

# 13B. TE ARA HAUKAWAKAWA PRECINCT

## Introduction

*Translation...*

*'The path of the bitter wind'*

### Physical Description of the Precinct

Te Ara Haukawaakawa comprises land known as the 'railyards site' which is bounded by Aotea/Waterloo Quays and Thorndon Quay. It also includes the existing commercial businesses along both sides of Thorndon Quay up to Tinakori Road and along the north eastern side of the Old Hutt Road.

The railyards site forms the northern entrance to the commercial centre of the city. The area is an important land corridor for public and private transport users with the majority of the Precinct comprising land used for railway purposes. This area is owned by the Crown with special lease agreements between New Zealand Railways Corporation and Tranz Rail NZ Ltd. This area represents a substantial natural and physical resource capable of providing significant benefits for the people of the Wellington Region.

The Precinct area is different in character to other parts of the Central Area. It is predominantly a 'brownfields' site with little public infrastructure, roading and few buildings in place, but with the potential for future development to occur. It is also subject to pressures associated with its role as a strategic public and private transportation corridor to other areas within the city. The land ownership issues and development constraints of the site mean that the area is unique in the Wellington context and provides an opportunity to create a quality urban development.

### Future Development Possibilities for the Precinct

An analysis of the likely future demand for development in the Central Area and the Precinct over the next 10 years was undertaken as part of the process involved in preparing Variation 8 to the Proposed District Plan. Forecasts showed that the regional economy (and Wellington City) is expected to remain robust over the next 10 years (the life of the District Plan), with growth in population and employment being relatively low.

The railway system plays an important role in the economic and social wellbeing of the Wellington Region and its retention is important. If development over the railway lines is to occur, it must take place over the existing lines, in order to enable continued railway operations.

There are a number of developments proposed that may occur on the periphery of the Precinct and within the Precinct which will have a significant impact on the character and scale of development which may occur within the Precinct. It is important therefore to provide for this development in such a way so as to provide for the well-being of the community while managing any significant adverse environmental effects.

## Transportation and Public Transport

The Precinct area is bordered by the urban motorway and a roading network made up of arterial routes and other streets. The Precinct is literally at the 'Northern Gateway' to the Wellington central area, where the topography channels the motorway, Hutt Road and the railway through a narrow corridor. This physical limitation and the limitations posed by Ngauranga Gorge places a constraint upon the volume of traffic which can travel between the Wellington central area and its hinterland to the north.

The motorway between Ngauranga and Aotea Quay is currently nearing full capacity at peak periods in the morning and evenings, and continuing traffic growth will absorb the remaining capacity within a few years. Major upgrades to the motorway are neither feasible nor desirable, and would be contrary to the Wellington Regional Council and Wellington City Council declared transport strategies for the area. Transit NZ has indicated that there are unlikely to be any improvements undertaken to increase the carrying capacity of the motorway.

Aotea and Waterloo Quays, whilst providing a connection between the motorway/Hutt Road and the Precinct area, also represent an essential link between the motorway and the Wellington CBD. This essential arterial function will continue to be required as traffic flows increase, further increasing pressure on the Urban motorway and other routes. In short, policy for development of the Precinct area must therefore have regard to the 'wider picture' for the Wellington Central Area as a whole.

Presently there is only one motorway off-ramp in the vicinity of the precinct area. This off ramp may be re-designed to improve its ability to withstand a significant earthquake, and to improve its alignment from the motorway.

Road and rail access to the operational port is required on a daily basis, 24 hours a day. Port operations rely on 'just-in-time' delivery arrangements for the servicing of the Ferry Terminal. Retaining good access along Aotea Quay without significant congestion problems is important to the continued viable operation of the port.

The southern end of the Precinct is well serviced by public transport facilities. The railway station and existing bus station provide important links to other parts of the central city, the suburban areas, and the rest of the country. The Wellington Regional Council is proposing to create a more integrated and efficient public transport interchange centred on the railway station for users of railway, bus and taxi services.

The northern part of the Precinct is presently not well served with public transport facilities. If the size, scale, and nature of the development reasonably warrants it, Council may encourage public transport facilities and links to them and a link between the motorway and the precinct.

## District Plan Approach

Te Ara Haukawaakawa provides a policy and rule framework which ensures integrated development of the railyards area and the Precinct in general, specifically recognises the importance of this area to the City, and which manages any potential adverse effects on the environment.

Some of the key matters for consideration relate to the impact that development within the precinct may have on the roading network, carparking and public transport, vehicular access, the noise environment, the provision for pedestrians and cyclists, urban form and the relationship of the built form to other parts of the City, urban design and the provision of a public space structure.

Specific provisions and a Design Guide apply to the Precinct in recognition of the different character and development opportunities and constraints offered by this area of the City. New developments in the airspace above the railyards will also have to be assessed in accordance with a comprehensive development plan.

### Comprehensive development plan

In addition to the application of the Design Guide, the construction, alteration of, or addition to buildings and structures above the railyards will also be assessed against a comprehensive development plan. The comprehensive development plan will work to avoid or mitigate the potential adverse effects of development in the precinct by ensuring development occurs in a coordinated way.

## OBJECTIVE

**13.13.1 To enable the future development of the railyards and Thorndon Quay in recognition of the area's distinctive nature and character.**

## POLICIES

To achieve this objective, Council will:

**13.13.1.1 Provide for a Te Ara Haukawaakawa Precinct over the railyards and part of Thorndon Quay.**

### METHODS

- Policy
- Rules
- Comprehensive Development Plan

*The District Plan will provide for the area known as the 'railyards site' and the commercial premises along Thorndon Quay as a separate Precinct within the District Plan.*

*The Precinct area remains mostly undeveloped (other than Thorndon Quay) for commercial purposes and other activities, and there is little roading and public services in place. Development of the area must be provided for in an integrated way. It is appropriate that this area be dealt with separately by way of a Precinct with a distinct set of policies and rules. Council will use the Design Guide and Comprehensive Development Plan to assess resource consent applications. The purpose of the CDP is to avoid and to mitigate the potential adverse effects of the*

*development of the Precinct by ensuring that development occurs in a co-ordinated way.*

*The environmental result is to provide for integrated development within the Precinct and with development on the periphery of the Precinct.*

**13.13.1.2 Adopt a similar approach to managing the effects of activities in Te Ara Haukawaakawa to that which exists in the Central Area, where appropriate.**

**METHOD**

- Rules

*Council recognises that the area is a future potential extension of the Central Area in terms of the nature and scale of activities.*

*A similar approach to managing the environmental effects of activities will therefore be applied to activities in Te Ara Haukawaakawa as applies to activities in the Central Area, where appropriate. Rules provide for a wide range of activities as Permitted Activities, as the Council does not wish to direct the market through regulatory means. The determination of what is the most appropriate mix and location for development is best left to the market and consumer demand.*

*A flexible approach to the location of land uses or activities will encourage efficiencies in Te Ara Haukawaakawa by enabling owners or developers to respond appropriately to meet market needs, or other economic or technological changes. Permitted Activity conditions standards are applied to control potential adverse environmental effects of activities.*

*There will be differences from the Central Area approach reflecting the lack of existing infrastructure in the area.*

*Activities under the third schedule of the Health Act are not permitted in Te Ara Haukawaakawa because of their offensive or noxious nature.*

*The environmental result will be to allow development in Te Ara Haukawaakawa while avoiding, remedying or mitigating any potential adverse environmental effects.*

**13.13.1.3 Recognise the importance of integrating development within Te Ara Haukawaakawa with development on the periphery of the Precinct.**

**METHODS**

- Rules
- Advocacy
- Operational activities (WCC as a landowner and roading authority)
- Other Mechanisms (WCC funding of public transport)

*There are a number of potential commercial developments proposed for areas around the Precinct which could significantly impact on the city. Development within the Precinct must be developed in a manner which has regard to development on the periphery of the Precinct. In particular the Council wishes to ensure that development occurs in a co-ordinated manner.*

*The Council will need to use a combination of methods to ensure the necessary integration of development in the general area of Te Ara Haukawaakawa.*

*The environmental result will be development within, and in the vicinity of the Precinct, which is provided for in an efficient and integrated manner.*

#### **13.13.1.4 Ensure development is compatible with the urban form of the city.**

##### **METHODS**

- Rules
- Design Guide
- WCC Urban Design Strategy

*The central city of Wellington has a recognised urban form characterised by a core of tall buildings in the CBD with decreasing building heights outward from this area. This is set within a broader context of the hills and ridgelines to the west and the harbour to the east which has created an amphitheatre effect.*

*The limitations posed by the topography and the scarcity of land in the centre of the city for commercial development, has meant that the market value of this land is higher than other areas. In order therefore to make a return on their investment, developers have had to build high buildings in order to provide more commercial office and retail space.*

*In recognition of this urban form the Council has an urban design strategy, which has been followed through into the District Plan policy for the Central Area which seeks to allow for development in a manner which retains this distinctive general urban form.*

*Te Ara Haukawaakawa area, which was formerly part of the Central Area, was located within the “low city” part of the central city area. This policy provided for a maximum height limit of 27 metres for all buildings. This policy will be continued on the basis that there is a recognised urban form within the central city which will generally be maintained. Any height increase above the stated maximums will be a Discretionary (Unrestricted) Activity.*

*Higher height limits of 50 metres have been permitted for new buildings to the area north of the railway station and terminating south of the proposed regional stadium. A height limit of 50 metres recognises the transition from the tall buildings in the Central Business District to lower height buildings on the periphery of the central city.*

*Existing commercial buildings along Thorndon Quay are permitted to a maximum height of 35.4 metres (above ground level) to reflect existing patterns. The remainder of the precinct over the railyards has a low city height of 27 metres but with provision to rise to the limits along Thorndon Quay. Development above these levels is to be considered as a Discretionary Activity.*

*The environmental results will be maintenance and improvement and development of the role of the central city’s general urban form.*

## OBJECTIVE

**13.13.2 To ensure that development within Te Ara Haukawaakawa promotes the efficient and effective use of public transport and does not compromise the safe and efficient working of the roading network.**

## POLICIES

To achieve this objective, Council will:

**13.13.2.1 Recognise the role of Te Ara Haukawaakawa as a strategic public transport corridor for the City, to recognise the continuing role of the railway system for both passenger and freight transport, and to promote the provision and use of public transport to generally enhance accessibility within Te Ara Haukawaakawa.**

## METHODS

- Rules
- Operational activities (WCC initiatives for parking enforcement, coupon parking, long-stay parking restrictions, pricing and sale of parking buildings).
- Other mechanisms (WRC and central government initiatives for funding public transport)
- Advocacy

*The southern end of the Precinct is well served by public transport. District Plan provisions have a limited ability to compel greater use of public transport. This policy is designed however to continue the existing policy of traffic restraint. Parking availability on site for general commuter parking for those people working in other parts of the Central Area will be discouraged. If parking for activities occurring within the precinct area is to be provided it shall be in accordance with the rules for the precinct in the District Plan. Other mechanisms and proposals which occur outside the control of the District Plan can significantly impact on the attractiveness and provision for public transport in the Precinct.*

*The Precinct contains important public transport facilities in the railway and as part of a roading network for other forms of public transport. In particular, the proposed development of the transportation hub centred on the railway station will also significantly impact on the form and functioning of the precinct and the role it will play within the wider context of public transport provision for the city.*

*The actions of many authorities or organisations, including the Wellington Regional Council, Transit New Zealand and companies involved in the movement of people and freight on land, sea or air, work to shape the City's transportation system. Where there are opportunities for input Council will advocate for improved access. In particular Council will continue to work closely with the Wellington Regional Council on transportation matters and the District Plan will remain consistent with the Regional Policy Statement and relevant Plans.*

*Regional and central government are also main contributors to promoting the use of public transport, and Council will use advocacy in association with these organisations to promote increased use of public transport.*

*An important consideration will be the protection of existing railway links to the City. Council will work to ensure that these essential corridors are retained. This*

will also maintain options for providing rail access, including the provision of a new station, if the size, scale and nature of the development in the airspace above the railyards reasonably warrants it.

Council recognises therefore the importance of encouraging greater use and access to public transport facilities for people working and living in the Precinct as well as for other users of public transport.

The environmental result will be the maintenance and improvement of the role of public transportation in the city.

**13.13.2.2 Promote good access within Te Ara Haukawaakawa for all people, including cyclists where practicable and pedestrians, and including those with disabilities.**

**METHODS**

- Design Guide
- WCC Urban Design Strategy
- Advocacy

The Council will look favourably upon development which provides for and encourages access across and throughout the Precinct for cyclists where practicable and pedestrians and which provides parking for bicycles. This will help provide integrated development throughout the Precinct. Further, the importance of providing for a pedestrian and cycle friendly environment will help make this an attractive place for people in which to work, live and be entertained.

The environmental result will be improved access for people in the Precinct area.

**13.13.2.3 Manage the road system in accordance with a defined road hierarchy.**

**METHOD**

- Rules

A road hierarchy classifies roads according to their function. A road hierarchy is used in the administration of the Plan to ensure that land uses or activities are appropriately related to the network.

The District Plan identifies Aotea/Waterloo Quays as an Arterial route. Access from Waterloo Quay is not permitted. Thorndon Quay is a Principal Street and access is not permitted from the railway station to the intersection of Thorndon Quay with Mulgrave Street.

***Aotea/Waterloo Quay***

Aotea/Waterloo Quay currently carries high volumes of commuter traffic between the Wellington CBD and the motorway / Hutt Road. The regional stadium proposals include a new signalised intersection on this route which, whilst improving access for the Port and the stadium, will cause some disruption to traffic movements and hence additional delays for through traffic. The addition of further intersections to provide access into the development area has the potential to disrupt the continuity of traffic flow, resulting from both the physical presence of the intersection and the additional traffic movements.

*The existing District Plan policy and rules restrict all new access points onto Waterloo Quay and this access restriction will be continued along Aotea Quay as this arterial is unsuitable for additional access points without careful consideration.*

### **Thorndon Quay**

*Thorndon Quay would be able to absorb some increases in traffic flow with less impact on existing traffic flows than Aotea/Waterloo Quays.*

*Thorndon Quay is currently classified as a 'Principal Street' in the District Plan. This recognises its function as a more local access road, through a commercial area with on-street parking. The character of Thorndon Quay and lack of direct access to the motorway make it unsuitable as an arterial route. Its existing roading classification will therefore be retained.*

*The environmental result will be that access into the 'railyards site' will generally be gained from Thorndon Quay, as opposed to Aotea/Waterloo Quays. This will avoid potential increases in vehicular conflicts on Aotea, and lead over time to an increase in traffic volumes along Thorndon Quay, with a consequent change in character.*

*Consistent with the requirements of Objective 13.13.2 and the Comprehensive Development Plan regarding provision of access and the efficient operation of the road hierarchy, there will be regular assessments of access to and from the precinct. When the cumulative effects of progressive development of the precinct generates traffic volumes that exceed critical thresholds for network efficiency, safety, and other relevant transport planning criteria, then a link between the precinct and the Motorway may be required for any further development. Provision of the link will need to address such issues as:*

- effective access to and from the Motorway from the precinct, including relationships with the surrounding road and street network*
- movement through and egress from the precinct to the surrounding road and street network, including consideration of different levels between the development and the surrounding network*
- public use of private "land" in the precinct for traffic movement*
- the size, scale and nature of the proposed development.*

*The environmental result will be land uses and activities which are appropriately related to the roading network.*

### **13.13.2.4 Enable development within Te Ara Haukawaakawa by allowing for the design and construction of new roads and access points, where appropriate.**

#### **METHODS**

- Rules
- Operational activities (WCC initiatives relating to parking enforcement, coupon parking, long-stay parking restrictions, pricing and sale of parking buildings)
- Other Mechanisms (WRC and central government initiatives for funding public transport)
- Advocacy

*Premises must also be able to be serviced safely and efficiently, so that streets are not blocked and people and cars can move freely. Additional access points will not be permitted on to Aotea and Waterloo Quays without careful consideration of the traffic safety and efficiency implications through a resource consent application (as identified on the Planning Maps).*

*Well-designed and safe access to sites is needed to help prevent traffic congestion or conflict between street users. Where significant disruption would occur because of the nature of the traffic or pedestrian environment, access may be limited. Consideration will also be given to providing access from the Motorway to the Precinct.*

*Particular attention will be paid to the effects of extra traffic arising from access points and new roads on the efficient and effective operation of the roading network, and in particular, Thorndon, Waterloo and Aotea Quays and the motorway.*

*The environmental result will be a safe and efficient transport system.*

### **13.13.2.5 Limit the supply of commuter carparking and require appropriate loading and site access for activities in Te Ara Haukawa.**

#### **METHODS**

- Rules
- Other mechanisms (Regional Land Transport Plan, National Code of Practice for the Disabled)
- Operational activities (WCC Transport Strategy)
- Advocacy (Council Social Policy)

*Good access for all modes of movement is an important element of a sustainable city. Council will use a variety of methods to improve accessibility. Its Transport Strategy includes a broad range of both short and longer-term initiatives to improve access to the Central Area. Programmes and plans under this Strategy are implemented primarily through the Annual Plan process.*

*Council's transportation strategy for the central city area seeks to control the growth of commuter traffic, both to avoid, remedy or mitigate congestion and to improve the Central Area environment. The strategy promotes the use of transport modes other than private vehicles. In particular Council seeks a high standard of public transport, pedestrian and cyclist accessibility. One way of controlling the growth of commuter traffic is by limiting parking supply. While the District Plan does not require parking to be provided for activities in Te Ara Haukawa, where it is provided, a maximum level is set. This is established by a Permitted Activity condition of a ratio between parking and the gross floor area of buildings. Any additional provision will generally only be considered for short-stay parking where this is appropriate for certain activities, such as shopping.*

*Premises must be able to be serviced safely and efficiently, so that streets are not blocked and people and cars can move freely.*

*New accessways will not be permitted onto roads where access is prohibited (as identified on the Planning Maps). Well-designed and safe access to sites is needed to help prevent traffic congestion or conflict between street users. Where significant disruption would occur because of the nature of the traffic or pedestrian environment, access may be limited.*

*Larger developments (developments providing an addition of more than 70 parking spaces) which generate significant vehicular traffic movements to and from a site*

*will be assessed to ensure that any adverse effects on the road network in the vicinity of the site are avoided, remedied or mitigated.*

*Council will look favourably on proposals which encourage and/or provide access to public transport.*

*Council also acknowledges that an important aim of urban design is to make the city accessible to people with disabilities. Existing legislation, Council policy and the National Code of Practice for the Disabled all have a role in improving access.*

*The environmental result will be a safe and efficient transport system.*

## **OBJECTIVE**

### **13.13.3 Provide for an attractive and functional environment within Te Ara Haukawakawa.**

*The quality of the built environment depends in a manner which integrates buildings, open space and roads.*

## **POLICIES**

To achieve this objective, Council will:

### **13.13.3.1 Ensure that subdivision and development in the Precinct is designed and serviced in a manner which will have regard to the potential future development of Te Ara Haukawakawa.**

#### **METHODS**

- Rules (compliance with Code of Practice for Land Development)
- Design Guide
- WCC as landowner and roading authority

*Land subdivision and development has a significance influence over the character of the future built environment. In the absence of an existing public space structure with associated roading patterns and footpaths etc., it is important to manage this process so that it takes place in a manner which encourages integrated development within the Precinct, and is integrated with existing infrastructure outside of the Precinct. All buildings, structures and subdivision will therefore require a resource consent.*

*Council wishes to ensure that all new subdivisions are developed to high standards. To encourage their sound design, the development and servicing of all subdivisions will be assessed in terms of the District Plan and Council's Code of Practice for Land Development. This will ensure that all new sites in Te Ara Haukawakawa are suitable for their intended use.*

*The environmental result will be the development of well-designed and serviced buildings, structures and sites.*

### **13.13.3.2 Allow for a public space structure which provides interconnections across and throughout the precinct.**

#### **METHODS**

- Rules
- Design Guide
- Operational activities (WCC Urban Design Strategy and as landowner and roading authority)

*The Precinct is distinct from most other areas of the City in that it is largely undeveloped but has the potential to be developed for a range of possible activities. There is no public space structure in place as defined by roads, footpaths, cycleways, and open space, and connections both formal and informal between buildings and structures. This can include land or development which is privately owned, but to which the public has access.*

*It is important therefore to ensure that development is planned and designed in a manner which provides and allows for vehicle and pedestrians connections across and through the Precinct.*

*Emergency vehicles will be able to move across and through the Precinct at all times. It may be that access will not be provided to all areas for non-emergency vehicles.*

*The environmental result will be an attractive place for people.*

## **OBJECTIVE**

### **13.13.4 Ensure that activities are managed to avoid remedy or mitigate adverse effects on the environment.**

*The effects generated by the wide range of activities in Te Ara Haukawaakawa, such as noise, fumes, smoke, smell, vibration, glare or other nuisances, could have adverse impacts both within the Precinct or in areas beyond its boundary. Some activities will be noxious or dangerous wherever they are sited but others, relatively less harmful, become more dangerous if sited in residential or sensitive areas. Council aims to ensure that such activities are contained and do not cause a nuisance or danger.*

*The Precinct rules do not prescribe the types of activities that are permitted. Each development and activity must however meet minimum environmental standards relating to noise, lighting, wind and so on.*

*Where necessary Council will also use the enforcement or abatement provisions of the Act to control nuisances. Other effects identified in the rules are controlled by setting performance standards.*

*Council relies on the general duty of every person under the Act to avoid, remedy or mitigate the adverse effects of activities (section 17).*

*The environmental result will be that activities in Te Ara Haukawaakawa will not cause a nuisance or danger either within Te Ara Haukawaakawa or in nearby Residential Areas.*

## POLICIES

To achieve this objective, Council will:

### 13.13.4.1 Control the adverse effects of noise in Te Ara Haukawaakawa and the Central Area.

#### METHODS

- Rules
- Other mechanisms (Abatement Notices, Enforcement Orders)

*The background noise levels within Te Ara Haukawaakawa are generally high. The main sources of these noise levels are the railway and shunting yards, the motorway and arterials, the operations of the port, and the Ferry Terminal and log storage at the reclamation to the north. The background noise level ranges from 40dBA at night in quiet areas to 60dBA during the day in more exposed locations. Traffic noise levels in the vicinity of the motorway can be as high as 70dBA.*

*Development over the railyards site is unlikely within the 10 year life of the District Plan to be of a scale to provide for a nett reduction in noise effects from the rail operations. There are also a number of other noise sources in the area which contribute significantly to the high background noise levels and the type of noise which causes sleep disturbance. On this basis, the Precinct is generally unsuitable for residential activities [and other noise sensitive activities]<sup>1</sup> without acoustic design measures incorporated into the design of the building. It will still be difficult in some locations to ensure a suitable internal environment because of an inability to control the nature and source of the noise.*

*Noise sensitive uses (including residential ones) may wish to establish in the Te Ara Haukawaakawa but the designers, developers and users of these will need to be aware that higher noise levels are allowed within the Te Ara Haukawaakawa than would normally be provided to adequately protect, say, residential activities. Consequently the designers, developers and users of the noise sensitive uses should provide for appropriate levels of insulation to buildings to stop possible higher levels of noise from causing intrusion or other mitigating features as appropriate to the particular situations. [For all noise sensitive activities]<sup>2</sup> in Te Ara Haukawaakawa, these measures should achieve appropriate internal noise levels.*

*In the longer term it is desirable for the noise environment in the Precinct to be similar to that within the Central Area. A similar noise control regime has therefore been provided for in Te Ara Haukawaakawa. Requiring the compliance of new activities with particular noise standards will ensure that the noise environment does not further deteriorate and has the potential to improve. These controls will relate to controlling:*

1. *The noise levels generated by an activity and received at the boundaries of other sites within the Precinct; and*
2. *The noise levels generated by activities within the Precinct and received at residential site boundaries within the Residential Inner and Residential Outer Areas.*

*Noise from sources such as traffic and where activities occur in accordance with a designation (e.g. the railway) will not be controlled through rules. Some activities operate under existing use rights and will also not be subject to the provisions of the District Plan, provided they continue operating in accordance with the existing use*

<sup>1</sup>and <sup>2</sup> District Plan Change No.23 – Central Area Noise Insulation Rules (Operative 25 June 2004)

*right provisions of section 10 of the RMA, and do not contravene the requirements of section 16 of the RMA.*

*The enforcement order and abatement notice procedures will be used along with the rules to control unreasonable noise.*

*The environmental result will be that no new activities in the Precinct will cause a deterioration in the existing noise environment within the Precinct and within Residential Areas.*

**13.13.4.2 Generally permit signs below fourth floor level but manage the maximum size and placement of signs on buildings.**

**METHOD**

- Rules

*Signs are an integral part of the any commercial environment and are therefore encouraged at street level; however, the size of signs is limited to ensure that larger signs do not intrude too much. The placement of signs on buildings is controlled to protect the visual amenity of the streetscape and the architecture of individual buildings.*

*Illuminated or flashing signs could detract from the amenities of the Precinct and adjacent Residential Areas, and are controlled to avoid, remedy or mitigate adverse effects.*

*The environmental result will be the development of a Te Ara Haukawakawa environment where signs are not an overly obtrusive element of the cityscape and as viewed from Residential Areas, and are located to respect the design and architecture of buildings.*

**13.13.4.3 Ensure that a shelter is provided for pedestrians on streets or public open spaces where there is likely to be high pedestrian counts.**

**METHOD**

- Design Guide

*Shelter for pedestrians adds greatly to the comfort of pedestrians in the City, providing shade in summer and protection from wind and rain. There is no public space structure in place within the Precinct. However, as the area develops, Council will assess applications for resource consent whether shelter for pedestrians should be provided within the design of a building. In general, Council shall have regard to the likely future role of the particular area or public space with respect to providing access for pedestrians.*

*The environmental result will be the protection of pedestrians along pedestrian routes and public spaces from the effects of adverse weather conditions.*

**13.13.4.4 Require new activities, structures and buildings which adjoin or face a Residential Area to satisfy more restrictive environmental conditions than applies in other parts of Te Ara Haukawakawa.**

**METHODS**

- Rules
- Other mechanisms (Abatement Notices, Enforcement Orders)

*The interface between Te Ara Haukawakawa and adjacent Residential Areas is particularly sensitive. The effects of activities within the Precinct can detract from*

*the residential amenity of these areas. Additional conditions for new activities, structures and buildings are therefore imposed to avoid, remedy or mitigate such impacts.*

*The Council will monitor the situation and use abatement notices and enforcement orders where Residential Areas experience undesirable adverse environmental effects from Te Ara Haukawakawa activities.*

*The environmental result will be that new activities, structures and buildings in Te Ara Haukawakawa may operate or be constructed without causing a nuisance to nearby Residential Areas.*

**13.13.4.5 Encourage sunlight access to buildings and public places when new building development occurs.**

**METHOD**

- Design Guide

*People need access to direct sunlight. Council will work to ensure that reasonable sunlight is maintained to areas as development occurs within the Precinct. Council will have particular regard to public areas including open spaces and pedestrian malls where people congregate. This will be assessed through the implementation of the Design Guide.*

*The environmental result will be that public places, buildings and streets will have adequate levels of sunlight.*

**13.13.4.6 Protect significant vista views of the harbour, hills and townscape features around Te Ara Haukawakawa.**

**METHOD**

- Rules

*Specific views of the harbour, local hills and townscape features are an important element of the cityscape which Council seeks to preserve. Views to be protected are identified in the Plan and are subject to rule provisions.*

*The environmental result will be that identified views will be protected.*

**13.13.4.7 Ensure that the buildings are designed to avoid, remedy or mitigate wind problems that they create.**

**METHODS**

- Rules
- Information (Wind Design Guide)

*Tall buildings can induce wind changes at ground level. This can make activities on the ground uncomfortable, difficult and even dangerous. Wind rules will therefore be enforced to ensure that adverse effects are avoided or reduced.*

*The environmental result will be that the adverse effect of wind around buildings is avoided, remedied or mitigated.*

## OBJECTIVE

**13.13.5 To avoid or mitigate, where possible, the adverse effects of natural and technological hazards on people, property and the environment.**

## POLICIES

To achieve this objective, Council will:

**13.13.5.1 Identify those hazards that pose a significant threat to Wellington, to ensure that areas of high hazard risk are not occupied or developed for vulnerable uses or activities.**

## METHOD

- Rules

*Hazards occur whenever people are in contact with natural or technological phenomena that pose a threat to their health and safety. It is therefore necessary to identify the hazards and risks that people face by living in Wellington.*

*[Council's hazard management involves four phases – mitigation, preparedness, response and recovery. Mitigation is addressed through a combination of land use management within the District Plan and Building Act controls. Control can be exercised over some hazards to avoid the hazard (such as technological hazards), whereas other hazards such as fault rupture and ground shaking from earthquakes are unavoidable. However, the risk to life from these unavoidable hazards can be reduced with appropriate mitigation measures.*

*Not everyone is able to respond to an event in the same way. Portions of the population (due to factors such as age, health and income) may be less able to cope with an emergency and are more vulnerable. Certain high-intensity land uses (such as public assembly sites, schools, high rise housing) may also increase the hazard risk.]<sup>1</sup>*

*The environmental result will be the minimisation of hazards and risks to people in high hazard risk areas.*

**13.13.5.2 Ensure that critical facilities and lifelines are not at risk from hazards.**

## METHOD

- Rules

*The services people depend on to help them cope with emergencies include the fire, police, ambulance and civil defence organisations as well as other volunteer services. People also rely on other services such as communications, transport routes, electricity, gas and water to cope after the event. These significant services are known as lifelines. Council considers that critical facilities and lifelines should be located as far as is reasonably practicable from Hazard Areas.*

*The environmental result will be the establishment of critical facilities and lifelines in locations that avoid, remedy or mitigate the risk from hazards.*

<sup>1</sup> District Plan Change No.22 – Hazard (Fault Line) Area (Operative 27 July 2004)

### **13.13.5.3 Ensure that the natural environment is protected from the adverse effects arising from a hazard event.**

#### **METHOD**

- Rules

*If a hazard event occurs, its after-effects on the natural environment need to be considered, such as contamination of ground water from ruptured pipelines and storage tanks. The potential for an activity to affect the natural environment under emergency conditions is also an important consideration. The Plan incorporates rules dealing with flow-on effects.*

*The environmental result will be the better protection of the natural environment from hazard events.*

## **OBJECTIVE**

**13.13.6 To prevent or mitigate any adverse effects of the storage, use, disposal, or transportation of hazardous substances, including waste disposal, and formation of contaminated sites.**

## **POLICIES**

To achieve this objective, Council will:

**13.13.6.1 Require that the storage, use, handling and disposal of hazardous substances are subject to analysis using the Hazardous Facilities Screening Procedure and, where appropriate, the resource consent procedure in order that any potential or actual adverse effects are managed in such a way as to safeguard the environment.**

#### **METHODS**

- Rules
- Other mechanisms (Health Act, Hazardous Substances and New Organisms Act 1996 and its Transitional Provisions, Health and Safety in Employment Act, 1992)

*Council is concerned that the community and environment should not be exposed to unnecessary risk from hazardous substances. The District Plan aims to control use of land in order to prevent or mitigate any potential adverse effects of hazardous substances by considering the appropriateness of the site location and other site requirements to minimise the risk of accidental release. Although these are only two facets of hazardous substances management, others are outside the scope of the District Plan.*

*The Regional Council has developed rules in the Regional Plans to control discharge of hazardous substances to land, air and water.*

*The Hazardous Facilities Screening Procedure has been incorporated into the District Plan. Uses which have unacceptable potential effects will be located and contained where their potential adverse effects can be prevented or mitigated. The environmental result will be a safer environment as a result of the safer storage, use and disposal of hazardous substances.*

**13.13.6.2 Reduce the potential adverse effects of transporting hazardous substances.****METHODS**

- Rules (conditions on resource consents)
- Other mechanisms (advocacy and bylaws)

*Because there is always a risk of an accident, the transportation of hazardous substances potentially has adverse effects on the surrounding locality. Where practicable, transport of hazardous substances to a hazardous facility will be restricted to main arterial routes and avoid peak periods of commuter traffic.*

*The environmental result will be safer communities.*

**13.13.6.3 Control the use of land for end point disposal of waste to ensure the environmentally safe disposal of solid and hazardous waste.****METHODS**

- Rules
- Operational activities (Waste Management Strategy)
- Designation
- Other mechanisms (Regional Plans)

*Unrestricted land disposal of waste by landfilling is increasingly less environmentally acceptable as a method of dealing with the City's waste. For this reason, Council wishes to discourage the proliferation of waste disposal sites.*

*Council's Waste Management Strategy, which addresses waste disposal in Wellington City, includes guidelines on the environmentally acceptable management of the hazardous wastes produced in Wellington.*

*The environmental result will be fewer and better-managed waste disposal sites.*

**13.13.6.4 To require hazardous facilities to be located away from Hazard Areas.****METHOD**

- Rules

*The likelihood of an accidental release of a hazardous substance is increased during a natural hazard event.*

*For this reason, Council wishes to discourage the development of new hazardous facilities in identified Hazard Areas.*

*The environmental result will be the minimisation of hazards and risk to the environment and people in Hazard Areas.*

**13.13.6.5 Collaborate with the Regional Council in compiling a register of all contaminated sites in the city.****13.13.6.6 To control activities on any contaminated site.**

**13.13.6.7 To encourage the restoration of any contaminated site.****METHODS**

- Rules
- Other mechanisms (Regional Discharges to Land Plan)

*Contaminated sites can significantly harm human and ecological health and for this reason Council believes that District Plan restrictions are necessary. Council aims to identify such sites and to restrict activities on them until the contamination is removed and its source controlled.*

*The environmental result will be the recognition and restoration of contaminated sites.*

**OBJECTIVE****13.13.7 To promote the development of a safe and healthy city.****POLICIES**

To achieve this objective, Council will:

**13.13.7.1 Improve the design of developments to reduce the actual and potential threats to personal safety and security.****METHODS**

- Design Guide
- Advocacy (Crime prevention design guidelines)

*Urban design measures can minimise or reduce threats to personal safety and security. Guidelines for design against crime are used by Council to advocate for the development of a safe city.*

*The environmental result will be that buildings or spaces are designed to avoid, remedy or mitigate the incidence of crime.*

**13.13.7.2 Promote and protect the health and safety of the community in development proposals.****METHODS**

- Rules
- Other mechanisms (WCC Bylaws)
- Advocacy

The promotion of a safe and healthy city is being implemented through a broad range of Council actions, including District Plan rules.

*Council uses mechanisms such as the Healthy City initiative and general bylaws to promote the health and safety of Wellington's communities. Some involve physical actions while others centre on providing information.*

*The environmental result will be a Te Ara Haukawaakawa environment that provides for the health and safety of people by controlling the adverse effects of activities.*

## OBJECTIVE

### **13.13.8 To facilitate and enable the exercise of tino rangatiratanga and kaitiakitanga by manawhenua and to take into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi.**

*The principles that underlie the Treaty provide a basis for the management of natural and physical resources. These principles include having regard to consultation, partnership and a shared responsibility for decision making.*

*Areas of the Precinct are of cultural significance to manawhenua. The Precinct has a strong cultural connection to Pipitea Pa as it was formerly an important source of food for local maori. In particular it comprised fishing grounds and pipi bed areas. However, these were lost through a number of land reclamations over the last 100 years. Development occurring within the area will be required to have regard to these matters.*

#### **13.13.8.1 Identify, define and protect sites and areas of significance to manawhenua.**

##### **METHODS**

- Rules
- Design Guide
- Information

*Particular features of the natural and cultural landscape hold significance for tangata whenua and other Maori. The identification of specific sites (such as waahi tapu/sacred sites and waahi tupuna/ancestral sites) and precincts will ensure that this significance is respected. For this reason sites of significance and precincts are listed and mapped within the Plan.*

*Sites of significance to Maori are identified in Chapter 21 of the District Plan. Significant alterations to these identified features require resource consents.*

*Te Ara Haukawkawa Design Guide also requires applicants to have regard to maori spiritual values in the design of any development.*

*The environmental result will be that these sites are protected from inappropriate development.*

#### **13.13.8.2 Ensure that the cultural significance of Pipitea Pa and Pipitea Precinct to manawhenua is not adversely affected by inappropriate use and development within Te Ara Haukawkawa.**

##### **METHODS**

- Rules
- Design Guide
- Information

*Pipitea Pa is located on the border of Te Ara Haukawkawa on Thorndon Quay. In recognition of its importance to Maori, Pipitea Pa and land surrounding the Pa is identified in the District Plan as the Pipitea Precinct.*

*The Pipitea Precinct extends across Thorndon Quay into part of the land occupied by Capital Gateways. This line defines a former beach and pipi beds prior to the land being reclaimed.*

*Applicants for resource consents are required, in terms of section 3.2.2.3 to provide a written statement of consultation undertaken with manawhenua. Applications will be assessed against the objectives and policies of the District Plan, and the objectives and guidelines of Te Ara Haukawaakawa Design Guide, which require that applicants have regard to maori spiritual values in the design of any development.*

*The environmental result will be that developments respect Maori cultural values.*

**13.13.8.3 Enable a wide range of activities that relate to the needs and wishes of manawhenua, provided that physical and environmental conditions specified in the Plan are met.**

#### **METHODS**

- Rules
- Design Guide
- Information

*Te Ara Haukawaakawa provisions facilitate a wide range of activities, including marae, papakainga/group housing and kohanga reo/language nests. The Permitted Activity conditions for Te Ara Haukawaakawa are not intended to act as barriers to such uses.*

*The environmental result of this policy will be that such activities are able to be provided for subject to meeting minimum environmental standards.*

# Chapter 13B: Te Ara Haukawaakawa, except Land Described as Part Lot 1 DP 10550 and Lot 1 DP 85907 adjacent to Aotea/Waterloo Quays

## Guide to Rules

**NOTE:** The following table is intended as a guide only and does not form part of the District Plan. Refer to specified rules for detailed requirements.

In the table below, P refers to Permitted Activities, C to Controlled Activities, DR to Discretionary Activities (Restricted) and DU to Discretionary Activities (Unrestricted).

<b>Activities</b>	<b>Rule</b>	<b>P</b>	<b>C</b>	<b>DR</b>	<b>DU</b>
Any activity (with some exceptions) subject to conditions	13.14.1	●			
Activities not complying with conditions for Permitted Activities	13.16.1			●	
Any activity involving the provision of more than 70 parking spaces	13.16.4			●	
Any activity listed in section 3.5.2.2 (hazardous substances)	13.15.3		●		
Any activity not complying with conditions in respect of hazardous substances	13.16.9			●	
Any use of a contaminated site	13.17.5				●
Vehicle parking associated with development within the airspace above the railyards	13.16.5			●	
The creation of vacant land, open land or parking areas (all at grade)	13.17.3				●
<b>Buildings</b>	<b>Rule</b>	<b>P</b>	<b>C</b>	<b>DR</b>	<b>DU</b>
The construction, alteration of an addition to buildings or structures, unless otherwise specified, subject to conditions	13.14.2	●			
The construction, alteration of and addition to buildings and structures on certain sites with access to Thorndon Quay (with some exceptions)	13.15.1		●		
The construction, alteration or addition to buildings and structures that do not meet conditions or standards and terms	13.16.2			●	
The construction, alteration or addition to buildings and structures, excluding areas in Thorndon Quay and the Wellington Urban Motorway	13.16.3			●	
Any building involving the provision of more than 70 parking spaces	13.16.4			●	
Construction, alteration of or addition to buildings or structures within a Hazard (Fault Line) Area	13.16.7			●	
Buildings and structures which exceed standards and terms in terms of maximum building height	13.17.1				●
Buildings and structures, including pedestrian bridges, that are located above the street	13.17.2				●
Any critical facility within any Hazard Area	13.16.6			●	
<b>Subdivision</b>	<b>Rule</b>	<b>P</b>	<b>C</b>	<b>DR</b>	<b>DU</b>
Subdivision except for company lease, cross lease and unit title subdivision in areas in Thorndon Quay, subject to conditions	13.14.3	●			
Company lease, cross lease and unit title subdivision in areas of Thorndon Quay	13.15.2		●		
Subdivision excluding areas in Thorndon Quay	13.16.8			●	
Subdivision not being a Permitted, Controlled or Discretionary (Restricted) Activity	13.17.4				●
<b>Heritage</b>	<b>Rule</b>	<b>P</b>	<b>C</b>	<b>DR</b>	<b>DU</b>
Activities affecting heritage items	21.0	●	●		●
<b>Utilities</b>	<b>Rule</b>	<b>P</b>	<b>C</b>	<b>DR</b>	<b>DU</b>
Utilities	23.0	●	●	●	●

## Schedule of Appendices

Appendix Number	Appendix
1	Noise
2	Vehicle Parking Standards
3	Loading Standards
4	Site Access for Vehicles
5	Te Ara Haukawakawa Viewshafts
6	Wind
7	Precinct Boundaries
8	Comprehensive Development Plan
9	Noise Insulation Construction Schedule

# 13B. TE ARA HAUKAWAKAWA PRECINCT RULES

Section 13B applies to the whole of Te Ara Haukawaakawa, except lot 1 DP 85907 and part lot 1 DP 10550 adjacent to Aotea/Waterloo Quays for which Section 13C applies.

## 13.14 Permitted Activities

Section 13B.14 describes which activities are permitted in Te Ara Haukawaakawa provided that they comply with any specified conditions and the payment of any financial contributions (refer to Rule 3.4).

### 13.14.1 Any activity, except for:

- those specified as **Controlled Activities, Discretionary Activities (Restricted) or Discretionary Activities (Unrestricted)**; and
- those activities listed in the **Third Schedule to the Health Act 1956**

is a **Permitted Activity** provided that it complies with the following conditions:

#### 13.14.1.1 Noise

13.14.1.1.1 Noise emission levels when measured on any site or at the outside wall of any building on any site, other than the site from which the noise is emitted, shall not exceed the following:

*Note: the term “Noise emission level” is defined in section 3.10*

At all times 60dBA (L10)

At all times 85dBA (Lmax)

13.14.1.1.2 Where it is impractical to measure outside the building, measurements shall be made inside (with windows closed). Where indoor measurements are made, the noise limits stated above shall be reduced by 15dB.

13.14.1.1.3 In relation to rule 13.14.1.1.2 where activities have been noise-proofed in the vicinity of the site, to protect noise sensitive uses (including residential use), then this shall not allow activities to increase noise emission levels above those that would apply if the noise-proofing had not been undertaken.

13.14.1.1.4 Any activity occurring within Te Ara Haukawaakawa when measured from any land or premises outside that area shall comply with the noise levels stated in Appendix 1.

13.14.1.1.5 [**Noise Insulation**]<sup>1</sup>

Any **habitable room** in a building used by a **noise sensitive activity** within the Te Ara Haukawaakawa Precinct shall be protected from noise arising from outside the building by ensuring the **external sound insulation level** achieves the following minimum performance standard:

$$D_{nTw} + C_{tr} > 30 \text{ dB}$$

Compliance with this performance standard shall be achieved by ensuring habitable rooms are designed and constructed in a manner that:

- accords with the schedule of typical building construction set out in Appendix 9;
- or**
- accords with an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design as proposed will achieve compliance with the above performance standard.

#### **Ventilation**

Where bedrooms with openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. For the purposes of this requirement, a bedroom is any room intended to be used for sleeping. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.

*The noise rule seeks to protect amenities between activities and to protect the amenities of residential and public space areas around the Te Ara Haukawaakawa area through the use of noise rules.*

*[Because of the sound environment created by existing activities within and around the precinct, the Council is concerned to ensure that all residential development and buildings that house other noise sensitive activities are adequately designed to ensure protection of the activities from external noise sources. For this reason a condition has been imposed to require habitable rooms in buildings used for noise sensitive activities to meet specific acoustic standards. The ventilation requirement for bedrooms is required to ensure noise attenuation is not compromised if compliance with the requirements of the Building Code (G4) for natural ventilation is achieved by installing openable windows. The required airflow level is based on the minimum standard for habitable spaces set out in NZS 4303.]<sup>2</sup>*

*Noise from construction, maintenance and demolition activities, including those associated with urgent repair of utilities to maintain continuity of service, on any site or on any road shall comply with, and be measured and assessed using the recommendations of NZS6803P:1984 The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work. Nothing in the noise rules shall be used to prevent emergency work from taking place. Such work would arise from the need to protect life or limb or minimise or prevent loss or serious damage to property or minimise or prevent environmental damage.*

<sup>1</sup> and <sup>2</sup> District Plan Change No.23 – Central Area Noise Insulation Rules (Operative 25 June 2004)

### 13.14.1.2 Discharge of Contaminants

*The discharge of contaminants to land, air or water is a Regional Council responsibility and activities causing discharges may need to obtain a relevant consent from the Regional Council. However, every person has a general duty under section 17 of the Act to avoid, remedy or mitigate the adverse effects of activities. Where adverse effects are generated the Council will use its enforcement powers as appropriate to protect the environment.*

### 13.14.1.3 Dust

13.14.1.3.1 Activities must not create a dust nuisance. A dust nuisance will occur if:

- there is visible evidence of suspended solids in the air beyond the site boundary; or
- there is visible evidence of suspended solids traceable from a dust source settling on the ground, building or structure on a neighbouring site, or water.

13.14.1.3.2 With regard to the above provisions where sites are contiguous and are held under the same ownership then any dust nuisance shall be measured at the periphery of the land holding.

*A rule relating to the generation of dust is included to avoid, remedy or mitigate problems from this source.*

### 13.14.1.4 Lighting

13.14.1.4.1 Any activity which requires outdoor areas to be lit shall ensure that direct or indirect illumination does not exceed 8 lux at the windows of residential buildings in any Residential Area.

13.14.1.4.2 Subject to condition 13.14.1.4.1, pedestrian routes and carparks available for public use during hours of darkness shall be lit at a minimum of 10 lux, measured in accordance with NZS CP22:1962 and amendments.

*The lighting rules are designed to ensure that places available for public use are safely illuminated, and that where sites on the periphery of Te Ara Haukawa are illuminated, the amenities of residents in nearby Residential Areas are reasonably protected. In all cases the Council will seek to ensure that the adverse effects of glare from lighting sources are avoided, remedied or mitigated.*

### 13.14.1.5 Electromagnetic effects

13.14.1.5.1 Activities must be conducted to avoid electromagnetic nuisance and comply with the New Zealand Standard NZS 6609:1990 (Radio Frequency Radiation) and any subsequent amendment.

*A rule relating to the generation of electromagnetic effects has been included to avoid remedy or mitigate problems from this source.*

### 13.14.1.6 Screening of activities and storage

13.14.1.6.1 Sites with yards which abut a Residential or Open Space Area must be screened from view by a fence not less than 1.8m high.

- 13.14.1.6.2 Any exterior storage area including waste storage area must be screened so that it is not visible from any adjoining Residential Areas or public space.

*Rules relating to exterior activities and storage have been included to protect the amenities of Residential Areas on the periphery of Te Ara Haukawakawa. All storage areas which might be visible from the street must be screened to protect the general amenities of Te Ara Haukawakawa.*

#### **13.14.1.7. Vehicle parking, servicing and site access**

##### ***Vehicle parking***

- 13.14.1.7.1 Activities in Te Ara Haukawakawa are not required to provide on-site vehicle parking, but where parking is provided, it must not exceed a maximum of:
- For developments providing more than 70 parking spaces, Rule 13.16.4 or 13.16.5 applies***

1 space per 100m<sup>2</sup> gross floor area.

For developments providing more than 70 parking spaces, Rule 13.16.4 applies.

- 13.14.1.7.2 All parking shall be provided and maintained in accordance with the standards set out in Appendix 2.
- 13.14.1.7.3 Where carparking is located within a building, a minimum height clearance of 2.1 metres is required.
- 13.14.1.7.4 The gradient for carparking circulation routes shall not be more than 1 in 8.

##### ***Servicing***

- 13.14.1.7.5 On each site in Te Ara Haukawakawa at least one loading area must be provided as follows:
- all loading areas must be provided and maintained in accordance with the standards set out in Appendix 3
  - where loading areas are located within a building, a minimum height clearance of 4.25 metres is required
  - for buildings serviced by lifts, all levels shall have access to a loading area by way of a lift
  - the loading area shall be located no further than 15 metres from a lift and there shall be level access between them.

##### ***Servicing hours***

- 13.14.1.7.6 There must be no servicing of activities or the operation of vehicle depots between 10pm and 7am Monday to Sunday inclusive where a site adjoins a Residential Area or faces a Residential Area across a road.

##### ***Site access for vehicles***

- 13.14.1.7.7 No vehicle access is permitted to a site from Waterloo and Aotea Quays, without consent.

- 13.14.1.7.8 Site access for vehicles must be provided and maintained in accordance with the standards set out in Appendix 4.
- 13.14.1.7.9 There shall be only one vehicle access to any site except that sites with more than one frontage may have one access across each frontage.
- 13.14.1.7.10 The width of any vehicle crossing to a site shall not exceed 6 metres.
- 13.14.1.7.11 Where vehicular access can be provided from a service lane, right-of-way registered in favour of the site or other private road, or private right-of-way, no vehicle access shall be from a street.
- 13.14.1.7.12 Site layout must enable all vehicles to enter or leave the site in a forward direction unless they are in a service lane.
- 13.14.1.7.13 Subject to Rule 13.14.1.7.7 no vehicular access, as shown in Appendix 4.1, shall be situated closer to an intersection than the following:
- |   |     |
|---|-----|
| Arterial, principal and collector streets | 20m |
| Other streets                             | 15m |
- 13.14.1.7.14 All access to sites must be designed to permit a free flow of traffic, so that vehicles do not queue on the street.

*These rules for parking, loading and site access are designed to help achieve the access objectives of this Plan and to fulfil Council's transportation strategy for the Central City.*

*The parking rules are designed to discourage on-site parking or parking beyond specified levels, in order to minimise commuter traffic, especially at peak hours.*

*The on-site loading and site access requirements are also to help minimise road congestion and to promote safety.*

*Providing space for vehicles to service sites off the street and ensuring that all vehicles enter or leave a site in a convenient and efficient manner, will help keep traffic flowing smoothly and let pedestrians get around more easily.*

*These standards for parking, loading and site access will also work to promote safety. Where any road has been declared a limited access road, access to that road shall be subject to requirements of Transit New Zealand.*

### 13.14.1.8 Use, Storage or Handling of Hazardous Substances

- [13.14.1.8.1 For those activities which are not specifically exempted (see Section 3.5.2.2) the cumulative Effect Ratio calculated using the HFSP will be used to determine whether or not those other activities should be Permitted Activities according to the table below.

***See Exemptions to the Hazardous Facilities Screening Procedure contained in section 3.5.2***

Location	Hazard Area	Not Hazard Area	Either Area
Effect Ratio	0.002 < ER ≤ 0.05	0.002 < ER ≤ 0.1	≤ 0.002
Conditions applying	13.14.1.8.5 to 13.14.1.8.16	13.14.1.8.5 to 13.14.1.8.16	13.14.1.8.13, 13.14.1.8.15 and 13.14.1.8.16

*Activities that do not meet the above Effect Ratio criteria or do not otherwise comply with the applicable conditions will be Discretionary (Restricted) Activities.*

13.14.1.8.2 *This rule has been deleted under District Plan Change 35*

13.14.1.8.3 *This rule has been deleted under District Plan Change 35*

13.14.1.8.4 *This rule has been deleted under District Plan Change 35*<sup>1</sup>

13.14.1.8.5 Except for the storage, use or handling of liquid petroleum gas (LPG), any area where hazardous substances are used, stored or handled in any manner on-site shall have secondary containment (via bunding or otherwise) using materials that are resistant to the hazardous substances handled on-site. [Secondary containment systems also need to comply with any relevant provisions under the Hazardous Substances and New Organisms Act 1996.

13.14.1.8.5A Except for the storage, use or handling of Liquid Petroleum Gas (LPG), any secondary containment system shall be maintained to ensure that it will perform the functions for which it was designed and contain any spill or accidental release.]<sup>2</sup>

13.14.1.8.6 Except for the storage, use or handling of liquid petroleum gas (LPG), any area(s) where hazardous substances are loaded, unloaded, packaged, mixed, manufactured or otherwise handled shall have a spill containment system [that is compliant with relevant provisions under the Hazardous Substances and New Organisms Act 1996.]<sup>3</sup>

13.14.1.8.7 Except for the storage, use or handling of liquid petroleum gas (LPG), areas included in the secondary containment system shall be designed to minimise the volume of stormwater entering the containment system.

13.14.1.8.8 Except for the storage, use of handling of liquid petroleum gas (LPG), secondary containment systems shall be designed to contain any spill or accidental release of hazardous substance, and any storm water and/or fire water that has become contaminated, and prevent any contaminant from entering the sewerage or stormwater drainage system unless expressly permitted under a resource consent or trade waste permit.

13.14.1.8.9 All stormwater grates, collection structures and inspection chamber covers on the site shall be clearly marked as such.

13.14.1.8.10 Any area where vehicles, equipment or containers that are or may have been contaminated with hazardous substances are washed down shall be designed, constructed and managed to prevent the effluent from the washdown area from discharge into or onto land, entry or discharge into the sewerage or stormwater drainage system unless expressly permitted by a rule in a regional plan, trade waste permit or resource consent.

13.14.1.8.11 [Underground tanks for the storage of petroleum products shall be designed, constructed, installed, maintained, operated, managed and at the end of their life removed, to prevent leakage and spills. Compliance with any relevant provisions under the Hazardous Substances and New Organisms Act 1996 and the OSH Code of Practice for the “Design, Installation and Operation of Underground Petroleum Storage Systems” (1992) is a minimum requirement.]<sup>4</sup>

<sup>1,2,3,4</sup> District Plan Change No.35 – Hazardous Substances (Operative 6 July 2006)

13.14.1.8.12 Any part of the site where liquid or solid hazardous substances are used, manufactured, mixed, packaged or stored in open containers shall have secondary containment and be designed to minimise losses to the atmosphere of the hazardous substances.

### **Signage**

13.14.1.8.13 [All facilities must display signage to indicate the nature of the hazardous substances present (compliance with the provisions of the Hazardous Substances and New Organisms Act 1996 and the requirements of the Building Code (F8) or the Code of Practice “Signage for Premises Storing Hazardous Substances and Dangerous Goods” of the New Zealand Chemical Industry Council (Nov 2004) is a minimum requirement).]<sup>1</sup>

### **Waste Management**

13.14.1.8.14 Any process waste or waste containing hazardous substances shall be stored in a manner which complies with 13.14.1.8.1 to 13.14.1.8.12 above.

13.14.1.8.15 Any hazardous facility generating wastes containing hazardous substances shall dispose of these wastes to facilities which or waste disposal contractors who meet all the requirements of regional and district rules for discharges to the environment [and also the provisions of the Hazardous Substances and New Organisms Act 1996].<sup>3</sup>

### **Other**

13.14.1.8.16 Council must be informed of the activity’s location, the nature of the activity and when the activity commences and ceases.

*[In addition to the provisions of the Plan, all activities which involve the use, storage, handling or transportation of hazardous substances are regulated for their on-site and off-site effects by a range of other legislation and regulations, and associated standards and codes of practice which should be complied with. Key pieces of legislation include:*

- *the Hazardous Substance and New Organisms Act 1996*
- *legislation, rules and standards relating to the transportation of hazardous substances (Land Transport Act 1993, Land Transport Rule: Dangerous Goods 1999 and New Zealand Standard 5433:1999)*
- *Building Act 1991*
- *Health Act 1956*
- *Fire Service Act 1975*
- *Health and Safety in Employment Act 1992*
- *Radiation Protection Act 1965*
- *Agricultural Compounds and Veterinary Medicines Act 1997]<sup>4</sup>*

***[The on-site disposal of hazardous substances will be controlled through Council’s Waste Management Strategy, through obtaining the appropriate discharge consents from the Regional Council or trade waste permits, and through relevant controls on disposal of hazardous substances by the Hazardous Substances and New Organisms Act 1996.]<sup>2</sup>***

<sup>1, 2, 3, 4</sup> District Plan Change No.35 – Hazardous Substances (Operative 6 July 2006)

### 13.14.1.9 Signs

13.14.1.9.1 For signs on buildings on or below the fourth storey:

- the maximum area of any one sign is 20m<sup>2</sup>
- signs must be displayed only on plain wall surfaces where they do not obscure windows or architectural features
- no sign shall project above the parapet level or the highest part of the building to which it is attached
- any illuminated sign (excluding signs below verandah level) within 50 metres and visible from a Residential Area must not flash
- any sign attached to a verandah must be at least 2.4 metres above the footpath
- signs on buildings above verandah height shall not project from the face of the building by more than 1.5 metres.

13.14.1.9.2 For signs on buildings above the fourth storey:

- there may be no more than four signs with a maximum of one sign on each elevation
- the maximum area is 15m<sup>2</sup>
- signs must be displayed only on plain wall surfaces where they do not obscure windows or architectural features
- no sign shall project above the parapet level or the highest part of the building to which it is attached
- the sign must bear only the name and/or logo of the building, the owner or the occupier
- illuminated signs must not flash.

13.14.1.9.3 For free-standing signs not attached to any building:

- the maximum area is 5m<sup>2</sup>
- the maximum height is 4m
- only one sign is permitted on any site frontage.

The area, height and number of signs shall not apply to signs for the purpose of directing pedestrian or vehicular traffic.

*Council believes that in cities, residential owners or occupiers cannot expect the complete exclusion of signs from view and that a balance must exist between providing reasonable protection from annoying signs and encouraging signs as a desirable townscape element. As there are pressures to erect freestanding signs on highly visible sites, particularly those on busy traffic routes, the size and number of signs has been limited to prevent clutter and preserve the good appearance of the city.*

*The area below the fourth storey of buildings is very visible to people at street level. Within this area, signs are generally permitted although these rules ensure that they are appropriately situated and, if illuminated, will not annoy residents in nearby Residential Areas.*

*Above the fourth storey level, signs can have a wider impact, particularly on surrounding Residential Areas, so their area and number have been limited. To protect residents from possible disturbance, illuminated signs are not permitted to flash.*

### **13.14.2 The construction, alteration of, and addition to, buildings or structures except:**

- **those specified as Controlled Activities, Discretionary Activities (Restricted), or Discretionary Activities (Unrestricted)**

**are Permitted Activities provided that they comply with the following conditions:**

#### **13.14.2.1 Maximum building height**

No building or structure shall exceed the building height as shown on Map 32.

*Te Ara Haukawaakawa forms part of the 'Low City'. Heights in the Precinct range from 27 metres above ground level to 50 metres in the vicinity of the railway station. The permitted height limits for buildings in the Precinct reflect Council's urban form objectives. It provides for transitions between the High City and Low City areas and between buildings in the Central Area Te Ara Haukawaakawa and those of surrounding Residential Areas.*

#### **13.14.2.2 Height control adjoining Residential Areas**

13.14.2.2.1 No building or structure within 5 metres of a Residential Area shall be more than 3 metres high.

13.14.2.2.2 For buildings or structures located further than 5 metres from a Residential Area the sunlight access rule for the Residential (Inner) Area shall apply.

*This rule provides for a transition in the height of buildings from Te Ara Haukawaakawa and the surrounding Residential Areas, and also protects residents from the impact of buildings, particularly overshadowing.*

#### **13.14.2.3 Windows**

All windows in walls of buildings located within 5 metres of residential site boundary and facing a residential boundary within a Residential Area shall have opaque glazing.

*Opaque glazing is required in windows close to Residential Areas to provide a degree of privacy for residential occupiers.*

#### **13.14.2.4 View protection**

13.14.2.4.1 No building or structure shall impinge on any viewshaft as shown on the viewshaft maps (Appendix 5).

13.14.2.4.2 For development on sites which are traversed by a viewshaft, a certificate from a registered surveyor or suitably qualified person/s must be supplied which indicates compliance with the condition.

*The view protection condition is to protect identified viewshafts.*

#### **13.14.2.5 Wind**

13.14.2.5.1 New buildings or structures above 4 storeys in height shall be designed to comply with the following standards:

Existing wind speeds	Wind speeds resulting from development proposal	Requirements on developer
Up to 15m/sec	If exceeding 10m/sec in any public space If exceeding 15m/sec	Reduce to 10m/sec in the public space 1. Reduce to 15m/sec 2. Although other directional speeds may be increased towards 15m/sec, overall impact is to be no worse than existing
15-18m/sec	If exceeding 15m/sec	Reduce to max 15m/sec
Above 18m/sec	If more than 18m/sec	Reduce to max 18m/sec

13.14.2.5.2 To show that a proposed development complies with these standards, a wind report must be supplied which includes the results of a wind tunnel test.

The test or tests must examine the effects of the proposed building upon areas open to the public, such as adjacent roads, parks, malls, plazas, public carparks, the immediate forecourt area and entranceways to proposed buildings.

The tests must also be operated on the following basis:

- maximum annual occurrence within daylight hours
- simulated 3 second gusts at a 2 metre height
- the proposed development must be tested against the existing situation except where the site is currently cleared. If the latter is the case, the proposal must be tested against the building which previously existed.

For the form and content of reports on wind tunnel tests, refer to Appendix 6.

*The wind rules are designed to encourage a safe and pleasant environment by decreasing the worst effects of wind. The standards work to ensure that no development makes the environment around buildings dangerous or makes the existing wind environment significantly worse.*

*For information, the effects of wind at various speeds are:*

- 10 metres/second - Generally the limit for comfort when standing or sitting for lengthy periods in an open space*
- 15 metres/second - Generally the limit of acceptability for comfort whilst walking*
- 18 metres/second - Threshold of danger level*
- 23 metres/second - Unsafe for walking.*

**13.14.2.6 Design, external appearance and siting for those areas in Thorndon Quay (as identified in Appendix 7)**

The Precinct Design Guide shall not apply where:

- alterations and additions to existing buildings or structures:
  - do not alter the external appearance of the building or structure;
  - do not relate to building frontages below verandah level; or
  - are not visible from public spaces; and
- new buildings and structures do not exceed a gross floor area of 100m<sup>2</sup> and cover no more than 20 percent of the site.

**13.14.3 Subdivision except for company lease, cross lease and unit title subdivision involving those areas in Thorndon Quay (as identified in Appendix 7) are Permitted Activities provided that they comply with the following conditions:**

- 13.14.3.1 Every building adjoining a new boundary must comply fully with the requirements of rule 13.14.2 or otherwise be lawfully established.
- 13.14.3.2 Every allotment must have services in compliance with city bylaws or if applicable the Council's Code of Practice for Land Development.
- 13.14.3.3 The allotment must have practical, physical and legal access to a legal road.
- 13.14.3.4 Every allotment must have drive-on vehicle access and parking constructed in accordance with rules 13.14.1.7.5 to 13.14.1.7.12.
- 13.14.3.5 All earthworks needed to complete the subdivision are undertaken.
- 13.14.3.6 No subdivision may occur within a heritage area or on a site associated with a heritage item unless in the latter case the subdivision involves land that is not occupied by the heritage item and is not specifically identified for preservation in the Plan as important to the setting of the item.
- 13.14.3.7 Adequate information must be provided to allow Council to assess compliance with conditions 13.14.3.1 to 13.14.3.6 listed above, including:
- a written certificate, stating that all existing services have been located so that they are all contained entirely within the boundaries of the site being serviced or within such right of way or easement relating to the site and are in accordance with the city bylaws and if applicable the Council's Code of Practice for Land Development. This certificate must be signed by a Registered Surveyor or other suitably qualified person/s
  - every request for a Certificate of Compliance must be accompanied by current copies of titles for all affected properties, accurately drawn A4 plans at a scale of 1:500 or at a larger scale as appropriate which clearly shows that the application fully complies with all the subdivision rules and a report to explain the proposal which details how the requirements have been met. The accuracy of the data supplied must be certified by a registered surveyor or other suitably qualified person.

- a certificate signed by a registered surveyor or other suitably qualified person/s that the land is not likely to be subject to material damage by erosion, subsidence, slippage or inundation from any source.

*Subdivision, except for company cross lease, cross lease and unit title subdivision, in the Thorndon Quay area, is a Permitted Activity subject to meeting specified conditions. This will facilitate the efficient utilisation of this established area with other rules of the Plan controlling building and other land use effects.*

*Applicants are reminded of the need for proposed subdivisions to comply with the city bylaws. In addition, where private infrastructure is proposed to be vested in the Council or where private stormwater, water and sewerage lines are connected or proposed to be connected to public infrastructure, applicants will need to liaise with the Council concerning the requirements set out in the Council's Code of Practice for Land Development so that the Council will either accept the vesting of such infrastructure or will authorise connection or continued connection to public infrastructure. Refer to Section 3.9 of the Plan.*

## 13.15 Controlled Activities

Section 13.15 describes which activities are Controlled Activities in Te Ara Haukawaakawa. A resource consent will be required but consent cannot be refused. Conditions may be imposed relating to the matters specified in Rules 13.15.1 to 13.15.3. Financial contributions may also be imposed in accordance with Rule 3.4.

The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

**13.15.1 The construction or alteration of, and addition to buildings and structures on those sites with access to Thorndon Quay (as identified in Appendix 7) except those specified as Permitted Activities, Discretionary Activities (Restricted) or Discretionary Activities (unrestricted) are Controlled Activities in respect of:**

**13.15.1.1. design, external appearance and siting.**

### *Non-notification*

The written approval of affected persons will not be necessary in respect of items 13.15.1.1. [Notice of applications need not be served on affected persons]<sup>1</sup> and applications need not be notified.

### *Standards and Terms*

All the conditions specified for buildings and structures in 13.14.2 must be met.

### *Assessment Criteria*

**In determining the conditions to be imposed, if any, Council will be guided by the following criteria:**

13.15.1.2 The extent to which the proposal will meet the provisions of Te Ara Haukawaakawa Design Guide.

*Council wishes to ensure that new buildings are managed in relation to their effects on public spaces in the Northern Gateway Precinct. All new buildings and structures will be assessed against the requirements of Te Ara Haukawaakawa Design Guide.*

**13.15.2 Company lease, cross lease and unit title subdivision involving those areas in Thorndon Quay (as identified in Appendix 7) is a Controlled Activity in respect of:**

**13.15.2.1 stormwater, sewerage and water supply**

**13.15.2.2 the allocation of accessory units to principal units and the allocation of covenant areas to leased areas to ensure compliance with servicing rules, and to ensure practical physical access to every household unit.**

<sup>1</sup>District Plan Change No.28 – Non-notification Statements (Operative 6 July 2006)

***Non-notification***

The written approval of affected persons will not be necessary in respect of items 13.15.2.1 and 13.15.2.2. [Notice of applications need not be served on affected persons]<sup>1</sup> and applications need not be notified.

***Standards and Terms***

All buildings and structures must meet the conditions for Permitted Activities, the terms of any relevant resource consent, or must have existing use rights.

***Assessment Criteria***

**In determining the conditions to be imposed, if any, Council will be guided by the following criteria:**

- 13.15.2.3 The requirements of Section 106 of the Act.
- 13.15.2.4 The extent of compliance with the relevant parts of the City Bylaws.
- 13.15.2.5 The need to ensure permanent site access and continued provision for on site loading and unloading facilities.
- 13.15.2.6 The current and future allocation of subdivisional areas to achieve the efficient use of land and buildings.

*Council is seeking to retain in a permanent manner appropriate site arrangements that are established at the time of subdivision. In particular, continued access to off street loading facilities is to be safeguarded together with efficient arrangement of units.*

**13.15.3 Any activity listed in Section 3.5.2.2 is a Controlled Activity in respect of:**

**13.15.3.1 use, storage or handling of hazardous substances.**

***Standards and Terms***

This activity must comply with all the conditions in rules 13.14.1 and 13.14.2

***Assessment Criteria***

**In determining the conditions to be imposed, if any, Council will be guided by the following criteria:**

- 13.15.3.2 Site layout and design to avoid, remedy or mitigate any adverse effects of the activity.
- 13.15.3.3 Site management and emergency planning.
- 13.15.3.4 Secondary containment of bulk storage vessels.
- 13.15.3.5 Location of and separation distance between the hazardous facility and residential activities.

<sup>1</sup>District Plan Change No.28 – Non-notification Statements (Operative 6 July 2006)

- 13.15.3.6 Location of and separation distance between the hazardous facility and critical facilities and lifelines.
- 13.15.3.7 Access routes to the facility, location and separation distance between the facility and sensitive activities and uses, sensitive environments and areas of high population density.
- 13.15.3.8 Transport of hazardous substances to and from the site.
- 13.15.3.9 Existing and proposed (if any currently under consideration by Council) neighbouring uses.
- 13.15.3.10 Potential cumulative hazards presented in conjunction with nearby facilities.
- 13.15.3.11 Potential for contamination of the surroundings of the site and sensitivity of the surrounding environment.
- 13.15.3.12 Arrangement for the environmentally safe disposal of any hazardous substance or hazardous wastes generated.
- 13.15.3.13 Fire safety and fire water management.
- 13.15.3.14 Site drainage and utility infrastructure.
- 13.15.3.15 Identification and mitigation of exposure pathways.
- 13.15.3.16 Additional measures are required to mitigate the potential effect of a natural hazard event.
- [13.15.3.17 Whether appropriate contingency measures and emergency plans are in place.]<sup>1</sup>
- [13.15.3.18 Whether the facility complies with the provisions of the Hazardous Substances and New Organisms Act 1996, and whether more stringent controls are required to take account of site-specific conditions.]<sup>2</sup>

<sup>1</sup> and <sup>2</sup> District Plan Change No.35 – Hazardous Substances (Operative 6 July 2006)

## 13.16 Discretionary Activities (Restricted)

Section 13.16 describes which activities are Discretionary Activities (Restricted) in Te Ara Haukawaakawa. Consent may be refused or granted subject to conditions. Financial contributions may also be imposed in accordance with Rule 3.4. Grounds for refusal and conditions will be restricted to the matters specified in rules 13.16.1 to 13.16.9.

The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

### **13.16.1 Activities that do not comply with one or more of the following conditions for Permitted Activities in rule 13.14.1:**

**13.16.1.1 dust**

**13.16.1.2 lighting**

**13.16.1.3 screening of activities and storage**

**13.16.1.4 vehicle parking, servicing and site access**

**13.16.1.5 signs**

**13.16.1.6 noise**

**are Discretionary Activities (Restricted) in respect of the condition(s) not met.**

### *Non-notification*

The written approval of affected persons will not be necessary in respect of items 13.16.1.3, 13.16.1.4, 13.16.1.5. [Notice of applications need not be served on affected persons]<sup>1</sup> and applications need not be notified.

### *Standards and Terms*

Rule 13.14.1.4, relating to maximum lighting levels, must not be exceeded by more than 20 percent.

Rule 13.14.1.7.1, conditions for vehicle parking, must not be exceeded by more than 50 percent up to a maximum of 70 spaces except where consent is granted under rules 13.16.4 or 13.16.5.

Rule 13.14.1.9, conditions relating to any sign dimension, must not be exceeded by more than 50 percent.

Noise emission levels under rules 13.14.1.1.1 and 13.14.1.1.4 shall not be exceeded by more than five decibels.

<sup>1</sup>District Plan Change No.28 – Non-notification Statements (Operative 6 July 2006)

**Assessment Criteria:**

**In determining whether to grant consent and what conditions, if any, to impose, Council will be guided by the following criteria:**

**13.16.1.7 Lighting**

13.16.1.7.1 Applications to provide more intensive lighting near Residential Areas will take into account the nature of existing and likely future development in the Residential Area, the degree to which topography or other site features may avoid, remedy or mitigate lighting effects and the extent to which planting, screening or the orientation of the light source will mitigate lighting effects.

13.16.1.7.2 The consideration of applications to provide less intensive lighting on site areas open to public use will take into account the nature of activities on the site, the extent of public use and whether other measures will be taken to maintain public safety.

*Potential development areas and landforms adjacent to Te Ara Haukawakawa are so diverse that there will be instances where extra illumination can be added without affecting residents. Applications to exceed the permitted levels will therefore be considered.*

*There is also a range of potential developments which may take place within or adjacent to the Precinct which may influence the type of public space structure. As development occurs within the Precinct, the lighting of publicly used areas may not need to comply with the specified standards.*

**13.16.1.8 Screening of activities and storage**

Whether changes in topography or other mitigation measures will provide appropriate screening.

*The potential development options for Te Ara Haukawakawa are so diverse that other approaches may be considered.*

**13.16.1.9 Vehicle parking, servicing and site access**

13.16.1.9.1 Whether the activities undertaken on or proposed for the site, will generate a demand for additional parking and it can be shown that additional on-site parking is necessary for the development. In this regard, Council will give particular consideration to the type of activity and the nature of the parking proposed. Short-stay customer parking will be favoured.

13.16.1.9.2 Whether the activities undertaken on or proposed for the site will not generate a demand for servicing facilities.

13.16.1.9.3 The extent to which the topography, size or shape of the site, the location of any natural or built features on the site or other requirements, such as easements, rights-of-way or restrictive covenants, impose constraints which make compliance impracticable.

13.16.1.9.4 Whether suitable alternative provision for servicing can be made.

13.16.1.9.5 The extent to which the standards for parking, servicing or site access can be varied without endangering public safety or affecting the efficient traffic operation on the street.

13.16.1.9.6 The extent to which the amenities for occupiers in Residential Areas can be protected with regard to the variation of servicing hours.

*The parking, servicing and site access provisions are to promote efficient, convenient and safe access throughout Te Ara Haukawaakawa and to complement Council's Transportation Strategy. Particular developments may, however, justify changes from these conditions or standards. It is recognised that there may be a need for car parking associated with development in the Precinct. However, the use of this car parking for commuters who work outside the Precinct will be discouraged. Changes from the servicing hours are considered where the amenities of Residential Areas can be maintained.*

#### **13.16.1.10 Signs**

13.16.1.10.1 Whether signs are obtrusively visible from any residential or public space.

13.16.1.10.2 Whether the area of the sign is in scale with the associated activity or building development and compatible with the visual character of the area in which it is situated.

13.16.1.10.3 Whether signs detract from the architecture of the building to which they are attached.

13.16.1.10.4 Whether additional signs will result in clutter.

13.16.1.10.5 Whether free-standing signs form part of a landscape plan for an area or are designed to screen unsightly sites, activities or buildings.

*Council accepts that because of the diversity of sign types and the situations in which they are erected, variations from the rules may be justified. Council always seeks to ensure that visual amenities are maintained.*

#### **13.16.1.11 Noise – noise generating activities**

The extent to which noise emissions will be intrusive. Council will seek to ensure that the best practicable option is used to mitigate noise and that adverse effects are no more than minor.

#### **13.16.1.12 Noise – insulation of [buildings for noise sensitive activities]<sup>1</sup>**

13.16.1.12.1 Whether the appropriate noise attenuation and/or management measures can be provided to protect the health or wellbeing of future [users]<sup>2</sup>.

13.16.1.12.2 Whether the location or orientation of the [habitable rooms]<sup>3</sup> obviates the need to comply with the specified noise limits.

13.16.1.12.3 The type and regularity of noise sources beyond the building which result in rule 13.14.1.1.5 not being met, and the extent to which the requirement in the rule is exceeded.

13.16.1.12.4 [Whether the building is a listed heritage building and the extent to which it is practicable to insulate to the required standard without compromising the heritage significance and fabric of the building.]<sup>4</sup>

<sup>1,2,3,4</sup> District Plan Change No.23 – Central Area Noise Insulation Rules (Operative 25 June 2004)

*In considering any application for [a noise sensitive activity]<sup>1</sup> which does not meet the required internal noise standards the Council will be concerned to ensure that an acceptable level of amenity will be provided for future [users]<sup>2</sup> and that a potential future situation is not created whereby pressure may be exerted that could affect or limit the operation of other Permitted Activities within and around the precinct.*

**13.16.2 The construction, alteration of, or addition to buildings and structures which do not meet any one or more of the following conditions for Permitted Activities in rule 13.14.2:**

**13.16.2.1 maximum building height**

**13.16.2.2 height controls adjoining Residential Areas**

**13.16.2.3 windows**

**13.16.2.4 wind**

**13.16.2.5 view protection (viewshafts)**

**or, where the building/structure would be a Controlled Activity under rule 13.15.1 but the standards and terms specified in that rule are not met**

**are Discretionary Activities (Restricted) in terms of:**

- **the conditions that are not met; and**
- **if consent is required because of failure to meet the standards and terms in rule 13.15.1; design and external appearance and siting.**

***Non-notification***

The written approval of affected persons will not be necessary in respect of items 13.16.2.4 and 13.16.2.5. [Notice of applications need not be served on affected persons]<sup>3</sup> and applications need not be notified.

***Standards and Terms***

13.16.2.1 ‘maximum building height’ must not be exceeded by more than one storey (4.2m). For developments exceeding the above limits rule 13.17.1 applies.

13.16.2.2 ‘height control adjoining Residential Areas’, must not be exceeded by more than 20 percent.

13.16.2.5 ‘view protection’ - the intrusion of buildings or structures into an identified viewshaft, must not be exceeded by more than 15 percent in cross section at any point along the viewshaft.

<sup>1 and 2</sup> District Plan Change No.23 – Central Area Noise Insulation Rules (Operative 25 June 2004)

<sup>3</sup> District Plan Change No.28 – Non-notification Statements (Operative 6 July 2006)

### ***Assessment Criteria***

**In determining whether to grant consent and what conditions, if any, to impose, Council will be guided by the following criteria:**

#### **13.16.2.6 Maximum building height**

13.16.2.6.1 Whether the development respects the intentions of the Plan in relation to the City's urban form.

13.16.2.6.2 Whether additional height will have a material effect upon sunlight access to streets, public space or residential buildings in Residential Areas.

13.16.2.6.3 Whether the additional building height will create adverse wind conditions around the building or in the immediate locality.

13.16.2.6.4 Whether any positive environmental effects will outweigh any adverse environmental effects.

*The maximum height limits are designed to retain the existing relationship between the "high city" and the "low city" and to achieve the Urban Design Strategy.*

*High buildings can also affect sunlight access and the wind environment around buildings. These matters will also be assessed to ensure that any adverse effects are reduced or mitigated.*

#### **13.16.2.7 Height control adjoining Residential Areas**

Whether the topography of the site or surrounding land or the nature of the building development is such that the amenities of nearby Residential Areas are protected.

*Landforms and possible building forms on sites near to Residential Areas are very diverse and some developments may be permitted which do not comply fully with the standards for Permitted Activities.*

#### **13.16.2.8 Windows**

Whether the topography of the site and adjoining residential site/s, or the design and layout of buildings is such that there will be no loss of privacy for residential occupiers.

*There are a range of possible design measures and topographical forms which may allow for windows in buildings facing a residential boundary to be closer than 5 metres.*

#### **13.16.2.9 Wind**

Whether a proposed development makes the environment dangerous or makes the existing wind environment significantly worse. Under this rule any reduction in the specified standard will only be considered where it can be shown that every reasonable alternative building design has been explored. A full wind report must be supplied in support of the application.

*Council aims to encourage a safe and pleasant environment by ameliorating the worst effects of wind. In some limited cases, some reduction in the standards may be justified.*

### 13.16.2.10 View protection (Viewshafts)

Note: Where a development intrudes upon an identified viewshaft, line drawings of the development in relation to the viewshaft must be supplied. The drawings must be of a scale that allows the accurate assessment of the visual effects and must be accompanied by a certificate from a person with an appropriate level of professional expertise.

- 13.16.2.10.1 Whether the development frames the view horizontally or vertically from the edges of the viewshaft. The level of acceptable intrusion will depend on the extent to which the context elements and their relationship to each other (specifically, but not exclusively, vertical relationship) are maintained.
- 13.16.2.10.2 Whether the development breaks up the view vertically or horizontally. This in general will be unacceptable unless the intrusion is minor.
- 13.16.2.10.3 Whether the central core of the view is impinged upon. This in general will be unacceptable unless the intrusion is minor.
- 13.16.2.10.4 Whether the development intrudes upon one or more of the view's focal elements. This in general will be unacceptable.
- 13.16.2.10.5 Whether the development removes existing intrusions or increases the quality of the view, particularly in relation to focal elements.

*Views are composed of context elements and focal elements. The focal point or points are what views concentrate on. These are not to be intruded upon. Context elements place the focal element in its setting in the Cityscape. These elements can be intruded upon but not to the point where the framework is lost. Council will therefore consider the cumulative effect of development on viewshafts.*

### 13.16.2.11 Design, External Appearance and Siting

The extent to which the proposal will meet the provisions of Te Ara Haukawaakawa Design Guide.

*Council wishes to ensure that new buildings are managed in relation to their effects on public spaces in the Te Ara Haukawaakawa precinct. All new buildings and structures will be assessed against the requirements of the Te Ara Haukawaakawa Design Guide.*

### **13.16.3 The construction, alteration of, or addition to buildings and structures, excluding those areas in Thorndon Quay (as identified in Appendix 7) and the Wellington Urban Motorway, are Discretionary Activities (Restricted) in respect of:**

#### **13.16.3.1 design, external appearance and siting**

#### **13.16.3.2 public space structure and public space design.**

#### ***Non-notification***

The written approval of affected persons will not be necessary in respect of items 13.16.3.1 and 13.16.3.2. [Notice of applications need not be served on affected persons]<sup>1</sup> and applications need not be notified.

### ***Standards and Terms***

The activity must comply with all the relevant conditions specified for buildings and structures in rule 13.14.2 unless consents are concurrently sought and granted under rule 13.16.2 for those conditions that are not met.

### ***Assessment Criteria***

**In determining the conditions to be imposed, if any, Council will be guided by the following criteria:**

- 13.16.3.3 The extent to which the proposal will meet the provisions of Te Ara Haukawakawa Design Guide.
- 13.16.3.4 For proposals for the airspace above the railyards the extent to which the proposal will conform with the provisions of the Comprehensive Development Plan (CDP) as prescribed in Appendix 8.

*Council wishes to ensure that new buildings are managed in relation to their effects on public spaces in Te Ara Haukawakawa. Council wishes to ensure that development occurs in a manner which provides for a high quality urban environment. All new buildings and structures will be assessed against the requirements of Te Ara Haukawakawa Design Guide and in the case of proposals for the airspace above the railyards the comprehensive development plan.*

*The general form of development of airspace above the railyards will be detailed under the comprehensive development plan for Te Ara Haukawakawa. The purpose of the CDP is to ensure that any development above the railyards occurs in a co-ordinated manner and is integrated with existing and new infrastructure and transport networks.*

*The CDP must be deposited with the Council before any application for land-use consent can be assessed.*

**13.16.4 Any activity or the erection of buildings or structures involving the provision of more than 70 vehicle parking spaces per site, except in the airspace over the railyards (in which case refer to rule 13.16.5), is a Discretionary Activity (Restricted) in respect of:**

**13.16.4.1 the movement of vehicular traffic to and from the site.**

### ***Non-notification***

The written approval of affected persons will not be necessary in respect of item 13.16.4.1. [Notice of applications need not be served on affected persons]<sup>2</sup> and applications need not be notified.

<sup>1</sup> and <sup>2</sup> District Plan Change No.28 – Non-notification Statements (Operative 6 July 2006)

**Standards and Terms**

This activity must comply with all relevant conditions specified for activities in rules 13.14.1, and buildings and structures in rule 13.14.2 unless consents are concurrently sought and granted under rules 13.16.1 and 13.16.2 for those conditions that are not met.

A Traffic Report must be supplied which addresses:

- details of the parking to be provided on the site, and its use (whether it is intended for staff or customers)
- site access
- provision for servicing
- internal traffic circulation to the extent that it is relevant to the movement of vehicular traffic to and from the site
- what effect the extra traffic will have on the roading network, and in particular, Thorndon, Waterloo and Aotea Quays, and the motorway
- transportation impact assessments.

**Assessment Criteria**

**In determining whether to grant consent and what conditions, if any, to impose, Council will be guided by the following:**

- 13.16.4.2 Whether the proposed development will cause local congestion or affect the safe or efficient movement of traffic on streets in its vicinity .

*Large developments in Te Ara Haukawa which generate significant vehicular traffic may cause local congestion or affect the safe or efficient movement of traffic in the vicinity. Council requires all developments to be assessed in this light, and appropriate measures taken to remedy problems. In particular Council is seeking to promote access for all people travelling by public transport, cycle or by foot in the precinct.*

**13.16.5 Vehicle parking associated with development within the airspace above the railyards is a Discretionary Activity (Restricted) in respect of:**

**13.16.5.1 the number of parking spaces to be provided**

**13.16.5.2 the movement of vehicular traffic to and from the development.**

**Non-notification**

The written approval of affected persons will not be necessary in respect of 13.16.5.1 and 13.16.5.2. [Notice of applications need not be served on affected persons]<sup>1</sup> .and applications need not be notified.

**Standards and Terms**

This activity must comply with all relevant conditions specified for activities in rule 13.14.1 and buildings and structures in rule 13.14.2 unless consents are concurrently sought and granted under rules 13.16.1 and 13.16.2 for those conditions that are not met.

<sup>1</sup> District Plan Change No.28 – Non-notification Statements (Operative 6 July 2006)

A Traffic Report must be supplied which addresses:

- details of the parking to be provided, and its use
- site access
- provision for servicing
- internal traffic circulation to the extent that it is relevant to the movement of vehicular traffic to and from the site
- what effect the extra traffic will have on the roading network, and in particular, Thorndon, Waterloo and Aotea Quays, and the motorway
- transportation impact assessments.

#### ***Assessment Criteria***

**In determining whether to grant consent and what conditions, if any, to impose, Council will be guided by the following criteria:**

- 13.16.5.3 Whether additional parking is required to facilitate development in the airspace above the railyards. Council will give particular regard to the type of activity and the nature of parking proposed. Short stay customer parking will be favoured.
- 13.16.5.4 The extent to which the standards for parking can be varied without endangering public safety or affecting the efficient traffic operation on the street.
- 13.16.5.5 Whether the proposed development will cause local congestion or affect the safe or efficient movement of traffic on streets in its vicinity.

*Development of the airspace above the railyards requires special consideration and Council is of the view that associated vehicle parking which exceeds the permitted levels should be similarly assessed. Council's primary concern is to ensure that the parking provision is reasonably appropriate for the uses or activities proposed and that the relevant policies under Objective 13.13.2 are not compromised. The proper integration of access to the existing road network is also important to ensure that any adverse effects are avoided, remedied or mitigated.*

### **13.16.6 Any critical facility within any Hazard Area is a Discretionary Activity (Restricted) in respect of:**

#### **13.16.6.1 the location of the facility.**

#### ***Non-notification***

The written approval of affected persons will not be necessary in respect of 13.16.6.1. [Notice of applications need not be served on affected persons]<sup>1</sup> and applications need not be notified.

#### ***Standards and Terms***

This activity must comply with all relevant conditions specified for activities in rule 13.14.1 and buildings and structures in rule 13.14.2 unless consents are concurrently sought and granted under rules 13.16.1 and 13.16.2 for those conditions that are not met.

<sup>1</sup>District Plan Change No.28 – Non-notification Statements (Operative 6 July 2006)

### *Assessment Criteria*

**In determining whether to grant consent and what conditions, if any, to impose, Council will be guided by the following criteria:**

- 13.16.6.2 Whether it has been demonstrated that the particular site or location for the facility is necessary for the safe and efficient functioning of the city.
- 13.16.6.3 Whether the applicant has proven, through the use of an engineering design report, that any structure will perform safely under hazard conditions for the life of the structure.

*The location of critical facilities can be vital when a natural disaster occurs. Council's long-term aim is to encourage all critical facilities to be located in secure areas so as to minimise the risks from ground shaking, fault rupturing and inundation.*

**13.16.7 [The construction, alteration of, or addition to buildings and structures exceeding a gross floor area of 30m<sup>2</sup>] within a Hazard (Fault Line) Area is a Discretionary Activity (Restricted) in respect of:**

**13.16.7.1 the location and type of buildings or structures.**

#### *Non-notification*

The written approval of affected persons will not be necessary in respect of item 13.16.7.1. [Notice of applications need not be served on affected persons]<sup>2</sup> and applications need not be notified.

#### *Standards and Terms*

This activity must comply with all relevant conditions specified for activities in rule 13.14.1 and buildings and structures in rule 13.14.2 unless consents are concurrently sought and granted under rules 13.16.1 and 13.16.2 for those conditions that are not met.

#### *Assessment Criteria*

**In determining whether to grant consent and what conditions, if any, to impose, Council will be guided by the following criteria:**

- 13.16.7.2 [The extent to which a geotechnical report and an engineering design report shows that the risk of building failure following a fault rupture can be reduced to minimise the effects of fault rupture on the safety of occupiers and neighbours.]<sup>3</sup>

***[Refer to Rule 3.2.2.13 for information on geotechnical and engineering design reports]<sup>3</sup>***

*Limitations have been imposed on developments in Hazard (Fault Line) Areas to reduce development intensity and promote safety.*

*[The fault rupture hazard area is a narrower zone within the wider Hazard (Fault Line) Area. As the fault is expected to rupture within this narrower zone, it is desirable to avoid locating new structures and buildings in this zone.*

*The Hazard (Fault Line) Area extends beyond the fault rupture hazard zone because of inherent uncertainties associated with fault rupture. Engineering measures should also be applied to buildings in this wider hazard area to reduce the effects of a fault rupture.*

<sup>1 and 3</sup> District Plan Change No.22 – Hazard (Fault Line) Area (Operative 27 July 2004)

<sup>2</sup> District Plan Change No.28 – Non-notification Statements (Operative 6 July 2006)

*The provision of site-specific geotechnical and engineering design reports carried out by experts will assist the Council to assess the adverse effects arising from the fault rupture hazard for the development site and how those effects can be minimised.]<sup>1</sup>*

**13.16.8 Subdivision, excluding those areas in Thorndon Quay (as identified in Appendix 7) is a Discretionary Activity (Restricted) in respect of:**

**13.16.8.1 roading, access, stormwater, sewerage and water supply**

**13.16.8.2 public space structure and public space design.**

***Non-notification***

The written approval of affected persons will not be necessary in respect of items 13.16.8.1 and 13.16.8.2. [Notice of applications need not be served on affected persons]<sup>2</sup> and applications need not be notified.

***Standards and Terms***

- 13.16.8.3 Every building and structure adjoining a new boundary must comply with all relevant conditions specified for buildings and structures in rule 13.14.2, or otherwise be lawfully established.
- 13.16.8.4 Every allotment must have services in compliance with the city bylaws, or if applicable the Council's Code of Practice for Land Development.
- 13.16.8.5 The allotment must have practical, physical and legal access to a legal road.
- 13.16.8.6 Every allotment must have drive-on vehicle access and parking constructed in accordance with rules 13.14.1.7.7 to 13.4.1.7.14.
- 13.16.8.7 All earthworks needed to complete the subdivision are undertaken.
- 13.16.8.8 No subdivision may occur on a site associated with a heritage item unless the subdivision involves land that is not occupied by the heritage item and is not specifically identified for preservation in the Plan as important to the setting of the item.
- 13.16.8.9 Adequate information must be provided to allow Council to assess compliance with conditions 13.16.8.3 to 13.16.8.8 listed above, including:
- a written certificate, stating that all existing services have been located so that they are all contained entirely within the boundaries of the site being serviced or within such right of way or easement relating to the site and are in accordance with the relevant city bylaws and if applicable the Council's Code of Practice for Land Development. This certificate must be signed by a Registered Surveyor or other suitably qualified person

<sup>1</sup> District Plan Change No.22 – Hazard (Fault Line) Area (Operative 27 July 2004)

<sup>2</sup> District Plan Change No.28 – Non-notification Statements (Operative 6 July 2006)

- every request for a Certificate of Compliance must be accompanied by current copies of titles for all affected properties, accurately drawn A4 plans at a scale of 1:500 or at a larger scale as appropriate which clearly shows that the application fully complies with all the subdivision rules and a report to explain the proposal which details how the requirements have been met. The accuracy of the data supplied must be certified by a registered surveyor or other suitably qualified person
- a certificate signed by a registered surveyor or other suitably qualified person that the land is not likely to be subject to material damage by erosion, subsidence, slippage or inundation from any source.

*The majority of the Precinct is a 'brownfields' site with a range of potential development options available. If development is not managed properly it could have significant adverse environmental effects. On this basis, Council has decided to require all subdivisions to be subject to a resource consent to allow for specific conditions to be imposed in order to meet particular circumstances.*

*Applicants are reminded of the need for proposed subdivisions to comply with the relevant city bylaws. In addition, where private infrastructure is proposed to be vested in the Council or where private stormwater, water and sewerage lines are connected or proposed to be connected to public infrastructure, applicants will need to liaise with the Council concerning the requirements set out in the Council's Code of Practice for Land Development so that the Council will either accept the vesting of such infrastructure or will authorise connection or continued connection to public infrastructure. Refer to Section 3.9 of the Plan.*

#### **Assessment Criteria**

**In determining whether to grant consent and what conditions, if any, to impose, Council will be guided by the following criteria:**

- 13.16.8.10 The extent to which the proposal will meet the provisions of Te Ara Haukawaakawa Design Guide.
- 13.16.8.11 For proposals for the airspace above the railyards the extent to which the proposal will generally conform with the provisions of the Comprehensive Development Plan as described in Appendix 8.
- 13.16.8.12 The requirements of Section 106 of the Act.
- 13.16.8.13 The need to ensure permanent site access and continued provision for on site loading and unloading facilities possible future servicing and integration of development needs.
- 13.16.8.14 The extent of compliance with the relevant city bylaws and Council's Code of Practice for Land Development.

*To enable an integrated approach to the provision of infrastructure within the Precinct, Council has required that all subdivision will require a resource consent. This will enable an assessment to be undertaken as to the likely demand for services that the subdivision is likely to require. In particular, the provision of roading and urban services will be managed through requiring financial contributions towards the installation or upgrade of existing services.*

*The "brownfield" nature of much of the area means that there is no established street pattern on which to base subdivision and subsequent development. It is desirable to consider matters like vehicle, cyclist and pedestrian access and*

*circulation, open space and interconnections with existing and potential development sites.*

**13.16.9 Activities that do not comply with the conditions for a Permitted Activities are Discretionary Activities (Restricted) in respect of:**

**13.16.9.1 use, storage, handling or disposal of hazardous substances.**

***Standards and Terms***

For hazardous substances, the cumulative Effect Ratio as assessed under the Hazardous Facilities Screening Procedure for the site where the activity is to occur is **greater than 0.1** or does not meet the conditions in rule 13.14.1.8, unless the site is located in a the Central Area buffer zone or a Hazard Area.

For hazardous substances, where the hazardous facility is located in a Hazard Area, the cumulative Effect Ratio as assessed under the Hazardous Facilities Screening Procedure for the site where the activity is to occur is **less than or equal to 0.5** but does not meet the conditions in rules 13.14.1.8.

***Assessment Criteria***

**In determining whether to grant consent and what conditions, if any, to impose, Council will be guided by the following criteria:**

- 13.16.9.2 Site design and management to avoid, remedy or mitigate any adverse effects of the activity.
- 13.16.9.3 The design, construction and management of any part of a hazardous facility site where hazardous substances are used for their intended function, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled such that:
  - any significant adverse effects of the intended use from occurring outside the intended use, handling or storage area is prevented
  - the contamination of any land in the event of a spill or other unintentional release of hazardous substances is prevented
  - the entry or discharge of the hazardous substances into surface or groundwater, the stormwater drainage system or into the sewerage system (unless permitted under a regional plan, resource consent or trade waste permit) is prevented.
- 13.16.9.4 Location of the facility in relation to the nearest waterbody or the coastal marine area.
- 13.16.9.5 Location of hazardous facility in relation to residential activities.
- 13.16.9.6 Location of hazardous facility in relation to critical facilities and lifelines.
- 13.16.9.7 Access routes to the facility, location and separation distance between the facility and sensitive activities and uses, sensitive environments and areas of high population density.
- 13.16.9.8 Existing and proposed (if any currently under consideration by Council) neighbouring uses.
- 13.16.9.9 Potential cumulative hazards presented in conjunction with nearby (radius 500m) facilities.

- 13.16.9.10 Transport of hazardous substances to and from the site.
- 13.16.9.11 Potential for contamination of the surroundings of the site and sensitivity of the surrounding environment.
- 13.16.9.12 Whether the site has adequate signage to indicate the presence of hazardous substances.
- 13.16.9.13 Whether adequate arrangement has been made for the environmentally safe disposal of any hazardous substance or hazardous wastes generated.
- 13.16.9.14 Whether the site design has been subject to risk analysis, such as Hazop (Hazard and Operabilities Studies), to identify the potential hazards, failure modes and exposure pathways.
- 13.16.9.15 Where the hazardous facility is located within a Hazard Area, any additional requirements to mitigate the potential effect of a natural hazard event.
- [13.16.9.16 Whether appropriate contingency measures and emergency plans are in place.]<sup>1</sup>
- [13.16.9.17 Whether the facility complies with the provisions of the Hazardous Substances and New Organisms Act 1996, and whether more stringent controls are required to take account of site-specific conditions.]<sup>2</sup>

*To reduce the potential adverse effects, Council will require the production of a Site Management Plan or Environmental Management System when a resource consent application is made, this will be before hazardous substances are brought onto hazardous facility. In addition, Council will require the design of the site to include measures which will prevent the accidental releases of any hazardous substances into the environment. Through this process, Council seeks to protect the surrounding environment from any adverse effects of the hazardous facility.*

<sup>1</sup> and <sup>2</sup> District Plan Change No.35 – Hazardous Substances (Operative 6 July 2006)

## 13.17 Discretionary Activities (Unrestricted)

Section 13.17 describes which activities are Discretionary Activities (Unrestricted) in the Central Area. Financial contributions may also be imposed in accordance with Rule 3.4. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

### 13.17.1 The construction, alteration of, or addition to buildings and structures which exceed the Standards and Terms for Discretionary Activities (Restricted) in terms of maximum building height are a Discretionary Activity (Unrestricted).

#### *Assessment Criteria*

**In determining whether to grant consent and what conditions, if any, to impose, Council will be guided by the following criteria:**

- 13.17.1.1 The extent to which the proposal will enhance or detract from the urban form (Policy 13.13.1.4) .
- 13.17.1.2 Whether additional height will have a material effect upon sunlight access to streets, public space or residential buildings in Residential Areas.
- 13.17.1.3 Whether the additional building height will create adverse wind conditions around the building or in the immediate locality.
- 13.17.1.4 The degree to which the development affects any viewshaft identified in this Plan.
- 13.17.1.5 Whether any positive environmental effects will outweigh any adverse environmental effects.

*The maximum height limits are designed to retain the existing relationship between the “high city” and the “low city” and to achieve generally the Urban Design Strategy. Applications to exceed the maximum heights above the specified standards for Discretionary Activities (Restricted) are included as Discretionary Activities (Unrestricted) so that their impacts can be fully assessed. Council will have particular regard to the effects (including the cumulative effects) of high buildings on the urban form of the city. It is Council’s intention to ensure that development is generally compatible with the general urban form of the central city area.*

### 13.17.2 Buildings and structures, including pedestrian bridges, located above the street that exceed 25 percent of the width of the road at any point are Discretionary Activities (Unrestricted).

#### *Assessment Criteria*

**In determining whether to grant consent and what conditions, if any, to impose, Council will be guided by the following criteria:**

- 13.17.2.1 The provisions of Te Ara Haukawakawa Design Guide.
- 13.17.2.2 The impact of the structure on the visual qualities of the streetscape, including its impact on views.
- 13.17.2.3 The effect of the structure on neighbouring properties.
- 13.17.2.4 The effect of the structure on the wind environment of the street and the extent to which sunlight levels in the street will be reduced.
- 13.17.2.5 The potential for the structure to restrict access in the event of a natural hazard. Council will consider the design, placement and construction materials to avoid or mitigate any potential hazard.

*Bridges and similar structures over a road can have both visual and physical impacts. Council is particularly concerned about the effects of such structures on the visual qualities of the streetscape. Developments of this type are deemed to be Discretionary Activities so their impacts can be assessed.*

*Such structures have the potential to block roads or access links in the event of a natural hazard occurring. Developments of this type are Discretionary so their impacts can be assessed.*

### **13.17.3 The creation of vacant land, open land or parking areas (all at grade) is a Discretionary Activity (Unrestricted).**

#### *Assessment Criteria*

**In determining whether to grant consent and what conditions, if any, to impose, Council will be guided by the following criteria:**

- 13.17.3.1 The extent to which the facade of the existing building frontage(s) can be retained for incorporation as part of any future redevelopment.
- 13.17.3.2 Whether a temporary single-storey building with an "active" retail/commercial edge can be established with parapets and upstands sufficient to convey a two-storey scale to the street.
- 13.17.3.3 Whether, in the case of vacant space or parking areas, a small open space can be provided, with some enclosing elements to street frontages and seating.
- 13.17.3.4 Whether some form of vestigial "screen" can be provided to maintain lost streetscape by:
  - maintaining cornice lines, floor-to-floor heights where strongly expressed, sign bands and other elements of adjacent buildings, where these serve to unify the street elevation as a whole
  - adjusting the vertical height to the street to approximate the average height of neighbouring building frontages
  - dividing up the site frontage to approximate the characteristic frontage width of adjacent buildings.
- 13.17.3.5 The number of long stay versus short stay carparking to be provided.

Council is concerned that the creation of vacant space, open space or parking areas, at grade, on sites in Te Ara Haukawakawa can have a detrimental effect on the amenities of the city. These effects are identified as:

- the loss of vitality and viability, particularly in the main retail or commercial areas
- the erosion of streetscape
- use of these sites for activities that neither replace the contribution to the streetscape made by demolished buildings nor add to the vitality and viability of retail and commercial areas.

These activities have been included as Discretionary Activities so they can be assessed to see whether any features can be maintained or created to protect streetscape qualities.

Council will discourage the use of vacant land in Te Ara Haukawakawa for carparking. However, in assessing such applications Council would look more favourably upon applications which provide for short stay shoppers carparking spaces as opposed to commuter carparking.

#### **13.17.4 Any subdivision which is not a Permitted Activity, Controlled Activity or Discretionary (Restricted) Activity is a Discretionary Activity (Unrestricted).**

##### *Assessment Criteria*

**In determining whether to grant consent and what conditions, if any, to impose, Council will be guided by the following criteria:**

- 13.17.4.1 The requirements of section 106 of the Act.
- 13.17.4.2 Whether proposed allotments are capable of accommodating Permitted and Controlled Activities in compliance with the Te Ara Haukawakawa rules.
- 13.17.4.3 The extent of compliance with the relevant parts of Te Ara Haukawakawa Design Guide and the Council's Code of Practice for Land Development.

*All of the more significant subdivisions in Te Ara Haukawakawa, particularly those which involve substantial modification of existing land forms and additions to the roading network, will be assessed as Discretionary Activities. This will enable the full effects of a subdivision to be considered with public involvement where appropriate. The resource consent process will be used to determine the extent of land considered suitable for subdivision and the most appropriate design having regard to the intended future use.*

#### **13.17.5 Any use of a Contaminated Site is a Discretionary Activity (Unrestricted).**

##### *Assessment Criteria*

**In determining whether to grant consent and what conditions, if any, to impose, Council will be guided by the following criteria:**

13.17.5.1 The nature of the contamination and the extent to which the community and the environment will be exposed to the contaminants.

13.17.5.2 The proposed approach to, and timing of, the future decontamination of the site or the management of the decontamination risk and risk due to residual contamination remaining on the site.

*Activities on contaminated sites are controlled for two reasons. First, to prevent the contamination adversely affecting occupiers of the site or processes which could take place there, and secondly, to ensure that appropriate options are chosen for such sites. These options should ensure that sites are managed effectively to minimise the risks to the environment and human health. Contaminated sites will become more common in Wellington as they are discovered through the environmental monitoring procedures of both the City and Regional Councils.*

*Although the use of contaminated sites is discretionary, this will not be used as a barrier to the decontamination of the site. Council is eager to see such sites cleaned up and will facilitate this process to the best of its ability. Council will seek decontamination in accordance with ANZECC "Guidelines for the Assessment and Management of Contaminated Sites" or similar.*

## **13.18 Non-Complying Activities**

Activities and buildings and structures that contravene a rule in the Plan are Non-Complying Activities. Resource consents will be assessed in terms of section 105(2A)(b) of the Resource Management Act.

The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

## Appendix 1. Noise

Activities must comply with the following noise limits.

### Residential (Inner)

Noise emission levels when measured on any residential site in the Inner Residential Area must not exceed:

<i>Monday to Saturday 7am to 7pm</i>	<i>55dBA (L10)</i>
<i>Monday to Saturday 7pm to 10pm</i>	<i>50dBA (L10)</i>
<i>All other times</i>	<i>40dBA (L10)</i>
<i>All days 10pm to 7am</i>	<i>70dBA (Lmax)</i>

Where it is impractical to measure outside a dwelling, then measurements shall be made inside (with windows closed). Where indoor measurements are made the noise limits stated above shall be reduced by 15dBA.

### Residential (Outer)

Noise emission levels when measured on any residential site in the Outer Residential Area must not exceed:

<i>Monday to Saturday 7am to 7pm</i>	<i>50dBA (L10)</i>
<i>Monday to Saturday 7pm to 10pm</i>	<i>45dBA (L10)</i>
<i>All other times</i>	<i>40dBA (L10)</i>
<i>All days 10pm to 7am</i>	<i>65dBA (Lmax)</i>

Where it is impractical to measure outside a dwelling, then measurements shall be made inside (with windows closed). Where indoor measurements are made the noise limits stated above shall be reduced by 15dBA.

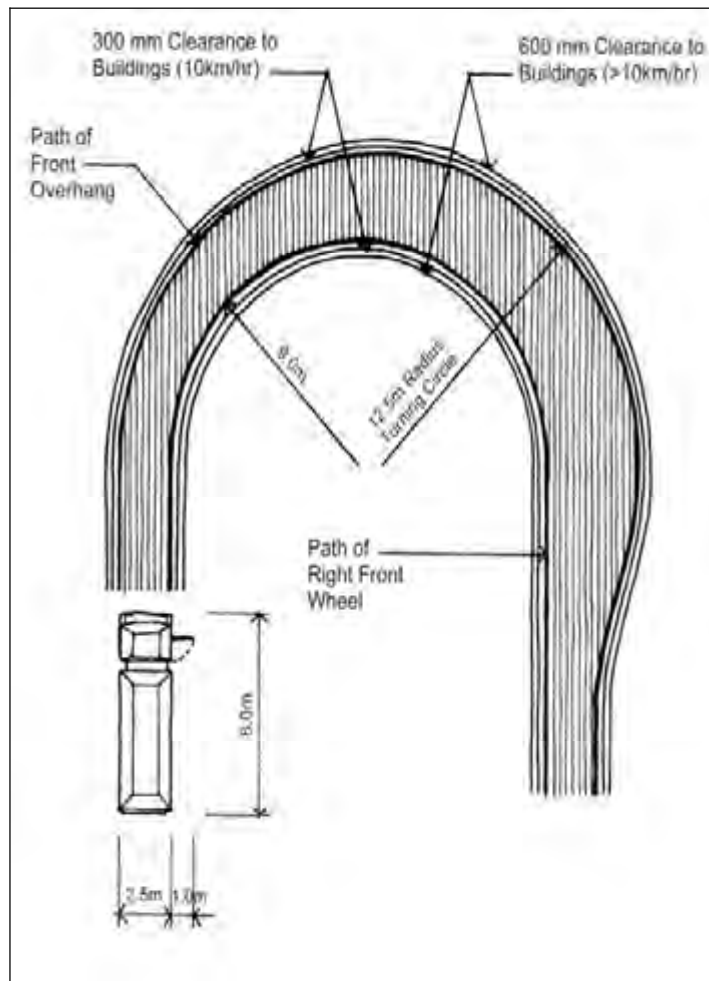
Note: that the term "Noise Emission Level" is defined in section 3.10.







## Appendix 3. Loading standards



Note: All on-site servicing assumes the use of a 90 percentile truck. Compliance will be assessed using this standard of vehicle.

### Loading Area Dimensions

For loading areas located outdoors, the minimum width shall be 3 metres and the minimum length 9 metres.

For loading areas located within a building, the minimum width shall be 4 metres and the minimum length 9 metres.



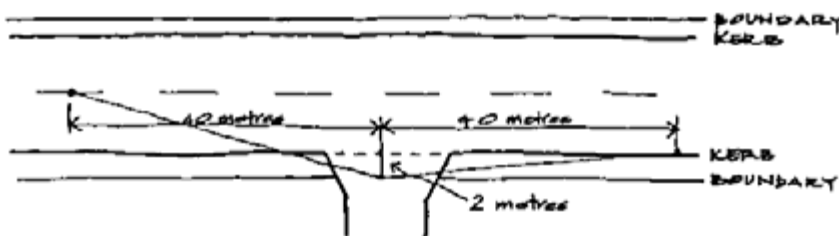
## Appendix 4. Site access for vehicles

### 1. Vehicular access near intersections.



### 2. Access sight lines.

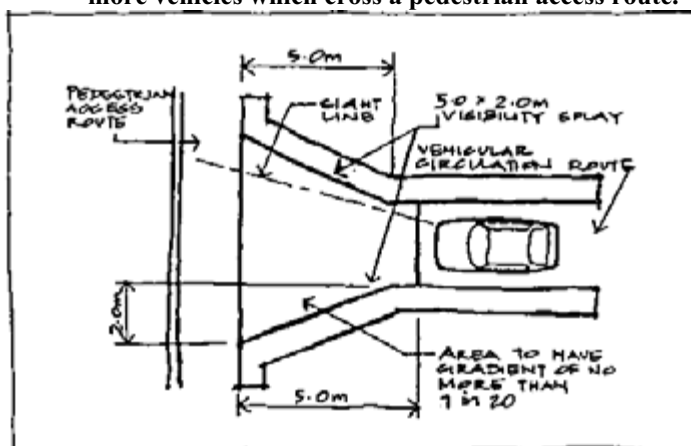
#### 2.1



Within the area represented by the visibility splay, full visibility is required above a level of one metre above the level of the adjacent carriageway.

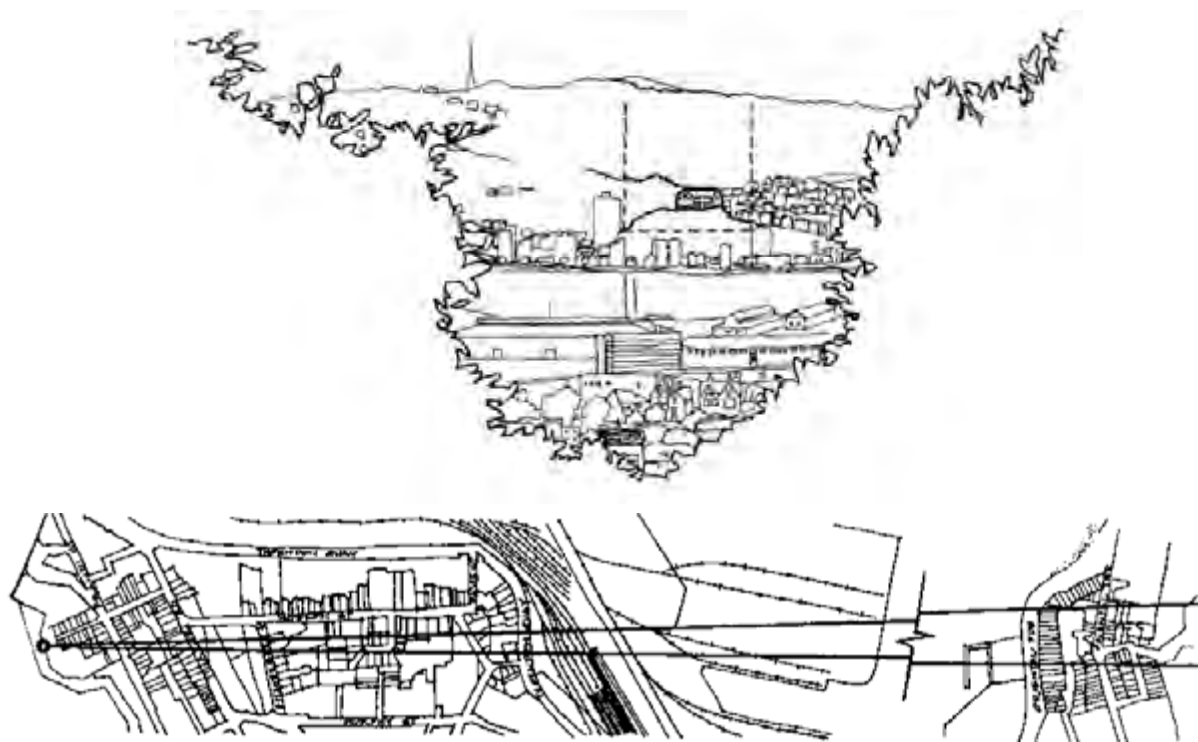
For one-way streets and dual carriageway visibility will only be required in the direction of approaching traffic.

#### 2.2 Access sight lines for access drives serving parking areas for five or more vehicles which cross a pedestrian access route.





# Appendix 5. Te Ara Haukawakawa Viewshafts No. Vs 1



**VIEWPOINT LOCATION:** Car layby, to the north of power pole, Wadestown Road in line with Newman Tce. This carparking area is well known and well patronised.

Height of ground: 74.2m  
 Eye level: 1.5m  
 Viewpoint: 75.7m (above mean sea level)

**FOCAL ELEMENTS:** St Gerard's and unbuilt escarpment

**CONTEXT ELEMENTS:** Mount Victoria ridgeline



***Left margin***

Western corner of Matai Moana Building, 178 Oriental Parade PT Lot 25 DP 849 and SEC 1268 Town of Wellington

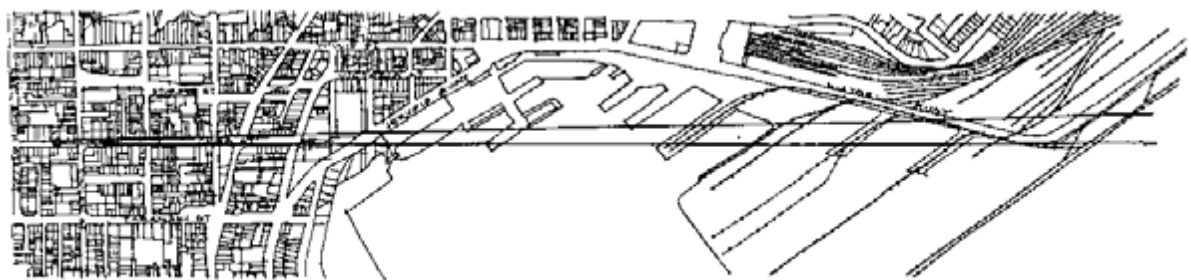
***Right margin***

South east of Dorchester Building, 144 Oriental Parade Lot 1 DP 43005

***Base***

Top of 38m parapet of Dorchester 144 Oriental Parade, Lot 1 DP 43005

## Appendix 5. Te Ara Haukawakawa Viewshaft No. Vs 20



**VIEWPOINT LOCATION:** Western kerbside, outside Salvation Army Headquarters, Upper Cuba Street. View can most readily be obtained from the driver's position.

Height of ground: 15.0m  
 Eye level: 1.5m  
 Viewpoint: 16.5m (above mean sea level)

**FOCAL ELEMENTS:** Western escarpment

**CONTEXT ELEMENTS:** Michael Fowler Centre



***Left margin***

Western side of Cuba Street

***Right margin***

Eastern side of Cuba Street

***Base***

Top of Michael Fowler Centre 30.8m

## Appendix 6: Wind

This Appendix details the form and content of reports on wind tunnel tests as required by Rule 13.14.2.5.

### 1. Aims of the Wind Tunnel Test

The aims of a standard wind tunnel test are:

- 1.1 to examine a building proposal in order to quantify any wind problems and to test alternative solutions to them; and
- 1.2 to provide documentary evidence, of the proposed building's positive effect on the wind environment emphasising measures taken to improve the wind environment, and describing other options for development that have been tested.

### 2. Form of the Wind Tunnel Test

A standard wind tunnel test must meet these conditions:

- 2.1 The wind tunnel used in this procedure must reproduce the wind speed variation with height observed in the atmospheric boundary layer, at the model scale used for the model of the building proposal to be tested. A simple power law relationship may be used for this variation, such that:

$$\text{Velocity at height } H = V_G (H/H_G)^{\phi}$$

where  $H_G$  is the height above the city at which the shear forces of the atmospheric boundary layer give way to the pressure forces driving the wind; where  $V_G$  is the (gradient) velocity of the wind above this gradient height; and where  $\phi$  has a value between 0.3 and 0.45 in Wellington.

Other expressions for the relationship between height and wind speed may be accepted if their derivation is adequately documented in each wind report.

- 2.2 The wind tunnel model of the velocity profile of the atmosphere must model the turbulence at scale heights between 0 and 200 metres in the wind tunnel, namely:
  - between 30 percent and 40 percent at a scale height of 10 metres; and
  - between 10 percent and 25 percent at a scale height of 100 metres.
- 2.3 The model scale used in the wind tunnel test must not produce models that are smaller than those obtained using a 1:500 scale.

### 3. Wind Tunnel Procedure

The following checklist is offered as a guide to the steps to be followed in order to produce the material needed to complete the WCC standard wind tunnel test report described in Section (4) of this Appendix.

he checklist is divided into phases which it is expected will be sequential. However, the points within each phase may well be performed in a different order from that listed, depending on the type of building project to be investigated.

Is the criteria of acceptability only to be pedestrian safety or are there other considerations of comfort to be applied to particular areas? What parts of the proposed building are fixed in bulk/size and what parts may be changed, moved or added to improve the wind environment.

### **Phase I**

Book time at a wind tunnel facility capable of making the detailed measurements required in a wind tunnel test report. As the test itself could take at least a week to complete, book well in advance.

It is important to ensure that the wind tunnel is capable of meeting the requirements set out in Section (2) above.

### **Phase II - The Model**

- 3.1 Provide model details and/or model(s) of the proposed and existing buildings to the wind tunnel facility which is to perform the test.

### **Phase III - The Wind Tunnel Test**

- 3.2 Identify the areas around the proposed building which experience the highest wind flows. Measure and record the wind speed at these locations for wind from the following points of the compass (degrees clockwise with respect to true North) 340°, 360°, 20° (Northerlies); 160°, 180°, 200° (Southerlies).
- 3.3 Measure and record the wind speeds occurring in the high wind areas around the existing buildings for the 340° and 200° directions, and for other directions identified as problematic for the proposed building.
- 3.4 Assess the need for alterations to the form of the proposed building. If alterations would be useful, test those that would be acceptable to the proposer of the building. If no alterations are needed, examine other alternatives for improving the ground level wind environment, such as wind-breaks, trees, walls, canopies and verandahs. The recording and measurement of wind speeds here should only be for those areas on the proposed building causing problems and for the problem plus the 340° and 200° directions.
- 3.5 Summarise the physical measurements and qualitative observations made during the tests in a way which clarifies:
  - 3.5.1 the cause(s) of the observed problems
  - 3.5.2 the ways in which these problems might be avoided
  - 3.5.3 the ways in which shelter against these wind problems might be provided.

At its simplest this might mean stating (for example):

- that the root cause is the downwash caused by the building being very much bigger in scale than its neighbours
- that reducing the size of the proposed building would remove this root cause (but may have certain practical or financial difficulties)
- that large canopies around the building could provide shelter from the downwash in the immediate vicinity of the entry ways, although this may result in the carparking area beyond the canopy being made uncomfortable.

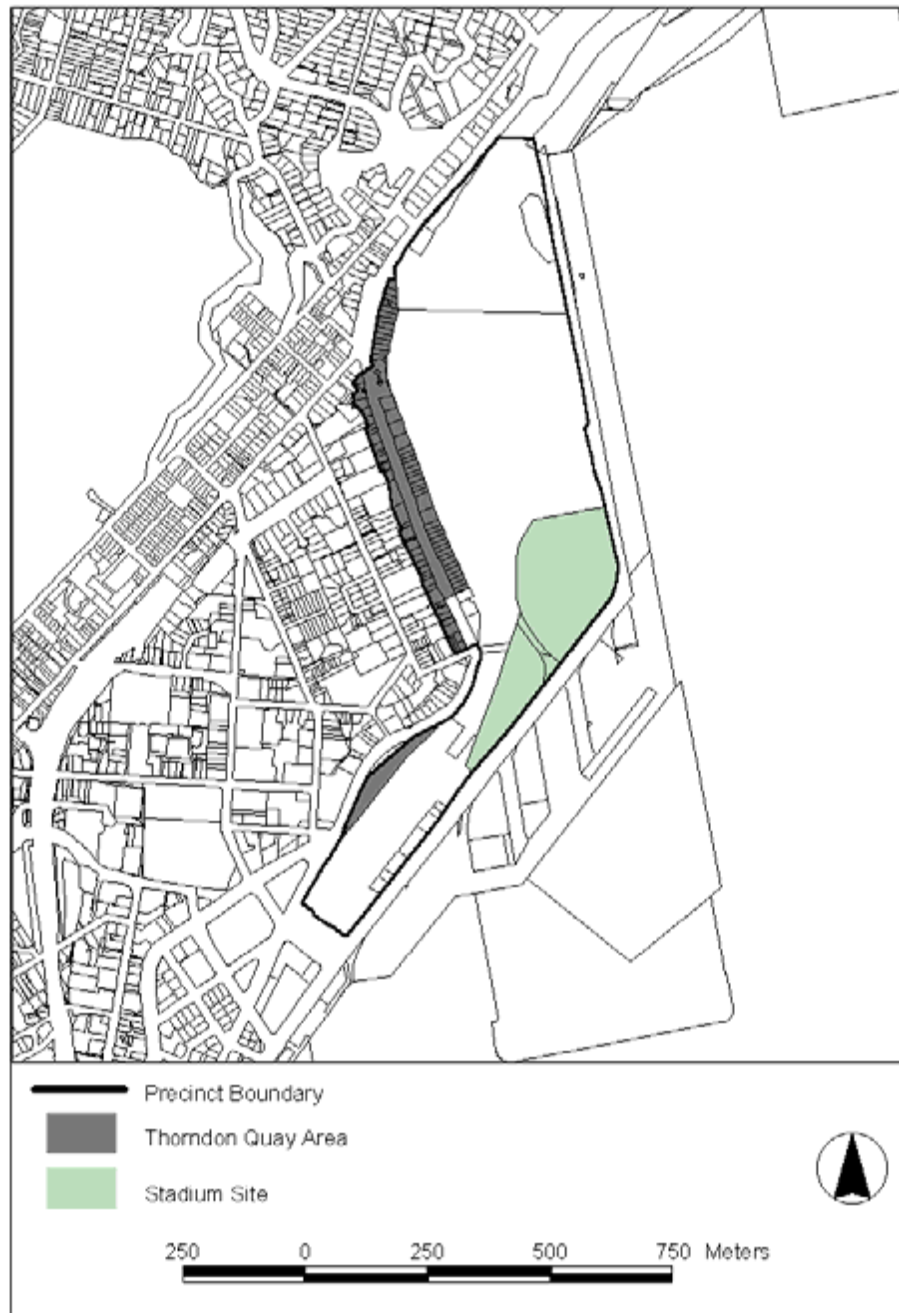
#### **4. Form of Wind Report**

Each wind tunnel test must contain:

- 4.1 A technical appendix outlining measured data on:
  - 4.1.1 the relationship between wind speed and height in the model of the atmospheric boundary layer used in the test
  - 4.1.2 the variation with height of the turbulence of the wind tunnel model of the atmospheric boundary layer used for the test.
- 4.2 A calibration section. This must contain photographs of the erosion of flow visualisation granular material like polystyrene bubbles, from around an isolated building model subjected to the same model of the atmospheric boundary layer as is used in the test. The model shall be of a 60 metres high, 15 metres square plan, simple rectangular tower at the scale used in the test. The photographs shall be taken at least four and preferably six different times. The last time should be determined by the length of time the wind tunnel must run at a particular maximum speed in order to clear an area of diameter 50 metres (at the scale of the model) centred on the back face of the model by over 80 percent of the original coverage. The intermediate speeds will be chosen to divide this maximum speed into equal quarters (sixths). The times of exposure corresponding to each intermediate speed will be such that the product of wind speed and time for each is a single constant value. The photographs should show the time allotted for each selected wind speed and the value of the wind speed itself.
- 4.3 An appendix which describes:
  - 4.3.1 the model of the atmospheric turbulence that is used in the wind tunnel
  - 4.3.2 the relationship of this model to reality (as far as it is known)
  - 4.3.3 the likely error limits in the peak gust speeds which are listed in the body of the report, given that this model has been used
  - 4.3.4 the precision achievable with the particular means chosen for estimating the ground level gust speed.
- 4.4 A table for each wind direction, listing the likely peak annual gust at the locations on the model identified as in the pre-design test, is critical to the success of the building. This table should list for comparison:

- 4.4.1 the wind speeds at these locations for existing buildings
- 4.4.2 the wind speeds at these locations for the proposed buildings
- 4.4.3 where appropriate to illustrate the success of particular modifications to the proposed building, wind speeds at the worst locations prior to the introduction of the modification.
- 4.5 A table for each wind direction of parenthetical entries in the table listed under Point 4.4 above, which lists the ratios between ground level and reference level wind speeds that have been used to derive the peak gust predictions of Point 4.4.
- 4.6 An analysis by the wind consultant of the 3-dimensional wind flows around the proposed building indicating the way in which its effect on the air flow affects pedestrian-level winds.

## Appendix 7: Precinct Boundaries





## Appendix 8: Comprehensive Development Plan (CDP)

The following provisions shall apply to the preparation, implementation and alteration of any comprehensive development plan for the airspace above the railyards.

*A comprehensive development plan was required by the Environment Court in decision W98/97*

### ***Purpose***

The purpose of the CDP is to avoid or mitigate the potential adverse effects of the development of the airspace above the railyards by ensuring that development occurs in a coordinated way in general accordance with a CDP (as amended from time to time). The development of the precinct is likely to occur over a period extending beyond the life of the District Plan, and the full development will require careful integration with new and existing road and service networks. A continuity and consistency of concept over the development period will significantly assist in avoiding and mitigating potential adverse effects although it is recognised that flexibility is required to enable the CDP to be amended as circumstances change.

### ***Scope***

The CDP will apply only to those parts of the airspace above the railyards as shown in Appendix 7.

### ***Process***

Before the commencement of new development, the owner(s) of the airspace above the railyards shall submit a CDP to the Council in accordance with the requirements of these provisions. The Council shall then, give public notice that a CDP has been deposited with it, and give such other notice or publicity as may be mutually agreed upon between it and the owners. The acceptance by the Council of the plan for deposit will not be an endorsement or acceptance by the Council of any proposed development shown in the plan.

The CDP can be changed either by the owner(s) in accordance with the following provisions, or to achieve compliance with any change to the District Plan.

For the avoidance of doubt, the CDP is neither a part of the District Plan, nor a resource consent in respect of any of the proposals contained within it, nor, of itself, the basis of any right under ss10, 10A or 10B of the Act.

### ***Changes***

The owner(s) of the airspace above the railyards may from time to time change the CDP, and these provisions shall apply to any such proposed change as if it were the first CDP.

**Matters to be included in CDP**

The CDP shall show:

- Compatibility with the Te Ara Haukawakawa Design Guide (section 3).
- The general location and scale of proposed built development.
- The generic nature of activities within particular parts of the development to the extent necessary to assess the likely effects of such activities.
- The provision of access to various parts of the precinct from the surrounding motorway/road network.
- The relationship of built development to existing and proposed rail and public passenger transport facilities.
- The provision of spaces within the area of the CDP which are proposed to be used as roads or as public spaces, whether or not they are to remain within the ownership of the owner(s).
- In general terms, the proposed methods of circulation of vehicular and pedestrian traffic within the precinct.
- In the case of any proposed change to the CDP, the relationship of any proposed development to any existing development of the precinct.
- Compliance with relevant provisions of the District Plan.

***Compliance with the Plan***

The CDP shall comply with the Permitted Activity conditions for maximum building height and site access, and no aspect of any proposed development which is not in compliance with these Permitted Activity conditions of the District Plan shall be shown on the CDP unless a resource consent for that aspect has first been obtained or unless shown on a CDP submitted to the Council together with an application for resource consent for that aspect.

# [APPENDIX 9]<sup>1</sup>: NOISE INSULATION CONSTRUCTION SCHEDULE

(the schedule describes the minimum requirements necessary to achieve an external sound insulation level of  $D_{nT,w} + C_{tr} > 30$  dB)

Building Element	<u>Minimum</u> Construction Requirement	
<u>External Walls of Habitable Rooms</u>	<u>Stud Walls:</u> Exterior cladding:  Cavity infill:  Interior lining:  Combined superficial density:	20 mm timber or 9mm compressed fibre cement sheet over timber frame (100 mm x 50 mm). *  Fibrous acoustic blanket (batts or similar of a minimum mass of 9 kg/m <sup>3</sup> ) required in cavity for all exterior walls. Minimum 90 mm wall cavity.  One layer of 12 mm gypsum plasterboard. Where exterior walls have continuous cladding with a mass of greater than 25 kg/m <sup>2</sup> (e.g. brick veneer or minimum 25 mm stucco plaster), internal wall linings need to be no thicker than 10 mm gypsum plasterboard.  Minimum not less than 25 kg/m <sup>2</sup> being the combined mass of external and internal linings excluding structural elements (e.g. window frames or wall studs) with no less than 10 kg/m <sup>2</sup> on each side of structural elements.
	<u>Mass Walls:</u>	190 mm concrete block, strapped and lined internally with 10 mm gypsum plaster board, or 150 mm concrete wall.
<u>Glazed Areas of Habitable Rooms</u>	Glazed areas up to 10% of <u>floor</u> area:  Glazed areas between 10% and 35% of <u>floor</u> area:  Glazed areas greater than 35% of <u>floor</u> area:	6 mm glazing single float  6 mm laminated glazing  Require a specialist acoustic report to show conformance with the insulation rule.
	Frames to be aluminium window frames with compression seals.	
<u>Skillion Roof</u>	Cladding:	0.5 mm profiled steel or 6 mm corrugated fibre cement, or membrane over 15mm thick ply, or concrete or clay tiles.
	Sarking:	17mm plywood (no gaps).
	Frame:	Minimum 100 mm gap with fibrous acoustic blanket (batts or similar of a mass of 9 kg/m <sup>3</sup> ).
	Ceiling:	Two layers of 10 mm gypsum plaster board (no through ceiling lighting penetrations unless correctly acoustically rated). Fibrous acoustic blanket (batts or similar of a minimum mass of 9 kg/m <sup>3</sup> ).

	Combined superficial density:	Combined mass of cladding and lining of not less than 25 kg/m <sup>2</sup> with no less than 10 kg/m <sup>2</sup> on each side of structural elements.
Pitched <u>Roof</u> (all roofs other than skillion roofs)	Cladding:  Frame:  Ceiling:  Combined superficial density:	0.5 mm profiled steel or tiles, or membrane over 15mm thick ply.  Timber truss with 100 mm fibrous acoustic blanket. (batts or similar of a minimum mass of 9 kg/m <sup>3</sup> ) required for all ceilings. 12 mm gypsum plaster board.  Combined mass with cladding and lining of not less than 25 kg/m <sup>2</sup> .
<u>Floor</u> areas open to outside	Cladding:  Combined superficial density:	Under-floor areas of non-concrete slab type floors exposed to external sound will require a cladding layer lining the underside of floor joists of not less than 12 mm ply  Floors to attain a combined mass not less than 25 kg/m <sup>2</sup> for the floor layer and any external cladding (excluding floor joists or bearers).
External <u>Door</u> to Habitable Rooms		Solid core door (min 25 kg/m <sup>2</sup> ) with compression seals (where the door is exposed to exterior noise).

## Notes:

- \*The table refers to common specifications for timber size. Nominal specifications may in some cases be slightly less than the common specifications stated in the schedule for timber size.
- In determining the insulating performance of roof/ceiling arrangements, roof spaces are assumed to have no more than the casual ventilation typical of the jointing capping and guttering detail used in normal construction.

<sup>1</sup>District Plan Change No.23 – Central Area Noise Insulation Rules (Operative 25 June 2004)