

Text shown in **red** (both underlined and ~~struck-out~~) represents all changes recommended by the Panel to those parts of the Chapter not the subject of Council decisions on 14 March 2024.

# Te Anga Whānui

## General Approach

### District Plan Framework

The National Planning Standards November 2019 contain standards that set out the required structure, format, spatial layers and mapping requirements for a District Plan, as well as standard definitions. This District Plan has been prepared to give effect to the National Planning Standards.

The District Plan should be read in full. It contains the five interrelated parts as outlined below.

<b>Part 1 Introduction and General Provisions</b>	This part of the Plan contains the chapters that explain the District Plan's context, how it works and provides definitions, abbreviations and a glossary to assist in its interpretation. The chapters also provide context and process-related information in relation to tangata whenua and resource management.
<b>Part 2 District Wide Matters</b>	<p>This part of the Plan is in two parts; the Strategic Directions and District Wide Matters.</p> <ol style="list-style-type: none"> <li>1. Strategic Direction — The strategic objectives set the direction for the District Plan and help to implement national direction, the Council's Spatial Plan, and other key Council strategies. They reflect the intended outcomes to be achieved through the implementation of the District Plan. The strategic objectives are particularly relevant for any future changes to the Plan and significant resource consent applications.</li> <li>2. District Wide Matters — These chapters relate to specific areas or activities that occur throughout the City. Specific areas that have distinctive value, risk or other factors that might require management, which are also referred to as Overlays, are identified spatially. The other district-wide matters apply generally across the City and are not separately covered in the Part 3 Area Specific Matters.</li> </ol>
<b>Part 3 Area Specific Matters</b>	<p>This part of the Plan is in three parts; Zones, Development Areas and Designations.</p> <ol style="list-style-type: none"> <li>a. Zones — A zone spatially identifies and manages an area with common qualities and characteristics and/or where particular environmental outcomes are sought. The entire district is zoned and all land is identified as part of a 'zone' on the planning maps, including roads, with rules which specifically address zone-based activities and effects. The zones generally seek to enable similar, compatible activities or effects to be located in appropriate areas together, while managing those that are incompatible. These zone chapters do not contain rules and standards that apply generally across the City - these are in Part 2. Some Zones include Precincts, which will have specific objectives, policies and/or rules that apply to them.</li> <li>b. Development Areas — A development area identifies and manages areas where plans such as structure plans apply to determine future</li> </ol>

	<p>land use or development.</p> <p>c. Designations — This part contains the designations that have been included in the District Plan under section 168, section 168A or clause 4 of Schedule 1 of the RMA. Designations authorise the use of land by requiring authorities for a particular project or public work. The District Plan rules do not apply to a public work, project or work undertaken by a requiring authority that is in accordance with the designation. However, if the designated land is used for a purpose other than the designated purpose, then the provisions of the District Plan do apply. Other people may not, without the prior written consent of the requiring authority, do anything in relation to the designated land that would impede the public work, project or work.</p>
<b>Part 4 Appendices and Schedules</b>	The appendices and schedules contain technical information and data, such as schedules of specific areas (Overlays managed under the District-Wide Matters chapters) and design guides. For example, SCHED11 — Outstanding Natural Features and Landscapes lists those areas of the City that have been identified as being outstanding natural features and landscapes and includes a description of each area's characteristics and values. The objectives, policies, rules and standards that apply to the areas contained in SCHED11 are contained in the Natural Features and Landscapes chapter in Part 2.
<b>Part 5 Maps</b>	Electronic planning maps spatially define zones, areas, overlays and features referred to within the District Plan chapters. Although most rules apply spatially, there are some that do not.

### Format of chapters in Parts 2 and 3

Each of the chapters in Parts 2 and 3 follows the same format:

- Introduction
- Objectives
- Policies
- Rules (if any)
- Standards (if any)

Each chapter has a unique acronym which identifies the topic being covered. For example, the Medium Density Residential Zone is identified as MRZ and the Subdivision chapter is identified as SUB.

The introduction provides an overview of the topic covered by the chapter.

The objectives set out the outcome to be achieved for the topic. There may be a number of objectives that apply. Each objective has a specific number; for example MRZ-O2.

The policies set out the direction to be taken to achieve the objective. There may be a number of policies that apply. Each policy has a specific number; for example MRZ-P1.

The rules have the effect of regulations and set out the activity status for different activities that may be proposed. There may be a number of rules that apply. Each rule has a specific number; for example MRZ-R4.

Rules may refer to standards that need to be complied with. Again, there may be a number of standards that apply. Each standard has a specific number; for example MRZ-S4.

### Classes of activities

The activities managed by this District Plan reflect Wellington City Council's functions under section 31 of the RMA.

No person is allowed to undertake any activity in a manner that contravenes a rule in the District Plan or a national environmental standard unless the activity is expressly allowed by a resource consent or is an existing use allowed by section 10 or 10A of the Act.

The District Plan is required to address resource management issues by setting out objectives for the District, policies to implement the objectives and rules to implement the policies. The RMA provides for a range of classes of activity, outlined in Table 1. These activity classes apply both to land use and subdivision consents.

All of the chapters in Part 3 and most of the chapters in Part 2 contain rules that establish the status of an activity. Rules will generally include conditions, requirements and standards that need to be met for that activity status to apply. If you do not comply with a particular rule condition, requirement or standard, the activity will default to a different status. You will be able to determine this by reading the rule. Unless what you are proposing is a permitted activity, you will need a resource consent.

For example, building a new house in the Medium Density Residential Zone is a permitted activity under Rule MRZ-R13 Buildings and Structures, subject to meeting particular standards. If you comply with these standards, then the new house is a permitted activity under that rule. However, for instance, if you cannot comply with MRZ-S1 (maximum building height), the activity status for your new house would default to a restricted discretionary activity status under Rule MRZ-R13.2 and you will need a resource consent.

Even if what you are doing is permitted under one rule, you will still need to check all relevant rules that apply to what you are proposing.

If more than one rule applies to your activity and different activity statuses apply, the activity will adopt the highest activity status and will be assessed under that status, unless a rule in the District Plan specifically states otherwise. The matters of control and/or discretion listed in the rules can all be used in the assessment.

**Table 1 Classes of Activities**

Activity status abbreviations	Activity status	Is resource consent required?	What can Council consider?
PER	Permitted	No. The activity can be undertaken 'as of right' provided that it complies with any applicable effects standards.	N/A
CON	Controlled	Yes. Consent must be granted. Conditions may be imposed on the consent.	The matters over which control is reserved, as set out in the rule.
RDIS	Restricted Discretionary	Yes. Consent may be granted or declined. Conditions may be imposed on the consent.	The matters over which discretion is restricted, as set out in the rule.
DISC	Discretionary	Yes. Consent may be granted or declined. Conditions may be imposed on the consent.	Any relevant matter.
NC	Non-complying	Yes. Consent may be granted or declined. Conditions may be imposed on the consent.	Any relevant matter. Consent can only be granted if the consent authority is satisfied that: <ol style="list-style-type: none"> <li>1. The adverse effects of the activity on the environment will be minor; or</li> <li>2. The activity will not be contrary to the objectives and policies of the relevant plan and any relevant proposed plan.</li> </ol>

## Using the District Plan

Please follow the steps shown in the Step by step guide for using the District Plan below to determine what activity status applies to your property or proposal.

# Step by step guide for using the District Plan

## Step 1



Check the planning maps to identify which zone applies to your property (e.g. Residential Zone). Also check to see if any overlays or features apply to your property (e.g. natural hazards)

## Step 2



Locate the relevant zone rules that apply to your property (e.g. General Residential Zone rules)

## Step 3



Locate the relevant district-wide rules that apply to the activity (e.g. Subdivision rules, Earthworks rules)

## Step 4



Check the relevant standards to see if you comply

## Step 5



If the activity meets all the rules and standards then it is permitted. If not, you will need to apply for a resource consent.

As outlined in the Step by step guide for using the District Plan, users should first look at the planning maps to identify what zones, overlays, features and/or designations apply to your property or area.

Once you have done this, users should check if there are any national environmental standards that relate to your proposal (what activity you are wanting to do, or what application you are assessing). The National Environmental Standards chapter below provides an overview of the national environmental standards that are in force. In most cases National Environmental Standards contain regulations that override or apply in addition to rules in the District Plan; however, there are some instances where the District Plan can have more stringent rules. In the event that there is conflict between the rules in the District Plan and the rules in a National

Environmental Standards, the most restrictive rule will prevail. If the National Environmental Standards does not regulate an activity then the District Plan rule will apply.

Please note that there may be rules and standards in more than one chapter that apply to a proposed activity. The underlying zone rules will apply to most activities along with general district wide rules such as noise or earthworks. The ~~Infrastructure, Renewable Electricity Generation,~~ Subdivision and Temporary Activities chapters generally operate as standalone chapters containing all relevant objectives, policies, rules and standards relating to those activities, unless otherwise specifically identified in those chapters. If you are undertaking any activities relating to ~~infrastructure, renewable electricity generation or wanting to undertake any~~ temporary activities or subdivide your property, please start by looking at those chapters after you have looked at the planning maps to determine what zone your activity or property is in and whether any overlays, precincts, features and/or designations apply. Unless otherwise specified in the introduction or in the chapter, the rules in the ~~Infrastructure, Renewable Electricity Generation,~~ Temporary Activities and Subdivision chapters are the only rules that apply to the listed activities.

Users should then refer to the relevant area-specific (zone) rules and standards in Part 3 and district-wide rules and standards in Part 2 that apply to your proposal. These will determine whether your proposal requires a resource consent, and if so, its activity status.

There may be a number of different chapters that you need to check, depending on what your proposal is. The ePlan will assist with identifying these chapters, and the specific provisions within those chapters, if you use the property search function. For example:

1. If you are building a new house in the General Rural Zone, you will need to look at the General Rural Zone, Earthworks and Transport chapters.
2. If there is indigenous vegetation on your property, you will need to look at the Ecosystems and Indigenous Biodiversity chapter.
3. If your property is in or is subject to a Historic Heritage Overlay, you will need to look at the Historic Heritage chapter and the relevant Historic Heritage Schedule.
4. If your proposal triggers the Resource Management (National Environmental Standard for Assessing Contaminants and Managing in Soil to Protect Human Health) Regulations 2011, you will need to look at the Contaminated Land chapter. While there are no rules in this chapter, there are objectives and policies that will provide direction for any required resource consent.
5. If what you are proposing does not comply with a number of rules in different chapters, generally the resource consent applications required will be "bundled" together and assessed against the most restrictive activity status that applies.

Under section 86BA of the RMA, you may not need to obtain a resource consent if you are undertaking a boundary activity and have the approval of each owner of an allotment with an infringed boundary and that is the only matter you require a resource consent for. See s87AAB of the RMA for a definition of boundary activity.

To find out more about how the District Plan works refer to the Ministry for the Environment's 'An everyday guide to the RMA' or the Council's Resource Consents webpage.

### **Operation of the Infrastructure, Infrastructure sub-chapters and Renewable Electricity Generation chapters**

The Infrastructure, Infrastructure sub-chapters and Renewable Electricity Generation chapters operate as standalone chapters containing all relevant objectives (with the exception of the strategic objectives that apply), policies, rules and standards applying to these activities unless otherwise specified in a rule or standard.

Further, the Resource Management Act, and therefore the District Plan, share the same broad definition of 'infrastructure', which includes airport and port facilities, and renewable electricity generation. Notwithstanding that, the rules within the Infrastructure Chapter (including the infrastructure sub chapters) do not apply to activities that fall under the definition of airport activities or airport related activities (and are located within the Airport Zone), or the definition of port or operational port activities (and are located within the Port Zone). Any infrastructure in the airport or port zones that does not meet those definitions is managed by the provisions in

this Infrastructure Chapter, which also apply to the management of infrastructure within the Moa Point Road Seawall Area, as mapped in the ePlan.

The Infrastructure Chapter (including the infrastructure sub chapters) also does not apply to activities that fall within the definition of Renewable Electricity Generation Activity (which are dealt with in the Renewable Electricity Generation chapter).

## Notification

An application for resource consent for a controlled activity will be considered without public or limited notification or the need to obtain written approval from affected parties unless:

1. Otherwise specified by a rule applying to the particular activity; or
2. The Council decides that special circumstances exist under section 95A(4) of the RMA.

An application for resource consent for a restricted discretionary, discretionary or non-complying activity is subject to the normal tests for notification under the relevant sections of the RMA, unless otherwise specified by a rule applying to the particular activity.

The notification provisions are set out in sections 95A-95F of the RMA. The provisions of the Act require the Wellington City Council to consider a number of matters when making a notification decision. These are summarised below:

Does the Council have sufficient information to consider the application?

Has the applicant requested public notification?

Does a rule or national environmental standard require public notification of the application or preclude public or limited notification of the application?

Are there any special circumstances which warrant the application being publicly or limited notified?

Will the activity have, or is the activity likely to have, adverse effects on the environment that are more than minor?

Are there any persons who are adversely affected in a minor or more than minor way in relation to the activity?

Is the site part of a statutory acknowledgement area?

When deciding whether any person is affected in relation to an activity for the purposes of section 95E of the Act, Wellington City Council will give specific consideration to the following entities with responsibility for any natural or physical resources which may be affected by the activity, including:

- In relation to infrastructure, the network utility operator that owns or operates that infrastructure;
- In relation to historic heritage, Heritage New Zealand Pouhere Taonga;
- In relation to natural resources and the coastal environment, the Minister of Conservation;
- In relation to sites or areas of significance to Māori, Ngāti Toa Rangatira and Taranaki Whānui; and
- In relation to a rule which addresses reverse sensitivity effects, the operator of the activity which is protected by the rule from such effects.

## Information to be submitted with resource consents

Schedule 4 of the RMA sets out information that is required in all resource consent applications. This includes an Assessment of Environmental Effects (AEE).

An AEE is a written statement that must be prepared in accordance with Schedule 4 of the RMA.

For controlled activities, the AEE should only address those matters over which the District Plan has specifically reserved its control. In respect of any application for a restricted discretionary activity, the assessment should only address those matters over which the District Plan has specifically restricted its discretion. These matters of control and discretion are detailed within the District Plan.

For all other types of activities, the AEE should address all relevant matters relating to the actual or potential effects of the proposed activity on the environment, as well as the other mandatory requirements set out in Schedule 4. Additionally, any application involving a resource consent for a Discretionary or Non-complying activity must also include an assessment against relevant objectives in the Strategic Directions Chapter of the Plan.

Where relevant and/or applicable, applicants should demonstrate they have considered any tangata whenua interests and impacts. See the Tangata Whenua chapter for further information.

Some rules in the District Plan also include a requirement for specific information to be submitted with any resource consent application required under that rule.

## Legal effect of rules


Subpart 7 of the Act applies to this District Plan.

Except as outlined below, the rules in the District Plan will only have legal effect once a decision on submissions relating to the rule is made and publicly notified. Section 86B of the RMA allows councils to seek legal effect from public notification. The Wellington City Council has not exercised use of this option under s86B.

In respect to Wellington City Council's functions, section 86B states that a rule in a proposed plan has immediate legal effect from public notification if it protects or relates to significant indigenous vegetation, significant habitats of indigenous fauna or historic heritage.

This means that the rules in the Ecosystems and Indigenous Biodiversity, Historic Heritage, and Sites and Areas of Significance to Māori chapters, as well as some rules in the Infrastructure, Renewable Electricity Generation, Earthworks, Signs and Subdivision chapters that relate to activities regarding the protection or development of Significant Natural Areas, Historic Heritage and Sites and Areas of Significance to Māori have legal effect from public notification of the District Plan.

In addition, the District Plan gives effect to the 'Medium Density Residential Standards' (MDRS). The MDRS will replace the existing building standards in the residential zones (MRZ and HRZ) and set out the level of development that can occur on a site as a permitted activity. Specifically, MRZ-S1 to MRZ-S9 and HRZ-S1 to HRZ-S9 (excluding MRZ-S2 and HRZ-S2) have immediate legal effect, along with the related objectives, policies and rules, except within a new residential zone or a qualifying matter area. Note that where one or more of the PDP building standards are not met, the proposal is assessed against the equivalent standard in the Operative District Plan and not this Proposed District Plan.

The red gavel icon () identifies a rule that has immediate legal effect.

## Qualifying Matters

The rules governing urban development reflect the application of qualifying matters where appropriate. Qualifying matters are defined in section 2 of the Act with reference to sections 771 and 770, which in turn list matters that can potentially justify making the MDRS (and the relevant building height or density requirements under policy 3 of the NPS-UD) less enabling of development than would otherwise be the case.