

# 12. CENTRAL AREA

## 12.1 Introduction

This section sets out how Council intends to manage development in Wellington City's most intensive urban area to make it a premium centre for working, living, and playing.

### **The character and functions of the Central Area**

The Central Area is the commercial heart of Wellington City and the region, and also the nation's seat of government. It is a vibrant mix of inner city living, entertainment, and commercial activity. It attracts arts, cultural and recreational events of local, national and international repute. The diversity of activities within the Central Area is a successful outcome of the 'first generation' District Plan prepared under the Resource Management Act, and the approach set in that plan will continue.

The harbour and surrounding hills provide a vivid natural setting that will continue to shape the Central Area's urban form. It extends from the railway corridor at the Kaiwharawhara reclamation, along the operational port and waterfront to the Basin Reserve, and is bounded generally by Kent Terrace to the east, Webb and Buckle Streets to the south, and the line of the existing motorway to the west. High rise development is concentrated within the downtown area between Parliament and the Civic Centre.

Major infrastructure and facilities that contribute to the city's economic base are located within the Central Area. Its situation at the heart of a port city and at the end of the main trunk railway line makes the Central Area a strategic transport hub. It is also home to many important institutions – including the National Museum of New Zealand Te Papa Tongarewa, the Wellington Regional Stadium, and leading tertiary institutions – that attract people to the city and add to its lively bustle.

### **Historical overview**

Māori were the first occupants in and around what is now the Central Area, with pa established at Te Aro, Kumutoto, Pipitea, Pakuao, Tiakiwai and Kaiwharawhara. The city grew significantly after 1840 when early colonists moved from Petone (Pitone) to the deeper and more sheltered waters of Lambton Harbour. Development was initially concentrated along the narrow foreshore area, but spread gradually onto land reclaimed from the harbour. Much of the present central city was built on this reclaimed land.

Throughout its history, the Central Area has experienced periods of rapid change. Between 1996 and 2001, almost 60% of Wellington City's population growth occurred in the central city. In 2006, the residential population of the Central Area reached an estimated 18,000 people, and this number is expected to grow to approximately 23,500<sup>1</sup> by 2016. This is a considerable contrast to 1991, when most of the 58,400 people employed in the city centre commuted from the suburbs or adjoining cities.

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<sup>1</sup> Based on Statistics NZ medium projections for Area Units: Thorndon-Tinakori Road, Lambton, Willis Street-Cambridge Terrace (Ref RIS 9283)

## The Central Area and the District Plan

Rapid social, economic and technological change is prompting changes in the form and function of the Central Area. Council intends to encourage positive growth that promotes the City's comparative advantages. This process will be guided by strategic planning and by the District Plan.

The District Plan sets a vision for a vibrant, prosperous, liveable city. At its heart is a contained Central Area comprising a commercial core with a mix of related activities. The Plan's Central Area provisions are based on ~~seven~~ eight principles that will guide future development:

### 12.1.1 Enhance 'sense of place'

Many qualities and characteristics contribute to the 'sense of place' people experience in the Central Area. The underlying topography and landscape, and the adjacent harbour provide a memorable backdrop to the central city. A strong identity is anchored in being the nation's capital and a hive of government activity; both central and local. Complementing this formal role are pockets of distinctive character and activity. The diverse environments of the central city include high-rise towers and offices, classic heritage buildings, 'jinky' character areas, the mix of public and open spaces, and harbour views. A diverse range of people is also attracted to the array of activities on offer in the Central Area, and they add to the flavour of the city in turn.

Enhancing this 'sense of place', and protecting the features that make Wellington special and unique, are essential ingredients of a stimulating and memorable city.

### 12.1.2 Sustain the physical and economic heart of the Central Area

The city has a natural tendency towards physical containment, with an amphitheatre of hills leading down to the inner harbour. This containment makes the city more accessible, and accentuates its urban feel. Maintaining the strategic role of transport infrastructure leading to and from the city centre is crucial to this goal.

Wellington's downtown is the commercial base of the city and region. Encouraging flexible and diverse activities will sustain the economic viability of the city centre. This includes capitalising on cultural and recreational facilities and events the city has to offer, including the Stadium, Te Papa and the waterfront. Ultimately this will lead to an adaptive city centre that encourages positive growth and the city's comparative advantage. Development in the fringes to the Central Area should complement the vitality and viability of downtown Wellington.

Continuing to contain Central Area development will help achieve a compact, viable city centre.

### 12.1.3 Enhance the role of the 'Golden Mile' and 'Cuba'

The 'Golden Mile' refers to the main retail and commercial strip extending from the Cenotaph near Parliament Buildings, to the eastern end and entertainment hub of Courtenay Place. This 'Golden Mile' concept reflects the natural form of the Central Area, and helps structure people's perceptions of the city and the way they move within it. Cuba Street is a premier pedestrian-based retail promenade that forms an important axis with the 'Golden Mile'.

The 'Golden Mile' and 'Cuba' will be enhanced and supported by reinforcing their key retail function, promoting nearby office location, enhancing the pedestrian environment and improving the roll-out of quality public transport infrastructure.

#### **12.1.4 Enhance the Central Area as a location for high quality inner city living**

Increasing the amount and quality of residential dwellings will be encouraged, building on the overall vibrancy of the Central Area and supporting the primary commercial function of downtown Wellington and the 'Golden Mile'.

#### **12.1.5 Enhance the built form of the Central Area**

The Central Area's amphitheatre setting is enhanced by the maintenance of the compact 'high city'/'low city' urban form. The 'high city' relates to the downtown area where most of the city's high rise buildings are clustered. The Low City is effectively the balance of the Central Area where the lower buildings spread out north and south. The lower height on the waterfront completes the stepping down from the hills to the harbour.

#### **12.1.6 Enhance the quality of the public environment**

The quality of the public environment helps make a city more liveable. A high quality public environment is safe and healthy, easy to move around in, rich in quality urban design that enhances people's experiences, and consistent with appropriate environmental standards. The quality of the public environment is affected by the function, location and character of public space, as well as by the buildings and structures that define the edges of public space.

#### **12.1.7 Enhance city/harbour integration**

The city and sea relationship that characterises Wellington makes for a dynamic cityscape. The waterfront is an integral and defining feature of the city. However, accessibility between the city and the waterfront, and access to the water's edge itself, needs to be improved so that the waterfront becomes part of the 'pedestrian flow' that extends across the whole city. Better links are needed, including physical connections and visual links such as views and signage. A promenade that connects the different parts of the waterfront and provides a sequence of changing, rich and interesting experiences would enhance people's ability to move around the waterfront itself.

#### **12.1.8 Enhance the sustainability of the Central Area**

Buildings and other forms of development that reduce the consumption of natural and physical resources (including energy consumption), whilst maintaining the reasonable development expectations of landowners will ensure that the goal of a sustainably managed city centre will be achieved. Innovative design and construction of buildings exhibiting new principles of environmental sustainability will be encouraged.

The District Plan sets standards to guide the form of new development. However, it places minimal direct controls over land use and the location of activities. Most activities can take place anywhere within the Central Area, provided they meet performance standards that ensure the city's environmental quality is maintained.

The District Plan requires any new building to enhance the public realm of the Central Area. Design guides describe the urban design outcomes that will enhance public amenity, and provide guidance on achieving those outcomes. Specific rules deal with the siting, design and appearance of new buildings so that the existing urban form is preserved and enhanced. They focus particularly on managing building mass and general urban design guidelines. Other rules protect important public views, ensure sunlight reaches public spaces, and control excessive wind around buildings.

### **Special areas**

Several unique neighbourhoods and precincts crucial to the Central Area's cultural heritage and sense of place are identified in the Plan as heritage and character areas. Rules and design guidance are included to help to maintain and enhance the character of these special neighbourhoods.

Reflecting the importance of Wellington's waterfront, in 2004 Council adopted the *Wellington Waterfront Framework* to guide waterfront development in a way that makes the most of this unique and special part of the city. The principles and values of the *Framework* underpin the District Plan's objectives and policies for the Lambton Harbour Area. The *Framework* aims to bring coherence along the waterfront and express its connections with the city and the harbour. To this end, the *Framework* is based around several inter-linking themes: historical and contemporary culture, city to water connections, promenade, open space, and diversity. Because the waterfront is predominantly a public area in public ownership, Council is committed to engage fully with the public on decisions relating to waterfront developments. ~~This commitment is further described in the *Framework*, which also proposes governance arrangements requiring ongoing monitoring by a group of both professional and community representatives.~~

The Pipitea Precinct is another important sub area within the Central Area. The Precinct comprises the railway land and the Operational Port Area. This area forms an important entrance to the city centre from the north, and a strategic land corridor for private and public transport.

*Pipitea refers to clear water over the pipi beds*

Due to its size and location, the Pipitea Precinct is a substantial natural and physical resource capable of providing significant benefits for the people of the Wellington Region. The area is used primarily for port and rail activities with little public infrastructure, roading and few buildings in place. There is potential for future development to occur in the Pipitea Precinct and with appropriate management and control there is an opportunity to create a quality urban environment that enhances the economic viability and vitality of the central business district.

## 12.2 Central Area Objectives and Policies

### OBJECTIVE – LAMBTON HARBOUR AREA

**12.2.8 To ensure that the development of the Lambton Harbour Area, and its connections with the remainder of the city's Central Area, maintains and enhances the unique and special components and elements that make up the waterfront.**

#### POLICIES

To achieve this objective, Council will:

**12.2.8.1 Maintain and enhance the public environment of the Lambton Harbour Area by guiding the design of new open spaces and where there are buildings, ensuring that these are in sympathy with their associated public spaces.**

#### METHODS

- Rules
- Operational activities (The Wellington Waterfront Framework)
- National Standard Access Design Criteria: NZS 4121:2001

*The main focus of the Lambton Harbour Area is to reinforce its role as a primary open space on the waterfront. A series of different open spaces - some green some sheltered and some paved - that cater for diverse uses and activities will predominate. Furthermore, there will be a network of paths through the area, including a promenade along the length of the waterfront, predominantly at the water's edge. Buildings will support the open spaces, both in their design and their associated uses and activities. The ground floors of buildings will be predominantly accessible to the public and buildings will have "active edges". Particular consideration will be given to providing for equitable access to the water's edge and all other facilities on the waterfront by older people and all others with mobility restrictions.*

**12.2.8.2 Ensure that a range of public open spaces, public walkways and through routes for pedestrians and cyclists and opportunities for people, including people with mobility restrictions, to gain access to and from the water are provided and maintained.**

#### METHODS

- Rules
- Operational activities (The Wellington Waterfront Framework)

*Substantial and varied areas of open space near and adjacent to the water are important to ensure that uninterrupted public access to the water's edge is maintained and enhanced. Some water-based activities (such as rowing) require vehicular access and short term parking. There will be a public walkway/promenade along the length of the waterfront, predominantly at the water's edge. A series of different open spaces that cater for diverse uses and activities will predominate. In addition to Frank Kitts Park there will be a second large green open space at Chaffers.*

**12.2.8.3 Encourage the enhancement of the overall public and environmental quality and general amenity of the Lambton Harbour Area.**

**METHODS**

- Rules
- Design Guides (The Wellington Waterfront framework) (The Central Area Urban Design Guide)
- Operational activities (The Wellington Waterfront Framework)
- Advocacy
- Regional Coastal Plan

*The waterfront as a whole is an area of special character that has five distinct areas at:*

- Kumutoto/North Queens Wharf
- Queens Wharf
- Frank Kitts Park
- Taranaki Street Wharf / Lagoon
- Chaffers

*These areas will each develop their own “sense of place” or local character but collectively contribute to the overall richness and cohesion that makes the waterfront a unique and special part of the city.*

*The fundamental aim of future development in the Lambton Harbour Area is the achievement of a high quality public environment that provides and supports a range of public spaces and opportunities for vibrant activities, exciting uses and imaginative developments, which in turn encourage an improvement of the amenities of the waterfront for use and enjoyment by the public.*

**12.2.8.4 Maintain and enhance the heritage values associated with the waterfront.**

**METHODS**

- Rules
- Operational activities (The Wellington Waterfront Framework)
- Advocacy
- Conservation Plans

*Heritage and the history of the waterfront are important parts of the identity of the waterfront. There is a range of aspects to the pre and post-colonial history of the waterfront, including maritime, social and economic aspects, and all these stories need to be told. Heritage buildings are an important aspect of the history of the waterfront and should be restored and reused. Heritage buildings are an important aspect of the history of the waterfront and should be restored and reused under the guidance of a Conservation Plan.*

**12.2.8.5 Recognise and provide for developments and activities that reinforce the importance of the waterfront’s Maori history and cultural heritage.**

**METHODS**

- Design Guides (The Wellington Waterfront Framework)
- Operational activities (The Wellington Waterfront Framework) (The Central Area Urban Design Guide)
- Information and advocacy

Maori cultural heritage will have a strong presence on the waterfront and play a key role in identifying the special and unique role that the waterfront has to play in the city. Also refer Objective 12.2.16 and associated policies.

**12.2.8.6 Provide for new building development which adds to the waterfront character and quality of design within the area and acknowledges relationships between the city and the sea.**

**12.2.8.6A Manage the site planning and design of new buildings and related public spaces within identified areas to ensure quality design outcomes.**

#### **METHODS**

- Rules
- Design Guides (The Wellington Waterfront Framework) (The Central Area Urban Design Guide)
- Operational activities (The Wellington Waterfront Framework)

*For a long period of time buildings and a range of port related structures have played an important role in the functioning and public use of the waterfront. They will continue to do so. Some buildings and structures may be new and some may be adapted and altered.*

*The waterfront is somewhere to live, work and play. The waterfront will meet the needs of a diverse range of people. There will be an allowance for recreational, cultural and civic uses, and also an allowance for some commercial development. Any development should be of a high quality. Any new buildings will be generally complementary, and in a scale appropriate to, the existing buildings around them. In the Kumutoto/North Queens Wharf area buildings will be in scale with heritage buildings.*

*Buildings are modified over time, particularly when they are re-furbished to accommodate new activities and uses.*

*Any minor addition or alteration to an existing building will be assessed to ensure that there is no significant adverse effect on the overall character of the building, or on the environment of adjacent open spaces, and that the building remains in character with the waterfront as a whole.*

*The following general matters will be considered in relation to any application for a new building or structure on the waterfront:*

*16. the principles and objectives of the Wellington Waterfront Framework.*

*17. For building works within the Queens Wharf Special Height Area shown in Appendix 4 the extent to which additions or alterations have regard to the principles and objectives of the Wellington Waterfront Framework and are designed to complement the existing buildings. Particular consideration will be given to ensuring that the pitch of roofs generally match existing roof slopes (other than any gable windows or other minor roof features) and that all new work is strongly modelled and well integrated into the existing design and that any additional floors are clearly articulated in their external appearance.*

*18. whether the ground floor of the building has an 'active edge' that supports the public use of the space and which is predominantly accessible to the public.*

*19. whether the addition or alteration will result in a building that will be complementary to, and of a scale appropriate to, other existing buildings adjacent and nearby.*

20. *whether the addition or alteration respects the form and scale of the existing building.*
21. *whether the addition or alterations will have a material effect on sunlight access to any open space.*
22. *whether the addition or alteration will intrude on an identified viewshaft.*
23. *whether the addition or alteration adversely affects the heritage values or significance of the heritage building.*
24. *the adverse effects of the building work on wind, views, shading and sunlight on adjacent properties in the Central Area.*

- *the relevant provisions of the Central Area Urban Design Guide.*
- *the principles and objectives of the Wellington Waterfront Framework.*
- *whether the ground floor of the building has an 'active edge' that supports the public use of the space and which is predominantly accessible to the public.*
- *whether the addition or alteration building work will result in a building that will be complementary to, and of a scale appropriate to, other existing buildings adjacent and nearby.*
- *whether the addition or alterations building work will have a material effect on sunlight access to any open space.*
- *whether the addition or alteration building work will intrude on an identified viewshaft.*
- *the adverse effects of the building work on wind, views, shading and sunlight on adjacent properties in the Central Area.*
- *The amount of vehicle parking and the extent to which any parking (and associated access and manoeuvring spaces) will ensure the protection of the pedestrian environment on the waterfront and the public use of ground floor building space.*

*In addition to the above the following shall also apply:*

#### **Additions and alterations**

- *whether the addition or alteration adversely affects the heritage values or significance of the heritage building.*
- *whether the addition or alteration respects the form and scale of the existing building.*

#### **Building works within the Queens Wharf Special Height Area**

- *for building works within the Queens Wharf Special Height Area shown in Appendix 4 the extent to which additions or alterations have regard to the principles and objectives of the Wellington Waterfront Framework and are designed to complement the existing buildings. Particular consideration will be given to ensuring that the pitch of roofs generally match existing roof slopes (other than any gable windows or other minor roof features) and that all new work is strongly modelled and well integrated into the existing design and that any additional floors are clearly articulated in their external appearance.*

#### **Building works and associated open space within identified areas**

##### **1. North Kumutoto area**

*In the North Kumutoto area new buildings within the identified footprints are a Discretionary Activity (Restricted). Larger new buildings and*



*additions and alterations to any existing building that extend beyond the footprint areas (where the height limit is zero), or exceed the specified building height limits will be considered as a Discretionary Activity (Unrestricted). In order to avoid argument that the zero height limit outside the footprint areas imposes a permitted baseline of zero it is specifically recorded that this is not the case. The requirement is to trigger a Discretionary Activity (Unrestricted) application to ensure that there is the opportunity for public involvement and that all relevant effects can be assessed. In all cases consideration will be given to the extent to which ~~For~~ buildings and related public spaces within the North Kumutoto area the extent to which proposals accord with the North Kumutoto provisions in Appendix 4 of the Central Area Urban Design Guide.*

**12.2.8.6B Ensure that significant buildings in the North Kumutoto area and related public spaces display design excellence.**

**METHODS**

- Rules
- Design Guides - The Central Area Urban Design Guide –including North Kumutoto provisions

*The Wellington Waterfront is a special public space where there is an expectation that any development will be of a high quality. This is expressed in the Principles of the Waterfront Framework where there is an acknowledgement that the quality of architecture and design is an important element of achieving a waterfront that is distinctly “Wellington”.*

*In the North Kumutoto area building ‘sites’ have been identified and the associated Plan provisions provide for an appropriate level of development as a Discretionary Activity (Restricted). Through the implementation of the rules which include additional design guide requirements the Council will seek a level of design excellence for buildings and the development of open space that will significantly enhance the waterfront. Careful assessment will also be given to development proposals that might exceed the specified building height and footprint requirements as it is the Council’s view that the issue of design quality is even more important in such cases.*

*When processing a consent application Council will consider the proposals in relation to their immediate surroundings and the extent to which they will make a positive contribution to the waterfront environment, and deliver design excellence. Particular consideration will be given to the relationship of new buildings with adjacent listed heritage buildings, the maintenance of viewshafts, the protection of pedestrian access through the area and the shading of open space areas including lanes.*

**12.2.8.6C To ensure that the ground floor of buildings be predominantly accessible to the public and have active edges to significant adjacent public spaces.**

**METHODS**

- Rules
- Design Guides (The Central Area Design Guide)

- Operational activities (The Wellington Waterfront Framework)

*The waterfront is one of the City's prime public spaces. It is important that the entire Waterfront area, including the ground floor of buildings, be predominantly accessible to the public.*

*To support this principle, specific rule provisions have been included that require the ground floor of buildings to be predominantly accessible to the public and also have active edges to significant adjacent public spaces. The application of these provisions will work to achieve a high quality public environment.*

*The following matters will be considered in respect of applications for proposals that do not comply with the requirements.*

*Public accessibility to ground floors*

- *Whether the depth of the building footprint is such that the interior space is unsuitable for uses to which the public should otherwise have access.*
- *Whether the publicly accessible space from the building frontage is of a reasonably usable depth (a minimum depth of approximately 10m will generally be expected).*
- *Whether the use or uses within the building are visible and will provide 'an experience' for the public on a continuing basis.*
- *Whether it is appropriate for space to be used for a specified period of time without compliance.*

*Entrance ways and display windows*

- *Whether the nature of the adjacent public space is such that compliance with the entrance way and/or display window provisions should be reduced or waived.*
- *Whether it can be demonstrated that frontages are readily capable of modification to comply with the entrance way and/or display window provisions in future.*

**12.2.8.7 Maintain and enhance the Lambton Harbour Area as an integral part of the working port of Wellington.**

**METHODS**

- Rules
- Operational activities (The Wellington Waterfront Framework)

*Parts of the Lambton Harbour Area remain a working port and the area draws much of its character and present activity from port related functions, structures and open space. These functions, including the use of wharves by cruise ships, fishing boats, pleasure boats and other vessels, will be encouraged to continue. Design which relates to the maritime location and port functions will also be encouraged.*

**12.2.8.8 To provide for and facilitate public involvement in the waterfront planning process.**

**METHODS**

- Rules

- Operational activities (The Wellington Waterfront Framework)

*The waterfront is predominantly a public area, a place owned by all Wellingtonians.*

*Governance arrangements for the waterfront include a broadly based group consisting of both professional and community representatives. This group will have primary responsibility for the on-going planning and development of the waterfront, as well as responsibility for monitoring all proposed developments. The group will actively engage the public in waterfront decision making.*

*Thus, the public will be consulted the development of plans for the waterfront (Stage 2 of the waterfront planning process) and enabled to participate through the statutory planning process about any proposed new buildings and any significant changes to existing buildings.*

*The statutory requirements under the Resource Management Act provide for public participation with respect to the development of plans in identified areas or via the resource consent process for specific development proposals outside those areas.*

*In addition, governance arrangements for the waterfront include a Waterfront Development Plan process which reviews and reflects the on-going planning and development of the waterfront. This is undertaken on an annual basis and confirms the direction of waterfront development over the following year.*

*The approval process for the Waterfront Development Plan will provide for public submissions, into the decision making process undertaken by the Council in its capacity as land owner.*

**12.2.8.9 Encourage and provide for consistency in the administration of resource management matters across the line of mean high water springs (MHWS).**

**METHODS**

- Rules
- Operational activities (The Wellington Waterfront Framework)
- Other mechanisms (New Zealand Coastal Policy Statement, Regional Policy Statement, Regional Coastal Plan).

*Parts of the waterfront that are below mean high water springs (such as the Outer Tee at Queens Wharf and the Overseas Passenger Terminal) are administered by Greater Wellington – The Regional Council. These areas fall within the jurisdiction of the Regional Coastal Plan for the Wellington Region.*

*Both the Wellington City Council and Greater Wellington - The Regional Council are committed to working closely together to ensure consistency in administration of the coastal edge.*

*Policy 4.2.46 of the Regional Coastal Plan signals Greater Wellington - The Regional Council's intention to align the provisions of the Regional Coastal Plan with those of the District Plan. This policy reads:*

*“To vary or change the Plan, if necessary, as soon as practicable after the Wellington City District Plan becomes operative, to align rules in the Lambton Harbour Area (for activities and structures on wharves on the seaward side of the coastal maritime area boundary) with the rules in Wellington City Council's District*

*Plan for the Lambton Harbour Area (for activities and structures on the landward side of the coastal marine area boundary)”.*

*In explanation of this Regional Coastal Plan policy Greater Wellington – The Regional Council has stated that:*

*“The Lambton Harbour Area has special characteristics that need to be recognised and provided for in the Regional Coastal Plan. At the time of writing the Plan and Committee deliberations, the provisions of the Wellington City District*

*Plan for the Lambton Harbour Area were subject to alteration through submission, decision making and appeal process. In order to establish a consistent set of provisions across the line of mean high water springs within the Lambton Harbour Area, Greater Wellington - The Regional Council will undertake a variation/change to the Coastal Plan to align the provisions of the coastal plan with those developed by the City Council for the landward side of the coastal marine area boundary. This will achieve a consistent set of provisions for the Lambton Harbour Area”.*

**[...]**

# 13. CENTRAL AREA RULES

## 13.1 Permitted Activities

Section 13.1 describes which activities, buildings, structures, signs and subdivisions are permitted in the Central Area.

### ACTIVITIES

**13.1.1** Any activity is a Permitted Activity provided that it complies with the standards specified in section 13.6.1 (activities, buildings and structures) and 13.6.2 (activities),

except:

- those activities listed in the Third Schedule to the Health Act 1956 (see Rule 13.5)
- the use, storage or handling of those hazardous substances, listed in section 3.5.2.2 (see Rule 13.2.1)
- any activity that disturbs or alters the ground of a contaminated site (see Rule 13.3.11)
- helicopter landing areas (see Rule 13.4.1)
- the creation of vacant land, open land or parking areas (at ground level) that are visible from public spaces (see Rule 13.4.2), except in the Operational Port Area and the Port Redevelopment Precinct where this activity is permitted
- any critical facility within a Hazard Area (excluding port activities located within the Operational Port Area which are permitted) (see Rule 13.3.2)
- the development of new or the modification of existing open space in the Lambton Harbour Area (see Rule 13.4.5)
- a street car race in the Lambton Harbour Area on the seaward side of the Waterloo, Customhouse and Jervois Quays and Cable Street (see Rule 13.5)
- activities on the ground floor of buildings in the Lambton Harbour Area that do not have at least 60 percent of gross floor area accessible to the public
- commercial sex activities within the Courtenay Place Area (as shown in Appendix 1) (see Rule

*Note, Appendix 12 lists the types of activities contained in the Third Schedule of the Health Act 1956*

*Note, that the activities listed in section 3.5.2.1 do not require a HFSP assessment and are consequently exempt from the hazardous substances provisions of the Plan.*

13.4.32)

- within the Port Redevelopment Precinct (as shown in Appendix 2) the area of net lettable floor space occupied by office activities must not exceed 68,200 square metres (see rule 13.4.6)
- office and retail activities within the Pipitea Precinct (as shown in Appendix 3) (see Rule 13.4.4)
- electronic sound systems erected after 8 October 2007 that are associated with commercial premises and located within any public space (including streets and parks).

*Noise generated from existing electronic sound systems must comply with noise standard 13.6.2.1.3 or seek resource consent as a non-complying activity. Proposed new noise generated from electronic sound systems will also be non-complying activities.*

## BUILDINGS AND STRUCTURES

13.1.2 The construction, alteration of, and addition to buildings and structures provided for in this rule are Permitted Activities in all parts of the Central Area, provided they comply with the standards specified in sections 13.6.1 (activities, buildings and structures) and 13.6.3 (buildings and structures):

*In the Pipitea Precinct all buildings and structures for office and retail use are Discretionary Activities (Unrestricted), except when they are associated with Operational Port Activities.*

13.1.2.1 alterations or additions:

- that do not alter the external appearance of the building or structure; or
- that relate to building frontages below verandah level; or
- that are not visible from public spaces; or,

*For work on listed heritage buildings and within heritage areas see Chapters 20 and 21.*

13.1.2.2 any building or structure in the Operational Port Area required for operational port activities; or,

*13.1.2.2 applies to all of the Operational Port Area, including that portion that area of the Operational Port Area that also forms part of the Port Redevelopment Precinct.*

13.1.2.3 within the Port Redevelopment Precinct (shown in Appendix 2) alterations or additions that do not extend the existing building footprint (at ground level) by more than 10 percent; or,

13.1.2.4 any building or structure with a gross floor area of less than 100m<sup>2</sup> and (collectively) covering no more than 20 percent of the site, except buildings or structures in the Hazard (Fault Line), and the Lambton Harbour Area, or on a site subject to designation H2 (Inner City Bypass); or,

13.1.2.5 any building or structure with a gross floor area of up to 30m<sup>2</sup> within a Hazard (Fault Line) Area; or,

13.1.2.6 in the Lambton Harbour Area, and the Port Redevelopment Precinct (shown in Appendix 2), structures including waterfront furniture, play equipment, sculptures, former cargo handling equipment, cranes and similar port related equipment;  
**or**

**13.1.2.7 In the Lambton Harbour Area, buildings (excluding listed heritage buildings) that have at least 60 percent of any ground floor frontage as entrance space or display windows.**

## SIGNS

13.1.3 Signs are a Permitted Activity provided that they comply with the standards specified in section 13.6.4 (signs).

## SUBDIVISION

13.1.4 Subdivision is a Permitted Activity provided that it complies with the standards specified in 13.6.5 (subdivision), except:

- company lease, cross lease and unit title subdivision, which is a Controlled Activity.
- subdivision within the Pipitea Precinct (shown in Appendix 3) which is a Discretionary Activity (Restricted). Subdivision that occurs outside the Pipitea Precinct but which involves titles that extend into the Pipitea Precinct is a permitted activity, provided that no new allotments are created within the Pipitea Precinct.

*Subdivision proposals must comply with the City Bylaws. Refer to Section 3.9 of the Plan about requirements to meet Council's Code of Practice for Land Development, service connections to public infrastructure, and vesting infrastructure in the Council.*

## 13.2 Controlled Activities

Section 13.2 describes which activities are Controlled Activities in the Central Area. A resource consent will be required but consent cannot be refused. Conditions may be imposed relating to the matters specified in the relevant Rule. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

### ACTIVITIES

- 13.2.1 Any activity listed in Section 3.5.2.2 involving the use, storage or handling of hazardous substances is a Controlled Activity in respect of:**
- Note, that the activities listed in section 3.5.2.1 do not require a HFSP assessment and are consequently exempt from the hazardous substances provisions of the Plan.*
- 13.2.1.1 use, storage or handling of hazardous substances**

#### *Non-notification/ service*

In respect of rule 13.2.1 applications do not need to be publicly notified and do not need to be served on affected persons.

#### *Relevant policies for preparing resource consent applications*

See policies 12.2.14.1 – 12.2.14.5.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

### BUILDINGS AND STRUCTURES

- 13.2.2 Additions and alterations to existing buildings in the Queens Wharf Special Height Area (shown in Appendix 4) are a Controlled Activity in respect of **except:****
- Additions and alterations to ground floor frontages**
- Are a Controlled Activity in respect of:**
- If the proposal does not comply with the specified standards, the activity is a Discretionary Activity (Unrestricted) under Rule 13.4.6*



**13.2.2.1 design, external appearance and siting**

provided that the additions and alterations comply with the standards specified in section 13.6.1 (activities, buildings and structures) and 13.6.3 (building and structures).

*Non-notification/ service*

In respect of rule 13.2.2 applications do not need to be publicly notified and do not need to be served on affected persons.

Relevant policies for preparing resource consent applications

See policies 12.2.8.1 – 12.2.8.9, 12.2.5.1 – 12.2.5.10, 12.2.6.1 – 12.2.6.19

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**13.2.3 The construction or alteration of, and addition to buildings and structures, and creation of associated open space within the Port Redevelopment Precinct (shown in Appendix 2) that are not Permitted Activities, are a Controlled Activity in respect of:**

**13.2.3.1 design, external appearance and siting**

~~**13.2.3.2 the placement of building mass**~~

**13.2.3.2 public space structure and public space design**  
**3**

**Subject to compliance with the following conditions:**

**13.2.3.3 The application must include details of both the proposed building work and the development of associated open space in the area surrounding the building site.**  
**4**

**13.2.3.4 The building must not extend more than 10 percent (viewed in plan) outside the proposed building footprint (including building footprints over streets) identified in the masterplan for the Port Redevelopment Precinct (shown in Appendix 2).**  
**5**

**13.2.3.5 The building must not exceed 27 metres in height, or such lesser height as has been shown within a specific building footprint in the masterplan.**  
**6**

**13.2.3.6 The building must have its primary frontage within the areas shown as primary frontage on the masterplan.**  
**7**

**13.2.3.7 At the ground floor the ~~building proposal~~ must have at least 60 percent of its primary frontage area, and 60 percent of any frontage to a road, boardwalk, park, square or lane (excluding service lanes 1, 3, 4, 7 & 8), as entrance space or display windows.**  
**8**

~~**13.2.3.8 Any additional storeys above ground floor level the building must have no more than 20 percent of the length of its**~~

*A masterplan has been prepared to guide development within the Port Redevelopment Precinct (see Appendix 2)*

*If the proposal does not comply with standards for buildings and structures in 13.6.1 or 13.6.3, Rule 13.3.8 applies in addition to this rule.*

*Rule 13.1.2.2 applies to buildings and structures for operational port activities in the area of the Port Redevelopment Precinct, north of Hinemoa Street, that also forms part of the Operational Port Area.*

*The requirements for display windows are outlined in standard 13.6.3.7*

*This requirement applies to the full*

**9** ~~primary frontage area, and no more than 20 percent of the length of any frontage to a road, boardwalk, park, square or lane (excluding service lanes 1, 3, 4, 7 & 8) as blank space. Blank space means portions of the building façade without windows, significant modulation, voids or other architectural features.~~

*height of the buildings.*

For primary frontage areas, and any frontage to a road, boardwalk, park, square or lane (excluding service lanes 1, 3, 4, 7 & 8), storeys above ground floor level must have no more than 20 percent of their length as blank space. Blank space means portions of the building façade without windows, significant modulation, voids or other architectural features.

**13.2.3.9** The total area of net lettable floor space occupied by office activities within the Port Redevelopment Precinct must not exceed 68,200 square metres.

Any development building proposal that does not comply with the above conditions 13.2.3.3-13.2.3.8 above shall be considered under Rule 13.3.4. Any development building proposal that does not comply with condition 13.2.3.9 will be considered under Rule 13.4.12

*Non-notification/ service*

In respect of rule 13.2.3 applications do not need to be publicly notified and do not need to be served on affected persons.

*Relevant policies for preparing resource consent applications*

See 12.2.3.2, 12.2.4.1, 12.2.5.1 – 12.2.5.10, 12.2.6.1 – 12.2.6.19.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

## SUBDIVISION

**13.2.4 Company lease, cross lease and unit title subdivision is a Controlled Activity in respect of:**

**13.2.4.1 stormwater, sewerage and water supply**

**13.2.4.2 site access**

**13.2.4.3 the allocation of accessory units to principal units and the allocation of covenant areas to leased areas to ensure compliance with servicing rules, and to ensure practical physical access to every household unit.**

**provided that all activities, buildings, structures and signs comply with the standards in section 13.6 relating to vehicle parking, servicing and site access; buildings and structures; and signs. The requirement to meet these standards may be waived if resource consent has been sought and granted for those aspects that do not comply, or the building has existing use rights under section 10 of the Resource Management Act.**

### *Non-notification/ service*

In respect of rule 13.2.4 applications do not need to be publicly notified and do not need to be served on affected persons.

### **Relevant policies for preparing resource consent applications**

See 12.2.11.1.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

## 13.3 Discretionary Activities (Restricted)

Section 13.3 describes which activities are Discretionary Activities (Restricted) in the Central Area. Consent may be refused or granted subject to conditions. Grounds for refusal and conditions will be restricted to the matters specified in the relevant Rule. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

Any activity under Rule 13.3.1 or 13.3.2 that does not meet one or more of the standards specified in 13.6.1 (activities, buildings and structures) and 13.6.2 (activities) is also subject to Rule 13.3.3.

Any building or structure under Rule 13.3.4, 13.3.5, 13.3.6, or 13.3.7 that does not comply with the standards specified in 13.6.1 (activities, buildings and structures) and 13.6.3 (buildings and structures) is also subject to Rule 13.3.8.

### ACTIVITIES

- |                 |  |
|-----------------|--|
| <b>13.3.1</b>   | <b>Any activity involving the provision of more than 70 vehicle parking spaces per site, (except for sites within the Operational Port Area or Port Redevelopment Precinct <u>where such parking is a Permitted Activity</u>), is a Discretionary Activity (Restricted) in respect of:</b> |
| <b>13.3.1.1</b> | <b>the movement of vehicular traffic to and from the site.</b>   |
| <b>13.3.1.2</b> | <b>the movement of vehicular traffic within the surrounding street network.</b>  |

*If the activity does not comply with standards for activities in 13.6.1 and 13.6.2, Rule 13.3.3 applies in addition to this Rule.*

#### *Non-notification/ service*

In respect of rule 13.3.1 applications do not need to be publicly notified and do not need to be served on affected persons.

#### **Relevant policies for preparing resource consent applications**

See 12.2.15.1 – 12.2.15.8.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**13.3.2 Any Critical Facility within any Hazard Area (except for port activities located within the Operational Port Area which are Permitted Activities) is a Discretionary Activity (Restricted) in respect of:**

**13.3.2.1 the location of the facility.**

*If the activity does not comply with standards specified in section 13.6, Rule 13.3.3 applies in addition to this Rule.*

*Non-notification/ service*

In respect of rule 13.3.2 applications do not need to be publicly notified and do not need to be served on affected persons.

**Relevant policies for preparing resource consent applications**

See 12.2.13.3 – 12.2.13.4.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**13.3.3 Activities which are Permitted, Controlled or Discretionary (Restricted) Activities that do not meet one or more of the standards outlined in section 13.6.1 (Activities, Buildings and Structures) and 13.6.2 (Activities), are Discretionary Activities (Restricted). Discretion is limited to the effects generated by the standard(s) not met:**

**13.3.3.1 noise (fixed plant)**

**13.3.3.2 noise insulation and ventilation**

**13.3.3.3 vehicle parking, servicing and site access**

**13.3.3.4 noise (except 13.6.2.1.3 which is a Non-Complying Activity)**

**13.3.3.5 temporary activity noise**

**13.3.3.6 Wellington Regional Stadium noise – special entertainment events**

**13.3.3.7 lighting**

**13.3.3.8 Wellington Regional Stadium site lighting**

**13.3.3.9 use, storage, handling or disposal of hazardous substances**

**13.3.3.10 screening of activities and storage**

**13.3.3.11 dust**

**13.3.3.12 electromagnetic radiation**

**13.3.3.13 street car race**

**~~13.3.3.13A ground floor accessibility and edge treatment of any building in the Lambton Harbour Area~~**

**subject to compliance with the following conditions:**

**13.3.3.14 noise emission levels under standards 13.6.2.1.1 and 13.6.2.1.2 shall not be exceeded by more than 5 decibels. This condition does not apply to temporary activity noise.**

**13.3.3.15 maximum lighting levels under standard 13.6.2.2 must not be exceeded by more than 20 percent.**

**13.3.3.16 for hazardous substances, the cumulative effects ratio as assessed under the Hazardous Facilities Screening Procedure for the site where the activity is to occur is greater than 0.1 or does not meet the standard 13.6.2.3 unless the site is located in a Hazard Area.**

**13.3.3.17 for hazardous substances, where the hazardous facility is located in a Hazard Area, the cumulative effects ratio as assessed under the Hazardous Facilities Screening**

**Procedure for the site where the activity is to occur is less than or equal to 0.5 but does not meet standard 13.6.2.3**

*Non-notification/ service*

In respect of rule 13.3.3 applications do not need to be publicly notified and do not need to be served on affected persons in respect of:

- 13.3.3.2 (noise insulation and ventilation), and
- 13.3.3.3 (vehicle parking, servicing and site access), and
- 13.3.3.10 (screening of activities and storage).

***Relevant policies for preparing resource consent applications***

See 12.2.2.2 - 12.2.2.5, 12.2.6.19, 12.2.9.4-12.2.9.5, 12.2.6.16-12.2.6.17, 12.2.14.1 – 12.2.14.5, 12.2.15.1 – 12.2.15.15.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**13.3.3A** **Activities on the ground floor of buildings in the Lambton Harbour Area that do not comply with Rule 13.1.1 relating to public accessibility is a Discretionary Activity (Restricted) in respect of:**

**13.3.3A.1** **Public accessibility to ground floors.**

***Non-notification/ service***

**In respect of rule 13.3.3A.1 applications do not need to be publicly notified and do not need to be served on affected persons.**

***Relevant policies for preparing resource consent applications***

**See 12.2.8.6C**

**Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.**

## BUILDINGS AND STRUCTURES

<p><b>13.3.4</b></p> <p><b>13.3.4.1</b></p> <p><b>13.3.4.2</b></p> <p><b>13.3.4.3</b></p> <p><b>13.3.4.4</b></p>	<p>The construction or alteration of, and addition to buildings and structures in the Central Area that are not Permitted or Controlled Activities, except:</p> <ul style="list-style-type: none"> <li>• buildings and structures in the Lambton Harbour Area, <b>except buildings and structures within identified areas under Rule 13.3.4A or buildings under Rule 13.3.5A</b></li> <li>• buildings and structures within a Hazard (Fault Line) Area</li> <li>• buildings for office or retail activities in the Pipitea Precinct (as shown in Appendix 3)</li> <li>• <u>buildings and structures on sites subject to designation H2 (Inner City Bypass)</u></li> </ul> <p>are Discretionary Activities (Restricted) in respect of:</p> <p>design, external appearance and siting</p> <p>the placement of building mass</p> <p>pedestrian access (for applications relating to the Wellington Regional Stadium site (Lot 1, DP 85907 and Lot 1, DP 10550))</p> <p>public space structure and public space design for applications within the Port Redevelopment Precinct (as shown in Appendix 2) and Pipitea Precinct (as shown in Appendix 3).</p>	<p><i>Building work covered by rule 13.3.4 will be assessed against the provisions of the Central Area Design Guide.</i></p> <p><i>Note, section 3.2.4 requires a Design Statement to accompany any application for resource consent that is to be assessed against a Design Guide.</i></p> <p><i>If the proposal does not comply with standards for buildings and structures in 13.6.1 or 13.6.3, Rule 13.3.8 applies in addition to this Rule.</i></p> <p><i>Note, existing buildings on a site contribute to the total building mass of any new development.</i></p> <p><i>Buildings for office or retail activities in the Pipitea Precinct are a Discretionary Activity (Unrestricted) under Rule 13.4.7</i></p>
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### *Non-notification/ service*

In respect of rule 13.3.4 applications do not need to be publicly notified and do not need to be served on affected persons.

### **Relevant policies for preparing resource consent applications**

See 12.2.3.2, 12.2.5.2, 12.2.5.10, 12.2.6.1 – 12.2.6.3, 12.2.6.5, 12.2.6.10-12.2.6.12, 12.2.6.14 – 12.2.6.18, 12.2.7.1-12.2.7.3, 12.2.9.3, 12.2.4.1, 12.2.4.3.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.



**13.3.4A** The construction of new buildings and structures or the alteration of, and addition to buildings and structures and the development of new Open Space within identified areas in the Lambton Harbour Area (as shown in Appendix 13) are a Discretionary Activity (Restricted) in respect of:

**13.3.4A.1** design, external appearance and siting

**13.3.4A.2** height

**13.3.4A.3** public space structure and public space design

**13.3.4A.4** historic heritage

Building work covered by rule 13.3.4A will be assessed against the provisions of the Central Area Design Guide.

Note, section 3.2.4 requires a Design Statement to accompany any application for resource consent that is to be assessed against a Design Guide.

If the proposal does not comply with standards for buildings and structures in 13.6.1 or 13.6.3, Rule 13.3.8 applies in addition to this Rule except for the following in the North Kumutoto Area within the Lambton Harbour Area:

- mass standard.
- building height
- footprint requirements

Proposals that do not comply with Rule 13.3.4A. see Rule 13.4.7.

**Non-notification/ service**

In respect of rules 13.3.4 and 13.3.4A applications do not need to be publicly notified and do not need to be served on affected persons.

**Relevant policies for preparing resource consent applications**

See 12.2.3.2, 12.2.5.10, 12.2.6.1 – 12.2.6.3, 12.2.6.5, 12.2.6.10 – 12.2.6.12, 12.2.6.14 – 12.2.6.18, 12.2.7.1 – 12.2.7.3, 12.2.8.1 – 12.2.8.9.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**13.3.5** Minor additions and alterations to existing buildings in the Lambton Harbour Area are a Discretionary Activity (Restricted) in respect of:

**13.3.5.1** design, external appearance and siting

**13.3.5.2** height and the placement of building mass

**13.3.5.3** historic heritage

Note, the term Minor Additions and Alterations is defined in Section 3.10.

If the proposal does not comply with standards for buildings and structures in 13.6.1 or 13.6.3, Rule 13.3.8 applies in addition to this Rule.

Except for the provision of entrance ways and display windows on ground floors this rule does not apply to:

- any addition or alteration to the parts of the existing buildings on Lot 1 DP 78982 within the Queens Wharf Special Height Area shown in Appendix 4 (which are Controlled Activities or Discretionary Activities (Unrestricted)).

*Non-notification/ service*

In respect of rule 13.3.5 applications do not need to be publicly notified and do not need to be served on affected persons. The Council will however require a written statement from the Waterfront Development Subcommittee, or its successor, confirming its view on the proposed development to accompany the application.

*Relevant policies for preparing resource consent applications*

See 12.2.3.2, 12.2.8.1-12.2.8.9, 12.2.5.1 – 12.2.5.5, 12.2.6.1 – 12.2.6.5.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**13.3.5A Buildings in the Lambton Harbour Area (excluding listed heritage buildings) that do not have 60 percent of any ground floor frontage as entrance space or display windows is a Discretionary Activities (Restricted) in respect of:**

**13.3.5A.1 the provision of entrance ways or display windows**

*Non-notification/ service*

In respect of rule 13.3.5A.1 applications do not need to be publicly notified and do not need to be served on affected persons.

*Relevant policies for preparing resource consent applications*

See 12.2.8.6C

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

- 13.3.6 The construction, alteration of, or addition to buildings and structures exceeding a gross floor area of 30m<sup>2</sup> within a Hazard (Fault Line) Area are a Discretionary Activities (Restricted) in respect of:**
- 13.3.6.1 design, external appearance and siting**
  - 13.3.6.2 the placement of building mass**
  - 13.3.6.3 the location and type of buildings or structures.**

*If the proposal does not comply with the standards for buildings and structures in 13.6.1 or 13.6.3, Rule 13.3.8 applies in addition to this Rule.*

*Non-notification/ service*

In respect of rule 13.3.6 applications do not need to be publicly notified and do not need to be served on affected persons.

**Relevant policies for preparing resource consent applications**

See 12.2.13.2, 12.2.5.1 – 12.2.5.5, 12.2.6.1 – 12.2.6.3.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

- 13.3.7 The erection of buildings or structures involving the provision of more than 70 vehicle parking spaces per site, except for sites within the Operational Port Area, is a Discretionary Activity (Restricted) in respect of:**
- 13.3.7.1 the movement of vehicular traffic to and from the site.**
  - 13.3.7.2 the movement of vehicular traffic within the surrounding street network.**

*If the proposal does not comply with standards for buildings or structures in 13.6.1 or 13.6.3, Rule 13.3.8 applies in addition to this Rule.*

*Non-notification/ service*

In respect of rule 13.3.7 applications do not need to be publicly notified and do not need to be served on affected persons.

**Relevant policies for preparing resource consent applications**

See 12.2.15.1-12.2.15.8

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

- 13.3.8** The construction or alteration of, and addition to buildings and structures which are Permitted, Controlled or Discretionary (Restricted) Activities that do not meet one or more of the following standards outlined in section 13.6.1 (Activities, Buildings and Structures) and 13.6.3 (Buildings and Structures), are Discretionary Activities (Restricted). Unless otherwise noted below, discretion is limited to the effects generated by the standard(s) not met:
- 13.3.8.1** noise - fixed plant (standard 13.6.1.1)
- 13.3.8.2** noise insulation and ventilation (standard 13.6.1.2)
- 13.3.8.3** vehicle parking, servicing and site access (standard 13.6.1.3)
- 13.3.8.4.A** height (standards 13.6.3.1 to 13.6.3.1.4, and 13.6.3.1.7 to 13.6.3.1.10) discretion is limited to the effect of building height on:
- the amenity of surrounding streets, lanes, footpaths and other public spaces; and
  - the historic heritage value of any listed heritage item in the vicinity; and
  - the urban form of the city; and
  - the character of the surrounding neighbourhood, including the form and scale of neighbouring buildings; and
  - any adjacent Residential Area
- 13.3.8.4.B** height control in Heritage Areas (standard 13.6.3.1.5 for listed heritage items) discretion is limited to those matters outlined in section 21.A.2, Chapter 21 – Heritage Rules
- 13.3.8.4.C** height control in Heritage Areas (standard 13.6.3.1.6, where the upper or lower thresholds are not met, but the absolute maximum height is met) discretion is limited to:
- those matters outlined in section 21.B.2, Chapter 21 – Heritage Rules, and
  - all those matters listed under 13.3.8.4.A
- 13.3.8.5** mass (standard 13.6.3.2) discretion is limited to the effect of building mass on:
- the amenity of surrounding streets, lanes, footpaths and other public spaces; and
  - the historic heritage value of any listed heritage item in the vicinity; and
  - the character of the surrounding neighbourhood, including the form and scale of neighbouring buildings; and
  - whether the proposed building will have on-going access to daylight; and
  - any adjacent Residential Area
- 13.3.8.6** view protection – viewshafts (standard 13.6.3.3)
- 13.3.8.7** sunlight protection (standard 13.6.3.4) (discretion is limited to the effect on sunlight access to identified public

spaces)

- 13.3.8.8 wind (standard 13.6.3.5)
- 13.3.8.9 verandahs (standard 13.6.3.6)
- 13.3.8.10 ground floor frontages and display windows (standard 13.6.3.7)

~~13.3.8.10A ground floor accessibility and edge treatment of any building in the Lambton Harbour Area~~

~~13.3.8.10B buildings and structures in identified areas within the Lambton Harbour Area which are not within identified building footprints~~

- 13.3.8.11 site coverage (standard 13.6.3.8)
- 13.3.8.12 coastal yards (standard 13.6.3.9)
- 13.3.8.13 windows adjacent to Residential Areas (standard 13.6.3.10)

Subject to compliance with the following conditions:

- 13.3.8.14 maximum building height assessed under 13.3.8.4.A and 13.3.8.4.B must not be exceeded by more than 35 percent, and the building mass standard must not be exceeded, or; maximum building height must not be exceeded by more than 15 percent, and the building mass standard must not be exceeded by more than 15 percent.

*For the purpose of condition 13.3.8.14 the 15 percent increase in building mass shall be calculated using the total building mass for the site (see section 13.6.3.2).*

~~13.3.8.14A except that maximum building height in identified areas within the Lambton Harbour Area must not be exceeded by more than 15 percent.~~

- ~~13.3.8.15 maximum building mass must not be exceeded by more than 30 percent, and the building height standard must not be exceeded.~~

*For the purpose of condition 13.3.8.15 the 30 percent increase in building mass shall be calculated using the total building mass for the site.*

- 6 13.3.8.15 on the land currently occupied by the rail-ferry terminal and on the reclamation to the north the maximum building height shall be 20m (measured above ground level).

- 7 13.3.8.16 in relation to height control adjoining Residential Areas, the angle of inclination for sunlight access must not exceed the standard referred to in 13.6.3.1.9 by more than 10 degrees.

~~13.3.8.18 the extent to which any building or structure intrudes into an identified viewshaft must not exceed (at any point along the viewshaft) 15 percent of either the width or height of the viewshaft. For this purpose only, to identify the viewshaft height apply a horizontal line to the highest visible point that forms the horizon within the viewshaft (whether that point is a natural landscape or physical structure).~~

Except that this rule does not apply to the following:

- buildings and structures in the Lambton Harbour Area that are not in an identified area (as shown in Appendix 13), which are Discretionary Activities (Unrestricted) under Rule 13.4.5 6
- buildings and structures within an identified heritage area that do not meet exceed the absolute maximum height standard specified in 13.6.3.1.6 are a Discretionary Activity (Unrestricted) under Rule 13.4.9 8
- buildings and structures near Old St Paul's that do not meet standards 13.6.3.1.7 and 13.6.3.1.8 are Discretionary Activity (Unrestricted) under Rule 13.4.9 8.

#### *Non-notification/ service*

In respect of rule 13.3.8 applications do not need to be publicly notified and do not need to be served on affected persons in respect of:

- 13.3.8.2 (noise insulation and ventilation),
  - 13.3.8.3 (vehicle parking, servicing and site access),
  - 13.3.8.4 (height) (~~subject to compliance with condition 13.3.8.14~~)
  - 13.3.8.5 (mass) (~~subject to compliance with the height standard~~)
  - ~~13.6.8.6 (view protection),~~
  - 13.3.6.8.7 (sunlight protection),
  - 13.3.6.8.8 (wind),
  - 13.3.6.8.9 (verandahs),
  - 13.3.6.8.10 (ground floor frontages and display windows), ~~and~~
  - ~~13.3.8.10A (ground floor accessibility and edge treatment)~~
- and
- 13.3.6.8.12 (coastal yards).

#### *Relevant policies for preparing resource consent applications*

See 12.2.3.1-12.2.3.2, 12.2.2.4-12.2.2.5, 12.2.15.1-12.2.15.15, 12.2.5.10, 12.2.5.1-12.2.5.5, 12.2.6.4, 12.2.6.6-12.2.6.9, 12.2.6.12-12.2.6.14, 12.2.5.6-12.2.5.9, 12.2.6.20, 12.2.8.1-12.2.8.9, 12.2.12.1-12.2.12.4.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

## SIGNS

- 13.3.9 Signs that do not meet one or more of the standards specified in section 13.6.4.1, are a Discretionary Activities (Restricted) in respect of:**
- 13.3.9.1 moving images, text or lights**
  - 13.3.9.2 position**
  - 13.3.9.3 dimensions**
  - 13.3.9.4 number of signs**
  - 13.3.9.5 sign display of:**
    - temporary signs, or
    - signs located on buildings above 18.6m above ground level, or
    - signs adjoining or opposite the Parliamentary Precinct Heritage Area.
  - 13.3.9.6 duration (for temporary signs)**

*An encroachment licence must be obtained from Council to locate any sign on or in the airspace over council land, even where the sign is affixed to a building on private property. Similarly, landowner approval should be obtained to erect a sign on or in the airspace over private land.*

### *Non-notification/ service*

In respect of rule 13.3.9 applications do not need to be publicly notified and do not need to be served on affected persons.

### *Relevant policies for preparing resource consent applications*

See 12.2.10.1 – 12.2.10.7

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

## SUBDIVISION

- 13.3.10 Subdivision within the Pipitea Precinct (shown in Appendix 3) and the Port Redevelopment Precinct (shown in Appendix 2), (except as provided as a permitted activity under Rule 13.1.4), is a Discretionary Activity (Restricted) in respect of:**
- 13.3.10.1 roading, access, stormwater, sewerage and water supply**
  - 13.3.10.2 public space structure and public space design.**

### *Non-notification/ service*

In respect of rule 13.3.10 applications do not need to be publicly notified and do not need to be served on affected persons.

**Relevant policies for preparing resource consent applications**

See 12.2.11.1.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**CONTAMINATED SITES**

- 13.3.11 Any activity (including the erection of buildings or structures) that disturbs or alters the ground of a contaminated site is a Discretionary Activity (Restricted) in respect of:**
- 13.3.11.1 The objectives and protocols for any investigations to determine the nature and extent of contamination**
  - 13.3.11.2 The nature and extent of the contamination**
  - 13.3.11.3 Risk of contaminant exposure on public health, safety and the environment.**
  - 13.3.11.4 The approach to decontamination, remediation or management of the contaminated site and the mitigation measures, including monitoring, adopted to avoid adverse effects on public health, safety and the environment.**

***Non-notification/ service***

In respect of rule 13.3.11 applications do not need to be publicly notified and do not need to be served on affected persons.

**Relevant policies for preparing resource consent applications**

See 12.2.14.7 – 12.2.14.8.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.



## 13.4 Discretionary Activities (Unrestricted)

Section 13.4 describes which activities are Discretionary Activities (Unrestricted) in the Central Area. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

### ACTIVITIES

#### 13.4.1 Helicopter landing areas are a Discretionary Activity (Unrestricted)

**Relevant policies for preparing resource consent applications**

See 12.2.2.2.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

#### 13.4.2 The creation of vacant land, open land or parking areas (at ground level) that are visible from public spaces is a Discretionary Activity (Unrestricted) (except in the Operational Port Area and the Port Redevelopment Precinct).

**Relevant policies for preparing resource consent applications**

See 12.2.6.19.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

#### 13.4.3 Commercial sex activities within the Courtenay Place Area (as shown in Appendix 1) are a Discretionary Activity (Unrestricted).

**Relevant policies for preparing resource consent applications**

See 12.2.2.2.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

#### 13.4.4 Office and retail activities within the Pipitea Precinct (as shown in Appendix 3) are a Discretionary Activity (Unrestricted). *Office and retail activities are defined in Chapter 3.10.*

**Relevant policies for preparing resource consent applications**

See 12.2.3.2, 12.2.4.2 - 12.2.4.4

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**13.4.5** The development of new, or the modification of existing open space in the Lambton Harbour Area, which is not within an identified area (as shown in Appendix 13) is a Discretionary Activity (Unrestricted).

Where an application under Rule 13.4.5 is received and is publicly notified, the Council shall notify the Waterfront Development Subcommittee.

Except that this rule does not apply to:

- the maintenance of existing open space (which is a Permitted Activity)

Relevant policies for preparing resource consent applications

See 12.2.3.2, 12.2.8.1 – 12.2.8.9

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**13.4.6** Office activities within the Port Redevelopment Precinct (as shown in Appendix 2) with a combined total area of net lettable floor space in excess 68,200 square metres are a Discretionary Activity (Unrestricted).

Relevant policies for preparing resource consent applications

See 12.2.3.2, 12.2.4.1

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

## BUILDINGS AND STRUCTURES

**13.4.7** The construction of new buildings and structures in the Lambton Harbour Area which are not within an identified area (as shown in Appendix 13), or  
the construction of new buildings and structures or the alteration of, and addition to existing buildings and structures within an identified area (as shown in Appendix 13) which do not comply with Rule 13.3.4A or the relevant provisions of Rule 13.3.8, or  
the alteration of, and addition to existing buildings and structures in the Lambton Harbour Area, which are not within an identified area (as shown in Appendix 13), which:  

- do not satisfy any of the criteria for minor additions and alterations in Rule 13.3.5, or
- are within the Queens Wharf Special Height Area (as shown in Appendix 4) but do not meet the standards specified in 13.6.1 (activities, buildings and structures) and 13.6.3 (buildings and structures)

are Discretionary Activities (Unrestricted).

Where an application under Rule 13.4.7 is received and is publicly notified, the Council shall notify the Waterfront Development Subcommittee.

Relevant policies for preparing resource consent applications

See 12.2.3.2, 12.2.8.1-12.2.8.9

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**13.4.8.7 The construction or alteration of, and addition to buildings and structures, for office and retail activities, within the Pipitea Precinct (shown in Appendix 3) are Discretionary Activities (Unrestricted)**

*The information required to be supplied with the masterplan is detailed in Appendix 9.*

Subject to compliance with the following condition:

**13.4.8.1 An appropriate masterplan for the development of the Pipitea Precinct must be deposited with Council before any landuse consent can be assessed.**

*The extent of the area to which a specific masterplan shall apply will be determined in accordance with policy 12.2.4.2. Office and retail activities are defined in Chapter 3.10.*

**Relevant policies for preparing resource consent applications**

See 12.2.3.2, 12.2.4.2, 12.2.4.4.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**13.4.9.8 The construction of new buildings and structures, or the alteration of, and addition to existing buildings that:**

- are located in an identified Heritage Area and which do not meet exceed the absolute maximum height standards specified in 13.6.3.1.6, or
- do not meet the height control standards for sites near Old St Paul's specified in 13.6.3.1.7 and 13.6.3.1.8

**are Discretionary Activities (Unrestricted).**

**Relevant policies for preparing resource consent applications**

See 12.2.3.2, 12.2.5.1, 12.2.5.3-12.2.5.5.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**13.4.10.9 The construction or alteration of, and addition to buildings and structures which are Discretionary Activities (Restricted) and do not meet the conditions specified in 13.3.8.14 or 13.3.9.15 are Discretionary Activities (Unrestricted).**

subject to compliance with the following condition:

**13.4.10.1 maximum building height must not be exceeded by more than 35%.**

**Relevant policies for preparing resource consent applications**

See 12.2.5.1, 12.2.5.3-12.2.5.5.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**13.4.11 ~~40~~ Buildings and structures, including pedestrian bridges, located above the street that exceed 25 percent of the width of the road at any point are Discretionary Activities (Unrestricted).**

**Relevant policies for preparing resource consent applications**

See 12.2.6.18.

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**13.4.12 ~~44~~ The construction or alteration of, and addition to buildings and structures, for office activities, within the Port Redevelopment Precinct (shown in Appendix 2) that do not meet the conditions specified in 13.2.3.9 are Discretionary Activities (Unrestricted).**

**Relevant policies for preparing resource consent applications**

See 12.2.3.2, 12.2.4.1

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**13.4.13 ~~42~~ The construction or alteration of, and addition to buildings and structures, on any site subject to designation H2 (Inner City Bypass) are Discretionary Activities (Unrestricted).**

**Relevant policies for preparing resource consent applications**

See 12.2.3.2, 12.2.4.5

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

## SUBDIVISION

**13.4.14 ~~44~~ Any subdivision which is not a Permitted, Controlled or Discretionary Activity (Restricted), is a Discretionary Activity (Unrestricted).**

**Relevant policies for preparing resource consent applications**

See 12.2.11.1.

*Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.*

[...]

[...]

## 13.6 Central Area Standards

<b>13.6.1 ACTIVITIES, BUILDINGS AND STRUCTURES STANDARDS</b> 13.6.1.1 Noise (fixed plant) 13.6.1.2 Noise insulation and ventilation 13.6.1.3 Vehicle parking, servicing and site access	These standards apply to all activities, and the construction of buildings and structures in the Central Area.
<b>13.6.2 ACTIVITIES STANDARDS</b> 13.6.2.1 Noise 13.6.2.2 Lighting 13.6.2.3 Use, storage or handling of hazardous substances 13.6.2.4 Screening of activities and storage 13.6.2.5 Dust 13.6.2.6 Electromagnetic radiation 13.6.2.7 Discharge of contaminants 13.6.2.8 Street car race	These standards apply to all activities in the Central Area.
<b>13.6.3 BUILDINGS AND STRUCTURES</b> 13.6.3.1 Height 13.6.3.2 Mass (volume) 13.6.3.3 View protection 13.6.3.4 Sunlight Protection 13.6.3.5 Wind 13.6.3.6 Verandahs 13.6.3.7 Ground floor frontages 13.6.3.8 Site coverage 13.6.3.9 Coastal Yards 13.6.3.10 Windows	These standards apply to the construction of buildings and structures in the Central Area.
<b>13.6.4 SIGN STANDARDS</b> 13.6.4.1 Signs	
<b>13.6.5 SUBDIVISION STANDARDS</b> 13.6.5.1 Subdivisions	

## 13.6.1 ACTIVITIES, BUILDINGS AND STRUCTURES STANDARDS

These standards apply to all activities, and the construction of buildings and structures in the Central Area.

### 13.6.1.1 Noise (fixed plant)

*Note, all activities have a duty to avoid unreasonable noise under section 16 of the Resource Management Act regardless of the standards set in this Plan. The best practicable option shall be adopted to ensure that the emission of noise does not exceed a reasonable level.*

*Note, the term Noise Emission Level is defined in Section 3.10.*

13.6.1.1.1 Noise emission levels from fixed plant shall not exceed the following at or within the boundary of any land parcel, or at the outside wall of any building on any site, other than the building or site from which the noise is emitted:

<del>7am to 7pm</del>	<del>55dBA L10</del>
<del>7pm to 10pm</del>	<del>50dBA L10</del>
<del>10pm to 7am</del>	<del>45dBA L10</del>
At all times	55dBA L10
10pm to 7am	70dBA Lmax

13.6.1.1.2 The noise limits set in standard 13.6.1.1.1 shall not apply to fixed plant that is used solely for emergency purposes. Examples of such equipment are standby generator sets that are used to supply electricity only at times of electrical supply failure, or for plant used only during life threatening situations such as smoke fans or sprinkler pumps. This fixed plant is exempt from the noise limits provided that it:

- (i) only operates for maintenance between 8am and 5pm weekdays
- (ii) can comply with standard 13.6.2.1.1 and Appendix 5
- (iii) in the case of electricity generator sets can only be used on an emergency basis and is not used to generate power for the national grid.

13.6.1.1.3 The noise limits set in standard 13.6.1.1.1 do not apply to fixed plant located in the Operational Port Area.

### 13.6.1.2 Noise Insulation and Ventilation

#### *Noise Insulation*

13.6.1.2.1 Any habitable room in a building used by a noise sensitive activity within the Central Area shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standards:

- $D_{nT,w} + C_{tr} > 35$  dB: Courtenay Place Area (see Appendix 01)

Compliance with this performance standard shall be achieved by ensuring habitable rooms are designed and constructed in a

*Note: In the Central Area and Suburban Centre Areas the definition for Noise Sensitive Activity includes residential activities.*

manner that accords with an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design as proposed will achieve compliance with the above performance standard.

- $D_{nT,w} + C_{tr} > 30$  dB: All other areas

Compliance with this performance standard shall be achieved by ensuring habitable rooms are designed and constructed in a manner that:

- accords with the schedule of typical building construction set out in Appendix 6; or
- accords with an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design as proposed will achieve compliance with the above performance standard.

#### ***Ventilation***

- 13.6.1.2.2 Where bedrooms with openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. For the purposes of this requirement, a bedroom is any room intended to be used for sleeping. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.

#### **13.6.1.3 Vehicle parking, servicing and site access (other than for the Wellington Regional Stadium site)**

##### ***Vehicle parking***

- 13.6.1.3.1 Activities in the Central Area are not required to provide on-site vehicle parking, but where parking is provided, it must not exceed a maximum of:

- one space per 100m<sup>2</sup> gross floor area

*Note, for developments providing more than 70 parking spaces, Rules 13.3.1 and 13.3.8 apply.*

- 13.6.1.3.2 All parking shall be provided and maintained in accordance with sections 1, 2 and 5 of the joint Australian and New Zealand Standard 2890.1 - 2004, Parking Facilities, Part 1: Off-Street Car Parking.

*Note, section 3.2.2.15 sets out requirements for a Traffic Report for any proposals to provide more than 70 carparks*

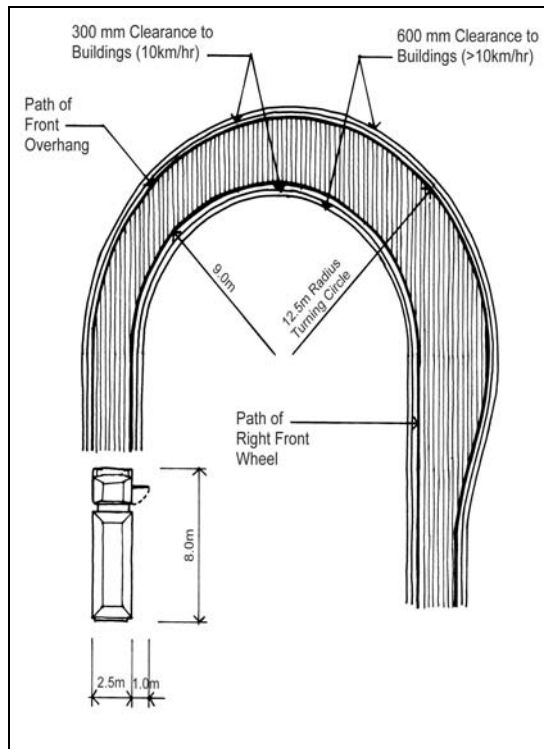
- 13.6.1.3.3 Open vehicle parking areas must not be situated at ground level at the front of sites to which standard 13.6.3.7.1 (display windows) applies.

##### ***Servicing***

- 13.6.1.3.4 On each site in the Central Area at least one loading area must be provided.

- 13.6.1.3.5 Turning paths shall be based on the standard for a medium rigid truck as illustrated.





- 13.6.1.3.6 For loading areas located outdoors, the minimum width shall be 3 metres and the minimum length 9 metres.
- 13.6.1.3.7 For loading areas located within a building, the minimum width shall be 4 metres and the minimum length 9 metres.
- 13.6.1.3.8 Where loading areas are located within a building, a minimum height clearance of 4.26 metres is required.
- 13.6.1.3.9 For buildings serviced by lifts, all levels shall have access to a loading area by way of a lift.
- 13.6.1.3.10 The loading area shall be located no further than 15 metres from a lift and there shall be level access between them.

***Site access for vehicles***

- 13.6.1.3.11 Site access shall be provided and maintained in accordance with section 3 of the joint Australian and New Zealand Standard 2890.1 – 2004, Parking Facilities, Part I: Off-Street Car Parking.
- 13.6.1.3.12 No vehicle access is permitted to a site across any restricted road frontage identified on District Plan Map 34 provided that this shall not prevent the continuation or the undertaking of any Permitted Activity on a site involving the use of any lawfully established vehicle access.
- 13.6.1.3.13 There shall be a maximum of one vehicle access to any site except that sites with more than one frontage may have one access across each frontage.
- 13.6.1.3.14 Both the entry and exit of vehicles at the boundary onto the carriageway of the most adjacent street shall be in a forward direction.
- 13.6.1.3.15 The width of any vehicle crossing to a site shall not exceed 6 metres.

13.6.1.3.16 Where vehicular access can be provided from a service lane, a right-of-way registered in favour of the site or other private road, or private right-of-way, no vehicle access shall be from a street.

13.6.1.3.17 Subject to standard 13.6.1.3.12 no vehicular access shall be situated closer to an intersection than the following:

Arterial, principal and collector streets	20m
Other streets	15m

In the Port Redevelopment Precinct this standard applies only to frontage with Waterloo Quay.

13.6.1.3.18 No access shall be provided to a primary street on a site that also has frontage to a secondary street.

### **Wellington Regional Stadium site vehicle parking and access**

#### ***Site access for vehicles***

13.6.1.3.19 Only three vehicle access points may be provided, two of which shall be for emergency vehicles only.

13.6.1.3.20 Site layout shall enable all vehicles to enter or leave the site in a forward direction.

#### ***Vehicle parking***

13.6.1.3.21 The stadium shall provide no more than 900 parking spaces on-site.

13.6.1.3.22 A minimum of 50 coach parks must be provided in association with the use of the stadium on a site or sites with access from Aotea or Waterloo Quays, and not in excess of 1000 metres from the stadium site.

### **Lambton Harbour Area ground floor accessibility and edge treatment**

~~13.6.1.3.23 The ground floor of buildings within the Lambton Harbour Area shall have:~~

- ~~(i) no less than 60 per cent of its floor area accessible to the public~~
- ~~(ii) at least 60 percent of any frontage to a road, lane, boardwalk, promenade, park or square as entrance space or display windows.~~

## 13.6.2 ACTIVITIES STANDARDS

These standards apply to all activities in the Central Area

### 13.6.2.1 Noise

*Note, all activities have a duty to avoid unreasonable noise under section 16 of the Resource Management Act regardless of the standards set in this Plan. At all times Council retains its power under the Act to ensure that the general duty under sections 16 and 17 to avoid unreasonable noise and avoid, remedy or mitigate any adverse effects of activities on the environment is met, and section 326 may be used to control excessive noise. The best practicable option shall be adopted to ensure that the emission of noise does not exceed a reasonable level.*

13.6.2.1.1 Noise emission levels when measured at or within the boundary of any fee simple site or at the outside wall of any building on any site, other than the site from which the noise is emitted, shall not exceed the following:

- At all times 60dBA (L10)
- At all times 85dBA (Lmax)

13.6.2.1.2 Any activity occurring within the Central Area shall comply with the noise levels stated in Appendix 5 when measured from any land or premises outside the Central Area.

13.6.2.1.3 The Noise Emission Level in any public space (including streets and parks) generated by electronic sound systems (operating prior to 8 October 2007) shall not exceed 75dBA L<sub>10</sub> when measured over any 2 minute period. In any event the measurements shall be made no closer than 0.6 metres from any part of a loudspeaker and at a height no greater than 1.8 metres (representative of the head of a passer-by).

13.6.2.1.4 The measured level(s) under 13.6.2.1.3 shall be compared directly with the applicable noise limit without any adjustments for special audible characteristics. However, the measured level shall be adjusted for any significant background sound in the area.

*Note, aspects of these measurement and assessment criteria for electronic sound systems are different from and take precedent over the corresponding criteria that are set out in the Definition Section of this Plan for 'Noise Emission Level'.*

*Note, the term Noise Emission Level is defined in Section 3.10.*

**For noise from construction, maintenance and demolition activities, including those associated with urgent repair of utilities to maintain continuity of service, on any site or on any road shall comply with, and be measured and assessed using the recommendations of NZS6803P:1984 The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work.**

### **Temporary Activity Noise**

13.6.2.1.5 For the Central Area (including the Lambton Harbour Area, but excluding the Wellington Regional Stadium site), temporary activities are not subject to the noise standards stated in standards 13.6.2.1.1 and 13.6.2.1.3. This exemption applies between the hours of:

- 9am to 9pm each day (Sunday to Thursday)
- 9am to 10pm (Friday and Saturday).

On New Years Eve temporary activities are not subject to the noise standards stated in standards 13.6.2.1.1 and 13.6.2.1.3 between the hours of 9am on 31<sup>st</sup> December to 1am the following day.

### **Wellington Regional Stadium Noise - Special Entertainment Events**

13.6.2.1.6 The noise emission levels specified in 13.6.2.1.1, 13.6.2.1.3 and Appendix 5 shall not apply to special entertainment events provided:

13.6.2.1.7 There shall be no more than six events in each calendar year. Each event shall not exceed 11 hours in any 24 hour period.

13.6.2.1.8 Noise generating equipment used as part of a special entertainment event shall be designed, tested and operated to not exceed:

7am - 12 noon	55dBA (L <sub>10</sub> )
12noon - 11pm	75dBA(L <sub>10</sub> )
11pm - 7am	45dBA(L <sub>10</sub> ) and 75dBA(L <sub>max</sub> )

when measured over any 5 minute period at a position:

- (i) within 1 metre of the physical roadside edge at the South corner of Davis Street and Hobson Street; and
- (ii) at a site on the East side of, and between 20 metres and 30 metres from the North end of Frandi Street. The measurement position shall be within 0.5 metres of the physical roadside edge of Frandi Street.

The noise levels for the six special entertainment events shall be monitored for the duration of the event in accordance with NZS 6801: 1991 Measurement of Sound. The results of the noise monitoring shall be made available to the Council.

13.6.2.1.9 Each special entertainment event that may exceed the noise emission levels in Appendix 5 shall be publicly notified no less than 14 days prior to the event and no more than 28 days prior to the event. The notice shall inform the general public of:

- (i) the type and nature of the Special Entertainment Event
- (ii) the proposed dates
- (iii) the start and finish times of any sound testing
- (iv) the start and finish times of the Special Entertainment Event, and any possible postponement dates
- (v) that the noise limits for the Central Area may be exceeded.

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

The event shall be deemed to have taken place upon notification even though noise limits (General activities) may not be exceeded, or should the event be cancelled.

13.6.2.1.10 Sound testing and the tuning of equipment or practice sessions for any Special Entertainment Event, is limited to:

- (i) the day of the event, and/or up to three days prior to the event.
- (ii) between the hours of 9.00am and 5pm
- (ii) ~~a total period not exceeding~~ no more than three hours on any one day
- (iii) if under taken on the day of the event, testing must be completed two hours prior to the commencement of the Special Entertainment Event.

**13.6.2.2 Lighting (other than for the Wellington Regional Stadium site)**

13.6.2.2.1 Any activity which requires outdoor areas to be lit shall ensure that direct or indirect illumination does not exceed 8 lux at the windows of residential buildings in any Residential Area.

13.6.2.2.2 Subject to standard 13.6.2.2.1, pedestrian routes and carparks available for public use during hours of darkness shall be lit at a minimum of 10 lux, measured in accordance with AS/NZS 1158.3.1 : 2005 and amendments.

***Wellington Regional Stadium Site Lighting***

13.6.2.2.3 Any activity associated with the use of the stadium shall ensure that direct or indirect illumination does not exceed 10 lux at the windows of residential buildings in any Residential Area.

13.6.2.2.4 Subject to standard 13.6.2.2.3, pedestrian routes and carparks available for public use during hours of darkness shall be lit at a minimum of 10 lux, measured in accordance with AS/NZS 1158.3.1 : 2005 and amendments.

**13.6.2.3 Use, Storage or Handling of Hazardous Substances**

13.6.2.3.1 For those activities which are not specifically exempted (see Section 3.5.2.2) the cumulative effects ratio calculated using the HFSP will be used to determine whether or not those other activities should be Permitted Activities according to the table below. *See Exemptions to the Hazardous Facilities Screening Procedure contained in section 3.5.2*

Location	Hazard Area	Not Hazard Area	Either Area
Effects Ratio	0.002 < ER ≤0.05	0.002 < ER ≤0.1	≤0.002
Conditions applying	13.6.9.2 to 13.6.9.12	13.6.9.2 to 13.6.9.12	13.6.9.9, 13.6.9.11 and 13.6.9.12 only

13.6.2.3.2 Except for the storage, use or handling of Liquid Petroleum gas (LPG), any area where hazardous substances are used, stored or handled in any manner on-site shall have secondary containment (via bunding or otherwise) using materials that are resistant to the hazardous substances handled on-site. Secondary containment systems also need to comply with any relevant provisions under the Hazardous Substances and New *Activities that do not meet the above effects ratio criteria or do not otherwise comply with the applicable standards will be*

Organisms Act 1996.

*Discretionary  
(Restricted) Activities.*

- 13.6.2.3.3 Except for the storage, use or handling of Liquid Petroleum Gas (LPG), any secondary containment system shall be maintained to ensure that it will perform the functions for which it was designed and contain any spill or accidental release.
- 13.6.2.3.4 Except for the storage, use or handling of Liquid Petroleum gas (LPG), any area(s) where hazardous substances are loaded, unloaded, packaged, mixed, manufactured or otherwise handled shall have a spill containment system that is compliant with relevant provisions under the Hazardous Substances and New Organisms Act 1996.
- 13.6.2.3.5 Except for the storage, use or handling of Liquid Petroleum gas (LPG), secondary containment systems shall be designed to contain any spill or accidental release of hazardous substance, and any storm water and/or fire water that has become contaminated, and prevent any contaminant from entering the sewerage or stormwater drainage system unless expressly permitted under a resource consent or trade waste permit.
- 13.6.2.3.6 All stormwater grates, collection structures and inspection chamber covers on the site shall be clearly marked as such.
- 13.6.2.3.7 Any area where vehicles, equipment or containers that are or may have been contaminated with hazardous substances are washed down shall be designed, constructed and managed to prevent the effluent from the washdown area from discharge into or onto land, entry or discharge into the sewerage or stormwater drainage system unless expressly permitted by a rule in a regional plan, trade waste permit or resource consent.
- 13.6.2.3.8 Underground tanks for the storage of petroleum products shall be designed, constructed, installed, maintained, operated, managed and at the end of their life removed to prevent leakage and spills. Compliance with any relevant provisions under the Hazardous Substances and New Organisms Act 1996 and the Code of Practice for the “Design, Installation and Operation of Underground Petroleum Storage Systems” (1992) is a minimum requirement.

***Signage***

- 13.6.2.3.9 All facilities must display signage to indicate the nature of the hazardous substances present (compliance with the provisions of the Hazardous Substances and New Organisms Act 1996 and the requirements of the Building Code (F8) or the Code of Practice “Signage for Premises Storing Hazardous Substances and Dangerous Goods” of the New Zealand Chemical Industry Council (Nov 2004) is a minimum requirement).

### ***Waste Management***

- 13.6.2.3.10 Any process waste or waste containing hazardous substances shall be stored in a manner which complies with 13.6.2.3.2 to 13.6.2.3.9 above. *The on-site disposal of hazardous substances will be controlled through Council's Waste Management Strategy, through obtaining the appropriate discharge consents from the Regional Council or trade waste permits, and through relevant controls on disposal of hazardous substances by the Hazardous Substances and New Organisms Act 1996.*
- 13.6.2.3.11 Any hazardous facility generating wastes containing hazardous substances shall dispose of these wastes to facilities which, or waste disposal contractors who, meet all the requirements of regional and district rules for discharges to the environment and also the provisions of the Hazardous Substances and New Organisms Act 1996.

### ***Other***

- 13.6.2.3.12 Council must be informed of the activity's location, the nature of the activity and when the activity commences and ceases. *In addition to the provisions of the Plan, all activities which involve the use, storage, handling or transportation of hazardous substances are regulated for their on-site and off-site effects by a range of other legislation and regulations, and associated standards and codes of practice which should be complied with. Key pieces of legislation include:*

- *the Hazardous Substance and New Organisms Act 1996*
- *legislation, rules and standards relating to the transportation of hazardous substances (Land Transport Act 1993, Land Transport Rule: Dangerous Goods 1999 and New Zealand Standard 5433:1999)*
- *Building Act 1991*
- *Health Act 1956*
- *Fire Service Act 1975*
- *Health and Safety in Employment Act 1992*
- *Radiation Protection Act 1965*
- *Agricultural Compounds and Veterinary Medicines Act 1997*

### **13.6.2.4 Screening of activities and storage**

- 13.6.2.4.1 Sites with yards which abut a Residential Area must be screened from view by a fence not less than 1.8m high.
- 13.6.2.4.2 Any exterior storage area including waste storage area (except for exterior storage areas in the Operational Port Area) must be screened so that it is not visible from any adjoining Residential Areas or public space.

### 13.6.2.5 Dust

13.6.2.5.1 Activities must not create a dust nuisance. A dust nuisance will occur if:

- there is visible evidence of suspended solids in the air beyond the site boundary; or
- there is visible evidence of suspended solids traceable from a dust source settling on the ground, building or structure on a neighbouring site, or water.

13.6.2.5.2 With regard to the above provisions, where sites are contiguous and are held under the same ownership then any dust nuisance shall be measured at the periphery of the land holding within the District Plan area.

### 13.6.2.6 Electromagnetic Radiation

Activities must be conducted to comply with the New Zealand Standard NZS 2772.1:1999 (Radio Frequency fields) and any subsequent amendment.

*The Utilities chapters contain rules regarding safety from utility structure from where the highest levels of energy will be created. Council wishes to take a precautionary approach with adverse effects from other electromagnetic sources and acknowledges the provisions of section 17 of the Act regarding the duty to avoid remedy or mitigate adverse effects.*

### 13.6.2.7 Discharge of contaminants

*Note, the discharge of contaminants to land, air or water is a Regional Council responsibility and activities causing discharges may need to obtain a relevant consent from the Regional Council. However, every person has a general duty under Section 17 of the Act to avoid, remedy or mitigate the adverse effects of activities. Where adverse effects are generated the Council will use its enforcement powers as appropriate to protect the environment.*

### 13.6.2.8 Street Car Race

13.6.2.8.1 There shall only be one Street Car Race event per calendar year.

13.6.2.8.2 Noise from any vehicle racing on the track must not exceed 100dBA  $L_{max}$  at a point 30 metres at right angles to the track, at a location where vehicles are at maximum power. This point will be determined by the Circuit Safety Inspector appointed by the New Zealand Motorsports Association.

13.6.2.8.3 The Street Car Race Event must be confined to the following times:

Friday	1.00 pm to 8.30 pm
Saturday	8.30 am to 5.30 pm
Sunday	8.30 am to 6.00 pm.



### 13.6.3 BUILDINGS AND STRUCTURES STANDARDS

These standards apply to the construction of buildings and structures in the Central Area

#### 13.6.3.1 Height

##### *Maximum Building Height (excluding the Wellington Regional Stadium Site, Lambton Harbour Area, and Heritage Areas)*

- 13.6.3.1.1 No building or structure, (except for cranes, elevators and similar cargo or passenger handling equipment and lighting poles in the Operational Port Area, which may be higher) shall exceed the building height as shown on the Central Area height maps 32 and 32A.

##### *Wellington Regional Stadium Site Height*

- 13.6.3.1.2 The stadium building on Lot 1 DP 85907 and Part Lot 1 DP 10550 shall not exceed the maximum building height of 27 metres above ground level, as shown on maps 32 and 32A, except that the lighting towers associated with the stadium shall be permitted up to a maximum height of 60 metres above ground level.

##### *Height control for sites in the Lambton Harbour Area*

- 13.6.3.1.3 No building shall exceed the building height as shown on the Central Area height maps 32 and 32A **or the Appendix 13 Plan for the North Kumutoto area**
- 13.6.3.1.4 Other structures including waterfront furniture, play equipment, sculptures, former cargo handling equipment, cranes and similar port related equipment are not subject to standard 13.6.3.1.3.

##### ***Building footprint control for the North Kumutoto Area***

- 13.6.3.1.4A No building shall extend beyond any building footprint as shown on the Appendix 13 Plan for the North Kumutoto area.**

##### *Height control in Heritage Areas*

- 13.6.3.1.5 Within an identified heritage area the height limit for listed heritage items all buildings, other than identified non-heritage buildings, shall be the existing building height (measured above ground level). Proposals to undertake works on a listed heritage item will be assessed in accordance with the provisions contained in section 21A.2, Chapter 21 - Heritage Rules.
- 13.6.3.1.6 ~~For all other sites additions and alterations to non-identified non-heritage buildings, and for new buildings on vacant land or on sites occupied by non-heritage buildings to be demolished~~, the following ~~minimum and lower and upper thresholds, and absolute maximum~~ height limits (measured in metres above ground level) shall apply:

*Note, the coastal marine area is the responsibility of Greater Wellington Regional Council. Standards for building heights for those parts of the Lambton Harbour Area within the coastal marine area are shown on the Central Area height map 32 for informational purposes only.*

*All new developments within heritage areas will be expected to demonstrate that they are appropriate for the area and do not detract from the heritage values of the area. To assist in the sympathetic integration of new building works into the heritage areas, building thresholds heights have been set that reflect the existing built form of each area.*

<b>Heritage Area</b>	<b>Minimum Height Lower Threshold</b>	<b>Maximum Height Upper Threshold</b>	<b>Absolute Maximum Height</b>
<b>Courtenay Place</b>			
For sites in the block to the south of Courtenay Place.	12 metres	18 metres	24 metres
For sites in the blocks bounded by Wakefield Street, Tory Street, Courtenay Place and Cambridge Terrace.	12 metres	18 metres	21 metres
For sites east of Kent Terrace.	12 metres	18 metres	18 metres
<b>Wesley Church</b>	<del>None</del>	<del>10 metres</del>	
<b>Cuba Street</b>			
For sites north of Manners Street	15 metres	25 metres	40 metres
For sites between Manners Street and Dixon Street	15 metres	21 metres	30 metres
For sites between Dixon Street & Ghuznee Street	12 metres	18 metres	27 metres
For sites between Ghuznee Street and Abel Smith Street	9 metres	18 metres	24 metres
Properties fronting Cuba Street between Abel Smith Street and Tonks Grove (comprising 244-266 Cuba Street, 267-283 Cuba Street, and 45 Abel Smith Street)	9 metres	12 metres	18metres
Properties to the south of 266 Cuba Street and 283 Cuba Street, and west of Footscray Avenue	6 metres	12 metres	12 metres
<b>St John's Church</b>	None	12 metres	12 metres
<b>Civic Centre</b>	15 metres	21 metres	21 metres
<b>BNZ Centre</b>			
For sites in the block bounded by Lambton Quay, Willis Street and Hunter Street	15 metres	25 metres	25 metres
For all other sites	15 metres	35 metres	70 metres <sup>1</sup>
<b>Post Office Square</b>			
For sites west of Jervois Quay	20 metres	40 metres	60 metres
For sites east of Jervois Quay	Refer to height standards for Lambton Harbour Area		
<b>Stout Street</b>			
In the block bounded by Lambton Quay, Whitmore	10 metres	20 metres	20 metres

Street, Stout Street and Ballance Street			
For the remainder of the area	20 metres	30 metres	50 metres
<b>Parliamentary Precinct</b>			
In the block bounded by Lambton Quay, Bunny Street, Stout Street and Whitmore Street.	None	15 metres	15 metres
In front (to the east) of Parliament buildings	None	None	None <sup>2</sup>
Between Parliament buildings and Museum Street	None	15 metres	15 metres
For sites west of Museum Street	None	27 metres	27 metres

**Lower & Upper Thresholds** – The lower and upper ‘thresholds’ represent the predominant scale of existing buildings within each of the heritage areas. The **lower threshold** represents the lowest building height that is generally compatible with the existing buildings in the heritage area. The **upper threshold** represents the upper limits of existing building height within the area. Any building that is built in accordance with the thresholds will be of a scale that is appropriate for the heritage area in which it is located (see policy 12.2.5.1 for further details). Applications for resource consent for buildings and structures that meet the lower and upper thresholds will be assessed under rule 13.3.4.

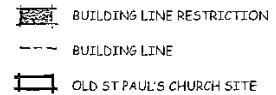
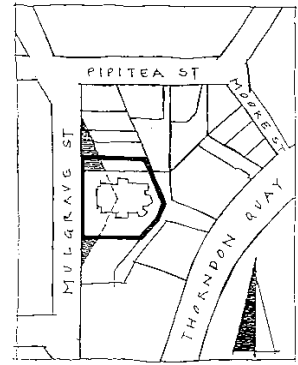
**Absolute Maximum Height** – the absolute maximum height represents the maximum scale of building that could potentially be developed within each heritage area without significant detrimental impact on the heritage value and character of the area. Any building proposal that seeks to utilise the building height between the ‘upper threshold’ and the ‘absolute maximum height’ must be able to demonstrate that the additional building height can be appropriately treated so that it will not detract from the historic heritage values of the site or the heritage area as a whole. Applications for resource consent for buildings and structures that exceed the upper threshold, but which comply with the absolute maximum height will be assessed under rules 13.3.4 and 13.3.8.

<sup>1</sup> The Central Area Urban Design Guide, Appendix 3 – Heritage Areas contains an approved building envelop for the site at the corner of Featherston and Hunter Streets (known as AMP Chambers, 187 Featherston Street). See guideline BNZ G1.6 contained in the BNZ/Head Office Heritage Area Design Guide for further details. Any development of the site that utilises the approved envelope will be subject to an urban design assessment under rule 13.3.4, but clause 13.3.4.5 shall not apply.

<sup>2</sup> No new building developments are anticipated in front of the parliament buildings. For this reason no height limits have been specified for this area.

**Height Control for Sites near Old St Paul's**

13.6.3.1.7 For all sites in the block bounded by Mulgrave Street, Pipitea Street, Moore Street and Thorndon Quay (see plan to right) no building or structure shall be erected above a height determined by inclined planes commencing with lines drawn 10 metres above and parallel to each of the boundaries of the Old St Paul's Church site and rising from that line at an angle to the horizontal of 1.5 vertical to 1 horizontal outwards in a direction perpendicular to the boundary. Along the northern boundary of the site the plane shall extend outwards in both a north (i.e. perpendicular to the boundary), and in a north east direction (i.e. 45 degrees off perpendicular).



13.6.3.1.8 No building or part thereof shall be permitted to be erected above the present ground level between the building line restriction and Mulgrave Street as illustrated.

**Height Control Adjoining Residential Areas**

13.6.3.1.9 Any building or structure must comply with the sunlight access Rule for the Residential (Inner) Area at any point along a boundary adjoining the Residential Area.

13.6.3.1.10 Subject to the sunlight access plane referred to in 13.6.3.1.9, a maximum height of 3 metres is set for buildings and structures at the Residential Area boundary and extending perpendicular into the site for a distance of 5m. The 3m maximum height will be measured at the boundary and will extend into the site at that height regardless of any change in the underlying land contour.

**13.6.3.2 Building Mass**

13.6.3.2.1 No building (or buildings) shall have a mass in excess of the total building mass (volume) for the site. Total building mass (volume) is calculated using the following formula:

**A. In areas where building heights are measured above ground level:**

$$Total\ mass = site\ area \times height \times .75$$

**B. In areas where building heights are measured above sea level:**

$$Total\ mass = site\ area \times (height - assessed\ ground\ level) \times .75$$

**C. For freehold sites in strata (or portions of a site subdivided by strata):**

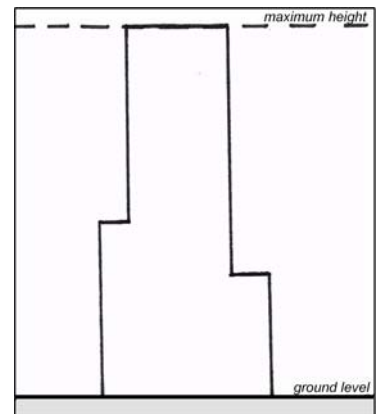
$$Total\ mass = strata\ area \times (upper\ height - lower\ height) \times .75$$

For the purpose of calculating total building mass (volume):

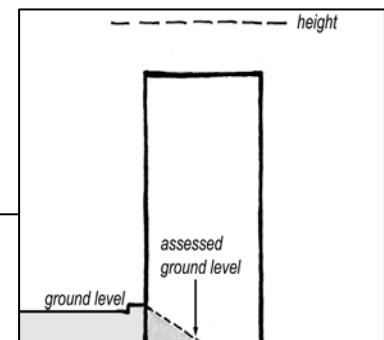
**Assessed Ground Level** - is as per the definition of assessed ground level in section 3.10.

**Height** - means the maximum height specified for the site in

*For illustrative purposes only*



Scenario A



standards 13.6.3.1.1 – 13.6.3.1.3.

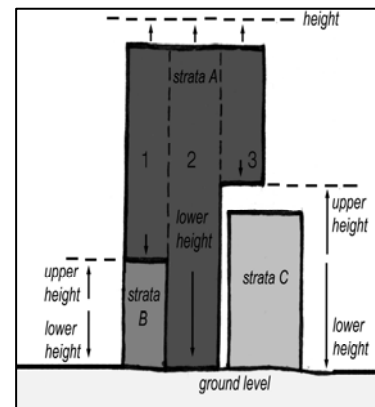
**Lower Height** - for strata lots the lower height will be taken to be whichever is the higher of either the assessed ground level, or the lower reduced level (r.l.) specified for the strata lot. In situations where the lower r.l. in a single strata lot vary across the site, the building mass must be calculated separately for each strata area.

**Upper Height** - for strata lots the upper height will be taken to be whichever is the lesser of either the upper reduced level of the strata area, or the maximum height specified for the site in standard 13.6.3.1.1 – 13.6.3.1.3

**Site Area** - means the total area of the site (or sites) that forms part of the development, but does not include any portion of the site subject to a strata title. See also the definition of site.

**Strata Area** - means any portion of a site that is subject to a strata height limit (upper, lower or both). In situations where the height limits in a single strata lot vary across the site, the building mass must be calculated for each unique combination of lower and/or upper height levels. Each mass calculation will then be combined to arrive at the total building mass for the strata lot. In the event that the r.l. is not flat (i.e. it is not parallel to mean sea level) a mean average height for the r.l. shall be used to calculate total mass for that strata area. The mean average height will be calculated as per the assessed ground level definition. (Note: this definition does not apply to individual Unit Titles in strata).

Scenario B - 'Assessed ground level'



Scenario C - 'Strata titles.' Height limits for strata lots (upper height, lower height or height) shall be used with the strata area to determine the maximum building mass for each strata lot

### ***Building Mass (volume) in Heritage Areas***

13.6.3.2.2 No building mass standards are used for identified heritage areas as building heights have been set to reflect the scale and character of the existing built form, and any new development will be expected to be designed and massed in a manner that protects the heritage values of the area.

### ***Building Mass (volume) in the Port Redevelopment Precinct***

13.6.3.2.3 Within the Port Redevelopment Precinct the building mass standard applies only to those portions of a building that do not comply with conditions 13.2.3.5 and 13.2.3.6.

13.6.3.2.4 Within the north Kumutoto area on the waterfront the mass standard does not apply.

### **13.6.3.3 View Protection**

13.6.3.3.1 No building or structure shall intrude on any viewshaft as shown in Appendix 11

*Note, section 3.2.2.16 sets out information requirements for any application to intrude*

13.6.3.3.2 Standard 13.6.3.3.1 does not apply to any building or structure within

the coastal marine area. Viewshafts 17, 18, 19 and 21 ~~26 and 27~~ do not *upon an identified viewshaft.* apply to land within the 'Operational Port Area'. Elsewhere within the 'Operational Port Area', the viewshaft standards do not apply to cranes, elevators and similar cargo or passenger handling equipment and lighting poles.

[...]