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## REPORT OF THE HEARING COMMITTEE

**SUBJECT:                                    PROPOSED DISTRICT PLAN CHANGE 28: NON-NOTIFICATION STATEMENTS IN THE OPERATIVE DISTRICT PLAN**

**COMMITTEE MEMBERS: CRS HUTCHINGS and ARMSTRONG**

**DATE OF HEARING:            17 AUGUST 2004**

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### 1. RECOMMENDATIONS

1. *Approve Proposed District Plan Change 28 as set out in the Public Notice of Saturday 17 January 2004 (and attached as Attachment 1).*
2. *Accept or reject all the submissions and further submissions to the extent that they accord with Recommendation 1 above.*

### 2. INTRODUCTION

This decision report relates to Plan Change 28: Non-notification Statements in the Operative District Plan. The plan change was initiated by the Council following the introduction of the RM Amendment Act 2003 which unintentionally resulted in the Plan's non-notification statements no longer functioning as intended. The officer's report provides a useful summary of the background to this plan change so it is not necessary to repeat that here.

Of the 19 submissions received, two fully supported the Plan Change and the remainder either partially or fully opposed it. At the hearing held on 17 August 2004, five submitters presented additional written submissions and spoke to those submissions:

- Margaret Culy
- New Zealand Historic Places Trust – Robert McClean
- Save Erskine College Trust – Melanie McElwee
- Maggie Kennedy
- New Zealand Institute of Surveyors: Wellington Branch – David Gibson

The Committee considered all the issues raised by the submitters, particularly the issues raised by submitters at the hearing.

### 3. SUBMISSIONS AND DISCUSSION OF ISSUES

#### 3.1 Introductory comments

Before the specific recommendations of the Committee are outlined, the Committee considered it useful to outline some introductory remarks about the main factors that influenced their recommendations following the hearing.

Firstly, the Committee considered it important to acknowledge that the current plan was developed over a number of years (from 1994 when it was first notified through to July 2000 when it was made operative). During this period, the plan and its rules were thoroughly debated at the council level and the Environment Court, before being adopted in the Plan. The Plan included non-notification statements for a wide range of controlled and restricted discretionary activities. It was understood that some resource consent applications would not be publicly notified on the basis that these activities would not generally generate major effects. It was considered that while there may be room for some Council control, generally the scale of effects would be minor and, on that basis, the consent applications could be processed without written approvals or public notification.

It was clear at the hearing that discontentment with these non-notification statements continues to exist. While the Committee was sympathetic to the concerns raised by some submitters at the hearing, the Committee felt that these concerns (i.e. not being informed of development activity close by) need to be viewed in a wider context of the operation of the rules. It was difficult to separate the non-notification issues out from many of the other issues that the submitters raised. This helps to illustrate the difficulty the Committee had in ensuring it did not go beyond the scope of its powers in making decisions relating to such concerns.

The Committee was concerned about the scope of some submissions received. At the beginning of the hearing the Committee asked several questions of both the officers and the submitters regarding the scope of the Committee's powers to provide the relief sought in some submissions. It was concluded that the scope of the Plan Change was narrow. The Committee could either approve the Plan Change (which would insert the words "notice of applications need not be served on affected persons" in the non-notification statements) or it could reject the plan change resulting in service of notice being required for every resource consent application affected by a non-notification statement where approval of affected parties could not be obtained. The Committee could not, for example, delete all non-notification statements from the Plan or amend consent categories for certain activities.

Many of the concerns at the hearing focused on the decisions made about who is an affected party, and secondly that affected parties were being prevented from potentially being involved in a consent application decision because of the non-notification statements in the plan. It is only the later issue that this Committee was able to consider as part of this Plan Change.

The Committee agreed that the Amendment Act had created a technical anomaly with respect to the non-notification statements; an anomaly that needed to be fixed without delay. It noted that the Ministry for the Environment had not intended for such a problem to arise and that the Ministry was investigating options to amend this in the next Resource Management Amendment Bill. The Committee found comfort knowing that other councils around the country were also processing similar plan changes in order to maintain the integrity of their plan's non-notification statements.

With these matters in mind, the Committee considered the submissions in more detail.

### **3.2 Submissions in support**

The Committee noted support for the plan change from Connell Wagner Ltd (1) and the Wellington Branch of the NZ Institute of Surveyors (2) because it would aid efficient resource consent processing and was consistent with the original intentions and adopted policies of the District Plan.

The Committee found the submission at the hearing by David Gibson of the Wellington Branch of the NZ Institute of Surveyors particularly helpful. At the hearing Mr Gibson referred the Committee to a paragraph in the Plan which explains the situations where non-notification statements are appropriate (chapter 1.8.3, page 1/19):

*“Where Council thinks that the effects of an activity are not significant or immediate neighbours are unaffected, or where the matter under consideration involves the administration of city infrastructure, the rules may state that notification will not be needed. This may also apply in cases where Council is acting on behalf of the wider community to achieve a better quality environment, such as urban design issues, or to enable the efficient administration of the plan.”*

The Committee agreed that the intention of the Plan is clear. That is, for some matters resource consent would be required; but because the effects would be minor and not affect the neighbours, it was best that the issues were considered by the Council without public notification. This is an illustration of the ‘fine balance’ referred to several times in the officer’s report. That is, the balance between regulating development that has wider environmental effects on the community and allowing development with minor effects to proceed without excessive costs and delays. The submitter helpfully reminded the Committee that non-notification statements could only be applied to controlled activities and restricted discretionary activities, in line with the belief that the effects of such activities are expected to be minor.

The Committee accepted the officer’s advice that the non-notification statements in the plan are one component of a package of rules formulated to implement the objectives and policies in a workable way. The Committee agreed that this plan change allows for that package of rules and methods to continue working in the way that was originally intended.

### **Summary**

The Committee was of a mind to agree with these submitters and recommends their relief sought is granted. That is, that Plan Change 28 should be approved in the form it was publicly notified.

### **3.3 Who is an ‘affected person?’**

The Committee acknowledged the concerns of several submitters regarding the decisions made by council officers on who is considered to be an affected party. Howard Rait (3), Joanna Graham (14), Allan Hicks (15), Margaret Culy (13) and Maggie Kennedy (16) all raised concerns on the process used to determine who is an affected person.

As noted earlier in our report, some submissions were beyond the scope of the plan change. The Committee noted the officer’s advice that a decision about who is an affected party is made by resource consent planners on a case by case basis as set out by the Resource Management Act and case law. Therefore, the Committee is not in a position to make any recommendations to direct how resource consent planners should make these decisions.

### **3.4 Non-notification statements re-written to require service of notice on affected parties.**

Three similar submissions were received seeking that service of notice on affected parties be specifically required [FBN Fox (6), the Federation of Wellington Progressive and Residents Associations (7, FS1) and the Mt Victoria Residents Association (8, FS2)]. At the hearing, Margaret Culy and Maggie Kennedy spoke about their concerns regarding the Plan Change and its intent to exclude affected parties from developments that affect them.

Ms Culy reminded the Committee that there were a number of other changes made to the RMA by the Amendment Act 2003, besides the introduction of limited notification. She focused her attention on s106 of the RMA which was amended to give Councils discretion to decline subdivision consent for hazard prone land rather than requiring that such subdivisions consents be automatically declined. Drawing on her own experience, the submitter was concerned that the Council will now use this discretion in favour of development on dangerous sites and the non-notification clauses will enable such decisions to be made without notice to affected parties.

Similarly, Maggie Kennedy spoke of troubles she'd had with approved resource consents in her neighbourhood. She was concerned that the proposed plan change takes away the opportunity for residents to know if a controlled activity development is likely to affect them. She considered that controlled activities can have adverse effects and those people affected by such work should have the opportunity of being involved in the decision-making. She accepted that councils must approve consents for controlled activities, but considered that affected parties could play a valuable role in helping to formulate conditions of consent.

The Committee is not able to comment on the specifics of the consents that concerned Ms Culy and Ms Kennedy because it was not in possession of the full facts. However, it is noted that the general essence of both submissions was that affected parties should be involved in all decisions that affect them, irrespective of the scale of the effects and whether the Council must ultimately approve the resource consent.

The Committee was sympathetic to the concerns raised by Ms Culy and Ms Kennedy but did consider it was important to put such cases in context. With over 1300 resource consents processed each year by the Council, it is likely that some consents will cause concern, though these are in the minority. The Committee considered that part of the submitters concerns surrounded the fact that they weren't considered to be affected by the development – a decision that is made by the consent officers and cannot be influenced by the decision on this plan change.

The officer's report noted that the Council is currently implementing its District Plan Monitoring Programme, which is the primary tool used to examine the effectiveness and efficiency of the District Plan (required by s35 of the RMA). The Committee believed that this programme offers a good opportunity to collect fulsome information about the non-notification statements in a more objective manner. Once fuller information is available it may be appropriate to consider changes to the rule regime as part of the future review of the District Plan.

The Committee did not consider it was appropriate to resolve concerns about how the non-notification statements have been working in specific cases (based on information

provided by one sector of the community), when those changes could result in a significant shift in policy regarding the notification of resource consents that had previously been non-notified.

It is recommended that the relief sought by these submitters is not granted. The Committee would like to note the importance of the District Plan Monitoring Programme in gathering information about this issue to inform the next review of the District Plan.

One of the issues raised by submitters is that controlled activities can have effects and there is a role for affected parties to have a say in the conditions imposed. The Committee thought it useful to remind submitters that the RMA now excludes consents for controlled activities from the presumption towards notification.

This change in approach for controlled activities was made as part of redrafted notification provisions in the Amendment Act. In the re-drafted provisions it is now clear that controlled activities are excluded from the presumption towards public notification. In the Committee's opinion, this sends a strong message that consent applications for such activities are not intended to be publicly notified. This means it is the role of Council to look out for the interests of the community in developing conditions for resource consents.

As noted by officers at the hearing, that provision is balanced by other provisions in the Act allowing for applications to be notified where special circumstances exist (s94C). The Committee considered that the special circumstances test should provide sufficient safeguards if a controlled activity needed to be publicly notified.

### **3.5 Rules 21.2.1 and 21.2.2 (Heritage rules)**

Three submitters raised similar concerns as those outlined above, but focused their attention on heritage rules 21.2.1 (signs on heritage buildings) and 21.2.2 (additions and alterations to heritage buildings). At the hearing, the Committee heard from Robert McClean representing the Historic Places Trust and Melanie McElwee representing Save Erskine College Trust (SECT). Iona Pannett's written submission raised issues similar to those presented at the hearing.

The Historic Places Trust (12) noted their opposition to the fact that additions and alteration to heritage buildings and signs on heritage buildings were controlled activities. They considered that the consent category is inappropriate because major additions and alterations are being consented to under the controlled activity rule (rather than just minor additions and alterations as originally anticipated). They did acknowledge at the hearing that this issue could not be addressed as part of this plan change and expressed its support for the issues to be considered as part of the imminent heritage review.

However, they did consider that in the interim, the non-notification statements for rules 21.2.1 and 21.2.2 should be amended to provide some discretion in whether affected parties could be served notice of a resource consent application.

The Save Erskine College Trust (SECT) (11) stated that they are a Heritage Protection Authority (HPA) and responsible for the Heritage Order for Erskine College in Island Bay. Ms McElwee read from a comprehensive submission that outlined SECT's concerns regarding the way the plan change would affect their ability to be involved in decisions that affect the heritage order on Erskine College. This included an outline of

SECT's difficulties engaging with the owner/developer of the site covered by the heritage order during a recent resource consent process. As well as requesting that Plan Change 28 not be adopted for the heritage and residential rules, SECT sought that all non-notification statements in the plan be struck out.

For a number of reasons, the Committee does not agree with these submitters requests that the Plan Change does not proceed. One of the more significant reasons is that this Plan Change was not a 'heritage' plan change; rather it was a technical plan change on the non-notification statements that affected a large number of rules in the Plan, with the heritage rules being two out of a total of 77 rules being amended. The Committee considered that people interested in the operation of the heritage rules would have no reason to expect that some submitters would take the opportunity to seek a significant policy change to the operation of the heritage rules. The Committee is reluctant to support changes that will fundamentally alter the operation of the rules based on submissions from one sector of potentially interested parties. This issue aside, there other reasons why the plan change should proceed as notified.

The Committee accepted the officer's advice that while historic heritage is now regarded as a matter of national importance in the RMA it would be more appropriate to review all heritage provisions of the Plan at one time rather than amend one component of the heritage rules as part of this plan change (especially where that change could have a significant influence on how those rules operate). The Committee acknowledged that while there may be some justification for a change, this change should only occur as part of a wider review of the all heritage provisions allowing heritage advocates and owners of heritage items to be fully involved in the decision-making.

A review of heritage protection in Wellington has begun and the issues raised by submitters here are expected to be considered as part of that work. The review will allow for a wide range of interested parties to make their views known on how the heritage rules should operate; something that has not occurred here because of the narrow scope of the plan change. As an aside, the Committee noted that some submitters requested that the consent categories for heritage activities be changed. It is beyond the scope of this plan change to grant such relief, but it is expected that this matter will be considered as part of the heritage review.

The Committee is reluctant to adopt the idea by the Historic Places Trust to insert some discretion in the non-notification statement. The Historic Places Trust suggested that an interim process be established to allow affected parties to become involved in some consents at the discretion of resource consent planners until such time as the heritage review results in a plan change. The suggested change could read:

***Rule 21.2.2***

*The written approval of affected persons ~~will~~ may not be necessary in respect of item 21.2.2.1. Notice of applications ~~need~~ may not be served on affected persons and the application need not be notified....*

The Committee did not accept the need for such a change. It considered that the legislation already provides for council discretion to notify a consent application, which would normally be non-notified, if there are special circumstances (s94C). The Committee considers that this provision provides sufficient safeguards in the circumstances that the Council receives an application for an activity under Rule 21.2.2 but considers it should be publicly notified.

The Committee was sympathetic to the problems that SECT spoke of at the hearing as heritage protection authority for the Erskine College site. However, it considered that many of the problems cited were not directly related to the core issue before the Committee, as explained below.

Section 193 of the RMA is very clear in stating that no person can do anything to land that is subject to a heritage order without the prior written consent of the heritage protection authority. It seemed to the Committee that SECT was overly reliant on the Council to inform them of work that is proposed on the site. This assumes that all work being done required some form of resource consent. The Committee queried what processes SECT has in place for situations where work on the site is permitted by the Plan.

The Committee was of the view that as the HPA for the site, SECT has greater powers than the Council has to ensure work that is being carried out complies with the purposes of the heritage order. This is because approval from the heritage protection authority must be obtained despite any consents granted by the Council. That is, even where council grants a resource consent for work to be carried out, the work must still be approved by the HPA. Along with these powers to approve or reject work on a heritage order site comes the responsibility to actively monitor the site to ensure that work isn't carried out without the appropriate approvals. If necessary, the HPA should take remedial action through Environment Court processes. This monitoring role is particularly important where the HPA does not own the site.

In summary, the Committee considered that even if there have been some concerns with the level of involvement of SECT in previous resource consent approvals, the HPA approval process is a separate, more powerful process that Council has no jurisdiction over. The Committee considered that the HPA approval process should, if used effectively, provide the safeguards needed to protect the site.

Finally, the Committee noted that the relief sought by SECT to strike out all 77 notification statements is beyond the scope of this plan change.

## **Other issues**

There were a number of other issues raised in the submissions (though not at the hearing itself) on this plan change.

Action for the Environment requested that the Council cancel Proposed Plan Change 28 "so that the Amendment Act operates as it should". The Committee considered that the Amendment Act specifically provides for plans to include non-notification statements and that the Plan Change is within the scope of what was envisaged by Parliament in drafting the Amendment Act. This is because the Amendment Act continues to provide for the notification provisions to be waived for controlled activity and restricted discretionary activities. Also, the Ministry's intention to now introduce a transitional provisions relating to this technical anomaly provides additional support to the view that this is a technical plan change and is appropriate in accordance with the Act.

Waterfront Watch Inc (5) noted that the Plan Change did not include Rule 13.3.6 as introduced by Variation 22. They requested that no similar change be made to Rule 13.3.6 in the future. The Committee considered that it was not in a position to grant the relief sought because it was beyond the scope of the plan change and because it cannot prevent a future council from deciding to make a change to the plan at any time.

Jack Ruben (9) considered that further consultation was required on this plan change. The Committee disagreed given the narrow scope of the change and its purpose to amend a technical anomaly.

Some submitters sought that the language of the non-notification statements be amended to clarify in simple language *“the various levels of consent with emphasis placed on the fact that the descriptions relate to the ‘enforcer’, i.e. the Wellington City Council, and need to be read and understood from that point”*.

The Committee considered that the Plan Change did not provide the opportunity to alter the terminology used for the various consent levels or other terms including ‘affected persons’, ‘serve notice’ and ‘publicly notify’. The Resource Management Act defines the consent classes (and other terminology) available to be used in district plans and it would be confusing for these names to be changed in the Wellington City Plan.

Some of the submitters questioned the need for the Plan Change, stating that the issue should be tested by the Courts. The Committee considered that the issue was tested before the Court by way of a declaration. The Court decision was explicit; stating that if the Council wanted the non-notification statements to work in the same way as they did prior to the Amendment Act, then it would have to notify a plan change. The Committee accepted that a plan change is necessary to amend the non-notification statements to allow the statements to operate in the same way they did prior to the Amendment Act.

## **Conclusions**

The submitters raised a number of issues relating to this plan change, all of which have been fully considered in this report. Two submitters provided unequivocal support for the Plan Change, while all other submitters either opposed it entirely, or in part.

The Committee was concerned that many submitters requested relief that was beyond the scope of the Plan Change and consequently the Committee’s ability to make decisions on some issues. One of these issues was the decision of who is an affected party. These are decisions made by Council officers and are not directly related to this plan change.

Other submitters sought a change to specifically require that affected parties be served notice. It is not recommended that this relief be provided for the reasons outlined in the decision.

Advocates for historic heritage sought that heritage groups be served notice for resource consent applications affecting heritage items. Rather than make any changes to the non-notification statements for heritage rules, out of context, the Committee felt it better to consider this issue as part of the heritage review currently underway.

The Committee accepted that the Plan Change is a technical change in response to a change in the legislation. The Plan Change came about due to a technical anomaly in the Amendment Act forcing councils to urgently prepare plan changes to ensure their plans remained consistent with the amended notification procedure.

Generally, submitters opposing the Plan Change were seeking a change in the policy on the non-notification statements. There is no justification for such a change now and the Committee believed any concerns about the regime will be investigated fully as part of

the Council's monitoring programme. Accordingly, the Plan Change should proceed as notified to allow the non-notification statements to operate in the way they did before the Amendment Act came into effect.

***Ian Hutchings***

***Plan Change 28 Hearings Committee Chair***

# Proposed District Plan Change No. 28 – Non-notification Statements in the Operative District Plan

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## CHANGES TO THE WELLINGTON CITY DISTRICT PLAN

This document details changes to the Wellington City District Plan to incorporate an amendment to the non-notification statements that are used throughout the Plan. All the changes are to Volume One, the Objectives, Policies and Rules section of the District Plan.

### A. DETAIL OF THE CHANGES – GENERAL CHARACTER:

#### 1. Amend the 'Non-notification' statement in:

- 79 rules in the Operative District Plan, as set out in Table One

All the changes would insert the following words to the 'Non-notification' statements:

"notice of applications need not be served on affected persons"

Most of the individual 'Non-notification' statements use the same structure in their wording. They would be amended as follows (the example is taken from Rule 5.2.1):

"The written approval of affected persons will not be necessary in respect of items 5.2.1.1 to 5.2.1.3. Notice of applications need not be served on affected persons and applications need not be notified."

All the 'Non-notification' statements that have the same structure are highlighted in grey in the attached schedule (Table One).

### B. DETAIL OF THE CHANGES – SPECIFIC RULES:

A number of the rules have 'Non-notification' statements that have different structures in their wording. They may also use different mechanisms to determine whether an application is notified or not notified.

The proposed change to the 'Non-notification' statements of each of these rules is detailed below:

#### Residential Area:

#### 2. Rule 5.3.10, for two or more household units in Thorndon and Mt Victoria, would be amended to read:

"The written approval of affected persons will not be necessary in respect of items 5.3.10.1 - 5.3.10.3. Notice of applications need not be served on affected persons and applications need not be notified except where the Rules 5.1.3.2, 5.1.3.3, 5.1.3.4 and 5.1.3.5 are not met. Where this occurs the presumption toward non-notification will not apply."

#### 3. Rule 5.3.11, for demolition of buildings constructed before 1930 in Thorndon and Mt Victoria, would be amended to read:

“Where an application contains details on the outcome of consultation with the local residents’ association about the possible demolition of the building, and the Council is able to verify (in writing) that such consultation has occurred and the outcome of such consultation, then the approval of affected persons will not be necessary, notice of applications need not be served on affected persons and applications need not be notified.

If no information on the outcome of the consultation is provided, or the Council is unable to verify that consultation has occurred and the outcome of that consultation, then this non-notification clause will not apply.”

#### **Suburban Centres:**

4. Rule 7.3.2, for buildings and structures that do not meet conditions for permitted activities, would be amended to read:

“The written approval of affected persons will not be necessary in respect of:

- item 7.3.2.4; and
- design, external appearance and siting (provided consent is not also required for one or more of the matters in 7.3.2.1, 7.3.2.2, 7.3.2.3, 7.3.2.5).

Notice of applications need not be served on affected persons and applications need not be notified.

#### **Central Area:**

5. Rule 13.3.2, for buildings and structures that do not meet conditions for permitted activities, would be amended to read:

“The written approval of affected persons will not be necessary in respect of:

- items 13.3.2.3, 13.3.2.4, 13.3.2.5, 13.3.2.7, 13.3.2.8; and
- design, external appearance and siting (provided consent is not also required for one or more of the matters in 13.3.2.1, 13.3.2.2, 13.3.2.6).

Notice of applications need not be served on affected persons and applications need not be notified.

#### **Conservation Sites:**

6. Rule 19.3.2, for the formation and construction of vehicle parking areas, would be amended to read:

“Applications involving provision of fewer than 5 carparks will not require the written approval of affected persons, notice of applications need not be served on affected persons and applications need not be notified.

#### **Heritage:**

7. Rule 21.2.2, for additions and alterations to heritage buildings, would be amended to read:

“The written approval of affected persons will not be necessary in respect of Item 21.2.2.1, notice of applications need not be served on affected persons and the application need not be notified except that:

- where a building is subject to a heritage order from a heritage protection authority, Council will notify the authority
- where a heritage item is registered by the New Zealand Historic Places Trust, Council will notify the Trust.”

## Table One:

### Non-notification statements to be amended in the Operative District Plan

Key:

		All the rules that are shaded have the standard structure to their wording
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<b>Chapter of the District Plan:</b>	<b>Rule Number:</b>	<b>Activity:</b>	<b>Purpose of the Rule:</b>
<b>Residential Area</b>	5.2.1	Controlled	Early childhood centres
	5.2.2	Controlled	Non-residential activities in existing non-residential buildings and extensions to existing non-residential buildings (one of four items do not require written approvals)
	5.2.3	Controlled	Residential buildings in a residential character area (Thorndon and Mt Victoria North)
	5.2.4	<b>Controlled</b>	<b>Two household units in parts of the Inner Residential Area – assessed against design guide</b>
	5.2.5	<b>Controlled</b>	<b>Residential subdivision – less than 5 allotments and company leases, cross lease and unit title subdivisions</b>
	5.2.6	<b>Controlled</b>	<b>Residential buildings in the Tawa flood hazard area</b>

	5.3.1	<b>Restricted Discretionary</b>	<b>Activities that do not meet permitted activity conditions (two of three items do not require written approvals)</b>
	5.3.2	<b>Restricted Discretionary</b>	<b>Work from home activities that do not meet permitted activity conditions (one of six items do not require written approvals)</b>

	5.3.4	<b>Restricted Discretionary</b>	<b>Multi-unit development – assessed against design guide</b>
	5.3.5	<b>Restricted Discretionary</b>	<b>Residential buildings and structures on legal road (garages, car decks, driveway structures)</b>
	5.3.6	<b>Restricted Discretionary</b>	<b>Residential buildings within the fault line hazard area</b>
	5.3.7	<b>Restricted Discretionary</b>	<b>Residential buildings within 30m of high voltage transmission lines</b>
	5.3.8	<b>Restricted Discretionary</b>	<b>Signs that do not meet permitted activity conditions</b>
	5.3.10	<b>Restricted Discretionary</b>	<b>Multi-unit development in Thorndon and Mt Victoria – assessed against design guide</b>
	5.3.11	<b>Restricted Discretionary</b>	<b>Demolition of pre-1930 buildings in Thorndon and Mt Victoria</b>
	5.3.12	<b>Restricted Discretionary</b>	<b>Residential buildings in the Tawa flood hazard area</b>
	Appendix	<b>Restricted</b>	<b>Residential buildings in</b>

	13	<b>Discretionary</b>	<b>Stockden Place, Karori</b>
<b>Suburban Centres</b>	7.2.1	<b>Controlled</b>	<b>Buildings in the Thorndon and Newtown Character Areas - assessed against design guides</b>
	7.2.2	<b>Controlled</b>	<b>Buildings in Shelley Bay - assessed against design guide</b>
	7.2.3	<b>Controlled</b>	<b>Company lease, cross lease and unit title subdivisions</b>
	7.2.5	<b>Controlled</b>	<b>Buildings and earthworks in the Tawa flood hazard area</b>
	7.3.1	<b>Restricted Discretionary</b>	<b>Activities that do not meet permitted activity conditions (two of seven items do not require written approvals)</b>
	7.3.2	<b>Restricted Discretionary</b>	<b>Buildings that do not meet permitted activity conditions (not all the items require written approvals)</b>
	7.3.3	<b>Restricted Discretionary</b>	<b>Buildings in Shelley Bay - assessed against design guide</b>

	7.3.4	<b>Restricted Discretionary</b>	<b>Activities and buildings involving more than 120 parking spaces</b>
	7.3.5	<b>Restricted Discretionary</b>	<b>Multi-unit residential development – assessed against design guide (two of three items do not require written approvals)</b>
	7.3.6	<b>Restricted</b>	<b>Critical facilities within a</b>

		<b>Discretionary</b>	<b>hazard area</b>
	7.3.7	<b>Restricted Discretionary</b>	<b>Buildings and earthworks in the Tawa flood hazard area</b>
	7.3.8	<b>Restricted Discretionary</b>	<b>Buildings and earthworks in the Takapu Valley flood hazard area</b>
<b>Institutional Precincts</b>	9.2.1	<b>Controlled</b>	<b>Buildings – assessed for vehicle parking and against design guide</b>
	9.2.2	<b>Controlled</b>	<b>Company lease, cross lease and unit title subdivisions</b>
	9.3.1	<b>Restricted Discretionary</b>	<b>Activities that do not meet permitted activity conditions (one of five items do not require written approvals)</b>
<b>Airport Precinct</b>	11.3.1	<b>Restricted Discretionary</b>	<b>Activities that do not meet permitted activity conditions (three of ten items do not require written approvals)</b>
<b>Golf Course Precinct</b>	11.6.1	<b>Restricted Discretionary</b>	<b>Activities and buildings that do not meet permitted activity conditions (three of nine items do not require written approvals)</b>
<b>Central Area</b>	13.2.1	<b>Controlled</b>	<b>Buildings – assessed against design guide</b>
	13.2.2	<b>Controlled</b>	<b>Company lease, cross lease and unit title subdivisions</b>
	13.3.1	<b>Restricted</b>	<b>Activities that do not meet permitted activity</b>

		<b>Discretionary</b>	<b>conditions (three of seven items do not require written approvals)</b>
	13.3.2	<b>Restricted Discretionary</b>	<b>Buildings that do not meet permitted activity conditions (not all the items require written approvals)</b>

	13.3.3	<b>Restricted Discretionary</b>	<b>Activities and buildings involving more than 70 parking spaces</b>
	13.3.4	<b>Restricted Discretionary</b>	<b>Critical facilities within a hazard area</b>
	13.3.5	<b>Restricted Discretionary</b>	<b>Buildings within the fault line hazard area</b>
<b>Te Ara Haukawakawa Precinct</b>	13.15.1	<b>Controlled</b>	<b>Buildings in Thorndon Quay – assessed against design guide</b>
	13.15.2	<b>Controlled</b>	<b>Company lease, cross lease and unit title subdivisions in Thorndon Quay</b>
	13.16.1	<b>Restricted Discretionary</b>	<b>Activities that do not meet permitted activity conditions (three of six items do not require written approvals)</b>
	13.16.2	<b>Restricted Discretionary</b>	<b>Buildings that do not meet permitted activity conditions (two of five items do not require written approvals)</b>
	13.16.3	<b>Restricted Discretionary</b>	<b>Buildings – assessed against design guide</b>

	13.16.4	<b>Restricted Discretionary</b>	<b>Activities and buildings involving more than 70 parking spaces</b>
	13.16.5	<b>Restricted Discretionary</b>	<b>Vehicle parking in the airspace above the railyards</b>
	13.16.6	<b>Restricted Discretionary</b>	<b>Critical facilities within a hazard area</b>
	13.16.7	<b>Restricted Discretionary</b>	<b>Buildings within the fault line hazard area</b>
	13.16.8	<b>Restricted Discretionary</b>	<b>Subdivision, except in Thorndon Quay</b>
<b>Stadium Site</b>	13.21.1	<b>Controlled</b>	<b>Buildings on the Stadium site – assessed against design guide</b>
	13.22.1	<b>Restricted Discretionary</b>	<b>Activities at the Stadium that do not comply with permitted activity conditions (one of four items do not require written approvals)</b>

	13.22.2	<b>Restricted Discretionary</b>	<b>Stadium buildings that do not meet permitted activity conditions (two of three items do not require written approvals)</b>
<b>Rural</b>	15.2.1	<b>Controlled</b>	<b>Factory farming of animals in buildings</b>
	15.2.2	<b>Controlled</b>	<b>Goat farming</b>
	15.3.1	<b>Restricted Discretionary</b>	<b>Rural activities and residential activities that do not meet permitted activity conditions</b>

	15.3.2	<b>Restricted Discretionary</b>	<b>Work-from-home activities that do not meet permitted activity conditions (two of six items do not require written approvals)</b>
	15.3.3	<b>Restricted Discretionary</b>	<b>Residential buildings that do not meet permitted activity conditions (one of five items do not require written approvals)</b>
	15.3.4	<b>Restricted Discretionary</b>	<b>Signs that do not meet permitted activity conditions</b>
	15.3.5	<b>Restricted Discretionary</b>	<b>Residential buildings within the fault line hazard area</b>
	15.3.6	<b>Restricted Discretionary</b>	<b>Residential buildings within 40m of high voltage transmission lines</b>
	15.3.7	<b>Restricted Discretionary</b>	<b>Earthworks that do not meet permitted activity conditions</b>
<b>Open Space</b>	17.2.1	<b>Restricted Discretionary</b>	<b>Recreational activities that do not meet permitted activity conditions</b>
	17.2.2	<b>Restricted Discretionary</b>	<b>Signs that do not meet permitted activity conditions</b>
	17.2.3	<b>Restricted Discretionary</b>	<b>Recreational buildings in Open Space A that do not meet permitted activity conditions (one of four items do not require written approvals)</b>
	17.2.4	<b>Restricted Discretionary</b>	<b>Modification of indigenous vegetation that does not</b>

			meet permitted activity conditions
<b>Conservation Sites</b>	19.2.1	<b>Controlled</b>	<b>Modification of exotic vegetation that is not provided for as a permitted activity</b>
	19.3.1	<b>Restricted Discretionary</b>	<b>Signs that do not meet permitted activity conditions</b>
	19.3.2	<b>Restricted Discretionary</b>	<b>Vehicle parking areas (applications for fewer than five parks do not require written approvals)</b>
	19.3.3	<b>Restricted Discretionary</b>	<b>Modification of indigenous vegetation that does not meet permitted activity conditions</b>
<b>Heritage</b>	21.2.1	<b>Controlled</b>	<b>Signs on heritage items</b>
	21.2.2	<b>Controlled</b>	<b>Additions and alterations to heritage buildings</b>
	Appendix 1	<b>Controlled</b>	<b>Signs in the Mt Street Cemetery Heritage Area</b>
<b>Utilities</b>	23.2.1	<b>Controlled</b>	<b>Utility structures above ground</b>
	23.2.3	<b>Controlled</b>	<b>Subdivision to create an allotment for a utility</b>
	23.2.4	<b>Controlled</b>	<b>Antennas that do not meet the permitted activity conditions for antenna size</b>
	23.2.5	<b>Controlled</b>	<b>Masts that do not meet permitted activity conditions</b>

	23.3.3	<b>Restricted Discretionary</b>	<b>Underground utility structures and underground lines in various situations</b>