

WELLINGTON CITY DISTRICT PLAN

PROPOSED DISTRICT PLAN CHANGE 72 – RESIDENTIAL REVIEW

VOLUME ONE, CHAPTERS 4 AND 5

As all text within the proposed chapters has been reviewed and the structure of the chapters both significantly revised, there is no annotated version that compares the existing and proposed provisions.

Make any consequential changes to all other chapters of the District Plan and any relevant plan change.

KEY TO THE FOLLOWING ANNOTATED TEXT

The way in which the changes are to be read is outlined in the key below. This shows what text is being deleted and what text is being added to the provisions since District Plan Change 72 was publicly notified.

Key to Changes:	
Abcdefghijklmnop	Text deleted following the hearing of submissions
<u>Abcdefghijklmnop</u>	Text added following the hearing of submissions

RESIDENTIAL AREAS

4.1 Introduction

Although Wellington was occupied by Maori for generations before colonial times, little physical evidence now remains of traditional Maori settlement patterns.

The Residential Areas of Wellington City are characterised by low-rise single dwelling houses on individual lots. Marked variations exist in the character of particular neighbourhoods or suburbs. Past planning policies have combined with historical and geographic factors to determine residential character. Patterns of residential development range from the more intensive and densely populated inner city areas developed from the early days of colonial settlement through to modern subdivisions designed for the motor vehicle.

Set amongst the Residential Areas are areas of Open Space, Centres, Business Areas, Institutional Precincts and Conservation Sites. It is the combination of the character of these different areas combined with the topography and natural environment that gives different parts of the City their different character.

Wellington City maintains a wider policy of containment and general intensification of suburban development. To this end the plan anticipates that the majority of residential growth will be located within the existing urban area, with only limited provision for new ‘greenfield’ residential development.

For the purpose of the District Plan, three residential areas have been identified: ~~Areas of Change~~ Medium Density Residential Areas, Inner Residential and the Outer Residential Areas.

~~‘Areas of Change’~~ Medium Density Residential Areas are defined areas surrounding existing town centres and/or on main transport spines, and include parts of Kilbirnie and Johnsonville. In these areas high quality comprehensive redevelopment of housing will be encouraged and facilitated, resulting in moderate to significant increases in residential density. These increases in density are likely to result in changes to the existing character and scale of buildings in these areas. Rather than seeking to maintain the existing character of these areas, the plan provisions seek to ensure that new development is of high quality, both in terms of the impact on townscape character and the level of amenity afforded to residents. The ~~Areas of Change~~ Medium Density Residential Areas include parts of Kilbirnie and Johnsonville.

The Inner Residential Area adjoins the Central Area and is generally contained by the Inner Town Belt. Most dwellings in the area were built around 1900 and development is intensive, with higher population densities than the Outer Residential Areas. Compared with the Outer Residential Area, there are more multiple units – often created by division of existing houses, and fewer family households. Its nineteenth century character and advantages of living close to the central city have made this area an attractive and popular location.

The Inner Residential Area also provides a backdrop to the central city. The concentration of buildings built at the turn of the last century, the hilly topography and the inner townbelt form a striking combination that contributes to Wellington’s unique sense of place. In recognition of this, the plan manages the demolition of

pre-1930 buildings in much of the Inner Residential Area in order to maintain townscape character.

Also within the Inner Residential Area are properties fronting Oriental Parade which have higher maximum building heights. In recognition of their capacity for medium to high rise residential development, and given the area's setting in close proximity to the central city and waterfront which provide high levels of amenity. A design guide applies within the Oriental Bay Height Area in recognition of the area's unique development potential, high visibility, and public/private character. Council seeks to ensure that new building works enhance the existing character and amenity values of the area.

The Outer Residential Area contains the remaining suburbs, from the Inner Town Belt to the boundary of the Rural Areas. In the Outer Residential Area, houses are usually located on larger sections and developments are more spacious. Residential character varies depending on the type of landform and the extent of vegetation. Most non-residential activities in the area are of a type that directly service local residents.

In both the Inner and Outer Residential Areas new development will be provided for in a manner that will maintain existing character and respect the amenity of adjacent properties. Council's approach in Residential Areas is to permit typical residential activities and to assess others on a controlled or discretionary basis. This is considered necessary to protect the character and amenities of Residential Areas. The intention is to make specific development standards as flexible as possible to encourage appropriate development opportunities that do not harm the amenities of the area.

Within the Outer Residential Area is the Residential Coastal Edge. This area, which includes the pockets of residential development located along the coast from Evans Bay to the south coast, has a unique character that contributes to Wellington City's sense of place and provides an important visual amenity for local residents and the public generally. Specific rules have been included in the Plan to protect this special character. A design guide also applies within the Residential Coastal Edge to acknowledge the fundamental character attributes of the area and to provide guidance for multi-unit and infill development.

Within the Inner and Outer Residential Areas there are pockets that have been identified as Heritage Areas in recognition of their having special architectural, townscape or heritage values. These areas are subject to the specific controls contained in the Heritage Chapters of the District Plan.

Permitted Activities are those which are typically undertaken in Residential Areas and allow these areas to remain the primary living environments of the city. Permitted Activities will be closely monitored to ensure that character or amenity standards are not reduced to any significant extent.

Controlled Activities are those which are also compatible within Residential Areas (such as the use of vacant non-residential premises) but which should be assessed to ensure that the amenities, particularly those of nearby properties, are protected.

Residential activities or developments which cannot be categorised as Permitted or Controlled Activities may be considered as Discretionary Activities, including the establishment of non-residential activities.

Residential Areas also accommodate non-residential uses. Many activities operate from existing houses or from purpose-built buildings in Residential Areas. Many of these activities provide essential community services including shops, churches,

marae, schools, service stations, early childhood centres, kohanga reo and doctors' surgeries. In some areas, activities such as hospitals, parks or motels have been established to serve wider city or regional populations. Non-residential activities are generally appropriate provided they do not give rise to incompatible adverse effects.

Council also encourages mixed-use development in Residential Areas. Controls will ensure that residential amenities are reasonably protected. Residential Areas provide the place where most people sleep and enjoy their leisure time, and more peaceful, quieter surroundings are expected. However, it is not the Council's intention to "freeze" all residential neighbourhoods in their current state. A greater diversity of land use will be promoted.

Under the Discretionary Activity process, design guidelines are also used to assess new multi-unit residential developments. Council seeks to promote a consistently high standard of design for new multi-unit housing.

Given the City's topography, constrained roads and access in places, improving accessibility and the consequent amenity values within Residential Area is an important issue. This is a particularly important issue for people with mobility restrictions and for the City's increasing population of older people. The Council will actively seek to improve the proportion of all housing in the City that is, or can be made, accessible and usable, by older people and all others with mobility restrictions.

Council is exercising its responsibilities under the Act by including provisions to manage noise and hazardous substances and contaminated sites and to avoid, remedy or mitigate the adverse effects of natural hazards. Examples include provisions for noise mitigation in or near the port and airport and controlling residential development near high voltage transmission lines or near the Wellington fault line, and on or near former landfills.

4.2 Residential Objectives and Policies

OBJECTIVE - CONTAINMENT AND INTENSIFICATION

- 4.2.1 To enhance the City's natural containment, accessibility and residential amenity by promoting the efficient use and development of natural and physical resources in Residential Areas.**

POLICIES

To achieve this objective, Council will:

- 4.2.1.1 Encourage consolidation of the established urban area.**

METHODS

- Rules
- Operational activities (management of infrastructure)
- The Urban Development Strategy

The edge of the urban area of the city is defined by the interface between the Outer Residential Area and nearby Rural and Open Space Areas. The Plan generally intends to contain new development within the existing urban area, as it considers that continuously expanding the City's edges will not promote sustainable management.

Expansion beyond the existing urban form will only be considered where it can be demonstrated that the expansion:

- will promote an efficient urban form
- will support sustainable transport options

Any proposal will also be expected to demonstrate that:

- *the expansion will allow for efficient use of existing infrastructure*
- *can be adequately supported by existing infrastructure*
- *there is sufficient redundant capacity within existing infrastructure to support the expansion*
- *the expansion will incorporate low impact urban design, low impact subdivision and facilitates energy efficient building design*

Council will also consider the potential impact of any expansion on the character of existing communities, and on landscape and natural values.

The Plan provides for a degree of expansion into the Greenfield areas at the northern edge of the city, where the growth can reinforce existing transport infrastructure and strengthen existing communities (see Chapters 27 & 28).

Residential intensification will be encouraged in Medium Density Residential Areas ~~Areas of Change~~. ~~The Areas of Change~~ Medium Density Residential Areas are located around existing town centres and on key transport routes. Within these areas Council will seek to facilitate comprehensive re-development to provide medium density residential living.

In the Inner and Outer Residential Areas there is scope for some degree of residential intensification, but the plan seeks to ensure that new development is compatible with existing character and respects the amenity of surrounding residential properties.

Adopting rules to encourage more mixed-use activities and provide for more intensive building development (that maintains or enhances neighbourhood and townscape residential character) will help keep the city compact.

The environmental results will be that the City’s development occurs in a manner which will reduce transport distances, make public transport systems more viable, support existing centres and make better use of existing infrastructure.

Areas of Change

4.2.1.2 Encourage residential intensification and comprehensive redevelopment within ~~identified Areas of Change~~ Medium Density Residential Areas

4.2.1.3 Discourage piecemeal development in ~~Areas of Change~~ Medium Density Residential Areas when this would inhibit comprehensive redevelopment of the site or surrounding area

4.2.1.4 Promote the provision of a variety of household types and sizes as part of new development within ~~Areas of Change~~ Medium Density Residential Areas

METHOD

- Rules
- Operational activities (management of infrastructure)
- The Urban Development Strategy

The residential ‘~~Areas of Change~~’ Medium Density Residential Areas are tightly defined residential areas where high quality medium density housing will be actively encouraged. These areas are located surrounding the existing town centres of Johnsonville and Kilbirnie where the benefits of higher density residential development will be greatest. Intensification within these areas will allow efficient use of existing infrastructure, support existing services and facilities, and allow people to live close to jobs and close to public transport.

Within ~~Areas of Change~~ Medium Density Residential Areas comprehensive redevelopment of housing will be encouraged and facilitated. This will result in significant increases in the residential density of these areas, and is likely to lead to changes to the existing character. The success of the ~~Areas of Change~~ Medium Density Residential Areas will depend on achieving high quality housing stock and associated spaces (both public and private). Within the ~~Areas of Change~~ Medium Density Residential Areas, the Plan seeks to achieve:

- *Medium ~~to high~~ density residential development*
- *High levels of amenity for occupants of new residential developments*
- *High quality development, both in terms of building design and townscape character*
- *Variety in the built form (including variation in style, type and scale of buildings)*
- *Variety in household type (1, 2, 3, and 3+ bedroom units)*
- *Appropriate levels of protection for neighbouring property’s amenity*

It is anticipated that these areas will eventually have a more intensive, urban feel. The provisions encourage medium density residential development (2-~~3~~4 storeys in height) and there is less focus on providing green open space as part of new developments. However, having less open space areas also reduces the ability to use planting to soften the effects of new developments. As a result the quality of the building stock and the spaces that are provided becomes even more important in terms of creating a positive townscape and high levels of amenity for residents. Front yards are required in ~~Areas of Change~~ Medium Density Residential Areas to

provide space for planting that can help to ‘soften’ the visual impact of new building works.

All new multi-unit developments will be assessed against the content of the Residential Design Guide to ensure that the proposed buildings (and associated spaces) make a positive contribution to the local townscape. The assessment against the Residential Design Guide will also allow Council to ensure the new developments will provide satisfactory levels of amenity for occupants.

There is a risk that on-going piecemeal development (and subdivision) in ~~Areas of Change Medium Density Residential Areas~~ will further fragment land ownership and make it more difficult to accumulate parcels of land for comprehensive redevelopment. Council will therefore generally discourage piecemeal, less intensive development and subdivision in ~~Areas of Change Medium Density Residential Areas~~.

Less intensive development however (such as back yard infill) may have a role within ~~Areas of Change Medium Density Residential Areas~~ particularly when it can be demonstrated that it represents the most efficient use of the site (for example when a single lot is surrounded by properties that have already been redeveloped) and when it helps to add diversity to the housing stock in the area. However, further development will not be supported if it does not represent the most efficient use of the site, and when it would inhibit future comprehensive redevelopment of the site (and possibly adjoining sites) through the fragmentation of land ownership.

Similarly, Council will generally not support the comprehensive redevelopment of lots that do not meet the specified minimum lot dimension. Council is concerned that if redevelopment is undertaken based on the existing lot size and pattern, then it will result in the repetition of a single development type (most likely terrace housing orientated at 90 degrees to the street, with a drive way running down one side). While this style of development can work well, the Plan seeks to encourage a variety of development types within ~~Areas of Change Medium Density Residential Areas~~ in order to achieve a diverse, interesting and stimulating built environment. Requiring a minimum lot dimension will help to achieve variety in the built form, both by creating a variety of lot shapes, and also by providing more scope for different building layouts and better development outcomes. This is reinforced by the requirement for front units to be orientated to face the street, with physical separation to units behind.

The Plan also encourages new development to provide for a range of different housing types, in order to provide for the needs of different segments of the community. ~~When assessing new developments Council will consider both the mix of housing types provided within the development along with the existing mix of housing within the Area of Change. When it can be demonstrated that there is already a satisfactory mix of housing type within the Area of Change, then it may be possible for individual developments to comprise a single household type.~~

Additional ~~Areas of Change Medium Density Residential Areas~~ may be identified in the future following consultation with local communities. Any future areas will be implemented through the plan change process.

Inner and Outer Residential Areas

4.2.1.5 Enable residential intensification within the Inner and Outer Residential Areas provided that it does not detract from the character and amenity of the neighbourhood in which it is located.

METHOD

- Rules
- Operational activities (management of infrastructure)
- The Urban Development Strategy

The majority of the City’s residential properties are located within the Inner or Outer Residential Areas. In order to enable the efficient use of residential land, the District Plan provides for a degree of residential development and intensification within these areas. Providing for additional intensification in the Inner and Outer Residential Areas will provide benefits to the City as a whole through the efficient use of existing infrastructure, on-going support for existing centres and facilities, and the provision of a range of housing types throughout the city.

Residential intensification within the Inner and Outer Residential Areas may take a number of forms.

At the smallest scale the District Plan provides for small scale domestic infill, such as ‘granny flats’. Infill housing can result in positive outcomes where both the subdivision and residential dwellings fit well into the existing neighbourhood. Infill housing can make efficient use of land and help provide a range of housing options within existing neighbourhoods. In the Outer Residential Area some infill development comprising a second household units is permitted subject to a specific definition relating to building height and lot size. In Areas of Change, the Inner Residential Area and the Residential Coastal Edge, all additional units are managed as multi-unit developments.

The plan provides for new multi-unit developments within the Inner and Outer Residential Areas. Because of the emphasis on maintaining existing character and amenity in these areas, Council will encourage new multi-unit developments to locate on ‘windfall sites’ and undeveloped residentially zoned properties.

‘Windfall’ sites are loosely defined as relatively large properties that are located within an established residential area but which have never been developed for residential purposes. Often they are properties that have historically been used for commercial or community purposes. Because of their size these properties can provide significant opportunities for residential intensification. Because these sites have not been used for residential purposes, their re-development generally does not lead to a loss of existing residential character.

Within the Residential Areas, and within the Outer Residential Area in particular, there are a number of sites zoned for residential purposes that have never been developed. It is anticipated that these sites will be further developed in the future.

The Residential Area also contains a range of non-residential buildings that are no longer required for their original purposes. They include halls, churches, masonic lodges, old commercial buildings and community facilities. While these buildings may not be of a scale or character that is strictly residential, they (and the effects that they generate) are accepted as being part of the existing residential environment. Their retention, and conversion to residential use, will generally be supported as it would make efficient use of the existing building, and if undertaken with care should not impact significantly on adjacent residential properties. However, the conversion of a non-residential building into more than one unit will be assessed as a multi-unit development, to ensure that the new units have appropriate levels of residential amenity.

Existing Building Stock

4.2.1.6 Encourage the retention and adaptive re-use of existing houses in the Inner and Outer Residential Areas

METHOD

- Rules

The City’s existing residential building stock represents a significant physical resource. Retention and adaptation of existing building stock will have benefits for the City through:

- retention of the embedded energy contained within the existing buildings
- the contribution made by the existing building stock to Wellington’s sense of place and the amenity of residents, especially in the older suburbs

The Plan acknowledges that the building stock is most likely to be maintained if owners are able to adapt their properties to suit their changing needs and circumstances. The District Plan therefore provides for a wide range of additions and alterations to be undertaken as Permitted Activities.

The Plan also provides for the conversion of existing residential buildings into two units as this will provide flexibility for property owners and facilitate the provision of different housing options within established residential areas.

OBJECTIVE – CHARACTER AND SENSE OF PLACE

4.2.2 To recognise and enhance those characteristics, features and areas of the Residential Area that contribute positively to the City’s distinctive physical character and sense of place.

POLICIES

To achieve this objective, Council will:

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

METHODS

- Rules
- Residential Design Guide

Wellington City’s original inner city suburbs, wedged between the central city and the Town Belt, are recognised as an important feature of our city. The suburbs of Thorndon, Mount Victoria, Mt Cook, Newtown, Berhampore, lower Kelburn and Aro Valley provide part of the back drop to the central city and contribute to the City’s unique sense of place. Their high visibility and original building stock make a significant contribution to Wellington City’s unique character and are important in helping to define Wellington’s sense of place. Studies have identified that the overall character of the inner city suburbs is principally defined by the high concentration of original dwellings dating from the mid-to-late 19th and early 20th century. While the suburbs contain notable buildings and structures from other periods, it is the concentration of fine grained, predominantly wooden houses, that is most evident and which lends a unique ‘sense of place’ to central Wellington as a whole. The District Plan controls therefore focus on buildings constructed prior to 1930.

The character of these neighbourhoods is experienced, by the public at large, from the street and other public spaces. Townscape is the collective term used to describe what can be seen from these public spaces. Townscape can be experienced at a variety of scales, ranging from the immediacy of adjacent streets and public spaces, to longer distance views across a valley. When viewed from a distance it is generally the size and shape of the building’s primary form, in relationship with neighbouring buildings and the backdrop of harbour and hills that contribute most to the wider character of the neighbourhood. When viewed up close the placement of buildings on site, the spaces between and around buildings, the size, shape and placement of openings, and the levels of architectural detail and articulation become important elements contributing to townscape character.

The Plan contains a number of provisions to help ensure that the special character of the inner city suburbs is maintained and enhanced, and that any new development acknowledges and complements the existing townscape character. These include:

- *controls on the demolition of existing pre-1930 buildings*
- *controls on the removal or demolition of architectural features from the primary elevation(s) of a pre-1930 building*
- *management of the design (including building bulk, height and scale), external appearance and siting of new infill and multi-unit development*
- *special controls on additions and alterations to buildings in the Mt Victoria North Character Area and Thorndon Character Area*
- *special controls on the construction of new accessory buildings between the road and existing buildings*
- *relaxation of the car-parking requirements for the conversion of existing buildings into two units*

Demolition of pre-1930 buildings

The Plan includes rules restricting the demolition of pre-1930 buildings in the majority of the Inner Residential Area. The demolition rules are applied to those neighbourhoods where significant concentrations of older buildings contribute to a distinctive townscape character and a wider sense of place. They do not apply to all properties within the Inner Residential Area, as there are some areas where the existing building stock does not have sufficient consistency of age and character to justify the application of a pre-1930 demolition rule. The areas where the demolition rules apply are shown in the maps contained in Appendix 1, Chapter 5.

To help protect the value of these buildings to the townscape, the demolition or removal of pre 1930 buildings has been made a Discretionary Activity (Restricted). The focus of this rule is the contribution of the buildings to townscape character. While heritage is not the primary focus of the rule, townscape character is to some extent defined by heritage related qualities.

The date of 1930 has been chosen as buildings older than that date tend to match the characteristic building types of the inner city suburbs. It is recognised that different parts of the same building might be different ages. The age of the primary form of the building will be taken as the relevant date. Primary form 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.

There are many variations of primary form. However, the primary form of the Victorian and Edwardian villa is typically square or rectangular in plan, one or two stories in height with a hip roof. The primary form of the cottage is typically single storey, rectangular in plan, with a gable roof.

When assessing a consent to demolish a pre-1930 building Council will consider first and foremost the contribution made by the existing building to townscape character. Council will assess:

- *the level of visibility of the existing building from surrounding public spaces, including whether the building features in short, medium or long range views*
- *whether the existing building is consistent in form and style with other pre-1930 buildings that contribute positively to townscape character*
- *the extent to which the existing building retains its original design features relating to form, materials and detailing and the extent to which the form, style and important details have been modified*
- *whether the building is an integral part of a row of buildings that are consistent in form, scale and siting*
- *whether the building is important to the context of a building listed in the Schedule of Listed Heritage Items*

- *whether the building is within a sub-area identified in the Appendices to the Residential Design Guide*
- *whether the building represents a rare or unique example of pre-1930 architecture*
- *whether the building is a distinctive element within the local townscape.*

When the above assessment indicates that the existing building makes a positive contribution to townscape character, applicants may request that Council also consider whether the condition of the existing building is such that its retention is impractical or unreasonable. Council will consider:

- *the condition of the existing pre-1930 building, in particular the structural integrity of the building*
- *whether requiring retention of the building would render it incapable of reasonable use*
- *whether the building represents an environmental health hazard*
- *in the case of buildings constructed from unreinforced masonry, whether the building poses a risk to life in the event of an earthquake.*

Council may require an independent assessment of the structural integrity of the pre-1930 building from a qualified structural engineer.

There will be a strong presumption against the demolition of pre-1930 buildings unless the above analysis indicates that the existing building makes little contribution to valued aspects of the townscape character, or it can be clearly demonstrated that condition of the existing building makes its retention impractical.

Only when the above assessments indicate that demolition may be justified will Council consider the townscape contribution of any proposed replacement. Any proposal (including any replacement building(s)) will need to demonstrate that its contribution to townscape character is as good, or better, than the existing pre-1930 building. Council will consider:

- *the extent to which the replacement building(s) meet the intent of the Residential Area Design Guide (particular attention will be paid to area specific Appendices)*
- *the extent to which the bulk, scale and siting of the proposed building(s) respects the scale, building form and topography of the surrounding neighbourhood*
- *the extent to which materials and façade articulation are compatible with the predominant materials and patterns of the surrounding neighbourhoods*
- *the impact of any new open space on townscape character*

While there is a presumption that pre-1930 buildings should be retained, demolition may also be contemplated in exceptional situations where the proposed replacement building is of such outstanding design quality that it justifies demolition of the existing pre-1930 building. Any application put forward to be considered as ‘exceptional design’ will need to articulate why the design is ‘exceptional’ and will also need to demonstrate that the new building is compatible with the surrounding townscape character, will make a significantly greater contribution to townscape character than the existing pre-1930 building, and that demolition and construction of a new building will not create a detrimental precedent in an area (or neighbourhood) sensitive to change. To ensure that these applications are subject to a suitably rigorous assessment process they will be considered by an independent panel of appropriately qualified design professionals, and consents will be publicly notified.

In the event that Council is satisfied that retention of the original building is impractical or unreasonable, the design quality of the replacement building(s) becomes an important factor, and any consent granted will be conditioned and

monitored to ensure that the replacement structure is built strictly in accordance with the plans submitted with the resource consent.

Removal or demolition of architectural features from primary elevations

In addition to the demolition of the primary form of pre-1930 buildings, consideration will be given to the impact on townscape and neighbourhood character of the removal or demolition of architectural features and elements from a building's primary elevation(s). In most instances the 'primary elevation(s)' will be the elevation of the building that faces the street. However there are five areas where the main elevation of the buildings have been oriented away from the street, towards a view or outlook. In this situation the main elevation is often still visible from surrounding streets and public spaces (albeit from an increased distance) and contributes to the overall character of the neighbourhood. The five areas front on to Kenwyn Terrace, Tasman Street, Wright Street, Ohiro Road and Maarama Crescent respectively and are identified in Appendix 1.

Depending on the nature of the work, additions and alterations may constitute the removal or demolition of architectural features from the building's primary elevation.

Matters to consider when assessing applications to remove or demolish architectural features from the primary elevation are:

- the level of visibility of the primary elevation from the street or other public space
- whether the building is an integral part of a row of buildings that are consistent in materials, detailing, form, and scale.
- the extent to which any work will compromise or destroy any pre-1930 design features or materials on the primary elevation(s). Whether the demolition and work will detract from the architectural style and character of the existing building, and have adverse effects on the special character of the townscape and neighbourhood as a whole
- the extent to which the building works meet the intent of the Residential Area Design Guide (particular attention will be paid to area specific Appendices)

Multi-unit developments

Any proposal comprising two or more units within the Inner Residential Area will be considered as a multi-unit development. New multi-unit development can significantly alter townscape character, particularly where smaller sites are amalgamated and established development patterns are changed. In response the Council has placed controls on the design of multi-unit developments within the Inner Residential Area. While not precluding renewal and redevelopment the Council is concerned to ensure that new multi-unit residential buildings are well designed, and acknowledge and complement the predominant patterns of the surrounding environment.

To aid the assessment of new multi-unit development the Council has incorporated, as part of this Plan, design guides for neighbourhoods within the Inner Residential Areas. The purpose of the design guides is not to impose specific design solutions but to identify design principles that will promote better development and enhance townscape character.

Mt Victoria North and Thorndon Character Areas

The Mt Victoria North Character Area has been identified as an important neighbourhood due to its high visibility and its proximity to St Gerard's Monastery and the escarpment below. When viewed from the Central Area (and in particular the waterfront) the houses, monastery and escarpment combine to form one of Wellington's most iconic urban landscapes. In this context the design of buildings is particularly important, so Council has placed additional controls on the design of

additions and alterations to existing buildings in this area. The Council is concerned to ensure that any additions and alterations are well designed, respect the predominant patterns of the surrounding neighbourhood and the setting of St Gerard's Monastery.

The Thorndon Character Area covers a substantially intact remnant of the original fabric of the city. Many of the buildings date from the founding of the City as we know it by European settlers in the mid-nineteenth century. Most of the buildings in the area are modest workers' cottages and include some small dwellings built for the colonial militia. This grouping of colonial cottage and gardens, centred around the Thorndon town centre, remains relatively intact and is of historical significance to the Wellington region and to New Zealand as a whole. The Council is concerned to ensure that any new building works acknowledge and respect the character and predominant patterns of the area.

Building proposals will be assessed against the Residential Design Guide (including the Thorndon and Mt Victoria appendices).

New accessory buildings at the front of sites

New buildings built at the front of an Inner Residential site can also impact significantly on townscape character, both by blocking views of existing pre-1930's buildings and by adding a new built form into an existing setting. If the new building contains a residential unit then the impact on townscape character will be assessed as a multi-unit development under Rule 5.3.7. Accessory buildings are permitted without the need to submit an urban design assessment, but the scale of the accessory building is limited to one storey (measured as three metres above street level to provide for sites that slope away from the street) to ensure that impact on the townscape is generally acceptable. In assessing applications the following matters will be considered:

- whether the bulk, scale and siting of any new accessory building respects the character of the surrounding neighbourhood.
- the extent to which materials and façade articulation are compatible with the predominant materials and patterns of the surrounding neighbourhood.
- the extent to which the proposed accessory building is compatible with the parent building on site.

Flat conversion

Within the Inner Residential Areas the normal car-parking requirements have been waived for developments that involve the conversion of an existing single dwelling into two household units. It is considered that this will provide two key benefits for these suburbs. Firstly, it will provide owners with a degree of flexibility in how they manage their property, which will encourage the retention and adaptive re-use of the existing building stock which contributes to the special townscape character of these suburbs. Secondly, modest front yards are a characteristic feature of many properties in the Inner Residential Area. Waiving the requirement for off-street car parking will help to maintain the existing townscape character by removing the need to develop garaging or parking spaces in the front yard of properties.

~~Provision has been made for building conversions to increase the footprint of the existing building by up to ten percent (subject to compliance with site coverage standards). This will provide some flexibility for property owners to redevelop properties, while also helping to ensure that the buildings generally retain their existing bulk, scale and character.~~

The environmental result of these provisions will be the ongoing development of the Inner Residential Area in a manner that will maintain its distinctive character.

4.2.2.2 Ensure that development within the Residential Coastal Edge recognises and responds to the unique character of the coastal edge.

METHODS

- Rules
- Residential Design Guide
- Operational activities (encroachment licenses)

The Residential Coastal Edge covers the pockets of residential development dotted around the coast from Point Jerningham, into Evans Bay, around the Miramar Peninsula, and along the south coast to Owhiro Bay. This area has a special character that contributes to the city's unique sense of place, and provides an important visual amenity to local residents and the public generally. The Residential Coastal Edge also has important recreational and tourism value to Wellington. The drive, walk or cycle along the coastal edge is a high quality, stimulating experience resulting from the area's unique combination of the built and natural character.

The character of the Residential Coastal Edge derives from the unique relationship between the openness of the coast, the linear nature of the road, existing development (mostly residential houses), and the vegetated escarpment behind. The plan identifies specific areas that warrant further protection from inappropriate or unsympathetic development. These areas are identified in Appendix 2, Chapter 5 and include parts of Owhiro Bay, Island Bay, Houghton Bay, Lyall Bay, Moa Point, Breaker Bay, Worser Bay, Karaka Bay and Evans Bay.

Within these areas the Plan is focussed on maintaining and enhancing the collective character of the Residential Coastal Edge. In particular the Plan discourages activities that can threaten the intactness of the escarpment. This includes development that creeps up or down the escarpment, removal of vegetation, tall or bulky buildings that may obscure views of the escarpment and visual intrusion from access ways and buildings at the top of the escarpment. Retaining structures and exposed shot-crete slopes can also exacerbate the visual effects of development on the escarpment.

To help manage the effects of activities on the coastal escarpment the Plan includes policies and rules in the Earthworks chapter to control the negative impact of earthworks on the appearance and character of coastal areas.

In addition, the residential provisions contain special height controls to help manage the potential negative effects of new buildings and structures on the coastal escarpment. While the height of new buildings and structures is set at 8 metres (measured above ground level), an additional control requires that new buildings and structures remain below the 13 metre contour. This is intended to discourage development creeping up the escarpment, potentially altering existing development patterns and reducing the amenity provided by the green, vegetated slopes. Accordingly, development that extends above the 13 metre contour line in the Residential Coastal Edge area will generally be discouraged.

Within the Residential Coastal Edge there are a number of existing buildings and structures that are located above the 13 metre contour. Additions and alterations to these properties are exempt the requirement to remain below the 13 metre contour. Proposals that increase the number of household units on properties above the 13 metre contour will require consent to allow Council to consider the potential impact of the more intensive development on the character and visual amenity of the surrounding area.

Controls are also placed on the erection of solid fences above the 13 metre contour. While post and wire fences can be established on the escarpment with little visual effect, solid fences demarcating property boundaries can detrimentally impact on the continuous visual character of the escarpment

Development on the slopes of the escarpment above the 13 metre contour may be appropriate if it can be demonstrated that the proposal will not detract from the visual qualities of the escarpment. Council will seek to ensure that any new proposals remain visually unobtrusive.

The Plan also includes specific rules to maintain the strongly defined, fine grained, active building edge that lines the coastal road. In particular wide vehicle access to the sites and solid front fences over 1.2 metres in height will be discouraged as these would be disruptive elements, detrimental to the current townscape character.

Multi-unit development along the Residential Coastal Edge is a Discretionary Activity (Restricted). New multi-unit housing can significantly alter townscape character, particularly where smaller sites are amalgamated and established development patterns are changed. Proposals for multi-unit development will be assessed against the Residential Design Guide to ensure that common development patterns are maintained. The purpose of the design guides is not to impose specific design solutions but to identify design principles that will promote better development and enhance the Residential Coastal Edge area.

Matters to consider when assessing applications for infill or multi-unit developments within the Residential Coastal Edge, or proposals for building works that extend above the 13 metre contour, include:

- *whether the proposal is compatible with the predominant development patterns of the surrounding area, particularly patterns relating to frontage widths, building setbacks, and façade articulation.*
- *whether the proposal enhances the local townscape character*
- *the level of visual impact of any proposal, when viewed from surrounding public spaces (from both short and long range)*
- *whether the existing vegetation or topography will reduce the prominence or visibility of any development that extends above the 13 metre contour.*

The environmental result will be development within the Residential Coastal Edge which complements the existing character, scale and intensity of the area.

OBJECTIVE - URBAN FORM

4.2.3 Ensure that new development within Residential Areas is of a character and scale that is appropriate for the area and neighbourhood in which it is located.

POLICIES

To achieve this objective, Council will:

4.2.3.1 Ensure that new developments in the Inner and Outer Residential Areas acknowledge and respect the character of the area in which they are located.

METHODS

- Rules
- Residential Design Guide

Wellington City contains a variety of residential environments. The rules and standards used to manage new developments have been set at levels that recognise the differences between the older, more densely developed inner city suburbs (Inner Residential Areas) and the newer, less intense suburbs located further from the city centre (Outer Residential Areas). The bulk and location rules applying to the Inner Residential suburbs are generally less restrictive and acknowledge that development in these areas is more compact and intensive.

The residential character of the Outer Residential suburbs is more diverse. It is a result of varied section size and shape, topography, building age and form, and other geographic features including bush and streams. The housing stock in many outer suburbs has accommodated a wide variety of additions and alterations over the past century adding to its diversity. Recently subdivided suburbs have a more

consistent character, typically being two-storied dwellings on smaller, squarer sections.

Within the Inner and Outer Residential Areas there is also diversity in patterns between different neighbourhoods. This is the result of variations in topography, and the age, layout, location, scale and socio-economic status of buildings. The bulk and location standards have been modified in some neighbourhoods to respond to these variations.

The rules which apply to residential buildings in the Inner and Outer Residential Areas are designed to ensure that development can proceed with some restrictions to maintain the primary visual character of residential neighbourhoods.

Additions and alterations to an existing dwelling on a site will usually not have a significant effect on neighbourhood character, because the underlying subdivision pattern and building layout remain unchanged. Additions and alterations to a single dwelling are therefore a Permitted Activity in the Inner and Outer Residential Areas.

To allow effective use of land in the developed parts of the city, the Plan provides for multi-unit residential developments. Multi-unit developments can include both comprehensive townhouse developments as well as additional detached dwellings. Although both of these development scenarios can assist by increasing the variety and diversity of housing types, they can also detract from the visual character or amenities of residential neighbourhoods.

Multi-unit housing can significantly alter neighbourhood amenity, particularly where smaller sites are amalgamated and established development patterns are changed. Council seeks to promote excellence in the design of multi-unit residential developments to ensure that neighbourhood amenity values are maintained and enhanced. To ensure that all multi-unit developments are designed to be compatible with existing residential development and to maintain local amenities, proposals will be assessed against the Residential Design Guide. The general intention of the Design Guide is not to impose specific design solutions but to identify design principles that will promote better development and enhance existing suburban environments.

The permitted bulk and location standards that apply within the Inner and Outer Residential Areas are reflective of the area's predominant development type, which is typically one house per site. A single house on a site, built in accordance with the bulk and location standards, will generally be of a scale and mass that is consistent with the character of the surrounding area. Single houses, even when built up to full site coverage and height, retain a significant degree of openness and greenery on site. However, multi-unit developments (and some infill housing developments) designed and built in accordance with the bulk and location controls can have quite different effects on neighbourhood character through:

- A reduction in the amount of green open space on site.
- The height and mass of buildings which is often substantially larger than is characteristic of the surrounding neighbourhood, and can adversely affect the quality of the townscape character.
- The building recession controls, which would otherwise result in breaks and separation between buildings, and help provide a degree of openness, do not apply between units.
- Increased site area required for vehicle manoeuvring and parking (including visitor carparking) can adversely affect the townscape and visual appearance of the property due to the greater use of hard surfacing.

Because the permitted bulk and location standards cannot guarantee that a new multi-unit development is compatible with the surrounding environment, Council will carefully assess whether it is appropriate to apply a permitted baseline assessment (i.e. a comparison of the proposed activity against the permitted activities outlined in

the Plan) when considering the effects of new infill and multi-unit developments on the surrounding residential character.

When considering an application for a multi-unit development, Council will consider whether the proposal responds appropriately to the character of the surrounding neighbourhood. This will include consideration as to whether the most appropriate response for the subject site is to maintain consistency with existing character or introduce contrast in built form. Consistency means ensuring that the development acknowledges and establishes a respectful relationship with its immediate context. It does not imply replication, or that the style of building should match existing buildings. In general new multi-units should maintain consistency with defining and valued neighbourhood patterns. Consistency is most important when new development is placed within a recognised ensemble of buildings that have similar character, or where alignment, similarity and coherence is required to maintain the quality and character of the public environment.

Introducing contrast into an established residential area is more difficult to manage effectively. Contrast results in the new development becoming the focus of attention, but may be acceptable when the public significance of the proposed development justifies it being a focus of attention. Use of contrast may also be appropriate when the street or neighbourhood surrounding the subject site is already characterised by complexity and diversity in building type and siting.

In order to achieve a development that complements the neighbourhood in which it is located, it may not always be possible for multi-units to build up to the maximum height specified in the District Plan. The height standards set in the plan provide a degree of flexibility to help facilitate building on Wellington's hilly topography. Within different neighbourhoods the maximum heights specified do not always accord with the scale of existing buildings. Any new multi-unit development must give careful consideration to the scale of existing housing, and reflect this scale in the design, layout and scale of the proposed development. As comprehensively designed multi-unit developments are Discretionary Activities and assessed against the Residential Design Guide, the appropriate height for new units is able to be addressed through the design assessment process.

Earthworks undertaken prior to construction of buildings can also influence how well a development integrates into the surrounding neighbourhood. New developments should seek to work with the existing landform and avoid mass earthworks that significantly alter the underlying topography.

In most residential areas building heights are measured above ground level. In recent years Council has witnessed examples of substantial earthworks being used to increase the overall scale of buildings on a site. Council will generally discourage the use of earthworks to significantly increase the overall height and scale of buildings if the resulting earthworks and building(s) can be widely seen from public spaces, and the resulting development is of a scale and character that is out of keeping with the predominant patterns in the surrounding neighbourhood.

Matters to consider when assessing applications for new infill or multi-unit developments include:

- the extent to which the proposal fulfils the intent of the Residential Design Guide.
- the extent to which building bulk, scale and siting of the proposal respects the scale, building form and topography of the neighbourhood.
- the degree to which hard surfacing for on-site parking and manoeuvring areas is minimised, or mitigated by appropriate site landscaping.
- the extent to which the landscaping plan ensures that buildings, accessways, parking areas, visible earthworks and retaining structures are integrated into the surrounding neighbourhood and the degree to which sufficient space is provided for maturing trees, and the retention of existing trees. Where trees or other vegetation is removed as a result of site

redevelopment, whether replacement trees and vegetation are of a similar nature and scale.

- the extent to which parking, vehicle accessways and manoeuvring areas makes up a significant proportion of the site area reducing opportunities for adequate open space and whether additional hard surfacing for on-site parking and manoeuvring areas is minimised or mitigated by appropriate site landscaping.
- where standards 5.6.2 for yards, site coverage, building height, building recession planes ~~sunlight access~~, and open space are not met whether the form, scale and character of the new building or structure is compatible with that of buildings and structures in the immediate vicinity of the site, and townscape amenities can be maintained.

4.2.3.2 **Manage Medium Residential Density Areas ~~Areas of Change~~ to ensure that new developments contribute to a high quality, intensive, diverse, and safe residential environment.**

METHODS

- Rules
- Residential Design Guide
- Master planning
- Advocacy

All new multi-unit developments in Areas of Change will be assessed against the content of the Residential Design Guide and where appropriate the Johnsonville Medium Density Residential Area 2 Design Guide to ensure that the proposed buildings (and associated spaces) make a positive contribution to the local townscape.

Council has also put in place a number of planning mechanisms to help ensure quality outcomes in Medium Density Residential Area of Johnsonville and Kilbirnie Areas of Change. These include a minimum lot dimension, site coverage, specific front yards, area specific building recession planes and open space requirements.

Site coverage is the key mechanism used to manage the density of new development. The site coverage permitted in Medium Density Residential Areas Areas of Change seeks to strike a balance between the proportion of the site occupied by buildings, vehicle parking and manoeuvring spaces, and open space and landscaping. Any proposal that seeks to increase total site coverage will need to demonstrate that the resulting buildings can integrate appropriately into the surrounding townscape, and that the development is not unduly dominated by hard surfacing.

Sub-areas have been identified within the Medium Density Residential Areas Areas of Change for the purpose of delivering different development intensities.

Medium Density Residential Area Area of Change-1 includes all of the land in the Kilbirnie Medium Density Residential Area Area of Change, and two smaller areas adjacent to the Johnsonville town centre. These areas offer very convenient access to the adjacent town centre, and contain a significant number of smaller infill and multi-units creating a relatively intensive urban character. The provisions that apply to these areas seek to facilitate the continuation of these existing patterns. No minimum lot dimensions are required in recognition of the character of existing development and the fragmented subdivision patterns which would inhibit site amalgamation. Similarly there is no request for ground level open space in recognition that these areas are already relatively intensely developed. In this area the emphasis will be on providing quality multi-use areas that can double as both vehicle manoeuvring spaces and useable outdoor space.

Medium Density Residential Area 2 Area of Change 2 which includes the majority of the Johnsonville Medium Density Residential Area Area of Change provides for a slightly less intense, more suburban style of development. This area includes land

that is slightly further removed from the town centre, with more existing open space. Requiring minimum lot dimensions will provide additional flexibility as to how buildings are massed on site and provides scope for different building forms and layouts. It will also help ensure that buildings can be oriented to face the street and will reduce the number of driveways required. Combined, these requirements will help to ensure that new developments provide scope for informal interaction between private units and the adjacent public spaces, and that the townscape is not overly dominated by vehicle crossings and manoeuvring spaces.

In ~~Medium Density Residential Area 2~~~~Areas of Change 2~~ ground level open space is required in order to provide space for green planting, helping to integrate new development into the wider suburban setting.

Front yards are also required in all ~~Medium Density Residential Areas~~~~Areas of Change~~. It is considered important to provide space for greening at the front of the site to help ‘soften’ the impact of the higher density development. In areas with existing street trees or when it can be demonstrated that the softening effect of vegetation can be achieved in another manner, it may be possible to waive the front yard requirement.

Matters to consider when assessing applications for new infill or multi-unit developments within a ~~Medium Density Residential Area~~~~Area of Change~~ include:

- whether the proposal represents an efficient use of the site.
- whether the proposal will facilitate a mixture of housing types within the ~~Medium Density Residential Area~~~~Area of Change~~.
- the extent to which the proposal fulfils the intent of the Residential Design Guide ~~and Johnsonville Medium Density Residential Area 2 Design Guide~~.
- the extent to which parking, vehicle accessways and manoeuvring areas makes up a significant proportion of the site area and the degree to which hard surfacing for on-site parking and manoeuvring areas is minimised, mitigated by appropriate site landscaping, or designed to allow it to be used safely as shared open space.
- the extent to which the landscaping plan ensures that buildings, accessways, parking areas, visible earthworks and retaining structures are integrated into the surrounding neighbourhood and the degree to which sufficient space is provided for maturing trees, and the retention of existing trees. Where trees or other vegetation is removed as a result of site redevelopment, whether replacement trees and vegetation are of a similar nature and scale.
- Where standard 5.6.2.4 for site coverage is not met, whether the resulting development is of appropriate bulk, scale and quality.

4.2.3.3 Manage residential development in the Oriental Bay Height Area in a manner that recognises the area’s unique characteristics and development potential.

METHODS

- Rules
- Residential Design Guide

In the Oriental Bay Height Area (as shown in Appendix 4, Chapter 5), building heights have been set to maximise potential for residential development, while at the same time offering protection for the amenity of properties to the rear and the public amenity along Oriental Parade. The heights set also serve to protect views of St Gerard’s Monastery, and the escarpment below, the monastery from along Oriental Parade and further a field. Because permitted building heights in the Oriental Bay Height Area have been assessed and set on a site by site basis, the flexibility provided by discretionary height increases is not required. Accordingly any application to exceed the stated heights is a Non-complying Activity. The exception

to this is the property at 20A Oriental Terrace, where provision for a discretionary height increase has been provided in recognition of the constraints placed on developing the property by its inclusion in the Oriental Bay Height Area (rather than the Inner Residential Area) combined with the site's topography and elevation above the mean sea level.

Council recognises that in urban design terms Oriental Parade is visually significant to the immediate surrounds, the harbour foreshore and the city as a whole. Oriental Bay serves as a backdrop to the central city and is an integral part of the City's public environment. Building heights and the type of development should be carefully considered in these contexts. Additionally the scale of development that may occur in this area is such that there is potential for adverse effects to residential and visual amenity. New buildings, and significant additions and alterations to existing buildings in the area will be assessed against the Residential Design Guide to ensure that they make a positive contribution to townscape character and general amenity of the area.

The Residential Design Guide (and Oriental Bay appendice) is tailored towards medium to high rise residential developments which are provided for in some parts of the Oriental Bay Height Area. Due to their increased height, bulk and with the trend towards developing on amalgamated sites, multi-storey apartment developments have a greater potential to modify, alter, enhance or compromise the character and amenity of the Oriental Bay area. Developments across amalgamated sites must be considered with particular care as they can create buildings with dominating bulk, which are out of scale with their surroundings and have, therefore, the potential to affect the existing character of the street. To this end it is important that the massing and form of such buildings recognise and reflect the traditional sub-division patterns of the area as a means of addressing bulk issues, along with other guidelines.

The design guide is less relevant to the smaller villas that remain along parts of Oriental Parade (mainly two or three storeys in height). Small scale additions and alterations to these villas (i.e. works that do not result in additional storeys) would generally have only minor impact on the collective townscape and amenity of Oriental Bay, and are therefore not subject to the design guide assessment.

4.2.3.4 Facilitate the integrated development of the Tapu Te Ranga Marae site (Island Bay) in a manner that recognises the unique landscape, conservation, geo-technical and urban design issues raised by the site.

METHODS

- Rules

The Tapu Te Ranga Marae site is located on the north-western edge of Island Bay. The land contained within the site is subject to a number of site-specific provisions that reflect particular resource management issues associated with the land.

Parts of the land have been highly modified, with a long history of land filling and earthworks. It is likely that these areas will not be suitable for any development that involves building or infrastructure services, and extensive testing and possible re-engineering will therefore be required to assess the suitability of ground conditions for any development in these areas. For this reason all proposed development on filled areas will require a Discretionary Activity (Unrestricted) application, and a specific provision has been imposed requiring geotechnical and engineering design reports.

The history of landfilling has also resulted in the land being identified as a potentially 'contaminated site'. This is a matter that will also require extensive investigation before any development occurs.

Because of land stability and contamination issues arising in the past the Council is particularly concerned to have control over any proposed new earthworks on the land.

Additional requirements have been imposed to limit any new development (including earthworks) that would extend above a horizontal line set at 70 metres above mean sea level. This is to protect the landscape and amenity and conservation values of the hillside and ridges surrounding the land.

On areas of original ground where development is appropriate a high level of control has also been maintained to ensure these and other issues (such as effects on visual and amenity values and roading) can be assessed. Applications will be encouraged where consideration has been given to the integrated development of the land, rather than a series of piecemeal development proposals. The Council will be particularly concerned that any proposed development adequately addresses the relationship of the land to adjoining Residential, Open Space and Conservation Site environments.

Matters to consider when assessing an application to develop the Tapu Te Ranga Marae site include:

- *The extent to which filled areas and any building proposals on filled areas denoted as Area (B) in Appendix 18, Chapter 5 can be engineered or designed to achieve development that is safe and secure.*
- *The extent to which new earthworks are necessary to provide for the remediation or rehabilitation of the land.*
- *Whether contamination issues related to the land are adequately addressed by the proposal. The assessment criteria under Rule 5.4.4 shall apply if relevant.*
- *Siting – whilst the siting of new buildings on all of the land should be carefully considered, particular attention should be given to any potential adverse effects on visual amenity and conservation values of proposed development, including earthworks, on the elevated south-western area and on the surrounding hillsides and ridges, where it may extend above or penetrate a horizontal height plane at a height of 70 metres above mean sea level. Where any such development is proposed a visual impact assessment is required.*
- *The extent to which any proposal supports the comprehensive and integrated development of the land, taking into account its location between an existing and well established residential area and Conservation Site and Open Space land. Consideration should be given to how the scale, density and design of development on the site could avoid, remedy or mitigate any adverse effects on the environment, including existing residential amenity values, beyond the boundaries of the site.*
- *Design and external appearance - proposed buildings should be sympathetic to existing patterns of residential development in the vicinity of the land, as well as the adjoining Conservation Site and Open Space environments.*
- *When relevant, the extent to which the proposal is consistent with the content of the Residential Design Guide.*
- *Site landscaping - particular consideration should be given in any planting and landscaping plan to the extent to which buildings can be integrated into the surrounding area through the use of planting, landscaping and visual screening.*
- *Whether traffic, parking and site access issues are adequately addressed through the design of the proposal, including adjacent street amenity (kerb, channel, footpath and berm) and whether any off-site effects on the surrounding roading and footpath network can be avoided, remedied or mitigated.*

- *In addition to the above where relevant, in the case of subdivision:*
 - *the requirements of section 106 of the Act*
 - *the extent of compliance with the relevant parts of the Subdivision Design Guide and the Code of Practice for Land Development.*

4.2.3.5 Require on-site, ground level open space to be provided as part of new residential developments to enhance visual amenity and assist with the integration of new developments into the existing residential environment.

METHODS

- Rules
- Advocacy
- Residential Design Guide
- Subdivision Design Guide

The traditional development pattern in Wellington’s Residential Areas is a single dwelling per site, with limited space devoted to vehicle parking and manoeuvring. As a result most properties retain a reasonable area of open space on site. Rear yards with mature visually prominent vegetation and well landscaped front gardens are typical features that contribute to the character and amenity of most established suburbs. The building bulk of new infill and multi-unit development, together with the hard surface areas required for vehicle parking and manoeuvring, can alter the valued character and amenity by reducing the sense of open space and degree of separation from other buildings (both on site and with neighbouring properties). The requirement to provide open space is an important tool for ensuring that new developments are of appropriate density, are capable of providing a suitable degree of openness and greening on-site, and are able to be sensitively integrated into the surrounding neighbourhood. Open space can also help to:

- *Provide a setting for the new buildings and structures on site*
- *Soften the visual impact of new buildings and structures as viewed from surrounding public spaces*
- *Provide open space allowing for trees and vegetation on site*
- *Enable open space areas that can help to increase soil permeability, reducing storm water*
- *Enhance the on-site amenity of the development where the space is well-designed and connected to the main living areas.*

The nature and quality of open space provided, and its relationship to the dwelling type, design and the layout of buildings on site will be instrumental in how well a development fits into an existing neighbourhood. In some cases it may be acceptable to lower the open space provision if it can be demonstrated that the open space provided, including any roof top open space and on-site communal/shared open space, is of high quality, responds well to the overall development concept and complements the surrounding residential context. An application to reduce the open space requirement will need to be able to demonstrate that:

- *The resulting development is of a scale, type and character that acknowledges, and complements, the prevailing patterns and qualities of the surrounding neighbourhood (as judged against the content of the Residential Design Guide).*
- *The development adequately resolves issues regarding building layout and the degree of separation between buildings (both on site and with adjoining sites).*
- *The resulting development contains sufficient open space, including where appropriate rooftop open space and on-site communal/shared open space, to integrate into the surrounding neighbourhood. The open space should be of appropriate dimensions to reflect predominant patterns in the surrounding area and to suit the purpose for which it is intended.*

- *The open space provided is of high quality and will provide superior amenity for occupants.*

However, when a development seeks a reduction in the amount of open space provided on a site in order to maximise permitted site coverage or to make provision for off-street car parking, it may be a signal that that the site is being overdeveloped. As open space is also a means of managing development density of a site in order to retain residential character, the provision of adequate open space on a site may mean that the maximum permitted site coverage is not always able to be achieved. In this situation reduced site coverage, or a reduction in the number of household units will generally be the appropriate way to manage development density on the site (rather than a waiver of the open space requirement) to ensure townscape amenities and residential character is maintained.

4.2.3.6 Minimise hard surfaces by encouraging residential development that increases opportunities for permeable open space areas.

METHODS

- Advocacy
- Subdivision Design Guide
- Residential Design Guide

Though the Residential Areas are diverse, they can be characterised by a sense of openness and landscape features that enhance soil permeability. Infill housing and multi-unit developments can compromise these characteristic features due to the percentage of the site taken up with building footprint, and vehicle parking and manoeuvring space. For this reason Council will seek to ensure that the hard surfacing associated with new residential developments is kept to a minimum. A reduction in the use of hard surfacing on a site will also generally help to maintain permeability of the site, reducing storm water run-off.

4.2.3.7 Encourage the retention of mature, visually prominent trees and bush in association with site redevelopment

METHOD

- Advocacy
- Subdivision Design Guide
- Residential Design Guide

Mature, visually dominant trees and areas of regenerating bush make an important contribution to the amenity of many established suburbs. Mature trees are often located along site boundaries, helping to define traditional subdivision patterns and enhance townscape character. New residential development may result in the loss of such trees and bush. Proposals that seek to retain mature, visually dominant trees and bush during site redevelopment are encouraged as this will help to integrate the new development into the surrounding environment and will be viewed as a positive effect of the proposal. Where mature trees and bush have been removed recently or are proposed to be removed to facilitate new development, the landscaping plan will need to demonstrate how new planting will be effective in mitigating the visual effects of new residential dwellings.

4.2.3.8 Control the siting and design of structures on or over roads and promote townscape improvements.

METHODS

- Rules
- Operational activities (Urban Design Strategies)

Because of Wellington’s rugged topography and historical pattern of subdivision, residents often have difficulty in siting garages and carports on their property. Council has traditionally allowed the use of legal road for such activities by means of a licence or authority to occupy (commonly known as an “encroachment

licence”). This also applies to fences and walls where they were used to define areas of occupation for private use or to retain private property. In addition, pathways and steps for pedestrian access and driveways for vehicle access, often require the construction of retaining walls and other structures on legal road.

Control will be maintained over such developments to ensure that their size and design is appropriate to the location and that townscape amenities will be maintained. Buildings and structures on legal road have been included as a Discretionary Activity (Restricted) so that their effects may be assessed in order to protect pedestrian amenities, townscape amenities and the amenities of adjoining sites, and to avoid hazardous situations. In some hillside situations, controls are needed to protect views.

Along the coastal edge special consideration will be given to the impact of the proposed structure (and any associated excavations or earthworks) on the visual amenity and character of the coastal environment. The impact of earthworks will also be considered under the earthworks provisions in Chapters 29 and 30.

Where building in the air space above roads is proposed such as footbridges, verandahs, balconies or eaves, particular consideration will be given to the impact on the townscape. Encroachment licences for accessory buildings and structures on legal road will be processed separately by Council’s Property Unit.

An important aspect of enhancing the amenity values of the City’s residential streets is the promotion of ease of access and use for people with mobility restrictions, as well as for all other pedestrians, in the design and construction of streetworks and street enhancement projects.

Matters to consider when assessing an application to build on legal road include:

- The extent to which the scale, design and appearance of the building or structure reflects the style of the dwelling and structures to which it is associated on a private site or the general style of buildings or structures in the immediate locality.
- The extent to which existing harbour views from the road can be maintained. Special consideration will be given to buildings or structures on the seaward side of:

Oriental Parade
 Evans Bay Parade
 Shelly Bay Road
 Massey Road
 Karaka Bay Road
 Marine Parade
 Owhiro Bay Road
 Palliser Road
 Grafton Road
 Hornsey Road
 Dunedin Road
 Sutherland Road
 Thane Road
 The Crescent
 Northland Road from the Northland tunnel to Governor Road
 Alexandra Road from Thane Road to Upoko Road
 Maida Vale Road from the corner of Grafton Road to Evans Bay Parade
 McFarlane Street (Upper Level)
 Carlton Gore Road
 Moeller Street

On the seaward side of the above streets, buildings will be limited to uncovered car decks.

- *The extent to which townscape amenities will be affected from buildings or structures protruding into open berms or being erected in situations requiring the removal of existing vegetation or street trees.*
- *Whether the proposal will adversely impact on the visual amenity and character of areas within or adjacent to the Residential Coastal Edge.*
- *The effects of buildings or structures on adjoining sites. The distance from adjoining buildings, possible shading and any loss of views and whether adjacent owners would be prevented from developing off-street parking will be considered.*
- *Whether the siting of buildings or structures will maintain safety for road users, including pedestrians. Particular consideration is given to providing safe access, the maintenance of sight distances and the avoidance of doors which may open over a public footpath. In all cases the site access requirements for residential activities should be met.*

The environmental results will be enhanced townscape design and appearance.

OBJECTIVE – RESIDENTIAL AMENITY

4.2.4 Ensure that all residential properties have access to reasonable levels of residential amenity.

POLICIES

To achieve this objective, Council will:

- 4.2.4.1 Manage adverse effects on residential amenity values by ensuring that the siting, scale and intensity of new residential development is compatible with surrounding development patterns.**

METHODS

- Rules
- Residential Design Guide
- Subdivision Design Guide
- National standard access design criteria
- Advocacy

Maintaining reasonable levels of amenity in Residential Areas is one of the key objectives of the Plan. People expect that the amenity standards of the Residential Areas of the city, where most people live, will be maintained at a level that sustains the residents' enjoyment of their suburb. For this reason District Plan rules have been applied to new development in Residential Areas.

The scale and placement of new buildings can have a significant impact on the amenity enjoyed by neighbouring properties. The District Plan contains provisions that seek to strike an appropriate balance between facilitating new development and protecting the amenity of neighbouring properties.

While the specific provisions vary between different parts of the City, the basic controls used to manage amenity are generally consistent across the city.

Rules set minimum standards for all dwelling houses and associated buildings. The building recession standards are intended to protect people's access to a reasonable amount of direct sunlight. It is accepted that because of Wellington's hilly

topography and form of development, full sunlight protection in all cases is not possible.

Building recession provisions also provide a degree of separation between buildings and allow a reasonable amount of sunshine to reach neighbouring sites, by requiring the taller portions of buildings to be located further away from boundaries. Less restrictive building recession provisions apply in the Inner Residential Areas where the encouragement of existing building forms and increased residential density is also a consideration.

The building recession requirements are also less restrictive in Areas of Change where Council is seeking to facilitate medium density residential development.

Maximum buildings heights are specified at levels that recognise the scale of existing buildings in the area, while also providing scope to undertake a reasonable scale of building work and allowing sufficient flexibility to cope with variations in topography and slope. In the Outer Residential Areas the building height standards provide for a generous two-storey building. In the Inner Residential Area and Areas of Change the heights are usually sufficient to facilitate three-storey buildings.

In the Medium Density Residential Areas the maximum building heights range from two-three storeys depending on the character and nature of each area. While thought must be given to the nature of development on adjoining sites, applications for comprehensive redevelopment in Medium Density Residential Areas will be principally considered in terms of their compatibility with the desired future character for the area, rather than compatibility with the surrounding development patterns.

Within the Johnsonville Medium Density Area the maximum building height has been set at 8 metres in recognition of the scale of existing built form, and the number of sites that have already been re-developed with one or two storey buildings. A significant number of sites in this area have already been developed under the previous planning controls which have resulted in principally one-two storey infill and multi-unit developments. These sites are unlikely to be developed further so the planning controls in the Johnsonville Medium Density Residential Area seek to provide for appropriate integration between the existing and future developments. However medium density developments of up to three storeys (10.4 metres) are anticipated in the Johnsonville area and discretion has been provided to enable consideration of such proposals on a case by case basis.

There are no controls to protect views from private property. This is a matter which Council considers is better dealt with by private agreement.

High fences and walls along, or close to, the boundary of residential sites are controlled to enable the effects of shading on adjoining sites to be assessed.

There are three tools in the Plan used to manage development density. Over-development of a site can result in adverse amenity effects for adjoining neighbours, and may affect residential character of a street or neighbourhood. Site coverage is the main tool used to control development density. Thresholds are set for different areas to reflect existing patterns of development, while allowing some scope for additions and alterations. Careful consideration will be given to any proposed breach of site coverage to ensure the effects are able to be managed appropriately. The car parking requirement per unit and the open space requirement per unit can also influence development density. A proposal that seeks to exceed one or more of these requirements can potentially result in a development that is not compatible with surrounding properties.

The standards for permitted residential buildings and accessory buildings, (including fences and walls) are designed to ensure that the visual amenities of both the Inner and Outer Residential Areas are generally maintained. However, because residential buildings in the City are diverse and Wellington's topography is rugged, conditions may need to be varied on occasion. The standards are flexible enough to allow the establishment of new residential development while maintaining overall amenity levels.

Proposals that involve more than one breach of the permitted activity conditions (especially site coverage, sunlight access planes and height standards) may result in cumulative effects on the surrounding environment that are not anticipated by the Plan, and be of an intensity and scale that is not in keeping with the surrounding environment. Council will consider the cumulative effects and seek to ensure that the proposal adopts measures that will mitigate any such effects.

Matters to consider when assessing a proposal to vary the standards for buildings in residential areas include:

- *whether a better development outcome can be achieved by varying the specified conditions.*
- *whether the topography of the site or the location of any built feature(s) on the site, or other requirements such as easements or rights-of-way, impose constraints that make compliance impracticable.*
- *the degree to which the proposal (through inappropriate siting, building height and bulk) significantly increases the opportunities for overlooking into adjacent properties (both indoor and outdoor spaces), reducing amenity for neighbours.*
- *whether new building work will cause significant loss of sunlight and daylight to adjoining sites.*
- *where a proposal results in a breach of site coverage, the extent to which that breach will adversely affect the amenity of adjoining sites as well as the cumulative effect on the surrounding environment*
- *where a proposal fails to provide the specified open space requirement per unit:*
 - *whether it results in a development density that is inconsistent with the surrounding residential environment (see Policy 4.2.3.6), or*
- *where a proposal involves breaches to several permitted activity conditions, the extent to which the cumulative effects of that proposal results in a development that is out of scale with the surrounding residential development and whether it will create adverse effects on the neighbourhood amenity of that residential environment.*
- *the extent to which it can be demonstrated that buildings or structures adjoining Conservation Sites will have no adverse effects on the ecological values of the Conservation Site.*
- *where standards for yards, site coverage, building height, building recession planes ~~sunlight access~~ and open space contained in 5.6.2 ~~3~~ are not met and the written approval of any affected person has not been obtained, whether new building work will cause significant loss of sunlight, daylight or privacy to adjoining sites.*

4.2.4.2 Manage the design and layout of new infill and multi-unit developments to ensure that they provide high quality living environments and avoid or mitigate any adverse effects on neighbouring properties, do not result in inappropriate adverse effects on neighbouring properties.

METHODS

- Rules
- Residential Design Guide
- National standard access design criteria
- Advocacy

To allow for the effective use of land in the developed parts of the city, the Plan provides for infill housing and multi-unit residential developments.

The Plan seeks to ensure that new residential development maintains and enhances amenity values, and that such development does not adversely affect surrounding

patterns of development and increase density at the expense of reasonable amenity standards for residents. The plan also seeks to ensure that new infill and multi-unit development provides high quality living environments for occupants.

Infill Housing

Infill housing involves the construction of a new residential unit on a site in the Outer Residential Area that already contains an existing unit. The new unit is generally located to the front or rear of the existing unit, within an existing area of open space. In neighbourhoods where there is a strong established pattern of building alignment and open space, the introduction of a new household unit (that does not observe those patterns) can negatively impact on the amenity of neighbouring properties. This is particularly so where the second dwelling is located so that it overlooks and shades the living areas of an adjoining dwelling or a valued outdoor open space area on an adjoining property.

At the same time infill housing can result in positive outcomes, enabling the efficient use of land and helping to provide a range of housing options within existing neighbourhood. The key to successful infill development lies in ensuring that both the subdivision and new residential dwelling complement the existing neighbourhood.

On Outer Residential sites with a site land area ~~over~~ of 800 square metres or more, two household units on a site is a permitted activity. In this situation it is considered that a large lot, in combination with the site coverage, building recession and open space controls contained in the plan are sufficient to manage the effects of infill development.

On Outer Residential sites with a site land area of less than 800 square metres the plan provides for one dwelling to be built up to the maximum height standard (generally between 8 – 10 metres depending on the area) and a second (infill) unit is permitted where the height of that second unit is limited to 4.5m (approximately one storey). On sloping sites (those with a gradient of more than 3:1) the height for the second household unit has been set at 6 metres in recognition of the practical difficulties inherent in developing on sloping terrain. This rule structure acknowledges that the potential adverse effects associated with a second infill unit on a site are significantly reduced when the height of the dwelling is restricted to a single storey development, because there is limited scope for over-bearing, overshadowing or loss of privacy on neighbouring sites..

In the Inner Residential Area, Areas of Change, and the Residential Coastal Edge, a second household unit on a site is considered as a multi-unit development. ~~In the Outer Residential Area infill units on sites less than 800 square metres that exceed the 4.5m metre height limit (or 6 metres on a sloping site) will be considered as a multi-unit development.~~

Multi-unit residential development

The permitted bulk and location standards that apply both within the Inner and Outer Residential Areas are reflective of the area's predominant development type, which is typically one dwelling per site. A single dwelling on a site, built in accordance with the bulk and location standards, will generally be of an intensity, scale and mass that is consistent with the character of the surrounding area. Single dwellings, even when built up to full site coverage and height, retain a significant degree of openness and greenery on site. However, multi-unit developments designed and built in accordance with the bulk and location controls can have quite different impacts on the amenity of surrounding properties in terms of reduced privacy, over bearing, and reduced access to daylight and sunlight. These effects are generally more pronounced when new units are located near boundaries and built taller than adjacent dwellings.

To help manage these issues, a 4.5m height control (or 6 metres on a sloping site) is used to manage new multi-unit developments in the Inner and Outer Residential Areas. This control is not implemented as a standard, rather the rules are structured so that the non-notification statement contained in Rule 5.3.4, applies only to buildings up to 4.5 metres in height (or 6 metres on a sloping site). Beyond that height the Council will apply the provisions of the Resource Management Act to determine whether a resource consent should be publicly notified. This rule structure is intended to provide developers with some certainty as to the scale of multi-unit buildings that can be developed without adversely impacting on the amenity of neighbouring properties. Beyond that level the effects of a development on surrounding properties will be assessed on a case-by-case basis.

In considering resource consent applications for new multi-unit development, an assessment of the proposal's compatibility with surrounding residential development patterns will include an assessment of the primary built form characteristics and layout of surrounding properties. Where a neighbourhood contains regular patterns or consistency of residential development (eg. regular front yard setbacks, spacious rear yards, building heights) it is important that new development respect those patterns to safeguard the amenity values of the surrounding area. However, while site context is important in considering a development proposal, past infill or multi-unit development will not always be an appropriate precedent for the density or scale of new development, particularly where existing examples of infill development do not reflect the policies of the current Plan and have adversely impacted on the amenity of neighbouring properties.

Council will seek to ensure that multi-unit developments in the Inner and Outer Residential Areas do not result in a significant reduction in amenity for surrounding properties. When assessing an application for a multi-unit development containing buildings over 4.5m in height (or 6 metres on a sloping site), Council will consider the degree to which the proposal:

- overlooks adjoining sites, particularly the living space or principal outdoor space on a neighbouring property
- impacts on daylight and sunlight levels for adjoining sites, particular sunlight to the dwelling or principal outdoor space on a neighbouring property
- creates a sense of overbearing for neighbouring properties.

In assessing these matters consideration will also be given to the maximum height standards (see Table 6, Chapter 5)

On 'greenfield' sites in the northern growth management area, where the future urban form is yet to be established and there are no existing residential landuses on adjoining sites, consideration of the impact of multi-unit developments on the character and amenity of surrounding area is less relevant. In these situations Council will consider the location, design and layout of new multi-unit developments, with building bulk and location being considered at the time of subdivision design.

In Areas of Change Medium Density Residential Areas, Council seeks to promote comprehensive residential redevelopment. In these areas it is accepted that new developments will have some impact on the amenity of adjoining properties that are also located in the Areas of Change Medium Density Residential Area. Accordingly new multi-units in Areas of Change Medium Density Residential Areas may build up to the maximum height standard without public notification.

Applications that seek to exceed the maximum height standard will be expected to demonstrate that the resulting building(s) will provide suitable privacy and solar access for occupants, and will not:

- overlook adjoining sites, particularly the living space or principal outdoor space on a neighbouring property

- impact on daylight and sunlight levels for adjoining sites, particular sunlight to the dwelling or principal outdoor space on a neighbouring property

This may be achieved by configuring the development to provide breaks between buildings and appropriate setbacks from lot boundaries (see the Johnsonville appendix to the Residential Design Guide for further guidance.

~~Similarly,~~ In the Oriental Bay Height Area (see Appendix 4, Chapter 5) heights have been considered on a site by site basis, so there is no requirement to publicly notify applications for new multi-unit developments if they comply with the height standard.

Amenity Open Space

Due to the more intensive living environments created through infill and multi unit development the issue of on-site amenity becomes more pressing. There is generally less distance between units and less land attributed to each unit, so it is important to ensure that the spaces that are provided will deliver high levels of amenity to occupants. This includes reasonable levels of daylight, open space and privacy for the occupants.

The private amenity open space requirements of the Plan are targeted at achieving quality on-site amenity for residents. The focus of the District Plan is to achieve high quality space that is sufficient to cater for the private outdoor needs of occupants. This space should be practical to manage, reasonably private and easily accessible from the unit itself. The size, location and orientation of amenity open space is managed through the Residential Design Guide. This provides an element of flexibility to provide open space that reflects the scale and type of residential unit being developed.

Breaches of Standards

The adverse effects associated with one breach of the permitted activity conditions can usually be mitigated on site, depending on the degree of the breach. However, the cumulative effects of several breaches (depending on the degree) to the permitted activities standards (particularly site coverage, sunlight access planes, height) are more likely to result in developments that are out-of-scale with the surrounding environment and more likely to generate adverse effects on surrounding properties. As development of this nature is not generally anticipated by the Plan, the assessment of the consent will include consideration of whether the amenity values of surrounding properties are affected and whether the proposed development is out-of-scale with the surrounding residential environment.

Where written approvals are supplied as part of a resource consent application by those who may be affected by a proposed development, the Council will still need to consider the effects on the amenity of the surrounding environment and unless those effects are no more than minor, then public notification will be required.

The amenity values of the City's housing stock are adversely affected by the significant lack of dwellings which are not easily accessible, including by people with mobility restrictions. Consequently Council will firmly promote the use of the accessible housing design criteria in NZ Standard 4121 (or its successor) in both new housing and in housing alterations.

The accessibility of multi-unit dwellings is an important design issue, as it affects the amenity values and the sustainability of the stock over the long term. Council will promote the accessibility of multi-unit development to ensure that a high proportion of new dwelling units are designed to be accessible and usable by older people and all others with mobility restrictions.

The environmental result will be new infill and multi-unit residential developments that provide quality living environment for occupants and which are compatible with the surrounding environment.

4.2.4.3 Provide for appropriate additions and alterations to established buildings (built before July 2000) that do not comply with the current planning standards

METHODS

- Rules

In many parts of the City there are existing buildings that do not comply with the current planning standards. Usually they are older buildings located in the more established suburbs. These houses were generally built in line with their neighbours with little setback from side boundaries. Usually these houses breach the current standards relating to building recession planes, but breaches of maximum height, yards and site coverage are also reasonably common. Because these buildings are an established part of the residential environment it is considered that they should not be unreasonably penalised for the existing breaches. However when an existing building already exceeds the current planning standards, undertaking even complying additions and alterations can have a significant impact on the amenity of neighbouring properties.

Council supports the on-going retention and re-use of existing building stock, and acknowledges that this can be encouraged by allowing additions and alterations to existing buildings. Council has developed rules for additions and alterations to these buildings that strike a balance between giving landowners the flexibility to adapt their properties to meet their needs, while providing a reasonable degree of protection for neighbours' amenity

As a rule, the older houses around the City were designed and orientated to gain the majority of their light, outlook and amenity from their front and rear elevations. This situation was reinforced by the general alignment with neighbouring houses which results in each house having a reasonably equitable access to light and outlook. This situation is preserved as long as the houses remain generally in alignment with each other. The rules therefore provide for works within the current building envelope and within the footprint of the existing building.

Works that extend the footprint of the existing building are also permitted, subject to compliance with specific height standards. If an existing building breaches the standards for height or building recession planes, then the permitted height of any new addition is 4.5 metres. On sloping sites the permitted height for new additions is 6 metres in recognition of the practical difficulties inherent in developing on sloping terrain. These heights have been set on the basis that additions that are capped at a single storey will be generally acceptable in terms of their impact on the privacy and amenity of neighbouring properties.

On many sites, additions that are larger than those provided for in the rules may still be appropriate, but the potential impact on neighbouring properties will need to be assessed either through a resource consent application or an existing use rights assessment under section 10 of the Resource Management Act.

4.2.4.4 Ensure that new residential developments recognise and provide for the health and safety of people.

METHODS

- Rules
- Other mechanisms (WCC Bylaws)
- Advocacy

Urban design measures can be adopted to minimise actual or potential threats to personal safety and security. Guidelines for design against crime have been prepared and these will be used by Council to advocate the development of a safe city.

The promotion of a healthy and safe city will be implemented through a broad range of Council actions, including District Plan rules. Council will also use other mechanisms, such as the Healthy City initiative and general bylaws, to promote the health and safety of Wellington's communities. Some involve physical actions while others centre on providing information.

The environmental result will be that buildings or spaces are designed to avoid, remedy or mitigate the incidence of crime, and which provide for the health and safety of people.

OBJECTIVE - SUSTAINABILITY

4.2.5 To encourage the energy efficiency and sustainability of buildings and subdivisions in Residential Areas

POLICIES

To achieve this objective, Council will:

4.2.5.1 To promote a sustainable built environment in the Residential Area that:

- Utilises principles of low impact urban design; and
- Provides for the efficient end use of energy (and other natural and physical resources), especially in the design and use of new buildings and structures.

, involving the efficient end use of energy (and other natural and physical resources), especially in the design and use of new buildings and structures.

METHODS

- Rules
- Design Guides (Residential and Subdivision)
- National standard access design criteria
- Other Mechanisms (Advocacy of Environmentally Sustainable Design principles, Education)

The form of a subdivision or housing development can promote sustainability by making the most effective use of available land, and by such measures as orienting developments to the sun and improving public transport and pedestrian access. Buildings and subdivisions that are designed to encourage walking and cycling can also lead to energy efficiency improvements. Flexible siting provisions and design guides for subdivision and multi-unit residential development have thus been included in the Plan.

New residential housing developments can have adverse effects on the environment (including cumulative effects) for example, through increased stormwater run-off or energy consumption. Opportunities to incorporate sustainable building design features, and to use sustainable, low-impact building materials and construction methods will be encouraged to minimise potential adverse environmental effects. A development that proposes an environmentally sustainable designed building will be viewed as having a positive effect on the environment.

Because sustainable building design involves the site-specific context and function of the dwelling or housing development, the options for taking up different design features and methods will vary from case to case. Ongoing developments in technology means that options for this type of approach are likely to evolve over the

life of the Plan. Accordingly, the Council will look to other research and industry organisations for guidance on the latest technology, methods and tools to achieve environmentally sustainable buildings.

Many matters relating to sustainable building design are addressed by the minimum standards outlined in the Building Act 2004 (specifically the Building Code). However, where it is practicable, additional sustainable building design and associated methods that go beyond the minimum standards of the Building Code will be promoted.

The environmental result will be improved development and greater uptake of environmentally sustainable design within the Residential Area.

4.2.5.2 Encourage the development and efficient use of renewable energy within Residential Areas.

METHOD

- Advocacy

Council has, through its Sustainable Development Strategy, made a commitment to encourage energy efficiency and the use of renewable energy. With respect to Residential Areas this may be in the form of new development incorporating sustainable and energy efficient building design principles, renewable energy sources for space and water heating, and electricity generation. This may involve more simple energy efficiency design principles such as correct building orientation to the sun to assist in passive solar heating, cooling and natural lighting. Many of these activities may not require resource consent, but the Council recognises its responsibility in terms of being a role model and will encourage the use of renewable energy and energy efficiency.

Note: for all applications relating to or involving renewable energy under this chapter the objectives and policies in Chapter 25 should also be considered.

4.2.5.3 Support the uptake of new vehicle technologies by enabling supporting infrastructure in order to reduce reliance on fossil fuels.

METHOD

- Advocacy

New vehicle technologies are emerging that will help to reduce the City's reliance on fossil fuels to run vehicles. Such technologies may include electric vehicles. Structures may be required to support the charging of electric vehicles or other new vehicle technologies. Supporting infrastructure may be established on private properties, but may also be sited on public property subject to landowner permission from the Council.

OBJECTIVE - SUBDIVISION

4.2.6 To ensure that the adverse effects of new subdivisions are avoided, remedied or mitigated.

POLICIES

To achieve this objective, Council will:

4.2.6.1 Encourage subdivision design and housing development that optimises resource and energy use and accessibility.

METHODS

- Rules
- Design Guide (Subdivision)
- National standard access design criteria
- Advocacy

The form of a subdivision or housing development can impact on the effective use of available land by such measures as orienting developments to the sun and improving public transport and pedestrian access. Equally, it can promote greater equity of opportunity and choice for older people and all others with mobility restrictions by employing, wherever practicable, the accessible housing design criteria in NZ Standard 4121 (or its successor). Flexible siting provisions and design guides for subdivision and multi-unit residential development have thus been included in the Plan.

The design of subdivisions or smaller clusters of residences needs to take into account opportunities for joint energy schemes e.g. small scale wind turbines, solar generation and/or solar heating.

The environmental result will be improved subdivisions and housing developments.

4.2.6.2 Ensure the sound design, development and servicing of all subdivisions.

METHODS

- Rules (compliance with Code of Practice for Urban Land Development)
- Information (promotion of good subdivision practice)

To encourage the sound design, development and appropriate servicing of subdivisions, the subdivision of land will be assessed in terms of the Design Guidelines for Subdivision and Council's Code of Practice for Land Development.

Because of the diversity of the situations that arise and the need to ensure that particular circumstances are covered by appropriate conditions, most subdivisions will require a resource consent. Subdivisions resulting in the issue of separate certificates of title for existing residential buildings are provided for, subject to specified conditions. This will facilitate any subdivision of land which has no effect on the existing topography or building development.

Applicants are reminded of the need for proposed subdivisions to comply with the City Bylaws. In addition, where private infrastructure is proposed to be vested in the Council or where private stormwater, water and sewerage lines are connected or proposed to be connected to public infrastructure, applicants will need to liaise with the Council concerning the requirements set out in the Council's Code of Practice for Land Development. Council will either accept the vesting of such infrastructure or will authorise connection or continued connection to public infrastructure. Refer to Section 3.9 of the Plan.

Subdivisions involving few allotments, and which are of a size capable of containing permitted residential activities that will complement and fit in with the surrounding residential environment, are a Controlled Activity. This will assist in facilitating the process of infill and greenfield development, whilst ensuring the adverse effects of such development on residential character are minimised.

It is intended that each allotment would be designed so that it can accommodate permitted developments under the District Plan. If the activities, buildings or structures (either existing or proposed) do not meet the specified conditions for permitted activities the subdivision may be assessed under a higher activity status. However, escalation will not be required if the land use was established under an earlier resource consent or it has existing use rights under the Act, or in the case of

unit title subdivisions, obtains a concurrent landuse consent for the proposed buildings.

Conditions may be imposed by Council to ensure that a high standard of design is attained. In particular, Council will assess the proposal against the Subdivision Design Guide, and assess access requirements, allotment size and the potential for development.

More significant subdivisions will be assessed as Discretionary Activities (Restricted) or (Unrestricted). If designed poorly, these subdivisions can adversely affect the quality of developments subsequently created on the newly formed lot, as well as the amenities of neighbouring lots. Greater emphasis on the design of the subdivision is needed to ensure future developments are compatible with the surrounding residential area.

Subdivisions will be assessed to ensure they are capable of containing residential activities that are in keeping with the surrounding residential environment. Council will assess access requirements, allotment size and shape and the potential for development against the permitted activity conditions and the Subdivision Design Guide. Covenants and consent notices may be imposed to ensure that future residential dwellings will be of a scale or height that is appropriate for the surrounding residential context.

All the more significant subdivisions in Residential Areas, particularly those which involve substantial modification of existing land forms and more roads, will be assessed as Discretionary Activities (Unrestricted). This will enable the full effects of a subdivision to be considered with public involvement where appropriate. Even though subdivisions under this rule will occur on land within the urban area of the City which is generally available for development, the resource consent process will be used to determine the extent of land considered suitable for subdivision and the most appropriate subdivision design having regard to the intended future use.

Access to waterways and the coast remains an important issue. Council aims to continue to provide access to waterbodies and the coastal marine area and to conserve their natural values. Each subdivision is assessed on its merits. Each application for subdivision should address the issue of providing esplanade land in the context of the listed criteria. Esplanade land may also be considered for reserves contributions where esplanade reserves or strips are not deemed to be necessary. With regard to esplanade land, section 345(3) of the Local Government Act, 1974 also applies.

There are some residential areas that lie within the identified ridgelines and hilltops. The Council accepts that residential development can be accommodated within these areas, however the visual effects need to be carefully planned at the subdivision design stage, given the visibility of these ridgelines and hilltop areas from district-wide, local and neighbouring areas. Where specific provisions have been included in Appendices to Chapter 5 for specific sites, those provisions shall prevail.

Matters to consider when assessing all applications for subdivision include:

- The requirements of section 106 of the Act.
- The extent of compliance with the relevant parts of the Subdivision Design Guide, City Bylaws and if applicable the Code of Practice for Land Development.
- Where the subdivision is used to create a vacant lot, and where there is no landuse consent sought in conjunction with the subdivision consent, whether the proposed lot size is capable of accommodating a wide variety of building forms compatible with the surrounding residential environment.
- Where the subdivision process is used to facilitate a residential infill development within an existing residential area:

- In the Inner and Outer Residential Areas whether the proposed lot is capable of accommodating permitted activity residential buildings that are compatible with the predominant housing pattern or density of the surrounding residential area.
- In the Medium Density Residential Areas whether the proposed lot will help facilitate the comprehensive redevelopment of the site and will enable development that is compatible with the anticipated development pattern for the area.
- The degree to which any lot size will result in a dwelling which creates adverse effects on adjoining properties that are generally not anticipated by the permitted activities of the Plan (were subdivision not a feature of the development), eg. position of dwelling on the lot, its height and bulk.
- The degree to which the proposed lot will result in a residential dwelling that is not capable of complying with the Residential Area objectives and policies for residential development and Section 1 guidelines of the content of the Residential Design Guide (Building form, location and planning).
- In respect of cross lease or unit title subdivisions:
 - the need for permanent site access and access to and around buildings
 - the current and future allocation for use of land area, accessory buildings and amenities
 - the need to service and use land and buildings efficiently.
- The extent to which the proposal complies with the earthworks provisions of the Plan except in respect of rule 30.1.1.1(a).
- Where the proposal involves a subdivision where permitted activities are not demonstrated, the extent to which mitigation measures have been adopted in the proposal to ensure that future land use activities will not cause significant adverse effects on the amenity of adjoining neighbours.
- Whether a dwelling of two or more storeys is proposed as the future intended land use and the degree to which site topography, subdivision design and the nature and scale of surrounding land uses mitigate any adverse effects on the amenity of adjoining properties.
- Where the activity is within a Maori Precinct, the outcome of consultation with tangata whenua and other Maori.
- Whether esplanade land is required to be set aside as part of the subdivision. Esplanade land to a maximum of 20 metres is required as a part of subdivision on the following water bodies or the coastal marine area where they meet the criteria specified in the Act:
 - all parts of the Wellington Coast
 - the Porirua Stream and tributaries
 - the Kaiwharawhara Stream and tributaries.

A reduction in the width of land required and the appropriate type of land tenure will be assessed as part of the subdivision application. The need for esplanade land will be assessed against the following:

- whether the land holds conservation or ecological values
- whether the land is necessary to maintain or enhance conservation or ecological values of the adjacent land, water or the water quality of the waterbody or coastal water
- whether the land is necessary to provide or maintain public access, both present and future, to or along the edge of the waterbody or the

coastal marine area

- *whether the land is necessary to maintain or enhance other natural values of the esplanade land.*

The requirement to provide 20 metres of esplanade land may be waived totally where the land will not:

- *contribute to the protection of conservation values*
- *enable public access along or to water bodies or the coastal marine area*
- *enable public recreational use of esplanade land or waterbodies or the coastal marine area.*

Where there is no necessity for Council to own esplanade land to achieve these outcomes, esplanade strips will be considered as a way of ensuring access or maintaining natural values.

- *The extent that earthworks, buildings and structures within identified ridgelines and hilltops will be sited and designed in ways that are visually sensitive and avoid being visually obtrusive by:*
 - *ensuring that earthworks, buildings and structures do not appear to encroach onto the upper most slopes and summit of the ridgeline or hilltop*
 - *minimising skyline effects by ensuring that buildings and structures will be seen against a landform backdrop when viewed from district wide, community wide and neighbouring land*
 - *ensuring that the visibility of buildings, structures and earthworks will be mitigated by appropriate siting and design, and planting and/or screening when viewed from district wide, community wide and neighbouring land*
- *The extent to which any subdivision within 32 metres of a high voltage transmission line (measured from the centreline at ground level) would:*
 - *impact on the ability of the transmission line owner to operate, maintain and upgrade the high voltage transmission network*
 - *would compromise the structural integrity of the transmission line*
 - *create a risk of electrical hazards due to the mature height of any associated vegetation, including within any landscaped areas*
 - *result in exposure to electromagnetic fields, and the degree to which these can be avoided, remedied or mitigated.*
 - *comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34: 2001, the Electricity (Hazards from Trees) Regulations 2003, and Transpower’s Corridor Management Policy*

- *Where the subdivision involves undeveloped land in the Lincolnshire Farm Structure Plan Area (Appendix 1, Chapter 28), whether the proposal is consistent with the outcomes sought in the structure plan regarding the provision of a variety of lot sizes and housing choice.*

The environmental result will be the development of well-designed and properly serviced subdivisions that will maintain amenity standards in Residential Areas.

4.2.6.3 Control subdivision lot size and design within established residential suburbs to provide for flexibility in future land use, while ensuring that the subdivision will not result in patterns of development that would adversely impact on the townscape character of the surrounding neighbourhood or the amenity of adjoining properties.

4.2.6.4 Discourage the fragmentation of land parcels within Areas of Change which may inhibit comprehensive redevelopment of the site or surrounding properties.

METHOD

- Rules
- Subdivision Design Guide
- Residential Design Guide

To help promote a sustainable city the Plan seeks to minimise the peripheral expansion of urban development and to allow more intensive development within the existing urban area where the adverse neighbourhood effects of such development can be minimised. Controls will work to ensure that the general residential character and amenity of particular neighbourhoods or character areas is maintained upon the subdivision of land.

The subdivision rule regime recognises that subdivision can be used to formalise or modify land tenure arrangements around lawfully existing landuses without creating significant adverse effects. Also, subdivisions that create lots of a certain size which are easily capable of containing residential activities that will fit with the typical residential character of an area are also less likely to create adverse effects on residential amenity or townscape character. As a result, these types of subdivisions are categorised as Controlled Activities.

Where subdivision is used to facilitate new development that may not be in keeping with the surrounding residential character then these will be processed as Discretionary Activities. The adverse effects associated with very small sections can be avoided if the subdivision is well designed (and of a sufficient size and shape) to allow future residential dwellings to be built at a density appropriate to the character of the surrounding neighbourhood. These issues require particular consideration when subdivision would facilitate an infill dwelling of more than one storey.

The Council exercises control over lot size and design with assistance from the Subdivision Design Guide to ensure that the resulting development is compatible with the surrounding area. For such infill development to be properly assessed against the Subdivision Design Guide, it is necessary that subdivision applications include plans outlining the proposed development. These plans will also be assessed against some parts of the Residential Design Guide to ensure the proposed allotment is capable of facilitating a residential dwelling that respects the surrounding residential amenity values. Covenants may be imposed to ensure that future residential dwellings will be of a scale or height that is appropriate for the surrounding residential context. This requirement need not be imposed for Controlled Activity subdivision as such lots are likely to be capable of facilitating a dwelling that is compatible with the surrounding residential environment.

Subdivision of land often requires the written approval of affected landowners. Where written approvals are supplied as part of a resource consent application by those who may be affected by a proposed development, the Council will still need to consider the effects on the amenity of the surrounding environment and unless those effects are no more than minor, then public notification will be required.

There is a risk that on-going incremental development and subdivision (such as back yard infill units) in Areas of Change will further fragment land ownership and make it more difficult to accumulate parcels of land for comprehensive redevelopment. Council will therefore generally discourage subdivision in Areas of Change, unless it can be demonstrated that the subdivision will facilitate high quality medium density residential development.

Infill housing has a role within Areas of Change, particularly when it can be demonstrated that it represents the most efficient use of the site (for example when a

single lot is surrounded by properties that have already been redeveloped) and when it helps to add diversity to the housing stock in the area. However further infill development will not be supported if it does not represent the most efficient use of the site, and when it would inhibit future comprehensive redevelopment of the site (and possibly adjoining sites) through the fragmentation of land ownership.

The environmental result will be the efficient and sustainable use of existing residential lots in Residential Areas that are well designed to maintain and enhance residential amenity and character.

4.2.6.5 Control greenfield subdivision to ensure that adverse effects are avoided, remedied or mitigated and that neighbourhoods are created which have a high amenity standard and which are adequately integrated with existing and planned infrastructure.

METHODS

- Rules
- Design Guides
- Other mechanisms (Northern Growth Management Framework)

The District Plan Maps identify the extent of urban (primarily residential) areas on the basis of existing residential, centre and business development and land subject to current subdivision consents. In accordance with the purpose of sustainable management, the aim is to provide for the intensification of land use within the urban area and potential growth areas as identified within the Northern Growth Management Framework to accommodate, where adverse effects can be avoided, remedied or mitigated, the orderly development of new subdivisions on the fringes of the existing urban area.

Greenfield subdivision should facilitate servicing by public transport, and enable residents to access the public transport services by walking and cycling or other active modes of transport.

Greenfield subdivision may be considered as part of a District Plan change to extend the urban area. However, the effects of the potential development can be assessed according to the design of the subdivision, its impact on the natural and physical environment, and constraints (such as natural hazards) imposed by the environment, which may be identified by mechanisms such as the Northern Growth Management Framework.

The environmental result will be a compact city and, where approved, the development of new subdivisions that are well designed which recognise and protect ecological values, and are integrated with existing and intended infrastructure.

OBJECTIVE - ACTIVITIES

4.2.7 To facilitate a range of activities within Residential Areas provided that adverse effects are suitably avoided, remedied or mitigated, and amenity values are maintained or enhanced.

POLICIES

To achieve this objective, Council will:

4.2.7.1 Control the potential adverse effects of residential activities.

METHODS

- Rules

- National standard access design criteria
- Advocacy

Residential activities are generally consistent with the outcomes sought in Residential Areas and these are permitted with few restrictions. The conditions that apply to residential activities are designed to ensure that the amenities enjoyed by residents are reasonably protected.

The environmental result will be the maintenance of reasonable amenity standards for residents.

4.2.7.2 Control adverse noise effects within Residential Areas.

METHODS

- Rules
- New Zealand Acoustic Assessment and Measurement Standards

- Other mechanisms (Enforcement Orders, Abatement Notices)

Because noise is a particularly important amenity consideration, specific rules are included in the District Plan. The rules aim to avoid, remedy or mitigate the adverse noise effects from activities on residents. In addition to the rules the enforcement order and abatement notice procedures of the Act will be used to control unreasonable noise.

The plan also contains standards for noise generated by fixed mechanical plant. Mechanical plant is often a constant sound that can occur throughout the day (and night) and accordingly can have greater effects than noise from more temporary, sporadic sources. To prevent plant noise from contributing to background ambient creep, the fixed plant noise standards are set 5dBA lower than the corresponding noise limits control general activities.

*Traffic noise is not controlled through rules in the District Plan and alternative actions will have to be initiated to avoid, remedy or mitigate intrusions from this source. **Some degree of traffic noise should be anticipated in residential areas abutting a state highway.***

However within the Outer Residential Area adjoining Wellington International Airport and near to the Operational Port Areas, there is a need to recognise the potential effects of airport and port noise on new residential and other Noise Sensitive Activity developments, and conversely, the potential constraints of such activities and developments on the airport and port activities.. The rules relating to residential development near the airport (being the land inside the airnoise boundary depicted on Map 35) reflect these issues. Reference will also be made to the objectives and policies in chapter 10 of this Plan when considering resource consent applications for residential development within that area. Where a new residential development is within an area included in both the airnoise boundary and Port Noise Affected Area, then the rules relating to airnoise will apply.

The provisions for managing the effects of noise from port related activities are based on an assessment of the particular characteristics of port noise, port operations and the relevant surrounding environment. Different provisions may be adopted in respect of the reverse sensitivity effects of other noise generating activities, as each activity can have different noise characteristics. For example, noise from the Wellington International Airport activities is different to noise from port activities.

Council also aims to ensure that in areas affected by port noise that potential adverse affects on residents are mitigated appropriately through the requirement for acoustic insulation. New residential buildings within the Port Noise Affected Area which are also within the airnoise boundary are excluded from the port noise

insulation standard (5.6.1.3) as the existing provisions for airport noise are adequate to also manage port noise. Noise emission levels from both port and airport operations will be considered when assessing proposals that do not meet the permitted activity noise insulation condition for airport noise.

A ventilation requirement for bedrooms has been put in place to ensure noise attenuation is not compromised if compliance with the requirements of the Building Code (G4) for natural ventilation is achieved by installing openable windows. The required airflow level is based on the minimum standard for habitable spaces set out in NZS 4303.

Matters to consider when assessing applications for buildings within the Port Noise Affected Area include:

- *Whether the likely exposure to port noise will adversely affect the health or amenity of occupiers of the building*
- *Whether the habitable rooms are located, orientated or designed in such a way which would make insulation to the required standards unnecessary*
- *Whether the development is likely to lead to potential conflict with and cause adverse effects, including reverse sensitivity effects, on port activities*
- *Whether the building is a listed heritage building and the extent to which it is practicable to insulate to the required standard without compromising the heritage significance and fabric of the building*

There is also a need to recognise the potential effects of helicopter noise on the Residential Area. For this reason more stringent controls have been put in place to regulate helicopter operations and landing areas in residential areas. In particular, while each application will be assessed upon its own merits, Council intends to protect the amenities enjoyed by adjoining residents and applications will be assessed against their potential effect on this amenity.

Council is concerned that helicopter operations do not cause adverse noise effects and are conducted safely. For jurisdictional reasons, helicopters in flight are not subject to control, but Council has made landing areas a Discretionary Activity (Unrestricted) to ensure that any adverse effects are avoided, remedied or mitigated.

Matters to consider when assessing applications for helicopter landing areas include:

- *The nature, duration and frequency of the activity*
- *Impact of the activity on the amenity of neighbouring properties*
- *The extent of compliance with the provisions of NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas*
- *The extent of compliance with relevant Civil Aviation rules.*

However, compliance with NZS 6807:1994 may not necessarily guarantee that the effects from small scale helicopter operations will be without adverse effects. In these cases an assessment should also be confirm that the best practicable options have been adopted to ensure a reasonable level under section 16 of the Resource Management Act 1991.

The environmental result will be the improvement of the noise environment in Residential Areas.

4.2.7.3 Provide for a range of non-residential activities within Residential Areas, provided character and amenity standards are maintained, and any adverse effects are appropriately avoided, remedied, or mitigated.

4.2.7.4 Ensure that non-residential activities in Residential Areas do not compromise the role and function of centres.

4.2.7.5 Facilitate a range of non-residential activities at ground floor in the Oriental Bay Height Area, provided amenity standards are maintained, and any adverse effects are appropriately avoided, remedied, or mitigated.

METHOD

- Rules
- The Urban Development Strategy
- The Centres Policy

From the earliest days of urban settlement, a wide variety of non-residential activities has been established in suburban residential neighbourhoods. These activities provide needed services, facilities or work opportunities for local residents. In some cases, the uses serve wider city or regional populations.

Allowing more mixed activity in Residential Areas helps to promote the Plan’s aim of achieving a more sustainable city. A range of services and facilities in Residential Areas offers the benefits of convenience and improved access without the need for increased commuting.

Council envisages that any non-residential activities in a Residential Area will be of a domestic scale and will not compromise the role and function of Wellington’s centres. For applications relating to or involving new non-residential activities in Residential Areas the objectives and policies in Chapter 6 should also be considered.

Because non-residential activities can impact adversely on the amenities of Residential Areas, control over these has been maintained in the District Plan. Council aims to ensure that any non-residential activity is of a scale and character that is in keeping with its surroundings as this is important to protect residential amenities. The rules will enable the full effects of a proposal to be evaluated and where necessary, protective measures to be sought.

Work from Home

In keeping with the aim of promoting a sustainable city, residents should have the opportunity to work from home, or close to home, and should have convenient access to necessary services and facilities. For this reason Council supports work from home activities in Residential Areas, provided that the amenities enjoyed by adjoining residents are protected and that residential amenities are protected.

The Plan seeks to ensure that residential areas remain predominantly residential in character. To assist with this work from home activities are limited to one third of the total floor area of buildings on site.

Work from home activities involving retail use are generally not encouraged in residential areas due to the transport patterns and effects that they can generate

The conditions applying to Permitted Activities provide protection, but in certain cases, some of the conditions may be varied to facilitate worthwhile development. In respect of assessments of applications, such factors as the size of the house in respect of floorspace percentage, and the proximity of the residence of other workers to the site in respect of carparking, will be taken into account.

Full conversion of a residential building to a non-residential use

The full conversion of a residential building to non-residential use may at times be appropriate. However an area’s character and amenity can suffer when it contains a concentration of solely non-residential uses. A lack of residential activity can result in areas that are occupied only during business hours. This can result in ‘dead’ frontages outside of working hours, impacting negatively on residential

character, reducing casual surveillance of public spaces, and leading to a reduction in the areas round the clock activity and perceived safety.

Non-residential activities in a non-residential building

The Plan generally supports the re-establishment of non-residential uses within buildings that contain a shopfront display window adjacent to the footpath. These buildings were originally built for non-residential use at ground floor, and in most instances can be re-used for some form of non-residential activities without impacting significantly on the amenity of surrounding residential properties. These isolated non-residential buildings and small groups of shops have not been identified on the District Plan Maps but are included in the general Residential Areas as the difficulties of administering many small special zones, as well as the complexities of the restrictions that past controls have imposed, are not justified for the small benefits they bring.

Non-residential activities are permitted in these premises to make use of these buildings. In order to encourage the re-use of these buildings and provide flexibility for non-residential activities to occur, while at the same time ensuring that these uses do not adversely impact on surrounding residential uses, the re-use of these buildings are included as Controlled Activities.

Council will also consider proposals for the construction of any new non-residential buildings within the Residential Area. While it is important that residents have access to a range of services and facilities, the Plan aims to ensure that residential amenity is maintained. Any proposal for a new non-residential building and activity will be assessed against its ability to do this.

Non-residential activities in the Oriental Bay Height Area

The Plan aims to ensure that residential areas remain predominantly residential in character. However Council recognises that Oriental Parade (particularly between 40 Oriental Parade and Grass Street) is not only an important residential area, but it is also a popular recreational destination for the general public. Accordingly Council will generally support proposals for non-residential activities at ground floor along Oriental Parade where these will support the public use of the area. Particular consideration will be given to whether the nature of the proposal complements the character of the area, and whether the hours of operations and the nature of the activity is compatible with surrounding residential activities.

Matters to consider when assessing applications for non-residential activities, including work from home activities, include:

- *Whether the scale of any buildings or other structures on the site would be generally compatible with existing residential development. The Plan's aim is to ensure that new development generally reflects established building forms. More substantial building development may be acceptable in circumstances where:
 - *the size or location of sites permits a greater separation from existing development;*
 - *the local topography or existing vegetation will diminish the impact of new development; or*
 - *development on adjacent sites is similar in size and scale.**
- *Whether the site is appropriately located for the scale of building development proposed and the intensity of the activity. Large or more intensive developments are generally favoured in locations where they adjoin or extend existing non-residential development (such as established Centres) or where they are isolated from established housing. Council seeks to encourage the general dispersal of non-residential activities in Residential Areas to avoid the creation of new unplanned Centres and to*

protect sensitive areas such as the coast. Council will also consider the effects on residential character and amenity with any new non-residential development. In particular clusters of non-residential activities that are disruptive of residential amenities such as the loss of informal, round the clock surveillance and townscape character should be avoided.

- *Whether the design and appearance of any new buildings and structures reflect the form and scale of residential buildings and structures. Where appropriate, sites should be landscaped to a high standard, particularly on site boundaries. Existing vegetation on the site should be retained where possible.*
- *Whether existing residential amenities are lessened to any significant extent or whether effects such as noise, dust, glare, vibration, fumes, smoke, electromagnetic effects, odours or other discharges or pollutants have an adverse effect on the neighbourhood. Particular consideration is given to maintaining a quiet night-time environment.*
- *Activities which generate significant vehicular traffic should be directed towards streets which already have high traffic flows or sites that can be well accessed by means other than the private car. Activities which generate significant pedestrian traffic should be sited within reasonable walking distance of public transport routes or terminals.*
- *Whether vehicular traffic generated by any activity can be accommodated without a loss of safety or residential amenity or without causing congestion. On-site vehicle parking will be assessed with regard to the number of people employed or occupying the site and the demands of visitors and customers. Reasonable parking should be provided on site.*
- *Whether the activity will operate at hours that will cause a nuisance to residential occupiers. Opening hours will generally be restricted to 7am to 6pm Monday to Saturday.*
- *Whether non-residential activities, particularly critical facilities proposed to be located in Residential Areas are sited in secure areas. It is important that the effects of natural disasters on the environment and such facilities are avoided, remedied or mitigated.*
- *Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.*
- *Where the site is within the Port Noise Affected Area shown on Map 55 and the activity is a Noise Sensitive Activity:*
 - *whether the habitable rooms in the building in which the activity is proposed are designed and constructed to achieve an External Sound Insulation Level of $D_{nT,w} + C_{tr} > 30$ dB*
 - *whether adequate ventilation is provided for bedrooms with openable windows*
 - *the extent to which the site or building is affected by port noise, any special characteristics of the site or building which influence the level of port related noise received, and any mitigation proposals included in the application which will reduce the adverse effects of noise on the activity or building.*
- *When an activity involves the business of prostitution, the requirements of the Prostitution Reform Act 2003, including whether the business of prostitution:*
 - *is likely to cause a nuisance or serious offence to ordinary members of the public using the area in which the land is situated; or*
 - *is incompatible with the existing character or use of the area in which the land is situated.*

The environmental result will be a greater mix of uses within Residential Areas which will help to reduce travel and save energy. Residential Areas will also be maintained primarily for residential purposes, but a mix of activities will be allowed to a level that will not detract from amenity values.

4.2.7.6 Manage the establishment of early childhood centres in Residential Areas

METHODS

- Rules

Early childhood centres provide a valuable community service, and small to medium-sized centres catering for up to 30 children are considered appropriate in Residential Areas provided the adverse effects of the activity can be managed. Adverse effects of childcare centres on surrounding properties may include noise, amenity effects resulting from noise mitigation structures, traffic congestion and parking. Childcare centres are a Discretionary (Restricted) Activity to ensure these effects are well managed, that their appearance does not detract from the neighbourhood, and that children are safe on the roads nearby.

Early childhood centres catering for more than 30 children, or centres that do not meet the specified standards, will be assessed under Rule 5.4.1 to ensure that residential amenity will be maintained.

Matters to consider when assessing applications for early childhood centres include:

- *Whether existing trees on the site can be preserved to enhance the neighbourhood or new planting should be undertaken, particularly where it will improve the appearance of the property from the street. Appropriate fencing should also be provided to keep children safe. Outdoor play areas should be located in sunny situations. New and existing vegetation shall be of non-poisonous varieties and there shall be sufficient outdoor shade provided for children.*
- *Whether noise mitigation measures installed to ensure compliance with the noise standards will create additional adverse amenity effects on adjoining neighbours.*
- *Where the noise standards cannot be achieved, the proximity of the childcare centre to residential activities will be relevant, as well as consideration of the existing ambient background noise levels for surrounding properties. Centres that cannot achieve the noise standards but which are located in areas with higher ambient noise levels are likely to be preferred in order to maintain residential amenity elsewhere.*
- *The necessity for off-street parking: parking arrangements will be assessed with regard to the number of staff to be employed on the site and visitors. Council seeks to ensure that off-street parking is available for each staff member. Stacked parking arrangements may be considered. Consideration also needs to be given to parking arrangements made (either on-site or off-site) for the safe set down or pick up of children. This is because traffic congestion at these times may affect both the safety of children but also the efficient functioning of the road. Consideration will also be given as to the degree to which travel plans or public transport can be utilised to reduce demand for carparking.*
- *Whether the location and design of vehicle access to the site is safe. Council seeks to avoid hazardous situations such as access to and from busy streets or rear sites served by shared access drives. Additionally, the proximity of any proposed facility to other activities which generate high number of vehicle movements will be taken into account.*
- *Where the site is within the Port Noise Affected Area shown on Map 55:*
 - *whether the habitable rooms in the building in which the early*

childhood centre activity is proposed are designed and constructed to achieve an External Sound Insulation Level of $D_{nT,w} + C_{tr} > 30$ dB

- the extent to which the site is affected by port noise, any special characteristics of the site which influence the level of port related noise received, and any mitigation proposals included in the application which will reduce the adverse effects of noise on the activity.

The environmental result will be that early childhood centres are established on sites and in areas where reasonable amenity standards for residents can be maintained.

4.2.7.6.A Enable specifically identified non-residential activities and associated building activity, provided relevant standards are met to avoid, remedy or mitigate adverse effects.

Within the residential zone are a number of significant, long established uses that warrant specific recognition in the plan. These activities represent significant non-residential resource which is of benefit to the community, and as such it is considered unreasonable for the activities to rely solely on existing use rights.

Karori Education Campus - Victoria University of Wellington (VUW) is an important institution within Wellington City and the enhancement of VUW activities is of strategic importance to the economy and culture of the city and region. VUW's Karori Campus is a significant physical resource. Substantial buildings and facilities have been developed on the site (built when the land was designated for educational purposes), and the use made of the land, buildings and facilities is of significant value to the wider community. The intensity of use of the campus fluctuates according to a number of variables. The buildings and facilities require regular adaption, alteration and addition to cater for changing needs.

To support the on-going viability of the Karori Campus, educational services on the site are permitted. Small scale building additions and alterations are also permitted to enable the sustainable management and adaption of existing campus buildings. New non-residential buildings and larger additions remain Discretionary Activities to enable a full assessment of effects.

Independent Schools - Four established independent schools are located on land zoned for residential purposes. They are:

- Scot's College, Miramar
- Samuel Marsden Collegiate School, Karori
- Queen Margaret College, Thorndon
- St Mark's Church School, Basin Reserve

These schools represent significant, long standing non-residential uses which are of benefit to the community. Accordingly, educational activities are permitted within the areas denoted as Educational Precinct on the Planning Maps. Small-scale buildings and building additions and alterations, subject to meeting permitted activity standards for yards, building height and building recession plane, are permitted to enable the sustainable management of the existing resource. New larger buildings (over 100 square metres floor area) within the precinct require a Discretionary Activity (Restricted) resource consent. This will enable a full assessment of any effects on the character of the neighbourhood and on the amenity of adjoining residential properties.

Hotel activities at 20 Kemp Street, Kilbirnie, and church and office activities at 21 Hania Street, Mt Victoria have also been provided for in the plan in recognition of the long standing activities occupying these sites. These activities are permitted subject to compliance with the standards contained in section 5.6.1.

4.2.7.7 To provide for temporary activities that contribute to the social, economic and cultural wellbeing of the community, and control the adverse effects of temporary activities in a manner that acknowledges their infrequent nature and limited duration.

Temporary activities make an important contribution to the social, economic and cultural wellbeing of Wellington’s communities. Activities such as outdoor concerts, parades, sporting events and cultural festivals play an important role in making Wellington a vibrant and lively city that can be enjoyed by all sectors of society.

Temporary activities can have adverse effects, but these are largely mitigated by the short duration and non-repetitive nature of these activities. In general temporary activities are subject to less restrictive rules than other land uses. Excess noise is generally the most significant adverse effect of temporary activities, and this will be principally controlled using section 16 of the Resource Management Act rather than through District Plan noise levels.

With the majority of Wellington’s residents choosing to live in the Residential Area care has been taken to ensure that ‘reasonable’ levels of residential amenity are maintained. The standard noise provisions apply to temporary activities during late evening and early morning.

The majority of outdoor temporary activities occur on legal road or public land. In addition to using section 16 of the Act, and the District Plan noise provisions, the Council will continue to control the effects of temporary activities through its role as manager of these public spaces. In particular the provisions of the Local Government Act contain an approval process for the temporary closure of roads.

In considering consent applications for temporary activities the Council will consider the cumulative duration and effect of noise generated by the activity, and whether the intensity of the noise effects of the activity can be appropriately managed.

Consideration will also be given to whether the positive effects generated by the activity and the public benefit (social, cultural and economic) derived from the activity are sufficient to justify exposure to temporary adverse noise effects.

The environmental result will be residential areas that are able to accommodate short term activities within levels of accepted environmental effects.

OBJECTIVE – NATURAL FEATURES

4.2.8 To maintain and enhance natural features (including landscapes and ecosystems) that contribute to Wellington’s natural environment.

POLICIES

To achieve this objective, Council will:

4.2.8.1 Protect significant escarpments, coastal cliffs and areas of open space from development and visual obstruction.

METHOD

- Rules

The Wellington faultscarp, coastal cliffs, and areas of open space are important components of the city’s visual character, which Council seeks to preserve. Where these are not protected by public ownership, Council aims to restrict and avoid,

remedy or mitigate the visual impact of any development. The Open Space and Rural rules deal primarily with this issue. However, where possible, Council will seek added protection where subdivision or other non-permitted residential development is proposed.

Of particular note is the escarpment below St Gerard’s Monastery in Oriental Bay. The escarpment serves as a prominent backdrop to the City, as well as providing the setting for the monastery, and has been identified as a key open space feature in the area. Building heights within the Oriental Bay Height Area have been set at levels that will ensure the retention of important public views of the monastery and the ‘green ribbon’ of the escarpment above the rooftops of Oriental Parade buildings, maintain appropriate levels of amenity in the surrounding area, and maintain the primacy of the Monastery in its setting (refer to the Oriental Bay Height Area in Appendix 4, Chapter 5).

Council is also focussed on maintaining and enhancing the quality of the escarpment within the Residential Coastal Edge. The vegetated coastal escarpments give the area a visual prominence and intensity that makes it more sensitive to change than a typical suburban townscape.

The environmental result will be the protection of significant features of the Wellington landscape.

4.2.8.2 Ensure that adverse visual effects of development are avoided, remedied or mitigated in ways that achieve a relatively undeveloped character within identified ridgelines and hilltops.

METHOD

- Design Guide (Subdivision)
- Rules

The undeveloped character of identified ridgelines and hilltops is an important component of the urban landscape of Wellington. The visual intrusion caused by buildings, structures and earthworks can be detrimental to the visual amenity of the surrounding area, and for this reason Council seeks to control development to ensure that potential visual effects can be addressed at the subdivision design stage. Where specific provisions have been included in Appendices to Chapter 5, such provisions take precedence over provisions for identified ridgelines and hilltops criteria stated elsewhere in Chapter 5.

The environmental result will be the visual continuity of a relatively undeveloped character on the upper slopes and summit of ridgelines or hilltops that surround the urban areas of Wellington

4.2.8.3 Encourage retention of existing vegetation, especially established trees and existing native vegetation.

4.2.8.4 Encourage retention and restoration of indigenous ecosystems and habitats.

METHODS

- Rules
- Design Guide (Subdivision)
- Conservation Strategy
- Open Space Strategy
- Biodiversity Action Plans

Existing native vegetation and established trees are an important element in Wellington’s landscape and can also have importance as wildlife habitat, as linking corridors and buffer zones, and for soil and water conservation values. Remaining areas of native vegetation and established trees will be retained as far as possible where subdivision or other development is proposed.

The environmental result will be the greater protection of existing native vegetation on sites.

OBJECTIVE – COASTAL ENVIRONMENT

4.2.9 To maintain and enhance the quality of the coastal environment within and adjoining Residential Areas.

POLICIES

To achieve this objective, Council will:

- 4.2.9.1 Maintain the public's ability to use and enjoy the coastal environment by requiring that access to and along the coastal marine area is maintained, and enhanced where appropriate and practicable.**
- 4.2.9.2 Enhance the natural values of the urban coastal environment by requiring developers to consider the ecological values that are present, or that could be enhanced on the site.**
- 4.2.9.3 Ensure that any developments near the coastal marine area are designed to maintain and enhance the character of the coastal environment.**

METHODS

- Rules
- Advocacy
- Other mechanisms (New Zealand Coastal Policy Statement, Regional Coastal Plan)

The coastal environment is an important asset for Wellington, and Council is concerned that its qualities and character should not be lost through inappropriate activities or development. Council aims to maintain and enhance the character and public amenity of the coastal environment by means of rules and strategies.

Maintenance and enhancement of public access to and along the coast is an important issue. However, there are occasions when public access will not be appropriate or practicable. “Appropriate and practicable” means:

“Public access may not be appropriate where it is necessary to protect any Area of Significant Conservation Value, Area of Important Conservation Value, sites of significance to tangata whenua, public health or for safety, animal health, security, defence purposes, or quarantine facilities. In other cases, particularly along sections of coastal cliff, access along the foreshore may not be practicable. Practicable includes recognition of both technical and financial constraints.” (Coastal Plan for Wellington Region – Explanation to policy 4.2.17).

The environmental result will be maintenance and enhancement of the coastal environment within and adjoining Residential Areas.

OBJECTIVE – NATURAL AND TECHNOLOGICAL HAZARDS

4.2.10 To avoid or mitigate the adverse effects of natural and technological hazards on people, property and the environment.

POLICIES

To achieve this objective, Council will:

4.2.10.1 Identify hazards that pose a significant threat to people and property in Wellington and ensure that appropriate mitigation measures are taken to ~~reduce~~ minimise risks to health and safety.

METHODS

- Rules
- Provision of information (Wellington Regional Council and Wellington City Council)
- Other mechanisms (Building Act controls)

Natural and technological hazards pose a threat to health and safety throughout the City. It is therefore necessary to identify the hazards and risks that people face by living in Wellington.

Council's hazard management involves four phases – mitigation, preparedness, response and recovery. Mitigation is addressed through a combination of land use management within the District Plan and Building Act controls. Control can be exercised over some hazards to avoid the hazard (such as technological hazards), whereas other hazards such as fault rupture and ground shaking from earthquakes are unavoidable. However, the risk to life from these unavoidable hazards can be reduced with appropriate mitigation measures.

Not everyone is able to respond to an event in the same way. Portions of the population (due to factors such as age, health and income) may be less able to cope with an emergency and are more vulnerable. Certain high-intensity land uses (such as public assembly sites, schools, high rise housing) may also increase the hazard risk.

The environmental result will be a reduction in the adverse effects of hazard events, and a reduction in risk to people from natural or technological hazards to an acceptable level.

4.2.10.2 Ensure that structures within the Hazard (Fault Line) Area are not occupied by or developed for vulnerable uses.

Limitations have been imposed on developments in the Hazard (Fault Line) Area to promote safety and welfare of both occupiers and neighbours by reducing the risk of building failure following a fault rupture. Alternative building forms may be considered as a Discretionary (Restricted) Activity where considered acceptable and where safety is not compromised.

The fault rupture hazard area is a narrower zone within the wider Hazard (Fault Line) Area. As the fault is expected to rupture within this narrower zone, it is desirable to avoid locating new structures and buildings in this zone.

The Hazard (Fault Line) Area extends beyond the fault rupture hazard zone because of inherent uncertainties associated with fault rupture. Engineering measures should also be applied to buildings in this wider hazard area to reduce the effects of a fault rupture.

The provision of site-specific geotechnical and engineering design reports carried out by experts will assist the Council to assess the adverse effects arising from the fault rupture hazard for the development site and how those effects can be

*Refer to
Rule
3.2.2.13 for
information
on
geotechnical
and
engineering
design
reports*

minimised.

Matters to consider for residential activities in the Hazard (Fault line) Area include:

- The extent to which the building height or construction type can be varied without jeopardising the safety of occupiers and neighbours.
- Whether the development is located in the fault rupture hazard area, and the extent to which the siting and layout of the development will reduce the effects of fault rupture on the safety of occupiers and neighbours.
- The extent to which a geotechnical report and an engineering design report shows that the risk of building failure following a fault rupture can be reduced to minimise the effects of fault rupture on the safety of occupiers and neighbours.

Multi unit residential development within the Hazard (Fault Line) Area may be acceptable in some circumstances. Light roof and light wall cladding is considered to withstand the effects of fault rupture better than other construction materials. In addition to the above matters, any new multi-unit or infill development will be required to be assessed against the Residential Design Guide.

The environmental result will be the minimisation of the risks to safety and welfare within the Hazard (Fault line) Area.

4.2.10.3 Ensure that buildings and structures in Residential Areas do not exacerbate natural hazards, particularly flood events, or cause adverse impacts on natural coastal processes.

METHOD

- Rules

Large structures have the potential to increase the degree of risk associated with flooding. Where they are proposed for flood-prone areas they will be controlled to ensure that they do not increase the flood hazard.

Flooding problems exist in the Porirua Stream catchment. To protect the health and safety of residential building occupants, the Council will generally require that residential building floor levels are above the predicted flood levels for the 1 in 100 year flood event. The detail of flood depths for land within the Tawa Hazard (Flooding) Area is held by Wellington City Council. These depths are based on the best information available to the Council and vary with the topography of the area.

Minor additions to existing residential buildings and accessory buildings not in excess of 10m² have been provided for as Permitted Activities in the Tawa Hazard (Flooding) Area. This recognises that minor development works of this scale would not significantly increase the flood hazard risk, whilst taking into account the practical and aesthetic implications of allowing minor buildings and additions at a similar floor level to the existing dwelling.

Other building development has been included as a Controlled Activity to ensure that the size or location of any building on the site does not impede the flow of flood waters and the flooding risk is not increased for other properties or sites. Buildings with floor levels below the predicted flood levels have been made a Discretionary Activity (Restricted) to ensure that the implications of such development are fully considered.

Natural coastal processes are dynamic natural, physical and ecological relationships and events that are particular to the coastal environment, including the processes of wave formation, breaking and dissipation; swash run-up; nearshore currents; and sediment transport, erosion and deposition.

Matters to consider in assessing applications for buildings earthworks and structures within a Hazard (Flooding) Area or the coastal environment include:

- Whether buildings earthworks in a Hazard (Flooding) Area increase the risk of flooding, by such effects as blocking flood water flow paths and culverts, and diverting flood waters to other properties
- The extent that the proposed buildings earthworks and associated structures will be designed to use ‘soft engineering’ practices, which are visually unobtrusive and minimise or enhance the ecology of the stream and flood-prone area and work with the natural coastal processes.
- Whether the size or siting of the building will impede the flow of flood waters or impact upon any natural coastal processes.
- Whether the building or associated works will accelerate, worsen, or result in the erosion or inundation of the site, or any other site or building.
- Whether the potential threat to the health and safety of people, property or the environment from flooding or natural coastal processes is avoided, remedied or mitigated.

The environmental result will be the minimisation of hazard risks on flood plains or flood-prone areas, and the minimisation of disturbance to natural coastal processes.

4.2.10.4 Ensure that critical facilities are located to avoid, remedy, or mitigate the adverse effects of hazards.

METHODS

- Rules
- Advocacy

The services people depend on to help them cope with emergencies include fire, police, ambulance and civil defence organisations as well as other volunteer services. People also rely on other services, such as communications, transport routes, electricity, gas and water, to cope after the event. These important services are known as lifelines. Council considers it essential for critical facilities and lifelines to be located as far as is reasonably practicable from hazard areas.

The environmental result will be the establishment of critical facilities and lifelines in locations that avoid, remedy or mitigate risks from hazards.

4.2.10.5 Ensure that the adverse effects of hazards on the natural environment arising from a hazard event are avoided, remedied or mitigated.

METHOD

- Rules

If a hazard event occurs, the natural environment needs to be protected from flow-on effects, such as contamination of ground water from ruptured pipelines and storage tanks. The potential for an activity to affect the natural environment under emergency conditions is also an important consideration. For these reasons relevant rules have been included in the District Plan.

The environmental result will be the better protection of the natural environment from hazard events.

OBJECTIVE – HAZARDOUS SUBSTANCES

4.2.11 To prevent or mitigate adverse effects of the storage, use, disposal, or transportation of hazardous substances, including waste disposal.

POLICIES

To achieve this objective, Council will:

4.2.11.1 Ensure the environment is safeguarded by managing the storage, use, handling and disposal of hazardous substances.

METHODS

- Rules
- Other mechanisms (Health Act, Hazardous Substances and New Organisms Act 1996 and its Transitional Provisions, Health and Safety in Employment Act, 1992)

Council is concerned that the community and environment should not be exposed to unnecessary risk from hazardous substances. The District Plan aims to control use of land in order to prevent or mitigate any potential 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 District Plan.

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. 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 rules for hazardous substances in this Plan.

The Regional Council has developed rules in the Regional Plans to control discharge of hazardous substances to land, air and water.

The Hazardous Facilities Screening Procedure has been incorporated into the District Plan. Uses which have unacceptable potential effects will be located and contained where their potential adverse effects can be prevented or mitigated.

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

Matters to consider in assessing applications for the storage, use handling and disposal of hazardous substances:

- *Site design and management to avoid, remedy or mitigate any adverse effects of the activity.*
- *The adequacy of the design, construction and management of any part of a hazardous facility site where hazardous substances are used for their intended function, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled such that:

 - *any significant adverse effects of the intended use from occurring outside the intended use, handling or storage area is prevented*
 - *the contamination of any land in the event of a spill or other**

unintentional release of hazardous substances is prevented

- *the entry or discharge of the hazardous substances into surface or groundwater, the stormwater drainage system or into the sewerage system (unless permitted under a regional plan, resource consent or trade waste permit) is prevented.*
- *Location of the facility in relation to the nearest waterbody or the coastal marine area.*
- *Access routes to the facility, location and separation distance between the facility and sensitive activities and uses, sensitive environments and areas of high population density.*
- *Existing and proposed (if any currently under consideration by Council) neighbouring uses.*
- *Potential cumulative hazards presented in conjunction with nearby facilities.*
- *Transport of hazardous substances to and from the site.*
- *Potential for contamination of the surroundings of the site and sensitivity of the surrounding environment.*
- *Whether the site has adequate signage to indicate the presence of hazardous substances.*
- *Whether adequate arrangement has been made for the environmentally safe disposal of any hazardous substance or hazardous wastes generated.*
- *Whether the site design has been subject to risk analysis, such as Hazop (Hazard and Operabilities Studies), to identify the potential hazards, failure modes and exposure pathways.*
- *Where the hazardous facility is located within a Hazard Area, any additional requirements to mitigate the potential effect of natural hazard event.*
- *Type and nature of the existing facility.*
- *Whether appropriate contingency measures and emergency plans are in place.*
- *Whether the facility complies with the provisions of the Hazardous Substances and New Organisms Act 1996, and whether more stringent controls are required to take account of site-specific conditions.*

The environmental result will be a safer environment as a result of the safer storage, use and disposal of hazardous substances.

4.2.11.2 Reduce the potential adverse effects of transporting hazardous substances.

METHODS

- Rules (conditions on resource consents)
- Other mechanisms (advocacy and bylaws) and NZ land transport legislation (including Land Transport Act 1993, Land Transport Rule: Dangerous Goods 1999 and New Zealand Standard 5433:1999)

Because there is always a risk of an accident, the transportation of hazardous substances potentially has adverse effects on the surrounding locality. Where practicable, transport of hazardous substances to a hazardous facility will be restricted to main arterial routes and avoid peak periods of commuter traffic.

The environmental result will be safer communities.

4.2.11.3 Control the use of land for end point disposal of waste to ensure the environmentally safe disposal of solid and hazardous waste.

METHODS

- Rules

- Operational activities (Waste Management Strategy)
- Designation
- Other mechanisms (Regional Plans and Hazardous Substances and New Organisms Act 1996).

Unrestricted land disposal of waste by landfilling is increasingly less environmentally acceptable as a method of dealing with the City's waste. For this reason, Council wishes to discourage the proliferation of waste disposal sites.

Council's Waste Management Strategy, which addresses waste disposal in Wellington City, includes guidelines on the environmentally acceptable management of the hazardous wastes produced in Wellington.

The environmental result will be fewer and better-managed waste disposal sites.

4.2.11.4 To require hazardous facilities to be located away from Hazard Areas.

METHOD

- Rules

The likelihood of an accidental release of a hazardous substance is increased during a natural hazard event. For this reason, Council wishes to discourage the development of new hazardous facilities in identified Hazard Areas.

The environmental result will be the minimisation of hazards and risk to the environment and people in Hazard Areas.

OBJECTIVE – ACCESS

4.2.12 To enable efficient, convenient and safe access for people and goods within Residential Areas.

POLICIES

To achieve this objective, Council will:

4.2.12.1 Seek to improve access for all people, particularly people travelling by public transport, cycle or foot, and for people with mobility restrictions.

METHODS

- Rules
- National standard access design criteria
- Other mechanisms (Regional Land Transport Strategy)
- Operational activities (WCC Transport Strategy)
- Advocacy (Council Social Policy)
- Walking and Cycling Plans

Good access for all modes of movement is an important element of a sustainable city. Council implements a variety of methods to improve accessibility.

Council's transport strategy for the city includes a broad range of short and longer-term initiatives to improve access. Programmes and plans under this strategy are implemented primarily through the annual plan process.

The actions of many authorities or organisations including the Wellington Regional Council, New Zealand Transport Agency and companies involved in the movement

of people and freight on land, sea or air, work to shape the City's transportation system. Where there are opportunities for input, Council will advocate for improved accessibility.

Providing safe and equitable transport access for people with mobility restrictions is an important aspect of enhancing the quality of the residential living environment.

The environmental result will be improved accessibility for people and goods in Residential Areas.

4.2.12.2 Manage the road network to avoid, remedy or mitigate the adverse effects of road traffic within Residential Areas.

METHODS

- Rules
- Operational activities (Traffic Management)
- Other mechanisms (WCC Bylaws)

Traffic on roads, whether active or stationary, can have major impacts on the amenities of Residential Areas. Council will continue to use traffic management techniques to control congestion and parking. Some degree of traffic noise should be anticipated in residential areas abutting a State Highway.

Council is also aware of the impact that heavy trucks and similar vehicles can have on residential neighbourhoods in terms of noise and general disturbances and will seek to minimise through-traffic, particularly at night. Bylaws may be used to exclude heavy trucks on certain streets.

The environmental result will be the minimisation of the adverse effects of road traffic in Residential Areas.

4.2.12.3 Provide for and, in certain circumstances, require extensions to the existing road network.

Refer to District Plan Maps 2, 11, 23, 26 and 27

METHOD

- Rules (Conditions on resource consent)

To improve access in the City additional roads will be required. In particular the actual development or potential for future development of the following connector routes will be sought:

- from the existing alignment of Westchester Drive in the north to Ohariu Valley Road in the south
- from Ohariu Valley Road in the north to McIntock Street in the south
- the connector between the existing northern and southern ends of John Sims Drive
- ~~the connector between Wrights Hill Road in Karori and Mitchell Street in Brooklyn~~

Proposed extensions to the existing road network will be implemented through the designation process or through requirements on subdivision proposals.

Further works may also be required to the State Highway network to improve its efficiency and capacity as it runs through the city.

The reference to connector routes on the accompanying District Plan Maps is not an indication that Council wishes to see the urban area expand along these routes or to fill the area between the proposed road and the present urban fringe. They are an acknowledgement that the future efficient development of the City may require these connector roads to be established. Unplanned subdivision may prevent the

construction of these routes. The indications give the approximate location of the connector routes. The actual alignment of the road will be established as required.

The environmental results will be improved access and energy savings.

4.2.12.4 Require appropriate parking, loading and site access for activities in Residential Areas.

METHODS

- Rules
- National standard access design criteria

Street congestion occurs in certain residential neighbourhoods. To minimise or reduce street congestion, all new developments must be reasonably self-sufficient with regard to parking. Rules therefore require on-site parking appropriate to the use or activity. The parking and access conditions are aimed at maintaining access and safety on suburban streets but parking is not required for every person on a site who may own a vehicle.

Efficient and safe servicing of premises is necessary to avoid blocking streets and the disrupting traffic and pedestrians. Suitable conditions will be imposed on any activity involving servicing within a Residential Area.

Well-designed and safe access to sites is required to help prevent traffic congestion or conflict between street users. Where significant disruption would occur because of the nature of the traffic or pedestrian environment, access may be limited or prohibited.

It is important that, particularly given the City's topography, the needs of safety and equity for older people and all others with mobility restrictions are considered in the design and construction of parking and site access.

The maintenance of amenities, road safety and the minimisation of congestion on roads are important objectives for the Residential Areas. Nevertheless Residential Areas are very diverse and conditions for Permitted Activities should be able to be reduced or varied to allow for worthwhile new development. Care will be taken to ensure that any variation from amenity standards is minor. In particular Council will seek to ensure that in the Inner Residential Area, site amenity standards are not compromised by the provision of off street parking (see also policy 4.2.2.1).

In some areas the normal servicing and parking requirements have been reduced or waived in recognition of townscape character. Within the Inner Residential Areas the normal car-parking requirements have been waived for developments that involve the conversion of an existing single dwelling into two household units. It is considered that this will provide two key benefits for these suburbs. Firstly, it will provide owners with a degree of flexibility in how they manage their property, which will encourage the retention and adaptive reuse of the existing building stock which contribute to the special townscape character of these suburbs. Secondly, modest front yards are a characteristic feature of many properties in the Inner Residential Area. Waiving the requirement for off-street car parking will help to maintain the existing townscape character by removing the need to develop garaging or parking spaces in the front yard of properties.

Within Areas of Change, the Inner Residential Area and Residential Coastal Edge area the maximum width of vehicle crossings and the width of accessory buildings in front yards have been reduced in recognition of the neighbourhood character and to avoid vehicle crossings, vehicle manoeuvring areas and garaging from dominating the street edge.

Matters to consider in assessing an application to vary the parking, loading and site access standards include:

- Whether the topography, size or shape of the site or the location of any natural or built feature(s) on the site or other requirements such as easements, rights-of-way or restrictive covenants impose constraints that make compliance impracticable.
- Whether the use will not generate the demand for the required parking.
- Whether the creation of on-site (including visitor) parking (particularly if located in the front yard) will detract from the visual appearance of the property, and adversely affect the townscape.
- Whether suitable alternative provision for parking can be made.
- Whether the required on-site (including visitor) parking can instead be easily accommodated on nearby streets without causing congestion or danger.
- Whether the requirement to provide on-site (including visitor) parking is off-set by the loss of kerbside parking in areas where kerbside parking is at a premium.
- Whether the creation of on-site (including visitor) parking results in a significant increase in hard surfacing, adversely affecting the visual appearance of the site and creating adverse environmental effects.
- Whether the nature of adjacent roads is such that the entry, exit and manoeuvring of vehicles must be undertaken on site to avoid creating traffic safety issues within the carriageway.
- In respect of noise the extent to which noise emissions will be intrusive. Council will seek to ensure that the best practicable option is used to mitigate noise and that adverse effects are minor.
- Whether an increase in the width of the vehicle access to the site will result in a loss of on-street parking in streets where on-street parking is at a premium, or reduce townscape values as a result of vehicle dominance of the front yard, loss of street trees or affect pedestrian safety.
- Whether the proposal will adversely impact on the safety and efficiency of the state highway network.
- Whether the site can be adequately serviced using public transport or other modes of transport.
- Whether travel demand management will result in a reduced requirement for car-parking on site.

The environmental result will be the maintenance or improvement of accessibility on streets within Residential Areas of the city.

4.2.12.5 Manage the road system in accordance with a defined road hierarchy. *Refer to District Plan Map 33*

METHOD

- Rules

The road hierarchy, which classifies roads according to their function, is used in the administration of the Plan to ensure that land uses or activities are appropriately related to the network.

The hierarchy includes State Highways One and Two which provide a key transport corridor from the northern edges of the city through to Wellington airport.

The environmental result will be that uses or activities in Residential Areas are appropriately located in relation to the roads that service them.

4.2.12.6 Protect and enhance access to public spaces in all areas of the city.**METHODS**

- Rules
- National standard access design criteria
- Advocacy
- Operational activities (urban design strategies)

Adequate access is essential to the quality of public space and amenities. Council's aim is to protect and enhance existing access and to seek new access opportunities.

Ensuring that the City's public spaces are accessible to all persons within the community, including older people and all others with mobility restrictions, will enhance the quality of the environment and promote equity in the enjoyment of amenity values.

The environmental result will be the maintenance and improvement of access to public space in the Residential Areas.

OBJECTIVE – NATIONAL GRID

4.2.13 Manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading and development of the electricity transmission network is not compromised.

POLICIES

To achieve this objective, Council will:

- 4.2.13.1 Restrict the location of buildings and structures near high voltage transmission lines.**
- 4.2.13.2 Discourage the establishment of vegetation near high voltage transmission lines, where the mature height of the vegetation would encroach into the growth limit zone for the line.**
- 4.2.13.3 Reduce the potential risks associated with high voltage transmission lines by encouraging the location of these away from urban areas and by restricting the location of residential development near such lines.**

METHOD

- Rules
- Advocacy

The efficient transmission of electricity on the national grid plays a vital role in the well-being of New Zealand, its people and the environment. Transporting electricity efficiently over long distances requires support structures (towers or poles), conductors, wires and cables, and sub-stations and switching stations. The operation, maintenance and future development of the transmission network can be significantly constrained by the adverse environmental impact of third party activities and development near the national grid.

In Wellington, parts of the national grid pass over established residential suburbs. In these areas Council will seek to ensure that any new buildings and structures that are located near a high voltage transmission line (measured from the centreline at ground level) do not compromise the ongoing operation, maintenance, upgrading

and development of the National Grid.

High voltage transmission lines can also generate potential adverse effects for surrounding land uses. In addition to wind noise and corona discharge noise, high voltage transmission lines generate potentially hazardous electromagnetic fields. In accordance with Policy 9 of the National Policy Statement on Electricity Transmission 2008 (NPSET), these are controlled by reference to the International Commission on Non-ionising Radiation Protection (ICNIRP) Guidelines.

In Residential Areas any new buildings and structures, (including additions but excluding structures less than 2 metres in height) must be located further than 32 metres from high voltage transmission lines as defined on the Planning Maps. This is in recognition that development in close proximity to lines may result in increased risk to public health and safety (e.g. risk of electrocution) and may restrict the ongoing operation and maintenance of lines.

While the District Plan does not control vegetation planting, it will consider whether any planting or landscaping associated with a proposal within the transmission corridor, could potentially impact on the transmission lines.

Matters to consider when assessing an application to build within close proximity to a high voltage transmission line include:

- *The extent that the work would impact on the ability of the transmission line owner to operate, maintain and upgrade the high voltage transmission network*
- *The extent that the work would compromise the structural integrity of the transmission line*
- *The risk of electrical hazards due to the mature height of any associated vegetation, including within any landscaped areas*
- *The extent to which exposure to electromagnetic fields can be avoided, remedied or mitigated.*
- *Whether the proposed works are in compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34: 2001, the Electricity (Hazards from Trees) Regulations 2003, and Transpower’s Corridor Management Policy*

Through the utility provisions of the Plan, Council will also encourage the location of new transmission lines away from areas where people live and work.

The environmental results will be the protection of the existing transmission assets and the minimisation of possible hazards to people from the effects of high voltage transmission lines.

OBJECTIVE – SIGNS

4.2.14 To achieve signage that is well integrated with and sensitive to the receiving environment, and that maintains public safety.

POLICIES

To achieve this objective, Council will:

4.2.14.1 Control the erection of signs within Residential Areas.

METHOD

- Rules

The suburban area is generally free from signs except for those on commercial premises. For this reason, District Plan controls will prevent the proliferation of signs, thereby protecting existing amenities. Temporary signs will be permitted for specified purposes.

Limiting the size and type of signs will help maintain the appearance of Residential Areas by ensuring that individual signs are not a dominant element of the townscape and that a cluttered sign environment will not result. Temporary signs are permitted because they carry useful information and have no lasting environmental effects.

Council will discourage signs that are directed towards a state highway.

Matters to consider when assessing applications for signage:

- *Whether signs are obtrusively visible from any Rural Area, public space or Conservation Site.*
- *Whether signs are in scale with associated activities or building development and are compatible with the visual character of the area in which they are situated.*
- *Whether additional signs will result in clutter.*
- *Whether illuminated signs will lead to a loss of visual or residential amenity.*
- *Whether the size, number or method of illumination of a sign or signs will compromise traffic or pedestrian safety.*

In some circumstances larger or more numerous or illuminated signs may be required to identify activities. In such cases signs will be carefully assessed to ensure that visual amenities and matters of traffic safety are maintained.

The environmental result will be residential neighbourhoods which are generally free from signs.

OBJECTIVE – TANGATA WHENUA

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

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.

POLICIES

To achieve this objective, Council will:

- 4.2.15.1 Identify, define and protect sites and precincts of significance to tangata whenua and other Maori using methods acceptable to tangata whenua and other Maori.** *Refer to Chapter 21*

METHODS

- Rules
- Information

Particular features of the natural and cultural landscape hold significance to tangata whenua and other Maori. The identification of specific sites (such as wahi tapu/sacred sites and wahi tupuna/ancestral sites) and precincts will ensure that this significance is respected. For this reason, sites of significance and precincts are listed and mapped within the Plan.

The environmental result will be that such sites and precincts are identified and protected from inappropriate development.

- 4.2.15.2 Provide the opportunity for establishing marae, papakainga/ group housing, kohanga reo/language nests and similar activities in Residential Areas that relate to the needs and wishes of tangata whenua and other Maori, provided that the physical and environmental conditions specified in the plan are met.**

METHOD

- Rules

General provision has been made for non-residential activities in Residential Areas as Controlled or Discretionary Activities. This will enable tangata whenua and other Maori to undertake uses that are appropriate in Residential Areas.

- 4.2.15.3 In considering resource consents, Council will take into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi.**

METHOD

- Rules (conditions on resource consent, consultation)

The principles that underlie the Treaty provide a basis for the management of natural and physical resources. These principles include having regard to consultation, partnership and a shared responsibility for decision making. For this reason, rules have been included in the Plan requiring consultation in specific situations.

The environmental result will be that appropriate developments respect the existence of Maori cultural values.