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**REPORT 2**  
*(1215/52/IM)*

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**PROPOSED DISTRICT PLAN CHANGE 48 – CENTRAL AREA,  
AND WITHDRAWAL OF PROPOSED DISTRICT PLAN CHANGE  
41 (Design and Wind Controls for the Operational Port Area)**

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**1. Purpose of Report**

The purpose of this report is to present to the Committee a proposed District Plan Change arising from a review of the Central Area Chapters (Chapter 12, 13, 13B and 13C), and the relevant Urban Design Guides (from Volume II) of the District Plan.

**2. Recommendations**

It is recommended that the Committee:

1. *Receive the information.*
2. *Agree to publicly notify the proposed plan change (PC48), as set out at Appendix 1 of this report, in accordance with the First Schedule of the Resource Management Act 1991.*
3. *Delegate to the Portfolio Leader for Urban Development the authority to approve minor editorial word and illustration changes prior to notification.*
4. *Recommend to Council that Council agrees to publicly withdraw proposed District Plan Change 41 (Design and Wind Controls for the Operational Port Area) under clause 8D(1) of the First Schedule of the Resource Management Act 1991 provided that the withdrawal will take effect when the public notice required under clause 8D(2) is given concurrently with the notification of proposed District Plan Change 48 (Central Area).*
5. *Agree to name the newly created precinct in the north of the Central Area, comprising Railway yards land and the remainder Operational Port Area (excluding the proposed Port Redevelopment Precinct), EITHER:*
  - a. *Takutai Precinct, OR*

*b. Pipitea Precinct*

*6. Adopt the Section 32 Report set out in Appendix 2 to this report.*

### **3. Executive Summary**

The Central Area is the first chapter to be considered as part of the Council's 'rolling review' of the District Plan. The rolling review will fulfil the Council's obligation under the Resource Management Act (1991) to review the effectiveness of its District Plan provisions every ten years.

The review of the Central Area chapters has been guided by the Council's strategic framework, and reflects the results of the District Plan monitoring programme.

Monitoring of the Central Area provisions indicates that the philosophies underpinning the current plan provisions remain generally sound. These include a strong commitment to achieve high quality urban design outcomes and providing a 'one zone for all', effects based approach to managing activities in the Central Area.

The monitoring results indicate that some of the District Plan provisions have not been as effective as anticipated in terms of managing adverse effects on the Central Area environment. To improve the District Plan's effectiveness, the following key changes are proposed as a result of the Central Area Review:

- Strengthen and enhance the provisions regarding urban design. This will be done by revising each of the Central Area design guides and elevating urban design assessments for new building works to a Discretionary Activity (Restricted) status
- Create nine new heritage areas within the Central Area, and reduce building heights within those areas to reflect the existing scale and built form of each area. In some instances the proposed heritage areas replace existing character areas in the operative District Plan
- Retain the emphasis on enhancing the quality of the public environment in the Central Area. This will be done by refining the existing provisions relating to wind, sunlight to public spaces, viewshafts, noise, verandahs, active edges and signs
- Include a standard for maximum building mass in the Central Area to allow effects relating to wind, daylight, heritage and urban design to be more effectively managed
- Create the new precinct to cover the port and rail land to the north of the city centre. Rules covering the precinct will require any application to develop office and retail activities within the precinct to be accompanied by a masterplan and an economic impact analysis to show that the development will enhance the urban form and viability of the central city. The Wellington Tenth's Trust has suggested that the precinct be named 'Takutai' (which means 'sea coast / foreshore') or 'Pipitea' (refer to section 5.3.2.1).

Overall the Central Area Review represents a refinement of the approach adopted by the operative District Plan. Although there are a number of significant changes to specific provisions, the basic philosophy regarding the management of the Central Area environment remains unchanged.

In December 2005 Council notified proposed District Plan Change 41 which imposed design and wind rules on an area of the operational port. It is proposed to withdraw this plan change as the key elements of that plan change have been incorporated into Proposed Plan Change 48.

### 3.1 Central Area Proposed Plan Change 48 - Summary of Key Changes

#	Central Area Issue	Current Approach	Are changes proposed?	Description of change proposed and reason
<b>Objective 12.2.1: Containment and Accessibility and Objective 12.2.4: Sensitive Development Areas</b>				
1	Central Area Zone	Extent of Central Area zone identified in the Planning Maps (Vol.3 of District Plan)	Minor changes	Completion of the bypass will result in small pieces of land either side of it becoming available for development, which need appropriate zonings.
2	Central Area Boundary	Identified a boundary at edge of Central Area, but which also included some Inner Residential Areas (eg. parts of Thorndon)	Yes	Delete Central Area Boundary as it is not linked to any rules and has no effect.
3	Port Redevelopment Precinct ('Harbour Quays')	Currently Operational Port Area. Plan Change 41 (Dec 2005) applied design and wind controls to the Harbour Quays Area.	Yes	The Port Redevelopment Precinct covers a revised area from PC41. The majority of this area is removed from the Operational Port Area and is subject to design and wind controls. A masterplan for the area is included in the Plan and a Memorandum of Understanding between the Council and CentrePort exists to ensure quality urban design outcomes.
4	'Brownfield land' at northern end of Central Area (including Operational Port Area and Railway yards).	Railways land currently designated for railway purposes, and area also included in Te Ara Haukawa-kawa Precinct. A 'Comprehensive Development Plan' needed before redevelopment of the Area is considered. Activities on Port land largely permitted.	Yes	A new 'precinct' developed to include Railways land and the Operational Port Area. Port and railways activities continue to be permitted, but office and retail activities require consent, with consideration given to their economic impact on the CBD. All other activities and buildings subject to regular Central Area rules (eg. recreation areas, residential etc)
5	Te Aro Corridor	Land designated for inner city bypass	Yes	Rezone surplus land. Design guidance for the area to ensure new development integrated into the urban fabric of Te Aro.

#	Central Area Issue	Current Approach	Are changes proposed?	Description of change proposed and reason
<b>Objective 12.2.2: Activities</b>				
6	Effects-based, mixed-use zone	Do not control where activities locate, but do control their environmental effects	No	This flexible approach has enabled a vibrant, lively Central Area to develop in the past 10 years.
7	Noise	Noise limits, require building insulation for noise sensitive activities.	Minor changes	New rule to control noise on the street caused by outdoor sources (ie. from outdoor speakers) and a rule to control cumulative noise effects from 'fixed plant' eg. air conditioning units.
8	Temporary Activities	No provisions enabling temporary activities	Yes	Relaxation of noise standards for temporary activities during certain time periods, eg. New Years Eve.
<b>Objective 12.2.3: Urban Form and Sense of Place</b>				
9	Identification of Heritage Areas	Plan contains a number of heritage areas in Central Area. Three 'character areas' are also identified.	Yes	Remove existing character areas and introduce nine heritage areas.
<b>Objective 12.2.5: Effects of New Building Works</b>				
10	Building Height in Heritage Areas	n/a	Yes	Introduces a range of building heights (ie. minimum and maximum heights) for each heritage area to reflect the existing character and heritage values of the neighbourhood.
11	Building Height	Building height Map 32 depicts all height limits.	No, with exception of new heritage areas	Existing building heights still appropriate and allow enough scope for future development of Central Area, even with introduction of special heights for heritage areas. Note that up to 35% additional height is provided for as a Discretionary Restricted Activity for all Central Area sites. Policies provide guidance on the appropriate use of additional height to achieve high quality urban design outcomes.
12	Building Mass	100% site coverage and up to building height.	Yes	New standard allowing 75% of a building's mass (ie. site area x height) to enable buildings to manipulate their bulk

#	Central Area Issue	Current Approach	Are changes proposed?	Description of change proposed and reason
				on the site to respond to the site context, eg. adjoining heritage building or to provide adequate daylight and amenity for occupants.
13	Permitted Baseline	No current provision in Plan, but RMA provides statutory guidance	Yes	A new policy is introduced to give guidance to planners and decision makers on how they should apply their discretion in considering the permitted baseline.
14	Pedestrian Wind environment	Tunnel test required. Standards primarily control safety and creep, and some public spaces.	Yes	New process allowing minor building additions to not require tunnel test. New standards clearly outline 3 goals – increase safety, reduce cumulative effects and ensure comfort in important parks.
<b>Objective 12.2.6: Buildings and Public Amenity</b>				
15	Design Guides	Design of buildings a 'Controlled Activity'. Assessed by several relevant design guides.	Yes	Design of buildings now Discretionary (Restricted) Activity. Design Guides extensively revised, resulting in one Design Guide for the Central Area, with appendices to address specific issues.
16	Sunlight to Public Spaces	Sunlight access to listed public spaces protected, typically for 2 hours at midday.	Yes	Small changes to the list of public spaces protected and hours of protection for some spaces also revised.
17	Viewshafts	27 viewshafts listed and protected from being built out.	Yes	Minor changes to the list, and clearer definition of the elements in viewshaft being protected.
18	Verandahs	Streets requiring verandah cover for pedestrians identified in Plan.	Yes	Policies revised and the verandah street network expanded to cover streets with increasing pedestrian numbers.
19	Ground level 'active' frontages	Require display windows along certain retail streets	Yes	Policies introduced and new rule to avoid creation of blank facades at ground floor level. The concept of 'active edges' has been expanded to cover all of the Central Area.
20	Design – safety and security	Policies, design guides, rules about appropriate lighting	Minor change	Integrated safety and security policies with public amenity/building policies. One new policy to support existing rule for public spaces to be suitably lit.

#	Central Area Issue	Current Approach	Are changes proposed?	Description of change proposed and reason
<b>Objective 12.2.7: Building Sustainability</b>				
21	Building Sustainability	No current provisions	Yes	New policies promoting the adoption of sustainable design features in new buildings.
22	Amenity of Residential Buildings	No current provisions	Yes	New policies and specific guidance in Central Area Design Guide.
<b>Objective 12.2.8: Lambton Harbour Area</b>				
23	Lambton Harbour Area	Specific provisions for future development of this area.	No	Existing provisions only made operative in 2004, no need to review at this stage.
<b>Objective 12.2.9: Wellington Regional Stadium</b>				
24	Wellington Regional Stadium	Policies and rules to provide for a new regional stadium	Yes	Revised policies to recognise that the stadium has been constructed. Minor revision of the standards controlling stadium operations.
<b>Objective 12.2.10: Signs</b>				
25	Signs	Policies and rules controlling visual effects and clutter of signage	Yes	Revised policies, new sign design guide, minor revision of rules.
<b>Remaining Objectives – 12.2.11, 12.2.12, 12.2.13, 12.2.14, 12.2.15, 12.2.16</b>				
26	Subdivision (12.2.11)	Policies and rules providing for subdivision	Yes	Minor changes to permitted activity conditions to enable more Certificates of Compliance for permitted activity subdivisions to be approved.
27	Coastal Environment (12.2.12)	Policies and rules to reduce effects of development on the Coast.	Minor change	The objective relating to the coastal environment slightly revised to recognise public access to 'and along' the coast.
28	Natural Hazards (12.2.13)	Policies and rules	No	
29	Hazardous Substances (12.2.14)	Policies and rules	Minor change	One policy amended slightly. No rule changes.
30	Contaminated Sites (12.2.14)	Policies and rules	Yes	To make use of contaminated sites a Discretionary (Restricted) Activity instead of the more restrictive category – Discretionary (Unrestricted) Activity.

#	Central Area Issue	Current Approach	Are changes proposed?	Description of change proposed and reason
31	Accessibility – vehicle access and loading requirements (12.2.15)	Policies and rules	Yes	Amended vehicle access requirements to align with the NZ/Australian Standard and also a new policy giving guidance on waivers of the loading dock requirement (eg. for heritage buildings).
32	Tangata Whenua (12.2.16)	Policies	No	Fuller review of Tangata Whenua provisions expected in future chapter review



## 4. Background

### 4.1 Rolling review of District Plan

In April 2004, the Built and Natural Environment Committee agreed to a 'rolling review' of the District Plan (*see Report 2, 1215/44/IM, 22 April 2004*). Since then plan changes have been notified for the Rural Area (PC33) and Heritage provisions (PC43). The review of the Central Area chapters was regarded as one of the top priorities for the Council.

### 4.2 Strategic Framework

The Central Area chapter review was prepared with guidance from many national, regional and local level strategies and policies. The Council has also developed a suite of new strategies to guide the future development of the city that should be reflected in the District Plan, as the Plan is one of the Council's main regulatory tools able to achieve aspects of these strategies. In respect of the regional and district level strategies and policies, there are five that have been highly influential in the development of the proposed Central Area Plan Change.

#### *Wellington Regional Strategy – Draft Growth Framework*

Prepared in conjunction with the nine local authorities that make up the Wellington Region, this draft growth Framework seeks to ensure the region's long term prosperity and sustainable economic growth. It identifies the central city of Wellington as the region's economic 'powerhouse', providing an excellent urban environment that supports many of the region's aspirations as a creative centre and as a place that attracts talent. Retention and continued enhancement of the Wellington regional CBD is seen as essential to both economic growth and quality of life aspirations for the region.

#### *Urban Development Strategy (approved by Council in June 2006):*

This Strategy identifies seven outcomes to guide the future urban development of the city:

- More Liveable
- More sustainable
- Better connected
- More prosperous
- More compact
- Safer
- Stronger sense of place

There are two key work areas identified in this strategy that relate directly to the Central Area. The first relates to a 50 year growth strategy, particularly a growth spine through the city. This strategy is designed to direct growth to those places where the benefits are greatest and where adverse effects are minimised. As these conditions (i.e. well connected, high levels of amenity, supporting infrastructure) do exist in the Central Area, it is proposed that a substantial portion of the city's future population growth is directed towards the Central Area. The second key work area is to improve urban design quality and urban amenity of the Central Area; work that is being addressed by the proposed Central Area plan change.

### *Transport Strategy 2006*

The Transport Strategy aims to support the economic, social, cultural and environmental aspirations of its citizens. A major issue for transport is the need to support the city's land use and urban form objectives that have been embodied in the Urban Development Strategy. The two strategies have been developed in parallel and are closely integrated. One particular issue of importance to the Central Area is the need to work closely with the port, rail and ferry operators to resolve conflicts between access to the port and access to the rest of the Central Area. It is also acknowledged that road space in the CBD is at a premium. Choices need to be made about competition for that space amongst private cars, buses, cyclists and pedestrians all of which influence the degree of accessibility within the Central Area.

### *Draft Central City Urban Development Framework*

The draft Central City Urban Development Framework summarises the strategic intent for the central city and identifies what the Council will do to deliver its vision. The Framework provides direction on how to deliver high quality open space areas (ie. both private and public areas) and buildings (largely private), and promotes the roles and functions that support economic, social, cultural and environmental sustainable outcomes for the city.

### *Built Heritage Policy 2005*

This policy recognises Wellington's historic buildings are a precious and finite resource, which are important in shaping the character of the central city and a part of what makes Wellington unique. Protection and use of the city's built heritage resources are fundamental to the sustainable management of Wellington's natural and physical resources. Recognising and acknowledging the importance of the past also contributes to the community's understanding and awareness of a sense of place. One particular action of that policy which directly influenced a new approach to managing and recognising heritage in the central city was the requirement to:

*“Adopt a heritage area approach to identify important areas within the city which will contribute to the community's sense of place”.*

## **4.3 Consultation**

Public consultation on the Central Area Review began in early 2006. A draft revised chapter for the Central Area was completed in March 2006 for consultation. During April, several initiatives were carried out to consult with property owners and key stakeholders with an interest in the future development of the Central Area.

A letter was sent to a range of stakeholders inviting them to a briefing on 6 April 2006. Approximately 25 people attended that meeting including the Property Council, property developers and landowners (specifically tangata whenua, CentrePort, Wellington Stadium Development Trust, Property Council), architectural and heritage experts along with other interest groups (Wellington Waterfront, Action for the Environment and Save our Streets, Federation of Wellington Progressive Associations). A further briefing was held the following day for professionals involved in the planning field. A

separate meeting was held with members of the New Zealand Institute of Architects.

Following the briefings, letters were sent to all owners of properties that were considered to be affected by locality-specific provisions. These provisions included the proposed heritage areas, sunlight access planes and road access restrictions.

One-on-one meetings were also held during April and May at the request of any interested party. This allowed a more focussed discussion on the Central Area review in relation to that person (or groups) particular interests. In all, over 35 meetings or discussions were held.

One meeting of particular interest was held in early May 2006, with a group of concerned property owners/developers, the Mayor, other Councillors and senior Council staff. The meeting discussed proposals relating to heritage protection, and the proposal to reduce building height in heritage areas. Concerns were also raised from some individuals about the potential negative impact of CentrePort's proposed business park on the core central business district.

Feedback from the earlier consultation showed that some of the proposed changes created too much uncertainty for landowners, in that it would be difficult to know from looking at the Plan what might reasonably be able to be built on a site in the Central Area. This was due to the removal of the building and activities standards from the permitted activity consent category. Accordingly, further work has been undertaken on the building and activity standards (in particular height and building mass allowed on site) to provide landowners (and neighbours) with a degree of certainty regarding development potential in the Central Area. Care has been taken to retain the tools the Council needs to ensure good environmental outcomes. Further consultation in June and July indicates that the revised proposals (to set a building standard based on a site's mass/volume) are more likely to be widely accepted.

Councillors have provided their feedback and input into the direction of the review at three workshops/briefings (16 November 2005, 14 March 2006 and 19 June 2006). These workshops provided Councillors with an opportunity to provide guidance to officers on issues that were likely to be particularly contentious (e.g. proposed heritage areas, building mass controls and the development of port land into a business park).

If the Strategy and Policy Committee approves District Plan Change 48 it will be public notified and all interested parties will have further opportunities to comment on the Central Area provisions through the submission and hearing process.

#### **4.4 Relationship with District Plan Change 43: Heritage Provisions**

The objectives, policies and rules of the Heritage Chapter are currently subject to a separate plan change (PC43), notified in May 2006. As the proposed

Central Area plan change has identified nine new heritage areas for the Central Area, landowners will need the opportunity to refer to both plan changes to fully understand the implications of the management regime proposed for heritage areas. Consequently, the submission period for PC43 was extended until November 2006, allowing sufficient time for interested parties to read both plan changes alongside each other and submit accordingly. If possible the Heritage and Central Area plan changes will be heard together by a single hearing committee, to ensure a consistent approach to managing heritage in the Central Area.

## **5. Discussion**

A copy of the proposed Central Area Plan Change is attached to this report as Appendix 1. The discussion below highlights the approach taken with the review and briefly summarises the main areas where changes are proposed. The main changes to the plan provisions (ie. rules and policies) are set out under the objective that the policies and rules relate to. A fuller discussion on each of the main topics is provided in the attached section 32 report (Appendix 2), as that is the statutory report where the Council must be satisfied that the changes proposed are appropriate to achieve the purpose of the Resource Management Act.

### **5.1 Review approach and assumptions**

The Central Area Review focuses on Chapter 12 – Central Area Objectives and Policies, Chapter 13 – Central Area Rules, and the design guides contained in Volume II of the District Plan. Consequential changes have also required amendments to be made Chapter 3 – General Provisions and Definitions, Chapter 5 – Residential Rules, and Chapter 9 – Institutional Precinct Rules.

A review of every objective, policy and rule in the Central Area chapters was undertaken as part of this rolling review. The review included an assessment of where the Central Area provisions had come from, what was working well at present, and a look forward to what was needed in the future to ensure positive environmental outcomes for the Central Area. In terms of 'looking ahead', changes in legislation or the development of new Council Strategies have occurred which need to be recognised in the Plan. Some key changes include:

- At the national level – several amendments to the Resource Management Act and new national guidance. For example, the shift of heritage protection from a section 7 matter to a matter of national importance (section 6) in the 2003 Resource Management Amendment Act, the New Zealand Urban Design Protocol 2005 and the Crime Prevention through Environmental Design Guidelines 2005.
- At the regional level - regional policies and strategy documents, such as the Regional Policy Statement and draft Wellington Regional Strategy.
- At the district level - developments in Council's strategies and policies that set the direction for the city and Central Area such as the Long Term Council Community Plan 2006, Urban Development Strategy 2006,

Transport Strategy 2006, draft Central City Framework (2006) and Built Heritage Policy 2005.

One particular goal of this review was to rationalise the four Central Area chapters back to just two chapters, making it consistent with the remainder of the Plan. The chapters currently have significant repetition, for little added benefit. The matters addressed in separate chapters (ie. Te Ara Haukawakawa Precinct, Stadium Precinct) can easily be incorporated into the main objective/policy and rule chapters for the Central Area.

Another goal of the review was to draft the rules in a user-friendly, plain English style. This was largely achieved by removing 'double negatives' in rules, and has resulted in rules that now explain what someone can and cannot do without having to refer to several other rules.

A further aim of the review was to reinforce that many Central Area provisions are enabling, flexible and supportive of many activities. This is not clear at a first glance of the rules and policies, which tend to focus on controlling the adverse effects of development. Consequently, the review sought to include enabling policies that highlight the benefits that can be derived from development in the Central Area. This will allow an assessment of environmental effects for a particular development proposal to be more holistic, considering both the positive and negative effects of development proposals.

Another objective of the review was to tidy-up provisions and rules that are currently creating inefficiencies in the administration of the Plan.

Finally, a key premise of the review was that if any provision or policy was not 'broken' then there is no need to 'fix' it. As a result, where provisions have not proved problematic and policy work has not signalled the need for change, the status quo is proposed to be retained.

## **5.2 Central Area chapters - changes to structure and content**

Significant changes have been made to the structure and content of the Central Area objectives, policies and methods (including rules).

The main driver for change to the objectives and policies (contained in Chapter 12) was the desire to document with greater clarity and precision what the Plan was seeking to achieve (ie. its objectives) and how it expects those objectives to be met (ie. the policies). The need for greater guidance has become important in light of case law developments and amendments to legislation over the past ten years that influence the processing of resource consents. Consistent interpretation of the Plan is also expected to occur as a result of the revised objectives and policies.

The structure of the rules contained in Chapter 13 has also been significantly revised. This was required to improve legibility of the rules (ie. plain English style) and to remove the activity and building standards from the 'Permitted Activity' consent category due to fact they have contributed to creating an

unintended 'permitted baseline' (discussed in more detail in section 4.8). The rules are now proposed to be contained in one section, followed by a separate section containing the activity and building standards that must be met.

The removal of Assessment Criteria represents the other significant proposed change to the structure of the rules chapter. The inclusion of the criteria can be helpful to guide people in understanding the range of issues likely to be considered by the Council in processing a resource consent application. However in practise their inclusion has created difficulties for planners processing consents who felt their ability to consider a full range of effects of a proposal was limited by the inclusion of these 'lists', particularly where they did not fully cover the scope covered by the relevant policy. It has also, significantly, resulted in less consideration of an application against the policies and objectives due to the specific, clear wording of the Assessment Criteria. As the objectives and policies have been significantly revised in this review to provide more guidance and clarity, it is no longer considered necessary to also include Assessment Criteria. Including the criteria would also result in duplication and unduly lengthen the assessment that planners and applicants are required to prepare for resource consent applications, resulting in additional delays and costs for no additional benefit.

### **5.3 Central Area Objectives, Policies and Methods**

#### **5.3.1 Chapter 12, Central Area Objectives and Policies – Introduction**

The revised Chapter 12 has two sections, 12.1 Introduction provides an overview to the Central Area, while 12.2 contains the objectives and policies that apply to the area.

The chapter's introduction provides a useful summary of the Council's approach to land use management in the Central Area. It highlights the key characteristics and functions of the Central Area, provides an historical context and outlines a series of guiding principles for managing land use and development in the Central Area.

Changes are proposed to this section to emphasise the role of the Central Area as the city and region's main economic base and to emphasise the enabling nature of the provisions. Significant changes are also recommended to the principles for guiding development in the Central Area. The four principles in the current Plan have been revised to the following 6 principles:

- Enhancing 'sense of place' within the Central Area,
- Sustaining the physical and economic heart of the Central Area,
- Enhancing the role of the 'Golden Mile' and 'Cuba',
- Enhancing the Central Area as a location for high quality inner city living,
- Enhancing the built form of the Central Area,
- Enhancing the quality of the public environment, and
- Enhancing city/harbour integration.

The 'Arrivals and Bypasses' principle has not been carried over in recognition that the Inner City Bypass is presently under construction and will be completed within the life of the next District Plan.

### **5.3.2 Objective 12.2.1: Containment and Accessibility**

*Objective: To enhance the Central Area's natural containment, accessibility, and highly urbanised environment by promoting the efficient use and development of natural and physical resources.*

It is proposed that the current 'containment' objective be revised (as shown above) to clarify its purpose as the main objective seeking a sustainable, compact form of the Central Area. This objective will be achieved by the retention of an existing policy (with minor amendments) and the addition of one new policy.

The existing policy to be retained, refers to containing Central Area activities and development within a defined Central Area boundary. It is proposed to remove the reference to the boundary, instead just referring to activities being contained within the Central Area. That 'boundary' was installed as part of a concept to manage the central city by dividing it into a series of character areas. However the concept was never fully realised and its effect was watered down in the submissions process on the proposed plan in 1994. There is now little need for that boundary as there are no rules linked to it.

The new policy simply reinforces the need to define the extent of the Central Area in order to maintain and enhance its compact character.

#### *5.3.2.1 Possible expansion of office and retail activities to the northern portion of the Central Area, and a new name for the precinct.*

The northern most land of the Central Area, currently comprised of railway and port activities (also described as Te Ara Haukawakawa and the Operational Port Area in the District Plan) plays an important role for the city and the region as a multimodal transport hub.

The Operational Port Area is currently exempt from many Central Area provisions in recognition of its unique role as a transport hub. No longer focused only on core port activities, CentrePort have proposed a redevelopment of the south-eastern corner of the Operational Port Area (an area of about five hectares) as a business park containing mostly office buildings (commonly referred to as Harbour Quays and shown in Appendix 2 of Chapter 13).

Whilst the concept of a business park on this land has been mooted for at least two years now, it is only recently that the implications of this 'park' has been publicly debated (including a media campaign calling for Harbour Quays to be 'stopped' in order to protect the 'heart' of the CBD). This concern has not, however, been borne out in three independent studies commissioned by the Council to assess the economic impact of the Harbour Quays development on the CBD. Consequently, while the Council does have an interest in ensuring

that a high quality environment is created by the Port in pursuing its business park development, there is currently no justification to 'down zone' this area to prevent its development within the scope of this Plan Change process.

While the Council is satisfied that Harbour Quays will not adversely affect the viability and compactness of the central city, it is not certain that the same could be said of any future decisions to redevelop the remaining Operational Port Area or the railway yards land (a precinct which requires a new name for its inclusion in the District Plan).

The proximity of that land to the core CBD and its open expansive nature means that these areas have potential for significant urban development over-time as any existing uses relocate or rationalise. Given its role and location, it is important that any urban development on this land safeguards future transport uses and is managed carefully to ensure the vitality and viability of the commercial core. As the business environment for both of these infrastructure based industries has undergone significant change and rationalisation in recent years it is likely that changes in land use may occur, towards that more akin to the commercial activities in the rest of the Central Area.

As one of the central objectives of the Plan is to maintain and reinforce the contained urban form of the Central Area, it is crucial that these areas, if developed, are controlled in such a way as to not conflict with the containment policy, to ensure the efficient use of resources and to promote sustainable management.

As a result, it is proposed to introduce a rule regime that permits core port and railway activities, but controls the development of buildings for office and retail activities as Discretionary Activities (Unrestricted). This will enable the full gambit of effects to be considered. In addition, the provisions require the deposit of a masterplan for the area prior to consideration of any resource consent, to ensure orderly planning and to make sure design considerations (of buildings, public spaces and road layout) can be taken into account.

To implement this new rule structure, the area needs to be defined in a map (shown in Appendix 3 of Chapter 13), and given a name. It was not considered appropriate to keep the name 'Te Ara Haukawakawa' as that area is not exactly the same as the new area proposed and also because the rules and objectives attached to the Te Ara Haukawakawa Precinct in the Operative plan will continue to be given weight until the proposed Central Area Plan Change is made operative.

As the Wellington Tenth Trust had originally selected the name for the Te Ara Haukawakawa Precinct, it was considered appropriate to seek their input regarding a name for the new precinct. They suggested 'Pipitea' (clear water over the pipi beds) or 'Takutai' (foreshore). The District Plan already contains the **Pipitea** Maori Precinct which serves to identify an area of particular importance to tangata whenua and has its own rules associated with it, and Pipitea is also a suburb name. As the name **Takutai** would only be used in the context of the relevant District Plan provisions that apply to the Precinct,



it is considered that there is little risk of it being commonly used or confused with the suburb name of Pipitea.

### **5.3.3 Objective 12.2.2: Activities**

*Objective: To facilitate a vibrant, dynamic Central Area by allowing a wide range of activities to occur, provided that adverse effects are avoided, remedied or mitigated.*

A new objective is proposed to set up a clear framework for the rest of the chapter for managing the environmental effects of Central Area activities. It reinforces the dynamic and vibrant nature of the Central Area, largely facilitated by the one-zone, mixed-use policy of the current Plan. This enabling objective supports the notion that most activities are appropriate, provided their environmental effects are avoided, remedied or mitigated.

The objective is proposed to be implemented by four existing policies in the Plan (encouraging a wide range of activities, ensuring that activities manage their effects on the environment, controlling effects of noise, and protection of noise sensitive activities), which remain largely unchanged from the Plan's existing, still valid, policies.

On the whole, the mixed use policy of the current plan is shown to be working well in creating a vibrant central city. There have been some adverse effects associated with the mixed use policy (largely reverse sensitivity concerns about central city noise associated with the growth of residential uses in the central city) but these issues have largely been addressed in an earlier plan change for noise insulation.

It is considered that the benefits gained by a mixed use central city (adaptive re-use of buildings and economic impact of inner city residents) outweigh the adverse effects, which can largely be managed through improved building practices, greater design regulation and more realistic expectations of inner city residents about the levels of noise and other activities occurring in the central city.

#### *5.3.3.1 Noise*

Plan Change 23 on Central Area Noise (operative in June 2004) dealt with many of noise concerns raised over the past five years, but there are two other issues raised by Council noise officers (based on their experience in responding to noise complaints) that are recommended to be included in this proposed Plan Change. These include the control over the noise levels caused by loudspeakers in public areas especially streets near entertainment venues, and secondly, fixed plant noise within or on buildings (eg. air conditioning and refrigeration units). Fixed plant noise can be significantly reduced if its location and insulation is considered at an early stage of the building design, rather than being affixed after construction has begun.

A separate plan change is proposed to manage the effects of port noise. It requires changes to the provisions for Residential Areas, Suburban Centres

and the Central Area. The Strategy and Policy Committee considered this matter on 24<sup>th</sup> August 2006. The report to the Strategy and Policy Committee recommended an approach of splitting the port noise provisions into a plan change for the Residential and Suburban Centre Areas (i.e. DPC49) and a variation (Variation 3) to Proposed Plan Change 48 for the Central Area. This has the advantages of enabling the port noise provisions to be considered as a 'whole package' through the hearing process and minimises any potential conflict with the approach proposed in Plan Change 48. Notification of Proposed Plan Change 49 and Variation 3 for port noise will be delayed until after the notification of the Central Area Plan Change.

#### *5.3.3.2 Temporary Activities*

A new policy is proposed to provide for temporary activities in the Central Area as there is currently no guidance in the District Plan regarding how the positive and negative effects generated by temporary activities should be considered. The current policies focus very much on protection of amenity, making it difficult to sustain an argument that the temporary adverse effects generated by a temporary activity (such as noise, vibration) may be acceptable in light of the positive effects generated by the activity in terms of creating a lively, exciting and vibrant central city.

A new rule regime is also proposed, as the current approach is regarded as ambiguous and difficult to negotiate for applicants and the Council. The key elements of the new regime include a relaxation of the noise standards for temporary activities during certain time periods (ie. 9am and 10pm on Sunday to Thursday; 9am to midnight on Friday and Saturday; and finally 9am to 1am the following day on New Years Eve).

#### **5.3.4 Objective 12.2.3: Urban Form and Sense of Place**

*Objective: To recognise and enhance those characteristics, features and areas of the Central Area that contribute positively to the City's distinctive physical character and sense of place.*

This proposed objective is a new addition to the Plan. It acknowledges that there are special features and characteristic of the city which contribute to sense of place and that the District Plan should attempt to maintain and enhance these.

This objective is implemented by the existing 'high city/low city' policy which is still regarded as a valid approach to managing the urban form of the central city. The high city/low city urban form reinforces the commercial heart of the city, promotes containment, relates to the natural amphitheatre created by the surrounding topography and provides for a suitable transition between the Central Area and the Inner Residential Areas.

A new policy has been introduced which aims to 'promote a strong sense of place and identity within different parts of the Central Area'. As sense of place is influenced by the character of buildings, public spaces and social activity in a given area it is considered that the Plan has a role to play in helping to

preserve Wellington's sense of place. There are a number of methods proposed to implement this policy, including rules, amendments to the Central Area Design Guide, the Wellington Waterfront Framework, operational activities and finally the identification of Heritage Areas.

#### *5.3.4.1 Identification of Heritage Areas*

The proposal to identify a number of Heritage Areas within the Central Area is a significant change to the current regime and has attracted considerable interest during the consultation on this review. The idea came from the Built Heritage Policy 2005, which identified that in situations where there is a concentration of heritage items, defining a heritage area can be the most appropriate means by which to manage heritage values.

Associated with the need to protect heritage values (also a section 6 RMA Matter of National Importance), it is considered that clusters of heritage buildings within the Central Area make a significant contribution to the value and amenity of central Wellington. Retaining the special character of these areas will help to strengthen Wellington's sense of place, provide for the diversity of the urban form and enhance the quality and amenity of the central city.

Heritage areas apply in other parts of the city, but they are currently used only sparingly in the Central Area to cover heritage items that do not site comfortably as buildings or objects (eg. Plimmer Steps and Post Office Square). The proposed heritage areas cover larger areas and have some similarities with the existing character area provisions, in particular Cuba Character Area, Courtenay Place Character Area, and Civic Square Character Area.

The heritage areas proposed for the Central Area are groups of buildings, sites, and spaces (often in multiple and private ownership) that collectively have significant historic heritage value. The principle behind identifying heritage areas is that these pockets of the Central Area have significant heritage and character values that are most appropriately managed as a collective, to protect the values from inappropriate subdivision, use and development. The proposed areas are:

- Parliament Precinct Heritage Area
- Stout Street Heritage Area
- Post Office Square Heritage Area
- BNZ/Head Office Heritage Area
- Civic Centre Heritage Area
- St John's Church Heritage Area
- Cuba Street Heritage Area
- Wesley Church Heritage Area
- Courtenay Place Heritage Area

The rules controlling building developments in these heritage areas are contained in the Heritage Chapter of the Plan. However, those provisions are currently subject to a Plan Change (PC43) notified in May 2006, which

proposes significant amendments to the management of heritage areas (as discussed in section 4.4 of this report).

#### *5.3.4.2 Financial Compensation for Heritage Areas*

The proposed heritage area provisions have been widely consulted on during the preparation of the Central Area Review. The responses received during the consultation indicated a wide range of views both amongst property owners and other interest groups. While there were some property owners that opposed inclusion of their property within a heritage area, others acknowledged that there is some benefit to the City in protecting areas of significant heritage or character. Some owners have argued that these heritage proposals should be accompanied by some degree of financial compensation, because defining and protecting heritage areas is a public good, the costs of which should not fall entirely on to the property owners. Rates relief was the most commonly requested form of financial compensation.

The creation of heritage areas, and in particular the lowering of building heights within those areas, will impact on the development potential of properties within each area. While the issue of financial incentives for heritage buildings was considered through the preparation of the Built Heritage Policy (2005), it is considered that there is merit in reconsidering the issue in response to the heritage areas contained in the Central Area Review. This is because the heritage areas include not only listed heritage buildings, but also non-heritage buildings and vacant sites that were not considered through the Built Heritage Policy.

The Council has commissioned work to assess the degree to which the proposed heritage areas will impact on the development potential of sites, and also to consider options for providing compensation when this impact is significant. The District Plan does not contain the financial mechanism to provide compensation, so any proposals will need to be considered by Council through the Annual Plan process. It is therefore proposed to bring to Committee in October a report discussing the appropriateness of financial compensation for heritage areas, as part of the draft Annual Plan process for the 2007/08 financial year.

#### **5.3.5 Objective 12.2.4: Sensitive Development Areas**

*Objective: To ensure that any future development of large land holdings within the Central Area is undertaken in a manner that is compatible with, and enhances the urban form of the Central Area.*

There are a number of large land holdings in the Central Area that are either currently undergoing redevelopment or may be subject to future large scale development. In order to manage this redevelopment in a comprehensive manner it is necessary to identify the areas and outline a regulatory regime that will manage the effects of development in those areas. The large land holdings identified in the proposed Plan Change are summarised below:

##### *5.3.5.1 'Harbour Quays' or the Port Redevelopment Precinct (proposed as Appendix 2 of Chapter 13)*

In December 2005, the Council notified Plan Change 41 (Design and Wind Controls for the Operational Port Area) to address concerns about the quality of buildings that could be built in this relatively 'regulation free' zone. Plan Change 41 ensured that any new buildings would need resource consent for design and appearance and must also comply with the pedestrian wind environment standards. These are both matters that other new buildings in the rest of the Central Area would be required to meet.

Plan Change 41 and the impending Central Area Plan Change prompted CentrePort to work with the Council to find some common ground on how that area should develop and what level of regulation should be in place. While there are benefits to the city from this development, there are also some concerns (which were not able to be fully addressed in Plan Change 41) including the integration of this area into the rest of the CBD, the development of quality public spaces and a suitable road network. Consequently, there is a need for greater control over this development by the Council than is presently provided for in the existing Central Area provisions. It is proposed that these concerns be addressed by way of a master plan, which has been developed by CentrePort in consultation with Council. A Memorandum of Understanding between CentrePort and the Council has been signed that includes processes for an urban design review prior to any consent application being lodged. The rule regime proposed states that for a development within the Port Redevelopment Precinct to be a Controlled Activity, it must be in accordance with the Master Plan. Any deviation from the Master Plan will result in the building being processed as a Discretionary Activity (Restricted). This regime follows the regime set out for the Lambton Harbour Area.

As a new rule regime has been proposed for the Port Redevelopment Precinct as part of this review, *it is recommended that Plan Change 41 be withdrawn*. Because Plan Change 41 is still at a relatively early stage of the submissions process (ie. the first round of submissions have been received, but further submissions have not been called for), it is reasonable to withdraw that Plan Change, and incorporate all relevant matters for this area into Proposed Plan Change 48.

#### *5.3.5.2 "Takutai" (or 'Pipitea') Precinct (proposed as Appendix 3 of Chapter 13)*

Good urban design of buildings and public spaces will also be a key consideration in any future development of this Precinct, largely to ensure its integrated development with the remainder of the CBD and that appropriate connections are made to the road and pedestrian networks. A Discretionary (Unrestricted) Activity rule is proposed for the development of these areas. This includes a trigger for a master plan to be prepared and lodged with the Council – ensuring that the full gambit of effects can be considered, particularly urban design, public space structure and road layout.

#### *5.3.5.3 Te Aro Corridor*

When the Inner City Bypass is finished it will create a new traffic corridor across southern Te Aro and link the Basin Reserve to the southern end of the

Wellington motorway. Ensuring that this new traffic corridor is integrated into the urban fabric of southern Te Aro was an important part of the designation process, and this will need to continue via the District Plan as small parcels of land either side of the Bypass are progressively made available for development. An appendix to the revised Central Area Design Guide is proposed as a way of helping to ensure that the bypass corridor becomes an active city street.

In addition, it is proposed to rezone some small parcels of land on the edge of the bypass to resolve zoning anomalies created by the formation of the Bypass. Refer to Part D of the Section 32 Report (Appendix 2 of this report) for detailed maps of the rezoning.

### **5.3.6 Objective 12.2.5: Effects of new building works**

*Objective: To ensure that the potential adverse environmental effects of new building works are avoided, remedied or mitigated.*

This is a new objective for the Plan and it is intended to clarify that new building works do result in environmental effects that need to be managed appropriately. A number of existing Central Area policies have been rolled-over with minor amendments, in addition to new policies being drafted to provide more explicit guidance. The key policies/topics under this objective are discussed below.

#### *5.3.6.1 Building height*

Building heights in the Operative Plan were set across the Central Area to reinforce the high city/low city macro urban form. Heights in the 'high city' were set at levels that protected views from the top of the Cable Car and reinforce the City's 'amphitheatre' setting, while heights in the low city were set at a level to provide a transition between the High City and the surrounding Residential Areas. Monitoring of the Central Area indicates that the current high city/low city height limits are generally appropriate and provide sufficient capacity to accommodate anticipated levels of office, commercial and residential growth in the Central Area over the life of the District Plan and beyond.

On this basis it is not proposed to significantly alter the height regime in the District Plan other than in identified heritage areas. In these areas it is proposed to lower maximum heights to reflect and reinforce the existing built form character within each area. There are two key features of the height controls for the proposed heritage areas:

- For the redevelopment of 'non-heritage' buildings or vacant sites; any new building must be built within a range of height levels (see table below).
- All other buildings in a heritage area have their building height set at the existing built height.

<b>Heritage Area</b>	<b>Minimum Height</b>	<b>Maximum Height</b>	<b>Existing Maximum Height</b>
<b>Courtenay Place</b>	12 metres	18 metres	27 metres
<b>Wesley Church</b>	None	10 metres	27 metres
<b>Cuba Street</b>			
• north of Dixon Street	15 metres	21 metres	55 & 60 metres (a.s.l) 43.8 metres
• between Dixon Street & Abel Smith Street	12 metres	18 metres	43.8 & 27 metres
• south of Abel Smith Street	9 metres	12 metres	27 & 18.6 metres
<b>St John's Church</b>	None	12 metres	43.8 metres
<b>Civic Centre</b>	15 metres	21 metres	27 metres
<b>BNZ Centre</b>	15 metres	25 metres	80, 90 & 95 metres (a.s.l)
<b>Post Office Square</b>			
• west of Jervois Quay	20 metres	40 metres	60 & 80 metres (a.s.l)
• east of Jervois Quay	Refer to height standards for Lambton Harbour Area		0 metres
<b>Stout Street</b>			
• In the block bounded by Lambton Quay, Whitmore Street, Stout Street and Ballance Street	10 metres	20 metres	75 metres
• In the remainder of the area	20 metres	30 metres	75 metres
<b>Parliamentary Precinct</b>			
• In the block bounded by Lambton Quay, Bunny Street, Stout Street and Whitmore Street.	None	15 metres	27 metres
• In front of parliament buildings	None	None	27 metres
• Between parliament buildings and Museum Street	None	15 metres	27 metres
• West of Museum Street	None	27 metres	27 metres

#### 5.3.6.2 Building Mass (volume)

When the District Plan was prepared in the mid-1990's, the Council chose to dispense with the plot ratio system for managing development intensity in

favour of a less prescribed system, where the effects of new buildings were managed through a combination of design assessment (against the relevant design guide) and environmental standards (eg. wind, sunlight to parks, viewshafts etc).

The advent of 'permitted baseline' through case law created a legal principle that a building built up to the permitted standards had no significant effect on the environment. This principle was at odds with the approach Council had adopted in the District Plan and over time application of permitted baseline has significantly reduced the District Plan's effectiveness in managing some of the environmental effects of new building works, in particular the intensity of development on Central Area sites (Building Mass). In allowing for up to 100% site coverage as a permitted activity standard, the Council has compromised its ability to manage some of the potential adverse effects of new buildings, especially in relation to daylight to buildings, being able to respect heritage items on the same or adjoining sites and by not achieving good urban design outcomes.

It is proposed to amend the District Plan's approach to the management of building bulk by setting the baseline for building mass at 75% of a theoretical 100% maximum (ie. site area multiplied by building height). This approach will allow for the effects described above to be managed appropriately while also providing a suitable degree of certainty to property owners and developers. The new approach has been refined to encourage depth of façade and sustainable building designs by ensuring the calculation of building mass does not discourage these features.

#### *5.3.6.3 Waivers to building height and building mass*

Policies have been introduced into the Plan to provide guidance on when it might be appropriate to exceed the building height and building mass standards set in the Plan. The policies state that waivers might be contemplated where a positive heritage or urban design outcome will be achieved. A policy has been introduced requiring 'design excellence' for any building wishing to exceed the building height standards. Such policies can also be seen as enabling landmark building proposals that have, in the past, struggled to meet existing policies in the Plan. Such a policy is considered useful as landmark buildings of design excellence can visually enhance and add further interest to Wellington's cityscape.

#### *5.3.6.4 Consideration of the 'permitted baseline'*

The ability of Council to manage effects from buildings (eg. wind, daylight, adjoining heritage, urban design) has been restricted by the advent of 'permitted baseline' which assumes that permitted building bulk has no significant effect on the environment. Accordingly, to help to clarify that permitted baseline scenarios will not be applied to the scale and bulk of new building works it is proposed to restructure the Central Area rules to place all activity and building standards in a separate section of the Central Area chapter. This will mean that the height and site coverage standards will no longer be associated with a Permitted Activity.



A new policy has also been drafted to provide guidance on when it might be appropriate to consider a 'permitted baseline' type argument in relation to the effect that buildings meeting the new building bulk and mass standards will have on adjoining properties. The policy aims to send a signal that the building height and mass standards for proposed developments (though no longer permitted activities) may be used to help guide the extent to which neighbouring properties are affected by development generally envisaged by the Plan.

#### *5.3.6.5 Pedestrian wind environment*

Mitigation of the wind effects from buildings extending above the fourth storey level is a requirement of the existing Plan and it is not proposed for this to be changed. The purpose of the existing policy and rules are clarified as helping to achieve safety, to avoid cumulative adverse effects on the wind environment and to provide for comfortable wind levels of important public spaces.

One new policy is proposed to be added relating to wind in order to clarify that off-site mitigation measures to reduce the wind effects from a development will not be supported by Council. That is, developers must either adapt the building design or add features within the development site to mitigate the wind effects rather than relying on mitigation structures that are located in the public realm.

Monitoring of the wind rules have also shown that improvements can be made to its workability and to improve comprehension of what the wind rules are about. Accordingly, several technical changes are proposed to the standards to achieve this. The 'wind tunnel' testing procedures have also been tightened and updated in line with international best practice.

One significant change proposed is to offer an alternative method for developments that meet particular criteria, to demonstrate compliance with the wind standards, rather than undertake the most costly and time-consuming wind tunnel process for little added benefit.

#### **5.3.7 Objective 12.2.6: Buildings and Public Amenity**

*Objective: 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.*

This objective had its origins in the existing Plan, but has been amended to fit with the proposed new policy structure of the Plan. It focuses on the relationship that new building works have with the surrounding public environment seeking that any new work enhances that public environment and will not cause adverse effects on adjacent Residential Areas. Existing Central Area policies under this objective have been rolled-over with some changes, in addition to new policies being drafted to provide more explicit guidance, as outlined below.

#### *5.3.7.1 Design guides*

The Council has an established history of influencing building design in the Central Area to attempt to ensure that new building works do not adversely impact on the quality of the public environment. With the exception of the Operational Port Area, design guides apply to all parts of the Central Area under the operative District Plan. Any new building, or addition or alteration to an existing building requires resource consent (as a Controlled Activity) and is assessed against the contents of the relevant design guide. There are several design guides applicable in the Central Area (eg. a generic design guide and several area based guides).

Monitoring of the effectiveness of the design guides and related rules revealed a number of issues with the current District Plan provisions and design guides. While the current process of assessing new building works against a design guide is generally resulting in better urban design outcomes than could be expected if no guidelines were in place, only 60% of buildings studied gained an urban design rating of better than average.

As a result, a key focus of the Central Area review was to review the content of those design guides, and consider alternatives to the current rule structure and policy guidance to improve the consistency of design outcomes for the Central Area. The proposed changes include:

- Stronger, specific policy direction as to the desired outcomes for building design and the enhancement of the public environment in the Central Area
- Design guides as a Discretionary Activity (Restricted) instead of a Controlled Activity
- One main Central Area Design Guide (content significantly revised) with appendices for areas with a particular character that needs to be considered (ie sensitive development areas and heritage areas).
- Deletion of the existing 'character areas' (Cuba Street, Courtenay Place and Civic Centre Heritage Areas), to be replaced with nine Heritage Areas.

#### *5.3.7.2 Sunlight to Public Spaces*

The policy to protect sunlight access to identified public spaces at specified times of the day and year is proposed to be slightly amended, but with the overall intent retained. This is because it has proved an effective method in ensuring sun continues to reach valued public spaces. However the review process did offer an opportunity to check that the listed public spaces were still appropriate for inclusion in the rule and to see whether any new places should be added. The review considered the level of use and access to sunlight of each public space and the level of restriction imposed on adjacent properties.

Some changes are proposed to the list, specifically the deletion of 'parks' that were never created (eg. Chaffers Beach) or are outside the Central Area (eg.

The Dell), the addition of four existing or new public spaces (eg. Post Office Square, 'Clock Park', Denton Park and Kumutoto Plaza). One area has been amended (Taranaki Street Wharf Lagoon). Changes were also made to the Frank Kitts Park and Manners Mall listings to reflect the times when those areas are actually in sun. Maps have also been created to make clear the extent of the public spaces being protected.

#### *5.3.7.3 Viewshafts*

Similar to the sunlight to parks rule, it was found that the 27 viewshafts in the Plan have largely been effective in protecting views to the harbour, hills and landmark buildings. Other than minor amendments, it is proposed to retain all viewshaft policies as these do contribute to public amenity and also to people's sense of place within the Central Area. All viewshafts were reviewed to check the continued validity of each one, to assess whether any should be removed or added, and finally to ensure the accuracy of the viewshaft specifications.

Some changes are proposed to the list, namely the deletion of three viewshafts that lack visibility (by tree growth or new structures), the position of two viewshafts moved to obtain a better angle, and finally there were three views that were protected by two viewshafts each. In each case the two viewshafts have been combined into one viewshaft. In addition, the definition of each viewshaft have been updated and a new photographic record taken of each viewshaft.

#### *5.3.7.4 Verandahs*

Wellington has relatively high pedestrian numbers and, at times, harsh weather. The current Central Area rules require new building developments on identified streets to erect verandahs to provide pedestrian shelter from the weather. The Council regularly surveys the number of pedestrians using different streets within the Central Area. Of those streets recorded as having high numbers of pedestrians, most (but not all) are included in the network of streets requiring verandahs.

The policies have also been amended to clarify their purpose, where verandahs are most desirable and how they need to be placed appropriately to avoid effects on the building and effects on traffic safety or informal surveillance. A street-by-street analysis was undertaken to determine which streets warrant verandah coverage, primarily on the basis of pedestrian numbers, and recommendations made to expand the pedestrian network in some areas. There is an opportunity to establish a comprehensive pedestrian network that takes account of whether access routes are vehicle-dominated or 'slower' and more pedestrian friendly.

#### *5.3.7.5 Ground level frontages and 'active edges'*

A key component of good urban design is how well public and private spaces interact. An important component of this is providing for the interaction

between pedestrians and building frontages at ground level, known as 'active edges'. Active edges can include the entrances and exits to buildings, display windows, interesting architectural features, shelter from inclement weather or the sun, or activities that spill out from buildings such as cafes.

Apart from the display window requirement along core retailing streets in the CBD, there are currently few other requirements to maintain active edges at the ground level within the Central Area. This review, in combination with the influential Jan Gehl report on Wellington's public environment, has resulted in a proposal to retain the requirement for display windows, but also to encourage better 'active edge' on all streets by balancing a permissive rule regime with controls to avoid poor outcomes. Specific proposals include better design guidance at ground level and rules controlling the conversion of ground floor frontages into expansive blank facades.

#### *5.3.7.6 Design – safety and security*

People's sense of safety, whether actual or perceived, is an important quality for any city centre. As well as the non-statutory design guide on Crime Prevention through Environmental Design (CPTED), all design guides in the Plan have the important elements of CPTED incorporated through-out. The Government recently released national level guidance on CPTED, suggesting that the issue continues to be as relevant today as it was when the Plan was first drafted. Accordingly, few changes are proposed in this review relating to the safety based policies or the design guides.

One change that has been made is the integration of the safety policies under the objective relating to new buildings and the public environment. This provides for a more integrated approach to managing the effect of new buildings on the public environment, sending a clear signal that safety is an important element of new building design.

#### **5.3.8 Objective 12.2.7: Building Sustainability**

*Objective: To promote energy efficiency and environmental sustainability in new building design.*

This is a new objective and it has been proposed because energy efficiency and environmentally sustainable building design are two matters that have been elevated at the national level by amendments to the RMA and the new Building Act 2004. New policies have also been proposed to achieve this; with a focus on the efficient end use of energy, and reducing energy demand by ensuring new buildings have appropriate levels of natural light.

Related to this is the requirement for residential buildings to have on-going access to adequate light and awareness of the outdoor environment. These factors are linked to environmentally sustainable building design as part of providing for the health and wellbeing of building users/occupants.

#### *5.3.8.1 Amenity of Residential Buildings – Apartment Amenity*

The large increase of apartment buildings in the Central Area over the past 10 years has without doubt contributed to the vitality and liveliness of the Central Area, but it has not been without some concern over the quality of some apartments. Monitoring has shown that Wellington does not suffer from large numbers of apartment buildings offering only very small apartments and as a result there are no provisions included in this proposed Plan Change to control the size of apartments or spaces with such apartments. Rather, the primary concern relates to the District Plan bulk and location rules (principally height and 100% site coverage) are resulting in apartments losing their access to daylight when adjacent 'under-developed' sites are eventually developed.

These concerns are proposed to be addressed by a new policy in the Plan requiring that developments provide adequate on-going amenity on-site, rather than being able to rely on adjacent under-developed sites. This policy is supported by the proposed rule regime that closely controls the bulk of a building (ie. the 75% building mass standard). It is anticipated that the remaining 25% can be used for setbacks above ground floor, interior courtyards, light wells, atria, or any other form of building bulk manipulation that ensures every apartment will receive daylight and an awareness of the outdoors on an on-going basis, irrespective of development on an adjoining site. Guidance in the revised Central area Design Guide is also proposed to reinforce this.

#### **5.3.9 Objective 12.2.8: Lambton Harbour Area**

*Objective: To ensure that the development of the Lambton Harbour Area, and its connections with the remainder of the city's Central Area, maintains and enhances the unique and special components and elements that make up the waterfront.*

The operative provisions relating to the Lambton Harbour Area are one of the most recent additions to the Central Area chapters, having been resolved and made operative in 2004 after a lengthy mediation process in the Environment Court. The policies and methods were examined extensively as part of the section 32 analysis of Variation 22 to the District Plan and subsequent public process. As the provisions are so recent and have yet to be fully tested, it was considered unnecessary to review the provisions for the Lambton Harbour Area in this Central Area Review process. Consequently, all Lambton Harbour Area provisions have been 'rolled-over' in tact, with only minor changes necessary as a result of the proposed new rule structure. The intent and effect of all Lambton Harbour Area rules remain the same.

#### **5.3.10 Objective 12.2.9: Wellington Regional Stadium**

*Objective: Support the use and development of the regional stadium so that it continues to contribute to the well-being of the local and regional community.*

The current Plan contains a separate chapter to manage land use within the Stadium's site (Chapter 13C Te Ara Haukawa Precinct Stadium Site),

drafted at a time when the Stadium was in the early stages of design and initial construction. As the Stadium has been fully operational for a number of years now, it is appropriate to update the objective and policies to reflect this.

The proposed changes include a revised objective, with the policies being rolled over with only minor amendments. As part of the rationalisation of the Central Area Chapters, some rules that were repeated in chapter 13C (Stadium Precinct) have been deleted to avoid repetition, but the provisions managing the unique qualities of the Stadium site have been retained (eg. to manage the effects of stadium use on nearby Residential Areas). Some changes have been made to the special rules following consultation with the Stadium Development Trust.

#### **5.3.11 Objective 12.2.10: Signs**

*Objective: To achieve signage that is well integrated and sensitive to the receiving environment and that maintains public safety*

Signs are an important part of maintaining a vibrant city, but they can put pressure on the visual amenity of the city where they result in clutter, become obtrusive, obscure architectural features, affect public safety, or dominate the city or nearby Residential Areas. The Central Area rules manage the effects of signs located on sites and private property; including freestanding signs and signs affixed to buildings.

Signage throughout the city is a matter that generates many complaints; with approximately half of these signage complaints relating to the Central Area. The review found there was a general lack of policy direction on signs along with a number of smaller problems relating to the rule implementation. A 'Sign Design Guide' has also been prepared to assist in the interpretation and implementation of the sign provisions.

It is proposed to provide more specific and directional policy guidance, including a new objective, make minor changes to the rules and, most significantly, adopt a design guide on appropriate signage. Some gaps in the rules have been addressed to allow temporary signage, to ensure signs around Parliament respect the 'mana' of the setting and to ensure animated signs are controlled for traffic safety.

#### **5.3.12 Objective 12.2.11: Subdivision**

*Objective: To ensure that the adverse effects of new subdivisions are avoided, remedied or mitigated.*

This objective, related policies and rules have largely been rolled over from the existing chapter as there are no significant deficiencies in the way existing provisions achieve the above objective. The policies and methods are generally workable and only subtle changes have been made to enhance the effectiveness of the provisions.

The one key area where change is proposed is to the permitted activity subdivision rule as a result of feedback during the consultation process.

Permitted Activity subdivisions are very rare as a result of the difficulties in passing all standards. These standards were reviewed and where changes could be made without increasing risk of adverse effects then these have been recommended. It is intended these minor changes will improve the workability of that permitted activity rule, resulting in its more frequent use and ultimately a more efficient Plan.

#### **5.3.13 Objective 12.2.12: Coastal Environment**

*Objective: To maintain and enhance access to, and the quality of the coastal environment within and adjoining the Central Area.*

The above objective has been amended slightly to incorporate the 'access' element into the objective. This is an appropriate change given the existing policies do refer public access and it is regarded as a matter of national importance in the RMA (s6). The existing coastal environment rules and standards continue to remain relevant and appropriate and have been rolled-over with no changes.

#### **5.3.14 Objective 12.2.13: Natural and technological hazards**

*Objective: To avoid or mitigate the adverse effects of natural and technological hazards on people, property and the environment.*

No changes have been made to this objective and the subsequent policies as rules. This is predominantly because changes were made to these provisions as part of Plan Change 22 (operative in July 2004), which concentrated on the Wellington Fault provisions.

#### **5.3.15 Objective 12.2.14: Hazardous Substances and Contaminated Sites**

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

The hazardous substances provisions were the subject of a Plan wide review in Plan Change 35, which were recently made operative (July 2006). As a result the provisions have been rolled over, with only minor changes necessary to reflect the new rule structure of the revised chapter. Some re-drafting of one policy was made to improve clarity.

Feedback from the resource consents team suggests that changes are needed to all contaminated sites provisions in the Plan to improve their effectiveness and efficiency, not just those in the Central Area. But with this issue currently undergoing significant changes at the national and regional levels (i.e. a National Environmental Standard for management of contaminated land is proposed), it is too early for a comprehensive review of all contaminated sites provisions in the Plan. However, one change is proposed to the Central Area contaminated sites rule, to resolve concerns about the way that rule affects the

activity status of other consent applications in the Central Area. It is proposed to make any use of contaminated sites a Discretionary (Restricted) Activity, rather than a Discretionary (Unrestricted) Activity. Making this change now will improve the efficiency and workability of the Plan without compromising risks to the environment and should not affect any future changes that might need to be made to the rule.

#### **5.3.16 Objective 12.2.15: Accessibility**

*Objective: To enable efficient, convenient and safe access for people and goods within the Central Area.*

No change has been made to the objective for accessibility in the Central Area.

The parking and servicing policies have been revised to give them more weight and a clear direction to consent planners in processing applications. Likewise, the rules relating to parking and servicing have been revised. The '70' car park rule has been strengthened to reinforce its original intent and the current parking standards have been replaced with the relevant sections of the Joint Australian and New Zealand Standard for Parking.

Availability of parking in the central city continues to be a topical issue (particularly for inner city residents), but as a parking policy for the entire city is currently being developed, no specific changes have been proposed for this Plan Change. Any change to the rules to require a certain amount of parking per unit would have significant implications for the economics of the apartment development market; implications that have not been fully considered.

In respect of servicing, no changes are proposed to the design standards and numbers of loading docks required for Central Area buildings. The transport planners advise that further work is being done in this area and that changes to the District Plan may be sought in the future. One change that has been made however, is to clarify in the policies the circumstances where waivers of the vehicle servicing requirements will be considered, e.g. for a heritage building that traditionally had no loading dock.

Changes are proposed to standardise the site access provisions (by reference to the Joint Australian and New Zealand Standard for Parking) and also in the interests of safety.

The road hierarchy map is revised to recognise the construction of the inner city bypass. Also, in relation to the bypass, additions of some property frontages to the map showing vehicle access restrictions are also proposed. These property owners have been consulted about these restrictions, and there was no adverse feedback as a result.

#### **5.3.17 Objective 12.2.16: Tangata Whenua**

*Objective: To facilitate and enable the exercise of tino rangatiratanga and kaitiakitanga by Wellington's tangata whenua and other Maori.*

No changes have been made to this objective or subsequent policies and provisions. Monitoring of the effectiveness of Maori Precincts and sites of



significance has shown that some changes are needed, specifically to the Maori sites of significance. The Wellington Tenth Trust is currently leading a programme of work to identify sites and areas of significance to tangata whenua, including within the Central Area. Once that project is sufficiently progressed, work to list any additional sites within the District Plan will be carried out as part of a plan wide review of the tangata whenua provisions.

Some amendments to the design guides and rules have been made following consultation with both the Wellington Tenth Trust and Te Runanga o Toa Rangatira.

#### **5.4 Design Guides - Volume II of the District Plan**

A fuller discussion on the proposed changes to the design guides has been outlined previously in section 5.3.7 of this report. In summary, all existing design guides for the Central Area, and the character areas within the Central Area, are proposed to be replaced with one Central Area Urban Design Guide which contains a series of eleven appendices to respond to specific areas with a defined character or history, or with specific development issues (attached as Appendix 1). A new design guide for signage has also been prepared (also Appendix 1).

#### **5.5 Central Area Zoning – Volume III Maps**

No fundamental changes are proposed to the extent of the Central Area zone. Changes are only proposed to a small number of sites within the Te Aro Corridor as a result of the construction of the bypass and the anticipated sale of surplus pieces of land for redevelopment. The discussion regarding this is set out in section 5.3.5.3 of this report, and the maps are included in Appendix 1 of this report.

A group of Aro Valley residents sought some zone changes in the late stages of consultation on this proposed plan change. The changes related to six properties fronting Upper Willis Street in the vicinity of Aro Valley. The changes were sought to aid the retention of the Aro Valley area's character, on the basis that the Aro Valley neighbourhood extends into parts of Willis Street. An initial assessment shows that there could be some value in changing the zoning of these properties to Inner Residential as four of the six properties appear to be used for residential purposes. However, for the moment it is recommended that no changes are made to these properties on the grounds that two of the properties contain Central Area activities (a restaurant and shop) and there has been no time for consultation with these property owners about the rezoning. It is also considered that the Central Area controls that exist at the moment are already relatively restrictive (maximum height of 10.2 metres) ensuring some protection from inappropriate development on those sites. This issue may be addressed in more detail through the submission and hearing process.

## **6. Conclusion**

The review of the Central Area is part of the Council's rolling review of the District Plan to ensure it is kept up-to-date and responsive to changes in the

environment. Monitoring has also shown the need for changes in how the Plan manages some issues. In other areas no changes were deemed necessary, so many provisions have been rolled across into the proposed plan change with only minor drafting changes. Significant consultation was carried out to test the efficacy of the provisions with interest groups, landowners and professional groups.

It is considered that the plan change as proposed, resulting from more than five months of consultation, achieves the purpose of the Resource Management Act 1991 and several Council strategies, and provides a more effective method of managing the key issues for the Central Area. All changes made, from the chapter structure to the content of the objectives, policies and methods (including rules), have been made in order to improve the environmental outcomes for the Central Area.

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## Supporting Information

### 1) Strategic Fit / Strategic Outcome

The District Plan supports a wide range of strategic outcomes in the Long Term Council Community Plan. Specifically, this proposed plan change will implement a number of goals and outcomes desired by the Urban Development Strategy, Transport Strategy and the draft Central City Framework.

### 2) LTCCP/Annual Plan reference and long term financial impact

Project C533 – District Plan

### 3) Treaty of Waitangi considerations

All District Plan work is required to take into account the principles of the Treaty of Waitangi (refer to section 8 of the Resource Management Act 1991).

### 4) Decision-Making

The proposals to change the District Plan are in accordance with Council Policy expressed in the Urban Development Strategy and the Draft Central City Framework.

Most aspects of the proposed changes to the District Plan are not significant in that they revise existing provisions. Other issues are more controversial, having already been discussed in the media or were regularly raised during the consultation period:

- Controls over Harbour Quays development (Port Development Precinct) and related concern over viability of the core CBD office area
- Introduction of Heritage Areas placing controls over building height for future development

### 5) Consultation

#### a) General Consultation

Specific consultation has been undertaken with landowners, key Central Area interest groups, and professional groups involved in planning and resource management (refer to section 3.3 of this report).

#### b) Consultation with Maori

The Wellington Tenth Trust and Te Runanga o Toa Rangatira have been consulted on the proposed changes. Whilst general support has been given, some changes have been made to accommodate their feedback where reasonable. Further work is needed in some areas as part of the ongoing plan change process.

### 6) Legal Implications

The Council's lawyers have been involved in reviewing the proposal.

### 7) Consistency with existing policy

Significant effort has gone into ensuring the revised plan change will be consistent with the Council's vision for the city, Sense of Place values, the Urban Development Strategy, the Heritage Policy and the draft Central City Framework (which focuses on a framework for all development of public spaces in the central city). The proposed plan changes to strengthen the District Plan provisions are consistent with the existing approach.