

APPENDIX 3

Proposed District Plan Variation 9

**Additions and Deletions to Proposed District
Plan Change 48 (Central Area Review) –
Contaminated Land**

**Annotated version including recommendations
post hearing**



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POSITIVELY

ME HEKE KI PŌNEKE
WELLINGTON CITY COUNCIL **Wellington**

Plan Change Document

Wellington City District Plan

Proposed District Plan Variation 9

Additions and deletions to Proposed District Plan Change 48 (Central Area Review) – Contaminated Land

ALTERATIONS TO THE WELLINGTON CITY DISTRICT PLAN – PROPOSED DISTRICT PLAN CHANGE 48

Detailed below are the alterations to the Wellington City District Plan to incorporate changes to Proposed District Plan Change 48 (Central Area Review).

Key to annotated text:

- new text to be added is shown as underlined – abcdefghijkl
- existing text to be deleted is shown as struck through - ~~abcdefghijkl~~

12. CENTRAL AREA

[.....]

OBJECTIVE – HAZARDOUS SUBSTANCES AND CONTAMINATED SITES

12.2.14 To prevent or mitigate any adverse effects of the storage, use, disposal, or transportation of hazardous substances, including waste disposal, ~~and from the use of contaminated sites.~~

POLICIES

To achieve this objective, Council will:

12.2.14.1 Ensure that the use, storage, handling and disposing of hazardous substances does not result in any potential or actual adverse effects on the environment, by requiring that the proposed activity is assessed using the Hazardous Facilities Screening Procedure, and where appropriate, the resource consent process.

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~~12.2.14.6 Co-operate with the Regional Council in compiling a database of all contaminated sites in the city.~~

~~12.2.14.7 Control activities on any contaminated site.~~

METHODS

- ~~• Rules~~
- ~~• Other mechanisms (including Ministry for the Environment Guidelines for Contaminated Land Management)~~

Activities on contaminated sites are managed for two reasons. Firstly, to prevent the contamination adversely affecting occupiers of the site or processes which could take place on the site there and secondly, to ensure that such sites are cleaned up. Contaminated sites will become more common in Wellington as they are discovered through the environmental monitoring procedures of both the City and Regional Councils.

Although the use of contaminated sites is a Discretionary Activity, this will not be used as a barrier to the decontamination of the site. Council is eager to see such sites cleaned up and will facilitate this process to the best of its ability. Key issues to be considered as part of any application to use a contaminated site will be the nature and extent of the contamination, the risk of exposure to public health, safety and the environment, and finally the approach to decontamination of the site. The Ministry for the Environment has published several guidelines for the management of contaminated sites and it is expected that applicants will adhere to these guidelines (particularly guidelines Contaminated Land Management Guidelines 1–5 as appropriate) in completing the site analysis and preparing the approach to decontamination.

The environmental result will be the sharing of information about contaminated sites between district and regional councils and the appropriate control over the development of any contaminated sites.

~~12.2.14.8 Encourage the restoration of any contaminated sites.~~

METHODS

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

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

The environmental result will be fewer contaminated sites or a reduction in the level of the contamination of such sites.

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Chapter 13. Central Area Rules

Guide to Rules

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

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

Activities	Rule	P	C	DR	DU
Any activity (with some exceptions) subject to standards	13.1.1	●			
Activities not complying with the standards specified for permitted activities	13.3.3			●	
Activities listed in 3.5.2.2 involving the use, storage and handling of hazardous goods	13.2.1		●		
Any activity involving the provision of more than 70 carparks	13.3.1			●	
Any critical facility in a hazard area	13.3.2			●	
Helicopter landing areas	13.4.1				●
Activities involving the creation of vacant land, open land or parking areas (all at ground level)	13.4.2				●
Commercial sex premises in the Courtenay Place Area	13.4.3				●
Office and retail activities in the Pipitea Precinct	13.4.4				●
The modification of existing open space and creation of new open space in the Lambton Harbour Area	13.4.5				●
Office activities in the Port Redevelopment Precinct in excess of net lettable floor office space requirement	13.4.6				●
Buildings	Rule	P	C	DR	DU
Certain works involving the construction, alteration of and addition to buildings or structures subject to standards	13.1.2	●			
Additions and alterations to existing building in the Queens Wharf Special Height Area, subject to standards	13.2.2		●		
The construction, alteration of and addition to buildings and structures within the Port Redevelopment Precinct, subject to standards	13.2.3		●		
The construction, alteration of and addition to buildings and structures (with exceptions) subject to standards	13.3.4			●	
Minor additions and alterations to existing buildings in the Lambton Harbour Area, subject to standards	13.3.5			●	
The construction, alteration of and addition to buildings and structures exceeding a gross floor area of 30m ² in a Hazard (Fault Line) Area, subject to standards	13.3.6			●	
The erection of buildings or structures involving the provision of more than 70 vehicle parking spaces (except in the Operational Port Area).	13.3.7			●	
The construction, alteration of and addition to buildings and structures (with exceptions) that do not comply with the specified standards	13.3.8			●	
The construction, alteration of and addition to buildings and structures in the Lambton Harbour Area, that do not meet the requirements of rules 13.2.2 or 13.3.5	13.4.7				●
The construction, alteration of and addition to buildings and structures for retail or office activities in the Pipitea Precinct	13.4.8				●
The construction, alteration of and addition to buildings and structures in an identified Heritage Area, or adjacent to Old St Paul's Church, that do not meet the height standards specified in 13.6.3.1.6, or 13.6.3.1.7-13.6.3.1.8.	13.4.9				●
The construction, alteration of and addition to buildings and structures that do not meet the height and mass conditions specified in 13.3.8.14	13.4.10				●
Buildings and structure located above the street that exceed 25 percent of the width of the road at any point.	13.4.11				●
The construction, alteration of and addition to buildings and structures for office activities within the Port Redevelopment Precinct that do not meet the	13.4.12				●

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standards specified in 13.2.3.9.					
The construction, alteration of and addition to buildings and structures on any site subject to the H2 designation (Inner City Bypass)	13.4.13				●
Signs	Rule	P	C	DR	DU
Signs subject to standards	13.1.3	●			
Sings that do not comply with the standards specified for permitted activities	13.3.9			●	
Subdivision	Rule	P	C	DR	DU
Subdivision except for company lease, cross lease and unit title subdivision, and subdivision in the Pipitea Precinct, subject to standards.	13.1.4	●			
Company lease, cross lease and unit title subdivisions, subject to standards	13.2.4		●		
Subdivision within the Pipitea Precinct and the Port Redevelopment Precinct	13.3.10			●	
Any subdivision that is not Permitted, Controlled, or Discretionary Activity (Restricted)	13.4.14				●
Contaminated Sites	Rule	P	C	DR	DU
Any activity (including the erection of buildings or structures) that disturbs or alters the ground of a contaminated site	13.3.11			●	
Heritage	Rule	P	C	DR	DU
Activities affecting heritage items and areas	21.0				
Utilities	Rule	P	C	DR	DU
Utilities	23.0				
<u>Contaminated and potentially contaminated land</u>	<u>Rule</u>	<u>P</u>	<u>C</u>	<u>DR</u>	<u>DU</u>
<u>Site investigations on any contaminated land or potentially contaminated land to determine whether the land is contaminated, and the nature and extent of that contamination</u>	<u>32.1.1</u>	● —			
<u>The use, redevelopment or subdivision of any potentially contaminated land that has been confirmed as not being contaminated through site investigations</u>	<u>32.1.2</u>	● —			
<u>The remediation, use, development and subdivision, use, or activity (including remediation or redevelopment) of any contaminated or potentially contaminated land.</u>	<u>32.2.1</u>			● —	

13. CENTRAL AREA RULES

13.1 Permitted Activities

Section 13.1 describes which activities, buildings, structures, signs and subdivisions are permitted in the Central Area.

ACTIVITIES

13.1.1 Any activity is a Permitted Activity provided that it complies with the standards specified in section 13.6.1 (activities, buildings and structures) and 13.6.2 (activities),

except:

- those activities listed in the Third Schedule to the Health Act 1956 (see Rule 13.5)
- the use, storage or handling of those hazardous substances, listed in section 3.5.2.2 (see Rule 13.2.1)
- any activity that disturbs or alters the ground of a contaminated site (see Rule 32.2.1)
- helicopter landing areas (see Rule 13.4.1)
- the creation of vacant land, open land or parking areas (at ground level) that are visible from public spaces (see Rule 13.4.2), except in the Operational Port Area and the Port Redevelopment Precinct where this activity is permitted

Note, Appendix 12 lists the types of activities contained in the Third Schedule of the Health Act 1956

Note, that the activities listed in section 3.5.2.1 do not require a HFSP assessment and are consequently exempt from the hazardous substances provisions of the Plan.

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CONTAMINATED SITES

- ~~13.3.11 Any activity (including the erection of buildings or structures) that disturbs or alters the ground of a contaminated site is a Discretionary Activity (Restricted) in respect of:~~
- ~~13.3.11.1 The objectives and protocols for any investigations to determine the nature and extent of contamination~~
- ~~13.3.11.2 The nature and extent of the contamination~~
- ~~13.3.11.3 Risk of contaminant exposure on public health, safety and the environment.~~
- ~~13.3.11.4 The approach to decontamination, remediation or management of the contaminated site and the mitigation measures, including monitoring, adopted to avoid adverse effects on public health, safety and the environment.~~

Non-notification/service

In respect of rule 13.3.11 applications do not need to be publicly notified and do not need to be served on affected persons.

Relevant policies for preparing resource consent applications

See 12.2.14.7 – 12.2.14.8.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.