



Proposed Plan Change 44 – Temporary Events Review

Section 32 Evaluation Report

November 2017

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1.0 INTRODUCTION

1.1 The Upper Hutt City Council (UHCC) has prepared Proposed Plan Change 44 to the Upper Hutt District Plan (“the District Plan”) for notification under the Resource Management Act 1991 (“the RMA”). This report provides an analysis of the Plan Change, in accordance with Section 32 of the RMA.

1.2 Plan Change 44 seeks to update and amend temporary event provisions within the operative District Plan. The objective of the Plan Change is to create appropriate provisions for temporary events, to facilitate and enable these activities within the Upper Hutt District, while also ensuring their environmental effects are appropriately addressed. In achieving this, the Plan Change seeks to review the existing provisions, since their introduction to the District Plan, and give effect to the updated District Plan structure described in clause 1.4.3 of the District Plan.

1.3 The following details what is considered to be in and out of scope for this Plan Change:

Table 1 – Scope of proposed plan change	
<i>In scope</i>	<i>Out of scope</i>
<ul style="list-style-type: none">• Temporary Events permitted standards and matters of discretion in Chapter 25A• Environmental Quality objectives and policies in Chapter 15• Definitions relating to events within Chapter 2• Standards within Chapter 21 (Open Space) relating to temporary events• Creating and/or refining any UHCC policies between the Plan related UHCC related departments (Marketing, Parks, Compliance, etc)• Possible additional relevant provisions under Chapter 7 (Open Space)• Possible noise and temporary events standards within Chapter 32 (Noise and Vibration) which relate to the proposed Plan Change• Any other chapters requiring new or updated references to Temporary Events	<ul style="list-style-type: none">• Zoning changes• Designations• Vibration standards and Eastern Hutt standards within Chapter 32• Provisions relating to Te Marua Speedway• Provisions relating to Organised Fireworks at Trentham Memorial Park• Temporary Military Training provisions and associated definitions

2.0 STATUTORY FRAMEWORK

2.1 This Plan Change has been prepared under the requirements of the RMA. In particular, the Schedule 1 process for implementing Plan Changes.

2.2 **Part 2 of the RMA**

The purpose and principles of the Act are contained in Part 2 of the RMA. A section 32 report must consider the proposed Plan Change in against Part 2 of the RMA to ensure that the purpose and principles are being achieved. Section 8 of this report assesses the proposed Plan Change against the relevant Part 2 matters.

2.3 **Part 3 of the RMA**

Specific matters of control are described under this part of the Act. Section 16 describes how every activity must be conducted in a manner to avoid unreasonable noise. As noise is a common effect associated with temporary events, it is important that this is appropriately considered.

2.4 **Part 4 of the RMA**

Section 31 identifies the required functional responsibilities of territorial authorities in order to give effect to the RMA. Section 31(1)(a) requires the establishment and review of objectives, policies and methods to achieve integrated management.

2.5 In particular, s31(1)(d) requires territorial authorities to control any actual or potential effects associated with the use, development, or protection of land for the purpose of the emission of noise and the mitigation of the effects of noise. Section 10 of this report addresses the proposed rule framework to ensure the relevant Part 4 matters are satisfied.

2.6 **Part 5 of the RMA**

This section sets out the responsibilities and requirements for territorial authorities including the requirements for formulating plans and ensuring they are consistent with higher order planning documents.

2.7 Section 73(4) requires territorial authorities to amend a District Plan to give effect to a Regional Policy Statement. Section 74 requires a territorial authority to have regard to any management plans and strategies prepared under other Acts which changing a Plan. Section 75(3) requires that District Plans must give effect to any National Policy Statement or Regional Policy Statement and must not be inconsistent with a Regional Plan. These sections require a territorial authority to have a District Plan that is in accordance with its functions under s31 of the RMA.

2.8 **Section 32**

This report has been prepared in accordance with the requirements of s32 of the RMA, which requires an evaluation report to be prepared before the notification of a Plan Change. Sections 32(1), 32(2), 32(3) and 32(4) specify that an evaluation report must:

- (1) *An evaluation report required under this Act must—*
 - (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*

- (i) *identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) *summarising the reasons for deciding on the provisions; and*
 - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (2) *An assessment under subsection (1)(b)(ii) must—*
- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
 - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
 - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
- (3) *If the proposal (an **amending proposal**) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an **existing proposal**), the examination under subsection (1)(b) must relate to—*
- (a) *the provisions and objectives of the amending proposal; and*
 - (b) *the objectives of the existing proposal to the extent that those objectives—*
 - (i) *are relevant to the objectives of the amending proposal; and*
 - (ii) *would remain if the amending proposal were to take effect.*
- (4) *If the proposal will impose a greater or lesser prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.*
- (4A) *If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must—*
- (a) *summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and*
 - (b) *summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.*

3.0 BACKGROUND

- 3.1 On 24 June 2009, Plan Change 22 introduced temporary event provisions to the District Plan. Pursuant to section 79(1) of the Act, a provision in a District Plan must be reviewed if it has not been subject to a review within the last 10 years. Plan Change 44 has been initiated in part by this requirement, and also in part by the current rolling review of the District Plan and the recently adopted Plan structure through Plan Change 43 (Introductory Chapters).

3.2 UHCC has elected to conduct a rolling review of the District Plan through a number of scheduled plan changes over a 10 year period, rather than conducting a review of the Plan in its entirety. Each plan change seeks to address different topic areas, which is likely to result in a number of chapters being reviewed through a single plan change process.

3.3 *Events in Upper Hutt*

The nature of most temporary events in Upper Hutt means that they can be operated without the need to obtain resource consent. To put it into perspective: of the 730 of recorded events conducted within a 20 month period since January 2016 – only two events required resource consent.

3.4 This information was provided by local event guide website EventFinda (www.eventfinda.co.nz). The website is used by Council for marketing purposes, with a direct feed of EventFinda-listed Upper Hutt events featuring on the main webpage of UHCC (www.upperhuttcity.com).

3.5 Data provided showed that in 2016 a significant proportion of events were held in public facilities, and at least 64% of events were held in permanent facilities (i.e. within buildings commonly used for events). It also showed that a significant proportion of events which are under the control by Council itself. A full report on this information is provided in **Appendix 1** to this report.

3.6 UHCC facilitates events in a variety of forms. For example, the Council:

- provides free pre-application advice;
- provides for the means to advertise events on community noticeboards;
- enables event organisers to seek funding and advice through the Marketing department;
- provides the means to book Council parks for event use;
- assists in the management of waste, including advising on ‘Zero Waste Events’¹;
- provides the ability to seek funding through the Creative Communities grant system.

3.7 The Council’s event funding budget is a \$50,000 contestable fund where event organisers can apply for up to \$5,000 per event. The fund is generally only available for larger events of greater than 1,000 attendees (anticipated) and must uphold the Council’s strategic priority areas (Figure 1). Every event funding application must demonstrate to Council how the event will meet these priority areas², while the funding cannot be used to pay for wages, salaries, management fees, or cover retrospective events.

¹ UHCC Zero Waste Events webpage: <https://upperhuttcity.com/waste-sustainability/sustainability/zero-waste-events/>

² Event funding page: <https://upperhuttcity.com/local-events/council-support/>



Figure 1 – The Upper Hutt City Council Strategic Priority Areas (Land Use Strategy 2016-2043)

3.8 The second potential funding stream is through the Creative Communities Scheme (CCS), which aims to support community-led arts projects. The scheme has approximately \$36,000 available per year over two rounds, with no limits to the maximum amount which can be claimed, per project.

3.9 Council also provides advice and material on how to run a Zero Waste Event through its website and its Sustainability Officer. There is a select fund also available for zero waste, which is focused on community engagement and long-term solutions to waste management. Where appropriate, event organisers may also apply for Zero Waste funding.

3.10 **Resource Consents**

A total of six resource consent applications were granted for temporary events between June 2009 and April 2017 (i.e. since temporary event provisions took effect). A single Code of Compliance was also granted. When considering this against the EventFinda data, Upper Hutt should generally expect about 30 events to take place each month, and based on previous consenting, no more than 1 resource consent application should be anticipated annually.

3.11 Events which sought resource consent be categorised as follows:

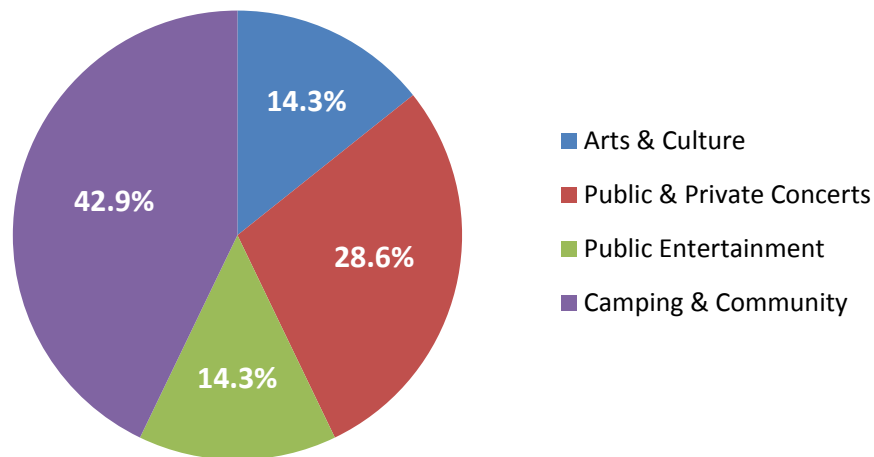
- *Arts & Culture*
Events which focus on engaging attendees with artistic or cultural expression. This may include the likes of stalls, performances, or workshops.
- *Public & Private Concerts*
Primarily focused on the performance of music, either electronically or as a concert, on a stage with an audience. Includes the likes of multi-stage events, inter-related workshops, and outdoor dance events.
- *Public Entertainment*
Generally covers events run by a single operator, usually selling a service, for commercial gain. For example, carnivals or circus events would be inclusive of this definition.

- *Camping & Community*

These are events which have camping as their primary focus, and usually include a community focus or public awareness. These events typically run for a number of days and can also include amplified music, stalls, or workshops to some degree.

3.12 Most applications were made for camping and community events. The graph below details the proportion of each type of event consent received. It should be noted that 14.3% represents a single event/consent. While the above suggests that only 42.9% of events are categorised as ‘Camping & Community’, other events, such as private concerts, also included camping. When including this, the proportion of temporary events which included camping rises to over a half of all events.

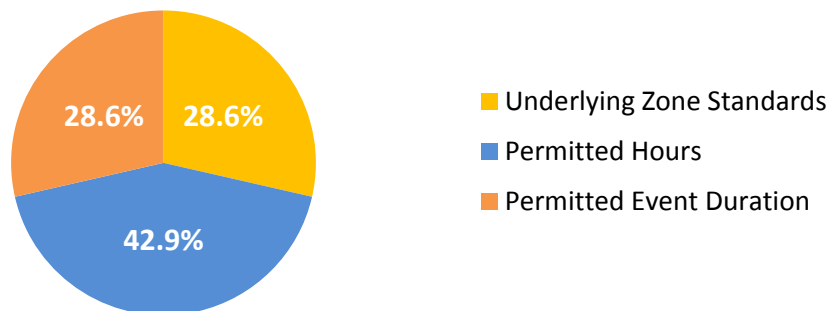
**Event Categories of Resource Consents Granted
(Jun 2009 to Apr 2017)**



3.13 Unsurprisingly, most of the consented events were located in areas containing large vacant expanses of land, such as the Open Space Zone (42.9%), Rural Valley Floor Zone (28.6%) and the Special Activity Zone (42.9%).

3.14 The following graph details the most common non-compliances. This shows that most applications required resource consent due to a breach of the permitted hours of operation under Rule 25A.4. This was directly correlated to the camping events held, which were assessed as breaching permitted hours through overnighing beyond the hours of operation (i.e. later than either 10 or 11pm).

Type of Event Non-compliances



3.15 Under current provisions, any non-compliance with permitted standards results in a Restricted Discretionary Activity status. As such, most consents fell into this activity status, however there was one application for a Discretionary Activity and one other for a Non-Complying Activity; both of which were due to a breach of the underlying zone standards.

3.16 The Non-Complying application was for an event which would occur on an annual basis and was considered to not meet the definition of a ‘Temporary Event’ under the corresponding definition in Chapter 35 of the District Plan (now contained in Chapter 2). This identifies that there may be reasoning to introduce or update provisions in order to clarify how the likes of camping activities and so-called ‘permanent’ or reoccurring events are assessed.

3.17 **Event Complaints**

In evaluating the potential issues and options for temporary events, it is important to consider whether current provisions meet the purpose of the Act and adequately address the effects associated with temporary events. Researching the number and nature of complaints received was seen as one of the means to address these considerations.

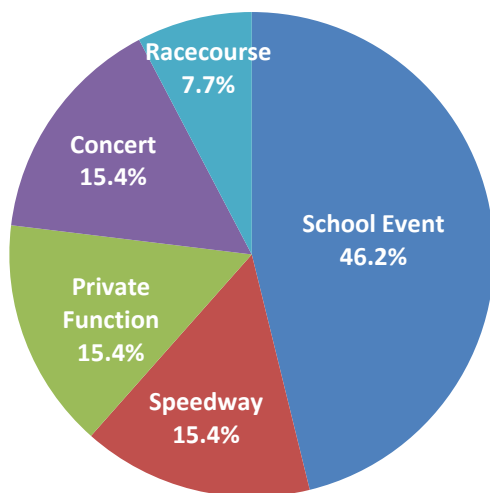
3.18 Over the last nine years, a total of 13 complaints (relating to temporary events) were received³ by UHCC from members of the public. All of the complaints were relating to noise generated either directly or indirectly by events, with most complaints relating to school events. Of note was that none of the complaints related to temporary events which had been granted resource consent.

3.19 Complaints were received on a variety of temporary events. The left chart below demonstrates the distribution of complaints among these events. It should be noted that the single complaint received against the Racecourse, equated to 7.7% of all complaints.

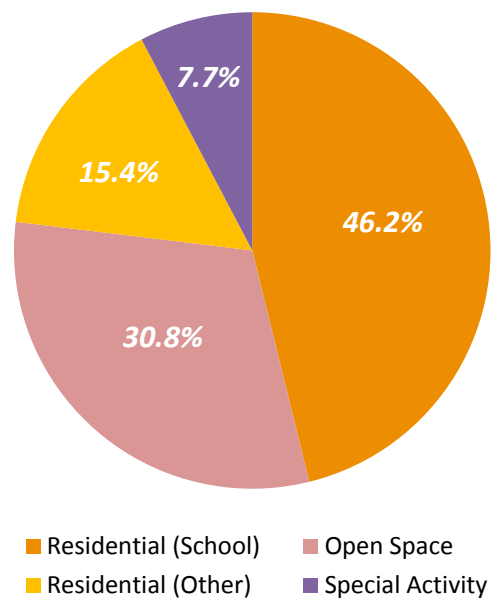
3.20 The majority of temporary events complaints were directly related to school events (46.2%), with over 60% of complaints relating to events located in residential areas. It is important also to note that almost 85% of all event complaints originated from established, rather than temporary, locations (schools, speedway, racecourse and private function facilities).

³ Note that this only includes events which are registered in the Council’s records, therefore may not reflect all complaints received by Council Officers.

Events which received complaints

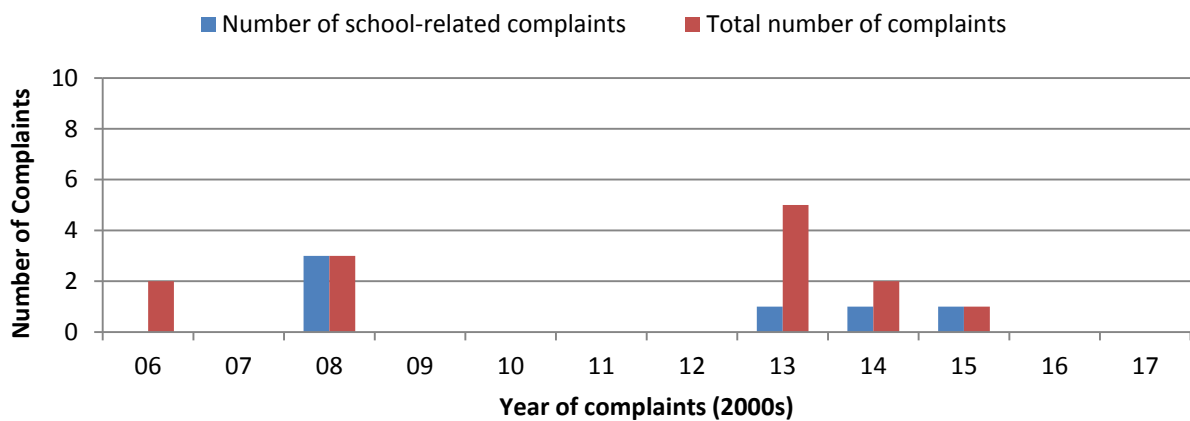


Zoning of Event Complaints



3.21 In analysing the school event complaints, it appeared that these events were typically either daytime community events (i.e. fairs) or performances in school halls during the evening.

Number of school-related complaints versus total overall complaints (Feb 2006 - Mar 2017)



3.22 The above shows the number of complaints received per year since 2006, and how many of those were for school related activities. This demonstrates that the overall scale of the issue is minor, with a declining number of complaints since 2013.

3.23 In conclusion, any potential issues with school events are in decline and are appropriate to be dealt with on a case-by-case basis. Many of the complainants of school events were seemingly unaware that event was taking place, therefore any issue may be resolved by schools notifying neighbours of school events. Lastly, there were relatively few complaints recorded over this period, with little to none in recent years. This could indicate that event noise provisions are generally working well, and that schools are responding to issues.

4.0 RESEARCH

4.1 Additional research was undertaken as part of this evaluation to further understand issues and options relevant to temporary events. The research explored how other Territorial Authorities control temporary events, and sought expert guidance on updating existing acoustic provisions to meet current best practice standards.

4.2 *Other District Plans*

A total of five Plans were chosen (inclusive of the Upper Hutt District Plan) based on the following:

- the size of the district and population
- proximity to Upper Hutt
- whether the district plan had recently undergone review.

4.3 The primary intention was to choose districts with a population comparable to Upper Hutt, while Christchurch was included because of the critique the replacement District Plan was under through the Independent Hearings Panel (including the subject of expert evidence and detailed legal submissions) and its reference within national planning guidance (i.e. National Planning Standards).

4.4 The following details the District Plans which were chosen:

District Plan	Operative Status	Region	District Population (2016 ⁴)
Upper Hutt District Plan	Operative – 2004 (Chapter reviewed in 2010)	Wellington	42,600
Lower Hutt District Plan	Operative – 2010	Wellington	103,300
Whanganui District Plan	Operative – 2017	Manawatu- Wanganui	43,800
Waipa District Plan	Partly Operative – 2016	Waikato	51,600
Christchurch District Plan	Partly Operative – 2015/16	Canterbury	374,900

It should also be acknowledged the influence the 2016 review of the 'Temporary Activities and Relocated Buildings Chapter' review of the Queenstown Lakes District Plan has in this assessment.⁵

4.5 The District Plan research demonstrated that there was no uniform approach to the integration of temporary event standards amongst Plans. However, common approaches included providing standards as a single 'activity-based' chapter, as part of 'general rules' chapter, or as standards incorporated into each individual zone chapter.

⁴ Statistics New Zealand – *Subnational population estimates (TA, AU), by age and sex, at 30 June 1996, 2001, 2006-16 (2017 boundaries)*

<http://nzdotstat.stats.govt.nz/wbos/Index.aspx?DataSetCode=TABLECODE7502> Retrieved 19/06/2017

⁵ Queenstown Lakes District Plan Review, Council Reply:

<http://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/Hearings-Page/Hearing-Stream-5/Right-of-Reply/QLDC-05-Temporary-Activities-and-Relocated-Buildings-Chapter-35-Kim-Banks-Reply.pdf>

4.6 When the Upper Hutt District Plan was compared to other Plans identified above, the District Plan was found to be lacking a clear policy direction associated with events; namely the lack of Issues, Objectives and Policies. While the operative District Plan does contain some overall policy direction through Chapter 7 (Open Space) and Chapter 15 (Environmental Quality), the Plan contains limited to no policy or provisions addressing other temporary event issues which were found in other District Plans, such as:

- economic impacts;
- health and safety;
- reserve management plans;
- artistic, social and cultural expression; and
- future community needs.

4.7 The complete review is attached as **Appendix 2** to this report. It found that current resource consent considerations largely conform to common resource consent standards amongst Plans. The table below shows the scope and frequency of Plan resource consent considerations (inclusive of the Upper Hutt District Plan):

Table 3: Cross-plan resource consent standards analysis	
Common Restricted Discretionary Standards	Plan Frequency
Traffic and Parking Effects: <ul style="list-style-type: none"> • <i>Surrounding and local, traffic alternatives, connection to public transport, traffic safety</i> 	4/5
Amenity effects: <ul style="list-style-type: none"> • <i>Frequency and hours of event</i> 	3/5
Noise effects: <ul style="list-style-type: none"> • <i>Nature and frequency of event-related noise, effects on ambient noise</i> 	3/5
Environmental site effects: <ul style="list-style-type: none"> • <i>Sensitivity to change/use and effects on associated values, Site disturbance and ecological effects</i> 	2/5
Adverse effects on overall environment	1/5
Hazards, health and safety	1/5
Positive economic effects	1/5
Site competition <ul style="list-style-type: none"> • <i>Balancing public interests in same site</i> 	1/5
Location-specific site value impacts	1/5

4.8 This demonstrates that the District Plan generally conforms to the top 3 most popular matters of discretion amongst the Plans assessed. The Plan fails to provide Council with discretion to assess adverse environmental effects, health and safety, positive effects, site competition, and effects on specific public parks.

4.9 When considering objectives and policies, it was found that current policies are limited and may need to be reviewed to better reflect greater issues and opportunities associated with temporary events, in light of current and future community needs within

Upper Hutt. This is also an important consideration if higher activity statuses such as Discretionary or Non-complying are introduced as a result of the review.

4.10 *Expert Input*

As discussed above, the District Plan currently contains outdated sound measurement provisions and requires an update to current best-practice standards. Council employed Acousafe Consulting & Engineering Limited to assist in this matter.

Acousafe was tasked with reviewing existing provisions and the changes required to give effect to the new 2008 New Zealand Standards for acoustics. Where acoustic input was required, analysis of proposed provisions was also provided. The complete Acoustic report is attached as **Appendix 3** to this report.

5.0 **CONSULTATION**

5.1 The consultation for Proposed Plan Change 44 took a variety of forms, and included consultation with external stakeholders through the means of an online survey, as well as discussions with internal (Council) stakeholders and Clause 3 parties.

5.2 *External Stakeholder Consultation*

UHCC interacts with a number of event organisers through event funding applications, bookings of community noticeboards for event advertising, the processing of event-related resource consent applications, and the placement of temporary signage advertising temporary events. This provides Council with a select database of persons and businesses that could be consulted regarding the review of temporary event provisions in the District Plan.

5.3 The Planning Department sought to utilise this database through pre-consultation with event organisers and previous resource consent applicants, in order to gain a greater understanding of their experience with existing provisions, and whether issues identified by internal stakeholders could be verified.

5.4 Through consultation with the Marketing Department, a list of 35 event organisers was generated. The list comprised organisers who had either sought to advertise through a UHCC medium or had sought event funding from Council since 2016 (from January 2016 to July 2017), and where email contact details were available. Organisers who had also sought an event-related resource consent were excluded from the list.

5.5 Using the consenting records, another list was generated of historic event-related resource consent applicants. Removing duplicates, a total of 4 applicants were selected for consultation.

5.6 Two separate surveys were generated: one for event organisers; and one for event resource consent applicants. The event organisers survey sought to understand:

- the location, scale, and types of events;
- level of funding;

- understanding and interaction with the District Plan;
 - compliance and enforcement issues;
 - general interest in having camping at events; and
 - any other comments organisers felt were appropriate to make regarding running temporary events in Upper Hutt.
- 5.7 The resource consent applicant survey sought to understand:
- applicant’s comprehension of application requirements;
 - perceived clarity of existing provisions and whether they linked to real or potential issues;
 - how the consenting process could be improved;
 - compliance and enforcement issues; and
 - any other comments applicants had on current temporary event provisions in the District Plan.
- 5.8 A report into the outcomes and details of the survey is attached as **Appendix 4** to this application. Regarding District Plan provisions, the report shows a general lack of knowledge amongst event organisers on the thresholds to obtain resource consent, or knowledge on the District Plan itself.
- 5.9 Event organisers who responded to the survey generally seemed to organise their own parking or traffic management. Parking was seen as an important element to running the event as there was a perceived relationship between the ease of parking and the success of an event. A significant number of Organisers also said that they had considered camping as either part of an event or for event staff only. This corresponded to the proportion of resource consent applications which included camping.
- 5.10 ***Internal Stakeholders***
- Internal stakeholder discussions were initiated following the completion of internal desktop study of complaints, resource consents, and the review of other District Plans. Generally speaking, the results of the internal research were discussed, tailored to each individual department’s subject area.
- 5.11 Discussions on temporary event provisions and issues were conducted with the UHCC Marketing Department, Parks and Reserves, Compliance and Enforcement Services, Planning and Compliance, and the Roading Department.
- 5.12 These discussions provided a wider understanding of District Plan provisions, and where there were perceived opportunities for improvement with existing provisions. A complete summary of this consultation is provided in **Appendix 5** to this report.
- 5.13 Discussions with Planning and Enforcement staff concluded that there was an opportunity to improve provisions in a number of areas, including: cumulative effects; light spill; noise enforcement; and transport and parking for events. Additional information on this last matter was sought from the UHCC Roading department to better understand Councils’ rights and responsibility to enforce traffic issues during event operation.

5.14 The Roding Department highlighted how Council Roding Officers have discretion to control full or partial road closures, and to manage the road corridor. Under the Land Transport Management Act 2003 (LTMA), the Upper Hutt City Council is a 'road controlling authority'. Section 61 of the LTMA empowers Council Officers under Part 21 of the Local Government Act (LGA) 1974 to have control over public roads within their authority.

5.15 Schedule 10 (11) enables Council to close part or some of any public road:

- (a) *while the road, or any drain, water race, pipe, or apparatus under, upon, or over the road is being constructed or repaired; or*
- (b) *where, in order to resolve problems associated with traffic operations on a road network, experimental diversions of traffic are required; or*
- (c) *during a period when public disorder exists or is anticipated; or*
- (d) *when for any reason it is considered desirable that traffic should be temporarily diverted to other roads; or*
- (e) *for a period or periods not exceeding in the aggregate 31 days in any year for any exhibition, fair, show, market, concert, film-making, race or other sporting event, or public function:*

provided that no road may be closed for any purpose specified in paragraph (e) if that closure would, in the opinion of the council, be likely to impede traffic unreasonably.

5.16 This section provides relevant controls over temporary events for Roding Officers to take necessary measures to mitigate adverse traffic effects. Where a road closure is proposed, a Traffic Management Plan (TMP) is required to be submitted in accordance with the New Zealand Transport Agency (NZTA) Code of Practice (SP/M/10).

5.17 Additionally, other mechanisms also exist to take direct control in the roading corridor. The Utilities Act 2010 and Infrastructure (Amendments Relating to Utilities Access) Act 2010, have the ability to set national codes of practice, whereby 'Corridor Managers' (Territorial Authorities) are able to exercise their discretion. The 'National Code of Practice for Utilities Operators' Access to Transport Corridors 2011' is of particular relevance here. It sets standards to coordinate and communicate planned activity in the road corridor (2.2, 2.7, 2.8), and manages access requests to the roading corridor. Importantly, part 2.5 notes that all parties entering this area must comply with the requirements of the Corridor Manager. Councils' roading department has confirmed their ability to use the Code to manage event-related activities within the roading corridor. As a last resort, Council may also involve the Police when moving vehicles begin to endanger people.

5.18 **Clause 3 and 4A Consultation**

In accordance with the Clause 3 of First Schedule of the Act, the following parties were approached for comment during the drafting of provisions:

- Ministry for the Environment
- Hutt City Council
- Porirua City Council
- Kapiti Coast District Council

- Ngāti Toa Rangatira (Ngāti Toa)
- Taranaki Whānui ki Te Upoko o Te Ika (Taranaki Whānui).

- 5.19 To date, no correspondence from the Ministry or any of the Councils have been received.
- 5.20 As part of the Clause 4A consultation requirements, local iwi authorities Ngāti Toa and Taranaki Whānui were directly approached to ask for their interest in evaluation preliminary proposed provisions. Ngāti Toa was satisfied not to be involved in temporary event provisions, and instead would engage through the public notification process.
- 5.21 Taranaki Whānui also stated their satisfaction not to be included in temporary event provision assessment, however were interested in receiving a copy of preliminary provisions and to ensure that kapa haka events would maintain a Permitted activity status.
- 5.22 Preliminary provisions were provided to Taranaki Whānui, as well as an explanation as to how the likes of kapa haka events are likely to be assessed under these provisions. Additional correspondence was later received confirming that they had no additional comments on preliminary provisions. A complete copy of local iwi authority consultation is provided in **Appendix 6** to this report.

6.0 SCALE AND SIGNIFICANCE OF ISSUES

- 6.1 Following the completion of internal and external consultation, other District Plan assessments, a desktop study, and expert assessment – relevant issues and opportunities were able to be generated. These are summarised into three broad categories: core policy direction; new provisions; and changes to existing provisions. These are summarised below.

Core Policy Direction:	Temporary Events Objective and Policies Objectives and policies are currently limited and are more appropriate to be located within a single chapter.	Activity Status Scope Lack of higher activity statuses like Discretionary or Non-Complying are unavailable to deal with larger events.
	Positive effects Provisions do not account for positive effects of events, like cultural/artistic expression or local economic effects.	
New provisions:	Camping Unnecessary consents for camping activities, when the Hours of Operation standard is breached.	Light Spill There are no standards which deal with light spill from events.

<p>Long-term events Permanent, re-occurring events are currently defaulted to underlying zone provisions in resource consent processing.</p>	<p>Cumulative effects Lack of provisions surrounding cumulative effects - i.e. consecutive days in the year an event is run.</p>
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Changes to existing provisions:

<p>Definition Lack of associated definitions, and possible refinement of "Temporary Events" definition.</p>	<p>NZS Standards Need to update from outdated NZS 6802-3:1991 standards to NZS 6201-2:2008 standards.</p>
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6.2 Core Policy Direction

It became evident during assessment of current provisions and historic temporary event resource consents that there may be a lack of core issues, objectives, and policies which provide guidance for resource consent applicants and Council officers.

6.3 This was highlighted when assessing those previous applications for temporary events of a Discretionary or Non-complying activity status, where generic objectives and policies struggled to provide specific guidance on the intended outcomes of temporary events.

6.4 The current, singular, objective and policy in Chapter 15 of the District Plan pertaining to temporary events may therefore present an issue for the assessment of resource consent applications with multiple non-compliances. Here, those temporary event resource applications resulting in the Discretionary and Non-Complying Activity status lack event-specific objectives and policies to guide both applicants and Council.

6.5 The single objective and policy which does exist is also contained within a separate chapter (Chapter 15 – Environmental Quality), disassociating itself from temporary event rules. Both of these issues highlight the opportunity to improve the quality of both applications and assessments of such events by providing greater clarity in policy direction and proximity within the District Plan itself.

6.6 In relation to the above, one of the specific issues with the overall policy direction is the lack of higher activity classes to address larger events. This is especially so for larger events which do not trigger any other underlying zone provisions. As mentioned, in reviewing historic resource consent applications, high activity classes were only given to events which breached other, unrelated, underlying zone rules. The current greatest activity class is Restricted Discretionary.

6.7 While temporary events can result in a number of adverse effects, temporary events can largely be seen as positive. These positive attributes of events are currently missing from the existing policy direction. Including such considerations presents an opportunity to provide weight to an important aspect of events and the economic, cultural, social and artistic benefits they provide the local community.

6.8 ***New Provisions***

While the research demonstrated that there are not significant issues with provisions, a selection of new specific provisions are required in order to:

- sufficiently capture aspects of existing events,
- address current event management practices, and
- adequately protect against future and cumulative adverse effects relating to temporary events.

6.9 The nature of temporary events is that they are an activity with a set duration. Events therefore need to align with the community expectations of what is considered to be temporary. The lack of clarity around the existing definition became clear in the resource consent assessment, where a reoccurring event of a number of weeks was no longer considered to be temporary, and as a result defaulted to the underlying zone provisions. The issue is that zone provisions are typically not drafted in consideration of temporary events, and results in a disproportionately high activity status (e.g. a Non-complying activity status for a low-level, but high duration event). Existing provisions and their activity status are therefore required to be scalable in order to retain the assessment of temporary events against associated provisions, rather than underlying zoning provisions.

6.10 During both the resource consents assessment and external stakeholder consultation it became evident that camping as part of an event was inadequately captured in current provisions. This is shown in how camping was captured in temporary event rules as a breach of operating hours, while the event was not actively operating during this overnighing period. A significant proportion of survey respondents also stated that they had considered overnighing as either directly part of an event, or for event staff only. For many, camping was seen as a means to protect event-related equipment, and as a means to avoid early setup times. An opportunity therefore exists to create event-related camping provisions to create a more targeted consenting framework and one which reflects current practices.

6.11 The last new provision relates to light spill. Consultation with Council consenting staff highlighted the inability to assess the adverse effects of light spill, and the inability for Compliance Officers to enforce any control – should it become an issue during event operation. Simple standards are required to safeguard people from the adverse effects of lighting from events which operate into the evening.

6.12 ***Changes to existing provisions***

As discussed earlier, it was recognised that an update in acoustic provisions to current best-practice was required, as the current 1991 standard used is outdated. Council sought expert advice on this matter, and updates to relevant provisions were recommended accordingly.

6.13 Generally, the existing definition for temporary event in the District Plan and associated definitions have worked well. It is recognised, however, that additional definitions may be required to supplement any new proposed provisions and associated changes to existing definitions made accordingly.

6.14 Lastly, it is important to acknowledge the perceived issue with the lack of traffic controls in existing permitted standards. Both internal stakeholders and event organisers had stated that they had experienced issues with the enforcement of traffic provisions. However, as discussed in Section 5 of this report, other mechanisms and legislative tools are available to Council to address traffic issues caused by temporary events. This is therefore not considered to be an issue addressed in this plan change.

6.15 ***Overall assessment of significance***

Based on recorded numbers of operating consents and the number of resource consents granted to date, it is considered that consenting of temporary event consents is not a great issue. The issues in this report may therefore be seen as of low significance; however their identification and redress sought can also be seen as a means to ensure that their scale is not increased.

7.0 **CONSIDERATION OF OPTIONS**

7.1 During the preparation of this plan change, the following broad options were considered:

Option 1: Status Quo

Retain all current provisions, and simply reorganise temporary event provisions in accordance with clause 1.4.3 of the District Plan.

Option 2: Remove temporary event provisions from District Plan

Remove provisions from the District Plan and rely on the funding approval process and other statutory mechanisms to control events. This would seek to capture events through UHCC event funding process, and be prescribed conditions of funding applications associated with the approval of funding. Regulatory control would be adopted by the remaining mechanisms in the District Plan (like general noise standards, parking requirements, and existing zoning controls) and existing statutes. Such piece of legislation would include the remaining relevant sections of the Resource Management Act 1991 (s16, s327), and aforementioned sections within the Land Transport Management Act 2003, Local Government Act 1974, and the Utilities Act 2010.

Option 3: Update and/or expand existing objectives and provisions

All existing provisions updated to current best-practice standards. New provisions to address any unforeseen or future issues are introduced, as required, and temporary event-related material is organised within the District Plan in accordance with section 1.4.3 of the District Plan.

7.2 Costs and benefits of Options

Table 4 – Option1 Evaluation: Status Quo	
Costs	Benefits
<ul style="list-style-type: none"> • Council Officers continue to spend a large proportion of time in pre-application advice with applicants due to a low-level of detail being contained in provisions. • Unnecessary or otherwise dis-proportionately onerous applications are made and required by event organisers due to a reliance on zoning provisions for large events. • Council discretion is limited to a fixed set of consent conditions and is unable to be tailored to large events. • The cumulative effects of ongoing events is unaccounted for; eroding the reasonable level of amenity residence expect. This is primarily due to a lack of controls on reoccurring events and reoccurrence of highly audible events. • Positive effects associated with events are unaccounted for in any application assessment. This may unintentionally force events which have significant positive economic, social and cultural effects, to be required to provide a greater assessment of other effects than would otherwise have been needed. • The Upper Hutt City Council Strategic Priority Areas detailed in the 2016-2043 Land Use Strategy are harder to attain. 	<ul style="list-style-type: none"> • The District Plan content remains familiar to event organisers; therefore the application process remains unchanged. • Repositioning the chapter in accordance with Plan Change 43 centralises objectives and provisions to better inform plan users.
Efficiency & Effectiveness	
<ul style="list-style-type: none"> • Maintaining the status quo would not resolve to the issues identified in the assessment. • The outcome would be an ineffective means to account for current and future issues associated with temporary events. • There is only a comparatively minimal increase in the effectiveness of the Plan due to familiarity with provisions. However, any proposed change to provisions would only temporarily reduce effectiveness and efficiency as applicants acclimatise to new provisions. 	
Opportunities for Economic Growth and Employment	
<ul style="list-style-type: none"> • There would be limited potential for economic growth and employment under the status quo option. The current District Plan is limited in scope and does not consider positive effects associated with events, or a framework to consider long-term or reoccurring events. This could limit the number of events (and their associated economic impacts) which chose to operate in Upper Hutt. 	

7.3 **Assessment of Option 1:**

This option would maintain an outdated set of temporary event provisions which would be unable anticipate ongoing and future effects associated with events. The status quo fails to recognise the issues applicants and the community face with temporary events and how the District Plan can act as a tool to both guide applicants, and provide duress for the community.

7.4 By also ignoring statutory and non-statutory documentation guiding this plan change process, there is also a greater risk of additional costs being incurred through appeals.

Table 5 – Option 2 Evaluation: Remove temporary event provisions from District Plan	
Costs	Benefits
<ul style="list-style-type: none"> • With the potential to be unable to set controls on event duration, hours, frequency, and the nature of noise, there is a substantial risk that Upper Hutt becomes an unattractive environment to run events in. • The reliance on event funding to assess events means that only those events who seek event funding would be at Councils’ discretion. • There is a disproportionate burden on other Council departments to assess applications. • Council may need to attract more event organisers to seek funding by raising available funds – resulting in increased financial cost to Council and ratepayers, as well as the potential increase in processing times. This would be as a result of the removal of a user-pays system. • There may be an unintended consequence of unregulated camping occurring as part of events. • May require a greater review of other District Plan provisions to reinforce other provisions to address associated effects. • There would be less power to enforce non-compliances. • The Upper Hutt City Council Strategic Priority Areas detailed in the 2016-2043 Land Use Strategy are harder to attain. 	<ul style="list-style-type: none"> • Reduces the cost of District Plan administration through the lack of review requirements, and reduced pre-application time required for Council Officers. • Simplifies the consenting process for applicants and reduces the overall financial cost of an application. • May result in a greater number of events obtaining funding, albeit at a reduced average amount.
Efficiency & Effectiveness	
<ul style="list-style-type: none"> • Option 2 would be an ineffective means to address the issues and opportunities identified in this evaluation. Community concerns around events would not be addressed, and the opportunity to create an up-to-date, clear consenting framework would not be achieved. • Event organisers may chose not to seek event funding to avoid the need for an application to be made, and to avoid the potential long waiting times as funding applications are considered in six-monthly intervals. The overall process lacks efficiency. 	

Opportunities for Economic Growth and Employment

- This option has the capacity to constrain the opportunities for economic growth and employment in Upper Hutt. Event organisers could be deterred by the long procedure through the funding approval process – limiting the number of events operated in Upper Hutt. Conversely, this could lead event organisers unable to seek funding, making events unviable.

7.5 **Assessment of Option 2:**

The option to remove temporary event provisions from the District Plan over-simplifies the application process, and places a high degree of reliance on regulation through funding mechanisms. Therefore, when compared to the status quo, only the parking and traffic management controls authorised through other statutes prevail. This option therefore fails to recognise all effects associated with events, and would provide a counter-intuitive outcome to the issues and opportunities identified in earlier in this report.

Table 6 – Option 3 Evaluation: Update and/or expand on current objectives and provisions

Costs	Benefits
<ul style="list-style-type: none"> • Event organisers will be required to re-familiarise themselves with any new or updated provisions, potentially increasing application process times temporarily. • Additional provisions may impose an additional financial cost on applicants through consenting. • Council Officers spend a large proportion of time in pre-application advice with applicants due to a lack of familiarity with provisions. 	<ul style="list-style-type: none"> • Updates and additions to objectives and provisions will make the assessment criteria of applications clearer. • Activity status is more reflective of event scale, providing Council with a tiered level of discretion. • Existing provisions are updated to meet current best practice, including New Zealand Standards for environmental acoustics and measuring. • Unnecessary consenting is avoided for the likes of event overnighting and for events located within permanent sites. • Identified provisions areas currently lacking (cumulative effects, camping, and light spill) are addressed in rule framework. • The positive effects of events are recognised. • Meets the requirements of the RMA to review the Chapters and to take into account the direction of the RPS. • The Upper Hutt City Council Strategic Priority Areas detailed in the 2016-2043 Land Use Strategy are actively considered.
Efficiency & Effectiveness	
<ul style="list-style-type: none"> • Additional and modified provisions will require some event organisers to re-evaluate assessments of events they operate, reducing effectiveness. However, this will be a temporary adjustment, and it is anticipated that the increased clarity in provisions will increased overall efficiency and effectiveness of temporary event provisions. 	

- By increasing the scaling of activity status, the assessment criteria of events will better reflect the scale of events and their associated effects – further increasing effectiveness.
- The introduction of specific provisions have sought to address both the nature of how events have been operated by event organisers and identified community concerns. This means that some unnecessary consenting can be avoided, rules are tailored more towards specific effects, and the efficiency of the rules framework is overall increased.

Opportunities for Economic Growth and Employment

- Opportunities to increase economic growth and employment are increased by Option 3. Provisions in the District Plan provide consideration of positive effects, including economic, and provide a clear framework for event organisers to assess their events against.

7.6 **Assessment of Option 3:**

This option seeks to implement the outcomes of the issues and opportunities assessment. This means an update to current best-practice standards, and greater clarity and controls to address these issues. It is anticipated that this increase in provision detail will also help applicants to understand the assessment criteria in the resource consenting process. Importantly, this is the only option which explicitly acknowledges the positive effects associated with temporary events.

7.7 Where possible, it is also important to consider the financial implications of any proposed change. An assessment has been completed to compare those activities who had previously been issued consent against the proposed provisions, in order to evaluate the likely change in consenting requirements and thereby, the associated cost. This has been provided in **Appendix 7** to this report. The table shows that in one case the anticipated activity status would be reduced (Non-complying to Discretionary), and in two other cases the anticipated activity status would be increased (Restricted Discretionary to Discretionary). This demonstrates that, overall, based on these previous consents alone – there is not anticipated to be a great degree of additional consenting costs as a result of proposed provisions.

7.8 Option 3 meets the requirements of the RMA, gives effect the RPS, considers the Upper Hutt 2016-2043 Land Use Strategy, and updates standards to meet current New Zealand Standards.

7.9 **Overall assessment of preferred option:**

Having considered the three broad options above, Options 1 and 2 are considered ineffective in addressing the resource management issues of temporary events identified as part of this evaluation. Existing temporary event objectives and provisions of the District Plan do not address specific contemporary issues and likely future issues, and fail to recognise the important positive benefits associated with events. It is therefore recommended that Option 1 is not adopted.

7.10 Similar issues exist with Option 2. Here, the removal of temporary provisions from the District Plan would place overt reliance on events seeking funding through UHCC and overly simplify the consenting process. Importantly, those parties who may be adversely affected by an event would have their views constrained through the funding process,

rather than the prescribed notification procedure through the RMA, as well as enforcement procedures administered through the District Plan.

- 7.11 It is therefore recommended that on the basis of the effectiveness and efficiency, Option 3 to comprehensively update temporary event objectives and provisions is the most appropriate way to achieve the objectives of the plan change. This option provides the most coherent methods to address the concerns of both event organisers and communities. Where appropriate, the operation of certain activities has been simplified, and overall, the assessment criterion is more reflective of specific effects.

8.0 NATIONAL, REGIONAL AND LOCAL POLICY FRAMEWORK

8.1 *Part 2 of the Resource Management Act (RMA)*

Section 5 sets out the purpose of the RMA to promote the sustainable management of natural and physical resources.

- 8.2 The purpose of Proposed Plan Change 44 is to ensure that temporary event provisions are the most appropriate means to achieve the purpose of the Act. In doing so, proposed provisions to control temporary events are considered to represent the best method to achieve the sustainable management of natural and physical resources.

- 8.3 Section 6 of the Act identifies matters of National Importance, and states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- a. *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;*
- b. *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;*
- c. *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- d. *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;*
- e. *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*
- f. *the protection of historic heritage from inappropriate subdivision, use, and development;*
- g. *the protection of protected customary rights;*
- h. *the management of significant natural hazard risk.*

- 8.4 As discussed in Section 5 of this report, local iwi authority Taranaki Whānui noted their interest to ensure kapa haka events remain a Permitted Activity. Communication with

Taranaki Whānui has confirmed the likely assessment of kapa haka events under proposed provisions. It is considered that there are no relevant Section 6 Matters that require consideration as part of this proposal.

- 8.5 Section 7 of the RMA identifies the other matters that are required to be taken into account when assessing this application, and states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- a. *kaitiakitanga:*
 - (aa) *the ethic of stewardship:*
- b. *the efficient use and development of natural and physical resources:*
 - (ba) *the efficiency of the end use of energy:*
- c. *the maintenance and enhancement of amenity values:*
- d. *intrinsic values of ecosystems:*
- e. *[Repealed]*
- f. *maintenance and enhancement of the quality of the environment:*
- g. *any finite characteristics of natural and physical resources:*
- h. *the protection of the habitat of trout and salmon:*
- i. *the effects of climate change:*
- j. *the benefits to be derived from the use and development of renewable energy.*

- 8.6 The Section 7 matters that are applicable to this plan change are 7(c) and 7(f). The proposed plan change is considered to be consistent with these subsections through the proposed objectives, policies, and rules. The proposal ensures that subsequent events will be operated in a manner whereby residential amenity is maintained, and local character is upheld. This will result in a sustained quality environment for the Upper Hutt District. Overall, the proposed plan change is considered to be consistent with the identified matters within Section 7 of the Act.

- 8.7 Section 8 of the Act relates to the Treaty of Waitangi, and states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

- 8.8 As discussed in Section 5 of this report, local iwi authorities were invited to provide feedback on draft temporary event provisions. While local iwi chose not to participate in this process, the proposed framework does consider the positive influences cultural event can have in the local community. It is considered that the proposed plan change is consistent with Section 8 of the Act.

8.9 **Reserves Act 1977**

The Reserves Act directs how Council manages and assigns land as reserves for the purposes of conservation and recreation. Land is vested as a reserve is managed by local authorities, which may be formalised through Reserve Management Plans. Only a very small proportion of parks within the Upper Hutt District are directed by Reserve Management Plans.

8.10 Consultation with the Parks and Reserves department has confirmed that management plans therefore do not greatly influence the management of parks; and instead are directed by the *Upper Hutt City Council Parks & Reserves Rules*⁶ and on a case-by-case basis. This is of particular relevance as any temporary event activity is still subject to these general park provisions. Proposed temporary event provisions have therefore been developed in direct consultation with the Parks and Reserves department and are therefore considered to uphold the purpose of the Reserve Act.

8.11 **National Policy Statements**

Section 75(3)(c) of the Resource Management Act 1991 states that a district plan must give effect to any National Policy Statement.

8.12 National Policy Statements operative to date relate to:

- Urban Development Capacity;
- Freshwater Management;
- Renewable Electricity Generation;
- Electricity Transmission; and
- Coastal Policy.

8.13 The proposed plan change does not relate to any of these National Policy Statements, and is therefore considered to meet the requirements of Section 75(3)(c).

8.14 **Greater Wellington Regional Policy Statement**

Section 75(3)(c) of the Resource Management Act 1991 states that a district plan change must give effect to any Regional Policy Statement (RPS).

8.15 The RPS for the Wellington Region sets out the regional approach for managing the environment and providing for growth and associated effects. The RPS identifies the significant resource management issues for the region and outlines the policies and methods required to achieve the integrated sustainable management of the region's natural and physical resources.

8.16 The objectives and policies of the RPS most relevant to this plan change are:

Objective 22 – *A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and:*

- (a) *a viable and vibrant regional central business district in Wellington city;*
- (b) *an increased range and diversity of activities in and around the regionally significant centres to maintain vibrancy and vitality;*
- (h) *integrated public open spaces;*
- (i) *integrated land use and transportation;*

⁶ UHCC Parks & Reserve Rules can be viewed here: <https://upperhuttcity.com/publication/parks-reserves-rules/>

- (k) *efficiently use existing infrastructure (including transport network infrastructure);*
and

Policy 30 – Maintaining and enhancing the viability and vibrancy of regionally significant centres – district plans:

District plans shall include policies, rules and/or methods that enable and manage a range of land use activities that maintain and enhance the viability and vibrancy of the regional central business district in Wellington city and the:

- (a) *Sub-regional centres of:*

- (i) *Upper Hutt city centre;*

8.17 Objective 22 of the RPS recognises the need for regionally significant centres like Upper Hutt to function in an integrated and responsive manner, enabling sustainable transport options, and enhancing commercial and amenity space integration. Policy 30 directs the responsible District Plan to provide the required provisions to enact the objective.

8.18 While not specifically directed towards events, these provisions within the RPS highlight the importance of managing activities, permanent or otherwise, in a balanced manner whereby other activities are able to be operated in tandem and efficient operation is enabled.

8.19 The current District Plan contains several provisions that seek to manage the effects associated with temporary events. Several new provisions and amendments to existing District Plan provisions are proposed as part of this plan change. Changes seek to build on existing provisions and respond to other parameters of events and their affiliated effects, in order to achieve a vibrant and safe regional centre, and will therefore be consistent with the relevant matters of the Regional Policy Statement.

8.20 **Wellington Regional Plans**

Section 75 (4) (b) (ii) of the RMA requires the proposed changes to not be inconsistent with any regional plan.

8.21 The Wellington Region has the following regional plans:

- Regional Coastal Plan;
- Regional Air Quality Management Plan;
- Regional Freshwater Plan;
- Regional Plan for Discharges to Land; and
- Regional Soil Plan.

8.22 There are no specific objectives and policies in these regional plans that would affect the proposed plan change. As such, the proposed plan change is not considered to be inconsistent with any of the regional plans and therefore meets the tests under Section 75 (4)(b).

8.23 **Proposed Regional Plan**

Section 74(2)(a) (ii) of the RMA requires Council to have regard to any proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4.

- 8.24 The proposed Natural Resources Plan for the Wellington Region is a combined air, land, water and coastal plan. It will replace the existing Regional Coastal Plan and the four regional plans (Regional Air Quality Management Plan, Regional Freshwater Plan, Regional Plan for Discharges to Land, and Regional Soil Plan) once it is made operative. However, all rules within the proposed Natural Resources Plan have immediate legal effect.
- 8.25 There are no specific objectives and policies in the proposed Natural Resources Plan for the Wellington Region that are directly applicable to this proposed plan change. However, it is noted that the proposed plan change will not be contrary, inconsistent or undermine any of the objectives or policies as they are currently proposed in the proposed natural resource plan.
- 8.26 ***Upper Hutt City Council Strategies and Policies***
- Section 74(2)(b) (i) of the RMA requires Council to have regard to management plans and strategies prepared under other Acts. For the purposes of this plan change, the relevant strategies and policies are:
- Upper Hutt Land Use Strategy 2016 – 2043⁷;
 - Upper Hutt Arts, Culture and Heritage Strategy 2014⁸; and
 - Draft Open Spaces Strategy 2017 – 2027⁹.
- 8.27 The Land Use Strategy was adopted in September 2016. It assesses the interaction of the Upper Hutt economy, community and housing, infrastructure, city centre, and environment as the district grows over the next 30 years.
- 8.28 Figure 1 of this report shows these five pillars and the core values the community feels each of these aspects embodies.
- 8.29 The strategy seeks to enable a prosperous and sustainable local economy, while also maintaining high quality living and open space environments, and supporting diversity within the community. The objective of the proposed plan change aligns with these broad outcomes.
- 8.30 The Upper Hutt Arts, Culture and Heritage Strategy recognises the importance of these three forms of expression within the community, and their ability to positively influence the community and economy. The strategy affirms Council's role to provide for a means of expression and the facilities to do so, as well the responsibility of Council to advocate for local arts, culture, and heritage, and provide related policy. Several goals are included in the strategy to promote, support, and grow arts, culture, and heritage activities within the community.

⁷ View the Land Use Strategy here: <https://upperhuttcity.com/wp-content/uploads/2016/09/UH-LUS-Draft-FINAL-V10.pdf>

⁸ View Arts, Culture and Heritage Strategy here: <https://upperhuttcity.com/wp-content/uploads/2014/12/Arts-Culture-Heritage-Strategy-Amended-Final3.pdf>

⁹ View Draft Open Spaces Strategy here: <http://consultation.upperhuttcity.com/wp-content/uploads/2017/05/UHCC-Draft-Open-Space-Strategy-2017.pdf>

- 8.31 The Upper Hutt Library and the Expressions Arts and Entertainment Centre are used as examples of where such activities can be facilitated. Together, these represent where a significant proportion of events are typically located. Overall, proposed provisions allow for a permissive framework which enables artistic and cultural events to occur in a manner which corresponds to the Strategy.
- 8.32 The Draft Open Spaces Strategy 2017 – 2027 was made public in September 2017, with a hearing taking place in October 2017. The strategy provides an assessment of current open spaces, and the likely pressures and opportunities for these spaces over the next 10 years given the areas of urban intensification anticipated.
- 8.33 Five goals are stated in order to appropriately manage open space sites and where they are located, as well as recognising their ability to enhance communities and their sense of place. Provisions included within this proposed plan change support the implementation of this draft Strategy.

9.0 REVIEW OF OBJECTIVES AND POLICIES

- 9.1 As detailed previously, Section 32(3)(a) of the RMA requires an evaluation as to the extent to which the objectives are the most appropriate way to achieve the purpose of the RMA and the identified issues. Section 5 of the RMA states the purpose of the Act is to promote the sustainable management of natural and physical resources. This means to manage (s5(2)):

...the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

- 9.2 The current District Plan contains limited objectives which specifically relate to the operation of temporary events. Chapter 15 – Environmental Quality – contains the most explicit example. Here, the overall promotion of a high quality environment and amenity values are captured in Objective 15.3.1, while Objective 15.3.2 recognises balance required with temporary events, stating:

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

- 9.3 The simplistic nature of this objective is also carried through underlying zoning provisions, which are generally formulated to target a singular core objective in a broad statement.

The objectives for the residential, rural, business, and special amenity zones all identify the need to protect and enhance amenity values¹⁰. It is noted the particular regard of amenity values in rural zones through both objectives 5.3.1 and 5.3.3.

- 9.4 Additional objectives relating to events are also highlighted in Open Space zones (usually parks and reserves) in objectives 7.3.1 to 7.3.3. These note how open spaces should be maintained and enhanced to cater for future recreation and amenity values (including visual), as well as protection of these amenity values and the life supporting capacity of the (presumably) natural environment. Additionally, objective 7.3.3 ensures that the Te Marua Speedway site will be continued in its use of the site as a speedway.
- 9.5 As a result, the current District Plan contains a limited number of objectives which specifically relate to temporary events. In consideration of the issues and opportunities identified, existing objectives also lack recognition of core effects associated with events, as well as the wide selection of positive effects events can have on the community and the local economy.
- 9.6 It is therefore proposed to replace the aforementioned objective 15.3.2, within a new section of the District Plan, specific to events, which reads:

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.*

- 9.7 The existing issues in Chapter 15 (15.2.1 to 15.2.3) will remain. It is considered that the new objective sufficiently incorporates issues into the objective; highlighting the balancing interests one must consider when evaluating the effects of events. Associated issues of the other underlying zone chapters shall also remain.
- 9.8 The approach of replacing objective 15.3.2 with objective 8A.2.1.1 is the most appropriate method to achieve the purpose of the Act in promoting sustainable management, as it recognises the significant positive influence of events on the community, and ensures that the core adverse effects associated with events are avoided, remedied or mitigated, appropriately. It is considered that this singular objective is the most efficient and effective way to ensure the values attributed to events and their impacts on surrounds are recognised.
- 9.9 Zoning policies also highlight the need to promote amenity in light of the adverse effects non-residential activities can have on amenity. The zoning policies highlight the particular effect of non-residential activities, and the need to control the likes of noise and traffic at a level consistent with that expected in the residential environment (policies 4.4.3, 4.4.6, 4.4.7).

¹⁰ See objectives 4.3.1, 5.3.1, 5.3.3, 6.3.1 and 8.3.2.

- 9.10 Overall, zoning policies generally seek to limit the number of incompatible activities throughout zones (policies 4.4.3, 5.4.11, 6.4.3, 8.4.2).
- 9.11 Policies which relate to temporary events are once again contained within the Open Space (Chapter 7) and the Environmental Quality (Chapter 15) sections of the current District Plan. Open Space policies aim to protect amenity, character and the functioning of open spaces (presumably targeted towards public parks) (policies 7.4.2, 7.4.3). Importantly, policy 7.4.6 highlights the need to set *appropriate noise controls and hours of operation that have been accepted by the surrounding residents*. This provides a strong connection to temporary events and recognises the use of parks as a space used for events and those effects associated with events.
- 9.12 This specific association is also adopted within policies 15.4.4 and 15.4.6, which note the need to set acceptable noise levels and performance standards for activities, including temporary events.
- 9.13 This plan change seeks to introduce the following policies into section 8A.1 (Temporary Events) of the District Plan:

Policy 8A.2.2.1

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

- 9.14 Policy 8A.2.2.1 acknowledges the net benefits events have on the community by providing a directive to *support* those events which contribute to the local community. Conversely, the policy notes how the amenity values of the community should be kept as a baseline against which any effect should be assessed. The term ‘reasonably’ is used as a means to accept that the operation of an event is likely to have some degree of noticeable effect by the nearby residential community, and that there will be a threshold which the community will accept. This terminology also intends to reflect the temporary nature of events, where tolerances of effects are likely to differ from those more permanent activities.
- 9.15 This is an enabling policy that aligns with part A of objective 8A.2.1.1 for temporary events to maintain a reasonable level of residential amenity in residential communities.

Policy 8A.2.2.2

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

- 9.16 Policy 8A.2.2.2 provides a direct link to the light spill rule proposed as part of this plan change. The policy highlights the disruptive effects light can have on people, and has been included to reinforce any such application breaching this rule; specifically addressing how light spill may disrupt the pleasantness of the residential environment. This policy aligns with part A of objective 8A.2.1.1 for temporary events to maintain a reasonable level of residential amenity in residential communities.

Policy 8A.2.2.3

Limit temporary events with high noise levels to maintain residential amenity values.

- 9.17 This policy supports the rule framework and its intention restrict highly audible events and their detrimental effects on residential amenity. Policy 8A.2.2.3 therefore is a means to achieve part C of objective 8A.2.1.1.

Policy 8A.2.2.4

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

- 9.18 Policy 8A.2.2.4 is a response to part B of objective 8A.2.1.1 to ensure the safety and efficiency of the roading network. It is an enabling policy to allow for events which have adopted traffic management principles commensurate to the scale of the event. Importantly, it also highlights how events can have adverse effects on the wider roading network and not only those roads directly adjacent to the event site. It therefore directs applicants to assess the wider transport effects as a result of any proposed activity.

Policy 8A.2.2.5

Provide for temporary events where:

- (a) social interactions are facilitated, or;*
- (b) cultural and artistic expression are promoted, or;*
- (c) economic activity is stimulated in the Upper Hutt district.*

- 9.19 Policy 8A.2.2.5 notes an important, and currently missed, aspect of temporary events which is the contributions they can have to increase social bonds, develop cultural understanding and diversity, and assist in the growth of the local economy. The policy aims to enable events which seek to positively contribute to these aspects and directly aligns with part D of objective 8A.2.1.1.
- 9.20 This plan change proposes to remove current policy 15.4.6. The existing policy is considered to be a generic principle applied to all events. The proposed policies sufficiently supplement policy 15.4.6, making the policy unnecessary. It is however recognised that while current policy 15.4.4 is highly relevant to temporary events, it also has particular relevance to wider plan provisions (such as zone-based amenity provisions and general noise standards) and should therefore remain.
- 9.21 **Appendix 8** to this report contains a diagram showing the interrelationships between proposed objectives, policies and rules.
- 9.22 This approach to objectives and policies is consistent with achieving the purpose of the RMA (section 5) in that it provides for the sustainable management of effects, whilst providing for the communities' social and economic wellbeing.

10.0 REVIEW OF NEW RULES

- 10.1 The plan change will introduce a number of new policies and rules targeted to temporary events. New rules seek to address both the deficiencies in current provisions and the issues and opportunities identified in this report.
- 10.2 Additional Permitted provisions relate to event staff overnighing and light spill. The existing acoustic provisions have been updated to reflect current best-practice standards and to incorporate disconnected permitted rules within Chapter 25A, which operated more as permitted standards. Minor changes to the existing provisions surrounding hours of operation (25A.4) and event duration (25A.3) have been updated to a minor degree, to better integrate with new provisions.
- 10.3 The current District Plan contains a single Restricted Discretionary Standard, triggered when any of the existing permitted standards have been breached. Proposed rules instead contain five Restricted Discretionary rules; each reflecting the specific breach in permitted standard. New to the provisions will be some higher activity classes like Discretionary and Non-Complying activities, which relate to breaches in Restricted Discretionary Activity standards for overnighing, long-term and reoccurring Events, and breaches to amplified noise levels.
- 10.4 The new rules are proposed to be contained within a new Chapter 8A called ‘General Rules’, located within the ‘General and City-wide’ section of the District Plan. The intention is to amalgamate all city-wide land use rules within a single chapter to increase the ease of use to plan users. At this stage, it intended that this chapter will also include the likes of signs provisions, which is currently contained across all zone provisions, and will be built upon as the rolling review of the Plan continues. **Appendix 9** to this report shows the updates to District Plan chapters.
- 10.5 *Proposed rules for Overnighing*

Table 7	
Chapter 8A – General Rules – Section 1: Temporary Events	
Permitted Activity	Standard
The overnighing of up to 20 event staff.	<ul style="list-style-type: none"> (a) Overnighing facilities are located at least 50m from the formation of any legal road and dwelling; (b) Any supporting abluion 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): <ul style="list-style-type: none"> i. Overnighing facilities and any supporting abluion 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): <ul style="list-style-type: none"> i. Overnighing facilities or supporting abluion

	<p>facilities are to be located at least 5m from the formation of legal road (except Criterion Lane), from any adjoining site.</p> <p>(e) Ablution facilities are provided to cater for all anticipated attendees.</p> <p>Exemptions:</p> <p>(f) Permanent ablution facilities already available on-site are not subject to setback provisions.</p>
Controlled Activity	Standard
<p>The overnighting of 30 event attendees or less as part of a temporary event is a Controlled Activity.</p>	<p>(a) overnighting facilities are located at least 50m from the formation of any legal road and dwelling;</p> <p>(b) any supporting ablution facilities are located at least 30m from the formation of any legal road, or dwelling;</p> <p>(c) The site has not been occupied for this purpose more than 3 times within the last 12 months of receiving the application;</p> <p>(d) When located at Riverbank Park (Lot 1 DP 33753), and Karapoti Park (SEC 896 Hutt District Recreation Reserve 365):</p> <p>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.</p> <p>(e) When located at The Green Space (Sec 1 SO 35740 and Lots 43 to 47 DP 1336):</p> <p>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.</p> <p>(f) Ablution facilities are provided to cater for all anticipated attendees.</p> <p>The matters Council seeks to control are as follows:</p> <p>(g) The hours of operation;</p> <p>(h) Site access;</p> <p>(i) The area of occupation;</p> <p>(j) Location and number of ablution facilities;</p> <p>(k) Noise effects;</p> <p>(l) The appointment of a designated site manager and be provided their contact details.</p> <p>Exemptions:</p> <p>(m) Permanent ablution facilities already available on-site are not subject to setback provisions;</p> <p>(n) Temporary Events located in Kaitoke Regional Park; and</p> <p>(o) When attendees overnight at established camping grounds.</p>

Restricted Discretionary Activity	Standard
<p>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 is a Restricted Discretionary Activity.</p>	<p>Subject to meeting the following standard: Any overnighting shall be limited to only:</p> <ul style="list-style-type: none"> (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. <p>Council shall restrict its discretion to the following matters:</p> <ul style="list-style-type: none"> (c) The anticipated level of disruption to residence, considering: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> i. Site dominance; ii. Public visibility; and iii. Maintenance of the site as its intended, permanent, use. (g) The availability of ablution facilities.
Discretionary Activity	Standard
<p>Any temporary event which does not comply with one or more of the Restricted Discretionary Standards for event duration.</p>	<p><i>See policies.</i></p>

10.6 The hours of operation provisions within the current District Plan mean that any temporary event seeking to overnight – as either part of an event (operational) or for security purposes (event overnighting during setup) – would require resource consent. This consent would be captured by the singular Restricted Discretionary rules aimed to capture any permitted standard breach. The current level of discretion and assessment criterion does not correspond with the nature of the activity.

10.7 Event organisers have stated that it has been common practice for staff to overnight before an event begins. Over 50% of all previous temporary events consenting included camping, however, breaches related to hours of operation, and not the act of camping. These new provisions are therefore intended to specify the area of non-compliance, and to enable such an activity to occur when basic standards can be maintained. Additional to this would be appropriate definitions to support this rule, as well as an exemption standard to the existing hours of operation rule.

- 10.8 With regard to the insertion of a definition, it is important to give regard to existing legislation. The Freedom Camping Act 2011 provides a definition¹¹ of freedom camping, which effectively captures the majority of camping outside of camping sites. This Act permits freedom camping nationally; allowing local authorities to create bylaws to restrict freedom camping to certain areas for the purposes of protection and health and safety (s11). To date, UHCC has not produced a freedom camping bylaw.
- 10.9 In consideration of the scope of the freedom camping definition, the lack of a local bylaw, and the proposal to introduce event-related camping provisions into the District Plan – it is considered appropriate to introduce a definition for event overnighting. The definition would affirm its relationship to the District Plan and assist in enforcement procedures. A definition for event overnighting has been proposed at the end of this section.
- 10.10 Discussions with both event organisers and the Parks and Reserves department highlight that this has been happening already within UHCC parks. There are over 50 urban parks and reserves of varying sizes throughout the urban areas of Upper Hutt. Proposed rules recognise that overnighting has the potential to cause adverse effects on nearby residence; therefore setback and scale restrictions have been implemented. The setback distance has purposefully been made to exclude those smaller urban parks unsuitable for event-related camping.
- 10.11 The setback standards recognise both the visual and acoustic effects associated with overnighting facilities within open space. The setbacks therefore provide a visual and acoustic buffer between the road reserve and residential dwellings to maintain the aesthetic and amenity values of open space, as well as a means to ensure that the perceived intended use of the site remains. While perspectives may differ as to what an adequate setback may be, it is considered that the setbacks chosen are an appropriate means to both provide a form of buffer, and to allow for the practical use of appropriate sites.
- 10.12 Adverse visual effects are also addressed by restricting the number of attendees or staff. It has been assumed that there will be at least 2 people per overnighting facility (tent, campervan, etc). The permitted thresholds set would therefore assume that there would be no more than 15 overnighting facilities would be located on-site at one time. Permitted and Controlled standards ensure that this level of occupation will remain temporary, reducing the potential for adverse effects.
- 10.13 Consultation with the Parks and Reserve Department has highlighted a number of smaller reserve areas which have historically been used by event organisers for

¹¹ Part 5(1) of the Freedom Camping Act 2011 states the definition that which is: *to camp (other than at a camping ground) within 200 m of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or on or within 200 m of a formed road or a Great Walks Track, using 1 or more of the following:*

- (a) *a tent or other temporary structure;*
- (b) *a caravan;*
- (c) *a car, campervan, housetruck, or other motor vehicle.*

However, the definition does not include the likes of (s5(2)):

- (a) *temporary and short-term parking of a motor vehicle;*
- (b) *recreational activities commonly known as day-trip excursions;*
- (c) *resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.*

overnighting. Here, specific exemptions have been made for these parks, which seek to reflect the specific nature of each site. It should be noted that General Park Rules for all UHCC parks and conditions of park booking require permission to first be obtained for any proposed camping (i.e. overnighting). It is therefore recognised that when located in these areas, the department will also have discretion to permit approval.

10.14 A breach of any of these Controlled and Permitted standards results in a Restricted Discretionary Activity status. Set standards seek to control the total scale and duration of overnighting, and are targeting to catering to a moderately-sized overnighting event over a long weekend. The standard is therefore a practical measure for event organisers, and reflects the nature of the effects.

10.15 Matters of discretion are specifically intended to safeguard residential amenity, the safety and efficiency of the roading network, and the visual impacts of occupation. It requires the Council Officer to consider the nature of the surrounding residential environment, and the likelihood that residence would be adversely affected. Discretionary matters also recognise how occupation of a site over this period could impact upon the roading network; potentially congesting local roads and reducing their safety. Visual amenity matters ensure that when at capacity, site dominance does not become an issue. The final 'reoccurrence' standard acknowledges the cumulative effects of site occupation, and aligns with the larger provision framework for on community expectations of temporary.

10.16 Larger overnighting events with longer occupation periods are anticipated to be captured by the Discretionary Standard. Applicants will be required to provide a complete assessment of effects as well as an assessment of the objectives and policies relating to temporary events.

10.17 *Proposed rules for light spill*

Table 8	
Chapter 8A – General Rules – Section 1: Temporary Events	
Permitted Activity	Standard
	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.
Restricted Discretionary Activity	Standard
Any light source from a temporary event which does not comply with the Permitted standard is a Restricted Discretionary Activity.	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.

10.18 The current District Plan does not address the adverse effects of light spill. This has been identified as an issue for larger events operating later in the evening by the UHCC Planning and Compliance departments.

10.19 Proposed standard for light spill are intended to act as a simple measure to act as an enforcement tool to mitigate against the disruptive effects on nearby residence and any potential adverse effects on the adjacent roading network. The threshold of 70kms/h aligns with the New Zealand Transport Agency threshold for greater controls on traffic safety. These two parameters are therefore emulated in the matters of discretion in the Restricted Discretionary status when the permitted standard has been breached.

10.20 *Proposed rules for event noise*

Table 9	
Chapter 8A – General Rules – Section 1: Temporary Events	
Permitted Activity	Standard
Any outdoor amplified sound from a temporary event (including sound testing) which exceeds 65 dB LAeq (5 mins).	<p>(a) Be emitted for a maximum of 6 hours per day between the following hours:</p> <ul style="list-style-type: none"> i. Sunday to Thursday (inclusive): 9am to 10pm ii. Friday and Saturday: 10am to 11pm; and <p>(b) Be emitted for a consecutive period of no more than 3 days per event site; and</p> <p>(c) Be emitted for no more than a total of 3 days over any 17 day period, from a single site,</p> <p>when measured:</p> <ul style="list-style-type: none"> i. At any point within the boundary of any site within a Residential zone; and ii. At any point within the 20m notional boundary of any dwelling within a Rural zone; and iii. At any point within the boundary of any site occupied by a hotel, motel, motor camp, early childhood centre, school or education facility, health care facility or aged care facility within any zone. <p>Exemptions:</p> <ul style="list-style-type: none"> • On December 31st of any calendar year the finish time may be extended to 1am the following day; and • All activities occurring at the Speedway Area (including temporary events) shall be subject to specific rules pertaining to the Speedway Area in Chapter 21.
Permitted Activity	Standard
Non-amplified noise.	<p>(a) Any noise resulting from a temporary event (other than amplified sound) must not exceed:</p> <ul style="list-style-type: none"> i. 70 dB LAeq (15 min) ii. 85 dB LAmax, <p>when measured:</p> <ul style="list-style-type: none"> (1) At any point within the boundary of any site within a Residential zone; and (2) At any point within the 20m notional boundary of any dwelling within a Rural zone; and (3) At any point within the boundary of any site

	<p>occupied by a hotel, motel, motor camp, early childhood centre, school or education facility, health care facility or aged care facility within any zone.</p> <p>(b) Any such noise shall also be pursuant to the general hours of operation standards 8A.2.3.7.</p> <p>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.</p> <p>Exemptions:</p> <p>(c) Noise produced by crowds;</p> <p>(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</p> <p>(e) Organised fireworks displays undertaken at Trentham Memorial Park shall be subject to the specific provisions in Rule 21.14A.</p>
Restricted Discretionary Activity	Standard
Noise from a temporary event which does not comply with permitted noise standards and is not a Non-Complying Activity.	<p>Council shall restrict its discretion to the following matters:</p> <p>(a) The nature of the temporary event and operating hours;</p> <p>(b) The level and nature of noise emitted as part of the temporary event;</p> <p>(c) The anticipated level of disruption to residence, considering:</p> <p>i. The density, proximity, and nature of housing surrounding the site; and</p> <p>ii. Any existing or proposed buffer between the temporary event and residential occupation likely to mitigate adverse effects; and</p> <p>(d) The reoccurrence of the temporary event.</p>
Non-Complying Activity	Standard
Any noise from any temporary event which exceeds 80 dB $L_{Aeq}(5\text{ mins})$ or 85 dB L_{Amax} .	<p>when measured:</p> <p>i. At any point within the boundary of any site within a Residential zone; and</p> <p>ii. At any point within the 20m notional boundary of any dwelling within a Rural zone; and</p> <p>iii. At any point within the boundary of any site occupied by a hotel, motel, motor camp, early childhood centre, school or education facility, health care facility or aged care facility within any zone.</p> <p>Exemptions:</p> <p>(a) Noise produced by crowds;</p> <p>(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</p> <p>(c) Organised fireworks displays undertaken at Trentham Memorial Park shall be subject to the specific provisions in Rule 21.14A.</p>

10.21 When compared against the current provisions, the level of control proposed does not differ greatly. Both sets of rules set a standard for amplified and non-amplified noise. The proposed main changes relate to the duration of such noise, how the noise is measured, and also identifies the band at which discretion is reserved for amplified noise (between 65 dB to 80 dB L_{Aeq} (5 mins) or 85 dB L_{Amax}).

10.22 The changes to the noise standards are reflective of the expert advice received by Council and seek to uphold the objective to maintain residential amenity. The predominant change to the noise standards is to create a specific Restricted Discretionary standard for noise non-compliances, and to give effect to overtly loud events by virtue of a Non-Complying Activity Status. These higher activity statuses for event noise contain several matters of discretion which directs the Council Officer to evaluate the nature of the event, and its location in respect of nearby residence. The Non-complying Activity status recognises the detrimental effects of events which breach the 80dB L_{Aeq} (5 mins) or 85 dB L_{Amax} noise level.

10.23 Here it is important to note the direction to ‘avoid unreasonable noise’ within the section 16 of the RMA. The Act states:

16 Duty to avoid unreasonable noise

- 1) *Every occupier of land (including any premises and any coastal marine area), and every person carrying out an activity in, on, or under a water body or the coastal marine area, shall adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level.*
- 2) *A national environmental standard, plan, or resource consent made or granted for the purposes of any of sections 9, 12, 13, 14, 15, 15A, and 15B may prescribe noise emission standards, and is not limited in its ability to do so by subsection (1).*

10.24 The terminology of *avoid* has been given increased through the *King Salmon* Supreme Court decision and the interpretation of ‘avoid’. The decision reinforced that an avoidance policy should be seen as a means to prevent the occurrence of such an activity. It is therefore considered in light of the Act, case law, and acoustic advice, that the Non-Complying Activity status was the appropriate threshold for such an activity.

10.25 Updates to existing hours of operation

Table 10	
Chapter 8A – General Rules – Section 1: Temporary Events	
Permitted Activity	Standard
All temporary events shall only be operated between the following times:	(a) Sporting events: <ol style="list-style-type: none"> i. Sunday to Thursday (inclusive): 7am to 10pm ii. Friday to Saturday: 7am to 11pm (b) All other events: <ol style="list-style-type: none"> i. Monday to Thursday: 9am to 10pm ii. Friday to Saturday: 9am to 11pm

	<p>Exemptions:</p> <p>(c) On December 31st of any calendar year the finish time may be extended to 1am the following day.</p> <p>(d) Event Overnighting which is permitted under rule 8A.2.3.12.</p> <p>(e) Any temporary event located in a community facility building.</p>
Restricted Discretionary	Standard
Temporary events which do not comply with Permitted hours of operation standards.	<p>Council shall restrict its discretion to the following matters:</p> <p>(a) The nature of the event and hours of operation;</p> <p>(b) The anticipated level of disruption to residents, considering:</p> <ul style="list-style-type: none"> 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 <p>(c) Adverse effects the event may have on parking, and the safety and efficiency of the roading network; and</p> <p>(d) The reoccurrence of the event.</p>

10.26 As discussed, only minor changes are proposed to the existing hours of operation rule. No changes have been made to the permitted hours, only that now organised sporting events and all other events can now be assessed under one heading. The main change to the permitted standard has been to update the exemptions to the hours to reflect additional rules. This gives effect to those events involving overnighting in order to avoid duplication in the application process.

10.27 An additional exemption has also been added to exclude those events located in permanent purpose-built facilities. This exclusion is reflective of the nature of how events are operated in Upper Hutt, with a significant proportion of events located in such a location, and the expectation that such facilities have already anticipated that events shall be located at their premises. Therefore, adverse effects otherwise attributed to breaches of hours of operation can be avoided when located within such a facility. Any activity would still be subject to the permitted event noise and light spill standards described earlier.

10.28 The predominant difference here is the insertion of an additional Restricted Discretionary Standard specifically targeted towards breaching of event hours. This aligns with the overall updated to provisions by providing a more targeted assessment. The matters of discretion seek to address basic parameters of events which either begin early or finish late, and the adverse effects on the surrounding community during the event, and the cumulative effect through reoccurrence.

10.29 Updates to event duration rule

Table 11	
Chapter 8A – General Rules – Section 1: Temporary Events	
Permitted Activity	Standard
Permitted duration of events.	<p>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.</p> <p>Exemptions:</p> <ul style="list-style-type: none"> (a) Event Overnighting shall not be considered under this rule; and (b) Any temporary event located at a community facility building.
Restricted Discretionary	Standard
Temporary events which do not comply with permitted event duration standards.	<p>Subject to meeting the following standards:</p> <ul style="list-style-type: none"> (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. <p>Council shall restrict its discretion to the following matters:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> 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.
Discretionary Activity	Standard
Any temporary event which does not comply with one or more of the Restricted Discretionary Standards for event duration.	See <i>policies</i> .

10.30 It is considered that the current Permitted District Plan rules on event duration are appropriate, and set a practical threshold for event organisers. The only adjustment therefore has been to add in the same exemption as the hours of operation rule.

10.31 A significant addition to this rule is the Restricted Discretionary Standard. In doing so, the rule framework is scaled to be proportionate to the scale of the activity. The changes to the activity status to this rule are a direct response to those longer-term events and the expectation in the community that events are temporary in nature. The Restricted Discretionary standards allow for an event to be conducted over a maximum period of 15 days (allowing for up to 3 weekends to be targeted). Events breaching the permitted standard may only do so up to 3 times per year, before the activity status is increased to Discretionary.

10.32 These standards specifically address the cumulative effects that reoccurring, longer-term events, can have on the community. It acknowledges that while a single non-compliance may be minor, however, ongoing non-compliances throughout the year can have a detrimental effect on residential amenity. Matters of discretion also address these concerns.

10.33 These new standards are a direct response to previous consenting which as assessed that reoccurring or long-term events are no longer considered as temporary. By providing standards for long-term and reoccurring events, the scope of 'temporary' is able to be defined.

10.34 **Definitions**

The following definitions are proposed to be inserted to support the updated and additions to the temporary events rule framework.

Table 12	
Chapter 2 – Definitions	
Event overnighting	is the sleeping in a tent, caravan, campervan or other related means on a site not typically used for this purpose, and is directly related to a temporary event.
Event staff	Staff involved in the daily operation of a temporary event.

10.35 As discussed earlier, the insertion of 'event overnighting' is considered appropriate as a means to differentiate from existing statutory definitions. This will assist in the assessment and enforcement of even-related camping.

10.36 Similarly, the addition of an 'event staff' definition is to assist in the means of enforcement of the Permitted standards for event overnighting proposed as part of this plan change.

11.0 THE RISK OF ACTING OR NOT ACTING

- 11.1 The evaluation under Section 32 must consider the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter of the proposed plan change.
- 11.2 It is considered that there is sufficient information available about the subject matter for this plan change to make an evaluation pursuant to section 32 of the Act.
- 11.3 In terms of risks of acting or not acting, the predominant risk of not acting is that the strategic outcomes identified in the 2016-2043 Upper Hutt Land Use Strategy may not be achieved. The risk of not acting is that the outcome sought from the strategy would not be achieved, which would not contribute to achieving the purpose and principles of the Resource Management Act.
- 11.4 The risk of not acting is therefore a matter of amenity value, and the potential to produce an unattractive environment for events to be located and residence to reside in Upper Hutt. Ineffective promotion of positive events reduces opportunities for cultural and artistic expression, and the opportunity to promote the economic success of the district.

12.0 CONCLUSION

- 12.1 Proposed Plan Change 44 is a Council initiated plan change. The proposed plan change amends existing provisions relating to temporary events and introduces a new objective and additional provisions to appropriately manage events in Upper Hutt.
- 12.2 The purpose of the plan change is to create a framework which facilitates and supports events which positively contribute to the Upper Hutt community.
- 12.3 The plan change proposed to insert, amend, and update the following parts of the Upper Hutt District Plan:
- Chapter 2 Definitions
 - Chapter 8A General Rules
 - 8A.1 Temporary Events (objectives and provisions)
 - Chapter 15 Environmental Quality (objectives and policies)
 - Chapter 18 Residential Zone Rules
 - Chapter 19 Rural Zone Rules
 - Chapter 20 Business Zone Rules
 - Chapter 21 Open Space Zone Rules
 - Chapter 22 Special Activity Zone Rules
 - Chapter 25A Temporary Events
 - Chapter 32 Rules for Noise and Vibration

- 12.4 The scope of these changes ensure that the statutory responsibilities of UHCC under the RMA and other relevant legislation relating to transport are appropriately addressed within the District Plan. In sum, Proposed Plan Change 44 ensures the following:
- The contents of the District Plan chapters comply with the RMA requirements in terms of Council's statutory responsibility, both in terms of Section 31 of the Act and in terms of giving effect to the Regional Policy Statement;
 - The proposed District Plan provisions, namely the proposed objectives, policies, and rules, have been tested in terms of section 32 of the RMA and have been considered to be the best method to meet the purpose of the RMA.
- 12.5 It is considered that this option presents the most appropriate means to both enable community events and to enable a reasonable level of residential amenity within the community. It is considered that this proposed plan change is consistent with the relevant provisions of the RMA and the Regional Policy Statement.
- 12.6 Based on the findings of this report, it is considered that the proposed measure are the most effective and efficient approach for Council to meet its statutory requirements.

APPENDIX 1

Number and location of events in Upper Hutt – EventFinda

Number and Location of Events in Upper Hutt - EventFinda

Background

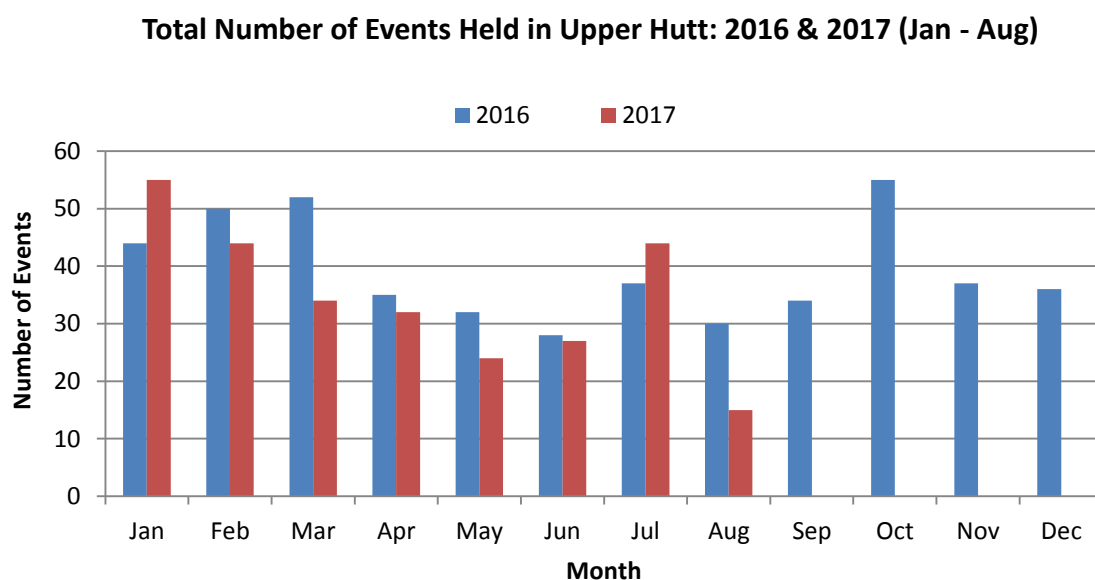
In order to understand the scale of events in Upper Hutt, a better understanding of the number, location, and frequency of events was required. Council interacts with event organisers to manage marketing on public sites and community boards, and where community or arts funding is being sought – it does not however keep a record of all events, therefore an external source was required.

Following discussions with the UHCC Marketing department, it was assessed that the most comprehensive source of all events was local event guide website EventFinda (www.eventfinda.co.nz). The website is also used by Council for marketing purposes, with a direct feed of EventFinda-listed Upper Hutt events featuring on the main webpage of UHCC (www.upperhuttcity.com).

Information sought from EventFinda covered all events listed in Upper Hutt over the last 20 months, prior to the plan change research-phase. This was from January 2016 to August 2017 (inclusive). Information was also gathered on the popularity and frequency of the top 10 most-popular locations over this period, on a biannual basis. Data tables generated are provided in **Appendix A** of this Report.

Number & Frequency of Events

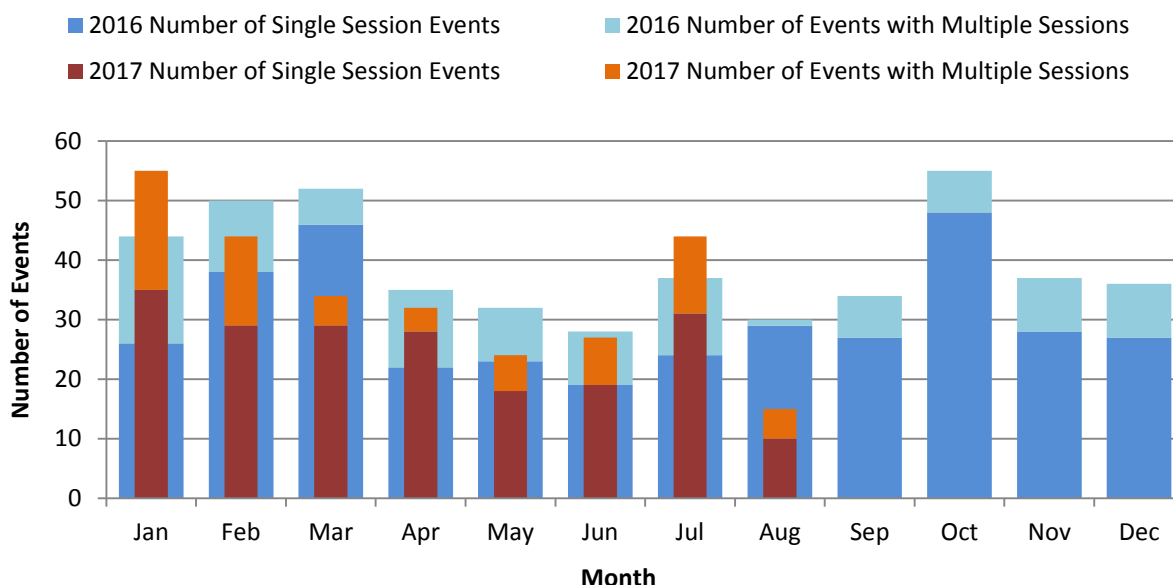
The overall event data showed that 470 events were listed in 2016, with 745 events listed over the 20 month period, generating an average of approximately 37 events per month. The below shows the monthly break-down of events:



The above demonstrates that the monthly number of events generally aligns between 2016 and 2017. Over the directly comparable January to August periods between years, there was a 10.71% decline in listed events from 2016 to 2017.

It should be remembered that events can be categorised into the event itself, and the number of sessions that it generates, also. For example, the event could be held over the period of a week and have a number of sessions open to the public over that period (e.g. performance times), and would be recorded as a single event with multiple sessions. The following graph shows the number of events per month, but also distinguishes the number of events that had multiple sessions. Note that the data for 2017 only extends until August.

Scale of Events in Upper Hutt: 2016 & 2017 (Jan to Aug only)

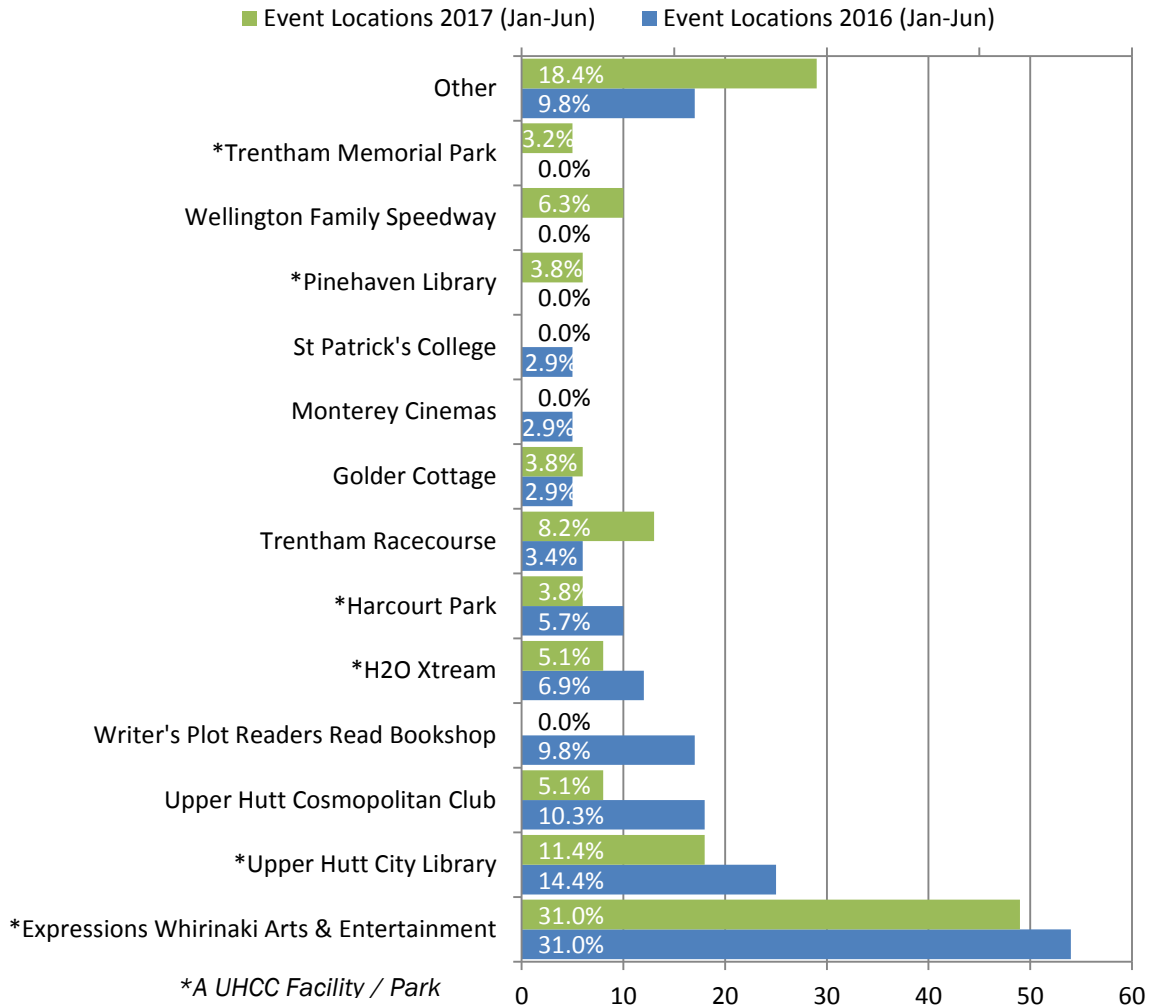


This distinction is important to make in order to understand the level of activity generate for each event. For example, while overall events in January 2016 were lower than in March 2016, there were three times as many events with multiple sessions, meaning that overall activity in January is likely to have been greater than March.

Event Locations

The following demonstrates specific event locations between years using the single comparative biannual results of January to June (inclusive). The number of events held at the specific location is displayed, as well what proportion of events held here during that specific period. This shows that an average of at least 55% of all events were located at a UHCC permanent facility or park.

Location, frequency, and proportion of use for event locations from January to June (2016 & 2016)



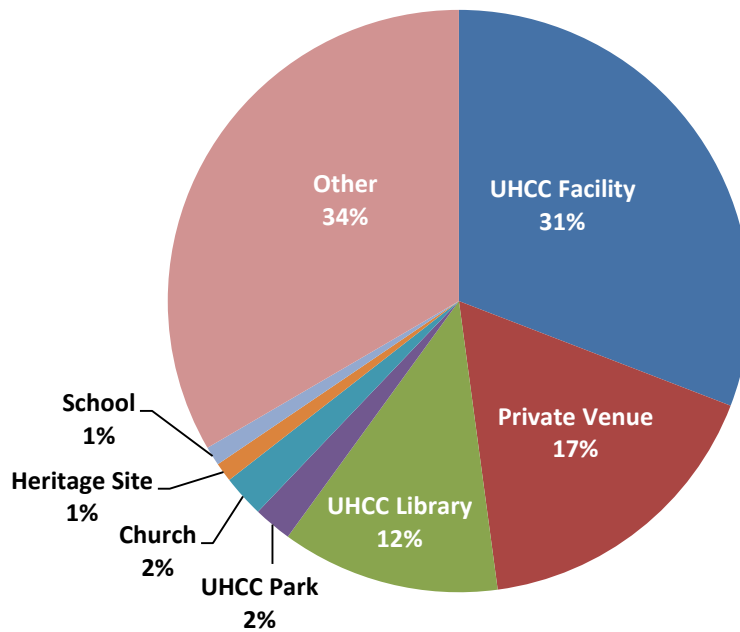
By amalgamating the biannual top 10 results from 2016, an annual top 15 event location list was able to be generated, which represented over two-thirds of all event locations used. This demonstrated that a significant proportion of events were held in public facilities, and at least 64% of events were held in permanent facilities. It also showed that a significant proportion of events which are under the control by Council itself.

When considering the difference between public and private forums, the 2016 top 15 showed that at least 47% were contained were public facilities, and covered:

- Council-own buildings,
- libraries,
- parks,
- public heritage sites, and
- public schools.

The following 19.36% were private facilities, such as private venues or churches. The remaining third of sites represented other sites, outside of the 2016 top 15.

**Most popular type of event location in Upper Hutt in 2016
(top 15 base)**



Overall Conclusions

- While Upper Hutt should generally expect about 30 events to take place per month, based on previous consenting, no more than 1 resource consent application should be anticipated annually.
- A large proportion of sites used for events are under Public ownership and are contained within permanent, purpose-built facilities.
- While there can be an indirect correlation between the overall number of events and scale of activity, this will still be controlled by event duration standards in the District Plan.

Appendix A – EventFinda Data

Received on 18 September 2017

Table 1 – Number of events and sessions listed per month in Upper Hutt			
Month	Number of Single Session Events	Number of Events with Multiple Sessions	Median Events with Multiple Sessions
2016-01-01	26	18	5.5
2016-02-01	38	12	8
2016-03-01	46	6	19
2016-04-01	22	13	7
2016-05-01	23	9	8.5
2016-06-01	19	9	4
2016-07-01	24	13	8
2016-08-01	29	1	5
2016-09-01	27	7	5
2016-10-01	48	7	5
2016-11-01	28	9	5
2016-12-01	27	9	4
2017-01-01	35	20	4
2017-02-01	29	15	5
2017-03-01	29	5	4.5
2017-04-01	28	4	5
2017-05-01	18	6	7.5
2017-06-01	19	8	9
2017-07-01	31	13	10
2017-08-01	10	5	4.5
2017-09-01	9	2	10

Table 2 - Top Venue from 2016-01-01 to 2016-06-30						
No	Venue Name	Nb Events	Address	Post code	Lat	Long
1	Expressions Whirinaki Arts & Entertainment Ct	54	836 Fergusson Drive	5018	-41.126	175.0674
2	Upper Hutt City Library	25	844 Fergusson Drive	5018	-41.1259	175.0686
3	Upper Hutt Cosmopolitan Club	18	11 Logan St	5018	-41.1223	175.0721
4	Writer's Plot Readers Read Bookshop	17	893 Fergusson Drive	5018	-41.1254	175.0705
5	H2O Xtream	12	Corner Brown & Blenheim Streets	5018	-41.1271	175.0662
6	Harcourt Park	10	Akatarawa Rd, Brown Owl	5018	-41.1013	175.095
7	Trentham Racecourse	6	Racecourse Road, Trentham	5018	-41.1388	175.041

8	Golder Cottage	5	707 Fergusson Drive	5018	- 41.1257	175.0563
9	Monterey Cinemas	5	68 - 70 Queen Street	5018	- 41.1233	175.0716
10	St Patrick's College	5	207 Fergusson Drive, Silverstream	5018	- 41.1452	175.0124

Table 3 - Top Venue from 2016-07-01 to 2016-12-30

No	Venue Name	Nb Events	Address	Post code	Lat	Long
1	Expressions Whirinaki Arts & Entertainment Ct	67	836 Fergusson Drive	5018	-41.126	175.0674
2	Upper Hutt City Library	28	844 Fergusson Drive	5018	-41.1259	175.0686
3	Upper Hutt Cosmopolitan Club	14	11 Logan St	5018	-41.1223	175.0721
4	H2O Xtream	12	Corner Brown & Blenheim Streets	5018	-41.1271	175.0662
5	Writer's Plot Readers Read Bookshop	9	893 Fergusson Drive	5018	-41.1254	175.0705
6	Wellington Family Speedway	7	Te Marua, State Highway 2	5018	-41.088	175.1515
7	Lane Park Church	7	16-22 Lane Street	5018	-41.1329	175.063
8	Pinehaven Library	4	56 Pinehaven Road	5019	-41.1605	175.0136
9	Upper Hutt Roller Skating Club	4	4A Railway Avenue	5018	-41.128	175.0712
10	Upper Hutt Baptist Church	4	1 Milton St	5018	-41.1269	175.0505

Table 4 - Top Venue from 2017-01-01 to 2017-06-30

No	Venue Name	Nb Events	Address	Post code	Lat	Long
1	Expressions Whirinaki Arts & Entertainment Ct	49	836 Fergusson Drive	5018	-41.126	175.0674
2	Upper Hutt City Library	18	844 Fergusson Drive	5018	-41.1259	175.0686
3	Trentham Racecourse	13	Racecourse Road, Trentham	5018	-41.1388	175.041
4	Wellington Family Speedway	10	Te Marua, State Highway 2	5018	-41.088	175.1515
5	H2O Xtream	8	Corner Brown & Blenheim Streets	5018	-41.1271	175.0662
6	Upper Hutt Cosmopolitan Club	8	11 Logan St	5018	-41.1223	175.0721
7	Golder Cottage	6	707 Fergusson Drive	5018	-41.1257	175.0563
8	Pinehaven Library	6	56 Pinehaven Road	5019	-41.1605	175.0136
9	Harcourt Park	6	Akatarawa Rd, Brown Owl	5018	-41.1013	175.095
10	Trentham Memorial Park	5	Barton Rd, Heretaunga	5018	-41.1345	175.0284

APPENDIX 2
Other District Plan Review Report

Other District Plan Report – Temporary Events

As part of the Plan Change process, a review of other District Plans was undertaken to assess how temporary events are controlled amongst Plans. A total of five Plans were chosen (inclusive of the Upper Hutt District Plan) based on the following:

- the size of the district and population;
- proximity to Upper Hutt; and
- whether the district plan had recently undergone review.

The intention was to primarily choose districts with a population comparable to Upper Hutt, while Christchurch was included because of the critique the replacement district plan was under through the Independent Hearings Panel (including the subject of expert evidence and detailed legal submissions) and its reference within national planning guidance.

The following details the District Plans which were chosen:

District Plan	Operative Status	Region	District Population (2016 ¹)
Upper Hutt District Plan	Operative – 2004 (Chapter reviewed in 2010)	Wellington	42,600
Lower Hutt District Plan	Operative – 2010	Wellington	103,300
Whanganui District Plan	Operative – 2017	Manawatu-Wanganui	43,800
Waipa District Plan	Partly Operative – 2016	Waikato	51,600
Christchurch District Plan	Partly Operative – 2015/16	Canterbury	374,900

Each District Plan was assessed on the following criteria:

- Integration of provisions within Plan
- Scope of ‘Temporary Event/Activity’ and noise-related definitions
- Permitted activity standards for events
 - This included: permitted days, setup period, hours, environmental controls, traffic and noise standards
- Matters to be considered for resource consent applications
- Specific site exemptions

¹ Statistics New Zealand – *Subnational population estimates (TA, AU), by age and sex, at 30 June 1996, 2001, 2006-16 (2017 boundaries)* <http://nzdotstat.stats.govt.nz/wbos/Index.aspx?DataSetCode=TABLECODE7502>
Retrieved 19/06/2017

Plan Integration

There is an overall split amongst Plans between Temporary Events being contained in a separate chapter, or as a section within 'General' district-wide rules. Interestingly, there are no similarities amongst the newest plans (Whanganui, Waipa and Christchurch), with one being contained as separate chapter, one as a general rules section, and one Plan detailing all relevant provisions within respective zoning provisions. The latter also contains an appendix with a list of reserves for 'Significant Temporary Events'.

When assessing the effects of temporary events, the assessment of noise can be considered as one of the most important environmental quality considerations. It was therefore important to assess how this aspect is also integrated within each Plan.

The majority of Plans include temporary event noise provisions within the temporary events chapter or section. Only two Plans have noise provisions within their respective general noise standards, with one simply relying on these general noise standards to control event noise, rather than providing specific event noise provisions.

Objectives and Policies

The following details the common themes amongst Issues, Objectives and Policies associated with each plan. Note that the Christchurch Plan contains no 'Issues'.

Issues

- Temporary effects
- Adjoining property effects; including effects on residence
- Economic impacts on the likes of the CBD and Commercial zones; economic viability of community events due to consenting costs
- Natural environmental effects

Objectives

Protect:

- Amenity values; community wellbeing; future needs; sensitive environments

Enable:

- Events; temporary military training; artistic, social and cultural expression; economic recovery

Manage:

- Effects; events to align with Reserve Act and Local Government Act management plans; natural features; heritage items

Policies

Maintain/Manage:

- Acceptable noise levels; temporary military activities; access to parks; natural or cultural values, strategic infrastructure; adverse effects

Provide for:

- Safe events (pedestrian, vehicle); appropriate standards; diversity of activities; large scale events in specified locations; events in compatible locations; events in unspecified locations; Events with appropriately managed parking and traffic management; Events which maintain access to commercial areas

Identify:

- Important community amenity values

Align:

- With relevant reserve plans

Encourage/Enable:

- Cooperative use of community facilities; associated temporary structures and signs; a higher consenting threshold for events where health and safety is not compromised

Objectives and Policies: How does the Upper Hutt District Plan compare?

The temporary chapter currently contains no Issues, Objectives or Policies. All relevant policies are instead captured through Chapter 15 - Environmental Quality and also through some Objectives and Policies within Chapter 7 – Open Space.

Both of these chapters seek to address amenity issues while enabling temporary events. There are currently limited to no provisions addressing wider associated issues such as:

- economic impacts;
- health and safety;
- reserve management plans;
- artistic, social and cultural expression; and
- future community needs.

Overall, there could be further consideration given to ensuring the policy framework is more specific and directive, and more encompassing of wider issues that need to be managed. This would assist in providing better support to the review of associated rules and matters of discretion.

Definitions

The following details generic themes associated with the ‘Temporary Events/Activities’ definition in other Plans:

❖ Temporary timeframe

- One-off, infrequent, transitional, or with a defined date
- Some plans specify a specific time period and/or cumulative period the event may occur

❖ Specific types of events listed

❖ Specific Events inclusive of ‘Temporary Events’ definition:

- Filming

- Public Art
- Parking spaces associated with Event

❖ **Specific Events exclusive of ‘Temporary Events’ definition:**

- Recreational activities
- Emergencies facilities and associated services and operations
- Customary activities
- Lasting site disturbance
- Temporary utilities
- Permanent structures

How each District Plan defines noise definition was also considered, as noise is an important consideration when assessing temporary events. Only the Waipa and Christchurch plans have specific noise definitions, which are detailed below:

Key:		
	= Waipa Only	
	= Christchurch Only	
	= Both Plans	

Definitions:	Notes:
Noise	<i>Common definition</i>
Noise Event	<i>Excessive noise up to 7 hours, not associated with event</i>
Noise-sensitive Areas	<i>Generally considered to be:</i> <ul style="list-style-type: none"> • Residential areas • Community/Elderly areas • Guest/Visitor accommodation • Education areas (Christchurch only)
MEASUREMENT:	Notes
Leq	-
Lmax	-
dBA	<i>“A” weighted to human hearing</i>
LAE	<i>1 second measurement, for immediate measurement</i>
Ldn	<i>Day-Night average sound level</i>

Definition: How does the Upper Hutt District Plan compare?

The Plan defines likes of ‘Temporary Event’, ‘Sign’, ‘Passive Recreation’, and ‘Active Recreation’ in relation to temporary events. The definition highlights the limited duration and describes the general types of events included and excluded in the definition.

The definition generally conforms to other District Plans, however fails to consider specific noise definitions, as detailed in Table 2. It should be noted that Ministry for the Environment discussion paper on Definitions includes ‘**Noise Sensitive Activity**’ as an indicative term to be used in National Planning Standards (see Discussion Paper G, Table 1, p 11).

Permitted Activity Standards

Standards described in Plans can generally be categorised as follows:

- Specify duration, including setup or removal times;
- Hours of operation;
- Noise provisions;
- Traffic matters; and
- Specific event exemptions.

Duration

Three of the five plans have an *operational* permitted time period of **6 days**, with the Waipa Plan also stipulating a total cumulative annual period of 12 days, annually. The Whanganui Plan restricts event operation to 2 days, while the Christchurch Plan limits operation of a single event to either **12 consecutive days**, or 6 weekends, or 4 consecutive weeks.

There is more of a discrepancy regarding setup and material removal standards amongst plans. Only the Upper Hutt and Lower Hutt Plans stipulate setup times as 4 days (10 days in total). The Whanganui and Waipa Plans control when materials must be removed by, following the end of the event.

For Whanganui, any earthworks are controlled through the earthworks chapter and any other material is required to be moved in **2 months**. However, the Waipa Plan set a limit of **3 days** for all materials or buildings to be removed. The Christchurch Plan chose not to control setup or material removal times or days.

Duration: How does the Upper Hutt District Plan compare?

Provisions currently conform to the most common permitted time period of 6 days, however fails to set a cumulative period. Setup and removal periods are set between 3 to 60 days (2 months), with a median time of 4 days. The UH Plan has a setup period of 4 days.

Hours of Operation

Only the Upper Hutt and Lower Hutt Plans seek to control hours of operation on specific week days and weekends. This is typically done over a Sunday or Monday to Thursday weekday period, and a weekend period for the remaining days. All other Plans do not set days and instead seek to control effects through overall event noise provisions, which do not relate to days of the week, only time of day.

The Upper Hutt Plan also has more relaxed times for sporting events, while the Lower Hutt Plan has more relaxed times for setup periods.

Hours of Operation: How does the Upper Hutt District Plan compare?

As discussed, the Plan only aligns with the Lower Hutt Plan, with all other Plan defaulting to event noise provisions, rather than specific days in the week. The Plan also does not consider cumulative effects of events.

This is something to be mindful of through the Plan Change process. The restriction on event times may have been seen as aligning to expected hours of activity during the respective weekday periods, however it is important to consider the adverse effects this provision is attempting to mitigate. Does it seek to control traffic and parking, or only expected noise levels indirectly associated with the event?

Noise Provisions

Four methods of noise controls are adopted amongst plans:

- Amplified noise;
- Day noise;
- Night noise; and
- General event noise.

Only the Christchurch and Upper Hutt Plans’ seek to control amplified sound. The following provisions were stated:

Upper Hutt	Maximum 6 hour noise duration	80 dBA and Lmax 85
Christchurch	Maximum 4 hour noise duration (between 9am and 10pm, daily)	With maximum 500w RMS sound system <i>or</i> 65 db LAEQ – <i>if</i> at a residential unit, with accompanying acoustic report

For general noise, the Waipa and Whanganui Plans seek a day-time event noise level of between 55-60 dBA LEQ (for reserves and other areas, except residential). Both of these Plans also have a night-time noise level of 40 dBA LEQ, with the Waipa Plan also implementing a 70 dBA Lmax level. It should be noted that the Waipa Plan does not have specific event noise provisions and this report only analyses the noise standard associated with reserves².

Only the Upper Hutt and Lower Hutt Plans sought to have provisions for all noise associated with events, regardless if it was a day or night-time event. Both plans had a standard noise level of 70 dBA L10. Upper Hutt also introduces an Lmax level of 85 dBA, while Lower Hutt has a 65 Db LAEQ Max level.

The Christchurch Plan operates slightly differently to all other Plans. It instead sets noise standards for a scheduled list of prominent parks and reserves in the district, with only a limited set of criteria for all other event-related noise in other areas. Standards only seek to control:

² The Waipa District Plan also has an appendix for reserves where significant events may be held. Specific event provisions exist for these designated areas.

- The level and time of amplified noise (as discussed above), with specific residential controls, and
- A residential setback of 50m for all event activities.

Therefore, the Plan is particularly focused on the adverse effects from noise on residential activities and the duration of amplified noise.

Only the Upper Hutt Plan uses the outdated 1991 New Zealand Standards (NZS) to measure noise levels, with all other Plans adopting the latest 2008 standards.

Noise Provisions: How does the Upper Hutt District Plan compare?

Regarding amplified noise, the Plan has similar standards to the Christchurch Plan, however chooses to have a broader scope, rather than focusing on effects on residential areas only.

The Upper Hutt and Lower Hutt Plans are the only Plans to have provisions that control event noise generally, rather than noise limits over specific time periods. Christchurch only seeks to control amplified noise levels over a specific time period.

The question remains as to whether residential environments have a greater sensitivity to noise at particular times of the day. An update to the latest NZS is also now required.

Event Exemptions

- Both the Hutt Valley Plans have exemptions for event time limits for New Year's Eve events.
- The remaining Plans all have exemptions for either specific events or events at specific locations around the district.
- The Whanganui Plan also exempted the overnighting of event staff in relation to hours of operation.
- The Christchurch Plan sets specific time periods where fireworks are a Permitted Activity, specifically focusing on New Year's Eve and Guy Fawkes.

Resource Consent Considerations

In almost every district surveyed, any permitted non-compliance results in a Restricted Discretionary activity status, with specific matters to be considered. Only in Waipa do non-compliances result in a Discretionary activity status; with the exception of events located in the Commercial Zone, which are Restricted Discretionary Activities.

Only the Waipa and Christchurch Plans have an activity status of Discretionary for some temporary events, with the Christchurch District Plan also providing for a Non-Complying activity status.

As discussed, the Waipa Discretionary status is the default status for all activities failing to meet the permitted standards not located in the Commercial Zone. In Christchurch, the following events located in a Site of Ecological Significance or the Coastal Environment are a Discretionary Activity:

- Event or temporary market;
- Commercial film or video production; or
- Temporary military training activity.

The Non-Complying Activity status is only for certain activities within close proximity to a National Grid transmission line.

The following lists the matters for discretion listed in all Plans considered (inclusive of the UHDP); grouping common matters and showing their frequency amongst Plans.

Table 3: Cross-plan resource consent standards analysis	
<i>Common Restricted Discretionary Standards</i>	<i>Plan Frequency</i>
Traffic and Parking Effects: <ul style="list-style-type: none"> <i>Surrounding and local, traffic alternatives, connection to public transport, traffic safety</i> 	4/5
Amenity effects: <ul style="list-style-type: none"> <i>Frequency and hours of event</i> 	3/5
Noise effects: <ul style="list-style-type: none"> <i>Nature and frequency of event-related noise, effects on ambient noise</i> 	3/5
Environmental site effects: <ul style="list-style-type: none"> <i>Sensitivity to change/use and effects on associated values, Site disturbance and ecological effects</i> 	2/5
Adverse effects on overall environment	1/5
Hazards, health and safety	1/5
Positive economic effects	1/5
Site competition <ul style="list-style-type: none"> Balancing public interests in same site 	1/5
Specific Site Value Impacts (Hagley Park)	1/5

Resource Consent Considerations: How does the Upper Hutt District Plan compare?

The Plan currently sets only the top three (traffic, amenity, noise) common standards as Restricted Discretionary Standards.

An opportunity exists for additional standards to be considered. There should also be consideration of whether there is a need for the greater use a Discretionary or Non-complying activity status to be introduced for certain events. If introduced, this should be considered in conjunction with the review of the objectives and policies.

Overall Plan Change Opportunities & Considerations

Plan Integration

1. Plan Change 43 establishes a framework which will likely mean that Temporary Events are incorporated into 'General Rules' as a separate section.

Definition

2. There is an opportunity to clarify the 'Temporary Events' definition, however it currently reflects the overall common definitions amongst assessed Plans.
3. It may be important to consider the definition's integration with the temporary signs rules.
4. Could introduce new definitions for noise measurement (LEQ, dBA, etc), in accordance with expert guidance.

Permitted Standards

5. Need to assess how necessary it is to set hours of event operation when it is already controlled through event noise provisions.
6. This links to the potential change in noise provisions whereby a change to day-night event noise standards could be more appropriate, rather than general event noise standards currently detailed in the Plan.
7. Need to update from outdated NZS 1991 to NZS 2008.

Resource Consent Considerations

8. The Plan largely conforms to common resource consent standards amongst plans
9. Opportunities exist for additional standards to reflect the sensitivity of some sites, like UHCC parks, and also the positive economic effects associated with the promotion of Upper Hutt.
10. An assessment required as to whether any Discretionary or Non-Complying standards should be introduced (like Christchurch). This could, for example, introduce new policy direction for 'permanent' re-occurring events.

Objectives and Policies

11. There may be a need for objectives and policies tailored to temporary events to provide better linkages with the supporting provisions. This is especially so if the Discretionary or Non-Complying activities are to be introduced.
12. Current policies are generic and therefore somewhat restrict areas of discretion when assessing larger events.
13. There may be a need to reflect greater issues and opportunities associated with temporary events, in light of current and future community needs within Upper Hutt.

APPENDIX 3

Acousafe Acoustic Report on Plan Change 44



**DISTRICT PLAN REVIEW
PLAN CHANGE 44
TEMPORARY ACTIVITY NOISE RULES**

For

UPPER HUTT CITY COUNCIL

N2505 PC44 Temporary Activities – Final V2

9 November 2017

ACOUSAPE CONSULTING & ENGINEERING LTD

A handwritten signature in black ink, appearing to read "Nigel Lloyd". The signature is written in a cursive, flowing style.

Nigel Lloyd
Director of Acoustic Services

Mobile: 0274 480 282
E-mail: nigel@acousafe.co.nz

1 Introduction

The general noise rules in Chapter 25A control all temporary events and set performance criteria for all amplified and non-amplified noise generated by a temporary event. General noise and vibration standards are outlined in Chapter 32 of the District Plan.

Both chapters use L_{10} and L_{max} sound measurement controls in accordance with the methodology set out in NZS 6802:1991. Construction noise is also dealt with under general provisions.

The Plan Change 44 review is focused on temporary events and their effects (including noise), and this review is directly related to temporary events in Chapter 25A. The Council seeks to update the noise provisions within the chapter to current best practice noise measurement controls, which are the 2008 versions of NZS 6201¹ and NZS6802². The current provisions relating to temporary event noise are attached in Appendix 1.

We recognise the assistance provided by the RMA Quality Planning Resource³.

2 Brief

Acousafe's brief is to review Section 25A noise information and specifically:

1. Update the noise provisions within Chapter 25A to current best practice,
2. Ensure that any recommended updates to the noise provisions in Chapter 25A do not introduce unintended conflicts with existing noise standards,
3. Describe any significant advances or differences between the 1991 and 2008 versions of NZS6801 and NZS6802.

Internal analyses by the Council of temporary event noise complaints to Council have demonstrated that the prescribed noise level controls are largely effective. At the time of writing, Council's preliminary assessment suggests that the best option may be to maintain the existing noise level controls (as in 25A.8 and 25A.9), but update the measurement standards to comply with New Zealand Standards.

3 NZS6801 and NZS 6802

The most significant change that the update of NZS6801 provides is to clarify the meteorological conditions during which noise prediction and compliance monitoring can be undertaken. The 1991 version of the Standard was often interpreted as requiring "zero *met*" conditions, or no positive enhanced noise propagation from the source to the receiver. The 2008 version of this Standard

¹ NZS6801:1991 Measurement of Sound.

² NZS6802:1991 Assessment of Environmental Sound

³ <http://www.qualityplanning.org.nz/>

is more representative of real life allowing assessments to be undertaken during common meteorological conditions expected at any specific location.

The District Plan noise descriptors are currently expressed as L_{10} and L_{max} . L_{10} is a statistical method of measuring noise being the level that is equalled or exceeded for 10% of the time. This review proposes that L_{Aeq} be used for the Temporary Events (with the General Rules to follow). L_{Aeq} is an energy average of the varying sound levels over the specified period. For road traffic and noise of a similar characteristic L_{10} is generally 2-4 dBA greater than L_{Aeq} for the same period. L_{max} is to be retained and this is the maximum sound level in any measurement period and prevents noise from being startling and usefully assists in the protection of sleep.

4 Operative District Plan

Temporary event is defined in Chapter 35 of the Upper Hutt District Plan, with the rules established in Chapter 25A. After 11 October 2017, Chapter 35 will become Chapter 2. The definition will be unchanged.

The current definition of a temporary event is as follows:

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.

The total duration of a temporary event is limited to 6 days with the occupation of the site (including set-up and pack down) limited to 10 days.

The hours of operation of various different types of events are established in Rules 25A.4 to 25A.6 with the latest time being 10 pm Sunday to Thursday and 11pm Friday to Saturday. Rule 25A.6 allows outdoor amplified music to continue to 1am on New Year's Day.

Rule 25A.6 provides for amplified music to be emitted for a maximum on 6 hours per day.

Rules 25A.8 and 25A.9 established a relaxed noise limit of 80dBA L_{10} and L_{max} 85 (sic) for amplified sound and 70dBA L_{10} and L_{max} 85 (sic) for noise other than amplified sound. The sound is measured:

- At any point within the boundary of any site within the residential zone; or
- At any point within the 20m notional boundary of any dwelling within the Rural Zone; or
- At any point within the boundary of any site occupied by a hotel, motel, motor camp, early childhood centre, school or educational facility, health care facility or aged care facility within any zone.

Rule 25A.12 requires noise to be measured and assessed in accordance with the 1991 versions of NZS6801 and NZS 6802.

5 Technical Review of District Plan Noise Provisions

We recommend that the numerical limits in 25A.8 and 25A.9 are retained and that the L_{10} descriptor is changed to L_{Aeq} and with the L_{max} limit kept. This will update these limits to be in-line with the recommendations of NZS 6802:2008.

The Operative District Plan noise limits in Chapter 25A are intended to allow high levels of noise to occur for short periods of time. It is generally accepted that higher levels of noise can be appropriately generated for temporary events, provided that the duration is limited, the finishing time is appropriate and that the noisy event does not become repetitive. On that basis we recommend the following restrictions:

- a) Amplified music that exceeds the limits in 25A.9 be limited to 3 consecutive days;
- b) Amplified music (including sound testing) not exceed 6 hours on any day;
- c) The hours for amplified music noise are those set out in 25A.6;
- d) That there be a respite of 14 days separating temporary events taking place on any site; and
- e) A maximum of 3 temporary events would occur on any site in a rolling one year period.

Turning to the amplified music noise limits (25A.8).

In our experience, the reference time period used in the L_{Aeq} limit is critical for assessing amplified sound in temporary events. The need is for the measurement period to be long enough to be representative of the sound of interest but short enough to allow information to be fed back to the sound desk to allow adjustments to be made. In our experience 5 minutes is an appropriate reference period for amplified sound control.

This is a shorter reference time period than the 15 minutes recommended by NZS6802:2008 but that timeframe would be appropriate for noise other than amplified music. Our recommended changes to the existing Rules are as follows with insertions underlined and deletions struck through:

25A.8 Any amplified sound resulting from the temporary event shall ~~must~~ not exceed ~~80dB A L_{10} and L_{max} 85~~ when measured:

80 dB L_{Aeq} (5 min)

85 dB L_{Amax}

when measured:

- At any point within the boundary of any site within a residential zone; ~~or~~ and
- At any point within the 20m notional boundary of any dwelling within a rural zone; ~~or~~ and
- At any point within the boundary of any site occupied by a hotel, motel, motor camp, early childhood centre, school or educational facility, health care facility or aged care facility within any zone.

25A.9 Any noise resulting from the temporary event (other than amplified sound) must not exceed ~~70dBA and L_{max} 85~~ when measured:

70 dB L_{Aeq} (15 min)

85 dB L_{Amax}

when measured:

- At any point within the boundary of any site within a residential zone; ~~or and~~
- At any point within the 20m notional boundary of any dwelling within a rural zone; ~~or and~~
- At any point within the boundary of any site occupied by a hotel, motel, motor camp, early childhood centre, school or educational facility, health care facility or aged care facility within any zone.

We have followed the existing format of the Rules but consider this could be rationalised by combining the measurement locations which are the same for Rule 25A.8 and 25A.9.

The following amendments are recommended for Rule 25A.12:

All sound levels shall be measured in accordance with NZS 6801:2008 Acoustics – Measurement of environmental sound ~~NZS 6801:1991 Acoustics – “Measurement of Sound”~~ and assessed in accordance with NZS 6802:2008 Acoustics – Environmental noise ~~NZS 6802:1991 “Assessment of Environmental Sound”~~ with the exception that Clause 6.3.1 (adjustments for distinctive character) 4.4 (Adjustments to Performance Standards) of ~~NZS 6802:1991 “Assessment of Environmental Sound”~~ shall not apply to amplified sounds.

When measured:

- i. At any point within the boundary of any site within a Residential zone; and
- ii. At any point within the 20m notional boundary of any dwelling within a Rural zone; and
- iii. At any point within the boundary of any site occupied by a hotel, motel, motor camp, early childhood centre, school or education facility, health care facility or aged care facility within any zone.

6 Other Temporary Events

Separate noise rules are provided above for events other than events with amplified sound. These events might include festivals, fairs or exhibitions. These could also involve noisier activities, such as motorised vehicles (bikes, cars rallies, motor mowers etc). The noise limits for these events are stricter than for amplified sound (where the amplified sound tends to be a crucial aspect of the event) but without the tight restriction on duration that applies to the amplified sound event. These events will occur for up to a 6 day period with restrictions on the frequency of the events at any one site.

7 Managing Conflicts

The measurement and assessment methodologies are contained separately in Chapter 25A and Chapter 32. Therefore, these two Chapters can stand alone. The different versions of NZS 6801 and NZ S6802 can therefore be written into the different Chapters without causing a conflict within the District Plan. An issue would have arisen if there was a separate noise Chapter that provided guidance for each Chapter of the District Plan but that is not the case.

8 Camping

Further to the above brief, the Council is considering introducing permitted and controlled provisions for camping associated with the temporary events. The practical set back distance (at parks where this could happen) is 30m in the residential environment. Currently, this would require the introduction of an associated 'overnighting' definition, which incorporates the use of tents, caravans, campervans and any other related means to *overnight*.

We consider that camping associated with a temporary event would be appropriate at this set back distance provided that the campers behave reasonably. The control of unruly behaviour would not be well managed using these District Plan noise provisions but would be better controlled using the Council's nuisance noise processes. Any incidence of unruly behaviour could be factored into the decision as to whether future events of that type were appropriate at the site in question.

9 Crowd Noise

While the noise provisions of the District Plan and the New Zealand Standards would be a good guide to assessing the acceptability of crowd/people noise, they should not be used to attempt to reduce or control the noise from a spectator crowd or from people at a temporary event. Should nuisance noise occur from a crowd, then it is recommended that the event is allowed to run its course and the information used to control future events of a similar nature. This is an appropriate strategy because the events are temporary in nature. Attempts to control crowd noise using noise monitoring can result in unfortunate consequences. Some locations may not be suitable for temporary events where high levels of crowd noise impact on the neighbouring community and this would require a different management process than provided by simply controlling noise using rules.

10 Conclusions

Plan Change 44 provides for temporary events to occur for limited durations.

We have recommended amendments to the noise limits for temporary activities intended to make the controls compatible with the 2008 versions of the environmental noise standards.

Further recommendations have been made that would shorten the allowable duration of amplified music events to 3 days. We consider that this would be less of an imposition on neighbours and would allow them to better manage how they would deal with a temporary event. The period of 3 days would also better reflect the likely duration of such an event.

Other events would continue to take place for up to 6 days with a ten day maximum site occupation period. A two week (14 day) respite period is recommended between temporary events, on any site, and a maximum of 3 temporary events would take place in any rolling 1 year period.

The Council seeks to provide for high noise events while managing their duration, frequency and hours of operation to prevent ongoing noise issues for the community.

APPENDIX 1

25A RULES FOR TEMPORARY EVENTS

Activities Table

Policy 15.4.6

25A.1	Activities	All zones
	Temporary events that comply with the permitted activity standards specified in rule 25A.2 – 25A.12	P
	Temporary events that do not comply with the standards specified in rule 25A.2 – 25A.12	RD

P Permitted activity which complies with standards for permitted activities specified in the Plan

RD Restricted discretionary activity

Standards for Permitted Activities

Temporary events

25A.2 All temporary events must comply with the definition of temporary event in Chapter 35 of the District Plan.
Policy 15.4.6

25A.3 The total duration of a temporary event shall not exceed 6 days and the occupation of a site for any temporary event (including set-up and pack-up times) shall not exceed 10 days in total.
Policy 15.4.6

25A.4 Temporary events (other than organised competitive sporting events) may only occur between the following times:
Policy 15.4.6

Sunday to Thursday (inclusive)	9am to 10pm
Friday and Saturday	9am to 11pm

Exemption:	
<ul style="list-style-type: none"> On December 31st of any calendar year the finish time may be extended to 1am the following day. 	

25A.5

Organised competitive sporting events may occur between the following times:

Policy 15.4.6

Sunday to Thursday (inclusive)	7am to 10pm
Friday and Saturday	7am to 11pm

25A.6

Any outdoor amplified music may be emitted for a maximum of 6 hours per day between the following hours:

Policy 15.4.6

Sunday to Thursday (inclusive)	10am to 10pm
Friday and Saturday	10am to 11pm
Exemption:	
<ul style="list-style-type: none"> On December 31st of any calendar year the finish time may be extended to 1am the following day. 	

25A.7

Any noise outside the permitted hours for a temporary event outlined above in rules 25A.4 to 25A.6 associated with set-up and pack-up times shall comply with the relevant noise standards outlined in chapter 32 of the District Plan.

Policy 15.4.6

25A.8

Any amplified sound resulting from the temporary event must not exceed **80dBA L₁₀** and **L_{max} 85** when measured:

Policy 15.4.6

- At any point within the boundary of any site within the residential zone; or
- At any point within the 20m notional boundary of any dwelling within the Rural Zone; or
- At any point within the boundary of any site occupied by a hotel, motel, motor camp, early childhood centre, school or educational facility, health care facility or aged care facility within any zone.

25A.9

Any noise resulting from the temporary event (other than amplified sound) must not exceed **70dBA** and **L_{max} 85** when measured:

Policy 15.4.6

- At any point within the boundary of any site within the residential zone; or
- At any point within the 20m notional boundary of any dwelling within the Rural Zone; or
- At any point within the boundary of any site occupied by a hotel, motel, motor camp, early childhood centre, school or educational facility, health care facility or aged care facility within any zone.

25A.10 All activities occurring at the Speedway Area (including temporary events) shall be subject to the specific rules pertaining to the Speedway Area outlined in Chapter 21 of the District Plan.

Policy 15.4.6

25A.11 Organised fireworks displays undertaken at Trentham Memorial Park shall be subject to the specific provisions outlined in rule 21.14A of the District Plan.

Policy 15.4.6

25A.12 All sound levels shall be measured in accordance with NZS 6801:1991 Acoustics - "Measurement of Sound" and assessed in accordance with NZS 6802:1991 "Assessment of Environmental Sound" with the exception that Clause 4.4 (Adjustments to Performance Standards) of NZS 6802:1991 "Assessment of Environmental Sound" shall not apply to amplified sounds.

Policy 15.4.6

Restricted Discretionary Activities

25A.13 Council will restrict its discretion to, and may impose conditions on:

Policy 15.4.6

- Hours of operation, duration and frequency of the temporary event.
- The nature, frequency and duration of noise associated with the temporary event.
- The effects resulting from traffic movements and car parking associated with the temporary event.

APPENDIX 4
External Stakeholder Survey Report

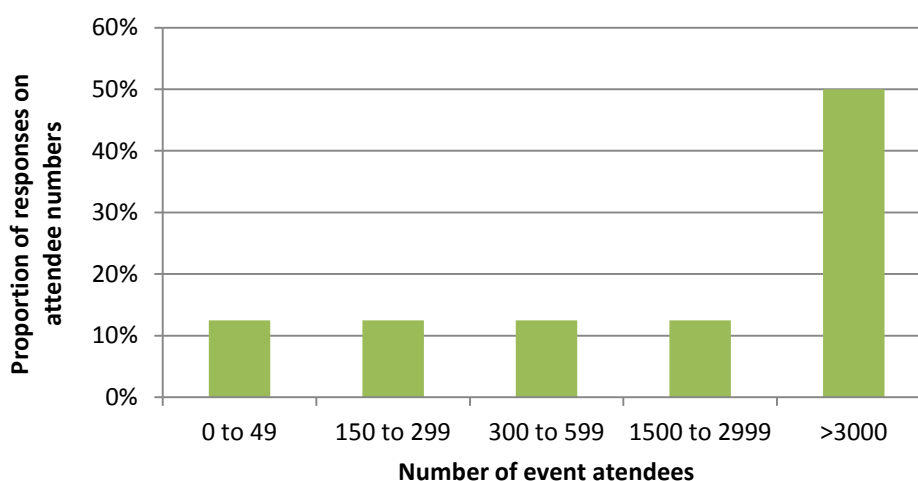
External Stakeholder Survey Report

In early September 2017, 35 Upper Hutt event organisers were approached to take part in an online survey. This received a response rate of 22%, with 75% of respondents allowing Council the opportunity to contact them directly to further elaborate on their answers. The following provides a break-down of their responses. Questions asked in the survey are detailed in **Appendix A**.

Scale and number of events organised

Almost 90% of respondents stated that they organised between 1 to 5 events over the last 20 months. Following discussions with respondents, it was confirmed that most organisers facilitated 2-3 events in Upper Hutt per year.

Most common number of attendees at events organised



Larger events with over 3,000 attendees were typically sporting events, community festivals, or fairs. When contacted directly, confirmed attendee numbers ranged from approximately 1,200 to 15,000 attendees. The following details the average number of attendees for some of the specific events respondents had organised:

Event	Type of event	Average number of attendees	Operating time	Location	Zoning
Karapoti Classic	Sporting	1,200	6 hours	Karapoti Park	Open Space
Fireworks Fantastic	Family Evening	6,500	4 hours	Trentham Memorial Park	Open Space
Summer Carnival	Community Fair	4,000	6 hours	Trentham Memorial Park	Open Space
NZ Archery Championships	Sporting	225	1 week	Trentham Archery Club	Special Activity

Spring Festival	Community Fair	11,000 ¹	6 hours	Main Street	Business Commercial
March Madness Fair ²	Community Fair	27,000	6 hours	Main Street	Business Commercial

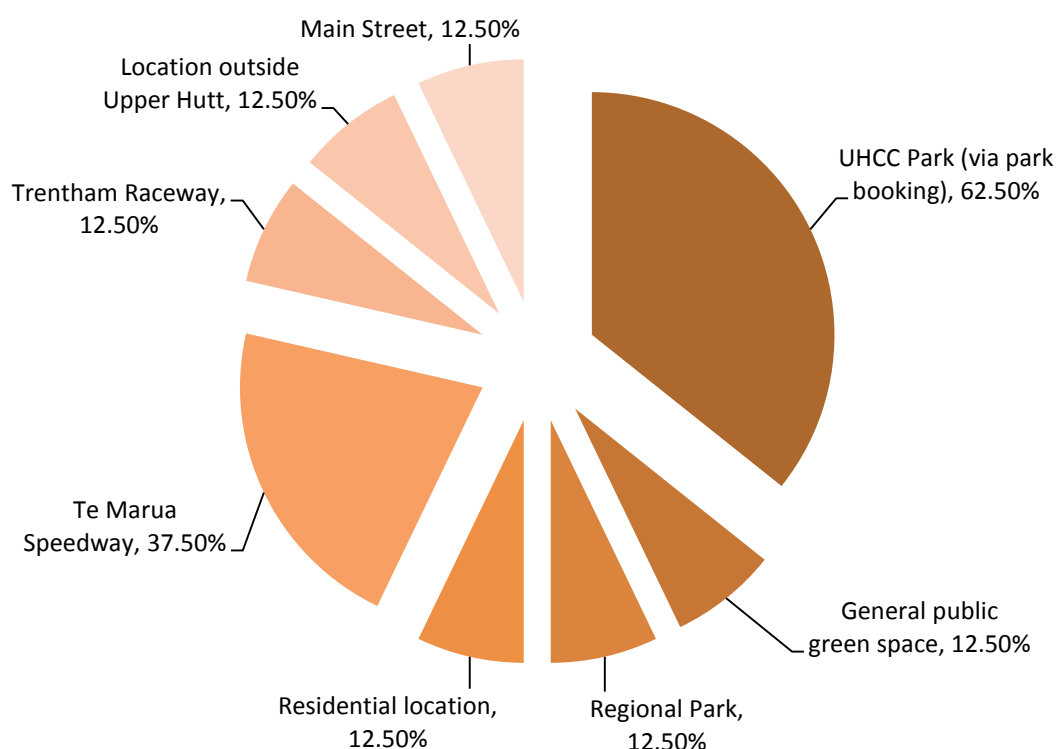
Event Location

Survey respondents were asked to identify their most frequently used event locations. Over 11 different locations were identified, with the most popular being a UHCC Park which had been booked via the Councils' online park booking system.

A break-down of all of the sites listed are shown on the following page. It should be noted that 12.5% represents a single use of a site.

The percentages therefore represent the proportion of respondents who said they used that particular site, and is not representative of overall use. For example, 50% would mean that half of all respondents said they used that site.

Location and proportional use of sites uses by event organisers

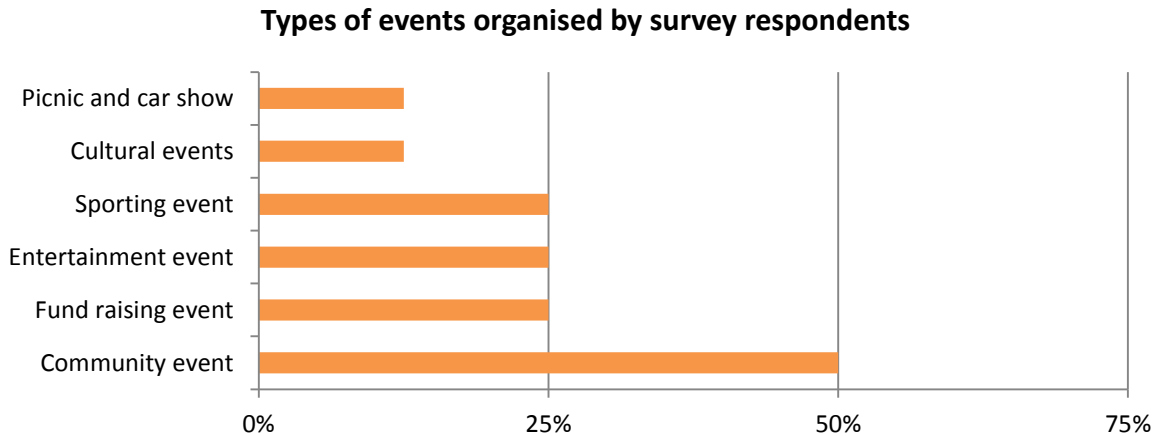


¹ The original estimate was 15-30,000 attendees, however after verifying with UHCC's Acting Marketing Manager, the figure was revised to 10-12,000 attendees, at most.

² The March Madness Fair organisers is UHCC and was not included in the survey, however has been included for comparative purposes following discussions with the UHCC Marketing Department.

Event Type

The most popular type of event organised by respondents was a community event. This was described in the survey as a public celebration or free event. The second equal most popular events organised were fund raising, entertainment, and sporting events. This is detailed below.



District Plan Provisions

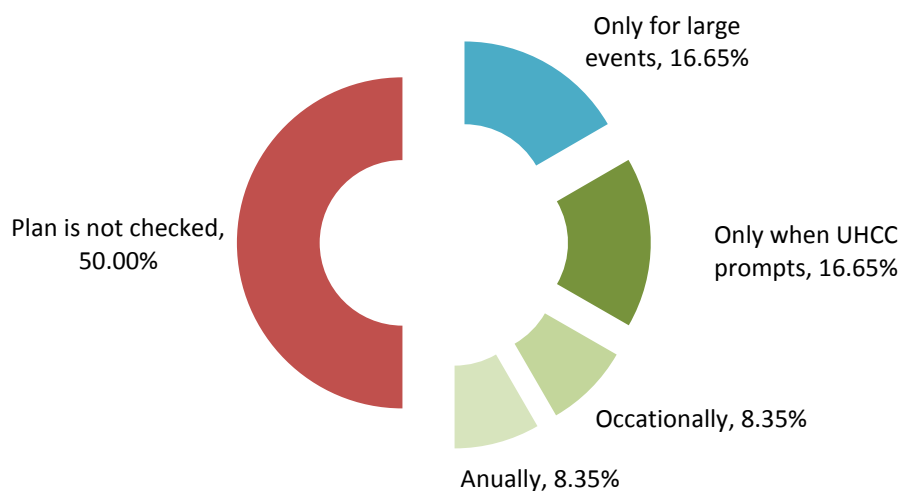
It was interesting to evaluate the level of understanding event organisers had of the current District Plan and its temporary event provisions.

Only 50% of respondents said that they checked the District Plan provisions. When asked further as to the reasons why some had not checked the Plan, the general themes were:

- It had not been mentioned to them by Council staff;
- The event had remained unchanged for a large period of time;
- It was understood that the event was 'recorded as an annual event' and exempted from rules; or
- The organisers simply never thought to check the Plan.

Below shows the scenarios where event organisers do check the Plan, and also includes the proportion that does not check the Plan at all.

Frequency of when the District Plan is checked by event organisers for compliance:



As expected, half of survey respondents did not design their event to avoid the need for resource consent, while just over a third said they did change their event, and 12.5% said they only did sometimes. Of the people that said they did change their event, the aspects that were usually changed were:

- Day the event is held;
- Number, sale, or type of event held; and
- Number of activities likely to generate noise.

Based on these results, we can assume that events were changed based on the following operative rules (in the same order as above):

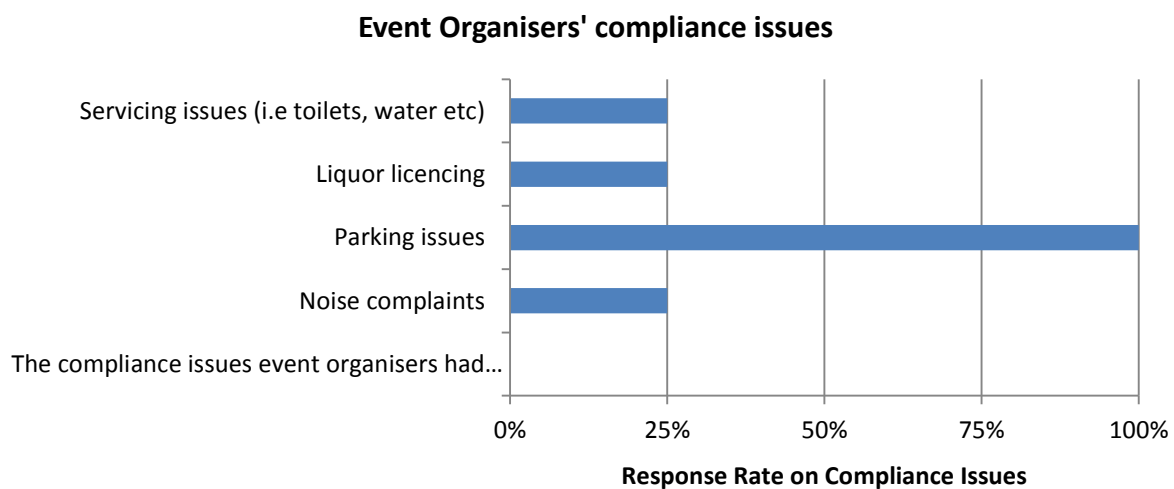
- 25A.4 & 25A.5: controls the hours of operation based on days of the week;
- 25A.3: restricts the duration of event by days; and
- 25A.8 & 25A.9: sets noise limits for amplified and non-amplified event noise.

Encouragingly, only a single respondent said that they ‘sometimes’ struggled with the operative District Plan provisions. When asked why they had struggled with the provisions, they stated that it related to “ensuring that parking does not disturb public-through roads...” This is interesting as there is permitted standard for parking, however could relate to conditions of consent relating to parking and traffic management.

It is also important to note here that all event organisers who said they check the Plan (and also one who said they do not check the Plan), said they did not believe that existing provisions were too restrictive.

Event organisers’ parking issues

The theme of parking issues was also prevalent when survey respondents were asked about compliance issues while running events, of which 50% said they had had issues while running their events. The following shows overall common compliance issues organisers had with events. The percentage demonstrates the proportion of respondents who had recorded the stated issues as being an issue they had experienced, where 25% represents a single recorded issue.



As can be seen, the theme of parking issues is also highlighted here, with every respondent stating they had experienced issues with parking during their events.

The issue of parking was raised with event organisers when called back for clarification on their survey response. Most event organisers said that they organised their own parking (as no permitted standard exists in the District Plan) as the success of the event relied on the success of effective parking measures. It was common for organisers to have private arrangements with land owners, schools, or even UHCC parks to provide designated areas where attendees would be able to park. Some organisers even generated their own (internal) Traffic Management Plan and arranged traffic wardens to direct where people could park. This was all done outside of any Council provisions or requirements.

Organisers stated that parking became an issue in poor weather conditions, when designated areas became unsuitable for vehicles, and attendees resorted to parking on public roads near the event site. This caused issues when there was limited space and vehicles obstructed entry to private residences. There was also an issue if the nature of the event meant that there was peaks in traffic (i.e. an event ending at a set time), and intersections became congested.

Complaints about events were typically received directly by event organisers, and then these were dealt with internally, and not forwarded onto Council officers.

Event organisers' noise issues

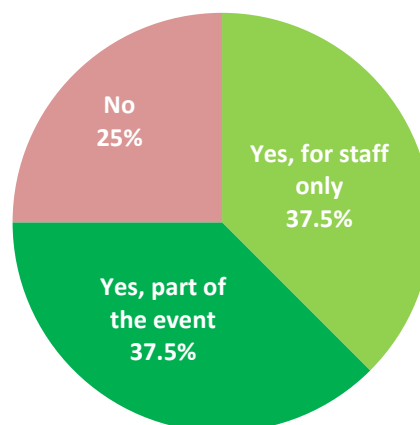
One of the other issues identified was noise, which also featured strongly on temporary event noise complaints received by Council. When contacted to discuss survey results, we wanted to understand how event organisers dealt with noise complaints and how they interpreted what an acceptable level of noise was.

Of the respondents questioned, most said they took a 'common-sense' approach to noise, rather than evaluating and measuring what the dB levels were (as described in the District Plan). This approach was typically based on what the event organisers believed would be accepted by the community. Respondents said that they seldom received complaints from the community, with the organiser of Fireworks Fantastic correctly asserting that the fireworks event and Trentham Memorial Park was exempt from noise standards under Rule 21.14A of the District Plan.

Event organisers and camping

Following on from the consents assessment data, which showed that 57% of events which had obtained resource consent had also involved camping, the survey attempted to evaluate how many of the event organisers had considered overnighting.

Number of Event Organisers who said they had considered overnighting as part of an event:



As can be seen above, a significant majority (75%) of respondents stated that they had considered overnighting as either directly part of an event, or for event staff only. When called to clarify why this had been considered, there was a seemingly uniform response regarding security and setup times. Organisers stated that in order to save time on early morning setup times, they would often assemble event-related structures (e.g. marques, stages, etc) the day before an event began. In order to protect the facilities and any goods or machinery at the site, event organisers would overnight on-site to protect goods.

Event staff would either overnight in a marque, if available, or in self-contained campervans. Larger events seemed to be more likely to be open to event attendees overnighting, due to the event duration and the travel required by some attendees to come to the event. One event organisers stated that they used a nearby holiday park for attendees to book, with some a mixture of staff and attendees staying on-site to protect equipment.

Resource Consent Holders Survey

Only seven resource consent applications were processed since the temporary event provisions were introduced into the District Plan. Of these, four applicants were selected to take part in a similar online survey.

Participants were selected based on electronic contact details being available and the nature of their application. No participants chose to respond.

However, some useful information was able to be obtained while in reviewing their historic applications. This showed that there was a general lack of understanding from event organisers on the provisions, their applicability, and the assessment process. In almost all cases reviewed, applications were made on an ad hoc basis with direct communication with UHCC Planning staff before a formal application was received.

Overall Conclusions

- Large-scale events, such as street markets, are typically contained within the CBD.
- Parking is largely self-controlled by event organisers. However, a set of basic traffic provisions within the District Plan would help with large-scale events.
- A large proportion of event organisers have considered overnighting. This corresponds with the number of resource consent applications which involved overnighting.
- Generally, there is a lack of knowledge amongst event organisers on the resource consent process, assessment criteria, and event-related provisions contained within the District Plan.

Appendix A – Event Organisers’ Survey Questions

Survey sent to event organisers 22 August 2017

The Upper Hutt City Council is currently reviewing provisions regarding Temporary Events in the Upper Hutt District Plan. You have been contacted because of your previous and/or current efforts to organise temporary events within the Upper Hutt District. The following aims to assist the forthcoming Plan Change process and the issues and options the Policy Planning team should consider.

1. What are the numbers of events you have organised since 1 Jan 2016?
 - a. 1 - 5
 - b. 6 - 10
 - c. 11 - 15
 - d. 16 - 20
 - e. 20+

2. How many people typically attend events you organised?
 - a. 0 - 49
 - b. 50 - 149
 - c. 150 - 299
 - d. 300 - 599
 - e. 600 - 1,499
 - f. 1,500 - 2,999
 - g. >3,000

3. Rank the most popular location of events you organise:
 - a. UHCC Park (via park booking process)
 - b. School facility (e.g. school hall, sports field)
 - c. General public green space
 - d. UHCC facility (e.g. Public library or Expressions)
 - e. Regional park
 - f. Residential location
 - g. Rural setting (i.e. farm)
 - h. Private facility
 - i. Te Marua Speedway
 - j. Trentham Raceway
 - k. Other

4. Rank tick type of events you most commonly organise:
 - a. Community event (e.g. public celebration, free event)
 - b. Cultural event (e.g. meditation, religious events)
 - c. Fund raising event (e.g. fair, book sale)
 - d. Food event (e.g. food show, food trucks)
 - e. Entertainment event (e.g. circus, dance, music)
 - f. Education event (e.g. worksops, how-to)
 - g. Other

5. Generally, does UHCC provide funding for your events?
 - a. Yes
 - b. No

6. If Yes to #4, the funding is typically:
 - a. \$0 – \$500
 - b. \$501 – \$1000
 - c. \$1001 – \$1500
 - d. \$1501 – \$2000
 - e. > \$2001

7. Do you ever check whether any proposed event complies with temporary event provisions within the Upper Hutt District Plan?
 - a. Yes
 - b. No

8. If you DO check the District Plan, the frequency of this is usually:
 - a. Only for large events
 - b. Only when UHCC prompts me
 - c. Occasionally
 - d. Regularly
 - e. Always
 - f. Other

9. If you DON'T check the District Plan, can you please explain why?

10. Do you typically design your events to ensure that a resource consent is not required?
 - a. Yes
 - b. No
 - c. Sometimes

11. If Yes, what aspects are usually altered?
 - a. Hours of operation
 - b. Use of amplified noise
 - c. Day which the event is held
 - d. Number of days the event is held
 - e. Number, scale, or type of events held
 - f. Number of activities likely to generate noise
 - g. Event location
 - h. Other

12. Have you or do you struggle with District Plan provisions relating to running your event?
 - a. Yes
 - b. No

13. If so, in what way? Please explain.

14. Have you ever previously had any issues with compliance while running your event? i.e. running overtime, or receiving complaints over noise or parking?
 - a. Yes
 - b. No

15. If Yes, the compliance issues generally relate to:
 - a. Noise complaints
 - b. Parking issues
 - c. Site clean up

- d. UHCC compliance officer's concerns
- e. Liquor licencing
- f. Running overtime
- g. Servicing issues (i.e. toilets)
- h. Other

16. Do you believe that temporary event provisions in the District Plan are too restrictive?

- a. Yes
- b. No

17. If Yes, please explain.

18. Have you ever considered overnighting (i.e. camping) as either part of an event or for staff only?

- a. No
- b. Yes:
 - i. Staff only
 - ii. As part of event

19. Do you have any other comments regarding temporary event provisions within the Upper Hutt District Plan or generally about running events in Upper Hutt?

20. Are you happy to be contacted directly in the future to discuss your answers in more detail?

Many thanks for the time taken to answer these questions regarding temporary events. Your input into the Plan Change process is welcomed and highly valued.

For any further information, please contact the UHCC Policy Planning Team at planning@uhc.govt.nz or phone 04 527 2175.

APPENDIX 5

Internal Stakeholder Discussions Summary

Internal Stakeholders Discussions Summary

Internal stakeholder discussions were initiated following the completion of internal desktop study of complaints, resource consents, and the other District Plan review for temporary events. Generally speaking, the results of these assessments were discussed, tailored to each individual department's subject area.

Marketing department:

When discussing current provisions and opportunities for review with the UHCC Marketing department, there was a general consensus that there were no significant issues.

The applications for events involving camping was discussed, with the team surprised to know of its assessment in the District Plan through the breach of hours of operation rule. The team described how there was a fund of approximately \$50,000 available through the Council for event funding. They described how applicants needed to provide an assessment of a number of event organisational matters, including:

- Traffic Management Plans;
- Emergency Plans;
- Should be over 1000 attendees;
- Must align with Councils' strategic direction (as shown in Figure 1);
- As well as other requirements.

During this process no advice or guidance is provided on the District Plan or any potential resource consenting process.

Parks & Reserves department:

In meeting with the Parks and Reserves department, the following was discussed: the use of UHCC parks for events; site sensitivity; waste management practices; on-site parking management; interactions with the District Plan and Marketing department; and whether there would be any issues permitted camping as part of events.

The Department described how parks were usually booked out using Council's online park booking system. Parks are typically used for the likes of sporting events, fairs, and car shows, amongst others. Therefore, parks are usually used during summer months, with winter usually reserved for sporting events.

The park booking system is seen as a means to control the impact of events on parks, as it requires event organiser to adhere to the conditions of the booking agreement. Things like parking, waste management, safety, and site remediation are controlled through this means. With regard to waste management, the application process allows event organisers to request additional rubbish bins. UHCC will then place additional bins across the site and manage their waste.

There was agreement that some permitted standard could be introduced, the Department noting that it seemed strange that event currently triggered hours of operation rules. Other than that

issue, it seemed that current Plan provisions relation to event duration seemed adequate and aligned with the operation of parks and reserves.

It was important to remember that any event would still need to comply with the Parks & Reserves General Rules, which did not permit camping as a right on parks. Any event organiser therefore requires prior approval from the department before proceeding.

The Department noted the Gypsy Fair as an example of where such an exemption had been made. The fair operators typically stayed overnight in their campervans at a few chosen UHCC parks. This had not caused any issues in the past with the department. It was noted that neither the Planning department nor the Marketing department were typically consulted during a day-to-day park approval process.

Any damage caused to parks by events which had used the booking process was dealt with through the conditions of approval, as this enabled the department to charge a fee for any required site remediation. With regard to site sensitivity, the only issue seemed to be around site drainage, with some park soils being more free-draining than others. There were no issues with site sensitivity overall.

Compliance Services:

The discussion with UHCC Compliance Services Department revolved around general event enforcement procedure; after hours procedures; the departments understanding of District Plan temporary event procedures; school event complaints; and their thoughts on permitted camping for events.

Compliance Services Department described how enforcement officers only became involved if there was a complaint laid, or there was a liquor licence affiliated with the event. They agreed that the general event procedure described in the complaints assessment was accurate. This stated that enforcement officers would:

- Detail to complainant that event was scheduled to end shortly;
- Conduct an assessment of noise level through a site visit at the street frontage;
- Told complainant it was only a community event;
- Contact made with event organiser thereafter to discuss potential infringement; or
- Complainant told they had consent for temporary event.

Noise and parking issues were accepted to be the main issues which Compliance Services had to deal with for temporary events. Noise was dealt with by either approaching the organiser during the event, or by issuing a Noise Direction Notice under s327 of the Resource Management Act 1991. They concluded that there were no controls under the current District Plan to control parking as a Permitted Activity, therefore it was difficult to enforce this for events which did not require a resource consent application. The Department thought it may be appropriate to include Permitted standards in the District Plan as a means of enforcement.

Importantly, while District Plan provisions directed noise measurements to be taken at the legal site boundary. During normal business hours UHCC is responsible for enforcement, with local contractors K9 Security Limited responsible for enforcement thereafter. The department acknowledged that it was difficult to resource noise measurement after hours, as this was

conducted through a shared resource between Hutt City and Upper Hutt City Councils. In that regard, it was difficult to conduct noise monitoring as the Plan currently prescribed.

Concerning school events, the Department accepted that a mail drop to neighbouring residence would be the simplest means to mitigate the likelihood of complaints to Council. This affirms the assessment made in the complaints assessment where some complainants said they would be more likely to accept event noise, had they known that the event was going to take place before hand.

Regarding permitted camping events, the Department could not see any issues, although felt that this may only be suited in some areas, due to safety concerns and anti-social behaviour. He suggested that it may be appropriate to have some standards around site management to control this.

Planning Consents and Compliance Manager:

A discussion with UHCC's Planning Consents and Compliance Department involved discussing: current temporary event provisions and definitions in the operative District Plan; current resource consent assessments of temporary event applications; opportunities for clarity on existing provisions; and any additional provisions required in the Plan.

The Planning Consents and Compliance Department agreed that provisions were generally working well, with the consenting threshold set at an acceptable level. In terms of compliance, there was an acceptance that this was under resourced and future provisions should maintain an adequate degree of enforceability and practicality. An example provided was the hours of operations provisions; the idea being that it was best to use a metric of hours, rather than a noise level over time intervals. This method simplifies enforceability and the public's understanding of provisions. There was however also acceptance that noise monitoring standards should be updated from current 1991 standards referenced in the Plan.

There was discussion on the performance of some events, and how long-term events have previously been assessed. These have assessed that such events no longer met the definition of a 'temporary event' and were therefore defaulted to the underlying zone provisions. There was agreement that these provisions were not fit for purpose to assess temporary events. A way to address this issue could be to introduce a tiered threshold of consent discretion by way of an escalating activity status, reflective of event scale.

In this regard, there was discussion as to whether the current 'Temporary Event' definition¹ was fit for purpose. The Department commented that it generally performed well, but questioned whether the wording around sporting events should be changed from 'competitive' to 'organised sporting events'. It was discussed that the current definition may be a means to separate out promotional sportive events, as the definition sought to exclude commercial promotional events.

The typical assessment process for event resource consent applications was also discussed. Applications of a low standard had historically been accepted due to the scale of the non-

¹ Under Chapter 2, the current temporary event definition reads: "...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."

compliance and also as a way not to frustrate the process for event organisers, which despite the some non-compliance, may otherwise lead to a community-led, positive event. Allowances for this discretion were based on the scale of the event and where it is located. It was also revealed that any potential event-related non-compliances for events at permanent public facilities (i.e. public halls, event centres, etc) may not be noticed, as there was an expectation in the community that events were held there.

Regarding opportunities for additional provisions, it was agreed that parking and traffic management standards are missing in the current permitted standards. Any new provisions should be measurable and should be discussed with the UHCC roading team.

There was also consensus that it may be worthwhile to provide some clarity in the Plan for events which included camping, as this was currently simply assessed as a breach in the permitted hours of operation. The Department noted are some adverse effects associated with camping which can have a greater or lesser impact depending on their location, the scale of the event, and the nature of the event and attendees. These include:

- Anti-social behaviour
- Location to existing population
- Visual effects
- Site sensitivity and rubbish left behind
- Ablution facilities

The Department agreed that there should be a permitted standard for the camping of events staff, but camping for event attendees should have more controls. The option of a controlled activity standard could possibly be appropriate. Also, if camping provisions were to be inserted, a corresponding definition may also be required.

As previously discussed, new standards could be introduced at the restricted discretionary level to address long-term events. That way, a temporary event would still be assessed against the temporary event provisions, rather than the underlying zone provisions. A greater escalation to a discretionary activity level may be appropriate.

The level of this tiered approach was discussed. A period of between 2-3 consecutive weeks was considered to be at the fringes of 'temporary' considerations, upon which the activity status ought to be escalated. It was also agreed that it was important to consider the cumulative period over which an event would run, and the intermittent, on-going use of the site over a long-term period. This should seek to restrict the on-going occupation of a site, with an escalation in the activity status at a certain threshold. These standards would depend on the scale of each event (i.e. number of attendees).

The Department agreed with the suggestion that positive effects are currently not recognised in the Plan, and that this could be included as a matter of discretion within the temporary events rule framework.

The adverse effect of light spill was also discussed. The Department described how this had been an issue for previous events of a larger scale (such as concerts) and for events which ran into the evening. It was suggested that new provisions should be introduced as a permitted standard, related to effects at the boundary.

Council Roading Department

The department was consulted to discuss: how a permitted parking standard for temporary events could work; the level of input the roading team currently has on Traffic Management Plans (TMPs) for event funding applications; a discussion on other District Plan's event traffic provisions; and at what level of activity would result in parking being an issue for events.

It was noted by the department that the scale of traffic effect would depend on the nature of the event. For example, a school fair would have more intermittent traffic flows and be spread throughout the day, whereas at a concert people will generally arrive at the same time and all leave at the same time, creating a spike in traffic, congesting the roading network. There must therefore be careful consideration for where the threshold is set to avoid unnecessary consenting and processing work for the UHCC Roading Department.

With regards to provisions contained in other District Plans, the consenting threshold of an event which would generate over 200 vehicles² was discussed. It was noted that one would need to consider whether this figure was hourly, or over the whole event – reflective of the nature of the event. Setting a generic threshold may inadvertently capture events like fairs or Saturday rugby and require them to obtain a resource consent application. A suggestion was made that exemptions could be made for established sites where the activity is part of the day-to-day activities at the site.

Any traffic or parking provision would need to evaluate:

- The nature of the activity – does the community get enjoyment from it also – is it wanted?
 - Is it likely to cause peaks in traffic?
- The duration of the activity – one off, a number of days, etc
- Where is it located?
 - Is there off-street parking?
 - On-street parking? Is there capacity in the nearby roading network? Is this generally expected in this area?

Councils' Roading Department also highlighted how Council Roading Officers have discretion to control full or partial road closures, and to manage the road corridor. Under the Land Transport Management Act 2003, the Upper Hutt City Council is a 'road controlling authority'. Section 61 of the Act empowers Council Officers under Part 21 of the Local Government Act (LGA) 1974 to have control over public roads within their authority.

Schedule 10 (11) enables Council to close part or some of any public road:

- (a) while the road, or any drain, water race, pipe, or apparatus under, upon, or over the road is being constructed or repaired; or
- (b) where, in order to resolve problems associated with traffic operations on a road network, experimental diversions of traffic are required; or
- (c) during a period when public disorder exists or is anticipated; or
- (d) when for any reason it is considered desirable that traffic should be temporarily diverted to other roads; or

² As per the Waipa District Plan.

- (e) *for a period or periods not exceeding in the aggregate 31 days in any year for any exhibition, fair, show, market, concert, film-making, race or other sporting event, or public function:*

provided that no road may be closed for any purpose specified in paragraph (e) if that closure would, in the opinion of the council, be likely to impede traffic unreasonably.

This section provides relevant controls over temporary events for Roding Officers to take necessary measures to mitigate adverse traffic effects. Where a road closer is proposed, a TMP is required to be submitted in accordance with the New Zealand Transport Agency (NZTA) Code of Practice (SP/M/10).

Additionally, other mechanisms also exist to take direct control in the roading corridor. The Utilities Act 2010 and Infrastructure (Amendments Relating to Utilities Access) Act 2010, has the ability to set national codes of practice, whereby 'Corridor Managers' (Territorial Authorities) are able to exercise their discretion. The 'National Code of Practice for Utilities Operators' Access to Transport Corridors 2011 is of particular relevance here. It sets standards to coordinate and communicate planned activity in the road corridor (2.2, 2.7, 2.8), and manages access requests to the roading corridor. Importantly, part 2.5 notes that all parties entering this area must comply with the requirements of the Corridor Manager. Councils' roading department has confirmed their ability to use the Code to manage event-related activities within the roading corridor. As a last resort, Council may also involve the Police when moving vehicles begin to be a danger to people.

APPENDIX 6

Record of local iwi authority communication

Ike Kleynbos

Subject: RE: Cultural Heritage Chapter scoping document PCC HCC UHCC WCC

From: Leana Barriball [<mailto:leana.barriball@ngatittoa.iwi.nz>]
Sent: Tuesday, 31 October 2017 12:18 p.m.
To: Angela Bell; Moana Gargiulo
Subject: RE: Cultural Heritage Chapter scoping document PCC HCC UHCC WCC

Kia ora Angela
No we won't need to be involved in the temporary events plan change until notification.

Re: Taranaki whanui, you should try Morrie Love who has taken over Lee responsibilities Morrie@ngahuru.maori.nz

Ngā mihi

Leana Barriball
Manager, Resource Management and Communications
Te Rūnanga o Toa Rangatira
Waea: (04) 238 4952
Waea pūkoro: 022 618 2440
2-4 Nohorua Street, Takapūwāhia, Porirua
PO BOX 50355 Porirua 5240



From: Angela Bell [<mailto:Angela.Bell@uhcc.govt.nz>]
Sent: Friday, 27 October 2017 2:46 p.m.
To: Leana Barriball <leana.barriball@ngatittoa.iwi.nz>
Subject: RE: Cultural Heritage Chapter scoping document PCC HCC UHCC WCC

Thanks Leana, sorry for being a little slow to get back to you.

Just to follow up on the temporary events plan change noted below... is this something you guys are interested in seeing prior to notification? We are proposing changes to better reflect event scale, and to introduce provisions around overnighting and light spill. If you want to see it, we can send it through pretty quickly for your initial feedback.

Also, just wondering if you happen to have any current contact info for Taranaki Whanui? We have hit a bit of a dead end and I was wondering if you happened to have any leads!

Thanks

Ange

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Ike Kleynbos

From: Morrie Love <Morrie@ngahuru.maori.nz>
Sent: Friday, 10 November 2017 12:44 p.m.
To: Ike Kleynbos
Cc: 'Kirsty Tamanui'; Angela Bell
Subject: RE: Upper Hutt - Temporary Events Plan Change - Clause 3 & 4A

Kia ora Ike

No we have no further comments on the proposal

Morrie

From: Ike Kleynbos [mailto:ike.kleynbos@uhcc.govt.nz]
Sent: Friday, 10 November 2017 12:30 p.m.
To: Morrie Love <Morrie@ngahuru.maori.nz>
Cc: 'Kirsty Tamanui' <kirsty@portnicholson.org.nz>; Angela Bell <Angela.Bell@uhcc.govt.nz>
Subject: RE: Upper Hutt - Temporary Events Plan Change - Clause 3 & 4A

Good afternoon Morrie,

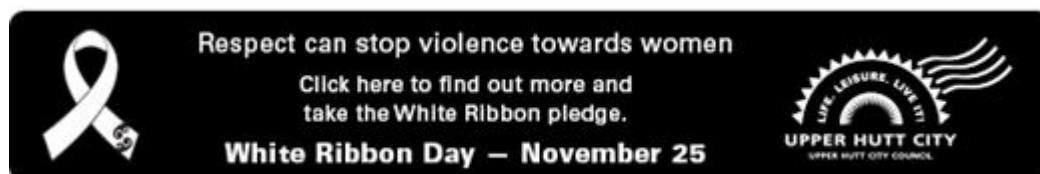
I hope you are well. The Temporary Events evaluation report is set to be reviewed by our CE next week. Before we submit the report, I wanted to check in with you as to whether you had any further comments on proposed provisions?

Provisions have been further refined since I first contact you, however uphold the original intent of provisions. I am happy to send you the final draft provisions if you wish. Feel free to get in touch with either myself or our Planning and Policy Manager, Angela Bell (copied into this message) if you have any further questions on proposed provisions.

Kind regards,

Ike Kleynbos
Policy Planner

Upper Hutt City Council | 838 – 842 Fergusson Drive, Private Bag 907, Upper Hutt 5140, New Zealand
D: +64 4 527 2859 | T: +64 4 527 2169 | E: ike.kleynbos@uhcc.govt.nz | W: www.upperhuttcity.com | F: [www.fb.com/upperhuttcitycouncil](https://www.facebook.com/upperhuttcitycouncil)



Please consider the environment before printing.

From: Ike Kleynbos
Sent: Wednesday, 1 November 2017 11:21 a.m.
To: 'Morrie Love'; Kirsty Tamanui

Cc: Angela Bell

Subject: RE: Upper Hutt - Temporary Events Plan Change - Clause 3 & 4A

Morena Morrie,

Thank you for your prompt reply and acknowledgement of receipt. I have included an A3 table of the current preliminary objectives and provisions proposed for in this plan change. The table shows the relationship throughout these standards, and the rules which give effect to objectives and policies. Please keep in mind that as the review process continues that these are likely to be refined. It would be great to have any comments you have on these provisions by the end of next week, if possible, however happy to discuss timeframes if this does not suit.

With regards to kapa haka being permitted; the proposed framework largely continues a tolerant permitted standard for all events, and I would expect the proposed standards not to be an encumbrance on the operation on kapa haka events. All events are also pursuant to the updated permitted noise standards (shown as Permitted 4 & 5), which do set limits of noise duration over a certain level and limit the level of amplified noise – both of which you may of relevance to the operation of kapa haka events.

Please do feel free to get in touch with me should you have any comments to make on these preliminary provisions, or any other questions associated with the proposed Plan Change.

Thanks again,

Ike Kleynbos

Policy Planner

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Please consider the environment before printing.

From: Morrie Love [<mailto:Morrie@ngahuru.maori.nz>]

Sent: Wednesday, 1 November 2017 8:54 a.m.

To: Ike Kleynbos; Kirsty Tamanui

Cc: Angela Bell

Subject: RE: Upper Hutt - Temporary Events Plan Change - Clause 3 & 4A

Kia ora Ike

I acknowledge receive of this notice of the preparation of a proposed plan change in relation to temporary events. We would like to see the wording of the proposed plan but it is unlikely that we would have any issues with the exception that we would wish to ensure that events such as kapa haka are “permitted” in the events provided for under the plan.

Regards

Morrie Love

Taiao Committee

From: Ike Kleynbos [<mailto:ike.Kleynbos@uhcc.govt.nz>]
Sent: Tuesday, 31 October 2017 2:49 p.m.
To: Morrie Love <Morrie@ngahuru.maori.nz>
Cc: Angela Bell <Angela.Bell@uhcc.govt.nz>
Subject: Upper Hutt - Temporary Events Plan Change - Clause 3 & 4A

Kia ora Morrie,

The Upper Hutt City Council is currently preparing a Plan Change for temporary event provisions in the Upper Hutt District Plan. I've been provided your details as the Port Nicholson Block Trust contact person for District Plan-related queries.

Please find attached a letter pertaining to the Clause 3 and 4A pre-notification consultation for plan changes in accordance with the First Schedule of the Resource Management Act. The letter is to confirm the interest of Taranaki Whānui to review preliminary provisions before being presented to local Councillors.

Should you have any questions relating to this plan change, please feel free to contact me directly.

I look forward to hearing from you.

Kia ora rawa atu,

Ike Kleynbos
Policy Planner

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APPENDIX 7

Comparative analysis of previous consenting against proposed provisions

Comparison of previous consenting against proposed temporary event provisions

Since temporary event provisions were introduced in the Upper Hutt District Plan, a total of six resource consents have been issued for events. The following table lists the type of activity where consent was previously issued¹, its non-compliances, and how this would be assessed under proposed provisions.

Event Type	Zoning	Camping included	Proposal	CURRENT Activity Status & Rule Non-compliances	PROPOSED Activity Status & Rule Non-compliances
Community & Camping	Rural Valley Floor	Yes	Consent for an annual event for ideas discussion. Will be over 2-3 weeks, with 100 people per day and include temporary structures, amplified music, catering and 35 domes for accommodation.	Non-Complying Period not considered to be temporary, therefore breaches zone rules. Breaches hours of operation by virtue of camping.	Discretionary Would breach Restricted Discretionary Standard for duration (Discretionary). Likely to breach noise duration standard (Restricted Discretionary). Beaches overnighing by having over 100 people and being more than 3 days (Discretionary). Would need to check against light spill rule.
Concert	Rural Valley Floor	Yes	A private music event on private land.	Restricted Discretionary Breaches hours of operation by virtue of camping.	Restricted Discretionary Breaches hours of operation. Likely to also breach noise duration standard. Would need to check against light spill rule.
Public Entertainment	Open Space	No	Public circus show.	Restricted Discretionary Breaches zone provisions for structure.	Restricted Discretionary Breaches zone provisions for structure ² . Would need to check against light spill rule.

¹ The assessment period is from June 2009 to April 2017.

² Note that the Resource Management Act has also changed since this time. New provisions under s87BB may exempt this activity from consent.

Event Type	Zoning	Camping included	Proposal	CURRENT Activity Status & Rule Non-compliances	PROPOSED Activity Status & Rule Non-compliances
Arts & Culture Workshop	Open Space	No	To undertake a stone carving symposium for 9 days.	Restricted Discretionary Breaches 6 day period of operation.	Restricted Discretionary Breaches 6 day period of operation. Would need to check against light spill rule and noise duration standard.
Community & Camping	Special Activity	Yes	Establish a temporary campground for 2 months, including ablution facilities.	Restricted Discretionary Breaches 6 day threshold of operation and hours of operation by virtue of camping.	Discretionary Breaches Restricted Discretionary standards for continuous occupation. Also breaches number of nights of camping can occur. Would need to check against light spill rule.
Community & Camping	Open Space	Yes	Run a four day workshop, with camping included. Workshops would end at 10pm.	Restricted Discretionary (temporary event rules) and Discretionary (zone rules) Breaches hours of operation by virtue of camping. Also within Hutt River floodplain (zone standard).	Discretionary Breaches Restricted Discretionary standard of 3 days for camping, and also still within Hutt River floodplain (zone standard).

APPENDIX 8

Proposed overall provision framework

Proposed Plan Change 44 – Temporary Events – Objectives, Policies and Rules structure

Objective	Policy	Rule		Discretionary and Non-Complying
<p>Objective 8A.2.1.1</p> <p>Enable temporary events which manage adverse effects on amenity, the roading network, and the community through:</p> <p>(a) Maintaining an appropriate level of residential amenity;</p>	<p>Policy 8A.2.2.1</p> <p>Support temporary events which contribute to the community and reasonably maintain expected amenity values of the local residential environment.</p>	Permitted Rule 8A.2.3.7 – Hours of Operation	Restricted Discretionary Rule 8A.2.3.14 – Hours of Operation	
		Permitted Rule 8A.2.3.8 – Event Duration	Restricted Discretionary Rule 8A.2.3.15 – Event Duration	Discretionary Rule 8A.2.3.19 – Event Duration
		Permitted Rule 8A.2.3.12 – Overnighting of Event Staff	Restricted Discretionary Rule 8A.2.3.18 – Event Overnighting	Discretionary Rule 8A.2.3.20 – Event Overnighting
		Controlled Rule 8A.2.3.13 – Overnighting of Event Attendees		
	<p>Policy 8A.2.2.2</p> <p>Manage the adverse effect light spill from temporary events can have on residential amenity values and traffic safety.</p>	Permitted Rule 8A.2.3.11 – Light Spill	Restricted Discretionary Rule 8A.2.3.17 – Light Spill Breach	
<p>(b) Ensuring the safety and efficiency of the roading network;</p>	<p>Policy 8A.2.2.4</p> <p>Provide for temporary events which safely manage traffic effects reflective of event scale and the dependent roading network.</p>	Permitted Rule 8A.2.3.11 – Light Spill	Restricted Discretionary Rule 8A.2.3.17 – Light Spill Breach	
<p>(c) Recognising the detrimental effects of high noise levels; and</p>	<p>Policy 8A.2.2.3</p> <p>Limit temporary events with high noise levels to maintain residential amenity values.</p>	<p>Permitted Rule 8A.2.3.9 – Outdoor Amplified Noise</p> <p>Permitted Rule 8A.2.3.10 – Non-amplified Noise</p>	Restricted Discretionary Rule 8A.2.3.16 – Noise Breaches	Non-complying Rule 8A.2.3.21 – High Noise Levels
<p>(d) Recognising the positive contribution events have on social, cultural, artistic, and economic activity in the community.</p>	<p>Policy 8A.2.2.5</p> <p>Provide for events where:</p> <p>(a) social interactions are facilitated, or;</p> <p>(b) cultural and artistic expression is promoted, or;</p> <p>(c) economic activity is stimulated in the Upper Hutt district.</p>	<p><i>All permitted standards provide a permissive framework whereby all standards within the policy are able to be provided for.</i></p>		

APPENDIX 9

Proposed changes to District Plan chapters

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

the Act	the Resource Management Act 1991 including any amendments thereto.
Access lot	any separate lot, owned in common undivided shares, and used primarily for access to one or more lots that have no legal frontage.
Accessory building	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 ² in floor area and/or 3 metres in height. (See definition of “building”)
Active recreation	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.
Activity	the use of a site including the construction, operation, maintenance, minor upgrading, replacement and refurbishment of buildings, structures, plant and equipment.
Allotment	has the same meaning as in section 218 of the Resource Management Act 1991.
Amenity values	has the same meaning as in section 2 of the Resource Management Act 1991.
Ancillary	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 1.5m² 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 5m² 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.

Building improvement centres	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.
Cabinet	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.
Cleanfill	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.
Code of Practice for Civil Engineering Works	a document prepared by the Council which sets out performance criteria, standards and procedures for engineering works within Upper Hutt.
Commercial scale renewable energy generation activities	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">• Small scale wind turbines turbines of less than 5kW• Community scale renewable energy generation activities• Any cabling required to link the wind energy facility to the point of entry into the electricity network, whether transmission or distribution in nature.
Commercial unit	any land or buildings designed to be self-contained for individual or separate commercial activities, companies or businesses.
Community care housing	special care housing used for the rehabilitation or care of any group of persons.
Community scale renewable energy generation	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.
Community facilities	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.

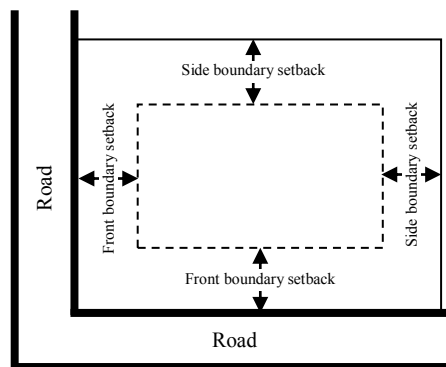
Activities associated with “construction and commissioning” includes rapid and temporary population increases and the associated effects on infrastructure and community facilities; the need to reroute or relocate network utilities and community facilities;; the need to construct new infrastructure including 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.

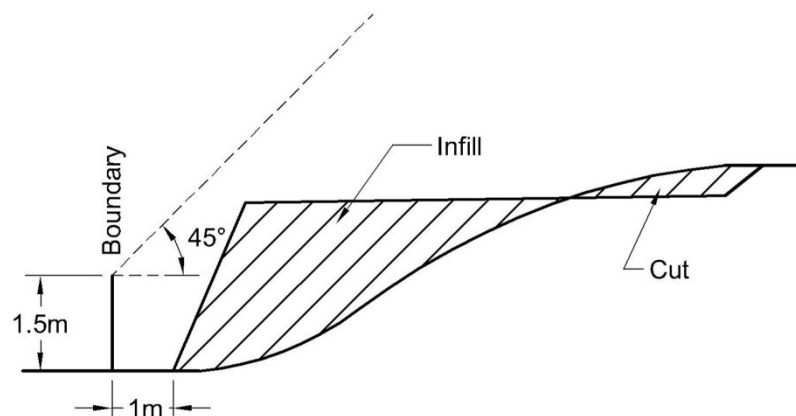
Corner lot

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

Council	the Upper Hutt City Council or any committee, subcommittee or person to whom the Council's powers, duties and discretions have been lawfully delegated.
Distribution network	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.
Distributor	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.
Dripline (of a tree)	the shape defined on the ground by a series of vertical lines formed around the outer most extent of the tree, branches and foliage.
Dwelling	a building or buildings, including detached habitable rooms, designed as self-contained accommodation for one or more persons on any site.
Early childhood centre	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.
Earthworks	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.
Earthworks plane	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°



Ecosystem	a dynamic complex of plant, animal and micro-organism communities and their non-living environment, interacting as a functional unit.
Effect	has the same meaning provided in section 3 of the Resource Management Act 1991.
Environment	has the same meaning provided in section 2 of the Resource Management Act 1991.
Esplanade reserve and esplanade strip	have the same meaning provided in section 2 of the Resource Management Act 1991.
<u>Event overnighting</u>	<u>is the sleeping in a tent, caravan, campervan or other related means on a site not typically used for this purpose, and is directly related to a temporary event.</u>
<u>Event staff</u>	<u>Staff involved in the daily operation of a temporary event.</u>
External sound insulation level	<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 D2m,nT,w +Ctr 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>
Family flat	<p>a self-contained dwelling unit no more than 55m² 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>Note: For clarity, a family flat which exceeds the 55m² limit will be considered as a dwelling and will be assessed against the appropriate rules.</p>

Farming activity

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.

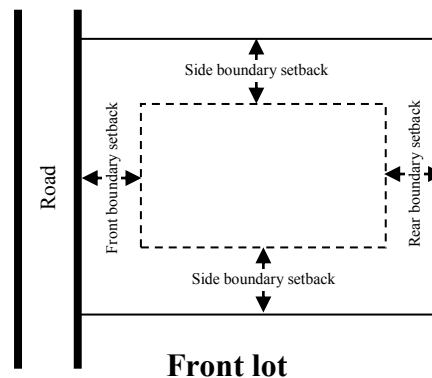
Production of timber or other forest products.

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.

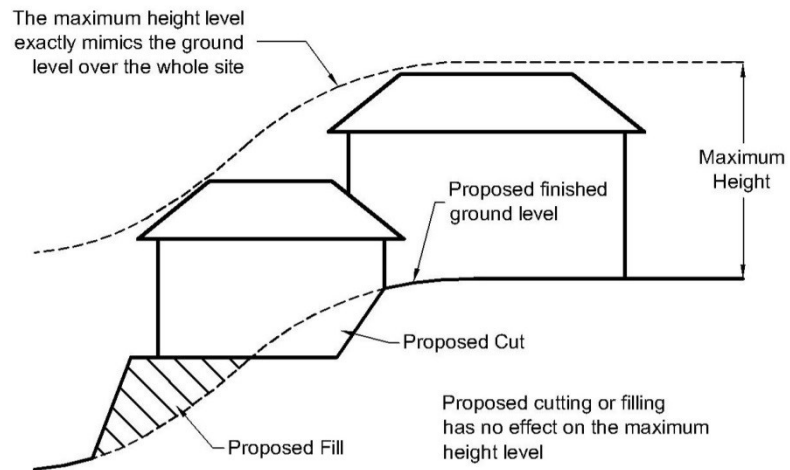
Ground level

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.
Hazardous substance	has the same meaning provided in section 2 of the Hazardous Substances and New Organisms Act 1996.
Home occupation	an occupation, art, craft, business, trade or profession which is ancillary to residential activities on a site.
Indigenous vegetation	a plant community of any species or genetic variants of plants found naturally in New Zealand.
Indigenous vegetation clearance	<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"> • Clearance of diseased, dead or dying vegetation; • Clearance undertaken for the purpose of flood control undertaken or approved by local authorities; • Clearance where necessary to maintain or restore existing essential services or for emergency work to avoid injury to persons or damage to property; • Clearance of regenerating vegetation under the canopy of a plantation forest; • Clearance of indigenous vegetation that has been planted and managed specifically for the purposes of harvesting.
Industrial unit	any building or buildings or land designed to be self contained for individual or separate industrial activities, companies or businesses.
Intensive animal farming	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.
Kaitiakitanga	has the same meaning provided in section 2 of the Resource Management Act 1991.
Kohanga reo	premises where pre-school children are taught and cared for in accordance with tikanga Maori (Maori customs).
Land	has the same meaning provided in section 2 of the Resource

Management Act 1991.

Landscaping	the provision of tree and shrub planting, and may include ancillary lawn, rocks, paved areas or amenity features.
Large format retail	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 ² .
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.

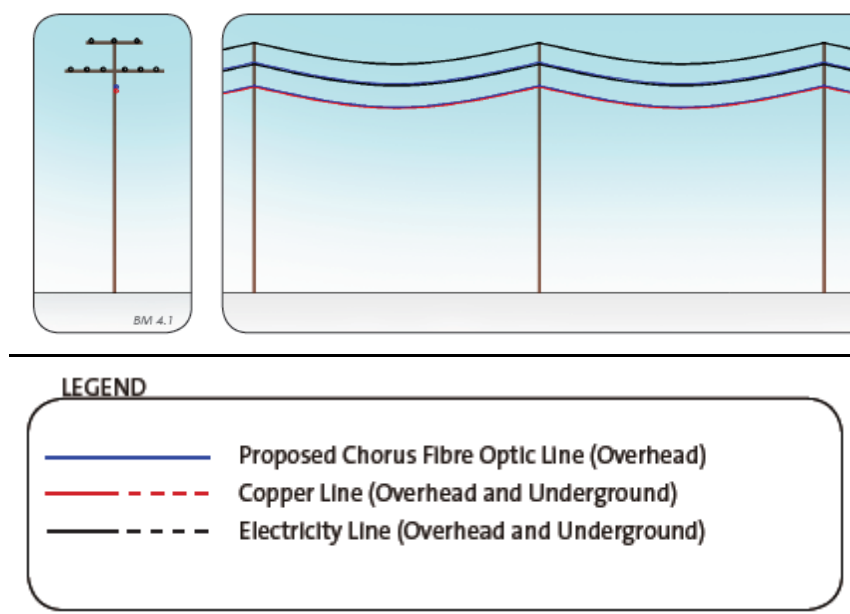
Minor upgrading

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.

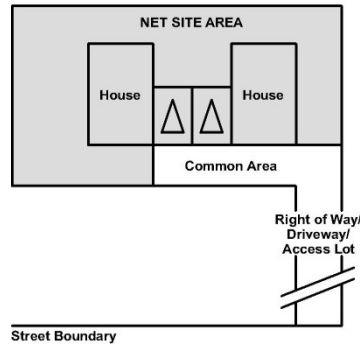
Net floor area

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:

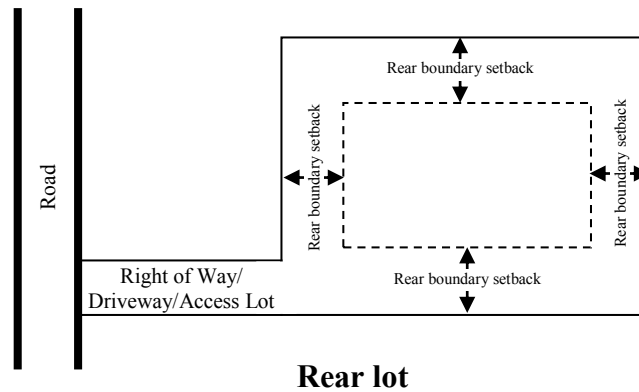
- Any access lot, driveway or right of way in the case of a rear lot.
- Any common area, access lot, driveway or right of way where there is more than one dwelling on a site.

**Network Utility**

means any activity undertaken by a network utility operator as defined in s166 of the RMA, relating to:

- (i) Distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel or geothermal energy, or
- (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
- (iii) works as defined in section 2 of the Electricity Act 1992 for the conveyancing of electricity, or
- (iv) The distribution of water for supply including irrigation, or
- (v) Sewerage or drainage reticulation, or
- (vi) Construction and operation of roads and railway lines, or
- (vii) The operation of an airport as defined by the Airport Authorities Act 1966, or
- (viii) the provision of any approach control service within the meaning of the Civil Aviation Act 1990, or
- (ix) Undertaking a project or work described as a 'network utility operation' by regulations made under the Resource Management Act 1991 and includes:
 - Lighthouses, navigation aids, beacons, signal and trig stations and natural hazard emergency warning devices,
 - Meteorological services,
 - all associated structures; and
 - regionally significant network utilities

Network utility structure	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.
Notional boundary	a line 20m from the façade of any rural dwelling or the legal boundary where this is closer to the dwelling.
Organised fireworks display	The public display of fireworks conducted by a suitably qualified person.
Outdoor living court	an area located on the net site area of a site set aside for outdoor activities in association with a dwelling.
Passive recreation	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.
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.

Renewable electricity generation

means generation of electricity from solar, wind, hydro, geothermal, biomass, tidal, wave, or ocean current sources.

Renewable electricity generation activities

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.

Renewable energy

is defined in section 2 of the Resource Management Act 1991

Relocated building

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.

Residential	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.
Residential (Centres Overlay) Area	an area identified on the planning maps as a Residential (Centres Overlay) Area.
Restaurants	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.
Rest home	any nursing or convalescent home for aged and infirm persons or similar facility.
Retail	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.
Road	has the same meaning provided in section 43 of the Transit New Zealand Act 1989 and section 315 of the Local Government Act 1974.
Roading hierarchy	the classification of roads according to their intended function within the City's roading network (see Chapter 37).
Service station	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: <ul style="list-style-type: none"> • The mechanical repair and servicing of motor vehicles (other than panelbeating, trimming or spray painting, heavy engineering such as engine restoring and crankshaft grinding). • The sale or hire of any goods, including the preparation and sale of food and beverages. • Car wash facilities. • The hire of light trailers and motor vehicles.
Setback	the minimum distance from a particular boundary of a site.
Sewage	liquid wastes (including matter in solution or suspension therein) discharged from residential premises, or wastes of the same character discharged from other premises.

Shape factor a square with sides of the specified dimension which can be fitted within the net site area.

Sign 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.

Significant Exterior Alteration 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).

Site means:

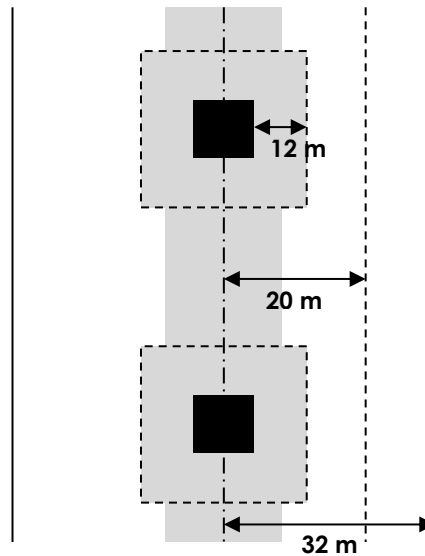
- a. an area of land comprised in:
 - i. a single computer freehold register; or
 - ii. a single allotment for which a separate computer freehold register could be issued without further involvement of, or prior consent from, the Council;whichever is the smaller.
- b. an area of land comprised in two or more allotments:
 - 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
 - ii. that cannot be transferred or leased independently of each other without the Council's prior consent.
- c. an area of land:
 - i. comprised in two or more computer freehold registers; or
 - ii. for which two or more separate computer freehold registers could be issued without further involvement of, or prior consent from, the Council;where the land will be amalgamated into a single computer freehold register as part of the resource consent process.
- 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.

Site coverage 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).

Small Scale Renewable Energy Generation	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.
Small scale wind turbines	means wind turbines that are capable of generating up to 10kW of electricity.
Solar Panel	means a panel exposed to radiation from the sun, used to heat water or, when mounted with solar cells, to produce electricity direct
Subdivision	has the same meaning provided in section 218 of the Resource Management Act 1991.
Tangata whenua	has the same meaning provided in section 2 of the Resource Management Act 1991.
Taonga	treasure or valued highly by Maori.
Temporary event	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.
Temporary renewable energy assessment and research structures	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"> • Erecting an anemometer mast. • Digging test pits, drilling boreholes, constructing investigation drives and removing samples to investigate geological conditions. • Installing instruments into drill holes for monitoring groundwater levels and land movement. • Erecting survey monuments and installing instruments to monitor land movement. • Erecting telemetry stations for the transmission of instrument data. • Installing microseismic stations to measure microseismic activity and ground noise. • Erection of signs or notices giving warning of danger
Topsoil removal	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.
Tourism facilities	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 m²; 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.

Upgrading	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: <ul style="list-style-type: none">• 'maintenance' (as it relates to network utilities); and• 'minor upgrading'; and• any other activity specifically otherwise provided for under Rule 30.1
Verandah	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.
Visitor accommodation	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.
Waahi tapu	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.
Wallaceville Structure Plan Area	The area of land defined in the Wallaceville Structure Plan Map (refer Chapter 39: Wallaceville)
Water body	has the same meaning provided in section 2 of the Resource Management Act 1991.
Water catchment	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.
Warehouse	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.
Wetland	has the same meaning provided in section 2 of the Resource Management Act 1991.

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**

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

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 31st 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 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 within a Residential zone; and
- ii. At any point within the 20m notional boundary of any dwelling within a Rural zone; and
- iii. At any point within the boundary of any site 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:

- On December 31st of any calendar year the finish time may be extended to 1am the following day; and
- 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 within a Residential zone; and
- (2) At any point within the 20m notional boundary of any dwelling within a Rural zone; and
- (3) At any point within the boundary of any site 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 within a Residential zone; and
- ii. At any point within the 20m notional boundary of any dwelling within a Rural zone; and
- iii. At any point within the boundary of any site 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.

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.

15.3 Objective

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.~~

15.4 Policies

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 *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.~~

15.5	Methods
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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 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 Promotion of good design and appropriate location of signs.
- 15.5.14 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
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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.

Anticipated environmental results	Monitoring indicators	Data source
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

18	RESIDENTIAL ZONE RULES
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Activities Tables

Policies 3.4.1, 4.4.3, 4.4.11, 4.4.13, 16.4.3, 16.4.7

18.1	Subdivision Activities
Subdivision excluding unit title subdivision	
Subdivision which complies with the standards in rules 18.5 and 18.9 unless specified below	C
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	RD
Subdivision in the Wallaceville Structure Plan Area that does not comply with the standards of rule 18.5 and 18.9	D
Subdivision which does not comply with the standards specified in rule 18.5	D
Subdivision which complies with the standards of rule 18.5 but not rule 18.9	RD
Subdivision around any existing lawfully established dwelling which does not result in the creation of any new undeveloped site that contains no dwelling Note: 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	C
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	RD
Subdivision of land for utilities, reserves or conservation purposes	C
Subdivision of a site identified in Schedules 26.8 or 27.7	D
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	NC
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>)	RD
Subdivision within the Residential (Centres Overlay) Area which complies with the standards of rule 18.5 but not rule 18.9	RD
Subdivision within the Residential (Centres Overlay) Area which does not comply with the standards specified in rule 18.5	D
Subdivision of Comprehensive Residential Developments	
Subdivision of a Comprehensive Residential Development applied for concurrently with a Comprehensive Residential Development under Rule 18.28A.	RD

Updates of existing company lease and cross lease, and all unit title subdivision	
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	C
In relation to land identified in Appendix Residential 3 ('Maidstone Terrace Residential')	
Subdivision which complies with standards in 18.5, 18.8A and 18.9	RD
Subdivision which does not comply with standards in 18.5, 18.8A and/or 18.9	NC
Any subdivision not provided for in this table	D

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

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

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

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.

Chapter	City-wide provisions
8A	General Rules
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

	Front lots	Rear lots	Corner lots	Land Identified in Appendix Residential 1
Residential Areas				
Minimum net site area	400m ² -	400m ² -	450m ² -	600m ² (900m ² average)
Minimum frontage	6m	N/A	6m	N/A
Shape factor	12m	12m	12m	12m
Residential (Centres Overlay) Areas				
Minimum net site area	300m ²	300m ²	350m ²	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
Conservation and Hill Areas				
Minimum net site area	750m ² -	900m ² -	750m ² -	900m ² (1500m ² average)
Minimum frontage	6m	N/A	6m	N/A
Shape factor	17m	17m	17m	17m
Exemptions				
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,

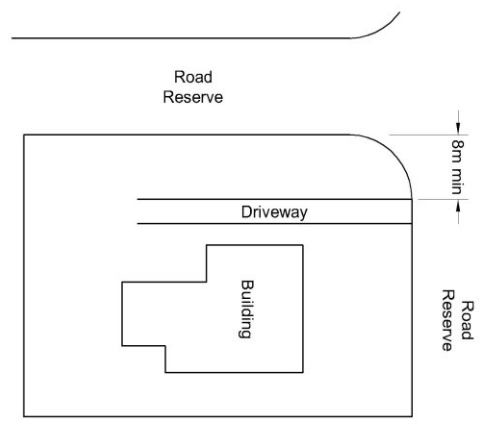
- (a) There shall be no more than 12 dwellings. To avoid any doubt:
 - o The maximum is not the maximum number of dwellings on any particular site.
- (b) There shall be no more than 12 allotments.

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:

Boundary	Minimum setback
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

Notes:
<ul style="list-style-type: none"> On a rear lot, as defined in Chapter 35, rear boundary setbacks apply to all boundaries.
Exemptions:
<ul style="list-style-type: none"> 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.

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.

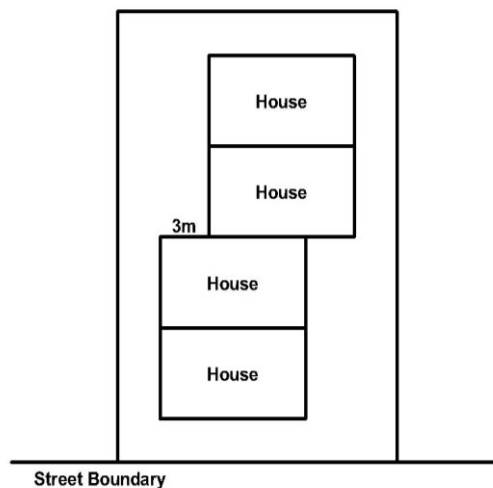
Exemptions:

- 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 13m² 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 10m².

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

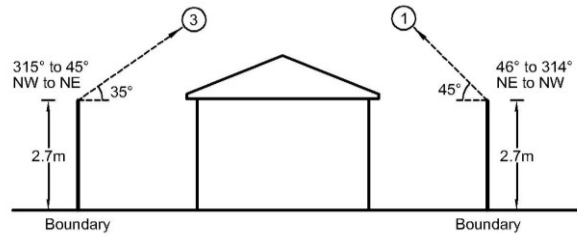
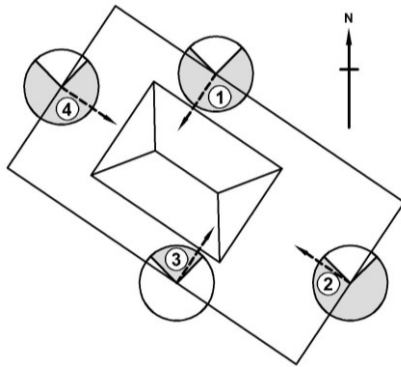
*Policies 4.4.2,
4.4.4*

Height control planes apply to all buildings:

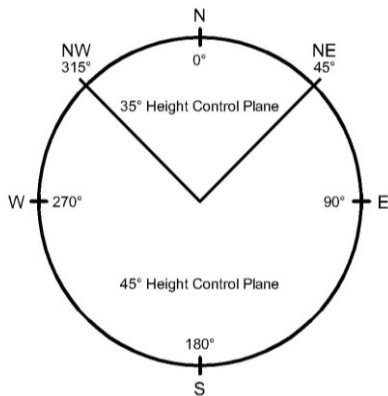
- In, or adjacent to, a Residential Zone.
- On sites smaller than 1500m² in a Rural Zone.

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

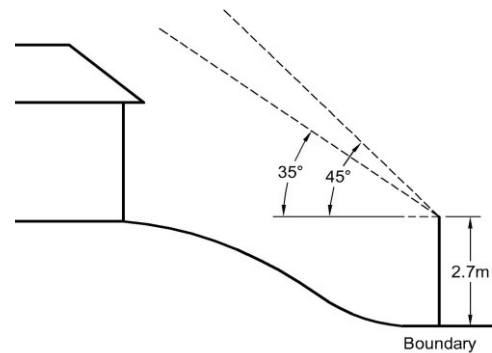
a) Height control planes in relation to site boundaries:



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 23 kg/m^2, 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 12 kg/m^2).</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 35 kg/m^2 being the combined mass of external and internal linings excluding structural elements (e.g. window frames or wall studs) with no less than 12 kg/m^2 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 12 kg/m^2).</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 12 kg/m^2 each</p>
<u>External Door</u> in outside walls	Solid core door (min 25 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 400m², 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 25m² 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 m²) 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 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 3m² 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 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 All other signs

Policies 4.4.8, 15.4.5, 16.4.4

One sign per site with a maximum face area of 1.5m² 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 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:

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.
- For subdivisions with a net site area less than 400m² 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;
- 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.
- 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.
- 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 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).

Site layout, area and coverage

- The arrangement of buildings, car parking and vehicle movements on site.
- The extent of landscaping and screening.
- Whether the topography of the site has been taken into account.
- Whether a better standard of development can be achieved by varying the design standards.
- The ability to provide adequate outdoor living areas.
- The extent to which decreases in site size or increased site coverage would have an adverse effect on the amenity of the area.

Bulk and location of buildings
<ul style="list-style-type: none"> • Whether the buildings will cause a loss of privacy, interfere with sunlight access or create shadows on surrounding allotments. • Whether the building location, design, appearance and scale will detrimentally affect the character of the surrounding area.
Comprehensive Residential Development
<ul style="list-style-type: none"> • The extent to which the proposal meets the guidance for Comprehensive Residential Developments included in the Design Guide for Residential (Centres Overlay) Areas. • Matters listed under 'Site layout, area and coverage' in this rule. • Matters listed under 'Bulk and location of buildings' in this rule. • Matters listed under 'Sunlight access' in this rule. • Matters listed under 'Traffic generation and access' in this rule.
Development of two or more dwellings with a net site area less than 400m² in Residential (Centres Overlay) Areas that is not otherwise a Comprehensive Residential Development
<ul style="list-style-type: none"> • 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.
Traffic generation and access
<ul style="list-style-type: none"> • Accessibility for public transport, cyclists and pedestrians. • Whether activities which generate significant traffic flows have the necessary access, do not adversely impact upon the street environment, and maintain public safety.
On-site soakage
<ul style="list-style-type: none"> • 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.
Sunlight access
<ul style="list-style-type: none"> • Whether the building will adversely interfere with sunlight access or create adverse shading on surrounding sites. • 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.
Non-residential activities
<ul style="list-style-type: none"> • 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. • The extent to which the amenity values and the quality of the residential environment can be maintained and enhanced.
Signs
<ul style="list-style-type: none"> • 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.

Work on trees in the Residential Conservation and Residential Hill Sub-zones
<ul style="list-style-type: none"> • The contribution the tree makes to the amenity of the area. • The health of the tree. • The function the tree may have in an ecosystem or habitat. • Whether the tree is causing or is likely to cause significant damage to buildings, structures or utilities. • Significant adverse environmental effects caused by the tree and the nature of works proposed to avoid, remedy or mitigate them.
Hours of operation
<ul style="list-style-type: none"> • The nature, extent and duration of noise and traffic effects from active recreation.
Nuisance
<ul style="list-style-type: none"> • The potential impacts of noise, dust, glare, vibration, fumes, smoke, other discharges or pollutants or the excavation or deposition of earth.
Infrastructure
<ul style="list-style-type: none"> • The capacity of the infrastructure.
Cumulative effects
<ul style="list-style-type: none"> • Whether cumulative effects such as pollution, risk to public safety and nuisances have been assessed.
Subdivision and/or development in the Wallaceville Structure Plan Area
<ul style="list-style-type: none"> • Relevant matters in the sections above
<ul style="list-style-type: none"> • The extent to which the subdivision and/or development is consistent with the Wallaceville Structure Plan
<ul style="list-style-type: none"> • 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

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)

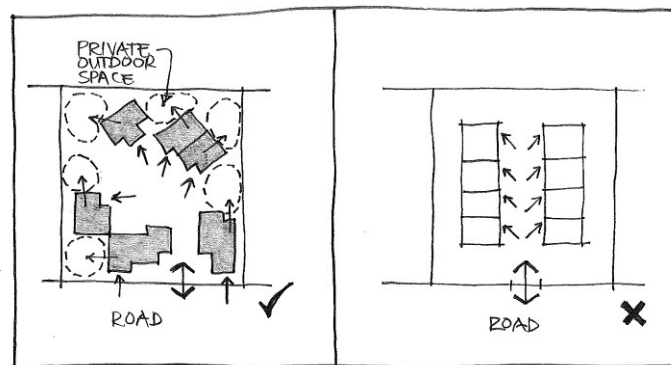


Figure 1: Carefully considered layout of buildings on sites helps to contribute to a more pleasant living environment.

- 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)

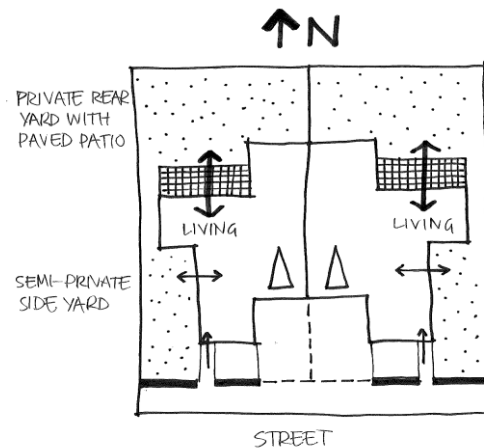


Figure 2: Different types of spaces can all contribute to creating a pleasant outdoor living environment.

- 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).

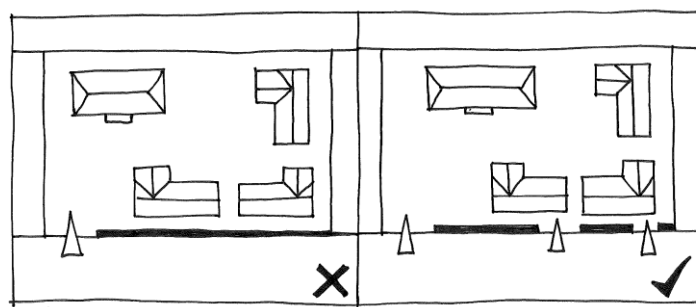


Figure 4: Multiple entrances activate site edges

- 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)

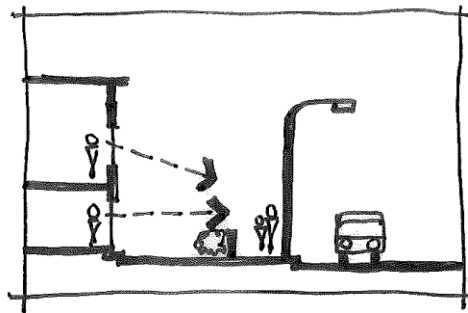


Figure 6: Window placement can enhance passive surveillance of public spaces.

- 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).

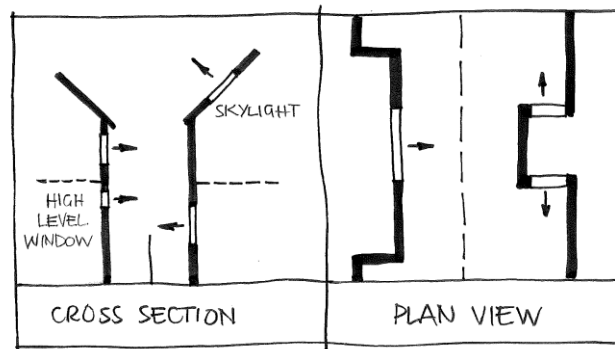


Figure 7: Window positioning can help maintain privacy

- 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).

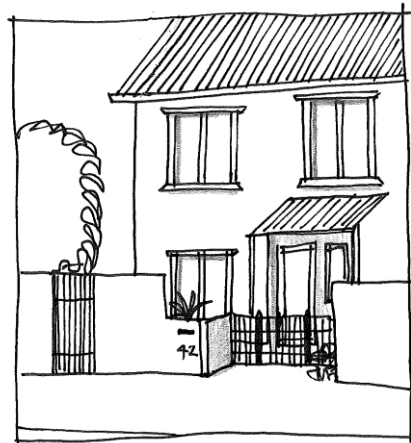


Figure 8: The front entry of a dwelling should be clearly visible.

- 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).

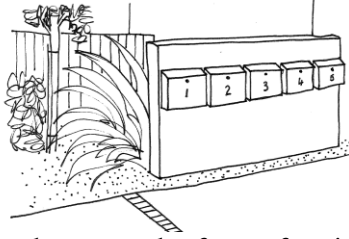


Figure 9: Grouped letter boxes at the front of a site can help strengthen the visibility of an entrance.

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**

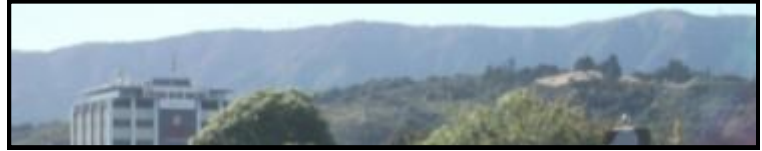
The Central Residential (Centres Overlay) Area surrounds the CBD of Upper Hutt and represents a key opportunity for higher density redevelopment.

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.

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.



Existing 1.5 & 2 storey development in the Central Area



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.

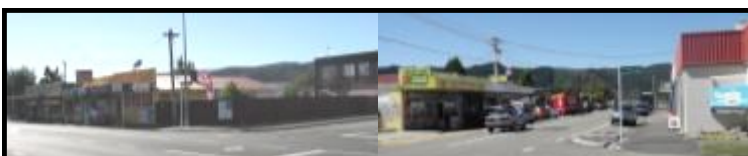


Dwelling Type

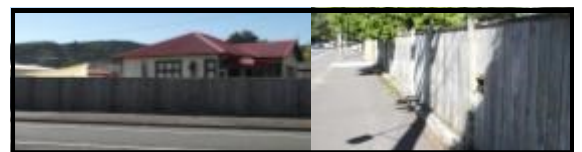
Variety in the type of housing in Trentham is not great and any new development should seek to provide a range of housing types to encourage a wider diversity of people to live in Trentham.

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	
Subdivision excluding unit title subdivision	
Subdivision which complies with the standards in rules 19.5 and 19.8 unless specified below	C
Subdivision which does not comply with the standards specified in rule 19.5	D
Subdivision which complies with the standards of rule 19.5 but not rule 19.8	RD
Subdivision around any existing lawfully established dwelling which does not result in the creation of any new undeveloped site that contains no dwelling Note: 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	C
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	RD
Subdivision of land for utilities, reserves or conservation purposes	C
Subdivision of a site identified in Schedules 26.8 or 27.7	D
Subdivision in the Blue Mountains Area	NC
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	NC
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>)	RD
Updates of existing company lease and cross lease, and all unit title subdivision	
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	C

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

19.2	Land Use Activities	Rural Lifestyle	Rural Valley Floor	Rural Hill
	Rural Activities			
	Farming activities (unless otherwise specified in this table)	P	P	P
	Intensive animal farming, including pig farming	NC	D	D
	Forestry	P	P	P
	Topsoil removal	D	D	D
	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.	-	P	-
	Residential Activities			
	One dwelling per site	P	P	P
	One family flat in conjunction with a dwelling	P	P	P
	Family flat which does not meet permitted or controlled activity standards	RD	RD	RD
	Two or more dwellings on any one site	NC	NC	NC
	Other Activities			
	Home occupations incidental to residential activities carried out on the site	P	P	P
	Home occupations, ancillary to residential activities carried out on the site, which do not meet permitted or controlled activity standards	RD	RD	RD
	Visitor accommodation, other than as part of any home occupation	D	D	D
	Veterinary clinics	D	P	P
	Educational institutions and places of assembly	D	D	D
	Community facilities	D	D	D
	Tourism facilities	D	D	D

Land Use Activities	Rural Lifestyle	Rural Valley Floor	Rural Hill
Passive recreation activities	P	P	P
Active recreation activities	D	C	C
Signs	P	P	P
Signs which do not comply with permitted activity standards	RD	RD	RD
Removal of a building from a site	P	P	P
Establishment of a relocated building from another site	C	C	C
Buildings accessory to a permitted or controlled activity which do not comply with permitted or controlled activity standards	RD	RD	RD
Gang fortifications	Prohibited		
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>)	NC	NC	NC
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>)	RD	RD	RD
Activities listed as permitted or controlled which do not comply with the relevant standards in this chapter, except as specified below	D	D	D
Activities listed as permitted or controlled which do not comply with the access standards in 19.8	RD	RD	RD
Activities which are not listed in this Table unless otherwise covered in the City-wide provisions of the Plan	NC	NC	NC

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.

Chapter	City-wide provisions
8A	General Rules
23	Earthworks
24	Esplanade Reserves and Strips
25	Reserves and Leisure Facilities Contributions
25A	Temporary Events

Chapter	City-wide provisions
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
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

Zone	Minimum net site area	Shape factor
Rural Lifestyle	1ha	50m
Rural Valley Floor	4ha	N/A
Rural Hill	20ha	N/A
Exemptions		
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

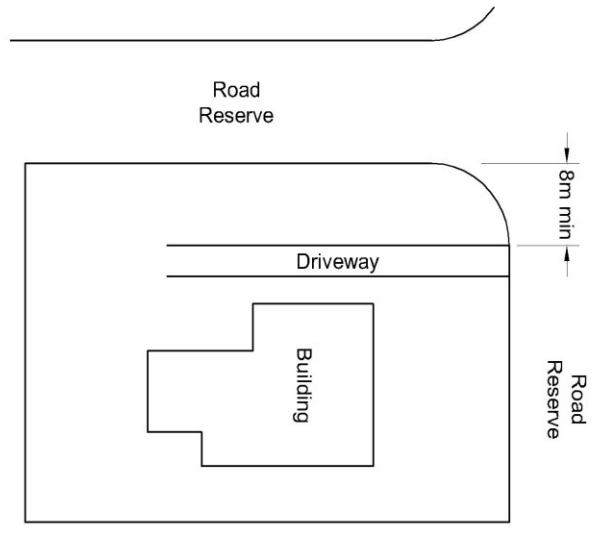
In addition to the matters listed in rule 19.6, Council may impose conditions over the following matters:

- 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 1500m² 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

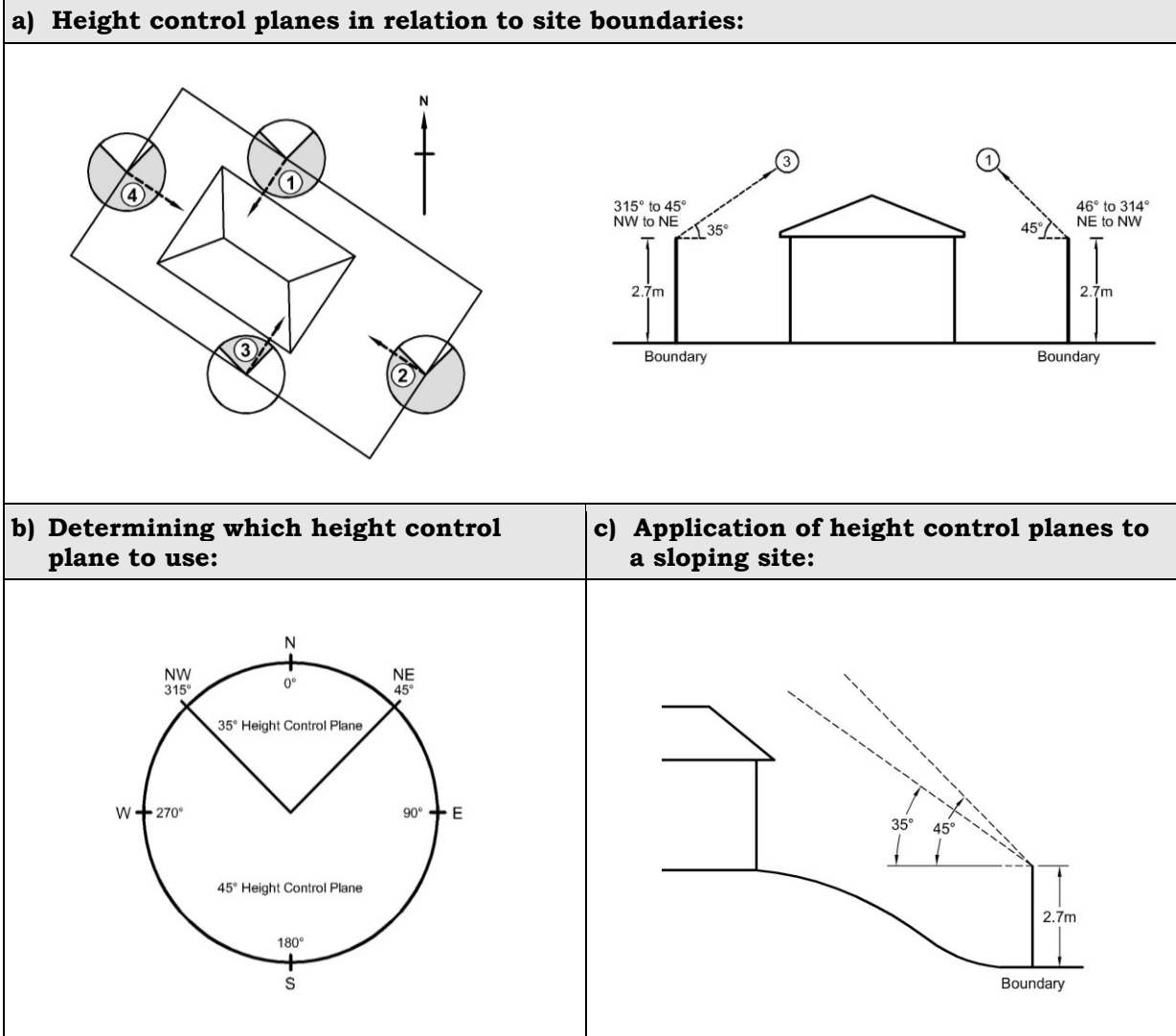
Sunlight Access

*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 1500m² in a Rural Zone.

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



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 m²) 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

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 3m² 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 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 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 3m² 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

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.

Intensive animal farming, including pig farming
<ul style="list-style-type: none"> • Whether amenities of the surrounding environment can be maintained. • Whether the effluent from the site can be discharged appropriately.
Forestry
<ul style="list-style-type: none"> • The method and timing of the activity. • The area to be cleared at any one time. • Traffic and access considerations and financial contributions regarding these. • Effects on the amenity of neighbouring residential properties.
Topsoil removal
<ul style="list-style-type: none"> • 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. • The nature and extent of effects on visual amenity or on sites or features of ecological, cultural or heritage value. • The nature and extent of effects on water bodies, including effects on water quality and the potential for flooding. • The extent to which the activity causes or exacerbates soil erosion or compromises the versatility of the soil resource. • Whether the activity includes measures to deal with the effects of wind blown soil and dust. • The effects of vehicle movements to, from and within the site. • Regard for the provisions of the Regional Soil Plan (including Appendix 3 ‘Guidelines for Topsoil Mining’). • The nature and effectiveness of measures to avoid, remedy or mitigate adverse effects. • Noise. • Financial contributions.
Active recreation
<ul style="list-style-type: none"> • The location, hours of operation and layout of facilities in relation to their noise effects on adjoining land uses. • Access and parking. • Timing and frequency of events.
Non-rural activities
<ul style="list-style-type: none"> • 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. • Whether the amenities and the quality of the rural environment can be maintained. • The potential impacts of noise, dust, glare, vibration, fumes, smoke, discharges or pollutants or the excavation or deposition of earth. • Traffic effects and access to formed, sealed roads. • 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. • The extent to which landscape character and ecological values will be maintained or enhanced.

Dwellings
<ul style="list-style-type: none"> • Provision for effluent treatment, disposal and water supply. • The necessity for the number of dwellings proposed. • Whether the form, scale and character of the new buildings are compatible with those of the buildings in the immediate vicinity of the site.
Scale, bulk, location and appearance of buildings
<ul style="list-style-type: none"> • Whether the building design, appearance, location and scale detrimentally affects the character of the surrounding area. • Whether a better standard of development can be achieved by varying the design, location or size of the buildings. • The arrangement of buildings, car parks and vehicle movements on site. • Whether the topography of the site has been taken into account.
Amenity values
<ul style="list-style-type: none"> • Whether the proposed activity will have more than minor effect on the amenity values of the area in which it is to be located.
Sunlight access
<ul style="list-style-type: none"> • Whether the building will adversely interfere with sunlight access or create adverse shading on surrounding sites. • 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.
Signs
<ul style="list-style-type: none"> • 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.

20**BUSINESS ZONE RULES****Activities Tables**

Policies 3.4.1, 6.4.1, 16.4.7

20.1 Subdivision Activities	
Subdivision excluding unit title subdivision	
Subdivision which complies with the standards in rules 20.5 and 20.8 unless specified below	C
Subdivision in the Wallaceville Structure Plan Area that does not comply with the standards in rules 20.5 and 20.8 unless specified below	RD
Subdivision which does not comply with the standards specified in rule 20.5	D
Subdivision which complies with the standards of rule 20.5 but not 20.8	RD
Subdivision in the Wallaceville Structure Plan Area that does not comply with the standards of rule 20.5 and 20.8	D
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 Note: 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	C
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	RD
Subdivision of land for utilities, reserves or conservation purposes	C
Subdivision of a site identified in Schedules 26.8 or 27.7	D
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	NC
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>)	RD
Updates of existing company lease and cross lease, and all unit title subdivision	
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	C

established in terms of the Building Act 2004	
Any subdivision not provided for in this table	D

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

20.2	Land Use Activities	Business Commercial	Business Industrial
	All activities other than those identified below are permitted provided they meet the standards specified in the Plan for permitted activities	P	P
	Large format retail activities on land identified in Appendix Business 1	-	P
	Any other retail activity on land identified in Appendix Business 1, unless otherwise provided for below	-	D
	Any retail activity unless otherwise provided for below	P	D
	The following retail activities: <ul style="list-style-type: none"> • The sale and maintenance of heavy machinery; • Garden centres; • Building improvement centres; • Yard oriented retail activities; • The sale of goods manufactured on the site, provided that the retail component is ancillary to the manufacturing activity; • The sale of kit-set buildings and framing. 	P	P
	Retail activity, restaurants, offices, early childhood centres, and residential accommodation (including at ground level) on land identified in Appendix Business 2	P	-
	Retail activity, restaurants, offices, early childhood centres, and residential accommodation above ground level on land identified in the Gateway Precinct of Wallaceville Structure Plan	P	-
	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	D	-
	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	D	-
	Visitor accommodation	P	NC
	Warehouses	D	P
	Service stations and motor vehicle garages	D	C
	Motor vehicle wrecking	NC	D
	Public car parks	D	D
	Every activity listed as an offensive trade in the third schedule of the Health Act 1956	NC	D

20.2 Land Use Activities	Business Commercial	Business Industrial
The sale and hire of motor vehicles, boats, caravans, motor homes and accessories and motor vehicle spare parts	D	P
Churches	C	P
Establishment of a relocated building from another site	C	C
Residential accommodation at ground floor level	D	D
Residential accommodation for a caretaker, where the caretaker is required to live on the site	P	P
Residential accommodation not otherwise provided for in this table	P	D
Signs	P	P
Signs which do not comply with permitted activity standards	RD	RD
Signs in the heritage covenant in the Gateway Precinct of the Wallaceville Structure Plan Area	RD	-
Buildings which do not comply with permitted or controlled activity standards	RD	RD
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	RD	-
In the Wallaceville Structure Plan Area demolition of buildings not listed as a significant heritage feature in Chapter 26	P	-
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	-	NC
Initial landscaping of the front boundary setback required by rule 20.9 within the Business Industrial zone on Eastern Hutt Road	-	C
Residential activity (except for caretaker accommodation) within the Business Industrial zone on Eastern Hutt Road	-	NC
Gang fortifications	Prohibited	
Activities otherwise permitted or controlled which do not comply with the access standards in 20.9	RD	RD
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	D	D

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
8A	General Rules
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 ²	7.5m
Business Industrial	500m ²	20m
Exemptions		
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

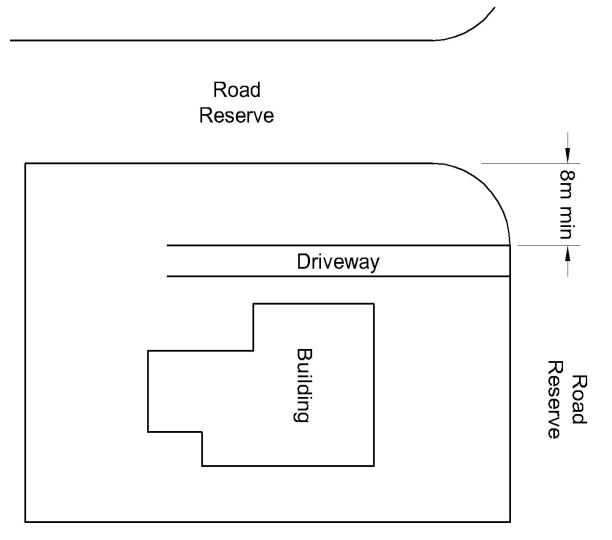
In addition to the matters outlined in rule 20.6, Council may impose conditions over the following matters:

- 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:

	Business Commercial Sub-zone	Business Industrial Sub-zone
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	-
Exemptions:		
<ul style="list-style-type: none"> • Service station canopies are exempt from the front boundary setback requirement. 		
<ul style="list-style-type: none"> • Pole signs are exempt from the front boundary setback requirement. 		
<ul style="list-style-type: none"> • 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. 		
<ul style="list-style-type: none"> • 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. <p>Note: 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:

Floor area	Loading spaces required
Between 100m ² and 1000 m ²	1 space
Between 1001m ² and 2000m ²	2 spaces
More than 2000m ²	2 spaces or 4 spaces if the building is used as a retail store
Notes	
<ul style="list-style-type: none"> • 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. 	
<ul style="list-style-type: none"> • 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. 	
<ul style="list-style-type: none"> • Direct access to each loading space may be allowed from any vested service lane. 	

<ul style="list-style-type: none"> • All loading spaces are required to be formed and surfaced in accordance with the Code of Practice for Civil Engineering Works.
<ul style="list-style-type: none"> • Loading spaces required do not apply to the floor area of residential activities located in the Gateway Precinct of the Wallaceville Structure Plan Area

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 m²) 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

*Policies 6.4.2,
6.4.4*

Requirements for buildings on sites adjoining Main Street

- 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 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 3m² 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 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 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 1m² per metre of street frontage up to a maximum of 35m² 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 7.5m².

- 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 0.5m².
 - 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 20m².

20.27A

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 7.5m².
- 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 7.5m².
- 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 0.5m².
 - 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 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

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:

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.
- 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.
- 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.
- 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).

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.

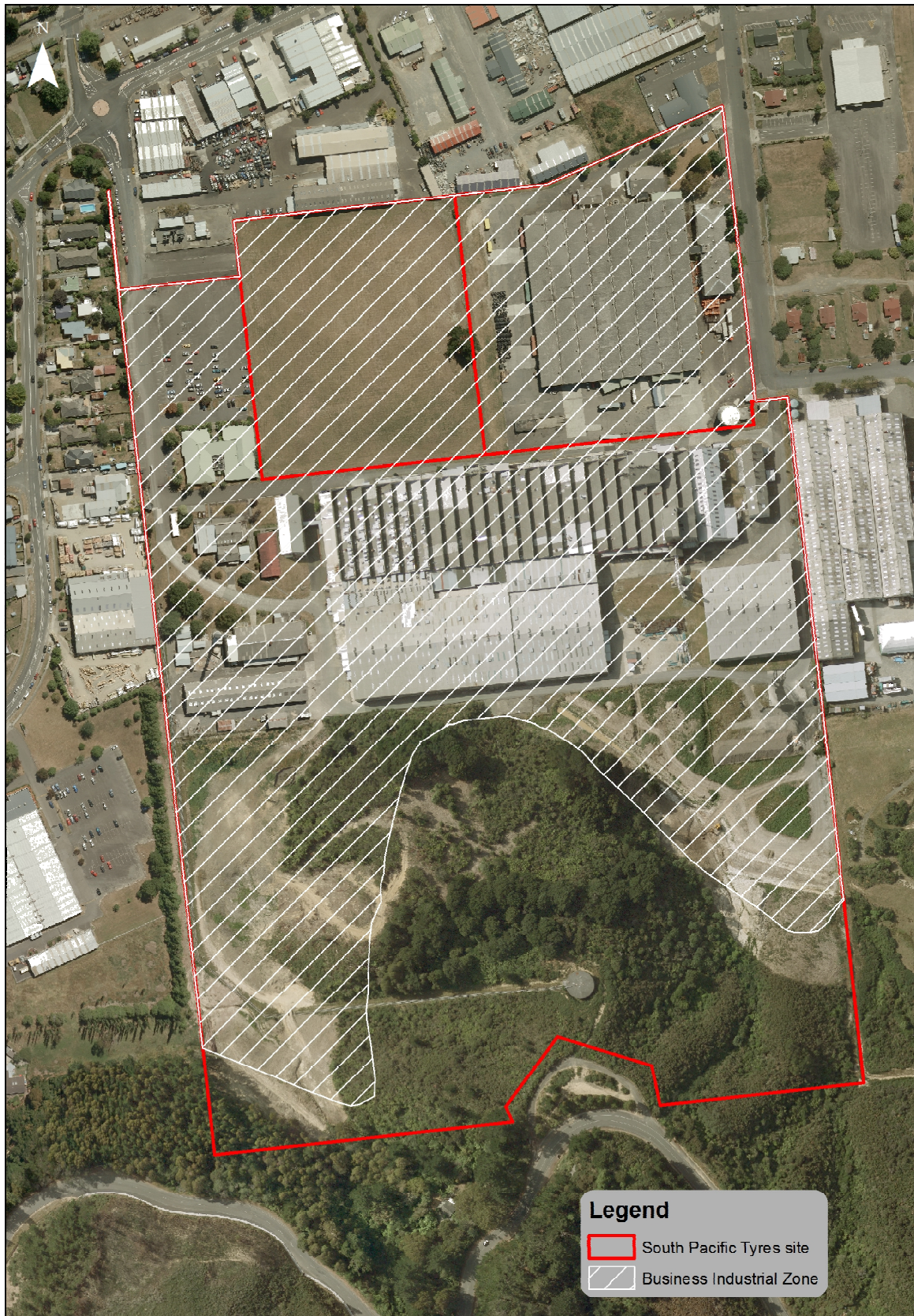
Site layout
<ul style="list-style-type: none"> • The arrangement of buildings, car parks and vehicle movements on site. • The nature and extent of landscaping and screening. • Whether the topography of the site has been taken into account. • Whether a better standard of development can be achieved by varying the design.
Bulk and location of buildings
<ul style="list-style-type: none"> • Whether the buildings will cause a loss of privacy, interfere with sunlight access or create shadows on dwellings on adjoining Residentially zoned sites. • Whether the building design, appearance and scale will detrimentally affect the character of the surrounding area.
Traffic generation
<ul style="list-style-type: none"> • Whether activities which generate significant traffic flows have the necessary access, do not adversely impact upon the street environment, and maintain public safety.
Signs
<ul style="list-style-type: none"> • 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.
Non-business activities
<ul style="list-style-type: none"> • Whether the buildings, structures or other works are of an appropriate scale having regard to the local amenity. • The extent to which the amenities and the quality of the business environment can be maintained and enhanced.
Nuisance
<ul style="list-style-type: none"> • The potential impacts of noise, dust, glare, vibration, fumes, smoke, other discharges or pollutants or the excavation or deposition of earth.
Infrastructure
<ul style="list-style-type: none"> • The existing capacity of the infrastructure.
Cumulative effects
<ul style="list-style-type: none"> • Whether cumulative effects such as pollution, risks to public safety and nuisances have been assessed.
Retail activities
<ul style="list-style-type: none"> • The effects of retail activities on the vitality and economic viability of the Central Business District, and neighbourhood centres. • Whether the nature and scale of retail activities compliments activities occurring on surrounding sites.

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

21.1 Subdivision Activities (Zone wide)	
All subdivision, other than that identified below, is non complying	NC
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	C
Subdivision of land for utilities, reserves or conservation purposes	C
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	C
Subdivision provided for as a Controlled Activity which complies with the access standards in 21.6	C
Subdivision provided for as a Controlled Activity which does not comply with the access standards in 21.6	RD

21.2 Subdivision Activities (Speedway Area only)	
Subdivision in the Speedway Area which complies with the standards in rule 21.6 and 21.27	C
Subdivision which does not comply with the standards in rule 21.27	D
Subdivision provided for as a Controlled Activity which does not comply with the access standards in 21.6	RD

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

21.3 Land use Activities	
Zone-wide (excluding the Speedway Area)	
Passive recreation activities (unless otherwise specified in this table)	P
Residential accommodation for persons whose employment requires them to live on site	D
Signs	P
Signs which do not comply with permitted activity standards	RD
Active recreation	D
Organised fireworks display at Trentham Memorial Park	P
Organised fireworks display not otherwise provided for in this table or which does not comply with the standards in 21.14A	D
Removal of a building from a site	P
The establishment of a relocated building from another site which is accessory to a recreation activity	C
Buildings accessory to a permitted activity	P
Buildings which do not meet permitted and controlled activity standards	RD
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>)	NC
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>)	RD
Activities listed as permitted or controlled which do not comply with the access standards in 21.6	RD
Gang fortifications	Prohibited
Speedway Area only	
Motorsports for racing, performance, training or exhibition which are undertaken for up to 24 days in any one year	P
Motorsports for racing, performance, training or exhibition which are undertaken for more than 24 days in any one year	C
Organised sports and equestrian events	P
Circus, fairs and field days	P
Organised fireworks displays	P
Concession stands and takeaway foodbars	P
Landscaping, earthmounding and track maintenance	P
Signs	P

Signs which do not comply with permitted activity standards	RD
Residential accommodation for persons whose employment requires that they live on site	C
Removal of a building from a site	P
The establishment of a relocated building from another site	C
Clubrooms, stands and related facilities	P
Activities and buildings ancillary to permitted activities	P

Speedway Area only	
Activities listed as permitted or controlled which do not comply with the access standards in 21.6	RD
Activities which do not meet the permitted or controlled activity standards (unless otherwise specified in this table as restricted discretionary)	D
Gang fortifications	Prohibited
Activities which are not listed in this Table unless otherwise covered in the City-wide provisions of the Plan	NC

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.

Chapter	City-wide provisions
8A	General Rules
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

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.

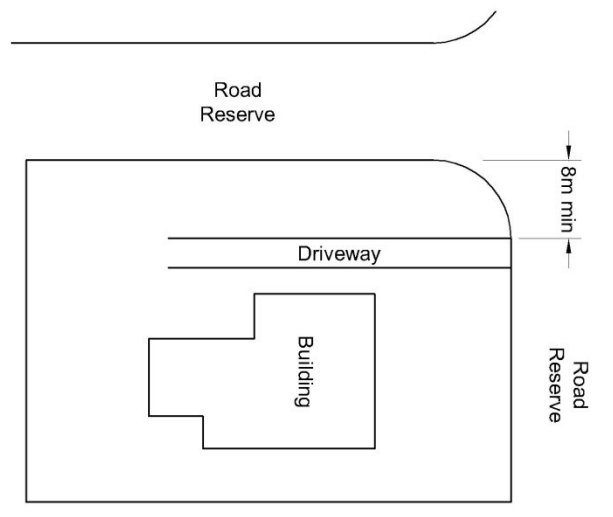
21.6 Access standards for subdivision and land use activities

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 3m² 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 4.5m² 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
Exemptions:	
<ul style="list-style-type: none"> • 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. 	

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 ²
Accessory buildings -	100m ²

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 m²) 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

Open Space	Minimum site area	Shape factor
Speedway area	5000m ²	50m
Exemptions		
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:

Boundary	Minimum setback
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 ₁₀	L _{MAX}	L ₁₀	L _{MAX}
Racing activities on non-race days	55	70	40	70
Racing activities on race days	Mon to Fri 7.30pm-10.30pm 70	Mon to Fri 7.30pm-10.30pm 85	70	85
Practice racing sessions on non-race days	10.00am-7.00pm 70	10.00am-7.00pm 85	70	85
Practice racing sessions on race days	10.00am-7.00pm 70	10.00am-7.00pm 85	10.00am-7.30pm 70	10.30am-7:30pm 85
Track grading	Mon to Fri 9.00pm-7.00am 55	Mon to Fri 9.00am-7.00pm 70	55	-
Use of amplified music and public address system on any day	65	80	65	80
Activities other than those outlined above on any day	55	70	55	70
Notes:				
<ul style="list-style-type: none"> Racing activities refers to motorsport for racing, performance and exhibition. Practice racing sessions refers to the practice or training necessary to undertake motorsport for racing, performance and exhibition. All noise readings shall be undertaken in accordance with the provisions for noise measurement set out in Rule 32.5. 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. Council shall be advised of dates altered prior to the event because of weather or other unforeseen circumstances. 				

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).

Access
<ul style="list-style-type: none"> • 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.
Site layout
<ul style="list-style-type: none"> • Impact on the recreation potential of the open space. • Conflict between different users. • On-site safety. • Natural character and landscape.
Bulk, location and appearance of buildings
<ul style="list-style-type: none"> • The location, scale, design and appearance of buildings does not detrimentally affect adjoining properties and the neighbourhood generally. • Detraction from the character or purpose of the open space. • Impact on the current or future recreation potential of the open space. • Loss of privacy and sunlight, and the creation of shadows on adjoining areas.
Speedway Area
<ul style="list-style-type: none"> • Maintenance of residential amenity levels. • Maintaining noise standards within the time frames and adhering to the schedule of fixtures. • Avoidance of dust nuisance.

Signs
<ul style="list-style-type: none"> • 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.
Water based activities
<ul style="list-style-type: none"> • Noise levels. • Whether any conflict will occur between users. • The natural state of the water body.
Landscaping
<ul style="list-style-type: none"> • Whether planting reduces the impact of buildings, structures and car parking areas on amenity values.
Artificial light
<ul style="list-style-type: none"> • Effects on traffic safety. • Overspill of light onto surrounding properties. • Whether the lighting will assist in the safety, security and efficient use of the open space.
Nuisance factors
<ul style="list-style-type: none"> • The potential impacts of noise, dust, glare, vibration, fumes, smoke, other discharges or pollutants or the excavation or deposition of earth.
Management plans
<ul style="list-style-type: none"> • The relevant provisions of any management plan or conservation management strategy.

22**SPECIAL ACTIVITY ZONE RULES****Activities Tables**

Policies 3.4.1, 8.4.1, 8.4.4, 16.4.3

22.1 Subdivision Activities	
Subdivision excluding unit title subdivision	
Subdivision which complies with the standards in rules 22.6 and 22.9 unless specified below	C
Subdivision which does not comply with the standards specified in rule 22.6	D
Subdivision which complies with the standards in rule 22.6 but not rule 22.9	RD
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 Note: 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	C
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	RD
Subdivision of land for utilities, reserves or conservation purposes	C
Subdivision of a site identified in Schedules 26.8 or 27.7	D
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	NC
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>)	RD
Updates of existing company lease and cross lease, and all unit title subdivision	
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	C
Any subdivision not provided for in this table	D

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

**Special Activity Zone
(except for the St Patrick's Estate Area)**

22.2 Land Use Activities	
Activities relating to the institutional functions of the Rimutaka Prison	P
Activities relating to the military functions of the Trentham Military Camp	P
Activities relating to educational functions on the site of the New Zealand International Campus (former Central Institute of Technology)	P
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	P
Activities relating to the Police Dog Training Facility	P
Railway museum and ancillary facilities	P
Active and passive recreation and ancillary activities and buildings	P
Signs	P
Signs which do not comply with permitted activity standards	RD
Removal of a building from a site	P
Establishment of a relocated building from another site	C
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>)	NC
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>)	RD
Activities which do not comply with the permitted and controlled activity standards, unless otherwise specified	D

Activities listed as permitted or controlled which do not comply with the access standards in 22.9	RD
Gang fortifications	Prohibited
Activities which are not listed in this table unless otherwise covered in the City-wide provisions of the Plan	NC

Special Activity Zone (St Patrick's Estate Area only)

22.3	Land Use Activities	Managed Development Area*	St Patrick's College Area*
	Car parks (not including buildings)	C	C
	Commercial development, excluding retailing	C	C
	Business and professional offices	C	C
	Educational facilities, early childhood centres	C	P
	Residential and visitor accommodation	C	P
	Passive recreation	P	P
	Active recreation and places of entertainment	C	C
	Medical facilities	C	NC
	Places of assembly (including community facilities), and conference centres	C	C
	Garden centres	C	C
	Retailing excluding garden centres	NC	NC
	Signs	P	P
	Signs which do not comply with permitted activity standards	RD	RD
	Removal of a building from a site	P	P
	Establishment of a relocated building from another site	C	C
	Gang fortifications	Prohibited	Prohibited
	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	NC	NC

*** Identified on the Planning Maps**

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
8A	General Rules
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

	Minimum net site area	Shape factor
All areas	1000m ²	25m
Exemptions		
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.

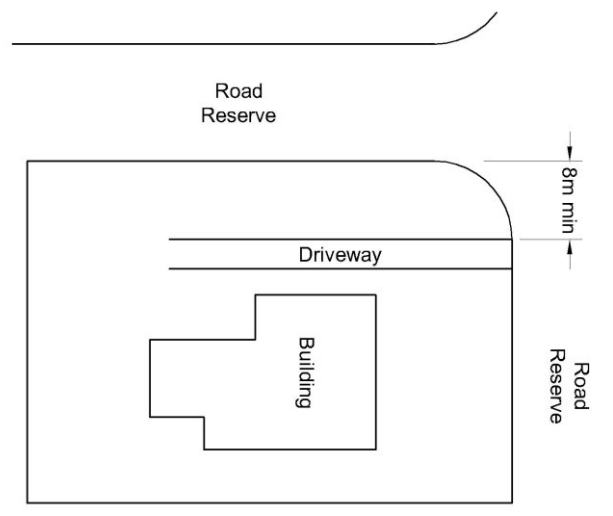
*Policies 8.4.3,
9.4.3*

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 m²) 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 3m² 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 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 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 1m² per metre of street frontage up to a maximum of 35m² 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 7.5m².
- 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 0.5m².
 - 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 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.

Provisions for the St Patrick's Estate Area only

Permitted Activities

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

	Managed Development Area*	St Patrick's College Area*
Setbacks:		
Front boundary - Fergusson Drive	10m	10m
Any other front boundary	5m	5m
Side boundary	5m	10m
Rear boundary	10m	10m
Maximum site coverage	40%	10%
Maximum building height	8m	8m
*Identified on Planning Maps		

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.

Controlled Activities

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.

Matters for Consideration

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).

Access
<ul style="list-style-type: none"> • 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.
Traffic generation
<ul style="list-style-type: none"> • Whether activities which generate significant traffic flows have satisfactory access arrangements. • Impacts on public safety.
Site layout
<ul style="list-style-type: none"> • The arrangement of buildings, car parks and vehicle movements on site. • The extent of landscaping and screening particularly where sites adjoin Residential or Open Space Zones. • Whether the topography of the site has been taken into account. • Whether a better standard of development can be achieved by varying the design.
Bulk and location of buildings
<ul style="list-style-type: none"> • Whether the buildings will cause a loss of privacy, interfere with sunlight access or create shadows on dwellings on adjoining allotments. • Whether the building location, design, appearance and scale will detrimentally affect the character of the surrounding area.
Signs
<ul style="list-style-type: none"> • 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.
Sunlight access
<ul style="list-style-type: none"> • Whether the building will adversely interfere with sunlight access or create adverse shading on adjoining sites. • 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.
Nuisance
<ul style="list-style-type: none"> • The potential impacts of noise, dust, glare, vibration, fumes, smoke, odour, other discharges or pollutants or the excavation or deposition of earth.

Infrastructure
<ul style="list-style-type: none"> • The capacity of the infrastructure.
Cumulative effects
<ul style="list-style-type: none"> • Whether cumulative effects such as pollution, any risk to public safety and nuisances have been assessed to avoid, remedy or mitigate adverse effects.
Additional matters for the St Patrick’s Estate Area
<ul style="list-style-type: none"> • Whether flooding effects have been adequately addressed. • Whether the proposal maintains a landscaped gateway to the City, a low density, open development and contains screening from residential areas and Fergusson Drive. • Whether the landscaping will maintain and enhance the amenity of the area. • Whether pedestrian linkages to the Hutt River walkway and Silverstream Railway Station are provided.

25A RULES FOR TEMPORARY EVENTS

Activities Table

Policy 15.4.6

25A.1	Activities	All zones
	Temporary events that comply with the permitted activity standards specified in rule 25A.2 – 25A.12	P
	Temporary events that do not comply with the standards specified in rule 25A.2 – 25A.12	RD

Key **P** — Permitted activity which complies with standards for permitted activities specified in the Plan
RD — Restricted discretionary activity

Standards for Permitted Activities

Temporary events

25A.2 All temporary events must comply with the definition of temporary event in Chapter 35 of the District Plan.

Policy 15.4.6

25A.3 The total duration of a temporary event shall not exceed 6 days and the occupation of a site for any temporary event (including set-up and pack-up times) shall not exceed 10 days in total.

Policy 15.4.6

25A.4 Temporary events (other than organised competitive sporting events) may only occur between the following times:

Policy 15.4.6

Sunday to Thursday (inclusive)	9am to 10pm
Friday and Saturday	9am to 11pm
Exemption:	
<ul style="list-style-type: none"> • On December 31st of any calendar year the finish time may be extended to 1am the following day. 	

25A.5 Organised competitive sporting events may occur between the following times:

Policy 15.4.6

Sunday to Thursday (inclusive)	7am to 10pm
Friday and Saturday	7am to 11pm

25A.6 Any outdoor amplified music may be emitted for a maximum of 6 hours per day between the following hours:

Policy 15.4.6

Sunday to Thursday (inclusive)	10am to 10pm
Friday and Saturday	10am to 11pm
Exemption:	
<ul style="list-style-type: none"> On December 31st of any calendar year the finish time may be extended to 1am the following day. 	

25A.7 Any noise outside the permitted hours for a temporary event outlined above in rules 25A.4 to 25A.6 associated with set up and pack up times shall comply with the relevant noise standards outlined in chapter 32 of the District Plan.

Policy 15.4.6

25A.8 Any amplified sound resulting from the temporary event must not exceed **80dBA L₁₀** and **L_{max} 85** when measured:

Policy 15.4.6

- At any point within the boundary of any site within the residential zone; or
- At any point within the 20m notional boundary of any dwelling within the Rural Zone; or
- At any point within the boundary of any site occupied by a hotel, motel, motor camp, early childhood centre, school or educational facility, health care facility or aged care facility within any zone.

25A.9 Any noise resulting from the temporary event (other than amplified sound) must not exceed **70dBA** and **L_{max} 85** when measured:

Policy 15.4.6

- At any point within the boundary of any site within the residential zone; or
- At any point within the 20m notional boundary of any dwelling within the Rural Zone; or
- At any point within the boundary of any site occupied by a hotel, motel, motor camp, early childhood centre, school or educational facility, health care facility or aged care facility within any zone.

25A.10 All activities occurring at the Speedway Area (including temporary events) shall be subject to the specific rules pertaining to the Speedway Area outlined in Chapter 21 of the District Plan.
Policy 15.4.6

25A.11 Organised fireworks displays undertaken at Trentham Memorial Park shall be subject to the specific provisions outlined in rule 21.14A of the District Plan.
Policy 15.4.6

25A.12 All sound levels shall be measured in accordance with NZS 6801:1991 Acoustics – “Measurement of Sound” and assessed in accordance with NZS 6802:1991 “Assessment of Environmental Sound” with the exception that Clause 4.4 (Adjustments to Performance Standards) of NZS 6802:1991 “Assessment of Environmental Sound” shall not apply to amplified sounds.
Policy 15.4.6

Restricted Discretionary Activities

25A.13 Council will restrict its discretion to, and may impose conditions on:

Policy 15.4.6

- Hours of operation, duration and frequency of the temporary event.
- The nature, frequency and duration of noise associated with the temporary event.
- The effects resulting from traffic movements and car parking associated with the temporary event.

32**RULES FOR NOISE AND VIBRATION****Activities Table***Policy 15.4.4*

32.1	Activities	All Zones
	Any activity (except temporary events, activities occurring in the Speedway Area, and an Organised Fireworks Display at Trentham Memorial Park) which complies with the noise and vibration standards in rules 32.3 to 32.6	P
	Any activity (except temporary events, activities occurring in the Speedway Area, and an Organised Fireworks Display at Trentham Memorial Park) which does not comply with the noise and vibration standards in rules 32.3 to 32.6	NC

Key	P Permitted activity which complies with standards for permitted activities specified in the Plan
	NC Non complying activity

Standards for Permitted Activities**32.2 Noise from the Speedway Area and from Organised fireworks Displays***Policy 7.4.6*

Noise standards which relate specifically to the Speedway Area and to an Organised Fireworks Display at Trentham Memorial Park (in the Open Space Zone) are specified in Chapter 21 and are not subject to the noise and vibration standards of Chapter 32 herein.

32.2A Noise from Temporary Events*Policy 15.4.6*

Noise standards which relate specifically to Temporary Events are specified in Chapter 25.8A and are not subject to the noise and vibration standards of Chapter 32 herein.

32.3 Noise from construction and demolition*Policies 4.4.6, 15.4.4*

The maximum noise levels from construction -or demolition activities, measured at or within the boundary of any site (other than the source site) in the Residential and Open Space Zones, and immediately outside dwellings in the Rural Zone, shall not exceed the following levels:

Mon to Sat 7:00am - 7:00pm		All other times, Sundays & public holidays	
$L_{eq}dBA$	$L_{max}dBA$	$L_{eq}dBA$	$L_{max}dBA$
75	90	45	75
Notes			
Noise levels shall be measured in accordance with the requirements of NZS 6803:1999 Acoustics – Construction Noise.			
The definitions of dBA, L_{eq} and L_{max} are those found in NZS 6803:1999.			

32.4 Noise from temporary military training

Policies 4.4.6,
15.4.4

Temporary military training activities are permitted in all zones subject to the following noise limits not being exceeded at any point within 20m of a dwelling, residential institution or educational facility:

Time of day	$L_{10}dBA$	$L_{max}dBA$
6am – 7.30am	60	75
7.30am – 6pm	75	90
6pm – 8pm	70	85
8pm – 6am	55	70

In addition, all temporary military training activities shall be conducted so that the airblast overpressure arising from the use of explosives, ammunition or pyrotechnics does not exceed 120dBC at any point within 20m of a dwelling, residential institution or educational facility.

32.5 Noise from all other activities

Policies 4.4.6,
15.4.4

The following noise rules shall not apply to:

- Normal agricultural and forestry practices undertaken for a limited duration.
- Normal residential activities such as lawn mowing.
- Noise generated by sirens and alarms used by emergency services.

All activities, other than those specified above, shall not exceed the following noise standards:

	Mon to Sat 7:00am – 7:00pm		All other times, Sundays & public holidays	
	L ₁₀	L _{max}	L ₁₀	L _{max}
dBA				
Maximum noise levels measured at or within the boundary of any site (other than the source site) in the Residential, Rural and Open Space Zones.	50	-	40	70
Maximum noise levels measured at or within the boundary of any site (other than the source site) in the Business and Special Activity Zones.	65	-	45	75

The following standards apply to the Business Industrial Land on Eastern Hutt Road

	Day-time 7:00am – 9:00pm		Night-time 9:00pm – 7:00am	
	L ₁₀	L _{max}	L ₁₀	L _{max}
dBA				
Maximum noise levels from activities in the Business Industrial zone located on Eastern Hutt Road measured at or within the boundary of any site: <ul style="list-style-type: none"> • In the Residential zone; • In the Residential Conservation zone and in the Rural Hill zone, but assessed no closer than 100m from the zone boundary of the Business Industrial zone; • In the Special Activity zone that is St Patricks Estate area. 	50	-	40	70
Maximum noise levels from activities in the Business Industrial zone on Eastern Hutt Road* measured at or within the boundary of any site (other than the source site) in the Business Industrial zone on Eastern Hutt Road and at or within the boundary of any site within a Business sub-zone.	65	-	65	-

Exemption

* Except that primary warehousing operations including:

- Truck movements on sites and on access roads; and
- Loading and unloading activities –

shall be exempt from the noise rules only as they apply to receiving sites within the Business Industrial zone on Eastern Hutt Road.

Notes	
•	Noise levels shall be measured in accordance with the requirements of NZS 6801:1991 Measurement of Sound, and assessed in accordance with the requirements of NZS 6802:1991 Assessment of Environmental Sound.
•	Noise levels shall be measured with a sound level meter complying with International Standard IEC 60651 (1979): Sound Level Meters, Type 2.
•	Adjustments for special audible characteristics, if present, as provided for in clauses 4.3 and 4.4 of NZS 6802:1991, shall apply and will have the effect of imposing a maximum permitted noise level 5dBA more stringent than the L_{10} levels stated above. This condition shall not apply to impulse noise emissions arising from firing and detonation activities at the Trentham Ranges.
•	The definitions of dBA, dBC, L_{10} and L_{max} are those found in NZS 6802:1991.

32.6**Vibration standards**

*Policies 4.4.6,
15.4.4*

Vibration from any site due to blasting shall not exceed a peak particle velocity of 5mm/sec measured in the frequency range 3-12Hz at any point within 20m of a dwelling, residential institution or educational facility.

Airblast overpressure from blasting shall not exceed a peak sound pressure level of 120dBC at any point within 20m of a dwelling, residential institution or educational facility.

The airblast overpressure shall be measured in accordance with the requirements of NZS 6801:1991 Measurement of Sound and the Australian Standard AS 2187.2 1993: Explosives – Storage, transport and use. The lower limiting frequency of the measuring instruments shall be reported.

The measurements shall be assessed in accordance with the requirements of the Australian Standard AS 2187.2 1993: Explosives – Storage, transport and use.

Matters for Consideration

32.7

Matters that may be relevant in the consideration of any resource consent may include the following:

Noise and vibration

- The length of time, and the level by which, the standards will be exceeded, particularly at night, and the likely disturbance that may be caused.
- The nature and location of nearby activities and the effects they may experience.
- The topography of the site, and the neighbouring areas, and any influence this may have on noise or vibration transmission.
- The effects on residential activities, particularly night time effects.
- Any opportunities to avoid, remedy or mitigate the noise or vibration.
- The effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity.