

## 36 Living 1, 2 and 3 Environment Rules

### 36.1 Introduction

This chapter contains rules governing land uses in the Living 1, 2 and 3 Environments such as those located within the vicinity of the Whangarei Airport and are within the area shown on the relevant planning maps as being within the Outer Control Boundary applicable to activities at Whangarei Airport. Within these areas, in addition to the rules in this chapter, the rules in Chapter 47 will also apply.

For example, the Whangarei Airport Air Noise Boundary and Outer Control Boundary are shown on the Planning Maps by lines on the Resource Area Maps. Parts of the Living 1 Environment are enclosed by the Air Noise Boundary and/or the Outer Control Boundary. Within these areas, in addition to the rules in this Chapter, the rules in Chapter 62 will also apply.

All rules apply in all Living Environments, unless otherwise stated.

See Chapter 70.3 for a list of matters to which controlled is reserved. These apply to every controlled activity mentioned in the rule table, in addition to those matters given in the rule table.

### 36.2 Prohibited Activities

The following activity is a prohibited activity, for which no resource consent shall be granted:

- Use, storage or disposal of radioactive material with an activity exceeding 1000 terabequerels.

### 36.3 Living 1, 2 and 3 Environment – Activity Rule Table

#### 36.3.1 Activities Generally

<p>Subject to Rules 62.5.2 and 62.6.1, an activity is a <b>permitted</b> activity if:</p> <p>a) It is not a commercial or industrial activity involving intensive livestock farming, mineral extraction, animal boarding, panel beating, metal working, spray painting, motor vehicle repairs, outdoor storage of motor vehicles, motor vehicle manufacturing or dismantling, fibre glassing or laminating, meat processing; and</p> <p>b) It does not involve food irradiation; and</p> <p>c) It involves any of the following being conducted for domestic purposes and associated with household use: bone boiling or crushing; collection and storage of used glass bottles; fish cleaning, curing and processing; flax pulping; flock manufacturing or</p>	<p>Any activity that does not comply with a condition for a permitted activity is <b>discretionary</b> if:</p> <p>a) It does not involve intensive Livestock farming; and</p> <p>b) It does not involve food irradiation; and</p> <p>c) It involves any of the following being conducted for purposes other than domestic and associated with household use: bone boiling or crushing; collection and storage of used glass bottles; fish cleaning, curing and processing; flax pulping; flock manufacturing or teasing of textiles; refuse accumulation; sewage collection or disposal; storage, drying or preserving of bones, hides,</p>
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<p>teasing of textiles; refuse accumulation; sewage collection or disposal; storage, drying or preserving of bones, hides, hooves, or skins; tallow melting; tanning; wood pulping; wool scouring; and</p> <p>d) It is not an activity that is classified as an offensive trade in the Health Act 1956; and</p> <p>e) Commercial or industrial activities do not operate or open for visitors, clients or deliveries before 0800 or after 1800 on any day , provided that this rule does not apply to residential activity and</p> <p>f) Places of assembly do not operate or open for visitors, clients or deliveries before 0800 or after 2000 within the Air Noise Margin and 2200 elsewhere on any day; and</p> <p>g) Commercial or industrial activities are screened from view from roads and adjoining sites by fences, planting or buildings; and</p> <p>h) Commercial or industrial activities are carried out in conjunction with a residential activity on the site; or</p> <p>i) Religious observances outside the hours of operation permitted for a place of assembly in f) above, operate on no more than 4 days per year; or</p> <p>j) It does not incorporate a helicopter operating base or helicopter landing pad.</p>	<p>hooves, or skins; tallow melting; tanning; wood pulping; wool scouring; and</p> <p>d) It is not an activity that is classified as an offensive trade in the Health Act 1956.</p> <p>Any activity that does not comply with a standard for a discretionary activity is a <b>non-complying</b> activity.</p>
<p>Provided always and notwithstanding the requirements in this Rule, if the activity under consideration is overburden placement and it is located within the Overburden Area of a Quarrying Resource Area then the requirements for that activity will be determined in accordance with the rules in the QRA Chapter.</p>	

**36.3.2 Hazardous Substances**

<p>a) The use, storage or on-site movement of hazardous substances is a permitted activity if it complies with the conditions for <b>permitted</b> activities in Appendix 8; and</p> <p>b) The movement of hazardous substances between sites is a <b>permitted</b> activity if conducted by means of an underground pipeline.</p>	<p>a) The use, storage or on-site movement of hazardous substances is a <b>discretionary</b> activity if it does not comply with a condition for permitted activities in Appendix 8; and</p> <p>b) The movement of hazardous substances between sites is a <b>discretionary</b> activity if conducted by means of an aboveground pipeline.</p>
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### 36.3.3 Network Utility Operations

<p>The following activities related to network utility services excluding electricity infrastructure are a <b>permitted</b> activity:</p> <p>a) The establishment of junction boxes, substations and other equipment cabinets required as part of a utility network that have a height no greater than 1.5m and a ground coverage not exceeding 3.0m<sup>2</sup>; and</p> <p>b) The establishment of network utility operations for the purposes of wireless communication, or the measurement, collection and distribution of meteorological information, that comply with the rules for Aerials and Aerial Support Structures; and</p> <p>c) The minor upgrading, replacement, removal and maintenance of existing network utility operations facilities; and</p> <p>d) Minor extensions to an existing overhead line network (including additional service connections and/or 1 additional support structure); and</p> <p>e) The establishment of, or extension to, underground network utility operations, including gas lines with a maximum operating pressure not exceeding 2000 kilopascals.</p>	<p>Network utility operations that do not comply with a condition for a permitted activity are a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>i. Scale, bulk and form of the installation(s) above the ground;</li> <li>ii. Cumulative effects of additional structures;</li> <li>iii. Shading effects;</li> <li>iv. Effects on amenity values;</li> <li>v. Effects on landscape/streetscape values;</li> <li>vi. Effects on ecological values;</li> <li>vii. Effects on heritage values;</li> <li>viii. Effects on cultural values;</li> <li>ix. Public health and safety;</li> <li>x. Issues of reverse sensitivity.</li> </ol>
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### 36.3.4 Provision of Parking Spaces

<p>Any activity is a <b>permitted</b> activity if:</p> <p>a) Parking spaces are provided in accordance with Chapter 47; and</p> <p>b) No formed parking space is constructed or provided within 2.0m of a road boundary.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>i. Those matters listed in Chapter 47 Road Transport Rules;</li> <li>ii. Those matters listed in Rule 36.4.11 (Landscaping).</li> </ol>
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### 36.3.5 Heavy Vehicles

<p>Any activity is a <b>permitted</b> activity if:</p> <p>a) A maximum of 1 heavy vehicle used for commercial or industrial purposes is stored or parked on-site at any time, and the use of the vehicle meets the provisions for temporary activities as defined in the Plan; or</p> <p>b) The heavy vehicle(s) are on-site for the purpose of site maintenance and/or development, including works associated with building, provision of access, site servicing and drainage.</p>	<p>Any activity which does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>i. Shading effects;</li> <li>ii. Effects of noise;</li> <li>iii. Size of heavy vehicle;</li> <li>iv. Screening from neighbours;</li> <li>v. Effects on amenity values.</li> </ol>
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### 36.3.6 Traffic Movements

<p>Any activity is a <b>permitted</b> activity if:</p> <p>a) It does not generate more than 30 traffic movements in any 24 hour period, excluding residential or temporary activities.</p> <p><b>Note:</b> Where access is gained to a Limited Access Section of State Highway, it may be necessary to liaise with Transit New Zealand.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>i. Manoeuvring requirements;</li> <li>ii. Need for acceleration and deceleration lanes;</li> <li>iii. Type, frequency and timing of traffic;</li> <li>iv. Safety of pedestrians;</li> <li>v. The availability of other roads for access for proposals leading onto arterial roads or state highways;</li> <li>vi. Traffic safety and visibility;</li> <li>vii. Effects on the amenity of the locality;</li> <li>viii. Effects of dust;</li> <li>ix. Need for forming or upgrading roads in the vicinity of the site;</li> <li>x. Need for traffic control, including signs, signals and traffic islands.</li> </ol>
<p>If the activity under consideration is a mineral extraction activity and it is located within a Mineral Extraction Area then the traffic movements requirements for that activity will be determined in accordance with the rules in QRA Chapter.</p>	

## 36.3.7 Signs

<p>a) The construction or placement of a sign which is not visible from a public place or neighbouring property(s) is a <b>permitted</b> activity.</p> <p>b) The construction or placement of a sign which is visible from a public place or neighbouring property(s) is a <b>permitted</b> activity if:</p> <ol style="list-style-type: none"> <li>i. The sign is required under health and safety legislation; or</li> <li>ii. The sign is erected by a road control authority for the purposes of traffic control or public safety and it is located within the legal road reserve; or</li> <li>iii. The sign relates to goods and services available on site, or is a property name sign, or is a community sign; and</li> <li>iv. The sign does not obscure any official signs or traffic signals; and</li> <li>v. The sign is static, not flashing and not illuminated; and</li> <li>vi. No more than 1 sign is displayed per site; and</li> <li>vii. The sign is no higher than 2.0m; and</li> <li>viii. The sign is no larger than 1.0m<sup>2</sup>; and</li> <li>ix. Where the road has a speed limit of 70kph or greater, the sign is located so as to provide an unrestricted view to the motorist for a minimum distance of 250.0m.</li> </ol> <p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. Signs within the legal road boundary, or on road verges and road reserves are regulated by Council Bylaws.</li> <li>2. Temporary signs and signs on vehicles are regulated by Council's Bylaws.</li> <li>3. Signs located in public places are regulated by Council Bylaws.</li> </ol>	<p>Construction or placement of a sign that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity if:</p> <ol style="list-style-type: none"> <li>a) No sign exceeds 1.0m<sup>2</sup> in size; and</li> <li>b) There are no more than 2 signs per site; and</li> <li>c) The sign relates to goods or services available on-site, or is a property name sign, or is a community sign; and</li> <li>d) The sign is static, not flashing, and not illuminated.</li> </ol> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>i. The visual amenity of the neighbourhood;</li> <li>ii. The residential coherence of the neighbourhood;</li> <li>iii. The appropriateness of the sign compared to the residential nature of the neighbourhood;</li> <li>iv. The number and location of other signs in the vicinity;</li> <li>v. Traffic safety.</li> </ol> <p>Any activity that does not comply with a standard for a restricted discretionary activity is a <b>non-complying</b> activity.</p>
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**36.3.8 Fences**

<p>Construction or alteration of a fence is a <b>permitted</b> activity if:</p> <ul style="list-style-type: none"> <li>a) Fences within 2.0m of a boundary are no higher than 2.0m; and</li> <li>b) Fences are not fortified with barbed wire, broken glass or any form of electrification, except where they abut land in the Rural Countryside Environment and the Rural (Urban Expansion) Environment, and the electrification and/or barbed wire is for the purpose of stock control.</li> </ul>	<p>Construction or alteration of a fence that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. Effects of shading;</li> <li>ii. Effects on amenity values;</li> <li>iii. Effects on health and safety.</li> </ul>
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**36.3.9 Stone Walls** (*Deleted – refer to Historic Heritage Chapter*)

**36.3.10 Artificial Lighting**

<p>Artificial lighting is a <b>permitted</b> activity if either:</p> <ul style="list-style-type: none"> <li>a) The lighting is required under health and safety legislation; or</li> <li>b) The light is a street light, navigation light, or traffic signal; or</li> <li>c) The following standards are complied with: <ul style="list-style-type: none"> <li>i. The added illuminance onto any other site measured at the boundary does not exceed 10 lux at any receiving property boundary, or 15 lux at any road reserve boundary; and</li> <li>ii. The artificial light is shielded in such a manner that light emitted by the fixture is projected below a horizontal plane running through the lowest point on the fixture; and</li> <li>iii. The lower edge of the shield, as required by ii) above, is to be at or below the centreline of the light source; and</li> </ul> </li> <li>d) The light is static and is not moving; (except in the case of lighting on vehicles associated with mineral extraction and related activities, or flashing beacons in accordance with the Land Transport Road Use Rule 2004.</li> <li>e) The artificial lighting complies with AS/NZS 1158/1996.</li> </ul>	<p>Any activity that does not comply with a standard for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is limited to:</b></p> <ul style="list-style-type: none"> <li>i. Orientation, strength, intensity, colour, frequency of flashing of the light;</li> <li>ii. Effects on traffic safety;</li> <li>iii. Positive effects on pedestrian safety;</li> <li>iv. Effect on amenity values.</li> </ul>
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<p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. If the object or device that contains Artificial Lighting is a sign, then Rule 37.3.7 Signs is solely applicable.</li> <li>2. See Appendix 15 for illustration of c) (ii) and (iii) above.</li> </ol>	
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**36.3.11 Noise** (*Deleted – refer to Noise and Vibration Chapter*)

**36.3.12 Construction Noise** (*Deleted – refer to Noise and Vibration Chapter*)

**36.3.13 Vibration** (*Deleted – refer to Noise and Vibration Chapter*)

**36.3.14 Electromagnetic Radiation**

<p>Any activity is a <b>permitted</b> activity if:</p> <ol style="list-style-type: none"> <li>a) Exposures comply with NZS 2772.1:1999, Radio Frequency Fields Part 1: Maximum Exposure Levels 3 kHz – 300 GHz;</li> </ol>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>discretionary</b> activity.</p>
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**36.3.15 Electricity Transmission Lines** (*Deleted 13/01/2014 - refer to Network Utilities Chapter*)

**36.3.16 Outdoor Storage**

<p>Any activity is a <b>permitted</b> activity if:</p> <ol style="list-style-type: none"> <li>a) Outdoor areas of storage or stockpiles of materials or equipment comply with building height, setbacks and daylight angle rules; and</li> <li>b) Open areas of storage or stockpiles of materials or equipment are contained or maintained to prevent the dispersal of dust or airborne contaminants beyond the site; and</li> <li>c) Open areas of storage or stockpiles of materials are screened from view from public places and surrounding sites, with the exception of construction materials temporarily stored to be used on-site; and</li> <li>d) Materials are stored in a way that does not provide a food source for vermin; and</li> <li>e) The best practicable option is adopted to prevent or minimize contaminants from stockpiles entering watercourses or water bodies.</li> </ol>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>i. Dust effects;</li> <li>ii. Smell effects;</li> <li>iii. Visual effects;</li> <li>iv. Amenity effects;</li> <li>v. The quality of stormwater runoff.</li> </ol>
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If the activity under consideration is a mineral extraction activity and it is located within a Quarrying Resource Area then the outdoor storage requirements for that activity will be determined in accordance with the rules in QRA Chapter.

### 36.3.17 Indigenous Vegetation Clearance and Indigenous Wetland Disturbance

<p>Destruction or clearance of indigenous vegetation within the Living 3 Environment in:</p> <ul style="list-style-type: none"> <li>a) A contiguous area of 5.0ha or more of predominantly indigenous vegetation; or</li> <li>b) In any area of 1.0ha or more of predominantly indigenous vegetation over 6.0m in height; or</li> <li>c) In a indigenous wetland;</li> </ul> <p>is a <b>permitted</b> activity if it complies with the following:</p> <ul style="list-style-type: none"> <li>i) The removal is in accordance with an existing use right; or</li> <li>ii) The total clearance of indigenous vegetation within a site is no more than 500.0m<sup>2</sup> where the clearance is for the express purpose of providing a house site and/or access to a house site; or is to provide access to existing farming or plantation forestry activities; or</li> <li>iii) The removal is of trees that are a danger to human life or existing structures (including network utilities); or</li> <li>iv) The removal is necessary for the maintenance of any building, structure, road or track including any telecommunication work or utility service; or</li> <li>v) The removal is for a new fence, where the purpose of the fence is to exclude stock and/or pests from the area; or</li> <li>vi) The removal is beneath a canopy of a production forest; or</li> <li>vii) The removal is for the formation and maintenance of walking tracks less than 1.2 metres wide using manual methods that do not require the removal of any indigenous tree over 300mm girth; or</li> <li>viii) The removal is for the construction of a fire break by a rural fire authority; or</li> <li>ix) The removal of a tree or trees, or the gathering of plant matter is in accordance with Maori custom or values; or</li> <li>x) The removal is harvesting of indigenous timber under a Sustainable Management Plan or permit under the Forests Act 1949.</li> </ul>	<p>Destruction or clearance of indigenous vegetation that does not comply with a condition for a permitted activity is a <b>discretionary</b> activity.</p> <p>Any activity that will result in the destruction or clearance of indigenous vegetation within an indigenous wetland, and which may result in changes to the seasonal or annual range in water level of indigenous wetland to an extent that may adversely affect the wetland's natural ecosystem and is not required as part of normal maintenance of drains and flood ways, is a <b>discretionary</b> activity.</p>
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### 36.3.18 Aerials and Aerial Support Structures

<p>Aerials and/or aerial support structures are a <b>permitted</b> activity if:</p> <ol style="list-style-type: none"> <li>There are no more than 5 aerials and/or aerial support structures per site, or independent residential unit, where more than one independent residential unit exists on-site; and</li> <li>Aerials and/or aerial support structures have a maximum height of 12.0m;</li> <li>There are no more than 2 dish aerials per site; and</li> <li>No dish aerial exceeds a diameter of 2.4m; and</li> <li>All aerials and/or aerial support structures comply with the building setback and daylight angle requirements for the Environment within which they are located; and,</li> <li>Between a height of 8.0m and 9.5m any aerial and/or aerial support structure shall not exceed 1.1 in width; and</li> <li>Above the height of 9.5m the components that make up an aerial and/or aerial support structure are to be no greater than 80.0mm in diameter, or have a rectangular section with sides no greater than 80.0mm.</li> </ol>	<p>Any aerial and/or aerial support structure that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>The design and external appearance of buildings and structures;</li> <li>Landscape treatment and screening;</li> <li>Site location and layout;</li> <li>Amenity effects, including visual effect and glare;</li> <li>Construction materials.</li> </ol>
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## 36.4 Living 1, 2 and 3 Environment – Building Rule Table

### 36.4.1 Residential Units

<p>Subject to Rules 62.5.2 and 62.6.1, construction or alteration of new or additional residential units is a <b>permitted</b> activity if:</p> <ol style="list-style-type: none"> <li>The residential unit, upon completion, will be the only residential unit on the site; or</li> <li>The net site area associated with each residential unit is at least 500.0m<sup>2</sup> in the Living 1 Environment, 350.0m<sup>2</sup> in the Living 2 Environment, 2000m<sup>2</sup> in the Living 3 Environment or 2000m<sup>2</sup> in any Living Environment not connected to a reticulated sewerage system; and</li> <li>There is a separation distance of at least 3.0m from any other detached residential unit; and</li> <li>There is a separation distance of at least 6.0m where there is an outdoor</li> </ol>	<p>Construction or alteration of a new or additional residential unit that does not comply with a condition for a permitted activity is a <b>discretionary</b> activity.</p>
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<p>living court between the residential units; and</p> <p>e) It is not within a Quarrying Resource Area as shown on the Planning Maps; and</p> <p>f) It is not within a site or area of significance to tangata whenua or disturbs an archaeological site [sic].</p>	
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### 36.4.2 Building Height

<p>Construction or alteration of a building is a <b>permitted</b> activity if the height of the building does not exceed 8.0 m.</p>	<p>Construction or alteration of a building that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>i. The scale and bulk of the building in relation to the site;</li> <li>ii. The built characteristic of the neighbourhood;</li> <li>iii. The extent to which the effects of the height can be mitigated by setbacks, planting, design or the topography of the site;</li> <li>iv. Effects on landscape values;</li> <li>v. Effects on availability of daylight;</li> <li>vi. Effects on amenity values.</li> </ol> <p>If the activity under consideration is a mineral extraction activity and it is located within a Quarrying Resource Area then the building height requirements for that activity will be determined in accordance with the rules in the QRA Chapter.</p>
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### 36.4.3 Building Coverage

<p>Construction or alteration of a building is a <b>permitted</b> activity if building coverage on the site does not exceed:</p> <ol style="list-style-type: none"> <li>a) 35% in the Living 1 Environment; or</li> <li>b) 45% in the Living 2 Environment; or</li> <li>c) 25% in the Living 3 Environment.</li> </ol>	<p>Construction or alteration of a building that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>i. The scale and bulk of the building in relation to the site;</li> <li>ii. The existing built density of the neighbourhood;</li> <li>iii. Effect on the open space appearance of the particular neighbourhood;</li> <li>iv. Control of stormwater runoff;</li> <li>v. The availability of useable outdoor living space on-site.</li> </ol>
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## 36.4.4 Building Setbacks

<p>Construction or alteration of a building, other than an accessory building is a <b>permitted</b> activity if the building is setback at least:</p> <ol style="list-style-type: none"> <li>a) 4.5m from road boundaries, or any building line restriction shown on the Planning Maps; and</li> <li>b) 3.0m from other boundaries with one setback of 1.5m; and</li> <li>c) Nil, from boundaries other than road boundaries in the case of a private garage or carport attached to a residential unit, for a maximum building length of 7.5m on any single boundary, and a maximum building length of 10.5m on all boundaries; and the building is setback at least 2.5m from any habitable room on any other site;</li> </ol> <p><b>Note:</b> The provisions of Rules 58.2.6 and 59.2.3 apply to building setbacks.</p>	<p>Construction or alteration of a building, other than an accessory building that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>i. The existing streetscape/landscape and protection from road frontage domination;</li> <li>ii. The outlook and privacy of adjoining and adjacent properties;</li> <li>iii. Shading of adjoining properties;</li> <li>iv. Effects on natural character;</li> <li>v. Effects on natural functioning of an ecosystem;</li> <li>vi. Effects on landscape values;</li> <li>vii. Effects on heritage values.</li> </ol>
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If the activity under consideration is a mineral extraction activity and it is located within a Quarrying Resource Area then the building setback requirements for that activity will be determined in accordance with the rules in the QRA Chapter.

## 36.4.5 Building Setbacks from Water Bodies

<p>Construction or alteration of a building is a <b>permitted</b> activity if the building is setback at least:</p> <ol style="list-style-type: none"> <li>a) 27.0m from Mean High Water Springs; or</li> <li>b) From the top of the bank of any river that has a width of less than 3.0m, or a lake under 8ha <ol style="list-style-type: none"> <li>i) 5.0m where the dominant slope is less than 8 degrees;</li> <li>ii) 10.0m where the dominant slope is greater than 8 degrees but less than 15 degrees;</li> <li>iii) 20.0m where the dominant slope is more than 15 degrees; or</li> </ol> </li> <li>c) 27.0m from the top of the bank of a river equal to 3.0m or more in width, any lake over 8ha in area or any river identified in Appendix 5 as an Esplanade Priority Area; or</li> <li>d) 5.0m from the top of the bank of all other water bodies unless an esplanade reserve already exists, in which case a 5.0m setback from the edge of the landward side of the esplanade reserve shall apply.</li> </ol> <p><b>Note:</b></p>	<p>Construction or alteration of a building that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>i. The continued availability of land in Esplanade Priority Areas;</li> <li>ii. Effects on natural character;</li> <li>iii. Effects on natural functioning of an ecosystems;</li> <li>iv. Effects on landscape values;</li> <li>v. Effects on heritage values;</li> <li>vi. Effect on public access;</li> <li>vii. Effect on river maintenance and hazards;</li> <li>viii. The Protection of the conservation, ecological, recreation, access and hazard mitigation values of land in Esplanade Priority Areas and existing esplanade reserves or strips;</li> <li>ix. The suitability of the proposed location of the building on the site.</li> </ol>
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The provisions of Rules 58.2.6 and 59.2.3 also apply to building setbacks.

### 36.4.6 Accessory Building Setbacks

<p>Construction or alteration of an accessory building is a <b>permitted</b> activity if the building is setback at least:</p> <ol style="list-style-type: none"> <li>a) 4.5m from road boundaries; and</li> <li>b) 1.5m from other boundaries, provided that for one accessory building on each site, the setback may be nil for a maximum building length of 7.5m on any single boundary, and a maximum total building length of 10.5m on all boundaries; and</li> <li>c) 2.5m from a habitable room on any other site.</li> </ol>	<p>Construction or alteration of an accessory building that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>i. The existing streetscape and protection from road frontage domination;</li> <li>ii. The outlook and privacy of adjoining and adjacent neighbours;</li> <li>iii. The future provision of esplanade areas;</li> <li>iv. Shading of adjoining properties;</li> <li>v. Effects on natural character;</li> <li>vi. Effects on natural functioning of an ecosystem;</li> <li>vii. Effects on landscape values;</li> <li>viii. Effects on heritage values.</li> </ol>
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### 36.4.7 Accessory Building Setbacks from Water Bodies

<p>Construction or alteration of an accessory building is a <b>permitted</b> activity if the building is setback at least:</p> <ol style="list-style-type: none"> <li>a) 27.0m from Mean High Water Springs; or</li> <li>b) From the top of the bank of any river that has a width of less than 3.0m, or a lake under 8ha             <ol style="list-style-type: none"> <li>i) 5.0m where the dominant slope is less than 8 degrees;</li> <li>ii) 10.0m where the dominant slope is greater than 8 degrees but less than 15 degrees;</li> <li>iii) 20.0m where the dominant slope is more than 15 degrees; or</li> </ol> </li> <li>c) 27.0m from the top of the bank of a river equal to 3.0m or more in width, any lake over 8ha in area or any river identified in Appendix 5 as an Esplanade Priority Area; or</li> <li>d) 5.0m from the top of the bank of all other water bodies unless an esplanade reserve already exists, in which case a 5.0m setback from the edge of the landward side of the esplanade reserve shall apply.</li> </ol> <p><b>Note:</b></p> <p>The provisions of Rules 58.2.6 and 59.2.3 also apply to building setbacks.</p>	<p>Construction or alteration of a building that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>i. The continued availability of land in Esplanade Priority Areas;</li> <li>ii. Effects on natural character;</li> <li>iii. Effects on natural functioning of an ecosystem;</li> <li>iv. Effects on landscape values;</li> <li>v. Effects on heritage values;</li> <li>vi. Effect on public access;</li> <li>vii. Effect on river maintenance and hazards;</li> <li>viii. The protection of the conservation, ecological, recreation, access and hazard mitigation values of land in Esplanade Priority Areas and existing esplanade reserves or strips;</li> <li>ix. The suitability of the proposed location of the building on the site.</li> </ol>
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**36.4.8 Building to Access Setbacks**

<p>Construction or alteration of a building is a <b>permitted</b> activity if:</p> <p>a) There is a minimum separation distance of 1.0m between the building and any right of way or common access.</p>	<p>Construction or alteration of a building that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>i. Noise and vibration effects on occupants of buildings erected within 1.0m of accesses;</li> <li>ii. The use of accesses if obstructed by building overhangs or opening windows.</li> </ol>
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**36.4.9 Daylight Angles**

<p>Construction or alteration of a building is a <b>permitted</b> activity if:</p> <p>a) It does not penetrate the daylight angles defined in Appendix 11.</p>	<p>Construction or alteration of a building that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>i. The availability of daylight to adjoining properties;</li> <li>ii. The privacy of the adjoining properties.</li> </ol>
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**36.4.10 Outdoor Living Courts**

<p>Construction or alteration of a residential unit is a <b>permitted</b> activity if an outdoor living court is provided as follows:</p> <ol style="list-style-type: none"> <li>a) The court must have a minimum area capable of containing a circle 5.0m in diameter; or</li> <li>b) If the residential unit does not have a habitable room located on the ground level, a balcony must be provided instead of a court, with a minimum area of 10.0m<sup>2</sup> and a minimum dimension of 2.0m; and</li> <li>c) The court or balcony must be accessible from a habitable room of the residential unit; and</li> <li>d) The court must not contain structures which would impede its use as an outdoor living court.</li> </ol>	<p>Construction or alteration of a residential unit that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>i. The privacy and amenity of the occupants on-site;</li> <li>ii. The open space nature of the particular neighbourhood.</li> </ol>
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**36.4.11 Landscaping**

<p>Construction of a building, or site redevelopment, is a <b>permitted</b> activity if:</p> <ol style="list-style-type: none"> <li>a) All land, other than accesses, is planted in lawns, trees or shrubs within: <ol style="list-style-type: none"> <li>i. 2.0m of the road boundary in the Living 1 and Living 2 Environments,</li> </ol> </li> </ol>	<p>Construction of a building, or site redevelopment, that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>i. Effects on neighbours;</li> <li>ii. Amenities of locality;</li> </ol>
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<p>ii. 3.0m of the road boundary in the Living 3 Environment; and</p> <p>b) The planting is completed within 6 months of occupation of the building and is maintained continuously thereafter.</p>	<p>iii. Alternative means of landscaping or screening.</p>
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#### 36.4.12 Coastal Minimum Floor Level

<p>Construction or alteration of a building or structure is a <b>permitted</b> activity if:</p> <p>a) The building or structure has a minimum floor level of 2.5m above One Tree Point Datum Mean Sea Level 1964.</p>	<p>The construction or alteration of a building or structure that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <p>i. Construction or alteration of a building or structure in relation to its location;</p> <p>ii. The avoidance, remediation or mitigation of coastal hazards;</p> <p>iii. Floor level in relation to One Tree Point Datum Mean Sea Level 1964.</p>
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### 36.5 Principal Reasons for Rules / Explanations

#### Prohibited Activities

The level of radioactivity stated as a prohibited activity allows for use of household smoke detectors and use of radioactive materials in medical laboratories and hospitals, but does not allow large installations such as nuclear power stations.

#### Activities Generally

This rule names various activities for which a resource consent is required. The listed activities are all associated with effects that are unacceptable in these Environments without careful management. The restriction on opening hours for commercial and industrial activities, and places of assembly, limits the adverse effects to times when the effects are likely to be more acceptable. This restriction sustains a higher level of amenity within the Living Environments.

The rule recognises that non-residential activities should be located so that adverse effects that are incompatible with the Living Environments; such as interrupting the sense of community and cohesion within neighbourhoods, noise, traffic generation, odour, vibration, dust and visual impact; are avoided, remedied or mitigated. If this is not possible, then these activities should not be located within the Living Environments.

#### Hazardous Substances

See Appendix 8.

#### Network Utility Operations

Newly constructed utilities are required to be underground to preserve the amenity of residential areas and to assist traffic safety. Small junction boxes, substations and other equipment cabinets required as part of a utility network that have a height no greater than 1.5m and a ground coverage not exceeding 3.0m<sup>2</sup> are exempted from this rule, as the impacts they make on the Living Environments are generally acceptable.

#### Provision of Parking Spaces

See chapter 47.

**Heavy Vehicles**

The storage of heavy vehicles can have adverse effects that are unacceptable in Living Environments, for reasons of noise, visual unattractiveness, and shading across boundaries. However, it is recognised that many people own boats and motorhomes that they may wish to store on their property. A limit of one heavy vehicle per site is therefore made on the number of heavy vehicles used for commercial or industrial activities, providing the storage/parking of heavy vehicles in the Living Environments is restricted to temporary activities. Heavy vehicles required for the purposes of site maintenance and/or development, including works associated with building, provision of access, site servicing and drainage are permitted, however.

**Helicopter Facilities**

A helicopter operating base means an area of land specifically used for the operations of helicopters and can include buildings, structures, signs, hangers, refuelling and service facilities. A helicopter landing pad means a formed or unformed area of land (within a Living Environment) defined for helicopter landings and take-offs.

**Traffic Movements**

Traffic movements can result in adverse effects to Living Environments due to loss of amenity, noise, pedestrian safety, road safety and efficiency, dust, odour and parking. The rule seeks to control activities that will result in significant increases in traffic to any area (including traffic that parks on or off the site, or drives through the site), while allowing those that are at a similar scale to residential activities. "Traffic movements" are defined within Chapter 4: Meaning of Words in the Plan.

**Signs**

Signs have the potential to severely affect the visual amenity of a Living Environment. They are therefore strictly controlled in the Living Environments, with limited provision for signs associated with activities occurring on-site.

**Fences**

High fences detract from living amenity and reduce the feeling of open space. Fortified fences detract from the sense of community well-being with their threatening connotations. However, where fences abound land in the Rural Countryside Environment and the Rural (Urban Expansion) Environment, and they are used for stock retention, it is considered appropriate to allow fences to be fortified with barbed wire, broken glass or any form of electrification.

**Artificial Lighting**

Lighting can interfere with the enjoyment of a property and the sleep of occupants. Direct spill light and glare are consequences of outdoor lighting used to illuminate property. The effect of the rule is to state lighting levels that are compatible with the existing lighting character of the Living Environments. Street lights, navigation lights and traffic signals are exempted from the rule to preserve traffic and personal safety.

**Electromagnetic Radiation**

Certain utilities and other activities emit electromagnetic radiation or create electric fields, which are a health concern to some people living near them. Radio Frequency Fields (RF) are produced by broadcasting and microwave transmission activity. It is the antennae used for sending the signal which produce the Electromagnetic Radiation (EMR), which is within the 3 kHz to 300 GHz range of non-ionising radiation. This Plan is taking a cautious approach to the location of such activities within the Living Environments. An acceptable public level of exposure for EMR has been adopted from the New Zealand Standard, and guidelines recommended by the International Committee on Non-Ionising Radiation Protection, which have been thoroughly researched and based upon scientific evidence. The second part of the rule recognises the visual effect that telecommunications masts and lines can have upon the

amenity of the Living Environments, and requires a minimum separation distance between the centre of any telecommunications mast and any residential activity, or childcare, healthcare or education facility.

#### **Outdoor Storage**

The storage of materials outside can have adverse visual effects, as well as contributing to air emissions. The rule aims to lessen the effects of these. Outdoor storage can also attract vermin, especially if it provides a food source. The health risk involved makes it necessary to provide controls in the Plan.

#### **Indigenous Vegetation Clearance**

This rule is intended to preserve the visual, amenity, landscape and ecological values in the Living 3 Environment.

#### **Aerials and Aerial Support Structures**

The number of aerials and aerial support structures in the Living Environments is limited to prevent a proliferation of aerials and aerial support structures upon any one site, while allowing for the needs of the community to receive television and radio signals. The size of dish aerials is limited, as these tend to be more visually intrusive than other aerials. Due to the visual intrusion or dominance that aerials and aerial support structures can have, their location is also controlled. The Plan recognises that many parts of the District have poor television and radio reception and therefore makes allowance for aerials and aerial support structures, other than dish aerials, to be higher than the maximum height of buildings in the Living Environments. Chapter HH of the Plan also seeks to control the visual impact that aerials and aerial support structures have on Bult Heritage.

#### **Residential Units**

The number of residential units in the Living Environments is restricted to ensure the density of housing is compatible with subdivision standards. The limitation on the site area per unit means that in the Living 1 Environment, 1000.0m<sup>2</sup> will be required for 2 units, 1500.0m<sup>2</sup> for 3 units, etc. However, any allotment not connected to a reticulated sewerage system, in any Living Environment, shall have a net site area of at least 2000m<sup>2</sup>. This rule is to ensure a reasonable amount of privacy between residential units, and to ensure that there is an adequate area available for the operation of a septic tank where required.

#### **Building Height**

The height of buildings is an important factor in maintaining built amenity. Building height is limited to a scale generally considered acceptable in the Living Environments. The permitted activity rule allows at least two storey buildings. Higher buildings may require further assessment as to their suitability, and a resource consent application is required.

#### **Building Coverage**

The amount of building coverage permitted can dramatically affect the open space nature of a neighbourhood and can change the perception of the intensity of a Living Environment. Building coverage has an important input into the overall amenity of an area. In recognition of the differing intensities of development, the different Living Environments have differing building coverage percentages.

#### **Building Setbacks**

Building setbacks play an important role in the overall amenity of a neighbourhood. The required front yard setback is to maintain an open streetscape, a degree of spaciousness and to allow for landscaping. Side yard and rear yard setbacks are intended to provide adjacent properties with some protection from the bulk of buildings in close proximity, and also to assist in the provision of open space between sites. Setbacks from water bodies and the



coast will preserve future availability of esplanade reserves, provide access space for water body maintenance, and maintain stream efficiency.

**Accessory Building Setbacks**

Provision is made for smaller scale accessory buildings to be placed within the normal rear and side yard setbacks, due to their limited effect on adjacent sites.

**Building to Access Setbacks**

The required setback serves to protect occupants of buildings from unnecessary noise and vibration. The rule also ensures that the access does not become less usable due to opening windows or other obstructions.

**Building Daylight Angles**

The daylight angles are set to provide reasonable daylight to a site, unobstructed by buildings on an adjacent site.

**Outdoor Living Courts**

The courts provide outdoor space which is desirable for the health and enjoyment of the occupants. The courts also serve to preserve the open space nature of a neighbourhood.

**Landscaping**

This rule is to ensure activities maintain a high standard of amenity, and to mitigate the adverse visual effects of expanses of tarmac, parking spaces, yards and storage areas adjacent to the road.

**Coastal Minimum Floor Level**

Coastal flooding is a hazard that needs to be addressed and this hazard is not restricted to those areas covered by the Coastal Hazard Areas. By ensuring that the floor level of structures and buildings is at least 2.5m above One Tree Point Datum Mean Sea Level 1964, this risk will be significantly reduced. The 2.5m will take into account a rise in sea level of 0.5m, plus the instances of a spring tide and the surges associated with coastal storms.

## Revision and Sign-off Sheet

Date Approved	Editor	Paragraph	Change Reference	Decision Date	Approved By
27 June 2007	FP	36.3.4 i	Deletion of unnecessary reference in 36.3.4 i. to sections of chapters		PW
2 October 2007	FP	36.3.1e; 36.2.1 j; 36.4.1 b; 36.5	Plan Change 46 Amendments and additions.	ES 20 September 2007	PW
19 February 2008	FP	36.3.6 a)	Traffic Movement re St Francis Xavier School rule moved to Schedule 19.	ES 13 February 2008	PW
11 July 2008	JL	36.3.7 Signs	Plan Change 41 amendment accepted by Council	ES 9 July 2008	PW
11 July 2008	JL	36.3.10	Plan Change 41 amendment accepted by Council	ES 9 July 2008	PW
17 September 2008	FP	36.4.4 36.4.5 36.4.7	Corrections of cross references under the heading "Note"		PW
16 March 2009	FP	36.4.4	Correction of reference to read '...and 59.2.3 apply to building setbacks'		NW
11 December 2009	FP	36.4.5c	Plan Change 98 Setbacks from Water Bodies	Operative Date 12 January 2010	NW
18 January 2010	FP	36.4.7c	Plan Change 98 Setbacks from Water Bodies	Operative Date 12 January 2010	NW
14 June 2010	FP	36.3.1	Plan Change 97 Consequential changes from PC45 'Intensive livestock farming'	ES 9 June 2010 Operative 22 June 2010	NW
9 September 2010	FP	Reference to Chapter 2.3.3	Plan Change 106 consequential changes, this provision no longer exist.	Record 10/96471	NW
11 December 2013	MD	36.3.3 36.3.15 36.5	Plan Change 123A consequential changes 'Electricity Infrastructure'	Operative Date 13 January 2014 TRIM 14/4071	NW
23 October 2015	TB	36.3.1 36.4.1	Correction of minor errors.	Clause 20A Memo TRIM 15/100973	MM
11 May 2016	TB	36.3.11 36.3.12 36.3.13	Deletion of Rules as a result of Plan Change 110 becoming operative.	Operative Date 24 May 2016 TRIM 16/52692	MM
14 September 2016	JM	36.3.9 36.3.18 36.5	Plan Change 124 becoming operative	Operative date 28 September 2016 TRIM 16/106480	MM

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