



TOWNPLANNING  
GROUP

Application for Resource Consent to  
the Wellington City Council:

First Property Investment Limited

*LAND USE CONSENT TO OPERATE A  
PARKING FACILITY AT 34-40 GHUZNEE  
STREET, TE ARO, WELLINGTON*

06 March 2025



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## Supporting Information

- [A] Application Form
- [B] Record of Title/s
- [C] Site Plans
- [D] Landscaping Plan
- [E] Letters of Support



# 1 Executive summary

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First Property Investments Limited (**the Applicant**) applies for land use consent to operate a parking facility at 34-40 Ghuznee Street, Te Aro, Wellington (**the site**).

The site at which the proposed activity is to occur measures 1,277m<sup>2</sup> and has been operating as a car parking facility for a number of years since at least 2013. Prior to this, the site was occupied by a building with ancillary parking that no longer remains.

The proposal is to continue to operate a well-presented carparking facility, on land the Applicant owns, with vehicle access from Leeds Street. The site will be available for both public casual and leased parking. A duration of 10 years is sought.

The site is zoned Central Area Zone under the operative Wellington City District Plan (**ODP**) and is located within the City Centre Zone in the proposed Wellington City District Plan (**PDP**). It is noted that the relevant rule under the PDP is currently under appeal, and therefore the corresponding rule within the ODP carries more weight. As a result, the resource consent is required as a **Restricted Discretionary Activity** for non-compliances associated with car parking standards.

In summary, this Assessment of Environmental Effects (“**AEE**”) report considers the effects of the proposal and determines that the proposal will have less than minor adverse effects on the environment, subject to the conditions of consent, as the site has operated successfully for at least the last 15 years, and this application is for continuation of the operation on substantially the same terms. The proposal will support parking demand by visitors to the city centre whilst supporting local businesses by providing nearby off-street parking. The proposed activity will be entirely appropriate in the context of the receiving environment.

The proposal aligns with the key objectives and policies of both the ODP and PDP. The proposal achieves the purpose and principles of the Resource Management Act 1991 (“**RMA**”) and accords with the definition of sustainable management under Part 2.

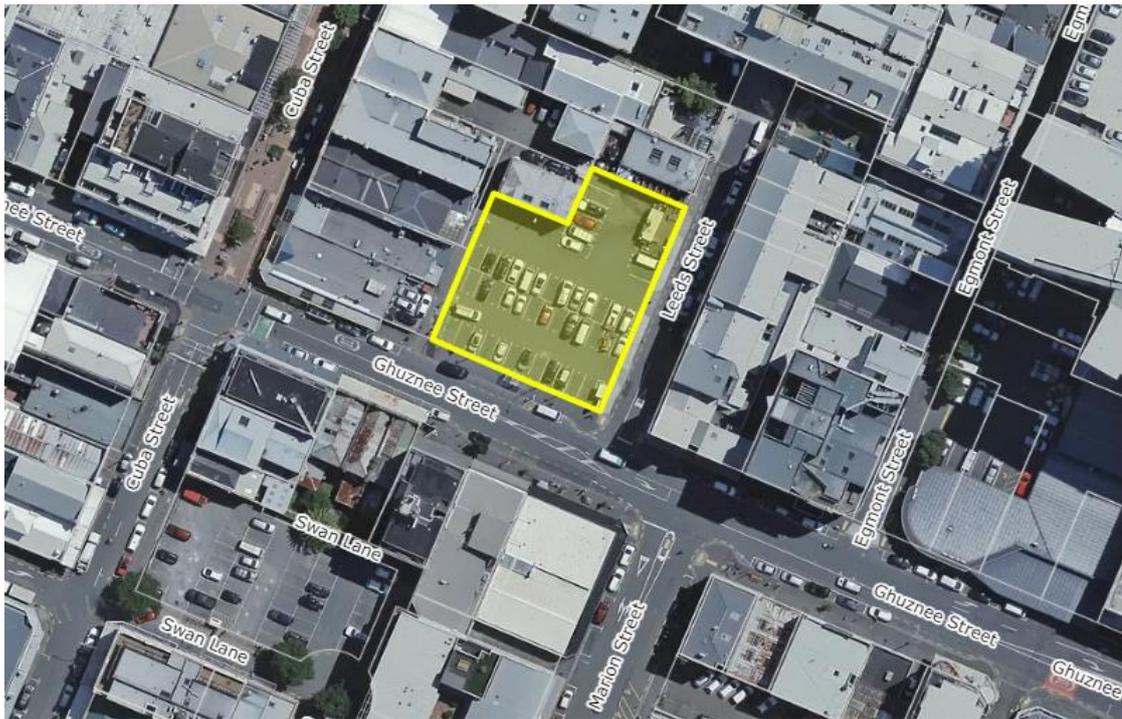
A copy of the relevant application form has been enclosed as **Attachment [A]**.

## 2 Site and surrounds

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### 2.1 Site details

The site is located at 34-40 Ghuznee Street, Te Aro, Wellington. The site is legally described as Lot 1 DP 429364 as held in Record of Title 515020 under the ownership of the Applicant. The Record of Title is enclosed as **Attachment [B]**. There are no relevant instruments that impede the proposed land use. The site shown in **Figure 1** below (refer to **Attachment [C]**).



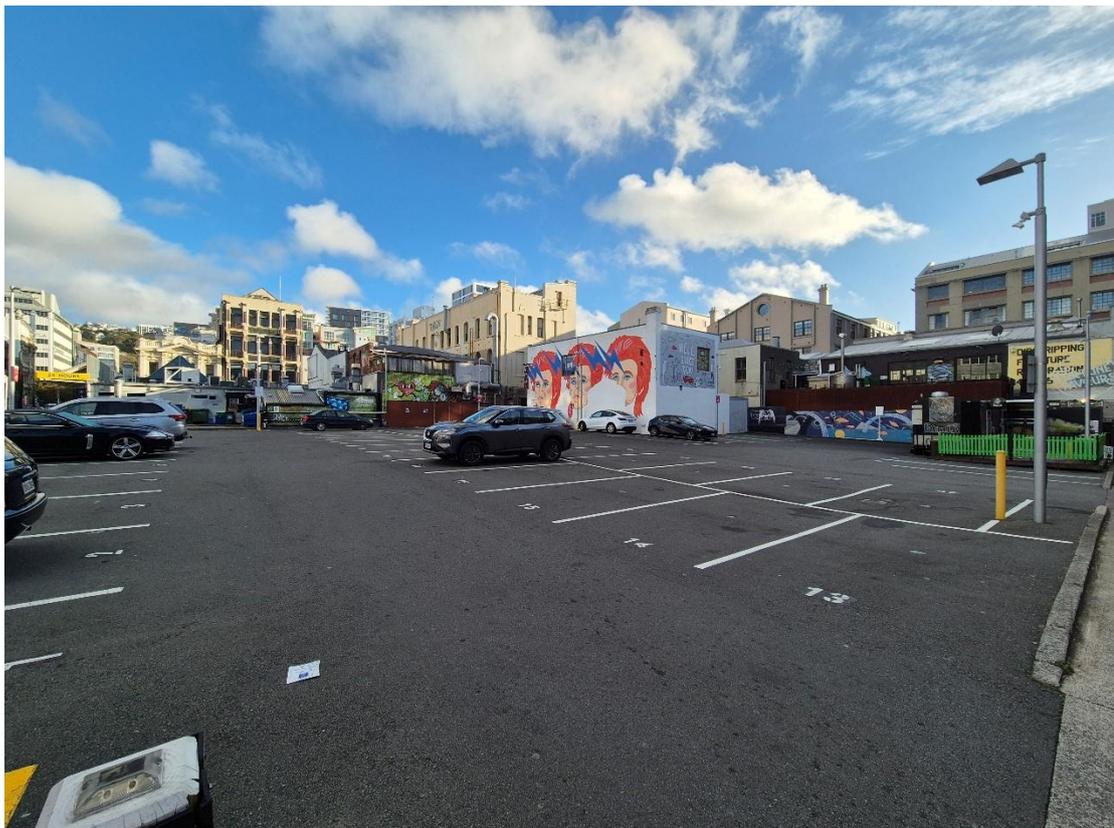
**Figure 1:** Site location denoted by yellow shading (Grip Map).

The site has been used as a parking facility for a number of years, since at least 2013. Prior to this it was occupied by a single three-storey building and associated parking area (**Figure 2**).



**Figure 2:** The site when viewed north from Ghuznee Street in November 2009 (Google Street View).

The site is generally flat on a hardstand surface and nearly square in shape, with the northwestern portion cut out, with an area of 1,277m<sup>2</sup> (**Figure 3**).



**Figure 3:** The site, facing northwest (TPG).

There is a line of wooden bollards along the border of the site where it meets with the pedestrian pathway on the northern side of Ghuznee Street, as well as a sign outlining how many bays are available on the intersection of Ghuznee and Leeds Street. Two Pay and Display machines are located next this, as shown in **Figure 4**.



**Figure 4:** Site frontage from Ghuznee Street (TPG).

The site has two existing accessways on Leeds Street with widths of 5.645 and 4.24 metres (**Figure 5**). Pedestrians are able to access the site through the pedestrian access on Ghuznee Street or through the vehicle accesses.



**Figure 5:** Site accesses on Leeds Street, October 2024 (Google Street View).

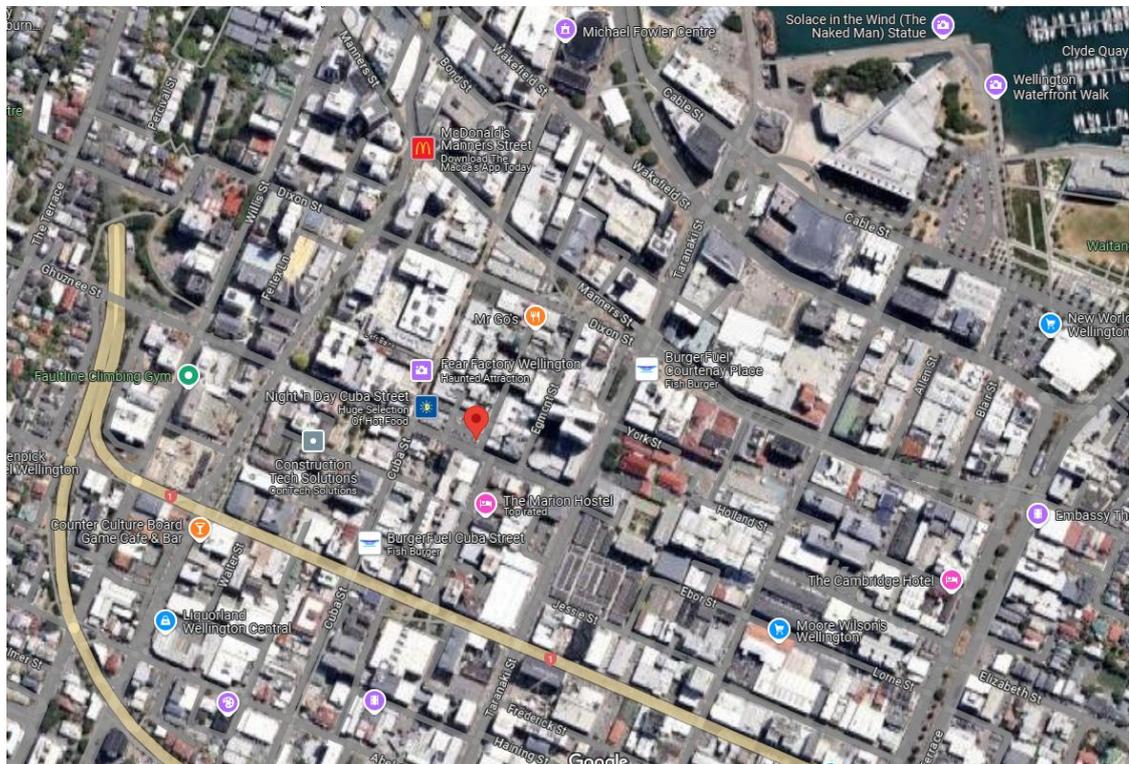
The site is not registered on the Selected Land Use Register (**SLUR**) for any historic or current land use for activities and industries included in the Hazardous Activities and Industries List (**HAIL**).

## 2.2 Surrounding environment

The site is located under 40 metres from Cuba Street, where the pedestrianised area between Ghuznee Street and Dixon Street starts. Cuba Street is a prominent street in Wellington, located within the inner-city suburb of Te Aro, with both it and the wider area known for its high concentration of popular cafés and eateries, bars and music venues as well as many independent shops which include boutique second hand stores and op-shops.

Ghuznee Street has traffic flowing both ways with a speed limit restriction of 30 km/hr. Pedestrian pathways are present on both the north and south flanks of the street with on-street parking also available on both sides.

The land directly surrounding the site consists of a mix of uses as shown in **Figure 6**, including a large residential block to the east of the site as well an art gallery and kindergarten, a convenience store, restaurant and hotel on the west which open onto Cuba Street and a mix of retail stores and cafés on the southern side of the street. Slightly east down the street from the site is a theatre and more shopping opportunities.



**Figure 6:** Map showing subject site, indicated by red balloon, and surrounding land uses and attractions (Google Maps).

The immediate area has minimal landscaping, with a small number of trees present on the pedestrian pathway on the southern side of Ghuznee Street. No other landscaping in the vicinity is immediately obvious.

## 2.3 Parking Resource

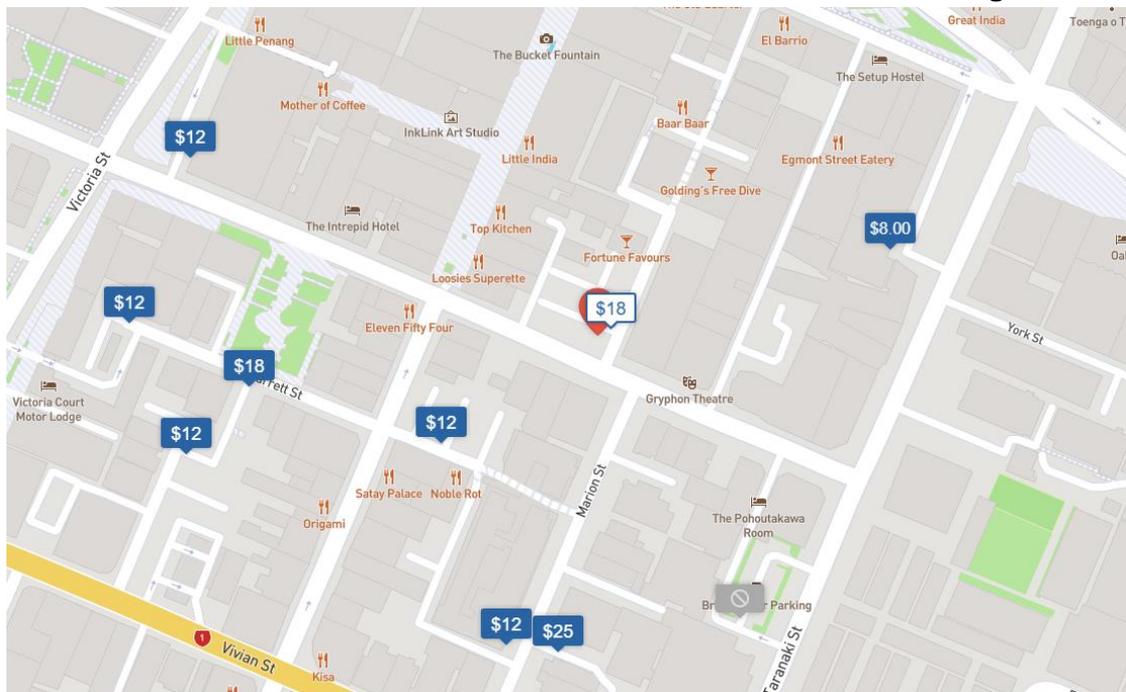
There are a number of public parking facilities available in the area surrounding the site including both on-street, controlled by the Wellington City Council, and off-street parking, largely run by private organisations, available.

### 2.3.1 On-Street Parking

Wellington City Council allow for on-street parking on a number of streets located in the city centre, paid on an hourly basis for up to one or two hours during the daytime and a maximum of three hours in the evenings and weekends. There is only one disabled on-street parking spot in the vicinity of site, on Marion Street, with two more slightly further afield.

### 2.3.2 Off-Street Parking

There are a number of off-street at-grade parking facilities available within the area surrounding the site. There are also a number of other privately owned public parking facilities available in the area as shown in **Figure 7**



**Figure 7:** Location of available public off-street parking, site denoted as white bubble (Parkopedia).

### 3 Description of the proposal

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The Applicant seeks to continue to operate an at-grade parking facility on the site for a 10-year duration from the date of consent. The layout and formation of the facility will provide 48 publicly available bays as detailed below and depicted in **Figure 8**.

The site will offer casual parking with pricing to be charged on an hourly basis with no limitations on the duration of stay, as well as offering leased parking on an as-is basis when requested.

Vehicle access will be via the existing vehicle crossings from Leeds Street to the site, measuring 5.65 and 4.24m wide accordingly. Pedestrians will be able to access the site through a dedicated 1m wide access point on Ghuznee Street.

The parking bays measure 2.5m wide and 5m deep. The site is facilitated by minimum aisle widths of 4.24m for perpendicular parks and 15.3m for parallel parks. The site has been operating successfully utilising the same parking layout since being established at the site.

All bays are marked with white paint. The operation of the car park will be such that vehicle enter and exit via the Leeds Street vehicle access. All signage on site will be retained. The site surface will remain sealed.

The Landscaping Plan (refer to **Attachment [D]**) identifies the proposed landscaping enhancements across the site with vertical climber plants proposed along the western site boundary and raised planter boxes proposed on the Ghuznee and Leeds St frontages (**Figure 8** and **Figure 9**). Landscaped areas will be regularly maintained.

LEGEND

- A Existing food stall
- B Existing bike storage
- C Pay and Display
- D1 Pedestrian access
- D2 Asphalt car parking demarcated bays with permanent paint
- 1.5m x 1.0m x H0.4m raised planter boxes [See below for proposed species]
- 1.5m climber in raised planter boxes [See below for proposed species]
- Existing fixed timber bollards retained
- Existing Light poles

PLANTING PALETTE



PLANTING PALETTE - CLIMBERS



A. LANDSCAPE CONCEPT PLAN 1:200@A3

client / project name: 34-40 GHUZZEE STREET CARPARK  
drawing name: LANDSCAPE CONCEPT PLAN  
designed by: JLV/JR  
drawn by: JLV/JR  
original issue date: 17 JANUARY 2025  
scale: 1:200

revision no.	amendment	approved	date
A	Issue for Comment	CC	17/01/2025
B	Design Change	CC	23/02/2025
C	Minor Amendments	CC	24/01/2025

DCM URBAN DESIGN LIMITED  
10/245 ST ASAPH STREET  
CHRISTCHURCH 8011  
WWW.DCMURBAN.COM

project no / drawing no: 2024\_215/001

revision: C

Figure 8: Site and Landscaping Plan (DCM Urban).

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Figure 9: Site Plan, elevated perspective (DCM Urban).



## 4 Statutory provisions

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The site is zoned Central Area Zone under the **ODP** and is located within the City Centre Zone under the **PDP**.

### 4.1 Status of District Plans

The PDP was notified on 18 July 2022 and includes two plan change processes. One is an Intensification Planning Instrument (**IPI**) under the Intensification Streamlined Planning Process (**ISPP**) of Part 6 of Schedule 1 of the RMA to give effect to the National Policy Statement on Urban Development 2020. The other is to provide a complete review of the District Plan provisions under the Part 1, Schedule 1 procedures of the RMA.

The current version of the PDP (council Decisions Version) incorporates Council decisions made on 14 March 2024, and now the Minster's decisions on 8 May 2024. The decisions included plan provisions notified under the ISPP as well as some provisions notified under the Part One, Schedule One process (standard planning process).

Council gave public notice of its decisions on ISPP provisions on 20 March 2024, and on 5 April 2024 for the related standard planning process provisions. Those parts of the District Plan that are subject to appeal have been noted in the operative document following the close of the appeal period on 29 August 2024.

Section 86B of the Act outlines that a proposed rule has legal effect once Council has notified a decision under Clause 10(4). However, Section 86F provides that a proposed rule cannot be treated as operative until the proposed rule is clear from any appeals.

Rule CCZ-R18.2 requires an application for a carparking activity, which does not meet the criteria of rule CCZ-R8.1, to be publicly notified. This rule has been appealed by Foodstuffs North Island Limited<sup>1</sup>. The appeal has not been heard. Therefore, the rule is not operative.

Section 86B should be read as being subject to Section 86F. Accordingly, the mandatory public notification provision of CCZ-R18.2 cannot be relied upon, and the Operative District Plan rules would carry more weight, whereby both public and limited notification are precluded.

### 4.2 Operative Wellington City District Plan

The site is located within the **Central Area Zone** under the ODP as shown in **Figure 10** below and is subject to a number of overlays including:

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<sup>1</sup> <https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/files/appeals/foodstuffs-north-island/appellant-4---foodstuffs-north-island-limited.pdf>

- Heritage Area: Cuba Street Heritage Area Ref: 25
- Verandah and Display, Windows Required.
- Ground Shaking Hazard Area



Figure 10: ODP zoning, site denoted by yellow and black border (ODP ePlan).

For the purposes of the following compliance assessment, the proposal is considered to be defined as a 'parking area', with this definition identified as follows:

- **Heritage Area** means a defined area, listed in the schedule of heritage areas, that is characterised by a concentration and continuity of sites, buildings, structures, objects and/or landscape characteristics that are united in their reflection of historic, cultural, social, industrial, spiritual, architectural, archaeological, political or other values that should be protected from inappropriate subdivision, use and development.
- **Parking Area** means that part of a site or building within which vehicle parking spaces are accommodated and includes all manoeuvring areas.

An assessment against the relevant rules of the ODP is provided below:

Rule Reference	Explanation / Requirement	Activity Status / Compliance / Comment
<b>Chapter 13 Central Area - Rules</b>		
<b>13.3.3.3</b>	<i>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.</i>	<p><b>Restricted Discretionary Activity</b></p> <p>As the proposed activity cannot comply with a number of relevant Standards as assessed below, it is a <b>Restricted Discretionary Activity</b> under this rule. Discretion is limited to the effects generated by the standards not met.</p> <p>Limited and public notification is precluded under this rule.</p>
<b>Chapter 13 Central Area - Standards</b>		
	<i>All parking shall be provided and maintained in accordance with sections 1, 2 and 5 of the joint Australian and New Zealand Standard 2890.1 2004, Parking Facilities, Part 1: Off Street Car Parking:</i>	<p><b>Complies</b></p> <p>See assessment against relevant sections below:</p>
<b>13.6.1.3.2</b>	<p><i>2.3.2 Parking angle</i></p> <ul style="list-style-type: none"> <li>• <i>90° parking: parking aisle shall be designed for two-way movement</i></li> <li>• <i>Parallel parking shall be provided as set out in Clause 2.4.4.</i></li> </ul>	<p><b>Complies</b></p>
	<p><i>2. 4.1 (a) Parking space length</i></p> <ul style="list-style-type: none"> <li>• <i>5.4m</i></li> </ul>	<p><b>Complies</b></p> <p>All parking spaces have a minimum length of 5m.</p>



Rule Reference	Explanation / Requirement	Activity Status / Compliance / Comment
	<ul style="list-style-type: none"> <li>• In NZ may be 5.0m;</li> <li>• Small cars in NZ: 2.3m wide x 4.5m long.</li> </ul>	
	<p>2.4.1 (b) Parking space width</p> <ul style="list-style-type: none"> <li>• 2.4m;</li> <li>• Adjacent to obstruction (side boundary, wall, fence, column): add 300mm to width;</li> <li>• Small cars in NZ: 2.3m.</li> </ul>	<p><b>Complies</b></p> <p>All parking spaces have a minimum width of 2.5m.</p>
	<p>2.4.2 Parking Aisle width</p> <ul style="list-style-type: none"> <li>• 6.2m</li> </ul>	<p><b>Does not Comply</b></p> <p>The minimum parking aisle width is 4.24m.</p>
	<p>5. Additional requirements for car parking structures</p> <ul style="list-style-type: none"> <li>• Column location and spacing</li> <li>• Headroom</li> <li>• Design of enclosed garages</li> </ul>	<p><b>Not Applicable</b></p>
<p><b>13.6.1.3.3</b></p>	<p>Open vehicle parking areas must not be situated at ground level at the front of sites to which standard 13.6.3.7.1 (display windows) applies.</p>	<p><b>Does not Comply</b></p>
<p><b>13.6.1.3.4</b></p>	<p>On each site in the Central Area at least one loading area must be provided.</p>	<p><b>Does not Comply</b></p> <p>No loading areas are proposed on this site.</p>



Rule Reference	Explanation / Requirement	Activity Status / Compliance / Comment
13.6.1.3.11	<i>Site access shall be provided and maintained in accordance with section 3 of the joint Australian and New Zealand Standard 2890.1 – 2004, Parking Facilities, Part I: Off-Street Car Parking.</i>	<b>Complies</b> Site access is in accordance with the relevant standards.
13.6.1.3.12	<i>No vehicle access is permitted to a site across any restricted road frontage identified on District Plan Map 34 provided that this shall not prevent the continuation or the undertaking of any Permitted Activity on a site involving the use of any lawfully established vehicle access.</i>	<b>Complies</b> There are no vehicle accesses on a restricted road frontage.
13.6.1.3.13	<i>There shall be a maximum of one vehicle access to any site except that sites with more than one frontage may have one access across each frontage.</i>	<b>Does not Comply</b> Two vehicle accesses are present on Leeds St.
13.6.1.3.14	<i>Both the entry and exit of vehicles onto the carriageway of the most adjacent street shall be in a forward direction.</i>	<b>Complies</b> The entry and exit of vehicles can be undertaken in a forward direction.
13.6.1.3.15	<i>The width of any vehicle crossing to a site shall not exceed 6 metres.</i>	<b>Complies</b> The maximum width of vehicle crossing on the site is 5.65m.
13.6.1.3.17	<p><i>Subject to standard 13.6.1.3.12 no vehicular access shall be situated closer to an intersection than the following:</i></p> <ul style="list-style-type: none"> <li>• <i>Arterial, principal and collector streets: 20m</i></li> <li>• <i>Other streets: 15m</i></li> </ul>	<b>Does not Comply</b> The southern vehicle crossing is approximately 12m from the Ghuznee Street (a collector street) and Leeds Street intersection.



Rule Reference	Explanation / Requirement	Activity Status / Compliance / Comment
13.6.1.3.18	<i>No access shall be provided to a primary street on a site that also has frontage to a secondary street.</i>	<p><b>Complies</b></p> <p>No access is on the primary street.</p>

Overall, resource consent is triggered under the following rules of the ODP:

- A **Restricted Discretionary Activity** under Rule 13.3.3 for non-compliances with the following standards:
  - Standard 13.6.1.3.2 – Not meeting the requirements under sections 1, 2 and 5 of the joint Australian and New Zealand Standard 2890.1 2004, Parking Facilities, Part 1: Off Street Car Parking for an undersized aisle width.
  - Standard 13.6.1.3.3 - Open vehicle parking areas at the front of sites to which display windows apply.
  - Standard 13.6.1.3.4 – No loading bays provided.
  - Standard 13.6.1.3.13 – More than one access on a frontage.
  - Standard 13.6.1.3.17 – Vehicular access close to an intersection.

As such, this proposal is to be treated as a **Restricted Discretionary Activity** under the ODP

### 4.3 Proposed Wellington City District Plan

The site is located within the **City Centre Zone** under the PDP (**Figure 11**) and is subject to a number of overlays including:

- a. Partially overlapping a heritage area – Cuba Street (schedule 3) ref 27;
- b. Flood Hazard overlay;
- c. Inundation area and overland flow path;
- d. Active frontage;
- e. Veranda control;
- f. Height control area; and
- g. WIAL – obstacle limitation surface.

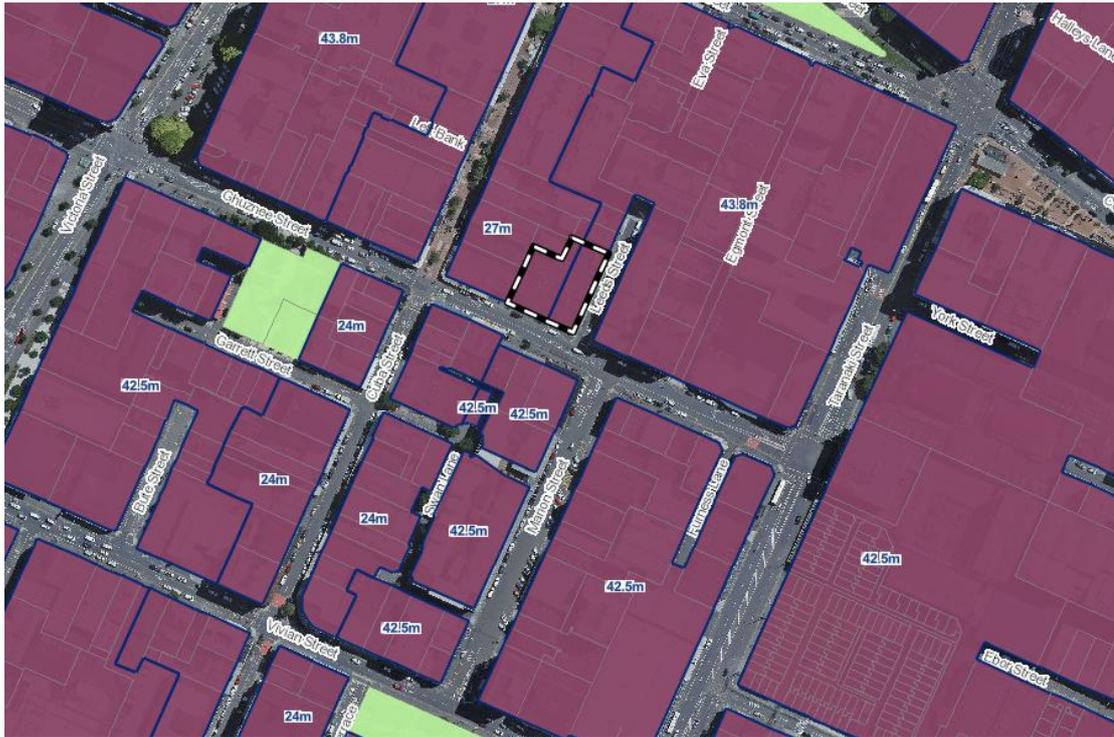


Figure 11: PDP zoning, site denoted by black and white border (PDP ePlan)..

For the purpose of a compliance assessment the PDP defines the following:

- a. **Commercial Activity** means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices).
- b. **Heritage areas** are areas that contain a concentration of buildings and structures with similar heritage values, which when considered as a collection have significant heritage value. 'Contributing buildings and structures' are those which support the heritage values of the area. Buildings and structures that do not contribute to the heritage values of the area are identified as non-heritage in SCHED3-Heritage Areas. For the avoidance of doubt:
  - A. Works to buildings and structures located adjacent to a heritage area, but not within, are not assessed against the provisions of this chapter.
- c. **Parking Activities** means the parking of motor vehicles, including all manoeuvring areas, excluding parking on legal roads.

An assessment against the relevant rules of the PDP is provided below:

Rule Reference	Explanation / Requirement	Relevant Standards	Activity Status / Compliance / Comment
<b>Transport</b>			
<b>TR-R2</b>	Trip Generation where: <ul style="list-style-type: none"> <li>a. Compliance with <b>TR-S1</b> is achieved; and</li> <li>b. The activity is not:               <ul style="list-style-type: none"> <li>i. service station; or</li> <li>ii. a drive-through activity.</li> </ul> </li> </ul>	<b>TR-S1:</b> Activities must not exceed the following maximum of 200 light vehicle movements per day (Standard TR-S1).	<b>Permitted Activity – Complies</b> It is not expected that the daily movements will exceed 200 trips per day) and the activity is not a service station or drive-through. As such, activity can comply with this Rule.
<b>TR-R3.1</b>	Site access where: <ul style="list-style-type: none"> <li>a. Compliance with <b>TR-S5</b> and <b>TR-S6</b> is achieved; and</li> <li>b. The access is not to a State Highway.</li> </ul>	<b>TR-S5:</b> Driveways must be classified in accordance with <b>Table 8 – TR: Classifications of Driveways</b>  <b>TR-S6:</b> 1. The minimum design vehicle used for a driveway must be a 4.91m x 1.87m vehicle (85th percentile vehicle); and  2. Driveways must be designed to achieve the design speeds, minimum widths,	<b>Permitted Activity – Complies</b>  Access is not to a state highway and meets the requirements of TR-S5 and S6.



Rule Reference	Explanation / Requirement	Relevant Standards	Activity Status / Compliance / Comment
		<p>maximum gradients and seal requirements in <b>Table 9 – TR: Design of Driveways.</b></p>	
<p><b>TR-R5.1</b></p>	<p>On-site vehicle parking and manoeuvring where:</p> <p>a. Compliance with <b>TR-S7</b> is achieved.</p>	<p><b>TR-S7:</b></p> <p>1. Where provided on a site, car parking spaces and associated circulation and manoeuvring areas must be designed to accommodate a 4.91m x 1.87m vehicle (85th percentile vehicle) as the minimum design vehicle, with 300mm clearance per side to obstructions and a minimum outside turning radius of 5.8m;</p> <p>2. Car parking spaces must:</p> <p>a. Comply with the minimum dimensions of <b>Figure 5 – TR: Parking</b> and <b>Table 10 – TR: Parking Space Dimensions</b>;</p> <p>b. Have a maximum gradient of 5% in any direction; and</p> <p>c. Have a minimum height clearance of 2.3m; and</p> <p>d. For residential on-site car parking spaces, be electric vehicle-charging-ready by being serviced with an</p>	<p><b>Permitted Activity – Does not Comply</b></p> <p>Manoeuvring is provided in accordance with (1).</p> <p>All perpendicular parks are in compliance with parking dimensions set out in Table 10, however the two parallel parks are not. Further, the aisle widths provided do not meet the 6.2m width as set out in Table 10. As such (2)(a) cannot be met.</p> <p>(2)(b) and (c) are met, with (2)(d) not being relevant.</p> <p>Blind aisles are provided for all</p>



Rule Reference	Explanation / Requirement	Relevant Standards	Activity Status / Compliance / Comment
		<p>electrical cable conduit from the electricity supply to the edge of the carpark;</p> <p>3. Blind aisles must extend at least 1m beyond the last parking space they provide access to;</p> <p>4. On-site circulation and manoeuvring areas must have a maximum gradient of 12.5%;</p> <p>5. On-site circulation and manoeuvring areas must be provided so that vehicles can enter and exit the site in a forward direction, except where:</p> <ul style="list-style-type: none"> <li>a. The site has no more than three parking spaces;</li> <li>b. Any reversing would be for a distance no more than 30m; and</li> <li>c. The road is a Local Street;</li> </ul> <p>6. On-site circulation and manoeuvring areas must not be located on:</p> <ul style="list-style-type: none"> <li>a. The public road reserve; or</li> <li>b. Areas provided for parking, loading or storage; and</li> </ul>	<p>parking spaces with the exception of car parks 41-46 where 1m is not provided for, contrary to (3).</p> <p>(4), (5), (6), and (7) can and will be met.</p>

Rule Reference	Explanation / Requirement	Relevant Standards	Activity Status / Compliance / Comment
		<p>7. On-site parking, circulation and manoeuvring must not include ramps, turntables, lifts or stackers.</p> <p>Note: Where parking is provided, the New Zealand Building Code D1/AS1 New Zealand Standard for Design for Access and Mobility – Buildings and Associated Facilities (NZS: 4121-2001) sets out requirements for the number and design of parking spaces for people with disabilities and for accessible routes from the parking spaces to the associated activity or road.</p>	
<p><b>TR-R5.2</b></p>	<p>On-site vehicle parking and manoeuvring where:</p> <p>a. Compliance with the requirements of TR-R5.1 cannot be achieved.</p>	<p>-</p>	<p><b>Restricted Discretionary Activity –</b></p> <p>Matters of discretion are the matters in set out in TR-P3.</p> <p>Notification status: An application under Rule TR-R4 is precluded from being publicly notified.</p>
<p><b>Heritage Area (Schedule 3)</b></p>			



Rule Reference	Explanation / Requirement	Relevant Standards	Activity Status / Compliance / Comment
HH-R21.2	<p>New buildings and structures within heritage areas in the Central City Zone where:</p> <ul style="list-style-type: none"> <li>a. The works involve the construction of a structure associated with the operation, use and maintenance of a legal road; or</li> <li>b. The height of the structure does not exceed 1.5m above ground level; or</li> <li>c. The structure is a lamppost.</li> </ul>	N/A	<p>N/A</p> <p>No structures are to be built within the heritage area on the site.</p>
<b>Earthworks</b>			
EW-R4	<p>General Earthworks where compliance with the following standards is achieved:</p> <ul style="list-style-type: none"> <li>a. <b>EW-S1</b>;</li> <li>b. <b>EW-S2</b>;</li> <li>c. <b>EW-S3</b>;</li> <li>d. <b>EW-S4</b>;</li> <li>e. <b>EW-S5</b>; and</li> <li>f. <b>EW-S6</b></li> </ul>		<p>N/A</p> <p>No earthworks are proposed.</p>
<b>Light</b>			



Rule Reference	Explanation / Requirement	Relevant Standards	Activity Status / Compliance / Comment
LIGHT-R1.1	<p>Outdoor artificial lighting where:</p> <p>a. The activity complies with:</p> <ul style="list-style-type: none"> <li>i. LIGHT-S1;</li> <li>ii. LIGHT-S2;</li> <li>iii. LIGHT-S3;</li> <li>iv. LIGHT-S4;</li> <li>v. LIGHT-S5; and</li> <li>vi. LIGHT-S6.</li> </ul>	<p><b>LIGHT-S1: Measurement Methods</b></p> <ol style="list-style-type: none"> <li>1. Lighting limits must be measured and assessed in accordance with AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting. In the event of any conflict between AS/NZS 4282:2019 and the District Plan, the District Plan shall prevail; and</li> <li>2. Where an activity is located on a site which adjoins or is separated by a road from a different zone, the activity on the site must meet the relevant zone standards for light for the adjoining zone at the zone boundary.</li> </ol>	<p><b>Permitted Activity – Complies</b></p> <p>yyy) will be complied with and (2) is not relevant.</p>
		<p><b>LIGHT-S2: Light spill</b></p> <ol style="list-style-type: none"> <li>1. Outdoor artificial lighting must not exceed the following vertical illuminance levels: <ul style="list-style-type: none"> <li>a. 7.00am – 10.00pm: 25 Lux; and</li> <li>b. 10.00pm – 7.00am: 5 Lux.</li> </ul> </li> </ol>	<p><b>Complies</b></p> <p>Any lighting on the site will comply with this standard.</p>



Rule Reference	Explanation / Requirement	Relevant Standards	Activity Status / Compliance / Comment
		<p>The vertical illuminance shall be measured at:</p> <ul style="list-style-type: none"> <li>c. Any window of a habitable room of a building used for a sensitive activity on any adjacent site; or</li> <li>d. The minimum setback distance for buildings and structures used for residential purposes for the relevant zone of an adjacent site if that site does not contain a building used for a sensitive activity. The vertical extent of the calculation points for vertical illuminance shall be between: <ul style="list-style-type: none"> <li>i. 1.5m above ground level; and</li> <li>ii. The maximum building height permitted by the relevant zone.</li> </ul> </li> </ul>	
		<b>LIGHT-S3: Glare</b>	<b>Complies</b>



Rule Reference	Explanation / Requirement	Relevant Standards	Activity Status / Compliance / Comment
		<p>3. Outdoor artificial lighting on any site adjacent to a road, or adjacent to a site which contains a building used for a sensitive activity, must be selected, located, aimed, adjusted and/or screened so that the luminous intensity does not exceed the following:</p> <ul style="list-style-type: none"> <li>a. 7.00am – 10.00pm: 25,000 cd; and</li> <li>b. 10.00pm – 7.00am: 2,500 cd.</li> </ul>	<p>All glare will be managed in accordance with this standard.</p>
		<p><b>LIGHT-S4: Effects on road users</b></p> <p>3. Outdoor artificial lighting must not exceed a 15% threshold increment limit (based on adaption luminance of 10 cd/m<sup>2</sup>) when calculated in the direction of travel within each traffic lane of any public road.</p>	<p><b>Complies</b></p> <p>Lighting will be in accordance with this standard.</p>
		<p><b>LIGHT-S5: Sky glow</b></p> <p>3. Outdoor artificial lighting must not exceed an upward light ratio of 3%.</p>	<p><b>Complies</b></p> <p>Lighting will be in accordance with this standard.</p>



Rule Reference	Explanation / Requirement	Relevant Standards	Activity Status / Compliance / Comment
		<p><b>LIGHT-S6: Externally illuminated surfaces</b></p> <p>c. The average surface luminance for an intentionally artificially lit building façade shall not exceed 25 cd/m<sup>2</sup>.</p> <p>Note: The limits shall be determined by calculation or measurement in accordance with CIE 150:2017 Guide on the limitation of the effects of obtrusive light from outdoor lighting installations, Second Edition.</p>	<p><b>Complies</b></p> <p>Lighting will be in accordance with this standard.</p>
<b>Noise</b>			
<p><b>NOISE-R1.1</b></p>	<p>Noise not otherwise provided for in this chapter where:</p> <p>a. Compliance with <b>NOISE-S1</b> and <b>APP4</b> is achieved.</p>	<p><b>NOISE-S1:</b> Subject to any Temporary Activity exclusions in the District Plan, or conditions of a resource consent or designation, noise generated by any activity in all zones must not exceed permitted noise limits within the receiving zone set out in <b>APP4 – Permitted Noise Standards</b>.</p> <p><b>APP4:</b> Noise from activities within the City Centre Zone shall comply with the following noise limits:</p> <p>a. 60 dB L<sub>Aeq</sub> (15 min) at all times; and</p> <p>b. 85 dB L<sub>AFmax</sub> 10pm-7am.</p>	<p><b>Permitted Activity – Complies</b></p> <p>Noise resulting from the proposed car parking facility will comply with the standards for the zone.</p>



Rule Reference	Explanation / Requirement	Relevant Standards	Activity Status / Compliance / Comment
<b>Signs</b>			
<b>SIGN-R3.1</b>	<p>On-site signs where compliance is achieved with:</p> <ul style="list-style-type: none"> <li>a. <b>SIGN-S1</b>;</li> <li>b. <b>SIGN-S2</b>;</li> <li>c. <b>SIGN-S3</b>;</li> <li>d. <b>SIGN-S4</b>;</li> <li>e. <b>SIGN S5</b>;</li> <li>f. <b>SIGN-S7</b>;</li> <li>g. <b>SIGN-S9</b>; and</li> <li>h. <b>SIGN-S11</b>.</li> </ul>	<p><b>SIGN-S1:</b> Maximum area of any sign</p> <p>The maximum area of a single sign must not exceed 20m<sup>2</sup>.</p>	<p><b>Complies</b></p> <p>The site has one sign which is not in excess of 20m<sup>2</sup>.</p>
		<p><b>SIGN-S2:</b> Maximum total area of signs</p> <ol style="list-style-type: none"> <li>1. The maximum total area of signage affixed to an elevation of a building or structure must not exceed 10% of the total area of the elevation.</li> <li>2. The maximum total area of free-standing signage along a street frontage of a building must not exceed 35m<sup>2</sup></li> </ol>	<p><b>Complies</b></p> <p>The maximum total area of signs is in compliance with this standard.</p>
		<p><b>SIGN-S3:</b> N/A in City Centre Zone</p>	<p><b>N/A</b></p>
		<p><b>SIGN-S4:</b> The maximum height of any freestanding sign must not exceed 4m.</p>	<p>Complies –</p> <p>The height does not exceed 4m.</p>

Rule Reference	Explanation / Requirement	Relevant Standards	Activity Status / Compliance / Comment
		<p><b>SIGN S5:</b> Signs located on a building or structure</p> <ol style="list-style-type: none"> <li>1. The sign must only be displayed on plain wall surfaces or fences.</li> <li>2. The sign must not obscure windows or architectural features.</li> <li>3. The sign must not project above the highest part of the building or structure.</li> <li>4. Where the sign is facing the state highway network, or is visible from any intersection with the state highway, the sign must not be internally illuminated.</li> </ol>	<p>N/A</p>
		<p><b>SIGN-S7:</b> Traffic Safety</p> <ol style="list-style-type: none"> <li>1. Where any sign is located adjacent to any road, the sign must not contain any flashing or moving lights.</li> <li>2. Where any sign is located within 100m of an intersection and visible from a legal road, the sign must only contain static messaging and images.</li> </ol>	<p><b>Complies</b></p> <p>The sign only contains static messaging and does not contain any flashing or moving lights meeting (1) and (2).</p> <p>The sign could not be misconstrued for a</p>



Rule Reference	Explanation / Requirement	Relevant Standards	Activity Status / Compliance / Comment
		<ol style="list-style-type: none"> <li>3. Signs must not be shaped or use images or colours, including changeable messages, that could be mistaken for a traffic control device in colour, shape or appearance.</li> <li>4. Signs must not obstruct the line of sight of any corner, bend, intersection or vehicle or rail crossing.</li> <li>5. Signs must not obstruct, obscure or impair the view of any traffic or railway sign or signal.</li> <li>6. All signs within 10m of a legal road must comply with the minimum lettering height in Table 11 – SIGN: Minimum lettering heights (150mm for 50km/hr road).</li> <li>7. All signs within 10m of a legal road must comply with the minimum setback distances from other signs in Table 12 – SIGN: Minimum Separation Distances from Other Signs (50m for 50km/hr road)</li> </ol>	<p>traffic control device in accordance with (3), and does not obstruct the line of sight in accordance with (4) and (5).</p> <p>Lettering is in accordance with (6) and meets the requirements of (7).</p>
		<p><b>SIGN-S9:</b> Illuminated signs</p> <ol style="list-style-type: none"> <li>1. Any illuminated sign must be designed, measured and assessed</li> </ol>	<p><b>Complies</b></p> <p>The sign has been designed in</p>



Rule Reference	Explanation / Requirement	Relevant Standards	Activity Status / Compliance / Comment
		<p>in accordance with AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting.</p> <p>2. The Light standards for the relevant zone in the Light Chapter must be met.</p> <p>3. Illumination of any sign shall:</p> <ul style="list-style-type: none"> <li>a. Automatically adjust to allow for ambient light levels; and</li> <li>b. Not result in the illuminance of a roadway by over 4 lux in residential and rural areas and 20 lux in all other areas; and</li> <li>c. Shall not exceed: <ul style="list-style-type: none"> <li>i. Daytime: 5,000cd/m<sup>2</sup></li> <li>ii. Dawn and dusk: 600cd/m<sup>2</sup></li> <li>iii. Night-time: 250cd/m<sup>2</sup></li> </ul> </li> </ul>	<p>accordance with this standard.</p>
		<p><b>SIGN-S11:</b> N/A in City Centre Zone</p>	<p><b>N/A</b></p>



Rule Reference	Explanation / Requirement	Relevant Standards	Activity Status / Compliance / Comment
SIGN-R6.1	Signs... on a site within a heritage area where: a. Compliance with <b>SIGN-S12</b> is achieved.	<b>SIGN-S12:</b> N/A - only relates to signs on a heritage building or structure.	<b>Permitted Activity –</b> Complies as standard is not applicable, noting that whilst the site is partially located within a heritage area, the sign itself is not.
<b>City Centre Zone</b>			
CCZ-R18.1	Carparking activities where: a. The activity involves: i. Provision of carpark above ground floor level; or ii. Provision of carpark below ground floor level; or iii. Provision of parking spaces for people with disabilities; or iv. Provision of ground floor level carpark that form part of a building specifically constructed and used for carparking purposes and that complies with CCZ-S8; or v. Provision of ground floor level carpark that form part of a building, are located to the rear of the site, comply with CCZ-S8 and are not visible from the street; or vi. Provision of carpark on a road.	N/A	<b>Permitted Activity – Does Not Comply</b>  Activity cannot comply with conditions of Rule, therefore, falls to CCZ-R18.2 as a discretionary activity.
CCZ-R18.2	Carparking activities where: a. Compliance with the requirements of CCZ-R18.1.a is not achieved.	N/A	<b>Discretionary Activity</b> Notification status: An application for resource consent made in respect of



Rule Reference	Explanation / Requirement	Relevant Standards	Activity Status / Compliance / Comment
			rule CCZ-R18.2.a must be publicly notified.



Overall, this proposal requires resource consent under the following rules in the PDP:

- a. Rule CCZ-R18.2 - **Discretionary Activity** for a ground level car parking facility.
- b. Rule TR-R5.2 – **Restricted Discretionary Activity** for non-compliance with Standard TR-S7.

#### 4.4 National Environmental Standards

In terms of compliance or otherwise with National Environmental Standards (“NES”), the only NES that is of potential relevance to this proposal is the NES for Assessing and Managing Contaminants in Soil to Protect Human Health (**NES-CS**). No records are held that suggest that the subject sites are classified as a ‘piece of land’ under subclause (7) of the NES where a HAIL activity has or is being undertaken. As such, the proposed change in land use does not trigger subclause (6) of Section 5 of the NES. Based on the preceding assessments, the proposal does not trigger any of the NES Regulations.

#### 4.5 Overall activity status

As discussed in Section 4.1 above, whilst the proposal is considered to be a Discretionary Activity under the PDP, the relevant rule that triggers the application to have that activity status is currently under appeal. As such, the ODP rules carry more weight and should be relied upon. As such, the overall activity status of the proposal is **Restricted Discretionary**.

## 5 Assessment of effects

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In accordance with Section 88 and Schedule 4 of the RMA an assessment of any actual or potential effects on the environment that may arise from the proposal is required with any details of how any adverse effects may be avoided, remedied or mitigated. Accordingly, the below is an assessment of effects relative to the scale and significance of the proposed activity.

This assessment is addressed under the following headings:

- Permitted Baseline.
- Effects related to operating a car parking facility within the Central City.
- Effects related to at-grade parking.
- Effects related to transport standards.
- Positive effects.

### 5.1 Permitted baseline

Sections 95D(b), 95E(2)(a) and 104(2) of the RMA provide discretion to Council (for the purposes of forming an opinion as to actual or potential effects) to disregard any adverse effects of the proposal on the environment (or on a person) if the District Plan or National Environmental Standard permits an activity with that effect.

The District Plan recognises the Residential Medium Density Zone as an area that provides for a range of housing, recreation, cultural and community activities. It is appropriate that a permitted baseline assessment be applied in this case, as to not apply such an assessment in this instance would be to overstate the potential adverse effects that may arise. The permitted baseline provides guidance as to the effects of a proposal. There are generally three limbs to determining the baseline:

- Unimplemented resource consents;
- Existing lawful activities on the site; and
- Activities which would be permitted as of right by the District Plan

Case Law has also determined that because a consent authority must grant consent to a Controlled Activity, Controlled Activities should also be considered as part of the baseline, albeit not a “permitted” baseline.

#### 5.1.1 Activities which would be permitted as of right by the District Plan

Rule CCZ-R18.1 of the PDP allows for various parking scenarios as permitted activities, including the creation of parking visible from the street. Specifically, at-grade parking at the front of the site is permitted for accessible parking spaces. Therefore,

the PDP acknowledges that the appearance of a site can include open parking spaces as a permitted (and therefore acceptable) activity at the front of a site.

Overall, it is considered that the above permitted baseline scenario presents a useful comparison as to the nature and scale of development that could be carried out on the site, and the associated actual or potential adverse effects.

## 5.2 Effects related to operating a car parking facility within the Central City

The proposed facility is used by persons visiting the central city, local businesses with no on-site parking and commuters working in the local area. The site experiences a high degree of both daytime and evening use and is a primary parking area for visitors to the area. The site is well used and is anticipated to continue to be well used for the proposed duration of the consent.

Notably, WCC have proposed to remove a number of on-road car parking spaces on the nearby Cuba Street, which has been met with concerns that the area will no longer be as accessible as it currently is<sup>2,3</sup>. The continued operation of this car parking facility will ensure that there remain car parks accessible to visitors to the Cuba and Ghuznee Street area, with the closure of such facility resulting in a significant lack of overall car parking options in the localised area.

As such, the overall effects related to operating a car parking facility within the Central City will be less than minor.

## 5.3 Effects related to at-grade parking

The streetscape character effects, and other public amenity effects of permitted accessible parking spaces would be no different from general parking spaces at the front of a property.

However, Policy CCZ-P02 identifies that carparking at ground level is a potentially incompatible activity for the City Centre, which can only be allowed where it will not have an adverse effect on the City Centre Zone's vitality, vibrancy, amenity, resilience and accessibility.

Further, Policy 12.2.6.19 of the ODP outlines that the streetscape should be maintained or enhanced by controlling the creation of ground level parking areas. It is noted that this parking area has already been 'created' and the proposal seeks to continue its operation.

These matters are assessed further as follows:

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<sup>2</sup> <https://thespinoff.co.nz/business/27-03-2024/cuba-street-businesses-face-an-existential-threat-wider-footpaths>

<sup>3</sup> <https://www.nzherald.co.nz/nz/cuba-st-businesses-fight-wellington-city-council-proposal-to-remove-20-car-parks/NEAOJJR37RFOTDLCQ2DJJ3IF64/>

### 5.3.1 Vitality

Given the site has historically been operating as a car parking facility, the continued operation of the site as a car park will continue to provide vitality for the site, and surrounding area, through active use and provision of a much-needed service in central Wellington.

The proposed upgrades in landscaping, as set out in **Attachment [D]**, will represent a significant improvement in the site's perceived functionality and the vitality of the street when viewed externally to the site.

The continued operation of a much-needed parking facility in support of the local businesses in the Cuba Street and Ghuznee Street area will contribute to the continued vitality of the area, as strongly supported by surrounding local businesses (refer **Attachment [E]**).

Overall, the adverse effects related to vitality will be less than minor.

### 5.3.2 Vibrancy

The site is currently operating as a commercial car parking facility, being used, and supported by many of the surrounding local businesses who have provided letters of support for this application (refer **Attachment [E]**) and contributes to the supporting the vibrancy of the Ghuznee and Cuba street area.

As part of this proposal, the car park is to be redeveloped in accordance with the Landscaping Plan (refer **Attachment [D]**), which incorporates innovative landscaping provisions including vertical garden walls on the perimeter of the site utilising modern mesh.

Further, raised planter boxes will be planted in accordance with the planting palette outlined in the Landscaping Plan to provide for a high visual amenity and vibrancy of the site.

It is also noted that the vibrancy of the area is supported by the continued use of the site to local businesses who provide valuable services to the community, including those who have noted that '*without the use of these car parks [we] would not be able to continue in [our] current form*' (refer **Attachment [E]**).

As such, the adverse effects associated with vibrancy will be less than minor.

### 5.3.3 Amenity

As discussed above, the proposal implements vertical garden walls and raised planter boxes along the perimeter of the site to improve visual amenity and would be a significant improvement of the current amenity values of the property.

A range of native plants are proposed to be used including NZ Iris, Dwarf flax, and Hebe as well as two exotic plants carefully selected to boost the amenity value of the site which include Tasmania Flax-Lily and Star Jasmine.

As such, the adverse effects related to amenity will be less than minor.

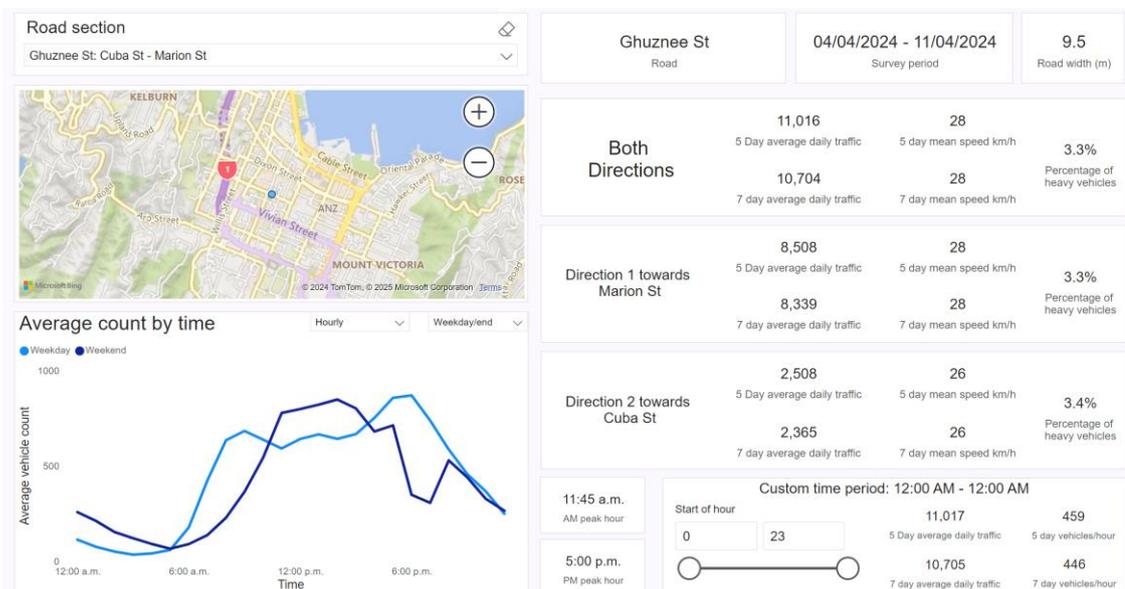
### 5.3.4 Resilience

The site will continue to be resilient to any seismic or climate related activity and there will be no adverse effects to this regard.

### 5.3.5 Accessibility

The proposal does not restrict accessibility along any pedestrian pathway within the surrounds of the site, nor will it adversely affect the accessibility for other road users such as cyclists and public transport.

The latest publicly available vehicle counts for Ghuznee, recorded between Cuba St and Marion St (where the site sits), is for the period between 04 April 2024 and 11 April 2024<sup>4</sup>. Vehicle counts for this section of road are shown in **Figure 12** below.



**Figure 12:** Vehicle counts for Ghuznee Street between Cuba Street and Marion Street junction (WCC).

Noting that the nearby Cuba Street represents an attractive location at all times of the day, due to its shopping and cultural significance in the Wellington city centre, the peak traffic flows normally seen are reduced here during the weekdays. As such, there is no significant peak of traffic flow at any stage of any particular day. This lends to the carparking facility itself not having a significant effect on traffic flows at any moment in time.

The availability of safe, and easily accessible, parking will however improve the accessibility for all visitors to the surrounding area and any adverse effects will be less than minor.

<sup>4</sup> <https://wellington.govt.nz/parking-roads-and-transport/roads/working-on-the-road/vehicle-counts>



### 5.3.6 Streetscape

The site is currently operating as an at grade car parking site, and as such does not contain any buildings that would comply with the verandah or active frontage control standards. There would be no change in this regard.

The site provides a clear view of the street art facing Ghuznee Street, present at 44 Ghuznee Street, through the absence of any buildings. This provides a continuance of the anticipated streetscape which any vertical development would impede.

Neighbouring 45 Ghuznee Street has been built up to the front boundary and does not make a meaningful contribution to the visual quality of the streetscape and 7 Leeds Street represents a large set of residential units which are contrasted nicely by the car parking facility.

Across Ghuznee Street is two coffee shops with outdoor seating areas on the extended pedestrian pathway, with a disused abandoned lot immediately next door at 45 Ghuznee Street providing little to any streetscape value.

The continued operation of a small private parking area will be consistent with the streetscape of the surrounding area, with the landscaping upgrades posed to provide a positive enhancement effect to this streetscape.

Overall, the adverse effects on streetscape will be negligible. In addition, the implementation of suitable mitigation measures like fencing and increased landscaping will result in a positive outcome.

## 5.4 Effects related to transport standards

A number of transport standards in both the ODP and PDP will be breached, as assessed in **Section 4**, above. The ODP sets out that the matters of discretion are restricted to the effects associated with the standards breached, whilst the PDP sets out the matters of discretion are those set out within Policy TR-P3 which is set out as follows:

*Only allow on-site transport facilities and driveways that do not meet standards where:*

- 1. The transport facilities and driveways are effective in meeting the operational needs and functional needs of the activity on the site;*
- 2. The safety and effectiveness of the transport network is not compromised;*
- 3. Public health and safety, including the safety of pedestrians, cyclists and micromobility users travelling through any parking areas, is not compromised;*
- 4. The projected demand for loading spaces or cycling and micromobility parking will be lower than that required in the standards or can be accommodated by public, shared or reciprocal arrangements;*
- 5. Safe and effective access for firefighting purposes is provided; and*
- 6. There are site and topographical constraints that make compliance unreasonable.*

As such, the following sections will address the standards breached, whilst addressing the matters set out in Policy TR-P3 where relevant.

### 5.4.1 Aisles

The minimum aisle width provided for is 4.24m, which is contrary to the ODP's requirements of 6.2m as set out in Section 2.4.2 of *Australian and New Zealand Standard 2890.1 2004, Parking Facilities, Part 1: Off Street Car Parking* as well as under Table 10 of the PDP. Further, an additional 1m for blind aisles are not provided for carparking spaces 41-46.

As the site has operated successfully for a number of years, with no recorded notices relating to the aisle width provided on site, in its current layout it is considered that the site's facilities are effective in meeting the operational needs and functional needs of the proposed activity on the site. As such, an adjustment to the site's aisles is not required for this site to operate functionally.

### 5.4.2 Loading bays

No loading bays are provided on this site, however noting that the site is operated as a car park, loading bays are not required for its operation.

### 5.4.3 Vehicular access

#### (a) Multiple accesses on a single frontage

Two accesses are provided for on the Leeds St frontage, whilst this is contrary to the ODP standards, the PDP does not dissuade this from occurring. The two accesses are pre-existing, have been operating for a significant period of time, and are necessary for the site's function.

The southern side of Leeds St operates, in practice, as an access road to the surrounding businesses and car parks it hosts, noting the northern end functions as a one-way road in a similar manner. The vehicle movements along this road are low and primarily for site access.

Any adverse effects resulting from an additional access above the ODP standards will be less than minor.

#### (b) Location to intersections

The site's accesses are located 12m and 25m respectively from the Ghuznee St / Leeds St intersection. As such, the closer of the two accesses is non-compliant with the ODP standards by 8m. As noted above, Leeds St contains a low volume of traffic and is primarily used for site access.

The site has operated for a number of years with both accesses present and operational with no incidents occurring. The low volume of traffic ensures that this intersection is rarely used and the proximity to a site access does not prohibit the safety and effectiveness of the transport network to be compromised, whilst also ensuring public health and safety is maintained.

#### 5.4.4 Conclusion

Overall, as assessed above, there will be less than minor adverse effects associated with the breaches to transport standards.

#### 5.5 Positive effects

The proposal is considered efficient and entirely appropriate given the Zone and subsequent provisions and will give rise to a number of positive effects, including:

- The provision of public, convenient, and barrier free, access to the central city, including the Cuba Street heritage area.
- The support provided to local businesses through the continued operation of the car park, as identified in **Attachment [E]**.
- The proposed landscaping will ensure that the vibrancy and amenity of the surrounding area is boosted.

#### 5.6 Conclusion

In consideration of the abovementioned, it is considered that there are no persons on adjacent sites that will be adversely affected by the proposed operation of an at-grade carpark. Any potential for adverse effects can be appropriately avoided, remedied or mitigated, and will be less than minor in the context of the receiving environment.

## 6 Statutory assessment

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### 6.1 Section 95, RMA

#### 6.1.1 Section 95A assessment

Section 95A of the RMA considers the need for public notification and sets out four steps in a specific order to be considered in determining whether to publicly notify.

In terms of Step (1), public notification is not requested, Section 95C pertaining to notification in the event that further information is not provided under Section 92 is not applicable, and the application is not being made jointly with an application to exchange recreation reserve land under Section 15AA of the Reserves Act 1977.

In terms of Step (2), Rule 13.3.3.3 of the ODP precludes public notification. It is noted that Rule CCZ-R18.2 does require public notification, however as this Rule is currently under appeal it cannot be relied upon. As such, the ODP provisions should prevail whereby public notification is precluded.

Moving to Step (3), notification is not required by a rule in a Plan or a NES, and as demonstrated in Section 5 of this report, the adverse effects on the environment are considered to be less than minor.

Lastly, in terms of Step (4) as no special circumstances are considered to apply public notification is not required under any of the pathways in Section 95A.

#### 6.1.2 Section 95B assessment

While public notification is not necessary, any effects of the proposal on the local environment and upon particular parties must still be considered. This is addressed through Section 95B of the RMA, which has four steps similar to Section 95A.

In terms of Step (1), there are no affected protected customary rights or customary marine title groups in terms of Subclause (2), nor is the proposed activity on or adjacent to, or may affect land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11 in terms of Subclause (3).

In terms of Step (2), Rule 13.3.3.3 of the ODP precludes limited notification, as such the application cannot be limited notified to any party.

Step (3) requires the consent authority to determine, in accordance with Section 95E, whether there are any affected parties as a result of this proposal. Section 95E states that a person is an affected person if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor). There are not considered to be any affected persons in this instance for the reasons given in the above assessment of effects.

In terms of Step (4), no special circumstances exist therefore the application may be processed on a non-notified basis.

With respect to the above, in consideration of the conclusions of the AEE, it is concluded that the proposal will result in less than minor adverse effects on the environment, there are no other circumstances requiring or warranting public or limited notification, and both public and limited notification is precluded by the ODP.

## 6.2 Section 104(1), RMA

Section 104 (1) of the RMA requires that the consent authority must, subject to Part 2, have regard to a range of matters when considering an application. Section 5 of this AEE addresses the matters contained in Section 104 (1) (a) and (ab).

Section 104(1)(b) of the RMA requires that the provisions of any national policy statement, the Operative Plan, or any other matter the consent authority considers relevant and reasonably necessary, to be considered when assessing an application. In this instance, the most relevant planning document that requires consideration is the District Plan. No National Environmental Standards are considered relevant to this application. The key Objectives and Policies outlined in the abovementioned document are set out below.

### 6.2.1 Operative Wellington City District Plan

Given the nature of the proposal and associated non-compliances, the relevant Objectives and Policies are considered to be focused on those associated with the quality of the central area environment, with these identified and assessed as follows:

Provision		Assessment
<i>Central Area</i>		
<b>Objective 12.2.2</b>	<i>To facilitate a vibrant, dynamic Central Area by enabling a wide range of activities to occur, provided that adverse effects are avoided, remedied or mitigated.</i>	The proposed car parking operation represents an activity that will work symbiotically with the surrounding activities, as highlighted through the support from local businesses (refer <b>Attachment [E]</b> ).  Further, adverse effects have been sufficiently mitigated to a less than minor and acceptable level, with any noise generated within the permitted standards allowed by the ODP. The proposed landscaping will ensure the Central Area remains vibrant and dynamic.
<b>Policy 12.2.2.1</b>	<i>Encourage a wide range of activities within the Central Area by allowing most uses or activities provided that the standards specified in the Plan are satisfied.</i>	
<b>Policy 12.2.2.2</b>	<i>Ensure that activities are managed to avoid, remedy or mitigate adverse effects in the Central Area or on properties in nearby Residential Areas.</i>	
<b>Policy 12.2.2.4</b>	<i>Control the adverse effects of noise in the Central Area.</i>	
<b>Objective 12.2.6</b>	<i>To ensure that new building works maintain and enhance the amenity and safety of the public environment in the Central Area, and the general amenity of any nearby Residential Areas.</i>	There is no creation of vacant land or ground level parking lots proposed as part of this application, noting that the site is already operating as a ground level parking area. Nonetheless, the proposed landscaping has been designed to ensure that the amenity and safety of the public environment is enhanced.
<b>Policy 12.2.6.19</b>	<i>Maintain and enhance the streetscape by controlling the creation of vacant or open land and ground level parking areas.</i>	
<b>Objective 12.2.10</b>	<i>To achieve signage that is well integrated with and sensitive to the receiving environment, and that maintains public safety.</i>	The site has an existing sign present on the southeastern corner representing the site's function. The design is so that the visual amenity and safety of the site is maintained.  There are no signs proposed within the portion of the site located within the Cuba Street heritage area.
<b>Policy 12.2.10.1</b>	<i>Guide the design of signs (and their associated structures and affixtures) to enhance the quality of signage within the Central Area.</i>	
<b>Policy 12.2.10.3</b>	<i>Manage the scale, intensity and placement of signs to:</i> <ul style="list-style-type: none"> <li>• <i>maintain and enhance the visual amenity of the host building or site, and</i></li> <li>• <i>ensure public safety.</i></li> </ul>	



<b>Policy 12.2.10.5</b>	<i>Control the number and size of signs within heritage areas and areas of special character.</i>	
<b>Objective 12.2.15</b>	<i>To enable efficient, convenient and safe access for people and goods within the Central Area.</i>	The existing vehicle crossings, and site's parking provisions have been operating safely for a number of years in an efficient, convenient, and safe manner.
<b>Policy 12.2.15.8</b>	<i>Manage on-site parking to ensure any adverse effects on the surrounding street network are avoided, remedied or mitigated.</i>	
<b>Policy 12.2.15.13</b>	<i>Require all vehicular access to sites to be safe.</i>	

## 6.2.2 Proposed Wellington City District Plan

Given the nature of the proposal and associated non-compliances, the relevant Objectives and Policies are considered to be focused on those associated with the quality of the central city environment, with these identified and assessed as follows.:

Provision		Assessment
<i>Transport</i>		
<b>Objective TR-O1</b>	<p><i>Land use and development is managed to ensure that:</i></p> <ol style="list-style-type: none"> <li><i>1. High trip generating activities do not compromise the safety and effectiveness of the transport network;</i></li> <li><i>2. A range of transport modes are provided for;</i></li> <li><i>3. Reliance on private vehicles is reduced;</i></li> <li><i>4. New development provides appropriate on-site facilities for cycling and micromobility users; and</i></li> <li><i>5. Safe and effective on-site parking, loading, access and manoeuvring is provided.</i></li> </ol>	<p>The proposed continued operation of a car parking facility will ensure that users to the central city, who may not be able to utilise public transport, can have appropriate access. Further, the design of the site has been considered so that the continued operation is in a manner that meets the functional and operational needs of the activity on the site.</p> <p>The site has been actively utilised throughout its operation, identifying a fundamental need to such a facility.</p> <p>There are no safety matters resulting from the site and activity and the site will continue to operate in coexistence with other surrounding transport users.</p>
<b>Policy TR-P2</b>	<p><i>Enable on-site transport facilities and driveways that:</i></p> <ol style="list-style-type: none"> <li><i>1. Provide for the safe and effective use of the site and functioning of the transport network;</i></li> <li><i>2. Meet the reasonable demands of site users; and</i></li> <li><i>3. Promote the uptake and use of pedestrian, cycling, micromobility and public transport modes.</i></li> </ol>	
<b>Policy TR-P3</b>	<p><i>Only allow on-site transport facilities and driveways that do not meet standards where:</i></p> <ol style="list-style-type: none"> <li><i>1. The transport facilities and driveways are effective in meeting the operational needs and functional needs of the activity on the site;</i></li> <li><i>2. The safety and effectiveness of the transport network is not compromised;</i></li> <li><i>3. Public health and safety, including the safety of pedestrians, cyclists and micromobility users travelling through any parking areas, is not compromised;</i></li> <li><i>4. The projected demand for loading spaces or cycling and micromobility parking will be lower than that required in the standards or can be accommodated by public, shared or reciprocal arrangements;</i></li> <li><i>5. Safe and effective access for firefighting purposes is provided; and</i></li> <li><i>6. There are site and topographical constraints that make compliance unreasonable.</i></li> </ol>	
<i>Historic Heritage</i>		



<b>Objective HH-O2</b>	<i>Historic heritage is retained and protected from inappropriate use, subdivision and development.</i>	<p>The site is partially located within the Cuba Street heritage area and is an already existing and operated car park.</p> <p>The proposal seeks to provide visitors to the area with a parking option, and is supported by many of the local businesses (refer <b>Attachment [E]</b>).</p> <p>No adverse effects will result to any heritage values as a result of the continued operation of the site and the proposal is consistent with these Objectives and Policies.</p>
<b>Objective HH-O3</b>	<i>Built heritage is well-maintained, resilient and kept in sustainable long-term use.</i>	
<b>Policy HH-P12</b>	<i>Manage the height of development within heritage areas to recognise and respect their unique form and scale in the City Centre Zone, Centre Zones and the Waterfront Zone.</i>	
<b>Policy HH-P15</b>	<p><i>Provide for new buildings and structures within heritage areas where it can be demonstrated that the works will not detract from the identified heritage values of the heritage area, having regard to:</i></p> <ol style="list-style-type: none"> <li><i>1. The extent to which the work:</i> <ol style="list-style-type: none"> <li><i>a. Respects any valued neighbourhood patterns of the heritage area including any predominant architectural style or design;</i></li> <li><i>b. Is compatible with the scale, form, proportions, design and materials of the heritage area; and</i></li> <li><i>c. Is sited to maintain a consistent pattern of front façade alignment.</i></li> </ol> </li> </ol>	
<i>Light</i>		
<b>Objective LIGHT-O2</b>	<i>The adverse effects of outdoor artificial lighting on sensitive activities, traffic safety, aviation safety, coastal wildlife and the night sky are limited.</i>	<p>The proposed car park operation using minimal outdoor artificial lighting, where required. The lighting will be designed to ensure glare is reduced and that any adverse effects on surrounding users are less than minor and acceptable.</p>
<b>Policy LIGHT-P1</b>	<i>Allow outdoor artificial lighting that maintains health and safety, and enables appropriate night-time activities.</i>	
<b>Policy LIGHT-P2</b>	<i>Require outdoor artificial lighting to be designed, located and oriented to maintain amenity values, traffic safety, aviation safety and to minimise effects on wildlife in coastal margins.</i>	
<i>Noise</i>		



<p><b>Objective NOISE- O1</b></p>	<p><i>Adverse noise effects on amenity values, and the health of people and communities are managed to levels consistent with the anticipated outcomes for the receiving environment.</i></p>	<p>The carpark has been operating for many years with no noise complaints recognised. The site will continue to operate within the permitted activity standards and will ensure amenity values and the health, safety and wellbeing of people and communities are protected.</p>
<p><b>Policy NOISE- P1</b></p>	<p><i>Enable the generation of noise from activities that:</i></p> <ol style="list-style-type: none"> <li>1. <i>Is consistent with the amenity values of the receiving environment; and</i></li> <li>2. <i>Does not compromise the health, safety and wellbeing of people and communities.</i></li> </ol>	
<p><i>Signs</i></p>		
<p><b>Objective SIGN-O1</b></p>	<p><i>Signs support the needs of the community to advertise and inform while the effects on local amenity are effectively managed.</i></p>	<p>The sign located on site is of an appropriate size, design, and location whilst ensuring that local amenity effects are appropriately managed.</p> <p>The sign provides direction that the site is open for public carparking and is integral to the site's operation.</p> <p>There is no compromise on public safety, and the sign is fully compatible with the site's zoning and surrounding area</p>
<p><b>Policy Sign-P1</b></p>	<p><i>Allow signs where:</i></p> <ol style="list-style-type: none"> <li>1. <i>They are of an appropriate size, design and location; and</i></li> <li>2. <i>They do not result in visual clutter; and</i></li> <li>3. <i>Any potential cumulative effects are managed; and</i></li> <li>4. <i>They are required to meet regulatory or statutory requirements; and</i></li> <li>5. <i>They do not compromise the efficiency of the transport network or the safety of its users, including cyclists and pedestrians; and</i></li> <li>6. <i>In the Residential, Rural and Open Space Zones, they relate to an activity on the site on which they are located; and</i></li> <li>7. <i>They maintain the character and amenity values of the site and the surrounding area.</i></li> </ol>	
<p><b>Policy SIGN-P2</b></p>	<p><i>Provide for digital and illuminated signs where:</i></p> <ol style="list-style-type: none"> <li>1. <i>The sign is compatible with the zone and any overlay; and</i></li> <li>2. <i>The sign does not compromise aircraft safety or the safe and efficient functioning of the Airport; and</i></li> <li>3. <i>The sign does not compromise traffic, pedestrian, or cycling safety; and</i></li> <li>4. <i>Any light spill or glare effects are managed so they do not compromise amenity values; and</i></li> <li>5. <i>The sign is not visible from a state highway.</i></li> </ol>	



City Centre Zone		
<b>Objective CCZ-O1</b>	<i>The City Centre Zone continues to be the primary commercial and employment centre servicing Wellington and the wider region, supported by residential and a diverse mix of other compatible activities that reflect its role and function in the hierarchy of centres.</i>	The site will ensure that the City Centre Zone can continue to be the primary commercial and employment centre through the provision of key car parking spaces allowing the general public to access the central city. This is supported by local businesses who rely on the site's operation as identified in <b>Attachment [E]</b> .
<b>Objective CCZ-O7</b>	<p><i>Adverse effects of activities and development in the City Centre Zone are managed effectively both:</i></p> <ol style="list-style-type: none"> <li>1. <i>Within the City Centre Zone; and</i></li> <li>2. <i>At interfaces with:</i> <ol style="list-style-type: none"> <li>a. <i>Heritage buildings, heritage structures and heritage areas;</i></li> <li>b. <i>Scheduled sites and areas of significance to Māori;</i></li> <li>c. <i>Identified public spaces;</i></li> <li>d. <i>Residential Zoned areas;</i></li> <li>e. <i>Open Space and Recreation Zoned areas; and</i></li> <li>f. <i>The Waterfront Zone</i></li> </ol> </li> </ol>	<p>The continued operation of a car parking facility will ensure that adverse effects are appropriately managed to an acceptable level.</p> <p>The site offers a key parking facility to access the heritage area of Cuba Street and ensures that public access is maintained.</p> <p>Further, the proposed landscaping will ensure that amenity values are enhanced, and the site will continue to provide value to the area.</p>
<b>Policy CCZ-P2</b>	<p><i>Only allow activities that are potentially incompatible with the purpose of the City Centre Zone, where they will not have an adverse effect on its vitality, vibrancy, amenity, resilience and accessibility. Potentially incompatible activities include:</i></p> <ol style="list-style-type: none"> <li>1. <i>Industrial activities;</i></li> <li>2. <i>Yard-based retail activities;</i></li> <li>3. <i>Carparking at ground level;</i></li> <li>4. <i>Demolition of buildings that result in the creation of vacant land; and</i></li> <li>5. <i>Ground floor residential activities on streets identified as requiring either an active frontage or verandah.</i></li> </ol>	<p>Carparking at ground level is identified as a potentially incompatible activity in the City Centre Zone, however the continued operation of this site will not have an adverse effect on its vitality, vibrancy, amenity, resilience or accessibility as identified in Section 5 above.</p> <p>As such, this Policy supports the proposal.</p>



### 6.3 Section 104C, RMA

As the proposed activity is also a **Restricted Discretionary Activity**, Section 104C of the RMA applies, which states the following:

*(1) When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which—*

*(a) a discretion is restricted in national environmental standards or other regulations:*

*(b) it has restricted the exercise of its discretion in its plan or proposed plan.*

*(2) The consent authority may grant or refuse the application.*

*(3) However, if it grants the application, the consent authority may impose conditions under section 108 only for those matters over which—*

*(a) a discretion is restricted in national environmental standards or other regulations:*

*(b) it has restricted the exercise of its discretion in its plan or proposed plan.*

As such, the application must only be considered those matters which discretion has been authorised. The proposal has been assessed above as having less than minor and acceptable adverse effects and is consistent with the relevant provisions of both the ODP and PDP. Therefore, the application should be granted.

The Applicant requests an opportunity to review any draft conditions that WCC may be minded to impose on this application under Section 108, noting that any condition must be in accordance with the restricted discretion authorised.

### 6.4 Purpose and principles of the RMA

We understand from recent case law that a consent authority is generally no longer required to consider Part 2 of the RMA beyond its expression in the relevant statutory documents. Notwithstanding this and noting the requirements of Schedule 4 of the RMA, we provide the following assessment against Part 2 of the RMA.

The purpose of the RMA, as set out under Section 5 (2) is to promote the sustainable management of natural and physical resources. The relevant matters in Sections 6, 7 and 8 of the RMA also require consideration. There are no matters of national importance under Section 6 that need to be recognised and provided for in this application.

The RMA specifies that particular regard shall be had to the relevant other matters listed in Section 7 including:

*b) the efficient use and development of natural and physical resources.*

*c) the maintenance and enhancement of amenity values.*

*f) maintenance and enhancement of the quality of the environment.*

On the whole, the proposal is considered to efficiently use the natural and physical resources of the site by continuing to operate a valuable asset to the community. The amenity values of the site and surrounding area will be enhanced through the

implementation of the proposed landscaping. For these reasons, the proposal is considered to appropriately maintain the quality of the surrounding environment.

There are no matters under Section 8 that require consideration with respect to this application. The site is not identified in the ODP or PDP or otherwise known to be of any cultural significance.

For the reasons outlined in this report, the proposal is consistent with the purpose and principles under Section 5, and the associated matters under Part 2 of the RMA. The proposal represents an efficient use of natural and physical resources, and will be undertaken in a manner which avoids, remedies, and mitigates potential adverse effects on the environment. It is considered that the proposal is consistent with the purpose and principles of the RMA and accords with the definition of sustainable management.