



PROPOSED DISTRICT PLAN CHANGE 78:

General Minor Amendments to District Plan Text and Maps

Report of the Hearing Committee

August 2014

REPORT OF THE HEARING COMMITTEE

SUBJECT: District Plan Change 78: General Minor Amendments to District Plan Text and Maps

COMMITTEE MEMBERS: Councillor Andy Foster (Chair)

DATE OF HEARING: 4 August 2014

Proposed District Plan Change 78 – General Minor Amendments to District Plan Text and Maps

1. Recommendations

The Hearing Committee recommends that Council:

1. *Receive the information.*
2. *Approves Proposed District Plan Change 78 as publicly notified on 6 May 2014, subject to the following amendment resulting from submissions:*
 - i. *Amend references to rivers in the notified documents to refer to “rivers (including streams)”, as detailed in Appendix 1.*
3. *Note that officers will consider the setting of a time frame in which earthworks will be assessed cumulatively as part of the next appropriate Plan Change.*
4. *Note that officers will evaluate whether the new Supreme Court building should be listed as a non-heritage building in Appendix 16 of Chapter 21 (Heritage).*

2. Background

This Plan Change is the result of ongoing District Plan maintenance and monitoring work. The Plan Change does not involve any changes to existing objectives and policies; instead it proposes to make minor amendments to the District Plan in order to ensure its efficient functioning. Specifically, the Plan Change comprises 33 separate changes to the District Plan. The changes include:

- clarifications to various zoning and text provisions
- fixing of map errors
- updates to reflect recent changes and updated noise standards
- rule changes relating to:
 - light from road utilities in Open Space areas
 - assessment of visual amenity effects from earthworks
 - provision of multiple household units on individual parcels of land in the Rural Area
 - earthworks in the Ridgeline and Hilltops overlays of Open Space B areas

- smoke extractor fans in the Central Area
- aerials too small to be classed as ‘antennas’
- the methodology for assessing wind effects and associated standards.
- changes to Volume 3 (Maps):
 - showing 79 Dixon Street, Te Aro as zoned Central Area rather than the existing legal road symbology
 - rezoning an area of open space between Kentwood Drive, Cedarwood Street and Woodridge Drive from Outer Residential to Open Space B
 - rezoning an area of land at Gibraltar Rock (Breaker Bay Road) from Open Space A to Conservation Site 2D
 - rezoning 68A Victory Avenue, Karori from Open Space A to Outer Residential.

Plan Change 78 was publicly notified on 6 May 2014, with submissions closing 6 June 2014. Six submissions were received. The summary of submissions was publicly notified on 24 June 2014 and no further submissions were received. The submitters were:

1. Mighty River Power
2. Jared Shepherd
3. Lynette Eustace
4. Brenda Stevens
5. Woodridge Planters
6. Donna Sherlock

A hearing was held on 4 August 2014, at which Ms Sherlock spoke in support of her submission.

3. Submissions and Discussion

3.1 Submissions in support

Three submissions supported various parts of the Plan Change:

- Submitter 1 (Mighty River Power) supported the changes to Chapter 23 – Utilities Rules. These focused on clarifying the permitted activity status of aerials below certain pre-existing size limits.
- Submitter 2 (Jared Shepherd) supported showing a parcel at the corner of Dixon and Victoria streets as Central Area. This parcel is currently shown as legal road, however this is incorrect and it is proposed that it is zoned Central Area, matching the surrounding land. The submitter felt that this would be conducive to the constructive redevelopment of the site, which is currently underutilised as a car park.
- Submitter 5 (Woodridge Planters) supported the rezoning of an area of open space in Woodridge (between Kentwood Drive, Cedarwood Street and Woodridge Drive) from Outer Residential to Open Space B. This land is

already classified as a reserve under the Reserves Act and is owned by Wellington City Council. The proposed rezoning reflects the existing and future use of the site, as well as the existing restrictions.

The submission comments that Woodridge Planters have planted more than 5,000 native trees on this land and that this has significantly increased diversity of the flora and helped bring native birds to the area. Several hundred individuals from the community and various organisations have contributed to this transformation of bush and stream.

The support from the above submitters is noted. The points raised reinforce the benefits of the related proposed changes.

Recommendation: Accept the submissions.

3.2 Submissions in opposition

Two submissions were received in opposition:

- Submitters 3 (Lynette Eustace) and 4 (Brenda Stevens) both opposed the replacement of the term 'streams' with 'rivers' in Chapter 30 and requested that the existing terminology be retained. Both submitters felt that the term 'stream' is more suited to the Wellington context (which does not have any major rivers) and that using 'river' could cause confusion around what is included in the definition.

The term 'river' is defined by the Resource Management Act (RMA) 1991 and this definition, which includes streams, has been carried through to the District Plan. Alternatively, the term 'stream' is not defined in either the District Plan or RMA and is consequently open for differing interpretations. This was the reason behind the changes proposed, which would reduce the potential for legal challenges relating to earthwork rules.

It is considered as still important to link the rules to the defined term of 'rivers'. However, it is acknowledged that District Plan users may not check the definitions and instead presume that only large watercourses are relevant. A recommended compromise is to use explicitly state "rivers (including streams)" in the relevant parts of the Earthworks Chapter. This would allow the rules to have the legal certainty of including a defined term, but also draw attention to the inclusion of streams within the definition.

Under section 32AA of the Resource Management Act, a further evaluation has been undertaken (including considering alternatives, examining the appropriateness of the changes, and assessing possible effects). For the reasons given above, it is considered that the proposed changes are most appropriate.

Recommendation: Accept the submissions, by making the changes outlined in Appendix 1.

3.3 Submission in both support and opposition

Submitter 6 (Donna Sherlock) submitted on a number of matters in the Plan Change:

1. Opposing the change of terminology in Chapter 30 (Earthwork Rules) from 'streams' to 'rivers'. The submitter felt that the definition of rivers is too encompassing.

Section 3.2 of this report outlines recommended changes to the relevant provisions to use both 'streams' and 'rivers'. In relation to the broadness of the definition of 'rivers', this is considered to be beyond the scope of Plan Change 78. The definition is set by the Resource Management Act and was recently included in the District Plan by Plan Change 70 (Earthworks) in recognition of the benefits of using a nationally-set definition.

It is recommended that the submission point is rejected and the changes outlined in Appendix 1 are made to the notified Plan Change.

2. Opposing the proposed changes relating to the residential conversion of rural buildings.

This submission point relates to the proposed change to Rule 15.3.3a. This rule currently states that, with some exceptions:

The construction, alteration of, or addition to, residential buildings, accessory buildings (associated with a residential activity) and residential structures... are Discretionary Activities (Restricted)

This rule is intended to capture the conversion of existing buildings to residential use and this is how it is interpreted and applied. However, there has been some misunderstanding about whether the rule includes conversion. The proposed change would clarify the existing situation and ensure that conversions continue to require resource consent, allowing possible adverse effects to be assessed.

The submitter opposed the change, considering that having multiple dwellings on rural land is often appropriate, as it strengthens the economic viability of rural properties and is an efficient use of land and natural resources. The submitter felt that this was particularly true for land which is zoned Rural but which is not suited to farming.

At the hearing, Ms Sherlock spoke of inconsistencies in the management of residential conversions, particularly between residential and rural areas, despite her view that they were no less appropriate in a rural environment. An example was converting garages to sleepouts. She also requested more clarity over when land owners could have multiple household units on their property or could subdivide (e.g. by further use of minimum lot sizes).

The proposed change to Rule 15.3.3a relates only to clarifying the status of residential building conversions in Rural Areas. If conversion was not captured by this rule, it would allow rural land owners to construct 'rural' buildings and then convert them to housing without the appropriate controls and assessments being applied. Converting rural buildings to residential use has the potential to have significant adverse effects and certain issues need to be assessed, including site landscaping, hazard management and the design and location of waste water disposal.

Any change to the underlying policy intent (as requested by the submitter) would require a significant in-depth review of existing provisions and possible alternatives. This is not considered to be within the scope of Plan Change 78, which is limited to clarifying the existing situation and not making policy changes.

For this reason, it is recommended that the submission point is rejected and the change is adopted as publically notified.

3. Opposing the proposed changes relating to establishing additional dwellings on rural land.

Under the existing District Plan provisions, establishing a second (or subsequent) dwelling on a rurally-zoned parcel is a Non-Complying activity. However, this would only be a Discretionary (Unrestricted) activity within an identified ridgeline or hilltop area. As the ridgelines and hilltops overlay is intended to provide a greater level of protection to prominent and visible parts of the Rural Area, it is illogical that multiple dwellings would have a more lenient activity status in these areas.

The proposed change would make the construction of a second (or subsequent) household unit on a rurally-zoned allotment a Non-Complying activity, regardless of whether it is in an identified ridgeline or hilltop. The submitter opposed this change for the reasons discussed in the submission point above, namely that multiple dwellings are appropriate on some rural properties.

The District Plan has an underlying policy of limiting the number of dwellings on rural parcels, which is a result of substantial consideration and debate in the mid-late 2000s. The proposed change does not seek to move away from this policy, but is instead limited to ensuring that Rural Chapter rules are consistent and reflect the policy intents. Any change to the underlying policy would be outside the intent and scope of Plan Change 78.

It is recommended that the submission point is rejected and the change is adopted as publically notified.

4. Opposing the changes relating to consideration of visual amenity resulting from earthworks.

In the decision on Plan Change 70 (Earthworks), a change was confirmed to allow Council to consider the effects of earthworks on visual amenity if they exceed an area standard or a height/depth standard. However, this was not correctly incorporated into the District Plan due to a drafting error and the current rules state that both the area and height/depth standards need to be exceeded to allow an assessment of visual amenity. The proposed change would correct this error and allow visual amenity to be assessed if either the area standard or height/depth standard is exceeded, as intended by Plan Change 70.

The submitter opposed this change for two key reasons. Firstly, the impact on visual amenity may be offset by the purpose of the earthworks. Secondly, the submitter considered that visual amenity is too subjective to have objective standards. However, the submissions also states that “visual amenity should be considered in conjunction with overall impact”.

Earthworks have the potential to cause significant adverse effects on visual amenity. This can be the result of the earthworks either having a large height/depth, or from

covering a large area. The use of standards does not presuppose that all developments above the standards would be inappropriate, but only requires an assessment due to their potential to be significant and inappropriate. A holistic approach of balancing positive and adverse effects is dependent on resource consent being required so that Council can assess the actual effect on visual amenity and balance it with other considerations.

At the hearing, Ms Sherlock spoke about the ambiguity in the Plan regarding the time frames in which earthworks standards cannot be exceeded. She gave her own experiences as an example. Having completed some earthworks (below the standard at which resource consent would be required), she subsequently undertook more earthworks approximately one year later. However, Council's Compliance Team informed her that as the cumulative earthworks would exceed the District Plan standards, a resource consent was required. She was also informed that the 'wait period' in which earthworks would be considered cumulatively was 20 years. The submitter felt that a time period should be explicitly stated in the District Plan and should be set at roughly 5 years. This seems to be a sensible request, as the current situation is ambiguous and overly restrictive.

As Plan Change 78 is not the appropriate process to introduce a time frame for earthworks due to being beyond its scope, it is recommended that officers consider this idea in the next appropriate Plan Change process. It is otherwise recommended that the submission point is rejected and the changes are adopted as publically notified.

5. Supporting an additional part of Victoria Street being shown as Principal Road on Map 34.

The support for this proposed change is noted. The additional request that the 'no stopping' zone is extended is outside of the scope of the District Plan and Plan Change 78. Officers have passed this submission point on to the Roding Traffic Operations Team for their consideration.

6. Supporting the rezoning of land in Breaker Bay to Conservation Site.

The support for this proposed change is also noted. The proposed rezoning is further supported by the information included in the submission that there is a significant population of penguins living in this coastal area that are appreciated by Wellingtonians.

Recommendation: Accept the submission in part (in relation to points 5 and 6 above) and otherwise rejected (in relation to points 1-4).

3.4 Non-Submission Points

In addition to the points raised in the submissions, the Hearing Committee has also reviewed the remainder of the Plan Change. As part of this, it was noted that the new Supreme Court building is not explicitly listed as a non-heritage feature. While a decision on this is beyond the scope of Plan Change 78 and this decision report, it is recommended (as a procedural note) that this is reviewed by officers.

It is also desirable to be clear on the status of 'Legal Road'. While the notified Plan Change referred to various 'rezonings' to and from Legal Road, the District Plan does not have a Legal Road zone. Legal Road is an overlay on the District Plan maps which

is used for specific rules and land which is shown as Legal Road is subject to the provisions of the adjoining zone. Changes have been made to the wording of notations in the amended provisions (Appendix 2) to reflect the Hearing Committee's determination that the changes relate to where land is shown as Legal Road but are not zone changes.

Having reviewed the proposed changes to methods for assessing noise and wind, the Hearing Committee feels that a brief explanation of these changes may be useful.

Plan Change 78 proposes amending the methodology for measuring wind effects by adding data to the District Plan that is necessary to undertake assessments. This would allow a greater range of experts to assess the potential wind effects from proposed developments. The proposed changes also clarify that computer-based wind tunnel testing can be used instead of a physical wind tunnel test, provided that the accuracy of the computer model can be demonstrated. In addition, wind standards are proposed to be amended to allow the stated wind strengths to be exceeded more often and for the measurements to be made in days per year, rather than the current hours per year. Plan Change 48 inadvertently made it more difficult to meet the wind standards and this Plan Change seeks to reverse that change.

Changes to noise provisions are proposed to reflect updated best practice standards. The District Plan currently uses New Zealand Standards NZS6801:1991 "Measurement of Sound" and NZS6802:1991 "Assessment of Environmental Sound" and it is proposed to update these to the current 2008 versions of each document. As part of this, updated notations are proposed for sound measurements to reflect changes in the 2008 documents. Specifically, this includes changing measurements in L_1 , L_{10} and L_{max} formats to $L_{Aeq}(1 \text{ min})$, $L_{Aeq}(15\text{min})$ and L_{AFmax} respectively.

4. Conclusion

Out of the six submissions received, three were in support, two were opposed to replacing the term 'stream' with 'river' and one supported and opposed various aspects.

The Hearing Committee recommends that the submissions in support be noted and accepted. In relation to the submissions in opposition, it is recommended that they be accepted in part and that the changes discussed in section 3.2 and outlined in Appendix 1 are made to the notified Plan Change.

A submission by Donna Sherlock was also received, which supported some changes and opposed others. The Hearing Committee recommends that the support is noted and accepted, but that the points in opposition are rejected. These points are considered to involve matters that affect the existing policy approach in the District Plan and therefore are considered to be outside the scope of Plan Change 78. However, it is recommended that, in a future appropriate process, officers review the possibility of including time frames in which earthworks are to be assessed cumulatively. In addition, it is recommended that officers consider adding the new Supreme Court building as a non-heritage feature in the Stout Street Precinct Heritage Area.

Andy Foster

Chair PC78 Hearing Committee

Appendix 1. Recommended Changes

Key to Changes	
Abcdefghijklmnop	Operative unaltered text
<u>Abcdefghijklmnop</u>	Text recommended to be added
Abcdefghijklmnop	Text recommended to be deleted

Provision	Changes as Notified	Changes as Recommended
30.1	Permitted Activities... Effects on Streams <u>Rivers</u> , Wetlands and the Coastal Marine Area	Permitted Activities... Effects on Streams <u>Rivers</u> (including <u>Streams</u>), Wetlands and the Coastal Marine Area
30.1.1.2	The cut or fill is no closer than the following (measured on a horizontal plane) to a stream <u>river</u> , a wetland or the coastal marine area...	The cut or fill is no closer than the following (measured on a horizontal plane) to a stream <u>river</u> (including <u>streams</u>), a wetland or the coastal marine area...
30.1.2.2	The cut or fill is no closer than the following (measured on a horizontal plane) to a stream <u>river</u> , a wetland or the coastal marine area...	The cut or fill is no closer than the following (measured on a horizontal plane) to a stream <u>river</u> (including <u>streams</u>), a wetland or the coastal marine area...
30.2.1.1(v)	Earthworks and structures associated with streams rivers and the coastal marine area where the cut or fill is closer than the following (measured on a horizontal plane) to a stream <u>river</u> , wetland or the coastal marine area...	Earthworks and structures associated with streams <u>rivers</u> (including <u>streams</u>) and the coastal marine area where the cut or fill is closer than the following (measured on a horizontal plane) to a stream <u>river</u> (including <u>streams</u>), wetland or the coastal marine area...
30.2.1.2(v)	Earthworks and structures associated with streams <u>rivers</u> and the coastal marine area where the cut or fill is closer than the following (measured on a horizontal plane) to a stream <u>river</u> or the coastal marine area...	Earthworks and structures associated with streams <u>rivers</u> (including <u>streams</u>) and the coastal marine area where the cut or fill is closer than the following (measured on a horizontal plane) to a stream <u>river</u> (including <u>streams</u>) or the coastal marine area...

Appendix 2: Amended Provisions showing Decision

Wellington City District Plan

Proposed District Plan Change 78

General Minor Amendments to District Plan Text and Maps VI

ALTERATIONS TO THE WELLINGTON CITY DISTRICT PLAN

Detailed below are changes relating to:

- A. Clarifications
- B. Mapping Errors
- C. Rule Changes
- D. Updates
- E. Zoning Changes

Proposed amendments to District Plan maps are included as appendices to this document.

The proposed new provisions (as notified) are shown as underlined, and deleted provisions are shown as struck through. Text amended as part of the decision is highlighted.

Note: Changes to the wording of some instructions have been made as part of the decision. This is to improve clarity and do not reflect any changes to the content of the Plan Change.

Key to Changes	
Abcdefghijklmnop	Existing unaltered text
<u>Abcdefghijklmnop</u>	Text recommended to be added
Abcdefghijklmnop	Text recommended to be deleted
Abcdefghijklmnop	Text amended in Decision Report

A. CLARIFICATIONS – ALTERATIONS TO VOLUMES 1 AND 3

1. Change District Plan text in Chapter 3 (General Provisions) as follows:

Where a formed, unformed or stopped road, [service lane or motorway]^{PC34} is bounded by different areas, the demarcation between areas is the centre of the legal road.

2. Amend Central Area Appendix 11 - Central Area Viewshafts No. Vs 4 (Whitmore Street) text as follows. Amend map as shown in Appendix 1.

VIEWPOINT LOCATION: The footpath on ~~south~~ north west corner of the intersection of Bowen Street and Lambton Quay.

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Left margin	Right margin	Base
Southwestern edge <u>corner</u> of Telecommunications Building, 70 Featherston Street (Sec 1 SO 17350)	The <u>southeastern</u> Whitmore Street boundary <u>corner</u> of 93 Featherston Street (Lot 3 DP 360)	Ground level 2.4m

3. Amend Chapter 13 (Central Area Rules) as follows:

13.6.4.1.2 Any sign located on a building:

...

must not project above the parapet level, or the highest part of that part of the building to which the sign is attached (including above the verandah). Where the sign is attached to a part of the building higher than the parapet level, the lower of the two levels shall be the maximum. This part of the standard does not apply to temporary signs.

4. Amend Map 7 to show strata above Seatoun Tunnel as Outer Residential instead of Legal Road, as shown in Appendix 2.

5. Amend Chapter 23 (Utilities Rules) as follows:

23.1.13.1 They are designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz (~~or subsequent amendments~~) at all times and in all places to which the public has access.

23.1.14.1 They are designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz (~~or subsequent amendments~~) at all times and in all places to which the public has access.

23.1.15.1 They are designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz (~~or subsequent amendments~~) at all times and in all places to which the public has access.

23.1.18.5 All antennas must be designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz (~~or subsequent amendments~~) at all times and in all places to which the public has access.

23.2.1A.12 Whether utility structures comply with New Zealand Standard NZS2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz (~~or subsequent amendments~~).

23.2.4...

Standards and terms

All antennas must be designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz (~~or subsequent amendments~~) at all times and in all places to which the public has access.

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23.2.4A.4 All antennas must be designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz (~~or subsequent amendments~~) at all times and in all places to which the public has access.

23.3.2...

Standards and Terms

The additional antennas and aerials shall be designed and operated in compliance with New Zealand Standard NZS2772: Part 1 : 1999 Radio Frequency Fields Part 1 – Maximum Exposure Levels – 3kHz to 300GHz (~~or subsequent amendments~~) at all times and in all places to which the public has access.

6. Amend Chapter 30 (Earthworks Rules) as follows:

30.1 Permitted Activities...

Effects on ~~Streams~~ Rivers (**including Streams**), Wetlands and the Coastal Marine Area

30.1.1.2 The cut or fill is no closer than the following (measured on a horizontal plane) to a ~~stream~~ river (**including streams**), a wetland or the coastal marine area:

30.1.2.2 The cut or fill is no closer than the following (measured on a horizontal plane) to a ~~stream~~ river (**including streams**), a wetland or the coastal marine area:

30.2.1.1...

(v) Earthworks and structures associated with ~~streams~~ rivers (**including streams**) and the coastal marine area where the cut or fill is closer than the following (measured on a horizontal plane) to a ~~stream~~ river (**including streams**), wetland or the coastal marine area:

30.2.1.2...

(v) earthworks and structures associated with ~~streams~~ rivers (**including streams**) and the coastal marine area where the cut or fill is closer than the following (measured on a horizontal plane) to a ~~stream~~ river (**including streams**) or the coastal marine area:

7. Amend Chapter 15 (Rural Rules) as follows:

15.3.3a The construction, alteration of, conversion to, or addition to, residential buildings, accessory buildings (associated with a residential activity) and residential structures, except:

8. Amend Chapter 23 (Utilities Rules) as follows:

Non-notification

The written approval of affected persons will not be necessary in respect of items 23.3.3.1 to 23.3.3.4 ~~23.3.2.1 to 23.3.2.5~~. [Notice of applications need not be served on affected persons]^{PC28} and applications need not be notified.

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B. MAPPING ERRORS – ALTERATIONS TO VOLUME 3 MAPS

9. Delete and move heritage tree symbols for Heritage Tree #10 (35 Hobson Crescent) on Map 18, as shown in Appendix 3.
10. Amend Map 16 to show Heritage Tree #286 at 108 Abel Smith Street, as shown in Appendix 4.
11. Move symbol for Heritage Building #348 (128 Willis Street) as shown in Appendix 5.
12. Move symbol for Heritage Building #405 (26 Stoke Street) as shown in Appendix 6.
13. Make changes in the heritage schedule as shown in table below. Make changes on Map 16 to reflect changes, as shown in Appendix 7.

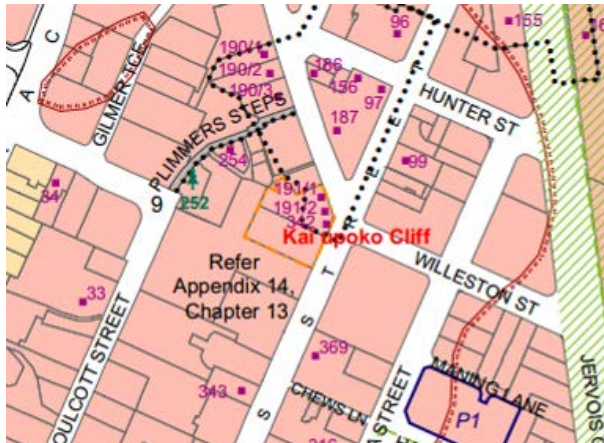
Street	Number	Building and Date of Construction (if known)	Map Ref	Symbol Ref
Allen Street	7-23 <u>7-17</u>	Warehouse (former Wellington Produce Market) 1905-06	16	10/3
Blair Street	24 <u>10-16</u>	Warehouse (former Wellington Produce Market) 1906	16	26/5
Allen Street	21-23 <u>19-23</u>	Building (former Wellington Produce Market) 1905-06	16	10/6
Blair Street	6-20 <u>24-28</u>	Warehouse (former Wellington Produce Market) 1906	16	26/1

14. Remove boundaries for Civic Centre, Cuba Street and Courtenay Place character areas from District Plan Maps 16 and 17.
15. Alter Map 32 to show Open Space A areas using a new symbology, as shown in Appendix 8.
16. Amend Map 34 to re-apply the 'Principal Road' status to Victoria Street between Vivian and Webb streets, as shown in Appendix 9.

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- 17. Change text of annotation on Map 17 (as shown below) from 'Refer Appendix 14, Chapter 13' to 'Refer Appendix 15, Chapter 13'.**



- 18. Amend Chapter 21 (Heritage Rules) as follows. Update Maps 15 and 18 to reflect renumbering of Taikiwai.**

HERITAGE LIST: BUILDINGS				
Street	Number	Building and Date of Construction (if known)	Map Ref	Symbol Ref
Stowe Hill	6	Taikiwai circa 1870	15/18	407 467
Frandi Street	6A	Taikiwai circa 1870	15/18	407 467
The Esplanade	206-212	Group of Houses	4	407

C. RULE CHANGES – ALTERATIONS TO VOLUME 1 DOCUMENTS

- 19. Amend Chapter 23 (Utilities Rules) as follows:**

(Introduction)

The area based objectives, policies and rules shall not apply to utility network infrastructure dealt with in this chapter except that (unless specified to the contrary) the conditions that apply to Permitted Activities in respect of noise, dust, lighting, electromagnetic radiation and hazardous substances apply to all activities in this chapter...

...

23.1.7 On legal roads in all Areas, the [construction, alteration, addition to and operation]^{PC74} of traffic management and control structures, and street lighting are Permitted Activities.

23.1.7.1 Condition 17.1.1.4.3 does not apply to Rule 23.1.7

- 20. Amend Chapter 30 (Earthworks Rules) as follows:**

30.2.1.1 For non compliance with the permitted activity conditions in Rule 30.1.1 the Council has restricted its discretion to:

- (i) earthworks stability (except for cuts and fills for tracks associated with permitted rural activities);
- (ii) erosion, dust and sediment control;

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- (iii) visual amenity – where the cut height or fill depth exceeds 2.5m ~~and~~ or the area exceeds 250m²;

30.2.1.2 For non compliance with the permitted activity conditions in Rule 30.1.2 the Council has restricted its discretion to;

- (i) earthworks stability;
- (ii) erosion, dust and sediment control;
- (iii) visual amenity – where the cut height or fill depth exceeds 1.5m ~~and~~ or the area exceeds 100m²;

21. Amend Chapter 30 (Earthworks Rules) as follows:

30.2.1 Earthworks that do not comply with the permitted activity conditions under Rule 30.1.1, and 30.1.2 except;

- (i) Earthworks that do not comply with the permitted activity conditions in the Ridgelines and Hilltops Overlay (Rural Area and Open Space B); and

...

30.3.2 Earthworks that do not comply with the permitted activity conditions for earthworks in the Ridgelines and Hilltops Overlay (Rural Area and Open Space B):

are a Discretionary (Unrestricted) Activity.

22. Amend Rule 13.6.1.1.2 (Central Area Noise Rules) as follows:

13.6.1.1.2 The noise limits set in standard 13.6.1.1.1 shall not apply to fixed plant that is used solely for emergency purposes. Examples of such equipment are standby generators sets that are used to provide electricity only at times of electrical supply failure, or for plant used only during life threatening situations such as smoke fans or sprinkler pumps. This fixed plant is exempt from the noise limits provided that it:

- (i) only operates for maintenance between 8am and 5pm weekdays
- (ii) with the exception of smoke extract fans, can comply with standard 13.6.2.1.1 and Appendix 5
- (iii) with the exception of smoke extract fans, can comply with Appendix 5 when operated for maintenance
- (~~iii~~ iv) in the case of electricity generators sets can only be used on an emergency basis and is not used to generate power for the national grid.

23. Amend Chapter 15 (Rural Area Rules) as follows:

15.4.2 [The construction or, alteration of, or addition to buildings or siting of any structures (except minor rural structures that are Permitted Activities) within identified ridgelines and hilltops are Discretionary Activities (Unrestricted).

Standards and Terms

The number of household units per allotment shall not exceed one.

24. Amend Chapter 23 (Utilities Rules) as follows:

23.1.13 Except as provided in Rule 23.1.16, Antennas in Residential Areas or Open Space A Areas are a Permitted Activity provided that they comply with the following conditions:

23.1.13.1 They are designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz (or subsequent amendments) at all times and in all places to which the public has access.

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- 23.1.13.2 The antenna shall not be located closer than [3m]^{PC74} from a boundary in the Residential Area.
- 23.1.13.3 The antenna shall not exceed 0.6m² in area or 800mm diameter. [Where the antenna is attached to a building or structure (excluding a mast) and the antenna mounting elevates the antenna above the building or structure, the part of the mounting that elevates the antenna shall not exceed 150mm in width or diameter and no guy wires are permitted. If the antenna is attached to a building or structure (excluding a mast) so that the antenna does not protrude above that part of the buildings or structure to which it is attached, the antenna shall not exceed 1m² in area or 1m diameter.]^{PC44}
- 23.1.13.4 Antennas attached to a mast shall not exceed 0.6m² in area or 800mm diameter and must be located on the mast [within a 3m horizontal diameter circle.]^{PC74}
- [23.1.13.5 No antenna may be located on a site that is, or contains, a listed heritage item. In respect of listed heritage areas, no antenna may be located on a site within a listed heritage area or on any legal road within that heritage area.]^{PC74}

23.1.14 Except as provided in Rule 23.1.16, Antennas in the Central Area, Institutional Precincts, Suburban Centres, or Airport and Golf Course Precinct are a Permitted Activity provided that they comply with condition 23.1.14.1 [and 23.1.14.6]^{PC74} and any one of conditions 23.1.14.2 to 23.1.14.5:

- 23.1.14.1 They are designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz (or subsequent amendments) at all times and in all places to which the public has access.
- 23.1.14.2 The antenna shall not exceed 0.6m² in area or 800mm diameter except if 23.1.14.3, 23.1.14.4 or 23.1.14.5 below applies. [Where the antenna is attached to a building or structure (excluding a mast) and the antenna mounting elevates the antenna above the building or structure, the part of the mounting that elevates the antenna shall not exceed 150mm in width or diameter and no guy wires are permitted.]^{PC44}
- 23.1.14.3 The antenna shall not exceed 1.5m² in area or 1.4m diameter where the antenna is:
- attached to a building or structure (excluding a mast) and the antenna is no more than 5m in height above the highest part of the building or structure to which it is attached; and
 - located no less than 10m from a Residential Area boundary.
- 23.1.14.4 The antenna shall not exceed 2.5m² in area or 2.0m diameter, except that in Suburban Centres the antenna shall not exceed 2.0m² in area or 1.5m diameter, where the antenna is:
- attached to a building or structure (excluding a mast) and the antenna does not protrude above that part of the building or structure to which it is attached; and
 - located no less than 10m from a Residential Area boundary.
- 23.1.14.5 Antennas attached to a mast shall not exceed 1.5m² in area or 1.4m diameter and must be located on the mast to comply with the horizontal diameter circle requirement provided for in rule 23.1.8.7 or 23.1.8.8 as appropriate.
- [23.1.14.6 No antenna may be located on a site that is, or contains, a listed heritage item. In respect of listed heritage areas, no antenna may be located on a site within a listed heritage area or on any legal road within that heritage area.]^{PC74}

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23.1.15 **Except as provided in Rule 23.1.16, Antennas in the Rural Area are a Permitted Activity provided that condition 23.1.15.1 [and 23.1.15.5]^{PC74}, and any one of conditions 23.1.15.2 to 23.1.15.4 are met:**

- 23.1.15.1 They are designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz (or subsequent amendments) at all times and in all places to which the public has access.
- 23.1.15.2 Where antennas are attached to a building or structure (including a mast that was erected on or before 1 October 1991, but excluding a mast erected after that date), the antenna shall not exceed 5m² in area or 2.6m diameter and rules 23.1.8.7 and 23.1.8.8. do not apply.
- 23.1.15.3 Except as provided for in 23.1.15.2 or 23.1.15.4 antennas attached to a mast shall not exceed 0.6m² in area or 800mm diameter and must be located on the mast to comply with the horizontal diameter circle requirement provided for in rule 23.1.8.7 or 23.1.8.8 as appropriate.
- 23.1.15.4 Except as provided for in 23.1.15.2, antennas attached to a mast 8m or less in height, shall not exceed 1.5m² in area or 1.4m diameter and must be located on the mast to comply with the horizontal diameter circle requirement provided for in rule 23.1.8.7 or 23.1.8.8 as appropriate.
- [23.1.15.5 No antenna may be located on a site that is, or contains, a listed heritage item. In respect of listed heritage areas, no antenna may be located on a site within a listed heritage area or on any legal road within that heritage area.]^{PC74}
- 23.1.16 Any antenna where no part of the antenna is greater than 70mm in diameter (not including any mountings) or where its total area is less than 150cm² is a Permitted Activity.

~~Rule 23.1.16 has been deleted by Plan Change 74~~

Insert a margin note next to the new Rule 23.1.16 as follows:

The radiofrequency emission provisions of the NES for Telecommunication Facilities still apply in respect of antennas permitted under this Plan.

25. Amend Chapter 13 (Central Area Rules) and Central Area Appendix 8 as follows:

- 3.2.2.15 A **wind tunnel test report** (or demonstrated, calibrated equivalent e.g. electronic wind tunnel) must be supplied to show compliance with the wind standards in rule 13.6.3.5.2 (unless 3.2.2.15A below applies).

The wind tunnel test study must examine the effects of the proposed building upon all areas open to the public, including roads, parks, malls, plazas, public carparks, the immediate forecourt area and entranceways to the proposed building/s. The proposed development must be tested against the existing situation except where the site is currently cleared. If the site is cleared, the proposal must be tested against any building which existed within the previous 5 years.

Details of the test requirements, and the form and content of a wind tunnel test report is outlined in Appendix 8 of Chapter 13.

- 13.6.3.5.2 New buildings, structures, or additions above 18.6 metres in height will be designed to comply with the following standards:

...

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Wind strength	Change in annual hours <u>days</u> of occurrence with the development at all measurement points	Requirements on developer
Strong (mean hourly wind speed = 3.5 m/s)	If hours <u>days</u> that 3.5 m/s is equalled or exceeded increase by more than 170 hr/yr <u>20</u> <u>days/year</u> (i.e. 2-5.5 % of the year)	Reduce change in hours <u>days</u> to a maximum of 170 hours <u>20 days</u> .
Moderate (mean hourly wind speed = 2.5 m/s)	If hours <u>days</u> that 2.5m/s is equalled or exceeded increase by more than 170 hr/yr <u>20</u> <u>days/year</u> (i.e. 2-5.5 % of the year)	Reduce change in hours <u>days</u> to a maximum of 170 hours <u>20 days</u> .

(c) ~~While hours exceeded at some locations in the Cumulative Effect Criteria may increase or decrease, the overall impact of a building on the wind conditions must be neutral or beneficial. Under the Cumulative Effect Criterion, the overall impact of a building on the wind conditions must be neutral or beneficial.~~

(d) COMFORT: The comfort criteria only applies to the public spaces listed in standard 13.6.3.4

Comfort wind strength	Annual hours <u>days</u> of occurrence with the development	Requirements on developer
Mean hourly wind speed = 2.5 m/s	If hours <u>days</u> that 2.5 m/s is equalled or exceeded increase above 1700 hours <u>73</u> <u>days/year</u> (ie. 20% of the <u>year</u>).	If existing building exceeds 1700 hours <u>73 days</u> , then reduce number of hours <u>days</u> for proposed building to existing levels. If existing building is below 1700 hours <u>73 days</u> then reduce number of hours <u>days</u> for proposed building to below 1700 hours <u>73 days</u> .

Chapter 13 (Central Area) Appendix 8 (Wind)

~~2.4~~ ~~Where there is no site wind speed data of sufficient quality, the reference wind speeds shall be derived using wind data from Wellington Airport, with the following corrections;~~

- ~~• winds at a height of 10 m at Wellington Airport have equivalent mean speed to winds at a height of 150 m above Wellington City, and~~
- ~~• wind directions over Wellington City are the same as those at Wellington Airport, except that the northerly wind directions (i.e. 0° 80° & 280° 360°) are rotated to the west by 10° (e.g. 360° at the airport becomes 350° over the city).~~

~~2.4.5~~ Wind speeds shall be measured for the reference wind directions (degrees clockwise with respect to true North) 150°, 170°, 190°, 210°, 320°, 340°, 360° and 020°.

~~2.5~~ The reference wind speeds for the reference wind directions are those derived from Wellington Airport wind data. These wind speeds are the equivalent annual maximum hourly mean wind speeds at a height of 150m above Wellington City. The reference mean speeds for the reference wind directions are:

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150^o 15m/s	170^o 20m/s	190^o 22m/s	210^o 22m/s
320^o 19m/s	340^o 22m/s	360^o 20m/s	020^o 15m/s

2.6 The gust speeds shall be calculated ~~as~~ at each measurement location for each wind direction:

$$\text{gust} = v + 3.7\sigma,$$

where v = the annual maximum hourly mean wind speed for the particular ~~all~~ wind directions ~~combined~~, and

σ = the corresponding standard deviation of the wind speed.

This overall gust speed will be used to assess the compliance with the safety criteria given in standard 13.6.3.5.2 (a).

2.7 The number of ~~hours~~ days that a 1-hour mean wind speed of 2.5 m/s and 3.5 m/s are equalled or exceeded in a year shall be calculated in order to assess compliance with creep criteria given in standard 13.6.3.5.2 (b). Where applicable, the ~~hours~~ days that a 1-hour mean wind speed of 2.5 m/s is equalled or exceeded in a year shall be calculated in order to assess compliance with comfort criteria given in standard 13.6.3.5.2 (c).

2.8 Where there is no wind speed data of sufficient quality, the days of occurrence shall be derived using wind data from Wellington Airport, with the following corrections:

- winds at a height of 10 m at Wellington Airport have equivalent mean speed to winds at a height of 150 m above Wellington City, and
- wind directions over Wellington City are the same as those at Wellington Airport, except that the northerly wind directions (i.e. 0°-80° & 280°-360°) are rotated to the west by 10° (e.g. 360° at the airport becomes 350° over the city).

2.9 ~~8~~ All wind speeds shall be measured at a full-scale height of 2 metres.

2.10 ~~9~~ The percentage change in ~~hours~~ days shall be calculated by dividing the change in the number of ~~hours~~ days by ~~8760~~ 365 (i.e. the total ~~hours~~ days in one year)

2.11 ~~0~~ Flow visualisation tests that show the spatial extent of windy areas throughout public areas that surrounding the development shall be made for the existing situation and for the proposed development. Flow visualisation testing will include at least six different wind speeds, and be undertaken for at least two representative northerly wind directions and two representative southerly wind directions.

2.12 ~~1~~ Where the standards set in 13.6.3.5.2 are not met, additional wind tunnel testing should be undertaken to quantify the effects of alternative building designs and/or modifications. Clear evidence should be gathered to show that the development is the best practical attempt to achieve these standards. This investigation of alternatives need only be for those areas around the development, and for those wind directions, where problems have been identified. However, sufficient measurements must be taken to quantify all the changes with the alternative designs.

In situations where the standards set in 13.6.3.5.2 are not met because the wind speed criteria in the surrounding area are already exceeded with the existing situation, and cannot be practically improved by changing the design of the development (e.g. because the location is too far away to be influenced by the design), analysis of the wind tunnel data should be provided to demonstrate this.

~~Where the standards set in 13.6.3.5.2 cannot be met, such as when the criteria are already exceeded in the surrounding area with the existing building, additional wind tunnel testing should be undertaken to quantify the effects of alternative building designs and/or modifications. Clear evidence should be gathered to show that the proposed building is the best practical aerodynamic design with respect to achieving these standards. The recording and measurement of wind speeds for this investigation of alternatives need only be for those areas around the proposed building, and for those wind directions, where problems have been identified. However, sufficient measurements must be taken to quantify all the changes with the alternative designs.~~

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...

- 3.11 Where the standards set in 13.6.3.5.2 are not met, additional wind tunnel testing should be undertaken to quantify the effects of alternative building designs and/or modifications. Clear evidence should be gathered to show that the development is the best practical attempt to achieve these standards. This investigation of alternatives need only be for those areas around the development, and for those wind directions, where problems have been identified. However, sufficient measurements must be taken to quantify all the changes with the alternative designs.

In situations where the standards set in 13.6.3.5.2 are not met because the wind speed criteria in the surrounding area are already exceeded with the existing situation, and cannot be practically improved by changing the design of the development (e.g. because the location is too far away to be influenced by the design), analysis of the wind tunnel data should be provided to demonstrate this.

~~Where the standards set in 13.6.3.5.2 cannot be met, such as when the criteria are already exceeded in the surrounding area with the existing building, an assessment of alternative designs and modifications including the results of additional wind tunnel testing that quantify the wind effects shall be provided. Clear evidence should be provided that the proposed building is the best practical aerodynamic design with respect to achieving these standards. Existing wind speeds and hours of occurrence shall be reported only at the locations / wind directions where alternative designs have been tested.~~

D. UPDATES – ALTERATIONS TO VOLUMES 1 AND 3

- 26. Amend map of non-heritage features within the Stout Street Heritage Area, as shown in Appendix 10 of this document. Amend text in Heritage Chapter Appendix 16 as follows:**

The following buildings or sites are identified as non-heritage buildings for the purpose of Rule 21B.2.2.

Name of building / feature	Number (Refer to Map 2)
Justice Park (incl. remnants of demolished buildings and Oscar Wilde plaque)	4
Supreme Court annexe, Whitmore Street	2
Façade (above second floor), Courts Building, cnr, Stout and Whitmore Sts	31

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DPC78 – General Minor Amendments to District Plan Text And Maps

27. Amend District Plan Volume 3 (maps) to reflect new formed legal roads, as shown in Appendix 11 - Appendix 17.

28. Amend Chapter 21 (Heritage Rules) as shown below. Remove heritage tree symbol for Tree #198 from Map 16, as shown in Appendix 18 of this document.

Heritage List: Trees					
Symbol Reference	Number	Street	Map Reference:	Species	Common name
...					
198	144b	Abel Smith Street	16	Ulmus-procera	English Elm

29. Amend Chapters 3, 9, 11, 13, 15 and 17 to reflect updated noise standards by changing all references:

- from L_{10} to $LA_{eq(15\ min)}$
- from L_{max} to L_{AFmax}
- from L_1 to $LA_{eq(1\ min)}$
- from NZS 6801: 1991 "Measurement of Sound" to NZS 6801: 2008 "Acoustics – Measurement of Environmental Sound"
- from NZS 6802: 1991 "Assessment of Environmental Sound" to NZS 6802: 2008 "Acoustics – Environmental Sound"

as shown below. Also, amend the definition of Noise Emission Level as shown below.

Chapter 3 – District Plan General Provisions: Definitions

NIGHT CURFEW EXEMPTION CERTIFICATE: means a certificate issued by the Wellington City Council to the effect that the single event noise level of the stated aircraft type (and configuration) has been measured at Wellington International Airport and has been able to adequately demonstrate that it creates no more than 75 dBA ~~L_{max}~~ L_{AFmax} (1 sec ~~L_{eq}~~ L_{eq} time-weighting) at or beyond the airnoise boundary during a minimum of 10 landings and/or departures. A list of night curfew exempt aircraft shall be compiled and copies of the approved list will be maintained by WIAL with copies held at Wellington City Council offices for public inspection.

NOISE EMISSION LEVEL: means the noise level measured and assessed in accordance with NZS 6801: ~~1991 "Measurement of Sound"~~ 2008 Acoustics – Measurement of Environmental Sound and NZS 6802: ~~1991 "Assessment of Environmental Sound"~~ 2008 Acoustics – Environmental Noise, except as expressly provided for in this Plan.

In addition:

- The assessment of cumulative effect of activities (with the exception of road traffic noise) shall be determined. Measurement of noise shall be made in such a way that as far as reasonably practical, the contribution of individual activities creating the noise shall be identified.
- Measurement time intervals shall be selected in accordance with paragraph 5.42 NZS 6802 : ~~1991 2008 "Assessment of Environmental Sound"~~ Acoustics – Environmental Noise. An appropriate survey period or periods shall be selected so that relevant and representative samples of the sound under investigation are obtained. Measurement time intervals and the number of measurements taken should cover any significant variations of sound. The particular nature and variability of the sound will determine

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~~whether simple or detailed method is used to determine the rating level described in paragraph 6, NZS 6802: 2008 Acoustics – Environmental Noise with adjustments made to the rating level as described in Appendix B: Rating Level and Adjustments, and the duration of measurement shall be sufficient to be representative of the range and variability of the sound environment. At night, single measurements shall be adequate to demonstrate non-compliance with a noise limit. At other times, the number of measurements taken shall be no less than three and shall accurately represent the variation in the sound or sounds. The number of measurements will often need to be more than three.~~

~~Where measurements are made at night they shall not be averaged for comparison with night time limits but each measurement compared separately. The measured levels for other time periods shall be averaged to derive a single figure according to the constraints detailed in NZS 6802 : 1991 paragraph 4.5.2 and assessed in accordance with that paragraph.~~

- ~~In circumstances where the noise from any activity has special audible characteristics adjustments to the rating level are made in accordance with Appendix B4 of NZS 6802:2008 Acoustics - Environmental Noise. In most cases, the value of the adjustment (k2) shall be increased by 5dB for the sample. Where the ‘reference method’ is used, the value of the adjustment (k2) may be up to 6dB where justified. Only one adjustment value shall be applied to each measurements, even if more than one type of special audible characteristic is present, the L10 limits shall be reduced arithmetically by 5dB for comparison with the measured L10 descriptor of the noise. No relevant performance standard L10 descriptor shall be reduced overall by more than 5dB.~~
- The following activities and specific noise sources are not appropriately controlled using assessment by NZS6802:1991 2008 Assessment of Environmental Sound Acoustics – Environmental Noise and noise rules in this Plan, unless the rule states to the contrary:
 - vehicles driven on a road (within the meaning of s.2(1) of the Transport Act 1962) or vehicular movements on any sites which are in keeping with normal residential activity
 - the operation of aircraft including helicopters, at Wellington International Airport and airborne aircraft elsewhere throughout the District.
- High energy impulsive sounds such as gunfire, blasting and warning devices are not adequately controlled using assessment by NZS6802:1991 2008 Assessment of Environmental Sound Acoustics – Environmental Noise and noise rules in this Plan, unless the rule states to the contrary.

Noise from high energy impulsive sounds are not adequately controlled using the current New Zealand Standards. Activities that emit noise with such characteristic are generally likely to cause greater annoyance than assessment using Rules within this Plan would indicate. The impact of such activities would be assessed by reference to Section 16(1) of the Resource Management Act.

- Noise from construction, maintenance and demolition activities, including those associated with the urgent repair of utilities to maintain continuity of service, on any site or on any road shall comply with, and be measured and assessed using, the recommendations of NZS6803P:1984 The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work. Nothing in the noise rules shall be used to prevent emergency work from taking place. Such work would arise from the need to protect life or limb or minimise or prevent loss or serious damage to property or minimise or prevent environmental damage.
- Where in noise rules in this Plan, the noise emission limit applies “at or within the boundary of any site, other than the site from which the noise is generated” then neither shall the noise standard apply at or within the boundaries of any other site included in

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the parcel of land that incorporates the site from which the noise is generated, provided that:

- all sites in the parcel of land are held under the same ownership or under the same management
- to be considered part of the parcel of land each site shall remain contiguous with at least one other site in the parcel that is under the same ownership.

Chapter 9 - Institutional Precinct Rules

9.1.1.2.1 Noise emission levels when measured at or within the boundary of any site or at the outside wall of any building on any site, other than the site from which the noise is emitted, shall not exceed the following:

<i>At all times</i>	<i>60dBA (L10 $L_{Aeq(15min)}$)</i>
<i>At all times</i>	<i>85dBA (Lmax L_{AFmax})</i>

Chapter 9 - Institutional Precinct Appendix 1 (Noise)

Activities must comply with the following noise limits.

Residential (Inner)

Noise emission levels when measured on any residential site in the Inner Residential Area must not exceed:

<i>Monday to Saturday 7am to 7pm</i>	<i>55dBA (L10 $L_{Aeq(15min)}$)</i>
<i>Monday to Saturday 7pm to 10pm</i>	<i>50dBA (L10 $L_{Aeq(15min)}$)</i>
<i>At all other times</i>	<i>40dBA (L10 $L_{Aeq(15min)}$)</i>
<i>All days 10pm to 7am</i>	<i>70dBA (Lmax L_{AFmax})</i>

Where it is impractical to measure outside a dwelling, then measurements shall be made inside (with windows closed). Where indoor measurements are made the noise limits stated above shall be reduced by 15dBA.

Residential (Outer)

Noise emission levels when measured on any residential site in the Outer Residential Area must not exceed:

<i>Monday to Saturday 7am to 7pm</i>	<i>50dBA (L10 $L_{Aeq(15min)}$)</i>
<i>Monday to Saturday 7pm to 10pm</i>	<i>45dBA (L10 $L_{Aeq(15min)}$)</i>
<i>At all other times</i>	<i>40dBA (L10 $L_{Aeq(15min)}$)</i>
<i>All days 10pm to 7am</i>	<i>65dBA (Lmax L_{AFmax})</i>

Where it is impractical to measure outside a dwelling, then measurements shall be made inside (with windows closed). Where indoor measurements are made the noise limits stated above shall be reduced by 15dBA.

Rural Area

Noise emission levels when measured at or within the boundary of any site (other than the site from which the noise is generated) in the Rural Area must not exceed:

<i>At all times</i>	<i>55dBA (L10 $L_{Aeq(15min)}$)</i>
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and noise emission levels when measured on any Conceptual Boundary of a residential building must not exceed:

<i>Monday to Saturday 7am to 8pm</i>	<i>45dBA (L10 $L_{Aeq(15min)}$)</i>
<i>At all other times</i>	<i>35dBA (L10 $L_{Aeq(15min)}$)</i>
<i>All days 8pm to 7am</i>	<i>60dBA (Lmax L_{AFmax})</i>

Chapter 11 - Airport and Golf Course Recreation Precinct Rules

11.1.1.1.6 The following are exceptions to rule 11.1.1.1.5:

...

(h) no more than 4 aircraft movements per night with noise levels not exceeding 65 dBA ~~L_{max}~~ L_{AFmax} (1 sec) at or beyond the airnoise boundary.

11.1.1.1.7 ...

(c) Restrictions on engine testing from 2300hrs to 0600hrs do not apply if engine testing can be carried out in compliance with all of the following:

(i) measured noise levels do not exceed ~~$L_{eq}(15\text{ mins})$~~ $L_{Aeq(15min)}$ 60 dBA at or within the boundary of any residentially zoned site

(ii) measured noise levels do not exceed ~~L_{max}~~ L_{AFmax} 75dBA dBA at or within the boundary of any residentially zoned site

(iii) noise levels shall be measured in accordance with NZS6801:1991 ~~“Measurement of Environmental Sound”~~ 2008 Acoustics – Measurement of Environmental Sound

11.1.1.1.8 Noise emission levels, from any activity within the Airport area, other than aircraft operations, engine testing and the operation of APUs (as provided for in rule 11.1.1.1.9) when measured at any residential site shall not exceed the following limits:

Monday to Saturday 7am to 10pm 55 dBA ~~L_{10}~~ $L_{Aeq(15min)}$

At all other times 45 dBA ~~L_{10}~~ $L_{Aeq(15min)}$

All days 10pm to 7am 75 dBA ~~L_{max}~~ L_{AFmax}

11.5.1.1.1 Noise emission levels when measured at or within the boundary of any site, other than the site from which the noise is generated, shall not exceed the following:

Monday to Saturday 7am to 10pm 45 dBA ~~L_{10}~~ $L_{Aeq(15min)}$

At all other times 40 dBA ~~L_{10}~~ $L_{Aeq(15min)}$

All days 10pm to 7am 65 dBA ~~L_{max}~~ L_{AFmax}

Chapter 11 - Airport and Golf Course Recreation Precinct Appendix 1 (Noise)

Activities must comply with the following noise limits.

Residential (Outer)

Noise emission levels when measured on any residential site in the Outer Residential Area must not exceed:

Monday to Saturday 7am to 7pm 50dBA ~~L_{10}~~ $L_{Aeq(15min)}$

Monday to Saturday 7pm to 10pm 45dBA ~~L_{10}~~ $L_{Aeq(15min)}$

At all other times 40dBA ~~L_{10}~~ $L_{Aeq(15min)}$

All days 10pm to 7am 65dBA ~~L_{max}~~ L_{AFmax}

Where it is impractical to measure outside a dwelling, then measurements shall be made inside (with windows closed). Where indoor measurements are made the noise limits stated above shall be reduced by 15dBA.

Chapter 13 - Central Area Rules

13.6.1.1.1 Noise emission levels from fixed plant shall not exceed the following at or within the boundary of any land parcel, or at the outside wall of any building on any site, other than the building or site from which the noise is emitted:

At all times 55dBA ~~L_{10}~~ $L_{Aeq(15min)}$

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10pm to 7am *70dBA ~~L_{max}~~ L_{AFmax}*

13.6.2.1.1 [Except for noise from port related activities which is covered in 13.6.2.1.4a,]^{VAR3} noise emission levels when measured at or within the boundary of any fee simple site or at the outside wall of any building on any site, other than the site from which the noise is emitted, shall not exceed the following:

At all times *60dBA (~~L₁₀~~ L_{Aeq(15min)})*
At all times *85dBA (~~L_{max}~~ L_{AFmax})*

...

13.6.2.1.3 The Noise Emission Level in any public space (including streets and parks) generated by electronic sound systems (operating prior to 8 October 2007) shall not exceed 75dBA ~~L₁₀~~ L_{Aeq(15min)} when measured over any 2 minute period. In any event the measurements shall be made no closer than 0.6 metres from any part of a loudspeaker and at a height no greater than 1.8 metres (representative of the head of a passer-by).

...

13.6.2.1.4a [At any point on land at, or beyond, the Port Noise Control Line shown on Plan Map 55, noise from port related activities shall not exceed the following noise levels:

Time Period	Sound Level
Any 5 consecutive 24 hour periods	65dBA L _{dn}
Any 24 hour period	68dBA L _{dn}
10pm – 7am (all days)	60dBA L _{eq} (9 hr)
	65dBA L _{eq} (15 min)
	85dBA L_{max} <u>L_{AFmax}</u>

Measurements shall be made in accordance with the requirements of NZS 6801:1991 ~~“Measurement of Sound”~~ 2008 “Acoustics – Measurement of Environmental Sound” and NZS 6809:1999 “Port Noise Management and Land Use Planning”.

13.6.2.1.8 Noise generating equipment used as part of a special entertainment event shall be designed, tested and operated to not exceed:

7am - 12 noon *55dBA (~~L₁₀~~ L_{Aeq(15min)})*
12noon - 11pm *75dBA (~~L₁₀~~ L_{Aeq(15min)})*
11pm - 7am *45dBA (~~L₁₀~~ L_{Aeq(15min)}) and 75dBA (~~L_{max}~~ L_{AFmax})*

...

The noise levels for the six special entertainment events shall be monitored for the duration of the event in accordance with NZS 6801: ~~1991 Measurement of Sound~~ 2008 Acoustics – Measurement of Environmental Sound. The results of the noise monitoring shall be made available to the Council.

13.6.2.8.2 Noise from any vehicle racing on the track must not exceed 100dBA ~~L_{max}~~ L_{AFmax} at a point 30 metres at right angles to the track, at a location where vehicles are at maximum power. This point will be determined by the Circuit Safety Inspector appointed by the New Zealand Motorsports Association.

Chapter 13 - Central Area Appendix 5 (Noise)

Except where areas are affected by noise from the Operational Port Area, activities must comply with following noise limits. Noise from the Operational Port Area must comply with the third category below.

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5.1 Residential (Inner)

Noise emission levels when measured on any residential site in the Inner Residential Area must not exceed:

<i>Monday to Saturday 7am to 7pm</i>	<i>55dBA(L10)</i>
<i>Monday to Saturday 7pm to 10pm</i>	<i>50dBA(L10)</i>
<i>At all other times</i>	<i>40dBA(L10)</i>
<i>All days 10pm to 7am</i>	<i>70dBA(L_{max} <u>L_{AFmax}</u>)</i>

Where it is impractical to measure outside a dwelling, then measurements shall be made inside (with windows closed). Where indoor measurements are made the noise limits stated above shall be reduced by 15dBA.

5.2 Residential (Outer)

Noise emission levels when measured on any residential site in the Outer Residential Area must not exceed:

<i>Monday to Saturday 7am to 7pm</i>	<i>50dBA(L10 <u>L_{Aeq(15min)}</u>)</i>
<i>Monday to Saturday 7pm to 10pm</i>	<i>45dBA(L10 <u>L_{Aeq(15min)}</u>)</i>
<i>At all other times</i>	<i>40dBA(L10 <u>L_{Aeq(15min)}</u>)</i>
<i>All days 10pm to 7am</i>	<i>65dBA(L_{max} <u>L_{AFmax}</u>)</i>

Where it is impractical to measure outside a dwelling, then measurements shall be made inside (with windows closed). Where indoor measurements are made the noise limits stated above shall be reduced by 15dBA.

Chapter 15 - Rural Area Rules

15.1.1.1.1 Noise emission levels resulting from noise associated with power generation, heating, ventilating or air conditioning systems, or water or sewage pumping/treatment systems and other similar domestic installations when measured at or within the boundary of any site, other than the site from which the noise is generated, in the Rural Area shall not exceed the following limits:

<i>7.00am to 7.00pm</i>	<i>55dBA(L10 <u>L_{Aeq(15min)}</u>)</i>
<i>7.00pm to 7.00am</i>	<i>45dBA(L10 <u>L_{Aeq(15min)}</u>); and</i>
<i>7.00pm to 7.00am</i>	<i>75dBA(L_{max} <u>L_{AFmax}</u>).</i>

15.1.1.1.2 Noise emission levels resulting from noise associated with power generation, heating, ventilating or air conditioning systems, or water or sewage pumping/treatment systems or other similar domestic installations when measured at or within any conceptual boundary of a residential building, other than the site from which the noise is generated, shall not exceed:

<i>Monday to Saturday 7am to 8pm</i>	<i>45dBA(L10 <u>L_{Aeq(15min)}</u>)</i>
<i>All days 8pm to 7am</i>	<i>60dBA(L_{max} <u>L_{AFmax}</u>)</i>
<i>At all other times</i>	<i>35dBA(L10 <u>L_{Aeq(15min)}</u>)</i>

Chapter 15 - Rural Area Appendix 1 (Noise)

Activities must comply with the following noise limits.

Residential (Outer)

Noise emission levels when measured on any residential site in the Outer Residential Area must not exceed:

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<i>Monday to Saturday 7am to 7pm</i>	<i>50dBA (L10 $L_{Aeq(15min)}$)</i>
<i>Monday to Saturday 7pm to 10pm</i>	<i>45dBA (L10 $L_{Aeq(15min)}$)</i>
<i>At all other times</i>	<i>40dBA (L10 $L_{Aeq(15min)}$)</i>
<i>All days 10pm to 7am</i>	<i>65dBA (Lmax L_{AFmax})</i>

Where it is impractical to measure outside a dwelling, then measurements shall be made inside (with windows closed). Where indoor measurements are made the noise limits stated above shall be reduced by 15dBA.

Chapter 17 - Open Space Rules

17.1.1.1.1 Noise emission levels from any activity located in an Open Space Area when measured at the Conceptual Boundary of the activity must not exceed 45dBA (~~L10~~ $L_{Aeq(15min)}$).

17.1.3.1 That there are no more than 6 concerts per calendar year. Noise from any concert must not exceed:

$L_{Aeq(1min)}$	<i>90dBA</i>
$L_{Aeq(15min)}$	<i>85dBA</i>

when measured over any 15 minute period at the front of the site at No.21 Ellice Street (Lot 10 D.P. 78).

17.1.17.1.1 Noise emission levels when measured on any residential site boundary in the Inner Residential Area must not exceed:

<i>Monday to Saturday 7am to 10pm</i>	<i>50dBA (L10 $L_{Aeq(15min)}$)</i>
<i>All other times</i>	<i>40dBA (L10 $L_{Aeq(15min)}$)</i>
<i>All days 10pm to 7am</i>	<i>65dBA (Lmax L_{AFmax}).</i>

Chapter 17 - Open Space Appendix 1 (Noise)

Activities must comply with the following noise limits.

Residential (Inner)

Noise emission levels when measured on any residential site in the Inner Residential Area must not exceed:

<i>Monday to Saturday 7am to 10pm</i>	<i>50dBA (L10 $L_{Aeq(15min)}$)</i>
<i>All other times</i>	<i>40dBA (L10 $L_{Aeq(15min)}$)</i>
<i>All days 10pm to 7am</i>	<i>65dBA (Lmax L_{AFmax})</i>

Where it is impractical to measure outside a dwelling, then measurements shall be made inside (with windows closed). Where indoor measurements are made the noise limits stated above shall be reduced by 15dBA.

Residential (Outer)

Noise emission levels when measured on any residential site in the Outer Residential Area must not exceed:

<i>Monday to Saturday 7am to 10pm</i>	<i>45dBA (L10 $L_{Aeq(15min)}$)</i>
<i>All other times</i>	<i>40dBA (L10 $L_{Aeq(15min)}$)</i>
<i>All days 10pm to 7am</i>	<i>65dBA (Lmax L_{AFmax})</i>

Where it is impractical to measure outside a dwelling, then measurements shall be made inside (with windows closed). Where indoor measurements are made the noise limits stated above shall be reduced by 15dBA.

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Rural Area

Noise emission levels when measured at or within the boundary of any site (other than the site from which the noise is generated) in the Rural Area must not exceed:

At all times ~~40~~ 55dBA (~~L10~~ $L_{Aeq(15min)}$)

and

noise emission levels when measured on any Conceptual Boundary of a residential building must not exceed:

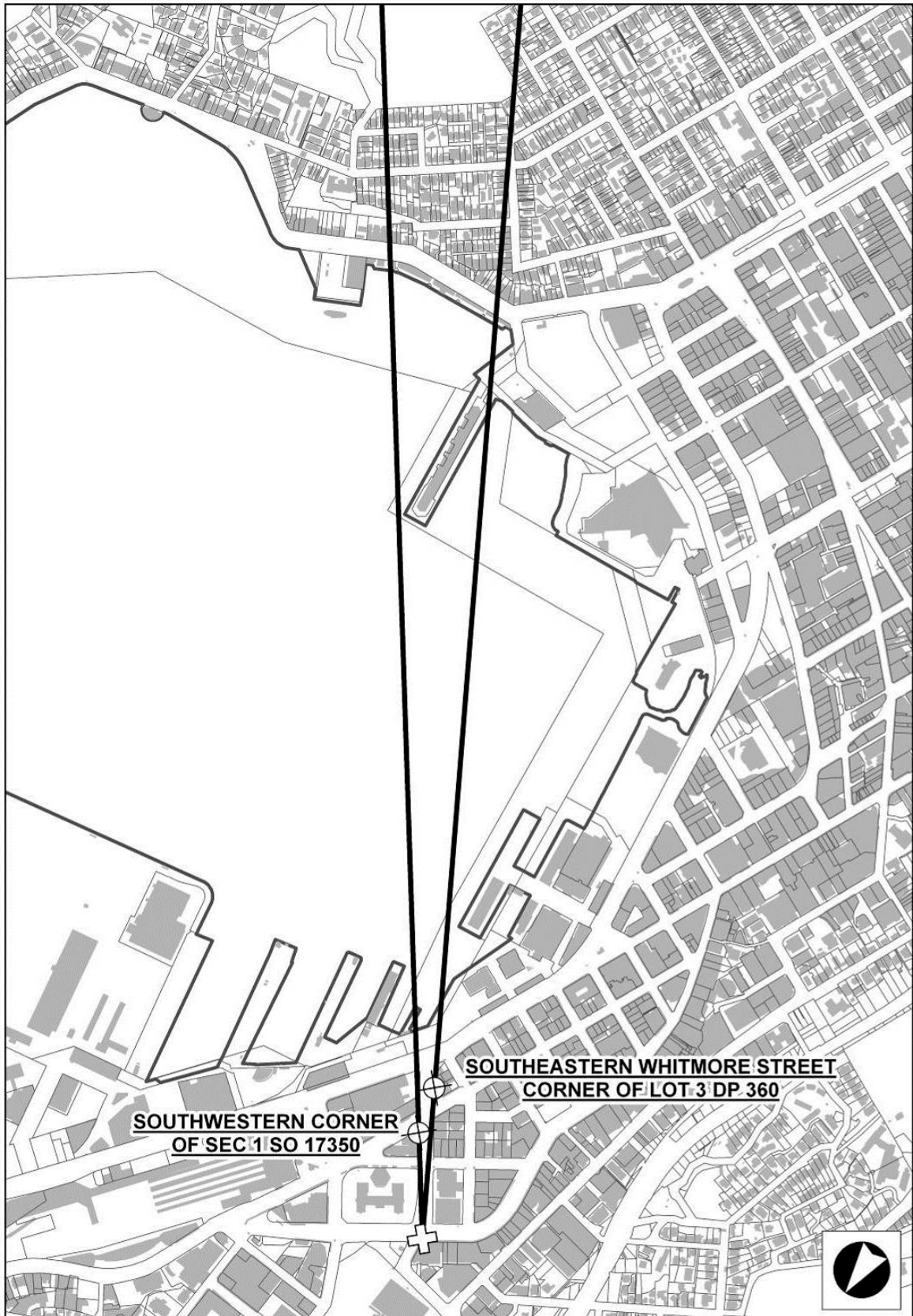
<i>Monday to Saturday 7am to 8pm</i>	<i>45dBA (L10)</i>
<i>At all other times</i>	<i>35dBA (L10)</i>
<i>All days 8pm to 7am</i>	<i>60dBA (Lmax L_{AFmax})</i>

E. ZONING CHANGES – ALTERATIONS TO VOLUME 3 MAPS

- 30. Change Map 16 to show Lot 1 DP 82741 (79 Dixon Street) as Central Area instead of Legal Road, as shown in Appendix 19.**
- 31. Rezone Lot 441 DP 352897 from Outer Residential to Open Space B, as shown in Appendix 20. Amend Map 24 accordingly.**
- 32. Rezone a portion of Pt Sec 56 Watts Peninsula District and Pt Sec 3 SO 35920 from Open Space A to Conservation, as shown in Appendix 21. Amend Map 5 accordingly.**
- 33. Rezone Lot 28 DP 48695 (68A Victory Avenue) from Open Space A to Outer Residential, as shown in Appendix 22. Amend Map 24 accordingly.**

Appendices

Appendix 1 – Amended Map for Whitmore Street Viewshaft



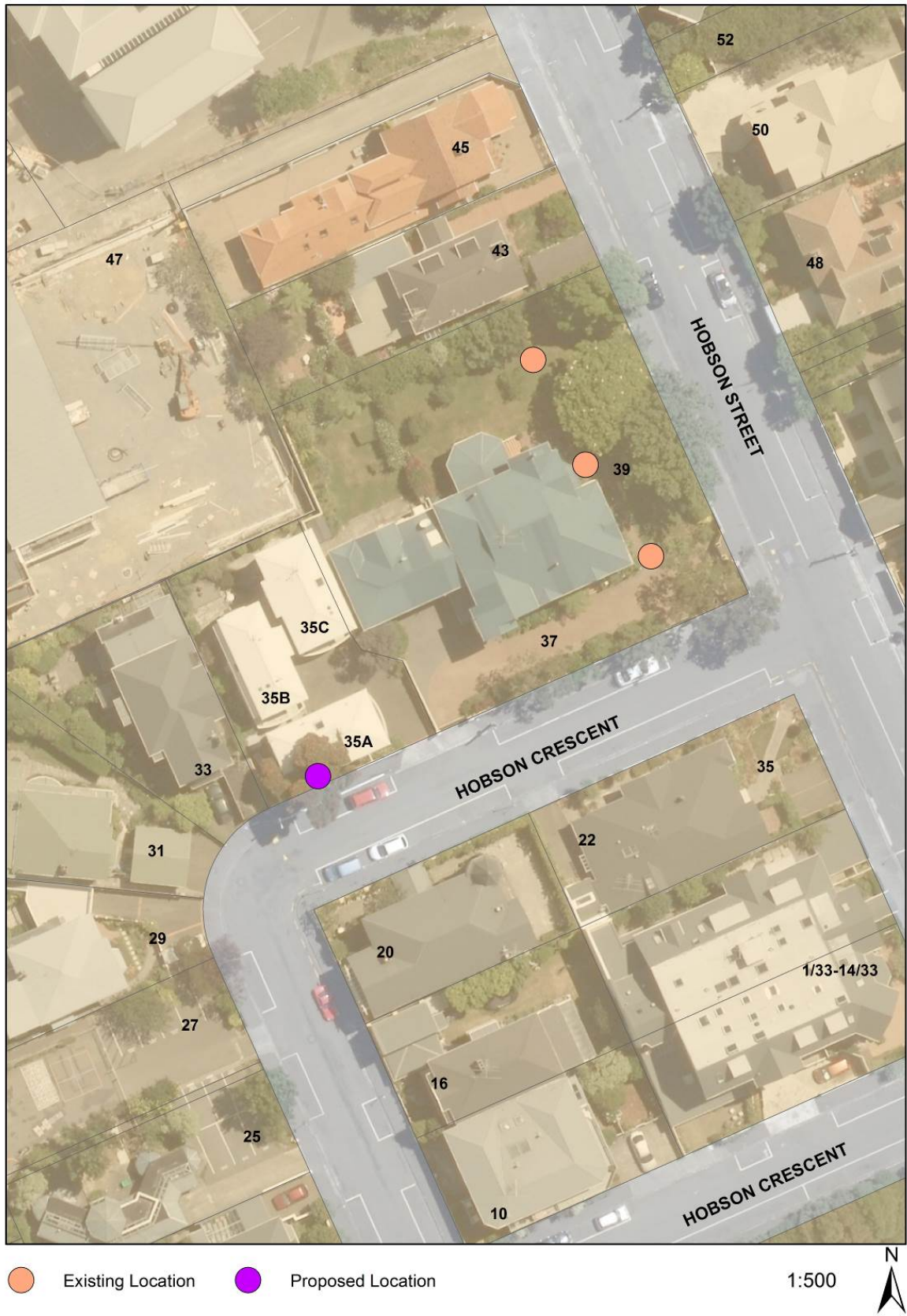
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Appendix 2 – Area to be Shown as Outer Residential: Land Above Seatoun Tunnel



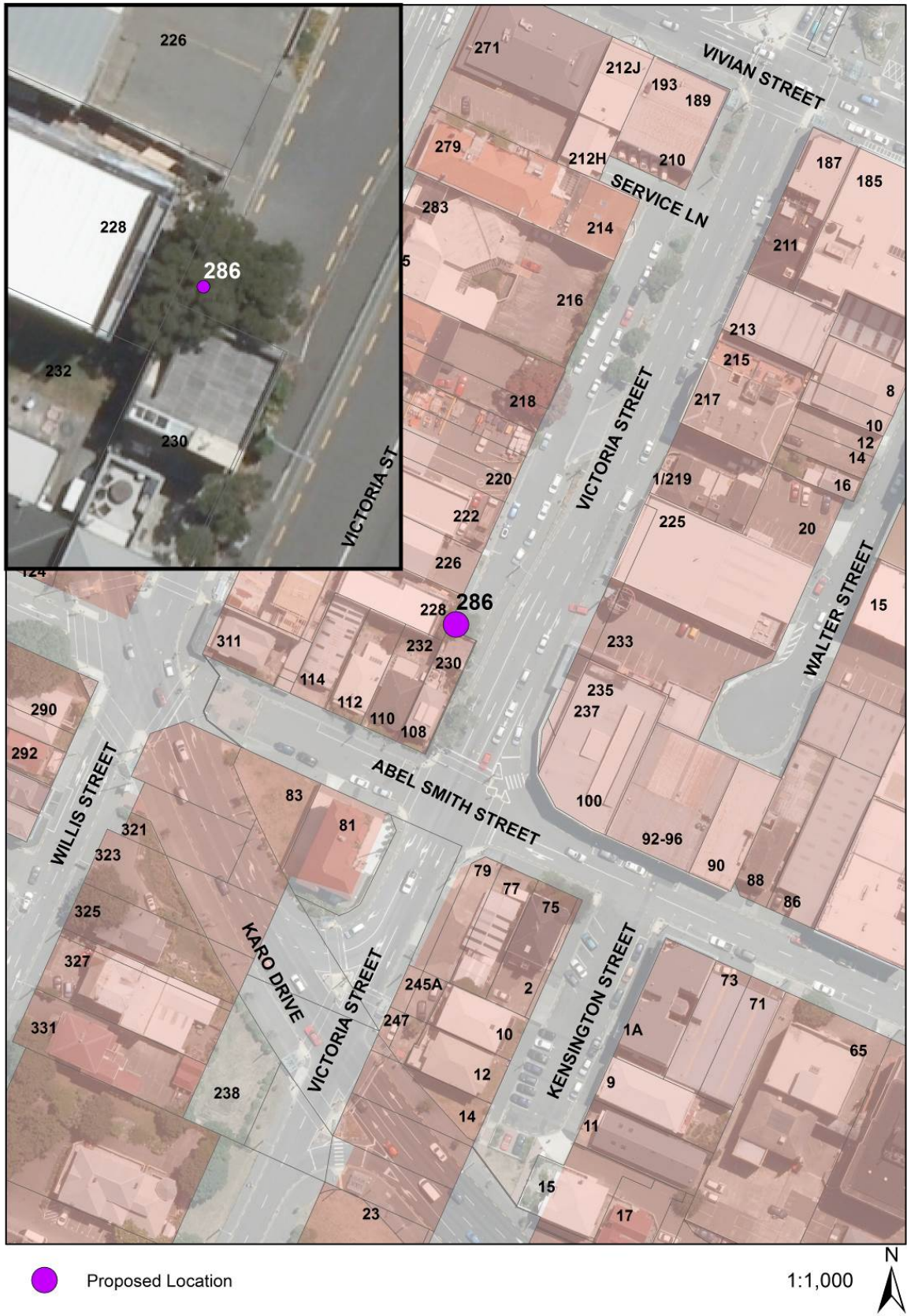
Appendix 3 – Relocated Symbol for Heritage Tree #10



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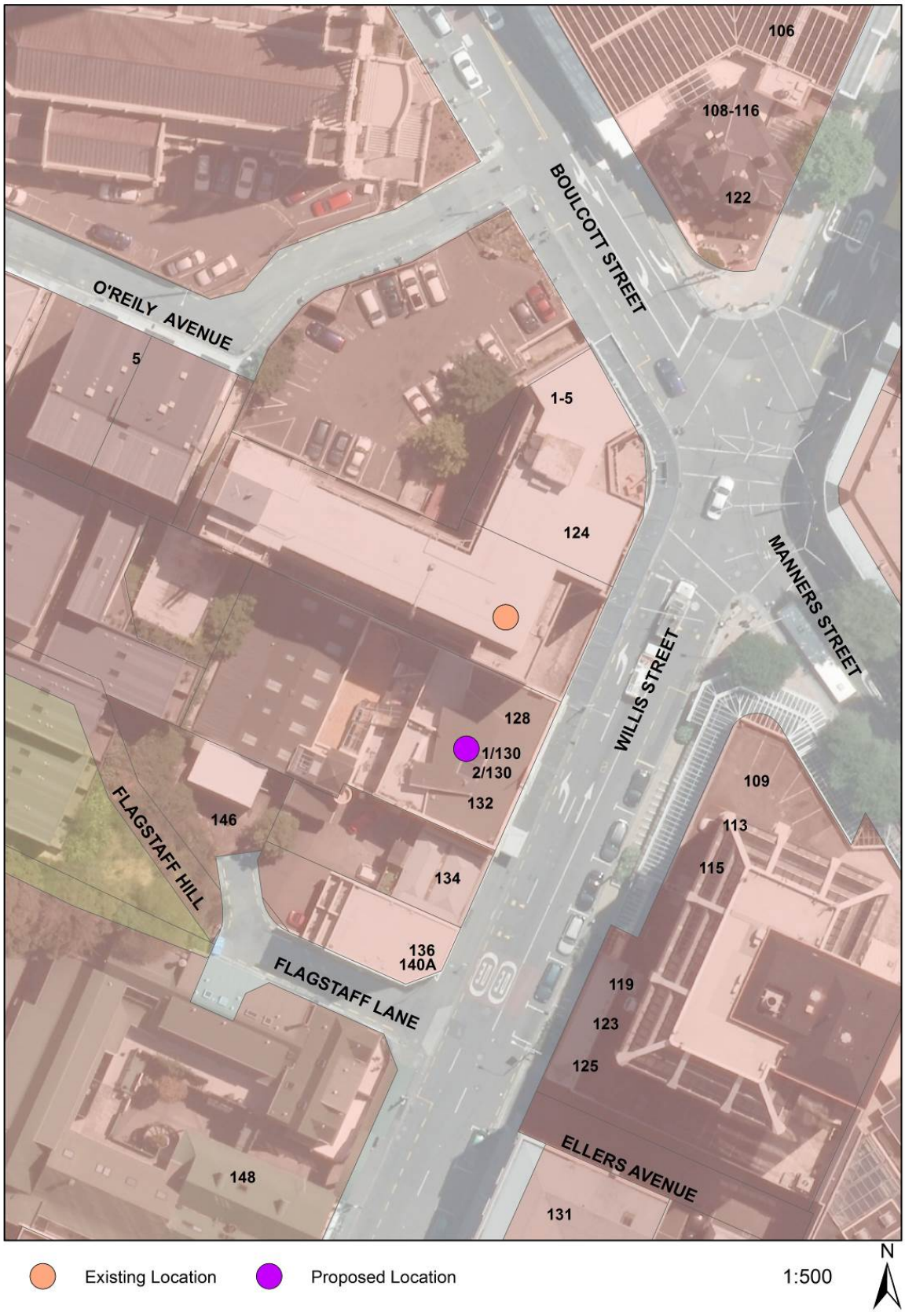
Appendix 4 – Addition of Symbol for Heritage Tree #286



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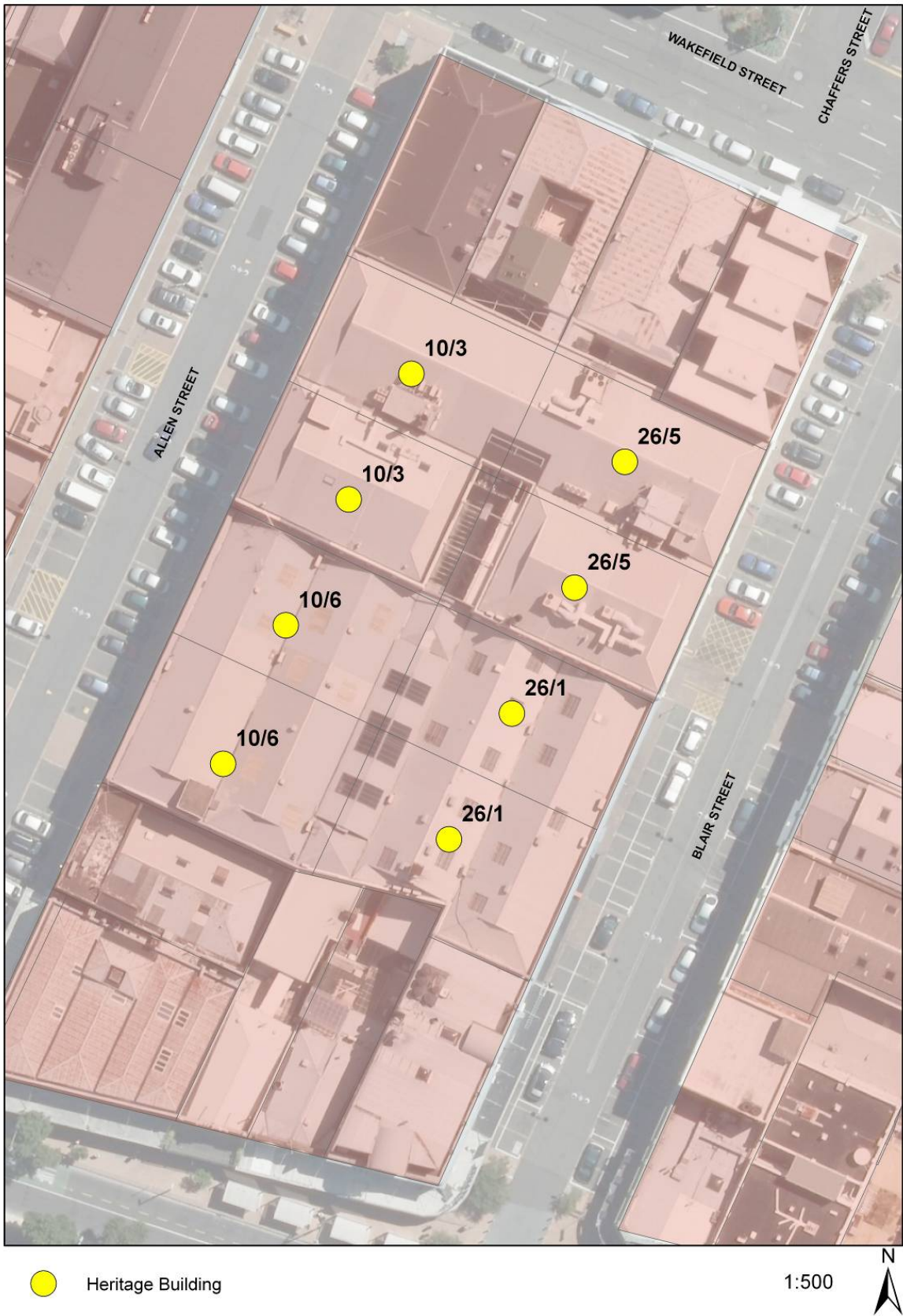
Appendix 5 – Relocated Symbol for Heritage Building #348



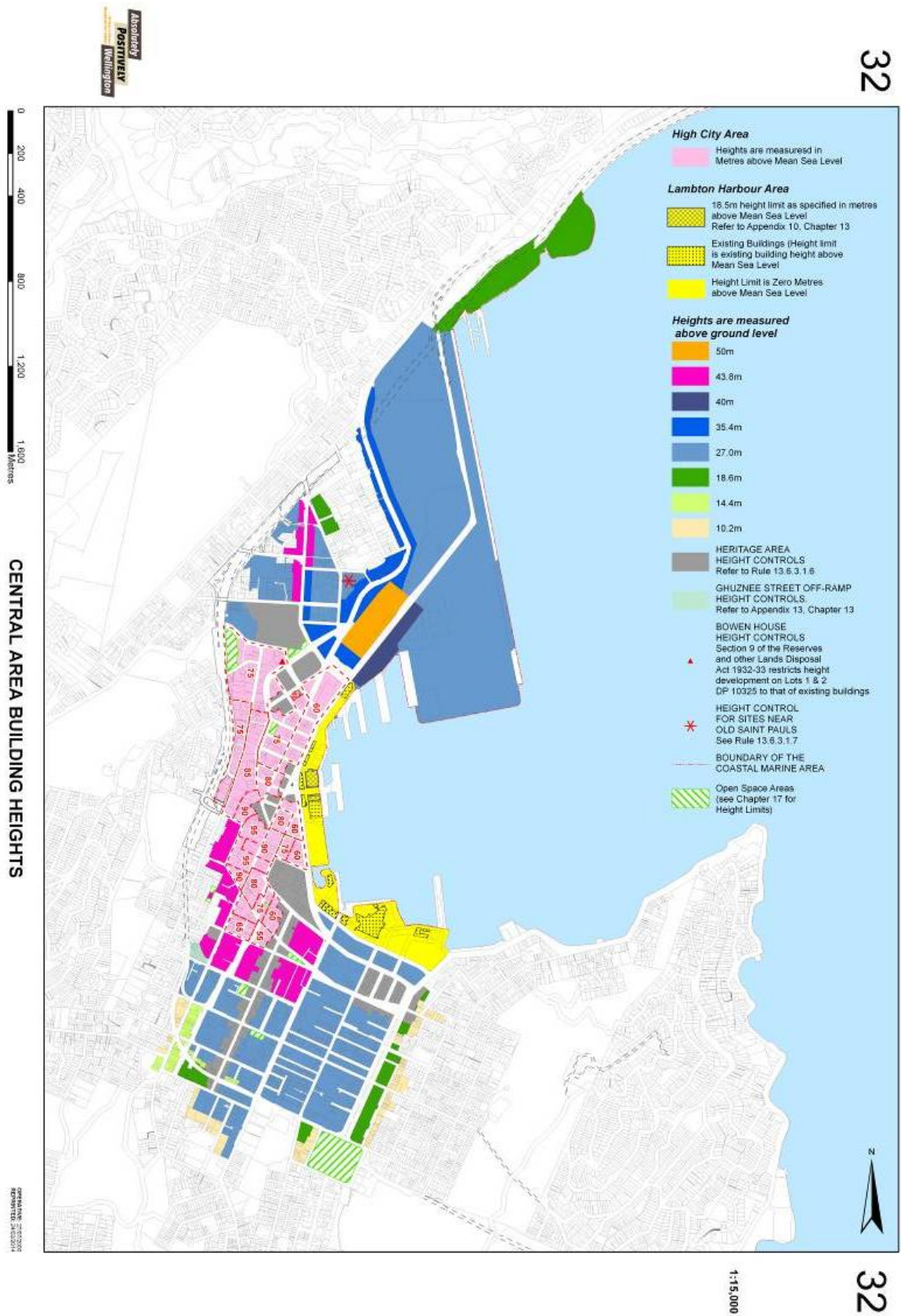
Appendix 6 – Relocated Symbol for Heritage Building #405



Appendix 7 – Amended Heritage Building Labels



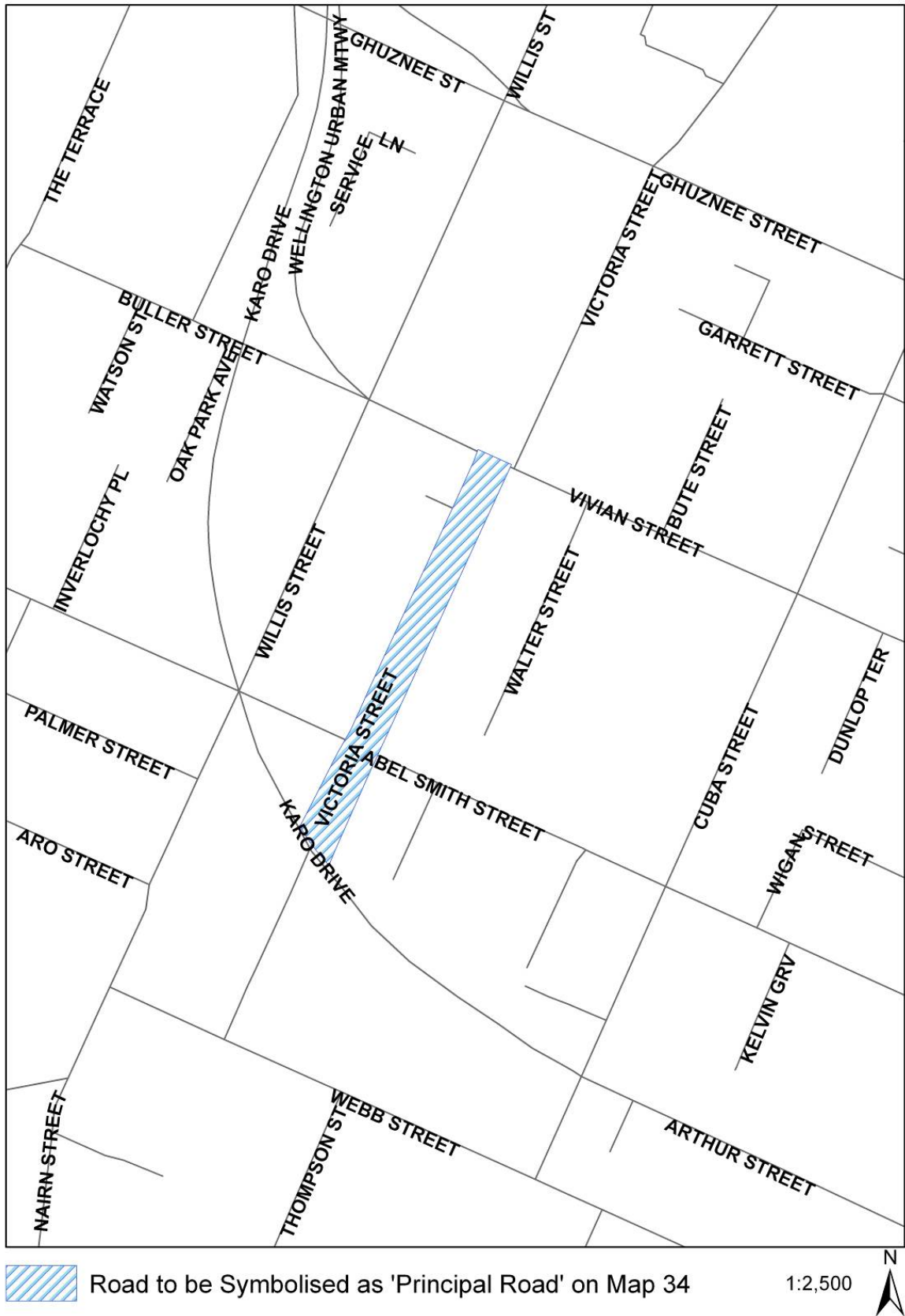
Appendix 8 – Amended Symbology for Open Space A Areas in Map 32



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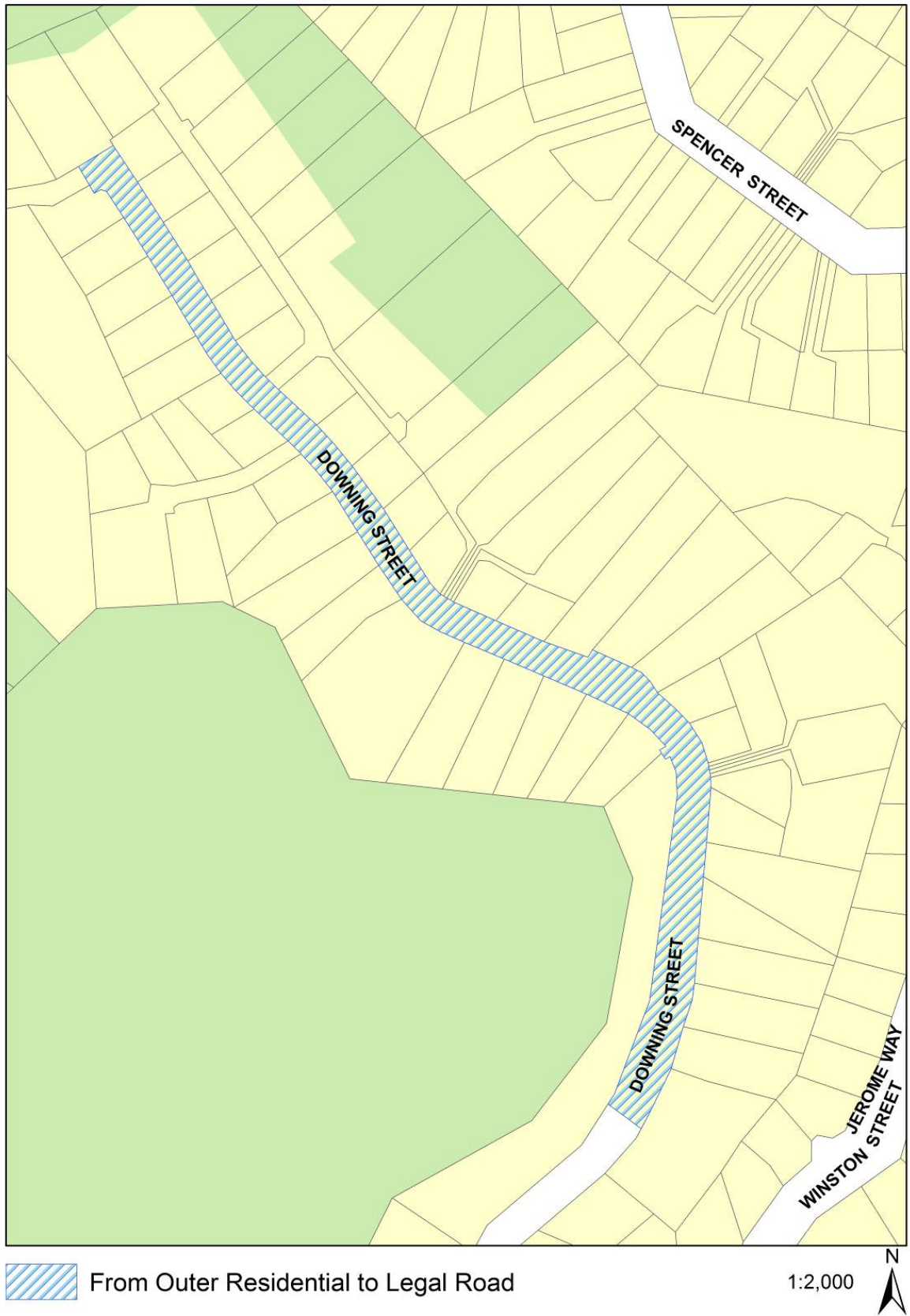
Appendix 9 – Reincorporation of Victoria Street on Map 34



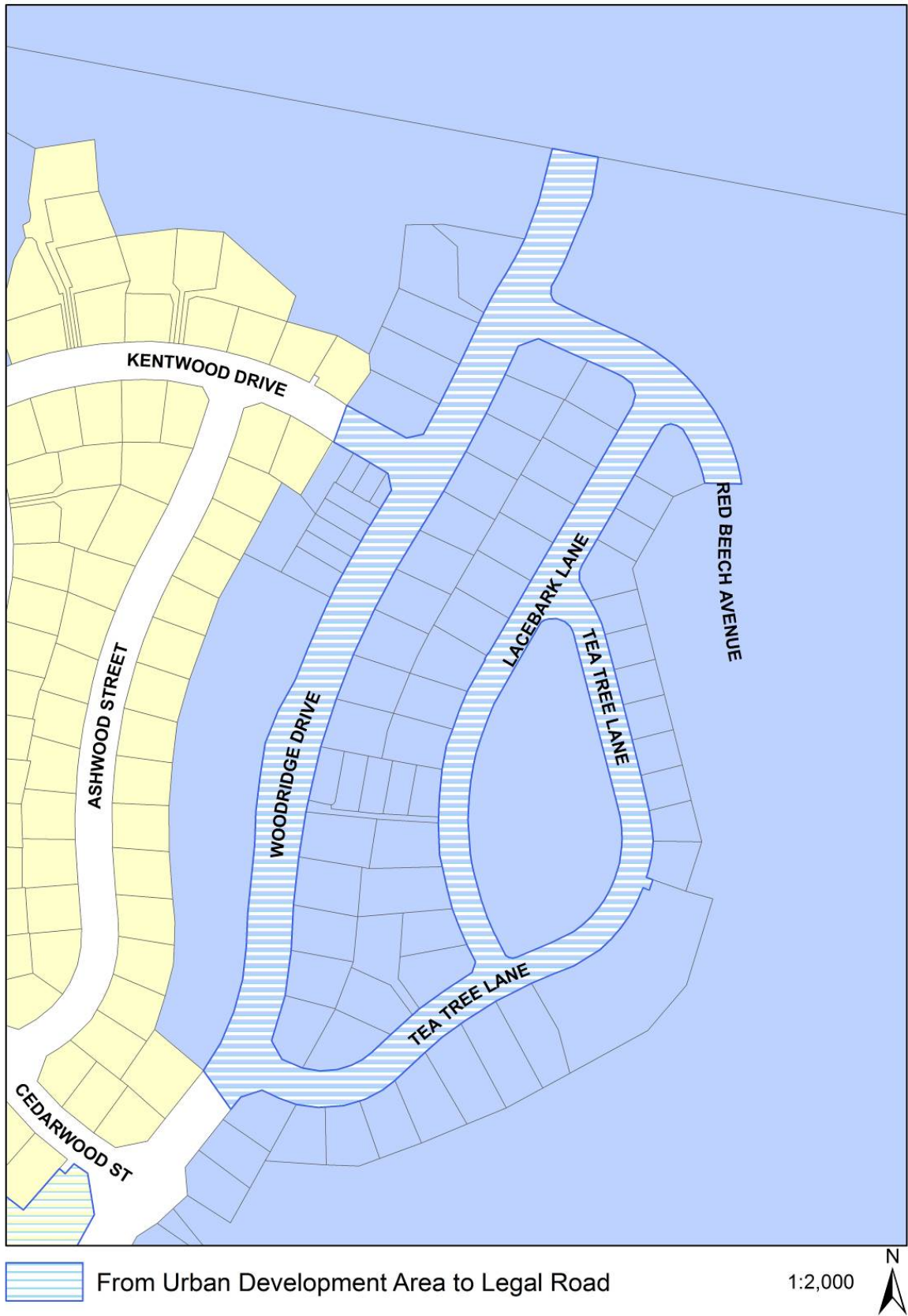
Appendix 10 – Stout Street Non-Heritage Features



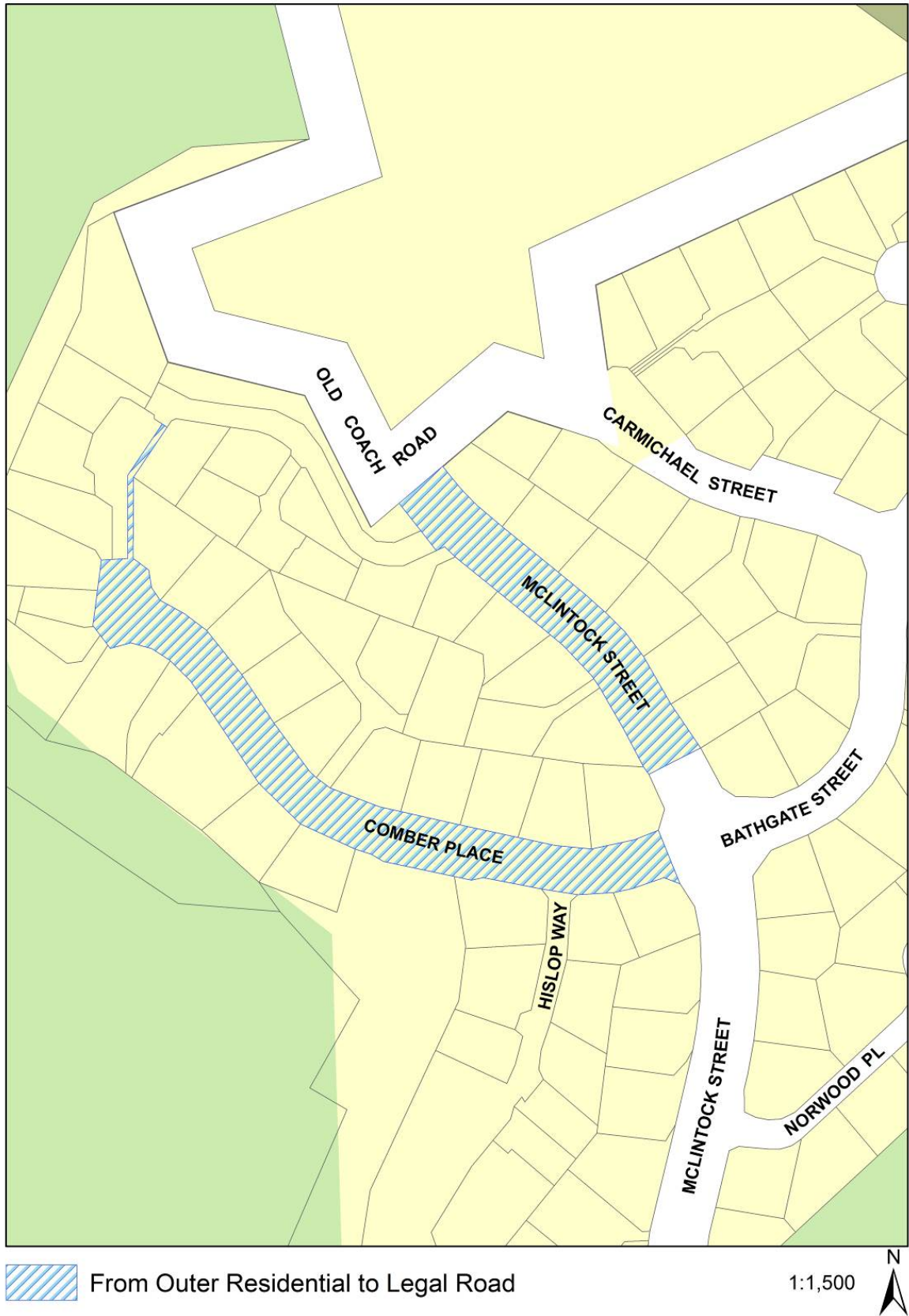
Appendix 11 – Area to be Shown as Legal Road: Downing Street



Appendix 12 – Area to be Shown as Legal Road: Woodridge



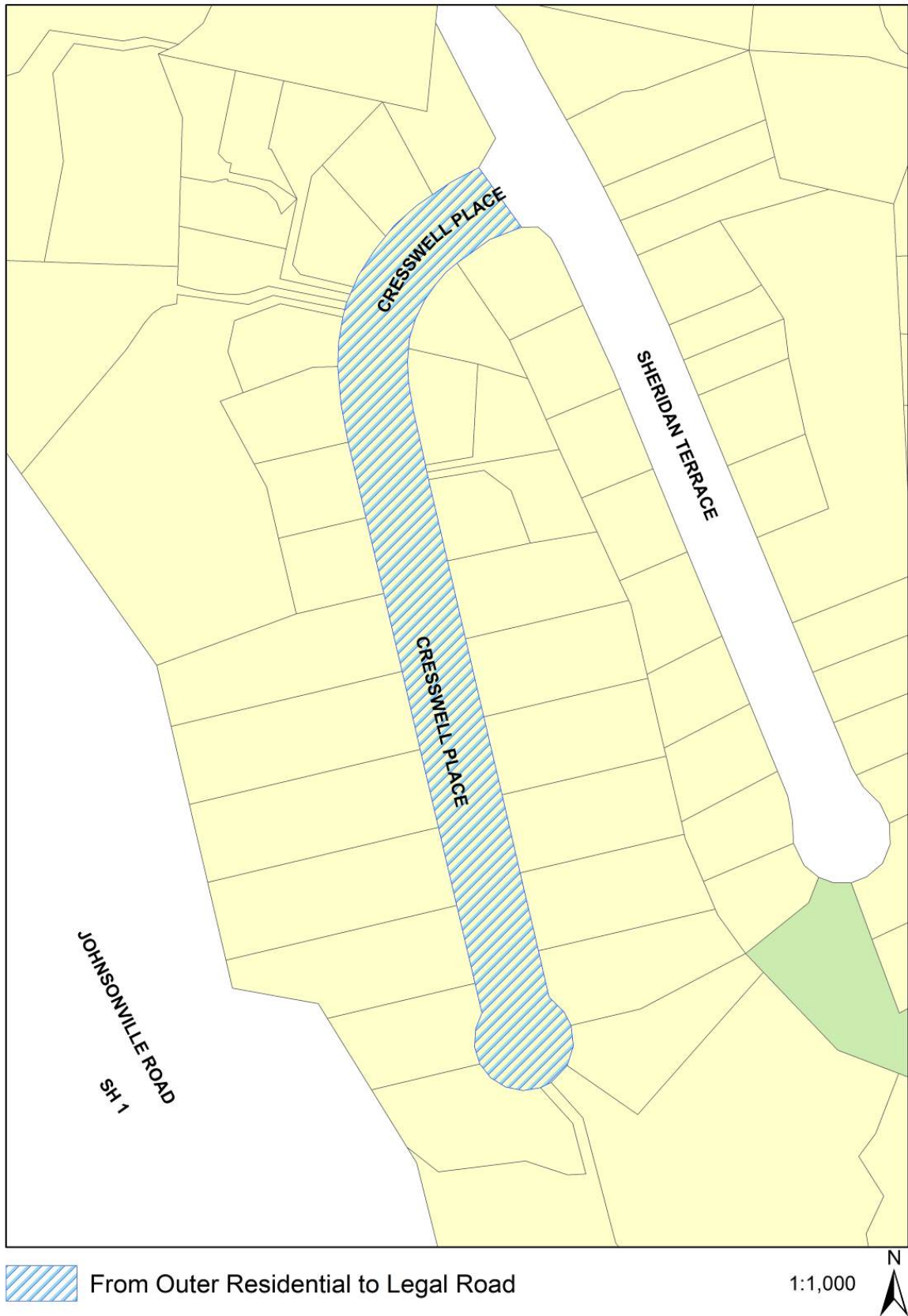
**Appendix 13 – Area to be Shown as Legal Road: Comber Place and
McLintock Street**



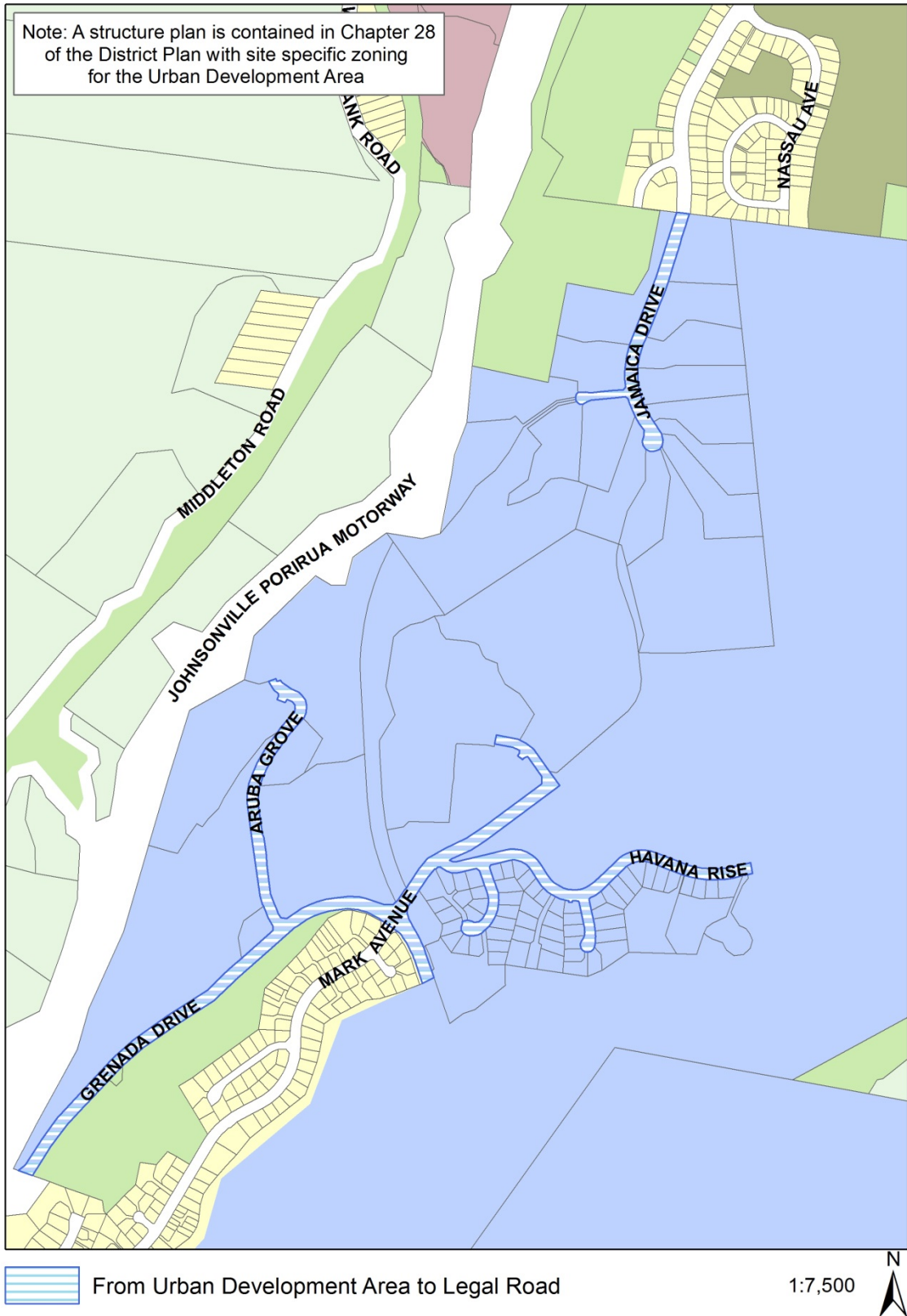
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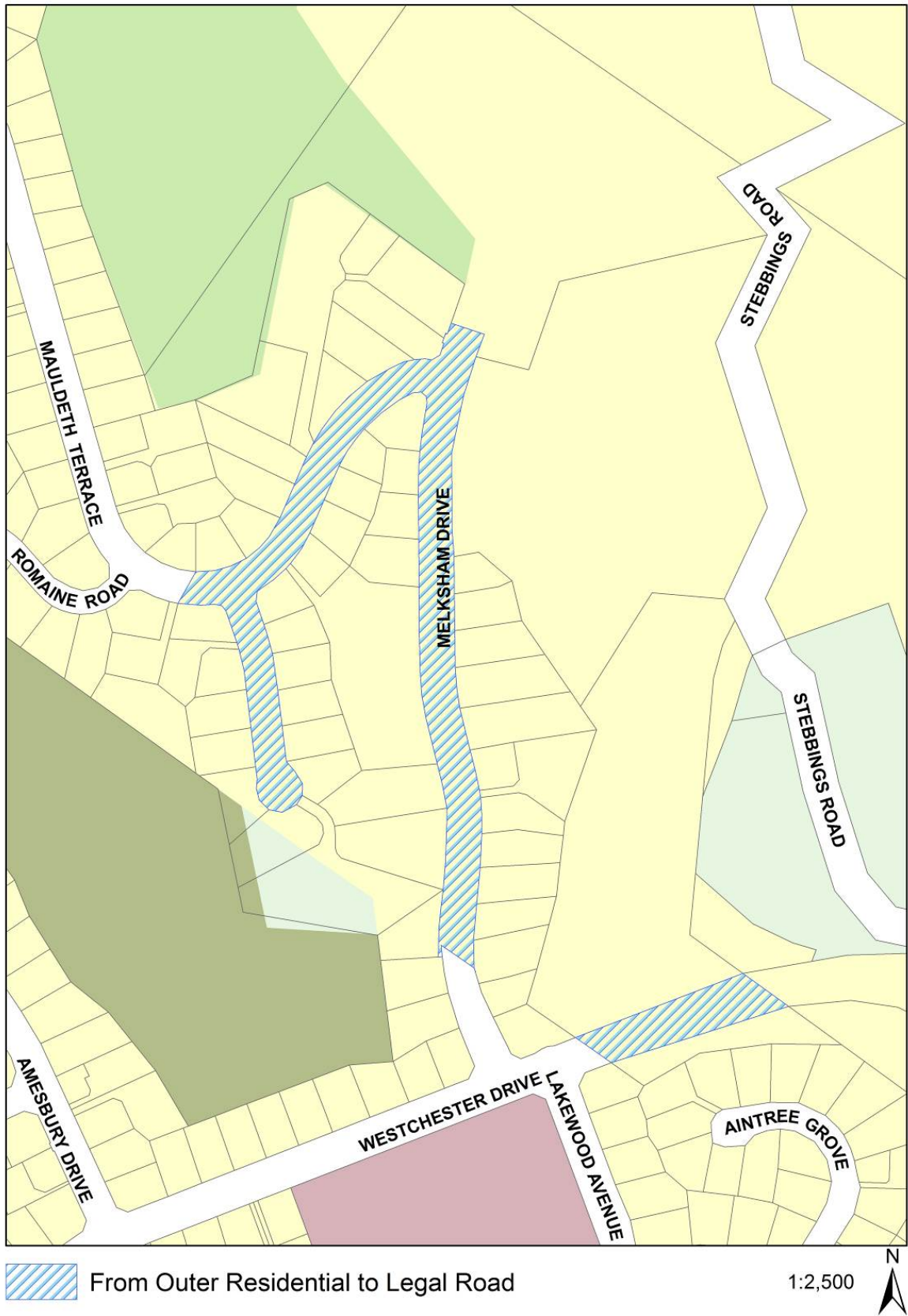
Appendix 14 – Area to be Shown as Legal Road: Cresswell Place



Appendix 15 – Area to be Shown as Legal Road: Grenada Village



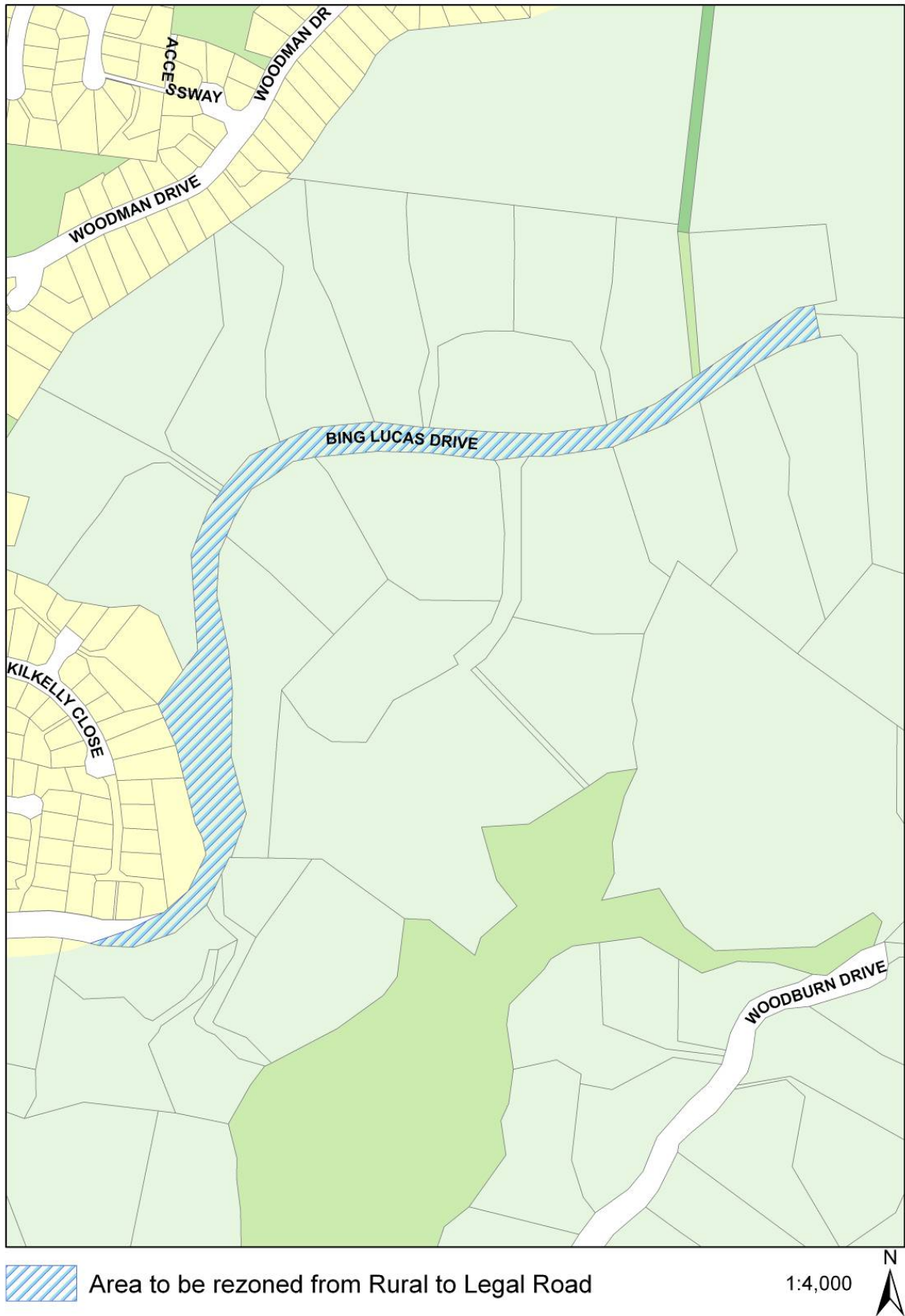
Appendix 16 – Area to be Shown as Legal Road: Churton Park



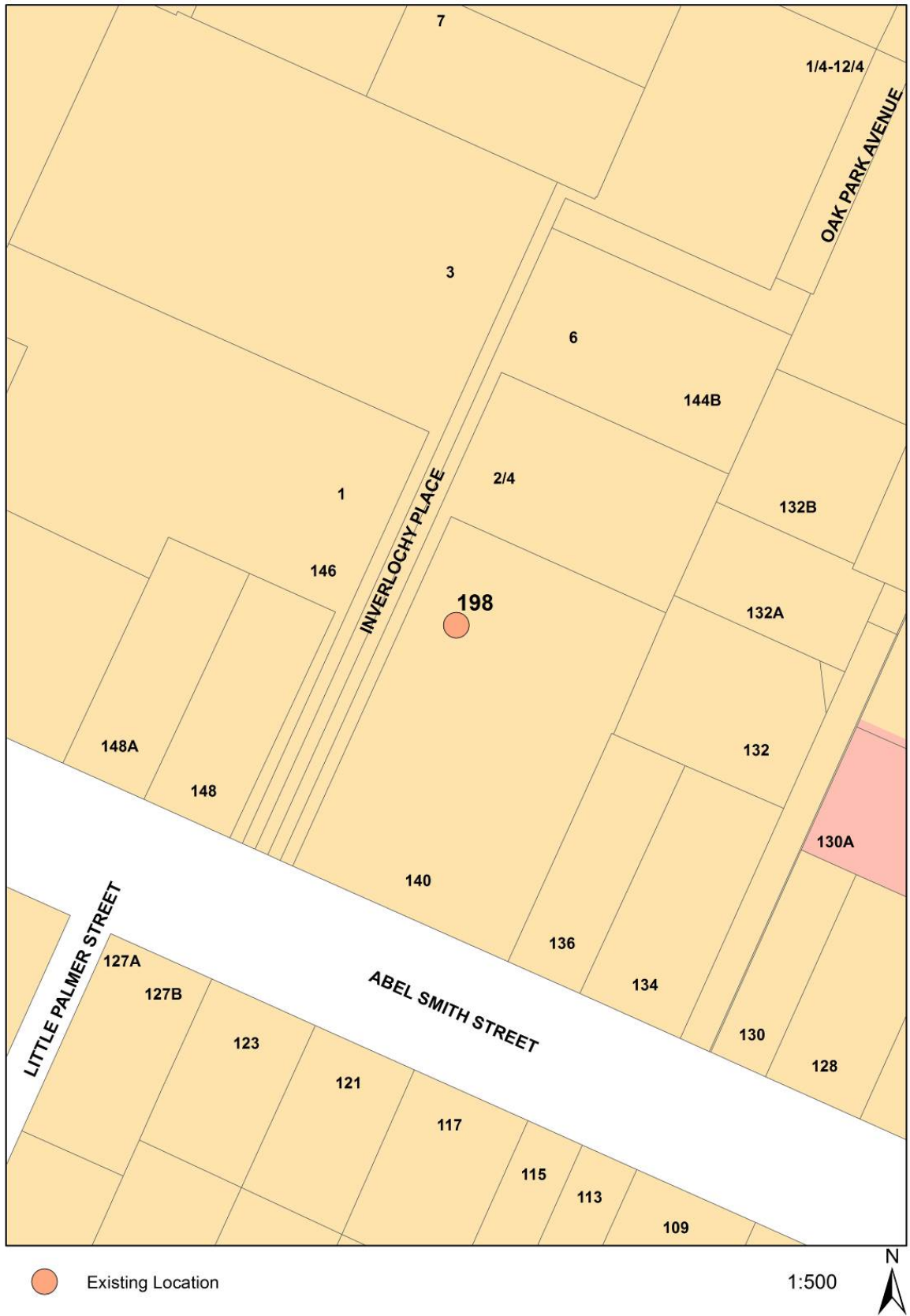
3.2 Approval of Plan Change 78 - Attachment 1

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Appendix 17 – Area to be Shown as Legal Road: Bing Lucas Drive



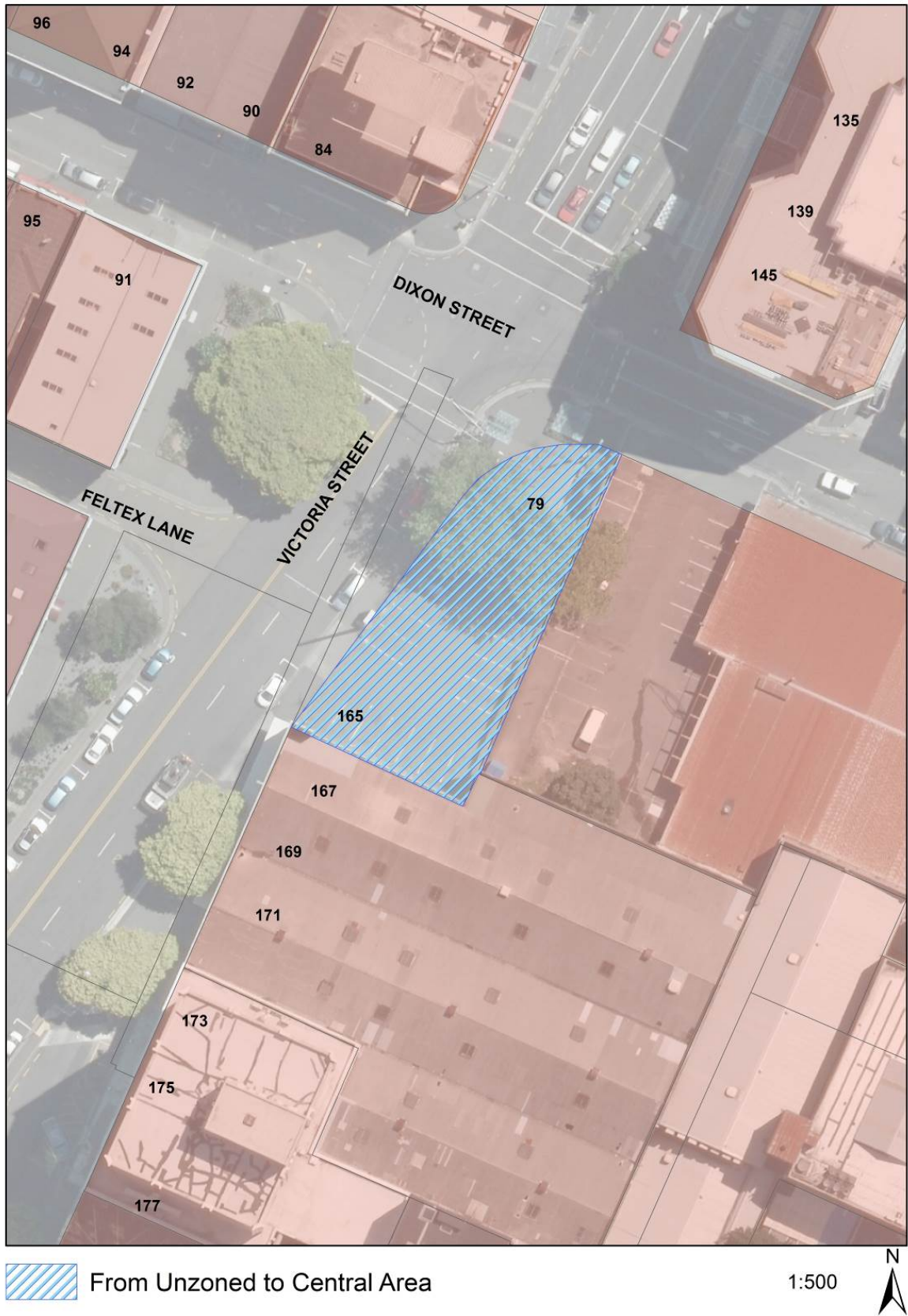
Appendix 18 – Removal of Symbol for Heritage Tree #198



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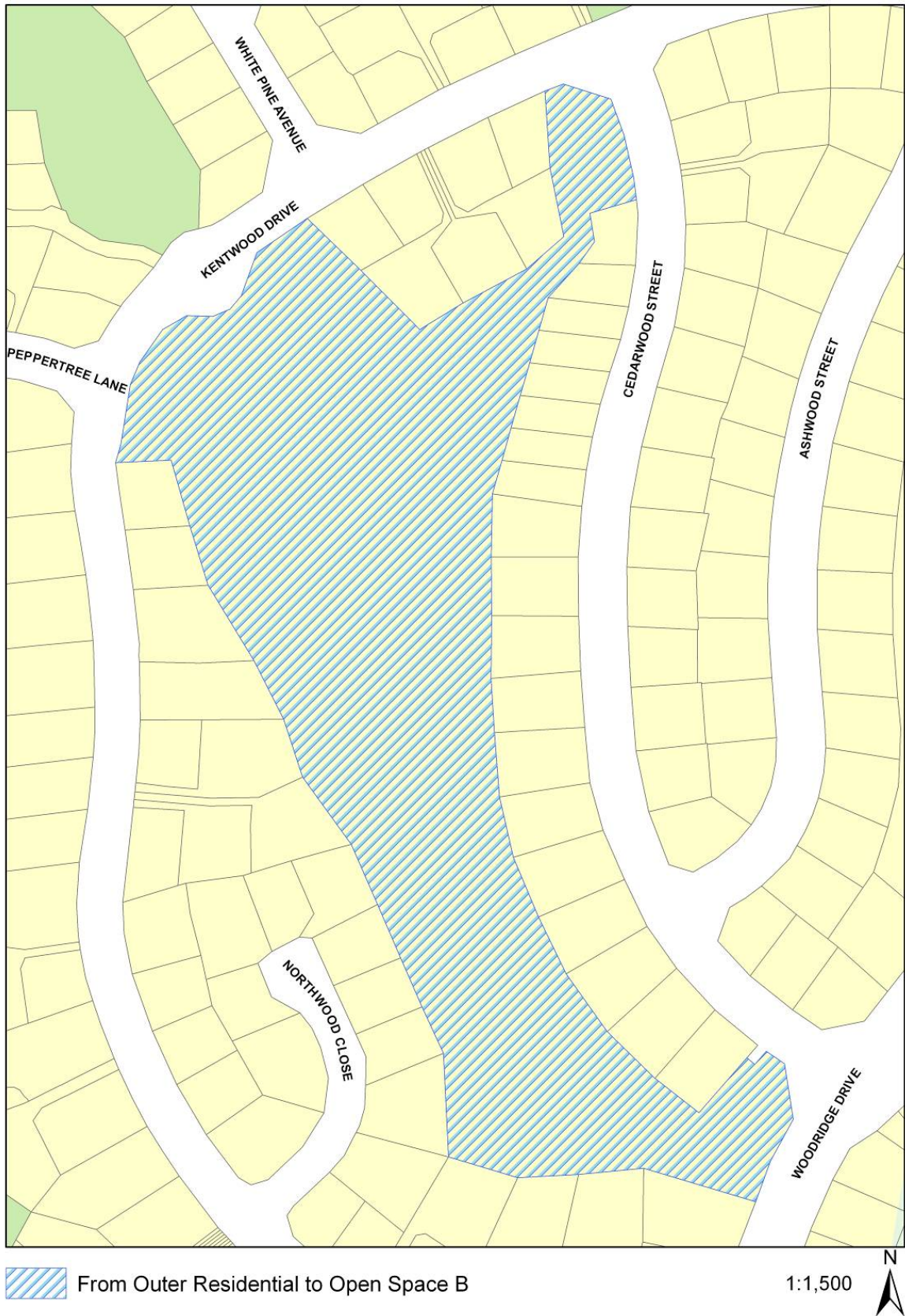
Appendix 19 – Area to be Shown as Central Area: 79 Dixon Street



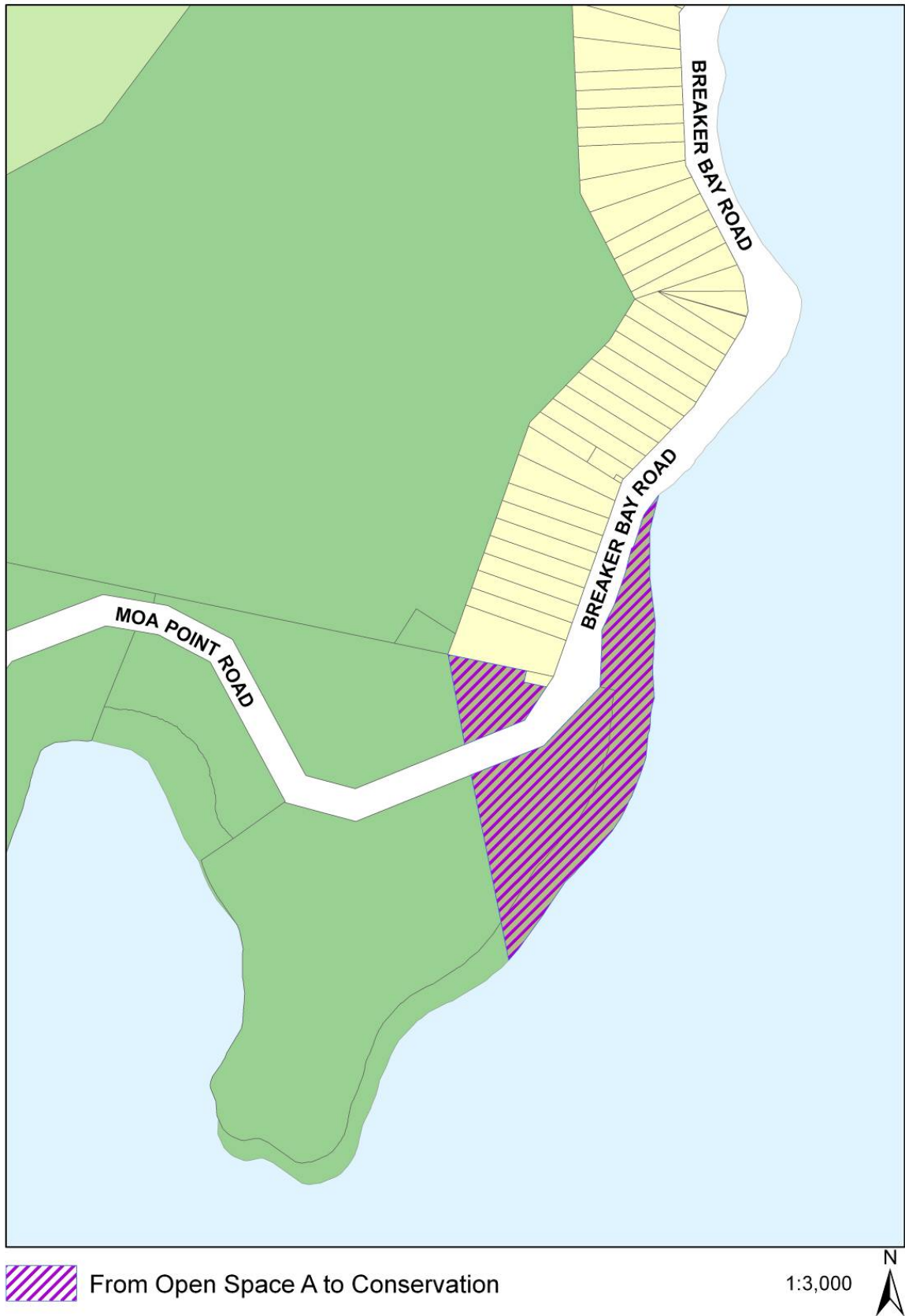
3.2 Approval of Plan Change 78 - Attachment 1

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Appendix 20 – Rezoning of Open Space in Woodridge



Appendix 21 – Rezoning of Land at Gibraltar Rock



Appendix 22 – Rezoning of 68A Victory Avenue

