

## 36 Curtis Street Business Area Rules and Standards

### 36.1 Permitted Activities

Unless otherwise provided for in Sections 36.2-36.4 the following activities are permitted activities subject to meeting the activities and standards set out in Section 36.5:

*In respect of Rule 36.1(h), see also Rule 36.4(d)*

- (a) Additions and alterations that do not alter the external appearance of the building
- (b) Car parking
- (c) Commercial activities
- (d) Demolition of buildings and structures
- (e) Retail activities
- (f) Signs
- (g) Temporary activities
- (h) Earthworks
- (i) Vegetation removal
- (j) Residential activities
- (k) Hazardous substances
- (l) Upgrade and maintenance of existing formed roads and public accessways, including associated earthworks, except the construction of new legal road.

### 36.2 Restricted Discretionary Activities

The following activities are restricted discretionary activities:

- (a) All matters listed as Permitted Activities that do not meet the activities standards set out in Section 36.5 and where consent is not required as a Discretionary or Non-complying activity:

**Discretion:** *In assessing applications under this rule Council's discretion will be restricted to the issue specified in the standard not met.*

**Notification/service:**

- Activities assessed as Restricted Discretionary Activities under Rule 36.2(a) will not be publicly notified (unless special circumstances exist) or limited notified in respect of infringements to activities standards 36.5(i) (dust); 36.5(k) (electromagnetic radiation) or 36.5(l) (vehicle parking, servicing and site access).
- Transpower New Zealand Limited may be considered to be an affected party to an application for the addition to, buildings and structures in respect of infringements to the building height standards in Section 36.5(b) (building height).

- (b) Retail activities exceeding 500m<sup>2</sup> gross floor area

**Discretion:** *In assessing applications under this rule Council's discretion will be restricted to traffic generation; circulation and safety; provision of car parking and servicing areas; and pedestrian access and safety. Where applications made under this rule also include infringements to other activities standards set out in Section 36.5 Council's discretion will be extended to the standard(s) not met.*

- (c) Commercial activities exceeding 2500m<sup>2</sup> gross floor area

**Discretion:** *In assessing applications under this rule Council's discretion will be restricted to traffic generation; circulation and safety; provision of car parking and servicing areas; and pedestrian access and safety. Where applications made under this rule also include infringements to other activities standards set out in Section 36.5 Council's discretion will be extended to the standard(s) not met.*

- (d) Integrated retail activities exceeding 2500m<sup>2</sup> gross floor area

**Discretion:** *In assessing applications under this rule Council's discretion will be restricted to potential impacts on the vitality and economic viability of Centres Areas identified in the District Plan. Where applications made under this rule also include infringements to other activities standards set out in Section 36.5 Council's discretion will be extended to the standard(s) not met.*

- (e) Supermarkets exceeding 1500m<sup>2</sup> gross floor area

**Discretion:** *In assessing applications under this rule Council's discretion will be restricted to potential impacts on the vitality and economic viability of Centres Areas identified in the District Plan. Where applications made under this rule also include infringements to other activities set out in Section 36.5 Council's discretion will be extended to the standard(s) not met.*

- (f) Subdivision

**Discretion:** *In assessing subdivision under Rule 36.2(f) Council's discretion will be limited to stormwater, sewerage, and water supply servicing, provision of legal and practical physical access to every unit or lot; the allocation of accessory units to principal units; the allocation of covenant areas to lease areas to ensure compliance with servicing rules; subdivision layout and the extent to which proposed subdivision will encourage comprehensive development of the Curtis Street Business Area; and the Curtis Street Business Area Concept Plan set out in Appendix 1.*

**Condition:** *Subdivision resource consent must be directly associated with an approved land use consent, or a consent being contemporaneously applied for.*

- (g) Vegetation removal: the removal of trees with a height of 4 metres or more in the Curtis Street Frontage (Vegetated Bank) - refer Appendix 1

**Discretion:** *In assessing vegetation removal under Rule 36.2(g) Council's discretion will be limited to the extent to which a vegetated bank of trees is maintained on the western side of Curtis Street in a manner which encloses the edge of Curtis Street; contributes to the vegetated matrix of the valley; and softens views of the site from the nearby residential properties.*

- (h) The construction, addition and alteration of buildings and structures

**Discretion:** *In assessing applications under Rule 36.2(h), Council's discretion will be restricted to design; external appearance and siting; the location and type of buildings or structures; site layout; provision of parking and access including pedestrian movement; consistency with the Curtis Street Business Area Concept Plan set out in Appendix 1; site landscaping; and the extent to which any residential development meets the Residential Design Guide.*

*For clarification, non-residential buildings will not be assessed against the Residential Design Guide.*

**Conditions:**

- This rule does not apply to:
  - Buildings and structures located in the Building Setback (Western Escarpment Buffer)
  - Residential buildings located within 12m of the centreline of the Transmission Wires
- A landscaping plan must be submitted with the resource consent application

**Notification/Service:**

Activities assessed under Rule 36.2(h) will be considered against sections 95-95F of the Resource Management Act 1991. Where any residential building or sensitivity is proposed on the site, Transpower New Zealand Limited will be considered to be an affected party. Failure to obtain their written approval will be considered an affected party. Failure to obtain their written approval will require the consent to be processed on a limited notified basis.

**(i). Removal of the Karaka Tree located in the Building Setback (Western Escarpment Buffer) - refer Appendix 1**

**Discretion:** In assessing the proposed removal of the Karaka Tree in association with earthworks activities under Rule 36.2(i) Council's discretion will be limited to:

- The current condition/health of the tree and the extent to which its removal would assist the long term management of the glow worm colony.
- The extent to which the buffering vegetation within the vicinity of glow worm colonies is affected by the removal of the tree.
- The effectiveness of any proposed mitigation planting to replace the tree and other measures proposed to manage the sustainability of the glow worm colony.
- The benefits gained from removal of the tree to achieving the wider objectives and policies of the District Plan.

Note: the Karaka Tree is located in CT WN42C/389.

**36.3** Discretionary Activities**(a) Places of assembly****(b) Sensitive activities beyond 12m from the centreline of any electricity transmission line****(c) Subdivision that is not a Restricted Discretionary Activity****36.4** Non-Complying Activities**(a) Any sensitive activities and uses and residential buildings within 12m of the centreline of any electricity transmission line****(b) Hazardous substance activities****(c) Activities not provided for as permitted, controlled, restricted discretionary or discretionary activities****(d) Earthworks, buildings and structures in the Building Setback (Western Escarpment Buffer) - refer Appendix 1**

## Explanatory Notes for Rules

**Notification/service:**

Except as provided for under Rule 36.2(a) and 36.2(h), decisions on public and limited notification in the Curtis Street Business Area will be made without limitation pursuant to Section 95-95F of the Resource Management Act 1991.

**Retail and commercial activities assessed under Rules 36.2(b) and 36.2(c)**

These rules apply to retail and commercial activity across the whole Curtis Street Business Area and not on a site by site basis. Activities exceeding the floorspace thresholds specified above (500m<sup>2</sup> gross floor area for retail activities and 2,500m<sup>2</sup> gross floor area for non-retail commercial activities) or creating a greater degree of non-compliance with these standards for the area as a whole will require resource consent and a full transportation assessment.

**Commercial activities assessed under Rule 36.2(c)**

As provided for in the definition of commercial activity for the Curtis Street Business Area this rule does not apply to retail activity.

**Assessment Criteria**

Assessment criteria area set out in Section 36.6 to provide guidance in the assessment of resource consent applications for the Curtis Street Business Area. However, it is specifically noted that the assessment criteria are not intended to limit Council's discretion when assessing restricted discretionary activities. In the case of restricted discretionary activities the scope of Council's discretion is specified in the rules, and the discretion is expressed in deliberately broad terms (e.g. "landscaping", "urban design").

**36.5** Activities Standards**(a) Curtis Street Business Area Concept Plan**

Any use, development or subdivision of the site is to be assessed for consistency with the Curtis Street Business Area Concept Plan, set out in Appendix 1.

**(b) Building Height**

The maximum height of any new building, alteration, addition or structure in the Curtis Street Business Area is:

- i. 8m above existing ground level, provided that the ground level does not exceed 109m amsl for any part of the site that has been subject to earthworks since June 2015.
- ii. All buildings and structures are designed and constructed to maintain a minimum clearance of 6m from the electricity transmission line conductors at all times and under all transmission line operating conditions.

**(c) Noise insulation and ventilation requirements:****Noise insulation**

Any habitable room in a building used by a noise sensitive activity within Business 1 Areas shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standard:

- $D_{nT,w} + C_{tr} > 30$  dB

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

*Note: In Business Areas the definition for Noise Sensitive Activity includes residential activities.*

- 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, or
- accords with the schedule of typical building construction set out below:  
(the schedule describes the minimum requirements necessary to achieve an external sound insulation level of  $D_{nT,w}+C_{tr}>30$  dB)

Building Element	Minimum Construction Requirement	
External Walls of Habitable Rooms	Stud walls:	
	Exterior cladding:	20mm timber or 9mm compressed fibre cement sheet over timber frame (100mm x 50mm). *
	Cavity infill:	Fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m <sup>3</sup> ) required in cavity for all exterior walls. Minimum 90mm wall cavity.
	Interior lining:	One layer of 12mm gypsum plasterboard. Where exterior walls have continuous cladding with a mass of greater than 25kg/m <sup>2</sup> (e.g. brick veneer or minimum 25mm stucco plaster), internal wall linings need to be no thicker than 10mm gypsum plasterboard.
	Combined superficial density:	Minimum not less than 25kg/m <sup>2</sup> being the combined mass of external and internal linings excluding structural elements (e.g. window frames or wall studs) with no less than 10kg/m <sup>2</sup> on each side of structural elements.

	Mass walls:	190mm concrete block, strapped and lined internally with 10mm gypsum plaster board, or 150mm concrete wall.
Glazed Areas of Habitable Rooms	Glazed areas up to 10% of floor area:	6mm glazing single float
	Glazed areas between 10% and 35% of floor area:	6mm laminated glazing
	Glazed areas greater than 35% of floor area:	Require a specialist acoustic report to show conformance with the insulation rule.
	Frames to be aluminium window frames with compression seals.	
Skillion Roof	Cladding:	0.5mm profiled steel or 6mm corrugated fibre cement, or membrane over 15mm thick ply, or concrete or clay tiles.
	Sarking:	17mm plywood (no gaps).
	Frame:	Minimum 100mm gap with fibrous acoustic blanket (batts or similar of a mass of 9kg/m <sup>3</sup> ).
	Ceiling	Two layers of 10mm gypsum plaster board (no through ceiling lighting penetrations unless correctly acoustically rated). Fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m <sup>3</sup> ).
	Combined superficial density:	Combined mass of cladding and

		lining of not less than 25kg/m <sup>2</sup> with no less than 10kg/m <sup>2</sup> on each side of structural elements.
Pitched Roof (all roofs other than skillion roofs)	Cladding:	0.5mm profiled steel or tiles, or membrane over 15mm thick ply.
	Frame:	Timber truss with 100mm fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m <sup>3</sup> ) required for all ceilings.
	Ceiling:	12mm gypsum plaster board.
	Combined superficial density:	Combined mass with cladding and lining if not less than 25kg/m <sup>2</sup> .
Floor Areas Open to Outside	Cladding:	Under-floor areas of non-concrete slab type floors exposed to external sound will require a cladding layer lining the underside of floor joists of not less than 12mm ply.
	Combined superficial density:	Floors to attain a combined mass not less than 25kg/m <sup>2</sup> for the floor layer and any external cladding (excluding floor joists or bearers).
External Door to Habitable Rooms	Solid core door (min 25kg/m <sup>2</sup> ) with compression seals (where the door is exposed to exterior noise).	

## Notes:

- *\*The table refers to common specifications for timber size. Nominal specifications may in some cases be slightly less than the common specifications stated in the schedule for timber size.*
- *In determining the insulating performance of roof/ceiling arrangements, roof spaces are assumed to have no more than casual ventilation typical of the jointing capping and guttering detail used in normal construction.*

**Ventilation**

- i. Where habitable rooms with openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.

**(d) Signs**

- i. Any sign visible from legal road or residential areas must not flash or contain moving images, text or lights.
- ii. Permanent signs attached to buildings:
1. The combined area of all signs must not be more than 5m<sup>2</sup> in area for buildings with a gross floor area not exceeding 500m<sup>2</sup> and 10m<sup>2</sup> for buildings with a gross floor area exceeding 500m<sup>2</sup>.
  2. Where a building contains more than one unit, the combined area of all signs must not be more than 5m<sup>2</sup> in area per unit with a gross floor area not exceeding 500m<sup>2</sup> and 10m<sup>2</sup> for units with a gross floor area exceeding 500m<sup>2</sup>.
  3. Must not obstruct the safe and convenient passage of pedestrians and for signage attached to the underside of verandahs clearance of 2.5m above ground level must be maintained.
  4. Must not obscure windows or architectural features.
  5. Must not project above parapet level (or the highest part of the building to which it is attached).
  6. Must not project above the level of any verandah or shopfront fascia.
- iii. Freestanding signs:
1. Must not be more than 6m<sup>2</sup> in area.
  2. Must not be more than 6m in height.
  3. There must not be more than one freestanding sign per road frontage on Curtis Street and Whitehead Road.
  4. There must be no freestanding signs on the Old Karori Road frontage.
- iv. No sign shall be for the purpose of third party advertising.

**(e) Temporary signs**

Temporary signs may be established for the purposes of advertising a community event subject to the following:

- i. The signs must not be erected for more than 28 consecutive days.
- ii. The signs must be fully removed within 7 days of the completion of the community event.
- iii. The signs must comply with the standards for signs in Rule 36.5(d) above except that standards specifying the maximum area and number of signs per frontage may be exceeded.

**(f) Earthworks and retaining walls**

- i. Earthworks shall not:
- Exceed a maximum height of cut or fill of 1.5m
  - Exceed a slope of cut or fill of 34 degrees
  - Be closer to the site boundary than the height of the cut or fill
  - Exceed an area to be cut or filled of 250m<sup>2</sup>
  - Involve the transport of material greater than 200m<sup>3</sup> to and from the site
- ii. Retaining walls shall not:
- Exceed a maximum height of cut or fill of 1.5m
  - Involve earthworks that are not retained by a consented building or structure
  - Exceed an area to be cut or filled of 250m<sup>2</sup>

Note: Resource consent applications for earthworks must be accompanied by the relevant information which include:

- An earthworks plan showing proposed cut and fill areas
- Any erosion and sediment control measures consistent with the principles and measures in Greater Wellington Regional Councils 'Erosion and Sediment Control guidelines for the Wellington Region (2003)' or 'Erosion and Sediment Control for small sites (2006)'
- Details of any cut faces or constructed slope faces (e.g. retaining structures, including materials and/or landscaping and vegetation replacement details. Constructed slopes should be planted or grassed.
- Identification of any relevant geotechnical issues associated with erosion, falling debris, subsidence, slippage or inundation from any earthworks and related structures or building platforms. A full geotechnical report may be required from an appropriately qualified and experienced person.
- An accompanying assessment of effects detailing the full effects of the works including visual effects, effects on adjacent watercourses (if and where relevant), related geotechnical effects (if and where relevant) and mitigation measures to address the effects.
- A transportation assessment for the moving of fill on or off site.

**(g) Landscaping and screening**

- i. At least 5% of car parking areas not contained within buildings and greater than 700m<sup>2</sup> or containing more than 35 car parks must be landscaped or planted with trees.
- ii. Areas adjoining or fronting roads must be landscaped.

**(h) Lighting**

- i. Any activity which requires outdoor areas to be lit shall ensure that direct or indirect illumination does not exceed 8 lux at any point on land zoned for residential or open space purposes (including road reserve).
- ii. Subject to standard 36.5(h)(i) any development which includes roads and outdoor public spaces available for use during hours of darkness shall be designed and installed in accordance with AS/NZS 1158.3.1:2005 and amendments.

**(i) Dust**

- i. Activities must not create a dust nuisance. A dust nuisance has occurred if:
  1. There is visible evidence of suspended solids in the air beyond the site boundary.
  2. 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.

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.

**(j) Discharge of contaminants**

NOTE: The discharge of contaminants to air, land or water is a Regional Council responsibility and activities causing discharges may require resource consent from the Regional Council. However, attention is drawn to the general duty of all persons under Section 17 of the Act to avoid, remedy or mitigate adverse effects on the environment.

**(k) Electromagnetic radiation**

Activities must be conducted to comply with the New Zealand Standard NZS 277.1:1999 (Radio Frequency fields) and any subsequent amendment.

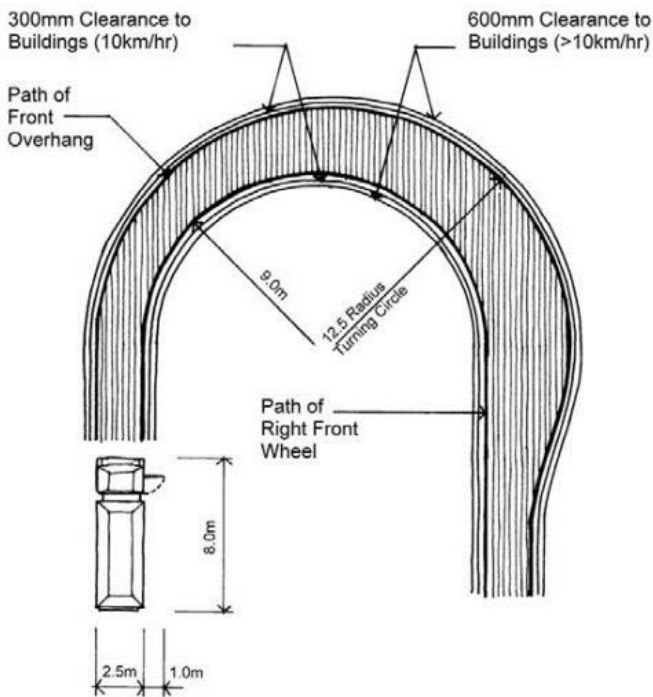
**(I) Vehicle Parking, Servicing and Site Access**

**Vehicle parking**

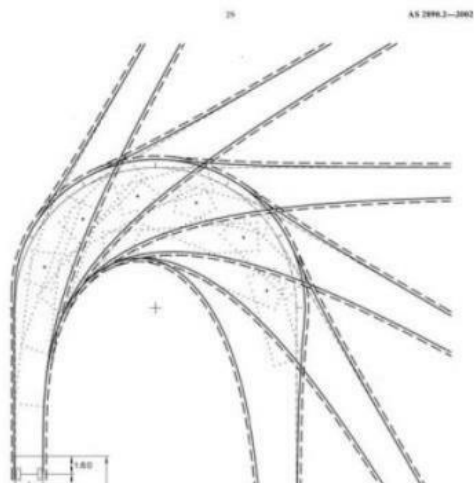
- i. All required parking shall be provided within the Curtis Street Business Area.
- ii. *Removed by NPS-UD 2020 Policy 11*
- iii. All parking shall be provided and maintained in accordance with sections 1, 2 and 5 of the joint Australian and New Zealand 2890.1-2004, Parking Facilities, Part 1: Off-Street Car Parking.
- iv. Where car parking is located within a building, a minimum height clearance of no less than 2.2 metres is required.
- v. The gradient for car parking circulation routes shall not be more than 1 in 8.

**Servicing**

- vi. All required servicing for any non-residential activity shall be provided for within the Curtis Street Business Area.
- vii. On each site in the Curtis Street Business Area, at least one loading area shall be provided for as follows:
  - Where loading areas are located within a building, a minimum height clearance of 4.25 metres is required.
  - For buildings serviced by lifts, all levels shall have access to a loading area by way of a lift.
  - The loading area shall be located no further than 15 metres from a lift and there shall be level access between them.
  - Turning paths shall be based on the standards identified below:
    - Permitted activities under Rule 36.1: Turning paths for a medium rigid truck as illustrated below:



- Restricted discretionary activities under Rule 36.2
- Rules 36.3(b) - (e): Turning paths for an articulated vehicle as illustrated below:



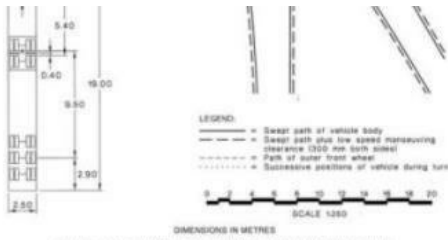


FIGURE 5.4 TURNING PATH TEMPLATE—ARTICULATED VEHICLE  
MINIMUM RADIUS TURN (12.5 m)

- viii. For loading areas located outdoors, the minimum width shall be 3 metres and the minimum length 9 metres.
- ix. For loading areas located within a building, the minimum width shall be 4 metres and the minimum length 9 metres.

**Site access for vehicles**

x. 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 1: Off-Street Car Parking (or its successor).

xi. Subject to Standard 36.5(l)(i) no vehicular access shall be situated closer to an intersection than the following:

- Arterial and Principal streets 20m
- Collector streets 15m
- Other streets 0m

xii. 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.

xiii. The width of any vehicle crossing to a site shall not exceed 6 metres.

xiv. Where vehicular access can be provided from a service lane or 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.

xv. All access to sites must be designed to permit a free flow of traffic so that vehicles do not queue on the street.

**(m) Noise**

i. Noise emission levels from activities in the Curtis Street Business Area when measured at or within the boundary of any site or at the outside wall of any building on any site other than the site from which the noise is emitted in the Curtis Street Business Area shall not exceed the following limits:

- At all times 60dB LAeq (15 min)
- At all times 85dB LAFmax

ii. Where it is impractical to measure outside the building, measurements shall be made inside (with windows closed). Where indoor measurements are made, then the noise limits stated above shall be reduced by 15dB.

iii. Noise emission levels from activities in the Curtis Street Business Area when measured at or within the boundary of any residential site shall not exceed the following limits:

- Monday to Sunday 7am to 7pm 50dB LAeq (15min)
- Monday to Sunday 7am to 10pm 45dB LAeq (15 min)
- Monday to Sunday 10pm to 7am 40dB LAeq (15 min)
- Monday to Sunday 10pm to 7am 65dB LAFmax

**Fixed Plant Noise**

iv. Noise emission levels in the Curtis Street Business Area from fixed plant when measured at or within the boundary of any site, or at the outside wall of any building on any site, other than the building or site from which the noise is emitted on shall not exceed the following limits:

- At all times 55dB LAeq (15 min)
- Monday to Sunday 10pm to 7am 80dB LAFmax

v. Noise emission levels from fixed plant in the Curtis Street Business Area must comply with Standard 36.5(m)(iii).

vi. The noise limits set in Standard 36.5(m)(iv) 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 at times of threatening situations such as smoke fans or sprinkler pumps. This fixed plant is exempt from the noise limits provided that it:

- only operates for maintenance between 8am and 5pm weekdays, and
- can comply with Standard 36.5 (m)(i), or
- is an electricity generator set that can only be used on an emergency basis and is not used to generate power for the national grid.

**(n) Use, Storage and Handling of Hazardous Substances**

i. For those activities which are not specifically exempted (see Section 3.5.2.2) the cumulative effect 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.

Location	Any Residential Area	Any Residential Area
Effect ratio	0.002<ER<0.02	<0.002
Conditions applying	7.6.2.3.2 to 7.6.2.3.12	7.6.2.3.9, 7.6.2.3.11 and 7.6.2.3.12 only

ii. 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 hazardous substances handled on-site. Secondary containment systems also need to comply with any relevant provisions under the Hazardous Substances and New Organisms Act 1996.

iii. Except for the storage, use or handling of 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.

iv. Except for the storage, use or handling of 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].

v. Except for the storage, use or handling of LPG secondary containment systems shall be designed to contain any spill or accidental release of hazardous substances, 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.

vi. All stormwater grates, collection structures and inspection chamber covers on the site shall be clearly marked as such.

vii. 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 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.

#### Hazardous substances signage

viii. 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

ix. Any process waste or waste containing hazardous substances shall be stored in a manner which complies with Rule 36.6 (n) (i) - (vii) above.

x. 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

xi. Council must be informed of the activity's location, the nature of the activity and when the activity commences and ceases.

#### General notes

- 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 the relevant controls on disposal of hazardous substances by the Hazardous Substances and New Organisms Act 1996.
- In addition to the provisions of the Plan, all activities which involve the use, storage, handling or transportation of hazardous substances are regulated for 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:
  - 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)
  - The Building Act 1991
  - The Health Act 1956
  - The Fire Service Act 1975
  - The Health and Safety in Employment Act 1992
  - The Radiation Protection Act 1965
  - The Agricultural Compounds and Veterinary Medicines Act 1997

## 36.6

### Assessment Criteria

#### (a) Site layout

*The extent to which the proposal:*

- *Forms an integrated and cohesive development of the whole site (buildings, spaces and circulation).*
- *Is generally set below the level of Curtis Street (with the exception of the north-east corner of the site) and maintains a well vegetated bank between Curtis Street and the site.*
- *Orients building frontages (including public entrances and main windows) toward Curtis Street and Whitehead Road.*
- *Locates the car parking and pedestrian circulation to ensure surveillance from buildings within the site and from Curtis Street.*
- *Provides direct and legible pedestrian routes between buildings, car parks and adjacent streets.*
- *Provides pedestrian paths with verandas along relevant parts of building frontages within the site.*
- *Incorporate landscape measures (trees, ground covers and hard surface treatments) to reduce the adverse visual effects of buildings, car parking, access, servicing and storage areas, and to create good amenity for site users.*
- *Softens elevated views over car parks from nearby residential areas by growing canopy trees throughout the car parks.*
- *Separates and minimises conflicts between service areas and areas of the site used by the public.*
- *Incorporates indigenous vegetation within the 5m building setback depicted on the western boundary on the 'Building and Frontages Control Plan' (refer Appendix 1) that effectively buffers the escarpment vegetation on Old Karori Road.*
- *Minimises any adverse effects of service and storage areas by locating them unobtrusively, and/or through screening and landscaping.*
- *Maintains a landscaped yard at the intersection of Whitehead Road and Curtis Street that contributes to the 'parkway' character of Whitehead Road (refer Appendix 1).*
- *Incorporates principles relating to 'Crime Prevention through Environmental Design' ('CPTED') (for example as described in in the National Guidelines for Crime Prevention through Environmental Design in New Zealand Part 1: Seven Qualities of Safer Places - Published by Ministry of Justice, November 2005).*

#### (b) External appearance of buildings

*The extent to which buildings:*

- *Are designed to be complementary to the residential character of the surrounding area (while retaining honesty to the building's different activities).*
- *Are moduled (including both facades and roofs) in a way that breaks building bulk into smaller forms (in recognition of the finer grain of the residential area).*
- *Provide facade depth and relief (avoiding unbroken expanses of flat facade).*
- *Provide richness of architectural detail (in recognition of the variety and human scale of residential buildings in the area).*
- *Use a range of materials complementary to residential character.*
- *Avoid large expanses of a single colour, in particular eye-catching colours (such as colours used for branding).*
- *Avoid large roof planes having particular regard to the extent of overlooking from residential areas (for example by using 'saw tooth' or green roof designs)*
- *Avoid plant on roofs (for example, air conditioning plant).*
- *Located near the intersection of Whitehead Road and Curtis Street are designed to address this corner location and contain a high proportion of*

windows.

- Are designed so that blank elevations are generally not visible from Curtis Street and the lower part of Whitehead Road.

#### (c) Signs

The extent to which signs:

- Are incorporated within building facades (with the exception of single signs at each entrance to the site, and signs for traffic safety and circulation).
- Avoid mounting on roofs (including signs painted directly on roofs).
- Are in scale and coherent with the architecture of buildings to which they are attached.
- Will not result in visual clutter when considered cumulatively with other signs on the site.
- Will not be visually obtrusive from nearby residences.
- Avoid features (such as movement, flashing or excessive illumination) likely to cause nuisance for residential areas.

#### (d) Earthworks

The extent to which earthworks:

- Have been designed by a suitably qualified and experienced person, for example a chartered engineer practising in civil/geotechnical engineering.
- Are designed in accordance with NZS4404: Land Development and Subdivision Engineering and NZS4431: 1989 Code of Practice for Residential Earthworks.
- Will comply with Greater Wellington Regional Council's Erosion and Sediment Control Guidelines for the Wellington Region.
- Include an 'Earthworks and Construction Management Plan' defining acceptable standards for environmental and amenity protection and public safety during the construction process.
- Are designed so that any retaining and stabilising structures will effectively support and stabilise earthworks.
- Incorporate effective methods to control dust and sediment discharge.
- Enable a vegetated buffer to be grown within the 5m building setback on the western boundary with Old Karori Road.
- Do not compromise any native trees on the western escarpment, including existing trees within the 5m building setback.
- Have been designed so that cut faces and retaining walls incorporate planting to screen abrupt level changes and to achieve a generally green appearance compatible with the valley sides.

#### (e) Subdivision

The proposal:

- Is consistent with Section 106 of the Act.
- Complies with the relevant parts of the Subdivision Design Guide, City Bylaws and Council's Code of Practice for Land Development.
- Involves allotments which are capable of accommodating development that complies with the standards in the District Plan for activities and for buildings and structures.

The extent to which any subdivision on the site will:

- Promote the comprehensive development of the site in accordance with the objectives and policies.
- Impact on the ability of the transmission line owner to operate, maintain and upgrade the electricity transmission lines.
- Compromise the structural integrity of the transmission line.
- Create a risk of electrical hazards due to the mature height of any associated vegetation, including within any landscaped areas.
- Result in exposure to electromagnetic fields, and to the degree to which these can be avoided, remedied or mitigated.
- Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34: 2001, the Electricity (Hazards from Trees) Regulations 2003, and Transpower's Corridor Management Policy.

#### Company lease, cross lease and unit title subdivision

The subdivision responds to:

- The need to ensure permanent site access and continued provision for on-site loading and unloading facilities.
- The current and future allocation of subdivision areas to achieve the efficient use of land and buildings.

#### (f) Traffic

The proposal:

- Will not result in a significant increase in traffic that would be incompatible with the capacity of adjoining roads and their function in the road hierarchy, or would lead to unacceptable congestion.
- Will not result in on-street parking demand that extends into residential areas and/or leads to unsatisfactory parking arrangements.
- Will not create an unacceptable road safety risk.

#### (g) Vehicle parking, loading and site access

The proposal:

- Will not generate demand sufficient to justify compliance with on-site parking requirements.
- Provides on-site parking that does not detract from the visual appearance of the property or townscape character.
- Has a suitable alternative for on-site parking.
- Provides for on-site manoeuvring due to the nature of adjacent roads which create safety issues for manoeuvring vehicles.
- Utilises the best practicable options to mitigate the adverse effects of vehicle noise.
- Includes travel demand management reducing the requirement for on-site car parking.
- Includes provision for alternative transport modes.
- Will not result in unreasonable loss of on-street parking.
- Will not compromise pedestrian or traffic safety.

#### (h) Storage use and handling of hazardous substances

In assessing an application for a resource consent relating to hazardous substances, the following matters will be considered:

- Site layout, design and management to avoid, remedy or mitigate any adverse effects of the activity.
- The adequacy of the design, construction and management of any part of a hazardous facility site where hazardous substances are used for their intended function, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled such that:
  - Any significant adverse effects of the intended use from occurring outside the intended use, handling or storage area is prevented.
  - The contamination of any land in the event of a spill or other unintentional release of hazardous substances is prevented.
  - The entry or discharge of the hazardous substances into surface or groundwater, the stormwater drainage system or into the sewerage system (unless permitted under a regional plan, resource consent or trade waste permit) is prevented.
- Necessity for secondary containment of bulk storage vessels.

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- Location of and separation distance between the hazardous facility and critical facilities and lifelines.
  - Location of the facility in relation to the nearest waterbody.
  - Access routes to the facility, location and separation distance between the facility and sensitive activities.
  - Transport of hazardous substances to and from the site, including the tracking of waste where it is disposed off-site.
  - Existing and proposed (if any currently under consideration by Council) neighbouring uses.
  - Potential cumulative hazards presented in conjunction with nearby facilities.
  - Potential for contamination of the surroundings of the site and sensitivity of the surrounding environment.
  - Fire safety and fire water management.
  - Site drainage and utility infrastructure.
  - Whether the site has adequate signage to indicate the presence of hazardous substances.
  - Whether adequate arrangement has been made for the environmentally safe disposal of any hazardous substance or hazardous wastes generated, including whether off-site disposal is a more appropriate solution.
  - Whether the site design has been subject to risk analysis, such as Hazop (Hazard and Operabilities Studies), to identify the potential hazards, failure modes and exposure pathways.
  - Where the hazardous facility is located within a Hazard Area, any additional requirements to mitigate the potential effect of a natural hazard event.
  - Type and nature of the existing facility.
  - Whether appropriate contingency measures and emergency plans are in place.
  - Whether the facility complies with the provisions of the Hazardous Substances and New Organisms Act 1996, and whether more stringent controls are required to take account of site-specific conditions.

**(i) Electricity transmission lines**

The proposal:

- Will not impact the ability of the electricity line owner to operate, maintain and upgrade the transmission network.
- Will not compromise the structural integrity of the transmission infrastructure.
- Will not introduce vegetation that will increase the risk of electrical hazards.
- Will cause exposure to electromagnetic fields that cannot be avoided, remedied or mitigated.
- Is in compliance with the NZ Electrical Code of Practice for Electrical Safe Distances 34:2011, the Electricity (Hazards from Trees) Regulations 2003, and Transpower's Corridor Management Policy.

**(j) Retail activity**

The proposal:

- Will not undermine the vitality of Centres Areas identified in the District Plan.
- Will not undermine existing investment in infrastructure (including water, stormwater, sanitary sewer, roads and footpaths, and community facilities) in Centres Areas identified in the District Plan.

**(k) Lighting**

The extent to which the proposal:

- Considers the placement, direction, intensity, and duration of lighting to minimise light spill on the glow worm colony situated along Old Karori Road.
- Demonstrates that the vegetation between the site and glow worm colony on Old Karori Road buffers potential light spill.