



PROPOSED DISTRICT PLAN CHANGE 48

Central Area Review

Section 32 Report
23 September 2006

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Part A Introduction and report structure

The Central Area chapters of the Wellington City District Plan manage land use in the city's main commercial centre. The purpose of this report is to summarise the evaluation of proposed objectives, policies and methods arising out of the review of the Central Area chapters of the District Plan.

This report is structured in three parts:

- **Part A** – outlines:
 - An overview of District Plan requirements under the Resource Management Act (Act)
 - An overview of the Wellington City District Plan (its history and future review)
 - The approach to the review of the Central Area (including monitoring of the District Plan and changes in national, regional and district strategies and policies, and consultation about the review)
- **Part B** – evaluates:
 - The appropriateness of each proposed objective (including those rolled over and new objectives) against the purpose of the Act
- **Part C** – evaluates:
 - The appropriateness of proposed policies and methods to achieve Central Area objectives.
- **Part D** – rezoning of Central Area/ Residential Area land
 - Analysis of land proposed to be rezoned adjacent to Inner City Bypass

1.1 Overview of District Plan requirements under the Resource Management Act

The purpose of this report is to summarise the evaluation of the proposed provisions of the revised Central Area chapters of the Wellington City District Plan (District Plan). This section outlines requirements of the Resource Management Act for preparing and evaluating proposed provisions of a district plan.

Under the Act, every territorial authority must have a district plan (section 73(1)). And every territorial authority is also required to establish objectives, policies and methods to achieve the integrated management of the effects of the use of land and associated natural and physical resources (section 31). In preparing a plan, a territorial authority is required to evaluate the appropriateness of the proposed objectives, policies, methods and rules (section 32).

1.1.1 Examining whether provisions are appropriate

In reviewing the Central Area chapters, section 32 of the Act requires the appropriateness of proposed provisions to be examined. Objectives are examined for their appropriateness in achieving the purpose of the Act, and policies and methods are examined for their appropriateness in achieving the Plan's objectives.

Section 32 requires:

An evaluation of objectives that examines:

- (3) (a) the extent to which each objective is the most appropriate way to achieve the purpose of this Act,*

An evaluation of policies, rules and other methods that examines:

- (3) (b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*

In terms of examining policies, rules and other methods, an evaluation must take into account:

- (4) (a) the benefits and costs of policies, rules, or other methods; and*
(b) the risks of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rule, or other methods

1.1.2 Purpose of the Resource Management Act

The purpose of the Act is, in summary, to promote the sustainable management of natural and physical resources. As noted, this purpose sets the benchmark against which to examine the proposed objectives of the District Plan (under section 32).

Part II of the Act sets out matters of national importance and other matters to address (sections 6 and 7) in achieving the purpose of the Act. These matters were considered when preparing and evaluating proposed provisions as part of the review of the Central Area chapters.

Some of the matters listed in the Act are more relevant to the function of a district council to manage land use, and likewise some are more relevant to the Central Area specifically. Section 6 and 7 matters of specific relevance to the District Plan and Central Area include:

Section 6 lists matters of national importance to be recognised and provided for:

- The protection of the coastal environment from inappropriate subdivision, use, and development (6(a)),
- The maintenance and enhancement of public access to and along the coastal marine area (6(d)),
- The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (6(e)),
- The protection of historic heritage from inappropriate subdivision, use, and development (6(f)).

Section 7 lists other matters to have particular regard to:

- Kaitiakitanga (s7(a)),
- The ethic of stewardship (s7(aa)),

- The efficient use and development of natural and physical resources (s7(b)),
- The efficiency of the end use of energy (s7(ba)),
- The maintenance and enhancement of amenity values (s7(c)),
- Maintenance and enhancement of the quality of the environment (s7(f)),
- Any finite characteristics of natural and physical resources (s7(g)),
- The benefits to be derived from the use and development of renewable energy (s7(j)).

In all cases, the principles of the Treaty of Waitangi are to be taken into account (section 8).

1.1.3 District Council roles and functions

Other important factors in the review of the Central Area chapters were (in short):

- Council's functions to control the effects of land use relating to natural hazards, hazardous substances, and contaminated land, and controlling noise emissions (section 31),
- Requirements relating to the contents and preparation of a district plan (sections 31, 74, 75, and 76),
- Giving effect to any relevant regional or national policy statement (section 75(3))
- The results of monitoring the efficiency and effectiveness of policies, rules or other methods in the operative District Plan (section 35),

1.2 Wellington City District Plan

1.2.1 History

The District Plan has been operative since 2000 – with the exception of appeals on the Lambton Harbour Area that were later resolved in 2004.

In the early 1990s the District Plan was originally drafted in accordance with what was believed to be both the spirit and intent of the Resource Management Act. The focus was on controlling the adverse effects of activities rather than controlling activities per se.

The 'effects-based' approach has been generally successful, particularly in the city centre, and has assisted in facilitating economic development and promoting a more diverse and vibrant centre.

At the time the Proposed District Plan was prepared four main approaches to land use control and zoning were considered. These were:

1. a liberalised, flexible zoning regime,
2. continuation of the District Scheme approach of that time, involving detailed separation of land use activities,
3. no zoning, and
4. performance-based zoning using performance standards.

The Council determined a mix of options 2 and 4 was appropriate. Following public notification, the Plan was adopted on 27 July 2000 and that zoning approach was endorsed.

1.2.2 'Rolling' review of the District Plan

The District Plan has now been operative for over six years. Council is committed to reviewing and updating the operative District Plan on an ongoing basis as part of a 'rolling review'. This approach should ensure that when the statutory 10 year review of the District Plan begins, the Plan is less likely to be in need of a full review.

Council is required to commence a formal review of its operative district plan at least every ten years (section 79 of the Act). Following such a review, Council then decides whether any changes to the plan are required.

1.3 *Background: Review of the Central Area provisions*

1.3.1 What is being reviewed?

The Central Area chapters, planning maps (including character areas) and design guides are the subject of the current review. The extent of the Central Area is indicated in the map below.

Map 1: Extent of Central Area – as revised with this review



Note, Part D of this report discusses proposed rezoning around the Inner City Bypass.

The planning provisions specifically relating to the Central Area consist of:

- Four chapters in Volume 1:
 - Chapter 12 contains the objectives and policies for the Central Area
 - Chapter 13 contains the rules for the Central Area
 - Chapter 13B contains the objectives, policies and rules for the Te Ara Haukawakawa Precinct - railway yards land
 - Chapter 13C contains the objectives, policies and rules for the Stadium site

- Six design guides in Volume 2:
 - The Central Area Design Guide
 - Te Courtenay Character Area Design Guide
 - The Cuba Character Area Design Guide
 - The Civic Centre Design Guide
 - Te Ara Haukawakawa Design Guide
 - Stadium Design Guide

- District Plan Maps in Volume 3:
 - Zoning maps 12, 15, 16, 17 and 18
 - Hierarchy of Roads map 34
 - Building height restrictions map 32
 - Hazard (Fault Line) Area map 50

Other provisions are also relevant, for example, General Provisions in Chapter 3, and non-statutory design guides in Volume 2.

1.3.2 What is the approach to the review?

A review of every objective, policy and method in the Central Area chapters was undertaken as part of this rolling review. The review included an assessment of where the Central Area provisions had come from, what was working well in the present and looking forward to what was needed in the future to ensure positive environmental outcomes for the Central Area.

In terms of 'looking back', results from monitoring the District Plan have highlighted areas where the current approach is working well, but also where improvements are needed to achieve better environmental outcomes. In terms of 'looking ahead', changes in legislation have occurred which need to be recognised in the Plan. The Council has also developed a suite of new strategies guiding the future development of the city that should be reflected in the District Plan, as the Plan is one of the Council's main regulatory tools able to achieve aspects of these strategies. Some key changes include:

- At the national level - changes in legislative requirements under the Resource Management Act and national-level guidance have been taken on board as appropriate. For example, the shift of heritage protection from a section 7 matter to a matter of national importance (section 6) in the 2003 Resource Management Amendment Act, the New Zealand Urban Design Protocol 2005 and national guidelines on Crime Prevention Through Environmental Design 2005.

- At the regional level - regional policies and strategy documents (eg Regional Policy Statement, and draft Wellington Regional Strategy),
- At the district level - developments in Council's strategies and policies that set the direction for the city and Central Area (eg. Built Heritage Policy 2005, Urban Development Strategy 2006), including community input received on these strategies and policies.

Another key part of the review of the Central Area chapters is taking practical steps to fill gaps, remove redundancies and generally streamline provisions. These changes aim to ensure that Council is able to administer the Plan efficiently.

The locality-specific chapters for the stadium and the railway yards (13B and 13C) are a case in point. These chapters duplicate a number of provisions already contained in the Central Area and there is an opportunity to simplify this.

Chapters 13B and C came out of Variation 8 to the Proposed District Plan prior to the Plan becoming operative, and are no longer required. To remove this duplication, the unique provisions of Chapters 13B and C have been integrated into a single Central Area chapter with the more general provisions applying to the stadium and railyards.

Opportunities to simplify other parts of the Central Area chapters has been taken, for example in the type of language used (for example removing double negatives), and in the structure of the chapters as a whole.

Finally, a premise of the review is that 'if it aint broke don't try to fix it'. Where provisions have not proved problematic and policy work has not signalled the need for change, the status quo is retained. In this respect, provisions that are already contained within the Central Area chapter have been subject to a section 32 analysis when first included in the District Plan and have been considered a second time here.

These approaches and relevant documents are discussed below.

1.3.3 Section 35 Plan Effectiveness and Efficiency Monitoring

Every council has an obligation under the Resource Management Act 1991(RMA) to monitor the efficiency and effectiveness of any plans it has developed under the RMA. Monitoring is an integral part of the planning and policy development process. It acts as the feedback mechanism to assess the effectiveness of a plan or particular policies in achieving their anticipated environmental results (AERs). Monitoring contributes to improved Plan decision-making processes and ultimately improved environmental quality.

The Council developed a Monitoring Programme in 2003 which outlined how it would fulfil its monitoring obligations for the Wellington City District Plan. The Programme outlined the priority 'topic areas' of the Plan to be monitored and detailed 112 indicators designed to measure whether the Plan is achieving its stated objectives. In light of this, there is no one 'Central Area' monitoring report, but rather the information relating to certain provisions in the Central Area can be found in a number of monitoring reports. Any relevant findings from the monitoring activities are summarised in the topic or issue under review. For example, the monitoring carried out of urban design outcomes is summarised in the discussion about reviewing the urban design guides.

In addition to the 'effectiveness' monitoring completed, a general analysis of the Central Area rules triggered by resource consent applications is carried out on an

annual basis. This is one approach to testing the ‘efficiency’ of the rules. This information is useful because it highlights the rules most commonly triggered. Why these breaches have occurred is investigated to check whether or not the rule breaches were anticipated by the Plan. Failure to have any resource consents registered against a rule indicates one of two things. Either the rule is entirely unnecessary or the rule is working as it should in preventing any applications to breach the Plan (eg. a rule that seeks to discourage a particular activity, ie. a demolition rule). Either way, the information on resource consents processed under the Central Area rules enlightens how the Plan is applied through the resource consents process. The pie chart below shows that just 11% of all rules in the Plan are triggered by resource consents for Central Area (including the Te Ara Haukawakawa Precinct and Stadium Site) activities and buildings.

Pie Chart 1

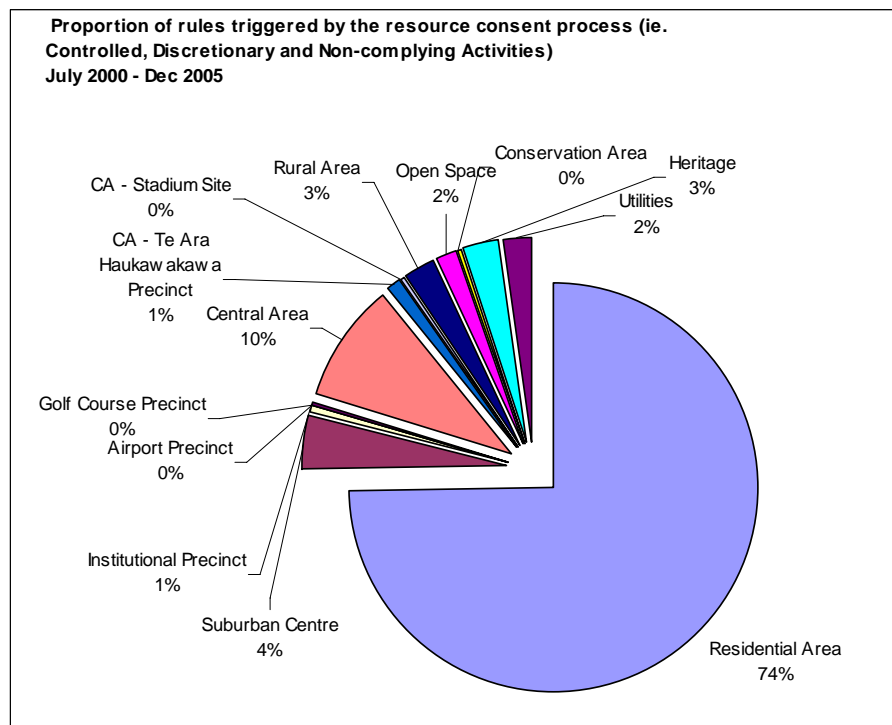


Table 1 below takes a closer look at some of the specific Central Area rules. It shows that over a third of all consents are for buildings (or additions and alterations) (rules 13.2.1 and 13.3.2).

There are also a large number of consents for activities that breach the permitted activity standards (rule 13.3.1). An analysis of the permitted activity standards shows that the vehicle servicing and loading standards are commonly breached (over 167 consents alone were required for failure to meet loading and servicing standards). This is one example of a rule that is being applied to situations not originally anticipated, so that rule has been reviewed in the plan change process.

The other interesting statistic is the consents for subdivision under Rule 13.4.4. Looking at this along side the fact that no code of compliance certificates issued for permitted activity subdivisions, suggests that the permitted activity subdivision requirements are not facilitating permitted subdivisions, instead Discretionary

(Unrestricted) Activity consents are being required. Once again, this was probably unintended, and was investigated as part of the plan change process.

Table 1A: Central Area Rules Data Summary, July 2000 – Dec 2005			
Rule No.	Rule Description	Number of time a rule is triggered by a resource consent application	%
13.2.1	Buildings	269	28.0
13.2.2	Subdivision (Company Lease etc.)	52	5.4
13.2.3	Hazardous Substances	0	0.0
13.3.1	Activities Not Meeting Permitted Condns.	269	28.0
13.3.2	Buildings Not Meeting Permitted Condns.	122	12.7
13.3.3	>70 Vehicle Parking Spaces	7	0.7
13.3.4	Critical Facilities	0	0.0
13.3.5	Hazard (Fault Line) Area	1	0.1
13.4.1	Buildings Over Street	2	0.2
13.4.2	Creation of Vacant Land etc.	10	1.0
13.4.3	Contaminated Sites	8	0.8
13.4.4	Subdivision	109	11.3
13.4.5	Helicopter Landing Sites	0	0.0
13.4.6	Commercial Sex Premises	1	0.1
13.5	Noncompliant Activity Under DP 13.5	111	11.6
	Total	961	100.00

Further findings from the monitoring programme will be found in the relevant section of the report where ‘topics’ and ‘issues’ are discussed in more detail.

1.3.4 National-level policy direction

In reviewing the Central Area chapters, recent national-level policy directives have informed the Council’s understanding of sustainable management. These included:

- Amendments to the Resource Management Act (2003 and 2004) that have:
 - Elevated protection of historic heritage to a matter of national importance (s6(f)),
 - Introduced the efficiency of the end use of energy as a matter to have regard to (s7(ba)),
 - Introduced the benefits to be derived from the use and development of renewable energy (s7(j)).
- New Zealand Urban Design Protocol, 2005
- National Guidelines for Crime Prevention through Environmental Design in New Zealand, 2005
- Sustainable Development For New Zealand Programme of Action, 2003

1.3.5 Regional Policy Statement and other regional strategy work

Strategic direction at the regional level is provided through statutory and non statutory documents.

In reviewing the Central Area chapters, officers have had regard to the Regional Policy Statement 1995 and are of the view the proposed provisions are consistent with giving effect to its content where relevant.

The Regional Policy Statement¹ seeks to achieve the integrated management of the natural and physical resources of the whole region (s59). Of specific relevance to the Central Area are matters covered in:

- The iwi environment
- The coastal environment
- Landscape and heritage
- Natural hazards
- Energy
- Waste management and hazardous substances
- The built environment

The regional and territorial local authorities of the region have been working on developing a non-statutory regional strategy. Whilst the Wellington Regional Strategy is still in a draft format, many of the principles have fed into the Central Area review (as referenced in the evaluation below). The strategy work outlines a vision that deals with social, economic, infrastructure, competitiveness, growth management and demographic matters for the region.

1.3.6 District-level strategic policy directions

The Council has a number of policy and strategic documents that collectively set out a vision for the district, and the course that the Council considers appropriate for the central city. In many cases, regional and national policy guidance reinforces the Council's strategic direction (as discussed in later sections).

The Council's strategy and policy documents have fed into the review of the Central Area chapters. Of particular relevance are the following strategies:

At the time of writing the Council was finalising and adopting the Long Term Council Community Plan for the 2006/07-2015/16 period. The Long Term Plan identifies a vision for the city:

... to achieve global competitive advantage by positioning our city as Creative Wellington – Innovation Capital (p. 39)

Of particular relevance to the District Plan are the long term outcomes for urban development, transport, and the environment. The long term outcomes as outlined in the draft Long Term Plan remain largely unchanged in the final document.

In July 2006 Council adopted seven new strategies relating to transport, environment, urban development, economic development, social and recreation, cultural well-being,

¹ The Regional Policy Statement is currently under review by Greater Wellington Regional Council as required under the Resource Management Act.

and governance. The Urban Development Strategy identifies outcomes for the next ten years for future development; and envisages a solution of ‘a growth management strategy that directs growth to where the benefits are greatest, where adverse effects are minimised, and delivers on quality’. As part of this strategy the Central Area forms an important role as part of the Growth Spine where the majority of future development is proposed to be centred. The strategy also commits to improving the quality of urban design so that intensive future development does not detract from the public environment.

Along with these strategic documents, Council adopted its Built Heritage Policy in June 2005. The Policy set out the Council’s intentions for the city’s built heritage over the next 10 years. In developing this policy Council notified all the building owners as well as all interested groups as part of its consultation process.

Initial policy work has also been carried out on ‘sense of place’ within Wellington². Other studies have also helped to supplement Council’s understanding of land use patterns and development trends within the city generally, and the Central Area specifically.

Finally, Council is in the process of developing its Central City Framework 07/08. The draft Framework outlines a vision for the central city on how to deliver high quality open spaces and buildings that sustain economic, social, cultural and environmental outcomes for the city. Contained within the Framework are a number of objectives and key result areas for achieving this vision.

This vision is reflected in the District Plan through a set of principles that underpin the Central Area chapters (as outlined in the Introduction to these chapters). Some of the principles exist in the operative chapter, and others are new or will be strengthened as a result of the new policy developments. The key principles proposed for the Central Area:

- Enhancing ‘sense of place’ within the Central Area,
- Sustaining the physical and economic heart of the Central Area,
- Enhancing the role of the ‘Golden Mile’³ and ‘Cuba’,
- Enhancing the Central Area as a location for high quality inner city living,
- Enhancing the built form of the Central Area,
- Enhancing the quality of the public environment, and
- Enhancing city/harbour integration – improving linkages between the two.

These principles set the scene for the objectives, policies and methods that flow out of the Central Area chapters, and which are examined in respect of the analysis of these provisions.

² Wellington – our sense of place: building a future on what we treasure, 2004

³ The Golden Mile generally includes Lambton Quay, lower Willis Street, Manners Street, and Courtenay Place.

1.3.7 Summary of consultation and briefings

1.3.7.1 Consultation

- Liaison meeting with Te Runanga o Toa Rangatira, March 2006
- Stakeholder briefing, 6 April 2006
- Planning professionals briefing, 7 April 2006
- Letters on the draft Central Area Chapter, dated 12 and 13 April 2006, to owners of properties affected by some proposed site-specific provisions
 - Properties included in proposed heritage areas
 - Properties affected by proposed sunlight protection rules
 - Properties affected by proposed vehicle access restrictions
- Various meetings with parties (landowners, stakeholders) were held on request along with other correspondence (approximately 24 consultees)
- Greater Wellington Regional Council 27 April 2006 meeting and email correspondence on 1 May 2006, 3 August 2006 and 23 August 2006
- Architects briefing, 1 May 2005
- Property Council meeting, 2 May 2006
- Historic Places Trust, 5 May 2006 meeting, 18 July 2006 email correspondence
- Centreport meeting, 26 May 2006
- Letters to people who provided feedback on the Central Area review, 6 and 12 June 2006
- Professional workshop with Architects and Planners, 5 July 2006
- Planning professionals briefing, 6 July 2006
- Transit New Zealand, 10 July 2006 email correspondence
- The Tenths Trust, 17 March, and 14 and 18 July 2006 meetings, 21 July email correspondence
- Ministry for the Environment, letter 24 July 2006

Provision-specific consultation was carried out in some cases, and this is outlined in respect of the analyses that follow on the relevant provisions.

Note, consultation on various strategies and policies that have fed into the Central Area review has also been carried out, but this is not documented here.

1.3.7.2 Key discussions and briefings

- Workshop on Central Area design guides 4 February 2005: B Rene (Urban Designer, Auckland); Area Manager (Historic Places Trust); D Popova (Urban Perspectives Ltd); A Wood and R Scannel (Ministry for the Environment); Graeme McIndoe (Urban Designer, Wellington); G Blunt, M O'Callaghan, M Smith, L Paynter, J Davis and L Clark (Wellington City Council, Urban Strategy).

- Internal Central Area workshop with consultant input, Wellington, 24 May 2005
- Internal Central Area urban form workshop, Urban Strategy Group, J Blake, M Smith, B Fill, H Nicholson, G Blunt, L Paynter, P Kos, J Wallace, W Ulusele; and G McIndoe, Urban Designer, Wellington, 9-10 June 2005
- Councillor workshops – 16 November 2005, 14 March 2006 and 19 June 2006
- Internal Strategy and Planning workshop, 26 May 2006

Appendix A1: References

- Ministry of Justice (2005) *National Guidelines for Crime Prevention through Environmental Design in New Zealand*
- Department of Prime Minister and Cabinet (2003) Sustainable Development for New Zealand Programme of Action
- Greater Wellington Regional Council (1995) Wellington Regional Policy Statement
- Ministry for the Environment (2005) *New Zealand Urban Design Protocol*
- Wellington City Council (2005) Built Heritage Policy
- Wellington City Council (2006) Urban Development Strategy
- Wellington City Council (2006) draft Central City Framework 07/08
- Wellington City Council (2006) Long Term Council Community Plan 2006/07 - 2015/16
- Wellington City Council (2004) Wellington – our sense of place: building a future on what we treasure
- Wellington City Council (2006) Transport Strategy
- Wellington City Council (2006) Environmental Strategy
- Wellington City Council (2006) Economic Development Strategy
- Wellington City Council (2006) Economic Strategy
- Wellington City Council (2006) Social and Recreation
- Wellington City Council (2006) Cultural Wellbeing
- Wellington City Council (2006) Governance
- Upper Hutt City Council, Porirua City Council, Hutt City, Greater Wellington Regional Council, Kapiti Coast District Council, Masterton District Council, Carterton District Council, South Wairarapa District Council, Wellington City Council (2005) *Internationally Competitive Wellington, a sustainable economic growth framework for our region*