

## APPENDIX 20 – Compliance Assessment

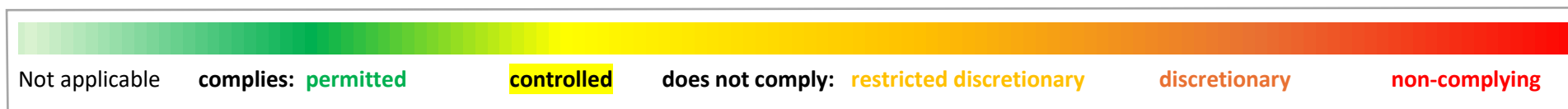
### Scope

The rules considered in this appendix are limited to:

- Those in the Partially Operative District Plan 2024;
- Rules in the proposed Plan with immediate legal effect as at notification but not yet partially operative; and
- Residual rules in the Operative District Plan 2020 which remain operative.

All rules in the proposed Plan with no legal effect, and which have not been made operative or effectively operative, are not considered.

### Guide to colour-coding in compliance column



In the compliance column labelled with the notation **C** in the tables below, colour-coding has been used for quick reference as summarised in the diagram above.

### A note on interpretation

There are multiple activity descriptions and classifications used in the proposed Plan that capture the proposed park redevelopment or parts thereof. Those descriptions and classifications in turn have variable implications for rule applicability and associated activity status. For example, the proposal and components of it could reasonably come within the following terms used in the proposed plan:

- Community Facility<sup>1</sup>;
- Development of new public space<sup>2</sup> or modification of public open space;
- Building<sup>3</sup>;

<sup>1</sup> Per the National Planning Standards definition used in the Proposed Plan, being: *means land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility.*

<sup>2</sup> Per the definition used in the Proposed Plan, being: *means those places in public or private ownership which are available for public access (physical or visual) or leisure and that are characterised by their public patterns of use. Public spaces include, but not limited to, streets, accessways, squares, plazas, urban parks, open space and all open or covered spaces within buildings or structures that are generally available for use by the public, notwithstanding that access may be denied at certain times.*

<sup>3</sup> Per the National Planning Standards definition used in the Proposed Plan, being: *means a temporary or permanent movable or immovable physical construction that is: (a) partially or fully roofed; and (b) is fixed or located on or in land; but excludes any motorised vehicle or other mode of transport that could be moved under its own power.*

- Structure<sup>4</sup>;
- Hazard sensitive activities, which are inclusive of 'Community Facility'; and
- Less hazard sensitive activities, which are inclusive of 'Parks Facilities' and 'Parks Furniture'.

Where multiple activity descriptions are potentially applicable to a given rule (or related set of rules), the more specific term has been favoured over the general. Two examples in this respect include:

- 'Hazard Sensitive Activities' include 'Community Facilities', which the park could reasonably be deemed; however, 'Less Hazard Sensitive Activities' expressly include 'Park Facilities' and 'Park Furniture' which are more precise and specific descriptors – the proposal has been deemed to comprise 'Less Hazard Sensitive Activities' accordingly as it relates to those components; and
- 'Community Facilities' and 'Public Space' are both activities referred to in the Waterfront Zone provisions, with the former afforded permitted activity status and the latter discretionary – again, 'Community Facilities' is the less specific term, and accordingly, the more specific 'Public Space' term has been preferred.

Where various components of the proposal variably relate to specific rules – for example, a building or structure within the park, or three waters servicing – those elements are considered individually against the relevant rule(s).

When ascribing an overall activity status to the proposal, the bundling principle has been applied.

#### COMPLIANCE ASSESSMENT – Partially Operative & Proposed District Plan

Rule #	Rule description	Assessment	C	Activity status
<b>PART 2 – DISTRICT-WIDE MATTERS</b>				
<b>Energy, Infrastructure &amp; Transport: Three Waters</b>			<b>Weighting: Operative</b>	
<b>THW-R1</b>	Connection to existing three waters infrastructure – new residential buildings	No residential buildings proposed. Rule not relevant		N/A
<b>THW-R2</b>	Connection to existing three waters infrastructure – four or more residential units and non-residential buildings  1. Permitted where:	T&T have confirmed compliance can be achieved		<b>Permitted</b>

<sup>4</sup> Per the National Planning Standards definition used in the Proposed Plan, being: *has the same meaning as in section 2 of the RMA – means any building, equipment, device, or other facility, made by people and which is fixed to land; and includes any raft.*

Rule #	Rule description	Assessment	C	Activity status
	<ul style="list-style-type: none"> <li>a. It involves the construction of multi-unit housing, retirement villages, comprehensive development or a non-residential building; or</li> <li>b. For the construction of four or more residential units or non-residential building in the Oriental Bay Precinct Area; and</li> <li>c. There is capacity within the relevant part of the three waters network; and</li> <li>d. Compliance with the following is achieved: <ul style="list-style-type: none"> <li>i. Wastewater — the level of service in Chapter 5, section 5.2.3 of the Wellington Water Regional Standard for Water Services v3.0 December 2021; and</li> <li>ii. Water supply — the level of service in Chapter 6, Tables 6.1 and 6.2 of the Wellington Water Regional Standard for Water Services v3.0 December 2021; and</li> <li>iii. Stormwater – the performance standard in Chapter 4 of the Wellington Water Regional Standard for Water Services v3.0 December 2021.</li> </ul> </li> </ul> <p><i>Note: Chapter 4 Stormwater, Chapter 5 Wastewater and Chapter 6 Water Supply of the Wellington Water Regional Standard for Water Services v3.0 December 2021 provide additional context for determining compliance with the references specified above</i></p>			
THW-R3	<p>Copper and zinc building materials – all residential and non-residential development</p> <ul style="list-style-type: none"> <li>1. Permitted where new buildings and structures, or additions and alterations to existing buildings and structures, use copper or zinc cladding and/or roofing materials (including guttering and spouting): <ul style="list-style-type: none"> <li>a. Building materials are sealed or otherwise finished to prevent water runoff which contains copper or zinc; or</li> </ul> </li> </ul>	No copper or zinc materials will be utilised as part of the proposal		Permitted

Rule #	Rule description	Assessment	C	Activity status
	<ul style="list-style-type: none"> <li>b. Stormwater from copper or zinc surfaces is to be collected and treated in accordance with the Wellington Water Ltd Water Sensitive Design for Stormwater: Treatment Device Guideline (2019)</li> </ul>			
<b>THW-R4</b>	<p>Incorporation of water sensitive design methods – four or more residential units and non-residential buildings</p> <ul style="list-style-type: none"> <li>1. Restricted Discretionary where: <ul style="list-style-type: none"> <li>a. It involves the construction of multi-unit housing, retirement villages, comprehensive development or a non-residential building; or</li> <li>b. For the construction of four or more residential units or non-residential building in the Oriental Bay Precinct Area.</li> </ul> </li> </ul>	<p>Water sensitive design methods are proposed within the Park redevelopment.</p> <p><i>Refer matters of discretion 1-6 under THW-R4</i></p>		<b>Restricted discretionary</b>
<b>THW-R5</b>	Hydraulic neutrality – 1-3 residential units	No residential buildings proposed. Rule is not relevant		N/A
<b>THW-R6</b>	<p>Hydraulic neutrality – four or more residential units and non-residential buildings</p> <ul style="list-style-type: none"> <li>1. Permitted where: <ul style="list-style-type: none"> <li>a. It involves the construction of multi-unit housing, retirement villages, comprehensive development or a non-residential building; or</li> <li>b. For the construction of four or more residential units or non-residential building in the Oriental Bay Precinct Area; and</li> <li>c. Stormwater management measures are incorporated which achieve post development peak stormwater flows and volumes which are the same or less than the modelled peak flows and volumes for the site in its current state.</li> </ul> </li> </ul> <p><i>Note: Guidance for calculating peak stormwater flows and volumes is contained in the Wellington Water Quick</i></p>	<p>The engineering report informing the proposal has confirmed that post development flows will not exceed pre-development flows. The proposal accordingly complies.</p>		<b>Permitted</b>

Rule #	Rule description	Assessment	C	Activity status
	<i>Reference Guide for Design Storm Hydrology; Standardised Parameters for Hydrological Modelling, April 2019. Guidance on which storm events are to be managed is contained in Chapter 4 of the Wellington Water Regional Standard for Water Services v3.0 December 2021.</i>			
<b>THW-R7</b>	Permeable Surface 1-3 residential units	No residential buildings proposed. Rule not relevant		N/A
<b>THW-R8</b>	Large Lot Residential Zone	Site not located in the applicable zone.		N/A
<b>Energy, Infrastructure &amp; Transport: Infrastructure</b>				
<i>No partially operative rules &amp; no rules with immediate legal effect</i>				
<b>Energy, Infrastructure &amp; Transport: Coastal Environment</b>				
<i>No partially operative rules &amp; no rules with immediate legal effect</i>				
<b>Energy, Infrastructure &amp; Transport: Infrastructure – Ecosystems and Indigenous Biodiversity</b>				
<i>Rules with immediate legal effect relate to significant natural areas and to the National Grid and National Gas Transmission Pipeline Corridor – none of these provisions are relevant to the application site.</i>				
<b>Energy, Infrastructure &amp; Transport: Infrastructure – Natural Features &amp; Landscapes</b>				
<i>No partially operative rules &amp; no rules with immediate legal effect</i>				
<b>Energy, Infrastructure &amp; Transport: Infrastructure – Natural Hazards</b>				
<i>No partially operative rules &amp; no rules with immediate legal effect</i>				
<b>Energy, Infrastructure &amp; Transport: Infrastructure – Other Overlays</b>			<b>Weighting: Legal effect</b>	
<b>INF-OL-R61</b>	Maintenance or upgrading of existing underground infrastructure in Other Overlays	No maintenance or upgrading is proposed		N/A
<b>INF-OL-R62</b>	New underground infrastructure in Other Overlays  1. Permitted where: a. The infrastructure is located on site identified in SCHED5 (viewshafts).	New underground three waters infrastructure may be located within Viewshafts 10 and 11.  The site is not located within any other overlays.		<b>Permitted</b>

Rule #	Rule description	Assessment	C	Activity status
INF-OL-R63	New aboveground customer connection lines in Other Overlays	No new aboveground customer connection lines are proposed.		N/A
INF-OL-R64	Operation, maintenance and repair, or removal, of existing aboveground infrastructure in Other Overlays	Rule does not have immediate legal effect in viewshaft overlay & no other overlays relevant		N/A
INF-OL-R65	Upgrading of existing aboveground infrastructure in Other Overlays	No existing aboveground infrastructure is to be upgraded by the proposal		N/A
INF-OL-R66	New aboveground infrastructure and temporary infrastructure in Other Overlays not otherwise provided for	No infrastructure not otherwise provided for is relevant to the proposal		N/A
<b>Energy, Infrastructure &amp; Transport: Renewable Electricity Generation</b>				
<i>No renewable electricity generation activities are proposed</i>				
<b>Energy, Infrastructure &amp; Transport: Transport</b>				
<i>No partially operative rules &amp; no rules with immediate legal effect</i>				
<b>Hazards &amp; Risks: Contaminated Land</b>				
<i>No partially operative rules &amp; no rules with immediate legal effect</i>				
<b>Hazards &amp; Risks: Hazardous Substances</b>				
<i>No partially operative rules &amp; no rules with immediate legal effect</i>				
<b>Hazards &amp; Risks: Natural Hazards</b>			<b>Weighting: Operative</b>	
NH-R1	<p>Less hazard sensitive activities within all Natural Hazard Overlays.</p> <p>1. Permitted where:</p> <p>a. buildings and structures are located outside of the identified overland flowpaths or stream corridor of the Flood Hazard Overlay</p>	<p>The proposal has been deemed to comprise 'Park Facilities' and 'Park Furniture' and is accordingly 'Less Hazard Sensitive'.</p> <p>No stream corridor affects the site.</p> <p>A small portion of the site's southwestern corner is overlain by the overland flowpath. The following structures are located within the overland flowpath: 2x</p>		<b>Restricted discretionary</b>

Rule #	Rule description	Assessment	C	Activity status
		Raukura sculptures; 2x light poles, paepae stair. Consent is required for these structures under NH-R1.2.		
<b>NH-R2</b>	Green infrastructure in all Natural Hazard Overlays.  1. Permitted where: a. The works must be undertaken by either the Greater Wellington Regional Council, Wellington City Council, Waka Kotahi, KiwiRail, CentrePort Limited or Wellington International Airport Limited or their nominated contractor or an agent on their behalf.	The coastal garden proposed adjacent to Jervois Quay can be deemed 'green infrastructure'. The works to establish and the future operation and maintenance of the facilities will be undertaken by the City Council and/or its nominated contractors and agents.		Permitted
<b>NH-R3</b>	Flood mitigation works within the inundation area, overland flowpaths or the stream corridor of the Flood Hazard Overlays	No flood mitigation works are proposed.		N/A
<b>NH-R4</b>	Additions to all buildings in the inundation area, overland flowpaths or the stream corridor of the Flood Hazard Overlay	No additions to existing buildings are proposed.		N/A
<b>NH-R5</b>	The construction of buildings or the conversion of existing buildings that will contain a potentially hazard sensitive activity in the inundation area of the Flood Hazard Overlay	No buildings are proposed to be constructed for potentially hazard sensitive activities		N/A
<b>NH-R6</b>	The construction of buildings or the conversion of existing buildings that will contain a hazard sensitive activity in the inundation area of the Flood Hazard Overlay	No new buildings or conversions of existing buildings for hazard sensitive activities are proposed within the inundation area of the Flood Hazard Overlay		N/A
<b>NH-R7</b>	The construction of buildings or the conversion of existing buildings that will contain a potentially hazard sensitive activity in the overland flowpath of the Flood Hazard Overlay	No new buildings or conversions of existing buildings for potentially hazard sensitive activities are proposed within the inundation area of the Flood Hazard Overlay		N/A
<b>NH-R8</b>	The construction of buildings or the conversion of existing buildings that will contain a hazard sensitive activity	No new or converted buildings are proposed to contain a hazard sensitive activity.		N/A

Rule #	Rule description	Assessment	C	Activity status
	within the overland flowpaths of the Flood Hazard Overlay			
NH-R9	The construction of buildings or the conversion of existing buildings that will contain a potentially hazard sensitive activity and hazard sensitive activity within the stream corridors of the Flood Hazard Overlay	No stream corridors are located within the site, and no new or converted buildings are proposed to contain potentially hazard sensitive or hazard sensitive activities.		N/A
NHR10 – NHR14	Fault Hazard Overlays	No Fault Hazard Overlay is applicable to the site		N/A
NH-R15	Activities in the Liquefaction Hazard Overlay  1. Permitted where: a. It involves a less hazard sensitive or potentially hazard sensitive activity; or b. It involves a hazard sensitive activity that is not an emergency service activity	The proposal involves a less hazard sensitive activity, comprising 'Park Facilities' and 'Park Furniture'.		Permitted
Historic & Cultural Values: Historic Heritage			Weighting: <b>Operative</b>	
HH-R1	Maintenance and repair of scheduled heritage buildings and heritage structures	The wider site contains the Albatross Sculpture by Tanya Ashken, which is a listed heritage structure – and, across Whairepo Lagoon, the Wellington Rowing Club & Star Boating Club (respectively references 284 and 285 in the Historic Heritage inventory at Schedule 1 of the proposed Plan).  No maintenance or repair of the sculpture or buildings is proposed as part of the application.		N/A
HH-R2	Partial and total demolition of non-scheduled buildings and structures on the site of heritage buildings and heritage structures  1. Activity Status: Permitted	The proposal includes the demolition of the existing carpark building, and of existing wall and amphitheatre structures on the wider site.		Permitted
HH-R3	Temporary works to heritage buildings and heritage structures	No temporary works are proposed to existing heritage structures on the site.		N/A



Rule #	Rule description	Assessment	C	Activity status
HH-R4	Invasive seismic investigation of heritage buildings and heritage structures	No seismic investigations are proposed.		N/A
HH-R5	Removal and replacement of a single glazed clear windowpane with a clear double or triple glazed windowpane on a heritage building	No such removal or replacement works are proposed.		N/A
HH-R6	Works involving the creation of new internal floor levels or internal seismic strengthening of a heritage building that are externally visible from a public place	No such alterations are proposed.		N/A
HH-R7	Additions, alterations and partial demolition of heritage buildings and heritage structures not falling under HH-R1 – HH-R6	No additions, alterations or partial demolitions of the listed heritage structure or buildings are proposed.		N/A
HH-R8	New buildings and structures on the site of heritage buildings and heritage structures  3. Restricted discretionary	New buildings and structures on sites containing a heritage structure and buildings are only permitted where in the Medium Density or High Density Residential Zones and where specified limits are met.  The new pavilions, lighting, artwork, walls and other park furniture structures accordingly require consent under HH-R8.3.		Restricted discretionary
HH-R9	Additions and alterations to non-scheduled buildings and structures on the site of heritage buildings and structures	No such additions and alterations are proposed.		N/A
HH-R10	Repositioning of heritage buildings and heritage structures on their existing site	No repositioning of existing heritage buildings or structures is proposed.		N/A
HH-R11	Removal of unreinforced masonry chimneys from built heritage	No such removals are proposed.		N/A
HH-R12	Relocation of heritage buildings and heritage structures beyond the existing site	No relocations of existing heritage structures are proposed		N/A
HH-R13	Total demolition of heritage buildings and heritage structures	No demolition is proposed to existing heritage buildings or structures.		N/A

Rule #	Rule description	Assessment	C	Activity status
HH-R14 – HH-R23	Multiple rules relating to buildings and activities in heritage areas	The site is not in a heritage area and these provisions are accordingly not applicable.		N/A
HH-R24 – HH-R26	Multiple rules relating to archaeological sites	The site is not an archaeological site and these provisions are accordingly not applicable.		N/A
HH-R27 – HH-R28	Special provisions for the Braemar Building and the Mount Street Cemetery Heritage Area	These provisions have no applicability to the application site.		N/A
<b>Historic &amp; Cultural Values: Notable Trees</b>				
<i>The site contains no notable trees and the provisions of this chapter are accordingly not relevant.</i>				
<b>Historic &amp; Cultural Values: Sites and Areas of Significance to Māori</b>			<b>Weighting: Operative</b>	
SASM-R1	Maintenance and repair of sites and areas of significance on iwi or Council land in Category A, Category B and Category C	The title boundary for the site encompasses a large area of 'land' to the seaward side of mean high water springs which is also within the Category A Area #167 labelled Te Whanganui-ā-Tara in Schedule 7 and on the planning maps. No maintenance or repair works are proposed within the spatial extent of Area 167.		N/A
SASM-R2	Undertaking cultural rituals, practices, and tikanga Māori in sites and areas of significance in Category A, Category B and Category C	No specific rituals, practices or tikanga Māori are proposed specifically within the extent of Area 167. In the event any such activities are carried out, they will be permitted activities whether associated with the proposal or not.		N/A
SASM-R3	Modification of those parts of Category A or B site or area of significance to Māori specifically identified in the 'features integral' column of SCHED7	There are no specific matters listed in the 'features integral' column of Schedule 7, and no parts of the identified area are to be modified as part of the proposal.		N/A
SASM-R4	New buildings or structures within the mapped extent of a site or area of significance to Māori in Category A or B	No buildings or structures are proposed within the mapped extent of Area 167 or any other site or area of significance to Māori in Category A or B.		N/A

Rule #	Rule description	Assessment	C	Activity status
<b>SASM-R5</b>	Additions to the footprint of an existing buildings within the mapped extent of sites and areas of significance Māori Category A or B	No such additions are proposed within the mapped extent of Area 167 or any other site or area of significance to Māori in Category A or B.		N/A
<b>SASM-R6</b>	Destruction or demolition of a site or area of significance to Māori in Category A and Category B	No specific destruction or demolition activities are proposed within the extent of Area 167 or any other site or area of significance to Māori in Category A or B.		N/A
<b>Historic &amp; Cultural Values: Viewshafts</b>			<b>Weighting: Operative</b>	
<b>VIEW-R1</b>	Verandahs within viewshafts	These provisions only apply within the City Centre Zone and are accordingly not relevant to the application site.		N/A
<b>VIEW-R2</b>	<p>Construction of new buildings and structures, and alterations and additions to existing buildings, within a Viewshaft Overlay:</p> <p>3. Permitted where:</p> <p>a. the building or structure does not intrude into any viewshaft with a Category 1 or Category 2 significance as identified in Schedule 5</p>	<p>The site is within the viewshaft extent on the planning maps for three viewshafts: VS10 (Hunter Street); VS11 (Willeston Street) and VS15 (Cable Car Station to St Gerard's Monastery).</p> <p>No building or structure will intrude into VS15, so that viewshaft can be set aside for compliance purposes.</p> <p>Within VS10, lighting poles are proposed; however, these are expressly excluded from standard VIEW-S1 at sub-clause 'd.' One Raukura sculpture is also proposed within VS10 and can technically be deemed an 'intrusion' into the viewshaft.</p> <p>Several structures are proposed within the Garden of Beneficence which fall within the mapped extent of VS11, including walls, the pai lau, the proposed pavilions and other park furniture. A Raukura sculpture is also proposed within the viewshaft extent. In each case, these structures can be deemed 'intrusions' into the viewshaft.</p> <p>Consent is accordingly required under VIEW-R2.4</p>		<b>Restricted discretionary</b>

Rule #	Rule description	Assessment	C	Activity status
		<i>NB – other viewshafts overlay the wider allotment containing the Park, but are not affected by the proposal.</i>		
<b>Natural Environmental Values: Ecosystems &amp; Indigenous Biodiversity</b>				
<i>The site contains no significant natural areas, and the provisions of this chapter are accordingly not relevant.</i>				
<b>Natural Environmental Values: Natural Character</b>				
<i>No partially operative rules &amp; no rules with immediate legal effect. The site contains riparian margins, and the provisions of this chapter are accordingly not relevant.</i>				
<b>Natural Environmental Values: Natural Features &amp; Landscapes</b>				
<i>No partially operative rules &amp; no rules with immediate legal effect. The site contains no Outstanding Natural Features and Landscapes, Significant Amenity Landscapes or identified Ridgelines &amp; Hilltops, and the provisions of this chapter are accordingly not relevant.</i>				
<b>Natural Environmental Values: Public Access</b>				
<i>No rules proposed.</i>				
<b>Subdivision</b>			<b>Weighting: Operative</b>	
<b>SUB-R1</b>	Subdivision for the purpose of the construction and use of residential units in the Medium Density Residential Zone or High Density Residential Zone	The site is not in a relevant residential zone nor for the purposes of construction and use of residential units.		N/A
<b>SUB-R2</b>	Subdivision around an existing lawfully established building which does not result in the creation of any new undeveloped allotment	The proposed subdivision is not around an existing building, and it is for the purpose of creating a new allotment. The rule is not relevant.		N/A
<b>SUB-R3</b>	Boundary adjustments	The proposal involves the creation of a new lot and is not therefore a boundary adjustment.		N/A
<b>SUB-R4</b>	Subdivision to create a new allotment for infrastructure	The proposed subdivision is not for the purposes of creating a new infrastructure allotment.		N/A
<b>SUB-R5</b>	Subdivision that creates any vacant allotment  1. Controlled where:	Regarding compliance with subdivision standards SUB-S1 through S7:		<b>Restricted discretionary</b>

Rule #	Rule description	Assessment	C	Activity status
	<p>a. The subdivision is not located in the General Rural Zone, the Large Lot Residential Zone or the Future Urban Zone; and</p> <p>b. Compliance with the following standards is achieved:</p> <ul style="list-style-type: none"> <li>i. SUB-S1;</li> <li>ii. SUB-S2;</li> <li>iii. SUB-S3;</li> <li>iv. SUB-S4;</li> <li>v. SUB-S5;</li> <li>vi. SUB-S6; and</li> <li>vii. SUB-S7.</li> </ul>	<ul style="list-style-type: none"> <li>- SUB-S1 is complied with as the site has practical physical legal access directly to Jervois Quay;</li> <li>- SUB-S2 is complied with as sufficient water supply is available at the site boundary for freehold lots;</li> <li>- SUB-S3 is complied with as sufficient wastewater connectivity is provided for freehold lots;</li> <li>- SUB-S4 is complied with as all lots provide sufficient connectivity to the stormwater management network and hydraulic neutrality will be achieved;</li> <li>- SUB-S5 is complied with as telecommunications and power will be provided to the boundary of each allotment;</li> <li>- SUB-S6 is complied with as there is no minimum lot size or shape or maximum number of allotments for the Waterfront Zone;</li> <li>- SUB-S7 is <b>not complied with</b> – no coastal esplanade reserve is to vest as part of the subdivision*.</li> </ul> <p>Failure to comply with any standard under SUB-R5.1.b defaults to rule SUB-R5.3 and consent is required as a restricted discretionary activity.</p> <p>*NB – the register of title includes a ~17m open space easement over the promenade on the seaward side of the Park.</p>		
<b>SUB-R6</b>	Subdivision of a site on which a heritage building or heritage structure is located	The wider site outside the proposed redevelopment area contains 2 listed heritage buildings and the listed Tanya Ashken sculpture, Albatross. Consent is accordingly required as a discretionary activity		<b>Discretionary</b>
<b>SUB-R7</b>	Subdivision of a site within a heritage area	The site is not within a heritage area		N/A
<b>SUB-R8</b>	Subdivision of a site on which a scheduled archaeological site is located	The site does not contain any archaeological site		N/A

Rule #	Rule description	Assessment	C	Activity status
<b>SUB-R9</b>	Subdivision of a site on which a notable tree is located	No notable trees are contained within the site		N/A
<b>SUB-R10</b>	Subdivision of land within a site or area of significance to Māori Category A and B.	<p>The title boundary for the site encompasses a large area of 'land' to the seaward side of mean high water springs which is also within the Category A Area #167 labelled Te Whanganui-ā-Tara in Schedule 7 and on the planning maps.</p> <p>While the land subject to the new lot creation is not itself within Area #167, the existing allotment to be subdivided includes land within the area and consent is deemed to be required as a restricted discretionary activity accordingly.</p>		<b>Restricted Discretionary</b>
<b>SUB-R11</b>	Subdivision of land within a significant natural area	The site is not within a significant natural area.		N/A
<b>SUB-R12</b>	Subdivision of land within special amenity landscapes	The site is not within a special amenity landscape		N/A
<b>SUB-R13</b>	Subdivision of land within outstanding natural features and landscapes	The site is not within any outstanding natural feature or landscape.		N/A
<b>SUB-R14</b>	Subdivision of land within ridgeline and hilltops overlay or within the ridgetop area of the Upper Stebbings and Glenside West Development Area	The site is not within any ridgeline and hilltop overlay or the identified ridgetop area		N/A
<b>SUB-R15</b>	<p>Subdivision of land within the coastal environment outside of high coastal natural character areas and outside of coastal margins and riparian margins</p> <p>1. Controlled where:</p> <ol style="list-style-type: none"> <li>The subdivision is not located in any Open Space and Recreation Zone or the General Rural Zone; and</li> <li>Compliance is achieved with the following standards: <ol style="list-style-type: none"> <li>SUB-S6; and</li> <li>SUB-S7.</li> </ol> </li> </ol>	<p>The site includes land within the coastal environment, outside of high coastal natural character areas and (both) inside and outside of coastal margins.</p> <p>As noted above, SUB-S7 will not be complied with as no 20m-wide coastal esplanade is provided as part of the subdivision.</p> <p>Non compliance with SUB-R15.1.b defaults to SUB-R15.3 as a discretionary activity.</p>		<b>Discretionary</b>

Rule #	Rule description	Assessment	C	Activity status
<b>SUB-R16</b>	Subdivision of land within the coastal environment within coastal margins or riparian margins  1. Controlled where: a. The subdivision is located in the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone or City Centre Zone.	The site includes land within the coastal environment, (both) inside and outside of coastal margins. To the extent that the part of the site within the coastal margin is also within the Waterfront Zone, the subdivision complies with the lone controlled activity standard and is to be assessed under Rule SUB-R16.1		<b>Controlled</b>
<b>SUB-R17</b>	Subdivision of land within the coastal environment within high coastal natural character areas	The Site is not within a high natural character area		N/A
<b>SUB-R18</b>	Subdivision within the Shepherds Gully Fault or Terawhiti Fault Overlays	The site is not within either fault overlay		N/A
<b>SUB-R19</b>	Subdivision within the Wellington Fault, Ohariu Fault Overlay	The site is not within either fault overlay		N/A
<b>SUB-R20</b>	Subdivision within the Wellington Fault Overlay	The site is not within the fault overlay		N/A
<b>SUB-R21</b>	Subdivision within the Liquefaction Overlay  1. Activity Status: Controlled	The entirety of the Park area is within the Liquefaction Overlay. Consent is required as a controlled activity accordingly, with Council's control limited to the matters in Policy NH-P2, site access and design of any proposed vehicle parking and manoeuvring.		<b>Controlled</b>
<b>SUB-R22</b>	Subdivision within the inundation area of the Flood Hazard Overlay  1. Controlled where: a. The subdivision creates building platforms for less hazard sensitive activities or potentially hazard sensitive activities	The proposal includes a subdivision of land, part of which is within the inundation area of the Flood Hazard Overlay.  To the extent that the 'parent' lot of the proposed subdivision will contain the proposed pavilion structures in the Garden of Beneficence, and those as Park Furniture are 'less hazard sensitive' activities, that aspect of the proposal complies with SUB-R22.1.a. The sub-floor level in the Fale which is to be used for dragonboat and other storage, is also considered to be a		<b>Restricted discretionary</b>

Rule #	Rule description	Assessment	C	Activity status
		<p>less hazard sensitive activity, and insofar as the subdivision creates additional lots for the purpose of enabling 'potentially hazard sensitive activities' including the café in the Fale building, those aspects can also be deemed complying.</p> <p>However, the Fale activity itself is considered a 'Community Facility' under the proposed plan, which is also a 'hazard sensitive activity'. This aspect of the proposal defaults to the restricted discretionary activity rule SUB-R22.2.</p>		
<b>SUB-R23</b>	<p>Subdivision within the overland flow path of the Flood Hazard Overlay</p> <p>1. Restricted discretionary where:</p> <p>a. The subdivision creates building platforms for less hazard sensitive activities</p>	<p>The proposal includes a subdivision of land, part of which is within the overland flow path of the Flood Hazard Overlay.</p> <p>To the extent that the 'parent' lot of the proposed subdivision will contain the proposed pavilion structures in the Garden of Beneficence, and those as Park Furniture are 'less hazard sensitive' activities, that aspect of the proposal complies with SUB-R23.1.a. The sub-floor level in the Fale which is to be used for dragonboat and other storage, is also considered to be a less hazard sensitive activity.</p> <p>However, as the subdivision creates additional lots for the purpose of enabling 'potentially hazard sensitive activities' including the café in the Fale building, and as the Fale activity itself is considered a 'Community Facility' under the proposed plan, which is also a 'hazard sensitive activity', the proposal defaults to the discretionary activity rule SUB-R23.2.</p>		<b>Discretionary</b>
<b>SUB-R24</b>	Subdivision within the stream corridor of the Flood Hazard Overlay	The site is not within the stream corridor of the Flood Hazard Overlay		N/A



Rule #	Rule description	Assessment	C	Activity status
<b>SUB-R25</b>	<p>Subdivision within the low hazard area of the Coastal Hazard Overlay</p> <p>1. Controlled where:</p> <p>a. The subdivision creates building platforms for less hazard sensitive activities or potentially hazard sensitive activities</p>	<p>Similar to the assessment for R22 &amp; R23, the subdivision is overlain by low, medium and high hazard areas within the Coastal Hazard Overlay and the range of activities proposed extend from less hazard sensitive to hazard sensitive.</p> <p>When the most stringent status ascribed to any of those activities is applied, this aspect of the proposal is restricted discretionary under SUB-R25.2</p>		<b>Restricted discretionary</b>
<b>SUB-R26</b>	<p>Subdivision within the medium hazard area of the Coastal Hazard Overlay</p> <p>1. Controlled where:</p> <p>a. The subdivision creates building platforms for less hazard sensitive activities</p>	<p>Similar to the assessment for R22, R23 and R25, the subdivision is overlain by low, medium and high hazard areas within the Coastal Hazard Overlay and the range of activities proposed extend from less hazard sensitive to hazard sensitive.</p> <p>When the most stringent status ascribed to any of those activities is applied, this aspect of the proposal is discretionary under SUB-R26.4</p>		<b>Discretionary</b>
<b>SUB-R27</b>	<p>Subdivision within the high hazard area of the Coastal Hazard Overlay</p> <p>1. Controlled where:</p> <p>a. The subdivision creates building platforms for less hazard sensitive activities</p>	<p>Similar to the assessment for R22, R23 and R25, the subdivision is overlain by low, medium and high hazard areas within the Coastal Hazard Overlay and the range of activities proposed extend from less hazard sensitive to hazard sensitive.</p> <p>When the most stringent status ascribed to any of those activities is applied, this aspect of the proposal is non-complying under SUB-R27.4</p>		<b>Non-complying</b>
<b>SUB-R28</b>	Subdivision in the National Grid subdivision corridor	The site is not within the corridor and the rules do not have legal effect.		N/A
<b>SUB-R29</b>	Subdivision of land within the Gas Transmission Pipeline Corridor and/or within 30m of any above-ground station site forming part of the Gas Transmission Network	The site is not within the spatial areas subject to this rule, nor do the rules have legal effect.		N/A

Rule #	Rule description	Assessment	C	Activity status
<b>SUB-R30</b>	Subdivision within the Inner Air Noise Overlay	The site is not within the overlay, nor to the rules have legal effect.		N/A
<b>SUB-R31</b>	Any other subdivision	No other subdivision is proposed		N/A
<b>General District-wide Matters: Coastal Environment</b>			<b>Weighting: Operative (*only)</b>	
<b>CE-R1 thru CE-R11</b>	Various land use activities applying within the coastal environment	No partially operative rules & no rules with immediate legal effect.		N/A
<b>CE-R12 thru CE-R15</b>	Various building and structure rules applying within the coastal environment	No partially operative rules & no rules with immediate legal effect.		N/A
<b>CE-R16*</b>	Less hazard sensitive activities within all the Coastal Hazard Overlays	To the extent that the proposal principally comprises Parks Facilities and Parks Furniture, those activities are permitted by CE-R16 as 'less hazard sensitive'.		<b>Permitted</b>
<b>CE-R17</b>	Green infrastructure for the purposes of coastal hazard mitigation works undertaken by a Crown entity or their nominated contractor or agent within the Coastal Hazard Overlays	Not partially operative & no immediate legal effect. Proposal does not include works relevant to this rule.		N/A
<b>CE-R18*</b>	Additions to buildings within the Coastal Hazard Overlays	No additions to existing buildings are proposed.		N/A
<b>CE-R19*</b>	The construction of buildings or the conversion of existing buildings that will contain Airport purposes, operational port activities, passenger port facilities and rail activities within the Coastal Hazard Overlay	No such building activities are proposed.		N/A
<b>CE-R20*</b>	The construction of buildings or the conversion of existing buildings that will contain potentially hazard sensitive activities or hazard sensitive activities within the City Centre Zone and are also within the medium and high coastal hazard areas	The site is not within the City Centre Zone		N/A
<b>CE-R21*</b>	Potentially hazard sensitive activities in the low coastal hazard area	The proposal does not include any 'potentially hazard sensitive activities'		N/A

Rule #	Rule description	Assessment	C	Activity status
CE-R22*	The construction of buildings or the conversion of existing buildings that will contain hazard sensitive activities in the low coastal hazard area	The proposal does not include any buildings for hazard sensitive activities.		N/A
CE-R23*	The construction of buildings or the conversion of existing buildings that will contain potentially hazard sensitive activities in the medium coastal hazard area, excluding the City Centre Zone or Airport purposes, operation port activities, passenger port facilities and rail activities	The proposal does not include any 'potentially hazard sensitive activities'		N/A
CE-R24*	Hard engineering natural hazards mitigation works in the high coastal hazard area	No hard engineering natural hazard mitigation works are proposed		N/A
CE-R25*	The construction of buildings or the conversion of existing buildings that will contain potentially hazard sensitive activities within the high coastal hazard area, excluding the City Centre Zone or Airport purposes, operation port activities, passenger port facilities and rail activities	The proposal does not include any 'potentially hazard sensitive activities'		N/A
CE-R26*	The construction of buildings or the conversion of existing buildings that will contain hazard sensitive activities within the medium coastal hazard area, excluding the City Centre Zone or Airport purposes, operation port activities, passenger port facilities and rail activities	No hazard sensitive activities are proposed		N/A
CE-R27*	The construction of buildings or the conversion of existing buildings that will contain hazard sensitive activities within the high coastal hazard area, excluding the City Centre Zone or Airport purposes, operation port activities, passenger port facilities and rail activities	No hazard sensitive activities are proposed		N/A
<b>General District-wide Matters: Earthworks</b>			<b>Weighting: Operative (*only)</b>	
EW-R1*	Earthworks for the purposes of piling, trenching, maintaining sports fields, undertaking geotechnical investigations and grave digging, the replacement or removal of underground petroleum storage systems	Any earthworks associated with piling and trenching can comply with standards 5 and 6, respectively relating to dust management and site reinstatement. To that extent they are permitted; however, consent is required		Permitted

Rule #	Rule description	Assessment	C	Activity status
	1. Permitted where: <ol style="list-style-type: none"> <li>Compliance with the following standards is achieved:               <ol style="list-style-type: none"> <li>EW-S5; and</li> <li>EW-S6.</li> </ol> </li> </ol>	for wider site earthworks as discussed under Rule R4 below.		
<b>EW-R2*</b>	Earthworks for the purposes of constructing and maintaining tracks associated with permitted activities in the General Rural Zone	The Site is not within the General Rural Zone.		N/A
<b>EW-R3*</b>	Earthworks for the purposes of constructing and maintaining public walking or cycling tracks in Open Space and Recreation Zone	The Site is not within the Open Space and Recreation Zone.		N/A
<b>EW-R4*</b>	General Earthworks <ol style="list-style-type: none"> <li>Permitted where:               <ol style="list-style-type: none"> <li>Compliance with the following standards is achieved:                   <ol style="list-style-type: none"> <li>EW-S1;</li> <li>EW-S2;</li> <li>EW-S3;</li> <li>EW-S4;</li> <li>EW-S5; and</li> <li>EW-S6.</li> </ol> </li> </ol> </li> </ol>	Regarding compliance with earthworks standards EW-S1 through S6: <ul style="list-style-type: none"> <li>EW-S1 is <b>not complied with</b> as the total area of earthworks will exceed 250m<sup>2</sup> in a 12-month period;</li> <li>EW-S2 is not complied with as the maximum cut height and fill depth will exceed the 2.5m maximum (where retained) and/or otherwise exceed 1.5m and the distance from the nearest site boundary, building or structure when measured on a horizontal plane;</li> <li>EW-S3 is complied with as no existing slopes to be worked exceed 34° where sustained over a distance of at least 3m;</li> <li>EW-S4 is <b>not complied with</b> as the volume of cut material transported off site and/or cleanfill material transported onto the site will exceed 200m<sup>3</sup>;</li> <li>EW-S5 will be complied with by virtue of dust management conditions volunteered by the applicant to avoid dust nuisance; and</li> <li>EW-S6 will be complied with insofar as earthworked areas will be progressively stabilised.</li> </ul>		<b>Restricted discretionary</b>

Rule #	Rule description	Assessment	C	Activity status
		Failure to comply with any standard under EW-R4.1 defaults to rule EW-R4.2 and consent is required as a restricted discretionary activity.		
<b>EW-R5*</b>	<p>Earthworks on the site of scheduled heritage buildings and structures, and within heritage areas</p> <p>1. Permitted where:</p> <p>a. Compliance is achieved with EW-S10.</p>	<p>As noted above, the wider site contains the heritage listed Albatross Sculpture and two listed heritage buildings.</p> <p>Standard EW-S10 limits the total area of earthworks to 10m<sup>2</sup> and the total volume of earthworks to 10m<sup>3</sup> in any 12-month period where proposed within a site containing a heritage building or structure. Both limits will be exceeded and consent is required under EW-R5.2 as a restricted discretionary activity accordingly.</p>		<b>Restricted discretionary</b>
<b>EW-R6*</b>	Earthworks within the root protection area of notable trees	No notable trees will be affected by the proposal.		N/A
<b>EW-R7*</b>	<p>Earthworks within Sites and Areas of Significance Category A and Category B</p> <p>1. Activity Status: Restricted Discretionary</p>	<p>As noted above, the title boundary for the site encompasses a large area of 'land' to the seaward side of mean high water springs which is also within the Category A Area #167 labelled Te Whanganui-ā-Tara in Schedule 7 and on the planning maps.</p> <p>While earthworks are proposed in the Park footprint, no such works are proposed <i>within</i> the Scheduled Area itself as defined on the planning maps.</p>		N/A
<b>EW-R8</b>	Earthworks within a significant natural area	The site does not contain any significant natural area, and the rule does not have immediate legal effect.		N/A
<b>EW-R9*</b>	Earthworks within riparian margins (outside the coastal environment)	The site is not within any riparian margin and is located inside the coastal environment.		N/A
<b>EW-R10*</b>	Earthworks within High Coastal Natural Character Areas within the coastal environment	The site is not within a High Coastal Natural Character Area within the coastal environment.		N/A

Rule #	Rule description	Assessment	C	Activity status
<b>EW-R11</b> <b>Rule under appeal</b>	Earthworks within coastal or riparian margins within the coastal environment	Earthworks will be undertaken within the Coastal Margin and the proposal will be able to meet the relevant permitted activity standard as the site will be reinstated after works.		<b>Permitted</b>
<b>EW-R12*</b>	Earthworks within special amenity landscapes	The site is not within a special amenity landscape		N/A
<b>EW-R13*</b>	Earthworks within outstanding natural features and landscapes	The site is not within an outstanding natural feature or landscape		N/A
<b>EW-R14*</b>	Earthworks within the ridgeline and hilltops overlay or within the ridgetop area of the Upper Stebbings and Glenside West Development Area	The site is not within any of the applicable areas.		N/A
<b>EW-R15*</b>	Earthworks within the Flood Hazard Overlay  1. Permitted where: a. The earthworks are not located within an Overland Flowpath or a Stream Corridor; or b. If the earthworks are located within an Overland Flowpath or a Stream Corridor, the finished ground level on the completion of the earthworks are the same as the natural ground level prior to the start of the earthworks	No earthworks are proposed in any Stream Corridor.  The southwest corner of the site is overlain by an overland flow notation. Earthworks are proposed in this part of the site, and consent is required. The estimated area affected is around 200m <sup>2</sup> and the net change in ground level is between 0-0.5m compared to existing.  The proposal requires consent under EW-R15.2 as a restricted discretionary activity accordingly.		<b>Restricted discretionary</b>
<b>EW-R16*</b>	Earthworks associated with natural hazard mitigation works within the Flood Hazard Overlays and Coastal Hazard Overlays	No earthworks are proposed for hazard mitigation purposes		N/A
<b>EW-R17*</b>	Earthworks in the Airport Zone	The site is not in the Airport Zone		N/A
<b>EW-R18</b>	Earthworks and vertical holes in the national grid yard	The site is not within the National Grid Yard		N/A
<b>EW-R19</b>	Earthworks within the gas transmission pipeline corridor	The site is not within the pipeline corridor		N/A
<b>EW-R20</b>	Structures used to retain or stabilise landslips	No such structures are proposed		N/A

Rule #	Rule description	Assessment	C	Activity status
<b>General District-wide Matters: Light</b>				
<i>No partially operative rules &amp; no rules with immediate legal effect.</i>				
<b>General District-wide Matters: Noise</b>			<b>Weighting: Operative</b>	
<b>NOISE-R1</b>	Noise not otherwise provided for in this chapter  1. Permitted where: a. Compliance with NOISE-S1 and APP4 is achieved.	The continued use of the site for active and passive recreation purposes will not contravene the requirements of NOISE-S1 or Appendix 4.		<b>Permitted</b>
<b>NOISE-R2</b>	Noise from construction, maintenance, earthworks, and demolition activities  1. Permitted where: a. All work will occur within the hours of 7.30am to 6.00pm Monday to Saturday; and b. Compliance with NOISE-S2 (Construction Activities) is achieved	The applicant will limit construction, earthworks and demolition activities to the hours stipulated under R2 sub-clause 1.a.; except that night-time works may be required when demolishing the Jervois Quay overbridge to manage effects on the safety and efficiency of the transportation network.  Noise and vibration will be measured, assessed, managed and controlled in accordance with NZ6803 and DIN 4150-3:2016 (respectively), and has been assessed as complying for almost all of the proposed works (refer Appendix 22). The applicant has conservatively assumed that the night-time works (if required) and some compaction activities in proximity to the TSB arena may result in NZ6803 exceedances. Consent is accordingly sought out of precaution to enable these works.		<b>Restricted Discretionary</b>
<b>NOISE-R3</b>	New building, or alterations / additions to an existing building to be used by a noise sensitive activity	No buildings are to be used for noise sensitive activities		N/A
<b>NOISE-R4</b>	Helicopter landing and agricultural aviation noise	No such activities are proposed		N/A
<b>NOISE-R5</b>	Noise from Wellington Regional Stadium and the Basin Reserve	The spatial areas relevant to this rule do not apply to the site		N/A
<b>NOISE-R6</b>	Fixed Plant noise	No fixed plant noise sources are proposed		N/A
<b>NOISE-R7</b>	Commercial facility dog noise (day care, dog parks, boarding kennels)	No such noise sources are proposed		

Rule #	Rule description	Assessment	C	Activity status
<b>NOISE-R8</b>	Shooting range and firearm noise	No such noise sources are proposed		N/A
<b>NOISE-R9</b>	Blasting noise	No such noise sources are proposed		N/A
<b>NOISE-R10</b>	Home Business noise	No such noise sources are proposed		N/A
<b>NOISE-R11</b>	Electronic sound system noise	No such noise sources are proposed		N/A
<b>NOISE-R12</b>	Port noise	No such noise sources are proposed		N/A
<b>NOISE-R13</b>	Airport noise	No such noise sources are proposed		N/A
<b>General District-wide Matters: Signs</b>				
<i>Rules SIGN-R1 through SIGN-R5 and Rule SIGN-R8 do not have immediate legal effect. Rules SIGN-R6 and SIGN-R7 have immediate legal effect, but no signage is included in this proposal.</i>				
<b>General District-wide Matters: Temporary Activities</b>				
<i>No partially operative rules &amp; no rules with immediate legal effect.</i>				
<b>General District-wide Matters: Wind</b>			<b>Weighting: Operative</b>	
<b>WIND-R1</b>	<p>Construction, alteration and additions to buildings and structures</p> <p>2. Permitted where:</p> <p>c. New or altered buildings or structures are less than or equal to 20m in height above ground level; or</p> <p>d. Rooftop additions:</p> <p>i. The height of the rooftop additions are less than or equal to 8m; or</p> <p>ii. Are setback at least 5m from the building facades adjacent to public spaces and are less than 33% of the existing building volume.</p>	Rule WIND-R1.1 applies to the Waterfront Zone (among other). No buildings or structures will exceed 20m in height and all are permitted.		Permitted
<b>WIND-R2</b>	Construction, alteration and additions to buildings and structures not otherwise provided for in this chapter	The proposed structures are provided for by WIND-R2 and accordingly, WIND-R2 is not applicable.		N/A
<b>PART 3 – AREA-SPECIFIC MATTERS</b>				
<b>City Centre Zone</b>			<b>Weighting: Operative</b>	



Rule #	Rule description	Assessment	C	Activity status
<b>CCZ-R22</b>	Demolition or removal of buildings and structures 1. Permitted where: a. The demolition or removal of a building: i. Is required to avoid an imminent threat to life and/or property; or ii. Enables the creation of public space or for private outdoor living space; or iii. Is required for the purposes of constructing a new building or adding to or altering an existing building that is a permitted activity under CCZ-R23 or CCZ-R24, or has an approved resource consent or resource consent is being sought concurrently; or b. The demolition or removal involves a structure, excluding any building.	The existing pedestrian overbridge that traverses Jervois Quay is proposed to be demolished as part of the proposal. A small portion of the bridge structure (stairs) on the western side of the Quay at the intersection with Harris Street falls within the City Centre Zone. The demolition is permitted under CCZ-R22.1.b.		<b>Permitted</b>
<b>Special Purpose Waterfront Zone</b>				<b>Weighting: Operative</b>
<b>WFZ-R1</b>	Commercial Activities	No commercial activities are proposed		N/A
<b>WFZ-R2</b>	Community Facilities 1. Activity Status: Permitted	The proposal includes the use of land and buildings by the community for recreational and cultural purposes. Those aspects of the proposal are permitted under WFZ-R2.		<b>Permitted</b>
<b>WFZ-R3</b>	Recreation activities 1. Activity Status: Permitted	The principal use of the site is for active and passive recreation activities, being themselves a sub-set of Community Facilities. Those aspects of the proposal are also permitted under WFZ-R3		<b>Permitted</b>
<b>WFZ-R4</b>	Emergency service facilities	No emergency facilities are proposed		N/A
<b>WFZ-R5</b>	Marae activities	No Marae activities are proposed		N/A
<b>WFZ-R6</b>	Public transport activities	No public transport activities as defined in the Plan are proposed		N/A
<b>WFZ-R7</b>	Visitor accommodation	No visitor accommodation is proposed		N/A

Rule #	Rule description	Assessment	C	Activity status
<b>WFZ-R8</b>	Residential activities	No residential activities are proposed		N/A
<b>WFZ-R9</b>	Industrial activities	No industrial activities are proposed		N/A
<b>WFZ-R10</b>	Car parking activities 1. Permitted where: b. The activity is providing: i. Car parking for people with mobility issues, or ii. Pick-up/drop-off parking of 10 minutes or less, or iii. For service vehicles; or c. The activity is located within a building below ground floor or under public open space; or d. The activity involves the provision of carparks on a road.	No car parking activities are proposed within the Park site, other than temporary service vehicle loading areas. New pickup and dropoff facilities will be established within the road reserve of Jervois Quay.  All such facilities are permitted under WFZ-R10.		<b>Permitted</b>
<b>WFZ-R11</b>	All other land use activities	No other land use activities are proposed		N/A
<b>WFZ-R12</b>	Maintenance and repair of buildings, structures and public open space	No such maintenance and repair activities are proposed		N/A
<b>WFZ-R13</b>	Demolition or removal of buildings and structures 1. Permitted where: a. The demolition or removal of a building: i. Is required to avoid an imminent threat to life and/or property; or ii. Enables the creation of public space or for private outdoor living space; or iii. Is required for the purposes of constructing a new building or adding to or altering an existing building that is a permitted activity under WFZ-R14 or WFZ-R15, or that has an approved resource consent or resource consent is being sought concurrently under WFZ-R14 or WFZ-R15; or	Existing wall structures and carparking building are to be demolished for the purposes of creating public space and (through concurrent applications advanced by others) new buildings. The demolition of these existing structures/buildings is permitted under WFZ-R13.  The proposed demolition of the Jervois Quay pedestrian overbridge is also permitted insofar as it is a structure under WFZ-R13.1.b.		<b>Permitted</b>

Rule #	Rule description	Assessment	C	Activity status
	b. The demolition or removal involves a structure, excluding any building.			
WFZ-R14	Alterations or additions to buildings and structures	No additions or alterations to existing structures are proposed		N/A
WFZ-R15	<p>Construction of new buildings and structures</p> <p>1. Permitted where:</p> <p>a. The building or structure is:</p> <ul style="list-style-type: none"> <li>i. Outdoor furniture; or</li> <li>ii. Play equipment; or</li> <li>iii. Sculptures or public art; or</li> <li>iv. Former cargo handling equipment, cranes or similar port-related equipment</li> </ul> <p>Or</p> <p>b. The new building or structure:</p> <ul style="list-style-type: none"> <li>i. Has a site coverage of less than 30 m<sup>2</sup>; and</li> <li>ii. Is less than 4 metres high; and</li> </ul> <p>c. The aggregate area of all buildings in the contiguous public open space does not exceed 200 m<sup>2</sup> per hectare</p>	<p>The proposal includes several new and relocated structures, as well as two particular structures – the pavilions in the Garden of Beneficence – that are classified as buildings under the Plan’s associated definition.</p> <p>The following new and relocated structures are considered to be outdoor furniture, sculptures or public art:</p> <ul style="list-style-type: none"> <li>- Fruits of the garden sculpture;</li> <li>- Memorial plaques;</li> <li>- Wahine mast memorial;</li> <li>- Raukura sculptures;</li> <li>- Pai Lau commemorative gate; and</li> <li>- Seating, low lighting and ornamental screening.</li> </ul> <p>The applicant also considers that taller light poles proposed within the park and on its periphery are within the plain and ordinary meaning of outdoor furniture in the context of the Waterfront Zone Chapter’s purpose and context. The introductory text of the Chapter notes the continued relevance and importance of the Waterfront Framework in informing Council’s management of the waterfront. The Framework, in turn expressly identifies lighting as ‘waterfront furniture’.</p> <p>The new pavilions and the perimeter wall around the Garden of Beneficence both exceed the maximum 30m<sup>2</sup> ‘coverage’ limit and fail to meet sub-clause ‘b’ accordingly. The aggregate area of the two pavilions –</p>		Discretionary

Rule #	Rule description	Assessment	C	Activity status
		<p>will be 122m<sup>2</sup>. As the open space area itself is 1.97ha, the proposal does not contravene the 394m<sup>2</sup> aggregate limit derived under sub-clause c.</p> <p>Buildings and structures in identified Public Open Space areas that contravene sub-clause b, but not sub-clause c are discretionary activities under WFZ-R15.2. Applications under this rule must be publicly notified.</p>		
<b>WFZ-R16</b>	Development of new public space, or modification of existing public open space	The proposal includes the modification of existing public open space.		<b>Discretionary</b>
<b>WFZ-R17</b>	Conversion of buildings or parts of buildings to residential activities	No residential activities are proposed		N/A
<b>WFZ-R19</b>	Outdoor storage areas	No permanent outdoor storage areas are proposed. Temporary storage areas used during construction and demolition activities will be screened by temporary hoardings/security fencing. The rule is not considered to be applicable, but should the alternative be the case, the temporary screening can meet the permitted 1.8m height requirement and the associated safety requirements		N/A

## COMPLIANCE ASSESSMENT – Operative District Plan 2000

Rule #	Rule description	Assessment	C	Activity status
<b>Chapter 13 – Central Area Rules</b>				
<b>13.3.3</b>	Activities which are Permitted, Controlled or Discretionary (Restricted) Activities that do not meet one or more of the standards outlined in section 13.6.1 (Activities, Buildings and Structures) and 13.6.2 (Activities), are Discretionary Activities (Restricted). Unless otherwise noted below, discretion is limited to the effects generated by the standard(s) not met:	Consent applied for out of precaution. Standard 13.6.2.2.2 is unable to be met for new light poles.		<b>Restricted discretionary</b>

Rule #	Rule description	Assessment	C	Activity status
	...			
	13.3.7 lighting			
	...			
<b>Chapter 32 – Contaminated Land</b>				
<b>32.1.3</b>	<p>The use, development or subdivision of potentially contaminated land that has been confirmed as not being contaminated land for its intended use following subsurface investigations and the removal of underground petroleum storage systems to facilitate the collection of subsurface soil samples is a Permitted Activity, provided that:</p> <p>32.1.3.1 A subsurface sampling report prepared by a suitably qualified environmental scientist shall be provided to the Council.</p>	<p>The site has been subject to a Detailed Site Investigation prepared in accordance with the relevant Ministry for the Environment Guidelines.</p> <p>Results of on-site investigations show that contaminant concentrations in some on-site fill material are above background concentrations for the Wellington Region but below applicable human health guideline levels.</p> <p>No samples have been able to be retrieved under the existing carpark building given health and safety limitations associated with the building's earthquake-prone status. Out of conservatism, the applicant has assumed that contaminant concentrations in this part of the site will be above applicable guideline levels and further that the requirements of Rule 32.1.3 will not be achieved (even though that might not be the case).</p> <p>Based on that assumption, consent will be required under Rule 32.2 as a discretionary activity.</p> <p>Adopting the same assumptions, the proposal requires consent as a restricted discretionary activity under Regulation 10 the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.</p>		<b>Discretionary</b>