

Overlays

Introduction

OVERLAYS identify areas or items of value or importance to the community within the district (such as SIGNIFICANT COASTAL AREAS or OUTSTANDING LANDSCAPES) or are identified for information purposes (such as existing pipelines). The following OVERLAYS are shown on the planning maps:

- **AIRPORT FLIGHT PATH SURFACES**
Protected air spaces, required for the safe approach and taking off of aircraft from New Plymouth airport.
- **Airport noise control boundaries**
Defined areas around New Plymouth airport within which the standards for noise emissions generated by AIRCRAFT OPERATIONS are prescribed and within which NOISE SENSITIVE ACTIVITIES are regulated. There are three boundaries – the “AIR NOISE BOUNDARY”, the “SEL 95 BOUNDARY” and the “OUTER CONTROL BOUNDARY”.
- **COASTAL HAZARD AREA**
That area of land adjacent to the coast which it is estimated is or may be subject to coastal erosion, inundation or sea level rise within the next 100 years.
- **COASTAL POLICY AREA**
That area of land adjacent to the coast where it is considered appropriate to control activities to ensure the natural character of the coastal environment is preserved.
- **DEFINED RETAIL FRONTAGE**
Defined area where verandahs and shopfronts are an integral part of business amenity. It also delineates those areas designed for high pedestrian traffic, where pedestrian safety is paramount.

- **Designations**
Under part VIII of the ACT, a Minister of the Crown or local authority with financial responsibility for a public work, or a NETWORK UTILITY operator that has been approved as a requiring authority, may require land to be designated within the plan. When land is designated, the requiring authority responsible for that designation may undertake any activity that is in accordance with the purpose of the designation, without requiring a resource consent. No other person may, without the prior written consent of the relevant requiring authority, do anything in relation to the land that is the subject of the designation that would prevent or hinder the work or project to which the designation relates. Refer to Appendix 4 for a list of designations.
- **FAULT LINES**
Indicate the location of the Inglewood and Norfolk FAULT LINES.
- **Flood hazard areas**
Those areas within the urban area which have been identified as being PONDING AREAS, FLOOD DETENTION AREAS, SPILLWAYS or FLOOD PLAINS for the purpose of flood hazard control.
- **Future Urban Development**
Indicates the location of FUTURE URBAN GROWTH AREAS identified by the Framework for Growth - March 2008, the Oakura Structure Plan and the Urenui Structure Plan.
- **Heritage BUILDINGS and items**
Are those significant heritage BUILDINGS and items within the district.
- **High voltage transmission lines**
Indicate the location of LINES carrying electricity of 66kV or greater.
- **INDICATIVE ROADS**
Indicate the preferred location and type of roading required for future subdivisions, including preferred pedestrian links.

- **New Plymouth entrance corridors**
Are corridors around those ROADS in the district upon which most traffic enters the urban centres, and where vegetation will enhance the arrival experience.
- **NOTABLE TREES**
Are TREES that are considered to be significant for historical, botanical or cultural values within New Plymouth District.
- **OUTSTANDING LANDSCAPES**
Those landscapes within the district having exceptional value or eminence or distinction on a national scale.
- **PORT NOISE control boundaries**
Prescribe the control limits for noise from port-related activity at Port Taranaki.
- **Pipelines**
Indicate the location of major gas and petroleum transportation pipelines within the district. The information may be incomplete.
- **Preferred esplanade reserves and strips**
Are those areas that have been identified by the COUNCIL as important for public access or natural character purposes within the urban areas of the district and adjacent to non-priority waterbodies within the rural area.
- **PRIORITY WATERBODIES**
Those waterbodies having special significance in terms of natural character or public access and recreation values, consistent with the provisions of the Regional Policy Statement for Taranaki and the Regional Fresh Water Plan for Taranaki 2001.
- **REGIONALLY SIGNIFICANT LANDSCAPES**
Those landscapes within the district having significance on a regional scale.
- **SIGNIFICANT COASTAL AREAS**
Those areas within the coastal environment which have been identified as having special natural character significance, consistent with the provisions of the Regional Coastal Plan for Taranaki (1997).

- **SIGNIFICANT NATURAL AREAS**
Those areas of indigenous vegetation or wildlife habitat which are significant because of their intrinsic values, rarity, or representativeness within the district.
- **STRUCTURE PLAN AREAS**
A structure plan is a framework to guide the development of a future urban area. A structure plan is a tool that allows integrated management, staging of development and co-ordination of infrastructure provisions for land owned in multiple ownership to ensure comprehensive development occurs in the most sustainable manner. A structure plan contains maps, concept plans and is supported by text explaining the background to the issues and what is trying to be achieved through the structure plan.
- **URBAN VIEWSHAFTS**
Recognise that views from public places are a valuable community asset.
- **VOLCANIC HAZARD AREA**
That area of the district identified as most likely to be affected by a future eruption of Mount Taranaki/Egmont.
- **WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI and ARCHAEOLOGICAL SITES**
WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI are SITES or things of importance to tangata whenua. Only those that have been identified by local iwi or by the Heritage New Zealand Pouhere Taonga List are included. ARCHAEOLOGICAL SITES are SITES of human habitation prior to 1900 and are based on Heritage New Zealand Pouhere Taonga and the New Zealand Archaeological Association list of recorded SITES.

Checklist to the OVERLAYS

- 1 **Find the OVERLAY(S) that are relevant to the location of your activity**
- 2 **Check each OVERLAY in turn**
 - If your activity is listed under that OVERLAY, turn to that rule.
 - If your activity is not listed, then it is not affected by that OVERLAY and there are no rules in this section that apply.

Note: The rules for the OVERLAYS have precedence over the rules in any other section – where there is an inconsistency, the rule in the OVERLAY applies.

Rules that apply within planning map OVERLAYS:

✓ Refer to Rule



Is your SITE located in an AIRPORT FLIGHT PATH SURFACE?

- ERECTION of STRUCTURES OL1-4
- Planting of TREES OL1-4



Is your SITE located in an airport noise control boundary?

- ERECTION of BUILDINGS for NOISE SENSITIVE ACTIVITIES OL5-6
- Use of BUILDINGS for NOISE SENSITIVE ACTIVITIES OL7-8
- Emission of noise OL9



Is your SITE located in a COASTAL HAZARD AREA?

- ERECTION of BUILDINGS OL10
- ERECTION of STRUCTURES OL11
- EXCAVATION and FILLING OL11
- Clearance of vegetation OL11
- Establishment of a HAZARDOUS FACILITY OL12
- Subdivision of land OL13-14



Is your SITE in the COASTAL POLICY AREA?

- Construction of ROADS OL15
- ERECTION of BUILDINGS OL16
- ERECTION of STRUCTURES OL17
- EXCAVATION and FILLING OL17
- Clearance of vegetation OL17
- Subdivision of land OL18-19



Does your SITE adjoin the DEFINED RETAIL FRONTAGE?

- Construction of a VEHICLE ACCESS POINT OL20
- ERECTION of BUILDINGS OL21-22

Is your SITE designated?

Under Part VIII of the ACT, a Minister of the Crown or local authority with financial responsibility for a public work, or a NETWORK UTILITY operator that has been approved as a requiring authority, may require land to be designated within the plan. When land is designated, the requiring authority responsible for that designation may undertake any activity that is in accordance with the purpose of the designation, without requiring a resource consent. No other person may, without the prior written consent of the relevant requiring authority, do anything in relation to the land that is the subject of the designation that would prevent or hinder the work or project to which the designation relates. Refer to Appendix 4 for a schedule of designations.



Is your SITE on or within 20m of the Inglewood or Norfolk FAULT LINES?

- ERECTION of a COMMUNICATIONS FACILITY, pipelines, transformers, LINES and associated equipment for conveying electricity OL23
- ERECTION of BUILDINGS OL24
- Establishment of a HAZARDOUS FACILITY OL25-26
- Subdivision of land OL27



Is your SITE located within a flood hazard area?

- ERECTION of STRUCTURES (including BUILDINGS) OL28
- ERECTION of BUILDINGS OL29
- EXCAVATION and FILLING OL30-31
- Establishment of a HAZARDOUS FACILITY OL32
- Subdivision of land OL33



Is your SITE located in a Future Urban Development OVERLAY?

- ERECTION of a STRUCTURE OL33A-OL33D
- Subdivision of land OL33
- Subdivision of land OL33F



Does your SITE have a Category A heritage BUILDING or item located on it?

- ERECTION of BUILDINGS OL34
- Alteration of or addition to, removal or demolition of, Category A heritage BUILDINGS or items OL35-37
- Repositioning of a heritage item OL38
- Subdivision of land OL39



Does your SITE have a high voltage transmission LINE shown on it?

- ERECTION of BUILDINGS OL40



Does your SITE have an INDICATIVE ROAD shown on it?

- ERECTION of STRUCTURES OL41
- Subdivision of land OL42



Does your SITE adjoin a New Plymouth entrance corridor?

There are no rules for New Plymouth entrance corridors; they are used only as assessment criteria and for information purposes.



Does your SITE have a NOTABLE TREE located on it or an adjacent SITE?

- ERECTION of STRUCTURES (including BUILDINGS) OL43
- EXCAVATION and FILLING OL44-46
- OUTDOOR STORAGE of materials OL47
- Trimming and maintenance of TREES OL48-49
- Removal or destruction of TREES OL50-51
- Subdivision of land OL52



Is your SITE in an OUTSTANDING LANDSCAPE?

There are no rules for OUTSTANDING LANDSCAPES; they are used only as assessment criteria.



Does your SITE include a pipeline?

There are no rules for existing pipelines; they are shown for information purposes only. New pipelines should refer to the relevant rules for the appropriate ENVIRONMENT AREA.



Is your SITE located between the inner and outer PORT NOISE control boundaries?

- ERECTION of BUILDINGS for NOISE SENSITIVE ACTIVITIES OL53-54
- Emission of noise OL55



Does your SITE have a preferred esplanade reserve or strip shown on it?

(refer to Appendix 17 for a list of preferred esplanade reserves and strips)

- Subdivision of land OL56

P.W.B.

Does your SITE adjoin or include a PRIORITY WATERBODY?

(refer to Appendix 18 for a list of PRIORITY WATERBODIES)

- Subdivision of land OL57-58



Is your SITE in a REGIONALLY SIGNIFICANT LANDSCAPE?

There are no rules for REGIONALLY SIGNIFICANT LANDSCAPES; they are only used as assessment criteria.



Is your SITE in or adjoining a SIGNIFICANT COASTAL AREA?

There are no rules for SIGNIFICANT COASTAL AREAS; they are shown for information and advocacy purposes only.



Does your SITE include a SIGNIFICANT NATURAL AREA?

- Subdivision of land OL59
- INDIGENOUS VEGETATION DISTURBANCE OL60



Does your SITE have a structure plan?

- Waitara Area A structure plan area OL60A-60C
- Bell Block Area Q Structure Plan area OL60D-60G



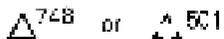
Is your SITE in an URBAN VIEWSHAFT?

- ERECTION of STRUCTURES (including BUILDINGS) OL61-79



Is your SITE in a VOLCANIC HAZARD AREA?

- Establishment of a HAZARDOUS FACILITY OL80



Does your SITE have a WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI or ARCHAEOLOGICAL SITE located on or within 100m of it?

- ERECTION of STRUCTURES (including BUILDINGS) OL81-83
- EXCAVATION and FILLING, clearance of TREES (excluding MINOR UPGRADING) OL85
- MINOR UPGRADING in the vicinity of WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICAL SITES..... OL86
- Subdivision of land in the vicinity of WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICAL SITES OL87

Rules specific to the planning map OVERLAYS - all ENVIRONMENT AREAS

Rule No.	Parameter	Conditions Permitted	Standards and Terms		Matters over which control is reserved	Assessment Criteria COUNCIL has <u>restricted</u> the exercise of its discretion to these matters for <u>land use consents</u>
			Controlled	Discretionary		
AIRPORT FLIGHT PATH SURFACE						
ERECTION of STRUCTURES (includes BUILDINGS) and planting of TREES						
	maximum HEIGHT within AIRPORT FLIGHT PATH SURFACE 2 (refer to section 3 of Volume III for zone details):				n/a	<ol style="list-style-type: none"> 1) Any adverse effects on the safe approach, take off or manoeuvring of aircraft. 2) Any adverse effects on the safe and efficient operation of New Plymouth Airport. 3) The degree to which the AIRPORT FLIGHT PATH SURFACE will be penetrated (refer to Appendix 11).
OL1	zone 1	2m	n/a	greater than 2m		
OL2	zone 2	4m	n/a	greater than 4m		
OL3	zone 3	8m	n/a	greater than 8m		
OL4	zone 4	12m or the maximum HEIGHT for the underlying ENVIRONMENT AREA, whichever is the lesser	n/a	does not meet the conditions for a permitted activity		
<p>Note: Where any object penetrates the notification surface (refer to AIRPORT FLIGHT PATH SURFACE diagrams in Appendix 11) Civil Aviation Rule Pt 77 requires that the proposal be notified to the Director of Civil Aviation who may require it to be marked or lit. This is a statutory requirement of the Civil Aviation Act 1990 that operates outside of the provisions contained within this District Plan.</p>						
AIRPORT NOISE CONTROL BOUNDARIES (refer Diagram 12.2 in Appendix 12)						
ERECTION of BUILDINGS for NOISE SENSITIVE ACTIVITIES						
OL5	within the AIR NOISE BOUNDARY or SEL 95 BOUNDARY	n/a	n/a	n/a	n/a	n/a
OL6	(excluding TEMPORARY BUILDINGS) located between the OUTER CONTROL BOUNDARY and the AIR NOISE BOUNDARY (excluding that part of the SEL 95 BOUNDARY located outside of the AIR NOISE BOUNDARY)	n/a	n/a	under all circumstances	n/a	<ol style="list-style-type: none"> 1) The location of a BUILDING or BUILDINGS in relation to the airport, the AIR NOISE BOUNDARY, the OUTER CONTROL BOUNDARY and the SEL 95 BOUNDARY and the likely exposure to noise from AIRCRAFT OPERATIONS. 2) Whether the location of a BUILDING or BUILDINGS and the likely noise exposure of occupiers to noise from AIRCRAFT OPERATIONS will lead to unreasonable effects on amenity and/or health, including disturbance of sleep. 3) The extent to which activities will be conducted out of doors.

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			Controlled	Discretionary		COUNCIL has <u>restricted</u> the exercise of its discretion to these matters for <u>land use consents</u>
						4) Whether the location of the proposed BUILDING or BUILDINGS and the likely exposure to noise from AIRCRAFT OPERATIONS is likely to lead to potential conflict resulting in adverse effects on airport activities. 5) The necessity for soundproofing any NOISE SENSITIVE ROOM having regard to the design, construction and room layout of the proposed BUILDING or BUILDINGS. 6) The extent to which other features on the SITE, including natural topography or proposed ground contouring, vegetation and other STRUCTURES, will mitigate the effects of noise from AIRCRAFT OPERATIONS on any NOISE SENSITIVE ROOM. 7) The primary purpose of a BUILDING and the anticipated frequency of use of any of its NOISE SENSITIVE ROOMS.
Use of BUILDINGS for NOISE SENSITIVE ACTIVITIES						
OL7	within the AIR NOISE BOUNDARY	n/a	n/a	n/a	n/a	n/a
OL8	requirement for sound attenuation of any BUILDING (excluding TEMPORARY BUILDINGS) located between the OUTER CONTROL BOUNDARY and the AIR NOISE BOUNDARY (including that area of land within the SEL 95 BOUNDARY but located outside of the AIR NOISE BOUNDARY)	shall be designed and constructed in accordance with an acoustic design certificate from an acoustic engineer so that the level of noise received within any NOISE SENSITIVE ROOM from AIRCRAFT OPERATIONS at New Plymouth Airport does not exceed 40 dBA Ldn between 10pm and 7am on any day provided that any bedroom shall also be designed and constructed so that noise from AIRCRAFT OPERATIONS for a single event does not exceed SEL 65dBA within that room	n/a	does not meet the conditions for a permitted activity	n/a	1) The location of a BUILDING or BUILDINGS in relation to the airport, the AIR NOISE BOUNDARY and the OUTER CONTROL BOUNDARY and the SEL 95 BOUNDARY and the likely exposure to noise from AIRCRAFT OPERATIONS. 2) Whether the location of a BUILDING or BUILDINGS and the likely exposure of occupiers to noise from AIRCRAFT OPERATIONS will lead to unreasonable effects on amenity and/or health, including disturbance of sleep. 3) Whether the location of the proposed BUILDING or BUILDINGS and the likely exposure to noise from AIRCRAFT OPERATIONS is likely to lead to potential conflict resulting in adverse effects on airport activities. 4) The necessity for soundproofing any NOISE SENSITIVE ROOM having regard to the design, construction and room layout of the proposed BUILDING or BUILDINGS. 5) The extent to which other features on the SITE, including natural topography or proposed ground contouring, vegetation and other STRUCTURES, will mitigate the effects of noise from AIRCRAFT OPERATIONS on any NOISE SENSITIVE ROOM. 6) The primary purpose of a BUILDING and the anticipated frequency of use of any of its NOISE SENSITIVE ROOMS.

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			Controlled	Discretionary		
Use of land - emission of noise						
OL9	noise generated by AIRCRAFT OPERATIONS at New Plymouth Airport measured in accordance with NZS 6805:1992 Airport Noise Management and Land Use Planning	meets the conditions for a permitted activity as specified in Table 12.1 in Appendix 12	n/a	does not meet the conditions for a permitted activity	n/a	<ol style="list-style-type: none"> 1) Ambient noise levels. 2) The length of time, and the level by which, the noise standards (refer Appendix 12) will be exceeded, particularly at night. 3) The nature and location of nearby activities and the effects they may experience resulting from increased noise levels. 4) Whether the noise levels are likely to detract from the amenity or general environmental quality of the area in which they are received. 5) Whether the noise levels are likely to result in adverse health effects, including sleep disturbance. 6) The topography of the SITE and any influence this may have on noise transmission. 7) Any mitigation of the noise proposed, in accordance with a best practicable option approach (e.g. SITE layout and design, design and location of STRUCTURES, BUILDINGS and equipment and the timing of operations).
COASTAL HAZARD AREA						
ERECTION of BUILDINGS						
OL10		meets the conditions for a permitted activity as specified in Appendix 27, Part A, 27.1	n/a	does not meet the conditions for a permitted activity	n/a	<ol style="list-style-type: none"> 1) Design, construction and location of the BUILDING, including its intended duration. 2) Minimum floor levels. 3) The ability to relocate the BUILDING. 4) Whether the BUILDING is likely to exacerbate or increase the likelihood of coastal erosion. 5) Whether the BUILDING is likely to be subject to inundation by the sea during its intended life span. 6) Where the proposed works are to be located within the Rohutu Block at Waitara, whether the proposal is consistent with the findings of the report entitled “Coastal Hazard Risk Assessment for Te Rohutu Block, Waitara, Te Tai Hau A Uru, New Plymouth District” written by J G Gibb in December 1998.

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			Controlled	Discretionary		COUNCIL has <u>restricted</u> the exercise of its discretion to these matters for <u>land use consents</u>
ERECTION of STRUCTURES, EXCAVATION and FILLING and clearance of vegetation						
OL11		does not result in: 1) erosion or scour; or 2) adverse disturbance, modification or destruction of dune, wetland or estuarine ecosystems	n/a	does not meet the conditions for a permitted activity	n/a	<ol style="list-style-type: none"> 1) The extent of the adverse effects and whether they increase the level of erosion or inundation to the SITE, neighbouring SITES or the environment. 2) The duration of the works and whether the adverse effects can be avoided, remedied or mitigated. 3) Whether alternative methods or locations would reduce the adverse effects of the activity, and whether such alternatives are practicable.
Establishment of HAZARDOUS FACILITIES						
OL12	EFFECTS RATIO	equal to or less than 0.2 or the EFFECTS RATIO for the underlying ENVIRONMENT AREA, whichever is the lesser, provided that the conditions set out in Appendix 6 are satisfied	n/a	does not meet the conditions for a permitted activity	n/a	<ol style="list-style-type: none"> 1) The extent to which the EFFECTS RATIO is exceeded. 2) Location of the facility and proximity to sensitive features including: <ul style="list-style-type: none"> - activities and areas involving people such as child care facilities, schools, rest homes, hospitals, shopping centres and residential areas; - WATERCOURSES, catchments, aquifers and the coast; - identified hazard areas such as the COASTAL HAZARD AREA, FLOOD HAZARD AREA, VOLCANIC HAZARD AREA or the Norfolk or Inglewood FAULT LINES; and - any wildlife habitats including bush areas and wetlands. 3) Choice of SITE location including the nature of the subsoil and SITE geology. 4) SITE design and management including: <ul style="list-style-type: none"> - SITE drainage and OFF-SITE INFRASTRUCTURE, e.g. stormwater drainage systems, sewer type and capacity; - the disposal of wastes containing HAZARDOUS SUBSTANCES; - adherence to health and safety and/or environmental management systems; and - self monitoring and maintenance procedures. 5) Risk mitigation and management measures including: <ul style="list-style-type: none"> - spill contingency and emergency planning, including potential hazards, failure modes and exposure pathways; - emergency procedures; and - fire safety and fire water management.

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			Controlled	Discretionary		COUNCIL has <u>restricted</u> the exercise of its discretion to these matters for <u>land use consents</u>
						6) Any potential cumulative or synergistic effects that may result from the establishment and operation of the HAZARDOUS FACILITY. 7) Transport of HAZARDOUS SUBSTANCES and any adverse effects on the operation and safety of the roading network. 8) Alternative locations or methods for undertaking the activity.
Subdivision of land						
OL13	of an ALLOTMENT which includes the COASTAL HAZARD AREA	n/a	n/a	is not smaller than the minimum size specified for a discretionary activity in the underlying ENVIRONMENT AREA	n/a	In addition to the subdivision assessment criteria for the underlying ENVIRONMENT AREA: 1) The extent to which the hazard can be avoided or mitigated. 2) Any intensification of land use due to the subdivision or consequent use and the extent to which this will increase risk to human life, property, INFRASTRUCTURE and the environment. 3) Mitigation measures proposed.
OL14	requirement for an esplanade strip where an ALLOTMENT adjoins or is adjacent to Mean High Water Springs (regardless of the size of the ALLOTMENT created)	n/a	an esplanade strip of 20m wide shall be set aside	does not meet the standards and terms for a controlled activity	1) Use of esplanade reserve or strip. 2) Access provisions. 3) Planting and clearance of vegetation. 4) Fencing requirements. 5) ERECTION of BUILDINGS and STRUCTURES. 6) Who will manage the land within the strip or reserve, and in what manner, including noxious weed removal. 7) Provision for closure. 8) Permission for easements.	1) Whether the taking of the reserve or strip, or its required width is inappropriate for reasons of impact on SITES of significance to IWI or ecological areas sensitive to disturbance, security, public safety or minor boundary adjustment. 2) The extent to which the ability of the strip to mitigate the adverse effects of the hazard will be affected by any reduction or removal. 3) Whether the adverse effects of the hazard can be mitigated through alternative means. 4) Any existing formal protection afforded through existing reserves or strip, covenants or management agreements. 5) Any factors which mitigate against or compensate for reduction or removal. 6) The extent to which the public benefits gained justify the costs of acquisition and maintenance of the strip, having regard to the purpose of the strip.

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COASTAL POLICY AREA						
Construction of ROADS						
OL15		n/a	meets the standards and terms for a controlled activity as specified in Appendix 27, Part B, 27.3	does not meet the standards and terms for a controlled activity as specified in Appendix 27, Part B, 27.3	n/a	<ol style="list-style-type: none"> 1) Impact of the ROAD on the natural character of the coastal environment. 2) Whether the impact of the ROAD can be mitigated by factors such as topography, landscaping or other means. 3) The primary function of the ROAD, and whether it promotes public access to the coast. 4) Whether the construction of the ROAD is likely to lead to further development of the land within the COASTAL POLICY AREA which will adversely affect the natural character of the coastal environment. 5) Need for the extension of existing INFRASTRUCTURE; and 6) The extent to which the proposed ROAD meets the intent of any INDICATIVE ROAD on the SITE (as shown on the planning maps).
ERECTION of BUILDINGS						
OL16	maximum HEIGHT for BUILDINGS located on the seaward side of Messenger Terrace, Oakura, where not located in an URBAN VIEWSHAFT	up to 3m above the immediately adjacent ROAD level of Messenger Terrace as measured at the nearest kerb or pavement edge	n/a	greater than 3m but not more than 4m above the immediately adjacent ROAD level of Messenger Terrace as measured at the nearest kerb or pavement edge	n/a	<ol style="list-style-type: none"> 1) Impact of the increased HEIGHT on the natural character of the coastal environment. 2) Existing HEIGHTS of surrounding BUILDINGS. 3) Any factors, such as topography, natural landform or landscaping, which will mitigate any adverse effect of the increased HEIGHT. 4) Any compensation proposed to reduce the overall impact of the development on the natural character of the coastal environment. 5) Use of design elements (such as colour, shape, materials) to reduce adverse effects
ERECTION of STRUCTURES, EXCAVATION and FILLING and clearance of vegetation						
OL17		does not result in adverse disturbance, modification or destruction of dune, wetland or estuarine ecosystems	n/a	does not meet the conditions for a permitted activity	n/a	<ol style="list-style-type: none"> 1) The duration of the works and whether the natural character can be restored or rehabilitated. 2) Whether alternative methods or locations would reduce the adverse effects of the activity, and whether such alternatives are practicable. 3) The uniqueness of the feature of the coastal environment that is being modified. 4) Any environmental compensation proposed.

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Subdivision of land						
OL18	of an ALLOTMENT in the RESIDENTIAL, BUSINESS, OPEN SPACE or INDUSTRIAL ENVIRONMENT AREAS	n/a	n/a	is not smaller than the minimum ALLOTMENT size specified for a discretionary activity in the underlying ENVIRONMENT AREA	n/a	In addition to the subdivision assessment criteria for the underlying ENVIRONMENT AREA: 1) The effects on the natural character of the coast, given the likely pattern of development. 2) The pattern of existing land holdings and uses. 3) Any measures designed to maximise the use of natural contours, such as ridgelines, in defining boundaries. 4) The positioning of any likely BUILDING platforms in any position visible from the coast.
OL19	requirement for an esplanade strip where an ALLOTMENT adjoins or is adjacent to Mean High Water Springs (regardless of the size of the ALLOTMENT created)	n/a	an esplanade strip of 20m wide shall be set aside	does not meet the standards and terms for a controlled activity	1) Use of esplanade reserve or strip. 2) Access provisions. 3) Planting and clearance of vegetation. 4) Fencing requirements. 5) ERECTION of BUILDINGS and STRUCTURES. 6) Who will manage the land within the strip or reserve, and in what manner, including noxious weed removal. 7) Provision for closure. 8) Permission for easements.	1) Whether the taking of the reserve or strip, or its required width is inappropriate for reasons of impact on SITES of significance to IWI or ecological areas sensitive to disturbance, security, public safety, natural hazards (such as stability or flooding) or minor boundary adjustment. 2) The extent to which the natural character or functioning, public access or recreational enjoyment of the coast will be affected by any reduction or removal. 3) Whether the preservation of the natural character of, or public access to, the coast can be provided for by alternative means. 4) Any existing formal protection afforded through existing reserves or strip, covenants or management agreements. 5) Any factors which mitigate against reduction or removal. 6) Any works or alternative means to compensate for a waiver or reduction in size of the esplanade reserve or strip. 7) For strips set aside for public access, whether the strip is inaccessible due to topography or other reasons. 8) The extent to which the public benefits gained justify the costs of acquisition and maintenance of the strip, having regard to the purpose of the strip.
DEFINED RETAIL FRONTAGE						
Construction of VEHICLE ACCESS POINT						
OL20	across a ROAD BOUNDARY	n/a	n/a	n/a	n/a	n/a

Rule No.	Parameter	Conditions Permitted	Standards and Terms		Matters over which control is reserved	Assessment Criteria
			Controlled	Discretionary		COUNCIL has <u>restricted</u> the exercise of its discretion to these matters for <u>land use consents</u>
ERECTION of BUILDINGS						
OL21	requirement for display windows (except Category A heritage BUILDINGS and items)	shall contain display windows which: 1) contain clear glazing for the display of goods and services; and 2) cover a minimum of 50% of the front wall of the BUILDING at ground floor level adjacent to the road	n/a	does not meet the conditions for a permitted activity	n/a	1) Whether the peak pedestrian flow per hour in any week, along that part of the ROAD, is less than 50. 2) Whether the appearance of the BUILDING mitigates the visual effects of reduced area or no display windows. 3) The ability of the BUILDING to fit into the character of the surrounding area.
OL22	requirement for verandahs (except Category A heritage BUILDINGS and items)	provide a verandah which 1) is a CONTINUOUS STRUCTURE; and 2) complies with the design standards in Diagram 25.1 Appendix 25)	n/a	does not meet the conditions for a permitted activity	n/a	1) The effects of an alternative design or no verandah on the character of the locality. 2) Any alternative methods of providing protection and the effects of an alternative design or no verandah upon pedestrian weather protection. 3) Whether the peak pedestrian flow per hour in any week, along the ROAD in front of the SITE, is less than 50. 4) The effects of an alternative design upon the positioning and functioning of street furniture and NETWORK UTILITIES.
DESIGNATIONS						
Under Part VIII of the ACT, a Minister of the Crown or local authority with financial responsibility for a public work, or a network utility operator that has been approved as a requiring authority, may require land to be designated within the plan. When land is designated, the requiring authority responsible for that designation may undertake any activity that is in accordance with the purpose of the designation, without requiring a resource consent. No other person may, without the prior written consent of the relevant requiring authority, do anything in relation to the land that is the subject of the designation that would prevent or hinder the work or project to which the designation relates. Refer to Appendix 4 for a list of designations.						
FAULT LINES (Inglewood and Norfolk)						
ERECTION of a COMMUNICATION FACILITY; of pipelines for the distribution or transmission of natural or manufactured gas, PETROLEUM or geothermal energy; or of transformers, LINES and necessary associated equipment for conveying electricity						
OL23	where located on or within 20m of a FAULT LINE	n/a	n/a	under all circumstances	n/a	1) The susceptibility of the development (including BUILDINGS and STRUCTURES) to the effects of ground shaking and displacement from earthquakes. 2) Whether the development will intensify the use of the area, or the number of people that are likely to occupy the SITE. 3) Impacts on the health and safety of any occupants of any BUILDING in the area.

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			Controlled	Discretionary		
						4) Whether any methods have been adopted to avoid or mitigate the effects of ground shaking and ground displacement through BUILDING design and construction, SITE layout, setbacks or other methods. 5) Level of contingency planning undertaken.
ERECTION of BUILDINGS						
OL24	where located on or within 20m of a FAULT LINE	n/a	n/a	under all circumstances	n/a	1) The susceptibility of the development to the effects of ground shaking and displacement from earthquakes. 2) Whether the development will intensify the use of the area, or the number of people that are likely to occupy the SITE. 3) Impacts on the health and safety of any occupants of any BUILDING in the area. 4) Whether any methods have been adopted to avoid or mitigate the effects of ground shaking and ground displacement through BUILDING design and construction, SITE layout, setbacks or other methods. 5) Level of contingency planning undertaken.
Establishment of HAZARDOUS FACILITIES						
OL25	within 20m of a FAULT LINE	n/a	n/a	n/a	n/a	n/a
OL26	EFFECTS RATIO where located between 20m and 30m from a FAULT LINE	equal to or less than 0.2 or the EFFECTS RATIO for the underlying ENVIRONMENT AREA, whichever is the lesser, provided that the conditions set out in Appendix 6 are satisfied	n/a	does not meet the conditions for a permitted activity	n/a	1) The extent to which the EFFECTS RATIO is exceeded. 2) Location of the facility and proximity to sensitive features including: <ul style="list-style-type: none"> - activities and areas involving people such as child care facilities, schools, rest homes, hospitals, shopping centres and residential areas; - WATERCOURSES, catchments, aquifers and the coast; - identified hazard areas such as the COASTAL HAZARD AREA, FLOOD HAZARD AREA, VOLCANIC HAZARD AREA or the Norfolk or Inglewood FAULT LINES; and - any wildlife habitats including bush areas and wetlands. 3) Choice of SITE location including the nature of the subsoil and SITE geology. 4) SITE design and management including: <ul style="list-style-type: none"> - SITE drainage and OFF-SITE INFRASTRUCTURE, e.g. stormwater drainage systems, sewer type and capacity;

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						<ul style="list-style-type: none"> - the disposal of wastes containing HAZARDOUS SUBSTANCES; - adherence to health and safety and/or environmental management systems; and - self monitoring and maintenance procedures. 5) Risk mitigation and management measures including: <ul style="list-style-type: none"> - spill contingency and emergency planning, including potential hazards, failure modes and exposure pathways; - emergency procedures; and - fire safety and fire water management. 6) Any potential cumulative or synergistic effects that may result from the establishment and operation of the HAZARDOUS FACILITY. 7) Transport of HAZARDOUS SUBSTANCES and any adverse effects on the operation and safety of the roading network. 8) Alternative locations or methods for undertaking the activity.
Subdivision of land						
OL27	of an ALLOTMENT including or within 20m of a FAULT LINE	n/a	n/a	is no smaller than the minimum ALLOTMENT size specified for a discretionary activity in the underlying ENVIRONMENT AREA	n/a	In addition to the subdivision assessment criteria for the underlying ENVIRONMENT AREA: <ol style="list-style-type: none"> 1) The extent to which the hazard can be avoided or mitigated. 2) Any intensification of land use due to the subdivision or consequent use and the extent to which this will increase risk to human life, property, INFRASTRUCTURE and the environment. 3) Mitigation measures proposed. 4) Level of contingency planning undertaken.
FLOOD HAZARD AREA						
ERECTION of STRUCTURES (includes BUILDINGS)						
OL28	within identified FLOOD DETENTION AREA or SPILLWAY	if undertaken by the COUNCIL or its agent for purposes of stormwater control in accordance with a STORMWATER MANAGEMENT PLAN	n/a	does not meet the conditions for a permitted activity	n/a	<ol style="list-style-type: none"> 1) Impact on ability of FLOOD DETENTION AREA and or SPILLWAY to fulfil its primary purpose. 2) Whether the development will intensify the use of the area or the number of people that are likely to occupy the SITE. 3) The health and safety of occupants in any BUILDING in the event of a flood event.

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			Controlled	Discretionary		
ERECTION of BUILDINGS						
OL29	within a PONDING AREA	n/a	n/a	under all circumstances	n/a	<ol style="list-style-type: none"> 1) Impact on FLOOD DETENTION capacity. 2) Impact on rate and direction of flood flow, especially whether the BUILDING presents a barrier to water movement. 3) Potential for scouring or accelerated erosion to occur due to changes in flow regime. 4) Proposed location and design of BUILDING including minimum floor levels relative to predicted 2% AEP flood levels. 5) The health and safety of any occupants of the BUILDING. 6) Whether the development will increase the risk of inundation or damage to existing development on the SITE or to adjacent SITES. 7) Nature of the proposed use of the BUILDING, including HAZARDOUS SUBSTANCES. 8) Mitigation measures proposed.
EXCAVATION and FILLING						
OL30	within an identified FLOOD DETENTION AREA or SPILLWAY	if undertaken by the COUNCIL or its agent for purposes of stormwater control in accordance with a STORMWATER MANAGEMENT PLAN	n/a	does not meet the conditions for a permitted activity	n/a	<ol style="list-style-type: none"> 1) Impact on FLOOD DETENTION capacity. 2) Impact on rate and direction of flood flow. 3) Potential for scouring or accelerated erosion to occur due to changes in flow regime. 4) Impacts on the functioning of the WATERCOURSE, including any deposition of sediment that may cause flooding elsewhere. 5) Whether the development will increase the risk of inundation or damage to existing development on the SITE or to adjacent SITES. 6) Mitigation measures proposed.
OL31	within an identified PONDING AREA	where the EXCAVATION or FILLING: <ol style="list-style-type: none"> 1) is undertaken by the COUNCIL or agent for purposes of stormwater control in accordance with a STORMWATER MANAGEMENT PLAN; or 2) does not create a barrier to flood flows or reduce the capacity of the area to contain stormwater; and 	n/a	does not meet the conditions for a permitted activity		<ol style="list-style-type: none"> 5) Whether the development will increase the risk of inundation or damage to existing development on the SITE or to adjacent SITES. 6) Mitigation measures proposed.

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		3) does not redirect the flood water onto, or increase the impact of the flood event on, another property.				
Establishment of HAZARDOUS FACILITIES						
OL32	EFFECTS RATIO within an identified PONDING AREA, FLOOD DETENTION AREA, SPILLWAY or FLOOD PLAIN	equal to or less than 0.2 or the EFFECTS RATIO for the underlying ENVIRONMENT AREA, whichever is the lesser, provided that the conditions set out in Appendix 6 are satisfied	n/a	does not meet the conditions for a permitted activity	n/a	<ol style="list-style-type: none"> 1) The extent to which the EFFECTS RATIO is exceeded. 2) Location of the facility and proximity to sensitive features including: <ul style="list-style-type: none"> - activities and areas involving people such as child care facilities, schools, rest homes, hospitals, shopping centres and residential areas; - WATERCOURSES, catchments, aquifers and the coast; - identified hazard areas such as the COASTAL HAZARD AREA, FLOOD HAZARD AREA, VOLCANIC HAZARD AREA or the Norfolk or Inglewood FAULT LINES; and - any wildlife habitats including bush areas and wetlands. 3) Choice of SITE location including the nature of the subsoil and SITE geology. 4) SITE design and management including: <ul style="list-style-type: none"> - SITE drainage and OFF-SITE INFRASTRUCTURE, e.g. stormwater drainage systems, sewer type and capacity; - the disposal of wastes containing HAZARDOUS SUBSTANCES; - adherence to health and safety and/or environmental management systems; and - self monitoring and maintenance procedures. 5) Risk mitigation and management measures including: <ul style="list-style-type: none"> - spill contingency and emergency planning, including potential hazards, failure modes and exposure pathways; - emergency procedures; and - fire safety and fire water management. 6) Any potential cumulative or synergistic effects that may result from the establishment and operation of the HAZARDOUS FACILITY. 7) Transport of HAZARDOUS SUBSTANCES and any adverse effects on the operation and safety of the roading network. 8) Alternative locations or methods for undertaking the activity, spill contingency and emergency.

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Subdivision of land						
OL33	of an ALLOTMENT that includes an identified PONDING AREA, FLOOD DETENTION AREA or SPILLWAY	n/a	n/a	is no smaller than the minimum ALLOTMENT size specified for a discretionary activity in the underlying ENVIRONMENT AREA	n/a	In addition to the subdivision assessment criteria for the underlying ENVIRONMENT AREA: 1) The extent to which the hazard can be avoided or mitigated. 2) Any intensification of land use due to the subdivision or consequent use and the extent to which this will increase risk to human life, property, INFRASTRUCTURE and the environment. 3) Mitigation measures proposed. 4) The need for a buffer distance.
FUTURE URBAN DEVELOPMENT						
ERECTION of STRUCTURES						
OL33A	to be used for, or ancillary to the use of other BUILDINGS for, intensive pig farming or intensive poultry farming	n/a	n/a	n/a	n/a	n/a
OL33B	associated with any INDUSTRIAL ACTIVITY	n/a	n/a	n/a	n/a	n/a
Note: Any activity covered by Rules OL33A and OL33B shall be assessed as a non-complying activity within the Future Urban Development OVERLAY.						
OL33C	associated with any BUSINESS OR COMMERCIAL ACTIVITY	n/a	n/a	under all circumstances	n/a	The effect of the activity on the future rezoning and subsequent development of the FUTURE URBAN GROWTH AREA.
OL33D	associated with any RESIDENTIAL OR COMMUNITY ACTIVITY	a single HABITABLE BUILDING on any SITE in the Future Urban Development OVERLAY	n/a	does not meet the conditions for a permitted activity	n/a	The effect of the activity on the future rezoning and subsequent development of the FUTURE URBAN GROWTH AREA.
Note 1: The Permitted Activity criteria of Rule OL33D is to provide certainty for a single HABITABLE BUILDING on any SITE, but does not preclude any other relevant RURAL ENVIRONMENT AREA rules.						
Note 2: Any activity requiring resource consent by Rules OL33C and OL33D shall be assessed as a discretionary activity (restricted).						
HAZARDOUS SUBSTANCES						
OL33E	EFFECTS RATIO	equal to or less than 0.02 provided that the conditions in Appendix 6 are satisfied	n/a	does not meet the conditions for a permitted activity	n/a	Provisions of Rule Res50 in relation to assessment criteria. The effect of the activity on the future rezoning and subsequent development of the FUTURE URBAN GROWTH AREA.
Note: Any hazardous facility requiring resource consent by OL33E shall be assessed as a discretionary activity (restricted).						

Rule No.	Parameter	Conditions Permitted	Standards and Terms		Matters over which control is reserved	Assessment Criteria
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Subdivision of land						
OL33F	n/a	n/a	a minimum ALLOTMENT size of 20ha; or no minimum ALLOTMENT size for MINOR BOUNDARY ADJUSTMENTS	n/a	all matters over which control is reserved for the relevant underlying RURAL ENVIRONMENT AREA subdivision rule(s) and the effect of the activity on the future rezoning and subsequent development of the FUTURE URBAN GROWTH AREA	n/a
Note: Any subdivision of land into lots of less than 20ha in area shall be assessed as a non-complying activity.						
HERITAGE BUILDINGS AND ITEMS - CATEGORY A (see Schedule 8.3, Appendix 8)						
ERECTION of BUILDINGS						
OL34	on the same SITE and within 30m of the heritage items: 64 (37A Cameron Street) 18 (84 Pendarves Street) 19 (90 Pendarves Street) 20 (94 Pendarves Street) 21 (98 Pendarves Street) 22 (102 Pendarves Street)	where the BUILDING: 1) is a maximum of 5m in HEIGHT and 2) has a maximum floor area of 30m ² ; and. 3) is separated from the heritage BUILDING by a minimum of 6m	n/a	does not meet the conditions for a permitted activity	n/a	1) The impact the new BUILDING will have on the setting of the heritage BUILDING or item. 2) The importance attributed to the heritage BUILDING or item by the wider community and Heritage New Zealand Pouhere Taonga. 3) The necessity for the location, size or HEIGHT of the BUILDING. 4) The extent to which the existing topography or vegetation will mitigate the effects of the new BUILDING on the setting of the heritage BUILDING or item.
Addition to, alteration, demolition or removal of, the interiors of BUILDINGS						
OL35	for the following buildings: 26 (Hurworth Cottage) 36 (New Plymouth Opera House) 38 Plas Mawr) 40 (Pridham Hall – New Plymouth Boys’ High School) 51 (St Mary’s Church and grounds) 55 (The Camp House) 56 (The Gables) 60 (The White Hart Hotel)	1) restoration or decoration of those interior elements identified in Schedule 8.4, to the original character, carried out in the same design and using similar materials to those originally used; 2) work on interior elements other than those identified in Schedule 8.4	n/a	does not meet the conditions for a permitted activity	n/a	1) The impact the proposal has on the heritage value of the BUILDING. 2) The importance attributed to the interior element(s) of the heritage BUILDING by the wider community and Heritage New Zealand Pouhere Taonga. 3) Whether the proposal is consistent with any relevant CONSERVATION PLAN. 4) Reason for registration by Heritage New Zealand Pouhere Taonga.

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Alteration of or addition to the exteriors of BUILDINGS or items						
OL36		1) restoration or decoration of the BUILDING or item, to the original character, carried out in the same design and using similar materials to those originally used; or 2) work on the interior of the BUILDING.	n/a	does not meet the conditions for a permitted activity	n/a	1) The historic, cultural or architectural significance of the BUILDING or item. 2) Whether the proposed alteration is compatible in terms of scale, positioning and design with the heritage BUILDING or item. 3) The ability to develop or use the SITE without the alteration and the likely economic effects of this. 4) Whether, while complying with 2) the alteration can be distinguished as new work.
Demolition or removal of BUILDINGS or items						
OL37		n/a	n/a	n/a	n/a	n/a
Note: The demolition or removal of a Category A heritage BUILDING or item shall be a non-complying activity.						
Repositioning of a heritage item						
OL38	4 (Beam Oil Pump, Ocean View Parade, New Plymouth); and 102 (Te Henui Cemetery Gates, Watson Street, New Plymouth)	n/a	n/a	the item is repositioned on the same SITE	n/a	1) Whether the item can be removed and repositioned so that it is not damaged and is fully intact. 2) The ability to move the materials that the item is constructed of so that the item will not be prone to cracking or other negative effects due to repositioning. 3) The extent to which the repositioning of the item can have an irreversible effect on the heritage form or features of the item. 4) Whether there is benefit from repositioning the item so it will become more publicly accessible and/or within public view. 5) Whether the repositioning is the best practical option for retaining the item, taking into account the development potential of the SITE.

Repositioning of a heritage item or part of a heritage item						
OL38A	103 (Barrett Street Hospital (Otūmaikuku) Gates and Brick Wall, Dawson Street, New Plymouth)	n/a	n/a	the item or part of the item is repositioned within the New Plymouth District	n/a	<ol style="list-style-type: none"> 1) Whether the item or part of the item can be removed and repositioned so that it is not damaged and is intact. 2) The ability to move the materials that the item or part of the item is constructed of so that the item or part of the item will not be prone to cracking or other negative effects due to repositioning. 3) The extent to which the repositioning of the item or part of the item can have an irreversible effect on the heritage form or features of the item. 4) Whether there is benefit from repositioning the item or part of the item so it will become more publicly accessible and/or within public view. 5) Whether the repositioning is the best practical option for retaining the item or part of the item, taking into account the development potential of the SITE. 6) The level of heritage value that the part of the item being repositioned has in comparison to other parts of the item. 7) Whether repositioning will improve the physical condition of the item or part of the item. 8) Whether the item or part of the item will remain in the immediate vicinity or neighbourhood. 9) Whether the SITE to which the item or part of the item is repositioned is related to the heritage values of the item or part of the item.
Subdivision of land						
OL39	subdivision of an ALLOTMENT which contains a Category A heritage BUILDING or item	n/a	n/a	is no smaller than the minimum ALLOTMENT size specified for a discretionary activity in the underlying ENVIRONMENT AREA	n/a	<p>In addition to the subdivision assessment criteria for the underlying ENVIRONMENT AREA:</p> <ol style="list-style-type: none"> 1) The effect of the subdivision on the heritage values for which the BUILDING or item was listed. 2) The mitigation methods proposed to ensure the heritage values of the BUILDING or item are not compromised. 3) Whether the subdivision is necessary to ensure an economic use for the heritage BUILDING or item.

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HIGH VOLTAGE TRANSMISSION LINES						
ERECTION of BUILDINGS						
OL40	minimum setback between the closest part of any HABITABLE BUILDING and the centre line of a high voltage transmission LINE (66kv or greater)	22m	n/a	less than 22m	n/a	<ol style="list-style-type: none"> 1) The level of electric magnetic field (EMF) exposure residents in the HABITABLE BUILDING encounter (refer to International Commission on Non-Ionising Radiation Protection Guidelines). 2) The ease of operational access to the LINES by staff and contractors responsible to the network utility operator to allow for upgrades and maintenance. 3) The integrity of the electrical supply provided by the LINE.
INDICATIVE ROADS						
ERECTION of STRUCTURES						
OL41	<p>On an ALLOTMENT that contains an INDICATIVE ROAD the minimum setback between the closest part of any STRUCTURE and the edge of the INDICATIVE ROAD, excluding:</p> <ul style="list-style-type: none"> • TEMPORARY STRUCTURES; • All fences less than 2m in height; • SIGNS; • DRIVEWAYS; and • VEHICLE ACCESS POINTS. <p>Local, COLLECTOR or ARTERIAL</p> <p>Pedestrian Link</p>	<p>20m</p> <hr/> <p>5m</p>	<p>n/a</p> <hr/> <p>n/a</p>	<p>less than 20m</p> <hr/> <p>less than 5m</p>	<p>n/a</p> <hr/> <p>n/a</p>	<ol style="list-style-type: none"> 1) Whether the INDICATIVE ROAD network is taken into account in the siting of the structures. 2) The effect of the type and location of the STRUCTURE on the ROAD TRANSPORTATION NETWORK and INDICATIVE ROAD network.
Subdivision of land						
OL42	Subdivision of an ALLOTMENT that contains an INDICATIVE ROAD	n/a	n/a	under all circumstances	n/a	<p>In addition to the subdivision assessment criteria for the underlying ENVIRONMENT AREA:</p> <ol style="list-style-type: none"> 1) Whether the INDICATIVE ROAD has been taken into account in the design of the subdivision layout. 2) The effect of modification to the alignment of the INDICATIVE ROAD on the ROAD TRANSPORTATION NETWORK and INDICATIVE ROAD network.

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NEW PLYMOUTH ENTRANCE CORRIDORS						
There are no rules for this OVERLAY. New Plymouth entrance corridors are used as assessment criteria where an activity requires a resource consent, and for information purposes.						
NOTABLE TREES (see Schedule 13.3 in Appendix 13)						
ERECTION of STRUCTURES (includes BUILDINGS)						
OL43	within the DRIPLINE AREA of a NOTABLE TREE	n/a	n/a	under all circumstances	n/a	<ol style="list-style-type: none"> 1) Whether the ERECTION of the STRUCTURE is likely to damage the NOTABLE TREE or endanger its health or stability. 2) Any alternative methods and locations available to the APPLICANT for carrying out the works. 3) The extent to which the NOTABLE TREE contributes to the amenity of the neighbourhood. 4) The effect of the ERECTION of the STRUCTURE on the visibility of the NOTABLE TREE from a ROAD or public place.
EXCAVATION and FILLING (including impervious surfaces)						
OL44	depth of EXCAVATION within the DRIPLINE AREA of a NOTABLE TREE for the purpose of excavating a pervious ground surface	to a maximum depth of 200mm below GROUND LEVEL where: <ol style="list-style-type: none"> 1) an area no greater than 25% in total of the DRIPLINE AREA is excavated; 2) no NOTABLE TREE roots of a diameter of 20mm or greater are disturbed, cut or otherwise damaged; and 3) roots are cut cleanly and not exposed to air for more than 8 hours 	n/a	does not meet the conditions for a permitted activity	n/a	<ol style="list-style-type: none"> 1) Whether the EXCAVATION is likely to damage any part of the NOTABLE TREE including its roots, or endanger its health or stability. 2) Any alternative methods or locations available to the APPLICANT for carrying out the works. 3) The extent to which the NOTABLE TREE contributes to the amenity of the neighbourhood and the extent to which the EXCAVATION will adversely affect this. 4) The extent to which the EXCAVATION is necessary to preserve or maintain the operating efficiency of any public work or NETWORK UTILITIES or the safety and efficiency of a ROAD.
OL45	depth of EXCAVATION within the DRIPLINE AREA of a NOTABLE TREE for the purpose of maintaining or replacing an existing impervious (or permanently paved) ground surface	to a maximum depth of 300mm below GROUND LEVEL where: <ol style="list-style-type: none"> 1) no NOTABLE tree roots of a diameter of 30mm or greater are disturbed, cut or otherwise damaged; and 	n/a	does not meet the conditions for a permitted activity	n/a	<ol style="list-style-type: none"> 1) Whether the EXCAVATION is likely to damage any part of the NOTABLE TREE, including its roots, or endanger its health or stability. 2) Any alternative methods and locations available to the APPLICANT for carrying out the works. 3) The extent to which the NOTABLE TREE contributes to the amenity of the neighbourhood and the extent to which the EXCAVATION will adversely affect this.

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			Controlled	Discretionary		
		2) roots are cut cleanly and not exposed to air for more than 8 hours				4) The extent to which the EXCAVATION is necessary to preserve or maintain the operating efficiency of any public work or NETWORK UTILITIES or the safety and efficiency of a ROAD.
OL46	FILLING within the DRIPLINE AREA of a NOTABLE TREE	where FILLING an area excavated as a permitted activity under OL44 and OL45	n/a	does not meet the conditions for a permitted activity	n/a	<ol style="list-style-type: none"> 1) Whether the FILLING is likely to damage any part of the NOTABLE TREE, including its roots, or endanger its health or stability. 2) Any alternative methods and locations available to the APPLICANT for carrying out the works. 3) The extent to which the NOTABLE TREE contributes to the amenity of the neighbourhood and the extent to which the FILLING will adversely affect this. 4) The extent to which the FILLING is necessary to preserve or maintain the operating efficiency of any public work or NETWORK UTILITIES or the safety and efficiency of a ROAD.
OUTDOOR STORAGE of items						
OL47	within the DRIPLINE AREA of a NOTABLE TREE	which amount to: <ol style="list-style-type: none"> 1) 1m³ or less; or 2) an area no greater than 25% in total of the DRIPLINE AREA; whichever is the lesser	n/a	does not meet the conditions for a permitted activity	n/a	<ol style="list-style-type: none"> 1) Whether the OUTDOOR STORAGE is likely to damage the NOTABLE TREE or endanger its health or stability. 2) Any alternative methods or locations available to the APPLICANT for carrying out the works. 3) The extent to which the NOTABLE TREE contributes to the visual amenity of the neighbourhood. 4) The effect of the OUTDOOR STORAGE on the visibility of the NOTABLE TREE from a ROAD or public place.
Trimming and maintenance						
OL48	of a Category 2 NOTABLE TREE	where the work is either: <ol style="list-style-type: none"> 1) undertaken by the COUNCIL or an APPROVED ARBORICULTURAL CONTRACTOR and is for the purpose of improving or monitoring tree health, safety reasons or to provide clearance from STRUCTURES or services; or 	n/a	does not meet the conditions for a permitted activity	n/a	<ol style="list-style-type: none"> 1) The condition of the NOTABLE TREE. 2) Whether the trimming and maintenance can be undertaken without adversely affecting the health, appearance or setting of the NOTABLE TREE. 3) Whether the NOTABLE TREE is causing or likely to cause serious damage to STRUCTURES, persons or services. 4) The extent to which the NOTABLE TREE (if not trimmed) will restrict the development potential of the SITE. 5) The extent of nuisance the untrimmed NOTABLE TREE is causing. 6) Whether the NOTABLE TREE restricts the development or widening of a ROAD or is a hazard to traffic or sight lines.

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			Controlled	Discretionary		COUNCIL has <u>restricted</u> the exercise of its discretion to these matters for <u>land use consents</u>
		2) is for the purpose of removing branches 25mm or less in diameter at the point of severance and does not significantly alter the form, integrity or height of the NOTABLE TREE.				7) The extent to which the trimming and maintenance is necessary to preserve or maintain the operating efficiency of any public work or NETWORK UTILITIES or the safety and efficiency of a road.
OL49	of a Category 1 NOTABLE TREE	where the work is undertaken by the COUNCIL or an APPROVED ARBORICULTURAL CONTRACTOR and is for the purpose of improving or monitoring tree health, safety reasons or to provide clearance from STRUCTURES or services	n/a	n/a	n/a	n/a
Note: A list of APPROVED ARBORICULTURAL CONTRACTORS is available from the COUNCIL.						
Removal or destruction						
OL50	of a Category 2 NOTABLE TREE	where the COUNCIL or an APPROVED ARBORICULTURAL CONTRACTOR determines that: 1) a NOTABLE TREE is unsafe or unsound; or 2) the removal or destruction would benefit the health and growth of a more desirable NOTABLE TREE	n/a	does not meet the conditions for a permitted activity	n/a	1) Whether the NOTABLE TREE is causing or likely to cause serious damage to STRUCTURES, persons or services. 2) The extent to which the NOTABLE TREE is causing any hardship or nuisance and whether this can be mitigated by means other than removal. 3) Whether a replacement TREE or TREES can be established and maintained in an appropriate location on the SITE. 4) Any alternative method or locations available to the APPLICANT for carrying out the works. 5) The condition of the NOTABLE TREE. 6) The value (as assessed under New Plymouth District Council Notable Tree Evaluation method) of the NOTABLE TREE. 7) The ecological impact on a group of TREES of removing one or more specimens. 8) Whether the NOTABLE TREE is located within a New Plymouth entrance corridor.

Rule No.	Parameter	Conditions Permitted	Standards and Terms		Matters over which control is reserved	Assessment Criteria COUNCIL has <u>restricted</u> the exercise of its discretion to these matters for <u>land use consents</u>
			Controlled	Discretionary		
						9) The extent to which the removal or destruction is necessary to preserve or maintain the operating efficiency of any public work or NETWORK UTILITIES or the safety and efficiency of a road.
OL51	of a Category 1 NOTABLE TREE	Where the COUNCIL or an APPROVED ARBORICULTURAL CONTRACTOR determines that a NOTABLE TREE is unsafe or unsound	n/a	n/a	n/a	n/a
<p>Note: 1) A list of ARBORICULTURAL CONTRACTORS is available from the COUNCIL. 2) An unsafe or unsound NOTABLE TREE shall be determined using the International Society of Arboriculture Tree Hazard Evaluation Form.</p>						
Subdivision of land						
OL52	subdivision of an ALLOTMENT which contains a NOTABLE TREE	n/a	n/a	is no smaller than the minimum ALLOTMENT size specified for a discretionary activity in the underlying ENVIRONMENT AREA	n/a	<p>In addition to the subdivision assessment criteria for the underlying ENVIRONMENT AREA:</p> <ol style="list-style-type: none"> 1) The effect of the subdivision on the values for which the NOTABLE TREE was listed. 2) The mitigation methods proposed to ensure the values of the NOTABLE TREE are not compromised. 3) Whether the proposed ALLOTMENTS are capable of accommodating permitted activities without adversely affecting the NOTABLE TREE.
OUTSTANDING LANDSCAPES						
There are no rules for this OVERLAY. OUTSTANDING LANDSCAPES are used only as assessment criteria where an activity requires a resource consent.						
PIPELINES (gas and PETROLEUM)						
There are no rules for this OVERLAY. The pipelines are shown for information purposes only. The information on the planning maps may be incomplete.						
PORT NOISE CONTROL BOUNDARIES (refer to Diagram 12.4 in Appendix 12)						
ERECTION or use of BUILDINGS for NOISE SENSITIVE ACTIVITIES						
OL53	seaward of the PORT NOISE Inner Control Boundary	n/a	n/a	under all circumstances	n/a	<ol style="list-style-type: none"> 1) The primary purpose of a BUILDING and the anticipated frequency of use of any of its NOISE SENSITIVE ROOMS. 2) The extent to which other features on the SITE, including natural topography or proposed ground contouring, vegetation and other STRUCTURES, will mitigate the effects of noise from PORT NOISE on any NOISE SENSITIVE ROOM.

Rule No.	Parameter	Conditions Permitted	Standards and Terms		Matters over which control is reserved	Assessment Criteria
			Controlled	Discretionary		COUNCIL has <u>restricted</u> the exercise of its discretion to these matters for <u>land use consents</u>
						3) The extent of sound proofing required in the design and construction of the NOISE SENSITIVE ACTIVITY to adequately safeguard the health of the occupants.
OL54	requirement for sound attenuation of any BUILDING (excluding TEMPORARY BUILDINGS) located between the PORT NOISE Inner Control Boundary and the PORT NOISE Outer Control Boundary	shall be designed and constructed in accord with an acoustic design certificate from an acoustic engineer so that the level of noise received within any NOISE SENSITIVE ROOM from PORT NOISE does not exceed 45 Ldn with all windows and doors closed	n/a	does not meet the conditions for a permitted activity	n/a	<ol style="list-style-type: none"> 1) The necessity for soundproofing any NOISE SENSITIVE ROOM having regard to the design, construction and room layout of the proposed BUILDING or BUILDINGS. 2) The extent to which other features on the SITE, including natural topography or proposed ground contouring, vegetation and other STRUCTURES, will mitigate the effects of PORT NOISE on any NOISE SENSITIVE ROOM. 3) The primary purpose of a BUILDING and the anticipated frequency of use of any of its NOISE SENSITIVE ROOMS.
<p>Note: To achieve compliance with rule OL54 above while at the same time ensuring adequate ventilation, NOISE SENSITIVE ROOMS with doors and windows or other openings to the outdoors may need to utilise methods to meet the ventilation requirements of the Building Act 1991 and relevant codes thereunder.</p>						
Emission of noise						
OL55	PORT NOISE measured in accordance with NZS 6809:1999 Acoustics - Port Noise Management and Land Use Planning	meets the conditions for a permitted activity as specified in Table 12.1 in Appendix 12	n/a	does not meet the conditions for a permitted activity	n/a	<ol style="list-style-type: none"> 1) Ambient noise levels. 2) The length of time, and the level by which, the noise standards (refer Appendix 12) will be exceeded, particularly at night. 3) The nature and location of nearby activities and the effects they may experience resulting from increased noise levels. 4) Whether the noise levels are likely to detract from the amenity or general environmental quality of the area in which they are received. 5) Whether the noise levels are likely to result in adverse health effects, including sleep disturbance. 6) The topography of the SITE and any influence this may have on noise transmission. 7) Any mitigation of the noise proposed, in accordance with a best practicable option approach (e.g. SITE layout and design, design and location of STRUCTURES, BUILDINGS and equipment and the timing of operations).

Rule No.	Parameter	Conditions Permitted	Standards and Terms		Matters over which control is reserved	Assessment Criteria COUNCIL has <u>restricted</u> the exercise of its discretion to these matters for <u>land use consents</u>
			Controlled	Discretionary		

PREFERRED ESPLANADE RESERVES AND STRIPS (refer to Appendix 17 for a list)

Subdivision of land

OL56	requirement for an esplanade reserve or strip (regardless of the size of the ALLOTMENT created)	n/a	meets the requirements for an esplanade reserve or an esplanade strip as specified in Tables 17.1 and 17.2 in Appendix 17	does not meet the standards and terms for a controlled activity	<ol style="list-style-type: none"> 1) Use of esplanade reserve or strip. 2) Access provisions. 3) Planting and clearance of vegetation. 4) Fencing requirements. 5) ERECTION of BUILDINGS and STRUCTURES. 6) Who will manage the land within the strip or reserve, and in what manner, including noxious weed removal. 7) Provision for closure. 8) Permission for easements. 	<ol style="list-style-type: none"> 1) Whether the taking of the reserve or strip, or its required width is inappropriate for reasons of impact on SITES of significance to IWI or ecological areas sensitive to disturbance, security, public safety, natural hazards (such as stability or flooding) or minor boundary adjustment. 2) The extent to which the natural character or functioning, public access or recreational enjoyment of the waterbody will be affected by any reduction or removal. 3) Whether the preservation of the natural character of, or public access to, the waterbody can be provided for by alternative means. 4) Any existing formal protection afforded to the waterbody through existing reserves or strip, covenants or management agreements. 5) Any factors which mitigate against reduction or removal. 6) Any works or alternative means to compensate for a waiver or reduction in size of the esplanade reserve or strip. 7) For strips set aside for public access, whether the strip is inaccessible due to topography or other reasons, or is likely to remain without formal public access. 8) The extent to which the public benefits gained justify the costs of acquisitions and maintenance of the strip, having regard to the purpose of the strip.
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PRIORITY WATERBODIES (refer to Appendix 18 for a list)

Subdivision of land

OL57	requirement for an esplanade strip or reserve (regardless of the size of the ALLOTMENT created): for subdivision of an ALLOTMENT within the RESIDENTIAL, BUSINESS, INDUSTRIAL or OPEN SPACE ENVIRONMENT AREAS	n/a	meets the requirements for an esplanade reserve or an esplanade strip as specified in Tables 17.1 and 17.2 in Appendix 17	does not meet the standards and terms for a controlled activity	<ol style="list-style-type: none"> 1) Use of esplanade reserve or strip. 2) Access provisions. 3) Planting and clearance of vegetation. 4) Fencing requirements. 5) ERECTION of BUILDINGS and STRUCTURES. 6) Who will manage the land within the strip or 	<ol style="list-style-type: none"> 1) Whether the taking of the reserve or strip, or its required width is inappropriate for reasons of impact on SITES of significance to IWI or ecological areas sensitive to disturbance, security, public safety, natural hazards (such as stability or flooding) or minor boundary adjustment. 2) The extent to which the natural character or functioning, public access or recreational enjoyment of the waterbody will be affected by any reduction or removal. 3) Whether the preservation of the natural character of, or public access to, the waterbody can be provided for by alternative means.
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Rule No.	Parameter	Conditions Permitted	Standards and Terms		Matters over which control is reserved	Assessment Criteria
			Controlled	Discretionary		COUNCIL has <u>restricted</u> the exercise of its discretion to these matters for <u>land use consents</u>
OL58	for subdivision of an ALLOTMENT within the RURAL ENVIRONMENT AREA	n/a	an esplanade strip of 20m wide shall be set aside unless a preferred esplanade reserve has been specified, in which case rule OL57 shall apply	does not meet the standards and terms for a controlled activity	reserve, and in what manner, including noxious weed removal. 7) Provision for closure. 8) Permission for easements.	4) Any existing formal protection afforded to the waterbody through existing reserves or strip, covenants or management agreements. 5) Any factors which mitigate against reduction or removal. 6) Any works or alternative means to compensate for a waiver or reduction in size of the esplanade reserve or strip. 7) For strips set aside for public access, whether the strip is inaccessible due to topography or other reasons. 8) The extent to which the public benefits gained justify the costs of acquisitions and maintenance of the strip, having regard to the purpose of the strip.

REGIONALLY SIGNIFICANT LANDSCAPES

There are no rules for this OVERLAY. REGIONALLY SIGNIFICANT LANDSCAPES are used only as assessment criteria where an activity requires a resource consent.

SIGNIFICANT COASTAL AREAS

There are no rules for this OVERLAY. SIGNIFICANT COASTAL AREAS are identified to encourage the rehabilitation and restoration of the natural character of the coastal environment.

SIGNIFICANT NATURAL AREAS (See Schedule 21.2 and Table 21.3 in Appendix 21)

Subdivision of land

OL59	provision for an extra ALLOTMENT	n/a	in addition to the number allowed by the underlying ENVIRONMENT AREA, one further ALLOTMENT of not less than 700 m ² may be subdivided where that part of the SIGNIFICANT NATURAL AREA located on the original ALLOTMENT is legally protected in perpetuity on the certificate of title	does not meet the standards and terms for a controlled activity	In addition to those for the underlying ENVIRONMENT AREA: 1) The location of STRUCTURES and activities in relation to the SIGNIFICANT NATURAL AREA.	The subdivision assessment criteria for the underlying ENVIRONMENT AREA.
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Rule No.	Parameter	Conditions Permitted	Standards and Terms		Matters over which control is reserved	Assessment Criteria COUNCIL has <u>restricted</u> the exercise of its discretion to these matters for <u>land use consents</u>
			Controlled	Discretionary		
INDIGENOUS VEGETATION DISTURBANCE						
OL60	within a SIGNIFICANT NATURAL AREA identified in Schedule 21.2	is expressly allowed under the terms of a CONSERVATION COVENANT used to legally protect the relevant SIGNIFICANT NATURAL AREA or part of the SIGNIFICANT NATURAL AREA	n/a	does not meet the conditions for a permitted activity	n/a	<ol style="list-style-type: none"> 1) The extent to which the disturbance will adversely affect the integrity, viability and sustainability of the SIGNIFICANT NATURAL AREA and the wider eco-system of which it is a part. 2) The extent to which the disturbance will adversely affect corridors and linkages between SIGNIFICANT NATURAL AREAS or between SIGNIFICANT NATURAL AREAS and other areas of indigenous vegetation. 3) The extent to which the disturbance will adversely affect the habitat values of the SIGNIFICANT NATURAL AREA. 4) The extent to which disturbance will create “edge effects” from wind and light on remaining vegetation. 5) The effect on, and risk to, those parts of SIGNIFICANT NATURAL AREAS not cleared, from associated activities such as tracking, storage and burning. 6) The appropriateness of the time of the year/season in which the disturbance is proposed. 7) The practicality of alternatives other than the proposed disturbance. 8) The extent to which remaining INDIGENOUS VEGETATION will be at risk from animal and plant pests and grazing animals. 9) The extent to which more than minor effects of disturbance can be remedied or mitigated on-site. 10) The extent to which more than minor effects of disturbance can be remedied, avoided or mitigated by off-SITE means.
Note: SIGNIFICANT NATURAL AREAS are used as matters over which the COUNCIL reserves its control and assessment criteria for subdivision consents.						

Rule No.	Parameter	Conditions Permitted	Standards and Terms		Matters over which control is reserved	Matters to be considered Fully Discretionary Activity: Discretion has NOT been restricted to these matters
			Controlled	Fully Discretionary		
STRUCTURE PLANS						
OL60A	Development and subdivision within the Waitara Area A structure plan in Appendix 30	<p>1) Development that is undertaken as part of any subdivision that has already been approved in accord with the Waitara A structure plan in Appendix 30;</p> <p>or</p> <p>2) Where subdivision has not been undertaken the erection of STRUCTURES and BUILDINGS and associated development work that is in accord with the Waitara A Structure Plan and meets applicable overlay and Environment Area rules</p>	Subdivision shall be in accordance with the Waitara Area A structure plan in Appendix 30	Does not meet the conditions for a permitted activity or standards and terms for a controlled activity	<p>1) Matter of control as for rules Res54-64 as they apply to the RESIDENTIAL A ENVIRONMENT AREA;</p> <p>2) The design and layout of the subdivision:</p> <p>a) considers the archaeological, waahi tapu, cultural and spiritual values of the stream;</p> <p>b) avoids areas where archaeological discovery is considered to be more likely;</p> <p>3) The outcome of consultation with TANGATA WHENUA and the need to follow appropriate procedures if artefacts are discovered including the provision of an opportunity for on-site monitoring by TANGATA WHENUA</p> <p>Advice note: In considering matters under 2 and 3 the Council will consider the cultural evaluation report prepared in January 2014 by Te Kaunihera Kaumatua o Te Atiawa Nui Tonu.</p>	<p>1) The extent of the non compliance with the Waitara Area A structure plan and how this effects the ability for comprehensively development and or comprehensive SUBDIVISION of the structure plan area and the environmental outcomes including the following:</p> <p>a) The degree to which comprehensive development and integrated management of all the land within Waitara Area A is able to be achieved when the structure plan area is held in multiple ownership.</p> <p>b) The degree to which infrastructure provisions are co-ordinated within the Waitara Area A structure plan area.</p> <p>c) The degree to which site specific characteristics of the Waitara Area A structure plan have been addressed in the design and layout of the area.</p> <p>d) Whether the INDICATIVE ROAD network has taken into account the design/layout of Waitara Area A structure plan area.</p> <p>e) The effect of modifications to the alignment of the INDICATIVE ROAD on the ROAD TRANSPORTATION NETWORK and the connections and linkages desired for the comprehensive development of Waitara Area A structure plan area.</p> <p>f) The degree to which the esplanade reserve achieves public access along the stream.</p> <p>g) The extent to which the design/layout of the Lane and the Esplanade Reserve is integrated</p> <p>h) Protection of the stream and stream margins is achieved.</p> <p>i) Roading/pedestrian connectivity is provided.</p> <p>j) The extent to which the design of the ROAD TRANSPORTATION NETWORK considers pedestrian safety.</p> <p>k) The ability of the design/layout of Lot 1 DP 14007 and the Lane Road to create a safe pedestrian environment.</p>
Further advice note: Te Kaunihera Kaumatua o Te Atiawa Nui Tonu advised January 2014 that they would not be preparing the cultural evaluation report as they considered it would not add any further information to that already held by the Council.						

Rule No.	Parameter	Conditions Permitted	Standards and Terms		Matters over which control is reserved	<u>Matters to be considered</u>
			Controlled	Fully Discretionary		<u>Fully Discretionary Activity: Discretion has NOT been restricted to these matters</u>
						1) The archaeological, waahi tapu, cultural and spiritual values of the stream are considered in the design and layout of Waitara Area A.
OL60B	Stormwater disposal from ROADS, right of ways and paved surfaces as part of development and or SUBDIVISION within the Waitara Area A Structure plan area	Stormwater disposal from ROADS, right of ways and paved surfaces as part of development is to be discharged in low impact design stormwater systems such as detention ponds, wetlands, vegetated swales, rain gardens, rainwater tanks, soakage pits and soakage holes, filter strips, infiltration trenches/basins, permeable paving, green roofs or tree pits to avoid direct discharges into the stream	Stormwater disposal from ROADS, right of ways and paved surfaces as part of SUBDIVISION is to be discharged in low impact design stormwater systems such as detention ponds, wetlands, vegetated swales, rain gardens, rainwater tanks, soakage pits and soakage holes, filter strips, infiltration trenches/basins, permeable paving, green roofs or tree pits to avoid direct discharges into the stream	Does not meet the conditions for a permitted activity or standards and terms for a controlled activity	1) Matter of control as for rules Res54-64 as they apply to the RESIDENTIAL A ENVIRONMENT AREA 2) The design and layout of the development and/or subdivision: a) considers the archaeological, waahi tapu, cultural and spiritual values of the stream; b) avoids areas where archaeological discovery is considered to be more likely; 3) The outcome of consultation with TANGATA WHENUA and the need to follow appropriate procedures if artefacts are discovered including the provision of an opportunity for on-site monitoring by TANGATA WHENUA Advice note: In considering matters under 2 and 3 the Council will consider the cultural evaluation report prepared in January 2014 by Te Kaunihera Kaumatua o Te Atiawa Nui Tonu.	1) The effects of direct stormwater discharges into the stream on the receiving environment. 2) The effects that the disposal of stormwater into the stream has on the archaeological, waahi tapu, cultural and spiritual values held by TANGATA WHENUA. 3) The outcome of consultation with TANGATA WHENUA. 4) The ability of an alternative stormwater disposal method to minimise the environmental impact of additional stormwater entering the stream, including the impact on cultural values. 5) The extent to which low impact stormwater design cannot be met.

Further advice note: Te Kaunihera Kaumatua o Te Atiawa Nui Tonu advised January 2014 that they would not be preparing the cultural evaluation report as they considered it would not add any further information to that already held by the Council.

Rule No.	Parameter	Conditions Permitted	Standards and Terms		Matters over which control is reserved	Matters to be considered Fully Discretionary Activity: Discretion has NOT been restricted to these matters
			Controlled	Fully Discretionary		
OL60C	Additional VEHICLE ACCESS POINTS between the common boundary of Lot 1 DP 14007 and Lot 3 DP 14008 within Waitara Area A Structure plan area in Appendix 30	n/a	n/a	In all circumstances	n/a	<ol style="list-style-type: none"> 1) The ability to avoid conflict and traffic friction between Lots 1 DP 14007 and Lot 3 DP 14008. 2) The effect of additional VEHICLE ACCESS POINTS on the INDICATIVE ROADING layout and roading connectivity within Waitara Area. 3) The affect that additional VEHICLE ACCESS POINTS will have on pedestrian safety.

BELL BLOCK AREA Q STRUCTURE PLAN AREA

OL60D	<p>development and/or subdivision within the Bell Block Area Q Structure Plan area (Appendix 31)</p> <p>Stage 1: no timing restrictions.</p> <p>Stage 2:</p> <p>a) subdivision and/or development is restricted to roading access over the Waitaha Stream through the extension of Parklands Avenue from Wills Road;</p> <p>b) subdivision and/or development is restricted to activity that could result in up to 30 new HABITABLE BUILDINGS where access is obtained from Airport Drive prior to the release of Stage 3E - and shall be a discretionary activity*;</p> <p>c) once the threshold of 30 HABITABLE BUILDINGS described in (b) above is consented, all subdivision and/or development shall be a non-complying activity*;</p>	<ol style="list-style-type: none"> 1) development that is undertaken as part of any subdivision that has already been approved in accord with the Bell Block Area Q Structure Plan in Appendix 31; <p>or</p> <ol style="list-style-type: none"> 2) where subdivision has not been undertaken the erection of STRUCTURES and BUILDINGS and associated development work that is in accord with the Bell Block Area Q Structure Plan and meets any applicable OVERLAY and ENVIRONMENT AREA Rules; <p>and</p> <p>HABITABLE BUILDINGS (erection of or additions/alterations to) where located within the New Plymouth Airport 50dBL_{dn} contour shall demonstrate installation of noise insulation in ceilings, walls and</p>	<p>subdivision that is in general accordance with the Bell Block Area Q Structure Plan in Appendix 31</p> <p>and</p> <p>subdivision where located within the New Plymouth Airport 50dB contour shall include consent notice acknowledging noise from the New Plymouth Airport including a no complaints covenant</p>	<ol style="list-style-type: none"> 1) does not meet the conditions for a permitted activity or standards and terms for a controlled activity; 2) within Stage 2 prior to Stage 3E being released: subdivision and/or development with access from Airport Drive, provided that no more than 30 new (as of 8 April 2017) HABITABLE BUILDINGS are provided for within Stage 2. 	<p>matters of control for Rules Res 54-64 as they apply to the RESIDENTIAL A ENVIRONMENT AREA</p>	<ol style="list-style-type: none"> 1) The extent of non-compliance with the Bell Block Area Q Structure Plan and how this affects the ability for future comprehensive and integrated development and/or subdivision of the structure plan area and environmental outcomes including: <ul style="list-style-type: none"> - The degree to which comprehensive and integrated development and/or subdivision of all the land within the Bell Block Area Q Structure Plan area can still be achieved when the structure plan area is held in multiple ownership. - The degree to which comprehensive and integrated infrastructure provisions are co-ordinated within the Bell Block Area Q Structure Plan area. - The degree to which site specific characteristics of the Bell Block Area Q Structure Plan area have been addressed in the design and layout of the development and/or subdivision. - Whether the proposed road network has taken into account the required connectivity and design/layout for the comprehensive and integrated development and/or subdivision of the Bell Block Area Q Structure Plan area. - The effects of modifications to the alignment(s) of the INDICATIVE ROAD(S) on the ROAD TRANSPORTATION NETWORK and the connectivity required for the comprehensive and integrated development and/or subdivision of the Bell Block Area Q Structure Plan area. - The effects on the Waitaha Stream and its margins and its capacity to convey stormwater in a 1% AEP storm event.
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Rule No.	Parameter	Conditions Permitted	Standards and Terms		Matters over which control is reserved	Matters to be considered Fully Discretionary Activity: Discretion has NOT been restricted to these matters
			Controlled	Fully Discretionary		
	<p>d) subdivision and/or development where access is obtained from Airport Drive after the release of Stage 3E: no timing restrictions.</p> <p>Stage 3E:</p> <p>a) urban residential type subdivision and development is a prohibited activity until Area R is rezoned to an urban zoning through a statutory plan change process and released upon completion of the realignment of Airport Drive;</p> <p>b) all other activities shall be regulated through the Rural Environment Area rules and any other relevant Overlays (including the Future Urban Development Overlay which applies to Stage 3E) in the interim before the release of Stage 3E.</p>	underfloor and window glazing with above industry minimum noise attenuation properties				<ul style="list-style-type: none"> - The degree to which parks, reserves and pathways are provided for and effects on the overall provision of parks, reserves and pathways. - The degree to which proposed Esplanade Reserves provide for access along the stream margins and contain expected flood extents in a 1% AEP storm event. - The provision of Open Space for Stormwater Management along with the effects to environmental outcomes. - The effects of the proposed activity on the entrance corridor landscape buffer where indicated within the Area Q Structure Plan along SH3 and Airport Drive. - The effects on the provision of a future local business development or BUSINESS ENVIRONMENT AREA at the locations indicated. - The effect on the efficient and effective operation, maintenance and upgrading of the New Plymouth Airport. - The potential for reverse sensitivity with respect to noise from the New Plymouth Airport, and matters proposed to remedy this potential through including but not limited to: consent notice acknowledging noise from the New Plymouth Airport including a no complaints covenant and through installation of noise insulation in ceilings, walls and underfloor and window glazing with above industry minimum noise attenuation properties. <p>2) Assessment criteria for Rules Res 54-64 as they apply to the RESIDENTIAL A ENVIRONMENT AREA</p> <p>3) For subdivision and development in Stage 2 prior to the release of Stage 3E, where access is obtained from Airport Drive – the effects of additional vehicle movements on the traffic safety and efficiency of Airport Drive as an ARTERIAL ROAD and on the ROAD TRANSPORTATION NETWORK.</p> <p>4) Where relevant, Rural Environment Area Rules Rur28-31 apply to any subdivision or development.</p> <p>5) Financial contributions.</p>
<p>* Note: For Area Q Stage 2, the maximum number of HABITABLE BUILDINGS (as at the plan change notification date) with access off Airport Drive that can be accommodated on this transportation network is 30, and any proposals for subdivisions or developments that could accommodate HABITABLE dwellings, shall be a Discretionary Activity, up until this threshold of 30 is met. Once resource consent(s) have been issued for subdivision and/or development that cumulatively equates to 30 HABITABLE BUILDINGS then no further development is anticipated within Stage 2 until Stage 3E is released or road access is obtained from Wills Road via the Parklands Avenue extension. When Stage 2 reaches this threshold then all subdivision and development activity with road access off Airport Drive shall be a non-complying activity until Stage 3E is released.</p>						

Rule No.	Parameter	Conditions Permitted	Standards and Terms		Matters over which control is reserved	Matters to be considered Fully Discretionary Activity: Discretion has NOT been restricted to these matters
			Controlled	Fully Discretionary		
OL60E	additional VEHICLE ACCESS POINTS to Airport Drive	n/a	n/a	in all circumstances	n/a	<ol style="list-style-type: none"> The effects of additional VEHICLE ACCESS POINTS on the traffic safety and efficiency of Airport Drive as an ARTERIAL ROAD and on the ROAD TRANSPORTATION NETWORK. The effects of additional VEHICLE ACCESS POINTS on the entrance corridor landscape buffer and character of Airport Drive.
OL60F	the ERECTION of new BUILDINGS; or the ERECTION of additions and/or alterations to existing BUILDINGS resulting in a greater than 20% increase in gross floor area	where an alternative access (formed local road) to SH3 exists the VEHICLE ACCESS POINT to the SITE must be internal to Area Q to the alternative access (formed local road) and any existing VEHICLE ACCESS POINT to SH3 be closed	n/a	does not meet the conditions for a permitted activity	n/a	<p>The effect on SH3 as a STATE HIGHWAY LIMITED ACCESS ROAD taking into account:</p> <ol style="list-style-type: none"> The outcome of consultation with the New Zealand Transport Agency. The effect on the traffic safety and efficiency of SH3. The proposed layout of the BUILDINGS and the potential effects on future closure of the existing access to SH3.
OL60G	requirement for sound attenuation of any BUILDING (excluding TEMPORARY BUILDINGS)	greater than 80m, from the edge of the SH3 carriageway	new NOISE SENSITIVE ACTIVITY or NOISE SENSITIVE ROOM situated between 20m and 80m, from the edge of the SH3 carriageway and any alteration to a NOISE SENSITIVE ACTIVITY or NOISE SENSITIVE ROOM beyond 10% of the existing floor area	does not meet the conditions for a controlled activity and discretion is restricted	<p>Design report prepared by an acoustics specialist shall be submitted to the Council, demonstrating compliance with the following design sound levels:</p> <ol style="list-style-type: none"> Road-traffic noise inside all HABITABLE BUILDINGS: 40 dB LAeq(24h) Road-traffic noise in all other NOISE SENSITIVE ACTIVITY or NOISE SENSITIVE ROOM. No greater than the recommended maximum design guidelines in AS/ NZS 2107:2000. If windows are required to be closed to achieve the design sound levels, the building shall be 	<ol style="list-style-type: none"> The necessity for soundproofing any NOISE SENSITIVE ACTIVITY or NOISE SENSITIVE ROOM having regard to the design, construction and layout of the proposed NOISE SENSITIVE ACTIVITY or NOISE SENSITIVE ROOM. The extent to which other features on the SITE, including natural topography or proposed ground contouring, vegetation and other STRUCTURES, will mitigate the effects of noise on any NOISE SENSITIVE ACTIVITY or NOISE SENSITIVE ROOM. The primary purpose of a NOISE SENSITIVE ACTIVITY or NOISE SENSITIVE ROOM and the anticipated frequency of use. Location in relation the edge of the SH3 carriageway. Whether other mechanisms are necessary to protect the SH3 road network.

Rule No.	Parameter	Conditions Permitted	Standards and Terms		Matters over which control is reserved	Matters to be considered Fully Discretionary Activity: Discretion has NOT been restricted to these matters
					<p>designed and constructed with a ventilation system to achieve the following:</p> <ul style="list-style-type: none"> - A quantity of air shall be provided to achieve the requirements of Clause G4 of the New Zealand Building Code. At the same time as meeting this requirement, the sound of the system shall not exceed 30 dB LAeq(30s) when measured 1 m away from any grille or diffuser; - Either: air conditioning shall be provided; or a high air flow rate setting shall provide at least 15 air changes per hour (ACH) in the principal living space and at least 5 ACH in all other habitable spaces - At the same time as meeting the above requirement in b), the sound of the system shall not exceed 40 dB LAeq(30s) in the principal living space and 35 dB LAeq(30s) in all other. 	
OL60H	Any activity not covered by Rule OL60D as it relates to Stage 2 shall be a non-complying activity.					

Rule No.	Parameter	Conditions Permitted	Standards and Terms		Matters over which control is reserved	Assessment Criteria COUNCIL has <u>restricted</u> the exercise of its discretion to these matters for <u>land use consents</u>
			Controlled	Discretionary		
WAITARA AREA D STRUCTURE PLAN AREA						
OL60I	development and subdivision within the Waitara Area D Structure Plan in Appendix 32	<p>1) development that is undertaken as part of any subdivision that has already been approved in accordance with the Waitara Area D structure plan in Appendix 32;</p> <p>or</p> <p>2) where subdivision has not been undertaken the erection of STRUCTURES and BUILDINGS and associated development work that is in accordance with the Waitara Area D Structure Plan and meets OL60I to OL60P and other applicable overlay and Environment Area rules.</p>	<p>1) subdivision shall be in accordance with the Waitara Area D structure plan in Appendix 32;</p> <p>2) minimum ALLOTMENT size within the Waitara Area D Structure Plan in Appendix 32 is:</p> <p>a) 350m² within the area marked 'small lots'; or</p> <p>b) 500m² across the remainder of the Waitara Area D Structure Plan;</p> <p>3) minimum average ALLOTMENT size within the Waitara Area D Structure Plan in Appendix 32 applies to the areas identified on the Structure Plan as follows:</p> <p>a) Raleigh Street ROAD frontage lots: 660m²;</p> <p>b) larger lots adjoining Johnston Street and Rural Environment Area: 1,000m²</p>	<p>1) does not meet the conditions for a permitted activity or standards and terms for a controlled activity.</p> <p>2) subdivision prior to the physical completion and operation of the upgrade of the intersection of Tate Road/State Highway 3 and closure of the Raleigh Street/ State Highway 3 intersection;</p> <p>3) subdivision where the speed restriction on Raleigh Street between the Waitara and Johnston Street intersection is more than 50 km/hr.</p>	<p>matters of control as for rules Res54-64 as they apply to the RESIDENTIAL A ENVIRONMENT AREA;</p> <p>and</p> <p>a) procedures to be followed if artefacts are discovered including the provision of an opportunity for on-site monitoring by TANGATA WHENUA during excavation within the area identified as Open Space B;</p> <p>b) provision for adaptive management in the event of the discovery of previously unrecorded archaeological remains;</p> <p>c) design of planting and landscaping;</p> <p>d) methods to mitigate effects of reverse sensitivity with the surrounding rural zone, including the use of no-complaints covenants;</p>	<p>1) Where the proposed development is not in accordance with the Waitara Area D Structure Plan, the extent of the non-compliance with the Waitara Area D Structure Plan and how this effects the ability for comprehensive development and or comprehensive SUBDIVISION of the structure plan area and the environmental outcomes including the following:</p> <p>a) The degree to which comprehensive development and integrated management of all the land within Waitara Area D Structure Plan is able to be achieved when the structure plan area is held in multiple ownership.</p> <p>b) The degree to which infrastructure provisions are co-ordinated within the Waitara Area D Structure Plan area.</p> <p>c) The degree to which site specific characteristics of the Waitara Area D Structure Plan have been addressed in the design and layout of the area.</p> <p>d) Whether the INDICATIVE ROAD network has taken into account the design/layout of Waitara Area D Structure Plan area.</p> <p>e) The effect of modifications to the alignment of the INDICATIVE ROADS on the ROAD TRANSPORTATION NETWORK and the connections and linkages desired for the comprehensive development of Waitara Area D Structure Plan area.</p> <p>f) The degree to which the activity achieves public access along the Mangaiti stream.</p> <p>g) The extent to which the design/layout of the INDICATIVE ROADING NETWORK and the Open Space area is integrated.</p> <p>h) Protection of the Mangaiti stream and stream its margins is achieved.</p> <p>i) Roding/pedestrian connectivity is provided.</p> <p>j) The extent to which the design of the ROAD TRANSPORTATION NETWORK considers pedestrian safety.</p> <p>k) How the matters over which control under this rule is reserved are given effect to, including full consideration of the activity in relation to these matters.</p>

Rule No.	Parameter	Conditions Permitted	Standards and Terms		Matters over which control is reserved	Assessment Criteria
			Controlled	Discretionary		COUNCIL has <u>restricted</u> the exercise of its discretion to these matters for <u>land use consents</u>
			<p>4) A footpath on the western side of Raleigh Street extending from Johnston Street to Ranfurly Street;</p> <p>5) Widening of Johnston Street to 5.5 m SEALED width from the intersection with Raleigh Street for the entire ROAD frontage length of Waitara Area D Structure Plan area;</p> <p>6) ROAD frontage lots on Raleigh Street to have a minimum ROAD frontage width of 20m;</p> <p>7) ROADS to vest are as shown in the structure plan.</p>		<p>e) Provision for the development of environmental health indicators for the Mangaiti which benefit from mātauranga Māori and measures to apply adaptive management to respond to the findings of the monitoring;</p> <p>f) Provision for the development of a cultural narrative to inform the development including through cultural expression, integration of te reo Māori (bilingual signage and dual naming) and street furniture;</p> <p>g) Measures to reduce the impact of GLARE on occupants of the dwelling at 81 Raleigh Street from headlights from vehicles exiting the new road at the southern end onto Raleigh Street.</p>	<p>2) Where subdivision will occur prior to physical completion and operation of the upgrade of the intersection of Tate Road/State Highway 3 and closure of the Raleigh Street/State Highway 3 intersection:</p> <p>a) The effect on the safety and efficiency of the intersection of Raleigh Street with State Highway 3;</p> <p>b) Findings of a detailed integrated transport assessment relevant to the traffic environment at the time of application; and,</p> <p>c) How feedback from Waka Kotahi has been incorporated into the integrated transport assessment prepared in (b) above.</p> <p>3) Where the speed restriction on Raleigh Street between the Waitara and Johnston Street intersection is more than 50 km/hr:</p> <p>a) The effect on safety and efficiency on Raleigh Street.</p>

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			Controlled	Discretionary		
OL60J	maximum number of HABITABLE BUILDINGS on SITES within the Waitara Area D Structure Plan area, excluding PAPA KAINGA HOUSING	1	n/a	more than 1	n/a	<p>1) The adverse effects of the increased number of HABITABLE BUILDINGS on the SITE will have adverse effects on:</p> <ul style="list-style-type: none"> a) the character and visual amenity of the area; the privacy and outlook of adjoining SITES; b) the ability to provide adequate outdoor living space on the SITE or the location of alternate recreation areas; c) OUTSTANDING or REGIONALLY SIGNIFICANT LANDSCAPES; d) the natural character of the coastal environment or Mangaiti Stream; and e) the cultural values of TANGATA WHENUA because the SITE is adjacent and/or adjoining the Mangaiti Stream reserve. <p>2) The ability to mitigate adverse effects through the use of screening, planting or alternate design.</p>
OL60K	maximum HEIGHT of BUILDINGS on SITES within the Waitara Area D Structure Plan	6m	n/a	greater than 6m	n/a	<p>1) The extent to which the extra HEIGHT of the proposed BUILDING will:</p> <ul style="list-style-type: none"> a) adversely affect the character and visual amenity of the surrounding area; b) reduce privacy of adjoining SITES; c) have an overbearing effect on SITES within the RESIDENTIAL ENVIRONMENT AREA; d) adversely affect OUTSTANDING and REGIONALLY SIGNIFICANT LANDSCAPES; e) adversely affect the natural character of Mangaiti Stream; and f) adversely affect the cultural values of TANGATA WHENUA because the SITE is adjacent and/or adjoining the Mangaiti Stream reserve. <p>2) The extent to which topography, planting or setbacks can mitigate the adverse effects of extra HEIGHT.</p> <p>3) The ability to mitigate adverse effects through the use of screening, planting or alternate design.</p>

Rule No.	Parameter	Conditions Permitted	Standards and Terms		Matters over which control is reserved	Assessment Criteria COUNCIL has <u>restricted</u> the exercise of its discretion to these matters for <u>land use consents</u>
			Controlled	Discretionary		
OL60L	controls on roofing and exterior cladding on BUILDINGS on SITES within the Waitara Area D Structure Plan	<ol style="list-style-type: none"> 1) a light reflectivity value (LRV) of 25% or lesser for all roofs; and 2) a light reflectivity value (LRV) of 40% or less for all exterior cladding materials 	n/a	<ol style="list-style-type: none"> 1) a light reflectivity value (LRV) of greater than 25% for any roofs (or part of any roof); and 2) a light reflectivity value (LRV) of greater than 40% or less for any exterior cladding materials 	n/a	<ol style="list-style-type: none"> 1) The extent to which the increased LRV will: <ol style="list-style-type: none"> a) adversely affect the character and visual amenity of the surrounding area; b) adversely affect OUTSTANDING and REGIONALLY SIGNIFICANT LANDSCAPES; and c) adversely affect the cultural values of TANGATA WHENUA because the SITE is adjacent and/or adjoining the Mangaiti Stream reserve. 2) The extent to which topography, planting or setbacks can mitigate the adverse effects of the increased LRV. 3) The ability to mitigate adverse effects through the use of screening, planting or alternate design.
OL60M	reduced FRONT YARD Requirements when calculating COVERAGE of the FRONT YARD for areas marked as 'Smaller Lots' within the Waitara Area D Structure Plan	minimum COVERAGE of the FRONT YARD of 35% when based on a FRONT YARD depth of 1.5m	n/a	as per Res14	n/a	As per Res14; plus The extent to which the decreased FRONT YARD will adversely affect the cultural values of TANGATA WHENUA because the SITE is adjacent and/or adjoining the Mangaiti Stream reserve.
OL60N	fencing restrictions for SITES within Waitara Area D Structure Plan	<ol style="list-style-type: none"> 1) post and rail fencing 1.2m in HEIGHT or less along the boundary shown on the Waitara Area D Structure Plan; and 2) no fencing of any sort shall be located on any site between the ROAD and front elevation of its associated HABITABLE BUILDING 	n/a	<ol style="list-style-type: none"> 1) solid fencing greater than 1.2m in HEIGHT; and/or is not in accordance with Waitara Area D Structure Plan; and/or 2) any fencing located on any site between the ROAD and the HABITABLE BUILDING 	n/a	<ol style="list-style-type: none"> 1) The extent to which the extra HEIGHT and/or design of the proposed fence will: <ol style="list-style-type: none"> a) adversely affect the character and visual amenity of the surrounding area; b) reduce privacy of adjoining SITES; c) have an overbearing effect on SITES within the RESIDENTIAL or RURAL ENVIRONMENT AREA; d) adversely affect OUTSTANDING and REGIONALLY SIGNIFICANT LANDSCAPES; e) adversely affect the natural character of Mangaiti Stream; and f) adversely affect the cultural values of TANGATA WHENUA because the SITE is adjacent and/or adjoining the Mangaiti Stream reserve. 2) The extent to which topography, planting or setbacks can mitigate the adverse effects of the extra HEIGHT of the fence. 3) The ability to mitigate adverse effects of the proposed fence through the use of screening, planting or alternate design.

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OL60O	controls on cut and fill batters within the Waitara Area D Structure Plan	cut and fill batters less than 1.5m in HEIGHT	n/a	cut and fill batters 1.5m or more in in HEIGHT	n/a	<ol style="list-style-type: none"> 1) Where batters are taller than 1.5m <ol style="list-style-type: none"> a) The extent that the batters will be revegetated. 2) The timing within which works and revegetation shall be completed. 3) The mitigation of effects through the use of screening, planting or alternate design. 4) Consistency with the natural landform. 5) The extent to which the batters will adversely affect the cultural values of TANGATA WHENUA because the SITE is adjacent and/or adjoining the Mangaiti Stream reserve.
OL60P	stormwater disposal from ROADS, right of ways and paved surfaces as part of development and or SUBDIVISION within the Waitara Area D Structure Plan	n/a	stormwater disposal from ROADS, rights of way and paved surfaces as part of SUBDIVISION is designed so that it discharges into low impact design stormwater systems, such as (but not limited to) onsite soak holes, detention ponds, wetlands, vegetated swales, rain gardens, rainwater tanks, soakage pits and soakage holes, filter strips, infiltration trenches/basins, permeable paving, green roofs or tree pits to avoid direct discharges into the Mangaiti Stream	does not meet the standards and terms for a controlled activity	<ol style="list-style-type: none"> 1) matters of control as for rules Res54-64 as they apply to the RESIDENTIAL A ENVIRONMENT AREA 2) the consistency and integration of the design with the matters set out in Policies 23.8, 23.9, 23.10, 23.14 and 23.15 	<ol style="list-style-type: none"> 1) The effects of direct stormwater discharges into the stream on the receiving environment. 2) The effects that the disposal of stormwater into the Mangaiti Stream has on the archaeological, waahi tapu, cultural, traditional, historical and spiritual values held by TANGATA WHENUA. 3) The ability of an alternative stormwater disposal method to avoid and mitigate the environmental impact of additional stormwater on flood flows. 4) The extent to and reasons why low impact stormwater design cannot be met. 5) The consistency of the design with the matters set out in Policies 23.8, 23.9, 23.10, 23.14 and 23.15.
OL60Q	vesting of Open Space Area within the Waitara Area D Structure Plan	n/a	area is in accordance with the Waitara Area D Structure Plan	n/a	<ol style="list-style-type: none"> 1) detailed design of the Open Space Area through a co-design process between applicant, Council, TANGATA WHENUA which includes: 	<ol style="list-style-type: none"> 1) Where the proposed Open Space Area is not in accordance with the Waitara Area D Structure Plan, the extent of the non-compliance with the Waitara Area D Structure Plan and how this effects the ability for comprehensive development and or comprehensive SUBDIVISION of the structure plan area and the environmental outcomes including the following:

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			Controlled	Discretionary		COUNCIL has <u>restricted</u> the exercise of its discretion to these matters for <u>land use consents</u>
					<ul style="list-style-type: none"> a) areas of open space and proposed planting; b) details of plant species (requiring locally indigenous species and a focus on species that provide habitat for taonga and native species), trail design and surfacing, furniture and any other features; c) details of specific features and design elements that have been incorporated to reflect the cultural narrative of the site, location and form of these features and elements; d) detailed plans and sections of any proposed three waters and/or roading INFRASTRUCTURE, including any proposed ROADS or pathways crossing the Mangaiti Stream, including culverts and abutments (if any) and planting proposed to remediate the stream banks and other features required to ensure an attractive crossing point when viewed from the reserve; e) the location of pipework and sewerage infrastructure within the reserve and provision made to avoid, remedy and mitigate potential spills in the event of pipeline breaches <p>2) provision for defects liability</p>	<ul style="list-style-type: none"> a) The degree to which infrastructure provisions are co-ordinated within the Waitara Area D Structure Plan; b) The degree to which site specific characteristics (including the cultural matters) of the Waitara Area D Structure Plan have been addressed in the design and layout of the area; c) Whether the INDICATIVE ROAD network has taken into account the design/layout of Waitara Area D Structure Plan area; d) Consideration of the outcomes of the co-design process; e) The effect of modifications to the alignment of the INDICATIVE ROADS on the ROAD TRANSPORTATION NETWORK and the connections and linkages desired for the comprehensive development of Waitara Area D Structure Plan area; f) The degree to which the activity achieves public access along the Mangaiti Stream; g) The extent to which the design/layout of the INDICATIVE ROADING NETWORK and the Open Space area is integrated; h) Protection of the Mangaiti Stream and its margins is achieved; i) Roading/pedestrian connectivity is provided; j) Procedures to be followed if physical archaeology is discovered including the provision of an opportunity for on- site monitoring during excavation by TANGATA WHENUA ; k) Provision for adaptive management in the event of the discovery of previously unrecorded archaeological remains; l) The degree to which the detailed design matters over which control is reserved under this rule are achieved.

Rule No.	Parameter	Conditions Permitted	Standards and Terms		Matters over which control is reserved	Assessment Criteria
			Controlled	Discretionary		COUNCIL has <u>restricted</u> the exercise of its discretion to these matters for <u>land use consents</u>
URBAN VIEWSHAFTS						
ERECTION of STRUCTURES (including BUILDINGS) - excluding TEMPORARY STRUCTURES						
New Plymouth						
OL61	maximum HEIGHT within the viewshaft: Belt Road	Sec 1: as per the underlying ENVIRONMENT AREA Sec 2: 10m, or the maximum HEIGHT for the underlying ENVIRONMENT AREA, whichever is the lesser	n/a	does not meet the conditions for a permitted activity	n/a	<ol style="list-style-type: none"> 1) The extent of intrusion of the additional HEIGHT of the STRUCTURE into the viewshaft, and the elements of the view affected (see section 3 of the planning maps). 2) The extent to which the core of the view is impinged upon by the additional HEIGHT of the STRUCTURE (refer to “view details” in section 3 of the planning maps). 3) Whether the STRUCTURE results in the removal of existing intrusions or increases the quality of the view. 4) Whether the additional HEIGHT of the STRUCTURE will frame the view. 5) The proximity of the STRUCTURE to the inside edge of the viewshaft.
OL62	Brougham Street	the ROAD level of St Aubyn Street immediately adjacent to the SITE	n/a	above the ROAD level of St Aubyn Street immediately adjacent to the SITE		
OL63	Cameron Street	Sec 1: 5.5m Sec 2: 14m Sec 3: 10m or the maximum HEIGHT for the underlying ENVIRONMENT AREA, whichever is the lesser	n/a	does not meet the conditions for a permitted activity		
OL64	Carrington Street	Sec 1: 8m Sec 2: 14m or the maximum HEIGHT for the underlying ENVIRONMENT AREA, whichever is the lesser	n/a	does not meet the conditions for a permitted activity		
OL65	Churchill Heights	Sec 1: 10m Sec 2: 25m or the maximum HEIGHT for the underlying ENVIRONMENT AREA, whichever is the lesser	n/a	does not meet the conditions for a permitted activity		
OL66	Cutfield Road	Sec 1: as per the underlying ENVIRONMENT AREA Sec 2: 10m or the maximum HEIGHT for the underlying ENVIRONMENT AREA, whichever is the lesser	n/a	does not meet the conditions for a permitted activity		

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			Controlled	Discretionary		
OL67	Egmont Street	the ROAD level of St Aubyn Street immediately adjacent to the SITE	n/a	above the ROAD level of St Aubyn Street immediately adjacent to the SITE		
OL68	Eliot Street	Sec 1: 5.5m Sec 2: 18m Sec 3: 10m or the maximum HEIGHT for the underlying ENVIRONMENT AREA, whichever is the lesser	n/a	does not meet the conditions for a permitted activity		
OL69	Gover Street	Sec 1: 5.5m Sec 2: 14m Sec 3: 10m or the maximum HEIGHT for the underlying ENVIRONMENT AREA, whichever is the lesser	n/a	does not meet the conditions for a permitted activity		
OL70	Liardet Street	the ROAD level of St Aubyn Street immediately adjacent to the SITE	n/a	above the ROAD level of St Aubyn Street immediately adjacent to the SITE		
OL71	Marsland Hill	Sec 1: 5.5m Sec 1A: 7.5m Sec 2: 10m Sec 3: 14m or the maximum HEIGHT for the underlying ENVIRONMENT AREA, whichever is the lesser	n/a	does not meet the conditions for a permitted activity		
OL72	St Aubyn Street/ Molesworth Street	the ROAD level of Molesworth Street immediately adjacent to the SITE	n/a	above the ROAD level of Molesworth Street immediately adjacent to the SITE		

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			Controlled	Discretionary		
OL73	Mount Moturoa	Sec 1: 6m Sec 2: 10m Sec 3: 25m or the maximum HEIGHT limit for the underlying ENVIRONMENT AREA, whichever is the lesser	n/a	does not meet the conditions for a permitted activity		
OL74	Queen Street	the ROAD level of St Aubyn Street immediately adjacent to the SITE	n/a	above the ROAD level of St Aubyn Street immediately adjacent to the SITE		
OL75	Victoria Road	Sec 1: 8m Sec 2: 14m or the maximum HEIGHT for the underlying ENVIRONMENT AREA, whichever is the lesser	n/a	does not meet the conditions for a permitted activity		

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	maximum HEIGHT within the viewshaft:				n/a	
OL76	Dixon Street	4.5m	n/a	does not meet the conditions for a permitted activity		<ol style="list-style-type: none"> 1) The extent of intrusion of the additional HEIGHT of the STRUCTURE into the viewshaft, and the elements of the view affected (see section 3 of the planning maps). 2) The extent to which the core of the view is impinged upon by the additional HEIGHT of the STRUCTURE (refer to “view details” in section 3 of the planning maps). 3) Whether the STRUCTURE results in the removal of existing intrusions or increases the quality of the view. 4) Whether the additional HEIGHT of the STRUCTURE will frame the view. 5) The proximity of the STRUCTURE to the inside edge of the viewshaft. 6) The extent to which the Messenger Terrace viewshaft is affected having particular regard to the impact on the continuous viewshaft when moving in a westerly direction along Messenger Terrace. Greatest weight should be given to the impact on the overall vista, with lesser weight given to the impact on those parts of the viewshaft that provide only glimpses of the sea and beach environment to the northwest.
OL77	Lower Wairau Road	4.5m	n/a	does not meet the conditions for a permitted activity		
OL78	Messenger Terrace	the ROAD level of Messenger Terrace immediately adjacent to the SITE	n/a	above the ROAD level of Messenger Terrace immediately adjacent to the SITE		
OL79	Pitcairn Street	4.5m	n/a	does not meet the conditions for a permitted activity		

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			Controlled	Discretionary		COUNCIL has <u>restricted</u> the exercise of its discretion to these matters for <u>land use consents</u>
VOLCANIC HAZARD AREA						
Establishment of HAZARDOUS FACILITIES						
OL80	EFFECTS RATIO	equal to or less than 0.2 or the EFFECTS RATIO for the underlying ENVIRONMENT AREA, whichever is the lesser, provided that the conditions set out in Appendix 6 are satisfied	n/a	does not meet the conditions for a permitted activity	n/a	<ol style="list-style-type: none"> 1) The extent to which the EFFECTS RATIO is exceeded. 2) Location of the facility and proximity to sensitive features including: <ul style="list-style-type: none"> - activities and areas involving people such as child care facilities, schools, rest homes, hospitals, shopping centres and residential areas; - WATERCOURSES, catchments, aquifers and the coast; - identified hazard areas such as the COASTAL HAZARD AREA, FLOOD HAZARD AREA, VOLCANIC HAZARD AREA or the Norfolk or Inglewood FAULT LINES; and - any wildlife habitats including bush areas and wetlands. 3) Choice of SITE location including the nature of the subsoil and SITE geology. 4) SITE design and management including: <ul style="list-style-type: none"> - SITE drainage and OFF-SITE INFRASTRUCTURE, e.g. stormwater drainage systems, sewer type and capacity; - the disposal of wastes containing HAZARDOUS SUBSTANCES; - adherence to health and safety and/or environmental management systems; and - self monitoring and maintenance procedures. 5) Risk mitigation and management measures including: <ul style="list-style-type: none"> - spill contingency and emergency planning, including potential hazards, failure modes and exposure pathways; - emergency procedures; and - fire safety and fire water management. 6) Any potential cumulative or synergistic effects that may result from the establishment and operation of the HAZARDOUS FACILITY. 7) Transport of HAZARDOUS SUBSTANCES and any adverse effects on the operation and safety of the roading network. 8) Alternative locations or methods for undertaking the activity.

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WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI and ARCHAEOLOGICAL SITES (see Appendix 26)						
ERECTION of STRUCTURES (excluding MINOR UPGRADING) in the vicinity of WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICAL SITES						
OL81	on any WAAHI TAONGA/ SITE OF SIGNIFICANCE TO MAORI or ARCHAEOLOGICAL SITE in the RURAL, INDUSTRIAL or OPEN SPACE ENVIRONMENT AREA listed in Appendix 26 or within: 50m	n/a	n/a	under all circumstances	n/a	<ol style="list-style-type: none"> 1) The nature, layout, form and extent of the proposed STRUCTURE and its effects on the WAAHI TAONGA/ SITES OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICAL site. 2) The necessity for the STRUCTURE and any alternative methods and locations to position the STRUCTURE. 3) The duration that the STRUCTURE will be located in this position. 4) The effect of the work on the cultural significance of the WAAHI TAONGA/SITE OF SIGNIFICANCE TO MAORI as assessed by IWI or HAPU. 5) The effect of the work on the significance of the ARCHAEOLOGICAL SITE as assessed by Heritage New Zealand Pouhere Taonga. 6) Whether, and the extent to which the proposal responds to the objectives of any operative IWI planning document formally lodged with New Plymouth District Council relating to the ROHE. 7) The degree to which the WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICAL SITE is already modified. 8) The level of information available about the WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI and/ or ARCHAEOLOGICAL SITE. 9) The cumulative effects of structures on the cultural values of the WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICAL SITE. 10) Provision of management plans, IWI/HAPU monitoring or Discovery Protocol to mitigate adverse effects of proposed works.
OL82	100m	may be erected up to a maximum HEIGHT of 10m, unless the underlying ENVIRONMENT AREA specifies a lesser HEIGHT; or is for the purpose of the ERECTION OF LINES	n/a	does not meet the conditions for a permitted activity		
OL83	on any WAAHI TAONGA/ SITE OF SIGNIFICANCE TO MAORI or ARCHAEOLOGICAL SITE in the RESIDENTIAL OR BUSINESS ENVIRONMENT AREA listed in Appendix 26	n/a	n/a	under all circumstances	n/a	
EXCAVATION and FILLING, clearance of TREES (excluding MINOR UPGRADING)						
OL85	on or within 50m of any WAAHI TAONGA/SITE OF SIGNIFICANCE TO MAORI or ARCHAEOLOGICAL SITE listed in Appendix 26	n/a	n/a	under all circumstances	n/a	<ol style="list-style-type: none"> 1) The nature, form and extent of the proposed EXCAVATION and FILLING and any alternative methods and locations available for these activities. 2) The necessity for the EXCAVATION and FILLING and any alternative methods and locations available for these activities.

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			Controlled	Discretionary		COUNCIL has <u>restricted</u> the exercise of its discretion to these matters for <u>land use consents</u>
						3) The duration and proposed rehabilitation of the EXCAVATION and FILLING. 4) The effect of the work on the cultural significance of the WAAHI TAONGA/SITE OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICALSITE as assessed by IWI or HAPU. 5) The effect of the EXCAVATION and FILLING on the significance of the WAAHI TAONGA/ SITE OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICALSITE as assessed by Heritage New Zealand Pouhere Taonga. 6) Whether, and the extent to which the proposal responds to the objects of any operative IWI planning document formally lodged with New Plymouth District Council relating to the ROHE. 7) The degree to which the WAAHI TAONGA/ SITE OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICALSITE is already modified. 8) The level of information about the WAAHI TAONGA/ SITE OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICALSITE. 9) The extent to which restoration/rehabilitation of WAAHI TAONGA/SITE OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICALSITE is likely to be achieved. 10) Consideration of where earthworks material from EXCAVATION or FILLING will be disposed of. 11) Provision of management plans, IWI/HAPU monitoring, Accidental Discovery Protocol to mitigate adverse effects of the proposed works.
MINOR UPGRADING in the vicinity of WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICAL SITES						
OL86	on or within 50m of any WAAHI TAONGA/SITE OF SIGNIFICANCE TO MAORI or ARCHAEOLOGICAL SITE listed in Appendix 26	notice of proposed works is provided to mandated MANA WHENUA and Heritage New Zealand Pouhere Taonga 10 working days prior to EXCAVATION or FILLING	n/a	does not meet the conditions for a permitted activity	n/a	1) The nature, form and extent of the proposed EXCAVATION and FILLING and any alternative methods and locations available for these activities. 2) The necessity for the EXCAVATION and FILLING and any alternative methods and locations available for these activities. 3) The duration and proposed rehabilitation of the EXCAVATION and FILLING. 4) The effect of the work on the cultural significance of the WAAHI TAONGA/SITE OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICALSITE as assessed by IWI or HAPU.

Rule No.	Parameter	Conditions Permitted	Standards and Terms		Matters over which control is reserved	Assessment Criteria
			Controlled	Discretionary		COUNCIL has <u>restricted</u> the exercise of its discretion to these matters for <u>land use consents</u>
						5) The effect of the EXCAVATION and FILLING on the significance of the WAAHI TAONGA/SITE OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICAL SITE as assessed by Heritage New Zealand Pouhere Taonga. 6) Whether, and the extent to which the proposal responds to the objects of any operative IWI planning document formally lodged with New Plymouth District Council relating to the ROHE. 7) The degree to which the WAAHI TAONGA/SITE OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICAL SITE is already modified. 8) The level of information about the WAAHI TAONGA/SITE OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICAL SITE. 9) The extent to which restoration/rehabilitation of WAAHI TAONGA/SITE OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICAL SITE is likely to be achieved. 10) Consideration of where earthworks material from EXCAVATION or FILLING will be disposed of. 11) Provision of management plans, IWI/HAPU monitoring, Discovery Protocol to mitigate adverse effects of the proposed works.
Subdivision of land in the vicinity of WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICAL SITES						
OL87	subdivision of an ALLOTMENT which contains a WAAHI TAONGA/SITE OF SIGNIFICANCE TO MAORI or ARCHAEOLOGICAL SITE listed in Appendix 26	n/a	n/a	is no smaller than the minimum ALLOTMENT size specified for a discretionary activity in the underlying ENVIRONMENT AREA	n/a	In addition to the subdivision assessment criteria for the underlying ENVIRONMENT AREA: 1) The effect of the subdivision on the archaeological and-cultural values for which the WAAHI TAONGA/SITE OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICAL SITE was listed. 2) The mitigation methods proposed to ensure the archaeological and cultural values of the WAAHI TAONGA/SITE OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICAL SITE are not compromised. 3) Whether the subdivision separates land which is integral to the WAAHI TAONGA/SITE OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICAL SITES from that SITE. 4) The outcome from any consultation with Heritage New Zealand Pouhere Taonga and TANGATA WHENUA.
Note: Where a WAAHI TAONGA/SITE OF SIGNIFICANCE TO MAORI is identified on the planning maps as a silent file, information regarding the location and extent of the SITE or area is held by the relevant IWI or HAPU. The protocols to be observed for obtaining more detailed SITE specific information are available from the COUNCIL.						

	Amenity, Health and Safety																						HAZARDOUS SUBSTANCES	Heritage			Natural Hazards			Natural Values			Public Access	TANGATA WHENUA	Traffic and Transport			Works and Services
Rule	1.1	1A.1	1A.2	3.1	5.1	5.2	5.3	7.1	7.2	10.1	11.1	11.2	11.5	12.1	12.2	13.1	13.2	14.1	14.2	15.2	16.1	18.1	19.2	20.1	20.3	20.7	21.1	22.1	Rule									
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Updated March 2013 (update 8g) and June 2016 (update 8ai)

TOPICS																													
Amenity, Health and Safety							Heritage				Natural Hazards				Natural Values				Public Access	TANGATA WĒHENUA	Works and Services	Structure Plans							
Policy Number																													
Rule	1.3	2.3	3.1	4.3	5.1	5.2	5.3	11.1	11.2	11.5	12.1	12.2	13.1	13.2	14.1	14.2	15.2	16.1	18.1	19.2	22.1	23.1	23.2	23.3	23.4	23.6	23.7	Rule	
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Policy Number																														
Rule	1.3	2.3	3.1	4.3	5.1	5.2	5.3	11.1	11.2	11.5	12.1	12.2	13.1	13.2	14.1	14.2	15.2	16.1	18.1	19.2	22.1	23.8	23.9	23.11	23.12	23.14	23.15	Rule		
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TOPICS																														
Amenity, Health and Safety								HAZARDOUS SUBSTANCES	Heritage				Natural Hazards				Natural Values				Public Access	TANGATA WHENUA	Traffic and Transport				Works and Services			
Rule	1.3	2.3	3.1	4.3	5.1	5.2	5.3	7.1	7.2	10.1	11.1	11.2	11.5	12.1	12.2	13.1	13.2	14.1	14.2	15.2	16.1	18.1	19.2	20.1	20.3	20.7	21.1	22.1	Rule	
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