

D3 SUBURBAN ZONE RULES AND STANDARDS

The following rules and standards apply across the Suburban Zone, as shown on the suburban planning map.

Refer to Figure 4 for an explanation of how to determine whether an activity requires a resource consent and what type of activity it will be considered as, i.e. permitted, controlled, restricted discretionary, discretionary, or non-complying.

The following rules and standards must also be read in conjunction with:

- Part E – Financial Contributions
- Part F – Information to be Supplied
- Part H – Car Parking, Vehicle Movements & Roads
- Part HH – Historic Heritage
- Part I – Hazardous Facility Screening Procedures
- Part K – Designations
- Part M – Interpretation
- Part N – Map Updates
- Any relevant National Policy Statement or National Environmental Standard.

D3.1 Suburban Zone Rules

D3.1.1 Permitted activities

Any one or more of the following are Permitted Activities, provided that (ii), (iii) and (iv) shall not apply in the Whitby Landscape Protection Area as identified on Planning Maps:

- (i) **One dwelling** on any allotment provided the dwelling does not contravene any permitted activity standard.
- (ii) **A second or any subsequent detached dwelling or dwellings** on an allotment where each dwelling meets all permitted activity standards.
- (iii) **Two dwellings** on an allotment where:
 - (a) those dwellings **share a party wall**; and
 - (b) each dwelling **meets all permitted activity standards**.
- (iv) **Three dwellings** on an allotment where:
 - (a) **two** of those dwellings **share a party wall**; and
 - (b) **one dwelling is detached** from the other two dwellings; and
 - (c) each dwelling **meets all permitted activity standards**.
- (v) **Non-Residential Activities Outside a Suburban Shopping Centre or Aotea Mixed Use Policy Area.**

All activities, excluding shops, which are not a controlled, restricted discretionary, or discretionary activity, are not specified in rule D3.1.5(ii)

or (iii) as a non-complying activity and which do not contravene any permitted activity standard.

Note: Shops outside a Suburban Shopping Centre Area or Aotea Mixed Use Policy Area are a discretionary activity.

(vi) **Non-residential activities in a Suburban Shopping Centre Area or Aotea Mixed Use Policy Area**

All activities which are not a controlled, restricted discretionary, or a discretionary activity, and are not specified in D3.1.5 (ii) or (iii) as a non-complying activity, provided that no activity on any site within the Suburban Shopping Centre Area or Aotea Mixed Use Policy Area:

- (a) exceeds the permitted activity standard for **Aotea Mixed Use Policy Area – shops, height, earthworks, native vegetation clearance, noise, loading, screening, waste water, water supply or hazardous substances** on any site,
- b) exceeds any permitted activity standards for **height recession plane or yards** at any boundary with any site outside the Suburban Shopping Centre Area or Aotea Mixed Use Policy Area.
- c) exceeds the permitted activity standard for **car parks (in the Aotea Mixed Use Policy Area and the Suburban Shopping Centre on the Aotea Block only)**.

Note: Earthworks may also require consent under the Proposed Regional Soil Plan.

- (vii) Buildings and structures less than 2.5m in height and less than 10m² in area located within the National Grid Yard that meet all the permitted activity standards and are not being used for a Sensitive Activity.
- (viii) Earthworks within a National Grid Yard that:
 - (a) Are undertaken by a Network Utility Operator or undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track; or
 - (b) Complies with the permitted activity standards for earthworks within a National Grid Yard.
- (ix) Removed by Plan Change 16
- (x) **Temporary Military Training** which complies with the permitted activity standards for hazardous substances, native vegetation clearance, noise, vehicle movements and earthworks.
- (xi) Within the **Whitby Landscape Protection Area, buildings (other than a dwelling) accessory to a permitted activity or controlled activity** which do not contravene any permitted activity standard.
- (xii) **Commercial recreation activities within the Commercial Recreation Policy Area** which are not a controlled, restricted discretionary, discretionary or non-complying activity, provided that the activity:

- (a) complies with the permitted activity standard for **carparks, coverage, earthworks, financial contributions, gross floor area, height, vegetation clearance, noise, loading, screening, signs, vehicle movements, waste water, water supply or hazardous substances on any site**; or
- (b) complies with any permitted activity standards for **height recession plane or yards** at any boundary with any site or road outside the Commercial Policy Area; or
- (c) **does not have structures** (including aerial cables) located within the **Baxters Knob Landscape Protection Area** or within **50 metres** (measured horizontally) of the **property owned by Broadcast Communications Limited** or its successor in title.

The permitted activity standards apply only to those activities for which a direct reference is made to those standards.

Advice Note: Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34, including buildings, structures, earthworks and the operation of mobile plant, must comply with that regulation. Activities should be checked for compliance even if they are permitted by the District Plan.

D3.1.2 Controlled activities

Any one or more of the following are controlled activities:

- (i) Removed by Plan Change 16
- (ii) **Subdivision** where:
 - (a) **Public roads are available** to serve the subdivision. In respect of public roads, the term “available” means available at a standard not less than the recommended carriageway width shown in Table 3 or Table 4, Part H ‘Carparking Vehicle Movements and Roads’,
 - (b) **Public water supply systems, sanitary drainage systems and stormwater drainage systems are available** to serve the subdivision,
 - (c) All the **controlled activity standards for subdivision** are complied with.

The matters over which Council reserves control for the purpose of assessment are:

- (a) the design and layout of the subdivision including any new roads or the diversion or alteration to the course of any existing roads,
- (b) earthworks,
- (c) native vegetation clearance,

- (d) the imposition of financial contributions in accordance with Part E of this Plan,
- (e) the imposition of conditions in accordance with s220 of the RMA.
- (f) the avoidance, or mitigation of adverse effects on the ecology of Duck Creek, and on the landscape values within the Whitby Landscape Protection Area.
- (g) In the Medium Density Residential Policy Area, the range of lot sizes and the shape and orientation of lots (refer Design Element 1 in the medium density residential development design assessment criteria in Appendix 1 to this section).
- (h) The potential provision for a new link road from the southern end of the Aotea Block to either the City Centre or to another road.
- (i) 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.
- (j) 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 D3.1.3(viii) covers subdivision within the National Grid Corridor.

Note: Earthworks may also require consent under the Proposed Regional Soil Plan.

- (iii) **Harvesting of production forestry** where the area being harvested **exceeds 1 hectare** in any 12 month period.

The matters over which Council reserves control for the purpose of assessment are:

- (a) the method and time of year of the harvesting,
- (b) the hours of operation of the harvesting,
- (c) the location of access to the site,
- (d) the imposition of financial contributions in accordance with Part E of this plan.

D3.1.3 Restricted discretionary activities

Any one or more of the following are Restricted Discretionary Activities:

- (i) **Essential activities in the Seismic Hazard Area**, where these activities do not contravene any permitted activity standards.

The Council restricts the exercise of its discretion to the following matters:

- (a) the appropriateness of the proposed activity on the site having regard to the potential of seismic hazard to disrupt that activity,
 - (b) the imposition of financial contributions in accordance with Part E of this plan.
- (ii) *Repealed by Plan Change 15, refer to Part HH of the Plan for relevant rules relating to Historic Heritage.*
- (iii) **Any building** which does not meet one or more of the permitted activity standards for:
- (a) **Building height, up to a maximum of 10m in height**
 - (b) **Height recession plane**
 - (c) **Yards**
 - (i) Front Yards
 - (ii) Other Yards

In considering any applications for such restricted discretionary activities, the Council restricts the exercise of its discretion to the following matters:

General Matters of Discretion for D3.1.3(iii)(a-c) Building Height, Height Recession Plane and all Yards:

- (a) The impact of those parts of the building that exceed permitted activity standard(s) on the outlook and privacy of adjacent sites and the surrounding residential environment.
- (b) The degree to which non-compliance results in a development density that is not consistent or compatible with the surrounding residential environment.
- (c) The extent to which the non-compliance leads to better or more efficient use of the site and/or creates a higher level of on-site amenity.
- (d) The extent to which the impact of those parts of the building that exceed permitted activity standard(s) may be mitigated by screening, landscaping or other treatment.
- (e) Where a proposal involves breaches of more than one permitted activity standard, the extent to which the cumulative effects of those breaches results in a development that is out of scale with the surrounding residential neighbourhood and whether it will create adverse effects on residential neighbourhood amenity.
- (f) Whether the shape or topography of the site or the location of any built or natural feature(s) on the site or other requirements such as easements, rights-of-way, formed carriageways, footpaths or services within the road impose constraints that make compliance impracticable.

Activity Specific Matters of Discretion for D3.1.3(iii)(a) Building Height

- (a) The scale and bulk of the building in relation to the street, the site, adjacent sites and the surrounding neighbourhood.
- (b) The extent to which the additional height of the building will shade or physically dominate adjacent sites.

Activity Specific Matters of Discretion for D3.1.3(iii)(b) Height Recession Plane

- (a) The extent of the impact of those parts of the building that exceed the permitted activity standard(s) on shading, having regard to the size of the shadow cast and the period of time a part of an adjacent site(s) is affected.
- (b) The extent to which the additional height of the building will shade or physically dominate adjacent sites.

Activity Specific Matters of Discretion for D3.1.3(iii)(c)(i) Front Yards

- (a) The extent to which the setback of the building will create any adverse effects on the streetscape and neighbourhood character.
 - (b) Any adverse effect on traffic visibility, pedestrian and road traffic safety.
 - (c) The need to ensure that the use or safety of any adjacent public road or footpath is not restricted.
- (iv) Any dwelling which does not meet one or more of the permitted activity standards for:
- (a) Outdoor Living Area
 - (b) Car parks in Front Yards

In considering any applications for such restricted discretionary activities, Council shall have regard to the following general and activity-specific assessment criteria:

General Matters of Discretion for D3.1. 3 (iv) (a-b) Outdoor Living Area, Car parks in Front Yards

- (a) The degree to which non-compliance results in a development density that is out of character with the surrounding residential environment.
- (b) The extent to which the non-compliance leads to better or more efficient use of the site and/or creates a higher level of on-site amenity.
- (c) Where a proposal involves breaches of more than one permitted activity standards, the extent to which the cumulative effects of

those breaches results in a development that is out of scale with the surrounding residential neighbourhood and whether it will create adverse effects on residential neighbourhood amenity.

- (d) Whether the shape or topography of the site or the location of any built or natural feature(s) on the site or other requirements such as easements, rights-of-way, formed carriageways, footpaths or services within the site or adjacent road impose constraints that make compliance impracticable.

Activity Specific Matters of Discretion for D3.1. 3 (iv)(a) Outdoor Living Area

- (a) The extent to which the outdoor living area is accessible and of a useable size and slope.
- (b) The extent to which daylight and sunlight is provided to the outdoor living area.
- (c) The availability of alternative public outdoor space such as parks and reserves adjacent or near to the site.
- (d) The extent of a suitable alternative outdoor living area or permeable surfaces otherwise provided on the site.

Activity Specific Matters of Discretion for D3.1. 3 (iv)(b) Car parks located in the front yard

- (a) The extent to which the location of parking spaces in the front yard will create any adverse effects on the streetscape and neighbourhood character.
- (b) Any adverse effect on traffic visibility, pedestrian and road traffic safety.
- (c) The need to ensure that the use or safety of any adjoining public road or footpath is not restricted.
- (d) The extent that the visual impacts of parking space(s) may be mitigated by screening, landscaping, or other treatment.

Explanation

The height, height recession plane, yards, outdoor living area and car parks in front yards permitted activity standards are set at a level to provide a certain level of development with minimal adverse effects within the Suburban Zone. When considering an application where one or more of the above permitted activity standards is not met, the Council's assessment will generally focus on the effects resulting from the part(s) of the building or development that does not meet the permitted activity standard. The Council will give specific consideration to any cumulative effects that arise from the parts of the proposal that do not meet those permitted activity standards.

- (v) **Medium Density Residential Development within the Medium Density Residential Policy Area** which complies with all the following Suburban Zone permitted activity standards:

- (a) **Car parks;**
- (b) **Earthworks (a)(i), (a)(iii), (b), (c);**
- (c) **Financial Contributions;**
- (d) **Hazardous Substances;**
- (e) **Height;**
- (f) **Vegetation Clearance;**
- (g) **Noise;**
- (h) **Private ways and driveways;**
- (i) **Signs;**
- (j) **Yards (b) and (c), with the exception of (c)(i);**

AND which also complies with all Suburban Zone restricted discretionary activity standards.

Except as provided for by section 94C of the Resource Management Act 1991, applications made under this rule need not be notified, the written approval of affected persons will not be necessary and notice of the application need not be served on any person.

The Council restricts the exercise of its discretion to the following matters:

- (a) the degree to which the proposal is in accordance with the medium density residential development design assessment criteria in Appendix 1 to this section
- (b) the imposition of financial contributions in accordance with Part E of this Plan
- (c) traffic generation effects
- (d) earthworks
- (e) stormwater runoff and disposal.

Note: Medium Density Residential Development activities which do not satisfy this rule shall be assessed in accordance with D3.1.4 (i).

- (vi) The construction of **new buildings in the Aotea Mixed Use Policy Area or the Aotea Suburban Shopping Centre Area** as shown on the Aotea Block planning map.

The Council restricts the exercise of its discretion for new buildings (including signage) in relation to the following matters:

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- (a) The coherence of site planning and layout and the visual effects of buildings and associated earthworks, landscaping, signs and other structures in relation to enhancing the visual amenity of the neighbourhood and its character and sense of place.
 - (b) The quality of the development and the level of amenity created in the urban environment.
 - (c) Presentation to the street with quality active building edges.
 - (d) Landscaping of open spaces to enhance the street edges.
 - (e) Layout, location, landscaping and adequacy of parking (taking into account the car parking requirements in D3.2.1) and traffic circulation areas to avoid visual dominance of large areas of off-street carparking.
 - (f) Achieving reasonable privacy to private open space, appropriate scale transition or landscape screening at the interface with residential areas, and screening service and parking areas at the interface.
 - (g) Whether the establishment of buildings for office activities or entertainment facilities will result in significant adverse consequential effects on the Porirua City Centre.
 - (h) The degree to which buildings that include dwellings accord with the relevant design element in Appendix I to section D3 of the District Plan.
 - (i) To ensure existing infrastructure networks can meet the needs of the proposed activity.
 - (j) To manage the effects of stormwater runoff to avoid inundation, erosion and potential adverse ecological effects.
 - (k) The quality of pedestrian environment (including shelter and safety aspects) to provide for the safe movement and wellbeing of pedestrians.
 - (l) The imposition of financial contributions in accordance with Part E of the District Plan.

Except as provided for by section 94C of the Resource Management Act 1991, applications made under this rule need not be notified, the written approval of affected persons will not be necessary and notice of the application need not be served on any person.

- (vii) New buildings and structures and additions and alterations to existing buildings and structures that are over 2.5m in height and / or more than 10m² in area located within the National Grid Yard

The Council has restricted its discretion to the following matters when considering an application for resource consent:

- (a) Any risk to the structural integrity of the transmission line;

- (b) Any effects on the ability of the transmission line owner to operate, maintain and/or upgrade the National Grid;
- (c) The proximity of buildings and structures to electrical hazards;
- (d) Operational risks relating to health or public safety, and the risk of property damage;
- (e) Amenity effects; and
- (f) Any actual or potential reverse sensitivity effects.

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 the National Grid Operator as the only affected party under section 95B.

Advice Note: Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34, including buildings, structures, earthworks and the operation of mobile plant, must comply with that regulation. Activities should be checked for compliance even if they are permitted by the District Plan.

Vegetation to be planted within the National Grid Yard as shown on the planning maps should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003 or prevent access to support structures. To discuss works, including tree planting **near** any electricity line especially works within the transmission corridor; contact the relevant network utility operator.

- (viii) Subdivision of land which is within a National Grid Corridor and provides a complying nominal building platform for a dwelling for each new lot, which is fully located outside the National Grid Yard.

The Council has restricted its discretion to the following matters when considering an application for resource consent and/or appropriate conditions:

- (a) the extent to which the design, construction and layout of the subdivision (including landscaping) demonstrates that a suitable building platform(s) for a dwelling can be provided outside of the National Grid Yard for each new lot to ensure adverse effects on and from the National Grid and on public health and safety are appropriately avoided, remedied or mitigated;
- (b) The provision for the on-going operation, maintenance (including access) and planned upgrade of Electricity Transmission Lines;
- (c) The risk to the structural integrity of the National Grid;
- (d) The extent to which the subdivision design and consequential development will minimise the risk of injury and/or property damage from such lines;

- (e) The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the transmission asset.

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 the National Grid Operator as the only affected party under section 95B.

Advice Note: Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34, including buildings, structures, earthworks and the operation of mobile plant, must comply with that regulation. Activities should be checked for compliance even if they are permitted by the District Plan.

Vegetation to be planted within the National Grid Yard as shown on the planning maps should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003 or prevent access to support structures. To discuss works, including tree planting **near** any electricity line especially works within the transmission corridor; contact the relevant network utility operator.

- (ix) Earthworks within a National Grid Yard that do not comply with permitted activity standard D3.2.1(iii)(i) but comply with standard (ii).

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 the National Grid Operator as the only affected party under section 95B.

D3.1.4 Discretionary activities

Any one or more of the following are discretionary activities:

- (i) **All activities which are not a permitted, controlled, restricted discretionary, or prohibited activity, and are not specified in D3.1.5 (ii), (iii) or (iv) as a non-complying activity and do not contravene any discretionary activity standard.**
- (ii) **Vehicle yards**
- (iii) **New vehicle crossings onto State Highway No 1 and State Highway 58.**
- (iv) **Activities in the Commercial Recreation Policy Area which are not a permitted, controlled, restricted discretionary, non-complying or prohibited activity.** In considering any applications for such discretionary activities, Council shall have regard to the following assessment criteria:

- (a) Whether the visual effects of the proposal, and any associated earthworks and structures, are such that a high level of amenity and character is maintained.
- (b) Whether the development is of a high quality which contributes to the overall character of the Aotea Block.
- (c) Whether landscape treatment or other visual mitigation measures are adequate to mitigate the visual intrusion of buildings
- (d) Whether, taking into account Baxters Knob's landscape values, the proposal includes provision for the appropriate management of any existing vegetation, including appropriate revegetation where the existing vegetation is to be removed
- (e) Whether any potential adverse effects of traffic movements on the safety and efficiency of the surrounding roading network are adequately avoided, remedied or mitigated
- (f) Whether any potential adverse effects on the amenity values of surrounding land and properties, including Aotea College, are adequately avoided, remedied or mitigated
- (g) Whether existing infrastructure networks can adequately cater for the demand resulting from the development
- (h) Whether stormwater runoff will be adequately managed to avoid the effects of inundation, erosion and downstream ecological effects
- (i) Whether the actual or projected level, duration and frequency of non-compliance with any permitted activity standard (including noise standards) and the proposed hours of operation are reasonable, and achieve an appropriate balance between the reasonable amenity expectations of nearby property owners and occupiers, and the purpose of the policy area which is to encourage commercial recreation activities.
- (j) The effects on broadcasting and telecommunications coverage from the existing facility of Baxters Knob from buildings and structures located closer than 50 metres to the boundary of the land owned by Broadcast Communications Limited and/or with a roof level (maximum height) above 139 metres above sea level and whether these effects result in the loss of broadcasting and telecommunications coverage to the community from the existing facility.

(v) **Service Stations.**

Note: Council may require financial contributions as a condition of a resource consent in accordance with Part E of this plan.

D3.1.5 Non-complying activities

Any one or more of the following are non-complying activities:

- (i) All activities which are **not a permitted, controlled, restricted discretionary, or a discretionary activity.**
- (ii) Activities which emit an **objectionable odour.**
- (iii) **Offensive trades.**
- (iv) **Activities that do not comply with the "Aotea Mixed Use Policy Area - Shops Standard (D3.2.1)"**
- (v) The construction and use, establishment, or change of use, of any building and structure located within the National Grid Yard for a Sensitive Activity.
- (vii) Any subdivision of land within the National Grid Corridor that does not provide a complying nominal building platform(s) for a dwelling(s) for each new lot, which is fully located outside the National Grid Yard.
- (viii) Earthworks within a National Grid Yard that do not comply with permitted activity standard D3.2.1 (iia) (ii).

Note: Council may require financial contributions as a condition of a resource consent in accordance with Part E of this plan.

D3.1.6 Prohibited activities

There are no prohibited activities in the Suburban Zone.

D3.2 Suburban Zone Standards

D3.2.1 Permitted activity standards

(i) Aotea Mixed Use Policy Area – Shops

The maximum gross floor area of shops per site in the Aotea Mixed Use Policy Area shall be 150m² up until such time as the total combined gross floor area of shops on all sites in the Policy Area reaches 2000m². Once the 2000m² threshold level for combined gross floor area is reached, no further area of shops may be established as a permitted activity.

Garden centres/nurseries are exempt from compliance with the above standard.

(ii) Car parks

The number of car parks on a site shall be:

(a) Residential Activities

No less than one car park per dwelling of up to 75 m² gross floor area, excluding car parks, and two car parks per dwelling of greater than 75m² gross floor area.

For Medium Density Residential Development in the Medium Density Residential Policy Area, where two car parks are required for any

dwelling unit, these may be parked one in front of the other. In applying this standard the following exemption shall be allowed from the requirements of Part H1 (iii) of the Plan:

- (i) The second car parking space may be located within the car park manoeuvring room area necessary for one other required car parking space serving the dwelling.

Note: The second car parking space shall comply in all respects with the requirements of Part H1(iii) and (v).

Note: Where resource consent is required for a Medium Density Residential Development in accordance with rule D3.1.3 (iv) the location, layout and treatment of car parking areas will be assessed in accordance with the design elements included within Appendix 1.

(b) **Non-residential Activities**

No less than five car parks per 100 m² gross floor area, excluding car parks, of the buildings or parts of buildings on the allotment which are used for non-residential activities.

- (c) **Tertiary education (Aotea Mixed Use Policy Area Only):** One car park per staff member and one car park per three students (maximum on-site at any one time).

All car parks to be located within the site. Where the assessment of the number of car parks results in a fractional space being involved, the fraction shall be rounded to the nearest whole number. Every car park shall comply with the technical standards in Part H of this plan.

(iii) Earthworks

The following shall apply to earthworks on a site, except for:

- **earthworks (cut and fill)** under a proposed building and building platform which do not extend further than 2 metres beyond the exterior walls of any proposed building when measured in plan view; and
- **earthworks (cut)** for a swimming pool which do not extend further than 2 metres from the edge of the swimming pool:

(a) **Earthworks, in a 12 month period**, shall not exceed:

- (i) 25m² in area within a riparian setback, or
- (ii) 100m² in area elsewhere in the Suburban Zone, or
- (iii) 0.5 metres in height or depth in a riparian setback and 1.5 metres in height or depth elsewhere.

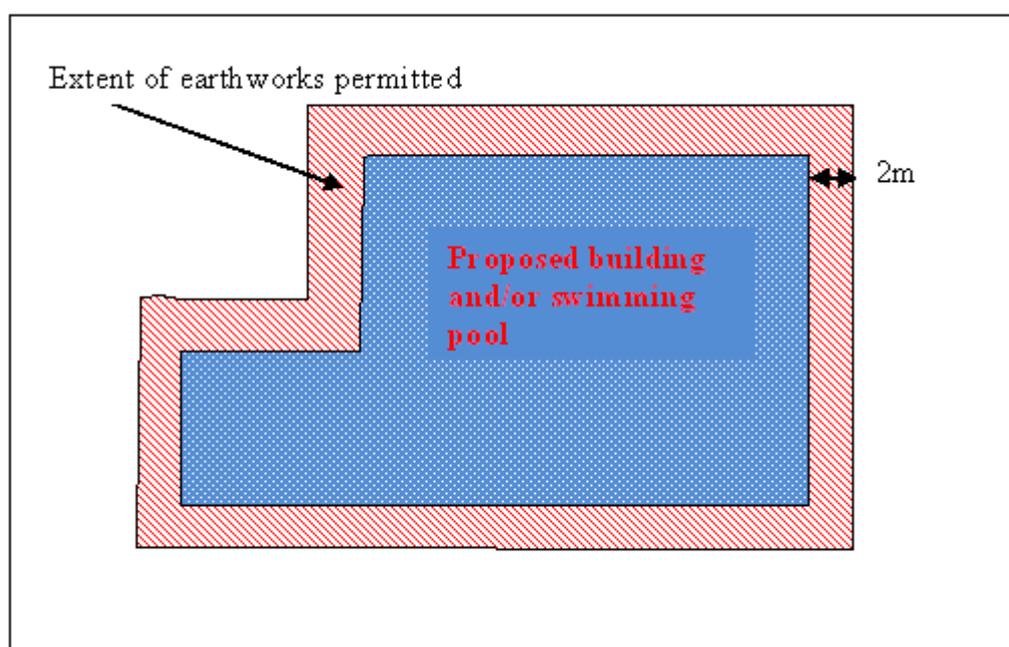
(b) **Earthworks** shall not be undertaken on **land with a slope in excess of 45 degrees.**

- (c) **Earthworks within a yard** shall not exceed a height recession plane measured at an angle of 45 degrees from the closest boundary into the site.

Note: Earthworks may also require consent under the Regional Soil Plan or an archaeological authority under the Historic Places Act 1993 if the earthworks will damage, destroy or modify an archaeological site.

Note: Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34, including buildings, structures, earthworks and the operation of mobile plant, must comply with that regulation. Activities should be checked for compliance even if they are permitted by the District Plan.

Figure 1: Extent of earthworks not subject to the permitted activity standard for earthworks.



(iiiia) Earthworks within a National Grid Yard

Any earthworks within a National Grid Yard:

- i) within a distance measured 12 metres from the outer visible edge of any National Grid support structure, any earthworks shall not exceed a depth (measured vertically) of 300mm
- (ii) shall not result in a ground to conductor clearance of less than:
 - 6.5m (measured vertically) from a 110kV National Grid transmission line; or
 - 8m (measured vertically) from a 220kV National Grid transmission line.

(iv) Financial contributions

The **payment of all financial contributions** in respect of a permitted activity as provided for in **Part E of this plan** shall be made before the commencement of that activity.

(v) Gross floor area

The **maximum gross floor area** for any non-residential activities shall be:

300m² on any site.

(vi) Hazardous substances

No activity shall exceed a **Hazardous Facility Threshold** of 0.05.

(vii) Height

The **maximum height** of any building or part of a building (including any sign) on a site shall be: 8m.

(viii) Height recession plane

- (a) **All buildings** must be within a building envelope of 3m height and a vertical angle of 45° into the site, measured at right angles from any point along the boundary of the site with any other site in the Zone.
- (b) **Where a party wall is proposed between two proposed buildings on adjacent sites**, then the recession plane standard will not apply along the length and height of that party wall.
- (c) Where there are **two or more detached dwellings on a site** there shall be an additional height recession plane measured at a distance not less than 1.5m from any other dwelling(s) on the site.

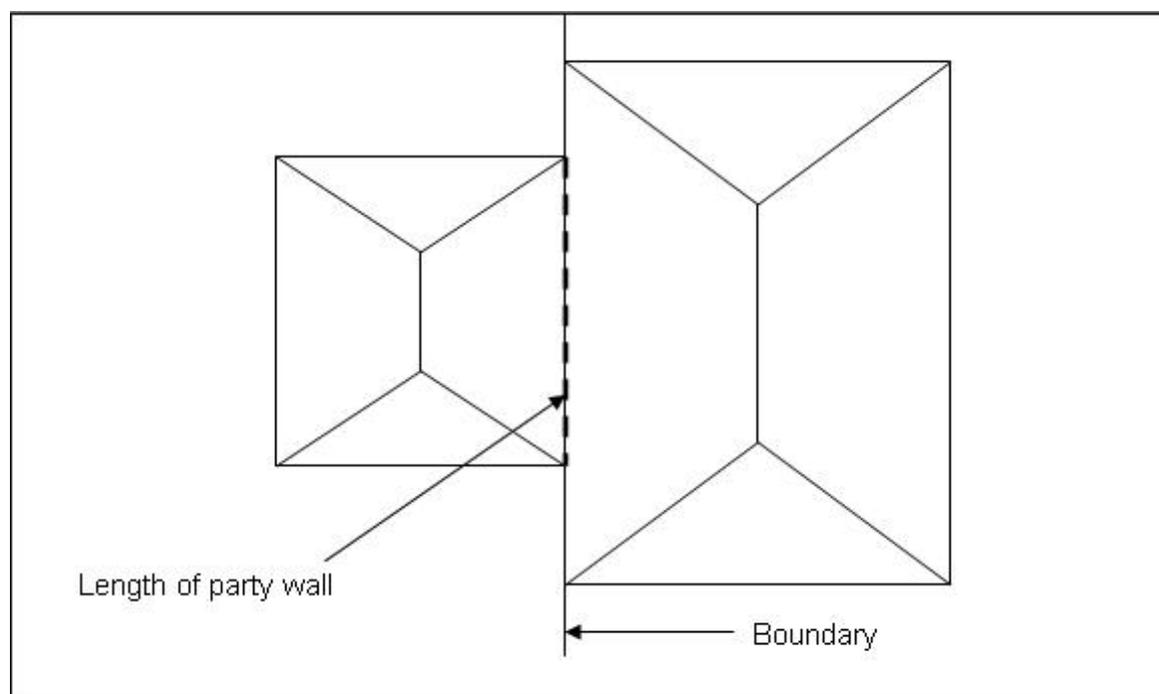


Diagram showing extent of party wall

(ix) Loading

All **loading and unloading of goods** shall take place within the site and clear of all yards.

(x) Minimum Allotment Size

In the **Whitby Landscape Protection Area** the minimum allotment size shall be 10,000 m² (1 hectare).

(xi) Noise

- (a) The **maximum noise levels received at any boundary** within the **City Centre and Industrial Zones** from any **non-residential activity within the Suburban Zone** must not exceed L₁₀ 60 dBA at all times:
- (b) The maximum noise levels received at any boundary in the Suburban Zone from any non-residential activity in the Suburban Zone shall not exceed the following noise levels;
- (i) L₁₀ 55 dBA day time (7am-10pm), L₁₀ 45 dBA night (10pm-7am), where the receiving boundary is within 50m of a motorway, or a major arterial road,
 - (ii) L₁₀ 50 dBA day time (7am-10pm), L₁₀ 45 dBA night time(10pm-7am) where the receiving boundary is within 50m of a minor arterial road,
 - (iii) L₁₀ 50 dBA day time (7am-10pm), L₁₀ 40 dBA night time(10pm-7am) elsewhere.
 - (iv) The L_{max} noise level shall not exceed the lower of L₉₅ background sound plus 30 dB, or 75 dBA during night time hours (10pm-7am).

Where two or more of these noise standards, except (e), apply to a particular site, the least restrictive noise standard shall apply (see explanatory diagram under 'Noise' Part M).

- (c) The **maximum noise levels** from **any activity** located in the Suburban Zone measured within **20m of any dwelling on another property in the Rural Zone** shall not exceed the following:
- (i) L₁₀ 55 dBA day time (7am-10pm), L₁₀ 45 dBA night time (10pm-7am),
 - (ii) L_{max} 75 dBA night time (10pm-7am).
- (d) **Construction, maintenance or demolition** activities must be in compliance with the following:
- (i) section 16 [Duty to Avoid Unreasonable Noise] of the RMA during day time hours (7am-10pm); and
 - (ii) the noise levels specified in (b)(iv) above L₁₀ 45 dBA during night time hours (10pm-7am) at any point within the boundary of the Suburban Zone.

This does not replace any general duty under section 16 [Duty to Avoid Unreasonable Noise] of the RMA.

- (e) **Emergency repair work to network utilities** is subject only to the general duty under section 16 [Duty to Avoid Unreasonable Noise] of the RMA.
- (f) The sound level from any non-residential activity on a Suburban Zone site when measured at least 20 metres inside the boundary of any site in the Recreation or Public Open Space Zone shall not exceed the following limits:

L_{10} 60 dBA day time (7am – 10pm)

L_{10} 50 dBA night time (10pm – 7am)

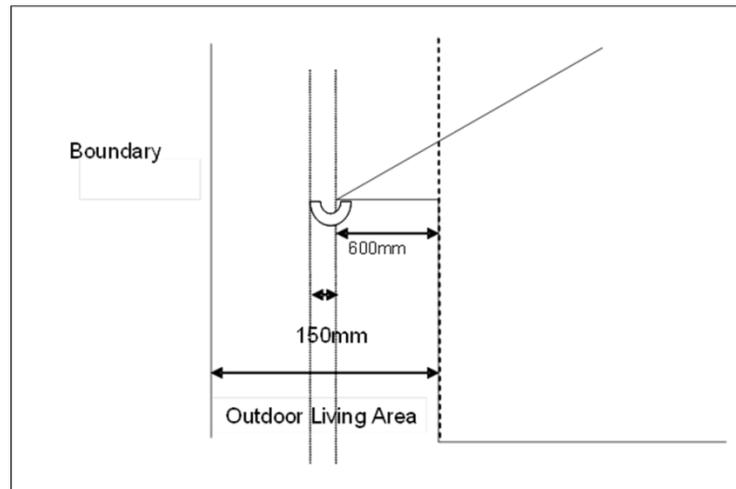
L_{max} 75 dBA night time (10pm – 7am)

All sound levels shall be measured in accordance with NZS 6801:1991 Acoustics – “Measurement of Sound”. Where NZS 6802:1991 does not include assessment of the type of noise in question, the appropriate New Zealand Standards may be used. The measurement time interval shall be a minimum of 10 minutes.

(xii) Outdoor Living Area

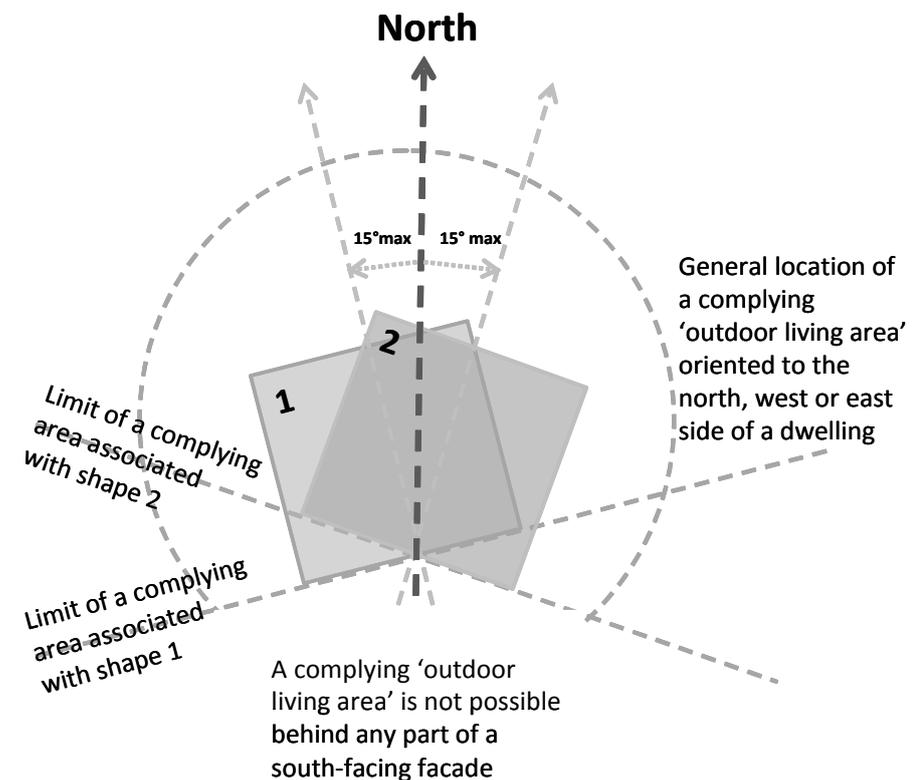
- (a) Except for existing dwellings constructed before 29th September 2009 where no additional dwellings are proposed to be added to the site, each dwelling shall have a **contiguous outdoor living area** that:
 - (i) is contained within the site; and
 - (ii) is at least 50m² in size; and
 - (iii) can accommodate a 4 metre diameter circle with a maximum gradient of 1:20; and
 - (iv) is located directly adjacent to and can be accessed directly from the dwelling; and
 - (v) is oriented to the north, west and/or east side of the dwelling; and
 - (vi) has at least 25m² of its outdoor living area provided in permeable surfaces. The remainder may include paved surfaces, open pergolas and decks of less than 1 metre in height; and
 - (vii) does not form part of vehicle accessways, parking or manoeuvring area; and
- (b) Except as provided above, no other buildings, except for eaves up to a maximum of 600mm in width and external gutters or downpipes (including their brackets) up to an additional width of 150mm, shall be located within the required outdoor living area.

Figure B: Extent that eaves and gutters may extend into a required Outdoor Living Area

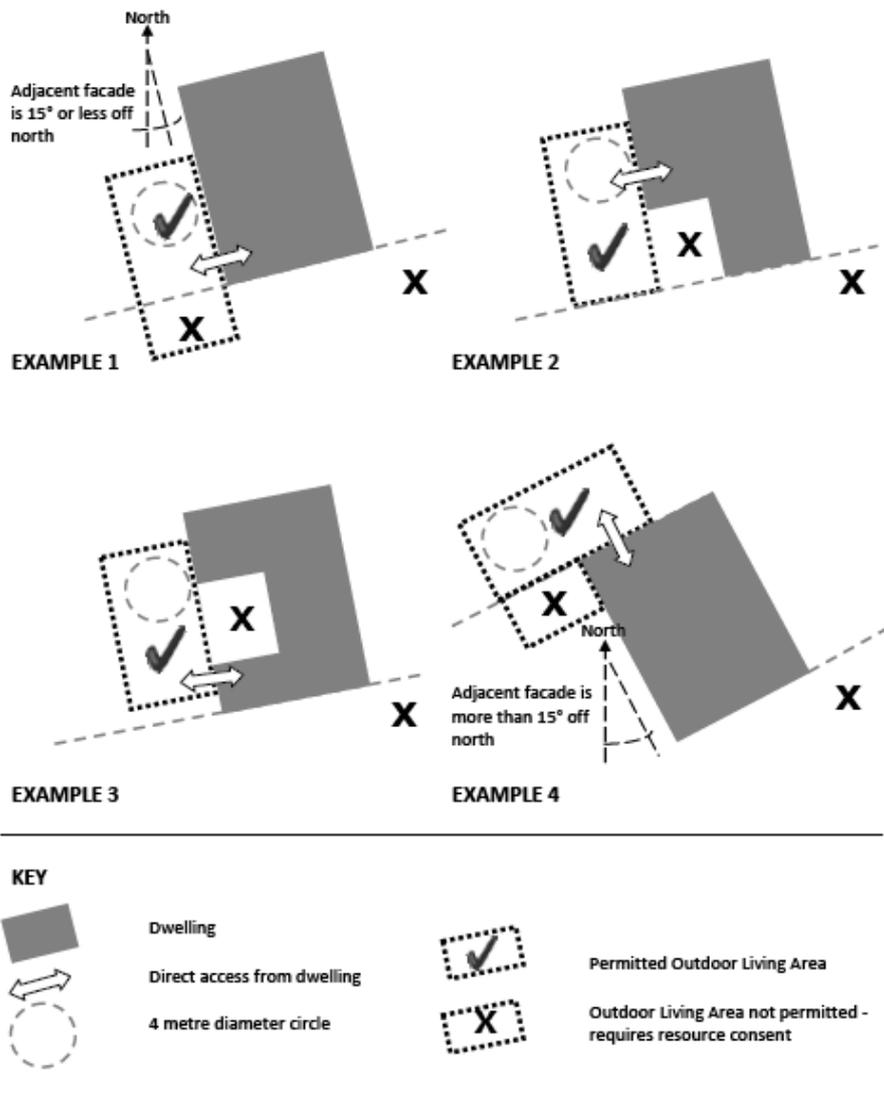


Note: For the purposes of this standard, oriented to the north, west or east side of the dwelling means that all of the complying outdoor living area is to the:

- North of the western most and/or eastern most corner of the dwelling; and/or
- West of a west-facing façade aligned at not more than 15 degrees to the north-south axis; and/or
- East of an east-facing façade aligned at not more than 15 degrees to the north-south axis.



Interpretation of Outdoor Living Area Standard
DIAGRAMS OF TYPICAL SITUATIONS *(Indicative and not to scale)*



(xiii) Private ways and driveways

- (a) The access to any dwelling on any site shall meet the technical standards for private ways and driveways in Part H of the Plan (including the requirements of Table 4 of Part H).
- (ii) The access to any building containing a non-residential activity on any site shall meet the technical standards for private ways and driveways in Part H of the Plan (including the requirements of Table 4 of Part H) as if the building for a non-residential activity was a dwelling.

(xiv) Screening

Any refuse, packaging, building materials, wrecked or derelict vehicles, scrap metal or other recyclable material shall be screened from view from the ground floor level of adjoining properties including any adjacent road.

(xv) Signs

Any sign or signs provided that:

- (a) the sign or signs relates to activities on the site,
- (b) the sign or signs do not exceed 1 m² in total area,
- (c) no sign which is visible to drivers on a State Highway is the shape or colours of any traffic control sign,
- (d) no sign shall be sited in a manner which restricts visibility to and from intersections and vehicular access points.
- (e) no sign shall be flashing.

Note: Refer to the height standard to determine the maximum permitted height of signs.

(xvi) Site Coverage

- (a) The **maximum site coverage** shall be 35% of the net site area.
- (b) On sites containing **two or more dwellings**, the maximum site coverage shall be 35% of the notional net site area for each dwelling.
- (c) For sites with a **net site area of more than 50% within the Whitby Landscape Protection Area or the Baxters Knob Landscape Protection Area**, the maximum area of any site covered by buildings shall be 300m² or 15% whichever is the lesser.

(xvii) Siting of Production Forestry

The last row of plantings shall be no closer than 20 metres to the boundary of the site.

(xviii) Vegetation Clearance

There shall be no destruction of any native vegetation in a Landscape Protection Area or the Whitby Landscape Protection Area where:

- (a) The area of **native vegetation on a site exceeds 100m² with an average height of 3 metres or more**, or
- (b) The area of **native vegetation is part of an area in one or more sites, which exceeds 100m² with an average height of 3 metres or more**.
- (c) Any **individual native species with a height of at least 5 metres or more**.

The word "area" in (a) and (b) above refers to the existing area covered by native vegetation, (i.e. it is the sum of the area of native vegetation which is proposed to be disturbed or removed, plus the balance area of native vegetation).

In addition, within the Baxters Knob Landscape Protection Area there shall be no destruction of exotic vegetation exceeding a height of 3 metres.

(xix) Vehicle movements

The maximum number of vehicle movements per day for any non-residential activity shall be 30.

(xx) Waste water

The maximum volume of wastewater discharged from any non-residential activity into a public sewerage system shall be 5000 litres per day.

(xxi) Water supply

The maximum volume of water taken by any non-residential activity from the public water supply system shall be 5000 litres per day.

(xxii) Yards

The minimum yard requirements for any site shall be:

(a) Front yard

Minimum front yard - 5m.

(b) Riparian setback

The minimum riparian setback for sites on the west side of Steyne Avenue and adjacent to mean high water springs is 7.5m; elsewhere in the zone the minimum riparian setback is 20m.

(c) Other yards

Minimum other yard - 1.5m.

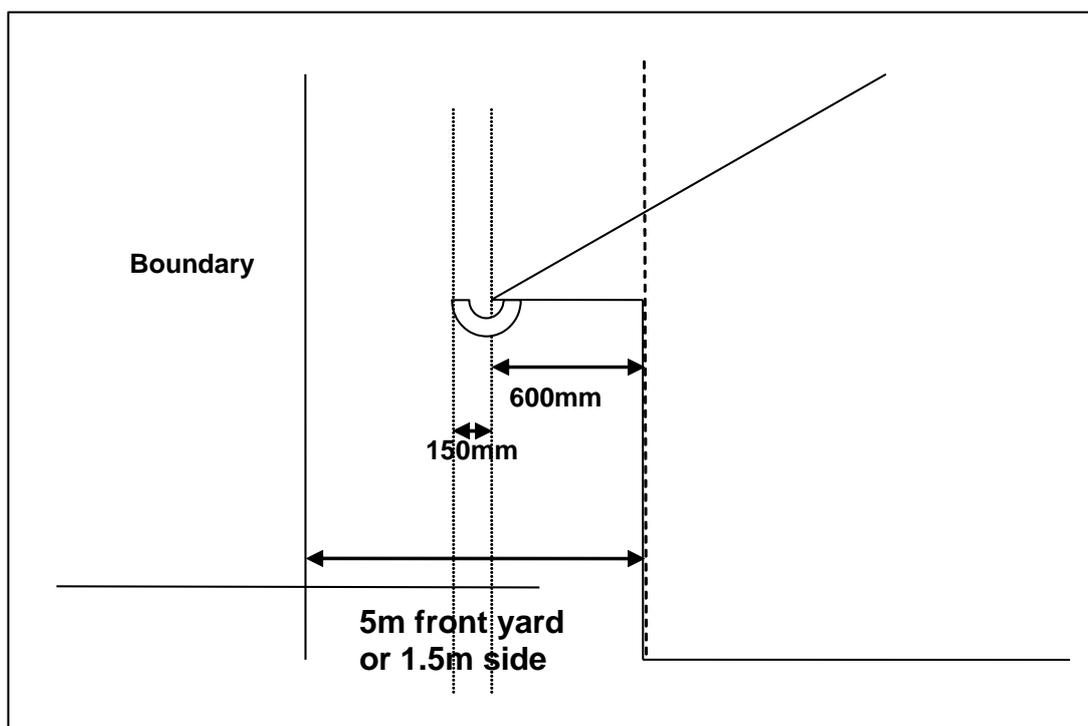
(i) Where there are two or more detached dwellings on a site, there shall be a minimum separation of 3m between those dwellings.

(ii) Where there is any building containing a non-residential activity on a site, standard (i) above shall apply as if any building containing a non-residential activity were a dwelling.

(iii) Where a party wall is proposed between two proposed dwellings on adjacent sites, then the other yard standard will not apply along the length of that party wall.

For the purpose of this standard and notwithstanding any other provision in the plan eaves, up to a maximum of 600mm in width and external gutters and downpipes (including their brackets) up to an additional 150mm, may extend into any yard.

Diagram: extent that eaves may extend into any yard



D3.2.2 Controlled activity standards

(i) Subdivision

- (a) For every allotment where there is an **existing building/s** there shall be no increase in the degree of non-conformity with the permitted activity standards, except that where subdivision is proposed between dwellings that share a party wall, the height recession plane and other yard permitted activity standards shall not apply along the length of party wall.
- (b) For every allotment where there is **no existing dwelling, or for which no existing land use consent for a dwelling has been granted, or is being concurrently granted** (in the case of joint land use and subdivision applications), it shall be practicable to construct on all allotments, as a permitted activity, a dwelling which does not contravene any permitted activity standard.

D3.2.3 Restricted Discretionary Activity Standards

(i) Coverage

Within the Medium Density Residential Policy Area the maximum area of any site covered by buildings associated with a medium density residential development shall be 45%.

(ii) Yards

Within the Medium Density Residential Policy Area the minimum yard requirements for any site developed for medium density residential development purposes shall be:

(a) **Front yard**

Minimum front yard – 1 metre.

For this standard alone, the following building features shall be exempt from this yard requirement: porches; steps; formed planter boxes; highlevel balconies that maintain a clearance of at least 2.5m above ground level; eaves; terraces; and ground level landscape features.

D3.2.4 Discretionary activity standards

(i) Coverage

Excluding the Suburban Shopping Centre Areas and the Whitby Landscape Protection Area, the maximum area of the site covered by buildings shall not exceed 60%.

For sites with a **net site area of more than 50% within the Whitby Landscape Protection Area**, the maximum area of any site covered by buildings shall be 30%.

(ii) Height

The maximum height of any building or part of a building on a site shall be: 12m.

(iii) Noise

The maximum noise levels from any non-residential activity shall be:

The maximum noise levels received at any other site boundary in the Suburban Zone or City Centre Zone from any non residential activity within the Suburban Zone must not exceed L_{10} 60 dBA day time (7am-10pm), L_{10} 45 dBA or L_{max} 75 dBA night time (10pm-7am).

APPENDIX 1: MEDIUM DENSITY RESIDENTIAL POLICY AREA – ASSESSMENT CRITERIA

Assessment criteria to be used when considering medium density residential development and subdivision proposals in the “Medium Density Residential Policy Area”.

Design Element 1: Site and Block Size

Purpose: The purpose of the design elements below is to encourage sites that maximise opportunities for subsequent good building design and useful outdoor spaces.

Base sites for medium density residential development should be:

- (i) Located, orientated and designed to enable dwellings with good solar access
- (ii) Designed so that as many future dwellings as possible can front onto and be accessed directly from a legal road. Rear lots are not generally suitable for medium density residential development.
- (iii) Large enough and of a shape that enables flexibility in design solutions.
- (iv) Designed so that convenient and safe access can be achieved to the external footpath network, walkway/cycleways, any nearby reserve and shops and to public transport routes.

Design Element 2: Public Interface and External Appearance

Purpose: The purpose of the design elements below is to encourage attractive, visually interesting developments that are designed to have active public space frontages and to be harmonious with other land uses in the neighbourhood in which they are located.

- (i) A transition in height and scale between the new development and any neighbouring buildings should be provided.
- (ii) When viewed from any nearby public space (road, reserve and open space) buildings should create visual interest through modelling of form and roof line, and ordered complexity in the application of materials and composition of openings.
- (iii) Every dwelling unit should have a sheltered entry that is visible from the road if possible, or otherwise visible from the main public access to the development.
- (iv) Garage doors should not dominate the road elevation and should generally be set back further than the front face of the building.
- (v) Fences or walls along any boundary with a public space and between the road and the front face of the closest building should be generally avoided or limited in height to a maximum of 1.2m.
- (vi) Public space boundaries and front yards should be landscaped, with plant and tree species selected to maintain views between the dwellings and public space.

- (vii) Dwelling units adjacent to a public space should have at least one window from a living room, dining room or kitchen with primary views directly to the public space.
- (viii) Access through developments should demonstrate integration with public walkways and cycleways.

Design Element 3: Dwelling Design, Position and Orientation

Purpose: The purpose of the design elements below is to encourage medium density residential development that is a pleasure to live in and which maximises opportunities for access to daylight, sunlight and views where available, and which adequately provides for refuse/recycling storage areas.

- (i) Buildings should be of a height, orientation and located to define external spaces that allow adequate daylight to dwellings and sunlight to main living rooms and private outdoor spaces.
- (ii) Garages to dwelling units should generally be located to the south and/or the rear of the dwelling.
- (iii) Main living rooms should be located on the northern or north-western side of the dwelling unit where possible.
- (iv) Buildings should be positioned to minimise overshadowing or visual domination of adjoining private outdoor spaces.
- (v) As many dwelling units as possible should front onto and be accessed from the road and should be located with a minimal setback. Only where the site precludes this, should dwelling units front onto a central shared access way directly linked to the development's public entrance.
- (vi) Dwelling units should be positioned and openings designed to capitalise on views that are available.
- (vii) Provision for refuse collection and recycling should be well integrated into the development, ensuring that collection points and facilities are readily accessible by service vehicles and workers, and will not detract visually or generate health risks

Design Element 4: Private Outdoor Spaces

Purpose: The purpose of the design elements below is to ensure that medium density residential developments incorporate adequate, practical, private and attractive private outdoor space for each dwelling unit.

- (i) Every dwelling unit should be provided with flat private outdoor space located to the north, east or west of the dwelling unit and directly accessible from a primary living area of the dwelling.
- (ii) Private outdoor space should be at ground level if possible (ie. desirable minimum area of 40m² and minimum dimension of 5m). It may be provided in part as balconies (ie. desirable minimum area of 8m² and minimum dimension of 2m) or roof decks, where overlooking of the private outdoor space of other units is avoided or limited.

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- (iii) Private outdoor space should not generally be positioned solely at ground level between the dwelling unit and any road boundary.
 - (iv) Private outdoor space should be of a size to suit both probable occupancy and dwelling type and having regard to the availability of storage space, the availability of shared open space within the development and the proximity of the site to a public reserve.
 - (v) Private outdoor space should be well proportioned for its envisaged uses.

Design Element 5: Visual and Acoustic Privacy

Purpose: The purpose of the design elements below is to encourage the use of good design techniques to maximise visual and aural privacy for the benefit of residents living in the dwelling units.

- (i) Ground level rooms at the street side should have some level of privacy protection from that public space either through the use of building setbacks, the placement of landscaping elements and/or features between the street boundary and dwelling, or changes of level between the street boundary and building edge.
- (ii) Ground level private outdoor space should be protected from being overlooked from windows and private outdoor spaces of adjacent dwelling units through the use of any or all of the following design devices:
 - (a) The shape and position of buildings, spaces and windows;
 - (b) Separation distance;
 - (c) Intervening screening, e.g.
 - Fences or retaining walls at least 1.6m in height (not on a road boundary)
 - Dense trees, planting or hedges;
 - (d) Screening devices on balconies;
 - (e) Offset and high sill windows;
 - (f) Obscured and restricted-opening windows (service rooms only)
- (iii) Direct views from the windows of one dwelling unit into the windows of another should be avoided or minimised, through the use of the design devices cited for Criterion 1 (above), as applicable.
- (iv) Acoustic privacy between dwelling units should be enhanced by separation between openings, effective solid acoustic screening, and by separating the noise sensitive spaces (such as bedrooms) of one unit from the service rooms, garages and parking areas of another.

Design Element 6: Parking and Access

Purpose: The purpose of the design elements below is to ensure that medium density residential developments incorporate adequate, safe and practical parking and traffic circulation areas on-site to cater for the residents and their visitors, while maintaining the attractive appearance of such developments, and providing opportunities for on-site stormwater filtration.

- (i) Use of space on the development site for the turning and manoeuvring of vehicles should be minimised.
- (ii) Garages and outdoor parking spaces should be located adjoining or in close proximity to and visible from, the dwelling unit they serve.
- (iii) Outdoor parking spaces, shared vehicle access routes and any pedestrian routes on site should be well lit for night time visibility and security.
- (iv) Outdoor parking spaces on the front 10m of any site abutting a road should be generally limited, unless the spaces are designed and positioned to minimise visual impact on the streetscape.
- (v) Outdoor parking and access areas serving more than two dwelling units should include hard and soft landscape features that provide an attractive outlook from publicly accessible locations, and from the dwelling and spaces within the development.
- (vi) On-site visitor parking that is easily located and identified by unfamiliar users should be provided for larger developments.
- (vii) Shared accessways to dwellings at the rear should be designed as short straight lanes with generous legal access widths.
- (viii) Access ways should be designed so that they restrict vehicle speeds to levels appropriate to the site (traffic calming measures may be desirable)
- (ix) Safe and convenient pedestrian access should be provided within the development and linking to the external footpath network
- (x) The road and accessway standards in Part H of the Plan apply.