

# Chapter 13. Central Area Rules

## Guide to Rules

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

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

| <b>Activities</b>  | <b>Rule</b> | <b>P</b> | <b>C</b> | <b>DR</b> | <b>DU</b> |
|--|-------------|----------|----------|-----------|-----------|
| Any activity (with some exceptions) subject to standards   | 13.1.1      | ●        |          |           |           |
| Activities not complying with the standards specified for permitted activities   | 13.3.3      |          |          | ●         |           |
| Activities listed in 3.5.2.2 involving the use, storage and handling of hazardous goods  | 13.2.1      |          | ●        |           |           |
| Any activity involving the provision of more than 70 carparks  | 13.3.1      |          |          | ●         |           |
| Any critical facility in a hazard area   | 13.3.2      |          |          | ●         |           |
| Helicopter landing areas   | 13.4.1      |          |          |           | ●         |
| Activities involving the creation of vacant land, open land or parking areas (all at ground level)   | 13.4.2      |          |          |           | ●         |
| Commercial sex premises in the Courtenay Place Area  | 13.4.3      |          |          |           | ●         |
| Office and retail activities in the Pipitea Precinct   | 13.4.4      |          |          |           | ●         |
| The modification of existing open space and creation of new open space in the Lambton Harbour Area   | 13.4.5      |          |          |           | ●         |
| <b>Buildings</b>   | <b>Rule</b> | <b>P</b> | <b>C</b> | <b>DR</b> | <b>DU</b> |
| Certain works involving the construction, alteration of and addition to buildings or structures subject to standards   | 13.1.2      | ●        |          |           |           |
| Additions and alterations to existing building in the Queens Wharf Special Height Area, subject to standards   | 13.2.2      |          | ●        |           |           |
| The construction, alteration of and addition to buildings and structures within the Port Redevelopment Precinct, subject to standards  | 13.2.3      |          | ●        |           |           |
| The construction, alteration of and addition to buildings and structures (with exceptions) subject to standards  | 13.3.4      |          |          | ●         |           |
| Minor additions and alterations to existing buildings in the Lambton Harbour Area, subject to standards  | 13.3.5      |          |          | ●         |           |
| The construction, alteration of and addition to buildings and structures exceeding a gross floor area of 30m <sup>2</sup> in a Hazard (Fault Line) Area, subject to standards  | 13.3.6      |          |          | ●         |           |
| The erection of buildings or structures involving the provision of more than 70 vehicle parking spaces (except in the Operational Port Area).  | 13.3.7      |          |          | ●         |           |
| The construction, alteration of and addition to buildings and structures (with exceptions) that do not comply with the specified standards   | 13.3.8      |          |          | ●         |           |
| The construction, alteration of and addition to buildings and structures in the Lambton Harbour Area, that do not meet the requirements of rules 13.2.2 or 13.3.6  | 13.4.6      |          |          |           | ●         |
| The construction, alteration of and addition to buildings and structures for retail or office activities in the Pipitea Precinct   | 13.4.7      |          |          |           | ●         |
| The construction, alteration of and addition to buildings and structures in an identified Heritage Area, or adjacent to Old St Paul's Church, that do not meet the height standards specified in 13.6.3.1.6, or 13.6.3.1.7-13.6.3.1.8. | 13.4.8      |          |          |           | ●         |
| The construction, alteration of and addition to buildings and structures that do not meet the height and mass conditions specified in 13.3.9.14 and 13.3.9.15  | 13.4.9      |          |          |           | ●         |
| Buildings and structure located above the street that exceed 25 percent of the width of the road at any point.   | 13.4.10     |          |          |           | ●         |
| <b>Signs</b>   | <b>Rule</b> | <b>P</b> | <b>C</b> | <b>DR</b> | <b>DU</b> |
| Signs subject to standards   | 13.1.3      | ●        |          |           |           |

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| Sings that do not comply with the standards specified for permitted activities   | 13.3.9      |          |          | •         |           |
| <b>Subdivision</b>   | <b>Rule</b> | <b>P</b> | <b>C</b> | <b>DR</b> | <b>DU</b> |
| Subdivision except for company lease, cross lease and unit title subdivision, and subdivision in the Pipitea Precinct, subject to standards. | 13.1.4      | •        |          |           |           |
| Company lease, cross lease and unit title subdivisions, subject to standards   | 13.2.4      |          | •        |           |           |
| Subdivision within the Pipitea Precinct  | 13.3.10     |          |          | •         |           |
| Any subdivision that is not Permitted, Controlled, or Discretionary Activity (Restricted)  | 13.4.11     |          |          |           | •         |
| <b>Contaminated Sites</b>  | <b>Rule</b> | <b>P</b> | <b>C</b> | <b>DR</b> | <b>DU</b> |
| Any activity (including the erection of buildings or structures) that disturbs or alters the ground of a contaminated site                   | 13.3.11     |          |          | •         |           |
| <b>Heritage</b>  | <b>Rule</b> | <b>P</b> | <b>C</b> | <b>DR</b> | <b>DU</b> |
| Activities affecting heritage items and areas  | 21.0        |          |          |           |           |
| <b>Utilities</b>   | <b>Rule</b> | <b>P</b> | <b>C</b> | <b>DR</b> | <b>DU</b> |
| Utilities  | 23.0        |          |          |           |           |

# 13. CENTRAL AREA RULES

## 13.1 Permitted Activities

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

### ACTIVITIES

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

except:

- those activities listed in the Third Schedule to the Health Act 1956 (see Rule 13.5)
- the use, storage or handling of hazardous substances, listed in section 3.5.2.2 (see Rule 13.2.1)
- any activity that disturbs or alters the ground of a contaminated site (see Rule 13.3.12)
- helicopter landing areas (see Rule 13.4.1)
- the creation of vacant land, open land or parking areas (at ground level) (see Rule 13.4.2), except in the Operational Port Area where this activity is permitted
- any critical facility within a Hazard Area (excluding port activities located within the Operational Port Area which are permitted) (see Rule 13.3.2)
- the development of new or the modification of existing open space in the Lambton Harbour Area (see Rule 13.4.5)
- a street car race in the Lambton Harbour Area on the seaward side of the Waterloo, Customhouse and Jervois Quays and Cable Street (see Rule 13.5)
- commercial sex activities within the Courtenay Place Area (as shown in Appendix 1) (see Rule 13.4.2)
- office and retail activities within the Pipitea Precinct (as shown in Appendix 3) (see Rule 13.4.4)

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

## BUILDINGS AND STRUCTURES

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| <p><b>13.1.2</b> The construction, alteration of, and addition to buildings and structures provided for in this rule are Permitted Activities in all parts of the Central Area, provided they comply with the standards specified in sections 13.6.1 (activities, buildings and structures) and 13.6.3 (buildings and structures):</p> | <p><i>In the Pipitea Precinct all buildings and structures for office and retail use are Discretionary Activities (Unrestricted).</i></p> |
| <p><b>13.1.2.1</b> alterations or additions:</p> <ul style="list-style-type: none"> <li>• that do not alter the external appearance of the building or structure; or</li> <li>• that relate to building frontages below verandah level; or</li> <li>• that are not visible from public spaces; or,</li> </ul>                          | <p><i>For work on listed heritage buildings and within heritage areas see Chapters 20 and 21.</i></p>                                     |
| <p><b>13.1.2.2</b> any building or structure in the Operational Port Area required for operational port activities.</p>  | <p><i>13.1.2.2 applies to that area of the Operational Port Area that also forms part of the Port Redevelopment Precinct.</i></p>         |
| <p><b>13.1.2.3</b> within the Port Redevelopment Precinct (shown in Appendix 2) alterations or additions that do not extend the existing building footprint (at ground level) by more than 10 percent; or,</p>   | <p><i>13.1.2.2 applies to that area of the Operational Port Area that also forms part of the Port Redevelopment Precinct.</i></p>         |
| <p><b>13.1.2.4</b> any building or structure with a gross floor area of less than 100m<sup>2</sup> and (collectively) covering no more than 20 percent of the site, except buildings or structures in the Hazard (Fault Line) and Lambton Harbour Area; or,</p>  | <p><i>13.1.2.2 applies to that area of the Operational Port Area that also forms part of the Port Redevelopment Precinct.</i></p>         |
| <p><b>13.1.2.5</b> any building or structure with a gross floor area of up to 30m<sup>2</sup> within a Hazard (Fault Line) Area; or,</p>   | <p><i>13.1.2.2 applies to that area of the Operational Port Area that also forms part of the Port Redevelopment Precinct.</i></p>         |
| <p><b>13.1.2.6</b> in the Lambton Harbour Area, and the Port Redevelopment Precinct (shown in Appendix 2), structures including waterfront furniture, play equipment, sculptures, former cargo handling equipment, cranes and similar port related equipment.</p>  | <p><i>13.1.2.2 applies to that area of the Operational Port Area that also forms part of the Port Redevelopment Precinct.</i></p>         |

## SIGNS

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| <p><b>13.1.3</b> Signs are a Permitted Activity provided that they comply with the standards specified in section 13.6.4 (signs).</p> |  |
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## SUBDIVISION

**13.1.4** Subdivision is a Permitted Activity provided that it complies with the standards specified in 13.6.5 (subdivision), except:

- company lease, cross lease and unit title subdivision, which is a Controlled Activity.
- subdivision within the Pipitea Precinct (shown in Appendix 3) which is a Discretionary Activity (Restricted).

*Subdivision proposals must comply with the City Bylaws. Refer to Section 3.9 of the Plan about requirements to meet Council's Code of Practice for Land Development, service connections to public infrastructure, and vesting infrastructure in the Council.*

## 13.2 Controlled Activities

Section 13.2 describes which activities are Controlled Activities in the Central Area. A resource consent will be required but consent cannot be refused. Conditions may be imposed relating to the matters specified in the relevant Rule. 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.

### ACTIVITIES

**13.2.1 Any activity listed in Section 3.5.2.2 involving the use, storage or handling of hazardous substances is a Controlled Activity in respect of:**

**13.2.1.1 use, storage or handling of hazardous substances**

#### *Non-notification/ service*

In respect of rule 13.2.1 applications do not need to be publicly notified and do not need to be served on affected persons.

### BUILDINGS AND STRUCTURES

**13.2.2 Additions and alterations to existing buildings in the Queens Wharf Special Height Area (shown in Appendix 4) are a Controlled Activity in respect of:**

**13.2.2.1 design, external appearance and siting**

**provided that the additions and alterations comply with the standards specified in section 13.6.1 (activities, buildings and structures) and 13.6.3 (building and structures).**

*If the proposal does not comply with the specified standards, the activity is a Discretionary Activity (Unrestricted) under Rule 13.4.6*

#### *Non-notification/ service*

In respect of rule 13.2.2 applications do not need to be publicly notified and do not need to be served on affected persons.

**13.2.3 The construction or alteration of, and addition to buildings and structures, and creation of associated open space within the Port Redevelopment Precinct (shown in Appendix 2) that are not Permitted Activities, are a Controlled Activity in respect of:**

**13.2.3.1 design, external appearance and siting**

**13.2.3.2 the placement of building mass**

**13.2.3.3 public space structure and public space design**

Subject to compliance with the following conditions:

**13.2.3.4 The application must include details of both the proposed building work and the development of associated open space in the area surrounding the building site.**

**13.2.3.5 The building must not extend more than 10 percent (viewed in plan) outside the proposed building footprint (including building footprints over streets) identified in the masterplan for the Port Redevelopment Precinct (shown in Appendix 2).**

**13.2.3.6 The building must not exceed 27 metres in height, or such lesser height as has been shown within a specific building footprint in the masterplan.**

**13.2.3.7 The building must have its primary frontage within the areas shown as primary frontage on the masterplan.**

**13.2.3.8 At the ground floor the proposal must have at least 60 percent of its primary frontage area, and 60 percent of any frontage to a road, boardwalk, park, square or lane (excluding service lanes 1, 3, 4, 7 & 8), as entrance space or display windows.**

**13.2.3.9 Any additional storeys above ground floor level the building must have no more than 20 percent of the length of its primary frontage area, and no more than 20 percent of the length of any frontage to a road, boardwalk, park, square or lane (excluding service lanes 1, 3, 4, 7 & 8) as blank space. Blank space means portions of the building façade without windows, significant modulation, voids or other architectural features.**

**Any building proposal that does not comply with the above conditions shall be considered under Rule 13.3.4**

*A masterplan has been prepared to guide development within the Port Redevelopment Precinct (see Appendix 2)*

*If the proposal does not comply with standards for buildings and structures in 13.6.1 or 13.6.3, Rule 13.3.8 applies in addition to this rule.*

*Rule 13.1.2.2 applies to buildings and structures for operational port activities in the area of the Port Redevelopment Precinct, north of Hinemoa Street, that also forms part of the Operational Port Area.*

*The requirements for display windows are outlined in standard 13.6.3.7*

*This requirement applies to the full height of the buildings.*

*Non-notification/ service*

In respect of rule 13.2.3 applications do not need to be publicly notified and do not need to be served on affected persons.

## SUBDIVISION

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

**13.2.4.1 stormwater, sewerage and water supply**

**13.2.4.2 site access**

**13.2.4.3 the 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.**

**provided that all activities, buildings, structures and signs comply with the standards in section 13.6 relating to vehicle parking, servicing and site access; buildings and structures; and signs. The requirement to meet these standards may be waived if resource consent has been sought and granted for those aspects that do not comply.**

### *Non-notification/ service*

In respect of rule 13.2.4 applications do not need to be publicly notified and do not need to be served on affected persons.



## 13.3 Discretionary Activities (Restricted)

Section 13.3 describes which activities are Discretionary Activities (Restricted) in the Central Area. Consent may be refused or granted subject to conditions. Grounds for refusal and conditions will be restricted to the matters specified in the relevant Rule. 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.

Any activity under Rule 13.3.1 or 13.3.2 that does not meet one or more of the standards specified in 13.6.1 (activities, buildings and structures) and 13.6.2 (activities) is also subject to Rule 13.3.3.

Any building or structure under Rule 13.3.4, 13.3.5, 13.3.6, or 13.3.7 that does not comply with the standards specified in 13.6.1 (activities, buildings and structures) and 13.6.3 (buildings and structures) is also subject to Rule 13.3.8.

### ACTIVITIES

- 13.3.1 Any activity involving the provision of more than 70 vehicle parking spaces per site, except for sites within the Operational Port Area or Port Redevelopment Precinct, is a Discretionary Activity (Restricted) in respect of:**
- 13.3.1.1 the movement of vehicular traffic to and from the site.**
- 13.3.1.2 the movement of vehicular traffic within the surrounding street network.**

*If the activity does not comply with standards for activities in 13.6.1 and 13.6.2, Rule 13.3.3 applies in addition to this Rule.*

#### *Non-notification/ service*

In respect of rule 13.3.1 applications do not need to be publicly notified and do not need to be served on affected persons.

- 13.3.2 Any Critical Facility within any Hazard Area (except for port activities located within the Operational Port Area which are Permitted Activities) is a Discretionary Activity (Restricted) in respect of:**
- 13.3.2.1 the location of the facility.**

*If the activity does not comply with standards specified in section 13.6, Rule 13.3.3 applies in addition to this Rule.*

#### *Non-notification/ service*

In respect of rule 13.3.2 applications do not need to be publicly notified and do not need to be served on affected persons.

**13.3.3 Activities which are Permitted, Controlled or Discretionary (Restricted) Activities and do not meet one or more of the standards outlined in section 13.6.1 (Activities, Buildings and Structures) and 13.6.2 (Activities), are Discretionary Activities (Restricted). Discretion is limited to the effects generated by the standard not meet:**

**13.3.3.1 noise (fixed plant)**

**13.3.3.2 noise insulation and ventilation**

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

**13.3.3.4 noise**

**13.3.3.5 temporary activity noise**

**13.3.3.6 Wellington Regional Stadium noise – special entertainment events**

**13.3.3.7 lighting**

**13.3.3.8 Wellington Regional Stadium site lighting**

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

**13.3.3.10 screening of activities and storage**

**13.3.3.11 dust**

**13.3.3.12 electromagnetic radiation**

**13.3.3.13 street car race**

subject to compliance with the following conditions:

**13.3.3.14 noise emission levels under standards 13.6.2.1.1 and 13.6.2.1.2 shall not be exceeded by more than 5 decibels. This condition does not apply to temporary activity noise.**

**13.3.3.15 maximum lighting levels under standard 13.6.2.2 must not be exceeded by more than 20 percent.**

**13.3.3.16 for hazardous substances, the cumulative effects ratio as assessed under the Hazardous Facilities Screening Procedure for the site where the activity is to occur is greater than 0.1 or does not meet the standard 13.6.2.3 unless the site is located in a Hazard Area.**

**13.3.3.17 for hazardous substances, where the hazardous facility is located in a Hazard Area, the cumulative effects 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 standard 13.6.2.3**

*Non-notification/ service*

In respect of rule 13.3.3 applications do not need to be publicly notified and do not need to be served on affected persons in respect of:

- 13.3.3.2 (noise insulation and ventilation), and
- 13.3.3.3 (vehicle parking, servicing and site access), and
- 13.3.3.10 (screening of activities and storage).

**BUILDINGS AND STRUCTURES**

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| <p><b>13.3.4</b>    <b>The construction or alteration of, and addition to buildings and structures in the Central Area that are not Permitted or Controlled Activities, except:</b></p> <ul style="list-style-type: none"> <li>• buildings and structures in the Lambton Harbour Area</li> <li>• buildings and structures within a Hazard (Fault Line) Area</li> <li>• buildings for office or retail activities in the Pipitea Precinct (as shown in Appendix 3)</li> </ul> <p>are Discretionary Activities (Restricted) in respect of:</p> <p><b>13.3.4.1</b>    design, external appearance and siting</p> <p><b>13.3.4.2</b>    the placement of building mass</p> <p><b>13.3.4.3</b>    pedestrian access (for applications relating to the Wellington Regional Stadium site (Lot 1, DP 85907 and Lot 1, DP 10550))</p> <p><b>13.3.4.4</b>    public space structure and public space design (for applications within the Port Redevelopment Precinct (as shown in Appendix 2) and Pipitea Precinct (as shown in Appendix 3)).</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 a Design Guide</i></p> <p><i>If the proposal does not comply with standards for buildings and structures in 13.6.1 or 13.6.3, Rule 13.3.8 applies in addition to this Rule.</i></p> <p><i>Note, existing buildings on a site contribute to the total building mass of any new development.</i></p> <p><i>Buildings for office or retail activities in the Pipitea Precinct are a Discretionary Activity (Unrestricted) under Rule 13.4.7</i></p> |
| <p><i>Non-notification/ service</i></p> <p>In respect of rule 13.3.4 applications do not need to be publicly notified and do not need to be served on affected persons.</p>   |   |

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| <p><b>13.3.5</b>    <b>Minor additions and alterations to existing buildings in the Lambton Harbour Area are a Discretionary Activity (Restricted) in respect of:</b></p> <p><b>13.3.5.1</b>    design, external appearance and siting</p> <p><b>13.3.5.2</b>    height and the placement of building mass</p> <p><b>13.3.5.3</b>    heritage</p> <p>Except that this rule does not apply to:</p> | <p><i>Note, the term Minor Additions and Alterations is defined in Section 3.10.</i></p> <p><i>If the proposal does not comply with standards for buildings and structures in 13.6.1 or 13.6.3, Rule 13.3.8 applies in addition to</i></p> |
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- **any addition or alteration to the parts of the existing buildings on Lot 1 DP 78982 within the Queens Wharf Special Height Area shown in Appendix 4 (which are Controlled Activities or Discretionary Activities (Unrestricted)).**

*Non-notification/ service*

In respect of rule 13.3.5 applications do not need to be publicly notified and do not need to be served on affected persons. The Council will however require a written statement from the Waterfront Development Subcommittee, or its successor, confirming its view on the proposed development to accompany the application.

**13.3.6 The construction, alteration of, or addition to buildings and structures exceeding a gross floor area of 30m<sup>2</sup> within a Hazard (Fault Line) Area are a Discretionary Activities (Restricted) in respect of:**

**13.3.6.1 design, external appearance and siting**

**13.3.6.2 the placement of building mass**

**13.3.6.3 the location and type of buildings or structures.**

*If the proposal does not comply with the standards for buildings and structures in 13.6.1 or 13.6.3, Rule 13.3.8 applies in addition to this Rule.*

*Non-notification/ service*

In respect of rule 13.3.6 applications do not need to be publicly notified and do not need to be served on affected persons.

**13.3.7 The erection of buildings or structures involving the provision of more than 70 vehicle parking spaces per site, except for sites within the Operational Port Area, is a Discretionary Activity (Restricted) in respect of:**

**13.3.7.1 the movement of vehicular traffic to and from the site.**

**13.3.7.2 the movement of vehicular traffic within the surrounding street network.**

*If the proposal does not comply with standards for buildings or structures in 13.6.1 or 13.6.3, Rule 13.3.8 applies in addition to this Rule.*

*Non-notification/ service*

In respect of rule 13.3.7 applications do not need to be publicly notified and do not need to be served on affected persons.

**13.3.8 The construction or alteration of, and addition to buildings and structures which are Permitted or Discretionary (Restricted) Activities and do not meet one or more of the following standards outlined in section 13.6.1 (Activities, Buildings and Structures) and 13.6.3 (Buildings and Structures), are Discretionary Activities (Restricted). Discretion is limited to the effects generated by the standard(s) not meet:**

- 13.3.8.1 noise - fixed plant (standard 13.6.1.1)**
- 13.3.8.2 noise insulation and ventilation (standard 13.6.1.2)**
- 13.3.8.3 vehicle parking, servicing and site access (standard 13.6.1.3)**
- 13.3.8.4 height (discretion is limited to the effect of building height on the public environment and adjacent Residential Areas) (standard 13.6.3.1)**
- 13.3.8.5 mass (discretion is limited to the effect of building mass on the public environment and adjacent Residential Areas) (standard 13.6.3.2)**
- 13.3.8.6 view protection – viewshafts (standard 13.6.3.3)**
- 13.3.8.7 sunlight protection (discretion is limited to the effect on sunlight access to identified public spaces) (standard 13.6.3.4)**
- 13.3.8.8 wind (standard 13.6.3.5)**
- 13.3.8.9 verandahs (standard 13.6.3.6)**
- 13.3.8.10 ground floor frontages and display windows (standard 13.6.3.7)**
- 13.3.8.11 site coverage (standard 13.6.3.8)**
- 13.3.8.12 coastal yards (standard 13.6.3.9)**
- 13.3.8.13 windows adjacent to Residential Areas (standard 13.6.3.10)**

Subject to compliance with the following conditions:

- 13.3.8.14 maximum building height must not be exceeded by more than 35 percent, and the building mass standard must not be exceeded.**
- 13.3.8.15 maximum building mass must not be exceeded by more than 30 percent, and the building height standard must not be exceeded.**
- 13.3.8.16 on the land currently occupied by the rail-ferry terminal and on the reclamation to the north the maximum building height shall be 20m (measured above ground level).**

*For the purpose of condition 13.3.8.15 the 30 percent increase in building mass shall be calculated using the total building mass*

**13.3.8.17** in relation to height control adjoining Residential Areas, the angle of inclination for sunlight access must not exceed the standard referred to in 13.6.3.1.9 by more than 10 degrees.

*for the site.*

**13.3.8.18** the extent to which any building or structure intrudes into an identified viewshaft must not exceed (at any point along the viewshaft) 15 percent of either the width or height of the viewshaft. For this purpose only, to identify the viewshaft height apply a horizontal line to the highest visible point that forms the horizon within the viewshaft (whether that point is a natural landscape or physical structure).

Except that this rule does not apply to the following:

- buildings and structures in the Lambton Harbour Area, which are Discretionary Activities (Unrestricted) under Rule 13.4.6
- buildings and structures within an identified heritage area that do not meet the height standards specified in 13.6.3.1.6 are a Discretionary Activity (Unrestricted) under Rule 13.4.8
- buildings and structures near Old St Paul's that do not meet standards 13.6.3.1.7 and 13.6.3.1.8 are Discretionary Activity (Unrestricted) under Rule 13.4.8.

#### *Non-notification/ service*

In respect of rule 13.3.8 applications do not need to be publicly notified and do not need to be served on affected persons in respect of:

- 13.3.8.2 (noise insulation and ventilation),
- 13.3.8.3 (vehicle parking, servicing and site access),
- 13.3.8.4 (height (subject to compliance with the mass standard))
- 13.3.8.5 (mass (subject to compliance with the height standard))
- 13.6.8.6 (view protection),
- 13.6.8.7 (sunlight protection),
- 13.6.8.8 (wind),
- 13.6.8.9 (verandahs),
- 13.6.8.10 (ground floor frontages and display windows), and
- 13.6.8.12 (coastal yards).

## SIGNS

**13.3.9 Signs that do not meet one or more of the standards specified in section 13.6.4.1, are a Discretionary Activities (Restricted) in respect of:**

**13.3.9.1 moving images, text or lights**

**13.3.9.2 position**

**13.3.9.3 dimensions**

**13.3.9.4 number of signs**

**13.3.9.5 sign display of:**

- **temporary signs, or**
- **signs located on buildings above 18.6m above ground level, or**
- **signs adjoining or opposite the Parliamentary Precinct Heritage Area.**

**13.3.9.6 duration (for temporary signs)**

*An encroachment licence must be obtained from Council to locate any sign on or in the airspace over council land, even where the sign is affixed to a building on private property. Similarly, landowner approval should be obtained to erect a sign on or in the airspace over private land.*

### *Non-notification/ service*

In respect of rule 13.3.9 applications do not need to be publicly notified and do not need to be served on affected persons.

## SUBDIVISION

**13.3.10 Subdivision within the Pipitea Precinct (shown in Appendix 3) is a Discretionary Activity (Restricted) in respect of:**

**13.3.10.1 roading, access, stormwater, sewerage and water supply**

**13.3.10.2 public space structure and public space design.**

### *Non-notification/ service*

In respect of rule 13.3.10 applications do not need to be publicly notified and do not need to be served on affected persons.

## CONTAMINATED SITES

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

### *Non-notification/ service*

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



## 13.4 Discretionary Activities (Unrestricted)

Section 13.4 describes which activities are Discretionary Activities (Unrestricted) in the Central Area. 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.

### ACTIVITIES

**13.4.1 Helicopter landing areas are a Discretionary Activity (Unrestricted)**

**13.4.2 The creation of vacant land, open land or parking areas (at ground level) is a Discretionary Activity (Unrestricted) (except in the Operational Port Area).**

**13.4.3 Commercial sex activities within the Courtenay Place Area (as shown in Appendix 1) are a Discretionary Activity (Unrestricted).**

**13.4.4 Office and retail activities within the Pipitea Precinct (as shown in Appendix 3) are a Discretionary Activity (Unrestricted).**

**13.4.5 The development of new, or the modification of existing open space in the Lambton Harbour Area is a Discretionary Activity (Unrestricted).**

Except that this rule does not apply to:

- **the maintenance of existing open space (which is a Permitted Activity)**

*Where an application under Rule 13.4.5 is received and is publicly notified, the Council shall notify the Waterfront Development Subcommittee.*

### BUILDINGS AND STRUCTURES

**13.4.6 The construction of new buildings and structures, or the alteration of, and addition to existing buildings and structures in the Lambton Harbour Area, which:**

- **do not satisfy any of the criteria for minor additions and alterations in Rule 13.3.6, or**
- **are within the Queens Wharf Special Height Area (as shown in Appendix 4) but do not meet the standards specified in 13.6.1 (activities, buildings and structures) and 13.6.3 (buildings and structures)**

**are Discretionary Activities (Unrestricted).**

*Where an application under Rule 13.4.6 is received and is publicly notified, the Council shall notify the Waterfront Development Subcommittee.*

**13.4.7 The construction or alteration of, and addition to buildings and structures, for office and retail activities, within the Pipitea Precinct (shown in Appendix 3) are Discretionary Activities (Unrestricted)**

*The information required to be supplied with the masterplan is detailed in Appendix 9*

Subject to compliance with the following condition:

**13.4.7.1 a masterplan for the development of the Pipitea Precinct must be deposited with Council before any landuse consent can be assessed.**

**13.4.8 The construction of new buildings and structures, or the alteration of, and addition to existing buildings that:**

- are located in an identified Heritage Area which do not meet the height standards specified in 13.6.3.1.6, or
- do not meet the height control standards for sites near Old St Paul's specified in 13.6.3.1.7 and 13.6.3.1.8

**are Discretionary Activities (Unrestricted).**

**13.4.9 The construction or alteration of, and addition to buildings and structures which are Discretionary Activities (Restricted) and do not meet the conditions specified in 13.3.9.14 or 13.3.9.15 are Discretionary Activities (Unrestricted).**

subject to compliance with the following condition:

**13.4.9.1 maximum building height must not be exceeded by more than 35%.**

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

## **SUBDIVISION**

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

## **13.5 Non-Complying Activities**

Any activity that is not Permitted, Controlled, Discretionary (Restricted) or Discretionary (Unrestricted) Activity, is a Non-Complying Activity. Resource consent applications will be assessed in terms of the relevant Central Area objectives and policies, and the relevant sections 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.

## 13.6 Central Area Standards

|  |   |
|--|---|
| <p><b>13.6.1 ACTIVITIES, BUILDINGS AND STRUCTURES STANDARDS</b></p> <p>13.6.1.1 Noise (fixed plant)</p> <p>13.6.1.2 Noise insulation and ventilation</p> <p>13.6.1.3 Vehicle parking, servicing and site access</p>  | <p>These standards apply to all activities, and the construction of buildings and structures in the Central Area.</p> |
| <p><b>13.6.2 ACTIVITIES STANDARDS</b></p> <p>13.6.2.1 Noise</p> <p>13.6.2.2 Lighting</p> <p>13.6.2.3 Use, storage or handling of hazardous substances</p> <p>13.6.2.4 Screening of activities and storage</p> <p>13.6.2.5 Dust</p> <p>13.6.2.6 Electromagnetic radiation</p> <p>13.6.2.7 Discharge of contaminants</p> <p>13.6.2.8 Street car race</p> | <p>These standards apply to all activities in the Central Area.</p>   |
| <p><b>13.6.3 BUILDINGS AND STRUCTURES</b></p> <p>13.6.3.1 Height</p> <p>13.6.3.2 Mass (volume)</p> <p>13.6.3.3 View protection</p> <p>13.6.3.4 Sunlight Protection</p> <p>13.6.3.5 Wind</p> <p>13.6.3.6 Verandahs</p> <p>13.6.3.7 Ground floor frontages</p> <p>13.6.3.8 Site coverage</p> <p>13.6.3.9 Coastal Yards</p> <p>13.6.3.10 Windows</p>      | <p>These standards apply to the construction of buildings and structures in the Central Area.</p>                     |
| <p><b>13.6.4 SIGN STANDARDS</b></p> <p>13.6.4.1 Signs</p>  |   |
| <p><b>13.6.5 SUBDIVISION STANDARDS</b></p> <p>13.6.5.1 Subdivisions</p>  |   |

|   |   |
|---|---|
| <p><b>13.6.1 ACTIVITIES, BUILDINGS AND STRUCTURES STANDARDS</b></p> | <p>These standards apply to all activities, and the construction of buildings and structures in the Central Area.</p> |
|---|---|

**13.6.1.1 Noise (fixed plant)**

*Note, all activities have a duty to avoid unreasonable noise under section 16 of the Resource Management Act regardless of the standards set in this Plan. The best practicable option shall be adopted to ensure that the emission of noise does not exceed a reasonable level.*

*Note, the term Noise Emission Level is defined in Section 3.10.*

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

- 7am to 7pm 55dBA L10
- 7pm to 10pm 50dBA L10
- 10pm to 7am 45dBA L10
- 10pm to 7am 70dBA Lmax

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

- (i) only operates for maintenance between 8am and 5pm weekdays
- (ii) can comply with standard 13.6.2.1.1 and Appendix 5
- (iii) in the case of electricity generator sets can only be used on an emergency basis and is not used to generate power for the national grid.

**13.6.1.2 Noise Insulation and Ventilation**

**Noise Insulation**

*Note: In the Central Area and Suburban Centre Areas the definition for Noise Sensitive Activity includes residential activities.*

13.6.1.2.1 Any habitable room in a building used by a noise sensitive activity within the Central Area shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standard:

$$D_{nT,w} + C_{tr} > 30 \text{ dB}$$

Compliance with this performance standard shall be achieved by ensuring habitable rooms are designed and constructed in a manner that:

- accords with the schedule of typical building construction set out in Appendix 6; or



- 13.6.1.3.6 For loading areas located outdoors, the minimum width shall be 3 metres and the minimum length 9 metres.
- 13.6.1.3.7 For loading areas located within a building, the minimum width shall be 4 metres and the minimum length 9 metres.
- 13.6.1.3.8 Where loading areas are located within a building, a minimum height clearance of 4.2 metres is required.
- 13.6.1.3.9 For buildings serviced by lifts, all levels shall have access to a loading area by way of a lift.
- 13.6.1.3.10 The loading area shall be located no further than 15 metres from a lift and there shall be level access between them.

***Site access for vehicles***

- 13.6.1.3.11 Site access shall be provided and maintained in accordance with section 3 of the joint Australian and New Zealand Standard 2890.1 – 2004, Parking Facilities, Part I: Off-Street Car Parking.
- 13.6.1.3.12 No vehicle access is permitted to a site across any restricted road frontage identified on District Plan Map 34 provided that this shall not prevent the continuation or the undertaking of any Permitted Activity on a site involving the use of any lawfully established vehicle access.
- 13.6.1.3.13 There shall be a maximum of one vehicle access to any site except that sites with more than one frontage may have one access across each frontage.
- 13.6.1.3.14 Both the entry and exit of vehicles at the boundary shall be in a forward direction.
- 13.6.1.3.15 The width of any vehicle crossing to a site shall not exceed 6 metres.
- 13.6.1.3.16 Where vehicular access can be provided from a service lane, a right-of-way registered in favour of the site or other private road, or private right-of-way, no vehicle access shall be from a street.
- 13.6.1.3.17 Subject to standard 13.6.1.3.12 no vehicular access shall be situated closer to an intersection than the following:
 

|   |     |
|---|-----|
| Arterial, principal and collector streets | 20m |
| Other streets                             | 15m |
- 13.6.1.3.18 No access shall be provided to a primary street on a site that also has frontage to a secondary street.

**Wellington Regional Stadium site vehicle parking and access**

***Site access for vehicles***

- 13.6.1.3.19 Only three vehicle access points may be provided, two of which shall be for emergency vehicles only.
- 13.6.1.3.20 Site layout shall enable all vehicles to enter or leave the site in a forward direction.

**Vehicle parking**

13.6.1.3.21 The stadium shall provide no more than 900 parking spaces on-site.

13.6.1.3.22 A minimum of 50 coach parks must be provided in association with the use of the stadium on a site or sites with access from Aotea or Waterloo Quays, and not in excess of 1000 metres from the stadium site.

|                                    |   |
|------------------------------------|---|
| <b>13.6.2 ACTIVITIES STANDARDS</b> | These standards apply to all activities in the Central Area |
|------------------------------------|---|

**13.6.2.1 Noise**

*Note, all activities have a duty to avoid unreasonable noise under section 16 of the Resource Management Act regardless of the standards set in this Plan. At all times Council retains its power under the Act to ensure that the general duty under sections 16 and 17 to avoid unreasonable noise and avoid, remedy or mitigate any adverse effects of activities on the environment is met, and section 326 may be used to control excessive noise. The best practicable option shall be adopted to ensure that the emission of noise does not exceed a reasonable level.*

*Note, the term Noise Emission Level is defined in Section 3.10.*

**For noise from construction, maintenance and demolition activities, including those associated with urgent repair of utilities to maintain continuity of service, on any site or on any road shall comply with, and be measured and assessed using the recommendations of NZS6803P:1984 The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work.**

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

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

13.6.2.1.2 Any activity occurring within the Central Area shall comply with the noise levels stated in Appendix 5 when measured from any land or premises outside the Central Area.

13.6.2.1.3 The Noise Emission Level in any public space (including streets and parks) generated by electronic sound systems shall not exceed 75dBA L<sub>10</sub> when measured over any 2 minute period. In any event the measurements shall be made no closer than 0.6 metres from any part of a loudspeaker and at a height no greater than 1.8 metres (representative of the head of a passer-by).

13.6.2.1.4 The measured level(s) under 13.6.2.1.3 shall be compared directly with the applicable noise limit without any adjustments for special audible characteristics. However, the measured level shall be adjusted for any significant background sound in the area.

*Note, aspects of these measurement and assessment criteria for electronic sound systems are different from and take precedent over the corresponding criteria that are set out in the Definition Section of this Plan for 'Noise Emission Level'.*



**Temporary Activity Noise**

13.6.2.1.5 For the Central Area (including the Lambton Harbour Area, but excluding the Wellington Regional Stadium site), temporary activities are not subject to the noise standards stated in standards 13.6.2.1.1 and 13.6.2.1.3. This exemption applies between the hours of:

- 9am to 9pm each day (Sunday to Thursday)
- 9am to 10pm (Friday and Saturday).

On New Years Eve temporary activities are not subject to the noise standards stated in standards 13.6.2.1.1 and 13.6.2.1.3 between the hours of 9am on 31<sup>st</sup> December to 1am the following day.

**Wellington Regional Stadium Noise - Special Entertainment Events**

13.6.2.1.6 The noise emission levels specified in 13.6.2.1.1, 13.6.2.1.3 and Appendix 5 shall not apply to special entertainment events provided:

13.6.2.1.7 There shall be no more than six events in each calendar year. Each event shall not exceed 11 hours in any 24 hour period.

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

|               |  |
|---------------|--|
| 7am - 12 noon | 55dBA (L <sub>10</sub> )                             |
| 12noon - 11pm | 75dBA(L <sub>10</sub> )                              |
| 11pm - 7am    | 45dBA(L <sub>10</sub> ) and 75dBA(L <sub>max</sub> ) |

when measured over any 5 minute period at a position:

- (i) within 1 metre of the physical roadside edge at the South corner of Davis Street and Hobson Street; and
- (ii) at a site on the East side of, and between 20 metres and 30 metres from the North end of Frandi Street. The measurement position shall be within 0.5 metres of the physical roadside edge of Frandi Street.

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

13.6.2.1.9 Each special entertainment event that may exceed the noise emission levels in Appendix 5 shall be publicly notified no less than 14 days prior to the event and no more than 28 days prior to the event. The notice shall inform the general public of:

- (i) the type and nature of the Special Entertainment Event
- (ii) the proposed dates
- (iii) the start and finish times of any sound testing
- (iv) the start and finish times of the Special Entertainment Event, and any possible postponement dates
- (v) that the noise limits for the Central Area may be exceeded.

***For emergency work, nothing in the noise rules shall be used to prevent emergency work from taking place. Such work would arise from the need to protect life or limb or minimise or prevent loss or serious damage to property or minimise or prevent environmental damage.***

The event shall be deemed to have taken place upon notification even though noise limits (General activities) may not be exceeded, or should the event be cancelled.

13.6.2.1.10 Sound testing and the tuning of equipment or practice sessions for any Special Entertainment Event, is limited to:

- (i) the day of the event, or up to three days prior to the event.
- (ii) between the hours of 9.00am and 5pm
- (ii) a total period not exceeding three hours
- (iii) if under taken on the day of the event, testing must be completed two hours prior to the commencement of the Special Entertainment Event.

**13.6.2.2 Lighting (other than for the Wellington Regional Stadium site)**

13.6.2.2.1 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 Residential Area.

13.6.2.2.2 Subject to standard 13.6.2.2.1, 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 AS/NZS 1158.3.1 : 2005 and amendments.

***Wellington Regional Stadium Site Lighting***

13.6.2.2.3 Any activity associated with the use of the stadium shall ensure that direct or indirect illumination does not exceed 10 lux at the windows of residential buildings in any Residential Area.

13.6.2.2.4 Subject to standard 13.6.2.2.3, 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 AS/NZS 1158.3.1 : 2005 and amendments.

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

13.6.2.3.1 For those activities which are not specifically exempted (see Section 3.5.2.2) the cumulative effects 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       | Either Area                            |
|---------------------|-----------------------|-----------------------|--|
| Effects Ratio       | 0.002 < ER ≤0.05      | 0.002 < ER ≤0.1       | ≤0.002                                 |
| Conditions applying | 13.6.9.2 to 13.6.9.12 | 13.6.9.2 to 13.6.9.12 | 13.6.9.9, 13.6.9.11 and 13.6.9.12 only |

13.6.2.3.2 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 *Activities that do not meet the above effects ratio criteria or do not otherwise comply with the applicable standards will be Discretionary*

Organisms Act 1996.

*(Restricted) Activities.*

- 13.6.2.3.3 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.
- 13.6.2.3.4 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 containment system that is compliant with relevant provisions under the Hazardous Substances and New Organisms Act 1996.
- 13.6.2.3.5 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.
- 13.6.2.3.6 All stormwater grates, collection structures and inspection chamber covers on the site shall be clearly marked as such.
- 13.6.2.3.7 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.
- 13.6.2.3.8 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 the Code of Practice for the “Design, Installation and Operation of Underground Petroleum Storage Systems” (1992) is a minimum requirement.

#### ***Signage***

- 13.6.2.3.9 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).

**Waste Management**

- 13.6.2.3.10 Any process waste or waste containing hazardous substances shall be stored in a manner which complies with 13.6.2.3.2 to 13.6.2.3.9 above. *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.*
- 13.6.2.3.11 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.

**Other**

- 13.6.2.3.12 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 their 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*

**13.6.2.4 Screening of activities and storage**

- 13.6.2.4.1 Sites with yards which abut a Residential Area must be screened from view by a fence not less than 1.8m high.
- 13.6.2.4.2 Any exterior storage area including waste storage area (except for exterior storage areas in the Operational Port Area) must be screened so that it is not visible from any adjoining Residential Areas or public space.

### 13.6.2.5 Dust

13.6.2.5.1 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.

13.6.2.5.2 With regard to the above provisions, where sites are contiguous and are held under the same ownership then any dust nuisance shall be measured at the periphery of the land holding within the District Plan area.

### 13.6.2.6 Electromagnetic Radiation

Activities must be conducted to comply with the New Zealand Standard NZS 2772.1:1999 (Radio Frequency fields) and any subsequent amendment.

*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 effects from other electromagnetic sources and acknowledges the provisions of section 17 of the Act regarding the duty to avoid remedy or mitigate adverse effects.*

### 13.6.2.7 Discharge of contaminants

*Note, 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.*

### 13.6.2.8 Street Car Race

13.6.2.8.1 There shall only be one Street Car Race event per calendar year.

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

13.6.2.8.3 The Street Car Race Event must be confined to the following times:

|          |                     |
|----------|---------------------|
| Friday   | 1.00 pm to 8.30 pm  |
| Saturday | 8.30 am to 5.30 pm  |
| Sunday   | 8.30 am to 6.00 pm. |

**13.6.3 BUILDINGS AND STRUCTURES STANDARDS**

These standards apply to the construction of buildings and structures in the Central Area

**13.6.3.1 Height**

*Maximum Building Height (excluding the Wellington Regional Stadium Site, Lambton Harbour Area, and Heritage Areas)*

13.6.3.1.1 No building or structure (except for cranes, elevators and similar cargo handling equipment and lighting poles in the Operational Port Area, which may be higher) shall exceed the building height as shown on the Central Area height map 32.

*Wellington Regional Stadium Site Height*

13.6.3.1.2 The stadium building on Lot 1 DP 85907 and Part Lot 1 DP 10550 shall not exceed the maximum building height of 27 metres above ground level, as shown on map 32, except that the lighting towers associated with the stadium shall be permitted up to a maximum height of 60 metres above ground level.

*Height control for sites in the Lambton Harbour Area*

13.6.3.1.3 No building shall exceed the building height as shown on the Central Area height map 32.

13.6.3.1.4 Other structures including waterfront furniture, play equipment, sculptures, former cargo handling equipment, cranes and similar port related equipment are not subject to standard 13.6.3.1.3.

*Note, the coastal marine area is the responsibility of Greater Wellington Regional Council. Standards for building heights for those parts of the Lambton Harbour Area within the coastal marine area are shown on the Central Area height map 32 for informational purposes only.*

*Height control in Heritage Areas*

13.6.3.1.5 Within an identified heritage area the height limit for all buildings, other than identified non-heritage buildings, shall be the existing building height (measured above ground level).

13.6.3.1.6 For additions and alterations to identified non-heritage buildings and for new buildings on vacant land, the following minimum and maximum height limits (measured in metres above ground level) shall apply:

*All new developments within heritage areas will be expected to demonstrate that they are appropriate for the area and do not detract from the heritage values of the area. To assist in the sympathetic integration of new building works into the heritage areas, building heights have been set that reflect the existing built form of each area.*

| Heritage Area           | Minimum Height | Maximum Height |
|-------------------------|----------------|----------------|
| Courtenay Place         | 12 metres      | 18 metres      |
| Wesley Church           | None           | 10 metres      |
| Cuba Street             |                |                |
| • north of Dixon Street | 15 metres      | 21 metres      |
| • between Dixon Street  | 12 metres      | 18 metres      |

*Additional guidance regarding the appropriate scale of new buildings, and additions and alterations to existing buildings in each heritage area, is provided in the heritage area appendices to the Central Area Design*

|   |  |           |   |
|---|--|-----------|---|
| & Abel Smith Street   |  |           | <i>Guide.</i>   |
| • south of Abel Smith Street  | 9 metres   | 12 metres |   |
| <b>St John’s Church</b>   | None   | 12 metres |   |
| <b>Civic Centre</b>   | 15 metres  | 21 metres |   |
| <b>NZ Centre</b>  | 15 metres  | 25 metres |   |
| <b>Post Office Square</b>   |  |           |   |
| • west of Jervois Quay  | 20 metres  | 40 metres |   |
| • east of Jervois Quay  | Refer to height standards for Lambton Harbour Area |           |   |
| <b>Stout Street</b>   |  |           |   |
| • In the block bounded by Lambton Quay, Whitmore Street, Stout Street and Ballance Street | 10 metres  | 20 metres | <i>No new building developments are anticipated in front of the parliament buildings. For this reason no height limits have been specified for this area.</i> |
| • In the remainder of the area  | 20 metres  | 30 metres |   |
| <b>Parliamentary Precinct</b>   |  |           |   |
| • In the block bounded by Lambton Quay, Bunny Street, Stout Street and Whitmore Street.   | None   | 15 metres |   |
| • In front of parliament buildings  | None   | None      |   |
| • Between parliament buildings and Museum Street  | None   | 15 metres |   |
| • West of Museum Street   | None   | 27 metres |   |

**Height Control for Sites near Old St Paul's**

13.6.3.1.7 For all sites in the block bounded by Mulgrave Street, Pipitea Street, Moore Street and Thorndon Quay (see plan to right) no building or structure shall be erected above a height determined by inclined planes commencing with lines drawn 10 metres above and parallel to each of the boundaries of the Old St Paul's Church site and rising from that line at an angle to the horizontal of 1.5 vertical to 1 horizontal outwards in a direction perpendicular to the boundary. Along the northern boundary of the site the plane shall extend outwards in both a north (i.e. perpendicular to the boundary), and in a north east direction (i.e. 45 degrees off perpendicular).

13.6.3.1.8 No building or part thereof shall be permitted to be erected above the present ground level between the building line restriction and Mulgrave Street as illustrated.



**Height Control Adjoining Residential Areas**

13.6.3.1.9 Any building or structure must comply with the sunlight access Rule for the Residential (Inner) Area at any point along a boundary adjoining the Residential Area.

13.6.3.1.10 Subject to the sunlight access plane referred to in 13.6.3.1.9, a maximum height of 3 metres is set for buildings and structures at the Residential Area boundary and extending perpendicular into the site for a distance of 5m. The 3m maximum height will be measured at the boundary and will extend into the site at that height regardless of any change in the underlying land contour.



**13.6.3.2 Building Mass**

13.6.3.2.1 No building (or buildings) shall have a mass in excess of the total building mass (volume) for the site. Total building mass (volume) is calculated using the following formula:

**A. In areas where building heights are measured above ground level:**

$$Total\ mass = site\ area \times height \times .75$$

**B. In areas where building heights are measured above sea level:**

$$Total\ mass = site\ area \times (height - assessed\ ground\ level) \times .75$$

**C. For freehold sites in strata (or portions of a site subdivided by strata):**

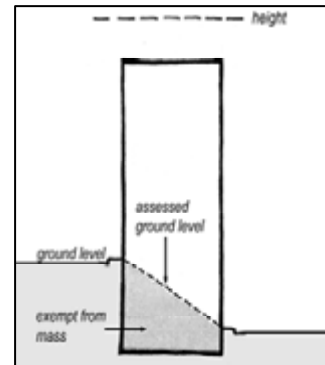
$$Total\ mass = strata\ area \times (upper\ height - lower\ height) \times .75$$

For the purpose of calculating total building mass (volume):

**Assessed Ground Level** - is as per the definition of assessed ground level in section 3.10.

*For illustrative purposes only*

**Height** - means the maximum height specified for the site in standard 13.6.3.1.

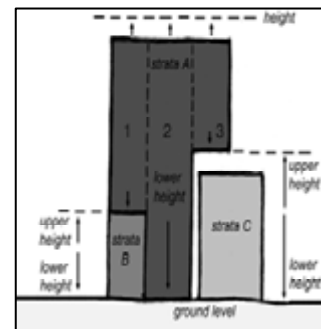


**Lower Height** - for strata lots the lower height will be taken to be whichever is the higher of either the assessed ground level, or the lower reduced level (r.l.) specified for the strata lot. In situations where the lower r.l. in a single strata lot vary across the site, the building mass must be calculated separately for each strata area.

**Upper Height** - for strata lots the upper height will be taken to be whichever is the lesser of either the upper reduced level of the strata area, or the maximum height specified for the site in standard 13.6.3.1

*'Assessed ground level'*

**Site Area** - means the total area of the site (or sites) that forms part of the development, but does not include any portion of the site subject to a strata title.



**Strata Area** - means any portion of a site that is subject to a strata height limit (upper, lower or both). In situations where the height limits in a single strata lot vary across the site, the building mass must be calculated for each unique combination of lower and/or upper height levels. Each mass calculation will then be combined to arrive at the total building mass for the strata lot. In the event that the r.l. is not flat (i.e. it is not parallel to mean sea level) a mean average height for the r.l. shall be used to calculate total mass for that strata area. The mean average height will be calculated as per the assessed ground level definition. (Note: this definition does not apply to individual Unit Titles in strata).

*Indicative diagram: height limits for strata lots (upper height, lower height or height) shall be used with the strata area to determine the maximum building mass for each strata lot*

***Building Mass (volume) in Heritage Areas***

13.6.3.2.2 No building mass standards are used for identified heritage areas as building heights have been set to reflect the scale and character of the existing built form.

**13.6.3.3 View Protection**

13.6.3.3.1 No building or structure shall intrude on any viewshaft as shown in Appendix 11

*Note, section 3.2.2.16 sets out information requirements for any application to intrude upon an identified viewshaft.*

13.6.3.3.2 Standard 13.6.3.3.1 does not apply to any building or structure within the coastal marine area. Viewshafts 26 and 27 do not apply to land within the ‘Operational Port Area’. Elsewhere within the ‘Operational Port Area’, the viewshaft standards do not apply to cranes, elevators and similar cargo or passenger handling equipment and lighting poles.

**13.6.3.4 Sunlight Protection**

All buildings and structures must be designed and located to maintain sunlight access to public spaces within the Central Area as listed below (and shown in Appendix 7).

*Note, New Zealand Standard Time is one hour behind Daylight Time. Daylight Time commences at 2.00am Standard Time on the first Sunday in October each year and ceases at 2.00am Standard Time on the third Sunday in March of the following year.*

This requirement shall not apply to:

- the first 14.4 metres of development above ground level
- any temporary structure that is erected and dismantled within a period less than 30 days in duration
- any structure located within an identified public space that is erected for the primary purpose of providing a public amenity facility

Sunlight access to the following public spaces within the Central Area are protected between the stated times:

| <i>Public Space</i> | <i>Time period to be calculated using New Zealand Standard Time</i> |
|---------------------|---|
|                     |   |

|  |   |  |
|--|---|--|
|  | <i>at either of the equinoxes (i.e. 21 March or 23 September)</i> |  |
| <i>Pedestrian malls:</i>   |   |  |
| Cuba Mall, Cuba Street   | 12:00 noon to 2:00pm  |  |
| Manners Mall, Manners Street   | 1:30pm to 3:00pm  |  |
| <i>Parks and squares:</i>  |   |  |
| Civic Square, Civic Centre   | 12 noon to 2:00pm   |  |
| Midland Park, Lambton Quay   | " "   |  |
| Cobblestone Park, Vivian Street  | " "   |  |
| Glover Park, Ghuznee Street  | " "   |  |
| Te Aro Park, Manners/Dixon Streets   | " "   |  |
| 'Clock Park' Southeast corner Courtenay Place/<br>Taranaki Street intersection | " "   |  |
| Denton Park, Bond/Lombard Streets  | 12:30pm to 2:00pm   |  |
| <i>Lambton Harbour Area:</i>   |   |  |
| Frank Kitts Park   | 10:00am to 4:00pm   |  |
| Kumutoto Plaza, North Queens Wharf   | 12 noon to 2:00pm   |  |
| Taranaki Street Wharf lagoon area  | 12 noon to 2:00pm   |  |
| Post Office Square, Customhouse/Jervois Quays                                  | 12 noon to 1:30pm   |  |

*Note, sunlight protection of Waitangi Park will be managed through the application of The Wellington Waterfront Framework, and the zero height limit that generally applies in the Lambton Harbour Area to the north and northwest of Waitangi Park.*

**13.6.3.5 Wind**

13.6.3.5.1 The following wind standards apply to the Central Area, excluding buildings and structures for Operational Port Activities in the Operational Port Area.

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

- (a) SAFETY: The safety criteria shall apply to all public space.

The maximum gust speed shall not exceed 20 m/s. If the speed exceeds 20 m/s with the proposed development, it must be reduced to 20 m/s or below.

- (b) CUMULATIVE EFFECT: The cumulative criteria shall apply to all public space. Any proposed development must meet the requirements for both of the following wind strengths, at each measurement location.

| Wind strength | Change in annual hours of occurrence with the development at all measurement points | Requirements on developer           |
|---------------|---|-------------------------------------|
| Strong        | If hours that 3.5 m/s is  | Reduce change in hours to a maximum |

|  |   |   |
|--|---|---|
| (mean hourly wind speed = 3.5 m/s)             | equalled or exceeded increase by more than 170 hr/yr (i.e. 2 % of the year)                         | of 170 hours.                                     |
| Moderate<br>(mean hourly wind speed = 2.5 m/s) | If hours that 2.5m/s is equalled or exceeded increase by more than 170 hr/yr (i.e. 2 % of the year) | Reduce change in hours to a maximum of 170 hours. |

- (c) While hours exceeded at some locations in the Cumulative Effect Criteria may increase or decrease, the overall impact of a building on the wind conditions must be neutral or beneficial.
- (d) COMFORT: The comfort criteria only applies to the public spaces listed in standard 13.6.3.4

| Comfort wind strength            | Annual hours of occurrence with the development                          | Requirements on developer   |
|----------------------------------|--|---|
| Mean hourly wind speed = 2.5 m/s | If hours that 2.5 m/s is equalled or exceeded increase above 1700 hours. | If existing building exceeds 1700 hours, then reduce number of hours for proposed building to existing levels.<br><br>If existing building is below 1700 hours then reduce number of hours for proposed building to below 1700 hours. |

13.6.3.5.3 To show that a development complies with these standards a wind report must be supplied that meet the requirements outlined in Appendix 8 (see also section 3.2.2.14 of the Information Requirements).

*For information purposes, the effects of wind speeds, which correspond to those used in, the safety criteria, are*

*20 metres/second gust - Completely unacceptable for walking.*

*the comfort or cumulative criteria, are*

*3.5 metres/second mean - Corresponds to threshold of danger level.*

*2.5 metres/second mean - Generally the limit for comfort when sitting for lengthy periods in an open space.*

### 13.6.3.6 Verandahs

13.6.3.6.1 Verandahs must be constructed along any building frontage facing a street, pedestrian mall, pedestrian walkway, or other public space identified in District Plan Map 49a, unless that building is a listed heritage building that is identified as being exempt on District Plan Map 49a. *Alterations to a building that are within the scope of existing uses under the Act are not required to*

13.6.3.6.2 For frontages not identified on District Plan Map 49a, verandahs may be constructed on any building frontage facing a public space within the Central Area provided that: *construct verandahs as required by 13.6.3.6.1*

- the building is not a heritage building listed in Chapter 21, or
- the adjoining public space extends 12 metres or more perpendicular from the building frontage.

13.6.3.6.3 Any verandah must:

- provide a minimum clearance of 2.5 metres directly above the footpath or formed ground surface
- be no more than 4 metres (measured at the base of the verandah fascia) directly above the footpath or formed ground surface
- provide a minimum horizontal set back of 450mm from any point along the kerbing extending back to the site boundary
- extend no more than 3 metres in width from the front of the building

13.6.3.6.4 A verandah required by standard 13.6.3.6.1 must:

- extend for the full length of the building
- extend 3 metres outwards from the front of the building (minus any requirement for a 450mm horizontal set back from the kerbing)
- provide continuous shelter with any adjoining verandah or pedestrian shelter

### 13.6.3.7 Ground Floor Frontages and Display Windows

#### *Display Windows*

13.6.3.7.1 Display windows must be constructed at ground floor level along a minimum of 60% of the total width of the building facing onto any frontage identified in District Plan Map 49a, except any heritage building listed in Chapter 21. *Alterations to a building that are within the scope of existing uses under the Act are not required to construct display windows as required by 13.6.3.7.1*

#### *'Active' building edges*

13.6.3.7.2 Any display window within the Central Area (including doors with windows) must not be blocked off from view from the adjacent public space by the use of opaque roller shutter doors, opaque screens or similar structures. Transparent or semi-transparent security grilles are permitted.

13.6.3.7.3 Any addition to, alteration or modification of a building or structure where the works are confined to the area below verandah level must not create a featureless façade of more than 4 metres wide on any wall that faces a public space, and extends from a height of 1m above ground level up to a maximum height of 2.5m. A featureless façade will be considered to be one that lacks windows, doors, columns, recesses, stairs, niches or other architectural detailing. *This standard does not apply to new buildings/ structures, or to modifications extending above verandah level on existing buildings/ structures.*

### 13.6.3.8 Site Coverage

13.6.3.8.1 Site coverage in the Lambton Harbour Area:

The maximum coverage for building development within the total

Lambton Harbour area is 35%.

#### 13.6.3.8.2 Rail-Ferry Terminal and the adjacent Kaiwharawhara Reclamation:

The maximum coverage for building development on the land currently occupied by the rail-ferry terminal and on the reclamation to the north is 35%. For the purpose of this standard:

- coverage for the rail-ferry terminal area and the reclamation area shall be calculated separately
- the rail-ferry terminal area and reclamation area together comprise the area at Kaiwharawhara shown on District Plan Map 32 as having a permitted height of 18.6m, and with the dividing boundary to be taken as the Kaiwharawhara Stream.

#### 13.6.3.9 Coastal Yards

Except in the Operational Port Area and Port Redevelopment Precinct, where any activity adjoins the coast the minimum yard width is 6 metres measured from the line of mean high water springs.

#### 13.6.3.10 Windows

All windows in walls of buildings located within 5 metres and facing a Residential Area boundary shall have privacy glazing.

### 13.6.4 SIGNS STANDARDS

#### 13.6.4.1 Signs

13.6.4.1.1 Any sign that is illuminated must not flash, or must not contain moving images, moving text or moving lights if that sign is:

- visible from a vehicle on the legal road within 100m of an intersection
- visible from and located within 50m of a Residential Area
- located on a building above 18.6m above ground level
- located on a site frontage (including on any building) that is adjoining or opposite (on the other side of the legal road) from the Parliamentary Precinct Heritage Area (as shown in Appendix 6, of Chapter 21)

This standard does not apply to temporary signs provided for under standard 13.6.4.1.8.

*Note signs located in any listed heritage area or on a site with a listed heritage building are subject to the Heritage Rules in Chapter 21.*

13.6.4.1.2 Any sign located on a building:

- that is affixed to the underneath of a verandah must provide at least 2.5 metres clearance directly above the footpath or ground level
- must be displayed only on plain wall surfaces
- must not obscure windows or architectural features
- must not project above the parapet level, or the highest part of that part of the building to which the sign is attached (including above the verandah). This part of the standard does not apply to temporary signs.

*Note, Verandah Level is a term defined in Section 3.10*

13.6.4.1.3 In addition to 13.6.4.1.1 - 13.6.4.1.2, for any sign located on a building on or below 18.6m above ground level:

- the maximum area of any one sign is 20m<sup>2</sup>
- the sign may project up to a maximum of 1.5 metres from the face of the building on which the sign is located

13.6.4.1.4 In addition to 13.6.4.1.1 - 13.6.4.1.2, for any sign located on a building above 18.6m above ground level (including signs that extend above 18.6m from a lower level):

- there may be no more than four signs with a maximum of one sign on each elevation
- the total maximum area of signage on each frontage is 15m<sup>2</sup>
- the sign must bear only the name and/or logo of the building owner or occupier, or the building on which the sign is located

13.6.4.1.5 For any free-standing sign or any sign located on a structure:

- the maximum area is 10m<sup>2</sup>
- the maximum height is 8 metres
- only one sign is permitted on any site frontage
- must comply with standards 13.6.3.1.9 and 13.6.3.1.10 (height control adjoining residential areas)

The limit on the number of signs shall not apply to signs denoting only the name of any premises, or signs for the purpose of directing pedestrian or vehicular traffic.

13.6.4.1.6 In addition to standards 13.6.4.1.1 - 13.6.4.1.5, any sign located on the stadium building within the Wellington Regional Stadium site (Lot 1, DP 85907 & Lot 1, DP 10550) must be flush with the building surface, and not project out from the wall or above the roof of the stadium

13.6.4.1.7 For any sign located on a site frontage (including on any building) that is adjoining or opposite (on the other side of the legal road) from the Parliamentary Precinct Heritage Area (as shown in Appendix 6, Chapter 21):

- the sign must bear only the name and/or logo of the building/site or the owner or occupier of the building/site on which the sign is located

13.6.4.1.8 Any temporary sign that is established for the purpose of advertising a community event:

- must not be erected for more than 28 consecutive days before, and must be fully removed (including any associated structures) within 7

*Note, the term Temporary Sign is defined in Section 3.10*

days of the completion of the event for which the sign was erected

- may exceed the standards in 13.6.4.1.3 and 13.6.4.1.5 specifying the maximum area or maximum number of signs permitted, provided that all other sign standards are met
- illuminated signs may flash and may contain moving text

*Any sign that complies with relevant sign standards in 13.6.4.1 is also permitted on a temporary basis.*

For the purpose of this standard, a community event includes an event that promotes Wellington City or public activities within a local community, and that event is non-repetitive and temporary in nature. This standard excludes advertising for primarily commercial purposes.

## 13.6.5 SUBDIVISION STANDARDS

### 13.6.5.1 Subdivision

- 13.6.5.1.1 Every building or structure adjoining a new boundary must comply fully with the standards for buildings and structures specified in 13.6.1 and 13.6.3 or otherwise be lawfully established.
- 13.6.5.1.2 Every building or structure within a proposed allotment must comply with the maximum building mass (volume) standards specified in 13.6.3.2. Applications must provide calculations of the total building volume contained on each allotment in the proposed subdivision.
- 13.6.5.1.3 Every allotment must have services in compliance with City Bylaws or if applicable the Council's Code of Practice for Land Development.
- 13.6.5.1.4 The allotment must have practical, physical and legal access to a legal road.
- 13.6.5.1.5 Every allotment must have site access and on-site servicing constructed in accordance with the vehicle parking, servicing and site access standards in 13.6.1.3.
- 13.6.5.1.6 All earthworks needed to complete the subdivision are undertaken.
- 13.6.5.1.7 No part of any allotment being subdivided may be within 20 metres of the line of mean high water springs of the sea. This standard shall not apply in the Operational Port Area, provided the land is utilised for operational port purposes.
- 13.6.5.1.8 Subdivision within a heritage area or on a site associated with a heritage item is controlled by the provisions of the Heritage Chapter (chapters 20 and 21).
- 13.6.5.1.9 Adequate information must be provided to allow Council to assess compliance with standards 13.6.5.1.1 to 13.6.5.1.8 listed above, including:
- a written 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. This certificate must be signed by a Registered Surveyor or other suitably qualified person



- every request for a Certificate of Compliance must be accompanied by 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 which clearly shows that the application fully complies with all the subdivision standards and a report to explain the proposal which details how the requirements have been met. The accuracy of the data supplied must be certified by a registered surveyor or other suitably qualified person
- a certificate signed by a registered surveyor or other suitably qualified person that the land is not likely to be subject to material damage by erosion, subsidence, slippage or inundation from any source.

# Chapter 13. Central Area

## Schedule of Appendices

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