

SHAPING UP 2013

DISTRICT PLAN MONITORING AND RESEARCH REPORT

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WELLINGTON CITY COUNCIL **Wellington**



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1. Introduction

1.1 PURPOSE AND SCOPE

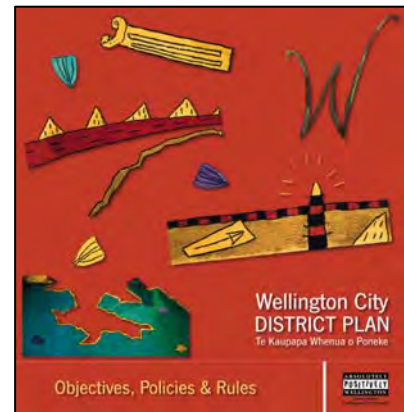
This report provides a summary of recent monitoring activity for some chapters of the Wellington City District Plan along with an update of issues that may affect future District Plan Changes. The report is split into two parts to address these two distinct, but related, topics.

1.2 PART 1 MONITORING AND RESEARCH

This part of the report draws together monitoring and research carried out in the period 2011 – 2013 relating to the District Plan (“the Plan”). Monitoring of the state of the environment and the effectiveness of the District Plan is required under Section 35 of the Resource Management Act.

Another key imperative for Plan monitoring is to inform future policy development and ultimately to justify future Plan Changes as required by s32 of the RMA.

The primary scope of monitoring activities presented in this report is largely determined by the decisions of Wellington City Council’s Strategy and Policy Committee in February 2012 which identified priority review areas for the Plan. As such, this is not a comprehensive monitoring report covering all aspects of the Plan.



1.3 PART 2 STRATEGIC AND STRUCTURAL CONSIDERATIONS FOR FUTURE PLAN CHANGES

Part 2 summarises key issues and other driving forces that will influence future District Plan changes contemplated by the Council. Key issues include:

- impending significant legislative change to the RMA
- updating the Plan to reflect recent strategic planning decisions for the city and region
- regional collaborative planning activities
- Plan form, structure and user-friendliness.

The focus of this report is on presenting information currently available to the Council. It does not represent existing Council policy. Significant further work is required by Council officers to fully investigate and develop a preferred policy position on future Plan Change topics.

1.4 DISTRICT PLAN CONTEXT

The District Plan, Wellington’s first under the RMA, became operative in 2000. Since then there have been 77 Plan Changes, altering the original structure and drafting style of the Plan. This has been known as the “rolling review process”. The Changes have not been evenly applied, with some chapters unchanged since 2000, while others, particularly related to heavily used parts of the Plan like the residential and commercial chapters, have been subject to various Changes.

The number of Plan Changes since 2000 and the rapid pace at which they were promoted ultimately resulted in a significant backlog of Environment Court appeals, with about 60 appeals,

related to nine different Plan Changes, outstanding in mid-2011. Around that time the Strategy and Policy Committee determined that outstanding appeals should be resolved before further significant Plan Changes were promoted. At the time of writing outstanding appeals had been reduced to five and relate to only two Plan Changes.

In February 2012 the Committee affirmed this position and identified a priority list of Plan Changes to be promoted after the resolution of all appeals. The Changes were either strategic priorities or statutory requirements¹. In general, high priority was given to parts of the Plan not yet reviewed with the following being the complete list of high priority Plan Changes:

- District Plan approach (affecting the introductory chapter)
- Natural environment (landscape, indigenous ecosystems, coast)
- Tangata whenua
- Airport and institutional precincts
- Hazards and heritage.

The first Plan Changes should be notified in the 2013-14 financial year following resolution of all outstanding appeals.

1.5 PREVIOUS PLAN MONITORING REPORTS

A District Plan monitoring programme, established in 2003, collected information on key issues identified in the Plan. A series of technical working papers were then prepared over two years and covered the following topics:

- Urban growth and development
- Urban design and residential amenity
- Heritage protection (including Maori heritage values)
- Noise environments
- Mixed-use activity.

The key findings from those reports were summarised into a publication entitled *Shaping Up '06, District Plan Effectiveness Report*.

In 2007 and 2008 a targeted monitoring programme led to the review of the Plan's 'Suburban Centres' chapters. A technical report containing the results of that monitoring programme was then published.

This report builds on, and adds to, the monitoring information on the effectiveness of the Plan that is already available.

¹ Statutory requirements included the ten year review cycle of the RMA, Treaty of Waitangi settlements, and reflecting the new Wellington Regional Policy Statement

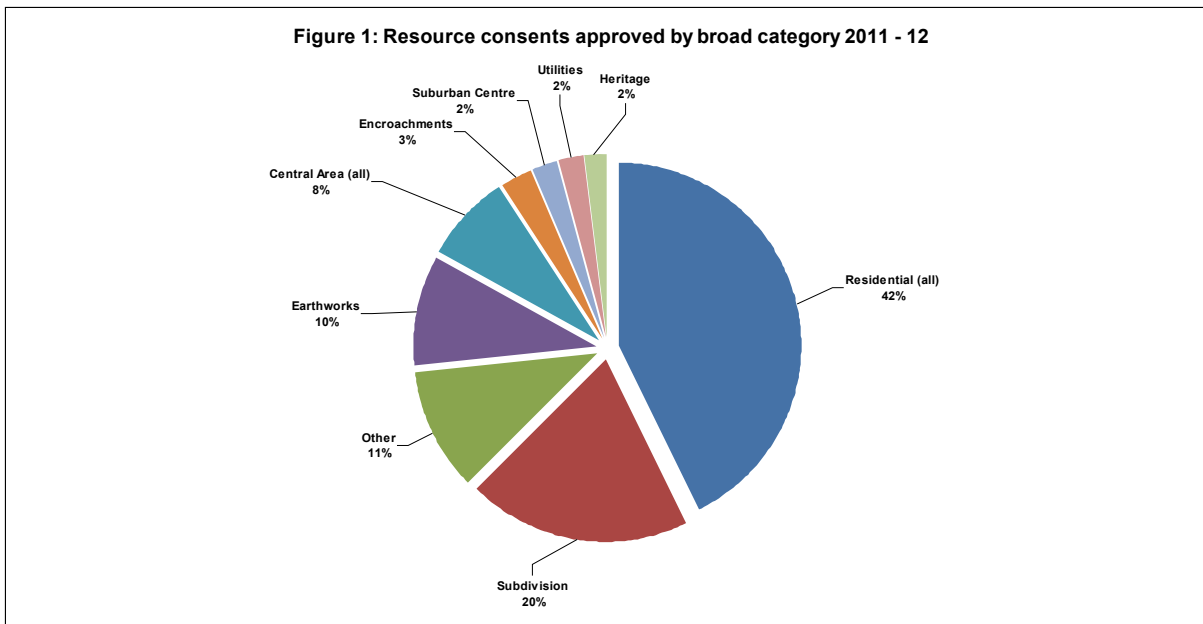
Part 1: Monitoring and research results

Part 1 of this report sets out the key results from the Council's monitoring activities during 2012 and 2013. Chapter 2 presents a high-level overview of a selection of development activity over the past 18 months. This sets the scene for Chapter 3, which outlines the results from the more targeted monitoring activities on District Plan chapters that are a priority for review.

2. Overview of development activity

2.1 ACTIVITIES REQUIRING RESOURCE CONSENT

Figure 1 shows resource consents approved by 'broad category' for the 12 months from August 2011 to July 2012. This is a significant sample of about 700 resource consents. This sort of data helps to identify the parts of the District Plan that are heavily used. Logically these parts of the Plan need to be most closely monitored in terms of effectiveness.



The graph reinforces the known dominance of residential activity in generating resource consents. Aside from the 42% of consents identified as 'residential (all)', some of the other categories – notably subdivision and earthworks – also relate to residential development activity. The 'other' category is significant at 11%, but is so fragmented that it is not useful to break it down further. It should also be noted that the 'other' category includes earthquake strengthening and demolition consents, but these have only been collected over the past few months so are not able to be represented on their own.

2.2 NOTIFICATION OF RESOURCE CONSENTS AND PLAN NON-NOTIFICATION STATEMENTS RESEARCH

Two discrete monitoring exercises were undertaken to help better understand the role that notification of resource consents plays in the implementation of the District Plan and how this compares to other cities around New Zealand.

The approach to notification is an important issue because it has a direct bearing on the level of third-party involvement in resource consent processes, the cost of resource consent processes, and investment/development behaviour. The two research activities were:

- A review of the notification track followed (ie fully-notified, limited-notified and non-notified) for all resource consents granted in 2010-11.
- Benchmarking the Council's use of non-notification statements in the Central Area chapter of the Plan against three other central business district zones in New Zealand.

Use of notification categories in processing resource consents

Table 1 shows consents processed in Wellington City and the respective notification processes followed in 2010-11. These results are compared with the results of other similar councils and the national average, as reported by the Ministry for the Environment in its biennial RMA Survey.

Table 1: Notification pathways used – 2010-11 financial year

Consent type	Subdivision	Landuse	WCC Total	WCC %	MfE Group 4 Councils ² %	National average %
Fully-notified	0	3	3	0.3%	2.40%	2%
Limited-notified	4	18	22	2.5%	1.87%	2%
Non-notified	164	678	842	97.1%	95.70%	96%
Total	168	699	867	100%	100%	100%

This table shows that there is a lower rate of fully-notified applications in Wellington compared with other similar councils and also against the national average. However, Wellington City Council makes greater use of the limited-notified option than other councils.

The resource consent team believes these results reflect the significant effort by planners during the 'pre-application' stage to work with applicants to identify options to reduce effects on the environment and other parties. Applicants often modify their initial proposals because they are highly motivated to reduce the likelihood of a full notification process due to the additional time, cost and uncertainty this process imposes.

Surveys and interviews recently carried out by the District Plan team reinforced this point. Resource consent applicants emphasised the extra expense, uncertainty and legal risk associated with fully-notified and limited-notified applications.

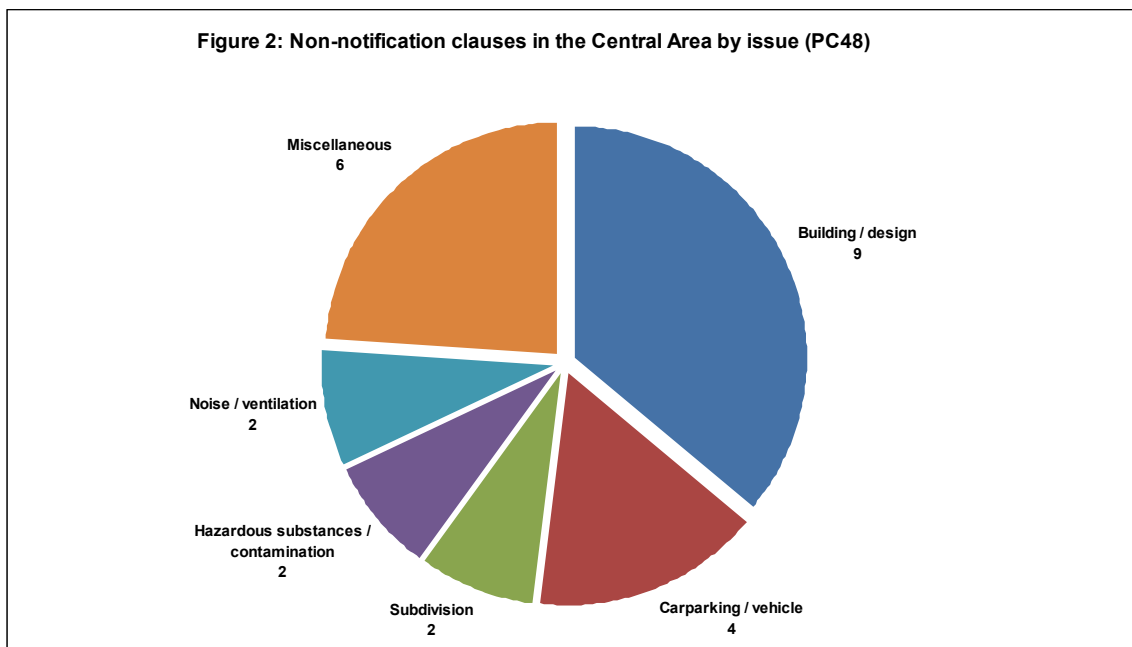
Non-notification clauses in the Wellington Central Area

There are 25 controlled and restricted discretionary activity rules with non-notification clauses in the Wellington Central Area (as a result of PC48). This is greater than the number in the original Central Area chapter (about 15). However, it is important to note that this reflects the greater

² Refer MfE RMA Survey 2010-2011. Group Four councils are those TLAs that process between 651 – 7000 consents. The four councils in this group are Christchurch City Council, Dunedin City Council, Queenstown Lakes District Council, and Wellington City Council.

breakdown/number of rules resulting from Plan Change 48 rather than a significant and conscious policy shift towards the use of non-notification clauses in the Plan.

Figure 2 shows the breakdown of non-notification clauses in Plan Change 48 is shown in the graph below by issue.



The central business district (CBD) zone controls for Hutt City, Tauranga City (the new ‘CityPlan’) and Dunedin were reviewed to help benchmark the approach taken in Wellington. The CBDs of these cities are smaller and less diverse than Wellington’s but a variety of approaches is still evident. Direct statistical comparisons are not possible due to the differing rule structures of each Plan, however some qualitative conclusions have been reached as set out in Table 2.

As notification decisions are made on a case-by-case basis under the requirements of the RMA, the approach of officers and internal operating procedures are also important in determining the overall approach to notification. However, the District Plan itself creates the guiding framework for these decisions and therefore it is useful to see the approach in different plans.

Tale 2: Notification approaches in other CBD zones

City	Description	Scope for notification compared to Wellington District Plan?
Wellington	All controlled activities and most restricted-discretionary activities have non-notification clauses	N/A
Dunedin	No non-notification clauses	Greater
Hutt	No controlled activity rules, all restricted-discretionary activities subject to non-notification clauses	Lesser
Tauranga (new ‘CityPlan’)	No controlled activity rules,	Greater

	single restricted-discretionary activity rule subject to non-notification clause	
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The scan of other plans indicates that the notification approach of PC48 (as one example) sits somewhere near the middle of the spectrum. As part of the Plan review process, it will be useful to repeat this exercise for other Plan chapters.

Notification of resource consents and the associated use of ‘non-notification’ statements in the District Plan is a sensitive issue. The Council is required to weigh the concerns of parties at polar ends of the notification spectrum. Consideration of non-notification statements in future Plan Changes will continue to be considered carefully to ensure this balance is maintained.

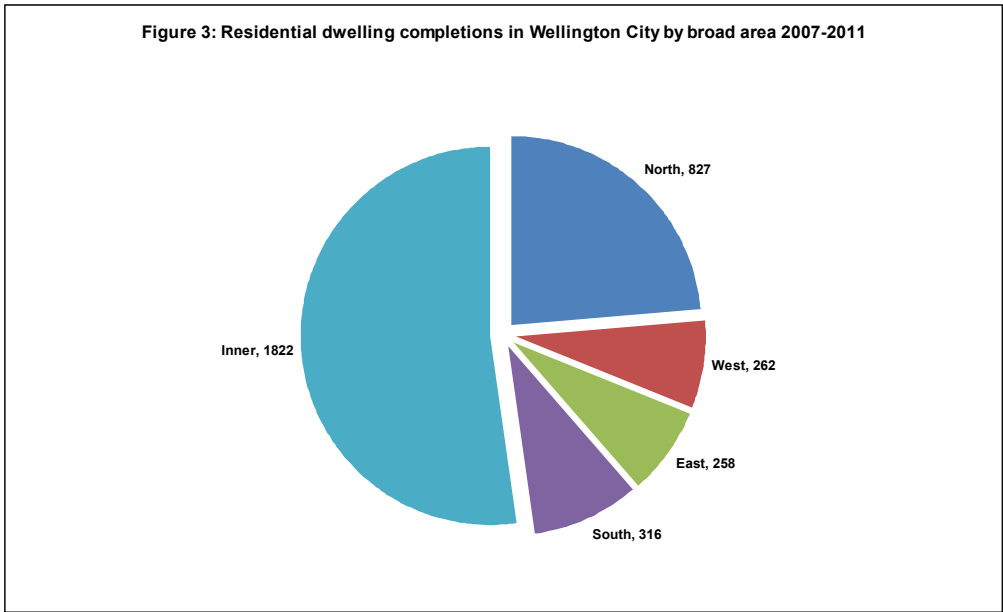
2.3 RESIDENTIAL DWELLING ACTIVITIES

This section provides high-level information on:

- Completed residential dwellings
- Multi-unit development
- s224 certificates issues for subdivisions (lots and units) – ‘completion certificates’.

2.3.1 Completed building consents for residential dwellings

Analysis of residential dwelling completions (ie building consents) in the city during the period 2007-2011 was undertaken to understand the spatial distribution of residential growth (Figure 3).



Key findings are:

- 3485 dwellings were constructed in the period (average of 697 per annum).
- 52% of these (1822) were constructed in ‘inner areas’ which includes the central city and inner suburbs like Mount Victoria and Mount Cook.

- Northern areas (including the large greenfield areas north of Johnsonville) accounted for 24% of dwelling completions.
- The balance was evenly distributed across the established residential areas in the east, south and west of the city – areas that rely primarily on infill and hence have lower rates of growth.
- Of these, the eastern suburbs recorded the lowest number of completions (258) which is interesting considering that Miramar was formerly a significant infill suburb in the city.

2.3.2 Multi-unit development

Resource consents for *new* multi-unit residential developments in the Residential Area (Inner, Outer and Medium-Density) were investigated for the 2009 and 2010 calendar years. There were 19 consents processed during this time.

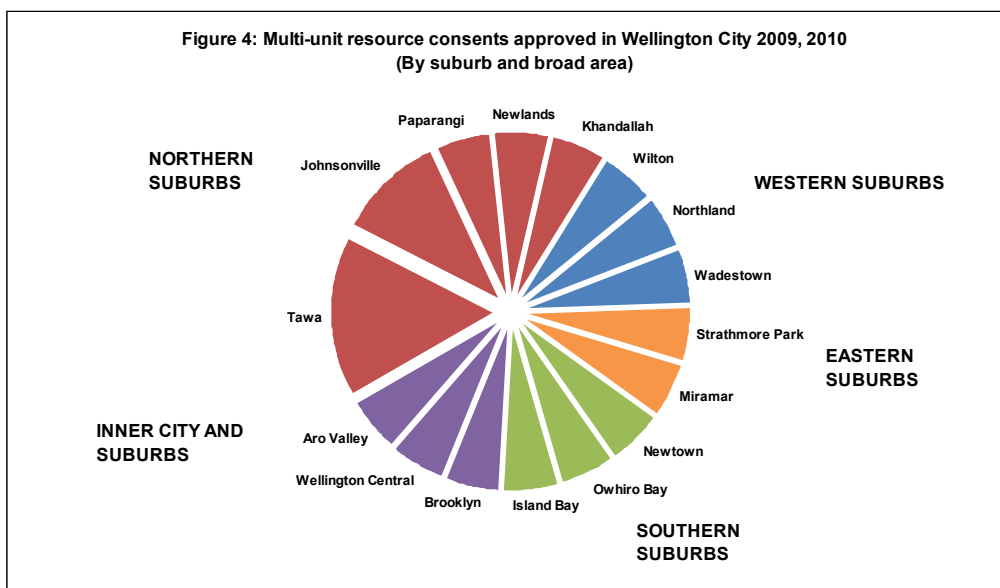
Multi-unit development primarily relates to consents approved under the following rules:

- Rule 5.3.4 of the Operative Plan – this rule is triggered by proposals for three or more dwelling units on a site in both the Outer and Inner Residential Areas; and
- Rule 5.3.7 of the Proposed Plan (PC72) – this rule is triggered by proposals for two or more dwelling units on a site in the Inner and Medium-Density Areas, and for proposals for three or more dwelling units on a site in the Outer Residential Area.

Spatial distribution

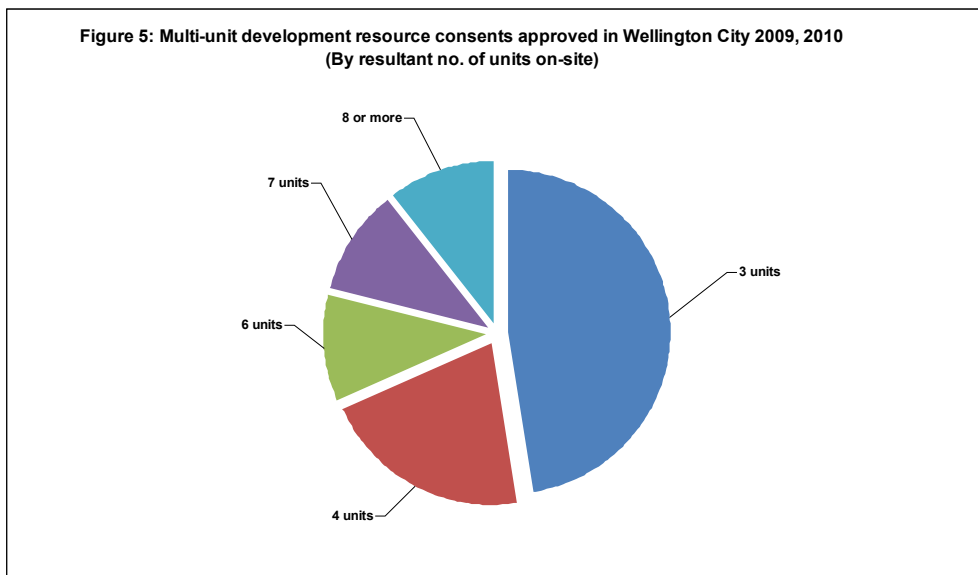
Some 84% of consents approved (n=16) were for sites in the Outer Residential Area. These were well distributed around the city, but with a bias to the northern suburbs (42% were from Khandallah northwards).

Figure 4 shows the number of consents by suburb and by broad grouping (eastern, southern suburbs etc).



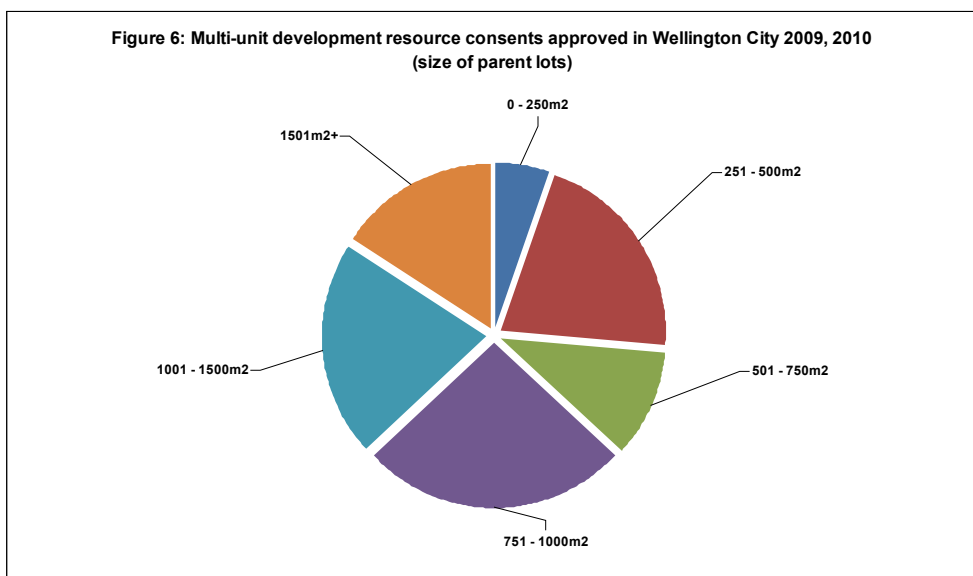
Nature of development

The number of dwelling units created by the proposals has also been assessed to gain a picture of the type of multi-unit developments that have been approved (Figure 5). This shows a trend towards modest infill and redevelopment, with 13 (or 68%) of the approved consents relating to proposals resulting in four or more dwelling units on the site. Most approvals were for seven dwelling units or less, though there were two proposals that sought approval for 18 units (Owhiro Bay) and 13 units (Tawa) respectively.



Parent lots

A basic check has been undertaken to identify the size of parent lots (Figure 6). This helps to gauge where multi-unit development is occurring and the dwelling yields. The majority (12, 63%) of these were large sites (751m²+). When considered alongside Figures 4 and 5 above, this demonstrates that the majority of multi-unit proposals have been relatively low-yield infill developments in outer residential areas.



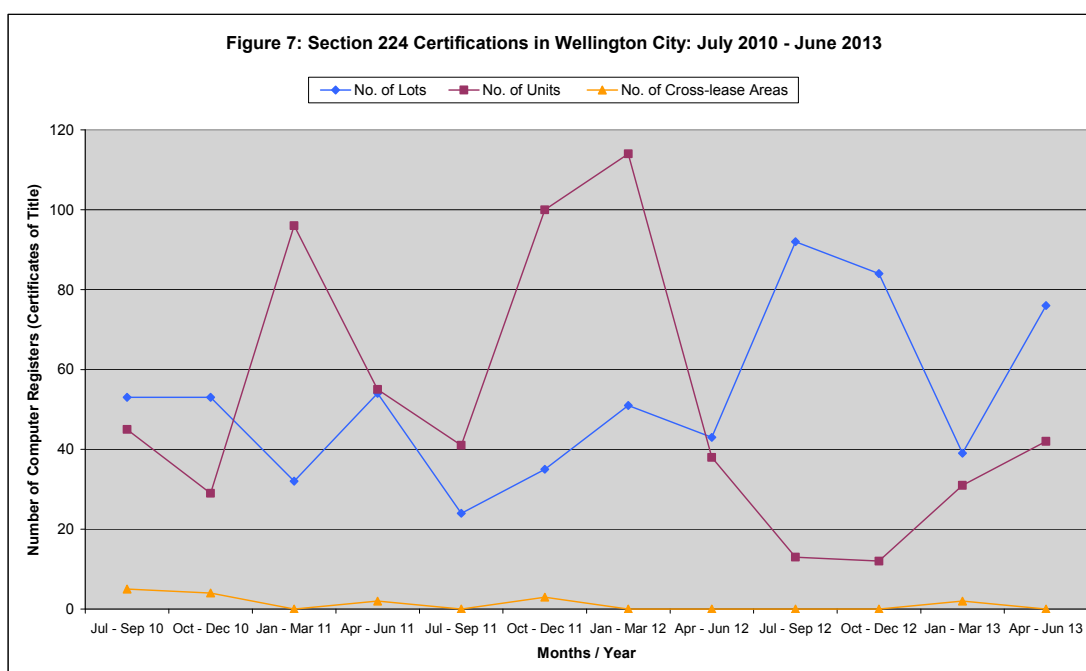
Multi-unit/infill development is occurring across the city, albeit at slower rates than in previous years. Analysis of ‘on-the ground’ results is required to determine if the District Plan has been effective at regulating good-quality development (as desired by Plan Change 56).

2.3.3 Section 224 certificates 2010 - 2013

A ‘Section 224’ is a type of completion certificate issued under the RMA for subdivisions, and for this reason is a good statistical measure of activity in the development sector. Data on new lots, new units and new cross-lease subdivisions was analysed.

The graph below shows the total completion of new properties in each quarter over the past three years (July 2010–June 2013). The number of new units created through unit-title subdivisions is much greater than the number of new lots created in both 2010/2011 and 2011/2012. Significantly, though, the numbers reverse in 2012/2013, with the number of new lots far exceeding the number of new units. The reason is fewer large apartment buildings being completed and more building sections being created, particularly in the ‘greenfield’ areas of Churton Park, Hunters Hill and Woodridge.

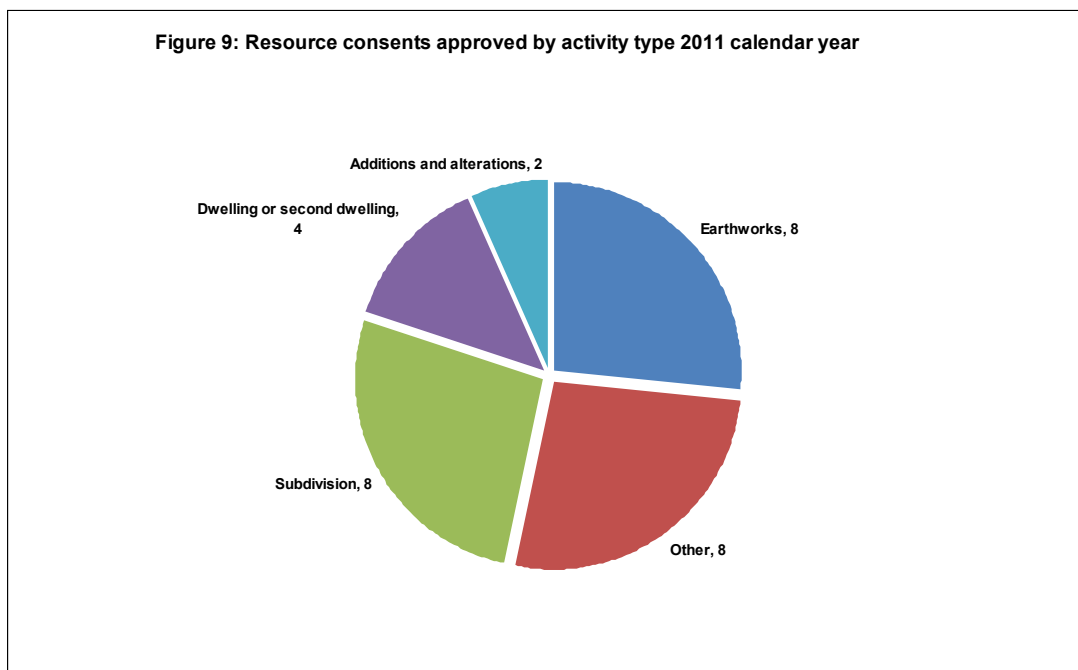
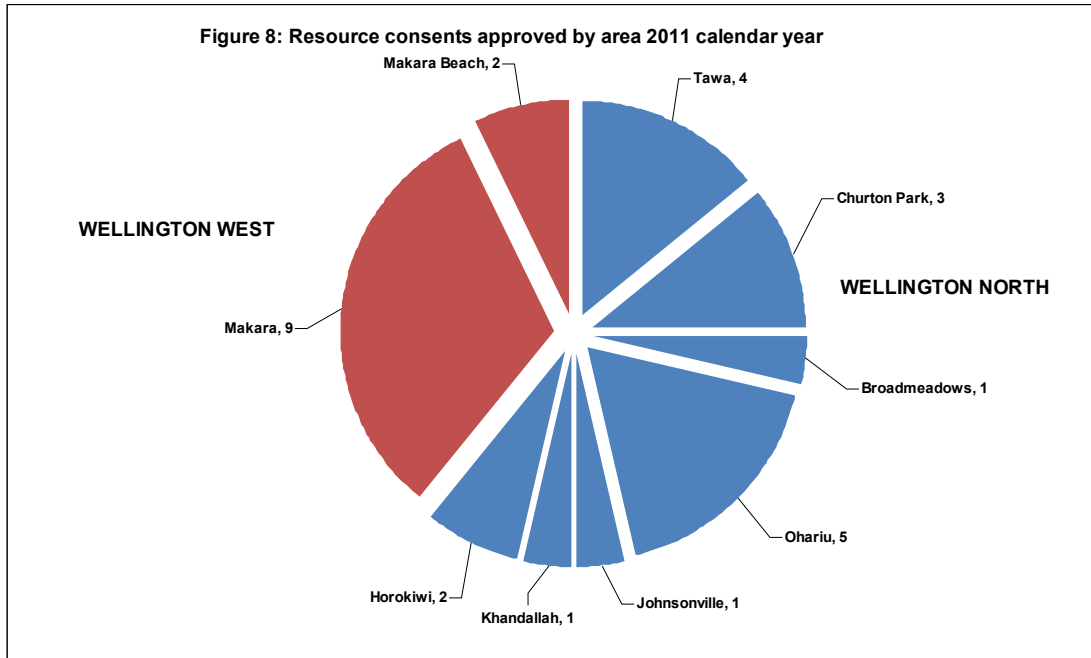
It is interesting to note that a statistical analysis has shown that apartment development represented over 40% of new dwelling completions in the city over the period 2007-11. The new trend shown on the graph indicates that the heat has gone out of the apartment building market (for the time being); replaced by the creation of sections for building in new suburban areas.



Approvals for cross-lease developments have remained constant across the three years examined with typically less than five properties being cross-leased each year. The continuation of this generally unpopular form of ownership may reflect the perception that the legal requirement to establish bodies-corporate for the creation of just two or three units is too onerous.

2.4 RURAL ACTIVITIES

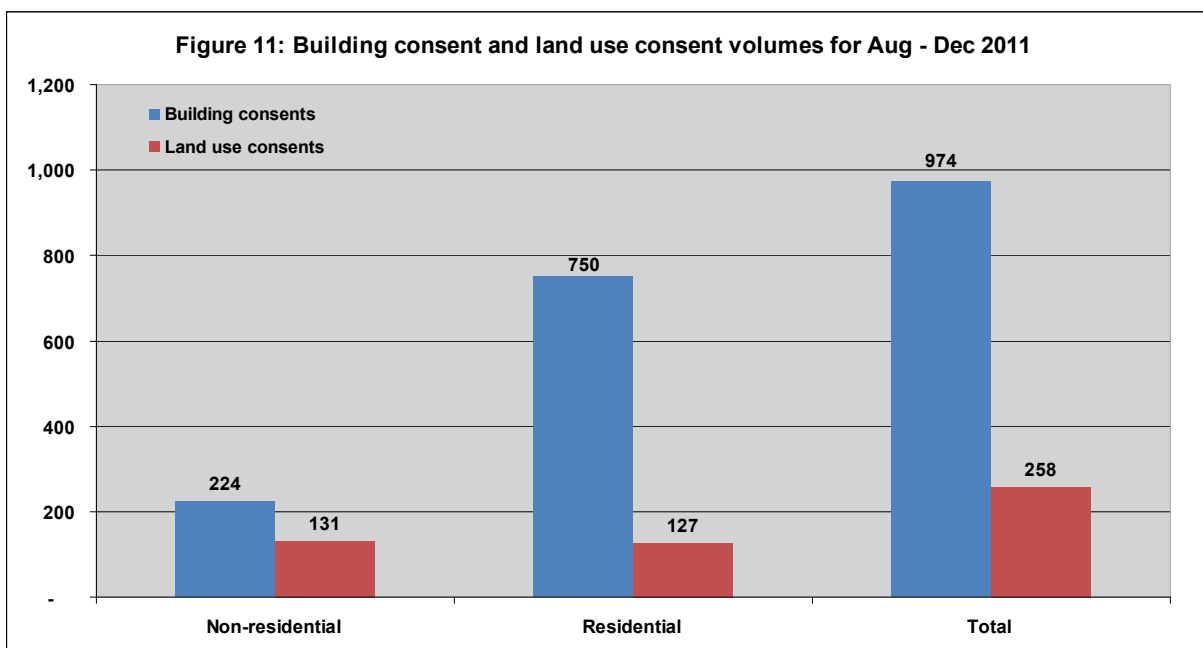
Resource consents approved in the Rural Area during the 2011 calendar year were analysed by location (Figure 8) and activity type (Figure 9). A total of 29 applications were approved, which is a typical level of development activity for this zone.



Wellington's rural areas are primarily situated to the north and west of the central city and, to a lesser degree, to the south. From the 2011 sample of resource consents, no consents were approved in areas that could be described as 'south'. This may reflect the smaller rural area in this part of the city and a lower degree of land fragmentation. More than half of the consents were from Makara, Makara Beach or Ohariu and from these areas most related to rural-residential type consent activities (subdivision, new dwellings).

2.6 RESOURCE CONSENT AND BUILDING CONSENT ACTIVITY

A brief analysis of land-use resource consent activity and building consent activity during a five month period in 2011 was carried out. It can be useful to compare the relative volume of each consent type for monitoring purposes even though land-use consents are concerned with controlling 'environmental effects' and building consents are concerned with structural and safety issues. The more restrictive a district plan is, the more land-use consents will be required relative to building consents. It is acknowledged that this is not an 'apples with apples' comparison as some activities require land-use consent but not a building consent and vice versa. Results are shown in Figure 11 below.



In percentage terms, the graph shows:

- For non-residential activity: land-use consents are 58% of building consents
- For residential activity: land-use consents are 17% of building consents
- Overall, land-use consents are 26% of building consents.

Based on this limited assessment, we note that:

- It was expected that overall building-consent volumes would be greater than land-use consent volumes because not all structural work requires land-use consent (particularly internal work)
- The higher proportion of non-residential activity requiring land-use consent is likely to be explained by the introduction of rules in Plan Changes 48 and 73 (Central Area and Suburban Business zones) requiring land-use consent for all new building work.

3. Thematic Monitoring

3.1 RESIDENTIAL ZONINGS, LAND AVAILABILITY AND HOUSING

The Council has strategically planned for residential *growth* for many years by providing greenfield land and facilitating development opportunities within the established urban area. The District Plan incorporates zonings and rules to facilitate the development of vacant greenfield land, medium-density areas, infill housing and apartments.



The main Plan zones that anticipate and provide for large numbers of residential dwellings are the Residential Areas, the Central Area and Centres Areas. The Rural Area provides for residential dwellings at a scale that is compatible with the predominant rural character.

In addition to the District Plan, additional strategic policy direction has been provided in the following areas:

- *The Northern Growth Management Framework 2003* – which sets out a planned approach to residential development in the greenfield areas in the north of the city.
- *The Urban Development Strategy 2006* – this sets out a preferred development pattern for the city as a whole, with a focus on consolidating new development along a ‘growth spine’ area stretching from Johnsonville to Kilbirnie and within the existing urban area.
- *Town Centre Plans* - developed subsequent to the Urban Development Strategy. These encourage housing in and around town centres at higher densities, supported by Council investment in community facilities and infrastructure.

These strategic plans have resulted in the development of a series of Plan Changes that implement, in part, the objectives of the strategic plans. Key residential provisions contained in the Plan as at 2013 are

- a. The Outer Residential Area (which applies to most of the residential areas of the city) allows for greenfield and infill development to occur, subject to range of controls to provide for and protect the amenity of existing and future residents. Plan Change 56 introduced controls to better manage the quality of residential infill and these were largely adopted as part of the rolling review in Plan Change 72 (Residential Areas).
- b. The Inner Residential Area covers the older character suburbs of Thorndon, Aro Valley, Mount Cook, Newtown and Mount Victoria. More intensive residential development is permitted, but heritage and character controls to protect the quality of these suburbs means that infill and comprehensive redevelopment of sites is constrained.
- c. Medium Density Residential Areas (MDRAs) apply to residential areas surrounding the Johnsonville and Kilbirnie town centres (introduced as part of Plan Change 72). The MDRAs resulted from the wider ‘Areas of Change’ work programme that started in 2007 following the adoption of the Growth Spine concept in the Urban Development Strategy.

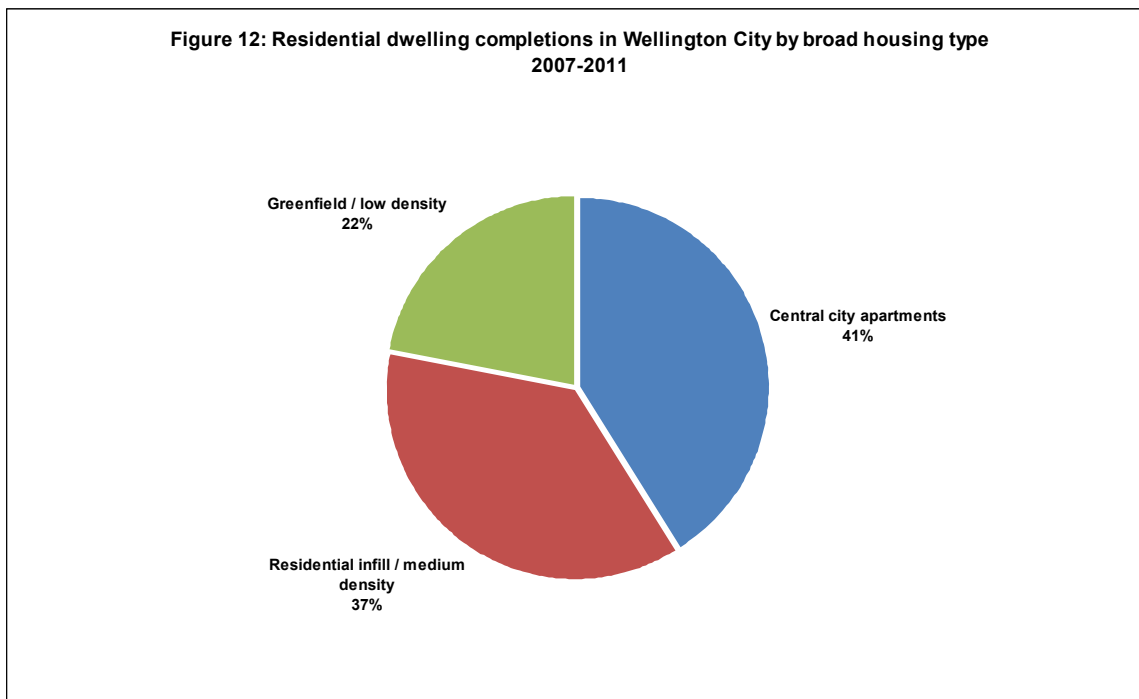
Other important elements of the Residential Area provisions:

- a range of residential standards, subdivision and design guide approaches to manage single and multi-unit developments
- the presumption that pre-1930s dwellings in most of the Inner Residential Area not be demolished (the 'Pre-1930s demolition rule')
- residential coastal-edge controls to protect coastal landscape values from Evans Bay to the South Coast.

3.1.1 Growth trends

The Urban Development Strategy assumes growth of 1000 dwellings per year (average) over a 20-year period with this being evenly split across greenfield, infill and central city apartment housing types.

Analysis of growth in the period 2007-2011 shows a lower rate of growth (about 750 dwellings per year) with a bias towards central-city apartments (41% of new dwellings) followed by infill (37%) and greenfield dwellings (22%). These figures have coincided with the downturn in the residential property market and therefore should be treated with some caution. Even so, the housing market in Wellington City has for the past 10-15 years supported a strong inner city/infill housing market underpinned by the employment and recreational opportunities present in the central business district.



3.1.2 Availability of land for residential development

Analysis of residential land and dwelling capacity in the city was done in January 2013. Through that exercise we identified:

- The number of vacant residential lots that are fully consented and serviced (ie 'available' should the developers choose to release them to the market).

- The number of vacant residential lots for which resource consent has been granted but are not yet serviced or are still awaiting approval for services.
- Estimates of the total capacity for new residential dwellings in the city under the current District Plan zonings – this includes estimates for central city apartments, infill dwellings and greenfield dwellings.

Vacant and serviced residential lots

As at 1 January 2013 there were 211 vacant and serviced lots available for residential development in the city. These range from large rural-residential lots (residentially zoned) over 1ha in size to small urban lots of less than 200m². Of these, 47.5% are standard-sized residential allotments in a size range of 400-1000m². A breakdown of lots by size is set out in Table 3 below.

Table 3: Lot size of vacant and serviced lots available for sale, Wellington City

Lot size	Number	Percentage
< 200m ²	6	3%
200 – 399m ²	36	17%
400 – 1000m ²	100	47.5%
1000 – 9999m ²	66	31%
> 1ha	3	1.5%
Total	211	100%

Consented residential lots (not yet completed/serviced)

As at 1 January 2013 there were an additional 630 residential-zoned lots approved by way of subdivision consent but not yet completed/serviced. These have been defined as lots still awaiting approval under s224 of the RMA. The breakdown of the 630 lots in terms of lot type is shown in Table 4.

Table 4: Lot type, Wellington City

Lot type	Number
Greenfield subdivision lots	400
Infill subdivision lots	199
Unit titles	31
Total	630

Note that this table does not include lots that have an approved building consent attached to them, on the assumption that these are not 'available' for future development.

In moderate growth environments like Wellington it is not unusual for land developers to release land incrementally to avoid having large numbers of fully serviced, vacant lots sitting on the market.

This allows them to keep a close match between outgoing and incoming costs. Accordingly, it is also useful to understand what the overall capacity of future development is, based on unrealised land capacity for future residential development.

Overall capacity for new housing

We also carried out high-level assessment of the overall capacity for new housing development in the city under the existing District Plan settings (Table 5). This has taken account of residential land that has not yet been subdivided; infill opportunities in the established urban area; and airspace available in the central city for apartment development.

Capacity has been measured by three main housing types and the number of years' supply (see table below). In calculating capacity a number of assumptions have been made including the likely density of housing and rates of growth. Infill housing and central-city apartments are particularly difficult to estimate and so figures for these have been presented in broad ranges.

Table 5: Capacity for new housing, Wellington City

Housing type	Existing supply (dwellings)	Existing supply (years)
Greenfield	5000	22
Infill	6400 – 14,000	28-55
Central city	18,400+	60+

These figures should be read as including the completed and consented lot figures provided above.

3.1.3 Plan Change Activity 2000–2013

A number of Plan Changes have affected the provision of housing and how land is developed in various parts of the city, including:

- Plan Change 11: Residential 'standards and terms'
- Plan change 38: Pre-1930 character controls in Newtown, Berhampore and Mount Cook
- Plan Change 39: Multi-unit Development in Newtown, Berhampore and Mount Cook
- Plan Change 45: Urban Development Area and Structure Plans
- Plan Change 46: Subdivision Design Guide
- Plan Change 48: Central Area
- Plan Change 56: Managing Infill Housing
- Plan Change 72: Residential Areas
- Plan Change 73: Suburban Centres Review

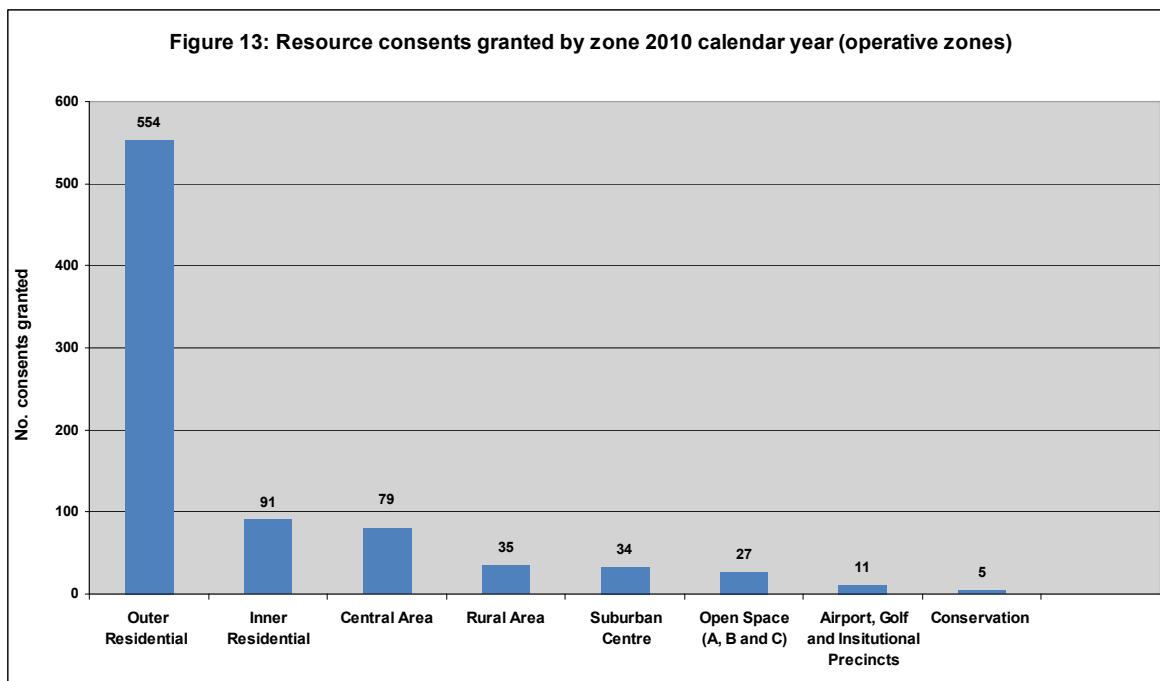
In addition, there have been numerous site specific rezonings to provide additional sites for residential redevelopment.

3.1.4 Resource consent activity 2000-2012

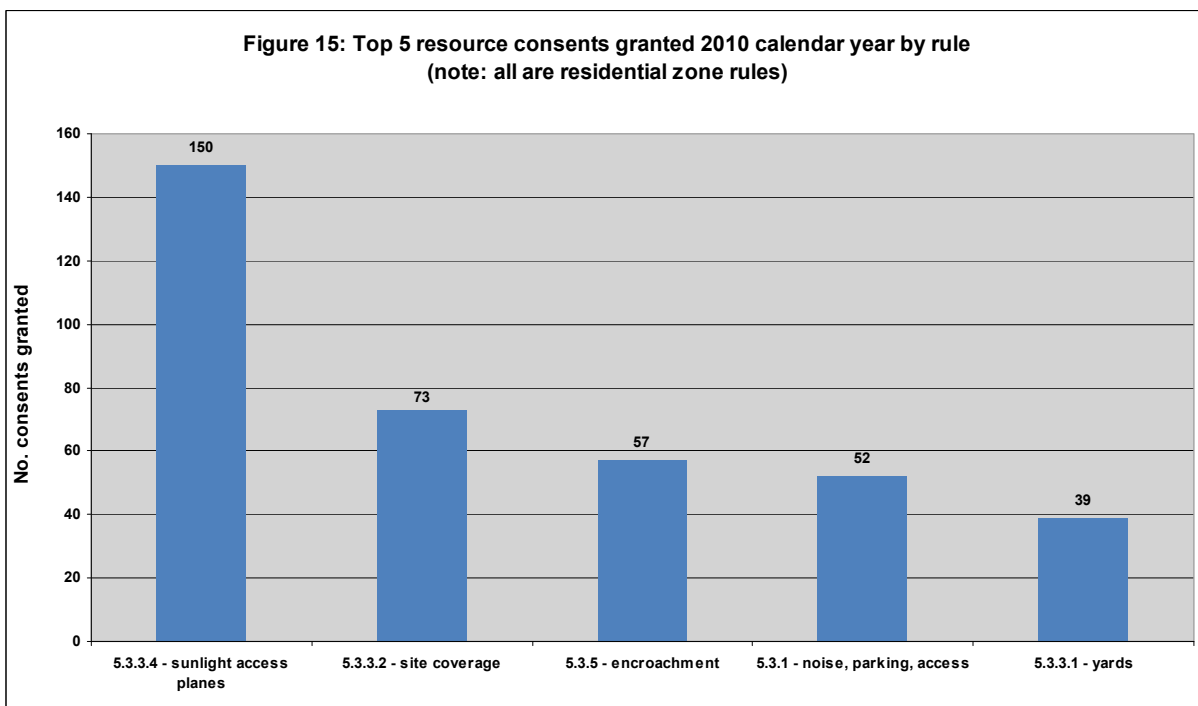
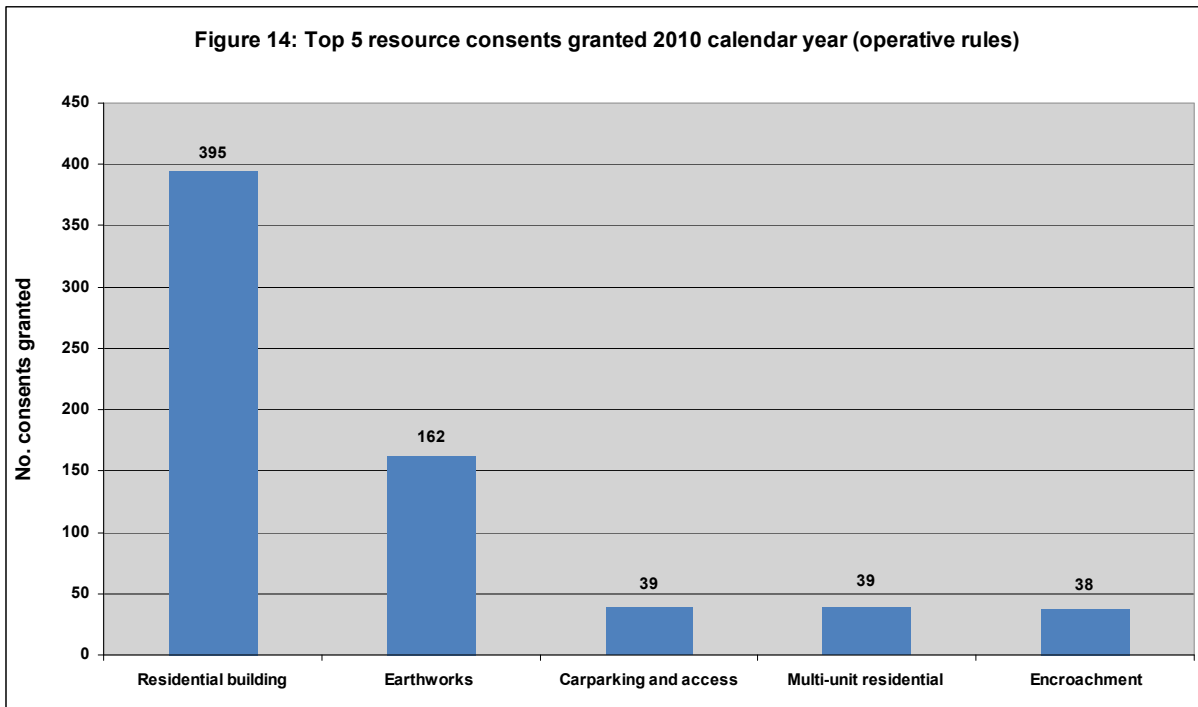
In 2004 it was reported to the Council that resource consents for residential activities accounted for 77% of all resource consent activity³. A similar snapshot of consents was reviewed for the 2010 calendar year and this showed that residential activities continued to dominate resource consent applications (Figures 13, 14 and 15).

In particular:

- About 75% of resource consents were generated by the residential zones.
- Most of these consents related to residential buildings, additions and alterations (including multi-units).
- Infringements to 'bulk and location' standards, with infringements of yard setbacks, site coverage and building recession planes were most common.



³ District Plan and Reserves Management Subcommittee (29 March 2004) Six Monthly Progress Report on District Plan Monitoring Programme.



3.1.5 Stakeholder perspectives

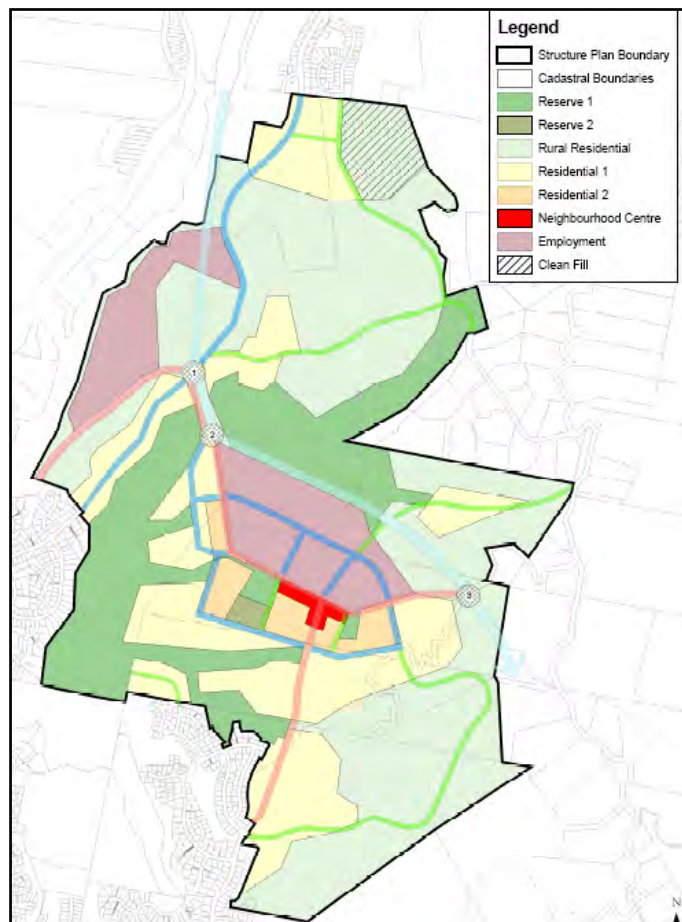
Submitters to Plan Changes and resource consent applicants (particularly architects) routinely criticise the rigidity of Plan rules and the inability to adjust to site-specific constraints. However, this is balanced by the key role these rules play in protecting residential amenity. Where standards are exceeded they trigger resource consent processes where the effects on neighbours can be considered and where there are no/very few effects, consents can be granted on a non-notified basis. The cost and length of these processes is generally commensurate with the level of effects generated.

3.1.6 Key tasks required as part of the Plan review

A significant amount of work has already been done as part of the rolling review to ensure the District Plan remains responsive to issues occurring in respect of residential development and to ensure future supply of land for residential growth (both in respect of greenfield land, and intensification of existing urban areas).

However in the context of a broader Plan review there is still more scope to amend the Plan to further cement key urban development concepts. Examples of this could include:

- A Development Growth Management chapter that provides, in one place, a comprehensive policy and approach to low, medium and high-density residential and commercial development in the city.
- masterplanning of large brownfield or strategic brownfield sites
- structure planning and rural area eco-developments (see example illustration below)
- promulgation of other medium-density residential areas where future growth and intensification would occur in line with the Urban Development Strategy (eg Tawa, Newlands, Karori, Crofton Downs, Newtown, Miramar).



3.2 HERITAGE AND CITY RESILIENCE

The Plan's heritage provisions have recently been made operative as part of the rolling Plan review process. Plan Change 43, made operative in July 2012, revised the objectives, policies, and methods (including rules) but not the actual heritage schedule.

However, following the earthquakes in Canterbury, the District Plan's heritage (and other) provisions were examined as part of the Council-wide response to identify city resilience issues.

The initial audit of the heritage provisions identified that they were not an obstacle to the strengthening of heritage buildings. However, the audit did show that the number of listed heritage buildings and quality of the information supporting these listings were an area of the plan that needed particular attention.

High-risk features (or dangerous elements) were also identified as a particular focus of attention. Councillors were interested in ensuring that we have quality information about the city's heritage building stock to increase resilience. Also, they are interested in understanding which heritage buildings might be considered to be a priority for retention. Thus, a review of all heritage areas, buildings and objects was initiated and officers were instructed to consider a ranking of the heritage listings as part of the review. Clarification within the rules around the removal or replacement of high-risk features was also agreed to.

As well as this, the Government has initiated a series of legislative reform programmes that affect how heritage is managed. In particular, changes are proposed to the Building Act 2004 and the RMA (both of these as a direct response to the Canterbury earthquakes).

3.2.1 Description of current Plan provisions (policy and rules)

The current heritage provisions reflect a Plan Change process that began in 2006, resulting in a significant change to the regulatory framework managing heritage. The changes were strongly influenced by legislative changes⁴ and monitoring results showing that the heritage provisions adopted in 2000 were not as effective as they could be in managing and protecting heritage values.

The current provisions provide for a separate suite of objectives and policies and separate rules for heritage buildings and objects, areas, trees and Maori sites of significance. Most activities relating to buildings, objects and areas, including demolition of a listed heritage building or building within a heritage area, are deemed 'discretionary-restricted'.

The rules retain the use of assessment criteria - in contrast to the Plan changes that followed which replaced assessment criteria with a more robust objectives and policies framework.

Plan Changes 43 and 48 (Central Area) have some alignment in that the Central Area heritage areas came in under Plan Change 43 and some activities in heritage areas are controlled through



⁴ Elevation of heritage from a section 7 matter to a section 6 Matter of National Importance in the 2003 Resource Management Amendment Act.

the Central Area Chapters rather than the Heritage Chapters. Design guidance for activities within heritage areas is within an appendix to the Central Area Design Guide.

While the intention was that the Heritage List (Schedule) would be reviewed at the same time as the Central Area Review was underway, this didn't happen. Apart from the inclusion of new listings, the Schedule has not been reviewed in any comprehensive way since 1994.

3.2.2 Plan Change Activity 2000 – 2013

There have been seven Plan Changes relating to heritage matters since the District Plan was made operative. Six of these related to new listings being added to the Heritage Schedule.

Plan Change 3 – Heritage Notation for 6 Stowe Hill/6A Frandi Street

Plan Change 13 – Futuna Chapel

Plan Change 17 – Evans Bay Patent Slip Area – Zone Change (and Heritage Area listing)

Plan Change 37 – Chest Hospital Heritage Area

Plan Change 43 – Heritage Provisions

Plan Change 53 – Listed Heritage Buildings

Plan Change 58 – Additions to Current Heritage Listings

3.2.3 Resource consent activity 2000 – 2012

An extensive review of resource consents processed under the heritage rules was first carried out in 2005. In that review 69 buildings were assessed by independent heritage experts to test how effective the District Plan had been in terms of protecting heritage (ie the retention of heritage values during works on buildings). The results from that study led to the development of Plan Change 43.

Plan Change 43 was only made fully operative in July 2012. Monitoring the effectiveness of those provisions will begin as soon as sufficient time has passed to enable a sufficient number of consent applications to have been processed (and constructed) under those provisions.

3.2.4 City resilience/heritage monitoring

The focus of recent monitoring activity has been on developing a better understanding of how the city's earthquake risk may impact on its heritage stock.

In April 2012, an initial scan of all listed heritage buildings was carried out to determine their earthquake prone status and to gauge the impact of this on the City's resilience during a hazard event. The scan revealed that of the 830 heritage buildings assessed:

Central Area

- **41** listed buildings on strategic routes had been served with notice under the Building Act that the building is earthquake-prone or potentially quake-prone
- **24** listed buildings that aren't on strategic routes have been served with notice under the Building Act that the building is earthquake-prone or potentially quake-prone
- **56** listed buildings have been identified as not meeting 34% of code, and the owners have been notified. These have the potential to be served with notice under the Building Act.

Outside the Central Area

- **17** listed buildings have been served with notice under the Building Act that the building is quake-prone
- **51** listed buildings have been identified as potentially quake-prone.

The information about earthquake-prone buildings is dynamic as buildings can be added to the list at any time following the initial assessment and can be taken off once strengthened.

It was agreed by the Strategy and Policy Committee that a review of all buildings on the heritage list would be done immediately with a focus on quake-prone heritage buildings. As part of this process, every report prepared includes a statement on the building's quake-prone status. The main outcomes and findings from this phase of assessment (completed in December 2012) were:

- The quality of the information about buildings on our Heritage List has been greatly enhanced, remedying significant gaps in information held on each building
- Officers know more about the quake-prone status of each building, where they fit in the Thematic Heritage Study (January 2013) and whether they have received grants from the Council in the past
- Most of the buildings researched so far meet the 2007 listings criteria. However a small number of buildings (fewer than 10) need further research to determine whether they should remain as either listed heritage buildings or 'contributing' buildings within a heritage area
- There are some inconsistencies in how some buildings are listed, where some buildings only have listed facades although the complete buildings are still intact and vice versa
- There are some minor errors in the Heritage List that need to be remedied when there is an opportunity to do so.

The focus of work in 2013 is to review the remainder of the buildings, objects and areas on the Heritage List.

To complement that review, analysis of building consent data between 2007 and 2012 shows that 30 heritage or 'heritage-area' buildings had received building consents for strengthening. Notably, since the February 2011 Christchurch quake, 22 heritage or heritage-area buildings were granted building consent to strengthen, most of these to between 67 and 100% of the current building code.

The resource consents team has also reported an increase in the number of pre-application meetings involving strengthening proposals for both heritage and non-heritage buildings. On the other hand there has been no noticeable increase in the number of applications or pre-application meetings for demolition of heritage buildings since the Canterbury quakes.

Ongoing efforts are focused on identifying those building owners struggling to strengthen their buildings and what assistance the Council can provide.



3.2.5 Stakeholders' perspectives on future issues

Given the recent adoption of the heritage provisions, there has been no formal engagement with external stakeholders on the effectiveness or otherwise of the heritage provisions apart from on case-by-case issues or consent applications.

The focus of stakeholder activity in recent months has been on working with the owners of quake-prone heritage buildings. Building owners have been involved in workshops and discussions with the Council's city resilience team which has included advice from the heritage team.

As well as this, various Council staff, in working with the provisions daily, have identified some issues with the operative provisions. Some of these are able to be dealt with as minor technical issues at the next convenient opportunity, but others require more analysis to fully justify changes to the heritage chapters or schedule. As a result, any District Plan response on city resilience will likely have to involve consideration of other aspects that need attention to ensure the integrity of the Council's policy approach and level of regulation on heritage.

3.2.6 Key tasks required as part of the Plan review

Developing a Plan Change to respond to issues relating to city resilience and heritage is a high priority for the Council. Officers are actively gathering the information required to develop a preferred policy position on this significant issue.

Key tasks include:

- the identification of high-risk features
- review of the Heritage List
- review the Plan provisions to provide for greater attention to issues relating to public safety and the economics of maintaining quake-prone buildings.

Though this issue is a high priority for the Council, any Plan Change will need to be delayed until there is greater certainty around the direction the Government will take in amending the national legislative framework governing quake-prone buildings, heritage management and proposed amendments to the RMA (specifically the amendment relating to a national plan template). These proposed changes are imminent and will strongly influence the Council's approach with respect to heritage and the appropriate timing for notifying a plan change.

3.3 OPEN SPACE AND CONSERVATION AREAS

The management of Wellington's natural resources is principally addressed by the Open Space and Conservation Site chapters in the District Plan. The Area-based chapters of the Plan also contain some policies and rules about natural resource issues, but these tend to be repeated across each chapter (except where recent Plan Changes have introduced more tailored provisions).

Open Space provisions

This chapter provides for three different open space zonings:

- Open Space A (recreation facilities) provides for active and passive recreation eg Council sports grounds. The rules provide for buildings and structures typically associated with sportsfields eg clubrooms, playing courts etc.
- Open Space B (natural environment) comprises land valued for its natural character and informal open spaces. Buildings and structures are restricted in this zone to maintain a 'natural' state.
- Open Space C (Inner Town Belt) comprises land in the Inner Town Belt which is valued for its historic, social and cultural importance. As well as the District Plan requirements, the Town Belt is managed under its own Deed and the Wellington Town Belt Management Plan.



The policy framework includes a general 'catch-all' policy regarding the management of open spaces, and a number of specific policies relating to the Inner Town Belt, landscape values and ecological values.

The rule framework provides for recreation activities as permitted activities subject to specific standards. The rules make a distinction for buildings and structures sited on the different types of open space land.

Conservation sites

The District Plan identifies conservation sites which are described as 'significant areas of Wellington's natural heritage, which require protection'. They are referred to as areas of 'natural heritage' and areas that are 'ecologically important' as opposed to areas that have 'biodiversity values'.

While a number of conservation sites have increased in size since the District Plan became operative only one new conservation site has been added (PC76 Owhiro Bay).

The policy framework seeks to address issues including:

- managing or restricting activities that could modify or disrupt ecosystems
- public access and recreational use
- advocacy and education-based policies.

In line with the desire to reduce impacts on these natural areas, the rule framework is targeted on managing activities that could affect and/or help to improve these areas. Permitted activities include fences up to 2m in height, exotic vegetation clearance and much lower levels of native vegetation clearance. Vehicle parking and excessive clearance of native vegetation require consent as discretionary-restricted activities and all other activities are discretionary-unrestricted.

A number of other natural environment policies are provided for in the Area based chapters. Some examples of these are:

- Residential Area – encourage retention of existing vegetation, especially mature trees during site redevelopment, ecological values associated with the urban coastal environment.
- Rural Area – manage location and extent of buildings and earthworks, landscape values associated with identified ridgelines and hilltops, vegetation protection, management of coastal environment, provision of esplanade reserves.
- Suburban Centres/Business Areas – management of activities and structures in the coastal environment, future development of Shelly Bay, public access to coastal environment.

3.3.1 Plan Change activity 2000-2013

Sixteen Plan Changes (involving over 50 different sites) involving open space and conservation site rezonings have been completed since 2000. The Changes include rezonings to and from the Open Space or Conservation Site status (Table 6). Plan Changes have also sought to impose restrictive controls to protect significant ecological areas. Five of these Plan Changes included numerous sites involving ‘minor’ rezonings.

Table 6: Plan zone changes to Open Space Areas and Conservation Areas

Type of zoning	Number of plan changes	Comment
Open Space to Residential, Rural Residential or Rural	4	Allowed residential with protective controls Allowed rural residential
Range of zones to Open Space A or B	3	
Changed to Open Space C (Inner Town Belt)	2	Reflected existing land use
Range of zones to Conservation Site	6	Land swaps or more appropriate zoning
Conservation Site to Residential	1	
Total	16	

Apart from the rezoning, there have been no significant amendments to the policy or rule framework of these chapters. The most significant Plan Change amendments have occurred in the Rural chapter, which introduced landscape protection of ridgelines and hilltops.

3.3.2 Resource consent activity 2000-2012

Resource consents over a five year period (2007-2012) were reviewed for the Open Space and Conservation chapters. Table 7 provides an overview of the consents processed.

Table 7: Resource consents granted between 2007-2012 under Open Space and Conservation Sites rules

Zone	Total resource consents granted
Open Space A (recreation facilities)	40
Open Space B (natural environment)	79
Open Space C (Inner Town Belt)	40
Conservation Site	19
TOTAL	178

While the total number of consents is significantly greater in Open Space B than Open Space C or A, this is likely to be a result of the greater number of those types of zones and a significantly bigger total area (Table 8).

Table 8: Total area (ha) of Open Space Areas

	No. of Open Space Areas	Total Area
A	318	380ha
B	507	5900ha
C	58	838ha

Three key findings from each of the different Open Space and Conservation Site resource consents are:

- The majority of consents relate to activities generally anticipated by the Plan, though the Plan seeks to retain some control over the effects associated with the activities. Examples of this include alterations to existing structures, alterations to existing activities, signs, telecommunication facilities, earthworks and sportsfield upgrades.
- A much smaller proportion of consents were required for activities not anticipated by the Plan. In these situations, the resource consent process enabled a broad consideration of the effects associated with the activity. Examples of this included the conversion of a recreational structure to a café, residential subdivisions on land with a split Residential/Open Space zoning and demolition of structures.
- Very few resource consents have been sought for activities in the Conservation zone and, of these, the majority have been for activities that help to maintain the ecological values of the site.

Overall, it is considered that the Plan provisions have been effective in limiting inappropriate activities within these zones. Even so, the large number of infrastructural and/or utility

structures/activities located within these areas suggests further explanation of the suitability of these structures/activities may be desirable.

3.3.3 Stakeholders' perspectives

The Council, as owner of the majority of the city's Open Space and Conservation Areas, is the key stakeholder on District Plan-related issues. Consultation with the Council's Parks, Sport and Recreation staff and resource consent planners has identified a number of strategic and technical issues with the current provisions.

These include:

- The nature of recreation has changed over the years and the existing provisions have not been flexible enough to support this change eg sportsfields being used for longer periods during the day and the installation of artificial turfs.
- Some inconsistency of zoning with some parks being Conservation Area and some parks being Open Space when they shouldn't be.
- Most Conservation Areas are on Council land. Ideally, private land sites should be recognised and regulated as well.
- A need to consider how 'external documents' are incorporated into the Plan. It is important to get external plans and legislative documents (eg Town Belt Management Plan and District Plan) aligned. The Environment Court's 2012 decision on an appeal of the Badminton Hall resource consent is a useful reference.
- Balancing legislative functions and duties under both the RMA and the Reserves Act.
- Difficult resource consent applications often occur with building tracks and earthworks.
- There continues to be an expectation for private landowners of Open Space areas to be able to develop these sites.
- Greater distinction in the objectives and policies between the purposes, appropriate uses and 'special qualities' of the three different types of Open Space zoning would be useful.
- Some further guidance on the suitability of telecommunication or other utility structures in the Open Space areas would be useful.



Also of relevance is the recent revision of the Council's policy approach to the management of its open spaces and sport and recreation activities. The final policy approach (*Our Capital Spaces*) will provide a clear strategic direction with the District Plan being just one tool to implement decisions and results from that policy.

3.3.4 Key tasks required as part of Plan review

Though the monitoring has found that overall the provisions are helping to manage the activities in these areas, stakeholder feedback suggests the provisions are showing their age and should be revised.

Key tasks include:

- Review the Plan in the context of new Greater Wellington Regional Council Regional Policy Statement, any relevant National Policy statement on indigenous biodiversity and the finalised *Our Capital Spaces* policy.
- Consider whether the Plan should contain 'district wide policies' that cover the issues of biodiversity, landscape, the coastal environment and public access (rather than having these addressed in each chapter), allowing these issues to be addressed in a holistic manner.
- Adopt a clear policy structure around the purpose of each of the different types of Open Space zoning.
- Investigate new and existing zoned land. This is threefold:
 - Clarify and correct existing zonings. This includes establishing how much zoned land is in private ownership. Map the areas and establish how it became Open Space/Conservation.
 - Establish whether the current zoning (Open Space A, B and C, and Conservation Sites) are still valid in the way in which parks and reserves are used today.
 - Investigate whether new land (including private land sites) should be zoned Conservation Area.
- Address stormwater management issues as part of these chapters.
- Esplanade provisions - identifying areas where there are existing esplanade reserves/strips/marginal strips etc and areas where others are required/desirable.
- Update chapter format and structure to reflect the revised Plan format established earlier in the rolling review process.
- Consider the relationship of external plans referenced in District Plan (eg Town Belt Management Plan).

We anticipate this work will be carried out with close co-operation from Greater Wellington Regional Council.

3.4 INSTITUTIONAL PRECINCTS

Wellington Regional Hospital, Massey University and Victoria University are three significant land uses that are provided for in the District Plan by way of the Institutional Precincts chapters (8 and 9). The defining characteristics of these areas are that they:

- provide important strategic facilities for the city and wider region
- occupy extensive areas of land close to the city centre
- are in areas of high actual or potential amenity value
- contain numerous buildings of a variety of forms and size, reflecting the era of construction
- Both university precincts are characterised by a more complex array of buildings, ranging from a number of high-rise buildings through to domestic-scale dwellings and also include listed heritage items.



The existing regulatory approach is reasonably permissive in recognition of the former designations that existed over these sites. The existing framework provides for:

- Core activities being permitted, subject to urban design, parking and access standards.
- New buildings, including additions and alterations, require a Controlled Activity resource consent.
- Controls exist to manage cross-boundary effects with adjoining Residential Areas.

3.4.1 Plan Change Activity 2000-2013

There have been no significant changes to the Institutional Precincts chapters.

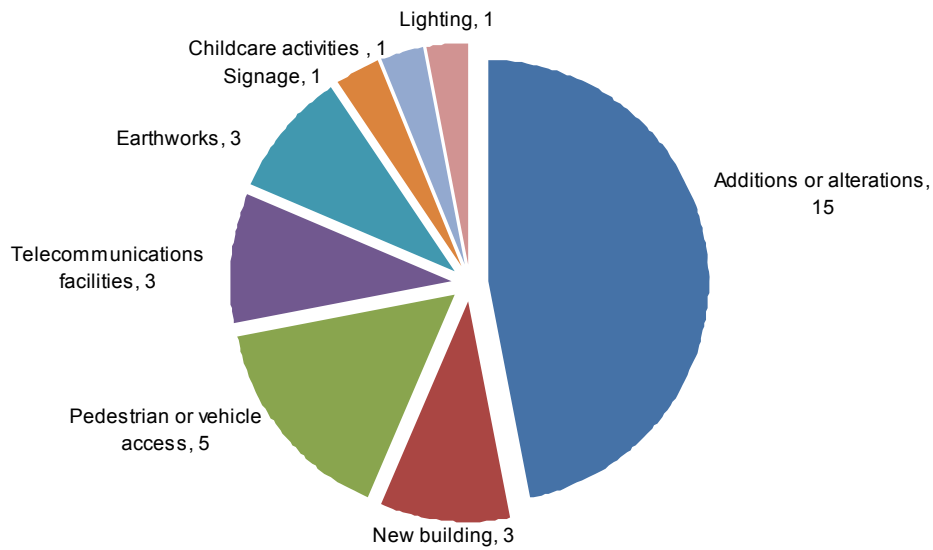
3.4.2 Resource consent activity 2000-2012

A snapshot review of resource consent data for this zone has occurred twice since the District Plan was made operative in 2000.

Between 2000 and 2003, 26 resource consents were processed for activities occurring within this zone. This represented just 0.5% of all resource consents processed during that time. Most consents were for additions and alterations or minor works relating to utilities.

A more recent study of resource consents revealed that between 2008-2012, 32 resource consents were granted within the Institutional Precincts. Figure 16 depicts the type of activities seeking consent. The level of activity in these areas is low compared with other parts of the city.

**Figure 16: Resource Consents processed in the Institutional Precincts
2008-2012**



Two examples of consents that have been granted relate to a new student accommodation building and artificial turf at the Victoria University. Both are in keeping with the primary functions of the precincts and the existing development on site but these did attract concern from adjacent property owners. As shown in the photos below, the building is highly visible from adjoining residential areas and this caused concern for adjoining property owners at the time the consents were being considered. Thresholds for non-notification of resource consents could be an area for review.



3.4.3 Stakeholders' perspectives on future issues

There has been no recent contact with the District Health Board about the future development of Wellington Hospital. There is unlikely to be significant further development in the short to medium term future at this site with the major redevelopment of the hospital now complete.

Massey University has been in contact with a proposal to sell a parcel of land and potentially remove it from the Precinct but there have been no detailed discussions about the further

development of the site. The Massey campus is currently under-utilised, and there is room for considerable expansion through making better use of the land within the Precinct.

Victoria University has indicated it wishes to focus future redevelopment on the Kelburn campus and that it wishes to engage with the Council on the Plan Review. However it has not been specific about its aspirations. The Victoria Precinct contains areas that are still predominantly residential in form, and the university owns property outside the Precinct Boundary.

3.4.4 Key tasks required as part of the Plan review

- Greater recognition in the District Plan of the economic and social vitality benefits the Institutional Precincts provide to the city, region and country is required.
- Ensure the Plan continues to manage future growth that is both sympathetic to the surrounding environment and fulfils the needs of the institutions.
- Establish robust partnerships between the universities and the Council to agree on a strategic vision and (potentially) undertake masterplan exercises.
- Look to encourage better on-site amenity and urban design response, and avoid 'institutional creep' by exploring greater protection for surrounding residential areas.
- The desirability of greater public input into new developments should be explored.



3.5 AIRPORT AND GOLF COURSE PRECINCT

Historically the airport and its operation were covered by a public works designation. The 1994 District Plan introduced a new planning framework that included the Airport and Golf Course Precinct zone along with provisions including the Air Noise Boundary (ANB) and noise curfew and a smaller designation covering the runway. Overall, the zone is relatively permissive.

The Airnoise Management Committee was also established at this time. It was tasked with developing an Air Noise Management Plan and it also investigated land use management issues which culminated in two reports - Land Use Management and Insulation for Airport Study Stage 1 and Stage 2 – the LUMINS reports.



The regulatory framework provides for:

- Four designations – relating to the runway, the southern runway extension, and two for the control tower.
- Core airport-related activities as a permitted activity subject to particular standards around noise, among other matters.
- Construction of airport-related buildings are permitted, subject to a range of maximum heights across the site.
- Non-airport activities are controlled activities within the terminal area, with consideration being given to design, traffic, parking, connectivity and landscaping.
- In other parts of the airport sections of the Precinct, non-airport activities are restricted discretionary activities. A retail assessment is required for any retail development.
- The provisions for signs are generous, with up to 20m² permitted on each building elevation (cf 10m² in Business zones and 5m² in the Centres zone). Free-standing signs up to 8m² are permitted.

The Miramar Golf Course forms part of the Precinct. Its purpose is to provide a buffer of open space between the airport and residential land to the east. The rules for the Golf Course section of the Precinct make all activities related to, or ancillary to, the function of the Golf Course a permitted activity, subject to a range of standards. Maximum building height is 12m. Subdivision is a fully discretionary activity.

3.5.1 Plan Change Activity 2000-2013

There has been one Plan Change since 2000. Plan Change 57 (Non-airport Activities) was notified in June 2007. The Plan Change introduced new provisions for the management of non-airport activities and building development within the Airport Precinct. A differentiation was made between the main terminal area (where provisions are more liberal) and other identified development areas. A new discretionary resource consent requirement was introduced for building development and non-airport activities located outside the terminal area.

3.5.2 Resource consent activity 2000 – 2012

Between 2000 and 2003, 10 resource consents were processed for activities in this zone. This represented just 0.2% of all resource consents processed during that time.

Since Plan Change 57 was publicly notified (June 2007), there have been nine resource consents processed for the Airport Precinct and one for the Golf Course Precinct. The majority of activities within the airport precinct are permitted, which accounts for the relatively low number of resource consent applications.

The range of activities covered by these consents included:

- earthworks and excavation of contaminated material
- noise and night flying
- parking, signage, telecommunications facility
- non-airport building and structures
- fuel storage.

Of these consents, the signage consent for the Wellywood sign captured significant public attention. The resource consent application was however processed on a non-notified basis due to the non-notification statements provided in the Plan. Nevertheless the significant public attention on the proposed activity resulted in a public engagement process by WIAL to seek public feedback on a selection of signage options for the site, as shown in the adjacent photo.



3.5.3 Effect of permitted activities on the environment

While activities that occur well within the airport boundaries don't seem to cause any problems for the wider community, airport activities closer to the boundaries of residential areas are more of an issue.

One example of this is the development of a new hangar on Tirangi Road, adjacent to residential properties on Coutts Street. The building was permitted because it met the height requirements and the 5-metre setback requirement from adjoining residential properties. An assessment of this building by the Council's urban designer was carried out to inform the monitoring programme. This assessment found that, in this case:

- the 5-metre side yard was insufficient to mitigate the effects of building dominance and potentially sunlight access
- the absence of any front yard requirement for the building is inconsistent with adjoining residential areas
- the adverse visual effects resulting from the large blank walls could be mitigated through control over design of the building.

3.5.4 Stakeholders' perspectives

In 2010 WIAL adopted a masterplan that provides for development over the next 20 years. The masterplan is now under review with consultation expected in 2014. The masterplan is anticipated to provide for an expansion of the airport, specifically including a 300-metre runway extension.

3.5.5 Key tasks required as part of the Plan review

Generally the existing Airport and Golf Course Precinct provisions are working well. Airport noise is a less contentious issue now than it has been in the past. However, on occasion, issues do arise that illustrate ongoing tensions, particularly over the extent to which further residential intensification should be allowed within the airnoise boundary.

WIAL's masterplanning exercise and proposed runway extension will be significant drivers also influencing the review of these chapters.

The future review of this Plan chapter will likely address the following issues:

- The strategic nature of the airport may need more explicit recognition in the policies.
- A robust policy framework is required to both resolve issues with the existing framework and support rules to manage noise-sensitive activities within the airnoise boundary.
- The provisions for signs and permitted activities adjoining residential areas may need review in light of the Wellywood sign controversy and effects of the recently-constructed hangar.
- The extent and timing of any significant expansion of airport operations will be a key driver of the review.
- The review of the airport provisions is potentially complicated by achieving the right balance between the strategic importance of the airport and the community's concerns primarily regarding noise, and between the Council's role as part owner of the airport and as regulatory authority under the RMA.

Significant ongoing liaison between WIAL and the Council is likely to occur during the development of a Plan change for this zone in light of the significant future development of the zone by WIAL in the near future.

3.6 TANGATA WHENUA

Tangata whenua issues are dealt with in the District Plan in three main ways:

- a general introductory section (“issues for tangata whenua”) outlining traditional Maori resource management practice and the Maori history of Wellington
- a standardised set of objectives and policies that repeat across the different chapters of the Plan (eg Open Space areas) with specific encouragement for papakainga/group housing in the residential zone, and
- a list of significant Maori sites (pa sites, landscape features) in the heritage section of the Plan protected by associated heritage objectives, policies and rules.



3.6.1 Plan Change Activity 2000-2013

There have been no Plan Changes to the provisions outlined above.

3.6.2 Resource consent activity 2000-2012

No recent monitoring has been undertaken for works in the Maori Precincts or on sites of significance. However discussions with resource consent staff confirm that the key findings from previous monitoring of Maori Precincts and sites of significance remain the same. The key findings from the 2006 *Shaping Up* report included:

- conditions are imposed on consents to outline the process to be followed if artefacts are discovered
- placement of a plaque or artwork symbolising the tangata whenua history and association with the site is provided for
- blessings or ceremonies are conducted to open a new building
- covenants have been placed on land to restrict building within some parts of the site.

3.6.3 Stakeholders' perspectives

Significant discussions have been undertaken in the area of iwi planning with officers liaising with Port Nicholson Block Settlement Trust (PNBST) and Ngati Toa Rangatira (NTR), both being parties that have formally identified mana whenua interests in the city and have settled with the Crown. Review of the existing District Plan provisions and discussions with these parties has identified the following key building blocks:

- The existing provisions are contained in a self contained Tangata Whenua chapter which has no regulatory effect; in standard policies spread across all chapters; and sites and precincts of significance to tangata whenua are listed in the heritage schedule and linked to rules in the heritage chapter.
- The existing provisions were drafted in the 1990s and are 'light touch' – they do not reflect the contemporary iwi planning context in Wellington which is now defined by the report of the

Waitangi Tribunal on the Wellington District (2003), the Port Nicholson Settlement (2008) and the Ngati Toa Settlement (2012).

- References to Ngati Toa in the existing Plan are fleeting and their interests need to be fully and properly incorporated into the Plan.
- The Port Nicholson settlement legislation imposes 'statutory areas' on the city and applications within or adjacent these areas must be notified to PNBST and the Ngati Toa legislation, when it comes through, will impose similar requirements on the Council.

3.6.4 Key tasks required as part of the Plan review

The Council is engaged in a 'best practice' collaborative project with PNSBT and the Hutt and Upper Hutt city councils to jointly review the tangata whenua sections of all three District Plans. The project is being funded by the Ministry for the Environment.

In addition Ngati Toa, which also has mana whenua status in parts of Wellington City, is working with the project partners to develop suitable provisions for inclusion in the Wellington City District Plan.

Significant changes to the existing provisions are anticipated to properly address the above issues. The scope of the changes being investigated include:

- A more focused policy framework describing in more detail the interests of PNBST and Ngati Toa in Wellington.
- Identification of identified 'statutory areas' on the District Plan maps with associated description of these and a full suite of supporting policy provisions.
- Additional sites of Maori significance in the heritage list.
- A different drafting approach driven by a wider desire to improve the legibility and usability of the plan as well as a regionally consistent approach as sought by PNBST.
- Consideration of more explicit provision for papakainga (Maori group housing) in the objective and policies and potentially in the rules.

This work is advancing well and a Plan Change is anticipated in 2014.

3.7 OTHER RESEARCH

3.7.1 University of Otago research reports

The District Plan Team has recently partnered with the Masters of Planning programme at the University of Otago to research planning issues in the city. The university runs group research exercises every year and chose Wellington this year. Five projects were chosen to meet the university's course needs and will assist the Council in understanding planning issues in the city, these were:

- Land-use trends on Te Aro Flat
- Land-use trends in Adelaide Road following the completion of the Adelaide Road Framework and notification of PC73
- Potential for distributed-energy proposals in Wellington City (ie small scale and site-specific energy generation)
- Ecological health in the northern suburbs greenfield areas following the adoption of the Northern Growth Management Framework (2003) and associated Plan Changes
- Urban design and subdivision results in the northern suburbs greenfield areas following the adoption of the Northern Growth Management Framework (2003) and associated Plan Changes.

Results from these research projects are expected to be available to the Council late in 2013.

3.7.2 Regulatory impact of the District Plan

The key objective driving the Government's review of the RMA is to address perceived excessive regulatory costs, delays in decision-making and investment uncertainty.

These drivers for legislative reform, as well as the existing section 32 RMA requirements, mean it is important for the Council to understand the compliance costs and other impacts imposed by its own District Plan.

To examine this, we ran a pilot study to examine the compliance cost impacts on resource consent applicants in a small part of the city. The study focused on developments in Wellington's CBD as this is where there is a significant spend on resource consents every year.

The study examined the ease of navigating the District Plan, and the cost involved in submitting resource consent applications.

A review was undertaken of all new CBD building resource consents applied for between 2007-2011 (ie 37 consents). This desktop review was supplemented with five interviews with a selection of developers and planning consultants.

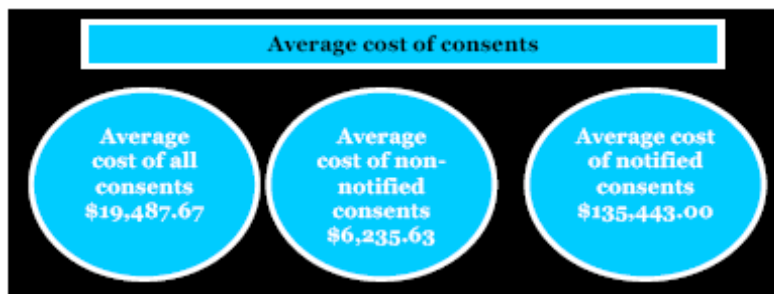
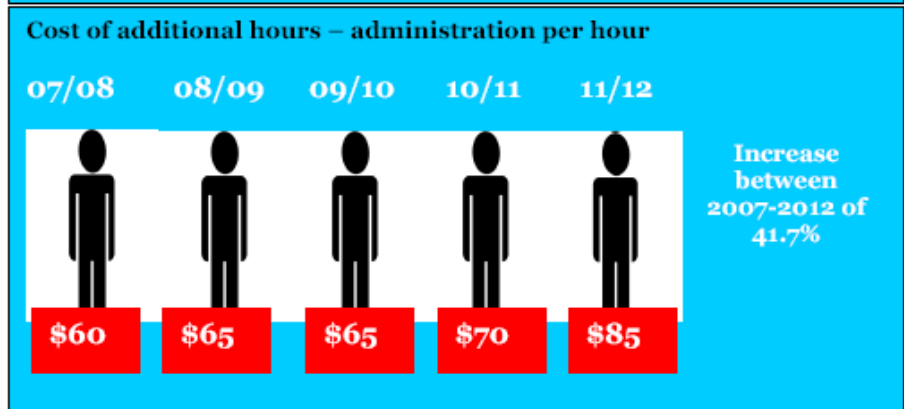
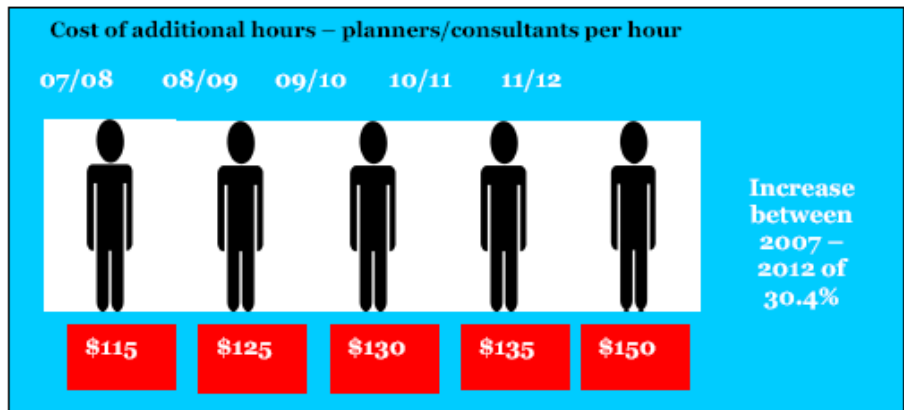
The main conclusion from the study was that participants considered the District Plan an important tool for ensuring the right developments for the city. However, they found the Plan difficult to navigate both in terms of the rules themselves and their interpretation. The financial impact of this is the requirement to engage planning consultants and other technical experts to navigate the resource consent process on behalf of developers.

Other important findings were that:

- Interpretation of the District Plan is complex and exacerbated by the different versions of the District Plan (operative, non-operative Plan Changes/variations).
- How the Council interprets the District Plan and its rules through the resource consent process can have financial impacts for applicants (eg level and nature of specialist evidence required to support applications). Consistency and continuity of interpretation is important for applicants in terms of providing certainty around the process.
- While participants agree regulation is an important component of quality building control, the participants argued that the District Plan should focus more on achieving good results (especially design excellence) than strict adherence to rules – some of which were not considered to contribute to the right results.
- For developers in particular, a rules-based planning regime can stifle creative and innovative development, particularly when significant costs are incurred as a result of pushing the boundaries of District Plan rules. This approach runs the risk of fostering ‘vanilla’ developments in the city.
- While the direct Council costs of resource consent applications can be high, in comparison to the overall value of commercial projects, they are generally insignificant.
- The most significant regulatory cost of resource consents revolved around non-Council costs, particularly the preparation of Assessments of Environmental Effects (AEEs). These costs are directly influenced by the District Plan and Council interpretation.
- A number of participants said the level of information required in AEEs is an ongoing challenge and the burden is significantly higher now than it used to be. Part of the contention is around establishing whether the effects are no more than minor, and whether a technical report is needed to support this.
- Notification of consent applications is one of the most significant cost triggers for applicants, and is also one of the key reasons for process delays, potentially extending the resource consent by months or years, especially for applications that proceed to the Environment Court.
- Notification can create considerable uncertainty for applicants. Consequently, every effort is made to avoid notification, even at the expense of positive project results at times (such as design).
- While the costs of obtaining resource consents can be a financial burden for some applicants, the main issue from a developer’s point of view is the need to mitigate risk. The real issue, particularly in terms of notified consents, is the lack of certainty associated with the concomitant investment in the consent process.

The study included a series of figures illustrating the regulatory burden of the Plan as it is implemented via the resource consent process.

Collectively, the illustrations below highlight the increasing costs of consent processes for applicants over the past five years.



Overall, the regulatory burden of the District Plan can be attributed to two main factors:

- the complexity of the District Plan itself, which makes it difficult to navigate and interpret, and
- the amount of technical evidence required to support applications is burdensome at times, and can have significant financial implications for applicants.

Though this is of concern, very little of what has been identified above is unique to the Wellington District Plan. The key themes identified above closely resemble the issues that the Government is looking to address in its proposed reforms of the RMA. The Government considers these to be national issues that require a national solution.

Even with the impending legislative change, this study has identified some key areas to work through as part of future District Plan policy development. These include:

- Balancing the desire of developers for ‘creative-design based solutions’ with the need for certainty for all landowners about absolute maximums (ie rule based approach),
- Being more cognisant of policy outcomes that result in resource consent applications having to be supported by numerous technical reports, and
- Review how the Plan notification statements are being used and whether there is scope for greater (or less) use of these in the Plan for certain areas.

Part 2: Strategic and structural considerations for future District Plan Changes

4. Summary of key considerations

Part 2 of the report documents the other strategic and structural considerations that should be made by the Council in considering new District Plan changes. Decisions regarding future Plan Changes will be influenced by a number of factors summarised below.

4.1 NATIONAL PLANNING CONTEXT

The Government is currently active in promoting reform to the RMA. Some recent reform proposals have significant implications for the District Plan, including:

- Changes to the purpose and principles of the RMA away from an 'environmental bottom line' approach to an 'overall broad judgement' approach.
- Changes to the way in which cost-benefit analysis of proposed Plans or Plan Changes are to be undertaken with a stronger emphasis on economic analysis.
- A requirement for specific hazard plans to be prepared on a regional basis with the input of all the relevant territorial authorities.

In addition to proposals to reform the RMA there are parallel changes to reform the Local Government Act (LGA) to streamline the amalgamation of existing local authorities. This, along with the coalition agreement between the National and ACT parties promoting a unitary plan for every district, has prompted councils around the country to investigate more collaborative RMA planning, including shared District Plans.

4.2 WELLINGTON STRATEGIC PLANNING CONTEXT

There is also a range of Wellington-specific issues relevant to the Plan at this point in time, including but not limited to:

- The Council's new strategic policy direction as embodied in *Towards 2040*
- The significant number of quake-prone buildings in Wellington City and the wider region
- Proposed changes to the structure of local government in the Wellington region
- The new Wellington Regional Policy Statement ("RPS")
- The recent Treaty of Waitangi Settlements of Taranaki Whanui and Ngati Toa.

4.3 WELLINGTON REGIONAL PLANNING MANAGERS' GROUP

The Regional Planning Managers' Group (RPMG) meets on a regular basis and, under instruction from the regional council chief executives' group, is investigating options for more collaborative District Plan-making in the region. The investigation covers a spectrum of options from the status

quo through to a single District Plan. This work is being done in anticipation of potential changes to regional local governance and as part of the general drive towards more integrated thinking.

Take-up of any option involving a shared approach to District Plan-making would have a fundamental impact on the Council's agreed programme for the District Plan Review. New decisions would be required from the Strategy and Policy Committee to modify the existing Plan Review approach.

4.4 KEY ISSUES INFLUENCING THE DISTRICT PLAN

Key issues influencing the Plan and District Plan Review programme are as follows:

- Proposed changes to the RMA
- Proposed changes to the Local Government Act
- New attitudes and market responses to hazards and heritage in the wake of the Canterbury earthquakes which has seen greater attention afforded to public safety and the economics of strengthening and maintaining quake-prone buildings.
- Alignment with the Council's strategic policy direction as embodied in *Towards 2040* and other key recent documents like the *Central City Framework* in light of the rationale underpinning of the District Plan dating back to 1994.
- Alignment with the new Wellington Regional Policy Statement which is prescriptive in terms of the changes territorial authorities must make to their respective District Plans and, in some instances, specifying timeframes within which changes must be made.
- Reflecting the recent Treaty of Waitangi settlements of Taranaki Whanui (represented by PNBST) and Ngati Toa, both of which have strong linkages to resource management and planning issues.
- Complexity in the structure and drafting of the Plan making it difficult, in some cases, to interpret and apply with resultant adverse impacts on user confidence and investment certainty.

The need to confirm the role of the Plan in the Council's overall 'toolkit' – when the Plan was notified in 1994 and became operative in 2000 it acted as both a strategic planning document and a 'rule book' – however the adoption of various strategic and policy documents since that time has blurred the role of the Plan.

Focusing on plan content, research officers identified a list of key resource management issues (listed below). These issues have largely been identified from a stocktake of the Plan and whether it reflects contemporary values, issues and higher-level policy directions.

- Managing urban development on the edge of the city
- Managing the rural area, the coastal environment and water bodies
- Protecting open space
- Maintaining the quality of living environments
- Providing areas to facilitate economic growth and development
- Maintaining and enhancing the quality of the built environment

- Maintaining and enhancing the quality of the natural environment
- Reducing risk from natural hazards and climate change
- Energy efficiency and renewable energy.

4.5 THE ROLE OF THE DISTRICT PLAN IN THE COUNCIL'S TOOLKIT

An issue given preliminary consideration by officers is the role the Plan plays in the Council's overall 'toolkit' for influencing planning and development in the city. The original Plan (1994-2000) was a self-contained planning document with a clear strategy of urban containment and character protection. Within these parameters the Plan was relatively permissive in keeping with effects-based, market philosophy of the time. But in essence it was both a strategic and regulatory planning document.

Subsequently, particularly from 2003, efforts were made to tighten up the Council's planning regime and this resulted in a raft of changes to the Plan and strategic documents developed outside the Plan. Collectively the *Northern Growth Management Framework 2003*, *Urban Development Strategy 2006* and *Centres Policy 2009* (and associated Centres plans) established a strategic planning framework above the Plan. While the Plan retained its strategic planning statements its strategic role had been diminished.

The recent adoption of *Towards 2040* and the associated *Central City Framework* has added complexity to the framework of strategy and policy documents relevant to planning and urban development in the city, and the existing organisational perception of the Plan is that of a purely regulatory document which can help the Council meet the strategic directions embodied in other documents.

It would give clarity to the upcoming District Plan Review if a clear role for the Plan was confirmed before significant new Plan Changes were promoted. The first Plan Change currently scheduled (District Plan Approach) affects the introductory chapter and it is intended that this signal a clear role for the Plan.

4.6 THE APPROACH AND STRUCTURE OF THE DISTRICT PLAN

Plan approach

Linked to the role of the Plan is its internal approach. Currently it is effects-based in nature, meaning that whether an activity can be established is related more to the effects it generates than the nature of the activity itself. This is typical of District Plans developed in the 1990s immediately after the enactment of the RMA and a deliberate response to the rigid activity-based District Schemes developed under the Town and Country Planning Act. While the RMA largely dictates an effects-based approach there is still some ability to take a more activity-based approach, and this would be more effective in achieving strategic results, particularly in achieving preferred patterns of land use.

Another key aspect of the existing Plan's approach is the extensive use of urban design provisions, represented mainly by design guides (e.g. Residential Design Guide, Multi-Unit Design Guide). This has been a feature of the Plan since it was first notified in 1994 and has been reinforced by various Plan Changes in the time since. The Plan is recognised nationally for this approach.

Plan structure

Related to the broad approach of the Plan is its structure. The chapter structure of the Plan was originally a simple zone-based structure, based around eight basic zones across the city, with only a few topic based chapters (eg heritage). This has changed over time with more topic based chapters being inserted (eg earthworks) such that the Plan is now a mix of zone based and topic based chapters. In addition a significant number of appendices have been added to chapters – particularly the Residential and Central Area chapters – and collectively these have complicated the structure of the Plan.

Before embarking on significant new Plan Changes there is benefit in considering the future structure of the Plan with a view to simplifying and improving it. It is clear that this can be achieved without impacting the quality of the Plan's content. In doing so there are various chapter structures that can be followed. Where these materially differ from the existing structure this will need to be carefully considered, because the Council's existing preference is to continue changing the Plan on a chapter by chapter basis, meaning there would be a significant transition period where the structure of the Plan could be very confusing if poorly managed.

In addition to reviewing the existing Plan structure, officers have investigated a range of different District Plan structures from around the country. This has highlighted that the existing Plan has considerable strengths as well as weaknesses, and that there is no single answer to how to structure the Plan. However, a mix of topic and zone based chapters is the best option for removing unnecessary volume from the Plan. It is essential though that this is done in a clear and logical manner for Plan users.

4.7 A USER-FRIENDLY PLAN

Developing a user friendly Plan is a key driver for future Plan Changes. A Plan that is easily accessible to a wide variety of audiences is likely to increase its relevance for that audience, increase adherence to the rules, reduce compliance costs and time delays and ultimately maximise opportunities to improve environmental results.

Improving Plan drafting, using technology to improve plan accessibility and revision of the existing plan users' guide are three key approaches being adopted to improve the Plan's user friendliness.

4.7.1 Plan drafting

Officers have sought wide feedback on the drafting of the District Plan. Consistent feedback from members of the public, planning consultants, developers and special interest groups has been that they find the District Plan overly complex and difficult to understand. Some of the specific issues raised include:

- The need to reduce significant explanatory statements for some objectives and policies (designed to provide clarity but sometimes have the opposite effect).
- Significant duplication of text causing volume and interpretation issues
- Some Plan users have questioned the structural changes approach adopted in recent Plan Changes (eg separation of rules and standards, removal of explicit assessment criteria and instead ensuring policies capture this information). Their view was that these changes have increased the requirement to cross reference between different parts of the plan – adding to its complexity.
- Mixture of rule drafting styles causing added confusion and complexity. This is a well-documented disadvantage of adopting a rolling review approach.

- While the urban design approach is now well entrenched in the Plan, some feedback suggested the content of design guides is too prescriptive. Similar to Volume One of the Plan, the design guides have been developed over a number of years and there is an inconsistent style and approach adopted within these that should be addressed.
- Use of “double negatives” in rules.
- Inconsistent approach to addressing site specific issues, eg some maps are included as appendices to rules in Volume One instead of being covered in Volume Three (Maps) as well.

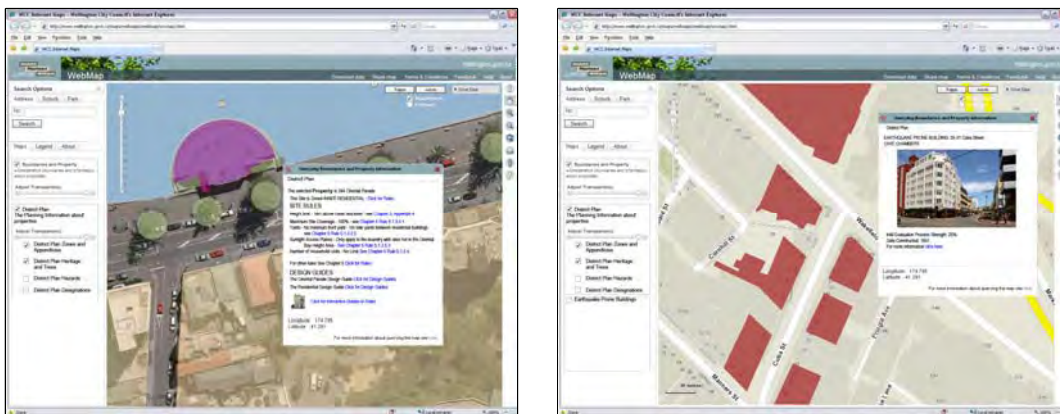
Above all, adopting a ‘keep it simple’ approach to the extent possible for a highly regulated document appears to be the main feedback.

Plan Change 77 (Curtis Street), promulgated following this feedback, has been developed to reflect the changes desired. It signals the approach likely to be adopted in future Plan Changes.

4.7.2 E-planning

E-planning involves using technology to improve the way people engage and interact with planning provisions. The council is developing e-planning tools to:

- support people accessing relevant district plan provisions
- assist in the preparation and communication of new planning provisions
- make the District Plan more accessible at a range of scales
- improve navigation of the Plan
- make better use of spatial (3D) imagery to improve understanding



Some specific tools being developed include:

- an enhanced online web-map viewer
- tools to enable viewing of 3D imagery, provision pop-up boxes (eg of definitions) and even links to other media (eg video) to aid plan interpretation
- linkages to other council consenting processes when required, eg building consents.

Accessing and navigating the Plan is important, but in order to use the plan people must understand it. One issue with paper based plans is that they cannot easily depict 3D concepts. For example, few people understand the concept of a chimney (or other house feature) breaching the building recession planes. With e-planning, people could click on the chimney of a virtual house and see how the rule is applied.

Another application of e-planning is to assist in the preparation and communication of new provisions to elected representatives and the community. E-planning systems can be used to model, show and explain proposed changes. For example, a proposed change to height limits in the central city to be expressed in three dimensions with existing buildings and provisions to show the effect of the change.



Ultimately e-planning can increase the understanding and confidence of people engaging in the planning process. This in turn will provide greater certainty and confidence in the planning process and outcomes.

4.7.3 District Plan User Guide

The Council has recently revised its user guide to the District Plan; known as 'Understanding Wellington City's District Plan'. The document has been updated to reflect the significant changes in content of the Plan over the past 10 years. The main purpose of the guide is to explain what the District Plan is, why we have one, how it is implemented and what the Plan seeks to achieve for Wellington.

5. Summary

Monitoring of the District Plan fulfils the Council's legislative responsibilities to monitor under the RMA. Equally, monitoring enables evidence-based policy development to occur. This is critical to ensure that proposed Plan Changes are prepared only when necessary and that proposed provisions will address the issues identified.

This report documents the monitoring activities of the Planning Team over the past 18 months for those areas of the Plan identified as a priority for review. In addition it presents an overview of key issues that will affect the development of future District Plan changes.

The monitoring results will be used to inform the next stage of policy development for those chapters of the Plan that have been identified as needing to be reviewed. For each of the key chapters monitored, a series of issues have been identified that will guide the policy development process, culminating in a District Plan Change.