The majority of the rules and standards apply to the whole Public Open Space Zone as defined on the planning maps.

Refer to Figure 4 for an explanation of how to determine whether an activity requires a resource consent and what type of activity it will be considered as, i.e. permitted, controlled, restricted discretionary, discretionary or non-complying.

Notwithstanding the rules and standards provided in this chapter, it is recognised that to carry out activities within the Public Open Space Zone, permits, concessions and approvals may be required from the relevant landowner or administrator.

The following rules and standards must also be read in conjunction with:
- Part E – Financial Contributions
- Part F – Information to be Supplied
- Part H – Car Parking, Vehicle Movements & Roads
- Part HH – Historic Heritage
- Part I – Hazardous Facility Screening Procedures
- Part K – Designations
- Part M – Interpretation
- Part N – Map Updates
- Any relevant National Policy Statement or National Environmental Standard.

### D7.1 Public Open Space Zone Rules

#### D7.1.1 Permitted Activities

Any one or more of the following are permitted activities:

(i) Recreation activities, which do not contravene any permitted activity standards.

(ii) Community activities, which do not contravene any permitted activity standards.

(iii) Community clean-up and planting days.

(iv) Filming for up to 30 days in duration per production, which do not contravene any permitted activity standards.

(v) Primary production activities on Battle Hill Farm Forest Park, Belmont Regional Park and Whitiereia Park, which do not contravene any permitted activity standards.

(vi) Conferences and training at Gear Homestead, which do not contravene any permitted activity standards.

(vii) Ancillary maintenance and operational activities, including activities such as but not limited to earthworks, stream bank maintenance works and vegetation clearance, which do not contravene any permitted activity standards.
(viii) Harvesting of production forestry where the area being harvested is less than or equal to 1 hectare in any 12-month period, which does not contravene the permitted activity standard for Disturbance within an Ecological Site.

(ix) The construction, relocation, extension and maintenance of buildings and structures, including temporary structures, film sets, tents and marquees, which do not contravene any permitted activity standards.

(x) The construction and maintenance of boardwalks, walkways, footpaths, cycle ways, access ways and car parks, which do not contravene any permitted activity standards.

(xi) Buildings and structures less than 2.5m in height and less than 10m² in area located within the National Grid Yard that meet all the permitted activity standards and are not being used for a Sensitive Activity.

(xii) Earthworks within a National Grid Yard that:

a) are undertaken by a Network Utility Operator or undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track; or

b) complies with the permitted activity standards for earthworks within a National Grid Yard.

The permitted activity standards apply only to those activities for which a direct reference is made to those standards.

Advice Note: Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34, including buildings, structures, earthworks and the operation of mobile plant, must comply with that regulation. Activities should be checked for compliance even if they are permitted by the District Plan.

D7.1.2 Controlled Activities

Any one or more of the following are controlled activities:

(i) Harvesting of production of forestry, exceeding 1 hectare in any 12 month period.

The matters over which Council reserves control for the purposes of assessment are:

(a) The method and timing of the year of the harvesting.

(b) The hours of operation of the harvesting.

(c) The location of access to the site.

(d) The imposition of financial contributions in accordance with Part E of this Plan.

(e) Earthworks.
D7.1.3 Restricted Discretionary Activities

Any one or more of the following are Restricted Discretionary activities:

(i) Any activity, otherwise permitted, that fails to comply with one or two permitted activity standards.

The Council restricts the exercise of its discretion to the following matters:

(a) The environmental effects (including cumulative effects) of the non-compliance with the permitted activity standards;

(b) Whether as a consequence of the environmental effects considered in (a) the proposed activity is consistent with the relevant District Plan objectives and policies;

(c) Any environment effects on a Landscape Protection Area; and

(d) The imposition of financial contributions in accordance with Part E of this Plan.

(ii) Repealed by Plan Change 15, refer to Part HH of the Plan for relevant rules relating to Historic Heritage.

(iii) Filming for longer than 30 days per production.

The Council restricts the exercise of its discretion to the following matters:

(a) Access and car parking for the proposed filming activity;

(b) The hours of operation;

(c) Impact on traffic circulation in the vicinity of the filming activity;

(d) Potential visual effects, including the ability to screen the proposed activity;

(e) Noise effects associated with the proposed activity;

(f) The loss of public access to the recreation area or public open space; and

(g) the imposition of financial contributions in accordance with Part E of this Plan.

(h) The environmental effects of any non-compliance with the permitted activity standards.

(iv) New buildings and structures and additions and alterations to existing buildings and structures that are over 2.5m in height and / or more than 10m² in area located within the National Grid Yard.
The Council has restricted its discretion to the following matters when considering an application for resource consent:

(a) Any risk to the structural integrity of the transmission line;
(b) Any effects on the ability of the transmission line owner to operate, maintain and/or upgrade the National Grid;
(c) The proximity of buildings and structures to electrical hazards;
(d) Operational risks relating to health or public safety, and the risk of property damage;
(e) Amenity effects; and
(f) Any actual or potential reverse sensitivity effects.

Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application under this rule will be precluded from public notification under section 95A, and limited notification will be served on the National Grid Operator as the only affected party under section 95B.

**Advice Note:** Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34, including buildings, structures, earthworks and the operation of mobile plant, must comply with that regulation. Activities should be checked for compliance even if they are permitted by the District Plan.

Vegetation to be planted within the National Grid Yard as shown on the planning maps should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003 or prevent access to support structures. To discuss works, including tree planting near any electricity line especially works within the transmission corridor; contact the relevant network utility operator.

(v) Earthworks within a National Grid Yard that do not comply with permitted activity standard D7.2.1 Maximum Earthworks limits (ix)(i) but comply with standard (ii).

Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application under this rule will be precluded from public notification under section 95A, and limited notification will be served on the National Grid Operator as the only affected party under section 95B.

**D7.1.4 Discretionary Activities**

Any one or more of the following are discretionary activities

(i) Any activity, otherwise permitted, that fails to comply with more than two permitted activity standards.

(ii) All subdivision not otherwise provided for.
D7.1.5 Non-complying Activities

Any one or more of the following are non-complying activities

(i) Activities which emit an objectionable odour.
(ii) Offensive trades (these are already defined in the District Plan).
(iii) All activities which are not permitted, controlled, restricted discretionary or discretionary.
(iv) The construction and use, establishment, or change of use, of any building and structure located within the National Grid Yard for a Sensitive Activity.
(v) Earthworks within a National Grid Yard that do not comply with permitted activity standard D7.2.1 Maximum Earthworks limits (ix)(ii).

D7.1.6 Prohibited Activities

There are no prohibited activities.

D7.2 Public Open Space Zone Standards

D7.2.1 Permitted activity standards

Building height limits

Within all Public Open Space Zone areas other than Battle Hill Farm Forest Park and Belmont Regional Park, the maximum height of a building or part of a building or structure (including any sign) on a site shall be 5 metres.

Within Battle Hill Farm Forest Park and Belmont Regional Park the maximum height of a building or part of a building or structure (including any sign) on a site shall be 8 metres.

The maximum height of a light pole or part of a light pole on a site shall be 18 metres.

Marquees and tents, erected temporarily, are exempt from this standard.

Height recession planes

All buildings must be within a building envelope of 3m height and a vertical angle of 45 degrees into the site, measured from any point along the boundary of the site with any other site.

Maximum building size

Within all Public Open Space Zone areas other than Battle Hill Farm Forest Park and Belmont Regional Park, the maximum gross floor area for any building on a site shall be 50m².

Within Battle Hill Farm Forest Park and Belmont Regional Park the maximum gross floor area for any building on a site shall be 100m².
Children’s play equipment, boardwalks, temporary structures, film sets, marquees and tents are exempt from this standard.

Site coverage

The maximum area of any site covered by buildings, car parking areas and accessways shall be 5%.

Children’s play equipment, boardwalks, temporary structures, film sets, marquees and tents are exempt from this standard.

Yard requirements

Front yard: Minimum front yard – 5m

Other yards: minimum other yards – 5m from the boundary of any site within the Suburban, Rural, Public Open Space and Recreation Zones.

Riparian setback

The minimum riparian setback is 20m.

Maximum earthwork limits

The following shall apply to earthworks on a site

(i) Within a riparian setback of 20m, earthworks, in a 12 month period, shall not exceed 25m² in area or 0.5 m in height or depth.

(ii) Excluding earthworks with a riparian setback, earthworks within Battle Hill Farm Forest Park and Belmont Regional Park, in a 12 month period, shall not exceed 500m² in area or 1.5 m in height or depth.

(iii) In all other areas earthworks, in a 12 month period, shall not exceed 100m² in area or 1.5 metres in height or depth.

(iv) Clauses (ii) and (iii) do not apply to:

(a) excavations for foundations which do not extend further than 2 metres beyond exterior walls of any building when measured in plan view;

(b) earthworks required for the construction and maintenance of walkways, footpaths, bridle paths and cycle ways;

(c) topdressing of grassed areas with top soil;

(d) earthworks associated with the laying of safety surface for children’s play equipment;

(v) Earthworks associated with walkways, footpaths, bridle paths and cycleways shall not exceed 6 metres in width or 1.5 metres in height or depth.

(vi) Earthworks shall not be undertaken on land with a slope in excess of 45 degrees.
Earthworks within a yard shall not exceed a height recession plane measured at an angle of 45 degrees from the closest boundary into the site.

Erosion and sediment control measures shall be installed and maintained for all earthwork activity in accordance with “The Erosion and Sediment Control Guidelines for the Wellington Region – September 2002”.

Any earthworks within a National Grid Yard:

(i) within a distance measured 12 metres from the outer visible edge of any National Grid support structure, any earthworks shall not exceed a depth (measured vertically) of 300mm

(ii) shall not result in a ground to conductor clearance of less than:

• 6.5m (measured vertically) from a 110kV National Grid transmission line; or

• 8m (measured vertically) from a 220kV National Grid transmission line.

Note: Earthworks may also require consent under the Regional Soil Plan and the Regional Freshwater Plan.

Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34, including buildings, structures, earthworks and the operation of mobile plant, must comply with that regulation. Activities should be checked for compliance even if they are permitted by the District Plan.

Light Spill

The use of artificial lighting shall comply with the following:

(j) The spill of light onto any site in the Suburban Zone shall not exceed 8 lux (lumens per square metre) measured horizontally or vertically. The measurement shall be taken on the Suburban Zone site and shall not exceed the standard at any point within the site which is at a distance equal to or greater than 1.5 metre from the site boundary.

(ii) The restriction of light spill in this rule shall not apply to any light which is a legal street light, navigation light or traffic signal.

Disturbance within an ecological site

Within any ecological site disturbance of any vegetation shall be limited to:

a) Preparation for, completion of and maintenance of restoration planting;

b) Thinning, pruning, trimming and removal of exotic vegetation;

c) Actions necessary for the avoidance of imminent danger to human life;
d) Actions necessary for the current operation and maintenance of existing infrastructure, including roads, tracks, drains, stream or river access, fire water points, network utilities, structures fencelines and firebreaks;

e) The removal of a plant pest listed in the Greater Wellington Regional Pest Management Strategy 2002-2022 (as operative at 30 September 2007);

f) The removal of diseased vegetation;

g) Flax harvesting;

h) Seed gathering.

i) Thinning, pruning, trimming and removal of any vegetation where it is in accordance with either:

1. A management plan for the land approved pursuant to Section 41 of the Reserves Act 1977 or Section 619 of the Local Government Act 2002, or

2. A written commitment made by Porirua City Council to any party prior to 1 July 2009.

**Noise**

a) The maximum noise levels from any activity, excluding crowd noise and Temporary Noise Events, on any site within the Public Open Space Zone when measured at or within the boundary of any site within a Suburban Zone or within 20 m of any dwelling in the Rural Zone shall not exceed the following limits:

- \( L_{10} \) 55 dBA day time (7am-10pm),
- \( L_{10} \) 45 dBA night time (10pm-7am)
- \( L_{\text{max}} \) 75 dBA night time (10pm-7am)

All sound levels shall be measured in accordance with NZS 6801:1991 Acoustics - “Measurement of Sound” and assessed in accordance with NZS 6802:1991 “Assessment of Environmental Sound”. Where NZS 6802:1991 does not include assessment of the type of noise in question, the appropriate New Zealand Standards shall be used.

b) The maximum noise levels from any activity, excluding crowd noise and Temporary Noise Events, on any site within the Recreation Zone when measured at or within the boundary of any site within the City Centre Zone, the Industrial Zone or the Business Park Zone shall not exceed \( L_{10} \) 60 dBA at all times.

All sound levels shall be measured in accordance with NZS 6801:1991 Acoustics - “Measurement of Sound” and assessed in accordance with NZS 6802:1991 “Assessment of Environmental Sound”. Where NZS 6802:1991 does not include assessment of the type of noise in question, the appropriate New Zealand Standards shall be used.
c) The maximum noise level from a temporary noise event within the Public Open Space Zone when measured at the boundary of any site within the Suburban Zone, the City Centre Zone, the Industrial Zone or the Business Park Zone or within 20 m of any dwelling within the Rural Zone shall not exceed the following limits:

\[ L_{\text{max}} \leq 90 \text{dBA} \]
\[ L_{10} \leq 85 \text{dBA} \]

All sound levels shall be measured in accordance with NZS 6801:1991 Acoustics - “Measurement of Sound” and assessed in accordance with NZS 6802:1991 “Assessment of Environmental Sound”.

d) Within the Public Open Space Zone, a temporary noise event shall not be held on any one site on more than 1 occasion in any 3 calendar month period. A temporary noise event is defined as a noise generating activity which:

i. exceeds the limits in (a) and (b) above for not more than a total of seven (7) hours on any single day;

ii. does not occur for longer than 3 days; and

iii. occurs between the hours of 7 am and 10 pm

e) Noise from a fireworks display on a site within the Public Open Space Zone is exempt from the requirements of (a) – (d) above, providing that no site within the Public Open Space Zone is used to hold more than 6 displays in any 12 month period.

f) Noise from construction, maintenance and demolition activities, including those associated with the urgent repair of utilities to maintain continuity of service, on any site or on any road shall comply with, and be measured and assessed using NZS6803: 1999 – ‘Acoustics Construction Noise’.

Accessways

The access to any car parking area shall meet the technical standards in part H1 of the District Plan, with the exception of clause H1 (vi), and the following standards:

<table>
<thead>
<tr>
<th>No. of car parks served</th>
<th>Min. formed carriage-way width</th>
<th>Min. berm width</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; or = 15</td>
<td>2.7 m(^1)</td>
<td>1 m on one side</td>
</tr>
<tr>
<td>&gt; 15</td>
<td>5 m</td>
<td>1 m on one side</td>
</tr>
</tbody>
</table>

Accessways shall be located outside of a minimum riparian setback of 20 metres.
Where an access way serves < or = 15 car parks and is longer than 50 m, passing bays need to be provided at 50 m intervals. The carriageway should have a minimum total width of 4.5m at the passing bays, with each designed with a length of 5 m and start and end tapers of 4 m. Other intermediary passing bays should be provided in the event that there is not full visibility available between the passing bays.

**Screening of refuse and storage areas**

Any refuse, packaging or other recyclable material shall be screened from view from the ground floor level of any adjoining site or road.

**Hazardous substances**

No activity shall exceed a Hazardous Facility Threshold of 0.05.

**Signage limits**

a) Within the front yard of any site, there shall be no more than

i. 1 free-standing sign per 50 metres of front yard length; or

ii. 1 free-standing sign for each front yard

whichever is the greater. Each free-standing sign must not exceed 3 m² in area and 2.5 metres in height.

b) Elsewhere on a site

i. The total area of signage attached to, or painted on any building shall not exceed 3 m².

ii. Free-standing signs shall not exceed 2.5 m² in area and 2.5 metres in height.

iii. Temporary signs associated with an event or activity on a site shall not exceed more than 1 sign per road frontage. Each temporary sign shall not exceed 2 m in height and 2m² in area. A temporary sign shall not be erected more than 4 weeks prior to the event advertised, and must be removed within 1 week of the completion of the event.

iv. All signs shall relate to the activities on the site.

v. No sign which is visible to drivers on a State Highway shall be the shape or colours of any traffic control signal.

vi. No sign shall be sited in a manner which restricts visibility to and from intersections and vehicular access points.

vii. No sign shall be flashing.

Note: Unless otherwise specified, refer to the height standard to determine the maximum permitted height of signs.
Time limits for temporary structures

On any site, temporary structures, film sets, tents and marquees shall not be erected for longer than 1 month in any 12 month period. The 1 month period includes the time required for the construction and dismantling. All materials used for a temporary structures, film sets, tents and marquees shall be removed from the site or stored within a building on site within 24 hours of being dismantled.

Size of Community Activities

The maximum number of people at any community activity at Battle Hill Farm Forest Park, Whitireia Park and Belmont Regional Park is unlimited.

In all other locations the maximum number of people at any community activity at any one time shall not exceed 200.
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