Transitional Consenting Guidance

Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
GRZ	GRZ-P3	Enable non-residential activities that: a. do not detract from the vitality and viability of the Mixed Use zone; b. support the social and economic wellbeing of the community; c. are of a residential scale; and d. are consistent with the scale, character and amenity of the General Residential zone.	s104(1A)(c)	Policy to remain as is, **however if the non-residential activity is a retail activity, the effects on the viability of the Mixed Use zone cannot be considered.**
GRZ	GRZ-P4	Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons such as retirement villages where they: a. complement the character and amenity values of the surrounding area, whilst recognising that delivering a range of housing and care options may mean different densities provided within a retirement village development; b. do not adversely affect road safety or the efficiency of the transport network; and c. d. can be serviced by adequate development infrastructure.	s104(1A)(e)	Policy to remain as is, **however the differences in effect between older persons and any other type of resident cannot be considered.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
GRZ	GRZ-P7	Consider the following matters where relevant when assessing and managing the effects of land use and subdivision in the General Residential zone: ... b. the location, scale and design of buildings or structures, potential for shadowing and visual dominance; ...f. at zone interfaces, any setbacks, fencing, screening or landscaping required to address potential conflicts;	s104(1A)(f)	Provision to remain, but **when considering visual dominance and zone interfaces, the views from neighbouring private property cannot be considered.**
GRZ	GRZ-P7	Consider the following matters where relevant when assessing and managing the effects of land use and subdivision in the General Residential zone: ...d. for residential activities: **i. provision for outdoor living space;** ii. privacy for adjoining sites; iii. access to sunlight;	s104(1A)(a)(iii)	(d)(i) provision for outdoor living space to be struck out.

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
GRZ	GRZ-R1 New buildings or structures PER-2	PER-2 The new building or structure and relocated buildings or extension or alteration to an existing building or structure complies with standards: GRZ-S1 Maximum height; GRZ-S2 Height in relation to boundary; GRZ-S3 Setback (excluding from MHWS or wetland, lake and river margins); GRZ-S4 Façade; **GRZ-S5 Outdoor living space**; and GRZ-S6 Outdoor storage.	s104(1A)(a)(iii)	GRZ-S5 Outdoor living space to be struck out.
GRZ	GRZ-R3 Residential activity	Matters of discretion - c. **the extent, quality and design of outdoor living areas; and**	s104(1A)(a)(iii)	c. to be struck out
GRZ	GRZ-R3 Residential activity	Matters of discretion - e. amenity effects on neighbouring properties; and f. provision for privacy between residential units and between sites; and	s104(1A)(f)	Provision to remain, but **when considering amenity effects on neighbouring properties and privacy between sites, the views from neighbouring private property cannot be considered. Other aspects of amenity, such as noise, dust, privacy remain in scope**
GRZ	GRZ-R3 Residential activity	Matters of discretion - e. amenity effects on neighbouring properties; and	s104(1A)(a)(iii)	Current interpretation is that **effects on the outdoor areas of surrounding residential units are out of scope**,
GRZ	GRZ-R3 Residential activity	Matters of discretion - **g. landscaping**	s104(1A)(a)(vi)	Provision to remain, but area of landscaping cannot be considered

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
GRZ	GRZ-R6 Educational facility	Matters of discretion - c. whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas;	s104(1A)(f)	**When considering visual dominance and zone interfaces, the views from neighbouring private property cannot be considered.**
GRZ	GRZ-R6 Educational facility	Matters of discretion - c. whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas;	s104(1A)(a)(iii)	Current interpretation is that **effects on the outdoor areas of surrounding residential units are out of scope,**
GRZ	GRZ-R9 Multi-Unit development CON-2	**CON-2** **The minimum net internal floor area, excluding outdoor living space, of a residential unit within a multi-unit development shall be:** **1 bedroom = 45m2** **2 bedroom = 62m2** **3 bedroom = 82m2**	s104(1A)(a)(v)	Whole CON-2 to be struck out
GRZ	GRZ-R9 Multi-Unit development	Matters of discretion: iii. **location of outdoor living space in relation to neighbouring sites.**	s104(1A)(a)(iii)	iii to be struck out
GRZ	GRZ-R10 Retirement village	Matters of discretion: c. residential amenity for surrounding sites in respect of **outlook and** privacy.	s104(1A)(f)	Outlook from surrounding sites cannot be considered - strike out this bit. Privacy and other aspects of residential amenity can still be considered.
GRZ	GRZ-R10 Retirement village	Matters of discretion: e. the benefits associated with provision of accommodation to meet the needs of the elderly.	s104(1A)(e)	**Benefits of provision of accommodation can still be considered, but not the difference between the elderly and any other type of resident.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
GRZ	GRZ-S1 Maximum height	Matters of discretion: b. dominance in relation to the road and adjoining sites; c. loss of privacy to adjoining sites, including potential loss in relation to vacant sites; d. shading and loss of access to sunlight to adjoining sites;	s104(1A)(f)	**Dominance in relation to adjoining sites is out of scope if it relates solely to views from those sites. Privacy, shading, sunlight access to adjoining sites still in scope.**
GRZ	GRZ-S1 Maximum height	Matters of discretion: e. landscaping;	s104(1A)(a)(vi)	Provision to remain, but **area of landscaping cannot be considered**
GRZ	GRZ-S2 Height in relation to boundary	Matters of discretion: b. shading and loss of access to sunlight to adjoining sites, including buildings **and outdoor areas**; and	s104(1A)(a)(iii)	Loss of sunlight access to outdoor areas cannot be considered. Strike through this bit
GRZ	GRZ-S3 Setback	Matters of discretion: b. screening, planting and landscaping on the site;	s104(1A)(a)(vi)	Provision to remain, but **area of landscaping cannot be considered**
GRZ	GRZ-S4 Façade	Matter of discretion: b. the extent to which shading and visual dominance effects to immediate neighbours and the street are minimised; and	s104(1A)(f)	**Visual dominance effects on immediate neighbours is out of scope if it relates solely to views from those sites.**
GRZ	GRZ-S5 Outdoor living space	(whole rule)	s104(1A)(a)(iii)	Strike through whole rule
GRZ	GRZ-S6 Outdoor storage	Any outdoor area used for storage or stockpiling must be fully screened by a solid fence or wall of a minimum height of 1.8m so that it is not visible from **adjoining sites and** public land.	s104(1A)(f)	Strike out 'adjoining sites and'

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
MDRZ	MDRZ-P4	Provide for retirement villages and community facilities where they: Complement the character and amenity values of the surrounding area; Contribute to the diverse needs of the community; Do not adversely affect road safety or the efficiency of the transport network; and Can be serviced by adequate development infrastructure.	s104(1A)(e)	Provision to remain, but **the needs of a particular type of resident (elderly) cannot be considered**
MDRZ	MDRZ-P5	Only allow commercial activities where they are ancillary to a residential activity and of a scale where significant adverse effects are avoided, and any other adverse effects are appropriately remedied or mitigated.	s104(1A)(c)	Provision to remain, but **for a retail activity, its effect on retail distribution / commercial centres is out of scope**
MDRZ	MDRZ-P6	… Amenity and wellbeing a. Integrate building form **and open space design** to achieve high internal amenity and form well-located and usable private open spaces; **d. Ensure outdoor living areas are well-located, functional for the intended use, and high quality;** …	s104(1A)(a)(iii)	Part of a. and all of d. is out of scope. Strike through open space design, private open spaces, outdoor living areas
MDRZ	MDRZ-P6	… Amenity and wellbeing b. Achieve reasonable sunlight, daylight **and outlook;** …	s104(1A)(f)	Outlook is out of scope - strikethrough

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
MDRZ	MDRZ-P6	... Amenity and wellbeing c. Provide reasonable internal visual privacy for all units within a development; e. Achieve visual amenity, safety and functionality with planting; ...	s104(1A)(a)(iv)	Current interpretation is that **internal visual privacy within a development is not an internal layout matter as it is between units (effects are external to buildings) and privacy effects are still within scope.**
MDRZ	MDRZ-P6	... Amenity and wellbeing e. Achieve visual amenity, safety and functionality with planting; ...	s104(1A)(a)(vi)	**Although not out of scope on the face of it, it is noted that the only rule this links to is MDRZ-S6, which is entirely out of scope.** Policy to remain.
MDRZ	MDRZ-P9	Encourage the retention of existing vegetation, particularly native vegetation and visually prominent trees that may not otherwise be protected, and where vegetation is proposed to be removed, seek new landscaping of equal or better quality to help integrate new development into the surrounding environment and minimise hard surfacing.	s104(1A)(a)(vi)	Provision to remain, but the **area of landscaping cannot be considered, just the quality, type and height**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments

MDRZ	MDRZ-R1 New buildings or structures
	PER-2
		PER-2
		The new building or structure and relocated buildings or extension or alteration to an existing building or structure complies with standards:
		MDRZ-S1 Maximum height;
		MDRZ-S2 Height in relation to boundary;
		MDRZ-S3 Setback (excluding from MHWS or wetland, lake and river margins);
		MDRZ-S4 Outdoor living space;
		MDRZ-S5 Outlook Space;
		MDRZ -S6 Landscaped area;
		MDRZ-S7 Fences and standalone walls along boundaries
		MDRZ-S8 Windows to street;
		MDRZ-S9 Coverage.
			s104(1A)(a)(i);
			s104(1A)(a)(ii);
			s104(1A)(a)(iii);
			s104(1A)(a)(vi);
			s104(1A)(f)
				MDRZ-S4 Outdoor living space, MDRZ-S5 Outlook space, MDRZ-S6 Landscaped area, MDRZ-S8 Windows to street to be struck out.

MDRZ	MDRZ-R2 Residential activity PER-1	PER-1 Compliance with the standards: MDRZ-S1 Maximum height; MDRZ-S2 Height in relation to boundary; MDRZ-S3 Setback (excluding from MHWS or wetland, lake and river margins); **MDRZ-S5 Outlook space;** MDRZ-S9 Coverage.	s104(1A)(a)(i); s104(1A)(f)	MDRZ-S5 Outlook space to be struck out.

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
MDRZ	MDRZ-R2 Residential activity	Matters of discretion - d. Any amenity effects on adjoining properties.	s104(1A)(f)	Provision to remain, but **when considering amenity effects on neighbouring properties, the views from neighbouring private property cannot be considered. Other aspects of amenity, such as noise, dust, privacy remain in scope**
MDRZ	MDRZ-R3 Papakainga	(whole rule)	s104(1A)(e)	Papakainga provisions considered to remain in scope, as nowhere do they require a certain type of resident
MDRZ	MDRZ-R7 Supported residential care	Matters of discretion - a. The effects on the amenity of adjoining sites, the surrounding residential area, the streetscape and adjoining public space.	s104(1A)(f)	Provision to remain, but **effects on views from adjoining sites cannot be considered as part of the amenity effects**
MDRZ	MDRZ-R9 Retirement village	Matters of discretion: b.Provision of landscaping and bunding, on-site amenity for residents, recreational facilities and stormwater systems.	s104(1A)(a)(vi)	Provision to remain - **the presence of landscaping can be considered, but not the area/size.**
MDRZ	MDRZ-R9 Retirement village	Matters of discretion: c. residential amenity for surrounding sites in respect of **outlook and** privacy.	s104(1A)(f)	Outlook from surrounding sites cannot be considered - strike out this bit. Privacy and other aspects of residential amenity can still be considered
MDRZ	MDRZ-R9 Retirement village	Matters of discretion: e. the benefits associated with provision of accommodation to meet the needs of the elderly.	s104(1A)(e)	**Benefits of provision of accommodation can still be considered, but not the difference between the elderly and any other type of resident**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
MDRZ	MDRZ-S1 Maximum height	Matters of discretion: b. dominance in relation to the road and adjoining sites; c. loss of privacy to adjoining sites, including potential loss in relation to vacant sites; d. shading and loss of access to sunlight to adjoining sites;	s104(1A)(f)	**Dominance in relation to adjoining sites out of scope if it relates solely to views from those sites . Privacy, shading, sunlight access to adjoining sites still in scope**
MDRZ	MDRZ-S1 Maximum height	Matters of discretion: e. landscaping;	s104(1A)(a)(vi)	Provision to remain, but **area of landscaping cannot be considered**
MDRZ	MDRZ-S2 Height in relation to boundary	Matters of discretion: b. dominance in relation to the road and adjoining sites; c. loss of privacy to adjoining sites, including potential loss in relation to vacant sites; d. shading and loss of access to sunlight to adjoining sites;	s104(1A)(f)	**Dominance in relation to adjoining sites out of scope if it relates solely to views from those sites. Privacy, shading, sunlight access to adjoining sites still in scope**
MDRZ	MDRZ-S3 Setback	Matters of discretion: b. screening, planting and landscaping on the site;	s104(1A)(a)(vi)	Provision to remain, but **area of landscaping cannot be considered**
MDRZ	MDRZ-S4 Outdoor living space	(whole rule)	s104(1A)(a)(iii)	Strike through whole rule

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
MDRZ	MDRZ-S5 Outlook space	(whole rule)	s104(1A)(a)(i); s104(1A)(f)	This standard has been deleted from the MDRS, but that doesn't entirely align with s104(1A). Outlook space is out of scope if it relates to 'area of glazing' or 'views from private property'. Because the matters of discretion relate to residential character and amenity more generally, the rule remains within scope. However **views from private property or the size of the glazing cannot be considered**
MDRZ	MDRZ-S6 Landscaped area	(whole rule)	s104(1A)(a)(vi)	Strike through whole rule
MDRZ	MDRZ-S7 Fences and standalone walls along boundaries	Matters of discretion: b. the amenity of adjoining properties;	s104(1A)(f)	**Views from private adjoining property cannot be considered, but privacy, noise, dust, light can be considered as part of amenity**
MDRZ	MDRZ-S8 Windows to street	(whole rule)	s104(1A)(a)(i)	Strike through whole rule
RPROZ	RPROZ-R6 Educational facility	Matters of discretion are restricted to: c. whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas;	s104(1A)(f)	Provision to remain. Current understanding is that **visual dominance effects on surrounding residential units out of scope if the dominance effect related solely to views from private property. Privacy remains within scope.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
RPROZ	RPROZ-R11 Rural produce manufacturing	Matters of discretion are restricted to: c. whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas;	s104(1A)(f)	Provision to remain. Current understanding is that **visual dominance effects on surrounding residential units out of scope if the dominance effect related solely to views from private property. Privacy remains within scope.**
RPROZ	RPROZ-R16 Additions or alterations to an existing Community Facility	Matters of discretion are restricted to: c. whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas;	s104(1A)(f)	Provision to remain. Current understanding is that **visual dominance effects on surrounding residential units out of scope if the dominance effect related solely to views from private property. Privacy remains within scope.**
RPROZ	RPROZ-R20 Artificial crop protection structures and crop support structures	Matters of discretion are restricted to: a. The potential adverse visual effects (including glare) on neighbouring properties or road users;	s104(1A)(f)	Provision to remain. Visual effects (including glare) remain within scope, however if the effects solely relate to **views from private property** then current understanding is that this is out of scope.
RPROZ	RPROZ-R21	The establishment of a new, or expansion of existing seasonal worker accommodation where: … 3. The accommodation provides for no more than 10 workers.	s104(1A)(e)	Provision to remain, but **effects assessment cannot extend to the type of resident to be housed.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
RPROZ	RPROZ-R23 Papakāinga Housing	Matters of discretion are restricted to: c. whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas;	s104(1A)(f)	Provision to remain. Current understanding is that **visual dominance effects on surrounding residential units out of scope if the dominance effect related solely to views from private property. Privacy remains within scope.** Captured because this activity specifically relates to papakainga housing. The Plan definition of papakainga 'may' include residential activities while residential activities are defined as using land and buildings for people's living accommodation.
RPROZ	RPROZ-R23 Papakāinga Housing	Matters of discretion are restricted to: f. each residential unit has **sufficient outdoor open space**, and there is sufficient room for any landscaping, egress and any accessory building(s) required;	s104(1A)(a)(iii)	Given the definition of outdoor living space in the plan, 'outdoor open space' is understood to comprise '**outdoor living space**' for each residential unit in this context. 'Sufficient open space' to be struck out. Captured because papakainga housing (as above).

Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
RPROZ	RPROZ-R23 Papakāinga Housing	Matters of discretion are restricted to: f. each residential unit has sufficient outdoor open space, and there is sufficient room for any landscaping, egress and any accessory building(s) required;	s104(1A)(vi)	Provision to remain. Landscaping mitigation remains in scope, but **effects solely related to the size of landscaping areas out of scope.** Captured because papakainga housing (as above).
RPROZ	RPROZ-R25 Rural tourism activity	Matters of discretion are restricted to: d. whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas;	s104(1A)(f)	Provision to remain. Current understanding is that **visual dominance effects on surrounding residential units out of scope if the dominance effect related solely to views from private property. Privacy remains within scope.**
RPROZ	RPROZ-R26 Intensive indoor and outdoor primary production	Matters of discretion are restricted to: e. whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas;	s104(1A)(f)	Provision to remain. Current understanding is that **visual dominance effects on surrounding residential units out of scope if the dominance effect related solely to views from private property. Privacy remains within scope.**
RPROZ	RPROZ- R27 Rural industry	RDIS-2 Matters of discretion are restricted to: c. whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas;	s104(1A)(f)	Provision to remain. Current understanding is that **visual dominance effects on surrounding residential units out of scope if the dominance effect related solely to views from private property. Privacy remains within scope.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
RPROZ	RPROZ-S1 Maximum height	Where the standard is not met, matters of discretion are restricted to: b. dominance in relation to the road and adjoining sites, including potential loss relation to vacant sites;	s104(1A)(f)	Provision to remain. Current understanding is that **visual dominance effects on adjacent privately owned properties out of scope if the dominance effect related solely to views from private property**.
RPROZ	RPROZ-S1 Maximum height	Where the standard is not met, matters of discretion are restricted to: b. dominance in relation to the road and adjoining sites, including potential loss relation to vacant sites;	s104(1A)(vi)	Provision to remain. **Proposed landscaping mitigation remains in scope, but effects solely related to the size of landscaping areas for residential activities are out of scope**.
RPROZ	RPROZ-S2 Height in relation to boundary	Where the standard is not met, matters of discretion are restricted to: b. shading and loss of access to sunlight to adjoining sites, including buildings and outdoor areas;	s104(1A)(iii) s104(1A)(f)	Current understanding, **effects on the outdoor living areas of adjoining residential sites are out of scope.**
RPROZ	RPROZ-S3 Setback	Where the standard is not met, matters of discretion are restricted to: b. screening, planting and landscaping on the site;	s104(1A)(vi)	Provision to remain. Proposed landscaping mitigation remains in scope, but **effects solely related to the size of landscaping areas for residential activities are out of scope**.

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
RPROZ	RPROZ-S4 Building or structure coverage	Where the standard is not met, matters of discretion are restricted to: d. the extent to which the siting, setback and design mitigate visual dominance on adjacent sites and surrounding environment;	s104(1A)(f)	Provision to remain. Current understanding is that **visual dominance effects on adjacent privately owned properties out of scope if the dominance effect related solely to views from private property.**
RPROZ	RPROZ-S4 Building or structure coverage	Where the standard is not met, matters of discretion are restricted to: b. any landscaping, planting and screening to mitigate any adverse effects;	s104(1A)(vi)	Provision to remain. Proposed landscaping mitigation remains in scope, but **effects solely related to the size of landscaping areas for residential activities are out of scope**.
RPROZ	RPROZ-S8 RPROZ-S9 RPROZ-S10 Sensitive activity setbacks	Where the standard is not met, matters of discretion are restricted to: a. Potential reverse sensitivity effects and measures taken to mitigate these effects, such as landscaping or screening	s104(1A)(vi)	Provision to remain. Proposed landscaping to mitigate reverse sensitivity effects remains in scope.
MUZ	MUZ-P3	Require development in the Mixed Use zone that is adjacent to Residential and Open Space zones to maintain the amenity values of those areas, having specific regard to: a. visual dominance;	s104(1A)(f)	Current thinking is that **views from private property unable to be considered as part of visual dominance, but can be considered from open space zones**
MUZ	MUZ-P4	Restrict activities that are likely to have an adverse effect on the function, role, sense of place and amenity of the Mixed Use zone, including: ... c. large format retail activity and trade suppliers;	s104(1A)(c)	**Effect of retail on the function and role of the MUZ is partially out of scope as it is a retail distribution effect**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
MUZ	MUZ-P6	Consider the following effects when assessing applications to establish residential, retirement and education facilities: ...c. shadowing and visual domination;	s104(1A)(f)	Current thinking is that views from private property unable to be considered as part of visual dominance
MUZ	MUZ-R2 Commercial activity PER-4	PER-4 The new building or structure, relocated building or extension or alteration to an existing building or structure on the site, does not exceed GFA 450m2.	s104(1A)(c)	**If the commercial activity is a retail activity and infringes this standard, retail distribution effects (effects on other centres) cannot be considered**
MUZ	MUZ-R3 Visitor accommodation	Matters of discretion: **private outdoor living area that is functional and accessible;** a reasonable level of privacy and outlook	s104(1A)(a)(iii) and s104(1A)(f)	Delete outdoor living area matter. Current understanding is that **views from private property as a part of outlook is out of scope.**
MUZ	MUZ-R4 Residential activity PER-2	**The minimum net internal floor area, excluding outdoor living space, of a residential unit shall be:** **1 bedroom = 45m2** **2 bedroom = 62m2** **3 bedroom = 82m2**	s104(1A)(a)(v)	Delete PER-2
MUZ	MUZ-R4 Residential activity	Matters of discretion: **private outdoor living area that is functional and accessible**	s104(1A)(a)(iii)	Delete **outdoor living area** matter
MUZ	MUZ-R4 Residential activity	Matters of discretion: a reasonable level of privacy and outlook	s104(1A)(f)	Current understanding is that **views from private property as a part of outlook is out of scope**
MUZ	MUZ-R9 supported residential care	Matters of discretion: **private outdoor living area that is functional and accessible**	s104(1A)(a)(iii)	Delete **outdoor living area** matter
MUZ	MUZ-R9 supported residential care	Matters of discretion: a reasonable level of privacy and outlook	s104(1A)(f)	Current thinking is that **views from private property as a part of outlook is out of scope**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
MUZ	MUZ-R15 Large format retail	Discretionary	s104(1A)(c)	**Retail distribution effects (effects on other centres) cannot be considered**
MUZ	MUZ-S1 Maximum height	Matters of discretion: b. dominance in relation to the road and adjoining sites; c. loss of privacy to adjoining sites, including potential loss in relation to vacant sites; d. shading and loss of access to sunlight to adjoining sites;	s104(1A)(f)	Current understanding is that **dominance in relation to adjoining sites out of scope if it relates solely to views from private property . Privacy, shading, sunlight access to adjoining sites still in scope**
MUZ	MUZ-S1 Maximum height	Matters of discretion: e. landscaping;	s104(1A)(a)(vi)	Provision to remain, but **size of landscaping area cannot be considered for a residential activity**
MUZ	MUZ-S2 Height in relation to boundary	Matters of discretion: a. loss of privacy to adjoining sites, including potential loss in relation to vacant sites; b. shading and loss of access to sunlight to adjoining sites, including buildings and outdoor areas;	s104(1A)(f)	Privacy, shading, sunlight access to adjoining sites still in scope.
MUZ	MUZ-S2 Height in relation to boundary	Matters of discretion: b. shading and loss of access to sunlight to adjoining sites, including buildings and outdoor areas;	s104(1A)(iii)	Current understanding is that **effects on the outdoor living areas of adjoining residential sites are out of scope**
MUZ	MUZ-S3 Setback	Matters of discretion: b. screening, planting and landscaping on the site;	s104(1A)(a)(vi)	Provision to remain, but **size of landscaping area cannot be considered for a residential activity**
MUZ	MUZ-S4 Pedestrian frontages	For sites with pedestrian frontage identified on the planning maps: At least 65% of the building frontage at ground floor must be clear glazing;	s104(1A)(a)(l)	**Glazing standard remains in scope unless a non-complying ground floor residential activity is proposed**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
MUZ	MUZ-S6 Outdoor storage	Any outdoor storage areas, except for the display of goods for retail sale, must be fully screened by a solid fence or wall of a minimum height of 1.8m so that it is not visible from **adjoining sites and** roads.	s104(1A)(f)	Current interpretation: Strike out 'adjoining sites and'
MUZ	MUZ-S6 Outdoor storage	Where the standard is not met, matters of discretion are restricted to: c. screening, planting and landscaping measures proposed;	s104(1A)(a)(vi)	Landscaping mitigation remains in scope. **If the mixed use building were to contain residential activities only (in breach of zone rules) then the size of landscaping areas would be out of scope.**
MUZ	MUZ-S8 Landscaping for sites that adjoin any sites other than mixed use or light or heavy industrial zone	Site boundaries that adjoin any zone other than Mixed Use, Light Industrial or Heavy Industrial must: be fenced with a solid fence or wall with a minimum height of 1.8m; or be landscaped with plants or trees with a minimum height of 1m at installation and shall achieve a continuous screen of 1.8m in height and 1.5m in width within five years; or be screened with a combination of (1) and (2) above.	s104(1A)(a)(vi)	Provision to remain, but **size of landscaping area cannot be considered for a residential activity.**
MUZ	MUZ-S11 Landscaping, revegetation and fencing (Opua Marine Business Park)		s104(1A)(a)(vi)	Business Park, so area of landscaping remains in scope

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
TCZ	TCZ-P6	Ensure residential development achieves high quality on-site residential amenity through providing: a. **Adequately sized and conveniently located outdoor living spaces, and** access to reasonable levels of sunlight commensurate with a commercial environment;	s104(1A)(a)(iii)	First part relating to **outdoor living spaces** to be struck through
TCZ	TCZ-P6	Ensure residential development achieves high quality on-site residential amenity through providing: b. Reasonable levels of privacy through unit design, balcony placement, and window orientation that limits the extent of overlooking of private spaces by other residential units; and	s104(1A)(a)(iii)	**Privacy remains in scope where it relates to occupants in a building, but current understanding is that overlooking of other units' outdoor living spaces is out of scope.**
TCZ	TCZ-P6	Ensure residential development achieves high quality on-site residential amenity through providing: **c. Adequate internal floor areas and layouts.**	s104(1A)(a)(v)	Related rule is struck through. Strike through c as well
TCZ	TCZ-R2 Commercial activity PER-4	The new building or structure and relocated building or extension or alteration to an existing building or structure on the site, does not exceed GFA 450m2.	s104(1A)(c)	GFA limit is in place for a range of reasons which remain in scope. **If infringed by a retail activity though, retail distribution effects are out of scope**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
TCZ	TCZ-R5 Residential unit PER-1	1. **Each Residential Unit shall be a minimum of 35m2 Gross Floor Area for a studio and 45m2 Gross Floor Area for units containing one or more bedrooms. The GFA excludes areas used as garaging or outdoor living space** **AND associated matters of discretion**	s104(1A)(a)(v)	Strike through clause 1 and the associated matters of discretion
TCZ	TCZ-R5 Residential unit PER-1	**2. Each residential unit shall be provided with an outdoor living space or a contiguous area that is a minimum area of 8m2 and a minimum dimension of 1.5m.** AND associated matters of discretion	s104(1A)(a)(iii)	Strike through clause 2 and the associated matters of discretion
TCZ	TCZ-R5 Residential unit PER-1	3. Balconies or living area windows at first floor level or above shall be setback a minimum of 4m from internal boundaries, with bedroom windows setback a minimum of 1m. No setbacks are required for: Windows associated with a hall, stairwell, or bathroom; Windows that are more than 90 degrees to the boundary; Windows where the sill height is more than 1.6m above internal floor level.	s104(1A)(a)(ii)	Remains in scope if applicant chooses to provide a balcony
TCZ	TCZ-R5 Residential unit PER-1	Matters of discretion for TCZ-R5(3) are restricted to: Any adverse privacy overlooking, or visual dominance effects on adjacent sites Privacy and amenity of occupants	s104(1A)(f)	Retain. Current understanding is that **visual dominance effects on adjacent privately owned sites are out of scope if it relates solely to views from those sites. Privacy remains within scope**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
TCZ	NOTE after TCZ-R18	For sites within the Pedestrian frontage overlay any breach of one of the below standards will be required to provide an Urban design assessment by a suitably qualified Urban designer addressing the following: The character and amenity of the surrounding area Dominance in relation to the road and adjoining sites Loss of privacy to adjoining sites, including potential loss in relation to vacant sites Shading and loss of access to sunlight to adjoining sites Landscaping.	s104(1A)(f)	Retain. Current understanding is that **visual dominance effects on adjacent privately owned sites are out of scope if it relates solely to views from those sites. Privacy, shading, sunlight access remains within scope**
TCZ	TCZ-S1 Maximum height	Matters of discretion: b. dominance in relation to the road and adjoining sites; c. loss of privacy to adjoining sites, including potential loss in relation to vacant sites; d. shading and loss of access to sunlight to adjoining sites;	s104(1A)(f)	Retain. Current understanding is that **dominance in relation to adjoining sites out of scope if it relates solely to views from those sites . Privacy, shading, sunlight access to adjoining sites still in scope**
TCZ	TCZ-S1 Maximum height	Matters of discretion: e. landscaping;	s104(1A)(a)(vi)	Provision to remain, but **size of landscaped area cannot be considered for a residential activity**
TCZ	TCZ-S2 Height in relation to boundary	Matters of discretion: a. loss of privacy to adjoining sites, including potential loss in relation to vacant sites; c. shading and loss of access to sunlight to adjoining sites;	s104(1A)(f)	Privacy, shading, sunlight access to adjoining sites still in scope

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
TCZ	TCZ-S2 Height in relation to boundary	Matters of discretion: b. shading and loss of access to sunlight to adjoining sites, including buildings and outdoor areas;	s104(1A)(iii)	Current understanding is that e**ffects on the outdoor living areas of adjoining residential sites are out of scope**
TCZ	TCZ-S3 Setback	Matters of discretion: b. screening, planting and landscaping on the site;	s104(1A)(a)(vi)	Provision to remain, but **size of landscaped area cannot be considered for a residential activity**
TCZ	TCZ-S4 Pedestrian frontages	For sites with pedestrian frontage identified on the planning maps: 2. At least 65% of the building frontage at ground floor must be clear glazing;	s104(1A)(a)(i)	**Glazing standard remains in scope unless a non-complying ground floor residential activity is proposed.**
TCZ	TCZ-S6 Landscaping for sites that adjoin any sites other than Town Centre, mixed use or industrial zones	Site boundaries that adjoin any zone other than Town Centre, Mixed Use, Light Industrial or Heavy Industrial must: be fenced with a solid fence or wall with a minimum height of 1.8m; or be landscaped with plants or trees with a minimum height of 1m at installation and shall achieve a continuous screen of 1.8m in height and 1.5m in width within five years; or be screened with a combination of (1) and (2) above.	s104(1A)(a)(vi)	Provision to remain, but size of landscaped area cannot be considered for a residential activity

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
RLZ	Overview	Residential living at urban or rural residential densities, stand-alone retail/business activities, community facilities and industrial activities are not provided for or anticipated in the zone as they can reduce rural character and amenity values, lead to reverse sensitivity and cumulative effects, and undermine the role and function of residential, commercial, industrial and mixed use zones.	s104(1A)(c)	Overview to remain, but if considered in effects assessment **the effect of out-of-zone retail activities on retail distribution/commercial centres is out of scope.**
RLZ	RLZ-R6 Educational facility	PER-1 The educational facility is within a residential unit, accessory building or minor residential unit. Matters of discretion are restricted to: b. whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas; a	s104(1A)(f)	Provision to remain, Current understanding is that **visual dominance effects on adjacent privately owned sites are out of scope if it relates solely to views from those sites.** Privacy remains within scope.
RLZ	RLZ-R11 Artificial crop protection structures and crop support structures	Matters of discretion are restricted to: a. The potential adverse visual effects (including glare) on neighbouring properties or road users;	s104(1A)(f)	Provision to remain, **Visual effects on adjacent privately owned sites are out of scope if it relates solely to views from those sites. Glare remains within scope.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
RLZ	RLZ-S1 Maximum height	Where the standard is not met, matters of discretion are restricted to: b. dominance in relation to the road and adjoining sites, including potential loss relation to vacant sites;	s104(1A)(f),	Provision to remain. Current understanding is that **visual dominance effects on adjacent privately owned sites are out of scope if it relates solely to views from those sites.**
RLZ	RLZ-S1 Maximum height	Where the standard is not met, matters of discretion are restricted to: e. landscaping	s104(1A)(vi)	Provision to remain. Proposed landscaping mitigation remains in scope, but **effects solely related to the size of landscaping areas for residential activities are out of scope.**
RLZ	RLZ-S2 Height in relation to boundary	Where the standard is not met, matters of discretion are restricted to: b. shading and loss of access to sunlight to adjoining sites, including buildings and outdoor areas;	s104(1A)(a)(iii)	Current understanding, **effects on the outdoor living areas of adjoining residential sites are out of scope**
RLZ	RLZ-S3 Setback	Where the standard is not met, matters of discretion are restricted to: e. screening, planting and landscaping on the site;	s104(1A)(vi)	Provision to remain. Proposed landscaping mitigation remains in scope, but **effects solely related to the size of landscaping areas for residential activities are out of scope.**
RLZ	RLZ-S4 Building or structure coverage	Where the standard is not met, matters of discretion are restricted to: b. any landscaping, planting and screening to mitigate any adverse effects;	s104(1A)(vi)	Provision to remain. Proposed landscaping mitigation remains in scope. **Effects solely related to the size of landscaping areas for residential activities only are out of scope.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
RLZ	RLZ-S4 Building or structure coverage	Where the standard is not met, matters of discretion are restricted to: c. the extent to which **private open space** can be provided for future uses;	s104(1A)(iii)	Retain provision, however, **given the definition of outdoor living space in the plan, 'private open space' is understood to comprise 'outdoor living space' which is out of scope where it is directly associated with residential activities. It is acknowledged that future uses might not be residential (e.g. farming activities permitted in the RLZ) however these activities are not anticipated to require future 'private' open space.**
RLZ	RLZ-S4 Building or structure coverage	d. the extent to which the siting, setback and design mitigate visual dominance on adjacent sites and surrounding environment	s104(1A)(f)	Provision to remain. Current understanding is that **visual dominance effects on adjacent privately owned sites are out of scope if it relates solely to views from those sites.**
RLZ	RLZ-S6 RLZ-S7 RLZ-S8 Sensitive activity setbacks	Where the standard is not met, matters of discretion are restricted to: a. Potential reverse sensitivity effects and measures taken to mitigate these effects, such as landscaping or screening	s104(1A)(vi)	Provision to remain. Proposed landscaping to mitigate reverse sensitivity effects remains in scope.

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
RRZ	Overview	As such, the Rural Residential zone does not anticipate or provide for community activities, stand-alone retail, business, or industrial activities as these activities can reduce rural character and amenity values, lead to reverse sensitivity, and cumulative effects and undermine the role and function of residential, commercial, industrial and mixed use zones.	s104(1A)(c)	Overview to remain, but if considered in effects assessment (as relevant context) the **effect of out-of-zone retail activities on retail distribution/commercial centres is out of scope (undermining the role of the commercial zone).**
RRZ	RRZ-R6	Matters of discretion are restricted to: c. whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas;	s104(1A)(f)	Provision to remain, Current understanding is that **visual dominance effects on adjacent privately owned sites are out of scope if it relates solely to views from those sites. Privacy remains within scope.**
RRZ	RRZ-R10 Artificial crop protection structures and crop support structures	Matters of discretion are restricted to: a. The potential adverse visual effects (including glare) on neighbouring properties or road users;	s104(1A)(f)	Provision to remain. **Visual effects (including glare) remain within scope, however if the effects solely relate to views from private property then that this is out of scope.**
RRZ	RRZ-R12 Minor Residential Unit	**CON-5** **The minor residential unit: does not exceed a GFA of 65m2**	s104(1A)(a)(v),	Floor area of a residential unit out of scope. Delete CON-5.

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
RRZ	RRZ-R12 Minor Residential Unit	Matters of control are limited to: f. the each residential unit has **sufficient outdoor open space, and there is** sufficient room for any landscaping, egress and any accessory building(s) required;	s104(1A)(a)(iii)	Requirement for outdoor open space to be struck out. Given the definition of outdoor living space in the plan, '**outdoor open space'** is understood to comprise 'outdoor living space' for each residential unit in this context.
RRZ	RRZ-R12 Minor Residential Unit	Matters of control are limited to: f. the each residential unit has sufficient outdoor open space, and **there is sufficient room for any landscaping**, egress and any accessory building(s) required;	s104(1A)(a)(vi)	Provision to remain. Landscaping if proposed remains in scope, but **effects solely related to the size of landscaping areas are out of scope.**
RRZ	RRZ-R12 Minor Residential Unit	Matters of control are limited to: c. whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas;	s104(1A)(f)	Provision to remain, Current understanding is that v**isual dominance effects on adjacent privately owned sites are out of scope if it relates solely to views from those sites.** Privacy remains within scope.

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
RRZ	RRZ-S1 Maximum height	Where the standard is not met, matters of discretion are restricted to: b. dominance in relation to the road and adjoining sites, including potential loss relation to vacant sites; e. landscaping	s104(1A)(f) s104(1A)(a)(vi)	Provision to remain. Current understanding is that **visual dominance effects on adjacent privately owned sites are out of scope if it relates solely to views from those sites.** **Landscaping if proposed remains in scope, but effects solely related to the size of landscaping areas for residential activities are out of scope.**
RRZ	RRZ-S2 Height in relation to boundary	Where the standard is not met, matters of discretion are restricted to: b. shading and loss of access to sunlight to adjoining sites, including buildings and outdoor areas;	s104(1A)(a)(iii)	Current understanding, **effects on the outdoor living areas of adjoining residential sites are out of scope**
RRZ	RRZ-S3 Setbacks	Where the standard is not met, matters of discretion are restricted to: b. screening, planting and landscaping on the site;	s104(1A)(a)(vi)	Landscaping if proposed remains in scope, but **effects solely related to the size of landscaping areas for residential activities are out of scope.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
RRZ	RRZ-S4 Building or structure coverage	Where the standard is not met, matters of discretion are restricted to: c. the extent to which private open space can be provided for future uses;	s104(1A)(iii)	Retain provision, however, **given the definition of outdoor living space in the plan, 'private open space' is understood to comprise 'outdoor living space' which is out of scope where it is directly associated with residential activities. It is acknowledged that future uses might not be residential (e.g. farming activities permitted in the RLZ) however these activities are not anticipated to require future 'private' open space.**
RRZ	RRZ-S4 Building or structure coverage	Where the standard is not met, matters of discretion are restricted to: d. the extent to which the siting, setback and design mitigate visual dominance on adjacent sites and surrounding environment	s104(1A)(f)	Provision to remain, Current understanding is that **visual dominance effects on adjacent privately owned sites are out of scope if it relates solely to views from those sites**. Privacy remains within scope.
RRZ	RRZ-S4 Building or structure coverage	Where the standard is not met, matters of discretion are restricted to: b. any landscaping, planting and screening to mitigate any adverse effects;	s104(1A)(a)(vi)	Landscaping if proposed remains in scope, but **effects solely related to the size of landscaping areas for residential activities are out of scope.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
RSZ	RSZ-P3	Enable non-residential activities in the Settlement zone that: c. do not adversely affect the viability and vitality of nearby urban centers	s104(1A)(c),	Retain provision, **out of scope in relation to effects on retail distribution only.**
RSZ	RSZ-R1 New buildings or structures and relocated buildings or extensions or alterations to existing buildings or structures	PER-2 The new building or structure and relocated building or extension or alteration to an existing building or structure complies with standards: **RSZ-S4 Outdoor living space;**	s104(1A)(iii)	Delete referenced standard 'RSZ-S4 **Outdoor living space**'. Out of scope.
RSZ	RSZ-R4 Visitor accommodation	Matters of discretion are restricted to: e. screening and landscaping;	s104(1A)(a)(vi)	Landscaping if proposed remains in scope, but e**ffects solely related to the size of landscaping areas for residential activities are out of scope.** **If the visitor accommodation is not within a residential unit (in breach of PER-1), then this needs not be considered.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
RSZ	RSZ-R6 Educational facility	PER-1 The educational facility is within a residential unit, accessory building or minor residential unit. Matters of discretion are restricted to: a. the character and appearance of the building(s) the siting of the building(s), decks and **outdoor areas** including parking relative to adjoining sites;	s104(1A)(iii)	Provision retained. Reference to outdoor areas in this context is broader than solely outdoor living space. However, **effects assessment will not be able to consider the character or appearance of outdoor living spaces.**
RSZ	RSZ-R6 Educational facility	Matters of discretion are restricted to: c. whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas;	s104(1A)(f)	Provision to remain, Current understanding is that **visual dominance effects on adjacent privately owned sites are out of scope if it relates solely to views from those sites.** Privacy remains within scope.
RSZ	RSZ-S1 Maximum height	Where the standard is not met, matters of discretion are restricted to: e. landscaping;	s104(1A)(a)(vi)	Landscaping if proposed remains in scope, but **effects solely related to the size of landscaping areas for residential activities are out of scope**.

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
RSZ	RSZ-S1 Maximum height	Where the standard is not met, matters of discretion are restricted to: b. dominance in relation to the road and adjoining sites;	s104(1A)(f)	Current understanding is that **dominance in relation to adjoining privately owned sites is out of scope if it relates solely to views from those sites.**
RSZ	RSZ-S2 Height in relation to boundary	Where the standard is not met, matters of discretion are restricted to: b. shading and loss of access to sunlight to adjoining sites, including buildings and outdoor areas;	s104(1A)(a)(iii)	Current understanding, **effects on the outdoor living areas of adjoining residential sites are out of scope**
RSZ	RSZ-S3 Setback	Where the standard is not met, matters of discretion are restricted to: b. screening, planting and landscaping on the site;	s104(1A)(a)(vi)	Landscaping if proposed remains in scope, but **effects solely related to the size of landscaping areas for residential activities are out of scope.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
RSZ	RSZ-S4 Outdoor living space	**1. Each residential unit or minor residential unit must have an exclusive outdoor living space:** **of at least 50m2 at ground level with a minimum dimension of 5m; or** **at least 8m2 (with a minimum dimension of 2m) where the residential unit is not on the ground floor.** **2. The outdoor living space must:** **be directly accessible from a habitable room in the residential unit;** **be free of buildings, storage, parking spaces and manoeuvring areas; and** **be oriented to the north, east or west side (or a combination) of the residential unit.**	s104(1A)(iii)	Strikeout/delete provision. The **outdoor living space** of residential units is no longer in scope.
RSZ	RSZ-S5 Outdoor storage	Any outdoor storage areas, except for the display of goods for retail sale, must be fully screened by a solid fence or wall of a minimum height of 1.8m so that the area it is not visible from **adjoining sites and** public land.	s104(1A)(f)	Strikeout 'adjoining sites and'
RSZ	RSZ-S5 Outdoor storage	Where the standard is not met, matters of discretion are restricted to: b. the amenity values of adjoining properties including that on the outdoor living space;	s104(1A)(iii)	Current understanding: **f<u>or residential activities only</u>, consideration of amenity values on the outdoor living space is no longer in scope.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
RSZ	RSZ-S5 Outdoor storage	Where the standard is not met, matters of discretion are restricted to: c. screening, planting and landscaping;	s104(1A)(a)(vi)	Landscaping mitigation remains in scope, but **for residential activities only effects solely related to the size of landscaping areas for residential activities are out of scope.**
RSZ	RSZ-S6 Landscaping and screening	Where a site adjoins a Rural Production zone, the shared boundary shall be screened or landscaped with either: a solid fence or wall of a minimum height of 1.8m; or be landscaped with plants or trees with a minimum height of 1m at planting which will achieve a continuous screen of 1.8m in height and 1.5m in width within five years; or be screened with a combination of (a) and (b) above.	s104(1A)(vi)	Provision to remain, but **size of landscaping area cannot be considered for a residential activity**
RSZ	RSZ-S7 RSZ-S8 Sensitive activity setbacks	Where the standard is not met, matters of discretion are restricted to: a. Potential reverse sensitivity effects and measures taken to mitigate these effects, such as landscaping or screening	s104(1A)(a)(vi)	Provision to remain. Proposed landscaping to mitigate reverse sensitivity effects remains in scope.

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
NOSZ	NOSZ-S1 Maximum height	Matters of discretion: b. dominance in relation to the road and adjoining sites; c. loss of privacy to adjoining sites, including potential loss in relation to vacant sites; d. shading and loss of access to sunlight to adjoining sites;	s104(1A)(f)	**Dominance in relation to adjoining sites out of scope if it relates solely to views from those sites** . Privacy, shading, sunlight access to adjoining sites still in scope
NOSZ	NOSZ-S2 Height in relation to boundary	Where the standard is not met, matters of discretion are restricted to: a. shading and loss of access to sunlight to adjoining sites, including buildings and outdoor areas;	s104(1A)(a)(iii)	**Effects on the outdoor living areas of adjoining residential sites are out of scope**
NOSZ	NOSZ-S4 Building or structure coverage	Where the standard is not met, matters of discretion are restricted to: d. the extent to which the siting, setback and design mitigate visual dominance on adjacent sites and surrounding environment	s104(1A)(f)	**Dominance in relation to adjoining sites out of scope if it relates solely to views from those sites**
OSZ	OSZ-S1 Maximum height	Matters of discretion: b. dominance in relation to the road and adjoining sites; c. loss of privacy to adjoining sites, including potential loss in relation to vacant sites; d. shading and loss of access to sunlight to adjoining sites;	s104(1A)(f)	**Dominance in relation to adjoining sites out of scope if it relates solely to views from those sites .** Privacy, shading, sunlight access to adjoining sites still in scope
OSZ	OSZ-S2 Height in relation to boundary	Where the standard is not met, matters of discretion are restricted to: a. shading and loss of access to sunlight to adjoining sites, including buildings and outdoor areas;	s104(1A)(a)(iii)	Current understanding, **effects on the outdoor living areas of adjoining residential sites are out of scope**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
OSZ	OSZ-S4 Building or structure coverage	Where the standard is not met, matters of discretion are restricted to: d. the extent to which the siting, setback and design mitigate visual dominance on adjacent sites and surrounding environment	s104(1A)(f)	**Dominance in relation to adjoining sites out of scope if it relates solely to views from those sites**
SARZ	SARZ-S1 Maximum height	Matters of discretion: b. dominance in relation to the road and adjoining sites; c. loss of privacy to adjoining sites, including potential loss in relation to vacant sites; d. shading and loss of access to sunlight to adjoining sites;	s104(1A)(f)	**Dominance in relation to adjoining sites out of scope if it relates solely to views from those sites** . Privacy, shading, sunlight access to adjoining sites still in scope
SARZ	SARZ-S2 Height in relation to boundary	Where the standard is not met, matters of discretion are restricted to: b. shading and loss of access to sunlight to adjoining sites, including buildings and outdoor areas;	s104(1A)(a)(iii)	Current understanding, **effects on the outdoor living areas of adjoining residential sites are out of scope**
SARZ	SARZ-S4 Building or structure coverage	Where the standard is not met, matters of discretion are restricted to: d. the extent to which the siting, setback and design mitigate visual dominance on adjacent sites and surrounding environment	s104(1A)(f)	**Dominance in relation to adjoining sites out of scope if it relates solely to views from those sites**
LIZ	LIZ-R2 Industrial Activity	Matters of discretion are restricted to: c. the extent to which the ancillary activity may result in trade distribution effects, or impact on the function of the Light Industrial zone; and	s104(1A)(c)	**Trade distribution effects are out of scope if the ancillary activity is a retail activity.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
LIZ	LIZ-S1 Maximum height	Matters of discretion: b. dominance in relation to the road and adjoining sites; c. loss of privacy to adjoining sites, including potential loss in relation to vacant sites; d. shading and loss of access to sunlight to adjoining sites;	s104(1A)(f)	**Dominance in relation to adjoining sites out of scope if it relates solely to views from those sites .** Privacy, shading, sunlight access to adjoining sites still in scope
LIZ	LIZ-S2 Height in relation to boundary	Where the standard is not met, matters of discretion are restricted to: b. shading and loss of access to sunlight to adjoining sites, including buildings and outdoor areas	s104(1A)(a)(iii)	Current understanding, **effects on the outdoor living areas of adjoining residential sites are out of scope**
LIZ	LIZ-S2 Height in relation to boundary	Matters of discretion: b. shading and loss of access to sunlight to adjoining sites, including buildings and outdoor areas;	s104(1A)(iii)	Current understanding is that **effects on the outdoor living areas of adjoining residential sites are out of scope**
LIZ	LIZ-S6 Landscaping for sites that adjoin any sites other than mixed use or industrial	Where the standard is not met, matters of discretion are restricted to: a. the outlook, character, and amenity of adjoining sites in any zone other than Mixed Use, Light Industrial or Heavy Industrial zones;	s104(1A)(f)	**The outlook from adjoining privately owned sites is out of scope**
LIZ	LIZ-8 Pedestrian frontages	For sites with pedestrian frontage identified on the planning maps: 1. At least 65% of the building frontage at ground floor must be clear glazing	s104(1A)(a)(i)	**Glazing standard remains in scope unless a non-complying ground floor residential activity is proposed**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
HIZ	HIZ-S1 Maximum height	Matters of discretion: b. dominance in relation to the road and adjoining sites; c. loss of privacy to adjoining sites, including potential loss in relation to vacant sites; d. shading and loss of access to sunlight to adjoining sites;	s104(1A)(f)	**Dominance in relation to adjoining sites out of scope if it relates solely to views from those sites .** Privacy, shading, sunlight access to adjoining sites still in scope
HIZ	HIZ-S2 Height in relation to boundary	Where the standard is not met, matters of discretion are restricted to: b. shading and loss of access to sunlight to adjoining sites, including buildings and outdoor areas	s104(1A)(a)(iii)	Current understanding, **effects on the outdoor living areas of adjoining residential sites are out of scope**
HIZ	HIZ-S4 Outdoor storage	Where a site adjoins another site that is not zoned light industrial or heavy industrial any outdoor storage areas, except for the display of goods for retail sale, must be fully screened by a solid fence or wall of a minimum height of 1.8m so that it is not visible from **adjoining sites and** public land.	s104(1A)(f)	Strike out 'adjoining sites and'
HIZ	HIZ-S6 Landscaping for adjoining sites other than mixed use or industrial	Where the standard is not met, matters of discretion are restricted to: a. the outlook, character, and amenity of adjoining sites in any zone other than Mixed Use, Light Industrial or Heavy Industrial zones;	s104(1A)(f)	**The outlook from adjoining privately owned sites is out of scope**
Strategic Direction	Overview	5. A prosperous economy through enabling a wide range of rural and urban business activities in the right locations	s(104)(1A)(c)	Overview to remain, but **effects of retail distribution (if relevant to the consideration of '*enabling business activities in the right location* ' out of scope.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
I	I-P3	Provide for...while managing the adverse effects of these activities by the following: a-f	s(104)(1A)(f)	Provision retained. **Adverse visual effects are commonly associated with certain types of infrastructure. Effects solely related to 'out of scope' matters cannot form part of the effects assessment (e.g. if the adverse effect is solely related to views from private property). However landscape, character, public view, privacy, noise, traffic, shading, light spill, glare, effects etc all remain in scope.**
I	I-P13	Manage the adverse effects of infrastructure on other land uses and activities by: a. avoiding, remedying or mitigating adverse effects on: I sensitive activities;	s(104)(1A)(f)	Provision retained. **Adverse visual effects are commonly associated with certain types of infrastructure. Effects solely related to 'out of scope' matters cannot form part of the effects assessment (e.g. if the adverse effect is solely related to views from private property). However landscape, character, public view, privacy, noise, traffic, shading, light spill, glare, effects etc all remain in scope.**

Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
I	I-R3	Matter of restricted discretion: d. The potential adverse visual effects of the upgrading, including impacts on the amenity values of the locality, and any cumulative adverse effects;	s(104)(1A)(f)	Provision retained. **Adverse visual effects are commonly associated with certain types of infrastructure. Visual effects solely related to views from private property out of scope. However visual effects related to other effects (e.g. landscape, character, public views, glare etc) remain in scope.**
I	I-R5	Matter of restricted discretion: d. The potential adverse visual effects of the customer connection, including impacts on the amenity values of the locality, and any cumulative adverse effects;	s(104)(1A)(f)	Provision retained. **Adverse visual effects are commonly associated with certain types of infrastructure. Visual effects solely related to views from private property out of scope. However visual effects related to other effects (e.g. landscape, character, public views, glare etc) remain in scope.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
I	I-R7, I-R14, I-R15 : matters of restricted discretion. Policy I-P6	Matters of discretion are restricted to: d. the impact on the character and qualities of the surrounding area; Policy I-P6 d. encouraging innovative design to maintain the character and amenity of the surrounding area by integrating infrastructure within the site and utilising existing built form and landform; and	s(104)(1A)(f)	Provisions retained. These provisions are focused on the effect on the character, amenity and qualities of the surrounding area, rather than the viewpoint from which the enjoyment of that character/amenity is experienced from. **Effects solely related to views from private property are now out of scope, but landscape, character, public views, glare and other effects remain in scope.**
I	I-R12	Matters of discretion are restricted to: a. visual amenity effects, including effect ;on landscape;	s(104)(1A)(f)	Provision retained. **Adverse visual effects are commonly associated with certain types of infrastructure. Visual effects solely related to views from private property out of scope. However visual effects related to other effects (e.g. landscape, character, public views, glare etc) remain in scope.**
I	I-R13	Matters of discretion are restricted to: d. Effects on adjoining properties and the wider catchment.	s(104)(1A)(f)	Provision retained**. Effects solely related to views from adjoining private property out of scope. However effects on adjoining properties related to other effects (e.g. privacy, noise, traffic, shading, light spill, glare etc) remain in scope.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
I	I-R18	Matters of discretion are restricted to: d. Effects on adjoining properties and the wider catchment.	s(104)(1A)(f)	Provision retained. **Effects solely related to views from adjoining private property out of scope. However effects on adjoining properties related to other effects (e.g. privacy, noise, traffic, shading, light spill, glare etc) remain in scope.**
REG	REF-O3	The adverse effects of renewable electricity generation activities are managed in a way that recognises and provides for the operational and functional need of renewable electricity generation activities to be in particular environments.	s(104)(1A)(f)	Provision retained. **Visual effects are commonly associated with renewable electricity infrastructure. Effects solely related to 'out of scope' matters cannot form part of the effects assessment (e.g. if the adverse effect is solely related to views from private property). However landscape, character, public view, privacy, noise, traffic, shading, flicker, light spill, glare effects etc all remain in scope.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
REG	REG-P6	Enable solar electricity generation activities where adverse effects are appropriately managed, recognising that adverse effects from solar generation can generally be avoided or effectively mitigated through: b. screening and setbacks from sensitive activities.	s(104)(1A)(f)	Provision retained. **Visual effects are commonly associated with renewable electricity infrastructure. Effects solely related to 'out of scope' matters cannot form part of the effects assessment (e.g. screening and setbacks to mitigate views from private property). However provision remains in scope for mitigating a range of other adverse effects on sensitive activities; including, glint and glare, noise, shading, building dominance, privacy, light spill, dust, traffic and effects on public views, landscape and natural character.**
REG	REG-P8	Avoid locating large-scale and community scale renewable electricity generation activities outside the Rural Production, Māori Purpose and Open Space zones unless it can be demonstrated that adverse effects will be no more than minor.	s(104)(1A)(f)	Provision retained. **Visual effects are commonly associated with large scale renewable electricity infrastructure. Effects on views from private property are no longer in scope. However the adverse effects on public views, landscape, character, etc remain in scope.**

Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
REG	REG-P10	Consider the following matters where relevant when assessing and managing the effects of renewable electricity generation activities: f. the nature, duration, timing and frequency of any adverse effects;	s(104)(1A)(f)	Provision retained. Assessing the nature, duration, timing, and frequency of adverse effects is essential for distinguishing between temporary construction impacts (such as noise, dust, and traffic), intermittent operational effects (such as glint and glare or maintenance lighting), and long-term effects. While **effects solely related to 'out of scope' matters under section 104(1A) of the RMA cannot form part of a resource consent assessment (such as views from private property), this provision remains in scope for evaluating other effects.**
REG	REG-R1 REG-R7	Matters of discretion are restricted to: a. location, scale and size of the activity;	s(104)(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing the effects of the location, scale and size of the activity and any screening to mitigate adverse effects. Glint and glare, noise, shading, privacy, light spill, dust, traffic and effects on public views, landscape and natural character remain in scope.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
REG	REG-R3	Matters of discretion are restricted to: a. visual domination, overshadowing, loss of privacy on adjoining sites, noise;	s(104)(1A)(f)	Provision to remain. Current understanding is that **visual dominance effects on surrounding residential units out of scope if the dominance effect related solely to views from private property. Privacy and shading effects remain in scope.**
REG	REG-R3	Matters of discretion are restricted to: c. the location and proximity of residential units and their associated outdoor areas on adjoining sites.	s(104)(1A)(iii)	Current understanding, **effects on the outdoor living areas of adjoining residential sites are out of scope.**
REG	REG-R4	Matters of discretion are restricted to: a. adverse effects resulting from the scale of the building or structure; f. colour scheme of buildings or structures, landscaping or screening.	s(104)(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing the effects of the location and scale of buildings/structures and the colour scheme, landscaping or screening to mitigate adverse effects. Effects on public views, landscape and natural character etc remain in scope.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
REG	REG-R5	Matters of discretion are restricted to: a. adverse effects resulting from the scale of the mast; f. colour scheme of buildings or structures, landscaping or screening.	s(104)(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing the effects of the location, scale and size of the activity and any screening to mitigate adverse effects. Effects on public views, landscape and natural character etc remain in scope.**
REG	REG-R6	Matters of discretion are restricted to: a. adverse effects resulting from the increase in the scale of the building or structure; c. visual domination, overshadowing, loss of privacy on surrounding sites;	s(104)(1A)(f)	Provision to remain. Current understanding is that **visual effects on surrounding residential units out of scope if the dominance effect related solely to views from private property. Privacy, shadow flicker, glare, privacy and shading effects remain in scope.**
REG	REG-R6	Matters of discretion are restricted to: e. the location and proximity of residential units and their associated outdoor areas;	s(104)(1A)(iii)	Current understanding, **effects on the outdoor living areas of adjoining residential sites are out of scope.**
REG	REG-R7	Matters of discretion are restricted to: a. location, scale and size of the activity; h. colour scheme of structure(s), screening and landscaping.	s(104)(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing the effects of the location, scale and size of the activity and any screening to mitigate adverse effects. Glint and glare, noise, shading, privacy, light spill, dust, traffic and effects on public views, landscape and natural character remain in scope.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
TRAN	TRAN-R1	PER-1 With the exception of PER-2, parking spaces and loading spaces are located on site and they shall not be located over any footpaths, access, manoeuvring, or outdoor living areas.	s(104)(1A)(iii)	Current understanding, **effects on the outdoor living areas are out of scope.**
TRAN	TRAN-R1	Matters of discretion: b. the streetscape and amenity of the surrounding area;	s(104)(1A)(f)	Provisions retained. **Effects solely related to views from private property are now out of scope, but streetscape and other amenity effects remain in scope, including public views.**
HS	HSP2 HSP3	Policies managing the effects of significant hazardous facilities	s(104)(1A)(f)	Provision to remain. Current understanding is that **views from private property is out of scope. Reverse sensitivity and risks to the health of people and the environment remain in scope.**
NATC	NATC-P6	Consider the following matters where relevant when assessing the effects of land use and subdivision on the characteristics, qualities and values of natural character: c. the location, scale and design of any proposed development; e. the ability of the environment to absorb change;	s104(1A)(f)	Provision retained. **While effects related solely to views from private property are out of scope, effects on natural character values are still within scope.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
NATC	NATC-R1	NFL-R1 PER-2 The new building or structure and relocated building on wetland, lake and river margins is no greater than 300m2. Matters of discretion are restricted to: b.the matters in NATC-P6	s(104)(1A)(a)(v) s104(1A)(f)	**While the size of residential units is now out of scope, this permitted activity standard is specifically related to managing effects on natural character values of wetlands, lakes and river margins. Natural character values, landscape effects and public views are all still within scope.**
NFL	NFL-P7	Consider the following matters where relevant when assessing and managing the effects of land use and subdivision on the characteristics, qualities and values that make ONL and ONF outstanding: c. the location, scale and design of any proposed development; o. the visual effect of the building, structure or activity on in relation to ridgelines, headlands or peninsula within ONL or ONF.	s(104)(1A)(f)	**Visual effects relating solely to views from private property are out of scope. However visual effects that are components of landscape and natural values in relation to ridgelines, headlands or peninsulas within an ONL or ONF remain in scope.**
NFL	NFL-R1	PER-2 Any extension or alteration to a lawfully established building or structure: 1. if it is an extension or alteration of a building, it is no greater than 20% of the GFA of the existing lawfully established building; and 2. complies with NFL-S1.	s(104)(1A)(a)(v) s104(1A)(f)	**While the size of residential units is now out of scope, this permitted activity standard is specifically related to controlling effects on ONL and ONF. Landscape effect, public views, and natural character and values are all still within scope.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
NFL	NFL-R1. RD1, RD2	The matters of discretion are: b. the matters in NFL-P7;	s(104)(1A)(f)	**Visual effects relating solely to views from private property are out of scope. However visual effects that are components of landscape and natural values in relation to ridgelines, headlands or peninsulas within an ONL or ONF remain in scope.**
ASW	ASW-P4	Consider the following matters where relevant when assessing and managing the effects of activities on the surface of water: j. the scale and location of any structure on the waterbody and adjacent land;	s104(1A)(f)	**Visual effects relating solely to views from adjacent private property are out of scope. However, assessing the scale and location of structures remains within scope in relation to effects on waterbodies, riparian margins, navigation and safety, natural character, and public views.**
CE	CE-P3	Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics, qualities and values of natural character areas and natural features and landscapes in the coastal environment not identified as an: a. outstanding natural character area; b. ONL; or c. ONF.	s104(1A)(f)	Retain provision. Specifically relates to effects on the characteristics, qualities and values of natural character areas, natural features and landscapes in the coastal environment, and these effects remain in scope. Only **effects solely related to views from private property are out of scope.**

Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
CE	CE-P4	Preserve the visual qualities, character and integrity of the coastal environment by: a. consolidating land use and subdivision around existing urban centres and rural settlements; and b. avoiding sprawl or sporadic patterns of development in the rural environment.	s104(1A)(c) s104(1A)(f)	**The effects solely related to retail distribution or views from private property are out of scope when considering the consolidation of land use or avoiding sprawl/sporadic development patters (for example, retail distribution effects cannot be considered for an out-of-centre retail proposal).** However, effects on coastal natural character, visual qualities, and landscape values remain within scope.
CE	CE-P9	Consider the following matters where relevant when assessing the effects of land use and subdivision on the characteristics, qualities and values of natural character: c. the location, scale and design of any proposed development; e. the ability of the environment to absorb change;	s104(1A)(f)	Provision retained. This policy is within scope for assessing effects on natural character values. While **visual effects relating solely to views from private property cannot form part of an effects assessment, all biophysical, ecological, public view, and wider landscape integration effects remain in scope.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
CE	CE-R1	PER-1 If a new building or structure and relocated building is located in the General Residential zone, Mixed Use zone, Light Industrial zone, Kororāreka Russell Township zone, Māori Purpose zone – Urban, Orongo Bay zone, Hospital zone, or Kauri Cliff zone - Golf Living Sub-zone, or Waitangi Estate zone – Whakanga (Tourism) Sub-zone and Matauri Bay subdivision approved by RC206090 it: 1. is no greater than 300m2; PER-3 Any extension or alteration to a lawfully established building or structure is: 1. no greater than 20% of the GFA of the existing lawfully established building or structure; and	s104(1A)(a)(v)	PER-1 and PER-3 as they relate to the GFA and m2 of a residential building would normally be out of scope in relation to the **size of a residential unit**, however in this context, it is clearly used as a proxy for controlling the external building size and managing effects on coastal character (as per relevant policy framework). It is considered to be in scope, based on the intent of the out-of-scope matter and applying a practical approach.
CE	CE-R1	Activity status where compliance not achieved with PER-1 and PER-2: Controlled CON-1 The building is a residential unit or a minor residential unit on a defined building platform or buildable area, where the defined building platform or buildable area has been identified through a professional landscape assessment and approved as part of an existing or implemented subdivision consent.	s104(1A)(a)(v)	Retain provision. The requirement for a landscape assessment to determine the appropriate building platform **(size) for residential units** remains in scope, as this is specifically related to landscape effects which are still in scope.

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
CE	CE-R1	The matters of control are: a. the location, scale and design of buildings, and associated accessways and infrastructure, having regard to their visual prominence;	s104(1A)(f)	Retain provision. **Visual effects relating solely to views from private property are 'out of scope'. However this provision manages effects on landscape and natural values which are still within scope when considering the visual prominence of development in the coastal environment.**
CE	CE-R1	The matters of control are: b. the means of integrating the building, structure or activity into the landscape, including through planting; c. the height of retaining walls, their colour and whether planting is necessary to mitigate their visual effects; d. measures to mitigate adverse effects on the characteristics, qualities and values of the coastal environment;	s104(1A)(a)(vi)	Retain provision. Current understanding is that the '**size of landscaped areas' for residential units** 'out of scope. However these matters of control remain in scope as they are specifically related to effects on landscape, natural values, and character which are all still within scope.
CE	CE-R1 RDIS-1, RDIS-2	The matters of discretion are: a. the matters in CE-P9;	s104(1A)(a)(v)	Retain provision. As above, the scale **(size) of a residential unit** is considered to still be within scope, as this matter discretion relates specifically to controlling the external building size and managing effects on coastal character.

Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
CE	CE-S3 Earthworks or indigenous vegetation clearance	4. screen any exposed faces visible from a public place.	s104(1A)(f) s104(1A)(a)(vi)	Retain provision. The provision is specifically to do with views from public places (not **views from private property**) and to mitigating the adverse effects of earthworks, both of which remain in scope. Where screening comprises planting on residential sites, the assessment should focus on the effectiveness of the planting in mitigating earthwork effects (rather than the **size of landscaped areas for residential** amenity purposes).
CE	CE-S4 Setbacks from MHWS	Where the standard is not met, matters of discretion are restricted to: b. screening, planting and landscaping on the site;	s104(1A)(a)(vi)	Retain. The provision is specifically to do with mitigating the adverse effects of buildings/structures within MHWS setbacks (which remains in scope). Where screening comprises planting on a residential site, the assessment will be focused on the effectiveness of the planting mitigating coastal and natural character effects (rather than the **size of landscaped areas for residential** amenity purposes).

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
CE	CE-R8 Extensions and alterations to existing buildings and structures (excluding infrastructure)	PER-1 There is no increase to the GFA of the building or footprint of the structure that results in the building or structure exceeding the limits for new buildings or structures and relocated buildings in CE-R10 PER-1 or for new buildings or structures ancillary to farming activities in CE-R11 PER-1.	s104(1A)(a)(v)	PER-1 where they relate to the GFA a residential building would normally be out of scope in relation to the **size of a residential unit**, however in this context, it is clearly used as a proxy for controlling the external building size and managing effects on coastal character (as per relevant policy framework). It is considered to be in scope, based on the intent of the out-of-scope matter and applying a practical approach.
CE	CE-R10 New buildings or structures and relocated buildings	PER-1 The building or structure and relocated building is one of the following: above ground buildings and structures with a GFA or footprint of 10m2 or less and are not used for a vulnerable activity.	s104(1A)(a)(v)	Retain provision. Does not apply to 'vulnerable activities' including residential activities (also manages coastal character effects which remain in scope).

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
CE	CE-R12 New buildings and extension or alterations that increase the GFA of existing buildings	Matters of restricted discretion h. the effects of any vegetation planting or removal.	s104(1A)(a)(vi)	Retain provision. Vegetation planting for screening purposes (e.g. related to coastal character, natural values and landscape effects) or related to permeability, remain within scope. **Where vegetation is proposed in association with new buildings, extensions or alterations that increase the GFA of existing residential buildings, the effects assessment cannot include the size of landscaped areas for residential amenity** purposes.
HA	HA-P3	To maintain visual connection to Kororipo Pā, the Stone Store and Kemp House by limiting built development and landscaping within Part B to protect viewshafts of Kororipo Pā.	s(104)(1A)(f)	Provision to remain. While effects solely related to **views from private property** are outside of scope, this viewshaft is specifically related to culture and heritage effects (maintaining clear, uninterrupted sightlines between the pā, the Kerikeri River, and the surrounding basin), and so is remains in scope.
NT	NT-P5	Avoid the destruction or removal of a notable tree or trees unless: c. the use and enjoyment of a property and surrounds is significantly compromised or diminished; or	s(104)(1A)(f)	Retain. **Effects solely related to views from private property are outside of scope. Other effects, including shading effects, still within scope**.

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
NT	NT-P5	Avoid the destruction or removal of a notable tree or trees unless: c. the use and enjoyment of a property and surrounds is significantly compromised or diminished; or	s(104)(1A)(a)(iii)	Current understanding is that the **effects on the outdoor living areas associated with residential activities are out of scope.**
EW	Overview	Often the effects of earthworks are to such an extent that the identified amenity values and character of an area can be changed permanently and unidentified historic and cultural sites are destroyed or damaged.	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing visual amenity. Effects of public views and other amenity effects remain in scope.**
EW	EW-O1	Earthworks are enabled where they are required to facilitate the efficient subdivision, use and development of land, while managing adverse effects on amenity, public safety, surrounding land and infrastructure.	s104(1A)(f)	Provision retained. **Effects solely related to views from private property are now out of scope. However other amenity effects remain in scope, including public views.**
EW	EW-O2	Earthworks are appropriately designed, located and managed to protect historical and cultural values, natural environmental values, preserve amenity and safeguard the life-supporting capacity of soils.	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing visual amenity. Effects of public views and other amenity effects remain in scope.**
EW	EW-P2	Ensure earthworks are managed, when it has the potential to: b. result in adverse effects on amenity value, historic heritage, cultural values and indigenous biodiversity	s104(1A)(f)	Provision retained. **Effects solely related to views from private property are now out of scope. However other amenity effects remain in scope, including public views.**

Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
EW	EW-P3	Ensure earthworks are located and designed appropriately to manage the effects of the activity by: a. controlling maximum depth and height and maximum area or volume of earthworks; b. requiring appropriate setbacks to be maintained from adjoining property boundaries; c. managing the location and design of infrastructure;	s104(1A)(f)	Provision retained. **Effects solely related to views from private property are now out of scope when assessing the need to control maximum depth and height/area of works, boundary setbacks and location. However, other effects managed by the provision are still in scope (e.g. public views, dust, silt, sediment, drainage, natural hazards, nuisance, amenity etc).**
EW	EW-P4	Require earthworks to be of a type, scale and form that is appropriate for the location having regards to the effects of the activity, and: c. compatibility with the visual amenity and character values of the area; f. using materials for retaining structures that are compatible with the visual amenity and the characteristics and qualities of the surrounding area; g. minimising adverse visual effects associated with any exposed cut faces or retaining structures, including with the use of screening, landscaping and/or planting	s104(1A)(f)	Provision retained. **Effects solely related to views from private property are now out of scope when assessing the effects of earthworks. However, other effects managed by the provision are still in scope (including public views, dust, silt, sediment, drainage, natural hazards, science, amenity, heritage, landscape, ecology etc)**.

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
EW	EW-P8	Consider the following matters where relevant when assessing and managing the effects of earthworks: a. the location, scale and volume; b. depth and height of cut and fill; j. visual amenity, natural character, natural features and landscape values,	s104(1A)(f)	Provision retained. **Effects solely related to views from private property are now out of scope when assessing the effects of earthworks. However, other earthwork effects managed by the provision remain in scope (including public views).**
EW	EW-R1 Earthworks	Matters of discretion are restricted to: a. the location, scale and volume; b. depth and height of cut and fill; p. impact on visual and amenity values.	s104(1A)(f)	Provision retained. **Effects solely related to views from private property are now out of scope when assessing the effects of earthworks. However, other earthwork effects managed by the provision remain in scope (including public views).**
EW	EW-S4 Site reinstatement	As soon as practicable, but no later than six months from the commencement of works: 2. replanted with vegetation which is the same as, or of similar species, to that which existed on the site prior to the earthworks taking place (if any), except that where the site was vegetation with any plant pest, the site may be replanted with indigenous vegetation from locally sourced genetic stocks or sealed, paved, metaled or built over.	s104(1A)(a)(vi)	Retain provision. Remains in scope, even on residential properties, as specifically manages earthwork effects (still in scope) as opposed to the **size of landscaping areas** for a residential unit.

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
LIGHT	LIGHT Overview	However, poorly-designed artificial lighting can cause glare or light spill which can interfere with the use or enjoyment of adjacent properties, create a nuisance, and in some cases, pose a safety hazard to users of adjoining sites and the transport network. It can also adversely affect people's enjoyment of the night sky and affect wildlife such as kiwi, bats, gecko, ruru (morepork) and other nocturnal species including insects.	s104(1A)(f)	Retain provision. Remains in scope, as specifically manages adverse lighting effects, including glare, light spill, nuisance, health, ecological, and transportation effects, which are still in scope. **Effects solely related to views from private property are out of scope.** **Reference to 'people's enjoyment of the night sky' remains in scope insofar as this related to the effects of lighting. However any assessment should not focus on effects arising solely from the loss of a private view from individual properties.**
LIGHT	LIGHT-O1	Artificial outdoor lighting is designed and located to: a.minimise adverse effects; be compatible with the characteristics and b. qualities of the surrounding environment; and c. protect the amenity values of light sensitive areas.	s104(1A)(f)	Retain provision. Remains in scope, as specifically manages lighting effects which are still in scope, as opposed to solely **views from private property**.

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
LIGHT	LIGHT-P1	Provide for the use of artificial lighting that: b. maintains the character and amenity values of the zone and surrounding area	s104(1A)(f)	Retain provision. Remains in scope, as specifically manages lighting effects in relation to character and amenity (values, which are still in scope, as opposed to solely **views from private property**.
LIGHT	LIGHT-P2	Control the intensity, location, and direction of outdoor lighting to: a. ensure artificial lighting avoids conflict with existing light sensitive areas, other established uses, and the transport network; b. internalises light spill within the site, and minimises light spill at the site boundary; c. avoid adverse effects on views of the night sky and intrinsically dark landscapes;	s104(1A)(f)	Retain provision. Remains in scope, as it manages lighting effects. Public views and enjoyment of the night sky remain in scope. **Effects solely related to views from private property are out of scope.** **Assessments may consider lighting effects on private properties (e.g. light spill) and sky glow affecting the night sky. However, assessment should not consider effects arising solely from the loss of private views.**
LIGHT	LIGHT-P3	Require sensitive activities located within and adjacent to the Mixed use, Town Centre, Light industrial, and Sport and Active recreation zones to ensure habitable rooms are designed and located to minimise sleep disturbance from light spill.	s104(1A)(f) s104(1A)(a)(iv)	Retain provision. Remains in scope, as specifically manages in scope lighting effects (light spill), as opposed to solely **views from private property** or the **internal layout** of residential activities.

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
LIGHT	LIGHT-S1 Maximum level of light spill	The maximum level of light spill when measured at a distance of 2m or greater from the boundary of any receiving site, or where any part of the building located within a receiving site is within 2m of the boundary of that site, when measured at the exterior surface of any window of any habitable room, must not exceed:	s104(1A)(a)(i) s104(1A)(a)(iv)	Retain provision. Does not relate to the **area of glazing** or **internal layout** in the case of residential units, but to the effects of light spill from windows which remains in scope.
LIGHT	LIGHT-S1 Maximum level of light spill	Matters of discretion are restricted to: c. adverse effects on the predominant character and amenity of the surrounding area; c. adverse effects on the predominant character and amenity of the surrounding area, including views and enjoyment of the night sky;	s104(1A)(f)	Retain provision. Remains in scope, as specifically manages in scope lighting effects (light spill), as opposed to solely **views from private property**. Public views/enjoyment of the night sky remain in scope. Assessments may consider effects such as light spill on neighbouring properties and sky glow affecting the night sky. Consistent with current understanding of scope, the assessment should not be directed toward the loss of **private views** from individual properties.

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
LIGHT	LIGHT-S1 Maximum level of light spill	Matters of discretion are restricted to: e. the extent to which light spill or glare affects residential properties, including outdoor living space and/or has the potential to result in sleep disturbance	s104(1A)(a)(iii)	Retain provision. Current understanding is that the **effects on the outdoor living areas associated with residential activities are out of scope. However, the potential effects of light spill and glare on residential sites remain within scope and require assessment.**
ME	Mineral Extraction Overview	Depending on the scale, mineral extraction can have adverse effects including on amenity	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing adverse amenity effects. Other aspects of amenity, and public views, remain in scope.**
ME	ME-O1	Mineral resources and extraction activities, exploration and prospecting, processing and ancillary activities are effectively provided for to meet the district's needs for mineral resources while managing any adverse effects.	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing adverse effects**.
ME	ME-O3	Extraction of aggregate for use in primary production activities is enabled where adverse effects are appropriately managed.	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing adverse effects.**
ME	ME-P2	Enable new and provide for the expansion of existing mineral extraction activities where significant adverse effects are avoided and other adverse effects are avoided, remedied or mitigated.	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing adverse effects.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
ME	ME-P3	Provide for mineral extraction, and processing outside the Mineral Extraction zone where: e. significant adverse effects are avoided; and f. other adverse effects are avoided, remedied or mitigated.	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing adverse effects.**
ME	ME-P11	Consider the following matters where relevant when assessing and managing the effects of mineral extraction activities: a. the size and scale of extraction or processing activities; b. the size, scale, and location of ancillary activities, buildings or structures; d. the design and layout of the site, access roads and supporting facilities; j. visual amenity, natural character and landscape values;	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing the visual amenity. Effects of public views and other aspects of visual amenity relating to private property remain in scope.**
NOISE	Various	References to character and amenity	s104(1A)(f)	While character and amenity are referenced numerous times throughout this chapter, the character and amenity effects associated with noise do not relate to any of the out-of-scope effects (e.g. effects on views from private property).

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
NOISE	NOISE-P2	NOISE-P2 Ensure noise sensitive activities proposing to locate within the Mixed Use zone, Town Centre zone, Light Industrial zone, and Air Noise Boundary; or on land near state highways or railways; are located, designed, constructed and operated in a way which will minimise adverse noise on community health, safety and wellbeing by having regard to: c. the ability to design and construct buildings accommodating noise sensitive activities with sound insulation and/or other mitigation measures to ensure the level of noise received within the building is minimised particularly at night.	s104(1A)(a)(iv)	Retain provision. Relates to design considerations specific to noise effects which are still in scope, rather than the **internal layout** in the case of residential units.
NOISE	NOISE-P3	Ensure noise effects generated by an activity are of a type, scale and level that are appropriate for the predominant role, function and character of the receiving environment by having regard to: a. type, scale and location of the activity in relation to any noise sensitive activities; d. the ability to internalise and/or minimise any conflict with adjacent activities.	s104(1A)(f) s104(1A)(a)(iv)	Retain provision. Relates to design considerations specific to noise effects which are still in scope, rather than **views from private property** or the **internal layout** in the case of residential units.
SIGN	Signs Overview	Though it is appropriate to allow signage, the number, size, location and visual prominence of signs need to be balanced against the potential impact they can have on infrastructure, health and safety and visual amenity.	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing visual prominence. Public views and other amenity considerations are still within scope.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
SIGN	SIGN-O1	Signs are consistent with the natural character, amenity, cultural and historic heritage values of the zone and the receiving environment.	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing amenity. Other aspects of amenity still within scope.**
SIGN	SIGN-P1	Allow the use of signs of a scale, size and intensity across a range of zones while avoiding, remedying or mitigating adverse effects on: a. character and amenity values;	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing amenity. Other aspects of amenity are still within scope.**
SIGN	SIGN-P5	Allow signs that provide for community, social and cultural wellbeing where they display: c. does not result in adverse effects, including cumulative effects, on the character and amenity of the zone and receiving environment.	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing adverse effects, including on amenity. Other aspects of amenity still within scope.**
SIGN	SIGN-P6	Consider the following matters where relevant when assessing and managing the effects of signs: a. bulk, scale, size and design; b. number, location and orientation; c. type, including whether they are, illuminated, flashing or three-dimensional; e. proliferation of signs and visual clutter; f. ensuring signs are of a scale and are consistent with the amenity values of a zone and the receiving environment; and g. cumulative adverse effects on character and amenity of a zone or receiving environment.	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing adverse effects, including on visual and amenity effects. Public views and other amenity considerations are still within scope.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
SIGN	SIGN-R7 Signs on or attached to a building, window, fence or wall (excluding a scheduled heritage resource)	Matters of discretion are restricted to: b. the character and amenity of the surrounding area; c. whether the sign contributes to visual clutter	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing adverse effects, including on visual and amenity effects. Public views and other amenity considerations are still within scope.**
SIGN	SIGN-R9 Signs on or attached to a scheduled heritage resource	Matters of discretion are restricted to: d. whether the sign adversely affects the visual amenity or detracts from the visual qualities that are fundamental to the historic heritage values.	s104(1A)(f)	Retain provision. Specifically relates to effects on the effects of signs attached to a scheduled heritage resource. Heritage effects, visual qualities that are fundamental to historic heritage values, public views and other amenity considerations are still within scope. Only effects solely related to **views from private property are** out of scope.
SIGN	SIGN-R10 Signs in the Kororāreka Russell zone - Part A-D and Kerikeri Heritage Areas - Part A	Matters of discretion are restricted to: d. whether the sign adversely affects the visual amenity or detracts from the visual qualities that are fundamental to the historic heritage values.	s104(1A(d)(i)	Retain provision. Specifically relates to effects on the effects of signs attached to a scheduled heritage resource. Heritage effects, visual qualities that are fundamental to historic heritage values, public views and other amenity considerations are still within scope. Only effects solely related to **views from private property are** out of scope.

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
SIGN	SIGN-R11 Digital signs	PER-4 The sign creates no more than 10.0 lux spill (horizontal or vertical) of light when measured or calculated 2m within the boundary or any adjoining site and/or road frontage. Matters of discretion are restricted to: b. impact of the character and amenity values of the surrounding area; c. whether the sign contributes to visual clutter d. the frequency and intensity of any intermittent or flashing light sources; e. the proposed periods of illumination;	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing adverse effects, including on visual and amenity effects. Public views, lighting effects and other amenity considerations remain within scope.**
SIGN	SIGN-R12 Freestanding signs in Orongo Bay zone	Matters of discretion are restricted to: b. impact of the character and amenity values of the surrounding area; c. whether the sign contributes to visual clutter d. the frequency and intensity of any intermittent or flashing light sources; e. the proposed periods of illumination;	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing adverse effects, including on visual and amenity effects. Public views, lighting effects and other amenity considerations remain within scope.**
SIGN	SIGN-S1 Maximum sign area per site	Matters of discretion are restricted to: a. impact on the character and amenity values of the surrounding area b. whether the sign contributes to visual clutter	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing adverse effects, including on visual and amenity effects. Public views and other amenity considerations are still within scope.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
SIGN	SIGN-S2 Maximum height of signage	Matters of discretion are restricted to: a. impact on the character and amenity values of the surrounding area b. whether the sign contributes to visual clutter	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing adverse effects, including on visual and amenity effects. Public views and other amenity considerations are still within scope.**
SIGN	SIGN-S3 Maximum number of signs	Matters of discretion are restricted to: a. impact on the character and amenity values of the surrounding area b. whether the sign contributes to visual clutter	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing adverse effects, including on visual and amenity effects. Public views and other amenity considerations are still within scope.**
SIGN	SIGN-S5 Sign design and content	Matters of discretion are restricted to: c. the frequency and intensity of flashing and/or image change; d. the character and amenity of the surrounding area; and e. any nuisance caused for adjoining properties.	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing adverse effects, including on visual and amenity effects. Lighting effects, nuisance, public views and other amenity considerations are still within scope.**

Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
GMO	GMO-P2	To ensure that a resource consent granted for the outdoor field trialling of a GMO is subject to conditions that ensure the consent holder is financially accountable (to the extent possible) for any adverse effects associated with the activity, including clean-up costs and remediation, including via the use of bonds.	s104(1A)(d)(ii)	Retain. This provision does not regulate the **financial viability** of outdoor field trialling, but instead requires the financial accountability for adverse effects (including health and safety, ecological, cultural, and wider economic effects which remain in scope) such as the costs associated with clean-up and remediation. Councils cannot refuse a consent or impose conditions based on whether a GMO field trial makes commercial sense. In this context, "to the extent possible" is understood to mean 'to the extent possible under the RMA' rather than 'to the extent the operator is able to pay'.
GMO	GMO-P4	To ensure that a resource consent granted for the outdoor field trialling of a GMO is subject to a condition requiring that monitoring costs are met by the consent holder.	s104(1A)(d)(ii)	Retain. This provision does not regulate the **financial viability** of outdoor field trialling, but instead requires conditions ensuring monitoring costs are met by the consent holder. The provision requires no assessment of the financial ability of GMP operators to pay these costs.

Transitional Consenting Guidance

Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
GMO	GMO-P5	To require consent holders for a GMO activity to be liable (to the extent possible) for any adverse effects caused beyond the site for which consent has been granted for the activity.	s104(1A)(d)(ii)	Retain. This provision does not regulate the **financial viability** of GMO activities, but instead requires consent holders to be liable (to the extent possible) for adverse effects caused beyond the site. It requires no assessment of financial ability of GMO operators to pay these costs. In this context, "*to the extent possible* " is understood to mean 'to the extent possible under the RMA' rather than 'to the extent the operator is able to pay'.
GMO	GMO-S2	A performance bond (secured by a cash or bank guarantee) must be provided to redress any adverse environmental effects and any other adverse effects to third parties (including economic effects) that become apparent during or after the expiry of any approved consent.	s104(1A)(d)(ii)	Retain. This provision does not regulate the **financial viability** of GMO activities, but instead requires a performance bond (secured by cash or a bank guarantee) to redress adverse environmental effects to third parties. It requires no assessment of the financial ability of GMO operators to fund the activity or provide the bond.

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
TA	TA-O2	Temporary activities can take place while managing on-site and off-site adverse effects on b. the purpose, character and amenity values of the zone, and	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing adverse effects on amenity values. Public views and other amenity considerations are still within scope.**
TA	TA-P4	Consider the following matters where relevant when assessing and managing the effects of temporary activities: b. the size, scale and location of the activity and any buildings or structures;	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing the visual effects of temporary buildings or structures. Public views and other physical effects (including bulk, dominance and shading) are still within scope.**
TA	TA-R9 Temporary motorsport activity	Matters of discretion are restricted to: a. scale and duration f. location and scale of any associated buildings or structures;	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing the visual effects of temporary motorsport activities. Public views and other effects remain in scope.**
TSL	TSL-O1	The viability of Treaty Settlement Land is ensured for future generations.	s104(1A)(d)(ii)	Retain. This provision does not regulate the **financial viability** of projects, but instead wider viability of TSL for future generations.

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
TSL	TSL-P3	Provide for occupation, use and development on Treaty Settlement Land where it is demonstrated that: c. maintains the character and amenity of surrounding area;	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing adverse effects on amenity values. Public views and other amenity considerations are still within scope.**
TSL	TSL-P4	Consider the following matters where relevant when assessing and managing the effects on the Treaty settlement land overlay: b. the location, scale and design of buildings or structures;	s104(1A)(f)	Provision to remain. **Managing effects on the Treaty settlement land overlay remains in scope, as the provision protects overlay values rather than private views, though if there were any effects solely related to views from private property these would be out of scope.**
TSL	TSL-S1 Maximum height	Where the standard is not met, matters of discretion are restricted to: a. the character and amenity of the surrounding built environment; c. loss of privacy to adjoining sites, including potential loss in relation to vacant sites;	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing adverse effects on amenity values. Public views, other amenity considerations and privacy are still within scope.**
TSL	TSL-S1 Maximum height	Where the standard is not met, matters of discretion are restricted to: d. shading and loss of access to sunlight for adjoining sites;	s104(1A)(a)(iii)	Current understanding, **effects on the outdoor living areas of adjoining residential sites are out of scope.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
TSL	TSL-S1 Maximum height	Where the standard is not met, matters of discretion are restricted to: d. shading and loss of access to sunlight for adjoining sites; e. landscaping	s104(1A)(a)(vi)	Provision to remain. **Proposed landscaping mitigation remains in scope, but assessments solely related to the size of landscaping areas for residential activities are out of scope.**
TSL	TSL-S2 Height in relation to boundary	Where the standard is not met, matters of discretion are restricted to: b. shading and loss of access to sunlight for adjoining sites;	s104(1A)(a)(vi)	Current understanding, **effects on the outdoor living areas of adjoining residential sites are out of scope.**
TSL	TSL-S3 Setback (excluding from MHWS or wetland, lake and river margin)	Matters of discretion are restricted to: a. the character and amenity of the surrounding area; b. screening, planting and landscaping on the site;	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing adverse effects on amenity values. Public views, other amenity considerations and privacy are still within scope.**
TSL	TSL-S3 Setback (excluding from MHWS or wetland, lake and river margin)	Matters of discretion are restricted to: a. the character and amenity of the surrounding area; b. screening, planting and landscaping on the site;	s104(1A)(a)(vi)	Provision to remain. **Proposed landscaping mitigation remains in scope, but assessments solely related to the size of landscaping areas for residential activities are out of scope**.

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
TSL	TSL-S4 Building or structure coverage	Where the standard is not met, matters of discretion are restricted to: a. the character and amenity of the surrounding area; b. any landscaping, planting and screening to mitigate any adverse effects; c. the extent to which private open space can be provided for future uses; d. the extent to which the siting, setback and design mitigate visual dominance on adjacent sites and surrounding environment;	s104(1A)(f)	**Effects solely related to views from private property are no longer in scope when assessing adverse effects on amenity values. Public views, other amenity considerations and privacy are still within scope**.
TSL	TSL-S4 Building or structure coverage	Where the standard is not met, matters of discretion are restricted to: a. the character and amenity of the surrounding area; b. any landscaping, planting and screening to mitigate any adverse effects; c. the extent to which private open space can be provided for future uses; d. the extent to which the siting, setback and design mitigate visual dominance on adjacent sites and surrounding environment;	s104(1A)(a)(iii)	Retain provision. **Assessing private open space for non-residential activities and future site capacity remains in scope, but effects solely related to outdoor living space for residential activities are out of scope.**

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Chapter	Clause Ref	Content	Which clause of s104(1A) applies	Extent Provision is Out of Scope and comments
TSL	TSL-S4 Building or structure coverage	Where the standard is not met, matters of discretion are restricted to: a. the character and amenity of the surrounding area; b. any landscaping, planting and screening to mitigate any adverse effects; c. the extent to which private open space can be provided for future uses; d. the extent to which the siting, setback and design mitigate visual dominance on adjacent sites and surrounding environment;	s104(1A)(a)(vi)	Provision to remain. **Proposed landscaping mitigation remains in scope, but assessments solely related to the size of landscaping areas for residential activities are out of scope.**