

## **PART 27A RULE 27A – RESIDENTIAL 2 ZONE**

For the avoidance of doubt, and notwithstanding the rules which follow, all activities (or applications for consent for such activities) must also comply with such other provisions as may affect the activity or site and which are specified in Parts 7, 8, 10, 11, 12, 15, 22, 26, 50, 51, 52, 53 and 54 of this Plan. Where the activity involves the use of a SIGN erected on private property, the SIGN shall be consistent with matters set out in Rule 15.4.

Refer to Part 27B for the MEDIUM DENSITY HOUSING provisions and Part 29D for the NEIGHBOURHOOD CENTRE provisions.

### **27A.1 PERMITTED ACTIVITIES – RESIDENTIAL 2 ZONE**

The activities listed below are *Permitted*, and do not require a resource consent if they comply in all respects with Rule 27A.5 (Development Standards) and Rule 27A.6 (PERFORMANCE STANDARDS).

Note: For the activity status of activities within a NEIGHBOURHOOD CENTRE refer to Part 29D.

(NOTE: Within the following list, the words in CAPITALS are defined in Rule 50)

1. One DWELLING HOUSE (and accessory BUILDINGS) per LOT except:
  - for LOTS identified on a Structure Plan (and further defined in RULE 29D.1) for the DEVELOPMENT of a NEIGHBOURHOOD CENTRE.
2. Any new residential development in the KINGSEAT STRUCTURE PLAN AREA (see Rule 27A.1.13 below).
3. HOME OCCUPATIONS complying with RULE 27.6.3.1;
4. CHILD CARE AND LEARNING CENTRES meeting all of the following prerequisites:
  - not on a rear site;
  - not with the main vehicular access to a no-exit ROAD;
  - not exceeding 200m<sup>2</sup> total GROSS FLOOR AREA
5. COMMUNITY FACILITIES meeting all of the following prerequisites:
  - not on a rear site;
  - not with the main vehicular access to a no-exit ROAD;
  - not exceeding 250m<sup>2</sup> total GROSS FLOOR AREA;
  - not exceeding 2000m<sup>2</sup> SITE area.
6. One SHOW HOME on a SITE meeting all the following prerequisites:
  - not on a rear site;
  - not with the main vehicular access to a no-exit ROAD;
  - for a demonstration period not exceeding 12 months.
7. Provided that they comply with the Development Standards and PERFORMANCE STANDARDS specified in Rules 27A.5 and Rule 27A.6, the following are also permitted activities in a “Town Centre Overlay Area” (refer Planning Maps 105):
  - CHILD CARE AND LEARNING CENTRES not exceeding 400m<sup>2</sup> total GROSS FLOOR AREA
  - COMMUNITY FACILITIES not exceeding 400m<sup>2</sup> total GROSS FLOOR AREA
  - HEALTH CENTRES not exceeding 400m<sup>2</sup> total GROSS FLOOR AREA
  - VETERINARY CENTRES not exceeding 400m<sup>2</sup> total GROSS FLOOR AREA

- DAIRY or RETAILING ACTIVITIES no greater than 200m<sup>2</sup> total GROSS FLOOR AREA on a SITE that has a common boundary with the *Business Zone*.
7. Swimming pools ancillary to any lawfully-established activity.
  8. FARMING
  9. HORTICULTURE
  10. Within the former Kingseat Hospital Site (refer Appendix 54.19A):
    - i. EQUESTRIAN CENTRE, HORSE TRAINING CENTRE
  11. Provided that they comply with the Development Standards and PERFORMANCE STANDARDS specified in Rules 27A.5 and Rule 27A.6, the following are Permitted Activities in the “Adaptive Re-use Overlay Area A and B” (refer Planning Map 105F):
    - i. Residential activities;
    - ii. MARAE and KOKIRI CENTRES;
    - iii. HERITAGE CENTRE
    - iv. VETERINARY CENTRES not exceeding 400m<sup>2</sup> total GROSS FLOOR AREA
    - v. The selling of Hand crafts
    - vi. Conference Facility not exceeding 400m<sup>2</sup> total GROSS FLOOR AREA
    - vii. Restaurants and Cafes
    - viii. Fitness Centers within Buildings less than 400m<sup>2</sup> total GROSS FLOOR AREA
    - ix. Internal alteration to the Buildings existing on the site as at 31 May 1994, where there is no change in site coverage or building height.
    - x. Repair, redecoration and insignificant alteration to the Buildings existing on the site as at 31 May 1994, carried out with materials similar in appearance to those originally used.
    - xi. Routine maintenance of the Buildings existing on the site as at 31 May 1994.
    - xii. An office ancillary to any permitted activity listed above in Rule 27A.1.11.
  12. Provided that they comply with the Development Standards and PERFORMANCE STANDARDS specified in Rules 27A.5 and Rule 27A.6, the following are also Permitted Activities in the “Adaptive Re-use Overlay Area A only” (refer Planning Map 105F):
    - i. Manufacturing not exceeding 400m<sup>2</sup> total GROSS FLOOR AREA
    - ii. WORKROOMS and WORKSHOPS
  13. Any new DWELLING HOUSE constructed in the KINGSEAT STRUCTURE PLAN AREA where the REQUIRED ROAD WORKS (associated with the full adjoining road frontage of the DEVELOPMENT AREA identified in Appendix 54.19D) have been completed.

<b>27A.2 RESTRICTED DISCRETIONARY ACTIVITIES – RESIDENTIAL 2 ZONE</b>
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- i. *Restricted Discretionary* activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- ii. Applications will be assessed in terms of the matters set out in Rule 27A.8, and any conditions of consent will only relate to those matters.
- iii. The information submitted with the application must be in terms of Rule 52 but only to the extent needed to enable a thorough assessment in terms of Rule 27A.8. The application must also clearly demonstrate compliance with any stated standards applicable to the activity.
- iv. Except as provided for by Section 94C of the Resource Management Act 1991, applications for Restricted Discretionary Activities will be considered without notification.
- v. Except as provided for by Section 94C of the Resource Management Act 1991, applications for Restricted Discretionary Activities relating to Rules 27A.5.5.3, 27A.5.7, 27A.5.8, 27A.5.9, 27A.5.11, 27A.5.12 and 27A.5.13 will be considered without notification or the need to obtain approval of, or serve notice on, affected persons.
- vi. The activities listed below are *Restricted Discretionary* activities in the *Residential 2 Zone*.

Note: For the activity status of BUILDINGS for NEIGHBOURHOOD CENTRES refer to Part 29D and for MEDIUM DENSITY HOUSING refer to Part 27B.

(NOTE: Within the list, the words in CAPITALS are defined in Rule 50)

1. Activities which are otherwise permitted activities that do not comply with one (but no more than one) of the Development Standards in Rule 27A.5, except for:
  - i. 27A.5.2 Density for DWELLING HOUSES
2. Bridges for pedestrians and/or vehicles.
3. BUILDINGS located outside a SPECIFIED BUILDING AREA or other restrictions on location or HEIGHT identified on a certificate of title where located within 12 to 32 metres either side of the centreline of a National Grid Transmission Line designed to operate at or above 110kv (as shown on the Plan Maps).
4. The construction of any BUILDING on a SITE within a Structure Plan Area, where the SITE existed at the date of notification of the relevant Plan Change (which introduced that Structure Plan) and where a structural element of a Structure Plan is located within that SITE.

Council has restricted the exercise of its discretion to consideration of the potential adverse effects on the achievement of any structural elements of a Structure Plan.

Refer 27A.8.3 for Assessment Criteria.

5. Within the former Kingseat Hospital Site (refer Appendix 54.19A) and provided:
  - i. they occur within BUILDINGS existing on the SITE as at 31 May 1994; and
  - ii. comply with all performance standards of Rule 27A.6
    - a) MULTI UNIT HOUSING within an existing BUILDING (including scheduled BUILDINGS in Part 8);
    - b) KOKIRI CENTRE;
    - c) SCHOOLS, Universities, Technical Colleges and similar learning institutions or facilities;

- d) HOSPITAL (but not including a Psychiatric Hospital as defined in the Mental Health Act 1969);
- e) TRAVELLERS' ACCOMMODATION.;
- f) SPECIAL HOUSING DEVELOPMENT;
- g) CAFÉ not exceeding 100m<sup>2</sup> of gross floor area.
6. Within the Kingseat Structure Plan Area (refer Appendix 54.19A) and within or partly within the (Kingseat) Historic Heritage Alert Overlay, where any EARTHWORK, including any land disturbance required for access way, formation work, or BUILDING, or planting of indigenous vegetation (Rule 26.6.1.1A.5. c)) is proposed:
- I. The person(s) undertaking the proposed activity shall provide the Council with a report from a qualified archaeologist (refer criteria for scheduling outlined in Part 8.2), identifying whether any archaeological site is within the Historic Heritage Alert Overlay Area (Kingseat) of the proposed subdivision, and stating whether any archaeological site will be damaged, modified or destroyed by such activities.
  - II. If the archaeological site (refer clause a) will not be damaged, modified or destroyed Rule 26.2.A.2 shall apply. (Note: this Rule is in addition to any requirements and Rules applying to archaeological sites identified in Schedule 8A).
  - III. If the archaeological site will be damaged, modified or destroyed, Rule 8.3.1 shall apply.
  - IV. Where a report of the type described above (refer clause a) has been previously received by Council then a further report shall not be required.
  - V. Where a person proposes to undertake such activity and instigates a survey of a property or properties by a qualified archaeologist, in accordance with clause (a) and no archaeological sites are recorded the (Kingseat) Historic Heritage Alert Layer provisions shall cease to apply.
7. Within the 'Adaptive Re-use Overlay Area A and B' and the Kingseat Mixed Use Overlay Area, the following table sets out the Restricted Discretionary Activities provided that they comply with the PERFORMANCE STANDARDS specified in Rules 27A.6 (refer Planning Maps 105, 105F, Appendix 54.19C1 and Schedule 8A).

Activity	Adaptive Reuse Overlay Area A (Buildings 62-67 inclusive)	Adaptive Reuse Overlay Area B (Building 61, Nurses Home)	Kingseat Heritage Mixed Use Overlay Area (Buildings 52, 57, 58 and 59, Administration Block & Villas)			
			52	57	58	59
SCHOOLS, Universities, Technical Colleges and similar learning institutions or facilities.	RD	RD	RD	RD	RD	RD

CONVENIENCE RETAILING ACTIVITIES less than 400m <sup>2</sup> Gross Floor Area (GFA).	RD	RD	-	-	-	-
HEALTH CENTRES less than 400m <sup>2</sup> GFA.	RD	RD	RD	RD	RD	RD
RETAIL ACTIVITIES less than 400m <sup>2</sup> GFA.	RD	-	-	-	-	-
RETAIL ACTIVITIES (INCLUDING CONVENIENCE RETAILING) less than 200m <sup>2</sup> GFA exclusive of areas used for the selling of handcrafts.	RD	RD	-	-	-	-
Entertainment facilities less than 400m <sup>2</sup> GFA.	RD	RD	RD	RD	RD	RD
Multi-unit Housing within an existing building.	RD	RD	RD	RD	RD	RD
Construction of new buildings.	RD	RD	RD	RD	RD	RD
Outdoor eating places.	RD	RD	RD	RD	RD	RD
Public Toilets.	RD	RD	-	RD	RD	RD
Live/Work Units.	RD	RD	RD	RD	RD	RD
Offices	RD	RD	RD	RD	RD	RD
Laboratories.	RD	RD	-	-	-	-
Permitted Activity operating outside the hours specified in a performance standard.	RD	RD	RD	RD	RD	RD
Modification, demolition or removal of any part of buildings A62, A63, A64, A65, A66 and A67 (see map 103E and Schedule 8A).	RD	-	-	-	-	-
Childcare & Learning Centre.	RD	RD	RD	RD	RD	RD
TRAVELLERS ACCOMODATION	RD	RD	RD	RD	RD	RD
SPECIAL HOUSING DEVELOPMENT	RD	RD	RD	RD	RD	RD
CAFÉ (not exceeding 100m <sup>2</sup> GFA)	RD	RD	RD	RD	RD	RD

- 8.** Any new DWELLING HOUSE in the KINGSEAT STRUCTURE PLAN AREA where the REQUIRED ROAD WORKS (associated with the full adjoining road frontage of the DEVELOPMENT AREA identified in Appendix 54.19D) either:
- a) are proposed as part of the application;
  - b) are covered by a roading infrastructure development agreement;

### 27A.3 DISCRETIONARY ACTIVITIES – RESIDENTIAL 2 ZONE

- i. *Discretionary* activities require a resource consent, and the consent may be granted (conditionally or unconditionally) or refused. An application must be submitted in the prescribed format (available from the Council).
- ii. Applications will be assessed in terms of the matters set out in Rule 53, but the Council will first consider the standards and assessment criteria applicable to *Permitted* and *Restricted Discretionary* activities in the Zone.
- iii. The information submitted with the application must be in terms of Rule 52.
- v. An application for a *Discretionary* activity may be considered without public notification where Council so determines in terms of Section 93 and 94 of the Act. (This is a *non-notified* application in terms of the Act).
- v. The activities listed below are *Discretionary* activities in the *Residential 2 Zone*.

Note: For the activity status of NEIGHBOURHOOD CENTRES refer to Part 29D and for MEDIUM DENSITY HOUSING refer to Part 27B.

(NOTE: Within the list, the words in CAPITALS are defined in Rule 50)

1. An otherwise Permitted Activity not complying with two or more Development Standards listed in Rule 27A.5.
2. An otherwise Permitted Activity not complying with the PERFORMANCE STANDARDS listed in Rule 27A.6.
3. An otherwise Permitted Activity not complying with Rule 27A.5.2 (Density for DWELLING HOUSES)
4. CHILD CARE AND LEARNING CENTRES, COMMUNITY FACILITIES and HEALTH CENTRES not provided for as Permitted Activities in the Town Centre Overlay Area (Refer Planning Maps 105).
5. SPECIAL HOUSING DEVELOPMENTS.
6. TRAVELLERS' ACCOMMODATION.
7. HOME OCCUPATIONS not complying with Rule 27.6.3.1 provided that the sale of goods is limited to those activities in Rule 27.6.3.1(v).
8. DWELLING HOUSE(S), MEDIUM DENSITY HOUSING, RESIDENTIAL BUILDINGS located at GROUND LEVEL or preceding the construction of a NEIGHBOURHOOD CENTRE on a SITE identified for such a centre on an approved subdivision scheme plan.
9. GREENHOUSES that are not an accessory BUILDING or ancillary activity of the DWELLING HOUSE.
10. Within the 'Adaptive Re-use Overlay Area A and B' and within the "Kingseat Heritage Mixed Use Overlay", the following are Discretionary Activities:
  - i. HOSPITAL, but not including a Psychiatric Hospital as defined in the mental Health Act 1969
  - ii. CONVENIENCE RETAILING ACTIVITIES, and HEALTH CENTRES exceeding 400m<sup>2</sup> GROSS FLOOR AREA within the Adaptive Re-use Overlay Area A and B.

<b>27A.4 NON-COMPLYING ACTIVITIES – RESIDENTIAL 2 ZONE</b>
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- i. *Non-complying* activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- ii. Applications will be assessed in terms of the matters set out in Rule 53, and where consent is granted, conditions of consent may be imposed.
- iii. The information submitted with the application must be in terms of Rule 52.
- iv. The activities listed below are *Non-complying* activities in the *Residential 2 Zone*.

(NOTE: Within the list, the words in CAPITALS are defined in Rule 50)

1. Any activity not provided for by Rules 27A.1, 27A.2, or 27A.3 above.
2. BUILDINGS and structures within 12 metres either side of the centreline of a national grid transmission line designed to operate at or above 110kv (as shown on the Plan Maps).
3. EARTHWORKS within 12 metres from the outer edge of the visible foundation of any transmission tower for a national grid transmission line designed to operate at or above 110kv (as shown on the Plan Maps).
4. Within the 'Adaptive Re-use Overlay Area A and B', any activity not considered a Permitted, Controlled, Restricted Discretionary Activity or Discretionary Activity.
5. Any new dwelling constructed within the KINGSEAT STRUCTURE PLAN AREA where no ROADING PLAN for the relevant section of public road specified in Appendix 54.19C has been prepared.
6. Any new dwelling constructed within the KINGSEAT STRUCTURE PLAN AREA within a DEVELOPMENT AREA identified in Appendix 54.19D, where the REQUIRED ROAD WORKS associated with the full adjoining road frontage, either:
  - a) are not proposed as part of the application, or
  - b) are not covered by a roading infrastructure development agreement, or
  - c) have not already been completed.



<b>27A.5 DEVELOPMENT STANDARDS FOR ALL ACTIVITIES – RESIDENTIAL 2 ZONE</b>
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- A. All activities in the *Residential 2 Zone* shall be required to meet the standards set out in this Rule unless they:
- i. have a resource consent to depart from any one or more of the standards; or
  - ii. are departed from in accordance with any exemption provisions within the particular clause.
  - iii. are a MEDIUM DENSITY HOUSING DEVELOPMENT and the standards of 27B.5 apply.
  - iv. are a NEIGHBOURHOOD CENTRE and the standards of 29D.6 apply.
- B. Unless otherwise stated, these standards shall be satisfied prior to commencement of the activity or occupation of the structure, notwithstanding that a building consent or other approval may have been obtained.

**27A.5.1 DELINEATED AREA /NOTIONAL LOT**

A delineated area / *notional lot* of at least 450m<sup>2</sup> shall be provided for each permitted DWELLING HOUSE. Such delineated area / *notional lot* shall be shown on plans submitted to Council in support of a building or resource consent application. It shall be retained for the exclusive use of the occupier and comprise the DWELLING HOUSE, required parking, private open space but no common driveway or manoeuvring area.

*Exemption*

## 1. MEDIUM DENSITY HOUSING

*Explanation*

*The requirement for a delineated area is intended to ensure sufficient space around a single dwelling house where a specific design is unable to be considered.*

**27A.5.2 DENSITY FOR DWELLING HOUSES**

1. The maximum density is 1 dwelling house per site.

*Explanation*

*This standard sets a maximum density requirement intended to maintain a reasonably spacious character through the whole Zone, while recognising the appropriateness of maximising opportunities to live in a Town Centre and around selected RESERVES and NEIGHBOURHOOD CENTRES.*

**27A.5.3 MAXIMUM HEIGHT**

The maximum HEIGHT of BUILDINGS shall be 8 metres.

Except that:

No building or sign within the defined "Adaptive Re-use Overlay A and B" shown on Map 105F shall exceed a height of 12 metres;

**27A.5.4 HEIGHT IN RELATION TO BOUNDARY**

(Refer to "BUILDING" and "HEIGHT", Rule 50)

No BUILDING or part thereof shall exceed a HEIGHT equal to 3 metres plus the shortest horizontal distance between that part of the BUILDING and any SITE boundary, provided that for boundaries or parts of boundaries that are within the *southern quarter* as defined by Diagram 27.A, this formula shall be applied using a figure of "2.5" instead of "3.0" metres. Provided further that:

1. No account shall be taken of radio and television AERIALS, solar heating devices and chimneys (not exceeding 1.1m in any horizontal direction), provided such structures are located at least 1m from each SITE boundary.
2. This rule shall not apply:
  - a) to the length of the common wall between abutting BUILDINGS.
  - b) to boundaries where the abutting SITE is zoned Business Zone, Light Industrial Zone or Industrial 2 Zone.
  - c) to internal boundaries within an Adaptive Re-use Overlay Area A and B or the Kingseat Heritage Mixed Use Overlay Area.
  - d) Where the written consent/s of the owners and occupiers of the abutting sites or notional lots that would be directly affected by the encroachment have been obtained.
3. Where the land abutting a site boundary is part of an entrance strip, right of way, access lot or public pedestrian accessway the far boundary of that land shall be deemed to be the site boundary for the purposes of this standard.

*Explanation*

*This standard ensures that a building on one site does not unduly restrict the admission of daylight or sunlight to an abutting property. Sunlight and daylight are fundamental to living amenity, and can be used in house designs to reduce reliance on reticulated energy sources such as electricity and gas. The effectiveness of the standard will depend on terrain and the orientation of sites. The standard also maintains the character of residential streets by ensuring that the building's bulk does not visually impose on the streetscape.*

**27A.5.5 YARDS**

1. FRONT YARD and ROAD and RESERVE Interface
  - a) Minimum FRONT YARD: 5 metres,  
except that:
    - i. the FRONT YARD along Helenslee and Munro Road, Pokeno shall be 8 metres;
    - ii. on any SITE located wholly within the Town Centre Overlay Area (Refer Planning Maps 105) the FRONT YARD shall be 3 metres.
    - iii. On any site located with the Residential Large Lot Overlay Area 2 the FRONT YARD for BUILDINGS and garages shall be 10 metres.
  - b) Garages must be set back at least 6m from the front boundary.
  - c) Fences on a ROAD or RESERVE boundary, or between the ROAD boundary and the closest BUILDING on the SITE, shall not exceed 1.2 metres in HEIGHT and shall not be close-boarded or of similar solid construction.
  - d) On SITES where ROAD widening or formation is proposed (refer Appendix 4 of the PLAN) the FRONT YARD shall be measured after ROAD widening.

## 2. SIDE and REAR YARDS

- a) Minimum REAR YARD: 3 metres
- b) Minimum SIDE YARD: 1.5 metres
- c) All yards on REAR SITES shall be REAR YARDS.
- d) Fences on SIDE or REAR YARD adjoining a RESERVE or pedestrian accessway or link shall not exceed 1.2m in HEIGHT.

## 3. Riparian YARD

The minimum distance between any BUILDING and the edge of a stream identified as “perennial stream requiring riparian margin” on a Structure Plan (refer Part 54), and any permanent stream in the Kingseat Structure Plan Area, shall be 20 metres. The minimum distance between any BUILDING and the edge of an intermittent stream in the Kingseat Structure Plan Area shall be 10 metres.

## 4. Rural YARD

- I. The minimum distance between any BUILDING and the boundary of the Rural Zone shall be 10 metres.
- II. In the Kingseat Structure Plan Area (refer Part 54.19A), the minimum distance between any BUILDING and the boundary with the Rural or Coastal Zones shall be 20 metres and between any BUILDING and the boundary of the Rural Trail (refer Part 54.19A) shall be 10 metres.

## 5. State Highway YARD

The minimum distance between any BUILDING and the legal boundary of a State Highway shall be 20 metres.

## 6. North Island Main Trunk Rail Line YARD

The minimum distance between any BUILDING and the nearest edge of a track of the North Island Main Trunk Rail Line shall be 20 metres.

## 7. The above Front, Side and Rear Yards are not to be applied internally within an Adaptive Re-use Overlay Area.

## 8. Coastal YARD (Kingseat Structure Plan Area)

The minimum distance between any BUILDING and the boundary with an existing or proposed ESPLANADE RESERVE shall be 30 metres and between any BUILDING and Mean High Water Springs shall be 50 metres.

The Coastal Yard maintains the separation of BUILDINGS from the coastal environment, maintaining an open and spacious coastal character.

### *Explanation*

*The FRONT YARD control pertains to the public face of any DEVELOPMENT - i.e. where it relates to the public street. The intention is to maintain an appropriate relationship between all built DEVELOPMENT and the street. A larger FRONT YARD is utilised along the rural interface of the Structure Plan area to contribute to achieving a more spacious character.*

*Avoiding visual dominance of street elevations and RESERVES by preventing high front fences will contribute to pedestrian and public amenity. Utilising only low (or no) front fences will assist both public experience and public safety by enabling informal visual surveillance from the DWELLING HOUSE to the street.*

*In some situations it may be appropriate to consider other solutions, for example where houses are located on the southern sides of roads or reserves on corners it may be appropriate for the limitation on fencing height to be relaxed across part of the frontage to enable greater on-site privacy. Where fences are used, close-boarded timber fencing is not contemplated by the RULE.*

*The Rear and Side Yards RULES are intended to provide conventional separation between DWELLING HOUSES.*

*The Riparian YARD maintains separation of BUILDINGS from the streams. The purpose of this YARD is to reduce the impact of activities on water quality and water flows and in particular to provide a permeable area between the streams and impermeable surfaces.*

*There may be circumstances where the Riparian YARD can be reduced due to site characteristics.*

*The Rural YARD maintains separation of BUILDINGS from the adjoining rural area, and is intended to maintain a transition in built scale and density.*

*The purpose of the State Highway and NIMT Rail Line Yards is to provide sufficient space for suitable NOISE attenuation measures and landscaping.*

### **27A.5.6 MAXIMUM BUILDING COVERAGE**

The maximum total BUILDING COVERAGE per SITE shall be 35% of the NET AREA, provided that:

1. For the area identified in a Structure Plan Area as “Residential Large Lot Overlay” (Refer Planning Map Series 105) the maximum BUILDING COVERAGE shall be 20% of the NET AREA.
2. For the area identified in a Structure Plan Area as “Residential Large Lot Overlay 2” (Refer Planning Map Series 105) the maximum BUILDING COVERAGE shall be 25% of the NET AREA.
3. For the area identified in a Structure Plan Area as “Residential Large Lot Overlay 3” (Refer Planning Map Series 105) the maximum BUILDING COVERAGE shall be 20% of the NET AREA.
4. For the area identified in a Structure Plan Area as an “Adaptive Re-use Overlay Area” (Refer Planning Map 105F) and for sites containing Scheduled Buildings A57, A58, A59 and A61 (refer to Schedule 8A) the maximum BUILDING COVERAGE shall be 50% of the NET AREA.

#### *Explanation*

*Building coverage controls manage the intensity and scale of development in a neighbourhood - the general relationship between building bulk and open space.*

*Visual and scale effects related to infringement to building coverage are likely to be more perceptible on smaller sites with greater visibility from adjoining properties and public spaces. In other situations it may be appropriate to allow greater levels of coverage, particularly where the design is considered comprehensively.*

### **27A.5.7 MINIMUM PERMEABLE AREA**

A minimum of 30% of NET AREA shall be retained as a permeable surface.

#### *Explanation*

*This control is intended to enable sufficient space on-site to achieve useable outdoor spaces for residents to maintain amenity in the area, and to encourage stormwater soakage and reduce runoff.*

### **27A.5.8 ON-SITE PARKING AND POSITION OF VEHICLE CROSSINGS**

1. On-site Parking  
Section 51 of the PLAN applies.
2. Position of Vehicle Crossings

- a) Vehicle crossings are to be located so as not to remove any formed on-street car parking bays.
  - b) Any street trees required to be removed must be reinstated, relocated or replaced.
3. Vehicle Crossings
- a) Section 51 of the PLAN applies.
  - b) 6 metre spacing between crossings required on one side of the vehicle crossing.
4. Within the Adaptive Re-use Overlay Areas. Subject to 29.5.6:2 and the provisions of Rule 51, parking spaces (and associated manoeuvring/driveway areas) shall be provided on site for all activities as follows:
- i). For Sites within the Adaptive Re-use Overlay Areas A and B and the Kingseat Heritage Mixed Use Overlay Area shown on Map 105F: One space for every 40 square metres of gross floor area.
5. Within the Adaptive Re-use Overlay Area A and B and the Kingseat Heritage Mixed Use Overlay Area and for Buildings A57, A58, A59 and A61 in Schedule 8A, subject to the requirements of Rule 51 all activities shall, on the same site as that activity, have the number of loading spaces as determined in accordance with the following requirements:
- a) FOR SITES WITHIN THE Adaptive Re-use Overlay Areas A and B and the Kingseat Heritage Mixed Use Overlay Area shown on Map 105F:
    - i. No spaces for sites with total buildings having equal to or less than 400m<sup>2</sup> GFA
    - ii. One space per site for sites with total buildings more than 400m<sup>2</sup> and less than 1500m<sup>2</sup> GFA
    - iii. Two spaces for any site having a building greater than 1500m<sup>2</sup>GFA.

#### *Explanation*

*Inadequate on-site provision of parking can result in adverse amenity effects arising from vehicles parked on streets and berms.*

*It may be appropriate to exercise discretion in situations where a SITE is located particularly close to public transport, or a Town Centre, or where additional off-SITE parking has been (or will be) provided as part of an integrated development.*

*The purpose of the vehicle crossing rule is to ensure that vehicle crossings are located so as to retain vehicle parking bays constructed within the Road, on-street car parking where this is unformed and to maintain the subservience of vehicle crossings to footpath space. Where consent is required the applicant will be expected to locate and reinstate the on-street car parking bay.*

#### **27A.5.9 SETBACK FROM WATER**

Rule 27.6.1.10 of the PLAN applies, except where modified by 27A.5.5.3 Riparian YARD

#### **27A.5.10 SWIMMING POOLS**

Rule 27.6.1.12 of the PLAN applies.

#### **27A.5.11 Aerials**

Rule 27.6.1.13 of the PLAN applies.

#### **27A.5.12 OUTDOOR LIVING COURT**

Rule 27.6.1.16 of the PLAN applies.

**27A.5.13 STORMWATER MANAGEMENT – VOLUME CONTROL**

Rule 27.6.1.18 of the PLAN applies except in the Kingseat Structure Plan where Rule 27A.5.13A applies.

**27A.5.13A STORMWATER MANAGEMENT – KINGSEAT STRUCTURE PLAN AREA**

The following standards apply to all sites in the Kingseat Structure Plan Area:

**On-site volume control**

- 1) All sites must provide on-site retention (volume control) of stormwater for a 10mm, rainfall event from:
  - a) all new impervious areas 25m<sup>2</sup> or larger in area, and
  - b) both existing and new impervious areas where new or redevelopment of existing impervious areas exceed 50 square metres on redeveloped sites.

In achieving the above standard, all stormwater run-off from roofs shall be directed to a rain tank providing for non-potable re-use; a planted infiltration pit or trench; permeable paving, or a combination.

- 2) In addition to 1) above, where stormwater from a site discharges directly to a stream or to land that drains to stream, stormwater management by on site devices or catchment-wide devices must be provided that meets the following:
  - a) Detention (temporary storage) with a volume equal to the remainder of the 95th percentile event from all new impervious areas 25 square metres or larger in area, and for both existing and new impervious areas where new impervious areas exceed 50 square metres on redeveloped sites.
  - b) The discharge must not result in, or increase, flooding of other properties in events up to 10 per cent AEP or the inundation of buildings in events up to the 1% AEP
  - c) The discharge must not cause or increase scouring or erosion at the point of discharge or downstream. Discharges are to be dispersed prior to stormwater entering the stream or coastal marine area.

Provided that where the stormwater from a site discharges directly to the coastal marine area and not to a stream, on site stormwater management does not need to comply with (a) and (b) above.

**On-site quality control**

- 3) All buildings shall avoid the use of unpainted roofing or spouting materials containing zinc or copper to minimise contaminant runoff.
- 4) Stormwater runoff from high contaminant generating land uses is managed by devices that are designed to achieve the design effluent discharge requirements of Table 1, except for where sites discharge directly to the coastal marine area and not to a stream, in which case the temperature requirement does not need to be met.

Table 1

Contaminant	Design Effluent Quality Requirement for stormwater run off from 90% of the annual rainfall
Metals	Total Zinc < 30 ug/L; total copper < 10 ug/L
Sediment	< 20 mg/l
Temperature	<25 °C

The above design effluent requirements shall be achieved using bio filtration devices.

For the purposes of this rule, high contaminant-generating land uses means:

- all road carriageways,
- parking areas and associated accessways that are exposed to rainfall and which carry more than 50 vehicles per day,

**27A.5.14. OUTDOOR STORAGE AREAS (ADAPTIVE RE-USE OVERLAY AND THE KINGSEAT MIXED USE OVERLAY AREA ONLY) as follows:**

Refer to Rule 29.5.10

<b>27A.6 PERFORMANCE STANDARDS FOR ALL ACTIVITIES – RESIDENTIAL 2 ZONE</b>
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- A. All activities in the *Residential 2 Zone* shall be required to meet the standards set out in this Rule unless they:
- have a resource consent to depart from any one or more of the standards; or
  - are departed from in accordance with any exemption provisions within the particular clause.
- B. Unless otherwise stated, these standards shall be satisfied prior to commencement of the activity or occupation of the structure notwithstanding that a building consent or other approval may have been obtained.

**27A.6.1 NOISE**

1. The NOISE level measured within the boundary of a SITE zoned Residential 2 shall not exceed:

Area	The noise level measured within the boundary of a site within the area described in column 1 of this table shall not exceed the following limits:		
	7.00am – 10.00pm	10.00pm – 7.00am	
	(dBA L <sub>eq</sub> )	(dBA L <sub>eq</sub> )	dBA L <sub>max</sub>
High Background Noise Area (refer Planning Maps 107)	55	45	75
All other areas	50	40	70

Except that the NOISE limits do not apply to construction NOISE, or NOISE generated by the operation and maintenance of the State Highway, and may be exceeded by intermittent NOISE associated with normal HOUSEHOLD activity e.g. lawn mowing undertaken at reasonable times during the day.

2. HABITABLE ROOMS in a DWELLING HOUSE or RESIDENTIAL BUILDING that is within the area shown on Planning Maps 107 as “Background Noise Area” and “High Background Noise Area” shall be designed and constructed such that:
- The noise level resulting from traffic shall not exceed:
    - 45dBAL<sub>eq(24hour)</sub> in any habitable room; and
    - 35dBAL<sub>eq(9hour)</sub> from 10.00pm to 7.00am in any bedroom.
  - The noise level resulting from trains shall not exceed:
    - 35dBAL<sub>eq(1hour)</sub> in bedrooms; and
    - 45dBAL<sub>eq(1hour)</sub> in any habitable rooms.
  - The internal NOISE levels shall be achieved with ventilation windows open and with any mechanical ventilation required to ventilate the rooms in accordance with the Building Code, switched on.
3. Acoustic design in relation to Rule 27A.6.1.2 shall be based on the traffic flows predicted for the road 10 years after the construction of the BUILDING.
4. Compliance with Rule 27A.6.1.2 shall be demonstrated by the provision of an acoustic design report from a suitably qualified an experienced acoustic engineer confirming that the BUILDING to be constructed is designed to achieve the above NOISE levels.
5. The NOISE standards do not apply to the construction or maintenance of BUILDINGS or the DEVELOPMENT of land



6. The NOISE levels shall be measured and assessed in accordance with the requirements of NZS 6801: 2008 Measurement of Environmental Sound and NZS 6802: 2008 Environmental Noise respectively, or any standards that supersede these standards.
7. The NOISE shall be measured by a sound level meter complying with the International Standard IEC 651 (1979): Sound Level Meters, Type 1 or any standard that supersedes that standard.
8. No activity within the Adaptive Re-use Overlay Area and the Kingseat Mixed Use Overlay Area shall cause the following sound levels to be exceeded, for the stated times, at or within the boundary of any other SITE, where that other SITE is:
  1. Within the Adaptive Re-Use Overlay and the Kingseat Mixed Use Overlay Area shown on Map 105F:

Time/hours	L10(defined)	Lmax(defined)
Monday to Thursday 7am – 8pm	60 dBA	75 dBA
Friday – Saturday 7am – 10pm	60 dBA	75 dBA
Sunday and Public Holidays 9am – 6pm	60 dBA	75 dBA
At all other times	40 dBA	65 dBA

2. Within the Residential 2 zone shown on Map 105F:

Time/hours	L10(defined)	Lmax(defined)
Monday to Thursday 7am – 8pm	50 dBA	75 dBA
Friday – Saturday 7am – 10pm	50 dBA	75 dBA
Sunday and Public Holidays 9am – 6pm	50 dBA	75 dBA
At all other times	40 dBA	65 dBA

### Explanation

*To ensure a good acoustic environment and to support residential amenity and wellbeing, maximum allowable levels of NOISE are applied to the zone.*

*Some residential areas are adjacent to State Highway 1, other roads and the NIMT rail corridor, which are expected to be sources of elevated background noise. In order to ensure that residents do not suffer adverse effects in relation to their health, safety and amenity from exposure to unacceptable noise levels and to ensure efficient operation of the networks, the rules require acoustic treatment of DWELLING HOUSES or RESIDENTIAL BUILDINGS (in addition to other methods) in these locations (Refer Planning Maps 107).*

### 27A.6.2 LIGHT SPILL

1. Any activity shall be conducted so that direct or indirect illumination measures not more than 8 lux (lumens per square metre) on a LOT boundary.
2. Glare shall be measured on an instrument meeting the requirements of NZ Standards Institute CP22 (1962) and amendments; Instruments or standards adopted by Council that supersede those stated above will be used in place of the instruments/standards.
3. All outdoor lighting shall be directed away from ADJOINING PROPERTIES.
4. Rule 29.6.4 applies to the Adaptive Re-use Overlay Areas and the Kingseat Mixed Use Overlay Area.

**27A.6.3 ODOUR (ADAPTIVE RE-USE OVERLAY ONLY) as follows:**

Rule 29.6.2 applies to the Adaptive Re-use Overlay Areas and the Kingseat Mixed Use Overlay Area and Buildings A57, A58, A59 and A61 (refer to Schedule 8A)

**27A.6.4 VIBRATION (ADAPTIVE RE-USE OVERLAY ONLY) as follows:**

Rule 29.6.3 applies to the Adaptive Re-use Overlay Areas and the Kingseat Mixed Use Overlay Area.

**27A.6.5 CONTAMINANTS (ADAPTIVE RE-USE OVERLAY ONLY) as follows:**

Rule 29.6.5 applies to the Adaptive Re-use Overlay Areas and the Kingseat Mixed Use Overlay Area.

*Explanation*

*The rules reflect the need to control these adverse effects of light spill and glare within residential environments.*

**27A.7 STANDARDS FOR SPECIFIC ACTIVITIES – RESIDENTIAL 2 ZONE**

**27A.7.1 REQUIREMENTS FOR HOME OCCUPATIONS**

Rule 27.6.3.1 of the PLAN applies.

**27A.8 ASSESSMENT OF RESTRICTED DISCRETIONARY ACTIVITIES – RESIDENTIAL 2 ZONE AND ADAPTIVE RE-USE OVERLAY AREAS A AND B AND KINGSEAT HERITAGE MIXED USE OVERLAY AREA:**

- A. The *Restricted Discretionary* activities listed in Rule 27A.2 will be assessed in terms of the following matters, and conditions of consent will only relate to these matters (or such other matters as the Act provides).
- B. Sufficient information shall be submitted to ensure that these matters can be fully evaluated with respect to the proposal:
1. Activities which are otherwise Permitted that infringe no more than one of the standards listed in Part 27A.5.
    - a) The extent of the specific effects with reference to the explanation of the relevant standard. Council may impose conditions in relation to these.
  2. Bridges
    - a) Whether the structure is of an appropriate design and appearance to maintain residential amenity.
    - b) Whether the structure includes measures to avoid, remedy or mitigate noise from vehicle movements on surrounding residential areas.
  3. When assessing an application for a Restricted Discretionary Activity for a BUILDING located outside a SPECIFIED BUILDING AREA identified on a certificate of title where located within 12 to 32 metres either side of the centre line of a national grid transmission line, the Council will have regard to the following assessment criteria and any relevant matters set out in Section 104 of the Act:
    - The location of any BUILDING or DEVELOPMENT and whether they will inhibit the safe and efficient operation of the national grid, or result in adverse effects on people's health and safety including:
      - i. The ability for emergency maintenance and inspection of the transmission lines, including support structures, and the minimising of risk of injury or property damage from or to such lines;
      - ii. The extent to which any BUILDINGS, structures, construction activities, mobile plant or EARTHWORKS could affect transmission lines and support structures;
      - iii. The ability to comply with the New Zealand Electrical Code of Practice of electrical safety distances (NZECP:34 2001);
      - iv. The nature and location of tree/vegetation, planting near the transmission lines and support structures and the ability to comply with the Electricity (Hazards from Trees) Regulations 2003;
      - v. The extent to which the proposal could constrain the operational needs of the national grid; and
      - vi. The outcome of any consultation with the line operator.

Advice Note: All EARTHWORKS, including the use of mobile plant, must comply with the requirements of the New Zealand Electrical Code of Practice 34:2001 (NZECP34:2001).

Advice Note: Consultation with Transpower New Zealand Ltd (or its successor) is advised when considering construction within 32 metres of a high voltage electricity transmission line. The New Zealand Electrical Code of Practice NZECP: 34 contains restrictions on the location of structures in relation to lines.

4. The construction of any BUILDING on a SITE within a Structure Plan Area, where the SITE existed at the date of notification of the relevant Plan Change (which introduced that Structure Plan) and where a structural element of a Structure Plan is located within that SITE.

Whether the design and layout of the proposed BUILDING, access, Earthworks and associated DEVELOPMENT will prejudice the achievement of the structural element of the Structure Plan within that SITE or (where relevant) the connection or co-ordination of the structural element with development on adjoining sites.

5. Within the former Kingseat Hospital Site (refer Appendix 54.19A), applications will be considered in respect to the matters outlined in Part 8 and 53 of the PLAN and with regard to:
- i. Whether any adverse effects on the overall heritage, environmental or amenity values, and/or character of the former Kingseat Hospital site are avoided, remedied or mitigated.
  - ii. Whether the proposal appropriately protects and/or enhances identified BUILDINGS, structures, areas and trees (refer Part 8 of the PLAN).
  - iii. Whether proposals to reuse BUILDINGS appropriately protect and/or enhance the external appearance, character and heritage values of the BUILDING, and the layout of access, outdoor living courts and other accessory structures and buildings does not undermine the character and amenity of the areas and vegetation within which the BUILDING is located.
  - iv. Those matters contained in Assessment Criteria 8.3.3 and 8.3.4.
  - v. The extent to which the proposal retains and/or enhances those trees listed in Appendix 5 - Trees of Merit.
  - vi. Whether the proposal is consistent with the Concept Plan (Appendix 54.19C1 and 54.19C2).
  - vii. Whether existing trees that provide a high level of amenity are appropriately incorporated within the proposed development. Where existing trees, that are not Scheduled in Schedule 8A or listed in Appendix 5 'Trees of Merit', are considered to provide a high level of amenity, the extent to which appropriate mitigation is provided to off-set the effects of tree removal.
  - viii. Whether new buildings achieve a high degree of integration and sensitivity to the heritage buildings and their surrounding environment that promotes the maintenance and enhancement of heritage values.
  - ix. Whether the subdivision and development within the Adaptive Re-use Overlay areas will promote opportunities for re-use, community activities and regeneration and employment.
  - x. Ensuring that the subdivision and development (including new buildings) within the Adaptive Re-use Overlay areas will not promote activities that may undermine the function and purpose of the Town Centre.
  - xi. In addition to the above and within the Adaptive Re-use Overlay areas and the Kingseat Mixed Use Overlay Area:
    - Effects that any proposal may have on the safety and character of the Hospital site as a result of traffic effects
    - Whether adequate provision has been made for onsite parking.
    - Whether adequate provision has been made for noise attenuation where proposals involve potential effects on the occupants of buildings, particularly where residential accommodation sits in close proximity to other land uses.
    - The degree of non-compliance with development standards for the Residential 2 zone.

- Compliance with appropriate parts of design element 2 (Block Size, Lot Type and Orientation) and design element 8 (Adaptive Re-use Overlay Areas and Kingeat Heritage Mixed Use Overlay Area) in Appendix 54.19B.
6. For new residential dwellings within the KINGSEAT STRUCTURE PLAN AREA applications will be considered against whether:
    - i. The proposal includes a ROADING PLAN detailing the design for the relevant section of public road as defined in Appendix 54.19C;
    - ii. The ROADING PLAN prepared for the relevant section of existing public road is consistent with the Auckland Transport Code of Practice.  
Note: Auckland Transport is required to approve any physical changes to existing public roads under the Local Government (Auckland Council) Act 2009)
    - iii. The applicant proposes to undertake the REQUIRED ROAD WORKS along the frontage of the relevant Development Area (refer Appendix 54.19D) ; or
    - iv. An roading infrastructure development agreement exists to complete the REQUIRED ROAD WORKS.
  7. Activities infringing Rule 27A.5.13A Stormwater management - Kingseat Structure Plan Area will be assessed in relation to the following matters, and conditions of consent will only relate to these matters:
    - i. the extent of existing flooding within the catchment and avoiding creating or increasing existing flooding, including incremental adverse effects
    - ii. the extent to which the incremental and cumulative adverse effects of increased stormwater flows including on stream channels and stream health, natural character, biodiversity, erosion and stability and community and Mana whenua values can be avoided, or if not avoided then otherwise adequately mitigated;
    - iii. the ability to reduce existing adverse effects
    - iv. whether a stormwater network is available and its capacity to cater for increased stormwater flows
    - v. whether stormwater flow is managed on-site or whether there are stormwater management devices in the catchment and their ability to accept and cater for increased stormwater flows to meet mitigation requirements
    - vi. the design of discharge points that ensures dispersal of flows before they enter a stream or the coastal area.
    - vii. the sensitivity of the receiving environment, including coastal waters, and its susceptibility to the adverse effects of stormwater contaminants
    - viii. the extent to which incremental and cumulative adverse effects of stormwater contaminants on receiving environments including on biodiversity, community and Mana Whenua uses and values can be avoided, or if not avoided then otherwise adequately mitigated;
    - ix. whether stormwater contaminants are managed on-site or whether there are stormwater management devices in the catchment that can accept and cater for increased stormwater contaminant loads to meet mitigation requirements.

Note: For the assessment criteria for NEIGHBOURHOOD CENTRES refer to Part 29D and for MEDIUM DENSITY HOUSING refer to Part 27B.

**27A.9 ASSESSMENT OF DISCRETIONARY ACTIVITIES – RESIDENTIAL 2 ZONE**

Applications for Discretionary Activity Resource Consent will be assessed with regard to the following matters (to the extent that they are relevant):

- a) The assessment criteria for Restricted Discretionary Activities (RULE 27A.8);
- b) The matters identified in Part 53 of the PLAN;
- c) Whether any adverse effects on the environment will be satisfactorily avoided, remedied or mitigated;
- d) Whether the scale and intensity of the DEVELOPMENT and use is such that the adverse effects on the amenity and character of the surrounding area will be minor;
- e) Whether the DEVELOPMENT can be adequately serviced for stormwater (having regard to the recommendations of an adopted Stormwater Catchment Management Plan and/or an approved stormwater discharge consent), wastewater, water supply and utilities.
- f) Whether any DEVELOPMENT involving residential activities is in accordance with the Design Assessment Criteria in Appendix 27B.1 and Appendix 29D.1 (to the extent that these criteria are relevant);
- g) Whether any residential DEVELOPMENT (other than above GROUND LEVEL) on land identified on an approved subdivision scheme plan for a NEIGHBOURHOOD CENTRE, will preclude the construction of an appropriately-sized centre, having regard to the ultimate size of the catchment that the centre can service, and the land area required to accommodate the centre;
- h) Whether the DEVELOPMENT is consistent with the objectives and policies of Part 19 of the Plan (to the extent that they are relevant);
- i) Whether the DEVELOPMENT is consistent with the objectives and policies for a Structure Plan Area (refer Part 54);
- j) Any other relevant matter under Section 104 of the Resource Management Act 1991.

Note: Refer to Part 27B for MEDIUM DENSITY HOUSING and 29D for NEIGHBOURHOOD CENTRES.

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