

**ORDINARY MEETING**

**OF**

**WELLINGTON CITY COUNCIL**

**AGENDA**

**Time:** 09:30  
**Date:** Wednesday, 30 May 2018  
**Venue:** Committee Room 1  
Ground Floor, Council Offices  
101 Wakefield Street  
Wellington

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**MEMBERSHIP**

Mayor Lester  
Councillor Calvert  
Councillor Calvi-Freeman  
Councillor Dawson  
Councillor Day  
Councillor Fitzsimons  
Councillor Foster  
Councillor Free  
Councillor Gilberd  
Councillor Lee  
Councillor Marsh  
Councillor Pannett  
Councillor Sparrow  
Councillor Woolf  
Councillor Young

**Have your say!**

*You can make a short presentation to the Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this either by phoning 803-8334, emailing [public.participation@wcc.govt.nz](mailto:public.participation@wcc.govt.nz) or writing to Democratic Services, Wellington City Council, PO Box 2199, Wellington, giving your name, phone number and the issue you would like to talk about.*

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## 1. Meeting Conduct

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### 1.1 Karakia

The Chairperson will open the meeting with a karakia.

|                                      |  |
|--------------------------------------|--|
| <b>Whakataka te hau ki te uru,</b>   | Cease oh winds of the west               |
| <b>Whakataka te hau ki te tonga.</b> | and of the south                         |
| <b>Kia mākinakina ki uta,</b>        | Let the bracing breezes flow,            |
| <b>Kia mātaratara ki tai.</b>        | over the land and the sea.               |
| <b>E hī ake ana te atākura.</b>      | Let the red-tipped dawn come             |
| <b>He tio, he huka, he hauhū.</b>    | with a sharpened edge, a touch of frost, |
| <b>Tihei Mauri Ora!</b>              | a promise of a glorious day              |

### 1.2 Apologies

The Chairperson invites notice from members of:

1. Leave of absence for future meetings of the Wellington City Council; or
2. Apologies, including apologies for lateness and early departure from the meeting, where leave of absence has not previously been granted.

### 1.3 Announcements by the Mayor

### 1.4 Conflict of Interest Declarations

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

### 1.5 Confirmation of Minutes

The minutes of the meeting held on 26 April 2018 will be put to the Council for confirmation.

### 1.6 Items not on the Agenda

The Chairperson will give notice of items not on the agenda as follows:

#### ***Matters Requiring Urgent Attention as Determined by Resolution of the Wellington City Council***

1. The reason why the item is not on the agenda; and
2. The reason why discussion of the item cannot be delayed until a subsequent meeting.

#### ***Minor Matters relating to the General Business of the Wellington City Council***

No resolution, decision, or recommendation may be made in respect of the item except to refer it to a subsequent meeting of the Wellington City Council for further discussion.

### 1.7 Public Participation

A maximum of 60 minutes is set aside for public participation at the commencement of any meeting of the Council or committee that is open to the public. Under Standing Order 3.23.3 a written, oral or electronic application to address the meeting setting forth the subject, is required to be lodged with the Chief Executive by 12.00 noon of the working day prior to the meeting concerned, and subsequently approved by the Chairperson.



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## **2. General Business**

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# **REPRESENTATION REVIEW FOR THE 2019/2022 LOCAL BODY ELECTIONS: FINAL PROPOSAL**

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### **Purpose**

1. The purpose of this report is for Council, to:
  - a. consider the public submissions Council received to its initial proposal for the 2018 representation arrangements review, and
  - b. to resolve a final proposal for further public notification.

### **Summary**

2. The Local Electoral Act 2001 requires Council to complete a representation arrangements review (review of membership, wards, boundaries etc) in 2018, effective for the 2019 and 2022 triennial elections.
3. Current representation arrangements are the mayor (elected at large), 14 councillors (elected from five wards) and 12 community board members (six members elected to both the Makara-Ohariu and Tawa Community Boards). Two Councillors from the Northern Ward are also appointed to the Tawa Community Board. The five wards and number of councillors per ward are Eastern (3), Lambton (3), Northern (3), Onslow-Western (3) and Southern (2). Two wards (Eastern and Lambton) do not comply with the fair representation criteria (+/-10% rule).
4. Following consideration of the results of its preliminary informal consultation and four options developed by officers, Council, at its meeting on 28 March 2018, resolved to adopt an initial proposal of a modified status quo option – 14 councillors elected from five wards (plus the mayor elected at large), with ward boundaries adjusted to better reflect communities of interest (specifically uniting the Brooklyn suburb into one ward) and fairer representation (specifically moving the Southgate suburb from Southern Ward into Eastern Ward). Two wards however were marginally non-compliant with the +/- 10% rule (Southern Ward had too many people and Eastern Ward had not enough people). Current ward names were retained but with te reo names added.
5. Following public notice of the initial proposal and a one-month submission period, 52 submissions were received, of which 19 (or 36.5%) supported the initial proposal and 33 (or 63.5%) opposed it. Many of the submissions (24) were against the inclusion of the Southgate suburb into the Eastern Ward (from the Southern Ward).
6. Council is now required to consider the submissions it has received and resolve to either confirm or amend its initial proposal and give public notice of the final proposal on 13 June 2018.
7. It is recommended that Council, taking into consideration submissions and reflecting the city's communities of interest, amend the initial proposal by retaining the Southgate suburb in the Southern Ward. It is noted that two wards (Eastern and Southern) would still remain outside of the +/- 10% rule, and therefore the matter will be automatically forwarded as an appeal to the Local Government Commission for determination.

## Recommendation/s

That the Council:

1. Receive the information.
2. Consider the submissions received on the Council's representation arrangements.
3. Resolves, in accordance with the provisions of the Local Electoral Act 2001 and following its consideration of the public submissions received to its 2018 review of representation arrangements, to amend its initial proposal to the following final proposal for the 2019 Wellington City Council triennial elections:
  - i. Wellington City Council comprises 14 councillors elected under the ward system, plus the mayor elected at large;
  - ii. Wellington City Council be divided into five wards, these being:
 

**Motukairangi/Eastern Ward** (3 councillors) being the existing Eastern Ward comprising the area delineated on SO Plan 37887 (i.e. Breaker Bay, Hataitai, Houghton Bay, Karaka Bays, Kilbirnie, Lyall Bay, Maupuia, Melrose, Miramar, Moa Point, Rongotai, Roseneath, Seatoun and Strathmore Park);

**Paekawakawa/Southern Ward** (2 councillors) being the existing Southern Ward comprising the area delineated on SO Plan 37888, with the inclusion of the balance of the suburb of Brooklyn (i.e. Berhampore, Brooklyn, Island Bay, Kingston, Mornington, Newtown, Owhiro Bay, Southgate and Vogeltown);

**Pukehinau/Lambton Ward** (3 councillors), being the existing Lambton Ward comprising the area delineated on SO Plan 37886, with the exclusion of part of the suburb of Brooklyn (i.e. Aro Valley, Highbury, Kelburn, Mt Cook, Mt Victoria, Oriental Bay, Pipitea, Te Aro, Thorndon and Wellington Central);

**Takapū/Northern Ward** (3 councillors) being the existing Northern Ward comprising the area delineated on SO Plan 37883, with the inclusion the balance of the suburb of Ohariu (i.e. Churton Park, Glenside, Grenada North, Grenada Village, Horokiwi, Johnsonville, Newlands, Ohariu, Paparangi, Takapu Valley, Tawa and Woodridge);

**Wharangi/Onslow-Western Ward** (3 councillors) being the existing Onslow-Western Ward comprising the area delineated on SO Plan 335633, with the exclusion of part of the suburb of Brooklyn and a small part of Ohariu Broadmeadows, Crofton Downs, Kaiwharawhara, Karori, Khandallah, Makara, Makara Beach, Ngaio, Ngauranga, Northland, Wadestown and Wilton);

the proposed boundaries as shown on **Attachments 1–6**;
  - iii. two community boards electing 12 members, these being:
 

**Makara-Ohariu Community Board** (6 members elected from the community at large) being the existing community board area comprising the area delineated on LG-047-2013-Com-1 deposited with the Local Government Commission, with the exclusion of parts of the suburbs of Brooklyn and Owhiro Bay;

**Tawa Community Board** (6 members elected from the community at large plus two councillors representing the Takapū/Northern Ward as appointed by Council) being the existing community board area comprising the area delineated on LG-047-2015-Com-1 deposited with the Local Government Commission;

the proposed boundaries as shown on **Attachments 7 and 8**;

- iv. the reason the total number of councillors is proposed to remain at 14 (plus the mayor) is to provide effective representation to Wellington residents and ratepayers;
  - v. the reason for the ward boundary and community board boundary adjustments is to better reflect communities of interest (specifically uniting the suburb of Brooklyn into one ward) and to recognise the fact that Lambton Ward is growing significantly faster than the Southern Ward;
  - vi. as two of the proposed wards are non-compliant with the fair representation requirements (+/- 10% rule), if adopted, the proposal must be treated as an appeal under section 19V(5) of the Local Electoral Act 2001 and referred to the Local Government Commission following the appeal/objection period;
  - vii. the above final proposal be publicly notified on 13 June 2018 providing the opportunity for appeals and objections to be lodged in the period 13 June to 13 July 2018;
4. Agree that the wording of the reasons for the Council's decision, and its acceptance or rejection of submissions received on the Council's initial proposal, as required under section 19N(2) of the Local Electoral Act 2001, be approved by the Council's Head of Governance.

## Background

8. The Local Electoral Act 2001 (LEA) requires every local authority to undertake a review of their representation arrangements at least once every six years. Council's last review occurred in 2012, with the next review required in 2018, effective for the 2019 and 2022 triennial elections.
9. The current representation arrangements, in addition to the mayor elected at large, are 14 councillors elected from five wards, and 12 community board members elected to two community boards:

| Ward           | Councillors |
|----------------|-------------|
| Eastern        | 3           |
| Southern       | 2           |
| Lambton        | 3           |
| Northern       | 3           |
| Onslow-Western | 3           |

| Community Board | Members |
|-----------------|---------|
| Makara/Ohariu   | 6       |
| Tawa            | 6 *     |

\* plus two appointed members  
(councillors from the Northern Ward)

## Principles of the representation review

10. In undertaking a representation arrangements review, the following key principles must be considered:
  - communities of interest
  - effective representation
  - fair representation (+/- 10% rule)

### ***Communities of Interest***

11. The Wellington City area consists of a number of communities of interest, with five identified groups of communities being the eastern area (Eastern Ward), central area (Lambton), northern area (Northern Ward), western area (Onslow-Western Ward) and southern area (Southern Ward).

### ***Effective Representation***

12. The current number of councillors representing the city is 14. This number is considered appropriate and has been confirmed from feedback received from the preliminary informal consultation.

### ***Fair representation***

13. The requirement that the average number of resident population per Councillor should not exceed +/-10% must be considered when undertaking a representation review, although there is some legislative leeway outside of this range if compliance would effectively split a community of interest or join together two quite different communities of interest.
14. The latest population estimates (as at 30 June 2017) confirm that for 14 councillors, the current ward arrangements do not comply with the +/- 10% rule, as the following chart shows:

| Ward           | Pop    | Cllrs | Ave    | Fits Rule | % Variation |
|----------------|--------|-------|--------|-----------|-------------|
| Eastern        | 39,200 | 3     | 13,067 | No        | -13.95%     |
| Southern       | 28,900 | 2     | 14,450 | Yes       | -4.85%      |
| Lambton        | 52,000 | 3     | 17,333 | No        | +14.14%     |
| Northern       | 47,900 | 3     | 15,967 | Yes       | +5.14%      |
| Onslow-Western | 44,600 | 3     | 14,867 | Yes       | -2.1%       |

Note 1: 212,700 / 14 councillors = 15,193 (+/- 10% range being 13,674 – 16,712)

Note 2: the population by ward totals 212,600 rather than 212,700, the difference due to rounding of estimates.

### **Initial Proposal**

15. Council at its meeting on 28 March 2018 considered four options:

**Option 1 (status quo):** 14 councillors (plus the mayor) elected from the current five wards, plus 12 community board members elected from the current two community boards;

**Option 2 (modified status quo):** 14 councillors (plus the mayor) elected from the current five wards (with slightly modified boundaries for all five of them), plus 12 community board members elected from the current two community boards (with slightly modified boundaries for the Makara-Ohariu Community Board);

**Option 3 (mixed system):** 14 councillors (plus the mayor) with five elected 'at large' and nine elected from three new wards (three councillors per ward), plus 12 community board members elected to the current two community boards with six members each;

**Option 4 (reduced number of wards, matching community boards):** 14 councillors elected from three wards (two wards with five and one ward with four), plus 18

community board members elected from three new community boards (with matching ward boundaries).

16. Council resolved to adopt Option 2 as its initial proposal, specifically “to adopt as its initial proposal for the review of representation arrangements:
- i. Wellington City Council comprises 14 councillors elected under the ward system, plus the mayor elected at large;
  - ii. Wellington City Council be divided into five wards, these being:
    - Motukairangi/Eastern Ward** (3 councillors) being the existing ward comprising the area delineated on SO Plan 37887 (Breaker Bay, Hataitai, Houghton Bay, Karaka Bays, Kilbirnie, Lyall Bay, Maupuia, Miramar, Moa Point, Rongotai, Roseneath, Seatoun and Strathmore Park) with the addition of Southgate;
    - Paekawakawa/Southern Ward** (2 councillors) being the existing ward comprising the area delineated on SO Plan 37888 (Berhampore, part Brooklyn, Island Bay, Kingston, Mornington, Newtown, Owhiro Bay and Vogeltown) with the exclusion of Southgate and the inclusion of the balance of Brooklyn;
    - Pukehīnau/Lambton Ward** (3 councillors), being the existing ward comprising the area delineated on SO Plan 37886 (Aro Valley, Highbury, Kelburn, Mt Cook, Mt Victoria, Oriental Bay, Pipitea, Te Aro, Thorndon and Wellington Central) with the exclusion of part of Brooklyn;
    - Takapū/Northern Ward** (3 councillors) being the existing ward comprising the area delineated on SO Plan 37883 (Churton Park, Glenside, Grenada North, Grenada Village, Horokiwi, Johnsonville, Newlands, Ohariu, Paparangi, Takapu Valley, Tawa and Woodridge) with the addition of a small part of Ohariu;
    - Wharangi/Onslow-Western Ward** (3 councillors) being the existing ward comprising the area delineated on SO Plan 335633 (Broadmeadows, Crofton Downs, Kaiwharawharu, Karori, Khandallah, Makara, Makara Beach, Ngaio, Ngauranga, Northland, Wadestown and Wilton) with the exclusion of part of Brooklyn and a small part of Ohariu;
  - iii. two community boards electing 12 members, these being:
    - Makara-Ohariu Community Board** (6 members elected from the community at large) being the existing community board area comprising the area delineated on LG-047-2013-Com-1 deposited with the Local Government Commission, with the exclusion of parts of Brooklyn and Owhiro Bay;
    - Tawa Community Board** (6 members elected from the community at large plus two councillors representing the Takapū/Northern Ward as appointed by Council) being the existing community board area comprising the area delineated on LG-047-2015-Com-1 deposited with the Local Government Commission;
  - iv. the reason the total number of councillors is proposed to remain at 14 (plus the mayor) is to provide effective representation to Wellington residents and ratepayers;

- v. the reasons for the ward boundary alterations are to better reflect communities of interest (specifically uniting the suburb of Brooklyn into one ward) and fairer representation (specifically the Southgate suburb);
- vi. as two of the proposed wards are marginally non-compliant with fair representation (+/- 10% rule), and if the initial proposal is confirmed by Council as its final proposal, the proposal must be treated as an appeal under section 19V (5) of the Local Electoral Act 2001 and referred to the Local Government Commission following the appeal/objection period.
- vii. the above initial proposal be submitted for formal public consultation, including inviting submissions in the period 4 April to 4 May 2018.”

17. The fair representation criteria for all wards for the initial proposal is:

| Ward                      | Pop    | Cllrs | Ave    | Fits Rule | % Variation |
|---------------------------|--------|-------|--------|-----------|-------------|
| Motukairangi / Eastern    | 40,430 | 3     | 13,477 | No        | -11.3%      |
| Paekawakawa / Southern    | 33,510 | 2     | 16,755 | No        | +10.3%      |
| Pukehīnau / Lambton       | 46,120 | 3     | 15,373 | Yes       | +1.2%       |
| Takapū / Northern         | 48,030 | 3     | 16,010 | Yes       | +5.4%       |
| Wharangi / Onslow-Western | 44,610 | 3     | 14,870 | Yes       | -2.1%       |

Note 1: 212,700 / 14 councillors = 15,193 (+/- 10% range being 13,674 – 16,712)

18. The initial proposal was submitted for formal public consultation, including inviting submissions in the period 4 April to 4 May 2018 as required.

## Submissions received

19. During the submission period, 52 submissions were received, notably:
- 49 were received from individuals and 3 were received from groups or organisations;
  - 58% were received from submitters from the Southern Ward, 15% from the Lambton Ward and 12% from the Eastern Ward;
  - 19 (or 36.5%) supported the initial proposal and 33 (or 63.5%) opposed it;
  - of the 33 that opposed the initial proposal, 27 (or 82%) were from the Southern Ward;
  - of the 30 submissions from the Southern Ward, 25 (or 83.3%) were residents of Southgate (1 in support, 24 opposed);
  - of the 8 submissions from the Lambton Ward, 4 were residents of Brooklyn (3 in support, 1 opposed);
  - regarding the te reo ward names, 29 (or 56%) were in support, 10 (19%) were opposed and 13 (25%) had no opinion.
20. In opposing the Council's initial proposal, two submitters suggested, although not in any great detail, the following alternative options for Council's consideration:
- the establishment of much smaller wards, each electing one councillor. This option was investigated as part of the Council's initial review but was decided it would be difficult to develop such a proposal that would receive support from a majority of residents or comply with the requirements of the legislation;

- that the suburb of Brooklyn should be included in the Wharangi/Onslow-Western Ward. The Council's proposal for that part of Brooklyn currently in the Wharangi/Onslow-Western Ward to be included in the Paekawakawa/Southern Ward is based on community of interest reasons and also strong support from persons living in that area. If this change was implemented it would be difficult to justify on both community of interest and fairness grounds.
21. Another submitter has drawn attention to the need for Council to consider a possible minor suburb boundary change (between Tawa and Ohariu) and a minor territorial authority boundary change between Wellington City and Porirua City (in the vicinity of Turriff Crescent in Tawa). Officers are aware of these two issues and will take appropriate action to advance them.
  22. Only two submitters took the opportunity to be heard by Council in support of their submissions. Both these submitters were in support of the Council's initial proposal.
  23. In summary:
    - the majority of submissions (63.5%) opposed the initial proposal;
    - submissions confirm there is strong support to retain the suburb of Southgate in the Southern Ward (as people in Southgate affiliate with Island Bay to the west, and not to suburbs in the east);
    - submissions confirm it appropriate for all of Brooklyn to be in one ward (Southern) – this being one community of interest;
    - there is majority support for te reo ward names (56%) – some saying this is overdue and good choice of names. Some submitters however asked if te reo names were really necessary and others thought them divisive.
  24. A full analysis of the submissions is shown on **Attachment 9**.

## Final Proposal

25. Council is now required to consider the submissions received and either adopt the initial proposal as its final proposal or amend it. Taking into consideration the feedback from the submissions, it is recommended that Council amend its initial proposal by retaining the suburb of Southgate in the proposed Paekawakawa/Southern Ward and not include it in the proposed Motukairangi/Eastern Ward), thus retaining and not splitting a Southgate/Island Bay community of interest.
26. Should such an amendment to the initial proposal be accepted, the fair representation criteria for all wards would be:

| Ward                      | Pop    | Cllrs | Ave    | Fits Rule | % Variation |
|---------------------------|--------|-------|--------|-----------|-------------|
| Motukairangi / Eastern    | 39,210 | 3     | 13,070 | No        | -13.97%     |
| Paekawakawa / Southern    | 34,710 | 2     | 17,355 | No        | +14.23%     |
| Pukehīnau / Lambton       | 46,160 | 3     | 15,387 | Yes       | +1.28%      |
| Takapū / Northern         | 48,030 | 3     | 16,010 | Yes       | +5.38%      |
| Wharangi / Onslow-Western | 44,590 | 3     | 14,863 | Yes       | -2.17%      |

Note 1: 212,700 / 14 councillors = 15,193 (+/- 10% range being 13,674 – 16,712)

27. Following consideration of public submissions, it is recommended that Council amends its initial proposal and adopts, as its final proposal for the 2019 Wellington City Council triennial elections, the following:

- i. Wellington City Council comprises 14 councillors elected under the ward system, plus the mayor elected at large;
- ii. Wellington City Council be divided into five wards, these being:
  - Motukairangi/Eastern Ward** (3 councillors) being the existing Eastern Ward comprising the area delineated on SO Plan 37887 (i.e. Breaker Bay, Hataitai, Houghton Bay, Karaka Bays, Kilbirnie, Lyall Bay, Maupuia, Melrose, Miramar, Moa Point, Rongotai, Roseneath, Seatoun and Strathmore Park);
  - Paekawakawa/Southern Ward** (2 councillors) being the existing Southern Ward comprising the area delineated on SO Plan 37888, with the inclusion of the balance of the suburb of Brooklyn (i.e. Berhampore, Brooklyn, Island Bay, Kingston, Mornington, Newtown, Owhiro Bay, Southgate and Vogeltown);
  - Pukehīnau/Lambton Ward** (3 councillors), being the existing Lambton Ward comprising the area delineated on SO Plan 37886, with the exclusion of part of the suburb of Brooklyn (i.e. Aro Valley, Highbury, Kelburn, Mt Cook, Mt Victoria, Oriental Bay, Pipitea, Te Aro, Thorndon and Wellington Central);
  - Takapū/Northern Ward** (3 councillors) being the existing Northern Ward comprising the area delineated on SO Plan 37883, with the inclusion the balance of the suburb of Ohariu (i.e. Churton Park, Glenside, Grenada North, Grenada Village, Horokiwi, Johnsonville, Newlands, Ohariu, Paparangi, Takapu Valley, Tawa and Woodridge);
  - Wharangi/Onslow-Western Ward** (3 councillors) being the existing Onslow-Western Ward comprising the area delineated on SO Plan 335633, with the exclusion of part of the suburb of Brooklyn and a small part of Ohariu Broadmeadows, Crofton Downs, Kaiwharawhara, Karori, Khandallah, Makara, Makara Beach, Ngaio, Ngauranga, Northland, Wadestown and Wilton);

the proposed boundaries as shown on **Attachments 1–6**;
- iii. two community boards electing 12 members, these being:
  - Makara-Ohariu Community Board** (6 members elected from the community at large) being the existing community board area comprising the area delineated on LG-047-2013-Com-1 deposited with the Local Government Commission, with the exclusion of parts of the suburbs of Brooklyn and Owhiro Bay;
  - Tawa Community Board** (6 members elected from the community at large plus two councillors representing the Takapū/Northern Ward as appointed by Council) being the existing community board area comprising the area delineated on LG-047-2015-Com-1 deposited with the Local Government Commission;

the proposed boundaries as shown on **Attachments 7 and 8**;
- iv. the reason the total number of councillors is proposed to remain at 14 (plus the mayor) is to provide effective representation to Wellington residents and ratepayers;
- v. the reason for the ward boundary and community board boundary adjustments is to better reflect communities of interest (specifically uniting the suburb of Brooklyn into one ward) and to recognise the fact that Lambton Ward is growing significantly faster than the Southern Ward;
- vi. as two of the proposed wards are non-compliant with the fair representation requirements (+/- 10% rule), if adopted, the proposal must be treated as an appeal under section 19V(5) of the Local Electoral Act 2001 and referred to the Local Government Commission following the appeal/objection period;

- vii. the above final proposal be publicly notified on 13 June 2018 providing the opportunity for appeals and objections to be lodged in the period 13 June to 13 July 2018;
28. As the public notice must state reasons for the Council's decision, and its acceptance or rejection of submissions received on the Council's initial proposal, it is recommended the wording of these reasons be approved by the Council's Head of Governance.

## **Attachments**

|               |   |         |
|---------------|---|---------|
| Attachment 1. | Proposed boundaries <a href="#">↓</a>                             | Page 17 |
| Attachment 2. | Proposed boundary Motukairangi/Eastern Ward <a href="#">↓</a>     | Page 18 |
| Attachment 3. | Proposed boundary Paekawakawa/Southern Ward <a href="#">↓</a>     | Page 19 |
| Attachment 4. | Proposed boundary Pukehinau/Lambton Ward <a href="#">↓</a>        | Page 20 |
| Attachment 5. | Proposed boundary Takapū/Northern Ward <a href="#">↓</a>          | Page 21 |
| Attachment 6. | Proposed boundary Wharangi/Onslow-Western Ward <a href="#">↓</a>  | Page 22 |
| Attachment 7. | Proposed boundary Tawa Community Board <a href="#">↓</a>          | Page 23 |
| Attachment 8. | Proposed boundary Makara/Ohāriu Community Board <a href="#">↓</a> | Page 24 |
| Attachment 9. | Feedback analysis <a href="#">↓</a>                               | Page 25 |

|            |  |
|------------|--|
| Author     | Anusha Guler, Head of Governance               |
| Authoriser | Kane Patena, Director, Strategy and Governance |

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## **SUPPORTING INFORMATION**

### **Treaty of Waitangi considerations**

Iwi mana whenua Taranaki Whānui were asked to provide dual names for all wards. The dual names confirms that Wellington City Council considers te reo Māori and iwi site specific names to be taonga – guaranteed under Article 2 of Te Tiriti. We consulted with the public including the wider Māori community and the majority of submissions are in favour of dual te reo Māori-English ward names.

The matter of Māori ward was not pursued in this representation review and iwi mana whenua concurred that the capital city is not yet ready for this discussion. The establishment of Māori ward is complex. Council and iwi mana whenua have instead a quarterly Leaders Forum and iwi mana whenua entities have non-voting seats at City Strategy Committee and LT/AP Committee. Iwi mana whenua representatives do not always take their seats at the table however when they do, they are respected and influential in the decision making process.

### **Financial implications**

The dual names for wards have no cost implications and will be factored into the election documentation for 2019.

### **Policy and legislative implications**

The Local Electoral Act 2001 requires every local authority to undertake a review of their representative arrangements every 6 years. Part 1A of the LEA sets out the requirements for representation arrangements review.

### **Risks / legal**

There are no legal implications identified as the final decision rests with the Local Government Commission.

### **Climate Change impact and considerations**

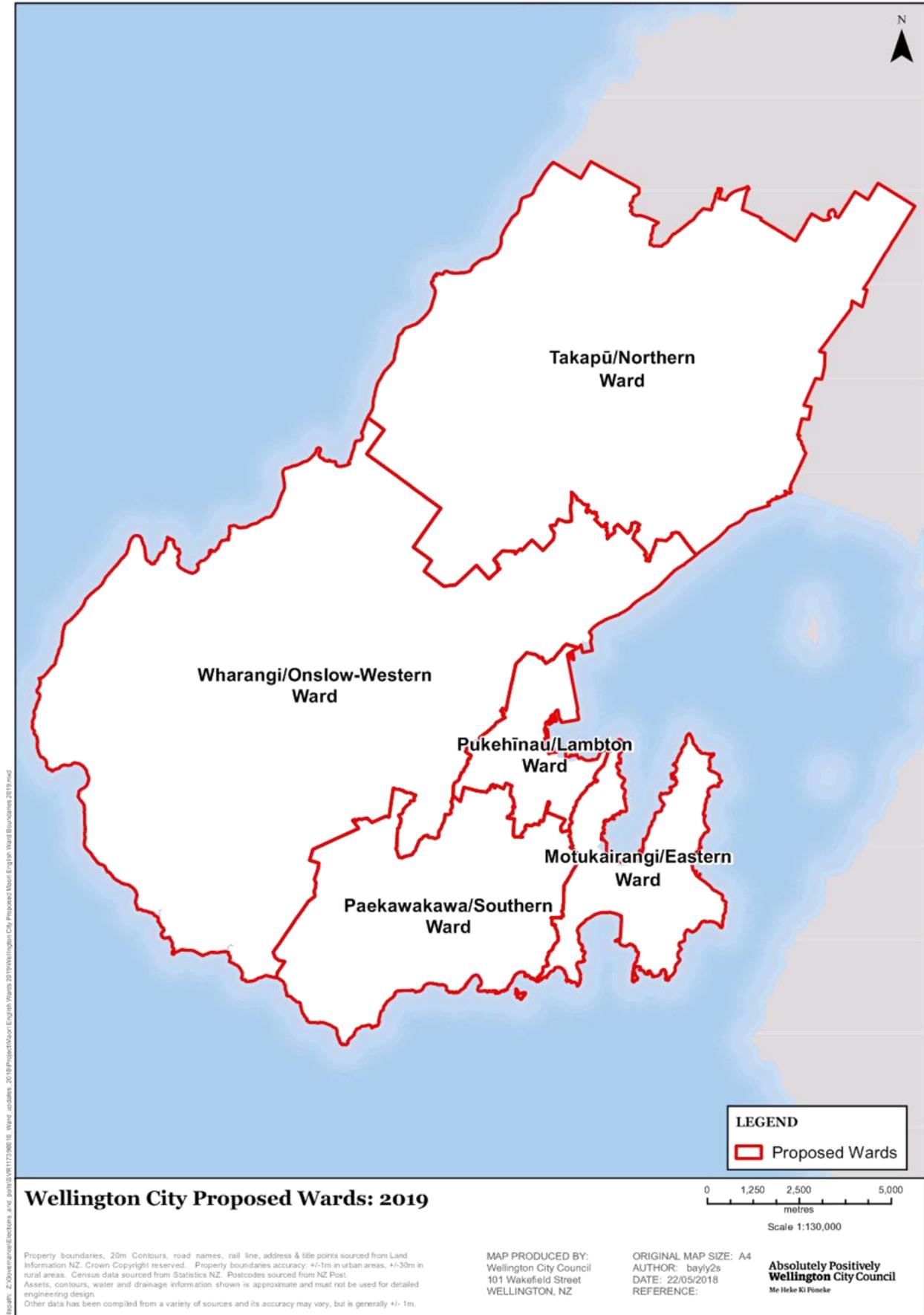
There are no implications identified

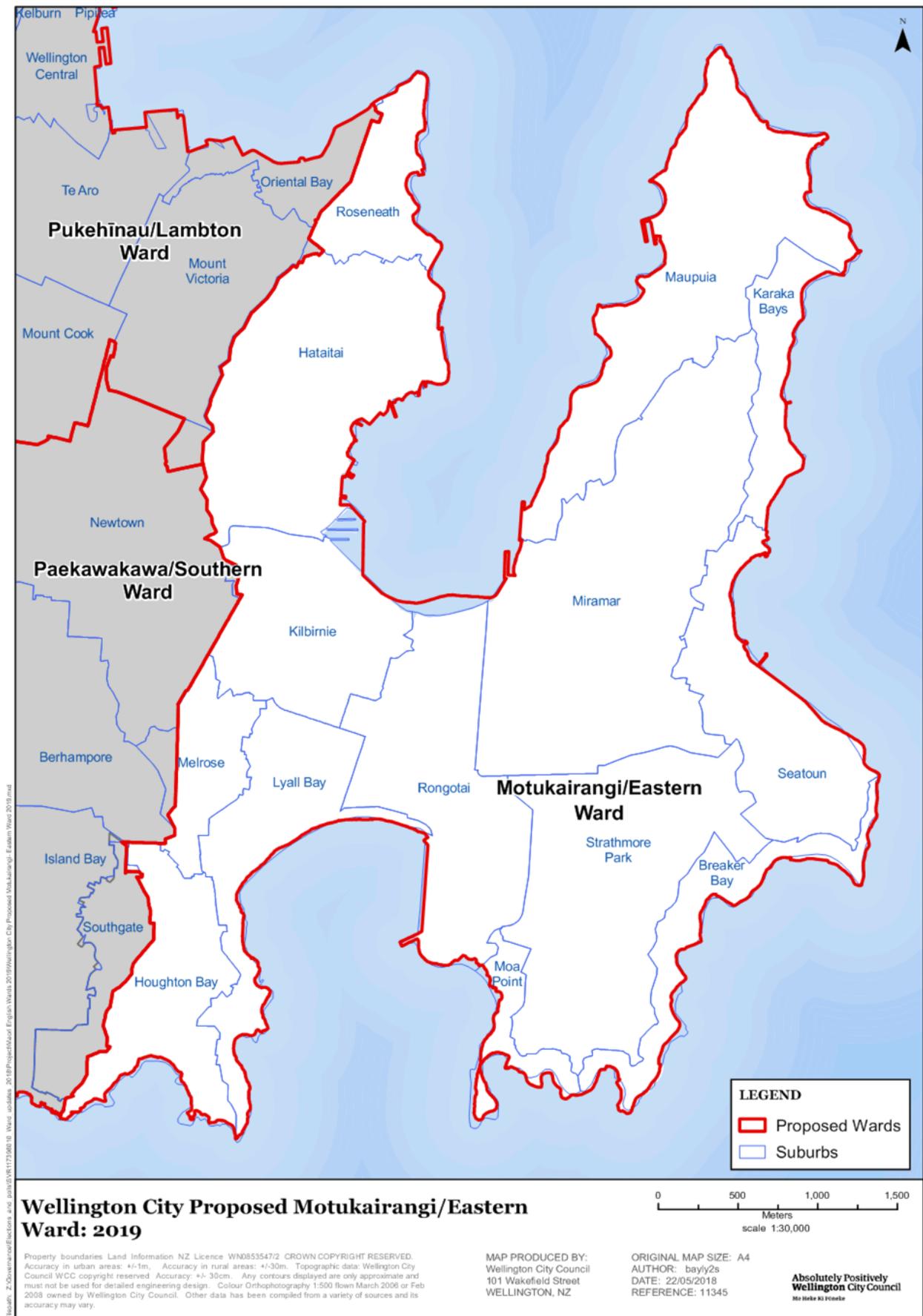
### **Communications Plan**

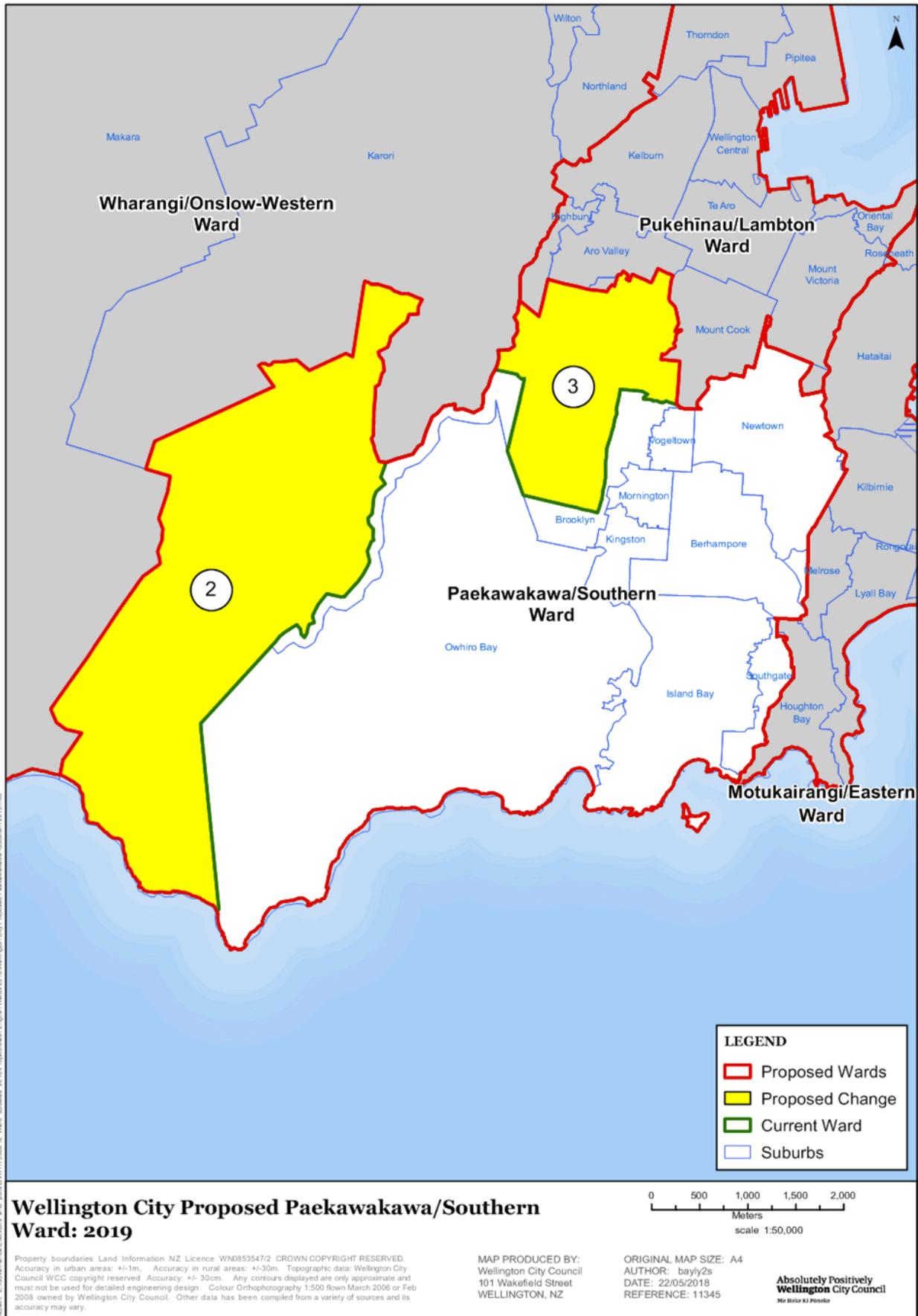
The promotion of bilingual ward names will be factored into the Election 2019 Communication and Engagement Plan.

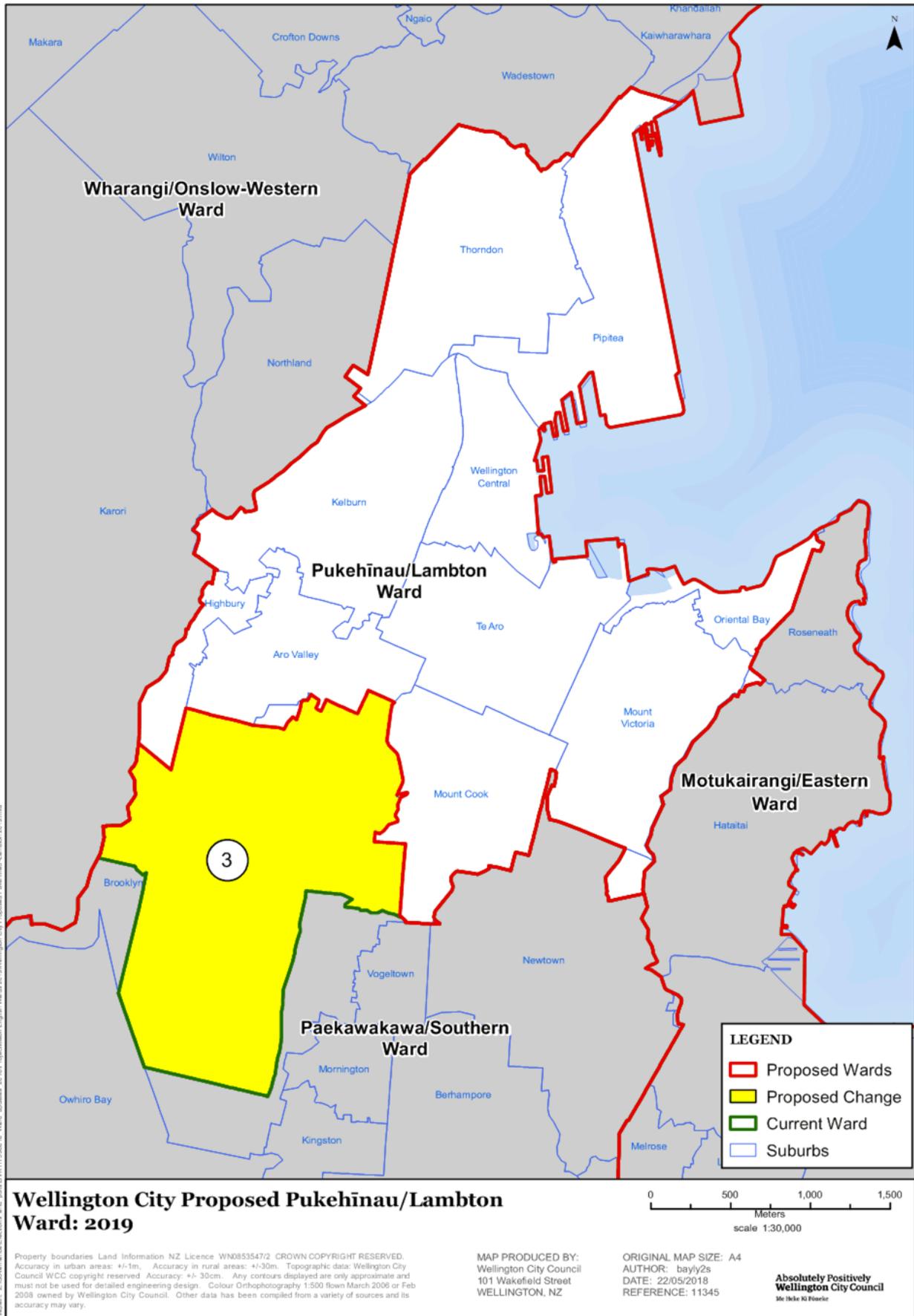
### **Health and Safety Impact considered**

There are no implications.

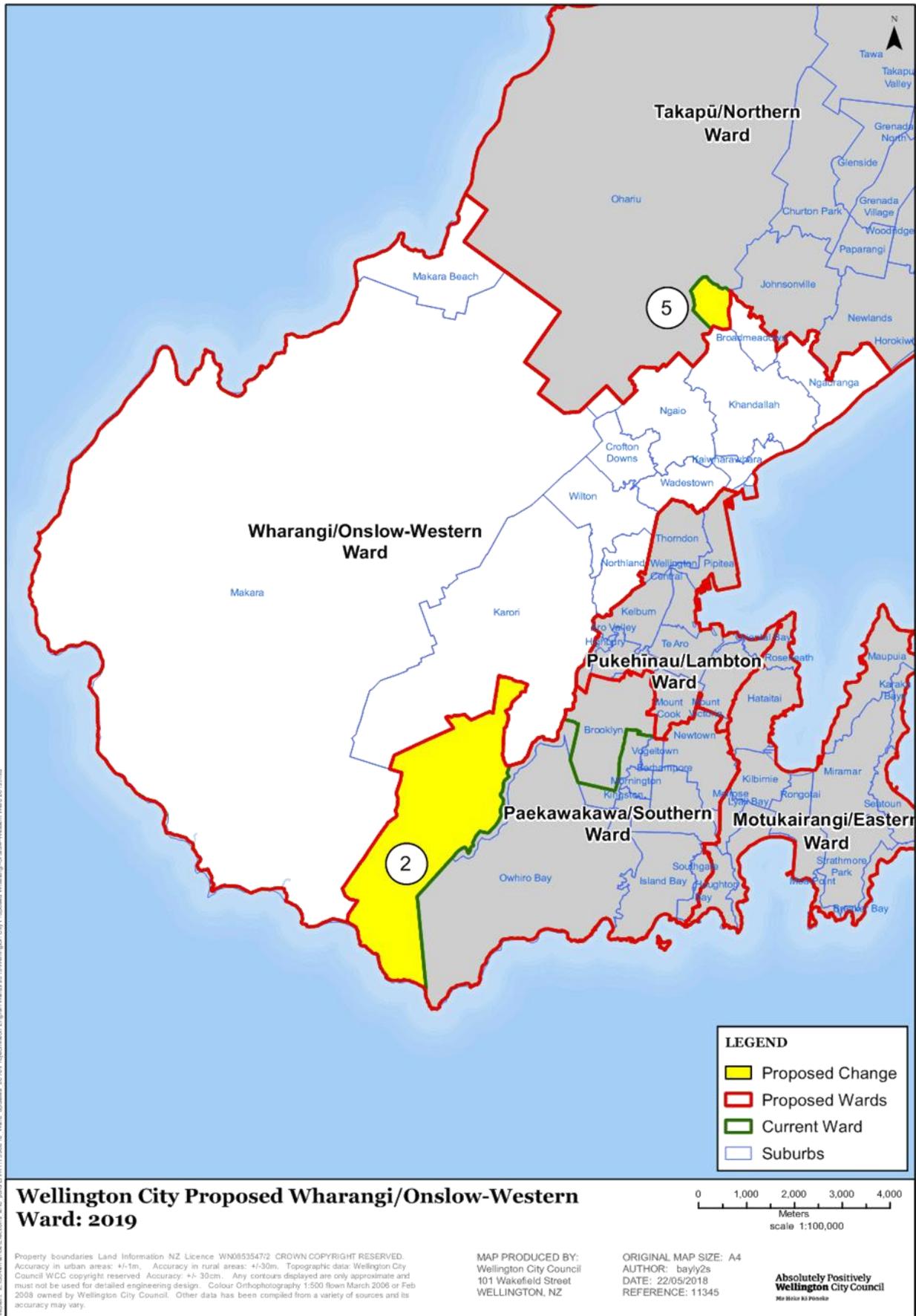


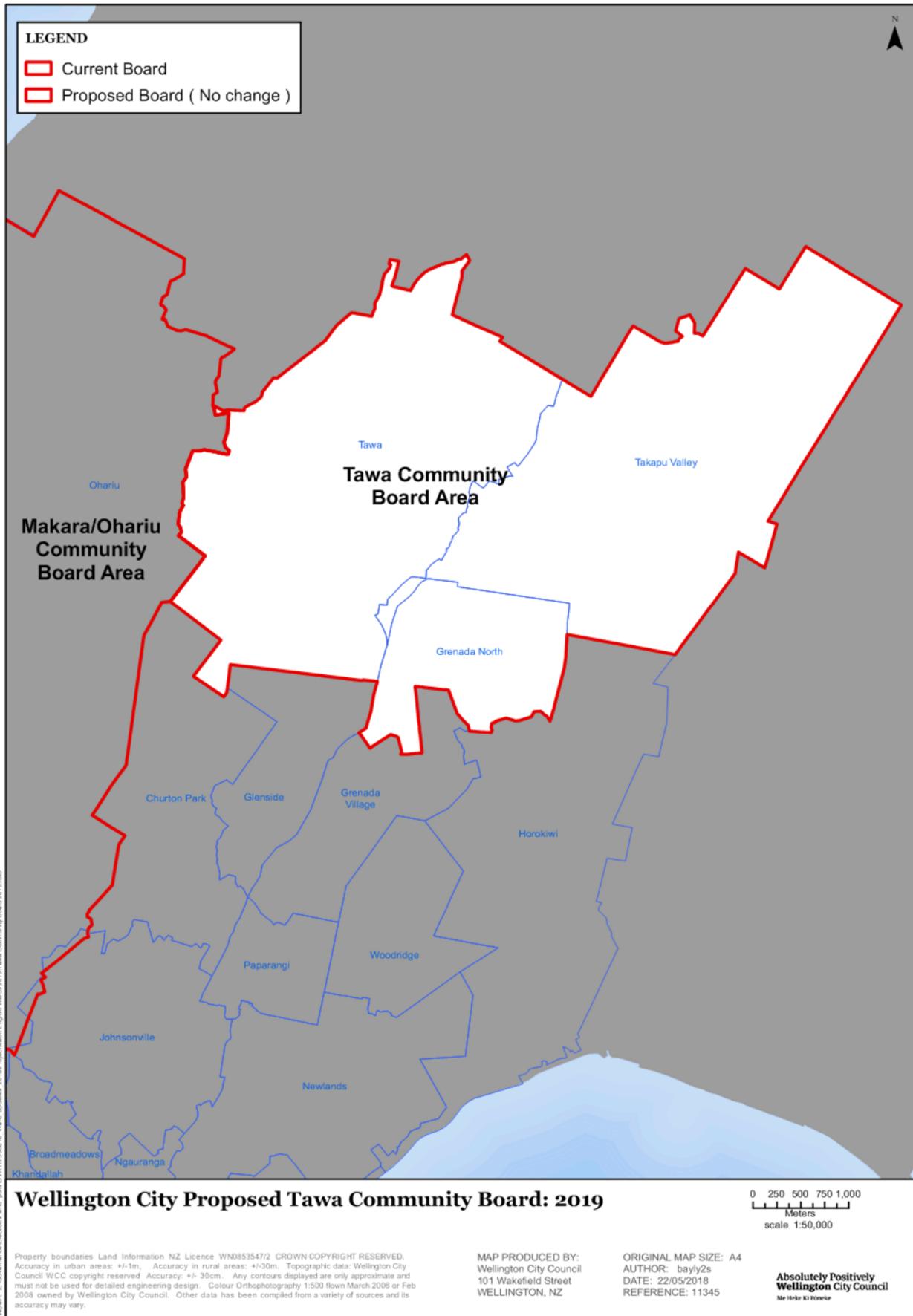


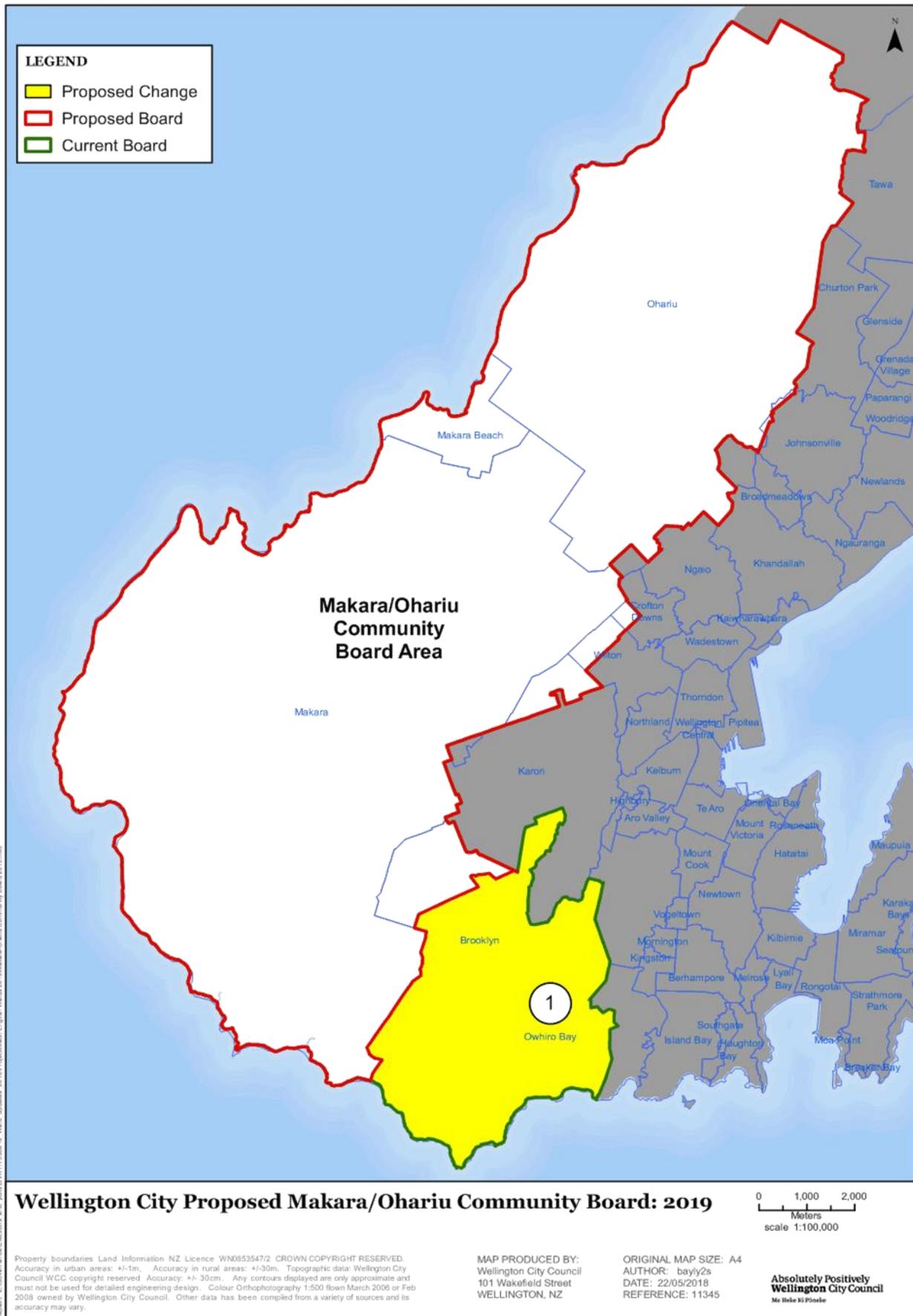












## Representation Review 2018 – Feedback Analysis

### **Total number of formal submissions:**

|                                       |           |
|---------------------------------------|-----------|
| Individual submissions                | 49        |
| Submissions from Groups/Organisations | 3         |
| <b>Total submissions received</b>     | <b>52</b> |

### **From Wellington:**

|                   |           |
|-------------------|-----------|
| Yes               | 51 (98%)  |
| No (from Porirua) | 1 (2%)    |
| <b>Total</b>      | <b>52</b> |

### **Breakdown of submissions received by ward:**

|                    | Number    | Percentage |
|--------------------|-----------|------------|
| Lambton            | 8         | 15%        |
| Eastern            | 6         | 12%        |
| Southern           | 30        | 58%        |
| Onslow-Western     | 3         | 6%         |
| Northern           | 3         | 6%         |
| Citywide           | 1         | 2%         |
| Outside Wellington | 1         | 2%         |
| <b>Total</b>       | <b>52</b> |            |

### **Do the submissions support the proposed boundary changes?**

|                          | Yes        | No         |
|--------------------------|------------|------------|
|                          | 19 (36.5%) | 33 (63.5%) |
| <b>Breakdown by Ward</b> |            |            |
| Lambton*                 | 5 (62.5%)  | 3 (37.5%)  |
| Eastern                  | 5 (83%)    | 1 (17%)    |
| Southern *               | 3 (10%)    | 27 (90%)   |
| Onslow-Western           | 2 (67%)    | 1 (33%)    |
| Northern                 | 2 (67%)    | 1 (33%)    |
| Citywide                 | 1 (100%)   | -          |
| Outside Wellington       | 1 (100%)   | -          |

Note

- 4 of the 8 submitters from the Lambton Ward are resident in the suburb of Brooklyn (3 submitters support the proposal and 1 against).
- 25 of the 30 submitters from the Southern Ward are resident in the suburb of Southgate (24 of those submitters are opposed to the proposed boundary change and 1 in support).

***Do the submissions support the proposed bi-lingual ward names?***

|                          | Yes       | No        | No Opinion |
|--------------------------|-----------|-----------|------------|
|                          | 29 (56%)  | 10 (19%)  | 13 (25%)   |
| <b>Breakdown by Ward</b> |           |           |            |
| Lambton                  | 7 (87.5%) | 1 (12.5%) | -          |
| Eastern                  | 2 (33%)   | 3 (50%)   | 1 (17%)    |
| Southern                 | 15 (50%)  | 4 (13%)   | 11 (37%)   |
| Onslow-Western           | 1 (33%)   | 1 (33%)   | 1 (33%)    |
| Northern                 | 2 (67%)   | 1 (33%)   | -          |
| Citywide                 | 1 (100%)  | -         | -          |
| Outside Wellington       | 1 (100%)  | -         | -          |

***Additional comments from submitters on the Initial Proposal***

|                          | Yes      | No       |
|--------------------------|----------|----------|
|                          | 15 (29%) | 37 (71%) |
| <b>Breakdown by Ward</b> |          |          |
| Lambton                  | 1 (12%)  | 7 (88%)  |
| Eastern                  | 2 (33%)  | 4 (67%)  |
| Southern                 | 7 (23%)  | 23 (77%) |
| Onslow-Western           | 1 (33%)  | 2 (67%)  |
| Northern                 | 2 (67%)  | 1 (33%)  |
| Citywide                 | 1 (100%) | -        |
| Outside Wellington       | 1 (100%) | -        |

***General comments in support of the statement of proposal***

- Makes sense for all of Brooklyn to be included in the Southern Ward
- Logical community of interest reasons for proposed changes
- Ward boundaries must change, regardless of opinion, in order to achieve fairness requirements
- Support for any change that improves proportional representation on Council – must make sense from a numbers perspective

- Changes relatively minor and ward boundaries align more clearly with geographic and suburb boundaries
- Balanced population between wards essential to provide fair representation
- Rational and sensible changes

***General comments opposing the statement of proposal***

- Doctor, nearest shops, pharmacy, cafes, Post Office, beaches and Library are all in Island Bay not the Eastern suburbs
- Connection is to the south of the City and Island Bay
- Does not recognise and protect Southgate's community of interest
- This is PC that means nothing to anyone – fix the stuff that matters
- Plans do not show proposed changes in enough detail – needed to be at street level
- Failure to recognise and protect community of interest has resulted in a non-compliant proposal
- Bus services run from Island Bay to the City and back
- Island Bay is part of the local community – it's our village
- Civil defence priorities between low lying Eastern suburbs and the hills of Southgate are significantly different
- Bus routes, cycle ways, local shops and Schools are feed through Southern (not Eastern) Ward
- Identify strongly with Island Bay – can walk to the shops and facilities – Kilbirnie shops are 15 minute drive away
- Southgate's community of interest lies to the west – down through Island Bay, Berhampore and Newtown (all of which are in the Southern Ward)
- Live in Southgate – not Eastgate. The clue is in the name!!
- Don't identify and have little interest in local issues and concerns of the Eastern Ward
- More practical to reallocate number of Councillors per ward rather than juggle population numbers
- Difficult for Councillors to assist voters where communities of interest lie elsewhere
- Retaining community of interest outweighs slight improvement to the fairness figures
- Southgate has no natural affinity with any area other than Island Bay
- Geographically, Southgate sits on the lip of the Island Bay Valley and its topography and character is very different to the Miramar Peninsula
- Southgate's ties and commercial, educational and recreational support have always been with Island Bay and the Southern Ward
- Proposed change would effectively remove the communities voice from the democratic process on matters that directly affect them
- Insufficient information to make an informed submission
- Poor consultation and short notice given of the only public meeting held in Brooklyn
- Requested meetings so community could discuss/ask questions, but twice denied

- Concern that the proposed boundary changes might affect school zoning for Wellington College and other schools in the area

#### Note

- It has been confirmed that the proposed ward boundary changes will not affect school zoning and, on learning this, the submitter withdrew his opposition to the proposed changes to the Southern Ward boundary

#### **General comments supporting bi-lingual ward names**

- Recognition of Treaty of Waitangi principle of partnership
- Great choice of names
- Happy provided names are supported by local Maori
- Small step in direction of a bi-lingual city – keep going!!
- Protect and promote te reo as a toanga
- Te reo names encompass more meaning than current names
- Significant move toward Wellington City becoming a bi-lingual city
- Pays homage to the connection these places have in Maori history
- Well overdue and consistent with Council's te reo policy
- All Wellington signs, roads, buildings and advertising should be bi-lingual
- Adopt widespread usage of these names as soon as possible
- Better help people understand area's history

#### **General comments opposing bi-lingual names**

- Unnecessary cost and avoidable confusion
- Unfamiliar names discourage usage
- Don't support any proposal that causes division based on race, religion or sex
- Distraction from real issue of representation
- Are they really necessary – will continue to use current names
- Existing ward names are simple and clear descriptions of an area (ie North, South etc). If we are to be bi-lingual they should have the Maori equivalent
- The use of the name Motukairangi for the Eastern Ward is confusing (because it's translation is not appropriate for Southgate) - suggest Rongotai would be a more appropriate and significant name to use.

#### Note

- This suggestion has been referred to the Tira Poutama (Iwi Relationships) Unit for comment. A great deal of thought and research was given before the names were put forward for consideration and adoption. The considered view is that the name Motukairangi is appropriate. The name Rongotai is already in common use in the area (ie Parliamentary Electorate and suburb name) and its further use could cause confusion

#### **Positive additional comments**

- Name a park after Billie Tait-Jones
- Teach all people to embrace bi-lingual for change

- Proportional representation is critical to proper democracy and is essential to ensure each vote is equal to another
- Need positive culture change to enhance this opportunity

***Negative additional comments***

- Stick to the core business
- Why go through a process that wastes money moving a community to a Ward they've never been part of
- Use either English or Maori for Ward names. Status quo would be cheaper and more widely understood
- Meeting in Brooklyn was poorly timed (school holidays and time of day) and not well advertised
- Council not listening to communities
- Not against change but fear administrative convenience is trumping logic
- Need to extend the consultation period and take time to address and answer the communities questions
- Happy with more te reo place names – but add “Pakeha” instead of only having NZ European on Council's demographic information
- Needs to be some way of respecting the impact of Wellington's geography on its identifiable communities – not shifting lines on a flat map
- Preferable to keep communities together rather than split them to make numbers work
- Money to spend to create new signage but existing signs allowed to corrode and degrade
- Form not particularly intuitive and maps in discussion document were just pictures – needed an indication of the streets affected by the proposal
- No indication of the population numbers involved in requiring Southgate's proposed shift



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## **APPROVAL OF DISTRICT PLAN CHANGE 81 AND 82**

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### **Purpose**

1. This report seeks decisions from Council on District Plan Change 81 (DPC 81): Rezoning of 320 The Terrace (Gordon Wilson Flats) and District Plan Change 82 (DPC 82): Minor zone changes and associated text changes.

### **Summary**

2. The process for District Plan Changes is outlined in Schedule 1 of the Resource Management Act 1991 (RMA). Both District Plan Change 81 and 82 have followed this process, which includes public notification, an initial submission period, further submission period, and hearings. DPC 81 was appealed to the Environment Court.
3. The final provisions contained in amended District Plan Change 81 mirror changes already approved by the Environment Court, which included the rejection of the proposed delisting of the Gordon Wilson Flats Heritage Building, but the approval of the rezoning from the Inner Residential to Institutional Precinct. The approval of this plan change is now an administrative formality.
4. The Hearing Commissioner for District Plan Change 82 has considered all written and oral submissions and has recommended all zone changes and text changes be approved as notified. If Council adopts the recommendations of the Hearing Commissioner then this report will become the Council decision. However if the Council rejects one or more of the proposed recommendations, the hearing process would need to be re-commenced and determined by the full Council.

### **Recommendation/s**

That the Council:

1. Receive the information.
2. Agree to approve proposed District Plan Change 81 in accordance with clause 17 of Schedule 1 of the Resource Management Act 1991, and agree that the plan change will become operative as outlined in Attachment 1 (Proposed District Plan Change 81 – Court Approved Amended Provisions).
3. Adopt the recommendations of the Hearing Commissioner in respect of proposed District Plan Change 82, as set out in Attachment 2 (Proposed District Plan Change 82 - Hearing Commissioner Decision Report) and Attachment 3 (Proposed District Plan Change 82 – Plan Change Document).

### **Background**

#### **Proposed District Plan Change 81: Rezoning of 320 The Terrace (Gordon Wilson Flats)**

5. This Plan Change is a private plan change request by Victoria University of Wellington. The proposed plan change seeks to:
  - Rezone 320 The Terrace from Inner Residential to Institutional Precinct.
  - Remove the 'Gordon Wilson Flats' from the Wellington City District Plan's Heritage List.

- 
- Amend the Institutional Precinct provisions of the Wellington City District Plan.
6. District Plan Change 81 was publicly notified on 27 August 2015. A total of 33 submissions and 6 further submissions were received on the proposed plan change. The hearing commenced on 15 December 2015, and 9 submitters attended over three sitting days. The Hearing Panel was comprised of Councillors Andy Foster (Chair) and Mark Peck, and independent commissioner David McMahon. The panel formally closed the hearing on 17 March 2016.
  7. One appeal to the Environment Court was lodged opposing the de-listing of the Gordon Wilson Flats from the District Plan's Heritage List. The Court declined the decision to delist the building but confirmed approval of the balance of the Plan Change on 9 April 2018. This decision provides that the following aspects of the Plan Change have been approved as provided to the Court (see Attachment 1):
    - the proposed rezoning of 320 The Terrace (from Inner Residential to Institutional Precinct)
    - the site specific amendments to the Institutional Precinct Zone Rules
    - amendments to the Victoria University Design Guide

#### **Proposed District Plan Change 82: Minor zone changes and associated text changes**

8. The City Strategy Committee agreed to publicly notify District Plan Change 82 (DPC 82) on 16 November 2017. Formal public notification occurred on 11 December 2017. Council received 13 original submissions. A summary of decisions requested was prepared, and the opportunity to make further submissions was publicly notified on 2 March 2018, in which 2 further submissions were received. A hearing followed on Thursday 5 April 2018, where 6 submitters attended and presented in support of their written submissions. Jane Black acted for the Council as an independent hearing commissioner.
9. Proposed DPC 82 involves seven minor zone changes and associated changes to maps and text of the Wellington City District Plan. The purpose of the proposed changes is to ensure the efficient functioning of the District Plan by providing appropriate zoning for the future use and development of the properties involved.

**Proposed Zone Changes:**

Zone and map changes involving Council Land

| Location                                      | Current Zoning    | Proposed Zoning   | Relationship to Council     | Reason for Rezoning   |
|---|-------------------|-------------------|-----------------------------|---|
| 142 Tauhinu Road, Miramar                     | Open Space B      | Outer Residential | Council owned housing       | Rezone to reflect the actual and intended residential use                         |
| 16 Terrace Gardens (Flagstaff Hill Park), CBD | Inner Residential | Open Space A      | Council owned Open Space    | Rezone to reflect the actual and intended use of the land for open space purposes |
| 6 Campbell Street, Karori                     | Outer Residential | Centres           | Recently purchased property | Rezone to support proposed use  |

Zone and map changes involving Council Reserves (land exchanges)

| Location   | Current Zoning    | Proposed Zoning   | Reason for Rezoning                   |
|--|-------------------|-------------------|---------------------------------------|
| Part of 43 Peppertree Lane, Woodridge                  | Outer Residential | Open Space B      | To assist with approved land exchange |
| Part of Adjacent Council Reserve                       | Open Space B      | Outer Residential |                                       |
| Part of 73 Hawker Street (St Gerard's Monastery)       | Inner Residential | Open Space B      | To assist with approved land exchange |
| Part of 52 McFarlane Street (Adjacent Council Reserve) | Open Space B      | Inner Residential |                                       |

Zone and map changes involving private land

| Location                    | Current Zoning    | Proposed Zoning | Reason for Rezoning   |
|-----------------------------|-------------------|-----------------|---|
| 2A Myrtle Crescent, Mt Cook | Inner Residential | Centres         | To resolve a subdivision-related irregularity so it is consistent with the rest of property and adjoining sites |

**Changes Proposed – Text Changes:**

10. Minor amendments to Volume I of the District Plan were proposed to provide more specific references to the Design Guides for the Mt Victoria and Thorndon Character Areas
  - Chapter 4 – Residential Objectives and Policies – Policy 4.2.2.1
  - Chapter 5 – Residential Rules – Rule 5.3.5 side note and non-notification clause

**Discussion**

**Proposed District Plan Change 81: Rezoning of 320 The Terrace (Gordon Wilson Flats)**

11. After the hearing on proposed District Plan Change 81, the Council's decision to approve the plan change was notified on 19 May 2016 and allowed for a 30 day appeal period. One appeal was received, contesting the de-listing of the Gordon Wilson Flats from the Wellington City District Plan's Heritage List. In particular, the appeal argued that Council's decision poorly evaluated the historic heritage values of the Gordon Wilson Flats, by stating these values to be moderate as opposed to 'significant'. Other concerns relating to relevant heritage assessment and evidence for delisting also formed part of the appeal.
12. The appeal was heard by the Environment Court on 12-14 June 2017 and the Court upheld the appeal as it related to the delisting of the Gordon Wilson Flats. The Court however confirmed the balance of the plan change, being the change to the zoning of the site, and the associated provisions advanced by the Plan Change. These aspects of the plan change can now be made operative.
13. The Council is required to approve the provisions pursuant to Clause 17 of Schedule 1 of the RMA 1991. These final provisions reflect the proposed changes that have been approved by the Council and the Environment Court. As the approval process under Schedule 1 is purely procedural, there is no ability to make any further amendments at this stage. The operative provisions will be given effect to by official sealing. The sealed changes will reflect what has already been determined.

**Proposed District Plan Change 82: Minor zone changes and associated text changes**

14. Full explanation and discussion regarding the submissions received and recommendations for District Plan Change 82 are attached (see Attachment 2: Proposed District Plan Change 82 – Hearing Commissioner Decision Report).
15. Out of the 13 submissions that were received on District Plan Change 82 (DPC 82), a total of 10 (plus the two further submissions) relate to the zone changes for St Gerard's Monastery (73 Hawker Street and 52 McFarlane Street), and 6 Campbell Street. The remaining submissions supported the proposed zone changes at 16 Terrace Gardens (Flagstaff Hill Park), 7C Melksham Drive, Churton Park, and 2A Myrtle Crescent, Mt Cook. No submissions were received in regards to the zone changes at 142 Tauhinu Road, Miramar and 43 Peppertree Lane, Woodridge.
16. Three submissions were received in support, one supported with amendments, and one opposed for the St. Gerard's rezoning. The main concerns of those in opposition related to future development of the adjacent property at 1 Oriental Terrace and the potential adverse effects on the existing amenities and character of the area. This included protecting views of the Monastery from Oriental Bay as well as from Oriental Terrace, and preserving the Mt Victoria historic heritage and character of existing homes.

17. Five submissions and two further submissions were received in relation to the rezoning of 6 Campbell Street. Two submissions were in support, one was in support with amendments, and two were opposed. The main concerns of those in opposition were with respect to potential issues of traffic, noise, light spill, shading, privacy, and the visual effects and design of any potential new development on the site (see page 12 of Attachment 2 for discussion of the concerns raised in these submissions).
18. Following the hearing and considering all the submissions (both written and oral), the Hearing Commissioner has recommended that proposed District Plan Change 82 be approved without further amendment as the Hearing Commissioner was satisfied that all concerns related to submitters of the respective zone changes had been appropriately dealt with or satisfied.
19. Council can adopt the recommendations from the Hearing Commissioner for DPC 82 as provided in the Independent Commissioner's recommendation report (see Attachment 2). If adopted this report will become the Council decision, however, if one or more of the recommendations is rejected, then the hearing would need to be reheard by a full Council.

## Next Actions

### Proposed District Plan Change 81: Rezoning of 320 The Terrace (Gordon Wilson Flats)

20. Clause 20 of Schedule 1 of the RMA 1991, requires the Council publicly notify the date on which a plan change becomes operative. The operative date must be at least five working days after the date which the Council has publicly notified its intention to make the plan changes operative.
21. If District Plan Change 81 is approved by Council, the public notice will be included in the Dominion Post and made available on the Wellington City Council Website.

### Proposed District Plan Change 82: Minor zone changes and associated text changes

22. If the Hearing Commissioner's recommendations are adopted by Council, the decision will be publicly notified and served on the submitters. Submitters then have the option of appealing any matter to the Environment Court within 30 working days. If no appeals are lodged, then District Plan Change 82 will become operative after a final report to Council to approve the plan change and affix the common seal in accordance with Clause 17 and 20 of Schedule 1 of the RMA.

## Attachments

|               |   |          |
|---------------|---|----------|
| Attachment 1. | Proposed District Plan Change 81 - Court Approved Amended Provisions <a href="#">↓</a>    | Page 37  |
| Attachment 2. | Proposed District Plan Change 82 - Hearing Commissioner Decision Report <a href="#">↓</a> | Page 88  |
| Attachment 3. | Proposed District Plan Change 82 - Plan Change Document <a href="#">↓</a>                 | Page 142 |

|            |  |
|------------|--|
| Author     | Tabitha Proffitt, Planning Officer   |
| Authoriser | John McSweeney, Place Planning Manager<br>Anna Harley, Manager City Design & Place Planning<br>David Chick, Chief City Planner |

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## **SUPPORTING INFORMATION**

### **Engagement and Consultation**

Statutory consultation has been carried out for both proposed District Plan Changes (DPC 81 and DPC 82) in accordance with Schedule 1 of the Resource Management Act 1991.

### **Treaty of Waitangi considerations**

Local iwi were consulted on both plan changes. No submissions or concerns were received from iwi in relation to the proposed District Plan Changes (DPC 81 and DPC 82).

### **Financial implications**

The recommendations in this report have no financial implications.

### **Policy and legislative implications**

There are no policy and legislative implications to note for either of these proposed District Plan Changes. This report is simply procedural and is guided by the statutory framework and requirements set out in the Resource Management Act 1991.

### **Risks / legal**

The proposed District Plan Changes (DPC 81 and 82) have been undertaken in accordance with the Resource Management Act 1991. The Council's legal counsel has been involved (as necessary) on all relevant matters pertaining to these plan changes.

### **Climate Change impact and considerations**

There are no climate change impacts or considerations to note for either of these proposed District Plan Changes.

### **Communications Plan**

Statutory consultation has been carried out for both proposed District Plan Changes (DPC 81 and DPC 82) in accordance with Schedule 1 of the Resource Management Act 1991.

### **Health and Safety Impact considered**

There are no health and safety impacts or considerations to note for either of these proposed District Plan Changes.

**BEFORE THE ENVIRONMENT COURT  
I MUA I TE KOOTI TAIAO O AOTEAROA**

ENV-2016-WLG-000024  
**Decision No: [2018] NZEnvC 042**

IN THE MATTER of an appeal under clauses 14 and  
29(6) of Schedule 1 to the Resource  
Management Act 1991

BETWEEN THE ARCHITECTURAL CENTRE  
Appellant

AND WELLINGTON CITY COUNCIL  
Respondent

AND VICTORIA UNIVERSITY OF  
WELLINGTON  
Requestor

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**DECISION APPROVING TEXT OF BALANCE OF PLAN CHANGE 81**

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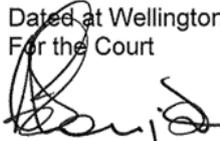
Decision Issued: **10 APR 2018**



[1] I first should apologise to the parties for having misfiled this matter and not realised that it required further attention after Counsel's Memorandum advising that the requestor and the Council had agreed on the text of the Plan Change.

[2] The balance of Plan Change 81 is approved, as annexed to this decision.

Dated at Wellington this 9<sup>th</sup> day of April 2018  
For the Court

  
C J Thompson  
Environment Judge



# VICTORIA UNIVERSITY DESIGN GUIDE – TABLE OF CONTENTS

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*Victoria University*

*Operative 27/07/00*

|                    |     |
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*Wellington City District Plan*

*Page 2*

## 1.0 Introduction

### The Place of the University

Victoria University occupies a prominent place in both the social and physical fabric of Wellington city. Not only is it the region's premier institution of tertiary education and the centre of activity for over ~~12,000~~ 23,000 students and staff, but it is also a striking physical presence on its site overlooking the central city and harbour.

Since its incorporation nearly one hundred years ago as a college of the University of New Zealand, Victoria has grown with vigour and now almost fully occupies the original site. This growth is placing great demands on the resources of the university today as it responds to an increasing public demand for tertiary education.

### The Future of the University

The university plans to develop its important public role of research and educational service, and its future success depends on being able to expand its services and facilities to meet the public and political demand for an increase in the number of students and for educational excellence.

Much of this increased demand will be accommodated by intensifying facilities on the main campus site. Because of extreme pressure on space, however, steps have already been taken to extend the university into other parts of the city and allow some students to be taught part of their course at other tertiary institutions.

The university has acquired a presence ~~on The Terrace in the Aro Valley through the purchase of the HNZC Mitchelton School site at 320 The Terrace to provide for long term growth and a connection to the central city. The residential properties are used for student accommodation. The Mitchelton School site, now used for storage, will be adapted to also provide small-scale propagation facilities for the University Grounds Section and the School of Biological Sciences.~~

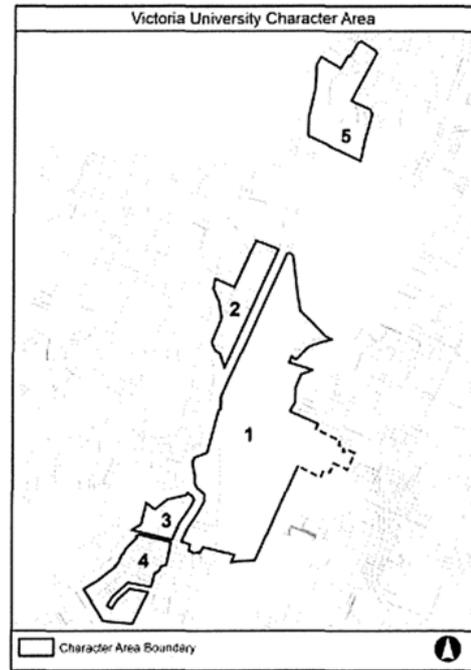
Intensification of the development within the main campus will continue to take into account not only its position at the edge of the central city, but also its location within existing residential areas. The character of those residential areas that are already being used for student accommodation will be maintained.



### The Campus

The Kelburn campus area can be logically divided into two areas, each of a different character and serving different uses. These are:

- the main teaching areas to the east of Kelburn Parade, to the west of Kelburn Parade adjoining Glasgow Street, and to the west of Fairlie Terrace (areas 1, 2 and 3)
- the residential areas to the north of Kelburn Park and the Cable Car, comprising Weir House and Trinity Newman Hall of Residence, and to the south of Kelburn Parade and east of Fairlie Terrace ~~the old School of Architecture site~~, accessed from Fairlie Terrace and Landcross Street (areas 4 and 5).



## 2.0 Intention of the Design Guide

As specified in the District Plan rules, all new building development within the precinct is a Controlled Activity in terms of the design and appearance, siting and height of buildings. This Design Guide provides the standards or criteria against which controlled elements will be assessed.

The general intention of this Design Guide is to allow the essential development of the university to occur in a planned and controlled manner, recognising and respecting the environmental qualities that give this area its unique character.

This Design Guide starts from the premise that both design guidelines and good design are site specific. No single rule or ideal provides a solution for every situation. For this reason suggestions and guidelines have been developed for each part of the site in order to respond to the unique conditions of each area and achieve site-specific development objectives.

The guidelines establish a three-dimensional framework within which development can take place, with the intention of imposing the minimum amount of control necessary to achieve the set objectives and promote a development responsive to the needs of both the university and the wider community.

The intention is to set out the general principles for development of the campus, not to arbitrarily restrict the development potential of the university. The guidelines are intended to give both a degree of certainty as to the form of appropriate development and the freedom of interpretation to allow an alternative design response if it can be shown to meet the area-specific objectives of this guide. Variations from certain guidelines will be considered if it can be demonstrated that the variation offers an alternative means of satisfactorily achieving the Guide's urban design objectives.

The illustrations in the Guide are intended to support the text by explaining principles. They are not intended to represent actual design solutions.



### 3.0 Analysis: Main Campus

#### Area 1: Kelburn Parade East

The heart of the university, this comprises the main bulk of teaching, administration, library, recreation and student facilities.

The view from the central city of Kelburn and the university is dominated by the horizontal mass of the Cotton and Rankine Brown buildings. These important skyline elements, arguably built to the limit of appropriate scale, signal the existence of the university to the city below.

Characterised by high and medium-rise development, the campus comprises buildings significantly larger in scale than those in adjacent residential areas, which are primarily one or two storey dwellings.

Although of greater height and larger scale than most nearby buildings, the university development (like adjacent residential development) tends to follow the contours, with most facilities built along the slope. The resulting spine along the top of this site is more or less parallel to the underlying ridge of the Central Terrace area above and behind the university.

Building forms and types around the 320 The Terrace site are mixed although with the exception of buildings adjacent to streets that are 'off the grid' (and aligned with curvilinear contours), there is general consistency of orthogonal alignment of buildings to the street grid. Existing local development is typically two storey detached dwellings and two and three storey multi-unit development. Victoria House presents a taller medium-rise building as does the vacant McLean flats to the south of the site. Kelburn campus buildings overlooking the site also sit within this medium height range of circa 5 storeys.

The view of the university from the north is focused on the Hunter building, which plays an important role in establishing the identity of the university. This is visually the most intricate and historically the most significant of all the large buildings on campus. Not only is the Hunter building an important local landmark with senior status within the university, it is furthermore significant because of its relationship to the only substantial sunny open lawn in a campus generally lacking such spaces. The green carpet of the lawn acts as a foil to the red brick of the Hunter building and, together with the adjoining massed trees above Salamanca Road, visually links the campus with Kelburn Park.

Although cross-site pedestrian accessways connect the university with the city via Mount Street, the campus is not well served by convenient pedestrian connections to the Te Aro flat area. The need for connection may become increasingly important with the potential for further expansion of the University into central city premises.



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Current (and any future) development at the south end of the campus is highly visible from the residential areas of Brooklyn and the Aro Valley. Unless steps are taken to mitigate such effects, future development in this area could visually dominate the view to the north from these areas.

The building edge along Kelburn Parade gives strong definition to an important arterial road through the university. This space, defined by long, often blank walls, acts primarily as a channel for traffic and, due to noise, wind effects, scale of building elements and lack of activity at edges, has a character that does not generally encourage use by pedestrians.

The site at 320 The Terrace extends Area 1 down to The Terrace. The key design opportunities here are to provide for significant expansion of the university contiguous with the Kelburn campus, and to develop a secondary “front door” and better connection between the campus and city centre and Te Aro. In doing so the landscaped escarpment which is prominent in views from Te Aro should be made more visible and enhanced, and a high quality entrance space should be developed at the edge of The Terrace.

The immediate context of 320 The Terrace is characterised by large scale university buildings above and to the west, and a mix of residential activity around including Victoria House hall of residence, multi-unit developments and a number of detached dwellings. Proximity of the site to dwellings necessitates careful consideration of residential amenity across the boundary and is reflected in carefully set permitted activity standards

This site is below the established part of the Kelburn campus and currently does not provide for pedestrian access up to that. In order to provide for reasonable connectivity through what is a very long urban block at the edge of the city centre, a safe pedestrian connection between The Terrace frontage of the site and the upper portion of the campus is desirable.

A local landscape feature is the vegetated escarpment at the rear of and above the site. This is part of the wider swathe of vegetation extending north and south which also includes a significant number of large detached dwellings. This pattern of buildings within heavily planted steeply sloping sites characterises most steeply sloping parts of the inner city suburbs. Building on and/or up part or parts of the vegetated escarpment is therefore appropriate but remaining vegetated areas should be appropriately managed to remove the existing high proportion of weed and weed species trees and provide for ongoing landscape management on the site.

## Area 2: Kelburn Parade West

Linked by a pedestrian overbridge to the existing heart of the campus, this area includes high-rise faculty offices, lecture theatres, and a line of old dwellings converted to university use, one of which has associated open space and houses the university marae.

This area is characterised by a mix of types and scales of building. These range from the tower/podium design of Von



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Zedlitz and Bernard Murphy buildings, to the two-storey formerly residential villas that occupy most of the Kelburn Parade frontage. Larger-scale buildings immediately to the north of the university include a six-storey slab block apartment building, and the four-storey apartment block "Chevening" on the intersection with Salamanca Road.

While the existing dwellings that have been converted to university use in this area are not individually of architectural distinction or historical interest, collectively they relate to the scale and character of the adjoining residential area.

The road frontage to Kelburn Parade is generally undeveloped, characterised by service areas, asphalt paving and parked cars.

The north end of the site has the potential for infill development without impeding the light and views of adjoining properties, as most residences are located considerably above the level of Kelburn Parade.

### Area 3: Kelburn Parade South

This area is physically remote from the existing centre of the campus, with only a tenuous visual link to the elevated site at the corner of Fairlie Terrace and Kelburn Parade.

University facilities are generally located in buildings converted from existing large dwellings. None of the buildings are of any individual notable character, with the possible exception of the existing villa at number 89 Fairlie Terrace.

The area is considerably below the neighbouring residential development to the north, and generally slopes steeply to the south, with an open space at the centre formerly used as the School of Architecture car park. Some of the area at the southern boundary of this zone is below the level of the ridgetop in the university residential area immediately to the south. A considerable volume of development could be inserted there without impinging on nearby residential views or protruding above an extension of the Central Terrace ridgeline. The former Architectural Sciences Laboratory building, for example, although contrasting in scale and character with most of its neighbours, is generally unobtrusive, sited as it is in the bottom of a depression on the south boundary of this area.

The area is characterised by substantial open space between and behind buildings. As a result of generally steep contours, this space is generally undefined, unformed and undeveloped other than with informal landscaping.



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## 4.0 Objectives: Main Campus

Future development should satisfy a number of broad urban design intentions drawing directly from the preceding site-specific analysis, and with reference to the District Plan's general objectives for institutional precincts. These intentions represent the "spirit" of the Design Guide.

### Massing

- 01** To minimise the visual impact of any development as viewed from the city, and mitigate adverse visual effects on surrounding residential areas.
- 02** To avoid visually dominating nearby residential areas.
- 03** To allow adjoining residential properties to receive reasonable sun and light.
- 04** To maintain a visual connection from the residential area of Kelburn to the city below, notwithstanding any extension south of the horizontal mass of the existing University "wall" development.
- 05** To allow the visual expression of the university's "centre of gravity" with a vertical mass that may contrast with the horizontality of the existing development.
- 06** To promote a balanced relationship between buildings and open space on the escarpment on 320 The Terrace that avoids the predominance of built form over open space.

### Scale and Alignment

- 071** To achieve a transition in scale between large institutional and smaller residential buildings at the interface with neighbouring residential areas.
- 082** To maintain the existing characteristic scale of street walls and degree of street enclosure.
- 09** To complement and enhance adjoining patterns of building alignment and landscape treatment along The Terrace.

### Skyline

- 010** To ensure that any extension to the presence of the university on the skyline when viewed from the city is articulated to reduce its visual mass and to contrast with the unbroken parapet line of the existing University "wall".



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**Views**

- O11** To substantially maintain important views of the city and harbour from residential areas.
- O12** To maintain views of the Hunter building from the cable car, Rawhiti Terrace, Kelburn Park and the city in general.
- O13** To avoid the total enclosure and restriction of views from nearby houses.
- O14** To minimise any detrimental visual impact of large numbers of parked cars.
- O15** To maintain visual connections from Te Aro to the vegetated escarpment on and beyond 320 The Terrace.

**Circulation and Connections**

- O16** To improve public access to and within the university.
- O217** To connect to the existing circulation structure of the city.
- O318** To make the circulation routes for pedestrians (the main group of users of campus facilities) as safe, convenient and pleasant as possible.

**Elevational Modelling**

- O19** To achieve development which is consistent with the visual character of the existing campus, and which relates to the level of intricacy of nearby residential buildings when it directly borders a residential area.

**Open Space and Landscape on 320 The Terrace**

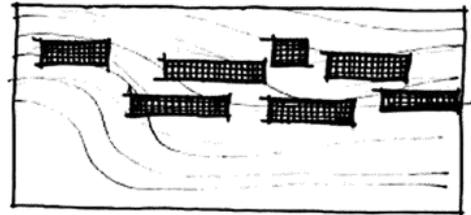
- O20** To develop a high quality landscape on 320 The Terrace, recognising the prominence of VUW's elevated position in the city-scape, including the visibility of the vegetated escarpment.



## 5.0 Guidelines: Main Campus

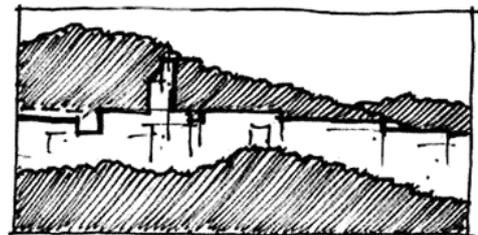
### Massing

**G1** The established precedent of developing with the major axis of slab-type building elements aligned with the overall contours of the site (parallel with the Kelburn ridge top) should be followed except for that part of 320 The Terrace on and below the escarpment and fronting to The Terrace. On that easternmost component of 320 The Terrace, although adjacent buildings along The Terrace generally have walls aligned to the street grid, there is greater variation in the alignment of building elements.



**G2** The maximum extent of building mass is defined by the building envelope described on the Location and Height Control Plans. New building development will be expected to comply generally with the height and building envelope provisions. In assessing applications, Council seeks to ensure that the stated objectives of the Design Guide are satisfactorily achieved. This intends to avoid the simplistic and often crude massing of buildings that can result from absolute adherence to such controls, to facilitate a wide range of design options and to encourage the high quality of architecture expected of an important public institution.

**G3** Apart from in the central area of the campus where a tower or point block may be located to express the potential "centre of gravity" of an extended campus and provide a slender vertical contrast to the horizontality of the adjacent building mass, development should be no higher than the existing University "wall" formed by the Laby, Cotton and Rankine Brown buildings.



**G4** In the nominated zone at the centre of Area 1, a tower with floor areas generally not exceeding 800m<sup>2</sup> at any level above RL 130m may rise above the standard building envelope to an approximate height of RL 160m, subject to its siting, sculptural qualities and plan configuration being such that it makes a positive contribution to the overall form of the campus and ensures reasonable maintenance of views across the campus.

**G5** Development to the south end of the existing University "wall" should generally be no higher than the existing University "wall" edge when viewed from the city, and should be articulated to reduce its apparent visual mass.



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- G6** Rooftop architectural features and service or plant rooms which protrude above the identified building envelope should be designed as an integral part of any building and should not compromise the objectives of this Design Guide.
- G7** The maximum height above street level of the edge of buildings at street frontages, subject to the qualification of the next paragraph, should generally be:
- Kelburn Parade (both sides from Salamanca Rd to Glasgow St intersection): three storeys
  - Kelburn Parade (from Glasgow St southwards): two storeys
  - Fairlie Terrace: four storeys
  - The Terrace: 10 metres
- G8** The nominal height of a "storey" in any area relates to the type of building in the proposed development and the precedent set by existing buildings on immediately adjacent properties.
- G9** The maximum height of development immediately fronting Kelburn Parade to the southwest of the Fairlie Terrace intersection is two storeys and to Fairlie Terrace is four storeys. Development may be considered to a height above adjacent street level of four and six storeys respectively by building elements with a width of between 7.5m and 10m over not more than 25 percent of the street frontage.
- G10** Design buildings on 320 The Terrace and the spaces around them as an integrated whole to create positive open spaces that contribute to the quality and amenity of the campus.
- G11** Articulate long building forms and facades on 320 The Terrace to integrate with the residential environment.
- G12** Break down the mass of any buildings on 320 The Terrace by stepping forms down and across the site to achieve views of the escarpment between and over buildings and to relate to the topography.

**Scale and Alignment**

- G13** The "module", or scale, of the articulation of building elevations should relate to both the scale of existing immediately adjacent development and the distance from which the new building will mainly be viewed.



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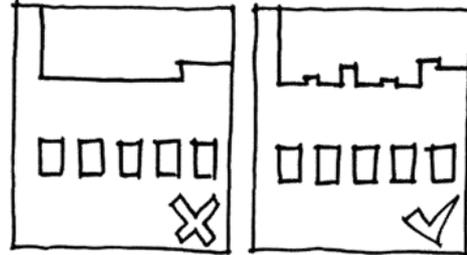
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**G142** An interval of between 7.5m and 10m measured horizontally should be expressed in the elevational treatment of new development immediately adjacent to or fronting onto residential areas.

**G153** The scale modulation of horizontal runs of facade will be achieved with significant articulation of form which may or may not be emphasised with surface treatment and minor elevational detail.

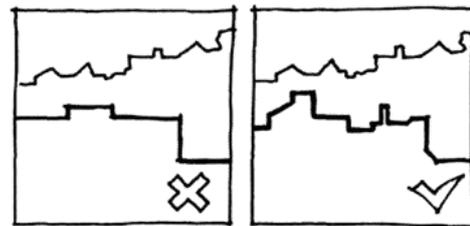
**G16** Where practicable provide a setback between the building(s) at 320 The Terrace and the street boundary which:

- is at least as deep as the setback along the properties at 296 to 300 The Terrace;
- includes soft landscape to contribute to a quality open space along the street; and
- retains as many of the existing mature trees as possible within the setback.



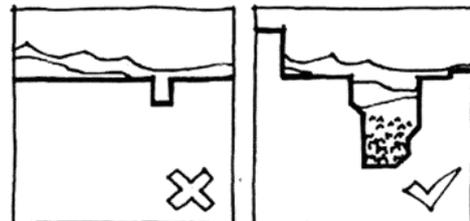
**Skyline**

**G17** The skyline of development at the interface with residential areas should be articulated so as to reduce its visual mass and relate it to the reduced scale, forms and character of these residences.



**Views**

**G18** Most development on a site such as this will reduce some views from residential properties to a greater or lesser degree. The loss of panoramic long-distance view may be compensated for by the partial maintenance of important views over or between buildings, augmented by visual interest and high levels of architectural quality in new development.



**G219** The view of the north west window of the Hunter building from the base of the flight of steps on the pedestrian accessway leading down from Rawhiti Terrace to Kelburn Parade (opposite the Hunter building) should be maintained.

**G320** Any detrimental visual impact of large numbers of parked cars should be either reduced by partial screening or eliminated by careful planning.

**G21** Provide for the visibility of the vegetated escarpment between The Terrace and the campus from the city by creating view shafts between and over buildings onto areas of open green space.



G22 Provide for views of the escarpment from Ghuznee Street, MacDonald Crescent and The Terrace by providing visual connections onto upper level vegetated areas of the site and beyond.

**Circulation and Connections**

G23 Existing through-routes should be enhanced. Future development of the campus circulation structure should allow for safe cross-site pedestrian links with connection to city streets and pedestrian pathways.

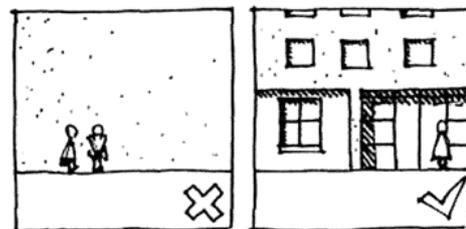
G24 The impact of vehicle circulation on pedestrian use should be minimised by using detailed design measures to reduce vehicle speeds, improve pedestrian amenity and allow pedestrians to take precedence at vehicle entrances and on internal circulation routes.

G25 Promote connections between the Kelburn Campus and The Terrace by facilitating a new university 'front door' and link to the city through 320 The Terrace.

**Elevational Modelling**

G26 Large, unbroken flat expanses of wall that are out of scale with adjacent buildings or which form the edge of spaces inhabited by pedestrians should generally be avoided. Such walls are acceptable only where they make a positive contribution to the quality of user experience of the campus.

G27 The degree of elevational modelling should respond to the viewing distance (or range of potential viewing distances) of the observer. Areas primarily and consistently viewed from close range should exhibit a fine grain of detail, while the modelling of building elements in a facade viewed from a distance should be of a larger scale which recognises that viewing distance.



G28 Design building facades along The Terrace to positively address the street with doors and windows.

**Open Space and Landscape on 320 The Terrace**

G29 Progressively improve the landscape quality of the vegetated escarpment by removal of weeds and weed species trees and re-vegetate with appropriate native species.



## 6.0 Analysis: Peripheral Sites

### Area 4: Landcross Street

This area occupies the ridgetop to the south of the campus and served by Fairlie Terrace and Landcross Street. Most of the area is occupied by Trinity Newman Hall of Residence.

The area is characterised by a fine grain of residential development and the near-total retention of the original dwellings constructed on the site. Those dwellings fronting onto Fairlie Terrace were mostly built before 1910. Most of the buildings fronting Adams Terrace date from the 1920s or earlier, and the development of Landcross Street itself was completed before 1930. There is an almost even mix of single-unit and multi-unit dwellings.

The pattern of development is along the ridge and along the steep contours of the area, while the major axis of almost all residential buildings is at right angles to the contours and the adjoining access roads. Consequently, a notable characteristic of all dwellings on steeply sloping sites in this area is a low facade towards the top of the site, and a high facade towards the bottom.

The area drops slightly at its north boundary, and would allow for the visually unobtrusive insertion of a substantial volume of infill building.

Reflecting the difficult topography, building coverage is relatively low at 27 percent, with only minimal off-street car parking provided (averaging only 0.25 spaces per residential unit). Most of the relatively flat open space occurs on the ridge top behind properties at the north end of the area, giving an uncharacteristically open appearance (in contrast to the lines of buildings either side) when this area is viewed from Kelburn to the north.

Only a third of the buildings are single storey. The vast majority of the others are two storey, with the balance three storeyed.

The average building footprint is only 10m<sup>2</sup>, and the average plan proportion of buildings is 8.5m wide x 12.5m deep.

The buildings have the form and detail of modest dwellings of their time, and are characterised by additive forms - shallow-pitched lean-to roofs over additions, bay windows, porches and verandahs. Wall cladding is almost exclusively painted weatherboarding. Most buildings (60 percent) have hip roofs, whereas the remainder are gabled. Eighty percent of all roofs are clad in corrugated iron.

The existing buildings in this area, viewed as a group, display a considerable visual unity because of their similar scale, age and construction. Nevertheless, there is no obvious repetition, and



within the unity a consistent visual variety is evident, due to minor variations of form, detail and siting, and the accretion of changes and additions over time.

The area is surrounded by buildings of residential scale, except at its north west corner at the top of Adams Terrace where it faces onto buildings of significantly larger scale.

### **Area 5: Weir House/Trinity Newman/Clermont Terrace**

This is an established residential area on the plateau to the north of Kelburn Parade at the edge of the central city.

The dwellings in this primarily residential area are of substantial size, with an average footprint of 150m<sup>2</sup>. They are on average 11m wide x 14m deep. Half of them are two storeys high, 35 percent single storey and the remainder three storeys.

Half of the buildings date from the period 1890 - 1910 and retain the character of that period. The site is bounded by houses of similar age, interspersed with more recent dwellings of contrasting type, including two flat-roofed houses fronting onto Salamanca Road, and four contemporary row houses on Clermont Terrace.

The roofscape, highly visible from the lookout and paths at the top of the Botanical Gardens as a foreground to spectacular views over the city and harbour to the mountains beyond, is characterised by the hip roof form which is used on 75 percent of all buildings. Sixty-five percent of roofs are clad in iron, and the clay tile roof is also prominent, appearing on Weir House and 15 percent of dwellings, thereby establishing a visual link with the Bolton Street/Aurora Terrace area. This roofscape is fine-grained and unified by the consistency in roof type, pitch and scale. The potentially massive bulk of the main Weir House's main roof is subdivided and relates to the scale of the surroundings, when viewed from above.

Most of the area is relatively flat and accessible. Not only is there an existing carparking provision of around 1.5 spaces per unit, but many houses have flat, sunny gardens.

A relatively low average site coverage of 24 percent, a significant number of mature trees, and extensive planting on banks and around dwellings gives the area an "arcadian" character.

This is particularly evident in Salmont Place and adjoining spaces.

A pedestrian accessway bisecting the area and connecting to Salmont Place provides an established and convenient link between the University, Weir House and the city to the north.



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Its narrow, enclosed nature makes a pleasing contrast with the openness of Gladstone Terrace to the south, and Salmont Place to the north. However, the screening effect of the fences defining the path may discourage its use after dark.

The distinctive landmark of Weir House sits as a sentinel on the skyline when viewed from the city, and it is also a dominant mass in the foreground when viewing the city itself from the area near the top of the cable car. Its articulated form and image of institutional solidity contrasts with the plain linear bulk of the new building next to it.

The existing buildings in this area viewed as a group display a considerable visual unity because of their similar scale, age and construction. Nevertheless, there is no obvious repetition, and considerable variety even within the unity, due to minor variations of form, detail and siting and the accretion of changes and additions over time.

High-density residential accommodation could be inserted unobtrusively into the west of the Weir House site and at 16-18 Clermont Terrace. These sites are low relative to adjacent areas.



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## 7.0 Objectives: Peripheral Sites

### Massing

- O21 To maintain the general visual grain, pattern of development and character of the area.
- O22 To avoid visually dominating or shading nearby properties.

### Scale

- O23 To maintain the existing scale of development.

### Views

- O24 To maintain both the quality of the views over these areas to the city and the characteristic scale, form and visual grain of the roofscape.

### Circulation

- O25 To retain and enhance through-site access.
- O26 To avoid any detrimental visual impacts of large numbers of parked cars.

### Elevational Modelling

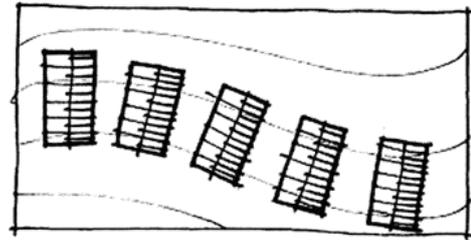
- O27 To maintain and enhance the "sense of place" that derives from the detailed character of buildings and landscaping.



## 8.0 Guidelines: Peripheral Sites

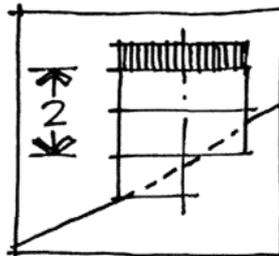
### Massing

**G304** Existing residential buildings should be maintained or infill should follow the existing patterns of development. Relevant patterns include characteristic alignment and spacing between buildings, setbacks from roads, scale and orientation of buildings. The size and proportion of any development should relate to that which exists already, and should be articulated in both plan and elevation.



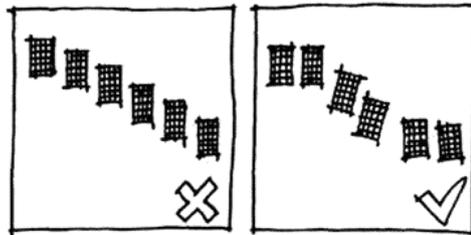
**G312** Additive forms should be used, reflecting the character of existing buildings.

**G32** The major axis of each building element in Area 4 will be at right angles to the topographical contour line. Infill building in this area should follow the pattern of existing development which comprises building modules along the contours.



**G334** The maximum height in Area 4 should be generally two storeys, measured at the centre of any building. This recognises that on steep sites, one end of any building may be three-storeyed. Four-storey development can occur at the north boundary of the area providing that a two-storey frontage to Fairlie Terrace is maintained.

**G345** The maximum height in Area 5 should be three storeys, except the western carpark portion of the Weir House site, where development of five storeys can occur.



**G356** The nominal height of a "storey" in any area will relate to the precedent set by existing buildings on immediately adjacent properties in that area.

**G367** The strict geometrical alignment and multiple repetition of identical building forms should be avoided, because it is out of character with existing development.

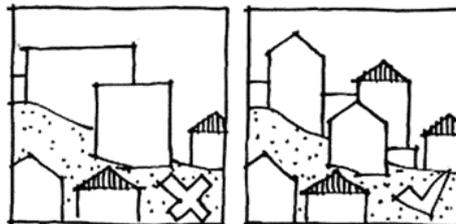


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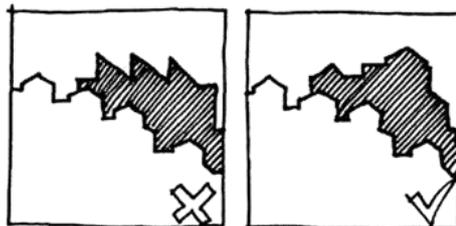
**Scale**

**G374** The general scale and massing of development should echo the existing building. Large infill building should be articulated to relate to the scale and proportions of existing building.



**Views**

**G384** The form, scale, orientation and visual density of roofscape elements should follow the existing pattern of development. Infill buildings should incorporate roofs of similar type, scale, pitch and proportion to those existing, and avoid contracting forms.



**Circulation**

**G394** Existing pedestrian connections should be developed in such a way as to enhance their character and amenity.

**G402** Parking, garaging and vehicle accessways should be unobtrusive and integrated into the surroundings with appropriate landscaping.

**G413** Open-air parking areas should accommodate no more than five cars and be separated from each other by buildings, planting, walls or other landscaping features.

**G42** Parking areas accommodating more than five cars will be acceptable only where they are part of a landscaping plan which reduces their visual impact and improves the general amenity of the area.

**Elevational Modelling**

**G434** The nature and scale of building materials and the visual complexity of detailed form should be derived from and relate to the local residential context.

**G442** The similarities of existing form should be recognised, and new building should relate to these. New development should reinforce the existing visual quality, including the area's typical variety and diversity of detail and use of a characteristic and limited range of materials.

**G453** Extensions to existing buildings should enhance the character of those buildings, utilising the additive forms characteristic of the area.



*Last Amended 11 July 2012*

*Institutional Precincts*

*Operative 27/07/00*

## Chapter 9: Institutional Precinct Rules

### Guide to Rules

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

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

| Uses/Activities   | Rule        | P        | C        | DR                | DU        |
|---|-------------|----------|----------|-------------------|-----------|
| Activities related to the primary function of the Precinct subject to conditions  | 9.1.1       | •        |          |                   |           |
| Activities related to the primary function of the Precinct not complying with conditions for Permitted Activities   | 9.3.1       |          |          | •                 |           |
| Helicopter landing areas (Clinical Services Block Wellington Hospital)  | 9.1.3       | •        |          |                   |           |
| Upgrade and maintenance of existing formed roads and accessways   | 9.1.4       | •        |          |                   |           |
| Activities not provided for as Permitted or Controlled Activities   | 9.4.1       |          |          |                   | •         |
| <b>Buildings</b>  | <b>Rule</b> | <b>P</b> | <b>C</b> | <b>DR</b>         | <b>DU</b> |
| Construction, or alteration of, and addition to buildings and structures  | 9.2.1       |          | •        |                   |           |
| Demolition of Gordon Wilson Flats at 320 The Terrace  | 9.2.3       |          | •        |                   |           |
| Construction, or alteration of, and addition to buildings and structures at 320 The Terrace   | 9.3.2       |          |          | •<br>—            |           |
| Pedestrian bridges and other structures/buildings above or over roads   | 9.4.2       |          |          |                   | •         |
| <b>Subdivision</b>  | <b>Rule</b> | <b>P</b> | <b>C</b> | <b>DR</b>         | <b>DU</b> |
| Subdivision except company lease, cross lease and unit title subdivision, subject to conditions   | 9.1.2       | •        |          |                   |           |
| Company lease, cross lease and unit title subdivision   | 9.2.2       |          | •        |                   |           |
| Subdivision not being a Permitted or Controlled Activity  | 9.4.4       |          |          |                   | •         |
| <b>Heritage</b>   | <b>Rule</b> | <b>P</b> | <b>C</b> | <b>DR</b>         | <b>DU</b> |
| Activities affecting heritage items   | 21.0        | •        | •        |                   | •         |
| <b>Utilities</b>  | <b>Rule</b> | <b>P</b> | <b>C</b> | <b>DR</b>         | <b>DU</b> |
| Utilities   | 23.0        | •        | •        | •                 | •         |
| <b>[Contaminated and Potentially Contaminated Land]</b>   | <b>Rule</b> | <b>P</b> | <b>C</b> | <b>DR</b>         | <b>DU</b> |
| Investigations on any contaminated land or potentially contaminated land to determine whether the land is contaminated, and the nature and extent of that contamination | 32.1.1      | •        |          |                   |           |
| The removal of underground petroleum storage systems is a Permitted Activity  | 32.1.2      | •        |          |                   |           |
| The use, development or subdivision of any potentially contaminated land that has been confirmed as not being contaminated through site investigation                   | 32.1.3      | •        |          |                   |           |
| The remediation, use, development and subdivision of any contaminated or potentially contaminated land.   | 32.2.1      |          |          | • <sup>pc69</sup> |           |

### Schedule of Appendices

| Number | Appendix |
|--------|----------|
| 1      | Noise    |



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|   |   |
|---|---|
| 2 | Vehicle Parking Standards                     |
| 3 | Site Access for Vehicles                      |
| 4 | <u>Building Standards for 320 The Terrace</u> |



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## 9. INSTITUTIONAL PRECINCT RULES

[The following rules apply in the Institutional Precincts. Rules for Earthworks (Chapter 30), Contaminated Land (Chapter 32) and Heritage (Chapter 21) may also apply.

- The sign rules in Chapter 21D apply for all signs on sites where a listed heritage building or object is located (except for individual sites on which listed heritage buildings or objects are located that are also separate heritage areas).
- The subdivision rules in Chapter 21A apply for any subdivision of a site on which a listed heritage building or object is located.
- The subdivision rules in Chapter 21B apply for any subdivision of a site in a listed Heritage Area. ]<sup>PC43</sup>

### 9.1 Permitted Activities

The following activities are permitted in Institutional Precincts provided that they comply with any specified conditions.

**9.1.1 Activities related to the primary functions of the Precinct, and activities ancillary to these primary functions, are Permitted Activities provided they comply with the following conditions:**

#### 9.1.1.1 Building Height and Standards

9.1.1.1.1 For building height in the Institutional Precincts refer to the relevant design guide.

9.1.1.1.2 On the King Street site in the Mount Cook Precinct the maximum building height within the area identified for taller buildings shall be 21m measured from street level at the boundary with King Street.

*For buildings and associated standards in relation to 320 The Terrace, refer to Rule 9.3.2.*

~~9.1.1.1.3 Building standards for 320 The Terrace are specified in Appendix 4.~~

#### 9.1.1.2 Noise

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:

At all times 60dBA (L10)  
At all times 85dBA (Lmax)

9.1.1.2.2 Where it is impractical to measure outside the building, measurements shall be made inside (with exterior windows closed). Where indoor measurements are made the noise limits stated above shall be reduced by 15dB.



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9.1.1.2.3 In relation to rule 9.1.1.2.2 where activities have been noise-proofed in the vicinity of the site to protect noise-sensitive uses (including residential use), then this shall not allow activities to increase noise emission levels above those that would apply if the noise-proofing had not been undertaken.

9.1.1.2.4 Any activity occurring within the Institutional Precinct when measured from any land or premises outside that area shall comply with the noise levels stated in Appendix 1.

#### 9.1.1.3 Discharge of Contaminants

*The discharge of contaminants to land, air or water is a Regional Council responsibility and activities causing discharges may need to obtain a relevant consent from the Regional Council. However, every person has a general duty under Section 17 of the Act to avoid, remedy or mitigate the adverse effects of activities. Where adverse effects are generated the Council will use its enforcement powers as appropriate to protect the environment.*

#### 9.1.1.4 Dust

Activities must not create a dust nuisance. A dust nuisance will occur if:

- there is visible evidence of suspended solids in the air beyond the site boundary; or
- there is visible evidence of suspended solids traceable from a dust source settling on the ground, building or structure on a neighbouring site, or water.

*A rule relating to the generation of dust is included to avoid, remedy or mitigate problems from this source.*

#### 9.1.1.5 Lighting

9.1.1.5.1 Any activity which requires outdoor areas to be lit shall ensure that direct or indirect illumination does not exceed 8 lux at the windows of residential buildings in any nearby Residential Area.

9.1.1.5.2 Subject to rule 9.1.1.5.1 any development which includes pedestrian routes and carparks available for public use during hours of darkness shall be lit at a minimum of 10 lux, measured in accordance with NZS CP22:1962 and amendments.

*The lighting rules are designed to ensure that places available for public use are safely illuminated, and that where sites on the periphery of Institutional Precincts are illuminated, the amenities of residents in nearby Residential Areas are reasonably protected. In all cases the Council will seek to ensure that the adverse effects of glare from lighting sources are avoided, remedied or mitigated.*

#### 9.1.1.6 Electromagnetic Radiation

Activities must be conducted to comply with the New Zealand Standard NZS 6609:1990 (Radio Frequency Radiation) and any subsequent amendment.

*A rule relating to the generation of electromagnetic radiation has been included to avoid, remedy or mitigate problems from this source. The Utilities chapters contain rules regarding safety from utility structure from where the highest levels of energy will be created. Council wishes to take a precautionary approach with adverse*



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*effects from other electromagnetic sources and acknowledges the provisions of s17 of the Act regarding the duty to avoid, remedy or mitigate adverse effects.*

**9.1.1.7 Signs**

**9.1.1.7.1 For any sign:**

- the maximum area of any one sign is 5m<sup>2</sup>
- signs must serve only to denote the name, character or purpose of any Permitted Activity on the site
- any illuminated sign visible from a Residential Area must not flash.

**9.1.1.7.2 Temporary signs:**

- the maximum area is 5m<sup>2</sup>
- the maximum height is 4 metres
- signs shall be removed within 7 days of the completion of the purpose or event for which the sign was erected.

*The limitations on signs will help maintain the visual amenities of Residential Areas by ensuring that signs do not become too dominating or too cluttered. Temporary signs are permitted because they fulfil a useful information function and have no lasting environmental effects.*

**9.1.1.8 Use, Storage or Handling of Hazardous Substances**

9.1.1.8.1 For those activities which are not specifically exempted (see Section 3.5.2.2) the cumulative Effect Ratio calculated using the HFSP will be used to determine whether or not those other activities should be Permitted Activities according to the table below.

*See Exemptions to the Hazardous Facilities Screening Procedure contained in section 3.5.2*

| Location            | Hazard Area                       | Not Hazard Area                  | Not Hazard Area                           |
|---------------------|-----------------------------------|----------------------------------|---|
| Effect Ratio        | 0.002 < ER <sup>PC35</sup> ≤ 0.05 | 0.002 < ER <sup>PC35</sup> ≤ 0.1 | ≤ 0.002                                   |
| Conditions applying | 9.1.1.8.2 to 9.1.1.8.11           | 9.1.1.8.2 to 9.1.1.8.11          | 9.1.1.8.8, 9.1.1.8.10 and 9.1.1.8.11 only |

*Activities that do not meet the above Effect Ratio criteria or do not otherwise comply with the applicable conditions will be Discretionary (Restricted) Activities.*

9.1.1.8.2 Except for the storage, use or handling of Liquid Petroleum gas (LPG), any area where hazardous substances are used, stored or handled in any manner on-site shall have secondary containment (via bunding or otherwise) using materials that are resistant to the hazardous substances handled on-site. [Secondary containment systems also need to comply with any relevant provisions under the Hazardous Substances and New Organisms Act 1996.]<sup>PC35</sup>

[9.1.1.8.2A Except for the storage, use or handling of Liquid Petroleum Gas (LPG), any secondary containment system shall be maintained to ensure that it will perform the functions for which it was designed and contain any spill or accidental release.]<sup>PC35</sup>

9.1.1.8.3 Except for the storage, use or handling of Liquid Petroleum gas (LPG), any area(s) where hazardous substances are loaded, unloaded, packaged, mixed, manufactured or otherwise handled shall have a spill



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containment system [that is compliant with relevant provisions under the Hazardous Substances and New Organisms Act 1996.]<sup>PC35</sup>

- 9.1.1.8.4 Except for the storage, use or handling of Liquid Petroleum gas (LPG), secondary containment systems shall be designed to contain any spill or accidental release of hazardous substance, and any storm water and/or fire water that has become contaminated, and prevent any contaminant from entering the sewerage or stormwater drainage system unless expressly permitted under a resource consent or trade waste permit.
- 9.1.1.8.5 All stormwater grates, collection structures and inspection chamber covers on the site shall be clearly marked as such.
- 9.1.1.8.6 Any area where vehicles, equipment or containers that are or may have been contaminated with hazardous substances are washed down shall be designed, constructed and managed to prevent the effluent from the washdown area from discharge into or onto land, entry or discharge into the sewerage or stormwater drainage system unless expressly permitted by a rule in a regional plan, trade waste permit or resource consent.
- 9.1.1.8.7 Underground tanks for the storage of petroleum products shall be designed, constructed, installed, maintained, operated, managed and at the end of their life removed to prevent leakage and spills. Compliance with [any relevant provisions under the Hazardous Substances and New Organisms Act 1996 and] <sup>PC35</sup> the Code of Practice for the "Design, Installation and Operation of Underground Petroleum Storage Systems" (1992) is a minimum [requirement].<sup>PC35</sup>

#### *Signage*

- 9.1.1.8.8 [All facilities must display signage to indicate the nature of the hazardous substances present (compliance with the provisions of the Hazardous Substances and New Organisms Act 1996 and the requirements of the Building Code (F8) or the Code of Practice "Signage for Premises Storing Hazardous Substances and Dangerous Goods" of the New Zealand Chemical Industry Council (Nov 2004) is a minimum requirement).]<sup>PC35</sup>

#### *Waste Management*

- 9.1.1.8.9 Any process waste or waste containing hazardous substances shall be stored in a manner which complies with 9.1.1.8.1 to 9.1.1.8.8 above.



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9.1.1.8.10 Any hazardous facility generating wastes containing hazardous substances shall dispose of these wastes to facilities which, or waste disposal contractors who, meet all the requirements of regional and district rules for discharges to the environment [and also the provisions of the Hazardous Substances and New Organisms Act 1996.]<sup>PC35</sup>

**Other**

9.1.1.8.11 Council must be informed of the activity's location, the nature of the activity and when the activity commences and ceases.

*[In addition to the provisions of the Plan, all activities which involve the use, storage, handling or transportation of hazardous substances are regulated for on-site and off-site effects by a range of other legislation and regulations, and associated standards and codes of practice which should be complied with. Key pieces of legislation include:*

- the Hazardous Substance and New Organisms Act 1996
- legislation, rules and standards relating to the transportation of hazardous substances (Land Transport Act 1993, Land Transport Rule: Dangerous Goods 1999 and New Zealand Standard 5433:1999)
- Building Act 1991
- Health Act 1956
- Fire Service Act 1975
- Health and Safety in Employment Act 1992
- Radiation Protection Act 1965
- Agricultural Compounds and Veterinary Medicines Act 1997]<sup>PC35</sup>

*[The on-site disposal of hazardous substances will be controlled through Council's Waste Management Strategy, through obtaining the appropriate discharge consents from the Regional Council or trade waste permits, and through relevant controls on disposal of hazardous substances by the Hazardous Substances and New Organisms Act 1996.]<sup>PC35</sup>*

**9.1.2 Subdivision except company lease, cross lease and unit title subdivision is a Permitted Activity provided that it complies with the following conditions:**

- 9.1.2.1 Every allotment must have services in compliance with the City Bylaws or if applicable the Council's Code of Practice for Land Development.
- 9.1.2.2 The allotment must have practical, physical and legal access directly to a legal road.
- 9.1.2.3 Every allotment must have drive-on vehicle access and parking constructed in accordance with Appendices 2 and 3.
- 9.1.2.4 All earthworks needed to complete the subdivision are completed.
- 9.1.2.5 No subdivision may occur within a heritage area or on a site associated with a heritage item unless in the latter case the subdivision involves land that is not occupied by the heritage items and is not specifically identified for preservation in the Plan as important to the setting of the item.
- 9.1.2.6 A Certificate of Compliance must be obtained for the subdivision to allow Council to assess survey plans for approval.

An applicant must supply the following:

- information to allow Council to assess compliance with conditions 9.1.2.1 to 9.1.2.5



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- a certificate stating that all existing services have been located so that they are all contained entirely within the boundaries of the site being serviced or within such right of way or easement relating to the site and are in accordance with the City Bylaws and if applicable the Council's Code of Practice for Land Development
- current copies of titles for all affected properties
- accurately drawn A4 plans at a scale of 1:500 or at a larger scale as appropriate and copies or reduced copies submitted to be of A4 or A3 size
- a certificate stating that the land is not likely to be subject to material damage by erosion, subsidence, slippage or inundation from any source

All certificates, plans and information supplied must be signed by a registered surveyor or other suitably qualified person certifying their accuracy.

*Most forms of subdivision are Permitted Activities, subject to specified conditions. This will facilitate efficient use of the Institutional Precincts with other rules of the Plan controlling building and other land use effects.*

**9.1.3 Helicopter landing areas related to the primary function of the Precinct from the roof of the Clinical Services Block at Wellington Hospital are Permitted Activities.**

**9.1.4 Any activity relating to the upgrade and maintenance of existing formed roads and [public]<sup>PC70</sup> accessways [including associated earthworks]<sup>PC70</sup>, except the construction of new legal road, is a Permitted Activity.**

*[Archaeological sites associated with human activity that occurred before 1900 are protected by the Historic Places Act 1993. An archaeological authority will be required from the New Zealand Historic Places Trust to destroy damage or modify these sites.]<sup>PC70</sup>*



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## 9.2 Controlled Activities

Section 9.2 describes which activities are Controlled Activities in Institutional Precincts. A resource consent will be required but consent cannot be refused. Conditions may be imposed relating to the matters specified in 9.2.1 and 9.2.2. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

**9.2.1 The construction, or alteration of, and addition to buildings and structures except:**

- alterations and additions that do not alter the external appearance of the buildings or that are not visible from public spaces
- any building with a gross floor area of less than 100m<sup>2</sup>
- ~~any building or structure on 320 The Terrace~~

are Controlled Activities in respect of:

- 9.2.1.1 design, external appearance, siting and verandahs
- 9.2.1.2 vehicle parking and site access.

### *Non-notification*

The written approval of affected persons will not be necessary in respect of items 9.2.1.1 and 9.2.1.2. [Notice of applications need not be served on affected persons]<sup>PC28</sup> and applications need not be notified.

### *Standards and Terms*

All parking must be provided and maintained in accordance with the standards set out in Appendix 2.

New vehicular access from roads to which the Precinct has frontage must be provided and maintained in accordance with the standards set out in Appendix 3.

No vehicular access, as shown on Appendix 3.1, shall be situated closer to an intersection than the following:

|                                |      |
|--------------------------------|------|
| Arterial and principal streets | 20m  |
| Collector streets              | 15m  |
| Other streets                  | 10m. |

Site layout must enable all vehicles to enter [and]<sup>PC34</sup> leave the site in a forward direction.

### *Assessment Criteria*

In determining the conditions to be imposed, if any, Council will have regard to the following criteria:



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The extent to which the proposal meets the provisions of the relevant Design Guide for the area. These Guides are:

- Victoria University Design Guide
- Wellington Hospital Design Guide
- Mount Cook Precinct Design Guide.

[• Te Aro Corridor Design Guide

Developments located on sites within both the Mt Cook Precinct and Te Aro Corridor Design Guide Area, shall be considered against the content of both design guides. In the event of conflicting design guidance the Te Aro Corridor Design Guide shall be the predominant document.]<sup>PC48</sup>

*The Design Guides were prepared following a detailed urban design analysis of the Precincts and their surrounding areas. They do not aim to control the design details of building or site layout, but to establish the broad parameters within which new building development can be undertaken. They aim particularly to encourage an appropriate relationship between Precinct development and housing in surrounding Residential Areas.*

*[The Te Aro Corridor Design Guide particularly seeks to ensure that buildings continue to provide a strongly defined street edge on the corner of Buckle and Taranaki Streets.]<sup>PC48</sup>*

**9.2.1.4 Vehicle Parking**

9.2.1.4.1 Whether parking should be provided for the proposal under consideration. Individual developments may not have a specific parking provision but Council seeks to ensure that the following parking requirements for the precinct will eventually be met:

|   |                           |
|---|---------------------------|
| Victoria University                       | 780 spaces                |
| Hospital                                  | 1135 spaces               |
| Mt Cook Precinct                          |                           |
| Massey University<br>(staff and students) | 1:14 full time equivalent |
| Wellington High School                    | 100 spaces                |

9.2.1.4.2 The extent to which the standards for parking can be varied without endangering traffic or people.

**9.2.1.5 Site Access**

9.2.1.5.1 Whether the proposed vehicular access will improve access to and within the Precinct by replacing less suitable or unsafe access points and will achieve better internal vehicular access network.

9.2.1.5.2 The extent to which new site access can be created without endangering traffic or people.

*The Institutional Precincts involve intensive activities which attract more vehicles than can be accommodated on the site. The overflow of vehicles into surrounding residential streets detracts from the amenities of these Residential Areas.*



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Council aims to ensure that over the period of this Plan, an adequate level of on-site parking is attained within the Precincts.

As the Precincts also adjoin heavily trafficked arterial or principal streets and quieter local residential streets, all new vehicle crossings will be assessed to ensure that they are located and formed with safety in mind.

**9.2.2 Company lease, cross lease and unit title subdivision is a Controlled Activity in respect of:**

**9.2.2.1 stormwater, sewerage and water supply**

**9.2.2.2 allocation of accessory units to principal units and the allocation of covenant areas to leased areas to ensure compliance with servicing rules, and to ensure practical physical access to every household unit.**

#### *Non-notification*

The written approval of affected persons will not be necessary in respect of items 9.2.2.1 and 9.2.2.2. [Notice of applications need not be served on affected persons]<sup>PC28</sup> and applications need not be notified.

#### *Standards and Terms*

All buildings and structures must meet the conditions for Permitted Activities, the terms of any relevant resource consent, or must have existing use rights.

#### *Assessment Criteria*

In determining the conditions to be imposed, if any, Council will have regard to the following criteria:

- 9.2.2.3 The requirements of Section 106 of the Act.
- 9.2.2.4 The extent of compliance with the relevant parts of the City Bylaws.
- 9.2.2.5 The need to ensure permanent site access and continued provision for on site loading and unloading facilities.
- 9.2.2.6 The current and future allocation of subdivisional areas to achieve the efficient use of land and buildings.

Council is seeking to retain in a permanent manner appropriate site arrangements that are established at the time of subdivision. In particular, continued access to off street loading facilities is to be safeguarded together with efficient arrangement of units.

**9.2.3 The demolition of Gordon Wilson Flats at 320 The Terrace shall be undertaken in accordance with an approved Demolition Management Plan and will be assessed as-is a Controlled Activity in respect of:**

**9.2.3.1 noise effects as assessed in accordance with NZS 6803:1999**



*Last Amended 12 September 2012**Institutional Precincts**Operative 27/07/00***Acoustics – Construction Noise****9.2.3.2 method, duration, timing, and hours of operation of demolition management****9.2.3.3 amenity effects****9.2.3.4 recording of the building prior to demolition****Non-notification**

In respect of rule 9.2.3 applications will not be publicly notified (unless special circumstances exist) or limited notified.

Note: Council is seeking to ensure that the demolition of the building is undertaken efficiently and in accordance with a Demolition Management Plan containing measures to avoid, remedy or mitigate the temporary adverse effects of the activity. It is also seeking to ensure that an appropriate record of the building is prepared prior to demolition.

**Standards and Terms**

Any application made under Rule 9.2.3 shall be accompanied by a Demolition Management Plan.

The Demolition Management Plan shall contain the following information as a minimum:

- a. purpose of the Demolition Management Plan;
- b. site and locality description, including existing buildings;
- c. proposed demolition methodology, including sequence and timing;
- d. duration of works and hours of operation;
- e. measures to manage environmental effects, including (but not limited to) dust, construction noise, effects on the local transport network, and site remediation;
- f. communication plan, including:
  - i. any communication undertaken with neighbours in advance of demolition commencing;
  - ii. procedures for receiving and resolving complaints during demolition and site remediation; and
- g. Demolition Management Plan review procedures.

Note: additional information may be appropriate for inclusion in the Demolition Management Plan, including references to other relevant Acts and associated regulations.



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### 9.3 Discretionary Activities (Restricted)

Section 9.3 describes which activities are Discretionary Activities (Restricted) in Institutional Precincts. Consent may be refused or granted subject to conditions. Grounds for refusal and conditions will be restricted to the matters specified in rules 9.3.1 and 9.3.2. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

**9.3.1 Activities related to the primary functions of the Precinct and activities ancillary to these primary functions that do not comply with one or more of the following conditions for Permitted Activities in Rule 9.1.1:**

**9.3.1.1 noise**

**9.3.1.2 dust**

**9.3.1.3 lighting**

**9.3.1.4 signs**

**9.3.1.5 use, storage, handling or disposal of hazardous substances**

are Discretionary Activities (Restricted) in respect of the conditions not met.

#### *Non-notification*

The written approval of affected persons will not be necessary in respect of item 9.3.1.4. [Notice of applications need not be served on affected persons]<sup>PC28</sup> and applications need not be notified.

#### *Standards and Terms*

Noise emission levels under Rules 9.1.1.2.1 and 9.1.1.2.4 shall not be exceeded by more than 5 decibels.

For hazardous substances, the cumulative Effect Ratio as assessed under the Hazardous Facilities Screening Procedure for the site where the activity is to occur is less than or equal to 2 but does not meet the conditions in rules 9.1.1.8, unless the site is located in a Hazard Area.

For hazardous substances, where the hazardous facility is located in a Hazard Area, the cumulative Effect Ratio as assessed under the Hazardous Facilities Screening Procedure for the site where the activity is to occur is less than or equal to 0.5 but does not meet the conditions in rules 9.1.1.8.

Rule 9.1.1.5, maximum lighting levels, must not be exceeded by more than 20 percent.



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Rule 9.1.1.7, conditions relating to any sign dimension, must not be exceeded by more than 50 percent.

*Assessment Criteria*

**In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:**

**9.3.1.6 Noise**

The extent to which noise emissions will be intrusive. Council will seek to ensure that the best practicable option is used to mitigate noise and that adverse effects are minor.

**9.3.1.7 Dust**

The extent to which amenities are protected. Council will seek to ensure that dust nuisances are mitigated as far as practical.

*There may be instances where it may be impractical to prevent dust nuisance, particularly in relation to the variable weather conditions experienced by Wellington. Such proposals will be carefully considered to ensure that any dust nuisance is minor.*

**9.3.1.8 Lighting**

9.3.1.8.1 Applications to provide more intensive lighting near to Residential Areas will take into account the nature of existing and likely future development in the Residential Area, the degree to which topography or other site features may avoid, remedy or mitigate lighting effects and the extent to which planting, screening or the orientation of the light will mitigate lighting effects.

9.3.1.8.2 The consideration of applications to provide less intensive lighting on site areas open to the public use will take into account the nature of the activities on the site, the extent of public use and whether other measures will be taken to maintain public safety.

*Development and the nature of landforms on the edge of Institutional Precincts is so diverse that there will be instances where extra illumination can be added without affecting the residents. Applications to exceed the permitted levels will therefore be considered. Similarly, there may also be circumstances where the lighting of publicly used areas may not need to comply with the specified standards.*

**9.3.1.9 Signs**

9.3.1.9.1 Whether signs are obtrusively visible from any residential or public space.

9.3.1.9.2 Whether the area of the sign is in scale with associated activities or building development and compatible with the visual character of the area in which it is situated.

9.3.1.9.3 Whether additional signs will result in clutter.

9.3.1.9.4 Whether the size, number or method of illumination of a sign or signs will compromise traffic or pedestrian safety.



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*In some circumstances larger or more numerous signs may be needed to identify activities. Signs will be carefully assessed to ensure that visual amenities are maintained.*

**9.3.1.10 Hazardous Substances**

*See Exemptions to the Hazardous Facilities Screening Procedure contained in section 3.5.2*

- 9.3.1.10.1 Site design and management to avoid, remedy or mitigate any adverse effects of the activity.
- 9.3.1.10.2 The adequacy of the design, construction and management of any part of a hazardous facility site where hazardous substances are used for their intended function, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled such that:
  - any significant adverse effects of the intended use from occurring outside the intended use, handling or storage area is prevented
  - the contamination of any land in the event of a spill or other unintentional release of hazardous substances is prevented
  - the entry or discharge of the hazardous substances into surface or groundwater, the stormwater drainage system or into the sewerage system (unless permitted under a regional plan, resource consent or trade waste permit) is prevented.
- 9.3.1.10.3 Location of the facility in relation to the nearest waterbody or the coastal marine area.
- 9.3.1.10.4 Location of hazardous facility in relation to residential activities.
- 9.3.1.10.5 Location of hazardous facility in relation to critical facilities and lifelines.
- 9.3.1.10.6 Access routes to the facility, location and separation distance between the facility and sensitive activities and uses, sensitive environments and areas of high population density.
- 9.3.1.10.7 Existing and proposed (if any currently under consideration by Council) neighbouring uses.
- 9.3.1.10.8 Potential cumulative hazards presented in conjunction with nearby facilities.
- 9.3.1.10.9 Transport of hazardous substances to and from the site.
- 9.3.1.10.10 Potential for contamination of the surroundings of the site and sensitivity of the surrounding environment.
- 9.3.1.10.11 Whether the site has adequate signage to indicate the presence of hazardous substances.
- 9.3.1.10.12 Whether adequate arrangement has been made for the environmentally safe disposal of any hazardous substance or hazardous wastes generated.
- 9.3.1.10.13 Whether the site design has been subject to risk analysis, such as Hazop (Hazard and Operabilities Studies), to identify the potential hazards, failure modes and exposure pathways.
- 9.3.1.10.14 Where the hazardous facility is located within a Hazard Area, any additional requirements to mitigate the potential effect of a natural hazard event.



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9.3.1.10.15 Type and nature of the existing facility.

[9.3.1.10.16 Whether appropriate contingency measures and emergency plans are in place.]<sup>PC35</sup>

[9.3.1.10.17 Whether the facility complies with the provisions of the Hazardous Substances and New Organisms Act 1996, and whether more stringent controls are required to take account of site-specific conditions.]<sup>PC35</sup>

*To reduce the potential adverse effects, Council will require the production of a Site Management Plan or Environmental Management System when a resource consent application is made, this will be before hazardous substances are brought onto the hazardous facility. In addition, Council will require the design of the site to include measures which will prevent the accidental releases of any hazardous substances into the environment. Through this process, Council seeks to protect the surrounding environment from any adverse effects of the hazardous facility.*

**9.3.2 The construction, alteration of, and addition to any buildings and structures on 320 The Terrace is a Discretionary Activity (Restricted) in respect of:**

**9.3.2.1 design, external appearance and siting**

**9.3.2.2 site landscaping**

**9.3.2.3 vehicle parking, servicing and site access**

**Non-notification**

In respect of rule 9.3.2 applications will not be publicly notified (unless special circumstances exist) or limited notified.

**Standards and Terms**

Any construction, alteration of, or addition to any building or structure must be in accordance with the standards set out in Appendix 4.

**Relevant policies for preparing resource consent applications**

See 8.2.3.1, 8.2.7.2 and the Victoria University Design Guide.

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



*Last Amended 3 May 2011*

*Institutional Precincts*

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## 9.4 Discretionary Activities (Unrestricted)

Section 9.4 describes which activities are Discretionary Activities (Unrestricted) in Institutional Precincts. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

**9.4.1 Activities not specifically provided for as Permitted or Controlled Activities or as a Discretionary Activity (Restricted) under Rule 9.3.2 are Discretionary Activities (Unrestricted).**

### *Assessment Criteria*

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

- 9.4.1.1 Whether the future use or development of the Institutional Precinct for its intended purpose, as described in 8.1.1, will be significantly diminished.
- 9.4.1.2 Whether the existing amenities of adjacent or nearby Residential or Open Space Areas will be lessened to any significant extent. Particular consideration will be given to maintaining a quiet night time environment.
- 9.4.1.3 Whether vehicular traffic generated by any activity can be accommodated without a loss of amenity, safety or without causing congestion.
- 9.4.1.4 In respect of helicopter landing areas the extent of compliance with the provisions of NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas and the extent of compliance with relevant Civil Aviation rules.

*In some cases activities not related to the primary function of the Precincts may be considered. The Council's aim is to maintain the Precincts for their intended purpose but allowing more mixed activity may help to achieve more efficiency of resource use.*

*Council will take particular care to ensure that any Non-Precinct activity is in keeping with its surroundings and will have particular regard to the nature of adjacent areas. It is considered important that the amenities of Residential Areas be protected.*

*Council is concerned that helicopter operations do not cause adverse noise effects and are conducted safely. Helicopters in flight are not subject to control but Council has made landing areas (with the exception of the roof of the Clinical Services Block at Wellington Hospital) a Discretionary Activity (Unrestricted) to ensure that adverse noise effects and public safety issues can be addressed.*

*For the above reasons Non-Precinct activities have been included as Discretionary Activities (Unrestricted). This enables the full effects of a proposal to be evaluated and where necessary, protective measures imposed.*



*Last Amended 3 May 2011**Institutional Precincts**Operative 27/07/00*

**9.4.2 Buildings and structures, including pedestrian bridges, located above or over the street that exceed 25 percent of the width of the road at any point are Discretionary Activities (Unrestricted).**

*Assessment Criteria*

**In determining whether to grant consent and what conditions, if any, to impose Council will have regard to the following criteria:**

- 9.4.2.1 Any relevant provisions of a Precinct Design Guide.
- 9.4.2.2 The impact of the structure on the visual qualities of the streetscape, including its impact on views.
- 9.4.2.3 The effect of the structure on neighbouring properties.
- 9.4.2.4 The effect of the structure on the wind environment of the street and the extent to which sunlight levels in the street will be reduced.
- 9.4.2.5 The potential of the structure to restrict access in the event of a natural hazard. Council will consider the design, placement and construction materials to avoid or mitigate any potential hazard.

*Bridges and similar structures over a road can have both visual and physical impacts. Council is particularly concerned about effects of such structures on the visual qualities of the streetscape. Such structures have the potential to block roads or access links in the event of a natural hazard occurring. Developments of this type are Discretionary Activities so their impacts can be assessed.*

**Rule 9.4.3 has been deleted as a result of District Plan Change 69.**

**9.4.4 Any subdivision which is not a Permitted Activity or Controlled Activity, is a Discretionary Activity (Unrestricted).**

*Assessment Criteria*

**In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:**

- 9.4.4.1 The requirements of section 106 of the Act.
- 9.4.4.2 Whether proposed allotments are capable of accommodating Permitted Activities in compliance with the Institutional Precinct rules.
- 9.4.4.3 The extent of compliance with the relevant parts of the Council's Code of Practice for Land Development.

*Subdivision which is not a Permitted or Controlled Activity will be assessed as a Discretionary Activity. This will enable the full effects of a subdivision to be considered with public involvement where appropriate. The resource consent process will be used to determine the extent of land considered suitable for subdivision and the most appropriate design, having regard to the intended future use.*



*Last Amended 3 May 2011*

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## **9.5 Non-Complying Activities**

Activities that contravene a rule in the Plan, and which have not been provided for as Discretionary Activities (Restricted) or Discretionary Activities (Unrestricted) are Non-Complying Activities. Resource consents will be assessed in terms of section 105(2A)(b) of the Resource Management Act.

The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.



*Last Amended 3 May 2011**Institutional Precincts**Operative 27/07/00*

## 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)</i>  |
| <i>Monday to Saturday 7pm to 10pm</i> | <i>50dBA(L10)</i>  |
| <i>At all other times</i>             | <i>40dBA(L10)</i>  |
| <br>                                  |                    |
| <i>All days 10pm to 7am</i>           | <i>70dBA(Lmax)</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)</i>  |
| <i>Monday to Saturday 7pm to 10pm</i> | <i>45dBA(L10)</i>  |
| <i>At all other times</i>             | <i>40dBA(L10)</i>  |
| <br>                                  |                    |
| <i>All days 10pm to 7am</i>           | <i>65dBA(Lmax)</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:

*At all times 55dBA (L10)*

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)</i> |



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*Wellington City District Plan*

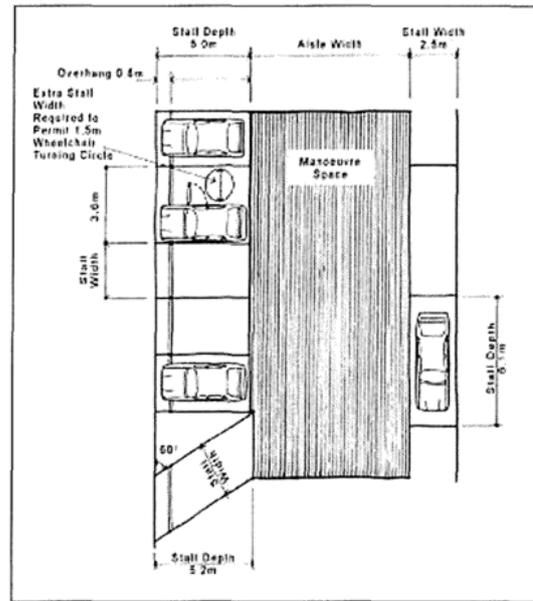
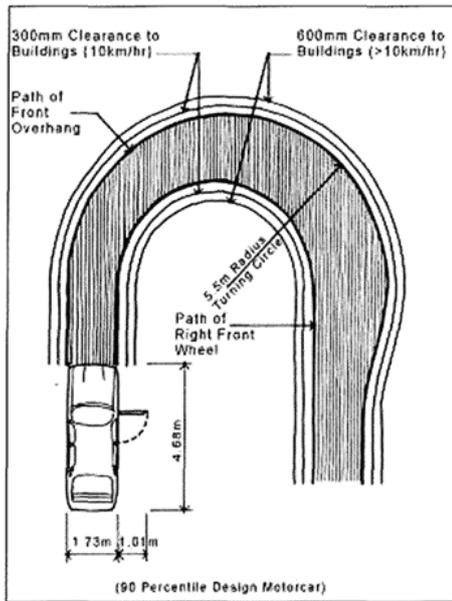
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## Appendix 2. Vehicle Parking Standards



| Type of User             | Parking angle | Stall Width (metres) | Aisle Width (metres)        | Stall Depth (metres) | Parking angle | Stall Width (metres) | Aisle Width (metres) | Stall Depth (metres) |
|--------------------------|---------------|----------------------|-----------------------------|----------------------|---------------|----------------------|----------------------|----------------------|
| Regular                  | 90°           | 2.4                  | 7.0                         | 5.0                  | 60°           | 2.4                  | 4.5                  | 5.2                  |
|                          |               | 2.5                  | 6.6                         | 5.0                  |               | 2.5                  | 4.1                  | 5.2                  |
|                          |               | 2.6                  | 6.2                         | 5.0                  |               | 2.6                  | 3.5                  | 5.2                  |
| Casual                   | 90°           | 2.5                  | 8.0                         | 5.0                  | 60°           | 2.5                  | 4.8                  | 5.2                  |
|                          |               | 2.6                  | 7.0                         | 5.0                  |               | 2.6                  | 4.4                  | 5.2                  |
|                          |               | 2.7                  | 6.6                         | 5.0                  |               | 2.7                  | 3.3                  | 5.2                  |
| People with Disabilities | 90°           | 3.6                  | 8.0                         | 5.0                  |               |                      |                      |                      |
| All                      | 0° (Parallel) | 2.5                  | 3.5 (one-way) 5.5 (two-way) | 6.1                  |               |                      |                      |                      |

**Notes:**

- Regular users are people whose regular use gives them a familiarity with the carpark that permits smaller but safe clearances.
- Casual users are people (usually short-term visitors) who would not be familiar with the parking layout.
- Stall widths shall be increased 300mm where they abut obstructions such as columns or walls.
- All parking and manoeuvring dimensions assume the use of a 90 percentile design motor car. Compliance with the above requirements will be assessed using this standard of vehicle.



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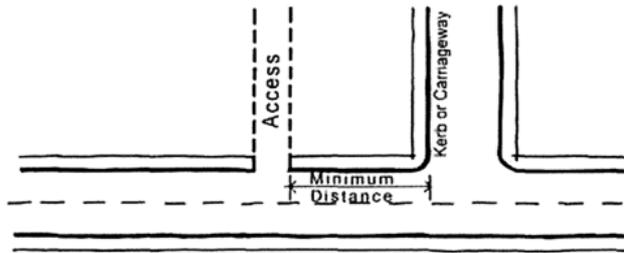
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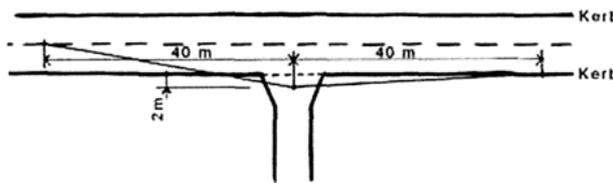
### Appendix 3. Site Access for Vehicles

#### 1. Vehicular access near intersections.



#### 2. Access sight lines.

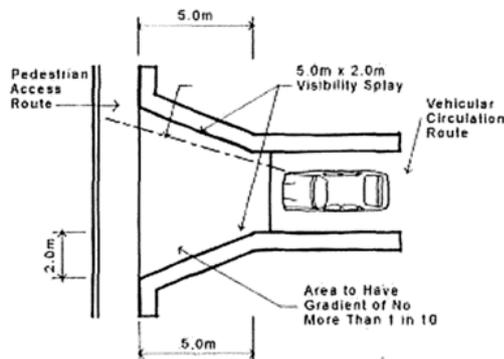
##### 2.1



Within the area represented by the visibility splay, full visibility is required above a level of one metre above the level of the adjacent carriageway.

For one-way streets and dual carriageway visibility will only be required in the direction of approaching traffic.

##### 2.2 Access sight lines for access drives which cross a pedestrian access route.



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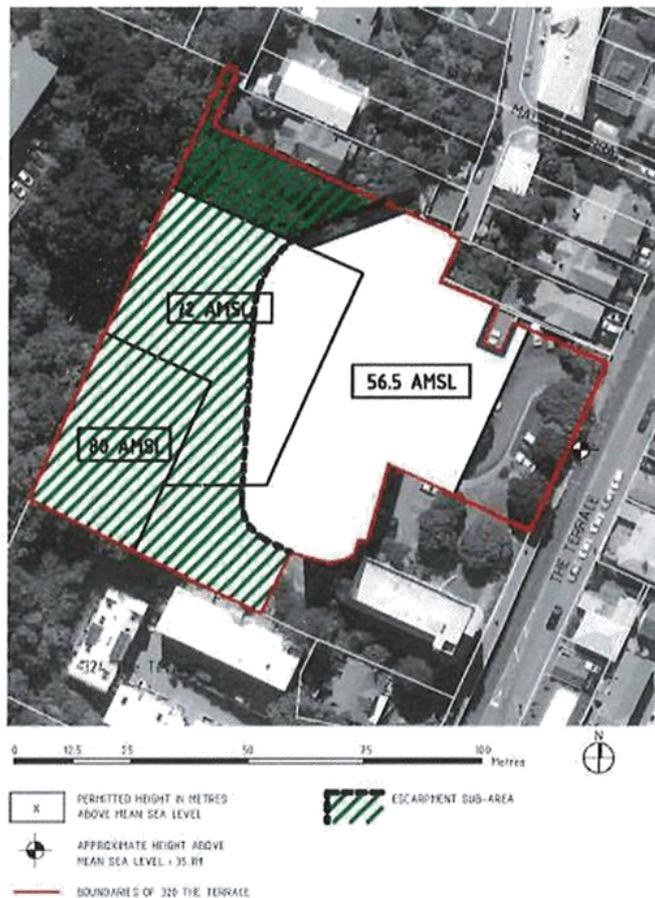
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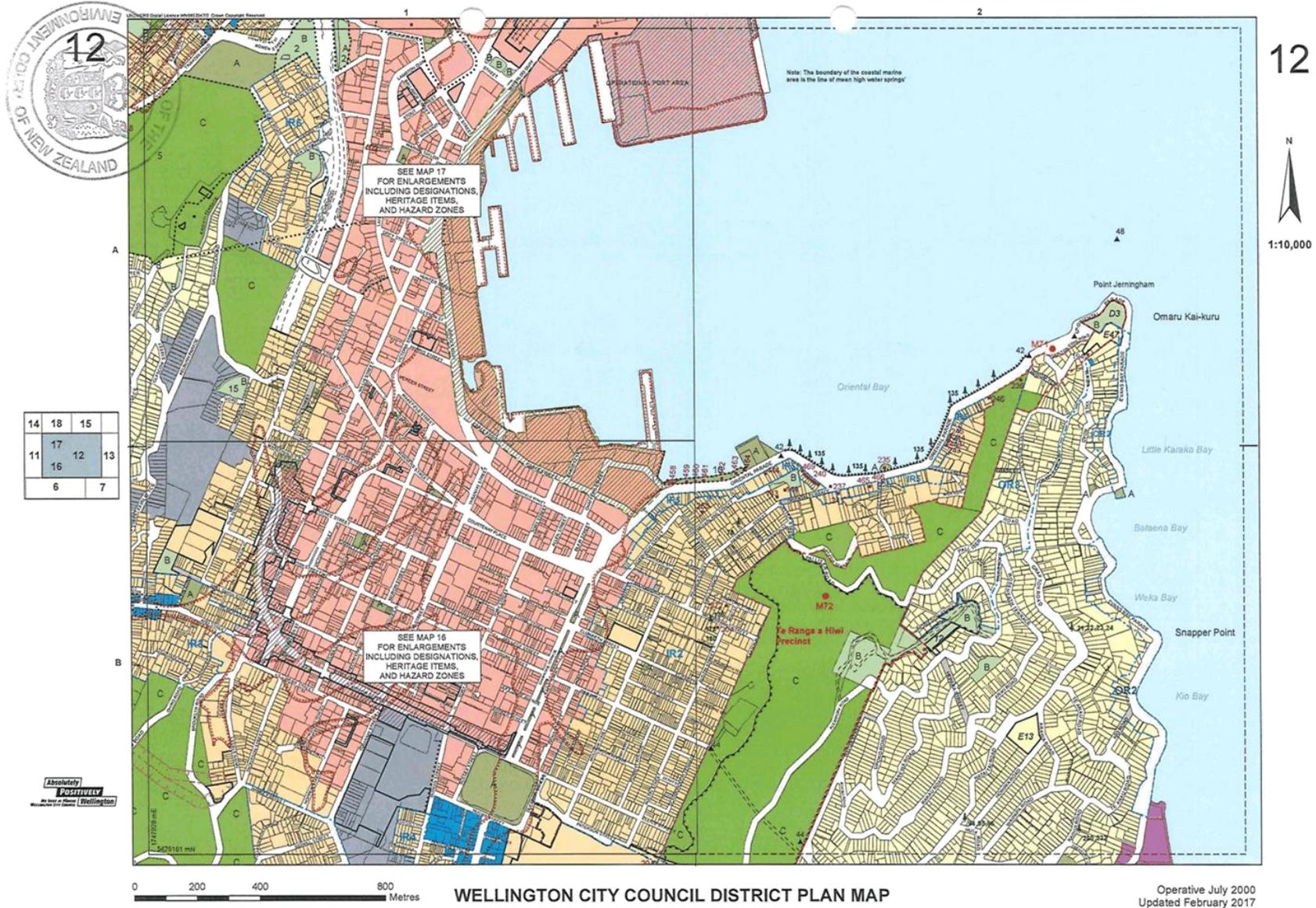
### **Appendix 4. Permitted Building Standards for 320 The Terrace**

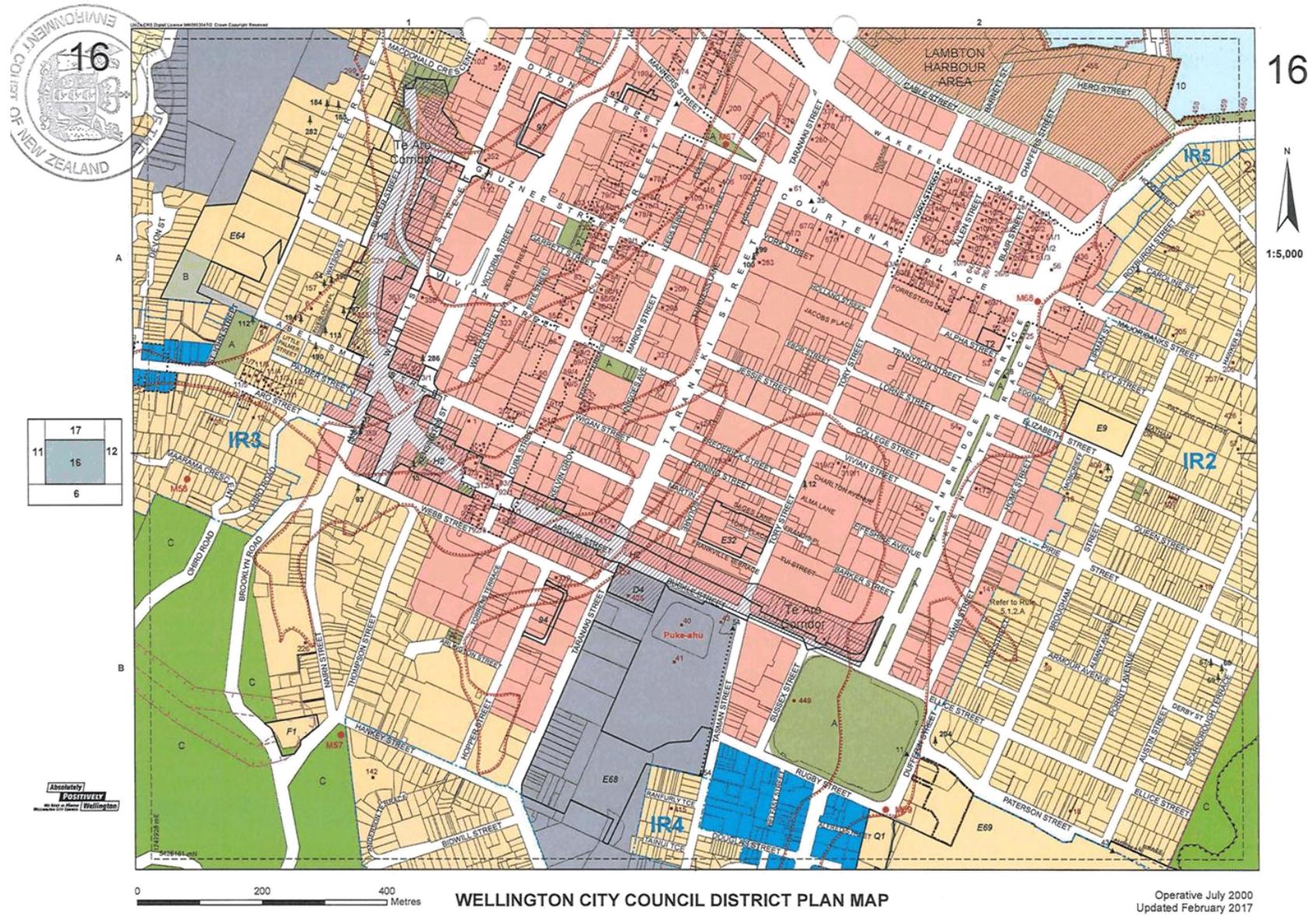
1. Permitted height of buildings and structures is 10m above ground level (AGL) except as where a permitted height above mean sea level (AMSL) is specified on the plan below.
2. Permitted site coverage is 50%. However, coverage within the escarpment sub-area shown hatched on the plan below shall not exceed 35% of this sub-area.
3. The recession planes standards for the Inner Residential Area under 5.6.2.8 shall apply to the boundaries with the Inner Residential Area except for the boundaries indicated in blue on the plan below.
4. A 5m yard shall apply to the boundaries with the Inner Residential Area except for:
  - i. the boundaries indicated in blue on the plan below where a 1m yard shall apply; and
  - ii. the boundary adjoining 324 The Terrace where a 10m yard shall apply.
5. No building within 10m of an Inner Residential Area boundary facade along a single building plane shall exceed 30m in length measured along the Inner Residential Area boundary without a minimum building setback of 10m from the boundary for a length of 10m.

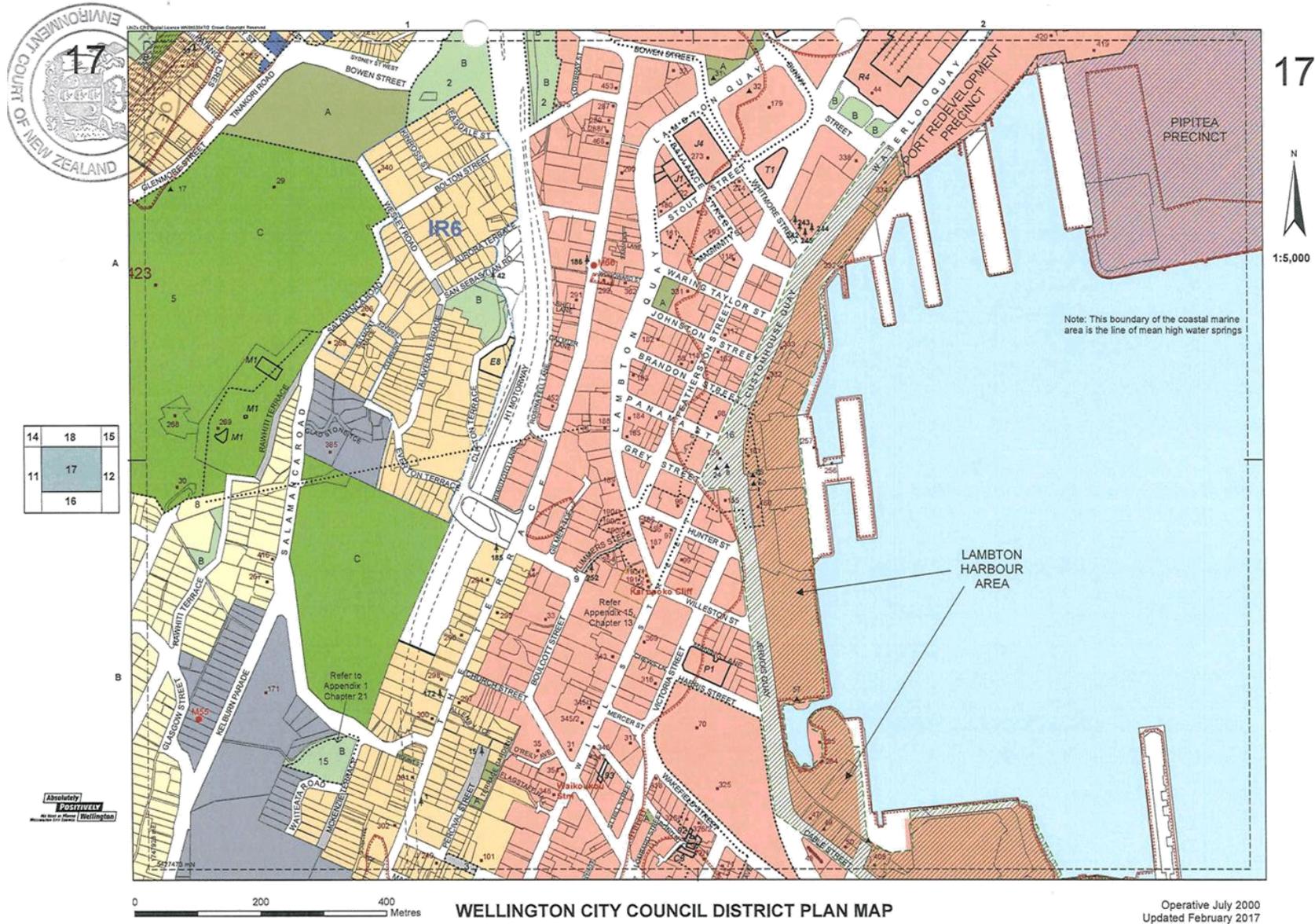


Wellington City District Plan

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# Proposed District Plan Change 82: Minor Zone Changes & Associated Text Changes

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## Decision Report

Decision By: Independent Hearing Commissioner Jane Black

Proposed District Plan Change 82 Commissioner's report and recommendation

**PROPOSED DISTRICT PLAN CHANGE 82 – Minor Zone Changes and Associated Text Changes**

**REPORT FOR WELLINGTON CITY COUNCIL**

**PREPARED BY JANE BLACK (INDEPENDENT HEARING COMMISSIONER)**

**6 April 2018**

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**1. RECOMMENDATION**

- 1.1. That Proposed District Plan Change 82 (DPC 82) minor zone changes and associated text changes be approved.

**2. INTRODUCTION**

- 2.1. Proposed District Plan Change 82 (DPC 82) involves minor zone changes and associated changes to the maps and texts of the Wellington City District Plan (the District Plan). The purpose of the plan change is to aid in the efficient functioning of the District Plan by providing appropriate zoning for future use and development of the properties involved. Full details of the plan change can be found on the Council website (<https://wellington.govt.nz/district-plan-change-82>).

**3. THE PLAN CHANGE**

- 3.1. DPC 82 comprises seven minor zone changes and associated changes to maps and text of the District Plan. A full explanation of the plan change is provided in the section 32 report that supported the Council's decision to notify the plan change (see Appendix 1 of this report).
- 3.2. Six of the zone changes relate to Council-owned land, including the recent purchase of a residential property at 6 Campbell Street, Karori. The other zone changes largely address anomalies or facilitate Council related land exchanges.
- 3.3. DPC 82 also includes minor text and map changes associated with the proposed

Proposed District Plan Change 82 - Commissioner's report and recommendation

zone changes.

### **Zone and map changes - involving Council land**

Council-owned housing

- 3.4.** 142 Tauhinu Road, Miramar – This property currently forms part of the Council's social housing portfolio. The house and associated yard area straddles the Open Space B and Outer Residential Areas. It is proposed that the Open Space B (Natural Environment) portion be rezoned as Outer Residential Area to ensure the site can continue to be appropriately managed and used for residential activities.

Council-owned open space

- 3.5.** Flagstaff Hill Park (16 Terrace Gardens, CBD) – Council acquired this land for ongoing use for open space purposes. The zoning of this inner city park is proposed to be changed from Inner Residential Area to Open Space A.
- 3.6.** 7C Melksham Drive, Churton Park – This bush-covered site is zoned Outer Residential, even though it is part of an adjoining Council owned reserve that is zoned Open Space A. It is proposed that the zoning of this site be changed to Open Space A to reflect its existing and intended future use.

Land exchanges involving Council reserves

- 3.7.** 43 Peppertree Lane, Woodridge – The purpose of this land exchange is to resolve an informal encroachment from a privately owned property (zoned Outer Residential) on to an adjoining Council reserve (zoned Open Space B). Notification of the land exchange took place under the Reserves Act 1977 in 2017, with no substantive issues being raised by neighbouring property owners or other interested parties. It is therefore proposed to swap the Open Space B and Outer Residential zoning of the land involved to reflect the approved exchange.
- 3.8.** St Gerard's Monastery, Mt Victoria – The purpose of this land exchange is for the Council to secure ownership of an existing path over the St Gerard's Monastery property that provides access to an adjoining reserve. Notification of the land exchange took place in 2016 under the Reserves Act 1977. It is therefore proposed to swap the Open Space B and Inner Residential zoning of the land areas involved

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to reflect the approved land exchange.

Recently purchased property

- 3.9.** 6 Campbell Street, Karori – It is proposed that the zoning of this property be changed from Outer Residential to Centres to match the zoning of the adjoining Council-owned land at the corner of Karori Road and Campbell Street. The combined corner site is to be commercially developed in a way that complements the character and vitality of the Karori Town Centre. It is also proposed to amend the secondary street frontage provision shown on District Plan Map 48.

#### **Zone Changes - involving private land**

2A Myrtle Crescent, Mt Cook

- 3.10.** It is proposed that the zoning of a sliver of land along the Myrtle Crescent frontage of this property be changed from Inner Residential to Centres. This will resolve a subdivision-related irregularity in a way that is consistent with Centres zoning of the wider site and adjoining properties.

#### **Text changes**

- 3.11.** Minor amendments are proposed for Volume 1 of the District Plan to provide more specific references to the design guides for the Mt Victoria North and Thorndon Character Areas (refer to page 5 of the Section 32 report. These amendments support the St Gerard's zone change described above.

#### **Text changes**

- 3.12.** Minor amendments are proposed for Volume 1 of the District Plan to provide more specific references to the design guides for the Mt Victoria and Thorndon Character Areas. These amendments support the St Gerard's land swap.

### **4. NOTIFICATION AND SUBMISSIONS**

- 4.1.** On 16 November 2017, the City Strategy Committee agreed to publicly notify DPC 82. The Plan Change was publicly notified on 11 December 2017 and submissions

## Proposed District Plan Change 82 - Commissioner's report and recommendation

closed on 9 February 2018. Thirteen submissions were received by the closing date. The summary of submissions was publicly notified on 2 March 2018. Two further submissions were received.

**4.2.** No submissions were received on the following zone changes:

142 Tauhinu Road, Miramar

43 Peppertree Lane, Woodridge

**4.3.** Each of the following zone changes received one submission in support, with no submissions in opposition:

Flagstaff Hill Park (16 Terrace Gardens)

7C Melksham Avenue, Churton Park

2A Myrtle Crescent, Mt Cook

**4.4.** The remaining 10 submissions and two further submissions relate to the zone changes for St Gerard's and 6 Campbell Street. These submissions were a mixture of support and opposition.

**4.5.** There were five submissions on the St Gerard's part of the plan change and these are summarised in the section 42A report. Three were in support, one in support with a requested amendment, and one in opposition.

**4.6.** The key reasons given by submitters for supporting the proposed changes relating to St Gerard's are:

- The underlying land exchange will secure Council ownership of an existing path over the privately-owned St Gerard's property.
- The environmental effects of any future development of an enlarged 1 Oriental Terrace will be controlled through the provisions of the Inner Residential Area, noting that all additions and alterations require a resource consent application that needs to be assessed against the Design Guide for the Mt Victoria North Character Area.

Proposed District Plan Change 82 - Commissioner's report and recommendation

- The proposed text amendments will clarify the relevance of the Mt Victoria North Character Area to any future development of 1 Oriental Terrace.
- 4.7.** The key reasons given by the Mt Victoria Resident's Association (MVRA) for amending the proposed zone change and by Marian Evans for opposing the changes outright are:
- Changing the zoning of the unformed access leg associated with 52 McFarlane Street from Open Space B to Inner Residential, combined with the underlying land exchange, will enable development of an enlarged 1 Oriental Terrace in a way that will have adverse effects on:
    - Oriental Terrace amenities, through inappropriate scale and because of local geotechnical instability
    - A pohutukawa on the Council-owned reserve that is currently protected by a covenant
    - Views of the heritage-listed St Gerard's Monastery and Church buildings from Oriental Bay and
    - Views from Oriental Terrace to the Council-owned reserve at 52 McFarlane Street.
  - Concerns that the plan change notification letter that was sent to Oriental Terrace neighbours was not entirely clear about the property affected.
- 4.8.** There were five submissions and two further submissions received on the part of the plan change relating to 6 Campbell St. Two were in support, one was in support with a requested amendment, and two were opposed, one in part.
- 4.9.** The key reasons given by submitters for supporting the zone changes at 6 Campbell St are:
- That the proposed Centres zoning will help meet an established need for more commercially zoned land around the Karori Town Centre.
  - The zone change and addition to the secondary street frontage provision will be a

Proposed District Plan Change 82 - Commissioner's report and recommendation

logical extension of existing District Plan provisions.

- The increase in Centres zoned land in this vicinity will enhance development options of the former St John's Church site on the corner of Karori Road and Campbell Street.
- Residential neighbours will be sufficiently protected by provisions of the Centres Area, including building and activity standards, the Centres Design Guide, and consent requirements for new buildings and structures.

**4.10.** The key reasons given by submitters for amending or opposing the zone change at 6 Campbell St are:

- The non-residential activities and associated vehicle movements provided for in the Centres Area will result in adverse noise, lightspill, shading, privacy, traffic and visual effects for adjoining and neighbouring residents.
- Ensuring that any new buildings or structure are sympathetic in design and scale to the residential houses which surround it and maintain the privacy and sunlight of neighbouring residents.
- Ensuring onsite and vehicle-related noise does not exceed residential noise levels.
- Requiring vehicle access to and from the corner site to be from Karori Road, or shared between Karori Road and Campbell Street.
- Using 6 Campbell Street as a buffer between the residential area and new commercial development. It is suggested that plants and/or a park on this land could work as such a buffer.

## **5. THE HEARING**

**5.1.** Ms Jillian Kennemore presented the section 42A report that she had prepared. She first of all addressed the parts of the plan change that attracted no submissions, those that only had submissions in support and then focussed on the parts of the plan change relating to St Gerard's and 6 Campbell St.

### **Zone changes where no submissions were received:**

Proposed District Plan Change 82 - Commissioner's report and recommendation

- 142 Tauhinu Road, Miramar
  - 43 Peppertree Lane and adjoining Council reserve, Woodridge
- 5.2. Ms Kennemore considered that the above zone changes are appropriate for the reasons outlined in the section 32 report. As no submissions were received on these zone changes, she recommended that they can be adopted as proposed without the need for further discussion. I agree with that recommendation.

*That the following zone changes be approved as notified:*  
 – 142 Tauhinu Road, Miramar - zone change from Open Space B to Outer Residential  
 – 43 Peppertree Lane and adjoining Council reserve, Woodridge – swap the Outer Residential and Open Space B zones for the land involved in a proposed land exchange.

**Zone changes receiving submissions in support only:**

**Table 1**

| <b>Zone change</b>                         | <b>Submitter</b>   |
|--|--|
| • Flagstaff Hill (16 Terrace Gardens), CBD | Neil Pryor on behalf of Flagstaff Hill Area Resident's Association (Submitter 5) |
| • 7C Melksham Drive, Churton Park          | Brian Sheppard on behalf of Churton Park Community Association (Submitter 3)     |
| • 2a Myrtle Crescent, Mt Cook              | Frankie Rouse (Submitter 8)  |

- 5.3. One submitter, Mr Neil Pryor, appeared at the hearing and spoke in support of his submission. He was happy that this plan change recognised the importance of the site to the city. He asked that the Council consider providing more information about the site on its website and also by installing an interpretive panel to explain the history of the flagstaff and information about the people who lived in the area.
- 5.4. Ms Kennemore considered that the zone changes listed in Table 1 above are appropriate for the reasons outlined in the section 32 report. As each of these zone changes received one submission in support and no submissions in opposition she recommended that they can be adopted as proposed without the need for further discussion. I agree with that recommendation.

*That decisions sought in the following submissions be accepted:*  
 – Brian Sheppard on behalf of the Churton Park Community Association (submitter 3) – regarding the proposed zone change for 7C Melksham Avenue, Churton Park from Outer Residential to Open Space A

Proposed District Plan Change 82 - Commissioner's report and recommendation

- Neil Pryor on behalf of the Flagstaff Hill Area Resident's Association (Submitter 5) – regarding the proposed zone change for Flagstaff Hill Park (16 Terrace Gardens, CBD) from Inner Residential to Open Space A
- Frankie Rouse (Submitter 8) – regarding the proposed zone change for part of 2A Myrtle Crescent from Inner Residential to Centres.

**Minor text changes receiving submissions in support only:**

| Text Change  | Submitter            |
|--|----------------------|
| <ul style="list-style-type: none"> <li>• Text Changes to Chapter 4 - Residential Area Objectives and policies</li> </ul>         | Heritage New Zealand |
| <ul style="list-style-type: none"> <li>• Text Changes to Chapter 5 – Residential Area Rules, Standards and Appendices</li> </ul> | Heritage New Zealand |

- 5.5. Ms Kennemore explained that the text changes were required to ensure that the design guides for the Thorndon and Mt Victoria North Character Areas are considered as part of assessments of applications for resource consents.

*That decisions sought in the following submissions be accepted:*

- Heritage New Zealand (submitter 1) regarding minor text changes.

**St Gerard's Monastery**

- 5.6. Turning to the St Gerard's Monastery part of the plan change, Ms Kennemore addressed the matters raised in submissions. Submitters were concerned that 1 Oriental Terrace would be developed and that the qualities that they currently enjoy will be lost. Principally she stressed that all development is subject to a resource consent and assessment against the design guide for the Mt Victoria North Character Area. Ms Kennemore said that overall the design guide is informed by the significance of St Gerard's and that this is an important consideration when assessing applications. She added that public notification or obtaining neighbours' approval would not be necessary unless there were infringements of standards. She also stressed that the Resource Management Act (RMA) requires non-notification if written approval was given and this was not a Council decision.
- 5.7. Ms Kennemore reiterated that Oriental Terrace is not subject to the rules requiring a resource consent to demolish a pre-1930s building which was raised by submitters. This was a deliberate decision by the Council rather than any oversight and she referred to an assessment carried out by Graeme McIndoe, architect and

Proposed District Plan Change 82 - Commissioner's report and recommendation

urban designer in 2008. He concluded that '*Oriental Terrace has a high degree of age consistency and a high number of pre-1930 buildings. However, they are neither rare nor visually prominent and differ markedly in character from the existing areas to which demolition controls already apply.*'<sup>1</sup>

- 5.8.** In Ms Kennemore's opinion, the submitter's request for protection of the view of St Gerard's from Oriental Bay beach was beyond the scope of this Plan Change. She added that there are a number of view shafts to St Gerard's from the city in the District Plan but these only apply to development in the Central Area. There are also height controls in Oriental Bay to protect views to St Gerard's. Any consideration of additional view shafts would require wider consultation and analysis. In addition, any application for a resource consent under Rule 5.3.5 for new buildings and additions/alterations would require assessment of the proposal's effect on St Gerard's as this would be undertaken with reference to the design guidelines.
- 5.9.** In response to submitters concerns about the use of the car deck that encroaches over the Oriental Terrace road reserve, Ms Kennemore said that any proposal to use this space would be assessed on a case by case basis both in relation to the District Plan and the Council's encroachment policy. Restriction on the use of this space is therefore outside the scope of this plan change.
- 5.10.** In relation to the concerns about the notification letter, Ms Kennemore's report outlined that the letter specified in a number of places including the letter heading, that the zone change affected 53 McFarlane St and 73 Hawker St.

**Submitters**

- 5.11.** Angela Rothwell, Sue Watt and Ellen Blake appeared in support of the submission by Mt Victoria Resident's Association (MVRA).
- 5.12.** Ms Rothwell stated the MVRA's support for the proposed rezoning but expressed concerns regarding the consequences of potential development of 1 Oriental Terrace. Ms Watt requested that a viewshaft be created to protect the north facing façade of St Gerard's Monastery, as they feel that it would align with the existing District Plan provisions regarding viewshafts and the city facing façade. Ms Watt considered that this would also be consistent with Part 2 of the RMA and meet the foreseeable needs of future generations, in reference to the historic

## Proposed District Plan Change 82 - Commissioner's report and recommendation

heritage values of the Mt Victoria North Area and the relationship between the houses and St Gerard's Monastery.

5.13. Ms Watt stated the MVRA's concern regarding Council officer's discretion around the existing height limits and the ability to exceed the stated limits. Ms Blake explained that since 1 Oriental Terrace would result in a larger site area it could allow for a bigger building in terms of the height and bulk. Ms Blake suggested that the limits or amount of discretion permitted within those provisions of the District Plan should be a smaller amount so the height would not dramatically exceed the limits. Ms Blake stated that there is concern for this as many buildings in the area have exceeded the limits. Ms Blake wishes to ensure that buildings on this particular site do not exceed the limits drastically due to its proximity to such a significant site (being St Gerard's). Ms Blake commented that the MVRA wanted to ensure there would be opportunities for public input or submissions if there was a proposal that exceeded standards.

5.14. Marian Evans appeared in support of her submission. She had three key points to address:

- *St Gerard's position among the heritage houses of Mt Victoria and the 'green' elements of Mt Victoria (including Open Space B's very special viewshaft);*
- *The extraordinary heritage significance of 1 Oriental Terrace itself;*
- *The risks to the stability of the land through development of 1 Oriental Terrace and/or the strengthening of St Gerard's.*

She expanded on these points by saying that the sale of 1 Oriental Terrace will not contribute significantly to the cost to strengthen St Gerard's and therefore does not justify undermining other values. She considered that Council has a responsibility to exercise stewardship over historic heritage (being in this case the domestic architecture of 1 Oriental Terrace and St Gerard's) and outstanding natural features and landscapes (being the green belt and Mt Victoria lookout walkway as well as St Gerard's park).

5.15. She raised concerns about ground stability and the recent slips on the area and earthquakes. She said that redevelopment of the site at 1 Oriental Terrace could undermine the stability of St Gerard's.

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- 5.16.** Gordon Copeland spoke in support of the submission made by the Institute for World Evangelisation (ICPE).
- 5.17.** Mr Copeland said that they have a legal and moral obligation to strengthen both the Church and the Monastery as they are earthquake-prone buildings. He explained that they currently have 47 residents living in the monastery. Although ICPE have until 2027 to strengthen the Monastery, Mr Copeland explained that there is more pressure to do it sooner because of the residential use of the building. He then explained that strengthening requires a multi-million dollar public funded campaign and that selling the property helps contribute to this.
- 5.18.** In his view, selling 1 Oriental Terrace would be a 'win-win' and Council would gain the ownership of the access to the reserve and the restoration or potential redevelopment of the property (1 Oriental Terrace) which would contribute to Council rates.
- 5.19.** Mr Copeland also noted that the fence that is currently in between the two areas (1 Oriental Terrace and St Gerard's/the Reserve) is untidy, but with this land swap could allow for it to be better landscaped.
- 5.20.** He considered that views would not be impacted due to the topography around the site and views downhill, and that there will still be clear views to Oriental Bay if the site were redeveloped. He stated that the potential redevelopment of 1 Oriental Terrace could be repositioned on the site to minimize any potential impact on views.
- 5.21.** Mr Copeland also stated that they had the support of Heritage New Zealand which shows that they recognize the Category 1 Heritage site will not be negatively affected.

**Consideration of Issues**

- 5.22.** Having read the Section 42A report and submissions and having heard oral submissions, I am of the view that the main concerns lie with the potential effects of the redevelopment of 1 Oriental Terrace. I agree with Ms Kennemore that the issue raised about viewshafts is outside the scope of the plan change. The building at 1 Oriental Terrace is not listed in the District Plan as a heritage building and there is no provision restricting its demolition. It also needs to be noted that this plan

## Proposed District Plan Change 82 - Commissioner's report and recommendation

change applies to a small piece of land that will be added to the site at 1 Oriental Terrace and rezoned Inner Residential (in line with the zoning of 1 Oriental Terrace) and a small piece of land will be rezoned Open Space B. The site at 1 Oriental Terrace could already be redeveloped regardless of this plan change. The fact that the site will be larger has raised concerns that there could be greater development.

- 5.23.** Ms Kennemore outlined the provisions applying to the site and it is clear that all new buildings and structures in the Inner Residential Area required a resource consent under Rule 5.3.5. They are assessed against the Mt Victoria North Character Area design guide the aim of which is to ensure that new development is compatible with the scale and character of the area. Consideration of the relationship to St Gerard's is part of that assessment. Any non-compliances with building standards will also trigger a resource consent.
- 5.24.** I am satisfied that the concerns of the submitters in relation to the adequacy of the provisions of the District Plan to safeguard the amenity and character of the area can be addressed and I therefore recommend that this part of the plan change be adopted.

*That decisions sought in the following submissions be accepted:*

- Heritage New Zealand - Submitter 1
- Gordon Copeland on behalf of the Institute for World Evangelisation – International Catholic Programme of Evangelisation (ICPE Mission) (NZ Branch) – Submitter 2
- Joanna Newman on behalf of the Mt Victoria Historical Society Inc. - Submitter 10

*That decisions sought in the following submissions be rejected:*

- Angela Rothwell on behalf of the Mt Victoria Resident's Association – Submitter 9
- Marian Evans – Submitter 13

## 6 Campbell Street

- 5.25.** Ms Kennemore outlined the proposal to rezone 6 Campbell St from Outer Residential to Centres and addressed submitters' concerns. Those opposed to the rezoning were primarily concerned about the potential effects of a commercial development on the amenity of the area. Ms Kennemore said that all new buildings (except for very small buildings) in the Centres Area require a resource consent and are assessed against the Centres Design Guide. The matters under

Proposed District Plan Change 82 - Commissioner's report and recommendation

consideration aim to ensure that any new development is respectful of its context, well located in relation to the street and its neighbours and well designed.

- 5.26.** She also said that there were special requirements for buildings that were adjacent to a Residential Area. These relate to setbacks from the boundary, location and treatment of windows and location of decks.
- 5.27.** When asked about the effects of a 12m high development on the site, Ms Kennemore stated that the effects that are associated with height include visual appearance, shade and dominance. She considered that the key issue in this instance is what the additional effect would be by adding 6 Campbell Street to the Centres zoning when a lot of potential development on this site could already happen under the current provisions. Ms Kennemore also stated the key neighbours who could be impacted are the neighbours at 8 Campbell Street next door.
- 5.28.** Ms Kennemore explained the effects by reference to a diagram that showed the requirements and standards for the frontage along Campbell Street. Ms Kennemore discussed the difference in the rules between the two zonings.
- 5.29.** By extending the secondary frontage provisions from the St John's site across 6 Campbell St, development of the site would have to have an active building edge.
- 5.30.** In response to some submitters' concerns about noise, Ms Kennemore said that the proposed zone change would result in little change in noise standards for residential properties opposite the site. For the adjacent residential properties there would be a decrease of 5dB in the general activity noise standard (between 10pm and 7am) and an increase of 5dB in the permitted daytime fixed plant noise limit. Mr Ryan Cameron, the Council's Senior Environmental Noise Officer commented that as the daytime ambient noise levels already exceeded the permitted noise limits, any increase in noise levels would be negligible.
- 5.31.** In relation to concerns about a potential increase in traffic, Ms Kennemore considered that there would not be a significant increase in traffic movements or that the existing situation would worsen. She said that the site would probably be developed with the St John's site and that the standards for the Centres Area were sufficient to manage any effects through the resource consent process. She

## Proposed District Plan Change 82 - Commissioner's report and recommendation

added that the addition of 6 Campbell St to the St John's site will enable a larger development site more capable of providing onsite servicing with fewer vehicle crossings.

- 5.32. Some submitters were concerned that there could be lightspill from the site to adjacent residential properties. Ms Kennemore said that there were standards in the Centres Area to limit lightspill into the windows of residential buildings in the Residential Area. Any non-compliance would require a resource consent.

**Submitters**

- 5.33. Mr Bill Guest appeared at the hearing on behalf of Lesleigh Salinger who had made a submission in support of the plan change. Mr Guest addressed Ms Salinger's concern with the current state of the Karori Town Centre and noted that she was supportive of the necessary demolition of St John's Church. Mr Guest stated that Ms Salinger was pleased with the Council's purchase of the property at 6 Campbell Street and for the potential development that could result by providing a more sizeable plot of land. Mr Guest explained that the house currently situated on 6 Campbell Street was in poor condition and that the combination of the two properties could be a positive trigger for a meaningful development for the Karori Town Centre.
- 5.34. Ms Salinger was confident that the existing planning controls would ensure appropriate development of the site, and that it would be a disappointment if this opportunity was lost.
- 5.35. Mr Guest also advocated that this property would also provide alternative access to the Karori Event Centre, as access could be more suitable from Campbell Street compared with Karori Road where a Mobil Service Station is located.
- 5.36. Mr Sam Butts appeared in support of his submission opposing the proposed rezoning. Mr Butts lives at 7 Campbell St opposite the site. Mr Butts stated his particular concerns were centred around impacts on safety, privacy, and comfort of residents on the street. He stated there are a number of families who live on this street with young children and said that it was important to ensure that any potential development should consider this on an already busy street corner. Mr Butts was also concerned about the impact of light and noise for young children in the day time.

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- 5.37.** Mr Butts suggested the design of the site should be sympathetic to the surrounding housing and not detract from the character of the area. He noted it should be seen as an opportunity to design a building that enhances the character of the area. He said he would like the residents to be consulted in the design process of any potential development. Mr. Butts stated the issues raised have all been considered in the Ministry for the Environment's New Zealand Urban Design Protocol and made a brief reference to this.

### **Consideration of Issues**

- 5.38.** It is clear that the main issues are around the potential effects of any development of 6 Campbell St on the amenities of the surrounding residential properties. It is important to note that this is a small site that will be added on to the larger St Johns site which can be developed under the Centres Area zone already. Nevertheless consideration of the effects on the residential amenity is required.
- 5.39.** That a resource consent for all new buildings (except for very small buildings) in the Centres Area is required provides the opportunity for assessment of any proposal against the Centres Area Design Guide to ensure that it is compatible with its surroundings and to respect its neighbours. The development standards for this site also recognise that special measures need to be taken to manage effects at the boundary of residential properties. Any non-compliance would also require a resource consent. I am satisfied that the concerns of the submitters can be addressed through the provisions of the District Plan and that the amenity of the residential area can be maintained. I therefore recommend that this part of the Plan Change be approved.

*That decisions sought in the following submissions be accepted:*

*Lesleigh Anne Salinger - Submitter 6*

*Heather Sinclair on behalf of the Karori Association – Submitter 12 and Further Submission 2*

*That decisions sought in the following submissions and further submitter be rejected:*

*Jacqueline Anstead – Submitter 4*

*Sam Butts – Submitter 7 and Further Submission 1*

*Keith Wooley – Submitter 11*

## **6. Statutory Framework**

- 6.1.** Council functions – Section 31

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- The District Plan is one means to assist the Council to carry out its functions under section 31 of the RMA for the purpose of giving effect to the RMA in its district. These functions include the establishment, implementation, and review of objectives, policies and methods to achieve the integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.
- DPC 82 involves minor zone changes and associated changes to the maps and text of the District Plan. The purpose of the plan change is to aid in the efficient administration of the District Plan by providing appropriate zoning for the future use and development of the properties involved.

**6.2.** National Policy Statements, National Environmental Standards and Regional Policy Statement

- There are no National Policy Statements or National Environmental Standards relevant to DPC 82. The New Zealand Coastal Policy Statement is also not considered relevant. There is nothing specifically relevant in the Wellington Regional Policy Statement or relevant Management Plans and Strategies under other Acts.

**6.3.** Part 2 Assessment

- DPC 82 is consistent with the promotion of sustainable management of natural and physical resources by enabling appropriate use and development of the sites the subject of this plan change.
- I do not believe that any of the matters of national importance under section 6 are relevant to DPC 82 and no party has raised issues regarding Section 8 (Treaty of Waitangi considerations).
- DPC 82 is consistent with Sections 7 (a), (b) and (c) of the RMA as the plan change will result in an efficient use of the land resource and existing infrastructure while ensuring that any potential adverse amenity effects are avoided, remedied and/or mitigated and the quality of the environment is maintained.

**6.4.** Section 32

Proposed District Plan Change 82 - Commissioner's report and recommendation

- The purpose of proposed Plan Change 82 is to enable the efficient and effective functioning of the District Plan under the RMA. This approach is considered to be the most appropriate way to achieve the purpose of the RMA for the following reasons:
  - The proposed amendments are designed to effectively and efficiently address targeted issues in ways that are consistent with the objectives and policies of the District Plan while avoiding major disruption to the overall approach of the District Plan
  - The minor zone changes will accurately reflect the purpose the land involved. This provides clarity around current and future land uses and provides for the efficient use of the land
  - The proposed amendments avoid unnecessary effort and associated costs until a major District Plan review is carried out
  - Overall, it is considered that the benefits of these amendments outweigh their costs.



Jane Black

**Independent Commissioner**

APPENDIX 1

[Section 32 Report](#)

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<sup>i</sup> Wellington City District Plan Residential Review: Character. Graeme McIndoe Architect and Urban Designer 4 November 2008

# **Proposed District Plan Change 82: Minor Zone Changes & Associated Text Changes**

Section 32 Report: Plan  
change rational -  
consideration of alternatives,  
benefits and costs

December 2017

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DPC82 – Minor Zone Changes and Associated Text Changes

## 1. Introduction: Purpose of Section 32 Report

This plan change proposal is the result of ongoing monitoring of the Wellington City District Plan (the District Plan). It does not involve any major changes to existing objectives and policies. Instead, the plan change makes minor zone changes and associated text changes to ensure the District Plan functions in a way that most effectively and efficiently achieves the purposes of the Resource Management Act 1991 (RMA).

The Council is required to undertake an evaluation of the proposed Plan Change before the Plan Change can be publicly notified. This duty is conferred by Section 32 of the RMA, which sets out what an evaluation report must cover:

(1) An evaluation report required under this Act must -

- (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and
- (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
  - (i) identifying other reasonably practicable options for achieving the objectives; and
  - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
  - (iii) summarising the reasons for deciding on the provisions; and
- (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

(2) An assessment under subsection (1)(b)(ii) must :

- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
  - (i) economic growth that are anticipated to be provided or reduced; and
  - (ii) employment that are anticipated to be provided or reduced; and
- (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
- (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

Best practice advice from the Ministry for the Environment encourages an iterative evaluation process with the main goals being that:

- Objectives, policies and methods are well tested against the purpose of the RMA; and
- The anticipated benefits of introducing new regulation outweigh the anticipated costs and risks.

This report is Wellington City Council's response to this statutory requirement. It documents the analysis that has taken place so that stake-holders and decision-makers can understand the rationale for the proposed plan change.

## 2. Statutory Context

### 2.1. Purpose and Principles of the RMA

The purpose and principles of the RMA are set out in Part II of the Act.

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Section 5 of the RMA describes this purpose as the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

- (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) *avoiding, remedying and mitigating any adverse effects of activities on the environment.*

Part II also includes other sections, with the most pertinent provisions in this case being the requirement of Section 7 to give particular regard to:

- (b) *the efficient use and development of natural and physical resources*
- (c) *the maintenance and enhancement of amenity values*
- (f) *maintenance and enhancement of the quality of the environment*

Section 8 of the Act requires the principles of the Treaty of Waitangi to be taken into account.

### 2.2. Consultation

The proposed amendments to the District Plan have been discussed with potentially interested parties. Details of this consultation are provided in later sections of this report.

Consultation on the entire proposed plan change will also be undertaken with parties identified in the First Schedule of the RMA, specifically:

- Ministry for the Environment
- Port Nicholson Block Settlement Trust
- Te Runanga O Toa Rangatira Inc.
- Greater Wellington Regional Council
- Department of Conservation
- Heritage New Zealand

## 3. Description of the Plan Change

This plan change comprises seven minor zone changes across the City. They have been identified as necessary by various users of the District Plan, including Council staff. Two minor text changes are also proposed to support one of the zone changes.

As noted above, the overall Plan Change does not involve significant changes to existing objectives and policies. Instead, minor zone changes are proposed to ensure the effective and efficient functioning of the District Plan.

The proposed changes include:

- Volume 1: Objectives, Policies and Rules - Two minor changes
- Volume 3: Maps - Seven minor zone changes

## 4. Proposed Changes to Volume 1: Objectives, Policies and Rules

### 4.1. References to design guides for the Mt Victoria and Thorndon Character Areas

These changes support the zone change described in Section 5.5 below.

#### 4.1.1 Chapter 4 – Residential Area Objectives and Policies

It is proposed that the list of methods and explanatory text under Policy 4.2.2.1 be amended to ensure that the design guides for the Thorndon and the Mt Victoria North Character Areas are taken into account when assessing resource consent applications in these Areas.

The Residential Design Guide was introduced via District Plan Change 72 (DPC72) (Residential review). The Design Guide applies to development in all Residential Areas of the City and provides appendices for specific parts of the City (including Thorndon and Mt Victoria). However, this did not replace the existing design guides for the Mt Victoria North Character Area and the Thorndon Character Area which provide additional guidance for the consideration of resource consent applications in these Areas.

Proposed Changes - Amend the methods and explanatory text for Policy 4.2.2.1 as follows:

*Policy 4.2.2.1 Maintain the character of Wellington's inner city suburbs.*

...

#### **METHODS**

- Rules
- *Residential Design Guides*

...

*Building proposals will be assessed against the Residential Design Guide (including the Thorndon and Mt Victoria appendices), the Thorndon Character Area Design Guide and the Mt Victoria North Character Area Design Guide, as relevant to the proposal.*

#### 4.1.2 Chapter 5 – Residential Area Rules, Standards and Appendices

Under Rule 5.3.5, the construction, alteration of, and addition to residential buildings, accessory buildings and residential structures in the Thorndon and Mt Victoria North Character Areas requires a resource consent as a Discretionary Activity (Restricted) in respect of:

- *design (including building bulk, height, and scale), external appearance, and siting (including landscaping, parking areas, vehicle manoeuvring and site access)*
- *provision of parking and site access*

It is proposed that the side note associated with Rule 5.3.5 be amended to make it clear the design guides for the Thorndon and Mt Victoria North Character Areas are relevant to the consideration of resource consent applications under this rule. This change supports the amendments outlined in sections 4.1.1 and 5.5 of this report.

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*DPC82 – Minor Zone Changes and Associated Text Changes*

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Proposed Changes - Amend the side note for Rule 5.3.5 as follows:

*Rule 5.3.5*

...

*Note, section 3.2.4 requires a Design Statement to accompany any application for resource consent that is to be assessed against the Residential Design Guide, the Thorndon Character Area Design Guide or the Mt Victoria North Design Guide, as relevant to the proposal.*

#### **4.2. Section 32 Considerations**

It is considered that the proposed amendments described above are appropriate to achieve the goals of the District Plan and the purpose of the RMA. The benefits are considered to outweigh the potential costs, as summarised below. This analysis is relevant to considering the efficiency, effectiveness and appropriateness of the proposed plan change, as required under Section 32 of the RMA:

- The costs (or disadvantages) of the amendments are considered to be low given that they clarify the intention that the design guides for the Mt Victoria North and Thorndon Character Areas be taken into account when resource consents are required for sites in these Character Areas. This is consistent with current practice.
- The benefits of the amendments include greater clarity as to how the relevant objectives and policies of the District Plan are to be given effect to through District Plan rules, standards and other methods. In particular, the changes will reduce ambiguity in the assessment of resource consent applications. If these changes are not made, the possibility of misinterpretation and unintended environmental outcomes will be an ongoing risk.

## 5. Volume 3 – District Plan Maps

### 5.1. Zone Change - 142 Tauhinu Road, Miramar

A zone change is proposed to address the split zoning of a Council-owned property in Miramar. Details of the zone change are shown in Attachment 1 of this report.

The house at 142 Tauhinu Road, Miramar straddles the boundary between Open Space B (shaded green) and Outer Residential Area (shaded yellow), as shown in Figure 1.



Figure 1: Location (circled) and District Plan zoning of 142 Tauhinu Road, Miramar

- The houses numbered 130-144 Tauhinu Road are all owned by the Council, as part of its social housing portfolio
- These houses and the adjoining reserve are all on the same title. The title does not have reserve status
- The houses are managed by City Housing and the Open Space portion is managed by Parks, Sport and Recreation
- The split zoning was identified through a routine check by Council's Property Team.

Residential activities are inconsistent with the provisions of the Open Space B zone. Future additions and alterations to the existing house could trigger the need for resource consent, even though the Open Space land involved is not considered to have open space or conservation values. It is therefore considered appropriate to rezone this portion to Outer Residential. This would be consistent with how the site is used and allow it to be appropriately managed as part of the Council's housing portfolio.

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*DPC82 – Minor Zone Changes and Associated Text Changes*

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**5.1.1 Section 32 conclusions**

The proposed zone change is considered to be appropriate to achieve the goals of the District Plan and the purpose of the RMA. The benefits are considered to outweigh the potential costs, as summarised below:

- The costs (or disadvantages) of the zone change are considered to be low given that the site is already developed and used for residential purposes (with associated existing use rights). Due to its topography and adjoining development, the site is not readily available for open space use. The area involved is small, compared to the size of the wider area of the adjoining portion of Open Space B (natural environment) land.
- The benefits of the zone change include enabling the housing stock to be efficiently managed. It also provides a logical boundary between the areas of Open Space B and the Outer Residential Area and creates an accurate expectation regarding future development of this site. Not proceeding with the zone change would expose the site to the risk of unnecessary resource consents and associated costs.

*DPC82 – Minor Zone Changes and Associated Text Changes*

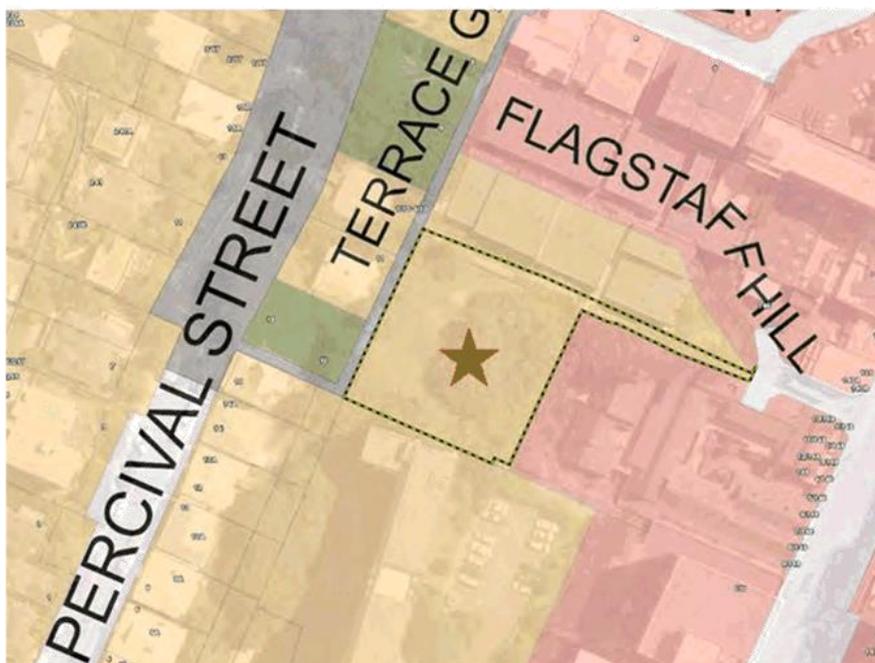
**5.2. Zone Change - 16 Terrace Gardens (Flagstaff Hill), Te Aro**

A zone change is proposed to reflect the current and intended future use of an inner city park at 16 Terrace Gardens (see photograph in Figure 2 below). Details of the zone change are shown in Attachment 2 of this report.



**Figure 2: Photograph of Flagstaff Hill Park**

Figure 3 shows the location and zoning of a Council-owned property known as Flagstaff Hill (16 Terrace Gardens). It is accessed via Flagstaff Lane, from the western side of Willis Street in the vicinity of Willis Street Village. The site has been used as a park since 1972, but was only acquired by Council in 2015.



**Figure 3: Location (star symbol) and current zoning of 16 Terrace Gardens**

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*DPC82 – Minor Zone Changes and Associated Text Changes*

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The property is currently zoned Inner Residential (shaded orange), reflecting the adjoining residential land use and zoning to the north, west and south. It also reflects the earlier private ownership of the site. Now that the site has been secured by the Council for long term use as an inner city park, it is appropriate to change the zoning to Open Space A (Recreational Facilities). A zoning of Open Space A is consistent with the zoning of other Council-owned green spaces in the vicinity, such as 8, 9 and 12 Terrace Gardens (shaded green in Figure 3).

**5.2.1 Section 32 conclusions**

The proposed zone change is considered to be appropriate to achieve the goals of the District Plan and the purpose of the RMA. The benefits are considered to outweigh the potential costs, as summarised below:

- The costs (or disadvantages) of changing the zone from residential to open space are considered to be low given that the site is already being used for open space purposes and will remain as such. .
- The benefits of the zone change include greater clarity regarding the current use of the site and expectations regarding its future use and development. The proposed Open Space A (Recreational Facilities) zoning is in keeping with similar Council-owned land in the vicinity.

DPC82 – Minor Zone Changes and Associated Text Changes

### 5.3. Zone Change - 7C Melksham Drive, Churton Park

A zone change is proposed to reflect current and intended future use of an reserve lot in Churton Park. Details of the zone change are shown in Attachment 3 of this report.

Figure 4 shows an area of Churton Park to the north of the shopping centre including a 1,436m<sup>2</sup> land-locked, Council-owned lot with a street address of 7C Melksham Drive. The lot is part of a wider bush-covered gully that Council holds as a recreation reserve. This lot is zoned Outer Residential (shaded yellow), whereas the wider reserve is zoned Open Space A (shaded green). This zoning anomaly stems from the timing of subdivisions and plan changes in the area.



Figure 4: Aerial photographs showing location (star symbol) and District Plan zoning of 7C Melksham Drive, Churton Park

The Outer Residential zoning of 7C Melksham Drive creates an inaccurate expectation of its future use and development. Accordingly, it is proposed that the zoning of this property be changed from Outer Residential to Open Space A (Recreational Facilities). The proposed zoning is in keeping with the intended use of the property and the zoning of the wider recreation reserve.

#### 5.3.1 Section 32 conclusions

The proposed zone change is considered to be appropriate to achieve the goals of the District Plan and the purpose of the RMA. The benefits are considered to outweigh the potential costs, as summarised below:

- The costs (or disadvantages) of changing the zone from residential to open space are considered to be low given that the site is already being used for open space purposes and the intention is to keep it that way.
- The benefits of the zone change include greater clarity regarding the anticipated use and development of this site. The change will also provide a logical boundary between the areas of Open Space A (Recreational Facilities) and the Outer Residential Area.

**5.4. Zone Change - 43 Peppertree Lane land exchange, Woodridge**

A zone change is proposed to facilitate a land exchange to resolve a private residential encroachment on to an adjoining Council reserve. Details of the zone change are shown in Attachment 4 of this report.

Figure 5 shows a residential property at 43 Peppertree Lane, Woodridge. This property is zoned Outer Residential. The owners of the property have informally (and mistakenly) encroached on to an adjoining Council-owned scenic reserve (see star symbol). The reserve is zoned Open Space B (Natural Environment) and extends from Colchester Lane (to the south) to Mark Avenue (to the north).



**Figure 5: Aerial photographs showing the encroachment (star symbol) of 43 Peppertree Lane, Woodridge, onto the adjoining Council reserve**

It is likely that bulk earthworks associated with an earlier subdivision inadvertently extended beyond the boundary for 43 Peppertree Lane onto the adjoining reserve. Over the years, the owners have fenced the informal encroachment and landscaped it with lawns and gardens. The following photograph in Figure 6, taken from the street frontage, shows that the encroachment is not readily visible beyond the site.



**Figure 6: Photograph showing street frontage of 43 Peppertree Lane, Woodridge**

DPC82 – Minor Zone Changes and Associated Text Changes

In September 2016, the Council agreed in principle for the informal encroachment to be exchanged for an area of bush in the rear yard of 43 Peppertree Lane. This exchange will also include a financial contribution from the private owner to cover the different land areas involved. To facilitate this land exchange, it is proposed that the areas be re-zoned accordingly, as shown in Figure 7.

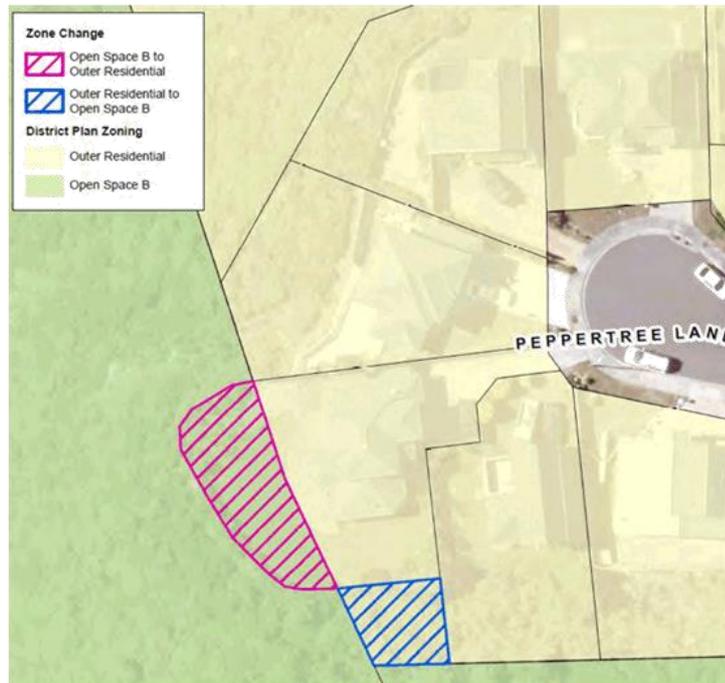


Figure 7: Proposed rezoning of the land exchange at 43 Peppertree Lane, Woodridge

#### 5.4.1 Consultation

In March 2017, Council's Property team sent letters to the following parties to explain the proposed land exchange:

- 24 Peppertree Lane
- 41 Peppertree Lane
- Newlands Paparangi Progressive Association
- Seton Nossiter Park Working Group

No responses were received and the proposal was formally notified under the Reserves Act 1977. Submissions closed 12 June 2017, with no substantive issues being raised.

Further interest is considered to be unlikely. However, members of the public will have further opportunities to formally submit on the zone change when this proposed plan change is publically notified under the RMA.

#### 5.4.2 Section 32 conclusions

The proposed zone change is considered to be appropriate to achieve the goals of the District Plan and the purpose of the RMA. The benefits are considered to outweigh the potential costs, as summarised below:

- The costs (or disadvantages) of the zone change are considered to be low given that the area of recreation reserve involved is small and relatively inaccessible. Also, it is

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*DPC82 – Minor Zone Changes and Associated Text Changes*

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considered that any future development of 43 Peppertree Lane will still be in keeping with the scale of neighbouring development, even though it will be slightly larger.

- The benefits of the zone change include greater clarity to District Plan users regarding the anticipated use and development of the land areas involved. The zone change will also provide a logical boundary between the areas of Open Space B (Natural Environment) and Outer Residential Area.

DPC82 – Minor Zone Changes and Associated Text Changes

### 5.5. Zone Change - St Gerard's Monastery land exchange, Mt Victoria

A zone change is proposed to facilitate a land exchange to secure ownership of an existing access path to a council-owned reserve adjoining St Gerard's Monastery. Details of the zone change are shown in Attachment 5 of this report.

Figure 8 shows the land involved in the proposed land exchange, including the current land parcels and their ownership. The existing access path crosses the land that contains the St Gerard's Monastery building; this property is owned by the Institute for World Evangelisation (ICPE). An unformed access leg extends between the Council reserve and the Oriental Terrace zig-zag pathway that provides pedestrian only access between the top of Hawker Street and Oriental Parade. The unformed access leg sits between the eastern side of the St Gerard's property and a ICPE-owned residential property at 1 Oriental Terrace.



Figure 8: Showing the land involved in the proposed St Gerard's land exchange

In early 2016, the Council resolved to undertake the land exchange under the Reserves Act 1977. The formed path is to become part of the Council reserve. In return, the unformed access leg will become part of the residential property at 1 Oriental Terrace. The ICPE intends to sell 1 Oriental Terrace to help fund seismic strengthening of St Gerard's. The triangular piece of land between the formed path and the unformed access leg will also become part of 1 Oriental Terrace given that it is separated from St Gerard's by the formed path.

DPC82 – Minor Zone Changes and Associated Text Changes

Rearrangement of the boundaries will be carried out through a subdivision under the Reserves Act 1977, as shown in Figure 9, which also shows existing and proposed easements:

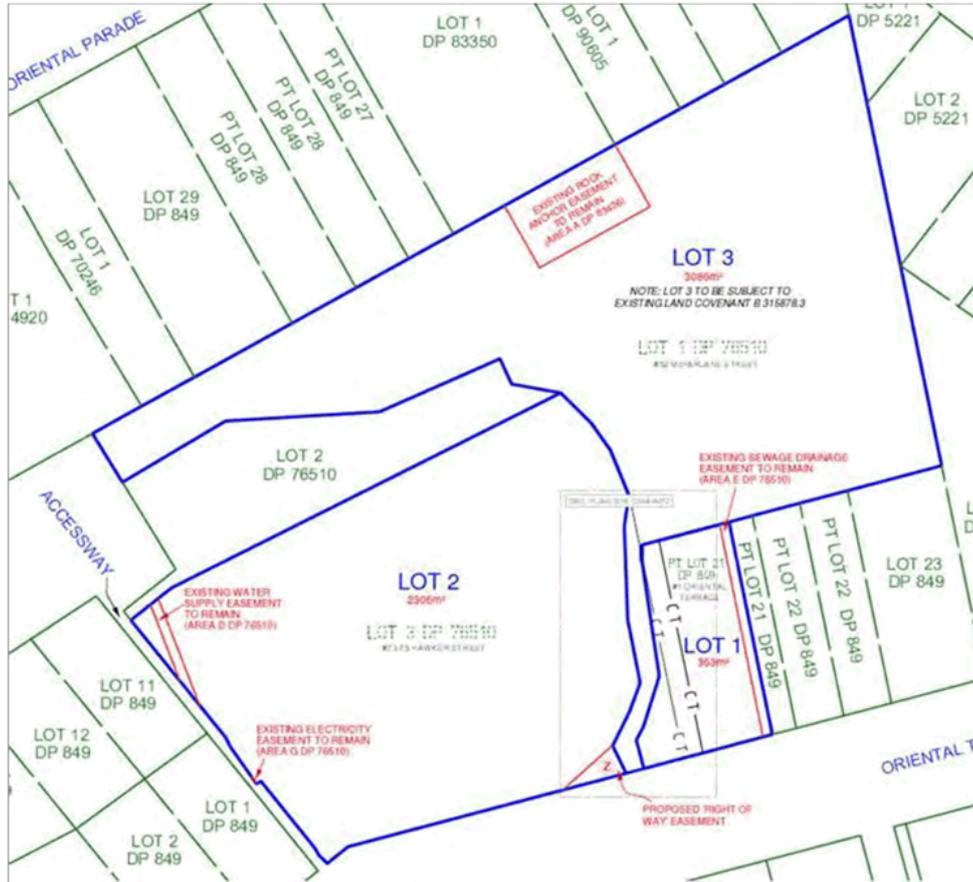


Figure 9: Proposed subdivision to facilitate St Gerard's land exchange

The Council's resolution to proceed with the land exchange is subject to a District Plan change under the RMA to rezone the land involved (as shown in Figure 10):

- The formed access path will be changed from Inner Residential to Open Space, in keeping with the Open Space B zoning of the wider reserve, and
- The unformed access leg will be changed from Open Space B to Inner Residential, in keeping with the zoning of 1 Oriental Terrace and the triangle of land from the St Gerard's lot.

DPC82 – Minor Zone Changes and Associated Text Changes

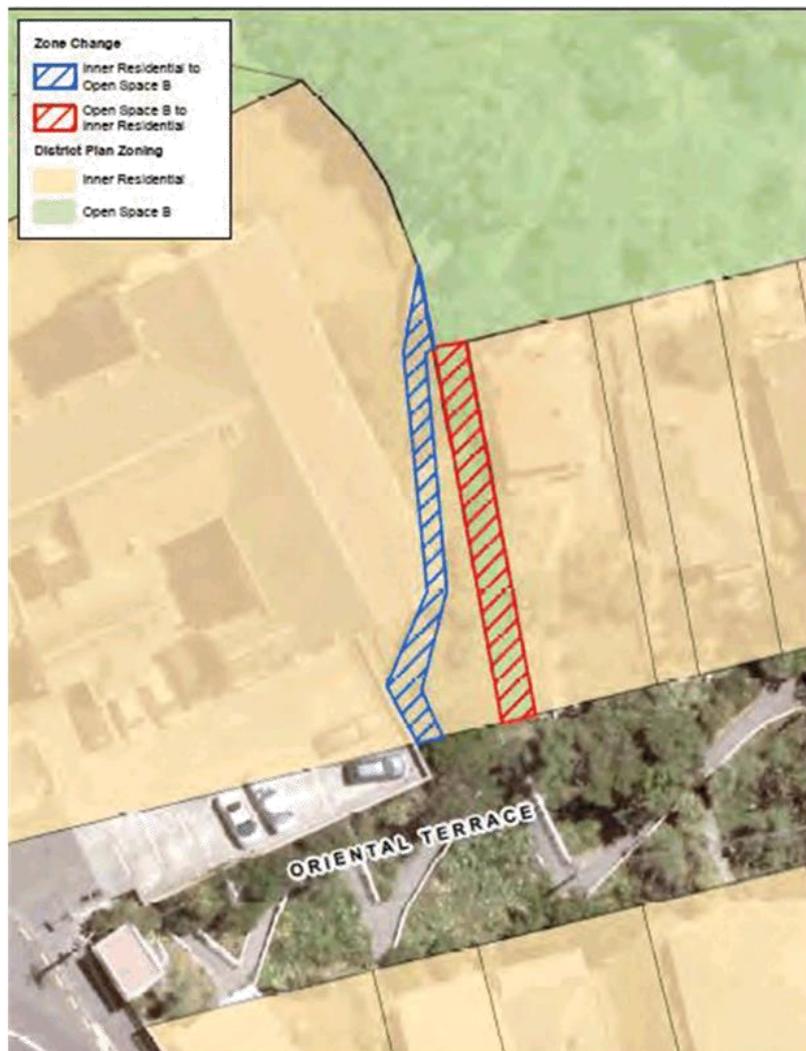


Figure 10: showing zone change proposal

### 5.5.1 District Plan Context

In considering the appropriateness of the proposed zone change, the following comments on the wider District Plan context are provided:

- St Gerard's Monastery & Church buildings are Category 1 Historic Places on the New Zealand Heritage List/Rārangī Kōrero. They are also on the District Plan Heritage List. The District Plan listing will stay with the new Lot 2 and therefore does not need to be amended (apart from noting the new legal description once the subdivision is finalised).
- 1 Oriental Terrace is not listed on the New Zealand Heritage List/Rārangī Kōrero or the District Plan Heritage List.
- The main concerns that have been expressed by various stakeholders have focussed on the effects that future development of an enlarged 1 Oriental Terrace could have on the views of St Gerard's and the character of the Oriental Terrace zigzag path. It is therefore useful to examine the District Plan

*DPC82 – Minor Zone Changes and Associated Text Changes*

standards that would apply to any redevelopment of 1 Oriental Terrace through the Inner Residential zoning :

- 1 metre front yard requirement.
  - 50% maximum site coverage
  - 35m<sup>2</sup> ground level open space requirement.
  - Maximum building height of 10 metres, plus Building Recession Planes in relation to the external boundaries of the site (an extra 1 metre is also allowed for gables)
  - One onsite parking space per household unit (although the ICPE has indicated that it could make vehicle spaces available on its existing vehicle deck to any future development of 1 Oriental Terrace).
- There are a number of viewshafts in relation to St Gerard's that are protected through Central Area provisions. However, these provisions only relate to the city-facing façade of the monastery.
  - Maximum height limits also apply to Oriental Bay sites to protect views of St Gerard's from Oriental Bay. However, 1 Oriental Terrace sits outside the areas to which these height limits apply.
  - The St Gerard's site and the properties along the Oriental Terrace zig-zag path are within the Mt Victoria North Character Area (as shown in Figure 11). Rule 5.3.5 of the District Plan, requires a resource consent for 'the construction, alteration of, and addition to residential buildings, accessory buildings and residential structures' within the Mt Victoria North Character Area. This rule applies even if a proposal complies with the Permitted Activity standards of the Inner Residential Area. Any future redevelopment of an enlarged 1 Oriental Terrace would require a resource consent under this rule. The application would be assessed in relation to the Design Guide for the Mt Victoria North Character Area (noting the minor amendments proposed under sections 4.1.1 and 4.1.2 of this report). The Design Guide includes a clear expectation that any work will complement the form and character of St Gerard's and the surrounding neighbourhood.



**Figure 11: Mt Victoria North Character Area (1 Oriental Terrace – see star symbol)**

DPC82 – Minor Zone Changes and Associated Text Changes

- While the properties in Oriental Terrace are in the Mt Victoria North Character Area, they are not in the Mt Victoria North/St Gerard's sub area (see Figure 12), of the Mt Victoria appendix of the Residential Design Guide. As a result, these properties are not subject to the rules requiring a resource consent to demolish a pre-1930 building (or remove architectural features etc). However, as discussed above, it is considered that any future development of an enlarged 1 Oriental Terrace would still be well-controlled under Rule 5.3.5.



Figure 12: The Mt Victoria area covered by the Mt Victoria North/St Gerard's sub area of the Residential Design Guide (1 Oriental Terrace – see star symbol)

- An alternative option to specifically manage the development of an enlarged 1 Oriental Terrace would be tailored 'spot provisions' within the rules of the Inner Residential Area. However, site-specific provisions are not considered to be best planning practice. Specific provisions for this site could have the effect of making the plan more complicated. Such an approach does not support efficient and effective plan provisions. The effects of future development of 1 Oriental Terrace can be sufficiently managed through existing plan provisions.

### 5.5.2 Consultation

As noted above, community consultation has already occurred under the Reserves Act 1977, including the involvement of the following WCC Business Units:

- Parks, Sport and Recreation – Open Space and Recreation Planning
- Property

Representatives from these business units agree with the proposed plan change for the reasons outlined above.

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*DPC82 – Minor Zone Changes and Associated Text Changes*

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Individual discussions and correspondence about the proposed zone change have taken place with parties that demonstrated interest in the earlier Reserves Act 1977 process:

- Marion Evans – an Oriental Terrace resident who is interested in the character and heritage values of the Oriental Terrace zig-zag and the house at 1 Oriental Terrace
- Heritage New Zealand staff
- Mt Victoria Residents' Association (MVRA) representatives
- Redemptorist Fathers Trust Board – no response

Overall, these parties are:

- Concerned about effects on the heritage value of St Gerard's Monastery site
- Concerned about effects on the character and amenity values of Oriental Terrace properties and the zig-zag pathway

Heritage New Zealand notes that the District Plan provisions will require consideration of St Gerard's in the assessment of any future development of 1 Oriental Terrace. Marion Evans and MVRA, remain concerned that the administration of Rule 5.3.5 and the assessment of final building designs would be subject to the discretion of the Council's resource consent planners and urban designers. They are concerned that there are few rights for adjoining owners or the wider public to have a say on the future development of an enlarged 1 Oriental Terrace.

An incorrect email address explains a lack of response from the Oriental Bay Residents' Association (OBRA). However, the issues raised by Marion Evans, MVRA and Heritage New Zealand staff are likely to be similar to potential OBRA concerns.

### **5.5.3 Section 32 conclusions**

The proposed zone change is considered to be appropriate to achieve the goals of the District Plan and the purpose of the RMA. The benefits are considered to outweigh the potential costs, as summarised below:

- The costs of the zone change are considered to be low given that the area involved is small and that any future development of 1 Oriental Terrace will be sufficiently managed through the existing provisions of the Inner Residential Area and the Mt Victoria North Character Area.
- The benefits of the zone change include accurately reflecting the existing use of the land involved and providing a sensible zone to manage the future use and development of an enlarged 1 Oriental Terrace. The zone change also supports a land exchange that will secure future access to the Council reserve while at the same time protecting the heritage values of St Gerard's monastery and church.

DPC82 – Minor Zone Changes and Associated Text Changes

### 5.6. Zone Change – 6 Campbell Street, Karori

A zone change is proposed to support the Council's recent purchase of a 541m<sup>2</sup> residential property at 6 Campbell Street, Karori. Details of the zone change are shown in Attachment 6 of this report.

As shown in Figure 13, the property adjoins the former St John's Church site (1,020m<sup>2</sup>) on the corner of Karori Road and Campbell Street. Residential properties adjoin the site to the south, with commercial and community activities to the west, including the Mobil Station and the Karori Event Centre (under construction).



**Figure 13: Aerial photograph showing the location and District Plan zoning of 6 Campbell Street, and neighbouring land uses**

The Council acquired the St John's site some time ago and it was rezoned from Outer Residential to Centres through DPC 73 (Suburban Centre Review) to help address a recognised shortage of commercially zoned land in the Karori Town Centre vicinity. The Council's intention is that the St John's site be commercially developed in a way that complements the character and vitality of the Karori Town Centre. More recently, Council purchased the adjoining property at 6 Campbell Street to improve options for the future development of this corner site.

It is therefore considered appropriate to rezone 6 Campbell Street from Outer Residential to Centres so that future development of the combined site can be managed in an integrated way under the District Plan.

Any new buildings will require a resource consent application under the provisions of the Centres Area. The application will be assessed against the Centres Design Guide and standards aimed at the protection of the amenity of residential neighbours. For example, while the maximum building height is 12 metres in the Centres Area (compared to 8 metres under the current Outer Residential Area), the following standards apply when a site adjoins a Residential Area:

- Buildings and structures must comply with the building recession plane requirements at any point along a boundary adjoining a Residential Area and must be no higher than 3 metres within 5 metres of a Residential Area boundary (Standard 7.6.2.3.1)
- All windows above ground floor level and within 5 metres of and facing a Residential Area boundary shall have privacy glazing (Standard 7.6.2.6.1)

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- Any deck, terrace or balcony with a finished level that is 1.5m or more above ground level measured at the boundary shall be no closer than 5 metres to an adjoining Residential Area boundary (Standard 7.6.2.6.2)
- The Centres rules also set standards for noise emitted on the site and received at residential boundaries (Standards 7.6.1.1.5) and for fixed plant noise (Standard 7.6.1.2)

The photograph in Figure 14 shows the existing development at 6 Campbell Street and the neighbouring properties. The above standards will apply along the common boundary with the residential properties at 8 and 8a Campbell Street. It is noted that there is a driveway running along this boundary. As this driveway cannot be built over, it will provide an additional buffer from future development at 6 Campbell Street.



**Figure 14: Photograph showing 6 Campbell Street and adjoining properties**

The Campbell Street frontage of the St John's site is subject to secondary frontage provisions that control vehicle parking areas and ground level activities to maintain an active building edge. It is proposed that the secondary frontage be extended across the 6 Campbell Street frontage. Details of the proposed change are shown Attachment 8 of this report.

### 5.6.1 Consultation

The Council's purchase of 6 Campbell Street has been reported in local media, including social media channels such as the 'I Love Karori' Facebook group.

Individual letters have been sent to residential neighbours in the vicinity. An onsite meeting took place with the adjoining neighbour at 8a Campbell Street, to fully explain the rules and standards that apply in the Centres Area.

The key concerns of residential neighbours relate to any adverse effects that development of 6 Campbell Street under the Centres Area would have on their amenities compared to the current zoning. Potential adverse effects include:

- Noise from vehicle servicing – especially if it was a supermarket with frequent, large deliveries
- Visual appearance
- Shading and visual dominance – especially for immediately adjoining properties

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However, as discussed above, it is considered that the provision of the Centres Area will ensure that these concerns are well controlled.

**5.6.2 Section 32 conclusions**

The proposed zone change is considered to be appropriate to achieve the goals of the District Plan and the purpose of the RMA. The benefits are considered to outweigh the potential costs, as summarised below:

- The main cost (or disadvantage) is the loss of residential-zoned property. However, this cost is considered to be low as the proposed Centres zoning provides for mixed use development, including residential use above ground level. Potential effects for residential neighbours from future development of the corner site are considered to be well provided for in the rules and standards of the Centres Area.
- A key benefit of the zone change is that it will help fill a shortage of commercially zoned land in the Karori Town Centre. The proposed zoning will clarify the anticipated use and development of 6 Campbell Street and is in keeping with adjoining commercially zoned properties.

**5.7. Zone Change - 2A Myrtle Crescent, Mt Cook**

A zone change is proposed to address the split zoning of a privately-owned property in Mt Cook. Details of the zone change are shown in Attachment 7 of this report.

The property concerned is shown in the following aerial photographs (Figure 15). It has frontages to Myrtle Crescent and Douglas Street (2A Myrtle Crescent and 9 Douglas Street respectively).

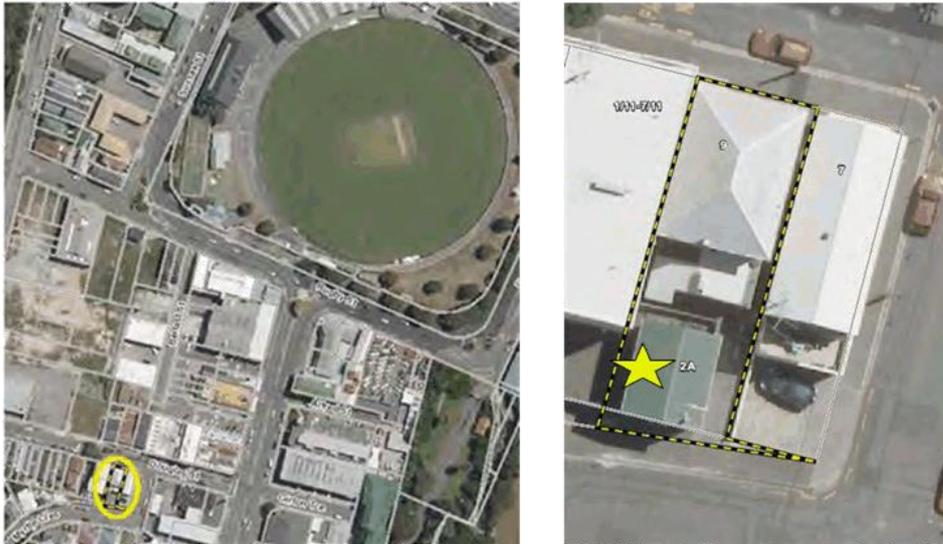


Figure 15: Aerial photographs showing the location of 2A Myrtle Cres (star symbol), also known as 9 Douglas St

Figure 16 shows that most of the property is zoned Centres (shaded blue). However, a small triangle along the Myrtle Crescent frontage of the site is zoned Inner Residential (shaded light orange).

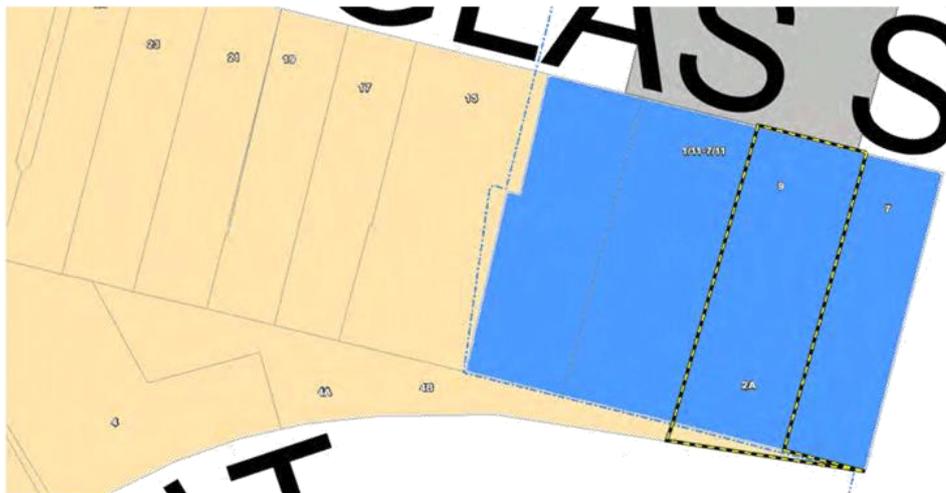
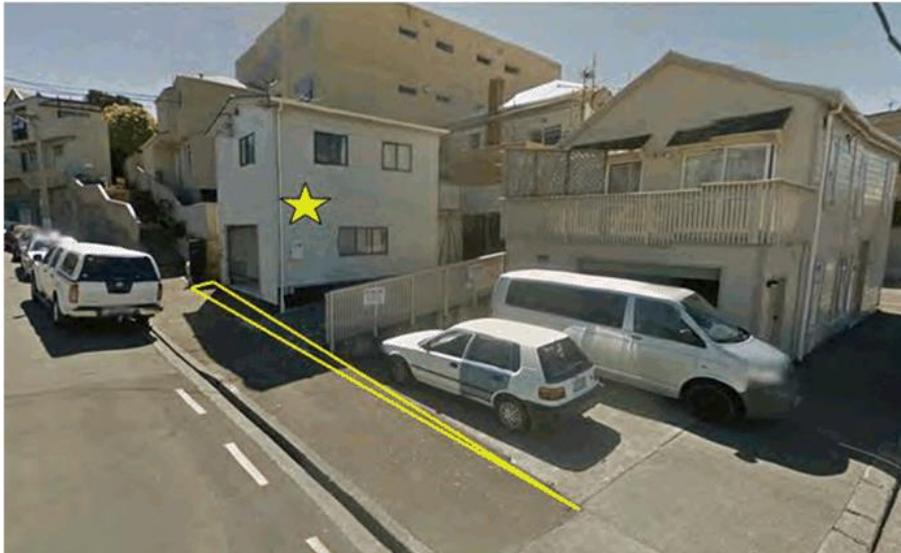


Figure 16: District Plan zoning of 2A Myrtle Cres (9 Douglas St)

DPC82 – Minor Zone Changes and Associated Text Changes

This split zone stems from a subdivision of the adjoining property at 4A/4B Myrtle Crescent around 2002, when the triangular portion was incorporated into 2A Myrtle Crescent. The purpose of the subdivision was to provide vehicle access from Myrtle Street to a garage on the ground floor of a building constructed on the site in 2002, as shown in Figure 17.



**Figure 17: Photograph showing the existing building at 2A Myrtle Crescent and triangle of land zoned Inner Residential**

An Inner Residential zoning is not considered appropriate for this triangular portion of the property given the existing use and zoning of both the property itself and neighbouring sites. It is not clear why a zone change was not considered at the time of the 2002 subdivision. Unless a zone change takes place, the Inner Residential rules will trigger the need for resource consent for any future development of the wider property, even if this development is provided for in the Centres Area.

Accordingly, it is proposed that the zoning of the triangular portion be changed from Inner Residential Area to Centres.

**5.7.1 Section 32 conclusions**

The proposed zone change is considered to be appropriate to achieve the goals of the District Plan and the purpose of the RMA. The benefits are considered to outweigh the potential costs, as summarised below:

- The costs (or disadvantages) of the zone change are considered to be low given that the area involved is small. Also, any future development of the overall property will be appropriately managed under the Centres provisions.
- The benefits of the zone change include conveying a clear expectation regarding the anticipated use and development. The zone change will also provide a logical boundary between the zones involved. The current zoning does not make sense in relation to the current use of the site and places unnecessary restrictions on the use of a property that is largely zoned commercial.

## 6. Overall Section 32 Conclusions

The purpose of proposed Plan Change 82 is to enable the efficient and effective functioning of the District Plan under the RMA. This approach is considered to be the most appropriate way to achieve the purpose of the RMA for the following reasons:

- The proposed amendments are designed to effectively and efficiently address targeted issues in ways that are consistent with the objectives and policies of the District Plan while avoiding major disruption to the overall approach of the District Plan
- The minor zone changes will accurately reflect the purpose the land involved. This provides clarity around current and future land uses and provides for the efficient use of the land
- The proposed amendments avoid unnecessary effort and associated costs until a major District Plan review is carried out
- Overall, it is considered that the benefits of these amendments outweigh their costs.

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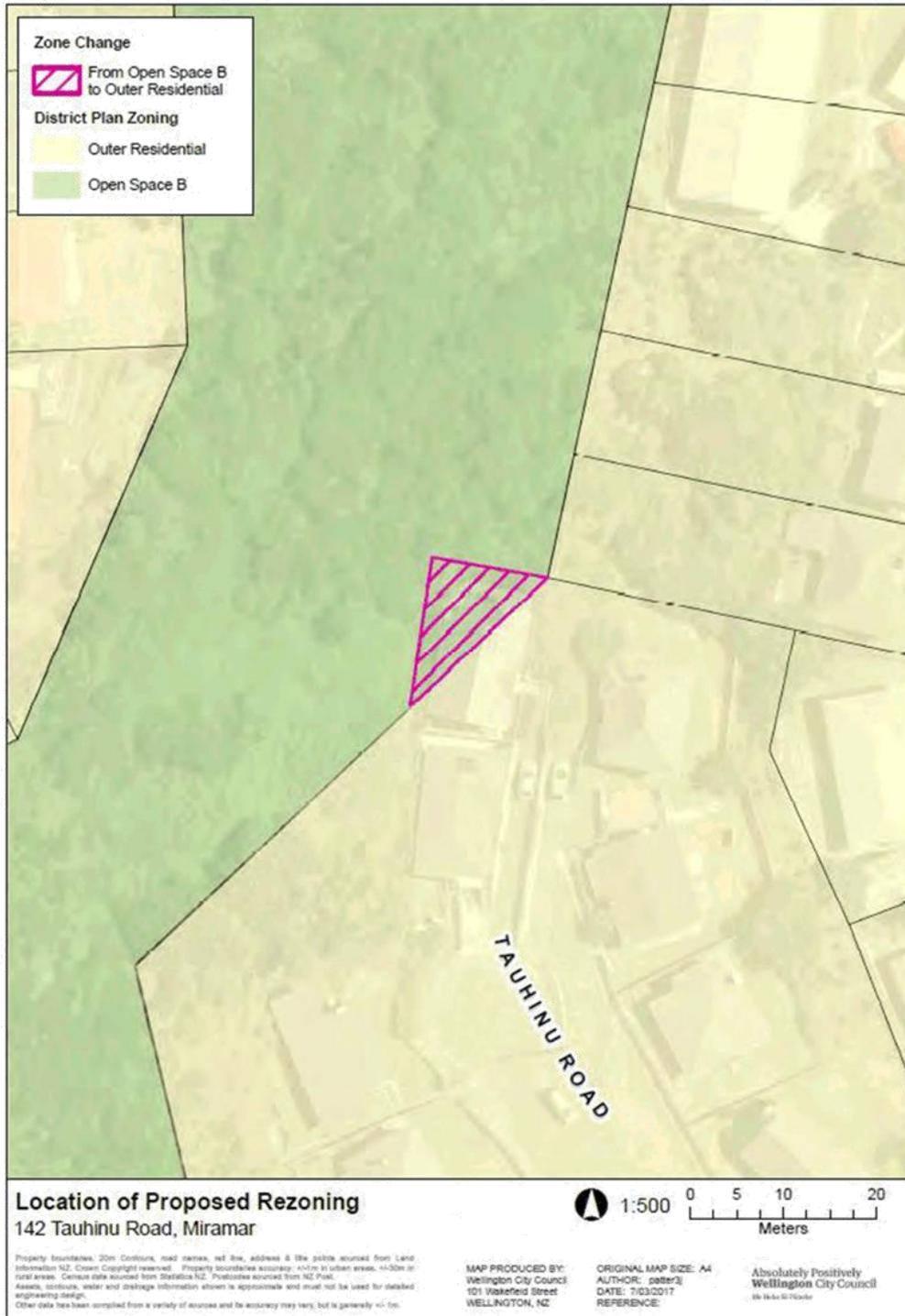
*DPC82 – Minor Zone Changes and Associated Text Changes*

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## **Attachments**

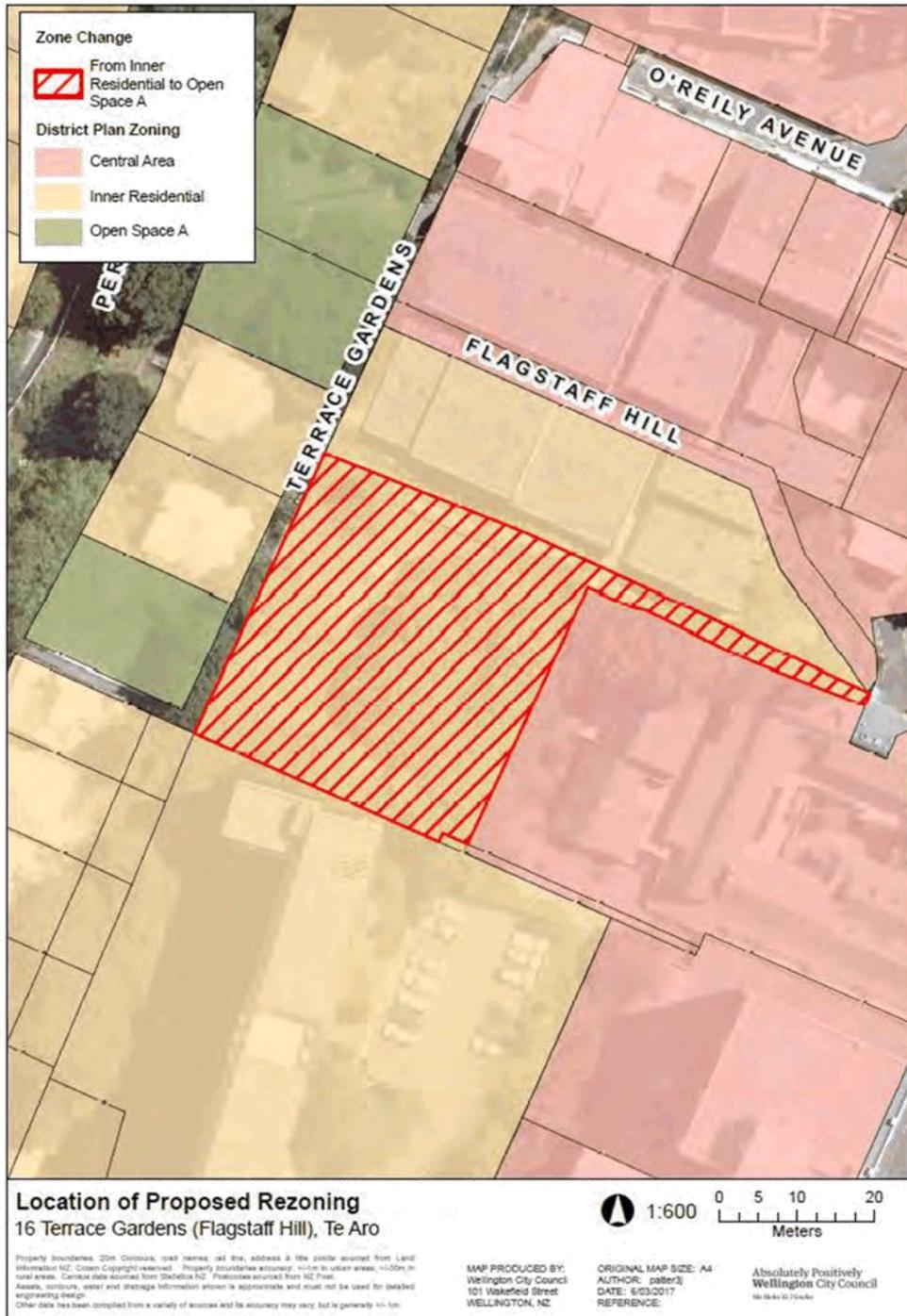
DPC82 – Minor Zone Changes and Associated Text Changes

Attachment 1: Zone Change – 142 Tauhinu Road, Miramar



DPC82 – Minor Zone Changes and Associated Text Changes

**Attachment 2: Zone Change – 16 Terrace Gardens (Flagstaff Hill)**



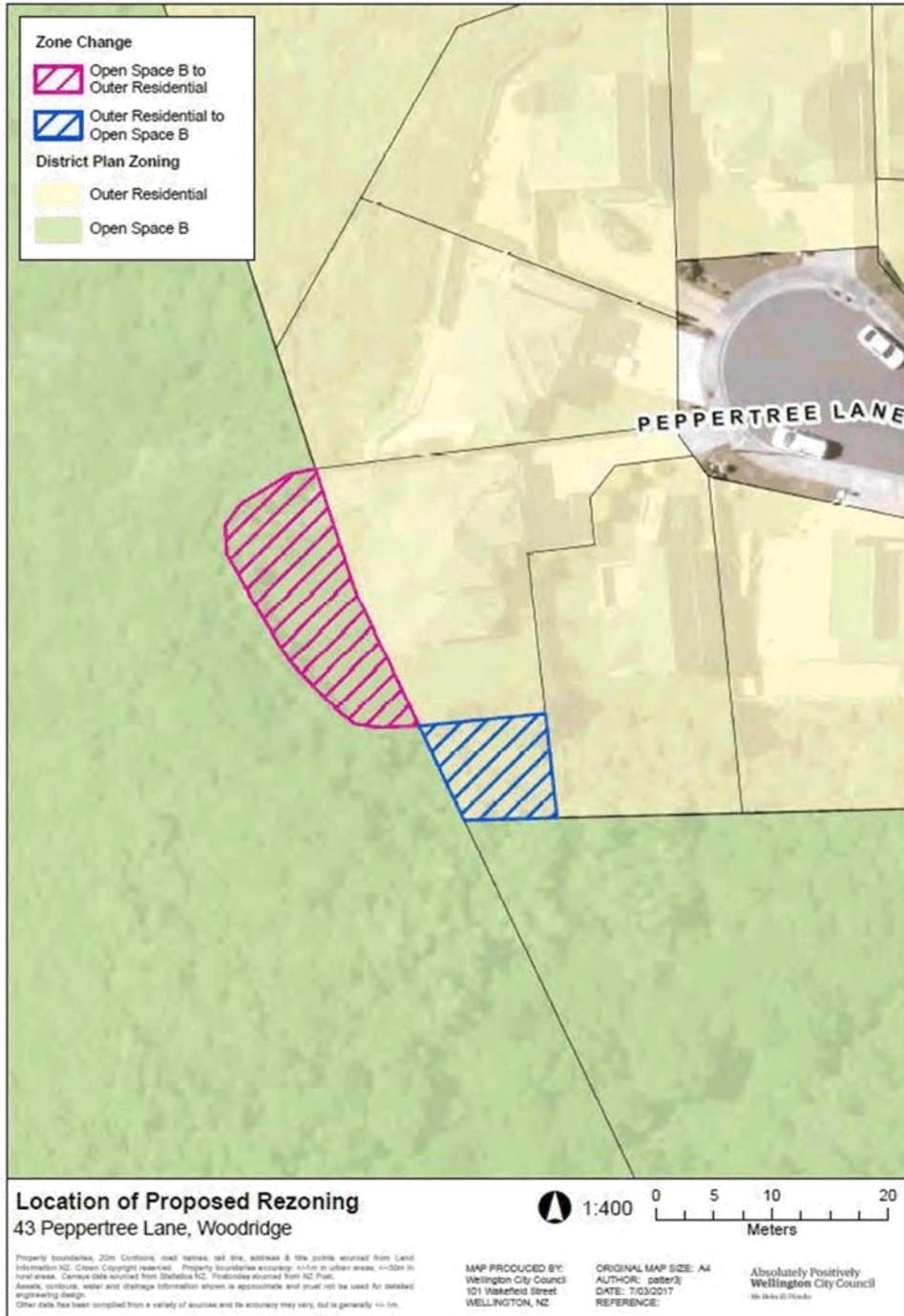
DPC82 – Minor Zone Changes and Associated Text Changes

Attachment 3: Zone Change – 7C Melksham Drive, Churton Park



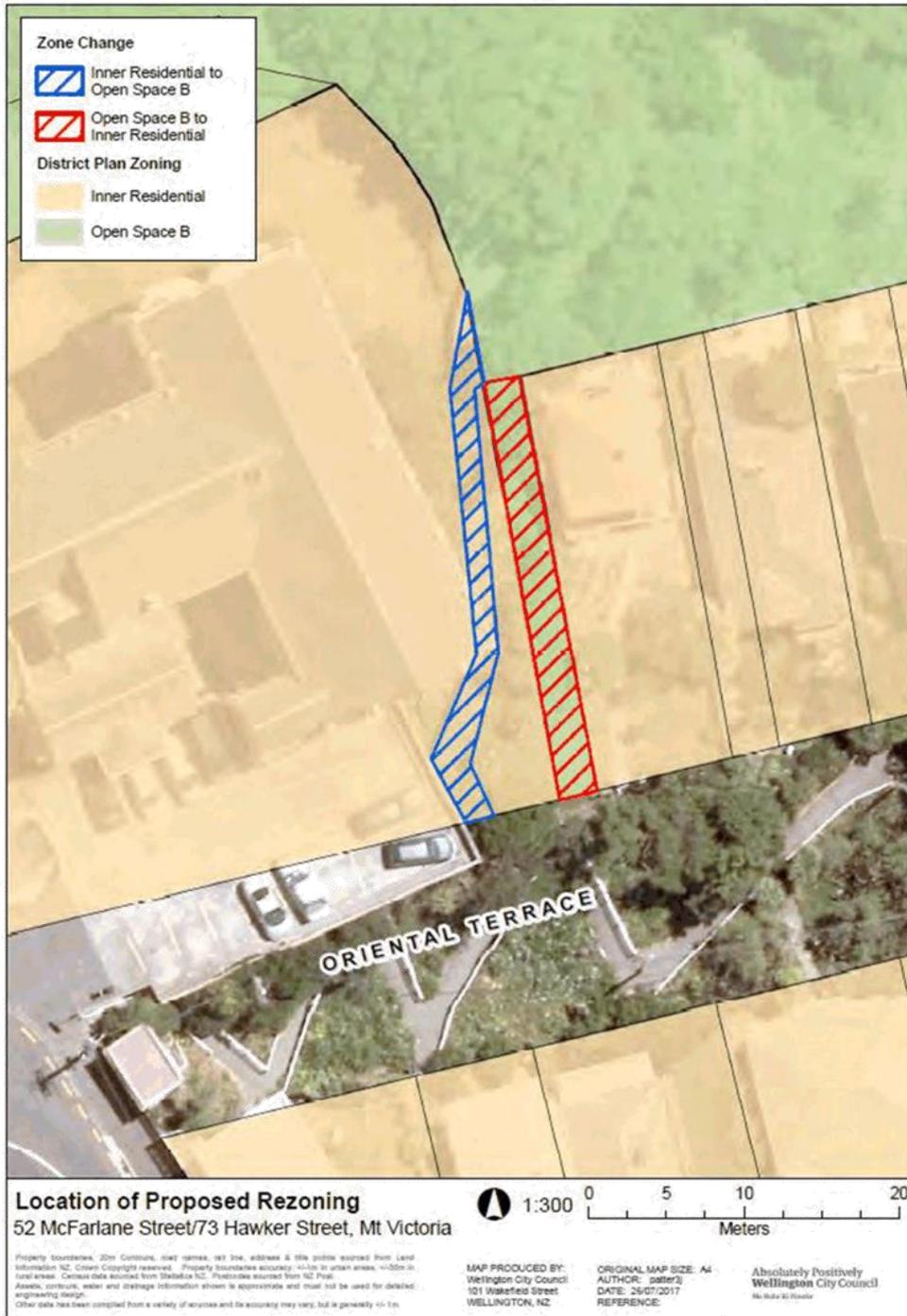
DPC82 – Minor Zone Changes and Associated Text Changes

**Attachment 4: Zone Change – 43 Peppertree Lane, Woodridge**



DPC82 – Minor Zone Changes and Associated Text Changes

Attachment 5: Zone Change – St Gerard's Monastery, Mt Victoria



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**Attachment 6: Zone Change – 6 Campbell Street, Karori**



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Attachment 7: Zone Change – 2A Myrtle Crescent, Mt Cook



DPC82 – Minor Zone Changes and Associated Text Changes

**Attachment 8: Extension of Secondary Street Frontage – 6 Campbell Street, Karori (Planning Map 48)**



# Proposed District Plan Change 82: Minor Zone Changes & Associated Text Changes

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**Plan Change Document:**  
Proposed Alterations to the Wellington City  
District Plan

*As Notified On: 11 December 2017*

Absolutely Positively  
**Wellington City Council**  
Me Heke Ki Pōneke

DPC82

Minor Zone Changes and Associated Text Changes

## Plan Change Document

### Wellington City District Plan

Proposed District Plan Change 82

Minor Zone Changes and Associated Text Changes

#### ALTERATIONS TO THE WELLINGTON CITY DISTRICT PLAN

Detailed below are changes relating to:

To assist the understanding of the amendments, 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.

| Key to Changes              |                                |
|-----------------------------|--------------------------------|
| Abcdefghijklmnop            | Existing unaltered text        |
| <u>Abcdefghijklmnop</u>     | Text recommended to be added   |
| <del>Abcdefghijklmnop</del> | Text recommended to be deleted |

DPC82

*Minor Zone Changes and Associated Text Changes*

## 1. Alterations to Volume 1

### 1.1. Chapter 4 – Residential Objectives and Policies

#### 1.1.1 Amend Chapter 4 Residential Policies – Method and explanation for Policy 4.2.2.1

**Policy 4.2.2.1 Maintain the character of Wellington’s inner city suburbs.**

...

**METHODS**

- Rules
- ~~Residential~~ Design Guides

...

*Building proposals will be assessed against the Residential Design Guide (including the Thorndon and Mt Victoria appendices), the Thorndon Character Area Design Guide and the Mt Victoria North Character Area Design Guide, as relevant to the proposal.*

.....

### 1.2. Residential Rules

#### 1.2.1 Amend Chapter 5 Residential Rule 5.3.5 – Side note and non-notification clause

|   |   |
|---|---|
| <p><b>5.3.5</b> In the Thorndon Character Area and Mt Victoria North Residential Character Area identified on the District Plan maps, the construction, alteration of, and addition to residential buildings, accessory buildings and residential structures, is a Discretionary Activity (Restricted) in respect of:</p> | <p><i>Note, section 3.2.4 requires a Design Statement to accompany any application for resource consent that is to be assessed against the Residential Design Guide, the Thorndon Character Area Design Guide or the Mt Victoria North Design Guide, as relevant to the proposal.</i></p> |
| <p><b>5.3.5.1</b> design (including building bulk, height, and scale), external appearance, and siting (including landscaping, parking areas, vehicle manoeuvring and site access)</p>  |   |
| <p><b>5.3.5.2</b> provision of parking and site access</p>  |   |

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*Minor Zone Changes and Associated Text Changes*

## **2. Alterations to Volume 3 - Maps**

### **2.1. Zone Changes**

- 2.1.1 Rezone part of 142 Tauhinu Road, Miramar (Part Sec 20 Watts Peninsula District and Lot 2 DP 24509 and Section 2 SO Plan 449361), from Open Space B to Outer Residential. Amend Planning Map 7 accordingly.
- 2.1.2 Rezone 16 Terrace Gardens, Wellington CBD (Part Section 1202 town of Wellington and Part Lot 1 DP 4511), from Inner Residential to Open Space A (Recreational Facilities). Amend Planning Map 26 accordingly.
- 2.1.3 Rezone 7C Melksham Drive, Churton Park (Lot 1 DP 456316) from Outer Residential to Open Space A (Recreational Facilities). Amend Planning Map 26 accordingly.
- 2.1.4 Rezone part of 43 Peppertree Lane, Woodridge (Lot 2 DP 85646) from Outer Residential to Open Space B and part of the adjoining reserve (Lot 1 DP 49172) from Open Space B to Outer Residential. Amend Planning Map 24 accordingly.
- 2.1.5 Rezone part of 73 Hawker Street (St Gerard's Monastery site – part of Lot 3 DP 76510, WN 42D/685) from Inner Residential to Open Space B and part of the adjoining reserve at 52 McFarlane Street (part of Lot 1 DP 76510, CFR WN42D/683) from Open Space B to Inner Residential. Amend Planning Map 12 accordingly.
- 2.1.6 Rezone 6 Campbell Street, Karori (Lot 3 DP 4528, WN 269/298) from Outer Residential to Centres. Amend Planning Map 11 accordingly.
- 2.1.7 Rezone part of 2A Myrtle Crescent, Mt Cook (Part Section 730 City of Wellington and Lot 3 DP 91220), from Inner Residential to Centres. Amend Planning Map 6 accordingly.

### **2.2. Secondary Frontages**

- 2.2.1 Amend Planning Map 48 to show a secondary frontage across 6 Campbell Street, Karori (Lot 3 DP 4528, WN 269/298).



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## **DELEGATED AUTHORITY TO AMEND SUBURB BOUNDARIES**

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### **Purpose**

1. This paper seeks Council's approval to delegate the ability to amend Wellington city suburb boundaries.

### **Summary**

2. Well-defined suburb boundaries provide Council with a mechanism for allocating unique addresses to properties based on geographic communities of interest.
3. Wellington city suburb boundaries were last reviewed and agreed by Council in August 2003. From time to time, new subdivisions require minor amendments to be made to these boundaries. These amendments were made under delegated authority, but this authority is now expired.
4. The Council is asked to re-delegate this authority such that the Regulatory Processes Committee holds the delegation for amending suburb boundaries and hearing any objections to contentious boundary change proposals, and that the Chair of the Committee can co-authorise minor, uncontentious amendments to suburb boundaries alongside a senior Council officer who has been approved to do so by the Chief Executive.

### **Recommendation/s**

That the Council:

1. Receive the information.
2. Delegate the responsibility for amending suburb boundaries and hearing any objections to contentious suburb boundary change proposals to the Regulatory Processes Committee.
3. Delegate the ability to co-authorise minor, uncontentious suburb boundary change proposals to the Chair of the Regulatory Processes Committee alongside a senior Council officer who has been approved to do so by the Chief Executive (except where the Chair has declared a conflict of interest).
4. Note that officers will report annually to the Regulatory Processes Committee on which suburb boundary change proposals have been co-authorised by the Chair and senior Council officer.
5. Note that if the proposed delegations are endorsed, the terms of reference and delegations for the Regulatory Processes Committee will be updated and published on the Council website.

### **Background**

5. Suburb boundaries provide Council with a mechanism for allocating unique addresses to properties based on geographic communities of interest. Maintaining well-defined and up-to-date suburb boundaries is therefore important not just for enabling people to easily navigate the city, but also from a civic administrative and emergency management perspective.

6. A comprehensive review of Wellington city suburb boundaries was completed in August 2003. Boundaries were agreed by Council and have remained for the most part unchanged since that time. Some minor changes have taken place from time to time. By regularly updating suburb boundaries as subdivisions are developed and other boundary maintenance issues are identified, further large-scale reviews can be avoided.
7. However, some minor amendments to suburb boundaries have been required to meet urban growth demands; for example, as new subdivisions have been created. These minor amendments were approved by Council officers and committee chairpersons acting under delegated authority. This delegation has now expired.
8. Further boundary changes will be needed as Wellington continues to grow. The majority of these are expected to be minor changes. Given that no formal delegation for the amendment of suburb boundaries presently exists, such changes need to be approved by resolution of Council.
9. Given that most suburb boundary changes are low-risk and non-contentious, officers do not consider it necessary for every minor suburb boundary change to pass through a meeting of the full Council. We therefore propose that Council reinstates a delegated authority to amend suburb boundaries.

## Discussion

### Process for amending suburb boundaries

10. It is important to note that the suburb boundary amendment process is different from the electoral ward boundary amendment process, which is prescribed in the Local Electoral Act 2001. There is no legislative prescription for amendments to suburb boundaries. Council's process for amending suburb boundaries is as follows.
11. When a proposed suburb boundary change becomes known, Council officers identify affected stakeholders and consult with them. If the changes are non-contentious and there is unanimous support from all affected parties, the relevant Committee chairperson is recommended by officers to co-authorise the change alongside a senior Council officer. If there is not unanimous support from all stakeholders, the issue would be referred to a committee.
12. Of the last 33 changes, 94% involved fewer than 5 properties, and 73% involved only one property, usually because the property in question straddled two suburbs.
13. Of the last 45 changes, since 2003, no one has objected to the decision.
14. Property owners often ask for a quick decision because a wrong address can significantly impact getting services such as telecommunications and electricity for new builds, for example.
15. See also **Attachment 1** for the criteria considered by officers when developing and amending suburb boundaries. Note that the comments about naming suburbs are now out of date due to the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 coming into force. The Board, not the Council, is now the naming authority for suburbs.

### Options

16. Council has choices to make about how this authority is delegated:
  - Which Committee should hold the delegated authority

- Whether the Committee should hold the full authority, or whether it should be further delegated to the Chair of the Committee in consultation with officers.
17. If the Council does not delegate this authority then proposals to amend suburb boundaries will need to be addressed by the full Council (as happened at the 26 April meeting).

***Delegation to Committee***

18. Officers consider that the authority could be delegated to either the Regulatory Processes Committee or the committee with responsibility for policy relating to the city's urban form (at present this is the City Strategy Committee).
19. Delegating the authority to the Regulatory Processes Committee would align this function more closely to the process for assigning names to new roads. From an officer's point of view these processes are very similar. The administrative nature of this delegation is an appropriate fit for this committee. Although not all Councillors would be able to vote on suburb boundary alignments (because this committee is not a committee of the whole), the committee could refer decisions to Council if it felt the opinion of all elected members is required.
20. Delegating the authority to the committee with responsibility for policy relating to the city's urban form (presently the City Strategy Committee) would align this function to other urban design-related processes and enable all Councillors to consider boundary changes as they arise. However, most boundary changes that arise are minor in nature and delegation to a smaller committee may be more appropriate.
21. Officers' recommendation is that authority is delegated to the Regulatory Processes Committee.

***Extent of delegations***

22. Previously the delegation was extended so that the Chair of the committee, alongside a senior Council officer, could sign off on minor suburb boundary changes.
23. There are currently several instances where individual Councillors are authorised to sign off on minor matters. For example:
- The Chair of the City Strategy Committee and Portfolio Leader Urban Development are together authorised to approve the resolution of minor District Plan appeals, provided that all decisions they make are reported to the Committee at the next practicable date.
  - The Chair of the Regulatory Processes Committee is authorised to appoint hearings commissioners to panels for hearings under the Resource Management Act 1991 and Housing Accords and Special Housing Areas Act 2013 (provided certain criteria are met and actions undertaken).
24. Officers' view is that most suburb boundary changes are so minor and non-contentious that it would be appropriate for the Chair of the relevant committee and a senior Council officer, who has been approved by the Chief Executive, to co-authorise minor suburb boundary changes (as previously).
25. The delegation to the Chair would only apply where fewer than 20 properties are involved. All decisions that fall outside these criteria would be automatically referred to the relevant Committee to hear objections (if any) and make a decision.
26. If the Chair of the Committee declares a conflict of interest on any suburb boundary change, officers will direct the matter to the Committee.

27. Should the delegation be made, officers will report annually to the Regulatory Processes Committee with a noting paper to keep the committee informed of any decisions co-authorised by the Chair and senior Council officer.

### Next Actions

28. If the delegating authority proposed here is endorsed, the terms of reference and delegations for the Regulatory Processes Committee will be updated and published on the Council website.

### Attachments

Attachment 1. Criteria for determining suburb boundaries [↓](#)

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|            |  |
|------------|--|
| Authors    | Michael Brownie, Team Leader Land, Customer and Property Information<br>Dominic Tay, Democracy Advisor                                 |
| Authoriser | Alison McGray, Team Leader City Records<br>Penny Langley, Manager Democracy Services<br>Kane Patena, Director Governance and Assurance |

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## **SUPPORTING INFORMATION**

### **Engagement and Consultation**

No external engagement and consultation has been required. The Chair of the Regulatory Processes Committee and Governance Portfolio Leader are aware of these proposals.

### **Treaty of Waitangi considerations**

There are no Treaty of Waitangi considerations.

### **Financial implications**

There are no financial implications.

### **Policy and legislative implications**

There is no legislative prescription for amendments to suburb boundaries, although Council has developed and endorsed policies for doing so as a result of the 2003 review. These functions may be delegated to a committee.

### **Risks / legal**

Improperly defined suburb boundaries may cause a risk of emergency services experiencing delays in locating a property in the event of an emergency. Likewise, residents may experience undue delays in having services connected such as power and phones. Delegating minor, uncontroversial boundary changes to be made by a Chair and approved senior officer is expected to reduce the amount of time taken to resolve these proposed changes.

### **Climate Change impact and considerations**

There are no climate change considerations.

### **Communications Plan**

None required.

### **Health and Safety Impact considered**

Improperly defined suburb boundaries may cause a risk of emergency services experiencing delays in locating a property in the event of an emergency. Likewise, residents may experience undue delays in having services connected such as power and phones. Delegating minor, uncontroversial boundary changes to be made by a Chair and approved senior officer is expected to reduce the amount of time taken to resolve these proposed changes.

## CRITERIA FOR DETERMINING SUBURB BOUNDARIES AND NAMES

(Copy from Section 3 of report prepared by Montgomery Watson Harza)

### DEVELOPMENT OF CRITERIA

Criteria to assist in developing boundaries and applying names were considered essential to bring a level of consistency to the process.

A number of criteria from NZ (including those used for Ward boundaries) and overseas were examined, and appropriate criteria were discussed with all those contacted as part of the project. There was a surprising lack of definitive written material on this aspect. Points raised in submissions on criteria were also identified for further consideration (see section 2.2 of this report).

A project team workshop was used to ensure that all possible criteria were identified and explored, prior to their application. From this, the two sets of criteria set out in the following sections were developed. It was expected that the criteria would act only as a guide, and that, while they would generally apply, there would always be exceptions.

### BOUNDARIES

The list below contains considerations to apply in determining boundaries of suburbs. However, it should not be expected that all considerations will apply in all situations. The following has been used as a checklist in considering the geographic area and specific boundaries of suburbs.

1. Community of interest considerations:
  - does the area focus on or include a neighbourhood or suburban shopping and service centre, school (especially primary school), or other focus? Housing areas lacking such facilities would need to have particular character to rate as a suburb.
  - what is the prevailing community opinion? Is there a strong local feeling of local identity?
  - are there characteristics of the area that give it cohesion (such as distinctive street pattern, housing age, street names, heritage qualities, etc)?
  - is one part of the area accessible to another without passing through another suburb?
2. Does the area have natural geographic boundaries such as ridgelines, a break in slopes, valley focus, natural vegetation?
3. Is the area geographically coherent (ie as far as possible a regular shape – no “panhandles”, corridors, dumbbells)?
4. Are there physical boundaries between suburbs that effectively sever them from adjacent areas (eg motorway, major arterial road, parks and open spaces, etc)? Generally roads focus rather than sever a community. As a general rule, road

centre-lines as suburban boundaries should be avoided. However, in some areas road boundaries are unavoidable.

5. Is the area of a reasonable size? There is no specific minimum or maximum area/population for a suburb; however, suburbs smaller than the norm need to have particularly strong identity, community of interest or other basis.
6. What are the expected growth patterns for the area? A suburb with a very low current population can be justified on the basis of future growth, particularly if the growth includes a community centre of some type. On the other hand, an add-on-area to an existing suburb with no prospects of further growth needs to be considered as a suburb on its own merits, or added to the existing suburb. The District Plan provides a useful short-term guide.
7. Are there suitable cadastral boundaries to follow? (This may be over-ridden by other considerations in some circumstances, particularly where there are large lots running across areas of different geographic character, particularly in future development areas).



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## **ELECTED MEMBER APPOINTMENTS TO FINANCE, AUDIT AND RISK MANAGEMENT SUBCOMMITTEE AND PACIFIC ADVISORY GROUP**

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### **Purpose**

1. This report seeks approval to amend elected member appointments to the Finance, Audit and Risk Management Subcommittee and the Council's Pacific Advisory Group.

### **Summary**

#### **Finance, Audit and Risk Management Subcommittee**

2. Under the Local Government Act 2002, appointments to committees and subcommittees of Council must be made by Council.
3. It has been proposed that Councillor Sarah Free will replace Councillor Nicola Young as a member of the Finance, Audit and Risk Management Subcommittee (the Subcommittee).
4. The change in membership is intended to take immediate effect. The next scheduled ordinary meeting of the Subcommittee is Wednesday 13 June.

#### **Pacific Advisory Group**

5. It has also been proposed that Councillor Sarah Free will replace Deputy Mayor Jill Day as the alternate Councillor representative to the Pacific Advisory Group (PAG). This is in addition to Councillor Brian Dawson being the primary Councillor representative to PAG.
6. The change in membership is intended to take immediate effect. The next scheduled ordinary meeting of PAG is Wednesday 13 June.

### **Recommendation/s**

That the Council:

1. Receive the information.
2. Appoint Councillor Sarah Free to be a member of the Finance, Audit and Risk Management Subcommittee, replacing Councillor Nicola Young.
3. Appoint Councillor Sarah Free to be a Councillor representative to the Pacific Advisory Group, as an alternate to Councillor Brian Dawson, replacing Deputy Mayor Jill Day.
4. Note that these appointments will commence immediately and, unless otherwise specified, will terminate at the 2019 triennial election.
5. Note that if these appointments are approved, officers will amend the Terms of Reference and Delegations for the 2016/19 Triennium to reflect the change of membership, and publish the amended document online.

### **Next actions**

7. If the changes of membership are approved, officers will amend the Terms of Reference and Delegations to reflect the changes of membership, and publish the amended document on the Council website.

**Attachments**

Nil

|            |   |
|------------|---|
| Author     | Dominic Tay, Democracy Advisor  |
| Authoriser | Penny Langley, Manager Democracy Services<br>Kane Patena, Director, Strategy and Governance |

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## **SUPPORTING INFORMATION**

### **Engagement and Consultation**

None.

### **Treaty of Waitangi considerations**

None.

### **Financial implications**

As Councillors are remunerated on the basis of portfolios, as opposed to committee memberships, there are no financial implications of these changes.

### **Policy and legislative implications**

Appointments to committees and subcommittees of Council must be made by resolution of Council.

### **Risks / legal**

None identified at this time.

### **Climate Change impact and considerations**

None.

### **Communications Plan**

Updated subcommittee and advisory group membership will be listed on the Council website.

### **Health and Safety Impact considered**

Balanced workloads for Councillors were considered as part of the process of making this appointment.



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### 3. Committee Reports

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## REPORT OF THE CITY STRATEGY COMMITTEE MEETING OF 3 MAY 2018

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**Members:** Mayor Lester, Councillor Calvert, Councillor Calvi-Freeman, Councillor Dawson, Councillor Day, Councillor Fitzsimons, Councillor Foster, Councillor Free, Councillor Gilberd, Councillor Lee, Councillor Marsh, Councillor Pannett (Chair), Councillor Sparrow, Councillor Woolf, Councillor Young.

#### The Committee recommends:

#### **PUBLIC PLACES BYLAW REVIEW**

#### **Recommendation/s**

That the Council:

1. Approves the proposed Wellington Consolidated Bylaw Part 5: Public Places as attached in Attachment 2.

#### **Attachments**

|               |   |          |
|---------------|---|----------|
| Attachment 1. | Minutes of the City Strategy Committee meeting, 3 May 2018  | Page 160 |
| Attachment 2. | Proposed Public Places Bylaw (includes Schedule 1: Restricted and Prohibited Areas for Camping) <a href="#">↓</a> | Page 167 |

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**CITY STRATEGY COMMITTEE**  
3 MAY 2018

**Absolutely Positively**  
**Wellington City Council**  
Me Heke Ki Pōneke

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**EXTRACT FROM**  
**ORDINARY MEETING**  
**OF**  
**CITY STRATEGY COMMITTEE**  
**MINUTES**

**Time:** 9.30am  
**Date:** Thursday, 3 May 2018  
**Venue:** Committee Room 1  
Ground Floor, Council Offices  
101 Wakefield Street  
Wellington

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**PRESENT**

Mayor Lester  
Councillor Calvert  
Councillor Calvi-Freeman  
Councillor Dawson  
Councillor Day  
Councillor Fitzsimons  
Councillor Foster  
Councillor Free  
Councillor Gilbert  
Councillor Lee  
Councillor Marsh  
Councillor Pannett (Chair)  
Councillor Sparrow  
Councillor Woolf  
Councillor Young



CITY STRATEGY COMMITTEE  
3 MAY 2018Absolutely Positively  
Wellington City Council  
Me Heke Ki Pōneke

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**2. Policy**

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(Councillor Foster arrived at the meeting from 9.50a.m)

**2.1 Public Places Bylaw Review****Moved Councillor Dawson, seconded Councillor Gilbert****Recommendation/s**

That the City Strategy Committee:

1. Receive the information.
2. Note the Summary of Submissions (see Attachments 1, 2 and 3).  
*Freedom Camping*
3. Agree to the extension of the Evans Bay freedom camping site to accommodate up to no more than 5 more vehicle parks, with a maximum of 20 large vehicle parks and rationalise the number of standard car parks.
4. Agree to prohibit freedom camping vans at the Evans Bay site to no greater than 7 metres long and to update the Certified Self Contained definition to reflect the latest Standard.
5. Agree that officers will work with and engage with the Evans Bay community on revised plans for the site.
6. Agree that officers continue to work with the national Freedom Camping Forum on issues relating to non-compliance and the self-containment standard.
7. Agree to the position of an additional ranger to increase enforcement at the site implementing the revised definition of Certified Self Contained.
8. Recommend to the Long-Term and Annual Plan committee the following items are included in the final 2018/28 Long Term Plan:
  - Agree to the extension of the Evans Bay freedom camping site. Provide additional capital funding in Coastal Upgrades of \$60,000 in 2018/19 and \$290,000 in 2019/20. This will be funded by reprioritising existing capital budget of \$350,000 from Waterfront Renewals budgeted in 2021/22.
  - Agree to increase the level of funding towards monitoring of freedom camping with one additional Council Ranger. Provide an additional \$34,000 per year towards funding the Coastal Operations from 2018/19.
9. *Cigarette Butt Litter*
9. Agree to the removal of the clause relating to cigarette butt littering being an offence.
10. Agree that littering in general and the disposal of cigarette butts in particular present significant environmental issues that require addressing, and therefore ask officers to consider how the Council can reduce litter related harm through better public education and the enforcement of the Litter Act, and report back to Council in the third quarter of 2018, and in addressing cigarette butt litter specifically, consider what further education and enforcement might be appropriate through the review of the Smokefree Wellington Action Plan, due to be reported back to Council.  
*Approval of the bylaw*
11. Agree to recommend to Council for approval, the proposed Wellington Consolidated

**CITY STRATEGY COMMITTEE**  
3 MAY 2018

**Absolutely Positively**  
**Wellington City Council**  
Me Heke Ki Pōneke

Bylaw Part 5: Public Places as attached in Attachment 4.

12. Agree to delegate to the Chief Executive the authority to amend the proposed Wellington Consolidated Bylaw Part 5: Public Places to include any amendments made by this Committee at this meeting, and any minor consequential edits, prior to it being presented to the Council.
13. Agree that Part 5: Public Places of the Wellington Consolidated Bylaw 2008 remains the most appropriate way of addressing these nuisance and public health and safety management issues, and that the proposed Public Places Bylaw is the most appropriate form of bylaw under the Local Government Act 2002.
14. Agree that the proposed Public Places Bylaw is consistent with the New Zealand Bill of Rights Act 1990.

**Moved Councillor Calvi-Freeman, seconded Councillor Sparrow the following amendments by way of substitution of (3) and (4):**

3. Agree to the extension of Evan Bay freedom camping site to accommodate up to 18 large motorhomes (6-8 meters) and 30 standard campervans (under 6 meters).
4. Agree to prohibit freedom camping vans at the Evans Bay site to no greater than 8 metres long and to update the Certified Self Contained definition to reflect the latest Standard.

A division was called for, voting on which was as follows:

**For:**

Councillor Calvi-Freeman  
Councillor Sparrow

**Against:**

Mayor Lester  
Councillor Calvert  
Councillor Dawson  
Councillor Day  
Councillor Fitzsimons  
Councillor Foster  
Councillor Free  
Councillor Gilberd  
Councillor Lee  
Councillor Marsh  
Councillor Pannett (Chair)  
Councillor Young

Majority Vote: 2:12

**Lost**

**Moved Councillor Free, seconded Councillor Lee the following amendment by way of addition:**

**Resolved**

15. Agree that officers investigate the provision of mobility parks in the area to help with issues of access to the recreational facilities and the toilet block for Wellington residents.

**Carried**

CITY STRATEGY COMMITTEE  
3 MAY 2018Absolutely Positively  
Wellington City Council  
Me Heke Ki Pōneke

**Moved Councillor Foster, seconded Councillor Calvert the following amendment by way of addition:**

**Resolved**

16. Instruct officers to investigate options for cost recovery from freedom campers within Wellington City.

**Carried**

**Moved Councillor Dawson, seconded Councillor Gilbert**

**Resolved**

That the City Strategy Committee:

1. Receive the information.
2. Note the Summary of Submissions (see Attachments 1, 2 and 3).  
*Freedom Camping*
3. Agree to the extension of the Evans Bay freedom camping site to accommodate up to no more than 5 more vehicle parks, with a maximum of 20 large vehicle parks and rationalise the number of standard car parks.
4. Agree to prohibit freedom camping vans at the Evans Bay site to no greater than 7 metres long and to update the Certified Self Contained definition to reflect the latest Standard.
5. Agree that officers will work with and engage with the Evans Bay community on revised plans for the site.
6. Agree that officers continue to work with the national Freedom Camping Forum on issues relating to non-compliance and the self-containment standard.
7. Agree to the position of an additional ranger to increase enforcement at the site implementing the revised definition of Certified Self Contained.
8. (This resolution was taken separately)

*Cigarette Butt Litter*

9. Agree to the removal of the clause relating to cigarette butt littering being an offence.
10. Agree that littering in general and the disposal of cigarette butts in particular present significant environmental issues that require addressing, and therefore ask officers to consider how the Council can reduce litter related harm through better public education and the enforcement of the Litter Act, and report back to Council in the third quarter of 2018, and in addressing cigarette butt litter specifically, consider what further education and enforcement might be appropriate through the review of the Smokefree Wellington Action Plan, due to be reported back to Council.

*Approval of the bylaw*

11. Agree to recommend to Council for approval, the proposed Wellington Consolidated Bylaw Part 5: Public Places as attached in Attachment 4.
12. Agree to delegate to the Chief Executive the authority to amend the proposed

**CITY STRATEGY COMMITTEE**  
3 MAY 2018

**Absolutely Positively**  
**Wellington City Council**  
Me Heke Ki Pōneke

Wellington Consolidated Bylaw Part 5: Public Places to include any amendments made by this Committee at this meeting, and any minor consequential edits, prior to it being presented to the Council.

13. Agree that Part 5: Public Places of the Wellington Consolidated Bylaw 2008 remains the most appropriate way of addressing these nuisance and public health and safety management issues, and that the proposed Public Places Bylaw is the most appropriate form of bylaw under the Local Government Act 2002.
14. Agree that the proposed Public Places Bylaw is consistent with the New Zealand Bill of Rights Act 1990.
15. Agree that officers investigate the provision of mobility parks in the area to help with issues of access to the recreational facilities and the toilet block for Wellington residents.
16. Instruct officers to investigate options for cost recovery from freedom campers within Wellington City.

**Carried**

Secretarial Note: Resolution 8 was taken separately.

8. That the City Strategy Committee:

Recommend to the Long-Term and Annual Plan committee the following items are included in the final 2018/28 Long Term Plan:

- Agree to the extension of the Evans Bay freedom camping site. Provide additional capital funding in Coastal Upgrades of \$60,000 in 2018/19 and \$290,000 in 2019/20. This will be funded by reprioritising existing capital budget of \$350,000 from Waterfront Renewals budgeted in 2021/22.

A division was called for, voting on which was as follows:

**For:**

Mayor Lester  
Councillor Calvert  
Councillor Calvi-Freeman  
Councillor Dawson  
Councillor Day  
Councillor Fitzsimons  
Councillor Foster  
Councillor Free  
Councillor Gilbert  
Councillor Lee  
Councillor Marsh  
Councillor Pannett (Chair)  
Councillor Young

**Against:**

Councillor Sparrow

Majority Vote: 13:1

**Carried**

- Agree to increase the level of funding towards monitoring of freedom camping with one additional Council Ranger. Provide an additional \$34,000 per year towards funding the Coastal Operations from 2018/19.

**CITY STRATEGY COMMITTEE**  
3 MAY 2018Absolutely Positively  
**Wellington City Council**  
Me Heke Ki Pōneke

A division was called for, voting on which was as follows:

**For:**

Mayor Lester  
Councillor Calvert  
Councillor Calvi-Freeman  
Councillor Dawson  
Councillor Day  
Councillor Fitzsimons  
Councillor Foster  
Councillor Free  
Councillor Gilbert  
Councillor Lee  
Councillor Marsh  
Councillor Pannett (Chair)  
Councillor Sparrow  
Councillor Young

**Against:**

Majority Vote: 14:0

**Carried**

## Proposed Public Places Bylaw

---

The Public Places Bylaw is consistent with the NZ Bill of Rights Act 1990 and does not affect iwi customary rights. The Council is committed to protecting fundamental rights and freedoms such as the right to freedom of expression and freedom of peaceful assembly.

### 1. Purpose

This part of the consolidated bylaw regulates a diverse range of activities. It seeks to protect the public from nuisance, minimise the potential for offensive behaviour, maintain public health and safety and manage land under the control of the Council to enhance the public's well-being and enjoyment of public places. This bylaw is made under sections 145 and 146 of the Local Government Act 2002 and the following Acts:

- 1) section 10 of this bylaw is made under section 12 of the Prostitution Reform Act 2003;
- 2) section 12 of this bylaw is made under section 11 of the Freedom Camping Act 2011;
- 3) sections 17, 18 and clause 22(o) are made under section 22AB of the Land Transport Act 1998; and
- 4) clauses 22.3 (q) and (r) are made under section 12 of the Litter Act 1979.

### 2. Definitions

**Beach** means the foreshore (including the intertidal zone above the mean low water spring) and any area above mean high water springs that can reasonably be considered the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation typically found in a marine environment.

**Cable Car Lane** means the public place connecting Lambton Quay to the Cable Car terminal (excluding the balcony extending at 6 Cable Car Lane).

**Cemetery** means any land held or otherwise set aside for the burial of the dead that is vested in or under the control of the Council from time to time.

**Certified Self Contained** means a vehicle that complies with New Zealand Standard 5465:2001 A2 self-containment of motor vehicles and caravans as in force at May 30 2018.

**Commercial sex premises** means premises used or intended to be used primarily for exposing, selling or hiring goods or services related to sexual behaviour. To avoid any doubt this includes strip clubs, strip bars, peep shows, lap dancing bars, escort agencies, adult bookshops, adult video shops, adult cinemas, sex shops; but does not include hospitals, health care services, chemists, community welfare facilities, or premises where therapeutic massage is offered and which are not brothels in terms of the Prostitution Reform Act 2003.

**Freedom camp** means to camp (other than at a camping ground) within 200m of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or on or within 200m of a formed road or a Great Walks Track, using 1 or more of the following:

- (a) a tent or other temporary structure;
- (b) a caravan; and
- (c) a car, campervan, house truck, or other motor vehicle.

Freedom camping does not include the following activities:

- (a) temporary and short-term parking of a motor vehicle;
- (b) recreational activities commonly known as day-trip excursions; and
- (c) resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.

*Freedom camping provisions will not be used against the homeless.*

**Sign** means a board, including any frame or other support device such as a notice board for displaying posters or notices announcing future events or advertising for election purposes, but excludes sandwich boards.

**Nuisance** has the same meaning as section 29 of the Health Act 1956 and includes a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person whether or not that person is in a public place.

**Number** includes any alphabetic symbol attached to the number allocated by the Council.

**Public place** means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and includes any hovercraft, ship or ferry or other vessel, train or vehicle carrying or available to carry passengers for reward.

**Reserves management plan** has the same meaning as “management plan” found in section 41 of the Reserves Act 1977.

**Street appeals** means coordinated and organised events by organisations who ask for, or seek, any subscription, collection or donation from members of the public, and usually involves more than one collection person operating at the same time.

**Street performance** means a musical, dramatic or other performance involving musical, theatrical or circus performance skills including busking, playing musical instruments, dancing, singing, clowning or juggling, pavement art, poetry or doing other acts of a similar nature.

**Trading** means the act of selling or trading, or offering to sell or trade goods or services, with or without use of a vehicle.

**Vehicle access** means any section of legal road that facilitates the access of vehicles from private property to the formed carriageway, and includes that part of a driveway on private property that impacts on the point of entry onto or from legal road.

### **3. Council may set conditions**

3.1 The Council may, from time to time and subject to the provisions of this bylaw, prescribe conditions by resolution, by way of licence or otherwise) for access to any public place.

3.2 The Council may by resolution, or by way of a licence set conditions for the use of a public place.

### **4. Restrictions affecting public access**

4.1 The Council may restrict any activity being undertaken in a public place in order to prevent material damage to the place or a nuisance or harm to any person.

4.2 The Council may close any public place at any time for the purpose of maintaining or improving it, or for holding sports matches or any other performances, or for any other purpose that the Council considers necessary.

4.3 Any authorised officer under this bylaw may exclude or remove any person from a public place:

- a. who has acted in a manner that is contrary to conditions of use set by the Council;
- b. who is not bona fide using the place for its normal intended purposes;
- c. who has contravened any of the provisions of this Bylaw; or
- d. for any good and sufficient reason relating to the efficient, reasonable, and fair management of the place.

## **Section One: Public Places**

### **5. Fees and charges**

5.1 The Council may set fees and charges, either temporarily or permanently, where payment is a condition for access to, or use of any public place.

### **6. Assembly**

6.1 To minimise disruption to pedestrians and other users, the organiser of any event, demonstration, competition, parade or procession that is likely to interfere with traffic or pedestrian thoroughfare in a public place shall notify the Council as soon as reasonably practicable prior to the event so that the Council may arrange any necessary traffic management.

### **7. Activities requiring written approval**

7.1 Written approval from the Council is required for street appeals, charity fundraisers, street performances and busking. The Footpath Management Policy provides information on how to obtain approval for these activities.

### 8. Display of articles and trading

8.1 Written approval from the Council is required for retail displays, kiosks and stalls.

8.2 Council may consider and grant at its discretion licences for:

- a. open air markets;
- b. outdoor dining;
- c. trading in a public places;
- d. any seating and furniture; and
- e. any promotional signage associated with trading activities.

8.3 The Council may prescribe conditions for any licence and revoke any licence at any time.

### 9. Signage

9.1 Written approval is required for signage in public places. Approval may be subject to Council setting conditions including placement, fees and the duration a sign may be erected.

9.2 Any sign erected without approval must be removed within 1 hour of being instructed to do so, or as otherwise specified by the Council.

9.3 Posters or notices displayed on notice boards shall be covered or removed within 24 hours of the end of the event, or such other time as approved by the Council.

9.4 Responsibility for compliance with this bylaw lies with the person who displayed the poster or notice, or the organiser, promoter or person in charge of the advertised good, service or event or, in the case of an election, the candidate or a delegate of that candidate.

### 10. Advertising for commercial sex premises and services

10.1 Written approval is required from the Council for signage that advertises any commercial sex premise or commercial sex service that will be visible from any road or public place.

10.2 The following criteria may be considered when assessing an application for permission:

- a. the extent to which the signage depicts or implies sexual activity;
- b. the extent to and manner in which the sign depicts nudity (the depiction of nudity is not encouraged);
- c. the size, number and cumulative effects of the signage; and
- d. the extent to which words and/or images could be offensive. (The Council will decline applications for signage that are found to be offensive.)

## Section Two: Beaches, Cemeteries, Parks and Reserves

## **11. Sports and games**

11.1 The organiser of any game, sporting activity or group activity (excluding informal or casual play) proposed to take place in any part of a public place must notify the Council as soon as reasonably practicable prior to commencing the activity.

11.2 The Council may set conditions for use of the public place such as to manage the potential for any damage caused by the activity and minimise conflict between users.

## **12. Freedom Camping**

Restricted and prohibited areas as outlined in Schedule One

12.1 A person must not camp in an area in which freedom camping is prohibited, as identified in Schedule One: Restricted and Prohibited Areas for freedom camping in Wellington, unless they have prior written consent from the Council.

12.2 A person may camp in an area in which freedom camping is restricted, as identified in Schedule One: Restricted and Prohibited Areas for freedom camping, but must comply with the specific restrictions listed for that site unless they have prior written consent from the Council that waives these restrictions.

Areas where camping is permitted

12.3 Freedom camping is permitted in any local authority area in Wellington City, unless it is restricted or prohibited in an area under this bylaw or any other enactment.

12.4 Camping is prohibited on all land managed under the Reserves Act 1977 and Wellington Town Belt unless allowed in a reserve management plan. Campers are advised to camp in the restricted areas identified in Schedule One of this bylaw. For clarity, the Freedom Camping Act's non-site-specific offences do apply to Council reserves, and any site-specific restrictions or prohibitions on Council reserves to be administered under this bylaw must be included in Schedule One of this bylaw.

Prior written consent from the Council

12.5 A written application is required two weeks in advance of the planned date for consent to camp in a prohibited area.

12.6 A written application is required two weeks in advance of the planned date for consent to camp in a restricted area.

12.7 Freedom camping in Wellington is restricted or prohibited as illustrated and described within the following aerial photographs: Maps - Schedule 1: Restricted and Prohibited Areas for Camping (11MB PDF)

Approval process

12.8 Written applications will be considered for camping in public places for special purposes. Consent may be granted at the Council's sole discretion, with or without conditions. Applications to camp in accordance with clauses 12.1 and 12.2 above must be made in writing and provide the following information:

- a. the location;
- b. the duration of occupation;
- c. the number of people;
- d. the provisions to ensure that there is no damage or effects to the public place; and
- e. the reason why the camping is proposed.

### **13. Life-saving equipment**

13.1 The Council may at its discretion authorise on any beach any volunteer life-saving club to provide and use life-saving appliances and boats, and erect and remove any danger notices as necessary.

### **14. Cemeteries**

14.1 The purchaser of a plot or their representative must keep all fences, enclosures, tombstones, vaults, headstones and other monuments on any plot in proper order and repair.

14.2 The Council may from time to time set specifications for memorial hardware and structures that may be installed on plots.

14.3 Any memorial items, hardware or structures that do not comply with the Council's specifications that have fallen into a state of decay, become broken or pose a hazard may, at any time, be removed from the cemetery by the Council.

### **15. Conduct in cemeteries**

15.1 Written permission must be obtained before installing a fence, tombstone, vault or other monument on any plot; prior to any interment or disinterment and carrying out any work in a cemetery.

## **Section Three: Property and Access**

### **16. Road and property identification**

16.1 The Council may require from time to time numbering to be painted or affixed on a building, the name of the road, private road or public place to which it has frontage.

16.2 The owner of a property, building or group of buildings forming part of a complex must mark the property with the number allocated by the Council, regardless of any other identification a property or building may have. The marking shall be:

- a. at least 50mm in height and
- b. of a colour in contrast to its background and
- c. easily visible from the road to which it has frontage and
- d. maintained by the owner in a way that easily identifies the property at all times.

16.3 Clauses 16.1 and 16.2 do not apply to property without buildings, and property not allocated a number by the Council.

16.4 When the Council advises the owner of a property that an address needs to be displayed or changed, the owner must arrange to do so within 15 working days, or as otherwise instructed.

#### **17. Traffic**

17.1 The Council may under the provisions in this bylaw or under the Traffic Bylaw impose any controls relating to vehicles in a public place to give effect to the proper use and enjoyment of the place.

17.2 If instructed to do so by an authorised officer, any person must move a vehicle in or from any public place where that vehicle may be impacting upon the safety, convenience and enjoyment of the public using that place.

17.3 Any vehicle, whether attended or not, in breach of this bylaw may be removed by the Council in accordance with the Vehicle Removal provisions in Part 7: Traffic of the Consolidated Bylaw.

#### **18. Vehicle access**

18.1 Prior written approval must be obtained before any person may construct, repair, remove, widen or narrow any vehicle access way.

18.2 When considering an application for vehicle access, the Council will take into account what is reasonably necessary to protect the grass berm from damage and ensure the safe and convenient use of the road by pedestrians and vehicles.

18.3 Conditions may be set by way of licence or written permission for the construction of a vehicle crossing which may include:

- a. use of materials and dimensions;
- b. timeframe for completion;
- c. a requirement that the applicant pay a cash deposit or bond of up to 150% of the estimated cost of work as a guarantee the work is completed to the satisfaction of the Council and/or against any damage to Council's property;
- d. a requirement that the applicant arranges the construction work to meet the approved conditions and pays all associated costs; and
- e. a requirement that all construction work be carried out in compliance with the Wellington City Council Code of Practice for Working on the Road and/or with specific regard to any relevant NZTA guidelines in force within the Council's jurisdiction.

18.4 The Council may by notice require the property owner which the vehicle crossing provides access to, to repair, reconstruct, renew or remove such access to the satisfaction of the Council.

18.5 The Council may remove or alter any work located on the road constructed without prior written approval or contrary to the terms of written approval. Costs may be recovered from the person who undertook the work, or the property owner serviced by the vehicle access.

### **19. Encroachments**

19.1 Any property owner ('the encroacher') may be authorised by the Council to occupy a public place controlled by the Council ('an encroachment'). The Council may at its discretion authorise an encroachment by granting land owner consent, and if required, an encroachment licence to the applicant in accordance with any relevant Council policy.

19.2 The Council may consider whether the proposed encroachment will compromise the primary use of the road to facilitate free pedestrian and traffic movement, and/or unreasonably interfere with a property owner's right of access to any road across the frontage between the road and the private property.

19.3 An encroachment licence may authorise the occupation of the encroachment area for parking, boundary marking, airspace, subsoil or access structures, for the maintenance or beautification of the encroachment area, or any other purposes the Council considers appropriate.

19.4 An encroachment licence issued by the Council shall be subject to such conditions that the Council considers appropriate, at the sole discretion of the Council.

19.5 The encroacher must own the land adjoining or in the vicinity of the encroachment area that benefits from the encroachment and continue to own this land for the period of the encroachment.

19.6 Any subsequent encroacher must complete a new encroachment licence with the Council in order to continue the occupation of the encroachment area.

### **20. Building work and excavations**

20.1 Prior written approval of the Council is required before any person carries out building work or excavations on a public place.

20.2 Council approval may be subject to conditions, including a requirement that the applicant pay a cash deposit or bond of up to 150% of the estimated cost of work as a guarantee the work is completed to the satisfaction of the Council and/or against any damage to the Council's property. The estimated cost of work shall be approved by the Council.

20.3 The Council may remove or alter any work building or excavation work undertaken without prior written approval or contrary to the terms of written approval. Costs may be recovered from the person who undertook the work, or the person for whom the work was being done.

20.4 If any damage occurs to the place, the Council may require it to be reinstated.

### **21. Fences, walls and stability of land**

21.1 The Council may require the owner of any land which has no fence, wall or retaining wall adjacent to a public place to erect a fence, wall or retaining wall if the Council considers that this is necessary for safety or other reasons relating to the use or administration of the public place.

21.2 Where any fence, wall, retaining wall or land adjacent to a public place is in a condition or state of disrepair which could cause injury to persons or damage to a public place, the Council may give notice requiring the owner to repair, remove or replace the fence, wall or retaining wall, or make the land safe.

## **22. Offences**

22.1 Every person who does not comply with any requirement or condition, or acts contrary to any prohibition made in this bylaw, or made by resolution, commits an offence against this bylaw.

### Public places

22.2 No person may:

- a. in any public place wilfully obstruct, disturb, annoy or interfere with any person in their use or enjoyment of a public place;
- b. use any public place in contravention of the conditions set by the Council regulating the use of that place;
- c. use a public place after closing hours;
- d. ride a skateboard in a manner which causes a nuisance or damage to a public place. (Skateboards and roller-skates may be used in a public place except where signage prohibits it);
- e. verbally advertise on behalf of, or distribute in any public place any handbills, writings or pictures of which the primary purpose, whether explicitly or implicitly, is to advertise, identify or inform the public of any commercial sex premise or commercial sex service;
- f. place posters on any Council ornament, statue, structure, building or facility in a public place without the Council's prior approval;
- g. smoke in close proximity to hazardous substances in any public place; or
- h. smoke in Cable Car Lane.

### Beaches, Cemeteries, Parks and Reserves

22.3 No person may:

- i. install a fence, tombstone, vault or other monument on any plot, or carry out any interments, disinterments or other work in a cemetery without the prior written approval from Council;
- j. hunt game in a public place;

- k. carry or discharge a firearm or any other weapon in a public place;
- l. discharge a firework in a public place;
- m. obstruct any member of a life-saving club carrying out life-saving activities;
- n. use, move or damage any appliance or signal provided by the Council or by any volunteer life-saving club, at any beach, except for the purpose of saving life or with the approval of the Council or the club;
- o. operate or drive a vehicle on a beach;
- p. gather food or firewood in a public place without prior permission from the Council;
- q. clean or prepare any fish in a public place;
- r. play a sport or game in a public place, if contrary to any notice, or if expressly forbidden to do so by an authorised officer; or enter in or remain on any part of a public place marked out as a playing area for a sport or game while the sport or game is in progress;
- s. disturb, damage or remove from a public place any soil, sand, gravel, rock, plants, fish, animals (including eels), or any naturally occurring thing without having obtained prior written approval from the Council; or
- t. disturb or damage land in a manner which is injurious or causes a nuisance to any person or causes material damage to land or Council property without having obtained prior written approval from the Council.

#### Property and Access

##### 22.4 No person may:

- v. drive, stop, stand or park any vehicle in any public place other than on any roadway or in any car park provided for the purpose, and then only in accordance with any controls or restrictions imposed by the Council;
- w. drive, stop, stand, park or leave any vehicle, bulk bin, container or other object in a public place in such a manner as to obstruct the normal or safe entry to, or exit from, or movement of other vehicles, or pedestrians within a public place; or
- x. put up any structure of any kind or undertake an excavation in a public place without prior written approval of the Council, and then only in compliance with any condition under which such approval may be granted.

### 23. Penalties

#### 23.1 Freedom Camping

A person in breach of section 12 of this bylaw commits an offence under the Freedom Camping Act 2011 and is liable to a fine not exceeding \$200.

#### 23.2 Litter

A person in breach of clause 22(q) of this bylaw commits an offence under the Litter Act 1979 and is liable to a fine not exceeding \$400.

#### 23.3 Land Transport

A person in breach of sections 17, 18 and clause 22 (o) of this bylaw is liable to the fine in the Land Transport Act not exceeding \$500.

#### 23.4 Local Government Act

A person who is convicted of an offence under this bylaw is liable to a fine not exceeding \$20,000.

### **24 Exemptions**

24.1 The prohibitions and restrictions contained in this part of the bylaw do not apply to any Council agent or officer when engaged in the performance of their regular duties.

24.2 An Iwi's customary rights are not affected by this bylaw.

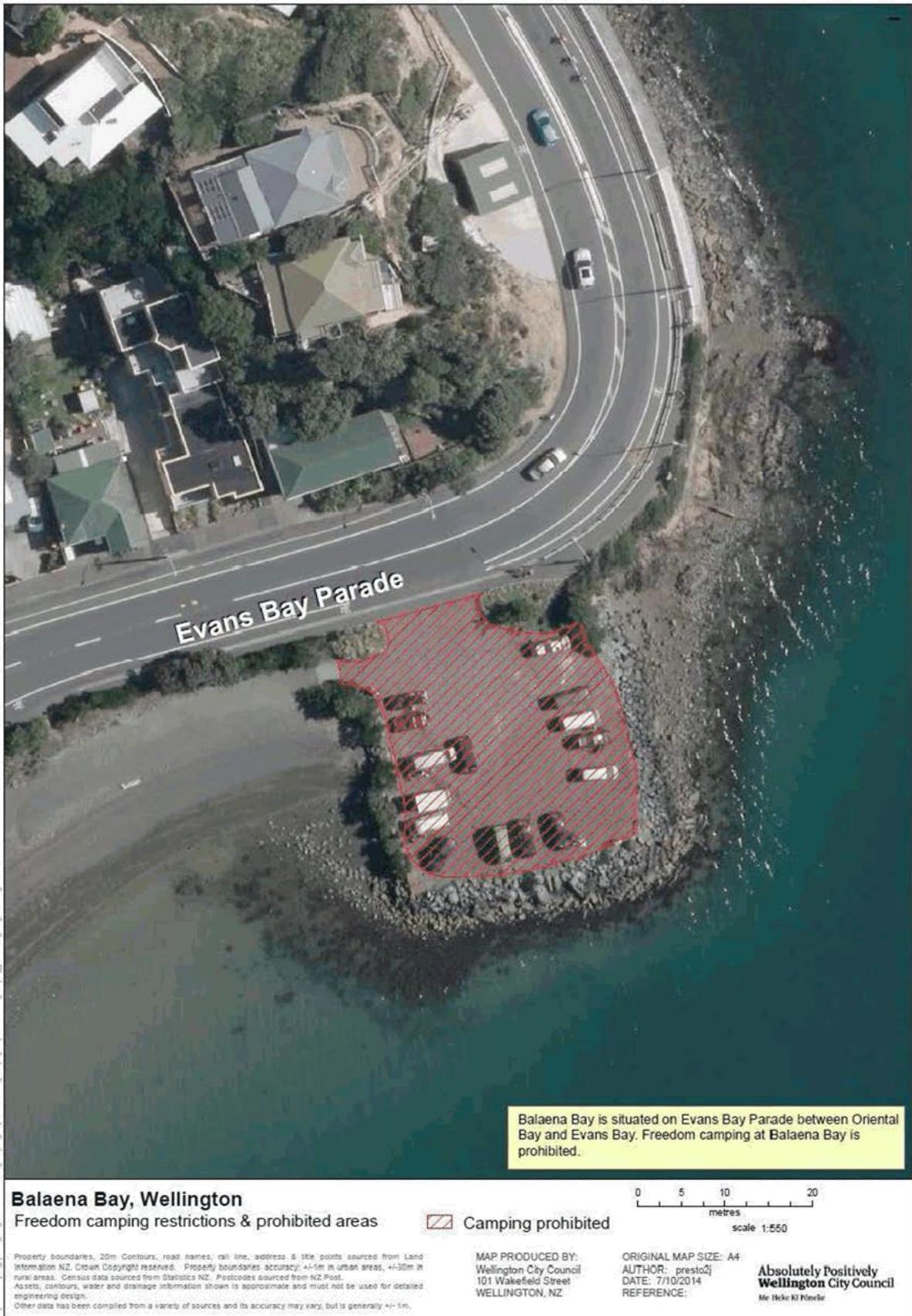
### SCHEDULE ONE: RESTRICTED AND PROHIBITED AREAS FOR CAMPING

Camping in Wellington is restricted or prohibited as illustrated and described within the following aerial photographs.















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## **REPORT OF THE REGULATORY PROCESSES COMMITTEE MEETING OF 16 MAY 2018**

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**Members:** Mayor Lester, Councillor Calvert, Councillor Calvi-Freeman, Councillor Lee (Acting Chairperson on this item), Councillor Sparrow.

**The Committee recommends:**

### **DECISION ON OBJECTIONS TO THE PROPOSED ROAD STOPPING AND DISPOSAL OF LEGAL ROAD LAND ADJOINING 400 MIDDLETON ROAD, GLENSIDE**

#### **Recommendation/s**

That the Council:

1. Does not uphold two objections to the proposal to stop 1,695m<sup>2</sup> of legal road in Rowells Road adjoining 400 Middleton Road, Glenside (the Land).
2. Delegates to the Chief Executive Officer the power to approve and conclude any action relating to Environment Court proceedings, if needed.

#### **Attachments**

Attachment 1. [Report to Regulatory Processes Committee](#) ↓

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16 MAY 2018Absolutely Positively  
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Item 2.3

DECISION ON OBJECTIONS TO THE PROPOSED ROAD  
STOPPING AND DISPOSAL OF LEGAL ROAD LAND  
ADJOINING 400 MIDDLETON ROAD, GLENSIDE**Purpose**

1. This report:
  - Summarises and responds to key points raised in the oral submissions; and
  - Seeks the Committee's recommendation to Council that objections to the proposal to stop and sell 1,695m<sup>2</sup> of legal road in Rowells Road, Glenside (the Land), to be amalgamated with 400 Middleton Road, not be upheld.

**Summary**

2. On 26 April 2017 Council agreed to initiate a road stopping process of the Land. (Refer **Attachment 1** for Regulatory Processes Committee report and Council minutes.)
3. Public notification was carried out in October and November 2017. Three written objections were received. One objector, Heritage New Zealand, subsequently withdrew its objection after officers confirmed that the Land would be amalgamated with 400 Middleton Road.
4. The written submissions from the remaining two objectors, Felicity Wong (on behalf of Historic Places Wellington Society Inc.) and Claire Bibby (as an individual) were referred to relevant Council business units for comment. (Refer **Attachment 2** for the initial written submissions and Council business unit responses.)
5. The two objectors did not accept Council officers' responses to their written objections and made oral submissions to the Committee at their meeting held on 18 April 2018. Oral submissions in support of the road stopping proposal were made by one of the applicants (Donna Sherlock) and by Glenside residents Andrea Wilson and Jan Voss. This report summarises and responds to key points raised in the oral submissions.
6. Officers are recommending that objections to the proposal to stop 1,695m<sup>2</sup> of legal road in Rowells Road adjoining 400 Middleton Road not be upheld.

**Recommendation/s**

That the Regulatory Processes Committee:

1. Receives the information.
2. Recommends to Council that it:
  - a. Does not uphold two objections to the proposal to stop 1,695m<sup>2</sup> of legal road in Rowells Road adjoining 400 Middleton Road, Glenside (the Land).
  - b. Delegates to the Chief Executive Officer the power to approve and conclude any action relating to Environment Court proceedings, if needed.

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### Background

7. It was agreed at the meeting of the Regulatory Processes Committee (the Committee) on 12 April 2017 and at Council on 26 April 2017 to proceed with the proposal to stop and sell 1,695m<sup>2</sup> of legal road in Rowells Road, Glenside (the Land), to be amalgamated with 400 Middleton Road. (**Attachment 1** refers.)
8. Public notification on the proposed road stopping was undertaken during October and November 2017. (**Supporting Information** refers.)
9. By the close of the public notification period three written submissions objecting to the proposal had been received from:
  - Claire Bibby (as an individual)
  - Felicity Wong on behalf of Historic Places Wellington (HPW)
  - Finbar Kiddle on behalf of Heritage New Zealand
10. Heritage New Zealand subsequently withdrew their submission after officers confirmed that if the road stopping proposal was successful the Land would be amalgamated with 400 Middleton Road.
11. The remaining two objectors did not accept officers' responses to their objections and made oral submissions in support of their objections at the Committee meeting on 18 April 2018. The applicant and two other Glenside residents also made oral submissions to the Committee in support of the proposal.
12. Prior to oral submissions being heard on 18 April 2018, officers met with the objectors and applicant on-site on 16 March 2018 and 11 April 2018, with Councillors attending the second meeting.
13. The only legal access to 400 Middleton Road is via Rowells Road and it is situated at the very end of the road, where the applicants have a gate on their legal boundary. Nott House is located well within the private land of 400 Middleton Road and was built in the mid-1800s. It has a heritage classification under Council's operative District Plan.

### Discussion

14. The five oral submissions made to the Committee on 18 April 2018 were led by the applicant, followed by HPW and Claire Bibby in objection, and then Andrea Wilson and Jan Voss in support. The following sections summarise the key points made by submitters and provide officers' responses to these points.

#### Oral submission from the applicant at 400 Middleton Road

15. The applicant confirmed their commitment to the road stopping process and has incurred expenditure of \$13,000 to date. They have also had to pay for the past repairs of vandalism damage to Nott House by unauthorised access to their private property. The Land is treated as a private driveway for them to access their property. This 'out of sight' dead end of Rowells Road attracts illegal dumping and this would be alleviated by stopping of the Land and transfer into their 400 Middleton Road title. The applicants have a CCTV camera at the turning area (which would become the new road end) and that would help to deter illegal activities and improve traffic safety.
16. The history and heritage significance of the area is not disputed. When road stopping applications are received they must be considered on the basis of the applicant's property's current situation, how the road stopping proposal would affect it, and any neighbours/public interest.

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**Oral submissions against the road stopping**

17. In its oral submission HPW stated that Rowells Road was established for railway purposes. This is not the case.
18. The 1934 survey record of DP 19422 states that Rowells Road was taken from Railway land to be proclaimed as legal road. This DP set out Rowells Road and was needed to provide legal access to the privately owned properties along Rowells Road (including KiwiRail) which were otherwise severed by the 1930s "Tawa rail deviation". There is no later road legalisation and nor is any required. Rowells Road is the only legal access for 400 Middleton Road and 5 other properties in Rowells Road. A handout including this DP was provided to Committee members by HPW and has been circulated as part of the minutes of the meeting.

**History and protection of Nott House**

19. Objectors are concerned that access to, and protection of Nott House would be negatively affected if the road stopping proposal was successful.
20. Nott House is located on private land and there is no existing legal public access to Nott House over private land. (Refer also to officers' comments in **Attachment 2**.)
21. The history and heritage significance of the area and Nott House is acknowledged but this is an entirely separate issue to the road stopping being proposed, and is properly covered by the District Plan. Road stopping applications are considered on Council's operational requirements for the road, and any public need for the road. In this case Rowells Road is a dead end road finishing at 400 Middleton Road, and the road end falls quite steeply down to the adjoining railway land making physical access to the railway impractical.

**KiwiRail**

22. KiwiRail is the only other property owner directly adjoining the Land, and it was consulted with early in the road stopping process. It does not need the Land to access their rail corridor (this is physically impractical) and it has at least two other points of access from Rowells Road.

**End of Rowells Road considered 'private driveway'**

23. Following the 11 April 2018 site meeting one objector emailed officers stating they thought Council's driveway policy didn't apply to upkeep of formed legal road (or footpath) such as the Rowells Road end, which meant that Council was incorrectly treating the subject land as "Private Driveway". Related to this point objectors have requested a 'No Turning beyond this point' sign previously installed and subsequently removed be reinstated.
24. Officers in the Transport unit responded stating, "Council has not maintained this pavement on public road land beyond the turning area at the end of Rowells Road. It was probably formed and maintained by agreement between previous owners of the property, where there is now a gate, and New Zealand Rail. It is regarded as a private driveway on Council road land."
25. Officers are comfortable that the "Private Driveway" sign currently in place is appropriate.
26. If the road stopping is successful, then a gate would be installed at the end of the turning area ensuring safe traffic turning without the need for any sign.

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**Encroachment proposal**

27. At the 16 March 2018 site meeting HPW suggested that the gate could be installed halfway between its present location and the natural turning area in Rowells Road by encroachment licence. This was raised again in the oral submission of Claire Bibby. A gate in this position would be visible from the natural turnaround area.
28. The applicants do not agree with this encroachment proposal given the road stopping costs they have already incurred to date and their preference for security of ownership, rather than a licence that can be revoked with one month's written notice. An encroachment licence would also mean they would incur an annual licence fee.
29. Officers do not support an encroachment licence as the section of Rowells Road from the natural turning area to 400 Middleton Road serves only 400 Middleton Road, so has little public benefit. Locating the gate by the power pole suggested would mean that cars could still drive up to the gate and would need to reverse back to the turning area. A gate at the last turning area would prevent the need to reverse out and ensure the turning area is used.
30. All other Rowells Road residents were consulted about the road stopping, advised of the public notice, and have made no comment.

**Public heritage walk/precinct**

31. Objectors believe there is opportunity for a public heritage walk/precinct to be created in the area, and that would be negatively affected if the road stopping proposal was successful.
32. When asked by Committee members, objectors could not clarify exactly where a public heritage walk/precinct could be positioned and had not given it much thought.
33. Officers note that to create a public heritage walk/precinct in this area it would have to be over either legal road land, railway corridor, or private land. Access rights to Nott House would have to be negotiated with Kiwi Rail and/or 400 Middleton Road and the road stopping would not change this requirement.
34. Current access to Nott House is over private land and this would remain the same irrespective of the road stopping. A public heritage walk could still be negotiated in the future. (Refer also to officers' comments in **Attachment 2**.)
35. There is no provision in Council's Long-Term Plan for the suggested heritage trails.

**Applicants' development plans**

36. Objectors have indicated they do not object to the applicants' subdivision/development plans, but want Council to deal with that and the road stopping in a comprehensive manner.
37. The applicants' plan to develop both of their existing properties. They do not need to purchase any road land to subdivide and redevelop their properties and have been pursuing resource consent for that for some time. The road stopping and resource consent processes are separate from each other.

**Oral submissions in support of road stopping**

38. The oral submissions in support made by Andrea Wilson and Jan Voss focused on the current public safety issues with cars reaching the end of Rowells Road and having to reverse (to the last available turning area) to turn around. They also mentioned the ongoing problem with safety and security of Nott House, and illegal rubbish being dumped in Rowells Road, particularly where it is less visible at the current road end.

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39. The section of Rowells Road (proposed to be stopped) from the natural turning area to 400 Middleton Road boundary gate has low visibility from surrounding neighbours and very infrequent passing traffic, meaning it is easy for rubbish to be dumped without being noticed.
40. Being able to install a gate to 400 Middleton Road at the natural turning area would assist with both safe vehicle manoeuvres, rubbish issues and make it more difficult for vandalism of Nott House.
41. The applicants have a CCTV located at the natural turning area due to ongoing problems in the area. Having a gate installed here at the new proposed boundary would discourage illegal dumping and unauthorised access to Nott House for the purpose of damage or vandalism.

**Conclusion**

42. The Transport Network team have confirmed there is no operational requirement for the Land and utility providers have no objections to the proposal as their conditions would also be met. No public access requirement has been established as this last section of Rowells Road finished at a dead end at the applicant's property 400 Middleton Road and is treated by Council as a private driveway to be maintained by the owner using it. Heritage NZ have supported Council on that point by withdrawing their written submission upon learning the Land would be amalgamated with 400 Middleton Road.
43. Stopping of the Land and placement of a gate at the new boundary will:
  - Ensure that the last available vehicle turning area in Rowells Road is used and improve traffic safety in Rowells Road.
  - Further discourage would-be vandals and illegal dumping with the presence of CCTV at the turning area.
  - Prevent any inadvertent roadside mowing or tree trimming maintenance by Council.
  - Have no impact on KiwiRail's ability to access its main trunk railway line.
44. For the reasons detailed in this report officers believe that the road stopping proposal should proceed, and not be replaced by an encroachment licence.
45. Officers therefore recommend that objections to the road stopping proposal for road land in Rowells Road, adjoining 400 Middleton Road not be upheld (i.e. rejected).
46. If Councillors support the road stopping proposal proceeding, officers believe it would be inappropriate to impose any conditions relating to Nott House. This would be a matter for the District Plan and the private owners of 400 Middleton Road now and in the future.

**Options**

47. The Committee has three options:
  - a. Agree not to uphold objections, or impose any conditions.
  - b. Agree to uphold objections and retain the Land as legal road. Officers note Council could incur future retention costs.
  - c. An alternative proposal has been suggested that the applicants enter into an encroachment licence to relocate their gate, to improve safety issues. Officers believe the applicants would simply abandon their road stopping application, and

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retain the status quo. This also does not address the fact that the Land is not required for Council's operational requirements.

48. As above, the recommended option is **Option A**.

**Next actions**

49. The Committee will consider the submissions and officers' responses, and will make a recommendation to Council on whether or not to uphold the objections.
50. If the objections are not upheld and the road stopping proposal proceeds, and if any of the objectors still wish to pursue their objection, then the road stopping proposal and the objection(s) will be referred to the Environment Court for a decision.
51. If the Committee's decision is to uphold any objection, and the full Council agrees, then the road stopping proposal is effectively ended and the Land will not be stopped and sold.

**Attachments**

- Attachment 1. 2017 Report and Minutes [↓](#) Page 40
- Attachment 2. Written submissions and officers response [↓](#) Page 49

|            |  |
|------------|--|
| Author     | Paul Davidson, Property Advisor  |
| Authoriser | David Chick, Chief City Planner<br>Steve Spence, Chief Advisor, Transport and Infrastructure |

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**SUPPORTING INFORMATION****Engagement and Consultation**

Public notification for the road stopping proposal was undertaken during October and November 2017.

- Letters were sent to owners and occupiers of properties situated immediately near the road stopping site, including KiwiRail, and the local residents association.
- Public notices were placed in the Dominion Post on 4 and 18 October 2017. Signage was placed on the Land, and at the Rowells Road / Middleton Road intersection.
- Information was also available from Council's website, the Central Library and Service Centre at 101 Wakefield Street.
- Site meetings were held on 16 March 2018 and 11 April 2018.

**Treaty of Waitangi considerations**

No iwi consultation specific to the road stopping proposal was undertaken. The land is not located in a Māori precinct, or other area identified as significant to Māori. The land is not being disposed on the open market, and will not become a standalone allotment (amalgamation is proposed).

**Financial implications**

Council does not maintain this short length of road; it is maintained by the resident. Council does have responsibility to administer and control its use for which there are minor costs.

**Policy and legislative implications**

The recommendations of this report are consistent with policies of the Council, and in accordance with the legislative requirements the road stopping is being undertaken under.

**Risks / legal**

The road stopping process is consistent with legislative and Council requirements. Any legal agreement, or action in the Environment Court, will be overseen by the Council's lawyers.

**Climate Change impact and considerations**

There are no climate change implications for this road stopping.

**Communications Plan**

Officers will keep all parties fully informed.

**Health and Safety Impact considered**

If this road stopping proposal is successful, the owners of 400 Middleton Road plan to reposition a gate to the natural turnaround area in Rowells Road. This would prevent unauthorised access and current dangerous traffic manoeuvres.

REGULATORY PROCESSES COMMITTEE  
16 MAY 2018

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REGULATORY PROCESSES COMMITTEE  
12 APRIL 2017

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PROPOSED ROAD STOPPING - LAND ADJOINING 400  
MIDDLETON ROAD, GLENSIDE

**Purpose**

1. To recommend that the Council stops and sells approximately 1,650m<sup>2</sup> (subject to survey) of unformed legal road adjoining 400 Middleton Road, Glenside (shown outlined in red in Attachment 1 (the Land)).

**Summary**

2. The owner of 400 Middleton Road, Glenside, has applied to purchase the Land.
3. The Land contains formed carriageway being located at the end of Rowells Road, which is a 'no exit' street.
4. Utility providers and relevant Council internal business units have been consulted. All support the proposal subject to standard conditions (where applicable).
5. Initial consultation letters have been sent to five adjacent neighbours of the road stopping, with none opposing the proposal.
6. If the Council approves officers' recommendation then public notification will commence. Neighbours and any other member of the public will then have the opportunity to make a submission.

**Recommendations**

That the Regulatory Processes Committee:

1. Receives the information.
2. Recommends to the Council that it:
  - a) Declares that approximately 1,650m<sup>2</sup> (subject to survey) of unformed legal road land in Rowells Road, Glenside, shown outlined red on Attachment 1 (the Land), and adjoining 400 Middleton Road (Part Section 29 – 30 Porirua District CFR WN526/164) is not required for a public work and is surplus to Council's requirements.
  - b) Agrees to stop the legal road and dispose of the Land.
  - c) Delegates to the Chief Executive Officer the power to conclude all matters in relation to the road stopping and disposal of the Land, including all legislative matters, issuing relevant public notices, declaring the road stopped, negotiating the terms of sale or exchange, impose any reasonable covenants, and anything else necessary.
3. Notes that if objections are received to the road stopping, and the applicant wishes to continue, a further report will be presented to the Regulatory Processes Committee for consideration.

**Background**

7. The Land is basically 'L' shaped, being occupied by formed carriageway, vegetation and trees (Refer to Attachment 2 for views of the Land at street level).

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8. 400 Middleton Road is located at the end of Rowells Road, the only vehicle access to this property is from Rowells Road.
9. The applicants also own the neighbouring property at 110 Rowells Road. The Land could be amalgamated with either of the applicants properties, but unless it was amalgamated with 400 Middleton Road a right of way easement in favour of that property would be required.
10. The applicant is interested in purchasing the Land as currently often traffic goes to the end of Rowells Road, and then due to the topography and narrowness of the carriageway they cannot turn around. They then have to reverse back some distance including around corners to reach the section of the road where they can turn around.
11. The remote location also means that the area is often used for unsociable or illegal activities.
12. This section of Rowells Road is very close to railway lines and officers understand there have been near misses with motorists nearly been hit by trains.
13. Securing ownership of the Land increases the applicant's options to control the situation.

**Discussion**

14. Road Stopping is provided for under Sections 319(1)(h) and 342(1)(a) of the Local Government Act 1074 (LGA).
15. The Council, under section 40 of the Public Works Act 1981 (PWA), 'shall endeavour' to dispose of any land not required for the public work for which it was taken, and which is not required for any other public work.
16. Advisors from Council's Transport Team have confirmed the land is not required for future road widening or public access purposes. They supported the proposal subject to retaining sufficient legal road to improve the turnaround area at what would become the end of Rowells Road. This has been allowed for in the proposal.
17. Relevant Council business units have been consulted with and none wish to retain the Land. Public Drainage/Wellington Water highlighted there is a public stormwater drain located in the vicinity of the proposed road stopping area, and that this should remain in road land. This has also been allowed for in the proposal.
18. As is normal practise in the early stages of the road stopping process officers have written to the owners of the five adjacent or nearby properties, including KiwiRail, notifying them that Council had received this road stopping application. At the time of writing this report only KiwiRail responded, having no issue with the proposal. These five owners will be consulted again when the formal public consultation is carried out later in the road stopping process.
19. If Council approves the above, officers will establish whether any offerback obligations under section 40 of the Public Works Act 1981 exist.

**Options**

20. The alternative to undertaking the road stopping is to retain the Land as legal road. In the long term this will incur maintenance and retention costs on land that Council no longer requires.

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**Next Actions**

21. Conclude an investigation in accordance with s40 PWA.
22. Initiate the public notification process.
23. Prepare a survey plan and Sale and Purchase contract.

**Attachments**

- Attachment 1. Aerial Page 20  
Attachment 2. Views of the Land at street level Page 21

|            |   |
|------------|---|
| Author     | Paul Davidson, Property Advisor   |
| Authoriser | Tracy Morrah, Property Services Manager<br>Peter Brennan, Manager Property<br>David Chick, Chief City Planner |

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**SUPPORTING INFORMATION**

**Consultation and Engagement**

**Community**

In October 2016 letters were sent to the owners of five properties nearby or adjacent to the land proposed to be stopped. At the time of writing this report only one reply had been received with that party having no issue with the proposal.

**Utility Provider and Council Business Units**

The applicant is obliged to obtain comments from utility providers prior to submission of the application. None have objected to the road stopping.

Wellington Electricity Lines Limited advised that there are overhead electricity lines in the vicinity of the road stopping area. The positioning of these lines and any power poles relative to the road stopping area and proposed new legal boundaries will be confirmed by survey and easement(s) registered on the title if necessary.

Several relevant Council business units were consulted in addition to Transport Planning: None objected to the road stopping.

City Planning and Design approved the proposal on the basis the stopped road land was amalgamated with either 400 Middleton Road, or 110 Rowells Road.

The District Plan team noted: 'the road stopping parcel will take on the zoning from either side, being Rural to the east and Open Space B to the west, with the zone boundary running down the centre of the former road. This is unlikely to be helpful or suitable for the future owner as the Open Space B zoning could have an effect on the future use of the amalgamated lot. It would therefore make sense for the rural zoning to apply to the whole 'road stopping parcel'; This could be covered by one of the plan changes we do from time to time to deal with minor zoning changes'.

**Treaty of Waitangi considerations**

Iwi groups have not been consulted. The land is not located in a Māori Precinct, or other area identified as significant to Māori. The land is not being disposed on the open market, and will not become a standalone allotment (amalgamation is proposed).

**Financial implications**

There are no significant financial considerations related to this recommendation. Any costs associated with the disposal of the Land are borne by the applicant or subtracted from sale proceeds per the 2011 cost sharing initiative.

In August 2011 a new cost sharing incentives for road stoppings were approved by Council. The rebate amount is determined at the end of the road stopping process when all of the costs are known.

**Policy and legislative implications**

The recommendations of this report are consistent with policies of the Council; the road stopping is also being undertaken in accordance with legislative requirements.

This is not a significant decision. This report sets out the Council's options under the 2011 Road Encroachment and Sale Policy.

This proposed road stopping has no significant impact on the Long Term Plan.

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**Risks / legal**

The road stopping process is consistent with legislative, and the Council's requirements. Any legal agreement, or action in the Environment Court, will be overseen by the Council's lawyers.

**Climate Change impact and considerations**

There are no climate change implications for this road stopping.

**Communications Plan**

Public consultation in accordance with the Tenth Schedule of the LGA will be carried out later in the road stopping process.

**Health and Safety Impact considered**

If this road stopping proposal is successful, the owners of 400 Middleton Road plan to install a gate at their new legal boundary in Rowells Road. This would prevent unauthorised access and current dangerous traffic manoeuvres.

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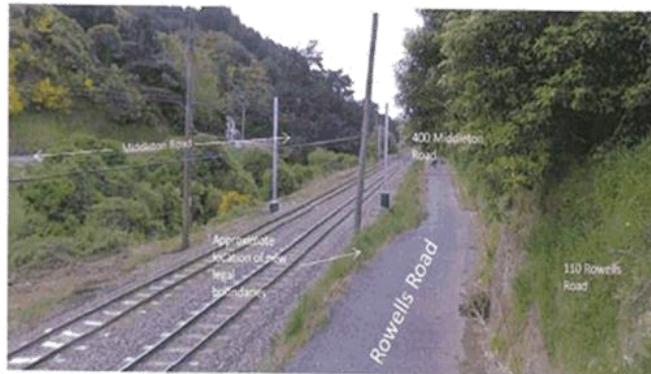
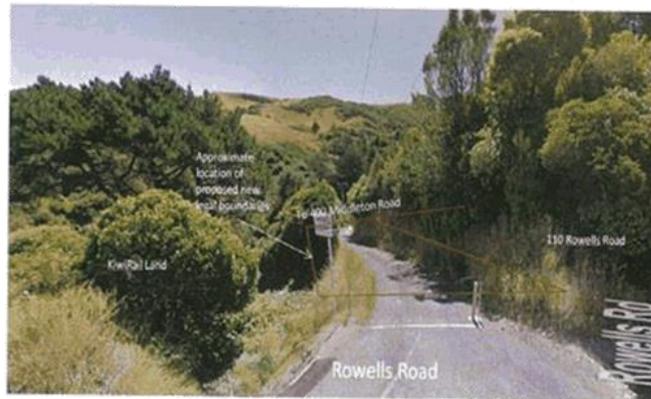
Attachment 1



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Attachment 2



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**COUNCIL**  
26 APRIL 2017

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**ORDINARY MEETING**  
**OF**  
**WELLINGTON CITY COUNCIL**  
**MINUTES**

**Time:** 9:30 am  
**Date:** Wednesday, 26 April 2017  
**Venue:** Committee Room 1  
Ground Floor, Council Offices  
101 Wakefield Street  
Wellington

**PRESENT**

- Mayor Lester
- Councillor Calvert
- Councillor Calvi-Freeman
- Councillor Dawson
- Councillor Day
- Councillor Eagle
- Councillor Foster
- Councillor Free
- Councillor Gilbert
- Councillor Lee
- Councillor Marsh
- Councillor Pannett
- Councillor Sparrow
- Councillor Woolf
- Councillor Young

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COUNCIL  
26 APRIL 2017

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3.2 Report of the Regulatory Processes Committee Meeting of 12 April 2017  
Proposed Road Stopping - Land Adjoining 400 Middleton Road, Glenside

Moved Councillor Sparrow, seconded Councillor Dawson

**Resolved**

That the Council:

1. Agree to:
  - a. Declare that approximately 1,650m<sup>2</sup> (subject to survey) of unformed legal road land in Rowells Road, Glenside, (shown outlined in red on Attachment 1 of the Officer's report) (the Land), and adjoining 400 Middleton Road (Part Section 29 – 30 Porirua District CFR WN526/164) is not required for a public work and is surplus to Council's requirements.
  - b. Stop the legal road and dispose of the Land.
  - c. Delegate the Chief Executive Officer the power to conclude all matters in relation to the road stopping and disposal of the Land, including all legislative matters, issuing relevant public notices, declaring the road stopped, negotiating the terms of sale or exchange, impose any reasonable covenants, and anything else necessary.

A division was called for, voting on which was as follows:

**For:**

Mayor Lester  
Councillor Calvert  
Councillor Calvi-Freeman  
Councillor Dawson  
Councillor Day  
Councillor Eagle  
Councillor Foster  
Councillor Free  
Councillor Gilbert  
Councillor Lee  
Councillor Marsh  
Councillor Pannett  
Councillor Sparrow  
Councillor Woolf  
Councillor Young

**Against:**

Majority Vote: 15:0

**Carried**

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| Objector – Claire Bibby – 1 Westchester Drive, Glenside  | Council business unit response  |
|--|---|
| <p>1. The road access has significant importance for access to the house and surrounding landscape, which has a Wellington City Council District Plan heritage designation listing.</p>  | <p><b>Property Services</b><br/>If the road stopping proposal is successful the Rowells Road access to 400 Middleton Road will remain, albeit in an altered location.</p> <p>If the road stopping proposal is successful the applicants intend to relocate their gate to the new legal frontage, that being the last point in Rowells Road where cars are able to turn around.</p>  |
| <p>2. The loss of the first legal access to 400 Middleton Road (a bridge across the stream from Middleton Road) resulted in this Rowells Road access.</p>  | <p><b>Property Services</b><br/>As was noted in the submission from Heritage New Zealand the bridge access was demolished when the Tawa Rail Deviation came through the area in the late 1920s to mid 1930s, and alternative access was provided via Rowells Road.</p> <p>Heritage New Zealand subsequently withdrew their submission after officers confirmed if the road stopping proposal was successful the subject road land would be amalgamated with 400 Middleton Road.</p>                             |
| <p>3. The access is significant as second legal access (a footbridge) from Middleton Road was removed by railways c2009 at considerable upset to Mr Dorset. The footbridge provided a very useful access for a loop track for runners and walkers and enabled people a short-cut or quicker access to the house. Losing this third legal access is incomprehensible.</p> | <p><b>Property Services</b><br/>The footbridge was removed due to its poor condition, and the safety risk of access to a private property by crossing the railway line.</p> <p>Any historical public access over 400 Middleton Road would have been with the consent of the owner of the property at the time. There is no public right of way easement registered on the title.</p> <p>The road stopping proposal will not result in a loss of road access to 400 Middleton Road from Rowells Road.</p>        |
| <p>4. The house is significant as an iconic and significant feature of our community and the relationship of the road to the community and to the house will be important to its future use. This is not the right time to stop the road or change its designation.</p>  | <p><b>Heritage Team (Campbell Robinson)</b><br/>We acknowledge the comments regarding Nott House and its historic values. Protections of the structure itself under the District Plan remain unfettered by this proposal. Ultimately the road stopping in isolation does not prevent that from happening.</p> <p>We note that access to the existing structure is already compromised. We note that after the road stopping the property would continue to have a formed and legally viable access point to</p> |

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|   | <p>ensure access to the structure is maintained in some form. The landowner would be responsible for maintaining this accessway.</p> <p><b>Property Services</b><br/>The applicant recently advised that they are letting Nott House be used by an artist for a studio, and it is possible to access it in a 2WD vehicle.</p>   |
| <p>5. Mr David Mitchell, Senior Spatial Planning Advisor, of Wellington City Council has recently indicated a structure plan planning process for future development on the western side of Middleton Road. This plan is likely to be extended to the eastern side of Middleton road. This road stopping proposal pre-empts an integrated Council and community planning approach for the area.</p> | <p><b>District Plan team (David Mitchell)</b><br/>The District Plan team is undertaking a structure plan process for the land referred to as Upper Stebbings Valley and Marshall Ridge. This land is to the west of Middleton Road. The land to the east of Middleton Road is still being investigated for inclusion in this process.</p> <p>The road stopping proposal adds a minor amount of land to the overall site of 400 Middleton Road and formalises the function of a public road acting as a private driveway. At this stage, it is considered this land would have a very limited impact on any future plans for the area.</p>   |
| <p>6. People have approached me who are distressed about the deterioration of this historic house and associated landscape and the loss of road access. One family have copied me into their e-mails to Council about this, including their communication with the planning team and the Mayor, which is not reflected in the Council report.</p>   | <p><b>Property Services</b><br/>The condition of Nott House is a separate matter to the proposed road stopping, which would not result in a loss of road access to 400 Middleton Road from Rowells Road.</p> <p>In October 2016 officers sent letters to all other property owners in Rowells Road advising a road stopping application had been lodged, and to expect to receive further correspondence when formal public notification was carried out.</p> <p>Prior to preparing the report for the Regulatory Processes Committee meeting of 12 April 2017, officers managing the road stopping application had not received any responses. Any enquiries received after 12 April 2017 related to the road stopping were referred to Property Services. Enquirers were advised that formal public notification had yet to be carried out.</p> |
| <p>7. Council planners/regulatory staff should be working toward achieving the intent of the District Plan. i.e. Encouraging the owner to put effort into protecting the house which is recognised by this Council as having significant heritage values including high visibility value,</p>   | <p><b>Property Services</b><br/>The road stopping proposal is unrelated to Nott House's condition or heritage status. Council planners and Heritage team have already commented confirming that the legal access to 400 Middleton Road would not be compromised by the road stopping proposal.</p>  |

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| <p>instead of getting side-tracked into issues of security which cannot be resolved through a road stopping, and which will result in the Fire Service emergency access to the railway line and the house being further reduced, as the owners intention is to prevent vehicular access.</p> | <p>The applicant's owners could progress their plans to develop their 400 Middleton Road existing property without purchasing any adjoining road land. They applied to purchase the road land as the safety and security issues they currently deal with are significant enough to justify the road stopping process costs and time to complete that process.</p> <p>If the road stopping proposal is successful the applicant's intend to relocate their gate to the new legal frontage. The existing gate was installed after consultation with KiwiRail and Council following problems with vehicles illegally/informally driving onto 400 Middleton Road to turn around as the end of Rowells Road is narrow and it is difficult to reverse. Once on 400 Middleton Road vehicles had become stuck on or near the railway lines, or sometimes continued onto the private property for other illegal reasons, including damaging Nott House.</p> <p>In regards to emergency services other than the distance between the existing and proposed new gate positions which is approximately 85 metres, nothing else in regards to current access would change.</p> |
| <p>8. The road stopping is inherently wrong in that it could result in the house being landlocked and not able to be accessed from its own title.</p>  | <p><b>Property Services</b><br/>If the road stopping proposal is successful it would not result in Nott House being landlocked.</p> <p>At present 400 Middleton Road has frontage to legal road 20m wide. If the road stopping proposal is successful frontage to legal road remains at that width, albeit in a different position.</p>   |
| <p>9. The owner of the property has submitted a sub-division proposal before the Council, which retains the road access to the house, which makes this road stopping proposal at odds with the owners future intent for the land.</p>  | <p><b>Property Services</b><br/>The road stopping proposal does not remove road access to 400 Middleton Road. The property owners subdivision plans are a separate matter for Council's regulatory team who have already commented.</p> <p>The applicants could progress their plans to develop 400 Middleton Road and 110 Rowells Road now without purchasing any adjoining road land. But by not stopping the subject road land that would be detrimental to traffic safety/lack of turning as previously stated.</p>   |
| <p>10. If the current owner can't afford to or does</p>  | <p><b>Property Services</b></p>   |

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| <p>not have the ability to restore the house themselves, then they need to be willing to make it available to a suitable party who has an interest in trying to do this, for example, by not stopping the road, and working with Council to sub-divide and sell the house and parcel of associated land with existing road access and heritage landscape values.</p>   | <p>The road stopping proposal is unrelated to Nott House's condition or heritage status, the stopped road land would be amalgamated with and held on the same title as the house.</p>   |
| <p>11. 400 Middleton Road is one of four heritage buildings listed on the District Plan in the Middleton Road corridor. However there are other historic properties and heritage sites in the corridor. I recently organised the Open Day for the official opening of the Halfway House at 246 Middleton Road at which 331 people recorded their attendance. People travelled from as far as Australia, Palmerston North and Mastetou. They recorded the top reason for attending was because of a love of heritage and old houses and local history.</p>  | <p><b>Property Services</b><br/>The road stopping proposal is unrelated to Nott House's condition or heritage status.</p>   |
| <p>12. There is an economy around heritage sites and local history that Council has not tapped into, which 400 Middleton Road lends itself towards and is part of the future of the Glenside corridor. This is not the time to stop the road.</p>  | <p><b>Property Services</b><br/>The road stopping proposal is unrelated to Nott House's condition or heritage status, and has no impact on access to Nott House.</p>  |
| <p>13. There are opportunities for a public heritage walkway adjacent to railway, in which case stopping the road access would impact on this.</p> <p>My thinking is (and this is supported by some others in the community) that the old track beside the railway line between the historic Greer House aka Clarence Farm and the Nott House (aka Ivy Bank Farm) could be obtained for public access through a variety of means whether it be reserve contribution or other.</p> <p>I understand there is talk of moving the Nott house south and back into a better position, which means that there is the option of the frontage becoming part of the walking access. The owner will tell you there is no track however that is because she doesn't understand that it is overgrown with lack of maintenance and railways damaged it during an upgrade. I have</p> | <p><b>Heritage Team (Campbell Robinson)</b><br/>The proposal is not supported by any business case or any sort of analysis and therefore any comment from heritage is premature. A heritage walk in the Glenside area is not currently part of the heritage work programme.</p> <p><b>City Design-Network Improvement (Paul Barker)</b><br/>Currently there are no plans within to create a transport connection through the eastern side of the rail corrido along Middletown Road.</p> <p>Funding for walking connections would not receive transport agency subsidy. Local funding for walking connections is limited and focused on making small residential connections in our existing footpath network.</p> <p>There is considerable funding to develop a cycle network, and the connection between Tawa and</p> |

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| <p>walked along it and shifted sheep on it. The track passes through a very historic site of Dr Curl's land (in fact, half the Nott House is Dr Curl's house which was dragged along the track so the two could be joined) and WWII Anti-tank trap remnants.</p> <p>The other consideration is that the owners of Greer House have the oldest flour mill in Wellington on their property and probably the only surviving one and they want to restore it, possibly move it to a better site on their land. I think there are a whole lot of opportunities here about public access and private access that are not being considered carefully, and should be, otherwise the applicant for the road stopping is going to prevent future opportunities. My reasoning, which David Mitchell is open to, is that the Eastern side of Middleton Road should also be a structure plan, so that the owners can have their sub-divisions without destroying the heritage sites.</p> <p>What I am suggesting, is that there could be a very sound heritage walk from the Halfway House, along Rowells Road, and the proposed public walkway, to Willowbank Reserve. There's masses of heritage in this narrow corridor. I've only touched on it.</p> <p>I think the best way to do this is a drive, from the Halfway House to the end of Rowells Road, then along Middleton Road, showing the proposed walk and the sites, and then onto Greer House property (I can ask the owners) to look at the exit option on the other side.</p> <p>This has significant potential for WCC and Northern Suburbs, and could be part of the Te Araroa trail offshoot, which has potential for Nott House as accommodation destination. This is much better investment of time and energy, instead of connecting the Ohariu/Best ridgeline which is never going to be built on anyway.</p> | <p>Johnsonville through this corridor has been identified as an area of severance that requires connecting.</p> <p>We have undertaken some high level scoping of widening the existing carriageway to better cater for bikes (and pedestrians) but before any serious investigation we would be expected to undertake a full business case approach which would include looking at all options in the corridor including any options that may be available on the eastern side of the rail corridor.</p> <p>From a preliminary look at the proposed road stopping I do not believe that this would compromise any future development of a walking and/or cycling transport connection in this corridor. If we were to provide any facility in the area we would require access over significant parts of private land and/or kiwirail land.</p> <p><b>District Plan team (David Mitchell)</b><br/>We are not currently in a position to state if the walk should exist, or if the idea was to progress, how this particular road stopping would impact it, other than to say it would decrease the amount of public land it would have to traverse on.</p> <p><b>Parks, Sport and Recreation (Joel de Boer)</b><br/>I have checked our Open Space Access Plan – Council's management plan for planning tracks and trails in our city's open spaces and reserves.</p> <p>We have a proposed track identified from Willowbank Park heading south between the railway tracks (NIMTL) and Willowbank Road and Middleton Road. This would be an extension of the Ara Tawa pathway. The Ara shared path network connects Porirua Railway station to Willowbank Park. The continuation of this would then link Porirua, Tawa and Glenside.</p> <p>In this area (Sector 1 - Spicer and Tawa west) we are also planning to connect Redwood Bush and Spicer Forest area through Stebbings Valley to strengthen the Outer Green Belt concept area and help re-route the Te Araroa Trail, that currently runs along Ohario Valley Road, over rural landscape opposed to the road.</p> |
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|  | <p>Other proposed tracks in the area (on the other side of the NIMTL) including linking Granda North to Belmont Gully (eg Jamaica Drive to Mark Avenue).</p> <p>At this stage we have no plans to develop a track along the motorway side of the NIMTL north of Glenside. One of the main constraints would be acquiring access over private land.</p> <p><b>Property Services</b><br/>If the road stopping proposal is successful it does not impact on any future opportunities for Council to consider a public heritage walk being created. It would result in 400 Middleton Road's frontage to Rowells Road being in a different position which would enable the applicants to reposition their gate. This would alleviate public safety and security issues due to cars not currently being able to turn around at the end of Rowells Road as it is narrow, and it then being difficult to reverse.</p> |
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| Objector – Felicity Wong for Historic Places Wellington Inc Society   | Council business unit response  |
|---|---|
| 1. Felicity Wong for Historic Places Wellington Inc Soc (HPW). 21 Hay St Oriental Bay Wellington 6011, Tel 0212410441, Submission on Proposed Road Stoppage 400 Middleton Rd Glenside.  | <b>Property Services</b><br>Noted   |
| <b>Historic Heritage Values</b>   |   |
| 2. Located at 400 Middleton Rd is an historic house known as "Nott House". Built in 1860, it is one of the oldest surviving buildings in Wellington. Nott House is recognised by WCC as such and listed in the District Plan, together with its historic milk stand. Among the many listed buildings in Wellington only five are older than Nott House (among them, Nairn St Cottage which is only two years older than Nott House). Nott House was listed by Heritage New Zealand but is now subject to the "deficient registration" process.  | <b>Property Services</b><br>The road stopping proposal is unrelated to Nott House's condition or heritage status. |
| 3. Furthermore Nott House is one of the few remaining old houses located on Middleton Road, which was formerly the old Porirua Road- the main thoroughfare between Wellington and Porirua. The area now known as Glenside used to be called 'The Half Way' because of its mid-point location between Wellington and Porirua. It got the name Glenside in 1928. It was an area of 100 acre rural sections in the original New Zealand Company survey of Wellington.  | <b>Property Services</b><br>Refer response to Point 2.  |
| 4. William Nott and his family arrived in Wellington in 1842 and he bought this property in 1860. The Notts sold the farm in 1919 after two members of their family died during the 1918 influenza epidemic. David and Priscilla Rowell bought the farm, known as Ivy Bank farm. Access to the farm was across a bridge off the Porirua Road and the farm got its name from ivy growing over the bridge. When the Tawa Rail deviation came through the area in the late 1920s/mid 1930s the bridge access was demolished and alternative access provided via Rowell's Road. The Rowell family sold the farm in 1947 to H E Dorset. Russell Murray, Wellington conservation architect, noted that a footbridge was constructed over the railway line to allow the Rowell family to carry their cans of cream and milk to a milk stand on the road. | <b>Property Services</b><br>Noted   |
| 5. The woolshed at the property was later used for a variety of purposes- including as New Zealand's only Borafume (used in timber preservation) factory between 1959 and 1988. It  | <b>Property Services</b><br>Noted   |

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| has since been demolished.  |   |
| 6. After Max Dorset's death in 2011, the property was purchased in 2013 by its current owners. They are Donna Sherlock and Tim Growcott, (or entities associated with them), who also own the neighbouring property at 110 Powells Road.  | <b>Property Services</b><br>Noted   |
| 7. Nott House is a beloved heritage feature for commuters on the Waikanae/Tawa/Wellington railway line. Recently HPW partnered with Heritage NZ and WCC to organise a very successful "Wellington Heritage Week". Thousands of Visitors joined in successful activities , including visiting heritage properties, demonstrating the interest residents have in historic heritage.   | <b>Property Services</b><br>Noted   |
| 8. HPW recommends that WCC Heritage staff be consulted about the heritage implications of the proposed road stoppage. Historic heritage values and impacts on them of the application must be fully considered.   | <b>Heritage Team (Campbell Robinson)</b><br>We acknowledge the comments regarding Nott House and its historic values. Protections of the structure itself under the District Plan remain unfettered by this proposal. Ultimately the road stopping in isolation does not prevent that from happening.   |
| <b>Roading</b>  |   |
| 9. The original purpose of Rowells Road including the portion now proposed for stoppage was to provide access to Nott House, then owned by the Rowell family.   | <b>Property Services</b><br>The road stopping proposal does not result in any loss of access to 400 Middleton Road from Rowells Road. Nott House is located on the land held on title CFR 526/164, i.e. 400 Middleton Road. This property will still have access to Rowells Road if the road stopping is successful.  |
| 10. HPW acknowledges that the remoteness of Nott House being at the very end of Rowells Road has contributed to it remaining in an "original state". HPW also acknowledges problems with the current public road end of Rowells Rd, including undesirable activities (including deaths), public risk from the unfenced railway line, and difficult security for the owners of vacant Nott House. HPW is aware of the unapproved security fence currently in place across the public road. Although this clearly helps with safety and security it is not currently authorised. HPW recognises the positive efforts made by the owner to protect access but does not support the Council "off-loading" it's responsibility to maintain appropriate and safe public access to Nott House. | <b>Heritage Team (Campbell Robinson)</b><br>We acknowledge the comments regarding Nott House and its historic values. Protections of the structure itself under the District Plan remain unfettered by this proposal. Ultimately the road stopping in isolation does not prevent that from happening.<br><br>We note that access to the existing structure is already compromised. We note that after the road stopping the property would continue to have a formed and legally viable access point to ensure access to the structure is maintained in some form. The landowner would be responsible for maintaining this accessway.<br><br><b>Property Services</b><br>The section of Rowells Road proposed to be stopped provides access to only one property, |

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|  | <p>i.e. 400 Middleton Road. As such Council's Transport Planning unit see no need to retain and maintain for public road what is effectively a driveway to one privately owned property.</p> <p>Any historical public access over 400 Middleton Road to reach Nott House would have been with the consent of the owner of the property at the time. There is no public right of way easement or interest registered on the title.</p> <p>The applicants have applied to purchase road land because the safety and security issues they deal with are significant enough to justify the road stopping process costs and time to complete the process. The applicants currently have a gate on their properties legal frontage to Rowells Road. If the road stopping proposal is successful they intend to relocate it to the new legal frontage, being the last part of Rowells Road where cars are able to practically turn around.</p> <p>It is assumed the 'unapproved security fence' reference means the existing gate installed on 400 Middleton Road's legal frontage to Rowells Road, and the start of its own private driveway. The applicants are within their rights to have a gate on their legal frontage. It was installed after consultation with KiwiRail and Council following problems with vehicles illegally/informally driving onto 400 Middleton Road to turn around, as the end of Rowells Road is narrow and it is difficult to reverse. Once on 400 Middleton Road vehicles had become stuck on or near the railway lines, or sometimes continued onto the private property for other illegal reasons, including damaging Nott House.</p> <p>In regards to public access there is no right of way easement or interest registered on 400 Middleton Road's title to provide for public access over that property.</p> <p>Council is not offloading any public responsibility through the road stopping process relating to access. The road stopping will provide improved traffic safety by improved turning ability and further discourage anti-social behaviour.</p> |
| <p><b>Demolition by Neglect Risk</b></p>   |  |
| <p>11. HPW supports the owner/s of Nott House (the Applicant) protecting and preserving Nott</p> | <p><b>Property Services</b><br/>Refer response to Point 2.</p>   |

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| House. The current state however is of severe dilapidation.  |   |
| 12. In 2013 the WCC approved funding of \$30,000 public funds for its structural stabilisation/repair. Despite time extensions the funding was not uplifted by the owners. HPW is not aware of any stabilisation or structural work having been done since it's purchase in 2013, despite security measures having been taken in its vicinity.   | <b>Property Services</b><br>Refer response to Point 2.  |
| 13. There is an urgent need for stabilisation work on Nott House. Historic Places Wellington is very concerned about the precarious state of the structure. Nott House has a rich and colourful history but appears in some danger of collapse and accordingly, of demolition by neglect.  | <b>Property Services</b><br>Refer response to Point 2.  |
| <b>Landlocked</b>  |   |
| 14. We believe it is critical to maintain public access to the Nott House property (400 Middleton Road) so as to retain options and flexibility for its preservation and restoration. The historic heritage values would be impacted by approval of road stoppage or development and must be considered. HPW advocates for the road to be maintained as a public road and for WCC, the owners and Tranzrail to jointly consult about resolving the long standing issues noted above in a formally approved way.  | <b>Property Services</b><br>Public access to Nott House is not compromised by the proposed road stopping as there are no existing public access rights over the property now.   |
| 15. In the event however that the road stoppage is approved HPW advocates for the land to be amalgamated into the title of 400 Middleton Rd only. Nott House would otherwise become "landlocked" e.g. if the area of the proposed road stoppage was amalgamated into the title of 110 Rowells Rd, or otherwise disposed of. HPW is concerned that a legal easement may not in the event be created in favour of 400 Middleton Rd, given the joint ownership of the two neighbouring properties and the development and subdivision plans. Any such lack of direct access could make restoration less feasible. | <b>Property Services</b><br>The road stopping proposal would not result in Nott House being landlocked.<br><br>Heritage New Zealand lodged a submission opposing the road stopping. They subsequently withdrew it after officers confirmed if the road stopping proposal was successful the subject road land would be amalgamated with 400 Middleton Road. |
| 16. It should also be a condition of any road stoppage, or other development and subdivision that Nott House be stabilised, further deterioration prevented and the structure restored.  | <b>Property Services</b><br>The road stopping proposal is unrelated to Nott House's condition or heritage status. Therefore it would be an inappropriate requirement to impose any condition relating to the house as part of the road stopping process.  |
| 17. Repair and restoration would provide a lasting solution to the risks of undesirable activity.  | <b>Property Services</b><br>Refer response to Point 2.  |

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| <p><b>Open Space Designation</b></p> <p>18. There is clear potential for development and subdivision of either or both the properties at 400 Middleton Rd and 110 Rowells Rd. HPW is generally aware of the current owners' interest in subdivision and development of their property.</p>  | <p><b>Property Services</b></p> <p>The applicants intend to redevelop their 400 Middleton Road and 110 Rowells Road properties, and are currently going the subdivision application process. They could progress their developments plans without purchasing any adjoining road land. The applicants want to purchase road land to improve the safety and security issues they deal with by installing their gate closer to where cars can turn around in Rowells Road.</p>  |
| <p>19. The area of road proposed for stoppage could potentially be used either as access for development and subdivision of 400 Middleton Rd or of 110 Rowells Road.</p>  | <p><b>Property Services</b></p> <p>The proposal is that the area of road land proposed to be stopped will be amalgamated with 400 Middleton Road's title. It will not result in a loss of access to 400 Middleton Road from Rowells Road.</p> <p>The applicants could progress their plans to develop 400 Middleton Road and 110 Rowells Road without purchasing any adjoining road land. They have applied to purchase road land to improve the safety and security issues relating to car turning.</p> <p>Future development of either property including any proposed new access is not a consideration of the road stopping proposal, but appropriately considered in the building and resource consent processes.</p> |
| <p>20. HPW is concerned that the proposed road stoppage (and subsequent change to rural land designation) is likely to be the first step in an eventual development and subdivision process involving the area around Nott House.</p>   | <p><b>Property Services</b></p> <p>Future development is not contingent on the proposed road stopping and will proceed regardless of it.</p>   |
| <p><b>Landscape, Recreation, Biodiversity Values</b></p>  |  |
| <p>21. Road stoppage and the subsequent elimination of the current "open space" designation of half of that area, would affect landscape/recreation values and biodiversity values of the area. The open space designation of the areas adjoining Porirua Stream and the railway on Middleton Road, (including the proposed road stoppage area), is recognised in WCC reserves policy and planning documents as having important biodiversity and recreation value. We do not support the proposal by WCC that if the road is stopped a plan change be made to change the current designation from open space to rural land, particularly in light of</p> | <p><b>Property Services</b></p> <p>The subject road land is not currently zoned Open Space, as Road land does not have any zoning. When road land is stopped it takes on the zoning of the immediately adjoining land. In cases like the 400 Middleton Road road stopping proposal where there is different zoning on either side it could take on both zonings with a zone boundary running down the centre of the former road. As was stated in Council report dated 12 April 2017 the District Plan team advised that would it not be helpful or suitable to split the zoning as it could have an effect on the amalgamated lot.</p>  |

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| the development interests of the current owners.  | While there is Open Space B land to the west of the road land proposed to be stopped, it is designated railway corridor.   |
| <b>Process Concerns</b>   |  |
| 22. HPW is concerned that the proposed road stoppage (and subsequent change to rural land designation) is not taking account of its strong historic heritage values. This process is likely to be the first step in the development and subdivision process involving the area around Nott House which is unlikely to involve opportunity for public consideration of those values. | <p><b>Property Services</b><br/>The road stopping proposal is unrelated to Nott House’s condition or heritage status.</p> <p>The applicants could progress their plans to develop 400 Middleton Road and 110 Rowells Road without purchasing any adjoining road land. They have applied to purchase road land because the safety and security issues are significant enough to justify the road stopping process costs and time to achieve being able to install their gate closer to where cars can turn around in Rowells Road.</p>  |
| 23. HPW is concerned about the process by which public “open space” can be disposed of and later become subject to development. The potential value for development or subdivision of the road stopped (a substantial area of 1695m2) could be much greater than the value at which the road stoppage land is disposed of under the current process.                                | <p><b>Property Services</b><br/>Refer to response to Point 21.</p> <p>The value of the road land being stopped is assessed by an independent registered valuer. They take into account whether there is any betterment to the existing adjoining property from having the stopped road land amalgamated with it, including any future development or subdivision potential.</p>  |
| 24. HPW believes any value transfer from public road to private rural land for subdivision should be recognised by Council obtaining the ‘quid pro quo’ of agreement of the Applicant to the timely stabilisation and restoration of Nott House.  | <p><b>Property Services</b><br/>Refer to comments from Council’s Heritage team in the response to Point 10.</p> <p>The proposed road stopping is not related to the condition or heritage status of Nott House. Accordingly the proposal to impose a condition as part of the road stopping process that there be agreement with the applicant relating to the stabilisation and restoration of Nott House is not justifiable.</p> <p>Council’s key decision when considering any road stopping proposal is whether the subject land is needed to be retained for its own future operational requirements. At present the subject road land is effectively the driveway to one privately owned property.</p> |
| 25. Accordingly HPW recommends that stabilisation and restoration of Nott House be secured as a condition of road stoppage and any future development.  | <p><b>Property Services</b><br/>For the same reasons as the response to Point 24 it would not be appropriate to impose any condition relating to the house as part of the road stopping process.</p>   |

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|   | Future development of the applicant's property is appropriately considered in the resource and building consent processes, not the road stopping process. |
| <b>Holistic Consideration</b>   |   |
| 26. In conclusion HPW opposes road stoppage in order for a holistic view of the protection and preservation of the historic heritage, landscape, recreation and biodiversity values of Nott House at 400 Middleton Rd, and its approach road (currently in public ownership), to be taken.          | <b>Property Services</b><br>Refer to response for Point 2.  |
| 27. A wider conservation plan should be required from the Applicant in advance of any road stoppage approval. Otherwise a piecemeal approach is being taken with a failure to properly consider historic heritage values and preservation options.  | <b>Property Services</b><br>Refer to response for Point 24.   |
| 28. Our primary concern is the protection and restoration of Nott House. We support any endeavours of the owners of Nott House (and 110 Rowells Rd) and any support Council can give them in that regard. We are concerned about the current situation of "benign neglect" of the structure itself. | <b>Property Services</b><br>Refer to response for Point 2.  |
| 29. Given the extremely high heritage value of Nott House, as the sixth oldest structure in Wellington, it's heritage preservation, and that of the associated buildings and public access way, must be of primary consideration.   | <b>Property Services</b><br>Refer to response for Point 2.  |

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| Objector – Finbar Kiddle for Heritage New Zealand   | Council business unit response |
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| <p>1. Heritage New Zealand Pouhere Taonga ('Heritage New Zealand') is an autonomous Crown Entity with statutory responsibility under the Heritage New Zealand Pouhere Taonga Act 2014 for the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage. Heritage New Zealand is New Zealand's lead heritage agency.</p>  | <p>Submission withdrawn</p>    |
| <p>2. Thank you for the opportunity to comment on the proposed road stopping at 400 Middleton Road, Glenside. The property at 400 Middleton Road is home to Nott House. Nott House is currently proposed for entry on the New Zealand Heritage List / Rārangi Kōrero as a Category 2 Historic Place.</p>  | <p>Submission withdrawn</p>    |
| <p>3. Heritage New Zealand is neutral with regards to the proposal, but wishes to make apparent to the Wellington City Council the heritage value of Nott House, the potential adverse effects of the proposal, and potential solutions to these effects.</p>   | <p>Submission withdrawn</p>    |
| <p>4. Nott House is significant as one of the few remaining old houses located on Middleton Road, which was formally the Old Porirua Road – the main thoroughfare between Wellington and Porirua. William Nott and his family arrived in Wellington in 1842 and he bought his property in 1860. The Notts sold the farm in 1919 after two members of their family died during the 1918 influenza epidemic. The cottage is a two storeyed gabled cottage with a corrugated iron roof and a mix of timber weatherboards and vertical corrugated iron cladding. It has two dormer windows in the attic floor above the verandah and timber fretwork below the verandah. It remains a largely original example of a colonial house, with the main alterations being in the lean-to area at the back. It is one of the few old houses remaining in Glenside. Nott House has historical significance as a relatively rare survivor of a colonial farm cottage in the Wellington area. Attachment 1 contains more detail on the building's heritage value.</p> | <p>Submission withdrawn</p>    |

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| <p>5. Heritage New Zealand acknowledges the benefits of the proposed road stopping, as the current road layout is sub-optimal in terms of turning space and adversely affects the usability of 400 Middleton Road. However, the proposal has the potential to adversely affect Nott House by cutting off access to a legal road, now or in the future. This would severely limit the usability of the house and could lead to deterioration.</p> | <p>Submission withdrawn</p> |
| <p>6. Heritage New Zealand supports the statement in paragraph 9 of the Regulatory Processes Committee Report that unless the land is amalgamated with 400 Middleton Road, a right of way easement in favour of 400 Middleton Road would be required. This would ensure access to Nott House if a future sale of the land resulted in the parcels being in different ownership.</p>  | <p>Submission withdrawn</p> |





#### **4. Public Excluded**

Resolution to Exclude the Public:

THAT the Council :

Pursuant to the provisions of the Local Government Official Information and Meetings Act 1987, exclude the public from the following part of the proceedings of this meeting namely:

| General subject of the matter to be considered         | Reasons for passing this resolution in relation to each matter   | Ground(s) under section 48(1) for the passing of this resolution  |
|--|--|---|
| 4.1 Appointment of a Trustee to a Council Organisation | 7(2)(a)<br>The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. | s48(1)(a)<br>That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7. |