed by Plan Change 45]~~

~~**Signs on land identified in Appendix Business 2**~~

- ~~One Sandwich board sign, provided that:
 
  - ~~No part of the sign shall be more than 1m above ground level.~~
  - ~~The width of the sign is no greater than 0.6m.~~
  - ~~The location of the sign does not affect pedestrian or traffic safety.~~~~

- Sign board(s) attached to buildings provided that the total area of signboards does not exceed 7.5m<sup>2</sup>.
- One free standing sign per site, provided no part of the sign shall be more than 9m above ground level and the total face area visible from any one direction shall be no greater than 7.5m<sup>2</sup>.
- Any sign must not be flashing, animated or continuously differ in form or detail.
- Additional signs on a site where they are for the purposes of directing traffic, provided that:
  - The maximum vertical dimension of the sign face shall not exceed 1m.
  - The total face area of the sign visible in any one direction does not exceed 0.5m<sup>2</sup>.
  - Content of directional signs is restricted to directional arrows and 'entry' or 'exit' or equivalent terminology.

## Restricted Discretionary Activities

### 20.28

#### **Subdivision which creates building platforms within 20m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps**

*Policies 16.4.1,  
16.4.7*

In addition to the matters listed in rule 20.6, Council will restrict its discretion to, and may impose conditions on:

- The extent to which the subdivision design manages potential conflicts with existing lines by locating roads and reserves under the route of the line.
- The extent to which maintenance and inspections of transmission lines are affected including access.
- The extent to which potential adverse effects including risk or injury, property damage and visual impact are mitigated through the location of building platforms and landscaping.
- The outcome of any consultation with the affected utility operator.
- Separation distances between trees and conductors and the location and mature size of trees planted near the transmission lines.
- Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34:2001).
- Measures necessary to avoid, remedy or mitigate the potential adverse effects of earthworks, dust generation and construction activities, including provision of appropriate separation distances, managing the risks to structural integrity, and safety risks associated with the use of mobile machinery.

### **Restriction on notification**

Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application under this rule will be precluded from public notification under section 95A, and limited notification will be served on Transpower New Zealand Limited as the only affected party under section 95B.

## **20.28A**

### **Subdivision in the Wallaceville Structure Plan Area**

Standards and terms for Subdivision in the Wallaceville Structure Plan Area

- Compliance with the minimum requirements for subdivision of rule 20.5
- Compliance with the access standards of rule 20.8

Council will restrict its discretion to, and may impose conditions on:

- The extent to which the subdivision is consistent with the Wallaceville Structure Plan (Chapter 39: Wallaceville)
- Design, appearance and layout of the subdivision
- Landscaping that complements existing species.
- Standard, construction and layout of roads (including intersections) and vehicular access.
- Provision of and effects on utilities and/or services
- Earthworks and land stability.
- Provision of reserves
- Protection of any special amenity feature.
- Provision of pedestrian and cycleway connections
- The alignment of proposed subdivision boundaries with Precinct boundaries as identified in the Wallaceville Structure Plan
- Financial contributions.

### **Restriction on notification**

In respect of rule 20.28A, and subject to sections 95A(2)(b), 95A(4) and 95C of the Act, an application which meets the standards and terms of rule 18.28B will be decided without the need for public notification under section 95A and any application that is consistent with the Wallaceville Structure Plan will be decided without the need for limited notification under section 95B.

### **Note:**

Failure to comply with this rule will require resource consent as a Discretionary Activity

**20.29 Subdivision and land use activities which do not comply with the access standards in 20.8**

*Policy 16.4.6*

Council will restrict its discretion to, and may impose conditions on:

- The extent to which the activity will adversely affect traffic and pedestrian safety.
- The extent to which the activity will adversely affect the efficient functioning of the roading network.

For subdivision, Council's discretion is also restricted to the matters listed in rule 20.6.

**20.30 Buildings which do not comply with the standards for permitted and controlled activities.**

*Policies 6.4.2, 6.4.3, 6.4.4*

Council will restrict its discretion to, and may impose conditions on:

- Height, boundary setbacks and sunlight access.
- Provision of and effects on utilities and/or services.
- Landscaping and screening.
- Standard, construction and layout of vehicular access.
- Car parking.
- Effects on adjoining residential properties.
- Effects on the amenity of the surrounding area.
- Requirements for buildings on sites adjoining Main Street.
- Financial contributions.

**20.30A**

**New buildings and significant exterior alteration to existing non-heritage listed buildings in the Gateway Precinct of the Wallaceville Structure Plan Area that comply with the standards for permitted and controlled activities**

Council will restrict its discretion to, and may impose conditions on:

- The extent to which the development is consistent with the Wallaceville Structure Plan (Chapter 39: Wallaceville)
- Height, proportion, materials, boundary setbacks and sunlight access
- Effects on significant heritage features included in Schedule 26.8
- Provision of and effects on utilities and/or services.
- Landscaping and screening.
- Standard, construction and layout of roads (including intersections) and vehicular access.
- Car parking.
- Effects on adjoining properties.
- Provision for retail buildings to have an active street frontage
- Financial contributions.

**Restriction on notification**

In respect of rule 20.30A, and subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, an application which meets the standards and terms of rule 20.30A will be decided without the need for public notification under section 95A and any-application that is consistent with the Wallaceville Structure Plan without the need for limited notification under Section 95B and for new buildings within the heritage covenant area limited notification will only be served on Heritage New Zealand (unless affected party approval is provided) under section 95B of the Act.

**Note:**

Failure to comply with this rule will require resource consent as a Discretionary Activity



## 20.31

~~[Removed by Plan Change 45]~~

~~**Signs which do not comply with the standards for permitted activities**~~

~~Policies 15.4.5,  
16.4.4~~

~~Council will restrict its discretion to:~~

- ~~• Whether the sign is in scale with the associated activities or building development and compatible with the visual character of the area in which it is situated.~~
- ~~• Whether signs are obtrusively visible from any residential area or public space.~~
- ~~• Whether signs will have adverse effects on traffic or pedestrian safety.~~
- ~~• Whether signs detract from the appearance of the building to which they are attached.~~
- ~~• Whether signs will result in additional clutter.~~

~~Council may impose conditions on:~~

- ~~• The area of signs.~~
- ~~• The number of signs.~~
- ~~• The colour and materials used.~~
- ~~• The location of signs.~~
- ~~• Sign content.~~
- ~~• Illumination, lighting, reflectorisation and animation.~~

## 20.31A

**Signs in the heritage covenant area within the Gateway Precinct of the Wallaceville Structure Plan Area**

Council will restrict its discretion to, and many impose conditions on:

- Sign design, location and placement
- Area, height and number of signs proposed and already located in the covenant area
- Illumination
- Fixing and methods of fixing
- The extent to which any sign including supporting structure detracts from any significant heritage feature in Schedule 26.8

**Exemptions:**

- ~~• Signs within roads are subject to compliance with Standard 20.26~~
- ~~• Temporary signs are subject to compliance with Standard 20.25 the rules for temporary signs in Chapter 8A.3 – SIGNS.~~

**Restriction on notification**

In respect of rule 20.30B, and subject to sections 95A(2)(b),

95A(2)(c), 95A(4) and 95C of the Act, an application which meets the standards and terms of rule 20.30A will be decided without the need for public notification under section 95A and any application that is consistent with the Wallaceville Structure Plan without the need for limited notification under Section 95B and for new buildings within the heritage covenant area limited notification will only be served on Heritage New Zealand (unless affected party approval is provided) under section 95B of the Act.

## Matters for Consideration

**20.32** Matters that may be relevant in the consideration of any resource consent, other than for a restricted discretionary activity, may include the following:

<b>Subdivision</b>
<ul style="list-style-type: none"> <li>• The requirements of section 106 of the Act.</li> <li>• Whether the proposed allotments are capable of accommodating a range of activities in compliance with zone standards.</li> <li>• Whether the subdivision compromises future subdivision potential of the land.</li> <li>• The cumulative effect on existing infrastructure as a result of the proposed subdivision.</li> <li>• The extent of compliance with Council's Code of Practice for Civil Engineering Works.</li> <li>• The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of, and access to, regionally significant network utilities (excluding the National Grid), located on or in proximity to the site.</li> <li>• The outcome of consultation with the owner or operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site. Note: Rule 20.28 covers subdivision within the Electricity Transmission Corridor.</li> <li>• The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of, and access to, consented or existing renewable energy generation activities located on or in proximity to the site.</li> <li>• The outcome of consultation with the owner or operator of consented or existing renewable energy generation activities located on or in proximity to the site.</li> <li>• Account must be taken of the future development potential of adjoining or adjacent land.</li> <li>• Account must be taken of any potential reverse sensitivity effects on regionally significant network utilities (excluding the National Grid).</li> </ul>
<b>Access</b>
<ul style="list-style-type: none"> <li>• Accessibility for public transport, cyclists and pedestrians.</li> <li>• Compliance with the Code of Practice for Civil Engineering Works.</li> <li>• Whether the topography, size or shape of the site or the location of any natural or built feature(s) on the site or other requirements such as easements, rights-of-way or restrictive covenants impose constraints that make compliance impracticable.</li> <li>• Whether the activities proposed will not generate a demand for servicing facilities.</li> <li>• Whether suitable alternative provision for servicing can be made.</li> <li>• Whether the nature of adjacent roads is such that the entry, exit and manoeuvring of vehicles can be conducted safely.</li> </ul>

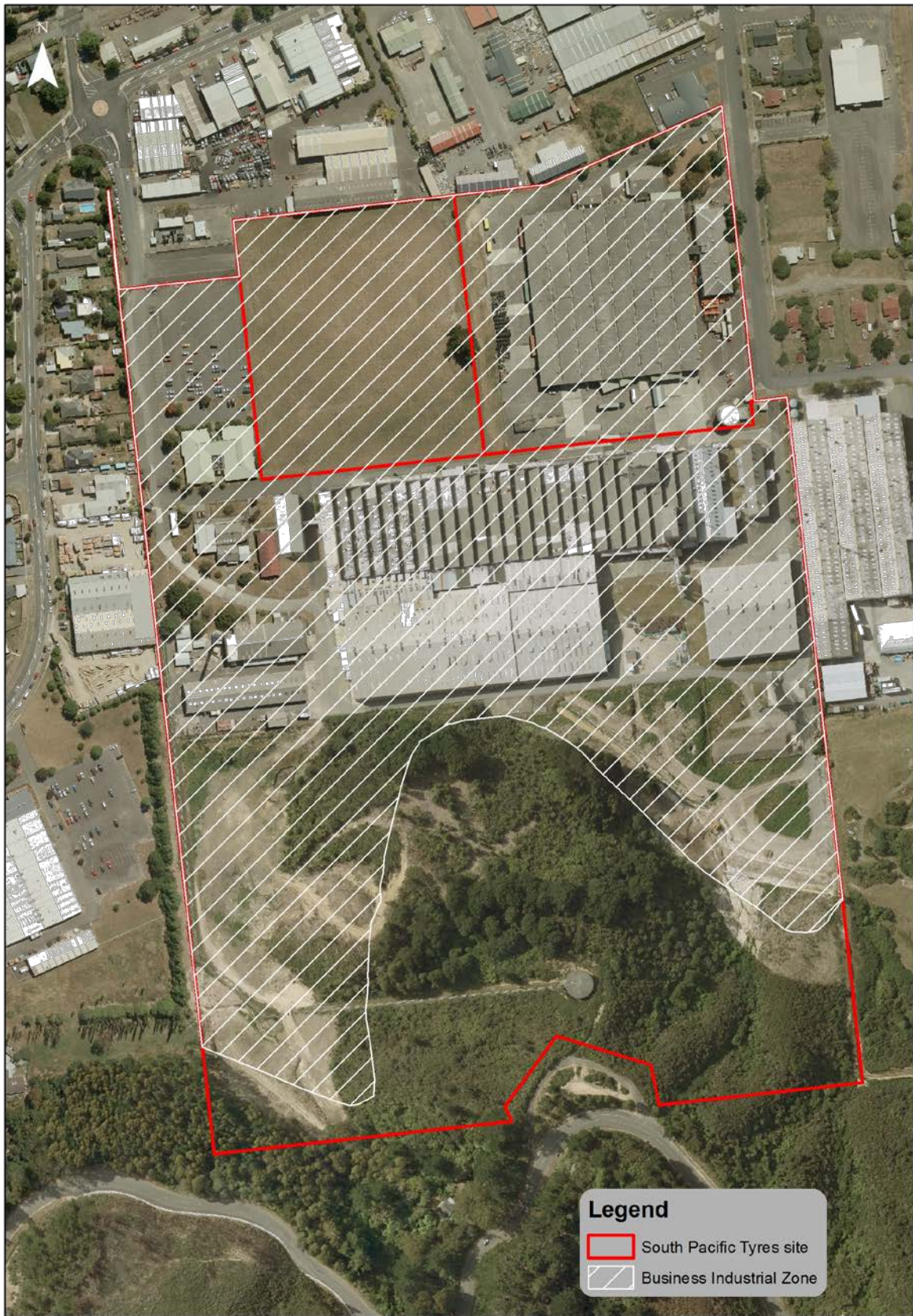
<b>Site layout</b>
<ul style="list-style-type: none"> <li>• The arrangement of buildings, car parks and vehicle movements on site.</li> <li>• The nature and extent of landscaping and screening.</li> <li>• Whether the topography of the site has been taken into account.</li> <li>• Whether a better standard of development can be achieved by varying the design.</li> </ul>
<b>Bulk and location of buildings</b>
<ul style="list-style-type: none"> <li>• Whether the buildings will cause a loss of privacy, interfere with sunlight access or create shadows on dwellings on adjoining Residentially zoned sites.</li> <li>• Whether the building design, appearance and scale will detrimentally affect the character of the surrounding area.</li> </ul>
<b>Traffic generation</b>
<ul style="list-style-type: none"> <li>• Whether activities which generate significant traffic flows have the necessary access, do not adversely impact upon the street environment, and maintain public safety.</li> </ul>
<b>Signs</b>
<ul style="list-style-type: none"> <li>• Whether the sign is in scale with the associated activities or building development and compatible with the visual character of the area in which it is situated.</li> <li>• Whether signs are obtrusively visible from any residential area or public space.</li> <li>• Whether signs will have adverse effects on traffic or pedestrian safety.</li> <li>• Whether signs detract from the appearance of the building to which they are attached.</li> <li>• Whether signs will result in additional clutter.</li> </ul>
<b>Non-business activities</b>
<ul style="list-style-type: none"> <li>• Whether the buildings, structures or other works are of an appropriate scale having regard to the local amenity.</li> <li>• The extent to which the amenities and the quality of the business environment can be maintained and enhanced.</li> </ul>
<b>Nuisance</b>
<ul style="list-style-type: none"> <li>• The potential impacts of noise, dust, glare, vibration, fumes, smoke, other discharges or pollutants or the excavation or deposition of earth.</li> </ul>
<b>Infrastructure</b>
<ul style="list-style-type: none"> <li>• The existing capacity of the infrastructure.</li> </ul>
<b>Cumulative effects</b>
<ul style="list-style-type: none"> <li>• Whether cumulative effects such as pollution, risks to public safety and nuisances have been assessed.</li> </ul>
<b>Retail activities</b>
<ul style="list-style-type: none"> <li>• The effects of retail activities on the vitality and economic viability of the Central Business District, and neighbourhood centres.</li> <li>• Whether the nature and scale of retail activities compliments activities occurring on surrounding sites.</li> </ul>

**Subdivision and/or Development in the Gateway Precinct of the Wallaceville Structure Plan Area**

- The extent to which the subdivision and/or development is consistent with the Wallaceville Structure Plan
- The nature of the activity to be carried out within the building and its likely generated effects.
- The extent to which the area of the site and the proposed activities thereon are in keeping with the scale and form of the existing built environment and activities in the surrounding area
- The extent to which the protection and/or sustainable use of existing listed heritage buildings will be achieved
- The extent to which adjacent properties will be adversely affected in terms of visual obtrusiveness, overshadowing, and loss of access to sunlight and daylight.
- The extent of the building area and the scale of the building and the extent to which they are compatible with both the built and natural environments in the vicinity.

**Appendix Business 1**

Former South Pacific Tyres site.



**Appendix Business 2**

Riverstone Terraces site.



**Appendix Business 3**

Eastern Hutt Road site.



**21****OPEN SPACE ZONE RULES****Activities Tables**

Policies 3.4.1, 7.4.2, 7.4.3, 7.4.5, 16.4.7

<b>21.1 Subdivision Activities (Zone wide)</b>	
<b>All subdivision, other than that identified below, is non complying</b>	<b>NC</b>
Subdivision around any existing lawfully established dwelling or commercial unit which does not result in the creation of any new undeveloped site that contains no dwelling or commercial unit	<b>C</b>
Subdivision of land for utilities, reserves or conservation purposes	<b>C</b>
Subdivision which is a unit title subdivision or an alteration to a company lease, unit title or cross lease title to include a building extension or alteration or accessory building on the site (excluding an additional dwelling) that has been lawfully established in terms of the Building Act 2004	<b>C</b>
Subdivision provided for as a Controlled Activity which complies with the access standards in 21.6	<b>C</b>
Subdivision provided for as a Controlled Activity which does not comply with the access standards in 21.6	<b>RD</b>

<b>21.2 Subdivision Activities (Speedway Area only)</b>	
Subdivision in the Speedway Area which complies with the standards in rule 21.6 and 21.27	<b>C</b>
Subdivision which does not comply with the standards in rule 21.27	<b>D</b>
Subdivision provided for as a Controlled Activity which does not comply with the access standards in 21.6	<b>RD</b>

<b>Key</b>	<b>P</b> Permitted activity which complies with standards for permitted activities specified in the Plan
	<b>C</b> Controlled activity which complies with standards for controlled activities specified in the Plan
	<b>RD</b> Restricted discretionary activity
	<b>D</b> Discretionary activity
	<b>NC</b> Non complying activity



<b>21.3 Land use Activities</b>	
<b>Zone-wide (excluding the Speedway Area)</b>	
Passive recreation activities (unless otherwise specified in this table)	<b>P</b>
Residential accommodation for persons whose employment requires them to live on site	<b>D</b>
Signs	<b>P</b>
Signs which do not comply with permitted activity standards	<b>RD</b>
Active recreation	<b>D</b>
Organised fireworks display at Trentham Memorial Park	<b>P</b>
Organised fireworks display not otherwise provided for in this table or which does not comply with the standards in 21.14A	<b>D</b>
Removal of a building from a site	<b>P</b>
The establishment of a relocated building from another site which is accessory to a recreation activity	<b>C</b>
Buildings accessory to a permitted activity	<b>P</b>
Buildings which do not meet permitted and controlled activity standards	<b>RD</b>
Buildings or structures within 12m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps *(refer to the definition of <i>transmission line</i> )	<b>NC</b>
Buildings or structures within 12-32m of high voltage (100kV or greater) electricity transmission lines as shown on the Planning Maps *(refer to the definition of <i>transmission line</i> )	<b>RD</b>
Activities listed as permitted or controlled which do not comply with the access standards in 21.6	<b>RD</b>
Gang fortifications	<b>Prohibited</b>
<b>Speedway Area only</b>	
Motorsports for racing, performance, training or exhibition which are undertaken for up to 24 days in any one year	<b>P</b>
Motorsports for racing, performance, training or exhibition which are undertaken for more than 24 days in any one year	<b>C</b>
Organised sports and equestrian events	<b>P</b>
Circus, fairs and field days	<b>P</b>
Organised fireworks displays	<b>P</b>
Concession stands and takeaway foodbars	<b>P</b>
Landscaping, earthmounding and track maintenance	<b>P</b>
Signs	<b>P</b>

Signs which do not comply with permitted activity standards	<b>RD</b>
Residential accommodation for persons whose employment requires that they live on site	<b>C</b>
Removal of a building from a site	<b>P</b>
The establishment of a relocated building from another site	<b>C</b>
Clubrooms, stands and related facilities	<b>P</b>
Activities and buildings ancillary to permitted activities	<b>P</b>

<b>Speedway Area only</b>	
Activities listed as permitted or controlled which do not comply with the access standards in 21.6	<b>RD</b>
Activities which do not meet the permitted or controlled activity standards (unless otherwise specified in this table as restricted discretionary)	<b>D</b>
Gang fortifications	<b>Prohibited</b>
<b>Activities which are not listed in this Table unless otherwise covered in the City-wide provisions of the Plan</b>	<b>NC</b>

#### 21.4 City-wide provisions

Each activity including subdivision in the Open Space Zone shall comply with the relevant permitted activity standards in the City-wide provisions of the Plan as listed below.

<b>Chapter</b>	<b>City-wide provisions</b>
8A	General Rules
23	Earthworks
24	Esplanade Reserves and Strips
25	Reserves and Leisure Facilities Contributions
26	Heritage Features
27	Notable Trees
27A	Urban Tree Groups and Removal of Indigenous Vegetation
28	Southern Hills Overlay Area and Protected Ridgelines
29	Water Bodies
30	Utilities
30A	Renewable Energy Generation
31	Car Parking
32	Noise and Vibration

33	Flooding and Fault Band Hazards
34	Hazardous Substances and Contaminated Land

## 21.5 Controlled activities – restrictions on notification

Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application for a controlled activity is precluded from public notification under section 95A and, subject to section 95B(3), is precluded from limited notification under section 95B(2) of the Act.

### Zone-wide provisions (including Speedway Area)

#### Permitted and Controlled Activities

Unless otherwise specified, all permitted and controlled activities within the Open Space Zone shall comply with the standards specified below.

## 21.5A All subdivision provided for as a controlled activity in Table 21.1

*Policy 9.4.3,  
16.4.3*

Council may impose conditions over the following matters:

- Design, appearance and layout of the subdivision.
- Landscaping.
- Provision of and effects on network utilities and/or services.
- Earthworks.
- Provision of esplanade reserves and strips.
- Protection of any special amenity feature.
- Financial contributions.
- The outcome of consultation with the owner or operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.

Note: Rule 21.16 covers subdivision within the Electricity Transmission Corridor.

- The outcome of consultation with the owner or operator of consented or existing renewable energy generation activities located on or in proximity to the site.

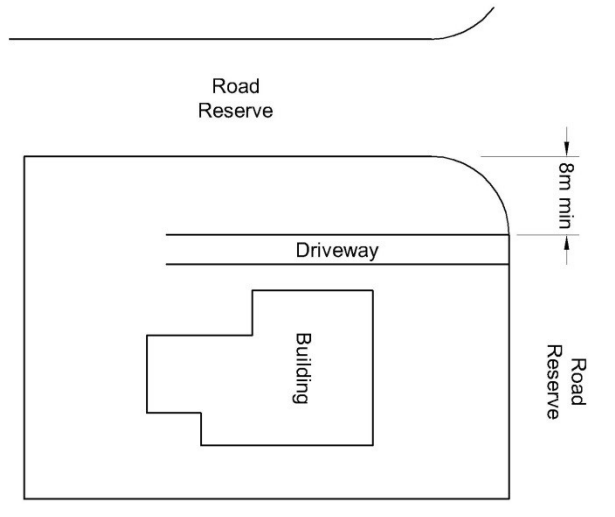
## 21.6 Access standards for subdivision and land use activities

*Policy 9.4.3*

- All accessways and manoeuvring areas shall be formed and surfaced in accordance with the Code of Practice for Civil Engineering Works. Exemption – the requirement for accessways serving sites solely occupied by unstaffed utilities shall be that the

accessway shall be surfaced with permanent all weather surfacing for a minimum length of 5m from the edge of the road carriageway seal.

- All sites shall have practical vehicle access to car parking and loading spaces, in accordance with the Code of Practice for Civil Engineering Works. This requirement does not apply to sites solely occupied by unstaffed utilities, provided that vehicles associated with utilities shall not obstruct the footpath or create a traffic hazard on the road.
- Vehicular access to a corner lot shall be located no closer than 8m from the street corner. Where a site is located on an intersection of a primary or secondary arterial traffic route (as identified in Chapter 37) the siting of the vehicular access shall be located as far as practicable from the corner of the street. The 8 metre setback shall be measured from where the two front boundaries of the site (refer to the definition of a corner lot) join, or in accordance with the diagram below.



- Where a corner lot is located at an intersection of a national, primary or secondary arterial traffic route, as identified in Chapter 37, no building, fence or other structure is to be erected and no vegetation allowed to grow so as to obstruct a traffic sight line.
- At the intersection of a road or rail level crossing, no building, fence or other obstructions which block sight lines for trains shall be erected, placed or grown in the hatched area marked in Diagram A in Chapter 38.
- Subdivision and land use activities with direct access to a State Highway shall comply with the access and visibility standards set out in Diagrams B to E in Chapter 38.

**21.7 Sunlight access**

*Policies 4.4.4, 7.4.2, 7.4.4*

All buildings on sites adjoining, or separated by a road from a site in the Residential or Open Space Zone, shall comply with the height control planes defined in rule 18.16 along the adjoining boundary or the boundary or boundaries separated by a road.

## **21.8 Water supply, stormwater and wastewater**

*Policies 9.4.3,  
13.4.1*

All activities shall comply with the water supply, stormwater and wastewater standards in the Code of Practice for Civil Engineering Works.

## **21.9 Dust**

*Policies 7.4.2,  
15.4.1*

Activities shall not create a dust nuisance. A dust nuisance may occur if:

- There is visible evidence of suspended solids in the air beyond the site boundary.
- There is visible evidence of suspended solids, traceable from a dust source, settling on the ground, building or structure on a neighbouring property or on water.

## **21.10 Temporary signs**

*Policies 15.4.5,  
16.4.4*

Temporary signs must meet all of the following conditions:

- The sign face shall be no greater than 3m<sup>2</sup> in area visible from any one direction.
- The sign shall relate to a temporary or one-off activity.
- The maximum period for any temporary sign shall be 2 months, except for signs required to be erected for health and safety reasons, where the maximum period shall be 6 months.
- Any temporary sign shall be removed within 48 hours of the ceasing of the activity to which the sign relates.
- Real estate signs involved in the advertising and sale of properties must relate to the property on which they are erected.
- Any sign shall be located so that it does not obstruct any official traffic sign.
- Any sign must not be flashing, animated or continuously differ in form or detail.
- Any sign directed at the State Highway where the speed limit is 70km/hr or greater shall comply with the following:
  - Have a minimum letter height of 160mm; and,
  - Contain no more than six words and symbols and no more than 40 characters; and,
  - Be located so as to provide an unrestricted view to the motorist for a minimum distance of 180 metres.

### **21.11 Signs within roads**

*Policies 15.4.5,  
16.4.4*

Road, traffic and advertising signs within roads, in all zones, must be approved by the road controlling authority.

### **21.12 Internal Signs**

*Policies 7.4.3,  
15.4.5, 16.4.4*

Internal signs, defined as signs not directly visible from any public road or the boundary of any residential zone, are not limited in size and number.

### **21.13 All other signs**

*Policies 15.4.5,  
16.4.4*

- There is no limit on the number of free standing signs, provided that:
  - They do not exceed 4.5m<sup>2</sup> in face area visible from any one direction.
  - They are located no closer than 100m apart.
  - No part of the sign shall be more than 3m above ground level.
- One sign may be painted on a wall, fence or roof of a building, with an area not to exceed 10% of the area of the wall, fence or roof.
- Any sign shall be situated on the site to which the sign relates.
- Any sign which is located within 50m of, and visible from, a Residential Zone must not be flashing, animated or continuously differ in form or detail.
- Any sign shall be removed when the activity to which it relates has ceased.
- Any sign shall be located so that it does not obstruct any official traffic sign
- Any sign must not be flashing, animated or continuously differ in form or detail.
- Any sign directed at the State Highway where the speed limit is 70km/hr or greater shall comply with the following:
  - Have a minimum letter height of 160mm; and,
  - Contain no more than six words and symbols and no more than 40 characters; and,
  - Be located so as to provide an unrestricted view to the motorist for a minimum distance of 180 metres.

## 21.14 Relocated Buildings

Policy 7.4.4

Council may impose conditions on:

- a) Reinstatement works to the condition and appearance of the building relating to:
  - Works to the exterior fabric of the building to repair, replace or renovate damaged, defective or substandard elements;
  - Painting and/or cleaning of the exterior fabric of the building if necessary;
  - Cladding or other means of enclosing open subfloor areas below the building;
  - Alterations required to ensure that the reinstated exterior of any relocated building is not likely to detract from the amenity values of the surrounding area.
- b) The timeframe for the work to be completed;
- c) Landscaping, screening and boundary treatment;
- d) Execution of a performance bond to provide security for exterior reinstatement works required as a condition of resource consent.
- e) Provision of and effects on utilities and/or services.
- f) Standard, construction and layout of vehicular access.

Notes in respect of d):

- A bond is not mandatory. It will only be required when Council considers it necessary in view of the scale and/or nature of exterior reinstatement works required. The requirement for a bond and its value will be determined in the context of the building assessment report submitted at resource consent stage.
- The bond shall be executed at the time application is made for a building consent, and security shall be in the form of either money or a guarantee by an institution approved by Council as guarantor.
- The bond shall be cancelled upon completion of exterior reinstatement works required in the conditions of the resource consent. The verification method for completion of these works shall be the issuing of a full or interim Code Compliance Certificate as defined in the Building Act. In the event that conditions relating to exterior reinstatement works are not complied with, the bond may be used in whole or in part to complete the works.

## **21.14A Organised fireworks display at Trentham Memorial Park**

*Policies 7.4.3,  
7.4.4*

One organised fireworks display may be undertaken at Trentham Memorial Park in any calendar year. Such an event is exempt from the noise and vibration standards provided for in Chapter 32 of the Plan provided that the fireworks display is no longer than 30 minutes in duration and has ceased by no later than 10:00pm.

No later than 3 days before the undertaking of an organised fireworks display, a sign shall be placed on the Trentham Memorial Park site. The sign shall state the date, location and time of the display and shall be placed on the site so that it can be seen from outside of the site by the general public. A notice shall similarly be placed in a locally circulated newspaper outlining the date, location and time of the fireworks display.

The operator arranging the organised fireworks display shall consult with and notify the Upper Hutt Chief Fire Officer of the organised fireworks display a minimum three (3) working days prior to the event.

### **Restricted Discretionary Activities**

## **21.15 Signs which do not comply with the standards for permitted activities**

*Policies 15.4.5,  
16.4.4*

Council will restrict its discretion to:

- Whether the sign is in scale with the associated activities or building development and compatible with the visual character of the area in which it is situated.
- Whether signs are obtrusively visible from any residential area or public space.
- Whether signs will have adverse effects on traffic or pedestrian safety.
- Whether signs detract from the appearance of the building to which they are attached.
- Whether signs will result in additional clutter.

Council may impose conditions on:

- The area of signs.
- The number of signs.
- The colour and materials used.
- The location of signs.
- Sign content.
- Illumination, lighting, reflectorisation and animation.



**21.16 Buildings or structures within 12-32m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps.**

*Policy 16.4.7*

Council will restrict its discretion to, and may impose conditions on:

- a) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34:2001).
- b) The location, height, scale and orientation and use of buildings and structures to ensure the following are addressed:
  - The risk to the structural integrity of the transmission line.
  - The effects on the ability of the transmission line owner to operate, maintain and upgrade the transmission network.
  - The risk of electrical hazards affecting public or individual safety, and risk of property damage.
  - The extent of earthworks required, and use of mobile machinery near the transmission line which may put the line at risk.
  - Minimising the visual effects of the transmission line.
  - The outcome of any consultation with the affected utility operator.

**Restriction on notification**

Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application under this rule will be precluded from public notification under section 95A, and limited notification will be served on Transpower New Zealand Limited as the only affected party under section 95B.

**21.17 Subdivision and land use activities which do not comply with the access standards in 21.6**

*Policy 16.4.6*

Council will restrict its discretion to, and may impose conditions on:

- The extent to which the activity will adversely affect traffic and pedestrian safety.
- The extent to which the activity will adversely affect the efficient functioning of the roading network.

For subdivision, Council's discretion is also restricted to the matters listed in rule 21.5A.

## Zone wide provisions (outside Speedway Area only)

### Permitted and Controlled Activities

Unless otherwise specified, all permitted and controlled activities within the Open Space Zone (outside the Speedway Area) shall comply with the standards specified below.

#### **21.18 Setbacks from boundaries**

*Policy 7.4.2* The setback distance for buildings from boundaries shall be not less than:

Boundary	Minimum setback
Front boundary	6m
Boundaries adjoining a Residential Zone	3m
All other boundaries	0m
<b>Exemptions:</b>	
<ul style="list-style-type: none"> <li>• Eaves, bay windows or similar features, may encroach into boundary setbacks by up to 0.7m.</li> <li>• Non-enclosed and uncovered decks of 1.0m or less in height above ground level.</li> </ul>	

#### **21.19 Building height**

*Policies 7.4.2, 7.4.4*

The maximum height of any building shall not exceed 8m.

**Exemption:**

Chimneys, flues and minor decorative features may exceed the maximum height by up to 1m.

#### **21.20 Sunlight access**

*Policies 4.4.4, 7.4.2, 7.4.4*

All buildings shall comply with the height control planes defined in rule 18.16.

**21.21 Floor area**

*Policies 7.4.2,  
7.4.4*

The gross floor area for any building shall not exceed:

Principal buildings -	200m <sup>2</sup>
Accessory buildings -	100m <sup>2</sup>

**21.22 Artificial light**

*Policies 7.4.4,  
15.4.1*

- Light emissions from a site shall not exceed a measurement of 8 lux (lumens per m<sup>2</sup>) measured, in both horizontal and vertical planes, 1.5m above the ground at the site boundary.
- Light emissions from a site shall not spill directly onto roads.
- Light emissions will be measured by an instrument that meets NZSS CP22 (1962) requirements and amendments.

**21.23 Screening**

*Policies 7.4.2,  
7.4.4, 15.4.1*

Car parking areas and accessways shall be screened by a close-boarded fence, a solid wall or dense planting of vegetation from all boundaries adjoining land zoned residential. The screening shall be no less than 1.6m in height.

**21.24 Landscaping**

*Policies 7.4.2,  
7.4.4, 15.4.1*

All sites shall be landscaped according to the following:

- If a building is required to be set back from the road boundary, the set back area between the road boundary and the building shall be landscaped unless it is used for access or car parking purposes. If car parking or accessways are provided between the road boundary and the building, a landscape strip with a minimum width of 0.6m shall be provided within the site along the road boundary.
- Where a site adjoins a site outside the Open Space Zone (excluding road boundaries), a landscape buffer with a minimum width of 0.6m shall be provided between the zone boundary and the building.

**Restricted Discretionary Activities**

**21.25 Activities and buildings which do not meet permitted and controlled activity standards**

*Policies 7.4.2, 7.4.4*

Council will restrict its discretion to, and may impose conditions on:

- Height, boundary setbacks and sunlight access.
- Provision of and effects on utilities and/or services.
- Landscaping and screening.
- Standard, construction and layout of vehicular access.
- Car parking.
- Effects on the amenity of the surrounding area.
- Financial contributions.

**21.26 Subdivision and land use activities which do not comply with the access standards in 21.6**

*Policy 16.4.6*

Council will restrict its discretion to, and may impose conditions on:

- The extent to which the activity will adversely affect traffic and pedestrian safety.
- The extent to which the activity will adversely affect the efficient functioning of the roading network.

For subdivision in the Speedway area, Council's discretion is also restricted to the matters listed in rule 21.28.

**Provisions for the Speedway Area only**

**Permitted and Controlled Activities**

Unless otherwise specified, all permitted and controlled activities within the Speedway Area of the Open Space Zone shall comply with the standards specified below.

**21.27 Minimum requirements for subdivision**

<b>Open Space</b>	<b>Minimum site area</b>	<b>Shape factor</b>
Speedway area	5000m <sup>2</sup>	50m
<b>Exemptions</b>		
These standards shall not apply to any lot for utility, reserve or conservation purposes.		

**21.28 Subdivision which complies with the standards in rule 21.6 and 21.27, and subdivision of land for utilities, reserves or conservation purposes**

*Policies 7.4.3,  
7.4.5, 9.4.3,  
16.4.3*

Council may impose conditions over the following matters:

- Design, appearance and layout of the subdivision.
- Landscaping.
- Provision of and effects on network utilities and/or services.
- Standard, construction and layout of vehicular access.
- Earthworks.
- Provision of esplanade reserves and strips.
- Protection of any special amenity feature.
- Financial contributions.
- The outcome of consultation with the owner or operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.

Note: Rule 21.16 covers subdivision within the Electricity Transmission Corridor.

- The outcome of consultation with the owner or operator of consented or existing renewable energy generation activities located on or in proximity to the site.

**21.29 Subdivision which is a company lease, cross lease or unit title subdivision.**

*Policies 7.4.3,  
9.4.3*

In addition to the matters listed in rule 21.28, Council may impose conditions over the following matters:

- Allocation of accessory units to principal units and covenant areas to leased areas to ensure compliance with car park provisions and to ensure practical physical access to units.
- Allocation of areas.
-

**21.30 Site coverage**

*Policies 7.4.2,  
7.4.5*

The coverage by buildings on the net area of a site shall not exceed 60%.

**21.31 Setbacks from boundaries**

*Policies 7.4.2,  
7.4.4*

The setback distance for buildings from boundaries shall be not less than:

<b>Boundary</b>	<b>Minimum setback</b>
Front boundary	20m
Side boundary	10m
Rear boundary	20m

**21.32 On-site separation of buildings**

*Policies 7.4.2,  
7.4.4*

The minimum on-site separation of buildings shall be 3m plus 0.5m for every 1m that the building is over 5m in height.

**21.33 Building height**

*Policies 7.4.2,  
7.4.4*

The maximum height of any building shall not exceed 20m.

**21.34 Screening**

*Policies 7.4.2,  
7.4.4*

Outdoor storage areas shall be located to the rear of the Speedway site and shall be screened by a close-boarded fence, a solid wall or dense planting of vegetation. The screening shall be no less than 1.8m in height.

**21.35 Landscaping**

*Policies 7.4.2,  
7.4.5*

- The speedway site shall be landscaped resulting in a park-like setting.
- Landscaping shall be undertaken on the perimeters of the site to reduce the effects of Speedway noise and for site aesthetics.

**21.36 Car parks**

*Policies 7.4.3,  
7.4.5*

An area capable of holding a minimum of 1000 car parks shall be provided on-site.

**21.37 Noise**

Policies 7.4.4, 7.4.5, 7.4.6

Activity	Maximum Noise (dBA)			
	Mon to Sat 7:00am - 7:00pm except where stated otherwise		All other times, and Sundays and public holidays except where stated otherwise	
	L <sub>10</sub>	L <sub>MAX</sub>	L <sub>10</sub>	L <sub>MAX</sub>
Racing activities on non-race days	<b>55</b>	<b>70</b>	<b>40</b>	<b>70</b>
Racing activities on race days	Mon to Fri 7.30pm-10.30pm <b>70</b>	Mon to Fri 7.30pm-10.30pm <b>85</b>	<b>70</b>	<b>85</b>
Practice racing sessions on non-race days	10.00am-7.00pm <b>70</b>	10.00am-7.00pm <b>85</b>	<b>70</b>	<b>85</b>
Practice racing sessions on race days	10.00am-7.00pm <b>70</b>	10.00am-7.00pm <b>85</b>	10.00am-7.30pm <b>70</b>	10.30am-7:30pm <b>85</b>
Track grading	Mon to Fri 9.00pm-7.00am <b>55</b>	Mon to Fri 9.00am-7.00pm <b>70</b>	<b>55</b>	-
Use of amplified music and public address system on any day	<b>65</b>	<b>80</b>	<b>65</b>	<b>80</b>
Activities other than those outlined above on any day	<b>55</b>	<b>70</b>	<b>55</b>	<b>70</b>
<b>Notes:</b>				
<ul style="list-style-type: none"> <li>Racing activities refers to motorsport for racing, performance and exhibition.</li> <li>Practice racing sessions refers to the practice or training necessary to undertake motorsport for racing, performance and exhibition.</li> <li>All noise readings shall be undertaken in accordance with the provisions for noise measurement set out in Rule 32.5.</li> <li>Notice of race days (including days programmed in the event of bad weather or other unforeseen circumstances) shall be submitted to Council no less than one month before the speedway season begins.</li> <li>Council shall be advised of dates altered prior to the event because of weather or other unforeseen circumstances.</li> </ul>				

**21.37A Organised fireworks displays at Te Marua Speedway**

*Policies 7.4.3,  
7.4.4*

Organised fireworks displays undertaken on the Speedway site are exempt from the noise and vibration standards applicable to the Speedway site provided that the fireworks display on any given night does not exceed an overall duration of 30 minutes and has ceased by no later than 10:30pm. On New Years Eve an organised fireworks display may be undertaken between 12:00 midnight and 12:15am on New Years Day.

No later than 3 days before the undertaking of an organised fireworks display, a sign shall be placed on the Speedway site. The sign shall state the date, location and time of the display and shall be placed on the site so that it can be seen from outside of the site by the general public. A notice shall similarly be placed in a locally circulated newspaper outlining the date, location and time of the fireworks display.

The operator arranging the organised fireworks display shall consult with and notify the Upper Hutt Chief Fire Officer of the organised fireworks display a minimum of three (3) working days prior to the event.

**21.38 Artificial light**

*Policies 7.4.2,  
7.4.4, 7.4.5*

- Security or advertising lighting shall not spill directly onto neighbouring properties.
- External lighting shall not spill directly onto roads, nor be a hazard to motorists. Light emissions will be measured by an instrument that meets NZSS CP22 (1962) requirements and amendments.

**21.39 Motorsports for racing, performance, training or exhibition for more than 24 days in any one year**

*Policies 7.4.4,  
7.4.5*

Council may impose conditions over noise and whether bonds or covenants are required to enforce compliance with conditions.

**21.40 Ancillary residential accommodation**

*Policy 7.4.3*

Council may impose conditions on:

- Relationship to operation of Speedway site.
- Bulk, location, design and appearance of buildings.
- Standard, construction and layout of vehicular access.



- Landscaping and screening.
- Provision of and effects on utilities and/or services.
- Mitigation of noise effects.
- Financial contributions.

### **Matters for Consideration**

**21.41** Matters that may be relevant in the consideration of any resource consent, other than for a restricted discretionary activity, may include the following:

#### **Subdivision**

- The requirements of section 106 of the Act.
- Whether the proposed allotments are capable of accommodating a range of activities in compliance with zone standards.
- Whether the subdivision compromises future subdivision potential of the land.
- The cumulative effect on existing infrastructure as a result of the proposed subdivision.
- The extent of compliance with the Council's Code of Practice for Civil Engineering Works.
- The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of, and access to, regionally significant network utilities located on or in proximity to the site.
- The outcome of consultation with the owner or operator of regionally significant network utilities located on or in proximity to the site.
- The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of, and access to, consented or existing renewable energy generation activities located on or in proximity to the site.
- The outcome of consultation with the owner or operator of consented or existing renewable energy generation activities located on or in proximity to the site.
- Account must be taken of the future development potential of adjoining or adjacent land.
- Account must be taken of any potential reverse sensitivity effects on regionally significant network utilities (excluding the National Grid).

<b>Access</b>
<ul style="list-style-type: none"> <li>• Accessibility for public transport, cyclists and pedestrians.</li> <li>• Compliance with the Code of Practice for Civil Engineering Works.</li> <li>• Whether the topography, size or shape of the site or the location of any natural or built feature(s) on the site or other requirements such as easements, rights-of-way or restrictive covenants impose constraints that make compliance impracticable.</li> <li>• Whether the activities proposed will not generate a demand for servicing facilities.</li> <li>• Whether suitable alternative provision for servicing can be made.</li> <li>• Whether the nature of adjacent roads is such that the entry, exit and manoeuvring of vehicles can be conducted safely.</li> </ul>
<b>Site layout</b>
<ul style="list-style-type: none"> <li>• Impact on the recreation potential of the open space.</li> <li>• Conflict between different users.</li> <li>• On-site safety.</li> <li>• Natural character and landscape.</li> </ul>
<b>Bulk, location and appearance of buildings</b>
<ul style="list-style-type: none"> <li>• The location, scale, design and appearance of buildings does not detrimentally affect adjoining properties and the neighbourhood generally.</li> <li>• Detraction from the character or purpose of the open space.</li> <li>• Impact on the current or future recreation potential of the open space.</li> <li>• Loss of privacy and sunlight, and the creation of shadows on adjoining areas.</li> </ul>
<b>Speedway Area</b>
<ul style="list-style-type: none"> <li>• Maintenance of residential amenity levels.</li> <li>• Maintaining noise standards within the time frames and adhering to the schedule of fixtures.</li> <li>• Avoidance of dust nuisance.</li> </ul>

<b>Signs</b>
<ul style="list-style-type: none"> <li>• Whether the sign is in scale with the associated activities or building development and compatible with the visual character of the area in which it is situated.</li> <li>• Whether signs are obtrusively visible from any residential area or public space.</li> <li>• Whether signs will have adverse effects on traffic or pedestrian safety.</li> <li>• Whether signs detract from the appearance of the building to which they are attached.</li> <li>• Whether signs will result in additional clutter.</li> </ul>
<b>Water based activities</b>
<ul style="list-style-type: none"> <li>• Noise levels.</li> <li>• Whether any conflict will occur between users.</li> <li>• The natural state of the water body.</li> </ul>
<b>Landscaping</b>
<ul style="list-style-type: none"> <li>• Whether planting reduces the impact of buildings, structures and car parking areas on amenity values.</li> </ul>
<b>Artificial light</b>
<ul style="list-style-type: none"> <li>• Effects on traffic safety.</li> <li>• Overspill of light onto surrounding properties.</li> <li>• Whether the lighting will assist in the safety, security and efficient use of the open space.</li> </ul>
<b>Nuisance factors</b>
<ul style="list-style-type: none"> <li>• The potential impacts of noise, dust, glare, vibration, fumes, smoke, other discharges or pollutants or the excavation or deposition of earth.</li> </ul>
<b>Management plans</b>
<ul style="list-style-type: none"> <li>• The relevant provisions of any management plan or conservation management strategy.</li> </ul>

**22****SPECIAL ACTIVITY ZONE RULES****Activities Tables**

Policies 3.4.1, 8.4.1, 8.4.4, 16.4.3

<b>22.1 Subdivision Activities</b>	
<b>Subdivision excluding unit title subdivision</b>	
Subdivision which complies with the standards in rules 22.6 and 22.9 unless specified below	<b>C</b>
Subdivision which does not comply with the standards specified in rule 22.6	<b>D</b>
Subdivision which complies with the standards in rule 22.6 but not rule 22.9	<b>RD</b>
Subdivision around any existing lawfully established dwelling or commercial unit which does not result in the creation of any new undeveloped site that contains no dwelling or commercial unit  <b>Note:</b> this form of subdivision does not need to comply with the minimum net site area requirements of rule 22.6, but does need to meet the access standards of rule 22.9	<b>C</b>
Subdivision around any existing lawfully established dwelling or commercial unit which does not result in the creation of any new undeveloped site that contains no dwelling or commercial unit, that does not comply with the access standards of rule 22.9	<b>RD</b>
Subdivision of land for utilities, reserves or conservation purposes	<b>C</b>
Subdivision of a site identified in Schedules 26.8 or 27.7	<b>D</b>
Creation of a lot that does not have formed legal access to a formed legal road, unless the proposal is for a paper road or other access to be formed as a condition of subdivision approval in accordance with the Code of Practice for Civil Engineering Works	<b>NC</b>
Subdivision which creates building platforms within 32m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps *(refer to the definition of <i>transmission line</i> )	<b>RD</b>
<b>Updates of existing company lease and cross lease, and all unit title subdivision</b>	
Subdivision which is a unit title subdivision or an alteration to a company lease, unit title or cross lease title to include a building extension or alteration or accessory building on the site (excluding an additional dwelling) that has been lawfully established in terms of the Building Act 2004	<b>C</b>
<b>Any subdivision not provided for in this table</b>	<b>D</b>

<b>Key</b>	<b>P</b>	Permitted activity which complies with standards for permitted activities specified in the Plan
	<b>C</b>	Controlled activity which complies with standards for controlled activities specified in the Plan
	<b>RD</b>	Restricted discretionary activity
	<b>D</b>	Discretionary activity
	<b>NC</b>	Non complying activity

**Special Activity Zone  
(except for the St Patrick's Estate Area)**

<b>22.2 Land Use Activities</b>	
Activities relating to the institutional functions of the Rimutaka Prison	<b>P</b>
Activities relating to the military functions of the Trentham Military Camp	<b>P</b>
Activities relating to educational functions on the site of the New Zealand International Campus (former Central Institute of Technology)	<b>P</b>
Visitor accommodation, tourist facilities, active and passive recreation, restaurants and licensed premises on the site on Lot 1, Lot 6 and Pt Lot 8 DP 28647	<b>P</b>
Activities relating to the Police Dog Training Facility	<b>P</b>
Railway museum and ancillary facilities	<b>P</b>
Active and passive recreation and ancillary activities and buildings	<b>P</b>
<b>Signs</b>	<b>P</b>
<del>Signs which do not comply with permitted activity standards</del>	<del><b>RD</b></del>
Removal of a building from a site	<b>P</b>
Establishment of a relocated building from another site	<b>C</b>
Buildings or structures within 12m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps *(refer to the definition of <i>transmission line</i> )	<b>NC</b>
Buildings or structures within 12-32m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps *(refer to the definition of <i>transmission line</i> )	<b>RD</b>
Activities which do not comply with the permitted and controlled activity standards, unless otherwise specified	<b>D</b>

Activities listed as permitted or controlled which do not comply with the access standards in 22.9	<b>RD</b>
Gang fortifications	<b>Prohibited</b>
<b>Activities which are not listed in this table unless otherwise covered in the City-wide provisions of the Plan</b>	<b>NC</b>

**Special Activity Zone (St Patrick's Estate Area only)**

<b>22.3</b>	<b>Land Use Activities</b>	<b>Managed Development Area*</b>	<b>St Patrick's College Area*</b>
	Car parks (not including buildings)	<b>C</b>	<b>C</b>
	Commercial development, excluding retailing	<b>C</b>	<b>C</b>
	Business and professional offices	<b>C</b>	<b>C</b>
	Educational facilities, early childhood centres	<b>C</b>	<b>P</b>
	Residential and visitor accommodation	<b>C</b>	<b>P</b>
	Passive recreation	<b>P</b>	<b>P</b>
	Active recreation and places of entertainment	<b>C</b>	<b>C</b>
	Medical facilities	<b>C</b>	<b>NC</b>
	Places of assembly (including community facilities), and conference centres	<b>C</b>	<b>C</b>
	Garden centres	<b>C</b>	<b>C</b>
	Retailing excluding garden centres	<b>NC</b>	<b>NC</b>
	<b>Signs</b>	<b>P</b>	<b>P</b>
	<b>Signs which do not comply with permitted activity standards</b>	<b>RD</b>	<b>RD</b>
	Removal of a building from a site	<b>P</b>	<b>P</b>
	Establishment of a relocated building from another site	<b>C</b>	<b>C</b>
	Gang fortifications	<b>Prohibited</b>	<b>Prohibited</b>
	<b>Activities which do not comply with the permitted or controlled activity standards or which are not listed in this table unless otherwise covered in the City-wide provisions of the Plan</b>	<b>NC</b>	<b>NC</b>
<b>* Identified on the Planning Maps</b>			

## 22.4 City-wide provisions

Each activity including subdivision in the Special Activity Zone shall comply with the relevant permitted activity standards in the City-wide provisions of the Plan as listed below.

Chapter	City-wide provisions
23	Earthworks
24	Esplanade Reserves and Strips
25	Reserves and Leisure Facilities Contributions
25A	Temporary Events
26	Heritage Features
27	Notable Trees
27A	Urban Tree Groups and Removal of Indigenous Vegetation
28	Southern Hills Overlay Area and Protected Ridgelines
29	Water Bodies
30	Utilities
30A	Renewable Energy Generation
31	Car Parking
32	Noise and Vibration
33	Flooding and Fault Band Hazards
34	Hazardous Substances and Contaminated Land

## 22.5 Controlled activities – restrictions on notification

Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application for a controlled activity is precluded from public notification under section 95A and, subject to section 95B(3), is precluded from limited notification under section 95B(2) of the Act.

**Zone-wide provisions  
(including St. Patrick’s Estate Area)**

**Standards for Permitted and Controlled Activities**

**22.6 Minimum requirements for subdivision**

*Policies 3.4.1, 8.4.3*

	<b>Minimum net site area</b>	<b>Shape factor</b>
All areas	1000m <sup>2</sup>	25m
<b>Exemptions</b>		
These standards shall not apply to any lot for utility, reserve or conservation purposes.		

**22.7 Subdivision which complies with the standards in rule 22.6 and 22.9, and subdivision of land for utilities, reserves or conservation purposes**

*Policies 8.4.3, 9.4.3, 16.4.3*

Council may impose conditions over the following matters:

- Design, appearance and layout of the subdivision.
- Landscaping.
- Provision of and effects on network utilities and/or services.
- Standard, construction and layout of vehicular access.
- Earthworks.
- Provision of esplanade reserves and strips.
- Protection of any special amenity feature.
- Financial contributions.
- The outcome of consultation with the owner or operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.  
 Note: Rule 22.18 covers subdivision within the Electricity Transmission Corridor.
- The outcome of consultation with the owner or operator of consented or existing renewable energy generation activities located on or in proximity to the site.



**22.8 Subdivision which is a company lease, cross lease or unit title subdivision.**

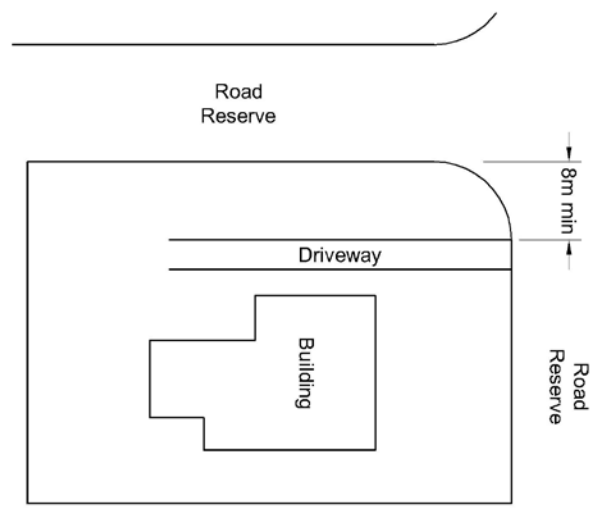
*Policies 8.4.3,  
9.4.3*

In addition to the matters outlined in rule 22.7, Council may impose conditions over the following matters:

- Allocation of accessory units to principal units and covenant areas to leased areas to ensure compliance with car park provisions and to ensure practical physical access to units.
- Allocation of areas.

**22.9****Access standards for subdivision and land use activities***Policy 9.4.3*

- All accessways and manoeuvring areas shall be formed and surfaced in accordance with the Code of Practice for Civil Engineering Works. Exemption – the requirement for accessways serving sites solely occupied by unstaffed utilities shall be that the accessway shall be surfaced with permanent all weather surfacing for a minimum length of 5m from the edge of the road carriageway seal.
- All sites shall have practical vehicle access to car parking and loading spaces, in accordance with the Code of Practice for Civil Engineering Works. This requirement does not apply to sites solely occupied by unstaffed utilities, provided that vehicles associated with utilities shall not obstruct the footpath or create a traffic hazard on the road.
- Adequate vehicular access shall be made available to the rear of every new building in accordance with the Code of Practice for Civil Engineering Works.
- Vehicular access to a corner lot shall be located no closer than 8m from the street corner. Where a site is located on an intersection of a primary or secondary arterial traffic route (as identified in Chapter 37) the siting of the vehicular access shall be located as far as practicable from the corner of the street. The 8 metre setback shall be measured from where the two front boundaries of the site (refer to the definition of a corner lot) join, or in accordance with the diagram below.



- Where a corner lot is located at an intersection of a national, primary or secondary arterial traffic route, as identified in Chapter 37, no building, fence or other structure is to be erected and no vegetation allowed to grow so as to obstruct a traffic sight line.
- At the intersection of a road or rail level crossing, no building, fence or other obstructions which block sight lines for trains shall be erected, placed or grown in the hatched area marked in Diagram A in Chapter 38.
- Subdivision and land use activities with direct access to a State Highway shall comply with the access and visibility standards set out in Diagrams B to E in Chapter 38.

**22.10 Sunlight access**

*Policies 4.4.4,  
8.4.2, 8.4.3*

All buildings on sites adjoining, or separated by a road from a site in the Residential or Open Space Zone, shall comply with the height control planes defined in rule 18.16 along the adjoining boundary or the boundary or boundaries separated by a road.

**22.11 Artificial light**

*Policies 8.4.2,  
15.4.1*

- Light emissions from a site shall not exceed a measurement of 8 lux (lumens per m<sup>2</sup>) measured in both the horizontal and vertical planes, 1.5m above the ground at the site boundary.
- Light emissions from a site shall not spill directly onto roads.
- Light emissions shall be measured by an instrument that meets NZSS CP22 (1962) requirements and amendments.

**22.12 Dust**

*Policies 8.4.2,  
15.4.2*

Activities shall not create a dust nuisance. A dust nuisance may occur if:

- There is visible evidence of suspended solids in the air beyond the site boundary.
- There is visible evidence of suspended solids, traceable from a dust source, settling on the ground, building or structure on a neighbouring property or on water.

**22.13 Screening**

*Policies 8.4.3,  
15.4.1*

Outdoor storage areas shall be screened by a close-boarded fence, a solid wall or dense planting of vegetation. The screening shall be no less than 1.8m in height.

**22.14 ~~Temporary signs~~**

*~~Policies 8.4.5,  
15.4.5, 16.4.4~~*

~~Temporary signs, in all zones, must meet all of the following conditions:~~

- ~~The sign face shall be no greater than 3m<sup>2</sup> in area visible from any one direction.~~
- ~~The sign shall relate to a temporary or one off activity.~~
- ~~The maximum period for any temporary sign shall be 2 months, except for signs required to be erected for health and safety reasons, where the maximum period shall be 6 months.~~
- ~~Any temporary sign shall be removed within 48 hours of the~~

ceasing of the activity to which the sign relates.

- Real estate signs involved in the advertising and sale of properties must relate to the property on which they are erected.
- Any sign shall be located so that it does not obstruct any official traffic sign.
- Any sign must not be flashing, animated or continuously differ in form or detail.
- Any sign directed at the State Highway where the speed limit is 70km/hr or greater shall comply with the following:
  - Have a minimum letter height of 160mm; and,
  - Contain no more than six words and symbols and no more than 40 characters; and,
  - Be located so as to provide an unrestricted view to the motorist for a minimum distance of 180 metres.

## 22.15

[Removed by Plan Change 45]

### **Signs within roads**

*Policies 8.4.5, 15.4.5, 16.4.4*

Road, traffic and advertising signs within roads, in all zones, must be approved by the road controlling authority.

## 22.16

[Removed by Plan Change 45]

### **All other signs**

*Policies 8.4.5, 15.4.5, 16.4.4*

- There is no limit on the number of signs attached to buildings, provided that:
  - They do not encroach into any required setback.
  - They do not protrude beyond the roof line of the building to an extent greater than 10% of the face area of the sign.
  - The total face area of signage on the site does not exceed 1m<sup>2</sup> per metre of street frontage up to a maximum of 35m<sup>2</sup> visible from any one direction.
- One freestanding sign per site, provided that no part of the sign shall be more than 9m above ground level and the total face area visible from any one direction shall be no greater than 7.5m<sup>2</sup>.
- Additional signs on a site where they are for the purposes of directing traffic, provided that:
  - The maximum vertical dimension of the sign face shall not exceed 1m.
  - The total face area of the sign visible in any one direction does not exceed 0.5m<sup>2</sup>.
  - Content of directional signs is restricted to directional arrows and “entry” or “exit” or equivalent terminology.

- Sandwich board signs, provided that:
  - No part of the sign shall be more than 1m above ground level.
  - The width of the sign is no greater than 0.6m.
  - The location of the sign does not affect pedestrian or traffic safety.
- Any sign (except sandwich boards) shall be situated on the site to which the sign relates.
- Any sign which is located within 50m of, and visible from, a Residential Zone must not be flashing, animated or continuously differ in form or detail.
- Any sign shall be removed when the activity to which it relates has ceased.
- Any sign shall be located so that it does not obstruct any official traffic sign.
- Any sign must not be flashing, animated or continuously differ in form or detail.
- Any sign directed at the State Highway where the speed limit is 70km/hr or greater shall comply with the following:
  - Have a minimum letter height of 160mm; and,
  - Contain no more than six words and symbols and no more than 40 characters; and,
  - Be located so as to provide an unrestricted view to the motorist for a minimum distance of 180 metres.

## 22.17

### Relocated Buildings

Council may impose conditions on:

- a) Reinstatement works to the condition and appearance of the building relating to:
  - Works to the exterior fabric of the building to repair, replace or renovate damaged, defective or substandard elements;
  - Painting and/or cleaning of the exterior fabric of the building if necessary;
  - Cladding or other means of enclosing open subfloor areas below the building;
  - Alterations required to ensure that the reinstated exterior of any relocated building is not likely to detract from the amenity values of the surrounding area.
- b) The timeframe for the work to be completed;
- c) Landscaping, screening and boundary treatment;
- d) Execution of a performance bond to provide security for exterior reinstatement works required as a condition of resource consent.
- e) Provision of and effects on utilities and/or services.
- f) Standard, construction and layout of vehicular access.

Notes in respect of d):

- A bond is not mandatory. It will only be required when Council considers it necessary in view of the scale and/or nature of exterior reinstatement works required. The requirement for a bond and its value will be determined in the context of the building assessment report submitted at resource consent stage.
- The bond shall be executed at the time application is made for a building consent, and security shall be in the form of either money or a guarantee by an institution approved by Council as guarantor.
- The bond shall be cancelled upon completion of exterior reinstatement works required in the conditions of the resource consent. The verification method for completion of these works shall be the issuing of a full or interim Code Compliance Certificate as defined in the Building Act. In the event that conditions relating to exterior reinstatement works are not complied with, the bond may be used in whole or in part to complete the works.

### Restricted Discretionary Activities

#### **22.18 Subdivision which creates building platforms within 32m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps**

*Policies 16.4.1,  
16.4.7*

In addition to the matters listed in rule 22.7, Council will restrict its discretion to, and may impose conditions on:

- The extent to which the subdivision design manages potential conflicts with existing lines by locating roads and reserves under the route of the line.
- The extent to which maintenance and inspections of transmission lines are affected including access.
- The extent to which potential adverse effects including risk or injury, property damage and visual impact are mitigated through the location of building platforms and landscaping.
- The outcome of any consultation with the affected utility operator.
- Separation distances between trees and conductors and the location and mature size of trees planted near the transmission lines.
- Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34:2001).
- Measures necessary to avoid, remedy or mitigate the potential adverse effects of earthworks, dust generation and construction activities, including provision of appropriate separation distances, managing the risks to structural integrity, and safety risks associated with the use of mobile machinery.

### **Restriction on notification**

Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application under this rule will be precluded from public notification under section 95A, and limited notification will be served on Transpower New Zealand Limited as the only affected party under section 95B.

## **22.19 Buildings or structures within 12-32m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps**

*Policy 16.4.7*

Council will restrict its discretion to, and may impose conditions on:

- a) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34:2001).
- b) The location, height, scale, orientation and use of buildings and structures to ensure the following are addressed:
  - The risk to the structural integrity of the transmission line.
  - The effects on the ability of the transmission line owner to operate, maintain and upgrade the transmission network.
  - The risk of electrical hazards affecting public or individual safety, and risk of property damage.
  - The extent of earthworks required, and use of mobile machinery near the transmission line which may put the line at risk.
  - Minimising the visual effects of the transmission line.
  - The outcome of any consultation with the affected utility operator.

### **Restriction on notification**

Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application under this rule will be precluded from public notification under section 95A, and limited notification will be served on Transpower New Zealand Limited as the only affected party under section 95B.

## **22.20 Subdivision and land use activities which do not comply with the access standards in 22.9**

*Policy 16.4.6*

Council will restrict its discretion to, and may impose conditions on:

- The extent to which the activity will adversely affect traffic and pedestrian safety.



- The extent to which the activity will adversely affect the efficient functioning of the roading network.

For subdivision, Council's discretion is also restricted to the matters listed in rule 22.7.

## 22.21

[Removed by Plan Change 45]

~~Signs which do not comply with the standards for permitted activities~~

~~Policies 15.4.5,  
16.4.4~~

~~Council will restrict its discretion to:~~

- ~~• Whether the sign is in scale with the associated activities or building development and compatible with the visual character of the area in which it is situated.~~
- ~~• Whether signs are obtrusively visible from any residential area or public space.~~
- ~~• Whether signs will have adverse effects on traffic or pedestrian safety.~~
- ~~• Whether signs detract from the appearance of the building to which they are attached.~~
- ~~• Whether signs will result in additional clutter.~~

~~Council may impose conditions on:~~

- ~~• The area of signs.~~
- ~~• The number of signs.~~
- ~~• The colour and materials used.~~
- ~~• The location of signs.~~
- ~~• Sign content.~~
- ~~• Illumination, lighting, reflectorisation and animation.~~

**Zone-wide provisions  
(outside St. Patrick's Estate Area only)**

**Permitted and Controlled Activities**

**22.22 Site coverage**

*Policy 8.4.3* The coverage by buildings on a site shall not exceed 40% of the net site area.

**22.23 Setbacks from boundaries**

*Policy 8.4.3* The setback distance for buildings shall not be less than:

Boundary	Minimum setback
Front boundary	6m
Side and rear boundaries	3m
Boundaries directly adjoining a Residential Zone	3m + 0.5m for every 1m the building is over 5m in height

**22.24 Building height**

*Policy 8.4.3* The maximum height of any building shall not exceed 15m.

**22.25 Landscaping**

*Policies 8.4.3, 8.4.5* All sites shall be landscaped according to the following:

- If a building is required to be set back from the road boundary, the set back area between the boundary and the building shall be landscaped, provided that where it is used for access or parking purposes, then a landscape strip with a minimum width of 0.6m shall be provided within the site along the road boundary.
- If parking or accessways are provided between the road boundary and the building, a landscape strip with a minimum width of 0.6m shall be provided within the site along the road boundary.
- Where a site adjoins a non-Open Space Zone (excluding road boundaries), a landscape buffer with a minimum width of 0.6m shall be provided between the zone boundary and the buildings.
- Car park areas for more than 25 vehicles shall be landscaped.

<b>Provisions for the St Patrick's Estate Area only</b>
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<b>Permitted Activities</b>
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In addition to compliance with the zone-wide provisions and the City-wide rules, all permitted activities within the St Patrick's Estate Area shall also comply with the following standards.

## 22.26 Bulk and location requirements

*Policies 8.4.3, 8.4.4*

	<b>Managed Development Area*</b>	<b>St Patrick's College Area*</b>
<b>Setbacks:</b>		
Front boundary - Fergusson Drive	10m	10m
Any other front boundary	5m	5m
Side boundary	5m	10m
Rear boundary	10m	10m
<b>Maximum site coverage</b>	40%	10%
<b>Maximum building height</b>	8m	8m
<b>*Identified on Planning Maps</b>		

## 22.27 Screening

*Policies 8.4.3,  
8.4.5*

Outdoor storage areas shall be screened by a close-boarded fence, a solid wall or dense planting of vegetation. The screening shall be no less than 1.8m in height.

## 22.28 Landscaping

*Policies 8.4.3,  
8.4.5*

- Front boundary setback areas along Fergusson Drive and County Lane shall be landscaped into a partial screen through earth shaping and permanent plantings of trees and shrubs.
- If parking or accessways are provided between the road boundary and the building, a landscape strip with a minimum width of 0.6m shall be provided within the St Patrick's Estate site along the road boundary.

**22.29 Building restriction**

*Policies 14.4.1,  
14.4.2*

No building, structure or earthworks shall be located or undertaken within 200m of the southern bank of the Hutt River and to the north of the Mawaihakona Stream.

<b>Controlled Activities</b>
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**22.30**

Council may impose conditions over the following matters:

*Policies 8.4.2,  
8.4.3, 16.4.3*

- Bulk, location and design of the buildings.
- Design and layout of car parks, loading, manoeuvring, pedestrian links and access.
- Provision of and effects on utilities and/or services.
- Landscaping.
- Flood mitigation measures.
- Screening.
- Financial contributions.
- The outcome of consultation with the owner or operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.

Note: Rule 22.18 covers subdivision within the Electricity Transmission Corridor

- The outcome of consultation with the owner or operator of consented or existing renewable energy generation activities located on or in proximity to the site.

<b>Matters for Consideration</b>
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**22.31**

Matters that may be relevant in the consideration of any resource consent other than for a restricted discretionary activity may include the following:

**Subdivision**

- The requirements of section 106 of the Act.
- Whether the proposed allotments are capable of accommodating a range of activities in compliance with zone standards.
- Whether the subdivision compromises future subdivision potential of the land.
- The cumulative effect on existing infrastructure as a result of the proposed subdivision.
- The extent of compliance with the Council's Code of Practice for Civil Engineering Works.
- The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of, and access to, regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.
- Note: Rule 22.18 covers subdivision within the Electricity Transmission Corridor.
- The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of, and access to, consented or existing renewable energy generation activities located on or in proximity to the site.
- The outcome of consultation with the owner or operator of consented or existing renewable energy generation activities on or in proximity to the site.
- Account must be taken of the future development potential of adjoining or adjacent land.
- Account must be taken of any potential reverse sensitivity effects on regionally significant network utilities (excluding the National Grid).

<b>Access</b>
<ul style="list-style-type: none"> <li>• Accessibility for public transport, cyclists and pedestrians.</li> <li>• Compliance with the Code of Practice for Civil Engineering Works.</li> <li>• Whether the topography, size or shape of the site or the location of any natural or built feature(s) on the site or other requirements such as easements, rights-of-way or restrictive covenants impose constraints that make compliance impracticable.</li> <li>• Whether the activities proposed will not generate a demand for servicing facilities.</li> <li>• Whether suitable alternative provision for servicing can be made.</li> <li>• Whether the nature of adjacent roads is such that the entry, exit and manoeuvring of vehicles can be conducted safely.</li> </ul>
<b>Traffic generation</b>
<ul style="list-style-type: none"> <li>• Whether activities which generate significant traffic flows have satisfactory access arrangements.</li> <li>• Impacts on public safety.</li> </ul>
<b>Site layout</b>
<ul style="list-style-type: none"> <li>• The arrangement of buildings, car parks and vehicle movements on site.</li> <li>• The extent of landscaping and screening particularly where sites adjoin Residential or Open Space Zones.</li> <li>• Whether the topography of the site has been taken into account.</li> <li>• Whether a better standard of development can be achieved by varying the design.</li> </ul>
<b>Bulk and location of buildings</b>
<ul style="list-style-type: none"> <li>• Whether the buildings will cause a loss of privacy, interfere with sunlight access or create shadows on dwellings on adjoining allotments.</li> <li>• Whether the building location, design, appearance and scale will detrimentally affect the character of the surrounding area.</li> </ul>
<b>Signs</b>
<ul style="list-style-type: none"> <li>• <del>Whether the sign is in scale with the associated activities or building development and compatible with the visual character of the area in which it is situated.</del></li> <li>• <del>Whether signs are obtrusively visible from any residential area or public space.</del></li> <li>• <del>Whether signs will have adverse effects on traffic or pedestrian safety.</del></li> <li>• <del>Whether signs detract from the appearance of the building to which they are attached.</del></li> <li>• <del>Whether signs will result in additional clutter.</del></li> </ul>
<b>Sunlight access</b>
<ul style="list-style-type: none"> <li>• Whether the building will adversely interfere with sunlight access or create adverse shading on adjoining sites.</li> <li>• Whether the topography of the site or the location of any built features on the site or other requirements, such as easements, impose constraints that make compliance impracticable.</li> </ul>
<b>Nuisance</b>
<ul style="list-style-type: none"> <li>• The potential impacts of noise, dust, glare, vibration, fumes, smoke, odour, other discharges or pollutants or the excavation or deposition of earth.</li> </ul>

<b>Infrastructure</b>
<ul style="list-style-type: none"> <li>• The capacity of the infrastructure.</li> </ul>
<b>Cumulative effects</b>
<ul style="list-style-type: none"> <li>• Whether cumulative effects such as pollution, any risk to public safety and nuisances have been assessed to avoid, remedy or mitigate adverse effects.</li> </ul>
<b>Additional matters for the St Patrick’s Estate Area</b>
<ul style="list-style-type: none"> <li>• Whether flooding effects have been adequately addressed.</li> <li>• Whether the proposal maintains a landscaped gateway to the City, a low density, open development and contains screening from residential areas and Fergusson Drive.</li> <li>• Whether the landscaping will maintain and enhance the amenity of the area.</li> <li>• Whether pedestrian linkages to the Hutt River walkway and Silverstream Railway Station are provided.</li> </ul>