

Curtis Street Business Area

35.1 Introduction

The Curtis Street Business Area is located in Creswick Valley and is bounded by Old Karori Road to the west, Whitehead Road to the north and Curtis Street to the east. The area is 1.09 hectares in size and traversed by electricity transmission lines.

During the 1960s and 1970s various designations were applied to the site through former Wellington City District Schemes. This included the recognition of different parts of the site for national, civic, cultural and community purposes. This allowed the site to be used for refuse disposal purposes, recreation and residential use and even educational purposes. The majority of these designations were never realised or implemented due to the fact that Council had a well established use for the site (dating back to the 1930s) for rubbish disposal, workshop and depot purposes. This use involved a range of buildings, including a number of sheds and an office.

The area was previously part of the adjoining Council landfill that has now become Ian Galloway Park. In the 1980s, Whitehead Road was constructed to provide better vehicular access to Karori and as a result the area was separated from Ian Galloway Park to form the triangular shaped site seen today. It was also at this time that Old Karori Road was closed on the site's western boundary.

By the early 1990s Council had identified that the depot was surplus to Council requirements and began to scale back activity on the site. By 1997 Council resolved to dispose of 55-85 Curtis Street and subsequently the site was sold into private ownership in 1999. At this time no designations applied to the site and it was zoned Outer Residential and Open Space B under the Proposed District Plan 1994.

The site's former historic use for refuse disposal and as a Council depot has influenced the ground conditions and modified the appearance of this part of Creswick Valley. The north-eastern part of the site has been specifically recognised as containing landfill waste and potentially contaminated soil. Physical modifications have included changes to the ground level. The area is highly modified from its original form, with ground levels having been raised by extensive fill and the associated culverting of the Kaiwharawhara Stream which runs beneath the area in a north-south alignment. The northernmost part of the area has been levelled with Whitehead Road and Curtis Street, while the southern part has been set at a lower ground level below Curtis Street. The topography rises steeply to the east and west of the area such that it forms a deep depression in the landscape.

This distinct landform is overlooked by individual dwellings located at various levels on the adjoining hillsides and partly screened by vegetation. The character of the wider area is influenced by the green residential setting and a steep, vegetated escarpment adjoining the western edge of the Curtis Street Business Area. These adjoining areas are zoned Outer Residential in the District Plan.

The Curtis Street Business Area provides for increased commercial activity in the western suburbs while at the same time reinforcing the District Plan's intentions of facilitating efficient use of land and compact urban environment on a city-wide scale. The Curtis Street Business Area provides for a range of commercial, service and employment related uses within a planning framework that takes account of the specific characteristics of the local environment. Sensitive activities such as schools and hospitals are discouraged due to the presence of overhead electricity transmission lines.

The approach for the Curtis Street Business Area is to clearly signal, through the use of rules, those activities which are encouraged and those which are discouraged. Specifically this is achieved through an approach where activities are listed under different resource consent categories. Activities standards have also been imposed on all activities to ensure that the adverse effects of activities are avoided, remedied or mitigated, particularly with regards to effects on adjacent Residential Areas and the ecology of the seepage wetlands adjacent to the site and the wider Kaiwharawhara catchment.

Issues of particular importance to the Curtis Street Business Area include urban design, retail distribution effects and traffic. Specific rules and environmental standards have been applied to ensure that these effects can be appropriately managed in terms of effects on landscape and residential character, Council's network of centres and the road network. Maintaining the character, appearance and environment in and around Business Areas is an important objective of the District Plan.

Although not located within the Curtis Street Business Area, the Council does acknowledge there are important ecological values within the wider landscape context. These include the forest ecosystem located on public and privately owned land on the slopes of Creswick Valley, the Kaiwharawhara stream ecosystem and the seepage wetlands and glow worm colonies located on Old Karori Road. This chapter contains provisions that seek to encourage and retain these values. Non-regulatory measures are also undertaken by Council to protect and maintain ecological values in the wider area. These include planting and maintenance programmes aimed at protecting the seepage wetlands and glow worm colonies on Old Karori Road.

35.2 Curtis Street Business Area Objectives and Policies

35.2.1 To facilitate a range of activities in the Curtis Street Business Area to assist in meeting the social and economic needs of Wellington's western suburbs and the wider City

- 35.2.1.1 Provide for a mixed use character by allowing a range of activities to establish provided that character and amenity standards are maintained and any potential adverse effects are able to be satisfactorily avoided, remedied or mitigated.
- 35.2.1.2 Specifically provide for and encourage a range of commercial activities in the Curtis Business Street Area.
- 35.2.1.3 Encourage the co-ordinated, comprehensive development of the Curtis Street Business Area.
- 35.2.1.4 Encourage a mixture of commercial tenancies to maximise the efficient use of the land and social and economic wellbeing.
- 35.2.1.5 Provide for temporary activities that contribute to the social, economic and cultural wellbeing of the community, whilst controlling any adverse effects in a manner that acknowledges their infrequent nature and limited duration.
- 35.2.1.6 Control the establishment of large integrated retail developments and large supermarkets.

Explanation to objective and policies

There is demonstrated demand for commercial and employment activity in Wellington's western suburbs. The Curtis Street Business Area provides an opportunity for commercial activity to establish in an area ideally located to serve the suburbs of Northland, Karori and Wilton.

Given this opportunity, Council wishes for this to occur in a comprehensive and co-ordinated manner. Controls on subdivision are adopted to avoid further fragmentation of the site which could lead to ad hoc development. Restrictions have been imposed on the permitted amount of floorspace for integrated retail developments and supermarkets for the purpose of managing effects on the viability of Centres Areas identified in the District Plan.

Taking into account the provision of goods, services and commercial land in the western suburbs, a mix of commercial activities is preferable to a single large entity establishing on the site. A mix of activities would represent the most efficient use of the land and maximise social and economic wellbeing.

Temporary activities are also encouraged in the Curtis Street Business Area, and these can include community events and cultural festivals. The activities make an important contribution to the social, economic and cultural wellbeing of Wellington's communities. Within specified environmental limits greater flexibility is provided to temporary activities in recognition of their infrequent nature and limited duration.

35.2.2 To promote the creation of a high quality, neighbourhood-scale urban environment in the Curtis Street Business Area

- 35.2.2.1 Promote co-ordinated, comprehensive development of the Curtis Street Business Area.
- 35.2.2.2 Promote an overall high standard of urban design and specifically encourage the

development of sensitively designed and articulated buildings (including facades and roofscapes).

35.2.2.3 Ensure that all spaces accessed by the public are safe and designed to minimise opportunities for crime.

35.2.2.4 Ensure that signs contribute positively to the visual amenity of the Curtis Street Business Area by:

- maintaining and enhancing the architectural integrity and visual amenity of the host building or site.
- minimising visual clutter.

Explanation to objective and policies

The Curtis Street Business Area is a new business zoning in the City and is currently undeveloped. This provides an opportunity to facilitate the development of a high quality, comprehensively planned business area that can serve the needs of both business and the community efficiently.

To assist in achieving a co-ordinated approach to development of the site, the Council will consider subdivision applications as a Restricted Discretionary Activity where a land use consent has already been granted, or contemporaneously applied for, for the site. There is potential for subdivision to be used as a tool to further fragment the site, making it difficult for the Area to be developed in a comprehensive manner. Subdivision applications not associated with an approved land use consent will be considered as Unrestricted Discretionary Activities to ensure the Council can consider how the application achieves the objectives for the future, co-ordinated development of the site.

Council is also seeking to improve the quality of built development in the City through the imposition of controls on building design and sensitivity to the wider visual catchment. Resource consent is needed for the development of any new building to ensure the building size, scale and design is sensitive to the size and scale of the surrounding residential environment. The benefits of high quality, comprehensively designed development include reduced amenity (mostly visual) impacts on adjacent properties, more efficient clustering of activities, and a more viable grouping of commercial activity over time.

35.2.3 To recognise the residential character, landscape and ecological values of the Creswick Valley

35.2.3.1 Design buildings, structures and spaces in the Curtis Street Business Area to respect the integrity of the wider landscape and residential setting.

35.2.3.2 Promote a building of high architectural quality at the location near the intersection of Whitehead Road and Curtis Street.

35.2.3.3 Discourage the use of brightly coloured building materials and cladding.

35.2.3.4 Encourage the retention of trees and vegetation along the western edge of the area adjacent to Old Karori Road.

35.2.3.5 Where existing vegetation within the Curtis Business Street Area site cannot be retained:

- any revegetation proposal should include a list of structurally diverse local indigenous plants as recommended by a suitably qualified ecologist or landscape architect in conjunction with Council's ecologist; and/or
- consider the use of plant species that provide enhanced habitat for indigenous birds, and/or
- consider the use of plants that provide additional screening protection for the glow worm colony.

35.2.3.6 Ensure that earthworks and associated structures are designed and landscaped to

reduce and soften their visual impact having regard to the character and visual amenity of the local area.

- 35.2.3.7 Ensure earthworks are managed to minimise the adverse effects of runoff on the ecological values of the Kaiwharawhara Stream.
- 35.2.3.8 Encourage the use of permeable surfaces to enhance visual amenity and reduce incidences of sudden and large volume stormwater discharges.
- 35.2.3.9 Have particular regard to reducing the adverse quality and quantity effects of the Kaiwharawhara Stream of stormwater runoff from land use and development, in accordance with low impact design/water sensitive urban design principles.
- 35.2.3.10 Encourage on-site building design and layout that minimises the adverse effects of light exposure on the ecological values of the wetland seepage and glow worm colony on the adjacent Old Karori Road.

Explanation to objective and policies

The Curtis Street Business Area is located in a setting with established residential character, landscape and ecological qualities. Development and activity in the area is encouraged within environmental limits which respect these values. The particular values are:

- residential areas set within extensive areas of vegetation.
- a well defined landscape setting within Creswick Valley with a strong green escarpment adjoining the western edge of the area.
- indigenous fauna including birds, indigenous flora, the seepage wetlands and the glow worm colony associated with the western escarpment (beyond the western boundary of the Curtis Street Business Area).
- in stream values of the Kaiwharawhara Stream.

When considering the ecological values identified above, plan users may also like to take into account the aims of non-statutory Council Plans such as the Biodiversity Action Plan 2007.

35.2.4 To protect the amenity of adjacent residential areas from activity and development in the Curtis Street Business Area

- 35.2.4.1 Control the height, bulk and location and appearance of buildings and developments to manage the effects of buildings on the character of the adjacent residential areas.
- 35.2.4.2 Ensure that the visual effects of signage do not adversely affect the amenities of nearby residential areas.
- 35.2.4.3 Ensure that activities creating effects of noise, lighting, dust and the discharge of any contaminants are managed to avoid, remedy or mitigate adverse effects on nearby residential areas.
- 35.2.4.4 Ensure that the traffic generated by development and activity does not impose significant adverse effects on local residential streets.
- 35.2.4.5 Manage the scale, intensity and placement of signs to a form and scale appropriate to the amenity of nearby residential areas.

Explanation to objective and policies

The Curtis Street Business Area is set within a residential setting with the immediately adjacent land to the east and west zoned Outer Residential in the District Plan. It is important that the effects of commercial activities and buildings encouraged in the Curtis Street Business Area do not compromise the amenity of established residential areas. Particular amenity effects include the potential impact of large scale buildings (e.g. visual and privacy effects), noise, lighting, dust, the visual effects of signage and traffic impacts on residential streets.

Given the proximity of the Curtis Street Business Area to established residential areas the approach to public and limited notification is particularly important. The rules and standards chapter adopts a different approach to notification than other Business Area chapters in the District Plan. In particular the Curtis Street Business Area includes a lesser number of "non-

notification/service" provisions. This is a deliberate approach which reflects the 2009 amendments to the Resource Management Act 1991, which created a presumption towards non-notification. In addition, it is considered generally appropriate that Council, when making notification decisions, exercise full discretion under Sections 95-95F of the Resource Management Act 1991. Notwithstanding, it is specifically noted that the relative absence of non-notification/service provisions, does not create a presumption towards notification. The decision whether to notify a resource consent will depend on the overall impact of the proposal on the local area. Factors that would influence the notification decision include the scale of the work, visibility and prominence of the proposed buildings and its impact on local character, landscape and ecological values, and impact on the roading network.

35.2.5 To maintain the efficiency, convenience and safety of the surrounding road network and provide for safe and efficient movement within the Curtis Street Business Area

- 35.2.5.1 Control the type and scale of retail activity which establishes in the Curtis Street Business Area to manage the generation of traffic and associated impacts on the road network.
- 35.2.5.2 Ensure that the location and design of developments that cater for activities that generate significant levels of traffic or increase demand for parking are accessible by multiple transport modes and do not result in:
- a significant increase in traffic that would be incompatible with the capacity of adjoining roads and their function in the road hierarchy, or would lead to unacceptable congestion.
 - an on-street parking demand that extends into Residential Areas and/or leads to unsatisfactory parking arrangements.
 - the creation of an unacceptable road safety risk.
- 35.2.5.3 Design the layout of parking areas so that on-site circulation space is safe, convenient and easily understood by motorists and pedestrians.
- 35.2.5.4 Encourage buildings and spaces to have a high level of accessibility, particularly for people with restricted mobility.
- 35.2.5.5 Require the provision of appropriate servicing and site access for activities in the Curtis Business Street Area.
- 35.2.5.6 Manage the scale, intensity and placement of signs to a form and scale appropriate to viewer distance and viewing speed.

Explanation to objective and policies

Development and activity in the Curtis Street Business Area will generate additional vehicle traffic on the surrounding road network. Whilst recognising that the primary purpose of the road network is to facilitate the movement of people and goods for the social and economic benefit of the City, it is important that the adverse effects of traffic are managed to maximise convenience, access and safety. These principles shall apply to:

- *the impact of development and activity on the external road network including on-street parking demand.*
- *the interface of the Curtis Street Business Area with the external road network.*
- *the management of servicing, vehicle circulation and parking within the Curtis Street Business Area.*

In managing these issues Council will seek to influence the type and scale of activities within the Curtis Street Business Area (particularly retail activities); the configuration and relationship of buildings, access routes and parking areas; and the location and scale of signage for the purpose of minimising driver distraction.

It is expected that the majority of visitors to the Curtis Street Business Area will arrive by private vehicle, but access by alternative transport modes is encouraged. Providing for access by a range of transport modes will maximise the ongoing viability and attraction of the area. Providing for access by pedestrians and cyclists is important, and designing developments to allow for

future access by public transport modes (buses) is encouraged.

35.2.6 Manage the effects associated with the development and use of the Curtis Street Business Area

- 35.2.6.1 Ensure that activities that create adverse noise, lighting, dust and the discharge effects of any contaminants are managed to avoid adverse effects on other activities within the Curtis Street Business Area.
- 35.2.6.2 Enable residential development so long as it does not constrain existing or permitted activities from reverse sensitivity through noise.
- 35.2.6.3 Ensure that appropriate on-site measures are taken to attenuate intrusive noise effects to protect noise sensitive activities.
- 35.2.6.4 Discourage sensitive activities from establishing in the Curtis Street Business Area to avoid conflicts with the electricity transmission lines and the activities encouraged for the area and only allow these to establish where reverse sensitivity effects can be properly avoided, remedied or mitigated.
- 35.2.6.5 Ensure activities, development and vegetation planting in the Curtis Street Business Area do not compromise the operation, maintenance and upgrading of the electricity transmission lines traversing the area.

Explanation to objective and policies

There is a range of actual and potential reverse sensitivity effects that relate to the Curtis Street Business Area. This includes the impact of activities and development on the overhead electricity transmission lines and potential conflicts between activities within the area. Specific considerations include:

- *protecting the ongoing operation and maintenance of the overhead electricity transmission lines owned by Transpower New Zealand Limited.*

35.2.7 To facilitate subdivision which assists the development of the area in a comprehensive, co-ordinated manner

- 35.2.7.1 Support subdivision which facilitates the development and use of the Curtis Street Business Area for its intended purpose.
- 35.2.7.2 Ensure that subdivision in the Curtis Street Business Area does not compromise the ability for the area as a whole to be developed in a co-ordinated, comprehensive manner.
- 35.2.7.3 Ensure the sound design, development, and appropriate servicing of all subdivisions.

Explanation to objective and policies

Subdivision is important in providing the certainty of tenure that encourages new operators and tenants to occupy and develop land. However, it is important that subdivision occurs in such a way that the comprehensive development outcomes promoted for the area (see policy 35.2.2.1) are not compromised by inefficient fragmentation of land or configuration of lots. Council will look favourably upon subdivision which is consistent with a land use application already approved or contemporaneously applied for, for the Curtis Street Business Area, as this will demonstrate commitment to co-ordinated, comprehensive development of the area.

35.2.8 To facilitate and enable the exercise of tino rangatiratanga and kaitiakitanga by Wellington's tangata whenua and other Maori

In considering resource consents, Council will take into account the principles of tino rangatiratanga, kaitiakitanga and of the Te Tiriti o Waitangi/the Treaty of Waitangi.

Explanation to objective and policies

Maori concepts present a different view for the management of the City's natural and physical

resources. In particular, *kaitiakitanga* is a specific concept of resource management. By acknowledging ancestral relationships with the land and natural world, a basis can be constructed for addressing modern forms of cultural activities.

The principals that underlie the Treaty provide a basis for the management of natural and physical resources. The principles include having regard to consultation, partnership and a shared responsibility for decision making. For this reason specific rules have been included in the District Plan requiring consultation in specific situations. The environmental result will be that appropriate developments give effect to Maori cultural values.

35.2.9 To encourage energy efficiency and environmentally sustainable design

- 35.2.9.1 Promote a sustainable built environment in the Curtis Street Business Area involving the efficient end use of energy and other natural and physical resources and the use of renewable energy, especially in the design and use of new buildings and structures.
- 35.2.9.2 Ensure all new buildings provide appropriate levels of natural light to occupied spaces within the building.

Explanation to objective and policies

New building works are users of natural and physical resources, and can have adverse effects on the environment, for example, through high rates of water use or electricity consumption. Sustainable building design features and use of sustainable building methods are encouraged as a means of minimising adverse environmental effects. Developments that incorporate environmentally sustainable design principles will be viewed as having a positive effect on the environment.

35.2.10 To prevent or mitigate any adverse effects of the use, disposal or transportation of hazardous substances including waste disposal

- 35.2.10.1 Ensure the environment is safeguarded by managing the storage, use, handling and disposal of hazardous substances including waste disposal.
- 35.2.10.2 Control the use of land for end point disposal of waste to ensure the safe disposal of solid and hazardous waste to acceptable standards.
- 35.2.10.3 Reduce the potential adverse effects of transporting hazardous substances.
- 35.2.10.4 Ensure that development and activity appropriately avoids, remedies or mitigates the adverse effects of contaminated soil on human and environmental health.

Explanation to objective and policies

Council is concerned that the community and environment should not be exposed to unnecessary risk from hazardous substances. The District Plan aims to control the use of land to prevent or mitigate the adverse effects of hazardous substances by considering the appropriateness of the site location and other site requirements to minimise the risk of accidental release. Although these are only two facets of hazardous substances management, others are outside the scope of the Act and the District Plan.

35.3 Methods

To achieve the outcomes specified in the objectives and policies above Council will use the following methods:

- Application of rules, environmental standards and assessment criteria set out in Chapter 36 of the District Plan (Curtis Street Business Area rules and standards) and other parts of the District Plan as relevant.
- Direct consideration of the objectives and policies in the assessment of resource consent applications.
- Consideration of higher level Council strategies and policies during the assessment of resource consent applications (this includes the Urban Development Strategy 2006 and the Centres Policy 2008).
- Consideration of external documents including the Wellington Regional Strategy and higher order documents prepared under the Act including national policy statements and the

Wellington Regional Policy Statement.

- Council infrastructure and transport delivery projects (as appropriate).
- Council plans and strategies prepared under other legislation (including Annual Plans and Long Term Plans)
- Advocacy.