3 DISTRICT PLAN GENERAL PROVISIONS

3.1 Guide to the District Plan

3.1.1 Introduction

Section 3.1 simplifies the task of finding out what you wish to know from the District Plan. It describes the steps to follow in using this document, and tells you how you can obtain further information and what you may need to do to get a resource consent. This section also provides advice on how to find out what may happen in your area in future.

3.1.2 How to Use the Plan

• Check the maps

The place to start is with the maps. First find the location of the site that you are interested in.

What type of area is it in? Each type of area has its own special rules. The areas are:

- Rural
- Residential
- Centres
- Business Areas
- Institutional Precincts
- Airport and Golf Course Recreation Precinct
- Central Area
- Open Space
- Conservation Sites

You must also be aware of other rules that may apply. They usually have a specific function, such as rules applying to character areas aimed at protecting particular, distinctive qualities. Run through the following to check whether it is likely that other rules might apply.

• Is the site you are looking at within a **character or heritage area**?

• Is there a **Design Guide** associated with this area?

• Is the site close to the **boundary** between different areas?

• Is the property near a site identified as being of significance to **tangata whenua**?

• Does the property contain an item listed for **heritage** reasons?

• Is the site within or on the boundary of a **Conservation Site** or close to the **coast**?

• Is the site subject to a **designation**? This is shown by notations on the maps.

• Check the rules for the area your site is in

When you have located on the map the area that your site is in, and you have an idea of its surroundings, turn to the part of the Plan that deals with that area.

Each part of the Plan contains an introductory statement that describes the area, and is followed by the objectives, policies and rules that are applicable throughout the area.

• Check for other rules

There may also be other rules elsewhere in the Plan that are applicable to your site or to the activity that you wish to undertake. For example, if you are considering using a heritage building within the Central Area you will need to consult the Central Area provisions as well as the rules relating to the use of heritage buildings.

If your site is subject to a **designation**, the lists in Chapter 24 will tell you which authority is responsible for the designation, and whose permission you will need to obtain to undertake work on the site.

In the right hand margin of the page, **column notes** refer you to some of the other provisions that are related to those you are looking at.

• Check definitions

Throughout the Plan, words have been used that may have legal or special meanings that are sometimes different from those in common usage. These words are defined in the Definition section (refer to 3.10) or in the Resource Management Act 1991.

• Applying for any consents you need

The activity you want to go ahead with will be identified as a Permitted, Controlled, Discretionary (Restricted), Discretionary (Unrestricted) or Non-complying Activity. In the **Central Area, Centres, and Business Areas,** all activities are permitted (provided they comply with conditions) unless the Plan specifies that they need a resource consent. In all other areas, the reverse applies: unless activities are specifically permitted, they need a resource consent.

Even if your activity is not specifically listed in an area, it may still be provided for. The Plan is not concerned with activities that are so minor that they have practically no effects: for example, digging a garden is not considered to be earthworks.

Activities that are Permitted can be proceeded with as of right but they must meet the conditions specified in the Plan.

For building works and activities that are identified as Controlled, Discretionary (Restricted), Discretionary (Unrestricted) or Non-complying, you need to get a **resource consent**. The consent application is assessed against Part II and Sections 104 and 105 of the Resource Management Act. The following table shows the difference between the types of activities described within the District Plan.

Type of Activity	Do I need a Resource Consent?	Explanation
Permitted	No	As of right subject to conditions.
Controlled	Yes	Consent **will** be granted but conditions may be placed on the consent in respect of the matters controlled.
Discretionary (Restricted)	Yes (but discretion is limited to a particular part of the activity)	Consent **may** be granted. Conditions may be placed on the consent in respect of the restricted matters identified in the Plan.
Discretionary (Unrestricted)	Yes	Consent **may** be granted. Conditions may be placed on the consent.
Non-Complying	Yes	Consent **may** be granted. Conditions may be placed on the consent. Council must be satisfied that the granting consent will not be contrary to the objectives and policies of the Plan.

3.1.3 Resource Consents and Plan Changes

3.1.3.1 Resource Consents

The procedures for applying for a resource consent are described in Part VI of the Resource Management Act. Section 3.2 of the Plan specifies what you must do to satisfy Council's requirements before an application will be accepted.

Information is also available from Council to explain the process in more detail and to tell you what you can do to help the application go smoothly.

The amount of detailed information you need to provide depends on the type of resource consent. For example, subdivision consents require a high level of detail; a resource consent to put up a sign may not.

Depending on the location, nature and type of application and the nature of the proposal, you may need to consult or get the consent of affected parties (these might for example include neighbours, residents' groups, tangata whenua, environmental groups).

In some cases, you may also need to get consent from the Wellington Regional Council.

You need to undertake consultation with any parties affected by your proposal as required under Section 88(6) of the Resource Management Act. The level and extent of community consultation depends on the impacts that your proposal will have. In general, the greater the effects, the more extensively you need to consult.

The process of consulting people allows them to understand the nature of the proposal and let their views be known. Done properly, consultation can reduce time and costs later on in the resource consent process.

Special consultation procedures may apply to activities near identified sites or precincts of significance to tangata whenua or Maori. Heritage buildings may also require special consultation procedures.

To have your application processed, you may need to pay a fee. The amount of the fee depends on what your activity is and the type of resource consent you need.

3.1.3.2 Plan Changes

Where you believe the rules in your area are no longer relevant or are inappropriate, you may apply to have the District Plan changed. The process for a Plan Change, and details of the information to be supplied with any such application, are detailed in the First Schedule to the Act.

3.1.4 Future Developments

If you are considering buying a property or undertaking a development it may be wise to consider what can happen in the immediate neighbourhood. For example, although a view from a building may currently exist, the neighbouring house could be pulled down and replaced with a taller one.

The District Plan can help give you an idea of what could happen near a site or property.

You can also obtain other information held by Council about your land or project by applying for a **Land Information Memorandum (LIM)** or **Project Information Memorandum (PIM)**.

LIMS are summaries of all the information that Council holds on a particular piece of land or building. PIMS are summaries of all the information the Council holds on the land relating to a particular project or work, and outlines other consents required to complete that project or work. A fee is charged to provide this information.

3.1.5 Further Advice

If, having read the relevant Chapters of the Plan, you are unsure about any aspect of the rules, or if you feel that you would like further information or explanation, please contact the Council. Make sure you are familiar with the Plan provisions that relate to your site or application. This will make the task of Council staff easier. They will be able to give you more advice about the things you wish to know.

If you need a resource consent it is your obligation to prepare your application and to provide all the information about the effects your project may have on the environment. Council staff cannot do this for you.

Often the advice of an independent planning consultant, surveyor, architect or solicitor will be helpful to you, whether you are an applicant, or want to

make a submission on someone else's application.

3.2 Information to be Submitted with an Application for a Resource Consent

3.2.1 Requirements for Information

For Council to be able to process an application for a resource consent, an applicant must provide adequate information to enable the effects of the activity to be assessed (in accordance with section 88(4) of the Act or in the case of a subdivision consent, sections 88(4) and 219).

Applications should be in the same or similar format as Form 5 of the Resource Management (forms) Regulations 1991. Copies of this form can be obtained from the Council offices.

Where Council considers that insufficient information has been supplied, further information will be requested under section 92 of the Act and the resource consent or plan change will not be advanced until the requested information is supplied.

Applications should be discussed with Council staff before they are formally lodged to ensure that the following requirements are met. This enables any minor difficulties to be resolved in an informal way and will avoid delay caused by formal requests for more information.

3.2.2 Land Use Consents

An application for a Land Use Consent shall include:

3.2.2.1 A description of the activity for which consent is sought, and its location.

3.2.2.2 An assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated.

Note: Section 88(6) of the Act requires assessments to be in such detail as corresponds with the scale and significance of the actual and potential effects that the activity may have on the environment, and shall be prepared in accordance with the Fourth Schedule to the Act.

3.2.2.3 For activities within a Maori Precinct, a description of the type and extent of consultation with tangata whenua and other Maori and any outcomes of the consultation.

3.2.2.4 Any information required to be included in the application by the District Plan or the Act's regulations. This could include noise assessment, a traffic impact report or an Urban Design Statement.

[3.2.2.4a For the stability of earthworks; drawings, calculations and a written report by an appropriately qualified and experienced person, for example, a chartered engineer practicing in the field of civil / geotechnical engineering.] PC70

3.2.2.5 A statement specifying all other resource consents that the applicant may require from any consent authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents.

3.2.2.6 **Site information**. The following information must be supplied:

• the correct street address

• the legal description(s) of the site

• current copies of all certificates of title.

3.2.2.7 Site plans. Site plans must be drawn at a 1:100 or 1:200 metric scale where possible, or to such a scale to show sufficient detail of the proposal to enable Council to determine its effects. If the plans are larger than A3 size copies reduced to A3 must also be provided. The site plans must show:

• a north point accurately orientated

• a unique plan number and title describing the proposal and the site.

3.2.2.7.1 The applicant must provide a site plan detailing where relevant the **existing situation** including:

• details of hazardous areas (for example uncompacted filling or flood prone areas)

• [levels and contours of the]PC70 topography (noting significant landforms natural features [and identified ridgelines and hilltops] PC33)

• [gradients of existing slopes (angle)] PC70

• [banks, walls or steep slopes on the site, or on adjoining sites, that may be relevant to an assessment of earthworks stability] PC70

• [drainage and underground services] PC70

• waterbodies and catchment orientation

• vegetation (including that located on adjacent road reserve or surrounding properties) and/or habitats of indigenous fauna

• all certificate of title boundaries

• road frontages

• existing buildings (indicating those to be retained)

• buildings on adjacent sites.

• [all the features and information must be shown in relation to the boundaries if the site, and the boundaries of other sites where it is relevant to understanding the proposal.

• the location of any high voltage transmission lines

• streams, wetland and waterbodies located within the site and/or streams, wetlands and waterbodies located outside the site where these are within 20 horizontal metres of the proposed development in the Rural Area or 5 horizontal metres in all other Areas.

• The location of any NZHPT Registered items or recorded archaeological sites and/or Wellington City Council listed heritage items or sites of significance to Maori

• Streams, wetland and waterbodies located within the site.] PC70

3.2.2.7.2 The applicant must provide a site plan detailing where relevant the **proposed development** including:

• design of earthworks and final levels and contours of the site

• [gradients of earthwork slopes

• drainage and underground services] PC70

• layout and location of proposed structures and buildings or alterations to existing structures and buildings

• location of proposed activities, vehicle parking, servicing, circulation and manoeuvring, pedestrian and vehicular access

• floor plans

• calculation of site coverage

• [a landscaping plan that outlines] PC56 all landscape design, site planting and fencing.

• [all the features and information must be shown in relation to the boundaries of the site, and the boundaries of other sites where it is relevant to understanding the proposal] PC70

• [details of assessed ground levels for the purposes of calculating maximum building mass for the site. The plan must show those corners that were used to calculate the assessed ground level. Where assessed ground levels have been determined from corners that have been fixed by survey, the accuracy of this information must be certified by a licensed surveyor.

• calculations demonstrating compliance with the maximum building volume standard for the site.] PC48

3.2.2.8 The applicant must provide, where relevant, elevation drawings [and cross-sections] PC70, numbered and drawn to a metric scale of generally 1:100 or such as to clearly show the:

• [gradients of existing and proposed slopes and the location of any associated structures

• drainage and underground services relevant to earthworks and associated structures] PC70

• relationship of buildings to existing and finished ground levels

• extent of compliance with relevant plan rules including solar access and maximum building height

• elevations from the street showing the relationship of proposed structures to structures on adjacent sites, including the location of existing private outdoor spaces and main living area windows (where these have outlook over the development).

• [all the features and information must be shown in relation to the boundaries of the site, and the boundaries of other sites where it is relevant to understanding of the proposal.] PC70

3.2.2.9 Where an application for a Land Use Consent includes an activity involving the storage, use, handling or disposal of hazardous substances which does not comply with the conditions for Permitted Activities then the applicant must provide a Site Management Plan which addresses:

• the hazardous properties and risks to the environment and public safety associated with the substances, products and processes present on-site

• on-site systems for the handling, storage and disposal of hazardous substances

• measures to avoid contamination of the environment

• measures to mitigate any adverse effects arising

• consideration of the size and nature of the possible emergency events

• detailed procedures and actions to be taken in the event of an emergency

• liaison with the emergency services, regulatory authorities and neighbours

• safety procedures.

The Site Management Plan should relate to that portion of the site where the hazardous substances are used, stored, or handled, and that area which may be directly affected by an accidental release of the hazardous substances on site.

Where a hazardous facility has an Environmental Management System (to ISO 14001 or equivalent) or a recognised integrated Health, Safety and Environment Management System, then a Site Management Plan will not be required provided that the system addresses on-site hazardous substance management and can demonstrate compliance with the requirements of the standard.

3.2.2.10 Where an application for a land use consent includes an activity subject to Rule 5.3.6 the following information will be required:

• council building consent/archival data detailing the date of construction or approval for construction; or

• where Council records are inadequate to determine the date of construction, or approval for construction, a report from a suitably qualified conservation architect detailing their professional opinion as to the date of construction may be required. This is only required where requested by the Council or its authorised delegate under Section 92 of the Resource Management Act 1991.

3.2.2.11 Any other information necessary to determine the effects of the proposal.

3.2.2.12 Note in respect of Controlled Activities and Discretionary Activities (Restricted).

For Controlled Activities and Discretionary Activities (Restricted), applications will only be assessed with regard to those matters specifically identified in the District Plan rules. The information to be supplied must include an assessment of any likely effects on the environment. This can be limited to that which is necessary to address the matters under consideration.

[3.2.2.13 Except for utilities less than 6m² in area and a maximum height of 2m, where an application for a Land Use Consent is for a development within the Hazard (Fault Line) Area, the applicant must provide a geotechnical report and an engineering design report.

A geotechnical report will include, to Council's satisfaction, the results of relevant geotechnical investigations. The Council will determine the relevance of undertaking geotechnical assessments on a site by site basis in recognition that hazard related risks and the ability to investigate the hazard, vary within individual properties.

The engineering design report must detail additional engineering measures that will be adopted to mitigate potential adverse effects from a fault rupture hazard event.]PC22

[3.2.2.14 **Heritage**: Where an application for a land use consent is subject to the heritage provisions of the District Plan, the following additional information will be required:

• in respect of listed buildings or buildings within an identified Heritage Area a copy of the original elevation and floor plans of the building if available (These may be available from Wellington City Council archives).

• where relevant plans of the existing and proposed works shall include cross sections.

• Assessment of Environmental Effects to include:
- identification of the fabric of the building or item which is significant;
- explicit discussion on how proposed changes will impact on the values/fabric of the item;
- details (including samples where practicable) of materials and colours to be used, and why they have been chosen, and methods to be followed in undertaking the work;
- a discussion of alternatives and why the proposal is the best option.

• Conservation Plan if prepared.

• if registered by the New Zealand Historic Places Trust, details of any consultation undertaken with the Trust.

• in relation to Maori Heritage sites, details of any consultation undertaken with tangata whenua.

• for sites that were inhabited pre-1900, details of any consultation undertaken with the New Zealand Historic Places Trust.]
PC43

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

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

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

3.2.2.15A A **wind assessment report**, which is based on the expert opinion of a qualified wind specialist, may be provided instead of a wind tunnel test report at the discretion of Council officers.

The form and content of a wind assessment report is outlined in Appendix 8 of Chapter 13. The report must conclude that the development is highly likely to comply with standard 13.6.3.5.2 before it will be accepted under standard 13.6.3.5.3.

Examples of situations where a wind assessment report may be provided instead of a wind tunnel test report include:

• Where the proposed building or addition is consistent with other building heights in the neighbourhood, is only a small change in scale compared to the existing building and incorporates wind mitigation measures such as verandahs, setbacks and breezeways;

• Where the proposed work is for a minor rooftop addition (eg. lift or ventilation room) which is setback from all sides of the building;

• Where the proposal involves a structure that will not impede wind flows, eg, aerials, masts.

3.2.2.15B For the purposes of Chapters 6 and 7 of the District Plan, a **wind assessment report**, which is based on the expert opinion of a qualified wind specialist, must be provided for the construction, alteration, or addition to buildings and structures that do not comply with the maximum permitted building heights in standard 7.6.2 (unless 3.2.2.15C below applies).

The form and content of a wind assessment report is outlined in Appendix 2 of Chapter 7.

The report must conclude that the overall effect of the building development will not reduce the existing pedestrian wind conditions or a wind tunnel test report may be required.

3.2.2.15C At the discretion of Council officers, a wind tunnel test report may also be required for the construction, alteration, or addition to buildings and structures that do not comply with the maximum permitted building heights in standard 7.6.2.

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

Details of the test requirements, and the form and content of a wind tunnel test report is outlined in Appendix 2 of Chapter 7.

Examples of situations where a wind assessment report may be provided instead of a wind tunnel test report include:

- where the proposed building or addition is consistent with other building heights in the neighbourhood, is only a small change in scale compared to the existing building and incorporates wind mitigation measures such as verandahs, setbacks and breezeways;
- where the proposed work is for a minor rooftop addition (eg. lift or ventilation room) which is setback from all sides of the building; or
- where the proposal involves a structure that will not impede wind flows, eg, aerials, masts.

3.2.2.16 A **Traffic Report** must be provided for any proposal to provide more than 70 carparks. The Traffic Report must address:

• details of the parking to be provided on the site, and its use (whether it is intended for staff or customers)

• site access

• provision for servicing

• internal traffic circulation to the extent that it is relevant to the movement of vehicular traffic to and from the site

• what effect the extra traffic will have on the surrounding street network

• transportation impact assessments

• when consent is required in the Pipitea Precinct the effect that the extra traffic will have on the roading network, and in particular, Thorndon, Waterloo and Aotea Quays, and the motorway.

3.2.2.17 **Where a development intrudes upon an identified viewshaft**, line drawings of the development in relation to the viewshaft must be supplied to demonstrate the level of compliance with the relevant viewshaft standard. The drawings must be of a scale that allows the accurate assessment of the visual effects and must be accompanied by a certificate from a registered land surveyor or person with an appropriate level of professional expertise.] PC48

3.2.2.18 **Kiwi Point Quarry:** Applications made under Rules 34.2.3 or 34.3.3 will be accompanied by the following information:

Acoustic Report
A report prepared by a suitably qualified and experienced acoustic engineer must be provided and contain the following:

a. a description of all anticipated noise sources associated with quarrying and cleanfilling activities;
b. measures to be adopted by the appplicant to ensure activities will comply with the relevant standards in section 34.6.1 of the District Plan; and
c. measures to be adopted by the applicant to ensure impulsive noise and vibration effects from blasting activities are not unreasonable, including refrence to any relevant standards or guidelines relied upon.

Ecological Survey & Restoration Plan
A report prepared by a suitably qualified and experienced ecologist must be provided and contain the following:
a. detailed survey results of all native vegetation that will be damaged or removed as part of the proposed quarrying and cleanfilling activities, including species type, distribution and density of each species and location;
b. detailed survey results of birdlife observed during vegetation survey and any evidence of avian habitat;
c. a restoration plan for the wider quarry site to be incorporated into the quarry management plan as described in Policy 33.2.2.7, and to include the following:
    i. details – including species type, distribution and density – of proposed planting in Lot 2 DP 91179 and part Lot 4 DP 72996, which is to be commenced prior to any extraction of rock;
    ii. details – including species type, distribution and density – of proposed planting of part Lot 6 DP 72996, which is to be commenced upon completion of quarrying and cleanfilling activities, or sooner if practicable;
    iii. details of any enrichment planting and any proposed measures for the management of plant and animal pests in Lot 2 DP 91179, in Imran Terrace / Maldive Street Reserve, in Tyers Reserve and in the Ngauranga Scenic Reserve Lot 3 DP63927;
    iv. recommendations for naturalization and riparian enhancement of Waitohi Stream;
    v. details of any off-set planting, mitigation planting and pest control to be undertaken outside the quarry site.
d. a description of the methodology for adopting the specific suite of matters to address (c)(i)-(iv) above, with specific regard to be given to the results of the surveys described under (a) and (b) above; and
e. a description of proposed timetables and budgets for implementation, monitoring, and maintenance of the restoration plan measures adopted.

3.2.3 Subdivision Consents

An application for a Subdivision Consent shall include:

3.2.3.1 A design statement as per 3.2.4.1.

3.2.3.2 An assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated.

Note: Section 88(6) of the Act requires assessments to be in such detail as corresponds with the scale and significance of the actual and potential effects that the activity may have on the environment, and shall be prepared in accordance with the Fourth Schedule to the Act.

Section 88(5) provides that the assessment of effects on the environment required by subsection (4)(b) of the Act in respect of an application for a resource consent relating to a Controlled Activity, or a Discretionary Activity over which the local authority has restricted the exercise of its discretion, shall only address those matters specified in a plan or proposed plan over which the local authority has retained control, or to which the local authority has restricted the right to exercise its discretion, as the case may be.

3.2.3.3 Any information required to be included in the application by the District Plan or the Act's regulations.

3.2.3.4 A statement specifying all other resource consents that the applicant may require from any consent authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents.

3.2.3.5 **Site information**. The following information must be supplied:

• a legal description of the site

• current copies of all certificates of title

• where relevant, an assessment, including diagrams, of the significant views onto and off the development site.

3.2.3.6 **Site plans**. Site plans must be supplied. They must be drawn to an appropriate stated metric scale to show sufficient detail of the proposal to enable Council to determine its effects [(eg. 1:200, 1:500)] PC56. If the plans are larger than A3 size copies reduced to A3 must also be provided. The site plans must show:

• a north point accurately orientated

• a unique plan number and title describing the proposal and the site

• [the location of any listed heritage items, areas, buildings or recorded archaeological sites]PC72 & PC73

• [an archaeological assessment must be provided for any subdivision involving a listed historic site dating pre-1900. Applicants must demonstrate that regard has been had to alternatives that will reduce the effects of the proposal on archaeological values.]PC72

3.2.3.7 The applicant must provide a site information plan detailing the existing situation including:

Site information such as contours, existing vegetation and the position of dwellings on neighbouring lots is essential to allow impact on amenity of proposed development to be determined, especially in respect of subdivision within established resident

• topographical information, wherever possible in terms of Wellington City Datum, together with a certificate as to its origin and accuracy

• details of hazardous areas (for example, uncompacted filling or flood-prone areas)

• existing buildings and buildings on adjacent sites

• [details of assessed ground levels for the purposes of calculating maximum building mass for the site. The plan must show those corners that were used to calculate the assessed ground level. Where assessed ground levels have been determined from corners that have been fixed by survey, the accuracy of this information must be certified by a licensed surveyor.

• calculations demonstrating compliance with the maximum building volume standard for the site.] PC48

• landforms and landscape elements [including identified ridgelines and hilltops] PC33

• waterbodies and catchment orientation

• the location and areas of any existing esplanade reserves, esplanade strips, or access strips

• all significant areas of vegetation (including any vegetation located on adjoining road reserve or properties) and/or significant habitats of indigenous fauna

• existing street names and numbers

• existing easements and covenant areas

• the location of existing public transport stops, and pedestrian access routes to those stops.

3.2.3.8 The applicant must provide a [**site development plan**] PC56 detailing the proposed subdivision development including:

Site information such as contours, existing vegetation and the position of dwellings on neighbouring lots is essential to allow impact on amenity of proposed development to be determined, especially in respect of subdivision within established resident

• the position of all proposed allotment, and certificate of title, boundaries

• the areas of all new allotments (except in the case of a subdivision to be effected by the grant of a cross lease, company lease or by the deposit of a unit plan)

• [indicative building sites and building footprints*

• indicative vehicle accessways and indicative parking and manoeuvring areas if applicable*

• proposed site contours

• indicative open space areas*] PC56

• location and type of all proposed trees and other vegetation, including all existing vegetation to be retained

• [major new landscaping elements (eg. Fences, trees and hedges)

• any proposed earthworks, including retaining walls (indicating height, and intended form or type of construction)

• areas of on-site drainage] PC56

• the street reserve proposed to be set aside as new road, including all areas of public open space intended for recreational purposes, together with drawings sufficient to describe the plan and three dimensional qualities of typical and unique or special areas of the development

• formation widths and grades of proposed roads and rights-of-way, parking bays, bus stops, speed control devices and pedestrian walkways

• proposed easements and covenant areas

• the location of proposed public transport stops and pedestrian walkways, and walking distances to public transport stops

• the location and areas of new reserves to be created, including any esplanade reserves to be set aside on a survey plan under section 231

• the location and areas of esplanade strips proposed to be created under section 232 to meet the requirements of the District Plan

• the location and areas of any land below mean high water springs of the sea, or of any part of the bed of a river or lake, which is required under section 237A are to be shown on a survey plan as land to be vested in the Crown

• [an archaeological assessment must be provided for any subdivision involving a listed historic site dating pre-1900. Applicants must demonstrate that regard has been had to alternatives that will reduce the effects of the proposal on archaeological values.]PC72

• information to show compliance with any other District Plan rule.

* [Note: this information may not be required for proposed allotments over 400 metres squared, depending on the topographical constraints of the site (eg. Slopes greater than 15 degrees).] PC56

3.2.3.9 [(1:200 – 1:500 **colour aerial photograph**):] PC56

The applicant must provide an annotated print from the most recent 1:500 aerial photograph.

• [overlaid with existing contours and property boundaries.

• extending at least 20 metres beyond all side and rear boundaries, and showing frontages of properties across the street.] PC56

3.2.4 Design Guide Applications

Any application for a resource consent that is to be assessed against a Design Guide must be accompanied by a Design Statement.

The submission of a clear and sufficiently comprehensive application including all the material listed below (general and specific requirements) will assist the approval process by demonstrating that all relevant matters have been addressed.

The primary concern of any urban design assessment is not the architectural design qualities of a proposal as such, but the way that the proposal is integrated into its surroundings through the quality of its design.

The urban design assessment of a proposal will evaluate the architectural design only in terms of its contribution to the overall quality of the urban environment.

A development will be judged in relation to the contribution that it makes to the enhancement of the public environment (including, among other elements, streetscapes, urban form, public spaces, views, visual qualities of the built environment and connections to other buildings) and this should be made explicit within the design statement. The design statement should also illustrate the potential effects that the proposed development may have on the fabric of the city and the expected changes it may generate.

3.2.4.1 General requirements

Design Statement

The design statement will set out the design principles of the development proposal. This statement will comprise a significant element of the assessment procedure. It must:

• [demonstrate how, through the design process, the respective design guide objectives and guidelines have been considered, for example, through considering options, before a final solution has been reached;]PC73

• describe the significant features of the development site

• outline the relevant history of the site

• explain how the proposal strengthens or enhances the existing form and character of the city

• where the development is of a size or in a location with city-wide significance, include a description of how the development is seen in the context of the wider city and how it links into that context

• describe how the development integrates into its surroundings and the contribution that it makes to the overall quality of the environment.

If a proposal does not comply with the objectives of the Design Guide, the Design Statement must convincingly justify that the development does not detract from the intention of the Design Guide and that the proposal does not create an adverse effect on the environment.

If a proposal does not comply with guidelines or specific requirements under 3.2.4.2, the Design Statement must convincingly justify the applicant's choice of the particular approach and demonstrate how the objectives of the Design Guide are satisfied.

3.2.4.2 Specific requirements

3.2.4.2.1 For multi-unit housing:

In addition to the requirements of 3.2.4.1, each application must also provide where relevant the following:

1. A development summary:

This must provide the following information:
• total site area and proposed number of dwellings

• a calculation of site coverage

• the area of the site associated with each individual dwelling

• the area and overall dimensions of the major private outdoor space associated with each individual dwelling

• number of off-street car-parking spaces

• the area of any shared open spaces within the development

• notes to indicate the intended general type of external cladding materials for all buildings and site-works including walls and fences at the street edge.

2. Additions to site plan:

• the position and use of buildings on immediately adjacent sites including the location of existing private outdoor spaces, and main living area windows where these have outlook over the development

• the street immediately adjacent, including any street trees

• proposed public access-ways, driveways, car-parks and footpaths, including designated public open space or communal space.

3. Indicative typical dwelling floor plans at a scale of not less than 1:200 showing:

• [the indicative internal layout of typical and any non-typical dwellings, with PC56

• the location of the private open space, car-parking and external storage space for each dwelling.

4. Additions to elevation drawings:

• height of fencing at site boundaries.

• in [the Inner Residential Area shown in Appendix 1, Chapter 5]PC72 a cross section of the front elevation (at a scale of not less than 1:50) showing the depth of façade relief.

5. Assessment of design to avoid, remedy or mitigate the adverse effects of infill development in established areas:

Development in established areas may have an impact on both the streetscape and on adjacent development. To assist assessment of this impact, the following additional information may be required:

a statement or description of planning and design measures that have been incorporated to avoid, remedy or mitigate the adverse effects on neighbours of:

• loss of visual privacy through overlooking of outdoor space and views into living areas of adjacent dwellings

• loss of daylight and aspect due to the overshadowing of existing private outdoor space and windows to main living areas

• the visual bulk of large walls

• noise from the new activity.

6. Streetscape / [Townscape]PC72 appraisal:

[In addition where a development is located in:
- pre-1930s demolition area (Appendix 1 Chapter 5); or
- Residential Coastal Edge (Appendix 2, Chapter 5)

then a streetscape/townscape appraisal will be required.]PC72 This will include:
- street elevations to a scale of 1:100 which show the development and the [four]PC39 properties on either side
- photographs taken from across the street showing the [eight]PC72 buildings described in the street elevation.
- [photographs showing whether the building features in medium to long range views of the wider neighbourhood and suburb.]PC72

3.2.4.2.2 For the Thorndon Character Area:

In addition to the requirements of 3.2.2, each application must also provide the following (except for modifications to existing buildings where no part of that modification is visible from across the street):

• street elevations to a scale of 1:100 which shows the development and the two properties on either side

• photographs taken from across the street showing the buildings described in the street elevations

• a plan at a minimum scale of 1:100 showing these properties and the front of the properties that face the site across the street.

3.2.4.2.3 For the Central Area Design Guide:

Additions to the Design Statement are required for developments within the Central Area that:

• are adjacent to or that front public spaces

In this case the Design Statement should clarify how the proposal will contribute to the quality of those public spaces.

or

• are anticipated to have significant visual effects on the City's skyline and urban form.

In this case the Design Statement should clarify how the proposal will contribute to the cityscape when viewed from close up or from a distance.

[3.2.4.2.4 For the Lambton Harbour Area

For building and open space developments within the Lambton Harbour Area each application must provide a design statement that sets out how the design principles of the proposal respond to the values, principles and objectives of the Wellington Waterfront Framework (April 2001). In particular the design statement should identify how the proposal will:

• be in character with the waterfront as a whole and maximise the unique value of the waterfront location

• express the heritage and history of the waterfront

• enhance the relationship between open spaces and adjacent buildings, structures and water areas

• support and contribute to the quality of surrounding open spaces

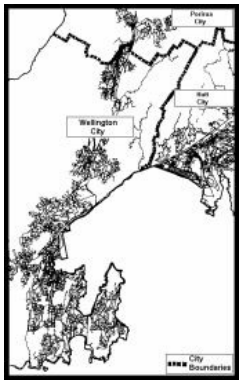
• contribute to the provision of different open spaces and buildings that cater for diverse uses and activities compatible with a waterfront location and

• enhance physical access and visual links between the city and the waterfront.

The Design Statement should identify how the proposal will contribute toward an overall sense of collective ownership and involvement.]VAR22

3.3 Process to be Used to Deal with Issues that Cross Territorial Boundaries

Section 75(1)(h) "Contents of District Plans" requires that District Plans are to state "the processes to be used to deal with issues which cross territorial boundaries".



Wellington City shares physical and administrative boundaries with Hutt City and Porirua City to the north and with the Wellington Regional Council with respect of harbour areas to the seaward side of mean high water springs.

Other than the coast, shared environmental boundaries include those between land and fresh water and between land and air.

Cross-boundary issues refer to situations in which activities take place on or near a territorial boundary (for example, a residential subdivision) or where the effects of an activity are largely in the territory of an adjacent authority (for example, the effects resulting from traffic generation, noise or stormwater run-off in an adjoining authority). Particular cross-boundary issues are likely to include:

• air emissions
• noise
• traffic generation
[• built environment, heritage and open space issues in the Lambton Harbour area]VAR22
• water quality from run-off and stormwater discharge
• natural hazards
• hazardous substances and contaminated sites
[• activities that occur on the seaward side of the line of mean high water springs]VAR22

Cross-boundary issues are addressed by:

• ensuring consistency and a degree of integration between the Wellington City District Plan and the plans and policy statements of adjoining territorial authorities, including the Wellington Regional Council. This will ensure that the region's resources are managed compatibly, and provide the basis for an assessment of resource consent applications

• consulting with adjoining authorities on resource management matters, including Plan reviews, Plan changes and resource consent applications as required under the Act or as is necessary or appropriate. This will include discussions with Council officers, possible notification of applications for resource consent in adjoining authorities and, where appropriate, joint hearings.

3.4 Financial Contributions

3.4.1 Introduction

The financial contributions provisions in the District Plan deal with conditions imposed on land use and subdivision consents. Financial contributions are used as a mechanism for achieving the Plan's objectives [and are distinct from and in addition to the Development Contributions Policy which provides the Council with an alternative method to obtain contributions to fund infrastructure required as a result of growth.] PC51

In the context of new development the District Plan uses financial contributions to build into the cost of the development any physical, environmental or social costs that can be identified. It does this by ensuring that the developer avoids, remedies, mitigates or compensates for any adverse effects.

Section 108(9) of the Resource Management Act 1991 allows the imposition of a variety of financial contributions to achieve the purpose of the Act. Financial contributions can take several forms and may be imposed as conditions on a land use or subdivision consent.

In this Plan, financial contributions are used for three reasons:

• to provide a fair and reasonable contribution to finance the extension or development of bulk services or other infrastructure costs as a result of a resource consent or development activity

• to provide a fair and reasonable way to ensure adequate provision of reserves (including esplanade reserves/strips) to meet community needs generated by a development project

• along with other provisions to provide a mechanism to avoid, remedy, or mitigate and/or offset adverse effects on the environment.

The types of financial contribution applying in this District Plan are:

• requiring the payment of development impact fees

Development impact fees are intended to offset the cost of future capital works and reserves acquisitions necessitated by new development. Fees will vary for different types of development and also between areas in the city.

• requiring payment for the cost of carrying out works off-site that are deemed necessary as a result of the development

Payment for the cost of off-site works will be required in situations where existing infrastructure needs to be upgraded to cope with new development.

• requiring that land be vested in Council ownership.

The vesting of land will be required in cases where an esplanade reserve is created, and where such land furthers Council's reserves strategy. Generally land for reserves will be accepted in lieu of fees payable or simply purchased. In certain cases, however, the vesting of land will be required, at a rate in accordance with the fee payable for the reserves impact fee for the area concerned.

This part of the Plan sets out the types of financial contribution which may be imposed as conditions on land use and subdivision consents. In each case it sets out the circumstances in which they are imposed, the method by which they are determined and the maximum amount payable. The actual amount in any one case will be calculated according to the method of calculation in rule 3.4.4.3. A Guide to Development Impact Fees which details fees based on the formulae and current costs is available from Council offices.

3.4.2 Financial Contributions Objectives and Policies

OBJECTIVE

3.4.2.1	To ensure that the costs of servicing development with infrastructure and reserves is included in the cost of development in a fair and equitable manner.

POLICIES

To achieve this objective, Council will:

3.4.2.1.1	**Identify within the Plan the method of calculating financial contributions and maximum amounts payable.**
3.4.2.1.2	**Identify the instances where fees will be imposed to mitigate the impacts of development on city infrastructure and on the wider environment.**
3.4.2.1.3	**Identify within the Plan the basis for requiring fees, in terms of expected population growth and anticipated services expansion required to service new development.**
3.4.2.1.4	**Identify within the Plan the uses to which any funds collected may be applied.**

METHODS

• Rules

• Other mechanisms (Guide to Development Impact Fees)

It is Council policy that the full costs of all developments are faced by the applicant, including impacts on traffic flows, reserves, drainage, sewerage, water supply and the natural environment. For this reason financial contribution mechanisms have been developed to remedy or mitigate internal and external site effects. Financial contributions may be conditions on resource consents.

The results will be the setting and collection of financial contributions from development that represent a fair share of the cost of servicing that development with infrastructure and reserves.

3.4.3 Financial Contribution Requirements

3.4.3.1 Activities Requiring Resource Consent

Council may impose conditions on a resource consent requiring one or more financial contributions in accordance with the policies, rules and maximums specified in sections 3.4 to 3.4.6.

LAND USE ACTIVITIES: conditions of consent	Financial contributions may be required as a condition of consent for any activities. The financial contributions are: • development impact fees which may be up to the amounts listed in rule 3.4.4.9 per 100 meters squared of gross floor area for each service type (which may include water, traffic, sewers, stormwater and reserves). (See Guide to Development Impact Fees available from Council offices) • development impact fees which may be up to the amount listed in rule 3.4.4.9 for each household unit, additional household unit or allotment for each service type (which may include water, traffic, sewers, stormwater and reserves). (See Guide to Development Impact Fees available from Council offices) • payment for the full costs of off-site works necessary to improve or upgrade infrastructure at the point of connection to ensure the new development connects safely and adequately to existing networks (see rule 3.4.5) • the creation and vesting of an esplanade reserve and/or the creation of an esplanade strip (see rule 3.4.6) • the vesting of any specific land required, determined in accordance with the value of the land and the rate of impact fee applying
SUBDIVISION: conditions of consent	Financial contributions may be required as a condition of consent for any subdivision. The financial contributions are: • development impact fees which may be up to the amount listed in rule 3.4.4.9 for each household unit, additional household unit or allotment for each service type (which may include water, traffic, sewers, stormwater and reserves). (See Guide to Development Impact Fees available from Council offices) • payment for the full costs of off-site works necessary to improve or upgrade infrastructure at the point of connection to ensure the new development connects safely and adequately to existing networks (see rule 3.4.5) • the creation and vesting of an esplanade reserve and/or the creation of an esplanade strip (see rule 3.4.6) • the vesting of any specific land required, determined in accordance with the value of the land and the rate of impact fee applying.

3.4.4 Development Impact Fees

This section specifically relates to developer contributions towards infrastructural and utility services, reserves and facilities owned and/or operated by Wellington City Council.

3.4.4.1 The Council may require the payment of development impact fees as a financial contribution as a condition on consents.

Development impact fees are imposed to cover a fair share of expected costs of expansion of services necessitated by new development. The fees apply in relation to stormwater, sewer, water, traffic and reserves. Development impact fees are calculated for each area by aggregating expected service expansion costs attributable to forecast new development, and apportioning them per unit of new development. In the case of residential development, the unit is the household unit or allotment. For non-residential development, fees are applied per 100 meters squared gross floor area. The application of the fees to non-residential development is limited to those developments which involve additional gross floor area of 50 meters squared or more.

Fees may be required from development activities in advance of the Council undertaking services expansion (generally no more than five years in advance) and after completion of services expansion, to recoup costs.

Where a development does not contribute to the need for expansion of a particular service, then the relevant impact fee will not be charged.

This Plan sets out the policies, principles, methodology and maximums for the development impact fees. The exact fees applying in different areas are contained in a separate *Guide to Development Impact Fees*. The figures in this guide are subject to the policies, principles, methodology and maximums in this Plan.

3.4.4.2 Principles Behind Development Impact Fees

Development impact fees are based on the following principles:

• Fair share

Ratepayers should not be subsidising developers, nor should fees collected from new development subsidise ratepayers. Essentially, new development should not be double-charged for services, but should pay a fair share.

• Reasonableness

There must be a reasonable balance between the benefits of community growth generated by new development and the need for additional facilities to serve that growth. There must also be a connection between the expenditure of the fees collected from contributing development and the benefits that development enjoys.

• Sound basis

The fee is determined by the portion of cost attributable to new development of the total cost of expected future capital works projects and reserve acquisitions necessitated by that new development. The method of calculation of each fee is set out in section 3.4.4.3.

• Efficiency

The fees are applied to ensure that the total costs associated with expansion of services and reserve acquisitions are faced by those creating the need. This is intended to result in the more efficient allocation of natural and physical resources, enabling reduced expenditure by avoiding unnecessary expansion of services.

Note:

Where expansion of services will create wider public benefits, development impact fees will take this into account. The fees vary for different services and between areas in the city, depending on the future costs associated with activities in each area. For any fee, Council may at its discretion accept land or the provision of works or services in lieu of money.

3.4.4.3 Method of Calculation of Development Impact Fees

The Council will follow a series of steps in calculating development impact fees for each service in each area. This involves identifying facility standards, forecasting demand, identifying costs involved in any expansion of services required, and apportioning those costs between existing users and new development.

3.4.4.3.1 In identifying the need for additional facilities (for a given service in a given area), the Council will:

• identify facility standards

• forecast the expected increase in demand from existing users

• forecast the expected demand from new development

• quantify existing deficiencies or surplus capacity

• outline the upgrades desired to meet standards for expected demand.

This results in a capital improvement plan which lists the projects to be undertaken and estimated costs associated with the projects. Where future estimated costs are involved, these will be discounted and present values used. The next step is to apportion the estimated costs between new development and existing users.

3.4.4.3.2 In apportioning estimated costs between existing users and new development, the Council will consider the following factors:

• the cost of existing facilities

• the means by which existing facilities have been financed

• the extent to which new development will, in the future, contribute to the cost of construction for existing facilities. This may occur if rates paid by occupiers are used to re-pay loans used to build those facilities

• the extent to which new development in general should receive a credit for providing facilities that benefit other uses in the service area without charge

• the extent to which demand from existing users could be expected to increase in the future

• the benefits to the community which result from development

• extraordinary costs in serving new development

• fair comparisons of amounts paid at different times.

The resultant apportionment for new development is the present value of the costs that Council will seek to recover from new development in the area, in the form of development impact fees, for the given service. The next step is to translate this into fixed amounts to be required from different types of development.

3.4.4.3.3 In translating the “new development” share of costs into the fixed development impact fees which appear in the Guide to Development Impact Fees, the Council will take account of:

• the differing impacts (on the need for expansion of services) of different development types (e.g. residential vs non-residential development)

• whether additional demand tends to be driven by a particular type of development

• expected rates of development, and associated effects (in terms of discounting) on the level of contribution required.

For convenience, the Council may use “equivalent household units” or EHUs. For a given development type, this is the multiple by which demand for a service differs from that of an average household unit. If these are used, then the fees for the development types will differ by the same multiple. The EHU for a development type and service may vary between areas.

Credits for Development Impact Fees.

3.4.4.3.4. The Council will, in certain circumstances, permit a credit, or discount, against the fees listed in the Guide to Development Impact Fees:

• where a contribution has already been made as a condition of a consent; there will be a credit for contributions paid

• where the activity involves redevelopment, or replacement / alteration of an existing activity, (e.g. inner-city residential conversion, or demolition and construction of a new building), there will be a credit for contributions paid (the maximum of actual contributions or implicit contributions, where “implicit contributions” means “the level of development impact fees calculated for the existing type and level of development, in accordance with section 3.4.4”).

3.4.4.4 Stormwater Impact Fee

Stormwater impact fees apply only to new "greenfield" subdivisions, as this is where the need for stormwater control and treatment works is apparent. Fees are calculated in accordance with 3.4.4.3 but may be represented simply as:

Stormwater fee for each area = $\frac{(a - b)}{c}$

where:

a = the cost of stormwater control and treatment works to deal with stormwater to the desired standard for existing users and new development expected in the area in the foreseeable future

b = the cost of stormwater control and treatment works to deal with stormwater to the desired standard for existing users

c = new development expected in the area in the foreseeable future (number of household units or allotments).

Notes:

1. Tawa/Northern Johnsonville: Stormwater fees will not be charged. All new development must provide stormwater retention and discharge control facilities that will reduce the rate of run-off. Conditions setting maximum outflow and storage volume are contained in section 5.1.3.9.

2. There will be no fee for new development which occurs on sites that are already covered with impermeable surfaces.

3. The actual use is not relevant as the important factor is the amount of site coverage, which generates stormwater run-off.

4. “Desired Standard” is determined by reference to the Code of Practice for Land Development.

3.4.4.5 Sewer Impact Fee

Fees for sewerage system impacts apply to new development in areas where facilities must expand because of expected new development. Fees are calculated in accordance with 3.4.4.3, but may be represented simply as:

Sewer Fee for each area = $\frac{\mathbf{EHUi \times (a - b)}}{\mathbf{c}}$

EHUi = the equivalent household units for a non-residential development is the multiple by which the demand differs from that of a household unit, for use i

a = the cost of constructing additional treatment facilities for total additional demand forecast from existing users and new development expected in the area in the foreseeable future

b = the cost of constructing additional treatment facilities to meet current shortages plus expected additional demand from existing users

c = new development expected in the area in the foreseeable future (number of household units plus equivalent household units).

Note:

Non-residential developments which involve the construction of unstaffed facilities, such as utility structures, will not be charged a sewer impact fee, where there is no sewer connection provided.

3.4.4.6 Water Impact Fee

Water impact fees are required in areas where there is insufficient capacity in current reservoirs to cater for the demand expected from new development. Fees are calculated in accordance with 3.4.4.3, but may be represented simply as:

Water Impact Fee for an area = $\frac{\mathbf{(a - b)}}{\mathbf{c}}$

where:

a = the cost of providing additional water supply capacity for additional demand forecast from existing users and new development expected in the foreseeable future

b = the cost of providing water supply capacity to meet current shortages plus additional demand forecast from existing users

c = new development expected in the area in the foreseeable future (number of household units plus equivalent household units).

Notes:

1. For residential and non-residential development, the formula above is normally used with b=0. The water impact fee will be based on the actual cost of providing capital infrastructure sufficient to meet the new total water requirements of a proposed development.

2. Non-residential developments which involve the construction of unstaffed facilities, such as utility structures, will not be charged a water impact fee, where there is no water connection provided.

3.4.4.7 Traffic Impact Fee

Traffic impact fees are required where expected new development necessitates the provision of traffic solutions or improvements. Fees are calculated in accordance with 3.4.4.3, but may be represented simply as:

Traffic Impact Fee for an area = $\frac{\mathbf{EHUi \times (a - b)}}{\mathbf{c}}$

where:

EHUi = the equivalent household units for a non-residential development is the multiple by which the demand differs from that of a household unit, for use i, in terms of traffic impacts per 100 meters squared of gross floor area

a = the cost of providing traffic improvements to meet the desired level of service for the total additional demand forecast from existing users and new development expected in the area, in the foreseeable future

b = the cost of providing traffic improvements to meet the desired level of service for additional forecast from existing users in the area

c = new development expected in the area in the foreseeable future (number of household units plus equivalent household units).

Notes:

1. Desired level of service means a minimum acceptable service of 90% saturation, and corresponds to level of service “D” in the Highway Capacity Manual: Approaching unstable flow with tolerable operating speeds being maintained though affected by changes in operating conditions. Fluctuations in volume and temporary restrictions to flow cause considerable drops in operating speed. There is little freedom to manoeuvre and comfort and convenience are low, but this level of service may be tolerated for short periods.

2. The calculation results in new development paying a fair share of the expected costs of traffic improvements necessitated, while ensuring that new development does not subsidise the relief of existing congestion. The Traffic Impact Fee will vary according to the traffic generating capacity of the type of development and the costs of road construction and upgrading in the area concerned.

3. In establishing **a** and **b**, account will be taken of traffic peaking (that is the tendency to peak at certain times and the effects of this. For example, residential developments within the city are likely to generate little commuter traffic, so will likely have a low or nil traffic impact fee, whereas residential developments in outer areas are likely to generate more and longer trips, meaning a higher traffic impact fee. The reverse applies to commercial activities: new commercial developments in the city centre have a higher impact on arterial routes, as they attract more traffic into the centre, yet similar developments in suburban centres have a lower impact, as the reverse flows are much lighter.

4. Where development in an area has no potential impact on the need for services expansion in terms of traffic improvements / solutions, then no traffic impact fee will be charged in relation to that development. Non-residential developments which involve the construction of unstaffed facilities, such as utility structures, will not attract traffic impact fees.

5. The types of expenditure to be funded via this mechanism will generally be traffic solutions/improvements concerning arterial routes, with a direct link to the area of the development from which they are collected:

• funds will not be applied to maintenance of existing local roads/streets

• in applying funds to projects involving highways, Council will recognise contributions of funds from other sources.

3.4.4.8 Reserves Impact Fee

Reserve impact fees are imposed to provide funds for recreation assets such as parks, reserves, playgrounds and related facilities. They are calculated on the basis of the number of people expected to use the reserve or facility, and are based solely on the capital costs of providing new reserves or increasing facility capacity. They take into account the community standards for different types of reserves and facilities, i.e. whether facilities are used by the neighbourhood only, several neighbourhoods, or by people from all parts of the city. Fees are calculated in accordance with 3.4.4.3, but may be represented simply as:

$$\text{Reserve Impact Feei for an area} = \mathbf{EHUi} \times \left(\frac{(a_l - b_l)}{c_l} + \frac{(a_c - b_c)}{c_c} \right)$$

where:

EHUi = the equivalent household units for a non-residential development is the multiple by which the demand differs from that of a household unit, for use i, in terms of impacts on the need for reserves and facilities, per 100 meters squared of gross floor area

$\mathbf{a_l}$ = the cost of providing local reserves and facilities for the total additional demand forecast from existing users and new development expected in the foreseeable future

$\mathbf{b_l}$ = the cost of providing local reserves and facilities for expected additional demand from existing users

$\mathbf{c_l}$ = new development expected in the area in the foreseeable future (number of household units plus equivalent household units)

$\mathbf{a_c}$ = the cost of providing city-wide reserves and facilities for the total additional demand forecast from existing users and new development expected in the foreseeable future

$\mathbf{b_c}$ = the cost of providing city-wide reserves and facilities for expected additional demand from existing users

$\mathbf{c_c}$ = new development expected in the city in the foreseeable future (number of household units plus equivalent household units).

Note:

1. Neighbourhood or local reserves and facilities are treated differently from city-wide reserves and facilities because of the usage patterns and accessibility, and the different costs involved with their acquisition and construction (due to variations in land values from area to area).

2. Funds collected as the local portion of the Reserve Impact fee will generally be spent on local reserve and recreation assets in the proximity of the development from which they are collected.

3. When looking at the additional reserves and facilities required in each area and city-wide, the Council will take account of and balance the characteristics of the existing community as well as the nature of development activities.

4. Non-residential developments which involve the construction of unstaffed facilities, such as utility structures, will not attract reserve impact fees.

5. Where existing reserve agreements are in place in relation to a consent, a reserve impact fee will not be charged.

6. No reserve impact fee will be required from development in the Lambton Harbour area while the provision of open space in that area is kept at a minimum of 60% of total land area.

3.4.4.9 Maximum Impact Fees Payable

In requiring the payment of development impact fees in accordance with this section, the Council will observe the following maximums:

MAXIMUM IMPACT FEES

Type of Impact Fee:	Type of Development	Maximum fee ($)
Traffic Impact Fee	Residential (per household unit or allotment)	3000
	Non-residential (per 100 meters squared gross floor area)	2625
Stormwater Impact Fee	Residential (per household unit or allotment)	1000
	Non-residential (per 100 meters squared gross floor area)	0
Sewer Impact Fee	Residential (Per household unit or allotment)	590
	Non-residential (per 100 meters squared gross floor area)	225
Reserves Impact Fee	Residential (per household unit or allotment)	4000
	Non-residential (per 100 meters squared gross floor area)	750
Water Supply Impact Fee	Residential (per household unit or allotment)	2475
	Non-Residential (total peak water demand greater than 10 litres/second)	refer note 3

Notes:

1. For details of the actual fees applying in each area, refer to the Guide to Development Impact Fees.

2. Where, to the extent that it can be clearly demonstrated, a development is not a retail development, the maximum traffic impact fee listed for non-residential development will be reduced to the following levels:
factory use.....15% of maximum shown;
office use.....30% of maximum shown;
other use..... 25% of maximum shown.

3. The maximum water impact fee payable for non-residential development is based on the actual cost of providing capital infrastructure sufficient to meet the new total water requirements of a proposed development.

Guide to Development Impact Fees

In most cases the actual fees will be less than the maximum payable and will vary between different parts of the city. A Guide to Development Impact Fees is available from the Council offices. This contains details of the fees applying in each area of the city for residential and non-residential development. For each type of fee, the guide contains examples of fee calculations.

Actual fees to be charged will be calculated by Council from time to time in accordance with rule 3.4.4.3, and will be recorded in the Guide to Development Impact Fees. The guide is not part of the District Plan.

3.4.4.10 Accounting Mechanisms and Audit

In calculating development fees and applying funds collected, the Council will ensure that:

• accounting mechanisms are established in accordance with Section 223F of the Local Government Act 1974

• separate accounting codes are established for development impact fees for geographic areas as necessary including those identified in the Guide to Development Impact Fees, with these further apportioned in respect of each of the services to which development impact fees will apply - water supply, sewers, stormwater, reserves and traffic

• details of annual funding allocations, projections of revenue and programming of services provision are included in the Annual Plan

• before commencing to charge any development impact fee, the fee is subject to independent external audit to ensure it has been calculated in accordance with this Plan

• all development impact fees are audited annually in accordance with the Financial Reporting Standards and Council's Policy Statement.

3.4.4.10.1 In the event of surplus funds being available as a result of oversubscription of development impact fees, moneys may be refunded (with such apportionment Council determines appropriate), provided that where this would result in refunds of less than $100 to each party, Council may reallocate moneys to other projects in the proximity of the source geographic area in consultation with the affected community.

3.4.4.10.2 In the event of deficient funds being available as a result of undersubscription of development impact fees, revenue to undertake essential services shall be sourced from general revenue, and the level of development impact fees reviewed in order to provide for an appropriate level of recoupment of costs.

3.4.5 Payment for Works Required to Connect Adequately to Infrastructure, Off Site

3.4.5.1 The Council may require, as a financial contribution, payment towards the cost of off-site works deemed necessary as a result of a proposed development, in accordance with this section and subject to the maximum provided for.

Where a proposed development creates the need for increased capacity or upgrades to infrastructure at the point of connection (in terms of traffic,

stormwater, sewers, or water) the Council may require a payment towards the cost of necessary works.

The Council will set a payment on the basis of what is believed to be a fair and appropriate proportion of the costs that should be borne by the developer (up to 100%).

On setting the payment, the Council reserves the discretion to waive a portion of the payment required on the basis of argument put forward by an applicant.

PAYMENT FOR WORKS REQUIRED TO CONNECT ADEQUATELY TO OFF SITE INFRASTRUCTURE

Circumstances:	Payment is required where the proposed land use results in a need for works off site to increase capacity or upgrade infrastructure at the point of connection to the existing networks.
Maximum fee:	The maximum fee payable is the full cost of Council carrying out any work required.
Basis:	The payment is required to meet the costs of upgrading connections to infrastructure and networks to an adequate and safe standard should be borne by the beneficiary of those upgrades at the time of subdivision.
Purpose:	The payment provides for adequate development of infrastructure alongside new development activities, without requiring the costs of this to be imposed on the general community.

Note:

1. Other than in the imposition of a standard connection fee, this type of payment will only be required where the total cost of infrastructural upgrades at the point of connection exceeds $1,000.

2. Where development impact fees are required under section 3.4.4, the Council will take account of these in determining the level of payment required under this section.

3.4.6 Vesting of Land

The Council may require the vesting of land as a financial contribution in accordance with this section and subject to the maximum provided for.

Council may require the vesting of land either in the form of an esplanade reserve where appropriate, or any land which is suitable in terms of meeting Council's reserves strategy or to mitigate adverse environmental effects.

Where the Council requires vesting of land other than for esplanade reserve, the value of the land required will be offset against any liability for development impact fees. The maximum value of land which may be required is limited to the liability for development impact fees. **SUMMARY OF VESTING OF LAND**

	Esplanade Reserve	Reserves Land
Circumstances	Land may be required to be vested where the proposed land use may have an adverse effect on the conservation, public access or recreation values of riparian and coastal margins and associated water quality and aquatic habitat.	Land may be required to be vested where a proposed development includes areas of land which are desirable for meeting Council's reserves strategy.
Maximum	The maximum amount payable is the actual cost of vesting or contributing the land, creating an esplanade reserve of land including the value of the land, and the costs of surveying and conveyancing.	The maximum amount payable is the actual value of land vested, up to a maximum of the liability for development impact fees.
Basis	The costs of providing for the esplanade reserve should be attributable to the developer, as they are costs of avoiding possible adverse effects on the environment through development.	The requirement is made because development activities increase demand for reserves. Suitable land for reserves may need to be acquired to benefit the community.
Purpose	Land may be required to be vested to protect conservation values of riparian and coastal margins and associated water quality and aquatic habitat, and to provide for public access to and along water bodies, as well as recreational opportunities near water bodies.	Land may be required to be vested to enable Council to acquire areas of land needed for the reserves strategy, at the value of the land and at the time of development.

Note:

1. There will be no requirement for esplanade reserves (in relation to port operations only) in the Operational Port Area, Miramar/Burnham Wharf area and Kaiwharawhara reclamation area.

2. There will be no requirement for reserves or esplanade reserves in the Lambton Harbour Area while the provision of open space in that area is kept at a minimum of 60% of total land area.

3.5 The Hazardous Facilities Screening Procedure

3.5.1 Introduction

[The hazardous substance provisions of this Plan work in conjunction with the provisions for hazardous substances under the Hazardous Substance and New Organisms Act 1996. While the Resource Management Act 1991 focuses on managing the site-specific effects of hazardous substances, controls under the Hazardous Substance and New Organisms Act 1996 manage the intrinsic risks of substances irrespective of location.

Anybody operating a hazardous facility must comply with the provisions for hazardous substances both under the Resource Management and the Hazardous Substance and New Organisms Act 1996 and associated transitional provisions. Controls imposed on hazardous substances under the Resource Management Act cannot be less stringent than those set under the Hazardous Substance and New Organisms Act 1996. This requirement is

reflected in the provisions for hazardous substances in this Plan.

Apart from the Hazardous Substance and New Organisms Act 1996, a range of other pieces of legislation deal with managing the on-site and off-site effects of hazardous substances. These include:

► legislation, rules and standards relating to the transportation of hazardous substances (Land Transport Act 1993, Land Transport Rule: Dangerous Goods 1999 and New Zealand Standard 5433:1999)

► Building Act 2004

► Health Act 1956

► Fire Service Act 1975

► Health and Safety in Employment Act 1992

► Radiation Protection Act 1965

► Agricultural Compounds and Veterinary Medicines Act 1997][PC35]

The Hazardous Facilities Screening Procedure (HFSP) should be applied to any proposed facility using, storing or handling in any manner hazardous or environmentally damaging substances [and to any facilities where a modification in operations causes a significant change in the character, nature and/or scale of potential effects.][PC35] Its purpose is to determine whether the facility will be permitted subject to defined minimum performance standards, or will require a land use resource consent.

Hazardous facilities range from home occupations to large chemical factories. Common examples of hazardous substances are acids, solvents, paints, fuels and pesticides. Environmentally damaging substances include seemingly harmless substances such as foodstuffs, which can kill aquatic life when released into waterbodies in large quantities, by for example, oxygen depletion of the receiving waters.

[The HFSP works through assessing whether the potential cumulative environmental effects presented by a hazardous substance on a proposed site are significant. If the calculated Effect Ratio is higher than the specific limits set for the different land use consents, a resource consent will be required.

To be able to carry out an HFSP calculation, information is required on the location and lay-out of the facility, nature of the surrounding environment, as well as the types and quantities of hazardous substances proposed to be stored or used on the site. Some guidance on how to use the HFSP is provided in this Plan. More extensive guidance and materials can be requested from the Council.

In some cases, proposals involving the establishment of new hazardous facilities may add to the number of hazardous facilities already existing on a site. Where such facilities are separated by more than 30 metres, they will be treated as ‘hazardous sub-facilities’. The HFSP will only be applied to the new facility. Consideration will not be given to the existing hazardous substances used on other parts of the site.] PC35

The HFSP calculations can be carried out by hand or through a computer programme. The calculation will determine the consent status of the hazardous facility and whether it is a Permitted Activity.

3.5.2 Exceptions and Exemptions

3.5.2.1 Although the Hazardous Facility Screening Procedure was developed to be able to handle any substance, it is not suitable for the following situations and the hazardous substances provisions of the Plan do not apply to the following activities:

1. Trade waste sewer and landfill sites, due to the difficulty of identifying the quantity and nature of the substances involved.

2. Storage or use of hazardous consumer products for private domestic purposes, because the degree of hazard is generally below the scale of potential effects considered by the HFSP.

3. Retail outlets for the domestic usage sale of hazardous substances (e.g. supermarkets, hardware shops, pharmacies), because storage of hazardous substances is generally in small packages.

4. Facilities using genetically modified or new organisms.

5. Developments that are or may be hazardous but do not involve hazardous substances (e.g. mineral extraction, high voltage transmission lines, radio masts).

6. Dust and its potential explosive properties.

7. Gas and oil pipelines.

8. Fuel in motor vehicles, boats and small engines such as weedeaters, lawnmowers, chainsaws etc.

9. Hazardous substances in transit.

10. Hazardous substances in temporary storage at a transport interchange area.

11. [Storage and use of hazardous substances in association with temporary military training activities where Clause 9A of the Hazardous Substances (Classes 1-5 Controls) Regulations 2001 (hazardous substances used in military combat or training for combat) applies.][PC35]

12. Refuelling of aircraft from mobile fuel tankers on tar sealed or impermeable surfaces at Wellington International Airport.

13. Oil filled transformers containing less than 1,300 litres of oil provided that they are used, stored and transported in a way which prevents accidental release of the oil to the environment [and that they comply with the provisions of the Hazardous Substances and New Organisms Act 1996.]PC35

14. Oil filled transformers between 1,300 and 1,700 litres of oil provided that secondary containment designed to contain any spill or accidental release of hazardous substances is provided [and that they comply with the provisions of the Hazardous Substances and New Organisms Act 1996.] PC35

15. Hazardous substances in storage in the Operational Port Area as follows:

1. Hazardous substances in containers packaged and stored in compliance with [the Hazardous Substances and New Organisms Act 1996.] PC35

Points 1 and 2 apply to UN class 7 substances only where such storage is also approved under the Radiation Protection Act 1965 and associated regulations [Points 1 and 2 apply to HSNO and UN Class 1 substances (explosives) only if relevant provisions

2. Hazardous substances which are break bulk, or unpacked from containers or are in the Operational Port Area to be packed into containers provided that:

- the storage area is designed to contain any spill or accidental release of hazardous substances and any stormwater and/or fire water that has become contaminated,
- the storage area is designed to prevent any contaminant from entering the sewerage or storm water drainage system unless expressly permitted under a resource consent or trade waste permit,
- incompatible materials are isolated from each other, and
- [the provisions of the Hazardous Substance and New Organisms Act 1996 are complied with.] PC35

3. Bulk hazardous substances as follows:

[Substance	Definition and examples	Storage requirement
Low corrosive substances	Substances that meet HSNO Class 8.2C, but do not exceed any other HSNO "Minimum Degrees of Hazard" thresholds. The definition of the threshold for Class 8.2C is as follows: - evidence of irreversible damage within 14 days following exposure to the substances for >3 minutes but not more than 4 hours. Examples include soda ash, salt cake, cement.	- The storage area meets the requirements of the HSNO Act 1996 for Class 8.2C (skin corrosives). - Storage is in a secure, covered area, designed to avoid dust emissions and water entry. - The storage area is designed to contain any spill or accidental release of hazardous substances and any storm water and/or fire water that has become contaminated. - The storage area is designed to prevent any contaminant from entering the sewerage or stormwater drainage system unless expressly permitted under a resource consent or trade waste permit.
Combustible solids not defined as flammable solids under the HSNO Act	Any material that are combustible solids but do not exceed any of the critical HSNO "minimum Degrees of Hazard" thresholds for classes 4.1.1, 4.1.2, and 4.1.3 (flammable solids). Will burn when raised to a temperature >75 degree celsius, but cannot be ignited and sustain combustion in air at 20 degrees celsius, 101.3 kPa absolute pressure. Examples include processed timber, medium density fibreboard, and grains.	- Adequate fire fighting water supply is available. - Fire risk has been considered.
Environmentally damaging or persistent substances	Substances that cause effects on the environment but do not meet the definition for ecotoxic hazards under the HSNO Act 1996. Examples include substances with a high organic content, ie. milk and food products.	- The storage area is designed to contain any spill or accidental release of hazardous substances and any stormwater and/or fire water that has become contaminated. - The storage area is designed to prevent any contaminant from entering the sewerage or stormwater drainage system unless expressly permitted under a resource consent or trade waste permit.]PC35

4. Provided that after 27 October 2000 exception 15 will only apply if there is a Site Management Plan in place covering the management of hazardous substances within the Operational Port Area and all port operators comply with that plan.

5. The Site Management Plan must:

- specify the practices and methods that will be adopted to ensure that conditions in this exemption will be met,
- be prepared by an appropriately qualified expert incorporating best industry practices and any relevant industry codes of practice,
- be regularly updated to meet any change in operational port practices or industry standards/codes of practice.

A copy must be provided to the Council by 27 October 2000. Any subsequent amendments must also be submitted to the Council.

3.5.2.2 Hazardous Facilities which have well developed industry standards and codes of practice based on well established levels of risk also may be exempted from the HFSP in Central, Airport Area and Suburban Centres, except in a Hazard Area.

Activities that can demonstrate that they have satisfactorily prevented or mitigated any adverse effects from the hazardous substances used, stored, handled, or transported shall be regulated according to the Controlled Activity provisions for hazardous substances except where the hazardous facility is located in a Hazard Area.

Activities deemed to comply with this exemption are:

- The retail sale of petrol (up to 100,000 litres storage in underground tanks) and diesel (up to 50,000 litres storage in underground tanks) provided that the OSH Code of Practice for "Design Installation and Operation of Underground Petroleum Storage Systems" (1992) is adhered to.

- The retail sale of LPG (up to 6 tonnes and single vessel storage) provided that the Australian/New Zealand Standard “Storage and handling of LP Gas” (AS/NZS 1596: 1997) is adhered to.

3.5.3 Terminology

The effects of any particular substance [are] PC35 categorised into three groups:

Fire/Explosion Effects: This Effect Type is concerned with damage to property, the built environment and people.

Health Effects: This Effect Type is concerned with the well-being, health and safety of people.

Environment Effects: This Effect Type is concerned with damage to ecosystems and natural resources.

[Each ***Effect Type*** is divided into levels reflecting the severity of the effect potentially associated with a hazardous substance. Based on this approach, each substance is given a hazard rating for each Effect Type:

EFFECT TYPE	HAZARD LEVEL		
Fire/Explosion	High	Medium	Low
Human Health	High	Medium	Low
Environment	High	Medium	Low

The Hazard Level for each hazardous substance is based on the hazard classification system established under the HSNO Act (refer Table 1)] PC35

The ***Base Quantity*** represents the quantity of substance in a specific *Effect Type* which has been assessed as not presenting any significant off-site environmental effects when the hazardous facility is located in a heavily industrialised zone.

Adjustment Factors cover a number of aspects for each Effect Type to account for site specific circumstances influencing the severity of the potential off-site effect. Adjustment Factors take into consideration the following:

• the physical state of the substance

• the temperature at which the substance is stored

• type of storage

• type of activity

• separation distance to the site boundary

• environmental sensitivity of the site location

Within each *Effect Type*, the *Adjustment Factors* are multiplied to obtain a single value which is then used to calculate the *Adjusted Quantity*.

The ***Adjusted Quantity*** is calculated for each *Effect Type by multiplying the Base Quantity with the relevant Adjustment Factors.*

*The **Effects Ratio** is a dimensionless number calculated from the following equation for each Effect Type:*

$$\textit{effects ratio} = \frac{\textit{proposed quantity}}{\textit{adjusted threshold}}$$

$$\textit{cumulative effects ratio} = \sum_{x-1}^{10} \textit{effects ratio}_x$$

3.5.4 Step by Step HFSP Procedure

It should be noted that once the relevant data from [Step 1]PC35 is gathered, a computer programme at Council can perform the relevant calculations. In addition, Council has produced information notes for users of small quantities of hazardous substances to give guidance on whether they comply with the hazardous substances Permitted Activity rules.

TABLE 1: STEP-BY-STEP GUIDE TO THE HFSP

DESCRIPTION OF STEP	EXPLANATION
1. Describe the hazardous facility Prior to using the HFSP, it is necessary	The HFSP uses standard units of tonnes (t) for solids, liquids and

to compile a full description of the hazardous facility in question. This includes the creation of an inventory of hazardous substances held on the site, including: • names of the hazardous substances • quantities of the hazardous substances • the physical form of the substances at 20°C and 101.3 kPa • the location of use or storage on the site, including separation distances from the site boundary and neighbouring hazardous facilities (on-site and off-site). The description should also include site-specific details, including neighbouring land uses and the surrounding environment, with a focus on sensitive environments, sensitive activities and land uses (eg, retirement accommodation, aquifers or wetlands). Where it has been determined that the activity constitutes a hazardous sub-facility, then only those substances used as part of the hazardous sub-facility shall form part of the inventory.	liquefied gases and cubic metres (m^3) for compressed gases. In some cases, it may therefore be necessary to convert substance quantities to these units. In the case of liquids, specific gravity (or density) must be taken into consideration when converting litres or m^3 to tonnes, ie. $\frac{\text{volume of liquid (litres) x specific gravity}}{1000}$ = tonnes Adjustments to quantities are also necessary where a substance is diluted with water or mixed with another substance. In this instance, only the percentage quantity of the hazardous substance or product in the dilution or mixture is assessed for the purposes of HFSP calculations (unless a mixture is more hazardous than its components, in which case data on the mixture need to be used). An exception to this are products or brands that already constitute dilutions or mixtures of hazardous subsubstances and which have been classified in terms of their hazardous properties as the 'whole' dilution or mixture for life cycle management purposes. Examples of this are corrosives, oxidising substances and pesticides, which are often sold commercially as standard solutions or strengths. In these cases, quantity adjustments are only applied when these commercially supplied concentrations are further diluted or mixed.
2. Determine Hazard Rating For the purposes of the HFSP, the effects of substances are categorised into three Effect Types: • **Fire/Explosion Effect Type:** addressing damage to the built environment and safety of people; • **Human Health Effect Type:** addressing adverse effects on the well-being, health and safety of people; • **Environmental Effect Type:** addressing adverse effects on ecosystems and natural resources. Each Effect Type is divided into three Hazard Rating Levels: * High * Medium * Low The rating levels are based predominantly on the HSNO classification system.	1. The HFSP rates hazardous substances in terms of each of the three Effect Types as having a high, medium or low hazard. The Hazard Rating of a substance is derived from Table 23.4.6. Once a substance has been classified under HSNO, Hazard Ratings can be assigned for each Effect Type. 2. Where a substance is not found in Table 23.4.6 the following default ratings should be used: • Fire/Explosion Effect Type: **Medium** • Human Health Effect Type: **Medium** • Environment Effect Type: **High**
3. Find Base Quantities The Base Quantity (B) is pre-calibrated. It is the amount of a substance that has been assessed as generating no significant off-site effects in a heavy industrial area **before** site- and substance-specific considerations have been taken into account (refer Step 4). Base Quantities for different hazardous properties and hazard ratings in each Effect Type are listed in Table 33.4.6.	For example, in the Fire/Explosion Effect Type [Sub-category Flammables], non-significant off-site effects in a heavy industrial area are represented by a Base Quantity of: * 100 tonnes of a HSNO Category D flammable liquid which has a low hazard level for the Fire/Explosion Effect Type. * 30 tonnes of a HSNO Category C flammable liquid which has a medium hazard level for the Fire/Explosion Effect Type.
DESCRIPTION OF STEP	EXPLANATION
4. Calculate Adjusted Quantity (A) The pre-calibrated Adjustment Factors (FF, HF, EF) are multiplied with the Base Quantities (B) to account for substance properties and site-specific environmental circumstances. This multiplication yields the Adjusted Quantity (A). Adjustment Factors differ for each of the Effect Types, and take into account the following considerations: • the physical state of the substance • the type of storage • the type of activity or use • separation distances to the site boundary • the environmental sensitivity of the site location. The Adjustment Factors are listed in Table 43.4.6.	Different Adjustment Factors are applied for each Effect Type. For example, for the Fire/Explosion Effect Type, the temperature is relevant, while for the Human Health Effect Type, proximity to a potable water resource is important. In some instances, more than one Adjustment Factor within each Effect Type must be applied, which then need to be multiplied with each other to yield the total Adjustment Factor for the Effect Type. When the Adjustment Factors for each Effect Type have been calculated, they in turn are multiplied with the Base Quantity to yield the Adjusted Quantity). In the example given, the following parameters have been assumed: • <30m to site boundary • • not adjacent to water body • underground storage
5. Calculate and add Quantity Ratios (FQ, HQ, EQ) This step requires the calculation of the Quantity Ratio for each hazardous substance in question. The Quantity Ratio is a dimensionless number. It is obtained by dividing the quantity of a substance that is proposed to be used or stored on a site, ie the Proposed Quantity (P) by the Adjusted Quantity (A). If several hazardous substances are used or stored on a site, the Quantity Ratios calculated for each of these substances are added up for each Effect Type. Note that $FQ/HQ/EQ_{Total}$ stands for the total sum of Quantity Ratio values from all assessed hazardous substances, within each Effect Type.	By using the dimensionless ratio of the Proposed Quantity of a hazardous substance over the Adjusted Quantity, it is possible to aggregate the effects presented by multiple substances held on the same site. This assists with assessing the cumulative potential effects which may be created by several substances present on the same site.
6. Assess resource consent status of hazardous facility When assessing the resource consent status of a particular hazardous facility, the added Quantity Ratios for each Effect Type are compared with relevant Consent Status Indices in the Resource Consent Matrix in the District Plan. If they are exceeded, a resource consent is required.	When examining total Quantity Ratios against applicable Consent Status Indices, one or several substances may trigger a resource consent. This highlights the fact that when assessing hazardous facilities, it is often sufficient to assess just a few hazardous substances to start off with, mainly those that are either highly hazardous or are used/stored in high quantities.

Table added by District Plan Change No.35 – Hazardous Substances (Operative 6 July 2006)

3.5.5 Diluted or Mixed Substances

If a substance is diluted or mixed with other substances, the HFSP has to be applied to the percentage of the substance (in weight), as well as to the dilution agent. In a case where the mixture is more hazardous than the individual components, then the HFSP will be carried out on the mixture itself. Where mixtures are in common usage, there may be relevant information on the mixtures themselves rather than the constituents (such as formaldehyde).

Where an Adjusted Quantity has to be established for a mixture of substances and the number of substances is too high or unknown, then the HFSP procedure will be carried out on the mixture directly.

3.5.6 Unavailability of Relevant Information

Where the relevant information is unknown or not available, then the substance will be rated high for all Effect Types. This would mainly apply to the Health and Environment Effect Types as the information on the flammability of substances is generally more readily available.

TABLE 2: CLASSIFICATION OF HAZARDOUS SUBSTANCES

It is important to note that:

• HSNO classes and categories do not always correspond perfectly with the UN Classification. This list should therefore only be used for HSFP purposes.

• A number of HSNO classes or sub-classes do not have an HFSP hazard rating in the land use planning context as the potential for off-site effect of these substances is low.

Hazard	HSNO Class & Category	(UN Division)	Description	Effect Type	Hazard Rating
Explosive Substances	1.1	1.1	Substances and articles that have a mass explosion hazard.	Fire/Explosion	**High**
	1.2	1.2	Substances and articles that have a projection hazard but not a mass explosion hazard.	Fire/Explosion	**Medium**
	1.3	1.3	Substances and articles that have a fire hazard and either a minor blast hazard or a minor projection hazard or both.	Fire/Explosion	**Low**
	1.5	1.5	Very insensitive substances that have a mass explosion hazard.	Fire/Explosion	**Low**

Hazard	HSNO Class & Category	(UN Division)	Description	Effect Type	Hazard Rating
Flammable Gases	2.1.1A High hazard	2.1	a) Ignitable when in a mixture of 13% or less by volume with air; or b) Has a flammable range with air of at least 12%, regardless of the lower flammability limit.	Fire/Explosion	**High**
	2.1.2A Flammable aerosols	2.1	An aerosol comprising 45% or more by mass of flammable ingredients.	Fire/Explosion	**High**
		LPG		Fire/Explosion	**Medium**

Hazard	HSNO Class & Category	(UN Division)	Description	Effect Type	Hazard Rating
Flammable Liquids	3.1.A Very high hazard	3 PGI	A flash point of less than 23ºC and an initial boiling point of less than or equal to 35ºC.	Fire/Explosion	**High**
	3.1B High hazard	3 PGII	A flash point of less than 23ºC and an initial boiling point of greater than 35ºC.	Fire/Explosion	**High**
	3.1C Medium hazard	3 PGIII	A flash point of greater than or equal to 23ºC but less than or equal to 60ºC.	Fire/Explosion	**Medium**
	3.1D Low hazard	Combustible liquids	A flash point of greater than 60ºC but less than or equal to 93ºC.	Fire/Explosion	**Low**

Hazard	HSNO Class & Category	(UN Division)	Description	Effect Type	Hazard Rating
Flammable Liquids	3.1.A Very high hazard	3 PGI	A flash point of less than 23ºC and an initial boiling point of less than or equal to 35ºC.	Fire/Explosion	**High**
	3.1B High hazard	3 PGII	A flash point of less than 23ºC and an initial boiling point of greater than 35ºC.	Fire/Explosion	**High**
	3.1C Medium hazard	3 PGIII	A flash point of greater than or equal to 23ºC but less than or equal to 60ºC.	Fire/Explosion	**Medium**
	3.1D Low hazard	Combustible liquids	A flash point of greater than 60ºC but less than or equal to 93ºC.	Fire/Explosion	**Low**

Hazard	HSNO Class & Category	(UN Division)	Description	Effect Type	Hazard Rating
Flammable Solids -	4.1.1A:	4.1(a)	A substance that burns rapidly or the reaction	Fire/Explosion	**Medium**

Readily combustible solids and solids that may cause fire through friction	Medium hazard	PG II	spreads rapidly or may cause fire through low friction in the relevant tests of the UN Manual of Tests and Criteria.		
	4.1.1B Low hazard	4.1(a) PG III	A substance that has lower ratings than 4.1.1A in the relevant tests of the UN Manual of Tests and Criteria.	Fire/Explosion	**Low**
Self-reactive substances	4.1.2A 4.1.2B	4.1(b) Type A Type B	A thermally unstable substance that propagates a detonation or rapid deflagration or violent effect or thermal explosion in the relevant tests of the UN Manual of Tests and Criteria.	Fire/Explosion	**High**
	4.1.2C 4.1.2D	4.1(b) Type C Type D	A substance with lower ratings than the above two categories in the relevant tests.	Fire/Explosion	**Medium**
	4.1.2E 4.1.2F 4.1.2G	4.1(b) Type E Type F	A substance with even lower ratings than the above two categories in the relevant tests.	Fire/Explosion	**Low**
Solid desensitised explosives	4.1.3A 4.1.3B 4.1.3C	4.1(c) PG I PG II PG III	(a) A substance with one of the specified UN serial numbers listed in the UN Model Regulations; or (b) A solid desensitised explosive that is formed from an explosive of Class I by adding a desensitising agent to form a solid substance that no longer meets the threshold for Class I.	Fire/Explosion	**High**
Spontaneously combustible substances	4.2A Spontaneously combustible and pyrophoric substances High hazard	4.2 PG I	(a) A solid substance that does not meet the criteria for subclass 4.1.2, but ignites within 5 minutes on contact with air under the relevant test conditions in the UN Manual of Tests and Criteria; or (b) A substance that does not meet the criteria for subclass 4.1.2, but is a liquid which ignites or ignites or chars the filter paper under the relevant test conditions.	Fire/Explosion	**High**
	4.2B Spontaneously combustible and self-heating substances Medium hazard	4.2 PG II	A substance that does not meet the criteria for subclass 4.1.2 but meets specified criteria under the relevant test conditions.	Fire/Explosion	**High**
	4.2C Spontaneously combustible and self-heating substances Low hazard	4.2 PG III	A substance that does not meet the criteria for subclass 4.1.2, which, depending on quantity, meets specified criteria under the relevant test conditions.	Fire/Explosion	**Medium**
Solids that emit flammable gas when in contact with water	4.3A High hazard	4.3 PG I	(a) A substance that emits a gas that ignites when a small quantity of the substance is brought into contact with water; or (b) A substance that reacts readily with water at ambient temperatures such that the rate of evolution of flammable gas is > 10 litres/kg over any 1 minute.	Fire/Explosion	**High**
	4.3B Medium hazard	4.3 PG II	A substance that reacts readily with water at ambient temperatures such that the maximum rate of evolution is > 20 litres/ kg per hour.	Fire/Explosion	**High**
	4.3C Low hazard	4.3 PG III	A substance that reacts slowly with water at ambient temperatures so that the maximum rate of evolution of flammable gas is > 1 litre /kg per hour.	Fire/Explosion	**Medium**

Hazard	HSNO Class & Category	(UN Division)	Description	Effect Type	Hazard Rating
Oxidising substances - Liquids or solids	5.1.1A High hazard	5.1 PG I	(a) A substance listed as 5.1 in the UN Model Regulations and assigned Packing Group I; or (b) a solid that when mixed with dry cellulose either spontaneously ignites or exhibits a mean burning time less than that of a specified reference material; or	Fire/Explosion	**High**

			(c) a liquid that when mixed with dry cellulose forms a mixture that either spontaneously ignites or exhibits a mean pressure rise time less than that of a specified reference material.		
	5.1.1B Medium hazard	5.1 PG II	(a) A substance listed as 5.1 in the UN Model Regulations and assigned Packing Group II; or (b) A solid that does not meet the criteria of 5.1.1A and that when mixed with dry cellulose forms a mixture that exhibits a mean burning time equal to or less than a specified reference material; or (c) A liquid that does not meet the criteria of 5.1..1A and that when mixed with dry cellulose forms a mixture that exhibits a mean pressure rise time less than or equal to that of a specified reference material.	Fire/Explosion	**High**
	5.1.1C Low hazard	5.1 PG III	(a) A substance listed as 5.1 in the UN Model Regulations and assigned Packing Group III; or (b) A solid that does not meet the criteria of 5.1.1A or B and that when mixed with dry cellulose forms a mixture that exhibits a mean burning time equal to or less than that of a specific reference material; or (c) A liquid that does not meet the criteria of 5.1.1A or B and that when mixed with dry cellulose forms a mixture that exhibits a mean pressure rise time less than or equal to that of a specified reference material.	Fire/Explosion	**Medium**
Gases	5.1.2A	2.2	(a) A gas that is listed as 5.1 in the UN model Regulations; or (b) A gas that causes or contributes to combustion of other material at a faster rate than air.	Fire/Explosion	**High**
Organic peroxides	5.2A 5.2B	5.2 Type A Type B	A substance that propagates a detonation or rapid deflagration or violent effect or thermal explosion in the relevant tests of the UN Manual of Tests and Criteria.	Fire/Explosion	**High**
	5.2C 5.2D	5.2 Type C Type D	A substance with lower ratings than 5.2A or B in the relevant tests.	Fire/Explosion	**Medium**
	5.2E 5.2F 5.2G	5.2 Type E Type F Type G	A substance with even lower ratings than 5.2A or B in the relevant tests.	Fire/Explosion	**Low**

Hazard	HSNO Class & Category	(UN Division)	Description	Effect Type	Hazard Rating
Toxic Substances	6.1A	6.1 PGI 2.3 (gases)	Oral toxicity: LD50 of less than or equal to 5 mg/kg Dermal toxicity: LD50 of less than or equal to 50 mg/kg Inhalation toxicity (gas): LC50 of less than or equal to 100 ppm Inhalation toxicity (vapour): LC50 of less than or equal to 0.5 mg/l Inhalation toxicity (dust/mist): LC50 of less than or equal to 0.05 mg/l	Human Health	**High**
	6.1B	6.1 PGII 2.3 (gases)	Oral toxicity: LD50 of greater than 5 mg/kg but less than or equal to 50 mg/kg Dermal toxicity: LD50 of greater than 50 mg/kg but less than or equal to 200 mg/kg Inhalation toxicity (gas): LC50 of greater than 100 ppm but less than or equal to 500 ppm Inhalation toxicity (vapour): LC50 of greater than 0.5 mg/l but less than or equal to 2.0 mg/l Inhalation toxicity (dust/mist): LC50 of greater than 0.05 mg/l but less than or equal to 0.5 mg/l	Human Health	**High**
	6.1C	6.1 PGIII	Oral toxicity: LD50 of greater than 50 mg/kg but less than or equal to 300 mg/kg Dermal toxicity: LD50 of greater than 200 mg/kg but less than or equal to 1,000 mg/kg Inhalation toxicity (gas): LC50 of greater than 500 ppm but less than or equal to 2,500 ppm Inhalation toxicity (vapour): LC50 of greater than 2.0 mg/l but less than or equal to 10.0 mg/l Inhalation toxicity (dust/mist): LC50 of greater than 0.5 mg/l but less than or equal to 1.0 mg/l	Human Health	**Medium**
	6.1D	Toxic Substances	Oral toxicity: LD50 of greater than 300 mg/kg but less	Human	**Low**

		Regulations: Standard Poison	than or equal to 2,000 mg/kg Dermal toxicity: LD50 of greater than 1,000 mg/kg but less than or equal to 2,000 mg/kg Inhalation toxicity (gas): LC50 of greater than 2,500 ppm but less than or equal to 5,000 ppm Inhalation toxicity (vapour): LC50 of greater than 10 mg/l but less than or equal to 20 mg/l Inhalation toxicity (dust/mist): LC50 of greater than 1.0 mg/l but less than or equal to 5.0 mg/l	Health	

Hazard	HSNO Class & Category	(UN Division)	Description	Effect Type	Hazard Rating
Corrosive Substances	8.2A	G I	Data indicate irreversible destruction of dermal tissue following brief exposure.	Human Health	**High**
	8.2B	G II	Data indicate irreversible destruction at dermal tissue following moderate exposure	Human Health	**Medium**
	8.2C	G III	Data indicate irreversible destruction at dermal tissue following lengthy exposure (up to 4 hours).	Human Health	**Low**

Hazard	HSNO Class & Category	(UN Division)	Description	Effect Type	Hazard Rating
Ecotoxic Substances	9.1A Substances that are very ecotoxic in the aquatic environment	S	Acute aquatic toxicity value[1] of less than or equal to 1 mg/l	Environment	**High**
	9.1B Substances that are ecotoxic in the aquatic environment	S	Chronic aquatic toxicity[2] of less than or equal to 1 mg/l **and**: (a) acute aquatic toxicity value of greater than 1 mg/l but less than 10 mg/l; **and** (b) not rapidly degradable or is bioaccumulative, or is not rapidly degradable and is bioaccumulative.	Environment	**Medium**
	9.1C Substances that are harmful in the aquatic environment	S	Chronic aquatic toxicity of less than or equal to 1 mg/l **and**: (a) acute aquatic toxicity value of greater than 10 mg/l but less than 100 mg/l; **and** (b) not rapidly degradable or is bioaccumulative or, is not rapidly degradable and is bioaccumulative.	Environment	**Low**
	9.1D Substances that are slightly harmful in the aquatic environment or are otherwise designed for biocidal action	S	a) Acute aquatic toxicity value of greater than 1 mg/l but less than 100 mg/l, but does not meet classification criteria for 9.1A, 9.1B or 9.1C; or b) Chronic aquatic toxicity value is less than or equal to 1 mg/l but does not meet classification criteria for 9.1B or 9.1C; or c) Not rapidly degradable and is bioaccumulative but does not meet classification criteria for 9.1A, 9.1B or 9.1C.	Environment	**Low**

[1] 'Acute aquatic toxicity value' means the lowest value expressed in units of milligrams of a substance per litre of water from:
(a) fish LC_{50} data after a 96-hour exposure period; or
(b) crustacean EC_{50} data after a 48-hour exposure period; or
(c) algal, or other aquatic plant EC_{50} data after a 72-hour exposure period.

[2] 'Chronic aquatic toxicity' means the lowest value expressed in units of milligrams of a substances per litre of water from chronic fish, crustacean, algal, or other aquatic plant NOEC (No observed effect concentration) data.

TABLE 3: BASE QUANTITIES

HSNO category	UN Class equivalent	Hazard level	Unit tonnes or cubic metres	Base Quantity(B): Fire/ Explosion	Base Quantity (B): Human Health	Base Quantity (B): Environment
Explosive Substances						
1.1	1.1	High	tonnes	0.1	-	-
1.2	1.2	Medium	tonnes	1	-	-
1.3	1.3	Low	tonnes	3	-	-
1.5	1.5	Low	tonnes	3	-	-
Flammable Gases						
2.1.1A	2.1	High	m^3 tonnes	10,000* 10	-	-

2.1.2A	2.1	High	m³ tonnes	10,000* 10	-	-
	LPG	Medium	tonnes	30	-	-
Flammable Liquids						
3.1 A	3PGI	High	tonnes	10	-	-
3.1 B	3PGII	High	tonnes	10	-	-
3.1 C	3PGIII	Medium	tonnes	30	-	-
3.1 D	Combustible Liquids	Low	tonnes	100	-	-
Liquid Desensitised Explosives						
3.2 A 3.2 B 3.2 C	3.2 A 3.2 B 3.2 C	High	tonnes	1		
Flammable Solids						
4.1.1.A	4.1 (a) PGII	Medium	tonnes	10	-	-
4.1.1 B	4.1 (a) PGIII	Low	tonnes	30	-	-
4.1.2 A 4.1.2 B	4.1 (b) PGII	High	tonnes	1	-	-
4.1.2 C 4.1.2 D	4.1 (b) PGII	Medium	tonnes	10	-	-
4.1.2 E 4.1.2 F 4.1.2 G	4.1 (b) PGII	Low	tonnes	30	-	-
4.1.3 A	4.1 (c) PGI	High	tonnes	1	-	-
4.1.3 B	4.1 (c) PGII	High	tonnes	1	-	-
4.2 C	4.2 PGIII	Medium	tonnes	10	-	-
4.3 A	4.3 PGI	High	tonnes	1	-	-
4.3 B	4.3 PGII	High	tonnes	1	-	-
4.3 C	4.3 PGIII	Medium	tonnes	10	-	-
Oxidising Substances						
5.1.1 A	5.1 PGI	High	tonnes	1		
5.1.1 B	5.1 PGII	High	tonnes	1		
5.1.1 C	5.1 PGIII	Medium	tonnes	10		
5.1.2 A	2.2	High	m³ tonnes	10,000 10		
5.2 A 5.2 B	5.2 Types A and B	High	tonnes	1		
5.2 C 5.2 D	5.2 Types C and D	Medium	tonnes	10		
5.2 E 5.2 F 5.2 G	5.2 Types E,F and G	Low	tonnes	30		
Toxic Substances						
6.1 A	6.1 PGI 2.3	High	m³ tonnes	-	1 50	-
6.1 B	6.1 PGII 2.3	High	m³ tonnes	-	1 50	-
6.1 C	6.1 PGIII 2.3	Medium	m³ tonnes	-	10 150	-
6.1 D	Standard Poison	Low	m³ tonnes	-	30 500	-
Corrosive Substances						
8.2 A	8 PGI	High	tonnes	-	1	-
8.2 B	8 PGII	Medium	tonnes	-	10	-
8.2 C	8 PGIII	Low	tonnes	-	30	-
Ecotoxic Substances						
9.1 A	GHS	High	tonnes	-	-	3
9.1 B	GHS	Medium	tonnes	-	-	30
9.1 C	GHS	Low	tonnes	-	-	100

9.1 D	GHS	Low	tonnes			100

* Base threshold in m³ at 101.3kPA and 20°C for permanent or compressed gases.

Table 3 added by District Plan Change No.35 – Hazardous Substances (Operative 6 July 2006)

TABLE 4: ADJUSTMENT FACTORS

ADJUSTMENT FACTORS FOR ALL EFFECT TYPES		
Fire/ Explosion	Human Health	Environment
FF1: SUBSTANCE FORM	**FH1: SUBSTANCE FORM**	**FE1: SUBSTANCE FORM**
Solid = 1 Liquid, powder = 1 Gas (101.3 kPa, 20°C) = 0.1	Solid = 3 Liquid, powder = 1 Gas (101.3 kPa and 20°C) = 0.1	Solid = 3 Liquid, powder = 1 Gas (101.3 kPa and 20°C) = 0.1
FF2: SEPARATION DISTANCE FROM SITE BOUNDARY (SUB-FACILITY)	**FH2: SEPARATION DISTANCE FROM SITE BOUNDARY (SUB-FACILITY) (GASES ONLY)**	**FE2: ENVIRONMENTAL SENSITIVITY**
< 30 m = 1 > 30 m (>60 m)[3] = 3	< 30 m = 1 > 30 m (>60 m)[3] = 3	Normal = 1 Adjacent to water resource[4] = 0.3
FF3: TYPE OF ACTIVITY	**FH3: TYPE OF ACTIVITY**	**FE3: TYPE OF ACTIVITY**
Use = 0.3 Above ground storage = 1 Underground storage[5] = 10	Use = 0.3 Above ground storage = 1 Underground storage[5] = 10	Use = 0.3 Above ground storage = 1 Underground storage[5] = 3
Final Human Health Adjustment Factor **FF = FF1 x FF2 x FF3**	Final Human Health Adjustment Factor **FH = FH1 x FH2 x FH3**	Final Environment Adjustment Factor **FE = FE1 x FE2 x FE3**

Table 4 added by District Plan Change No.35 – Hazardous Substances (Operative 6 July 2006)

[3] If the facility is assessed as a sub-facility, the distance to the neighbouring sub-facility must be more than 60 metres (ie, 2 x 30 metres) to qualify for an Adjustment Factor of 3 (refer Section 5.5.4 of the main document).
[4] 'Adjacent' means the hazardous facility is within 20m of a water resource. Water resources include aquifers and water supplies, streams, springs, lakes, wetlands, estuaries and the sea, but do not include entry points to the stormwater drainage network.
[5] Applicable to UN Class 3 substances (flammable liquids) only.

Table added by District Plan Change No.35 – Hazardous Substances (Operative 6 July 2006)

3.6 Monitoring and District Plan Review

3.6.1 Introduction

Monitoring and review of the District Plan is carried out in accordance with provisions of the Resource Management Act 1991 to ensure that Council is promoting the sustainable management of natural and physical resources, and taking into account the Treaty of Waitangi/Te Tiriti o Waitangi. Information gained from monitoring enables Council to undertake its functions under the Act and to take appropriate action to ensure compliance with the intent of the Act. The results of monitoring will be reported both to Council and the public.

3.6.2 Requirements for Monitoring and Review

Monitoring provisions are contained in section 35(2) of the Act. This section is reinforced by section 75(1)(i) which requires that the Plan include the procedures to be used to review the effectiveness of its objectives, policies, and methods of implementation.

Section 35 also contains provisions for making information available to the public so that they can participate effectively under the Act and be better informed of their own duties and of the functions, powers and duties of the local authority.

3.6.3 Monitoring Programme

Council's monitoring programme will consist of a number of strategies. These will be developed in stages and will be developed to monitor:

- the state of Wellington's environment
- the suitability and effectiveness of the Plan for Wellington
- the exercise of any functions, powers or duties delegated to Council or transferred by Council
- the exercise of resource consents.

Information gained from the monitoring programme will enable evaluations to be made of the Plan's expected environmental results. This information provides the basis for Council to take appropriate action (by means of the methods available to it under the Act) where this is shown to be necessary.

3.6.3.1 State of the environment

Council carries out monitoring of the environment (including people and communities) so that it can evaluate its environmental management, consider measures to mitigate adverse effects, and make appropriate changes to policies. A wide range of information will be collected in Council's monitoring programme which will be reported to the community in a state of the environment report. The community will be able to make submissions to Council on this report, Council's environmental management and any changes that are desired. The state of the environment report will be updated as necessary.

Council's monitoring report will complement the monitoring of issues of regional significance and joint responsibility (such as water quality) undertaken by

the Wellington Regional Council and reported in the Regional state of the environment report.

3.6.3.2 Suitability of the plan for the district

Monitoring of the Plan's provisions will ensure that they remain suitable for Wellington's current environment and in relation to the City's changing needs and ongoing development. The contents of the Plan will also be monitored to ensure that they are carrying out their intended purpose, particularly in the delivery of the Plan's objectives and policies.

This will be achieved through consultation with the community, establishing baseline or trend information, and developing appropriate indicators to assist in monitoring environmental outcomes.

As the monitoring programme is developed more baseline information will become available, and this will assist the continuing evaluation of the Plan's objectives and policies to ensure that they remain appropriate for Wellington City.

3.6.3.3 The exercise of any functions, powers or duties delegated to or transferred by Council

Council will undertake the monitoring of delegated functions, powers and duties as may be appropriate under the Act.

3.6.3.4 Any effects that occur from the exercise of resource consents

The administration and regulation of the District Plan will be monitored by management systems which examine:

- the nature and type of resource consents, and any cumulative effects resulting from consents
- compliance with the conditions of resource consents (including any enforcement action)
- the administrative costs to Council of processing resource consents
- the costs to applicants of gaining resource consents
- the effectiveness of consultation with the community, including tangata whenua.

3.6.4 Reporting of Environmental Monitoring

A report will be provided annually to Council (and will be available to the community) outlining:

- how effective the Plan is in achieving the specified environmental outcomes
- trends in the administration of the Plan (such as the numbers of resource consents issued or declined, including the reasons why)
- any alterations needed to the Plan in response to the above.

This report draws together the policy (effectiveness, future development) and regulatory (resource consents, enforcement) monitoring into an overall evaluation of the Plan's performance. It will complement the state of the environment reporting undertaken by Council.

As Council's information base is developed and monitoring procedures are implemented and become more extensive, wider reporting of resource management issues and objectives will be added to this reporting process.

3.6.5 Provision of Information to Members of the Public

Material is made available to the public to outline what information is held by Council, and where and how it can accessed. Information on current issues relating to the City's environment and statements on the monitoring of resource consents are made available.

As part of the Annual Plan process, Council reports to the community on its management of the environment. Information is provided detailing Council's performance in relation to its resource management functions. Regular internal reports keep Council aware of developments that may require it to alter its resource management strategies

3.6.6 Procedures to Review the District Plan

Monitoring of this Plan is continuous, so that it does not become a static or outdated document. As information becomes available on the state of the environment, adjustments are made to the Plan's objectives, policies and rules to make sure the city's natural and physical resources are sustainably managed.

The Plan is reviewed as required under the Act and in accordance with the provisions of the First Schedule to the Act. Any person may request Council to make a change to the District Plan at any time, and the District Plan as a whole must be reviewed not later than 10 years from the time it becomes operative.

3.7 The Status of Formed and Unformed Roads[, Service Lanes and Motorways]

PC34

On the District Plan Maps, all formed legal roads are uncoloured, and all unformed legal roads are coloured blue/grey.

With regard to the application of District Plan objectives, policies and rules, the Plan provisions of the area in which any formed or unformed legal road,[service lane or motorway]PC34 is located shall apply.

[Specific provisions apply under the following circumstances:] PC34

- Where a road [or service lane]PC34 is stopped, the Plan provisions for the area on which the stopped road is located shall apply.

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

- [With regard to the coastal unformed legal road from Te Rimurapa Headlands to Makara Beach which is abutted by the Rural Area, the Conservation Site provisions of the Plan shall apply.]PC34

• For the subdivision of roads to facilitate road stopping, refer to the provisions for subdivision in each area."

[In respect of the above, road, motorway, and service lane are defined in Section 315 of the Local Government Act 1974 and Section 43 of the Transit Act 1989][PC34]*.*

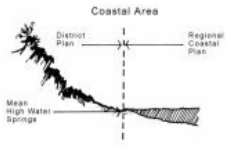
3.8 Coastal Issues

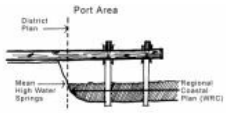
3.8.1 Mean High Water Springs

3.8.1.1 The Natural and Urban Coast

The line of Mean High Water Springs (MHWS), as defined in the Act, provides the demarcation line between the responsibilities of the Wellington City Council and the Wellington Regional Council for the use, protection and development of the coastal environment. The District Plan controls the landward side of this line and complements the Regional Coastal Plan in the management of activities that span MHWS.

Often the coastline is highly modified within the urban area, particularly within the harbour limits, by sea walls and roads. New developments on the sea bed are controlled by the Regional Coastal Plan.





3.8.1.2 The Operational Port and Lambton Harbour

The areas that encompass the operational Port and Lambton Harbour are recognised as being development areas with the potential to impact on both the harbour and central city environments. Any reclaimed land within these areas falls under the jurisdiction of the Wellington City Council under its District Plan. However, areas on wharves seaward of the line of mean high water springs fall within the coastal marine area, and their use and development is controlled by Wellington Regional Council's Regional Coastal Plan. As the major wharves are essentially extensions of the land area, the two councils are working closely together to ensure consistency in administration of the coastal environment.

This may involve the transfer of functions or powers from Wellington Regional Council to Wellington City Council for administration of "land use" activities on major wharf structures. Control of other activities involving the disturbance of the seabed and discharge of contaminants will remain with the Wellington Regional Council.

3.8.2 Reclamation And Declamation

Where land is, or has been, created by reclamation under a rule in a Regional Plan, any activity associated with the future use of the reclaimed land is assessed against the rules for the adjoining area and the effects on the surrounding area. Where the reclamation adjoins two or more areas, Council will determine which area's rules apply, taking into account activities in the surrounding area.

Where land is proposed to be removed by declamation (the opposite of reclamation), the effects of the loss of land are controlled jointly by the Wellington Regional Council through its Regional Coastal Plan and Wellington City Council through its District Plan.

3.9 Construction Standards for Strategic Public Utilities

The Council maintains a Code of Practice for Land Development covering road, sanitary, stormwater and water supply design and construction. The code provides strategic standards, engineering specifications and general guidance to ensure that infrastructure to be constructed by applicants but proposed to become the responsibility of the Council, is constructed to the satisfaction of the Council. In these circumstances, applicants will therefore need to comply with the Council's requirements as set out in the Code, despite the Code not being incorporated into the Plan. Otherwise the infrastructure will not be accepted by the Council, nor would connection be authorised into existing Council infrastructure.

The Code is substantially based on accepted design and construction practice. However, the Council wishes to encourage innovative design and construction practice provided this achieves the outcomes sought, and will accordingly administer the Code with flexibility and sensitivity depending on site specific circumstances.

The City Bylaws specify construction standards for road, sanitary, stormwater and water supply design and construction where this infrastructure will be retained privately.

3.10 Definitions

The following definitions are in addition to those contained within the Act.

ACCESSORY BUILDING:

means, in relation to any site, a building or structure,
[including a fence or wall,] [PC6] the use of which is incidental to any lawful activity under the Act or use on that site. [An accessory building may be be either a separate building or structure or joined to another building or structure.] [PC6]

ACCESS LOT:

means any separate lot used for access to a lot or to lots having no legal frontage.

[However, if that area of land is:

• 5m or more wide, and
• not legally encumbered to prevent the construction of buildings,

it is excluded from the definition of access lot.] PC6

ACCESS STRIP:

means [an access leg or] PC6 an area of land [defined by a legal instrument, providing access to a site or sites, or [within the above meaning, an area of land is an access strip if:

• it is less than 5m wide, or
• it is 5m or more in width and is encumbered by a legal instrument, such as a right-of-way, that prevents the construction of buildings.] PC56

ACT, THE:

means the Resource Management Act 1991 and includes any amendments.

[ADDITION AND ALTERATION (for the purposes of Rule 17.2.5):

includes:

(i) any work which involves the addition, alteration or removal and replacement of walls, windows, ceilings, floors or roofs, either internally or externally;

but does not include:

(ii) work which is repair or maintenance; and

(iii) the partial or total demolition of any building within the scope of rules 5.3.6 or 5.4.2.] PC37 and PC 43

AIRCRAFT OPERATIONS:

means the engine runup, taxi-ing, take-off or landing at an airport of an aircraft, and "operate" has a corresponding meaning.

[AMATEUR RADIO CONFIGURATION:

means the antennas and associated supporting structures which are owned and used by Licensed Amateur Radio Operators.] PC74

[AMENITY OPEN SPACE:

means outdoor open space that provides for the amenity of the occupants of a household unit. The open space must be immediately adjacent to the unit to which it relates and be for the exclusive use of the occupiers of that unit.]PC72

ANCILLARY RETAIL:

means a retail activity that is ancillary to the principal activity within the building or site, and comprises less than 10% of the total gross floor area of the building or site, whichever is the lesser.

ANTENNA:

means [the part of a radio communication facility or telecommunication facility used or intended for transmission or reception including the device mountings but not any supporting mast or similar structure. There are a wide variety of devices that meet the intent of this definition including dishes, panels and aerials (ie. an array of wires, rods or tubes) where any part of it is greater than 70mm diameter (not including the aerial mountings). Excluded from this definition are devices used in amateur radio configurations, devices used only for TV reception (NB: these covered by the area based rules) or any other devices that are less than 150cm². The definition includes the device's mountings (including any head arrangement) and radio frequency unit or similar device, but not any shroud, if there is one, or any mast.] PC74 The diameter or area of an antenna means:

• In relation to any panel antenna or any other type of antenna that has a length and a width, the area measured by calculating the largest surface area

• In relation to any other antenna, the diameter measured by taking the cross-section of the widest part of the antenna.

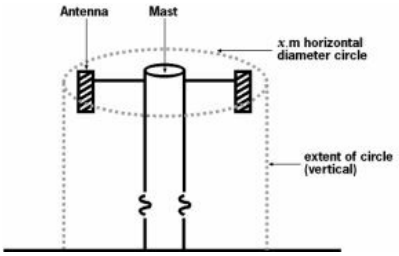
Provided that the mountings of any antenna and any radio frequency unit or similar device is not included in the measurement of area or diameter of each antenna, provided that the radiofrequency unit or similar device is smaller in area or diameter than the antenna itself. (Note: any antenna only need meet the area or diameter measurement, as appropriate to the type of antenna, and the measurement is of each individual antenna and is not a cumulative measurement.)

The requirement that antennas and aerials attached to a mast are to be located within a x m horizontal diameter circle means:

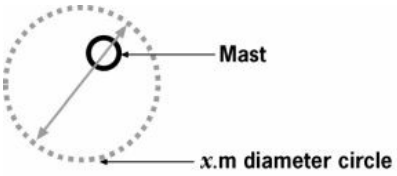
• if there is a requirement that the horizontal diameter circle is measured through the centre of the mast, or centred on the mast, it means that all antennas, aerials and mountings must be located within the horizontal diameter circle stipulated

• where there is no requirement that the horizontal diameter circle is measured through the centre of the mast, all antennas, aerials and mountings attached to the mast must be located within a x m diameter horizontal circle. For the avoidance of doubt all antennas, aerials and mountings must be located within a single circle but there is no requirement for the mast to be located within that circle.

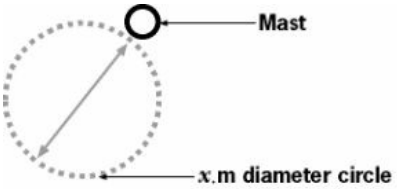
For Illustration Purposes Only:



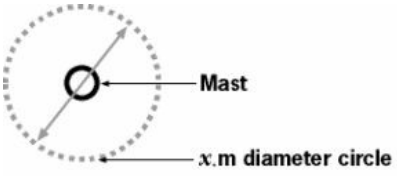
Horizontal Diameter Circle (Side Elevation) Centred on Mast.



Horizontal Diameter Circle (Plan View) – not centred on mast (Mast Located within circle)



Horizontal Diameter Circle (Plan View) – not centred on mast



Horizontal Diameter Circle (Plan View)

[ARCHITECTURAL FEATURE:

means any feature on a building's façade/exterior, either integral or applied, which helps to 'sub-divide' the facade and provides visual interest and a sense of relief and façade detail. Architectural features include windows, bays, balconies, columns, pilasters, cornices, parapets and corners, pediments, verandahs, string courses, balustrades, arches, any projections or recesses (linear, vertical or horizontal), corbels, gargoyles, decorative detail, exposed structure, and other existing identification signage.] PC48

[ATTACHED LINE:

see definition of line] PC14

AUTOMOTIVE AND MARINE SUPPLIER:

means a business primarily engaged in selling automotive vehicles, marine craft, and associated parts and accessories for such vehicles and craft.

BOARDING HOUSE:

means a residential building [containing seven or more bedrooms providing accommodation for people]PC72 other than members of the family of the occupier or person in charge or control of the building. It does not include hotels, motels, a building forming part of a camping ground, motor camp or other premises where residential accommodation for five or more travellers is offered at a daily tariff or other specified time.

BUILDING:

means an enclosed structure built with a roof and walls.

BUILDING IMPROVEMENT CENTRE:

means any premises used for the storage, display and sale of goods and materials used in the construction, repair, alteration and renovation of buildings and includes builders supply and plumbing supply centres, furniture and furnishings, and home and building display centres.

[BUILDING MASS (VOLUME):

means the total mass of building that may be erected on a site in the Central Area. Mass is measured (in cubic metres) from the exterior faces of exterior walls. Mass includes all enclosed portions of the building that are located above the assessed ground level. Enclosed portions means any part of the building that can be closed off from the outside environment, but does not include:

• open decks or recessed balconies, or

• space not more than 500mm deep between the inner and outer glazing of a double-skin façade, or

• roof top architectural features (excluding the volume of plant and functional plant spaces, or other occupied space), or

• architectural features, including structure, that protrude past the glass line of the facade.

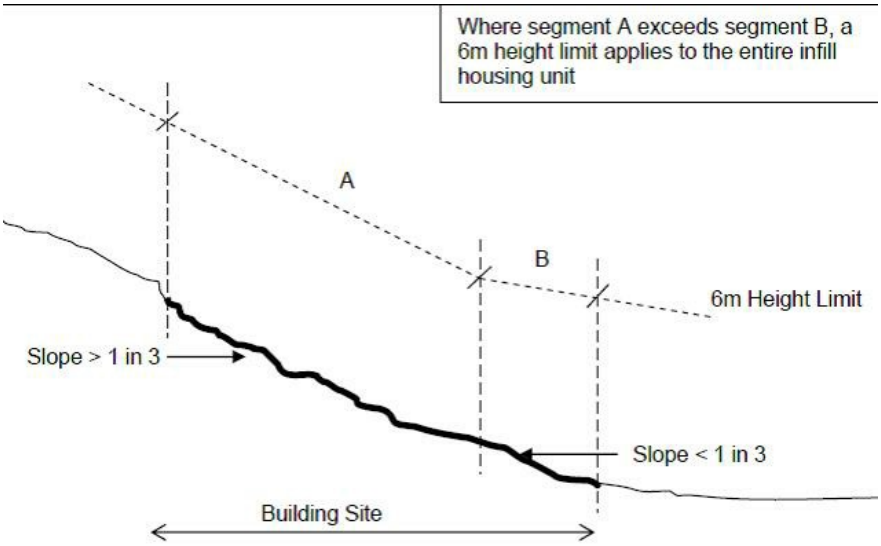
When calculating mass for the purposes of additions and alterations to an existing building, any building mass that falls below the assessed ground level of the site shall be exempt from the mass calculation.] PC48

[BUILDING RECESSION PLANE

means the three dimensional plane(s) used to manage the height and location of buildings and structures in relation to the ground level and boundaries of the site on which they are located.]PC72

BUILDING SITE (FOR THE PURPOSE OF CHAPTER 5):

means the area proposed to be used for the construction of new building works. Specifically it is the footprint of the proposed building works plus 2m (or less if the site boundary is within that 2m). The slope of the building site is determined by the longest section of sloping ground on a building site that falls at the same angle (this measurement is taken from the lowest to the highest point across the building site for each slope with the same gradient). The longest section of slope is measured horizontally, from where the slope of the same angle starts to where it finishes, and excludes any vertical bank or wall less than 1.5m in height.]PC72



BUILDING SUPPLIER:

means a business and associated premises used for the display and sale of goods and materials used in the construction, repair, alteration and renovation of buildings, including plumbing, electrical and building supplies.

CAR RACE STREET EVENT:

means a motor vehicle race including practice sessions, run as a temporary activity.

CLEANFILL:

means an area used for the disposal of exclusively inert, non-decomposing material into or onto land.

COMMERCIAL ACTIVITY (FOR THE PURPOSE OF THE CURTIS STREET BUSINESS AREA):

means activities occurring within premises used or intended to be used primarily for selling, promoting, supporting or hiring services. This includes financial, research, office, administration, processing, manufacturing, industrial and other business activities. This definition does not include retail activities.

[[COMMERCIAL SEX ACTIVITIES:

means activities occurring within premises used or intended to be used primarily for exposing, selling, promoting or hiring goods or services related to sexual behaviour; and

(a) to avoid any doubt includes activities associated with strip clubs, rap parlours, peep shows, lap dancing bars, escort agencies, adult bookshops, adult video shops, adult cinemas, sex shops; but

(b) does not include activities associated with hospitals, healthcare services, chemists, community welfare facilities, or premises where therapeutic massage is offered and which are not]PC2 brothels in terms of the Prostitution Reform Act 2003.]PC63

CONCEPTUAL BOUNDARY:

means a line 20 metres from the wall of any building or from any land directly occupied by the activity. If the site boundary is closer to the building or activity, the conceptual boundary definition does not apply.

CONSERVATION ACTIVITY:

means any activity which maintains or enhances
ecological values and includes recreation activities but does not include any activity otherwise specified in Chapter 19 of this Plan as a Permitted, Controlled or Discretionary Activity.

[CONTAMINATED LAND:

Has the same meaning as in the Resource Management Act 1991. For sites on the Wellington Regional Council's Selected Land Use Register, it is limited to that part of a site(s) that is identified as being contaminated and is registered as:

• Contamination confirmed (report provided)

Contaminated land does not include land identified on the Wellington Regional Council's Selected Land Use Register as:

• Contamination acceptable / managed / remedied unless the contamination levels are not acceptable for the proposed land use; and / or where development is proposed that may compromise the integrity of any methods or procedures to control access and contact to the contaminant.

• Verified history of HAIL (Hazardous Activities and Industries List)

• Unverified history of HAIL (Hazardous Activities and Industries List)

• No identified contamination

• Entered onto register in error] PC69

CONTEXT ELEMENTS:

means, in relation to a Viewshaft, the components that surround focal elements and provide the setting for those elements. They provide the overall context for the view.

CONTINUUM ELEMENTS:

means those components that traverse views (usually horizontally) and break up the view into discrete segments such as but not limited to horizons, water lines, edges to housing area, and ridgelines.

COUNCIL:

means the Wellington City Council or any committee, subcommittee or person to whom the Council's powers, duties and discretions under the Act have been delegated.

CRITICAL FACILITY:

means those network elements that are essential to the functioning of key disaster response systems. This includes, but is not limited to, buildings that (a) house emergency services (ambulance centres, police stations, fire stations), (b) are crucial to the provision of lifeline utilities (power substations, water and sewerage pumping stations) or (c) offer a service that is likely to become a high priority during an emergency (medical centres).

CUT HEIGHT:

means the maximum height of the earthworks cut at any time, measured vertically and includes any working cut height during the course of the earthworks.] PC70

[DEMOLITION (FOR THE PURPOSE OF RULE 5.3.6 - PRE-1930 BUILDINGS IN THE INNER RESIDENTIAL AREA – REFER APPENDIX 1, CHAPTER 5) in relation to any building built prior to 1930 (or for which approval for construction was granted before 1930):

means
- the removal, destruction or taking down of the "primary form" of any building, or
- additions and alterations (including partial demolition) that are so substantial that the 'primary form' of the building is rendered illegible; or
- the removal, destruction or taking down of architectural features or elements on the "primary elevation(s)" of any building.

It does not include any work that is permitted as 'repair or maintenance'.]PC72

DEMOLITION AND PARTIAL DEMOLITION FOR THE PURPOSES OF RULE 5.4.2 (THORNDON CHARACTER AREA) [AND RULE 17.2.5 (CHEST HOSPITAL HERITAGE AREA)] PC37:

means the removal, destruction or taking down of any structure, item or object either in total or in part, except, in the case of a building, where that is permitted as "repair and maintenance", or where it is within the definition of "additions and alteration".

DISCRETIONARY ACTIVITY (RESTRICTED):

means a Discretionary Activity in respect of which Council has restricted the exercise of its discretion to those matters specified in the District Plan.

DISCRETIONARY ACTIVITY (UNRESTRICTED):

means a Discretionary Activity in respect of which Council has not restricted the exercise of its discretion.

DISPLAY WINDOWS:

means windows which permit the public to view display space [or activities] PC48 within a building.

[DRAINAGE RESERVE:

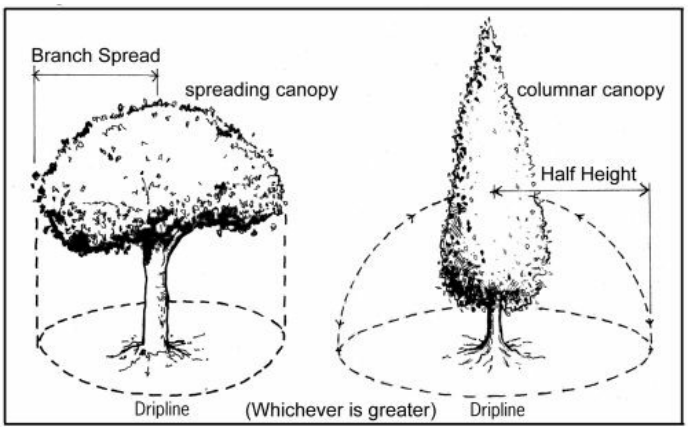
an area of land, set aside as a separate lot, for public water supply or public drainage purposes.] PC6

DRIPLINE (OF A TREE):

means the greater of:

(i) the line formed when a vertical line from the outermost extent of the spread of a tree's branches or canopy meets the ground; or

(ii) the line formed at a radius of half the height of the tree measured from the base of the trunk.



EARLY CHILDHOOD CENTRE:

means premises used for the care or education or welfare of four or more children under the age of seven, including but not limited to Kindergartens, Playcentres, Kohanga Reo, Licensed Childcare Centres, Day Nurseries and Creches.

EARTHWORKS:

means the removal, relocation or deposit of earth (which
includes any substance constituting the land such as soil, clay and rock) from a natural or constructed land formation and [excludes] PC70, topsoil [mining] PC70, turf farming, ground cultivation, [gardening, grave digging, maintenance of sports fields, cleanfills, landfills, quarrying, archaeological excavations, piling and trenching.] PC70

[EDUCATION ACTIVITY:

means the use of land and/or buildings for the provision of regular instruction or training in accordance with a systematic curriculum by suitably qualified instructors and includes their ancillary administrative, boarding/residential accommodation, religious, sporting, social and cultural activities, and also includes pre-schools.]PC72

EDUCATIONAL SERVICES:

means but is not limited to academic, vocational, technology and design based education training and research. [In relation to the Karori Education Campus]PC72 and for the purposes of stating the primary functions of the Mount Cook Precinct in 8.1.1 of Institutional Precincts means but is not limited to tertiary (higher) education; all forms of research (pure and applied); community service, technology transfer, and extension; and business and social services related to the education and research activities of the institution and encompassing all such activities consistent with the function of a modern university.

[ENERGY CONSERVATION:

a reduction in energy use.

ENERGY EFFICIENCY:

a change to energy use that results in an increase in net benefits per unit of energy.] PC32

[ENVIRONMENTALLY DAMAGING SUBSTANCES:

Substances that are not intrinsically hazardous but may cause adverse effects if discharged into the environment in large quantities e.g. oxygen depletion in waterways from substances with high organic contents such as milk, wine, soft drinks etc.] PC35

ESPLANADE LAND:

means land alongside a waterbody that may be taken as part of a subdivision to be held as esplanade reserves or esplanade strips.

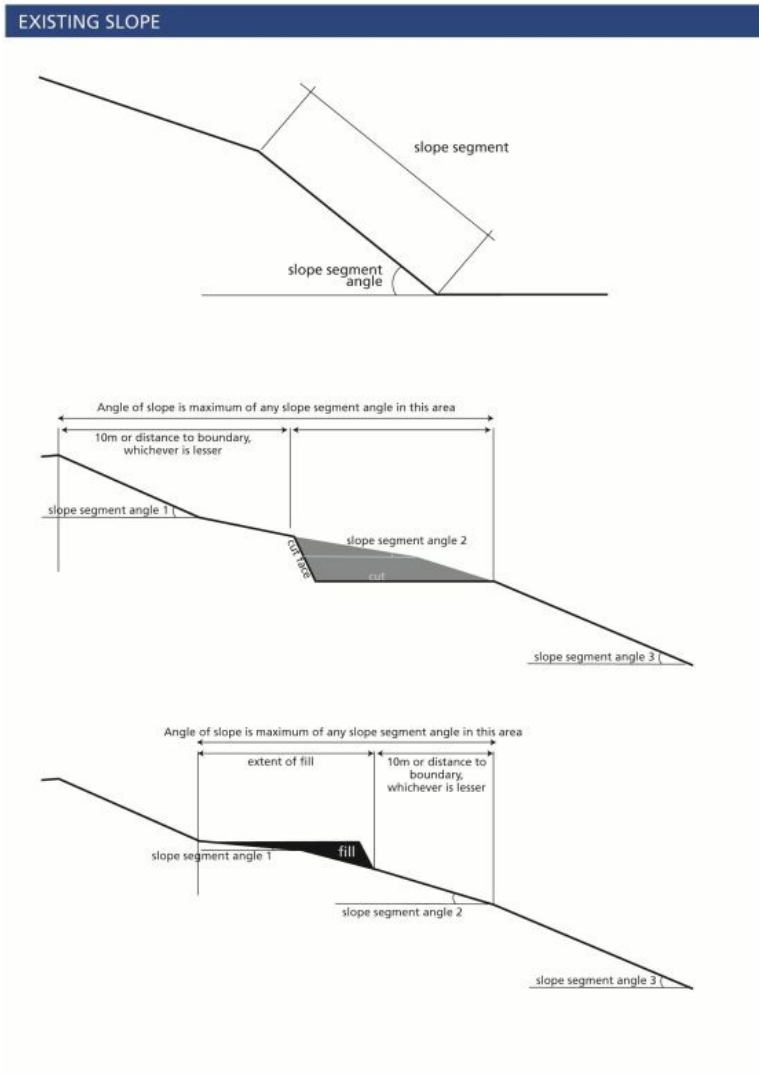
[EXISTING SLOPE ANGLE [for the purpose of Chapters 29 and 30 (Earthworks)] PC70:

means the maximum slope segment angle of all slope segments.

For a Cut – slope segments are measured (on a horizontal plane);
– within the extent of the cut; and
– uphill of the cut, the distance to the boundary or 10m which ever is the lesser.

For a Fill – slope segments are measured (on a horizontal plane);
– within the extent of the fill; and
– down hill of the fill, the distance to the boundary or 10m
which ever is the lesser.

A slope segment is a segment of sloping ground that falls generally at the same angle to the horizontal (slope segment angle).] PC70



[EXTERNAL SOUND INSULATION LEVEL ($D_{nT,\ w} + C_{tr}$):

means the standardised level difference (outdoor to indoor) and is a measure of the airborne sound insulation provided by the external building envelope (including windows, walls, ceilings and floors where appropriate) described using $D_{nT,w} + C_{tr}$ as defined in the following Standards:

ISO717-1:1996 * *Acoustics – Rating of Sound Insulation in Buildings & Building Elements* using spectrum No.2 (A-weighted traffic noise spectrum).

ISO 140-5:1998 *Acoustics - Measurement Of Sound Insulation In Buildings And Of Building Element, Part 5: Field Measurements Of Airborne Sound Insulation Of Facade Elements And Facades*.

* This Standard is also known as AS/NZS1276.1:1999 Acoustics-Rating of sound insulation in buildings and of building elements Part 1: Airborne sound insulation

The term “external sound insulation level” is used in this Plan primarily as a calculated value to demonstrate compliance with the stated minimum

standard of acoustic isolation against sounds arising from outside the building. If field testing of built structures is employed to verify predictions, these tests shall be carried out using ISO 140-5:1998 *Acoustics - Measurement Of Sound Insulation In Buildings And Of Building Elements Insulation Of Facade Elements And Facades.*] PC23

FACTORY FARMING:

means any process of production of primary produce where the predominant processes are carried out within buildings, including but not limited to, poultry farms, piggeries and mushroom production, but not including glasshouse horticulture.

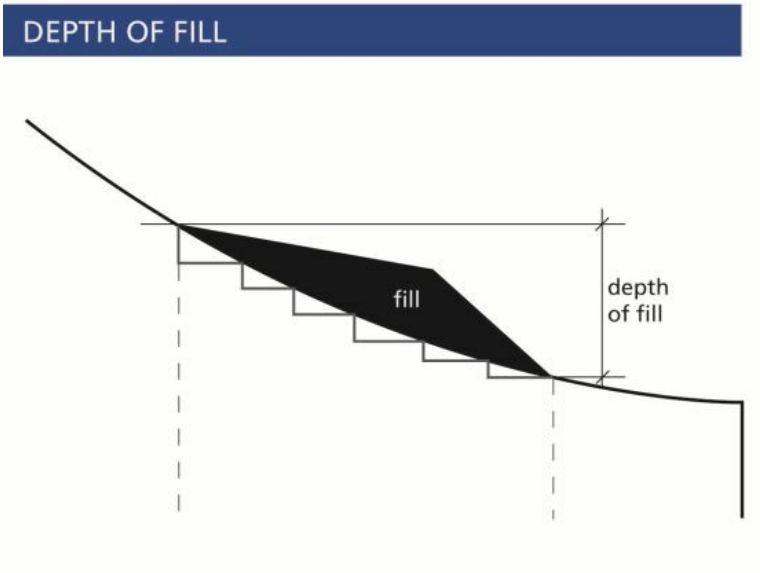
FARMING AND AGRICULTURAL SUPPLIER:

means a business primarily engaged in selling goods for consumption or use in the business operations of primary producers or in animal husbandry.

[FILL DEPTH:

means the maximum depth of the fill at the completion of the earthworks, measured vertically from the highest point on the top of the fill to the bottom of the fill placement.] PC70

Depth of Fill



[FIXED PLANT:

means plant that is permanently or temporarily located and
operated at any location and includes mechanical and building services equipment such as equipment that is:

• required for ventilating, extracting, heating, cooling, conditioning, and exhaust either of buildings or commercial activities;

• associated with boilers or plant equipment, furnaces, incinerators or refuse equipment;

• electrical equipment, plumbing (including pumps), lift or escalator equipment; or

• similar plant, equipment, items, rooms or services.] PC48

FLOOD HAZARD AREA:

means the area of land which would be inundated during a 1 in 100 year flood event.

(NB: there are other flooding hazards which have not been mapped).

FOCAL ELEMENT:

means, in relation to a viewshaft, one of a number of components that are the primary purpose for the view. Focal elements are the outstanding element that a view focuses on.

GARDEN AND LANDSCAPING SUPPLIES:

means a business primarily engaged in selling goods for permanent exterior installation or planting and includes: landscaping suppliers; and suppliers of bark, compost, firewood, and paving and domestic paving aggregates.

GOAT FARMING:

means the keeping of 10 or more goats on a single site.

GREENFIELD SUBDIVISION:

means new subdivisions, usually on the periphery of the urban area, that create new residential or urban areas from land that was previously rural or open space land. Areas are deemed to be residential or urban where the average lot size excluding any balance area is less than the minimum area specified in Rule 15.4.5.

GROSS FLOOR AREA:

means the sum of the gross area of the floor or floors of a building or buildings (including any void area in those floors, such as a lift or service shaft) measured from the exterior faces of exterior walls, or from the centre line of walls separating two buildings.

GROSS FLOOR AREA (FOR THE PURPOSE OF ANY RETAIL ACTIVITY):

means the total cumulative gross floor area of a retail activity or integrated retail development. It does not include floor area occupied by car parking areas, loading and servicing facilities, shared pedestrian areas, toilet and building maintenance facilities, and areas not available for lease.

[GROUND LEVEL (ASSESSED) (FOR THE PURPOSES OF CALCULATING BUILDING MASS IN THE CENTRAL AREA):

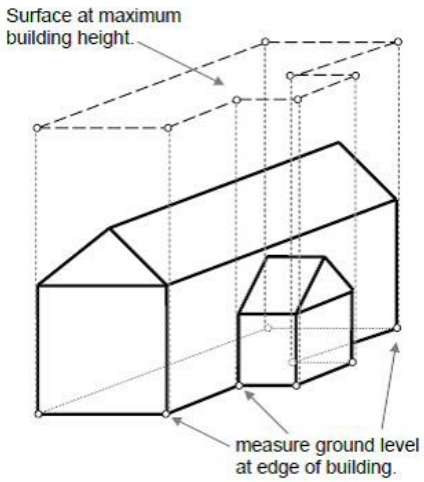
means the average ground level across the site, calculated by measuring the height of each corner of the site (measured in metres above mean sea level) and using these heights to calculate the mean average ground level. For corners abutting legal road or other public space the height shall be taken to be the ground level of the road or public space. In the event that it is not possible to physically measure the ground level at each corner of the site the one metre contour data held by Council shall be used to determine the approximate height of each corner.] PC48

GROUND LEVEL FOR THE PURPOSE OF MEASURING BUILDING HEIGHT:

means the existing ground level directly below the portion of building being measured. When measuring ground level under an existing building (for the purposes of calculating maximum height), the ground level will be taken as either:

- the existing ground level where this can be ascertained; or

where the existing ground level cannot be ascertained, an assessed ground level will be used to measure maximum height. Maximum building height will be calculated by measuring ground level at various points along the outside edge of the existing building and projecting these vertically to the maximum permitted building height applying to the site. The maximum height will then be defined by linking these points together to form a surface across the existing building that follows the slope of the ground. There is no maximum number of points that may be used to define the height plane, but as a minimum the calculation must include one point at every corner of the existing house.



[GROUND LEVEL FOR THE PURPOSE OF MEASURING RECESSION PLANES:

means the existing ground level at the boundary of the site. Where a retaining wall or retaining structure is located on the boundary the ground level shall be taken from the front surface of the retaining wall/structure at the boundary.]PC72

[GROUND LEVEL OPEN SPACE (FOR THE PURPOSE OF CHAPTERS 4 AND 5):

means an area of on-site open space provided at ground level. In some areas ground level open space may be provided as either private or shared open space. **Private Ground Level Open Space** means open space that adjoins the unit to which it relates and which is for the exclusive use of the occupiers of that unit. **Shared Ground Level Open Space** means open space that is provided on-site but which is not for the exclusive use of any specific occupier. Shared open space may be provided in more than one area on site.]PC72

[HABITABLE ROOM:

in any of the categories of activity referred to in the definition of 'noise sensitive activity', means a space within a building that is commonly associated with domestic living [. Within the airnoise boundary depicted on Map 35, habitable room also means a classroom used for teaching purposes or a sleeping room associated with an early childhood centre, any hospital, rest home, hospice, respite facility or any other activity with the primary purpose of care for the infirm. But in all areas it]PC72 excludes any bathroom, laundry, water-closet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, any room in an early childhood centre not used for sleeping, [any enclosed swimming pool, hall, theatre, gymnasium,]PC72 or other space of a specialised nature occupied neither frequently nor for extended periods of time.]PC23

HAZARDOUS FACILITY:

any [building, structure or activity on a site, or part of a] PC35 site where hazardous substances are stored, used, handled or disposed.

[HAZARDOUS SUB-FACILITY:

a hazardous facility on part of a site that is separated by more than 30m from another hazardous facility on the same site.] PC35

HAZARDOUS SUBSTANCE:

has the same meaning as defined by S2 of the Hazardous Substances and New Organisms Act 1996.

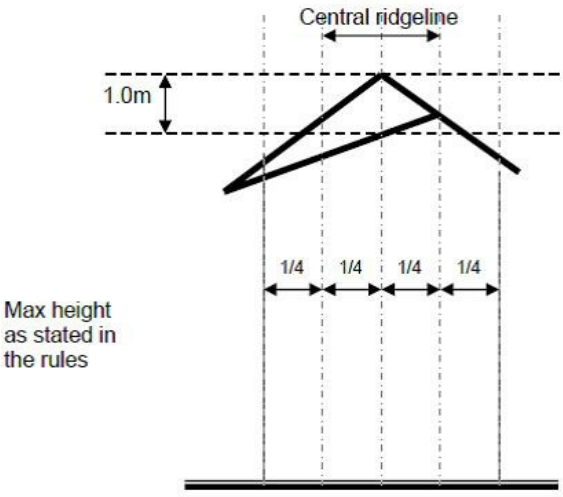
HAZARD AREA:

means an area of land subject to one or more hazards specifically identified on the District Plan Maps.

HEIGHT:

means in relation to a building [or structure] PC6 the vertical distance between any part of [that] PC6 building [or structure] PC6 and the ground level [immediately below,] PC6 or mean sea level where specified [in this plan. This calculation is subject to:

• in Residential and Rural Areas an additional 1m can be added to the maximum height (stated in the rules) of any building with a roof slope of 15 degrees or greater [(rising to a central ridge or peak)]PC72 as illustrated on the following diagram:



(though this allowance shall not apply in the Oriental Bay Height Area)

• the calculation of ground level in relation to any building or structure built lower than the existing ground level is outlined in the definition of 'ground level'] PC6

• where height is measured in relation to storeys, the maximum floor to floor height per storey is 4.2 metres, except that the ground floor may have a maximum height of 6 metres

• in all cases, chimneys, flues, ventilation shafts, [light tubes,]PC72 aerials, [satellite dishes, skylights,]PC72 spires, flag-poles or other decorative features, [that do not exceed 1 metre in any horizontal direction,] PC6 shall be excluded from the measurement of height.

• [no account shall be taken of solar panels or solar hot water systems (and associated hardware) provided that the panels do not protrude more than 500mm from the surface of the roof and the total area of solar panels does not exceed 10 square metres.]PC72

[HERITAGE AREA:

means a defined area, listed in the schedule of heritage areas, that is characterised by a concentration and continuity of sites, buildings, structures, objects and/or landscape characteristics that are united in their reflection of historic, cultural, social, industrial, spiritual, architectural, archaeological, political or other values that should be protected from inappropriate subdivision, use and development.

A heritage area may include individually listed heritage buildings and objects, as well as buildings and objects that have not been individually listed but have heritage values that contribute to the overall values of the area.] PC43

HERITAGE ITEMS:

buildings, objects, areas, trees and sites of significance to tangata whenua or other Maori that are listed in the Plan.

HIRE SERVICES:

means a business engaged in the direct hire of equipment to the public, excluding the hire of books, DVDs and videos.

HOTEL:

means any premises used principally for the provision to the public of:
- residential accommodation offered for a daily tariff; and
- liquor, meals and refreshments for consumption on the premises.]PC72

HOUSEHOLD UNIT:

means [a home or residence that:

• is a self-contained unit; and

• includes kitchen and bathroom facilities of any nature; and

• is physically separated, or capable of being separated, from any other household unit.] PC6

[IDENTIFIED NON-HERITAGE BUILDING OR STRUCTURE:

means any building or structure identified as such in a heritage area.] PC43

[IDENTIFIED RIDGELINES AND HILLTOPS:

means all of the land [within those areas identified as ridgelines and hilltops in the overlay on the planning maps.

Note: In 2001Council undertook a city wide study (Wellington's Ridgetops an Hilltops: The Natural Amenity Values, Boffa Miskell) to identify which ridgetops and hilltops should be afforded greater protection than less prominent ridgetops and hilltops. The City Council adopted an overlay of "identified ridgelines and hilltops' on the District Plan Maps.

The 2001 study was not an outstanding natural features and landscapes study. It did not focus on landforms such as coastal escarpments, shore platforms, coastal headlands or other important landscape features. While visual values were the primary factor in determining the identified ridgetops and hilltops other natural, recreational and heritage values were also recognised. Rules and assessment criteria specifically applicable to activities within the overlay apply in the Rural Area and a resource consent for a discretionary activity (unrestricted) will be required for buildings, structures and earthworks in these areas. The ridgelines and hilltops overlay also applies within areas of Open Space, Conservation and Residential and specific assessment criteria have been included in the relevant discretionary (unrestricted) rules.] PC33

INDIGENOUS VEGETATION:

means any species or generic variants of plants found naturally in New Zealand.

[INFILL HOUSEHOLD UNIT:

for sites less than 800 [square]PC72 meters in the Outer Residential Area means:

• In relation to a site already containing one household unit, the second unit on the site where it is located outside the footprint of the existing unit (ie. the site coverage of the household units will increase as a result of the proposed second unit)

• In relation to a vacant site, where the proposed development results in two household units, the unit nominated by the applicant.] PC56

INTEGRATED RETAIL DEVELOPMENTS:

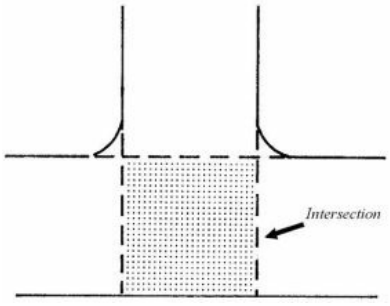
means an individual retail development, or a collection of any two or more retail activities that are developed and operate as a coherent entity (whether or not the activities are located on separate legal titles), and share one or more of the following:

- servicing and/or loading facilities;
- vehicle and/or pedestrian access;
- car parking;
- public spaces and/or facilities.

This definition includes shopping malls and large-format retail parks, but does not include trade supply retail, wholesale retail, yard-based retail or building improvement centres.

[INTERSECTION:

in relation to two or more intersecting or meeting roadways, means that area contained within the prolongation or connection of the lateral boundary lines of each roadway, as shown in the diagram, but if two roadways
running parallel are separated only by a traffic island or a median less than 10 metres wide the roadways must be regarded as one roadway.] PC48



LANDFILL:

means an area used for the disposal of waste (including inert material) into or onto land.

LARGE FORMAT RETAIL:

means any individual retail activity exceeding 450m^2 gross floor area.

LIFELINES:

means those services, linkages and infrastructure which the
community depends on to function and develop. These include water supply, drainage (sanitary and stormwater), gas, electricity, telecommunications, broadcasting, transport (road, rail, sea and air), fire, police, and ambulance.

[LIGHT ROOF:

means a roof with roofing material (cladding and any sarking), having a mass not exceeding 20kg/m² of roof area. Typical examples are steel, copper, and aluminium roof claddings of normal thickness, 6mm thick cellulose cement tiles, 6mm thick corrugated cellulose cement, and the like, without sarking.] PC22

[LIGHT WALL CLADDING:

means a wall cladding having a mass not exceeding 30kg/m². Typical examples are weatherboards.] PC22

LINE:

as used in Part 23 of the Plan: Utility Rules means a wire or wires or a conductor of any kind (including a fibre optic or other cable) used or intended to be used for telecommunication; or the conveyance of electricity and includes any pole, support structure, pole mounted transformer, overhead substation, insulator, casing,
minor fixture, tunnel or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any such wire or conductor; and
also includes any part of a line. Any reference to 'overhead line' includes any line above ground. [Any reference to 'attached line' is any wire or wires or conductor of any kind, located above ground, that is fully attached to the exterior of a building or structure.] PC14 [Lines as part of an amateur radio configuration are excluded.] PC74

[LISTED HERITAGE BUILDING:

means a building listed in the schedule of buildings and for each building means the whole of the exterior of the building, unless otherwise described in the list.] PC43

LOADING AREA:

means that part of a site within which all vehicle loading facilities required under this Plan or otherwise provided, are accommodated and includes all loading spaces and manoeuvring areas.

[MAIN ELEVATION

means any façade or facades that constitute the primary visual and functional orientation of the building or tenant space, characterised by a combination of such features as principal entry, decorative detailing, shop front and visibility from streets or parking areas.] PC43

[MANAGEMENT OF CONTAMINATED LAND:

means limiting the exposure of people or environmental receptors to a hazardous substance by using various methods and/ or procedures to control access and contact to the contaminant.] PC69

MAST:

means any pole, tower or similar structure, which is fixed to the ground (and not on a building or structure) and is designed to carry aerials, antennas or other utility network apparatus, but does not include any line[, or support structures used as part of an amateur radio configuration.] PC74 .

MEAN HIGH WATER SPRINGS (MHWS):

means the average of each pair of successive high waters during that period of approximately 24 hours in each semi-lunation when the range of tides is the greatest.

[MINOR ADDITIONS AND ALTERATIONS TO BUILDINGS (FOR THE PURPOSES OF THE LAMBTON HARBOUR AREA RULE 13.3.5)

means:
• additions and alterations that do not add more than 10% to the height of the existing building
• additions and alterations that do not extend the footprint of the existing building by more than 5%
• additions and alterations that do not involve the total or partial demolition, destruction or removal of any listed building or listed façade or other listed element of a building.
• additions and alterations that do not result in an additional floor beyond the existing building envelope but does not include additions and alterations to the interior of buildings.] PC48

[MINOR RURAL STRUCTURE:

means a structure associated with rural activities including fences of any height and other structures under 1.8 metres in height.] PC33

MINOR UPGRADING:

for the purposes of rule 23.1.3 means an increase in the carrying capacity, efficiency or security of electricity and telecommunication lines, which utilise the existing or replacement support structures and includes:

(1) the reconductoring of the line with higher capacity conductors

(2) the resagging of conductors

(3) the addition of longer and more efficient insulators

(4) on electricity lines above a carrying capacity of 66kV, the addition of earth wires which may contain telecommunication lines, earthpeaks, and lightning rods

(5) the replacement of an existing line with another line

(6) the addition of a polemounted transformer up to 200kVA no greater than .3m 3 in Areas where there are existing overhead 11kV lines as at 27 July 1994 and other overhead electricity reticulation line equipment no greater
than .3m 3 where they are located on support structures.

Provided that the effects of the work in items (1) to (5) have the same or similar character and scale.

Except as provided above minor upgrading shall not include:

(1) the addition of circuits, conductors, lines or utility structures

(2) an increase in the voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage

(3) an increase in the diameter of any individual wire, cable, or other similar conductor that exceeds 30mm, or the bundling together of any wire, cable, or other similar conductor so that the bundle exceeds 30mm, provided that this exclusion does not apply to electricity lines above a carrying capacity of 66kV.

MULTI-UNIT DEVELOPMENT:

means any development that will result in:
- two or more household units on a site in the Inner Residential Area and Medium Density Residential Areas; or
- two or more household units on any Outer Residential Area site that is located within the Residential Coastal Edge area; or
- three or more household units on any other site in the Outer Residential Area.

But does not include:
- residential development within the Oriental Bay Height Area; or
- in the Inner Residential and Medium Density Residential Areas the conversion of an existing building (constructed prior to 27 July 2000) into two household units, provided the conversion will not result in more than two household units on a site.][PC72]

MURAL:

means an image, painting or drawing on a building or structure which is intended for public interest and has no direct or implied advertising, or advertising content.

NATURAL HAZARD:

means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, land slip, subsidence, sedimentation, wind, drought, fire or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.

NIGHT CURFEW EXEMPTION CERTIFICATE:

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

NOISE EMISSION LEVEL:

means the noise level measured and assessed in accordance with NZS 6801: 2008 “Acoustics - Measurement of Environmental Sound” and NZS 6802: 2008 “Acoustics - Environmental Noise”, where this Plan or conditions of consent refer to the LAeq(15min) descriptor and in accordance with NZS 6801: 1991 “Measurement of Sound” and NZS 6802: 1991 “Assessment of Environmental Sound” where this Plan or conditions of consent refer to the L(10) descriptor, except as expressly provided for in this Plan.
In addition:

• The assessment of cumulative effect of activities (with the exception of road traffic noise) shall be determined. Measurement of noise shall be made in such a way that as far as reasonably practical, the contribution of individual activities creating the noise shall be identified.

• The following activities and specific noise sources are not appropriately controlled using assessment by either NZS 6802: 2008 “Acoustics - Environmental Noise” or NZS6802:1991 “Assessment of Environmental Sound” and noise rules in this Plan, unless the rule states to the contrary:

- vehicles driven on a road (within the meaning of s.2(1) of the Transport Act 1962) or vehicular movements on any sites which are in keeping with normal residential activity

- the operation of aircraft including helicopters, at Wellington International Airport and airborne aircraft elsewhere throughout the District.

• High energy impulsive sounds such as gunfire, blasting and warning devices are not adequately controlled using assessment by either NZS 6802: 2008 “Acoustics - Environmental Noise” or NZS6802:1991 “Assessment of Environmental Sound” and noise rules in this Plan, unless the rule states to the contrary.

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

• Noise from construction, maintenance and demolition activities, including those associated with the urgent repair of utilities to maintain continuity of service, on any site or on any road shall comply with, and be measured and assessed using, the recommendations of NZS6803:1999 Construction Noise except:

- work on public highways, railways and the Airport;
- work on domestic roads where construction work will cause traffic congestion;
- in the Central Area where construction work will endanger the safety of pedestrians and the footpath cannot be closed during the day;
- in the Central Area where the best practicable option to reduce noise to a reasonable level requires construction work to be undertaken outside normal working hours.

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

• Where in noise rules in this Plan, the noise emission limit applies “at or within the boundary of any site, other than the site from which the noise is generated” then neither shall the noise standard apply at or within the boundaries of any other site included in the parcel of land that incorporates the site from which the noise is generated, provided that:
- all sites in the parcel of land are held under the same ownership or under the same management
- to be considered part of the parcel of land each site shall remain contiguous with at least one other site in the parcel that is under the same ownership.

Existing uses that are established before the Plan became notified may emit noise that exceeds the noise emission standards in the District Plan. The Resource Management Act provides for these activities to continue as long as the uses are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the proposed plan was notified. Any change to the activity that causes a worsening of the effects will require a resource consent. This does not remove the duty placed on every occupier and every person carrying out an activity to adopt the best practicable option to ensure that the emission of noise does not exceed a reasonable level.

[NOISE SENSITIVE ACTIVITY:

means

• any residential activity
• any hotel, motel or other premises where residential accommodation for five or more travellers is offered at a daily tariff or other specified time
• early childhood centres] PC23

And, within the airnoise boundary depicted on Map 35, also includes

• Any school or other learning facility; and
• Any hospital, rest home, hospice, respite facility or other activity with the primary purpose of care for the infirm.

[NON-AIRPORT ACTIVITY:

means an activity within the Airport and Golf Course Recreation Precinct which is not related to the primary function of the Airport area.] PC57

[OFFICE ACTIVITES (FOR THE PURPOSE OF THE PIPITEA PRECINCT):

means an administrative, professional, or commercial office with a total floor area of greater than 500 sq m. other than those associated with Operational Port Activities.] PC48

OFFICE FURNITURE, EQUIPMENT AND SYSTEMS SUPPLIES:

means a business primarily engaged in selling goods for office type use or consumption, and includes suppliers of computers, copiers, printers, office furniture and other related equipment.

OFFICIAL SIGN:

means all regulatory traffic and road safety signs provided for under any legislation and other directional signals and which are erected on a legal road or motorway. It also includes New Zealand Automobile Association Incorporated directional signs.

OPEN LAND:

means any land (whether or not located in Open Space A, B or C areas) which is developed for recreation or amenity activities that do not take place in buildings.

[OPERATIONAL PORT ACTIVITIES (FOR THE PURPOSE OF THE PIPITEA PRECINCT):

means activities associated with the handling, storage and transport of cargo, goods and passengers, the movement of freight, and the operation of the port.] PC48

PARKING AREA:

means that part of a site or building within which vehicle parking spaces are accommodated and includes all manoeuvring areas.

PARKING SPACE:

means an area formed and set aside exclusively for the parking of motor vehicles to meet the parking standards of this Plan. Where parking standards involve decimal places, calculated totals shall be rounded to the nearest whole number.

PLACES OF ASSEMBLY:

means any building or land used for public and/or private assembly or meeting of people and includes churches, halls, clubrooms, community centres, conference centres, chartered clubs and premises with a club licence and other similar establishments, including indoor and outdoor recreation facilities, such as gymnasiums, badminton and squash courts.

PLAN OR DISTRICT PLAN:

means the District Plan for Wellington City (operative or proposed) and includes:

• Volume 1: Objectives, Policies and Rules;

• Volume 2: Design Guides; and

• Volume 3: District Plan Maps.

[PORT NOISE AFFECTED AREA:

means the Inner Port Noise Affected Area or the Outer Port Noise Affected Area as shown on the planning maps.

PORT NOISE CONTROL LINE:

means the line at or beyond which the rules controlling the emission of noise from Port Related Activities apply and where the noise from Port Related Activities is monitored.

PORT RELATED ACTIVITIES (FOR THE PURPOSE OF RULES AND STANDARDS RELATING TO PORT NOISE):

means activities within the Operational Port Area, the Port Redevelopment Precinct and adjacent Coastal
Marine Area including the berthing, departure and movement of ships, storage and cargo handling, handling of goods and passengers, all activities associated with the
movement, storage and handling of cargo and any activities (including construction, maintenance and repair) associated with buildings, machinery and equipment used in connection with the port or its administration. Activities not directly connected to the operation of the port such as office activities, retail activities, and other non-port uses within the Operational Port Area and Port Redevelopment Precinct are excluded.] PC49

POTENTIALLY CONTAMINATED LAND:

means land that by virtue of its historical use and the types of activities previously undertaken upon it may be contaminated land. It includes land uses identified in the Ministry for the Environment's hazardous activities and industries list (HAIL) and land that is classified on the Wellington Regional Council's Selected Land Use Register as Verified and Unverified history of HAIL.] PC69

[PRIMARY ELEVATION(S) (FOR THE PURPOSE OF RULE 5.3.6):

means the elevation(s) of a building that contribute to the historical architectural character of the streetscape and neighbourhood. The primary elevation is the dwelling's most prominent and detailed elevation. Unless otherwise noted below, the primary elevation is the elevation that fronts to the street (or other formed public access). In the case of corner sites all elevations that front a street will be considered as primary elevations.

There are five areas where the buildings main elevation has been oriented away from the street towards a view or outlook. These properties (identified in Appendix 1) front onto Kenwyn Street, Tasman Street, Wright Street, Ohiro Road and Maarama Crescent. For the Tasman Street, Ohiro Road and Maarama Crescent properties both the street elevation and the rear elevation are considered to be primary elevations. For the Kenwyn Street and Wright Street properties only the rear elevations are primary elevations.

The primary elevation consists of all those features that contribute to the form and style of the building, including but not limited to:
- materials,
- detailing,
- window/wall ratios,
- architectural features and elements such as bay windows, verandahs, porches, turrets or steps.]PC72

PRIMARY FORM (FOR THE PURPOSE OF RULE 5.3.6):

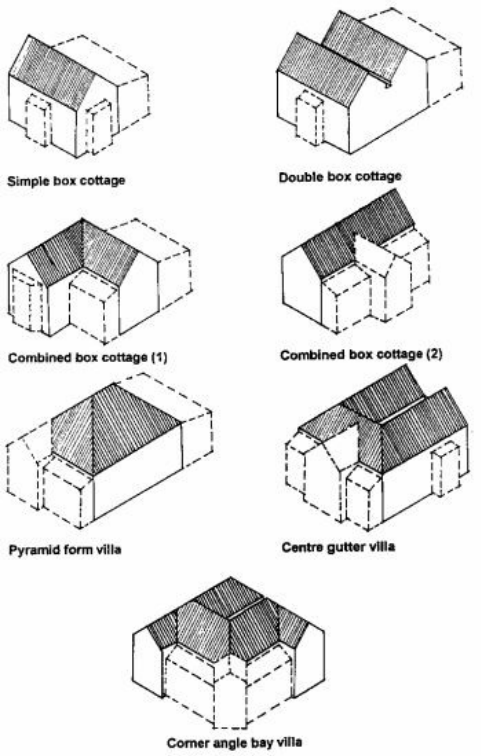
means the simple form that is central to and the basis of the dwelling. It is typically the largest identifiable form or combination of relatively equal sized geometrically simple and box-like forms.

Primary Form Diagrams

• Solid line indicates primary form

• Broken line indicates secondary or tertiary form

• Examples drawn are indicative rather than comprehensive in scope



[PRIMARY FUNCTION OF THE AIRPORT AREA:

means the transport of people and cargo by aircraft and any ancillary activity or service that provides essential support to that function. This includes, but is not limited to, aircraft operations, airport operational activities (such as runways, traffic control structures and terminal buildings), cargo warehouses and other storage facilities, airport travellers' accommodation and services, vehicle parking and servicing, aircraft catering and servicing, retail and commercial services that support airport activities (provided that such retail and commercial services are located within the Terminal Area), internal roading, access and service ways.] PC57

[PUBLIC ACCESSWAY:

an area of land, set aside as a passage way for pedestrian
access between a road, service lane, reserve, railway station or public place; and another road, service lane, reserve, railway station or public place.] PC6

PUBLIC SPACE:

means those places in public or private ownership which are available for public access (physical or visual) or leisure and that are characterised by their public patterns of use. Public spaces include, but not limited to, streets, accessways, squares, plazas, urban parks, open space and all open or covered spaces within buildings or structures that are generally available for use by the public, notwithstanding that access may be denied at certain times.

RECREATION ACTIVITY:

means any activity whose primary aim is the passive
or active enjoyment of leisure, whether competitive or non-competitive, casual or organised, (but does not include the use of motor vehicles in Conservation Sites or Open Space Areas). Recreation has a corresponding meaning.

REGIONALLY SIGNIFICANT CENTRE:

has the same meaning as in the Regional Policy Statement for the Wellington Region.

[REMEDIATION OF CONTAMINATED AND POTENTIALLY CONTAMINATED LAND:

means the process of removing, dispersing, destroying, or reducing the concentrations of hazardous substances to such low levels as to be considered acceptable for the intended land use.] PC69

REPAIR AND MAINTENANCE (FOR THE PURPOSES OF CHAPTERS 20 AND 21)

includes:

(i) [in the case of the interior of a building, any alteration or addition to or demolition of an interior element which is identified in the heritage list] PC43

(ii) any repair of a structural element that substantially preserves or recreates either the original structural appearance or the structural appearance on 27 July 1994

(iii) any repair (including the replacement of any element reasonably required to maintain the building in a sound or weather proof condition or to prevent deterioration of the building fabric) using the same materials or materials of similar texture, form profile and strength

but does not include:

(iv) in the case of a building, any other alteration of addition to or demolition of any structural element

(v) in the case of the exterior of a building, any other repair of a structural element.

And for the purposes of this definition:

["structural" in relation to any building means any facade, any exterior wall, and any roof; and] PC43

"non-structural" has a corresponding meaning.

[REPAIR OR MAINTENANCE (FOR THE PURPOSE OF RULE 5.3.6 - PRE-1930 BUILDINGS IN THE INNER RESIDENTIAL AREA – REFER APPENDIX 1, CHAPTER 5)

includes:

(i) any repair that substantially preserves or recreates the original structural appearance and materials of the buildings main elevation(s).

(ii) any repair (including the replacement of any element reasonably required to maintain the building in a sound or weather proof condition or to prevent deterioration of the building fabric) using the same materials or materials of similar texture, form, profile and strength.

but does not include:

(iii) any demolition of any structural element.

For the purpose of this definition 'structural' in relation to any building means any façade or exterior wall.]PC72

RESIDENTIAL ACTIVITY:

means the use of premises for any domestic or
related purpose by persons living in the premises alone or in family and/or non-family groups (whether any person is subject to care, supervision or not), but does not include work from home, hotels, motels, camping grounds, motor camps or other premises where residential accommodation for five or more travellers is offered at a daily tariff or other specified time.

RESIDENTIAL BUILDING:

means a building, containing [part of a household unit (for example, a sleep-out)] PC6 , one household unit or more [than one] PC6 household unit; used or intended to be used [for] PC6 a residential activity.

[RESIDENTIAL STRUCTURE:

means a structure used or intended to be used in
association with a residential activity.] PC6

[RETAIL ACTIVITIES (FOR THE PURPOSE OF THE PIPITEA PRECINCT):

means land and/or buildings from which goods, merchandise, equipment or services are sold to the public but excludes:

• premises with a total floor area of less than 250 sq m primarily used for convenience shopping

• showrooms

• takeaway (food) bars, restaurants, cafés or other eating places

• service stations, motor vehicle sales and service premises

• ferry terminals and ancillary uses.] PC48

[RETAIL ACTIVITY (FOR THE PURPOSE OF THE AIRPORT AND GOLF COURSE AND RECREATION PRECINCT):

means any activity or activities within a building involving the sale of goods, merchandise, equipment or services to the public, but excludes:

• service stations and motor vehicle service premises

• takeaway food bars, restaurants, cafes or other eating places

• yard based supplies] PC57

RETAIL ACTIVITY:

means an activity displaying or offering services or goods for the sale or hire to the trade or public and includes, but is not limited to: integrated retail developments, trade supply retail, yard based retail, supermarkets, service retail, and ancillary retail.

[RIVER:

means a continually or intermittently flowing body of fresh water and includes a stream and modified watercourse; but does not include any artificial

watercourses (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation and farm drainage canal).] PC70

ROAD HIERARCHY:

means the classification of roads as follows and as shown in District Plan Map 33 and Map 34.

• Motorway: high standard limited access roads designed to carry long distance through traffic at speed (primary road).

• Arterial Road: high standard limited access roads designed to carry long distance through traffic (primary road).

• Principal Road: roads that provide access to motorways and to arterial roads having a dominant through-traffic function and carrying the major public transport routes (primary road).

• Collector Road: roads that distribute traffic between and within local areas and form the link between principal and secondary roads (secondary road).

• Sub-collector Road: roads that distribute traffic within the local area and form the link between collector and local roads (secondary road).

• Local Road: roads that provide direct access to properties fronting the road and include both long and short cul-de-sacs (secondary road).

RURAL ACTIVITY:

means primary production activities including horticulture, silviculture, and pastoral farming, but excluding top soil stripping, turf farming and quarrying.

SCULPTURE:

means a three-dimensional artwork which is intended for public interest and has no direct or implied advertising, or advertising content.

SENSITIVE ENVIRONMENTS: (USED IN THE HFSP ANALYSIS OF A HAZARDOUS FACILITY)

means those areas which are:

• within 20m of a waterbody

• mapped as a Conservation Site

• mapped Open Space

Sensitive environments will require additional buffer zones from activities involving the use, storage, handling or disposal of hazardous substances.

SENSITIVE ACTIVITIES AND USES: (USED IN THE HFSP ANALYSIS OF A HAZARDOUS FACILITY)

means those activities and uses which are:

• schools, kindergarten or child care centres

• homes for the elderly, hospitals, residential care facilities, premises with high density, low mobility uses

• facilities critical to emergency response and utility lifelines

• transport corridors to emergency services

• residential activities (applies only in the Central Area, [Centres and Business Areas]PC73

• for the purposes of the National Grid Transmission Line that traverses the Curtis Street Business Area such activities are those activities listed in bullet points 1, 2 above.

Sensitive activities and uses will require additional buffer zones from activities involving the use, storage, handling or disposal of hazardous substances.

SERVICE RETAIL:

means the sale of served food and/or beverages, and/or services such as, but not limited to video and DVD hire, dry cleaners, takeaway food outlets, cafés, pubs, bars, hairdressers and beauticians and banks.

SIGN:

means any name, figure, writing, image, character, outline, engraving, carving, spectacle, logo, display, delineation, announcement, notice, placard, poster, handbill, hoarding, billboard, aerial display, banner, [or an] PC48 advertising device, appliance, or any other thing of a similar advertising nature, [that is:]PC48

• intended principally to attract attention of the public and has implied or actual commercial advertising content, [and]PC48

• placed on or affixed to any land or building, or incorporated within the design of any building (whether by painting or otherwise), [and] PC48

• visible from a public space.

This definition excludes:

• Signs within buildings
• Signs for the management of the legal road, public parks and reserves including official signs
• Advertising on vehicles, including trailers, except where the vehicle or trailer acts as a stationary support structure for advertising

- Murals
- Sculptures

SIGN AREA:

means the entire area within a continuous perimeter enclosing the extreme limits of lettering, framework or emblem, together with any material or colour forming an integral part of the display or used to differentiate such a sign from the background against which it is placed.

SITE:

means any area of land comprised wholly in one [computer freehold register] PC48 or any allotments as defined by the Act, or any allotments linked pursuant to the provisions of section 77 of the Building Act 2004.

[SITE FOR THE PURPOSES OF RULES 21A.2.3 and 21A.3.1:

has the same meaning as the definition for 'site' above except that for sites identified in Appendix 6 to Chapter 21A it means the area identified around the listed heritage building or object.] PC43

SITE AREA:

means the total area of a site, [but excludes:] PC6

• any part of the site subject to any proposed road widening

• any designation for a public work

• [the area of any access lot or access strip [that provides access to the site or to another site.] PC56

For the purpose of calculating site coverage on any allotment resulting from the subdivision of Lot 2 DP 85339 at 54 Weld Street, and Lot 2 DP 40924 at 164 Ohiro Road, site area includes any site access strip defined by a legal instrument (for example, a right of way).] PC6

SITE COVERAGE:

means that portion of the site area [that] PC6 may be covered by buildings and structures but does not include:

• eaves 1 metre or less in width

• [pergola structures that are not covered by a roof, trellis or other overhead covering

• fences and walls

• minor structures such as letterboxes, clotheslines and children's play equipment] PC6

• uncovered decks less than 1 metre above ground level

• [terraces of any height

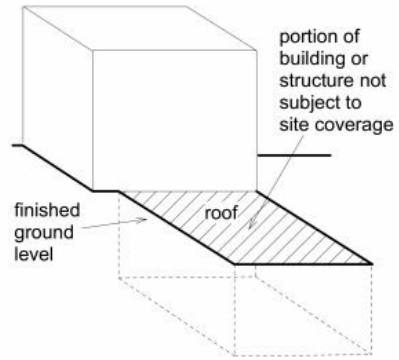
• paths, driveways and other paved surfaces on the ground

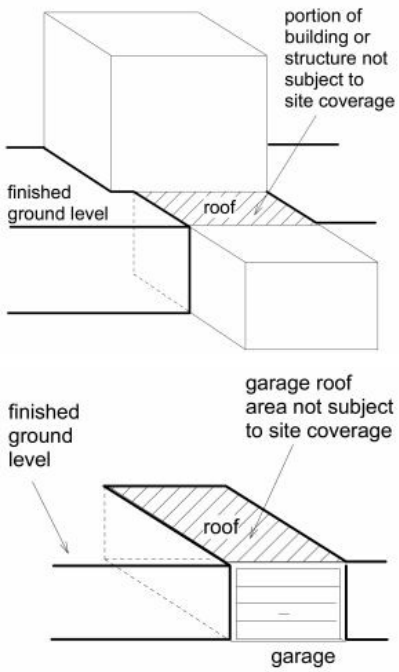
• [grey water storage tanks

• shade sails]PC72

• any part of a building or structure where the walls (of that part) are located below the surface of the ground, provided that the roof (of that part) does not project above the finished ground [level]PC72 at the completion of the building or structure.

Note: Garages set completely into the ground, with only doors opening onto a driveway or street, are excluded from site coverage.] PC6





Diagrams added by Plan Change 6

[SOLAR ENERGY:

means the generation of electricity through the use of photovoltaic panels and the direct transmission of heat from the sun for the heating of water and/or other building spaces.] PC32

SPECIAL ENTERTAINMENT EVENT:

means temporary activities which generate
noise levels above those provided for by Permitted Activity condition 13.2.1.1 'Noise - General activities', and generally relates to activities such as music concerts and events using amplifiers and public address systems, including sound testing of equipment associated with such an activity, but excluding sporting events.

STOREY:

means a floor (full or mezzanine) or level of a building including the ground floor level. Where height is measured in relation to storeys, the maximum floor to floor height per storey is 4.2 metres, except that the ground floor may have a maximum height of 6 metres.

STREETSCAPE:

means the collective image of buildings and their relationship to each other and to the street (including, but not limited to rights of way, pedestrian routes etc).

[STRUCTURE:

means any equipment, device, or other facility made by people and which is fixed to the land; and includes fences and walls. For the purposes of the District Plan, this definition excludes any building] PC6 [or any utility structure.] PC74

SUPERMARKET:

means a retail shop selling a wide range of foodstuffs, including fresh produce, meat, fish, dairy, alcoholic and other beverages, and packaged food for consumption off-site, as well as non-food grocery items and household goods. This definition includes discount stores, hypermarkets, department stores and warehouse club stores, where foodstuffs comprise more than 10% of the total gross floor area.

TAKAPU HAZARD (FLOODING) AREA:

means an area of land adjacent to the Takapu Stream and identified on the District Plan Maps 29 and 30 as being prone to flooding.

TAWA HAZARD (FLOODING) AREA:

means an area of land adjacent to the Porirua Stream in the Tawa and Glenside Road/Middleton Road areas, and shown on the District Plan Maps 26, 29, 30 and 31 as being prone to flooding during a 1 in 100 year flood event.

TECHNOLOGICAL HAZARDS:

means the accidental failure of the design or management of large scale infrastructure, transport systems, or industrial activities which would present life-threatening risks to the local community, or adversely affect property or other aspects of the environment.

TEMPORARY ACTIVITY (IN RESPECT OF ALL CHAPTERS OTHER THAN CHAPTER 23):

means an activity that is of a non-repetitive, transient
nature [(including sporting, recreational, entertainment, cultural or similar events and outdoor gatherings) that does not exceed three days duration, and that does not involve the construction of permanent structures. The construction and removal of temporary structures associated with a temporary activity may occur up to two weeks before and two weeks after the three day period referred to above.] PC48

TEMPORARY ACTIVITY (IN RESPECT OF CHAPTER 23 ONLY):

means any utility network infrastructure to maintain the general capability of a telecommunications, radiocommunication or electricity network that is used for no more than 4 weeks or used to provide network utility services for periods of increased demand such as entertainment, sporting and cultural events, or construction activities.

TEMPORARY ACTIVITY (IN RESPECT OF THE LAMBTON HARBOUR AREA):

means [a temporary activity that is of less than one month's duration.] PC48

TEMPORARY SIGN:

means any sign erected and removed in relation to:

• advertising a community event

• electioneering

• identifying construction sites or subdivision developments

• selling [or leasing] PC48 land or premises.

TEMPORARY STORAGE:

storage for any period of time less than 24 hours.

[TERRACE:

an area of ground that is grassed or paved and is used or is intended to be used for outdoor living.] PC6

THE GOLDEN MILE:

means properties that either front or gain access from the main retail and commercial strip extending from the Cenotaph (near Parliament Buildings) to the eastern end of Courtenay Place (see Map 34 Volume III).

THIRD PARTY ADVERTISING:

means any land, building, fence, structure or erection upon or against which any advertisement, placard, sign or inscription is displayed by an independent manufacturer, corporation, business, sponsor, service company, retailer, supplier or other party which is used to advertise anything not sold or provided on the premises where such sign is situated, or advertises an event to take place in some other location.

TOWNSCAPE:

means the visual appearance of a neighbourhood when viewed from surrounding public spaces. It includes the collective image of, and relationship between, the following elements:
- setting and landscape
- the lay-out of streets, lanes and footpaths
- subdivision patterns
- buildings and structures
- gardens and open spaces]PC72

TRADE SUPPLY RETAIL:

means a business engaged in sales to businesses, and may also include sales to the general public, and wholly consists of suppliers of goods in one or more of the following:

• automotive and marine supplies;
• building supplies;
• farming and agricultural supplies;
• garden and landscaping supplies;
• hire services (excluding hire of books, DVD and video);
• office furniture, equipment and systems supplies.

[TRAFFIC MANAGEMENT AND CONTROL STRUCTURE:

means any structure and associated devices including plinths located on, above or below legal road for the purpose of managing, controlling or directing traffic and includes but is not limited to traffic signals, traffic signs (including illuminated signs), monitoring and control devices, and road barriers.] PC74

TRANSPORT INTERCHANGE AREA:

areas designed for the interchange of goods and products between transport modes or carriers, and includes those parts of airports, ports, railyards and freight, courier and postal depots, designed for that purpose.

[TRENCH AND TRENCHING:

means in relation to the earthworks rules, a long narrow excavation for the purpose of installing, or replacing drainage, irrigation service connections, electricity and telecommunications cables or on-site utilities such as lighting systems

Where the trench is excavated across an existing slope that is

steeper than 2 horizontal to 1 vertical (approximately 26º), it is recommended that the trench is excavated, the pipe or line laid, and the trench is backfilled, in one sequence, to minimise the risk of instability.] PC70

[USE, DEVELOPMENT AND SUBDIVISION OF CONTAMINATED OR POTENTIALLY CONTAMINATED LAND:

the use, development (including redevelopment) and subdivision of contaminated and potentially contaminated land excludes:

• any ongoing activities or occupation of the land of an existing use;

• subdivision which is not associated with a change in use or a disturbance of the ground;

• landscaping, fencing (but not retaining walls), and other minor actions where they involve a minimum level of soil disturbance; and

• internal and external additions and alterations to existing buildings that occur above ground level and do not disturb the ground.] PC69

UTILITY NETWORK:

means network utility operations as defined in Section 166
of the Act[, other operators of lines, masts, antennas, aerials and utilities structures] PC74 and for the purposes of this Plan also includes lighthouses, navigation and survey aids and beacons and meteorological installations.

UTILITY NETWORK APPARATUS:

means any apparatus or device that is mounted on a mast and used as part of a utility network but excludes any aerial, antenna or line.

UTILITY STRUCTURE:

means any structure associated with a network or that
receives or transmits to or from any part of a utility network operation and includes pipes, pipelines, valves, meters, regulator stations, transformers (other than a pole mounted transformer), substations (other than an overhead substation), compressor stations, pumping stations, navigational aids, meteorological installations, telephone booths, containers, cabinets, and similar structures, whether for private or public purposes. It does not include lines, aerials, antennas, masts, utility network apparatus, [amateur radio configurations] PC74 and the generation of matter or energy transmitted by the network utility operation.

VACANT LAND:

means any land which is not developed for any recreation,
amenity, building or parking activity.

VEGETATED BANK:

means the bank depicted on Appendix 1 Curtis Street Business Area Concept Plan, within CT WN24B/840 and legal road, comprising a steep slope generally at least 3m in height (1-2m at the southern end of the site) located below the western side of Curtis Street. This area is covered in a mixture of exotic and regenerating indigenous species eg. Mahoe, Pittosporum tenuifolium, Cyathea medullaris, Coprosma robusta.

VEHICLE DEPOT:

means any land or building used principally for the receiving, despatching or holding of goods or passengers by road.

[VERANDAH LEVEL:

means the height of a formed verandah, or where there is
no formed verandah the vertical height of the ground floor storey (up to a maximum height of 4.2metres).] PC48

WATERBODY:

has the meaning contained within the Act. For the purposes of this District Plan a waterbody's area is defined as the area which its water covers at its fullest flow or highest level, without overtopping its banks or margins.

[WELLINGTON WATERFRONT FRAMEWORK:

means the Wellington Waterfront Framework adopted by Council on 3 April 2001.] VAR22

[WETLAND:

includes permanently or intentionally wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.] PC70

WHOLESALER:

means a business engaged in the storage and distribution of goods to businesses (including retail activities) and institutional customers.

[WIND ENERGY FACILITY:

(colloquially, a ‘wind farm’) means the land, buildings, substations, turbines, structures, underground cabling earthworks, access tracks and roads associated with the generation of electricity by wind force and the operation of the wind energy facility. It does not include:

• Small scale turbines of less than 5kW

• Any cabling required to link the wind energy facility to the point of entry into the electricity network, whether transmission or distribution in nature.] PC32

WORK FROM HOME:

means an occupation, art, craft, business, trade or profession which is carried out in a residential building by a maximum of three persons, at least one of whom lives in that building as their principal place of residence, (apart from in the Inner Residential Area north of John Street/Hutchinson Road where all workers shall reside on the premises). It does not include the repair or maintenance of motor vehicles or internal combustion engines [, or the spray painting of motor vehicles]PC72 (excluding the residents' motor vehicles).

YARD:

means a part of a site unoccupied and unobstructed by buildings above ground level, excluding eaves.

• Front yard: means a yard between the road line and line parallel thereto and extending across the full width of the site provided that:
- where part of the site is shown on the District Plan Maps as
proposed road, the proposed road line shall, for the purposes of all front yard requirements, be substituted for existing road line
- where there is a building line restriction shown in the District Plan then this line shall, for the purpose of all front yard requirements, be substituted for the existing roadline.

• Any yard, other than a front yard, means a yard between a boundary of the site and a line parallel thereto.

YARD BASED RETAIL:

means any retail activity which supplies goods or services primarily from an open or semi-covered yard, and where the yard comprises at least 50% of the total area used for retail activities. This includes but is not limited to: garden centres, service stations, automotive and marine supplies, agricultural supplies, heavy machinery and plant sales.