

Appendix 3 : Extract from District Plan showing proposed amendments

3.10 Definitions

ADDITION AND ALTERATION (for the purposes of Chapters 20 and 21 and Rule 17.2.5) includes:

- (i) any work which involves the addition, alteration or removal and replacement of walls, windows, ceilings, floors or roofs, either internally or externally;

but does not include:

- (ii) work which is repair or maintenance; and
- (iii) the partial or total demolition of the object or of any part of it which is identified as being of heritage significance; or any activity within the scope of rules 5.3.11 or 5.4.2.

DEMOLITION AND PARTIAL DEMOLITION FOR THE PURPOSES OF CHAPTERS 20 AND 21 (HERITAGE) AND RULES 5.4.2 (THORNDON CHARACTER AREA) AND RULE 17.2.5 (CHEST HOSPITAL HERITAGE AREA): means the removal, destruction or taking down of any structure, item or object either in total or in part, except, in the case of a building, where that is permitted as “repair and maintenance”, or where it is within the definition of “additions and alteration”.

5. RESIDENTIAL RULES

5.1 Permitted Activities

The following activities are permitted in Residential Areas (which includes the Inner and Outer Residential Areas as shown on the planning maps) provided that they comply with any specified conditions and payment of any financial contribution (refer to rule 3.4).

Where Inner Residential Areas are situated within the Central Area Boundary as defined on the planning maps, the relevant Residential objectives, policies and rules will apply to those Inner Residential Areas.

5.1.1 Residential activities are Permitted Activities provided that they comply with the following conditions:

5.1.3 The construction, alteration of, and addition to, residential buildings, accessory buildings, [and residential structures,]¹ is a Permitted Activity (except in residential character areas or on a legal road) provided the new building [or structure]² or the new part of the building [or structure]³ complies with the following conditions:

For subdivisions above Patna Street and Huntleigh Park Way, Ngaio and David Crescent, Karori refer to Appendix 17 and 21

5.1.3.1 Number of Household Units

Not more than two household units shall be permitted on any site except that:

- in that part of the Inner Residential Area identified in Appendix 8 no more than 1 household unit shall be permitted on any site
- in Thorndon, Mt Victoria and [Aro Valley]⁴ (shown in Appendix 9) no more than 1 household unit shall be permitted on any site

For Lot 2 DP 71465 off Stockden Place, Karori refer to Appendix 13

For Section 105, Ohariu District, west of Johnsonville refer to Appendix 14

^{1,2,3}District Plan Change 6 – Residential Rules and Definitions (Operative 1 November 2004)

⁴District Plan Change 7 – Aro Valley Character Controls (Operative 25 June 2004)

- in the Oriental Bay Height Area (shown in Appendix 4) there shall be no limit to the number of household units
- [no more than one household unit shall be permitted on any part of a site that is within the Hazard (Fault Line) Area.]¹

Provided that Rule 5.1.3.1 does not apply where the construction, alteration or addition does not increase the number of household units on the site.

For Ridvan Gardens, off Downing Street, Ngaio refer to Appendix 16

5.1.3.2 Yards

Front Yards

Inner Residential Area –

- 5.1.3.2.1 A minimum of 1 metre except for the Oriental Bay Height Area (as shown in Appendix 4) where there is no minimum front yard requirement; or**

less than 1 metre if the part of the building nearest the street does not project forward of a line from the forward most part of the two adjoining residential buildings (excluding accessory buildings). This provision does not apply to corner or rear sites.



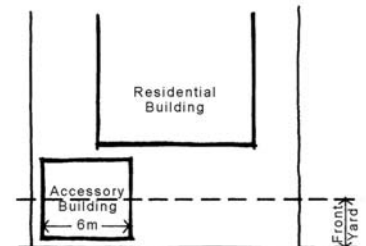
- 5.1.3.2.2 Accessory buildings, [including structures,]² may be erected in front yards to a maximum width of 6 metres measured across the front boundary, [except:**

- fences and walls up to 2 metres high are permitted (see rule 5.1.3.6).]³

Outer Residential Area –

- 5.1.3.2.3 A minimum of 3 metres, or 10 metres less half the width of the road, whichever is the lesser; or**

less than 3 metres if the part of the building nearest the road does not project forward of a line from the forward most part of the two adjoining residential buildings (excluding accessory buildings). This does not apply to corner or rear sites.



- 5.1.3.2.4 Accessory buildings, [including structures,]⁴ may be erected in front yards to a maximum width of 6 metres measured across the front boundary, [except:**

- fences and walls up to 2 metres high are permitted (see rule 5.1.3.6).]⁵

Side and Rear Yards

- 5.1.3.2.5 There are no minimum side or rear yards in either the Inner or Outer Residential Areas except that:**

- on all sites, outdoor access to any open area to the rear of a building is to be provided with a minimum width of 1 metre

¹District Plan Change 22 – Hazard (Fault Line) Area (Operative 27 July 2004)

^{2,3,4,5}District Plan Change 6 – Residential Rules and Definitions(Operative 1 November 2004)

5.1.9 Earthworks are Permitted Activities provided that they comply with the following conditions:

- 5.1.9.1 That existing ground level is not to be altered by more than 2.5 metres measured vertically.
- 5.1.9.2 That total area of ground surface disturbance is less than 250m².
- 5.1.9.3 That earthworks do not take place in Hazard (Flooding) Areas.
- 5.1.9.4 That earthworks are not undertaken on slopes of more than 45°.
- 5.1.9.5 That no earthworks are carried out within 5 metres of a waterbody or the coastal marine area.
- 5.1.9.6 That no contamination, including siltation, of any waterbody or coastal water occurs.
- 5.1.9.7 Nothing in rules 5.1.9.1 to 5.1.9.5 shall apply to utilities which are a Permitted Activity.

For subdivision of Lot 1 DP 25046 and Pt Sec 10 Kaiwharawhara District above Patna Street and Huntleigh Park Way, Ngaio refer to Appendix 17

For Ridvan Gardens, off Downing Street, Ngaio refer to Appendix 16

5.2 Controlled Activities

Section 5.2 describes which activities are Controlled Activities in Residential Areas. A resource consent will be required but consent cannot be refused. Conditions may be imposed relating to the matters specified in Rules 5.2.1 to 5.2.5. The decision on whether or not a resource consent will be notified will be made in accordance with the provisions on notification in the Act.

5.2.5 Any subdivision that is not a Permitted Activity and;

(a) creates five or less allotments, except those that:

- create more than 10 linear metres of legal road; or
- are on a ridgeline or a hilltop; or
- involves a requirement to set aside esplanade land;

is a Controlled Activity in respect of:

5.2.5.1 site design, frontage and area

5.2.5.2 standard, construction and location of vehicular access

5.2.5.3 road design and construction

5.2.5.4 earthworks

For subdivision of Lot 1 DP 25046 and Pt Sec 10 Kaiwharawhara District above Patna Street and Huntleigh Park Way, Ngaio refer to Appendix 17

For Subdivision of Lot 1 DP 29604 off the end of Silverstream Road, Ngaio refer to Appendix 12

For subdivision of Lot 3 DP 71465 and Lot 33 DP 1022 off Allanbrooke Place refer to Appendix 13

5.2.5.5 landscaping

5.2.5.6 utility and/or services provision

5.2.5.7 protection of any special amenity feature.

(b) is a company lease, cross lease or unit title subdivision is a Controlled Activity in respect of:

5.2.5.8 stormwater, sewerage and water services

5.2.5.9 the allocation of accessory units to principal units and the allocation of covenant areas to leased areas to ensure compliance with rule 5.1.1.2 (vehicle parking) and to ensure practical physical access to every household unit.

For subdivision of Lot 29, DP 1747 off Freeling Street, Island Bay refer to Appendix 20

- 5.2.5.2 standard, construction and location of vehicular access
- 5.2.5.3 road design and construction
- 5.2.5.4 earthworks
- 5.2.5.5 landscaping
- 5.2.5.6 utility and/or services provision
- 5.2.5.7 protection of any special amenity feature.
- (b) is a company lease, cross lease or unit title subdivision is a Controlled Activity in respect of:
- 5.2.5.8 stormwater, sewerage and water services
- 5.2.5.9 the allocation of accessory units to principal units and the allocation of covenant areas to leased areas to ensure compliance with rule 5.1.1.2 (vehicle parking) and to ensure practical physical access to every household unit.

For subdivision of Lot 3 DP 71465 and Lot 33 DP 1022 off Allanbrooke Place refer to Appendix 13

For subdivision of Lot 29, DP 1747 off Freeling Street, Island Bay refer to Appendix 20

Non-notification

The written approval of affected persons will not be necessary in respect of items 5.2.5.1 to 5.2.5.9 and applications need not be notified.

Standards and Terms

[All activities, buildings and structures (existing and proposed) must meet the conditions for vehicle parking (5.1.1.2), site access (5.1.1.3) and building (5.1.3) in relation to all existing and proposed fee simple allotments or meet the terms of any relevant resource consent or have existing use rights under section 10 of the Act.]¹

Assessment Criteria

In determining the conditions to be imposed, if any, Council will have regard to the following criteria:

- 5.2.5.10 The requirements of Section 106 of the Act.
- 5.2.5.11 Whether proposed allotments are capable of accommodating Permitted Activities in compliance with the Residential Area rules.
- 5.2.5.12 The extent of compliance with the relevant parts of the Subdivision Design Guide, City Bylaws and if applicable the Council's Code of Practice for Land Development.
- 5.2.5.13 In respect of cross lease or unit title subdivisions:
 - the need for permanent site access and access to and around buildings
 - the current and future allocation for use of land area, accessory buildings and amenities
 - the need to service and use land and buildings efficiently.

5.3 Discretionary Activities (Restricted)

Section 5.3 describes which activities are Discretionary Activities (Restricted) in Residential Areas. Consent may be refused or granted subject to conditions. Grounds for refusal and conditions will be restricted to the matters specified in rules 5.3.1 to 5.3.11. 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.

5.3.4 Except:

- in the area shown in Appendix 9 (Thorndon, Mt Victoria and [Aro Valley]⁷)
- in the Thorndon and Mt Victoria North Character Areas
- [in the circumstances where Rule 5.4.8 applies]⁸ in a Hazard (Faultline) Area
- inside the airnoise boundary depicted on Map 35

the construction, alteration of, and addition to residential buildings, accessory buildings [and residential structures]⁹, where the result will be three or more household units on any site is a Discretionary Activity (Restricted) in respect of:

5.3.4.1 design, external appearance and siting

5.3.4.2 site landscaping

5.3.4.3 parking and site access.

Non-notification

The written approval of affected persons will not be necessary in respect of items 5.3.4.1 to 5.3.4.3 and applications need not be notified.

Standards and Terms

[All activities, buildings and structures must meet the conditions for parking (5.1.1.2), site access (5.1.1.3) and building (5.1.3.2 - 5.1.3.6 and 5.1.3.9) unless consent is concurrently sought and granted for the condition(s) not met.]¹

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

5.3.4.4 The Design Guide for Multi-unit Development.

Although multi-unit residential development provides desirable variety and diversity of accommodation, it can detract from the visual character or amenities of residential neighbourhoods. The Design Guide for multi-unit development provides the criteria for assessment. The general intention of the Guide is not to impose specific design solutions but to identify design principles that will promote better development and enhance existing suburban environments.

Within the Oriental Bay Height Area (shown in Appendix 4) there is no limit on the number of household units within a residential building. [Multi-unit development within the Hazard (Fault Line) Area is classified as a Discretionary (Unrestricted) Activity because intensive development of sites within this area is generally inappropriate except where site specific conditions and design proposals can mitigate the risk to personal safety.]²

The provision of site-specific geotechnical and engineering design reports carried out by experts will assist the Council to assess the adverse effects arising from the fault rupture hazard for the development site and how those effects can be minimised.]¹

5.4 Discretionary Activities (Unrestricted)

Section 5.4 describes which activities are Discretionary Activities (Unrestricted) in Residential Areas. 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.

[5.4.1 Non-residential activities, non-residential buildings [and structures]² (including additions and alterations) not specifically provided for as Permitted or Controlled Activities or that do not meet the conditions or standards and terms for Permitted or Controlled Activities are Discretionary Activities (Unrestricted).]¹

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

5.4.1.1 Whether the scale of any buildings or other structures on the site would be generally compatible with existing residential development. Council's aim is to ensure that new development generally reflects established building forms. More substantial building development may be acceptable in circumstances where:

- **the size or location of sites permits a greater separation from existing development**
- **the local topography or existing vegetation will diminish the impact of new development; or**
- **development on adjacent sites is similar in size and scale.**

5.4.1.2 Whether existing residential amenities are lessened to any significant extent or whether effects such as noise, dust, glare, vibration, fumes, smoke, electromagnetic effects, odours or other discharges or pollutants have an adverse effect on the neighbourhood. Particular consideration is given to maintaining a quiet night-time environment.

5.4.1.3 *Whether the site is appropriately located for the scale of building development proposed and the intensity of the activity. Large or more intensive developments are generally favoured in locations where they adjoin or extend existing non-residential development (such as established Suburban Centres) or where they are isolated from established housing. Council seeks to encourage the general dispersal of non-residential activities in Residential Areas to avoid the creation of new unplanned Suburban Centres and to protect sensitive areas such as the coast. Activities which generate significant vehicular traffic should be directed towards streets which already have high traffic flows or sites that can be well accessed by means other than the private car. Activities which generate significant pedestrian traffic should be sited within reasonable walking distance of public transport routes or terminals.*

5.4.5 Any subdivision which is not a Permitted or Controlled Activity is a Discretionary Activity (Unrestricted).

Standards and Terms

[For any subdivision incorporating new roads, all services must be reticulated underground.]¹

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

- 5.4.5.1 The requirements of section 106 of the Act.
- 5.4.5.2 Whether proposed allotments are capable of accommodating Permitted Activities in compliance with the Residential Area rules.
- 5.4.5.3 The extent of compliance with the relevant parts of the Subdivision Design Guide and the Code of Practice for Land Development.
- 5.4.5.4 Where the activity is within a Maori Precinct, the outcome of consultation with tangata whenua and other Maori.

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

- 5.4.5.5 Whether esplanade land is required to be set aside as part of the subdivision.

Esplanade land to a maximum of 20 metres is required as a part of subdivision on the following water bodies or the coastal marine area where they meet the criteria specified in the Act:

- **all parts of the Wellington Coast**
- **the Porirua Stream and tributaries**

For subdivision of Lot 1 DP 25046 and Pt Sec 10 Kaiwharawhara District above Patna Street and Huntleigh Park Way, Ngaio refer to Appendix 17

For subdivision of Lot 3 DP 71465 on CT 40D/668 and Lot 33 DP 1022, Section 39 Karori District on CT A2/321 (being land off Allanbrooke Place) there is an additional assessment criteria, refer to Appendix 13

For subdivision of Lot 24, DP 70931, Stebbings Valley refer to Appendix 18

For subdivision of Lot 29, DP 1747, off Freeling Street, Island Bay refer to Appendix 20

Map to be deleted

Map to be deleted

17. OPEN SPACE RULES

17.1 Permitted Activities

The following activities are permitted in Open Space areas provided that they comply with specified conditions and the payment of any financial contributions (refer to rule 3.4).

Where Open Space Areas are situated within the Central Area Boundary as defined on the Planning Maps, the relevant Open Space objectives, policies and rules will apply to those Open Space Areas.

17.1.1 Recreation activities are Permitted Activities provided that they comply with the following conditions:

17.1.1.1 Noise

17.1.1.1.1 Noise emission levels from any activity located in an Open Space Area when measured at the Conceptual Boundary of the activity must not exceed 45dBA (L10).

17.1.1.1.2 Any activity occurring within an Open Space Area when measured from any land or premises outside that area must comply with the noise levels stated in Appendix 1.

As Open Space is often held in large titles or sites the use of the phrase “Conceptual Boundary” is used to allow noise to be managed within a large site. Section 16 and 17 of the Resource Management Act will also be considered for the control of noise.

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17.1.6 Earthworks involving the relocation of earth within the site are Permitted Activities provided that they comply with the following conditions:

17.1.6.1 That the existing ground level is not altered by more than 1.5 metres measured vertically.

17.1.6.2 That the ground surface disturbance is less than 100m².

17.1.6.3 That earthworks do not take place in Hazard (Flooding) Areas.

17.1.6.4 That earthworks are not undertaken on slopes of more than 45°.

17.1.6.5 That no earthworks are carried out within 5 metres of a waterbody or the coastal marine area.

Activities and uses on public land are also required to obtain permission (such as a lease or a licence) from the Council as the administering authority. Council, as steward of much of the City’s open space, is working to ensure Wellington retains the asset of its open space. All activities will have regard to the relevant provisions of any management plans (for example the Wellington Town Belt Management Plan), the Town Belt Deed or the Reserves Act 1977.

For Section 105 Ohariu District, West of Cortina Avenue, Johnsonville refer to Appendix 2

This rule does not apply to the Chest Hospital Heritage Area (Lot 4 DP 316137). Rule 17.2.5 applies.

17.1.6.6 That no contamination, including siltation, of any waterbody or coastal water occurs.

17.1.6.7 The construction and maintenance of tracks for pedestrian access is excluded from these conditions.

17.1.10 The construction, alteration of and addition to buildings and structures, for recreation purposes, of less than 30m² in floor area and less than 4m in height in Open Space B and Open Space C are Permitted Activities provided that they comply with the following conditions:

This rule does not apply to the Chest Hospital Heritage Area (Lot 4 DP 316137). Rule 17.2.5 applies.

17.1.10.1 The aggregate area of all structures must not exceed the total nett coverage of 200m² per hectare.

17.1.10.2 No structure may be located within 10 metres of a residential boundary.

17.1.10.3 No structure may be erected within 20m of a Conservation Site.

Any new building works will also be governed by the provisions of any relevant management plans (for example the Wellington Town Belt Management Plan).

17.1.11 Car-parking areas and access drives in Open Space B are Permitted Activities provided that they comply with the following condition:

17.1.11.1 Carparks and access drives must not exceed the total nett coverage for the site of 200m² per hectare.

17.1.12 Car-parking areas and access drives in Open Space C are Permitted Activities provided that they comply with the following conditions:

This rule does not apply to the Chest Hospital Heritage Area (Lot 4 DP 316137). Rule 17.2.5 applies.

17.1.12.1 New carparks and new access drives must be associated with a recreational activity, or new access drives must be for the purposes of vegetation management in Open Space A, Open Space B or Open Space C land.

17.1.12.2 New carparks and new access drives must not exceed a total nett coverage for the site of 200m² per hectare within any Open Space C land. The Council is seeking to restrict the extent of vehicular access through the Inner Town Belt. The Council's primary form of regulation with regard to car-parking areas and access drives in the Inner Town Belt is the Wellington Town Belt Management Plan. The physical formation of new thoroughfares is contrary to the Wellington Town Belt Management Plan and the 1873 Town Belt Deed. Applicants are advised that separate consent may be required under the provisions of the Wellington Town Belt Management Plan.

The District Plan is intended to address the adverse effects associated with the physical formation of new access drives and carparking.

New carparking areas and access drives are only permitted under the District Plan where they are associated with a recreational activity or vegetation management, and they meet the nett site coverage requirement.

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17.1.16 The modification, damage, removal or destruction of indigenous vegetation is a Permitted Activity in Open Space A.

17.1.17 In the Chest Hospital Heritage Area (Lot 4 DP 316137), any activity, except for:

- **Those activities specified as Discretionary Activities (Restricted) under Rule 17.2.5**

is a Permitted Activity provided that it complies with all other relevant permitted activity conditions of the Open Space rules chapter and the following condition in respect of noise:

17.1.17.1 Noise

17.1.17.1.1 Noise emission levels when measured on any residential site boundary in the Inner Residential Zone must not exceed:

- | | |
|----------------------------------|---------------|
| ▪ Monday to Saturday 7am to 10pm | 50dBA (L10) |
| ▪ All other times | 40dBA (L10) |
| ▪ All days 10pm to 7am | 65dBA (Lmax). |

The permitted activity rule for the Chest Hospital Heritage Area is part of a package of measures that controls the effects from the use and development of this site. While the permitted activity rule allows for any use of the site to occur provided certain environmental conditions are met, there are other methods outside the Plan that also control the use of the site. These methods include landowner control (Council is landowner), lease agreements under the Local Government Act, and the Reserves Management Plan for the site. These controls will provide adequate control over the range of activities that occur on this site.

As any activity is permitted in the Chest Hospital Heritage Area, it is not appropriate to apply the noise conditions for recreational activities in Open Space areas to the Chest Hospital Heritage Area. Noise from recreational activities (permitted under Rule 17.1.1) is likely to be different from the types of activities that are possible in the Chest Hospital Heritage Area. The noise controls used in the Inner Residential Areas is considered to be a better control mechanism.

17.2 Discretionary Activities (Restricted)

Section 17.2 describes which activities are Discretionary Activities (Restricted) in Open Space Areas. Consent may be refused or granted subject to conditions. Grounds for refusal and conditions will be restricted to the matters specified in rules 17.2.1 – 17.2.4. 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.

17.2.1 Recreation activities which do not meet the conditions for Permitted Activities are Discretionary Activities (Restricted) in respect of:

17.2.1.1 dust

17.2.1.2 lighting.

Activities and uses on public land are also required to obtain permission (such as a lease or a licence) from the Council as the administering authority. Council, as steward of much of the City's open space, is working to ensure Wellington retains the asset of its open space. All activities will have regard to the relevant provisions of any management plans (for example the Wellington Town Belt Management Plan), the Town Belt Deed or the Reserves Act 1977.

Non-notification

The written approval of affected persons will not be necessary in respect of items 17.2.1.1 and 17.2.1.2 and applications need not be notified.

Standards and Terms

Except for the matters specified in rule 17.2.1 this activity must comply with all relevant conditions specified for activities in rule 17.1.1.

The conditions for rule 17.1.1 may be waived totally, except that:

- rule 17.1.1.4, maximum lighting levels, must not be exceeded by more than 20 percent.

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

17.2.1.3 Dust

The extent to which existing amenities are protected. Council will seek to ensure that dust nuisances are mitigated as far as practical.

There may be instances where it may be impractical to prevent dust nuisance in view of the variable weather conditions experienced by Wellington. Such proposals will be carefully considered to ensure that any dust nuisance is of a minor nature.

17.2.1.4 Lighting

17.2.1.4.1 Applications to provide more intensive lighting near to Residential Areas will be considered with regard to the present and likely future development in the Residential Area, the degree to which topography or other site features may avoid, remedy or mitigate lighting effects, and the extent to which planting, screening or the orientation of the light source will mitigate lighting effects.

17.2.1.4.2 The consideration of applications to provide less intensive lighting on site areas open to public use will take into account the nature of the activities on the site, the extent of public use and whether other measures will be taken to maintain public safety.

The diversity of development and the nature of landforms in and around Open Space Areas is such that in some cases extra illumination can be achieved without affecting residents. Applications to exceed the permitted levels will therefore be considered. Similarly, there may also be circumstances where the lighting of publicly used areas need not comply with the specified standards.

17.2.2 Signs are Discretionary Activities (Restricted) if they do not comply with the conditions for Permitted Activities in respect of:

17.2.2.1 the area and height of signs.

Non-notification

The written approval of affected persons will not be necessary in respect of item 17.2.2.1 and applications need not be notified.

Standards and Terms

Except for the matters specified in rule 17.2.2, this activity must comply with all the conditions specified for activities in rule 17.1.4.

The conditions relating to any sign dimension specified in rule 17.1.4 may not be exceeded by more than 50 percent.

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

- 17.2.2.2 Whether signs are obtrusively visible from any Rural Area, public space or Conservation Site.
- 17.2.2.3 Whether signs are in scale with associated activities or building development and are compatible with the visual character of the area in which they are situated.

In some circumstances, larger signs may be required to identify activities or particular attributes of the site. In such cases, signs will be carefully assessed to ensure that visual amenities are maintained. Any new signage will also be governed by the provisions of any relevant management plans (for example the Wellington Town Belt Management Plan contains separate requirements for establishing new signage on the Inner Town Belt).

17.2.3 Buildings and structures in Open Space A for the purposes of recreation which do not meet the conditions for Permitted Activities are Discretionary Activities (Restricted) in respect of:

17.2.3.1 yards

17.2.3.2 sunlight access

17.2.3.3 site coverage

17.2.3.4 floor area.

Non-notification

The written approval of affected persons will not be necessary in respect of item 17.2.3.1 and applications need not be notified.

Standards and Terms

Except for the matters specified in rule 17.2.3 this activity must comply with all conditions specified for activities in rule 17.1.9, except that:

- rule 17.1.9.1, yards, may be waived totally
- rule 17.1.9.2, sunlight access, must not be exceeded by more than 3 metres
- rules 17.1.9.3 and 17.1.9.4 must not be exceeded by more than 20 percent.

Assessment Criteria

In determining the conditions to be imposed, if any, Council will have regard to the following criteria:

- 17.2.3.5 The extent to which the amenities of nearby Residential Areas can be maintained.
- 17.2.3.6 Whether the size or coverage of buildings or structures will adversely affect the public enjoyment of the site's recreational potential.
- 17.2.3.7 Whether the size of the structure is out of character with the Open Space Area.
- 17.2.3.8 Whether established public access or the possibility of such access is maintained.

17.2.4 The modification, damage, removal or destruction of indigenous vegetation not provided for as a Permitted Activity is a Discretionary Activity (Restricted) in respect of:

17.2.4.1 the area or extent of vegetation to be affected

17.2.4.2 the species, age and condition of the vegetation to be affected

17.2.4.3 where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.

Non-notification

The written approval of affected parties will not be necessary in respect of items 17.2.4.1, 17.2.4.2 and 17.2.4.3 and applications need not be notified.

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

- 17.2.4.4 The significance of the affected vegetation in terms of ecological and amenity values.
- 17.2.4.5 The relationship of the affected vegetation with other areas of indigenous vegetation.
- 17.2.4.6 Whether it is necessary to remove vegetation to maintain or enhance the Open Space B or Open Space C Area.

The presence of ecological values is one of the primary purposes of identifying areas as Open Space B Areas in the Plan. Proposals to modify, damage, remove or destroy indigenous vegetation in Open Space B or Open Space C Areas should be assessed.

17.2.5 In the Chest Hospital Heritage Area (Lot 4 DP 316137):

the alteration of and addition to listed heritage buildings and their site surrounds; and
the construction of new buildings or structures in the Chest Hospital Heritage Area; and
the modification of existing open space; and
any activities which do not comply with the conditions for a Permitted Activity are Discretionary Activities (Restricted) in respect of:

17.2.5.1 Design, appearance and heritage fabric

17.2.5.2 Siting

17.2.5.3 Landscaping

17.2.5.4 Open space and heritage values

Non-notification

The written approval of affected persons will not be necessary in respect of Items 17.2.5.1 – 17.2.5.4. Notice of applications need not be served on affected persons and the application need not be notified.

Standards and Terms

Maximum site coverage is 35%.

Additional hard surfaces must not exceed a total of 100m² for all of Lot 4 DP 316137. Examples of hard surfaces include asphalt, concrete and paving.

New buildings and structures shall not be higher than the height of adjacent listed heritage buildings.

No demolition of listed heritage buildings.

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

- 17.2.5.5 Whether the proposal is compatible with the character-defining features of the Heritage Area and any adjacent or nearby heritage features.
- 17.2.5.6 Whether the colours, textures, materials, fenestration, decorative features and details, height, scale, massing and methods of construction, landscaping and boundary treatment are compatible with the other features of the Heritage Area.
- 17.2.5.7 Whether the proposed work is necessary for the effective use of the former Chest Hospital buildings.
- 17.2.5.8 Whether any alteration to the Area can be made that retains the heritage values in the Chest Hospital Heritage Area while accommodating the objectives of the applicant.
- 17.2.5.9 Whether the development works are designed and located so as to be visually unobtrusive.
- 17.2.5.10 The extent to which additional hard surfacing (eg accessways or carparking) affects the open space values of the Area.
- 17.2.5.11 Whether the Chest Hospital Heritage Area's open space character is maintained and whether the proposal restricts the conversion to open space in the future.
- 17.2.5.12 Whether established public access or the possibility of such access is maintained.
- 17.2.5.13 The principles of the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value.
- 17.2.5.14 Any Conservation Plan for the former Chest Hospital.
- 17.2.5.15 In respect of noise, the extent to which noise emissions will be intrusive. Council will seek to ensure that the best practicable option is used to mitigate noise and that adverse effects are minor.
- 17.2.5.16 The extent to which any earth cut or fill will remove existing vegetation, alter existing landforms, affect water quality, or affect existing natural features.
- 17.2.5.17 Where the activity is within a Maori Precinct, the outcome of consultation with tangata whenua and other Maori.

Explanation

Given the open space and heritage values associated with this Heritage Area, it is important to control building and site development to ensure those open space and heritage values are maintained and enhanced where possible. Therefore, control is specifically exercised over the addition and alterations to the listed heritage buildings; the design, appearance and siting of any new buildings or structures; and any proposals that modify the existing open space areas of the site.

17.3 Discretionary Activities (Unrestricted)

Section 17.3 describes those activities that are Discretionary Activities (Unrestricted) in Open Space Areas. 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.

17.3.1 Activities or structures in Open Space A not specifically provided for as Permitted Activities are Discretionary Activities (Unrestricted).

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

- 17.3.1.1 The impact that the activity will have on the surrounding environment.
- 17.3.1.2 Whether any structures are needed for the public enjoyment of the site's recreational potential.
- 17.3.1.3 Whether the site's recreational potential is maintained or enhanced.
- 17.3.1.4 Any relevant provisions of any of the following:
 - Reserves Act 1977 and any amendments to that Act
 - Queen Elizabeth II National Trust Act 1977 and any amendments to that Act
 - any management plan prepared for the site.
- 17.3.1.5 The extent to which the proposal affects current or future access.

Activities and uses on public land are required to obtain permission (a lease or a licence) from Council as the administering authority. Council, as steward of much of the City's open space, is working to ensure Wellington retains the asset of its open spaces.

Activities and uses on public land are also required to obtain permission (such as a lease or a licence) from the Council as the administering authority. Council, as steward of much of the City's open space, is working to ensure Wellington retains the asset of its open space. All activities will have regard to the relevant provisions of any management plans (for example the Wellington Town Belt Management Plan), the Town Belt Deed or the Reserves Act 1977.

17.3.2 Any recreational and other activities in Open Space B or Open Space C not specifically provided for as Permitted Activities; and any construction, alteration of and additions to buildings and structures in Open Space B or Open Space C not specifically provided for as Permitted Activities are Discretionary Activities (Unrestricted).

This rule does not apply to the Chest Hospital Heritage Area (Lot 4 DP 316137). Rules 17.1.17 and 17.2.5 apply.

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

- 17.3.2.1 Whether the structure is designed and located so as to be visually unobtrusive.
- 17.3.2.2 Whether the structure is needed for the public enjoyment of the site's recreational potential.
- 17.3.2.3 Whether the site's open space character is maintained.
- 17.3.2.4 Whether any structure is proposed to be built on a ridgeline or hilltop. In general this will be unacceptable.
- 17.3.2.5 Any relevant provisions of:
- Reserves Act 1977 and any amendments to that Act
 - Queen Elizabeth II National Trust Act 1977 and any amendments to that Act
 - any management plan prepared for the site e.g. Belmont Regional Park Management Plan and the Wellington Town Belt Management Plan
 - the Town Belt Deed 1873.
- 17.3.2.6 Whether established public access or the possibility of such access is maintained.
- 17.3.2.7 Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.
- 17.3.2.8 The extent to which any adverse effects of any new accessway or carparking, or change in use of any existing accessway or carparking, can be avoided, remedied or mitigated.
- [17.3.2.9 Where a structure or building is located within a Hazard (Fault Line) Area, the degree to which measures have been adopted to mitigate the potential adverse effects from a fault rupture hazard event.]¹

In general, structures on Open Space B or Open Space C are viewed unfavourably unless there is a need for public facilities that cannot reasonably be satisfied by using other land. Council will pay particular attention to this point in decisions on the use of Inner Town Belt land. Any new building works will also be governed by the provisions of any relevant management plans (for example the Wellington Town Belt Management Plan).

¹ District Plan Change 22 – Hazard (Fault Line) Area (Operative 27 July 2004)

21. HERITAGE RULES

21.1 Permitted Activities

The following are Permitted Activities in relation to listed heritage items provided they comply with any specified conditions. These rules are in addition to other area-based rules that apply to listed heritage items. Permitted Activities can occur to a heritage item as of right and the area based rules do not apply to the activities listed below.

Where a heritage item is subject to a heritage order the written consent of the heritage protection authority will be required to carry out work in accordance with the provisions of s 193 of the Resource Management Act 1991.

21.1.1 Any repair and maintenance of listed buildings, objects, areas and sites of significance to tangata whenua heritage items is a Permitted Activity.

This rule does not apply to the Mount Street Heritage Area. The rules in Appendix 1 apply.

For the Chest Hospital Heritage Area (Lot 4 DP 316127), refer to Rule 17.1.17 (Open Space).

21.1.2 Internal alterations to heritage buildings are permitted except in respect of buildings where the whole interior or individual interior items have been specifically listed.

21.1.3 Signs less than 0.5m² in area on land associated with, but not attached to the exterior of, a listed heritage item for the purposes of identification and information are Permitted Activities.

21.2 Controlled Activities

Section 21.2 describes which activities are Controlled Activities in relation to heritage items listed in the Plan. Resource consents will be required but consent cannot be refused. Conditions may be imposed relating to the matters specified in rules 21.2.1 and 21.2.2. These rules are in addition to, or supersede, other area-based rules that apply to heritage items.

In general the provisions of the Heritage rules will take precedence over the specific rules relating to the area in which they are situated. However where a proposal requires additional consent under more restrictive criteria in an Area based section of the Plan than under the Heritage Provisions, both parts of the Plan will be taken into account.

Where a heritage item is subject to a Heritage Order the written consent of the heritage protection authority will be required to carry out work in accordance with the provisions of s 193 of the Resource Management Act 1991.

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.

21.2.1 Signs on listed heritage items:

- **larger than 0.5m² in size on any land associated with a listed heritage item**
- **that are not for the purpose of identification and information on any land associated with listed heritage items**

are Controlled Activities in respect of:

21.2.1.1 the area, height, number and location of signs.

This rule does not apply to the Mount Street Heritage Area. The rules in Appendix 1 apply.

Non-notification

The written approval of affected persons will not be necessary in respect of Item 21.2.1.1 and the application need not be notified.

Standards and Terms

The conditions for signs as Permitted Activities in the Residential Area, Suburban Centre, Institutional Precincts, Airport and Golf Course Recreation Precinct, Central Area, Rural Area, Open Space Areas and Conservation Sites shall not be exceeded by more than 50 percent.

Assessment Criteria

In determining the conditions to be imposed, if any, Council will have regard to the following criteria:

- 21.2.1.2 Whether the sign is compatible with the heritage significance and values of the building or site on which it is placed. Consideration should be given to the means of attaching the sign to the fabric of the building in order to avoid, remedy or mitigate any impact upon the buildings

exterior fabric. Council will have regard to the criteria for assessing additions and alterations to buildings (rule 21.2.2) where these are relevant and appropriate.

- 21.2.1.3 Where the site is within a Maori precinct, the effect of any signs on the significance and objectives of the precinct.

Signs have the potential to compromise the heritage values of the site or building on which they are placed. Their effects must therefore be assessed.

21.2.2 Additions and alterations, that are not Permitted Activities, to listed heritage buildings, listed facades, listed interiors or listed interior items are Controlled Activities in respect of:

21.2.2.1 the design and appearance of the additions or alterations.

This rule does not apply to the Chest Hospital Heritage Area (Lot 4 DP 316137). Rules 17.1.17 and 17.2.5 apply.

Non-notification

The written approval of affected persons will not be necessary in respect of Item 21.2.2.1 and the application need not be notified, except that:

- where a building is subject to a heritage order from a heritage protection authority, Council will notify the authority
- where a heritage item is registered by the New Zealand Historic Places Trust, Council will notify the Trust.

Standards and Terms

There are no standards or terms because of the variable nature of additions and alterations.

Alterations are those minor works which do not result in a reduction or loss of the heritage values of the building or object. Additions and alterations to listed buildings could, without guidance, detract from the significance of the building and the reason for its listing. The criteria ensure that all additions and alterations are successfully accommodated within the heritage building. Where a heritage item is subject to a heritage order the written consent of the heritage protection authority will be required to carry out work in accordance with the provisions of section 193 of the Resource Management Act 1991.

Assessment Criteria

In determining the conditions to be imposed, if any, Council will have regard to the following criteria:

- 21.2.2.2 In respect of the building's exterior or a building's facade, if only that exterior feature is specifically listed:**

21.3 Discretionary Activities (Unrestricted)

Section 21.3 describes which activities are Discretionary Activities (Unrestricted) in respect of any listed heritage item. These rules are in addition to other area-based rules that apply to heritage items.

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. In all cases:

- where a heritage item is subject to a heritage order from a heritage protection authority, Council will notify the authority
- where a heritage item is registered by the New Zealand Historic Places Trust, Council will notify the Trust
- if demolition, removal or relocation is approved under this Rule an accurate photographic and architectural record of the Heritage Item will normally be required as a condition of consent.

21.3.1 The total or partial demolition, destruction or removal of any listed heritage area, building or listed facades or other listed elements of a building, object, or sites of significance to tangata whenua or other Maori, is a Discretionary Activity (Unrestricted).

Refer to definition of demolition or partial demolition in section 3.10.

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

This rule does not apply to the Mount Street Heritage Area. The rules in Appendix 1 apply.

21.3.1.1 In respect of any listed building or listed facade or significant element of a building:

With regard to the Bridal Track Heritage Area additional assessment criteria apply as set out in Appendix 2.

- the heritage significance of the building, facade or listed element of the building and whether there is any change in circumstance that has resulted in a reduction of the building, facade or listed element of the building's significance since the building was identified in the Plan
- whether the building, facade or listed element of the building can be economically adapted for re-use and the extent of any economic and other effects on the owner and occupier through retention of heritage features
- whether any alteration to the building, facade or listed element of the building can be made that retains the heritage significance of the building facade or listed element of the building while accommodating the objectives of the applicant
- whether the building, facade or listed element of the building poses a risk to life in the event of an earthquake
- whether the building, facade or listed element of the building can be relocated on or off the site and the impact that the relocation would have on the heritage significance of the building, facade or listed element of the building
- the effectiveness of other statutory and non-statutory methods available to ensure heritage protection while achieving the objectives of the applicant

This rule does not apply to the Chest Hospital Heritage Area (Lot 4, DP 316137). Rules 17.1.17 and 17.2.5 apply.

- **where the retention of the facade only of a listed building is proposed, whether the heritage value of the building has been greatly reduced and whether the facade is important to the urban design of the area.**

A consent to relocate a building, listed facade or object will have conditions stating that any activity must comply with the Heritage Provisions of the District Plan until such time as a plan change becomes operative to reschedule the building, listed facade or object in its new location.

Appendix 5 – Chest Hospital Heritage Area

For specific rules relating to the use of the Chest Hospital Heritage Area (Lot 4 DP 316137), refer to rules 17.1.17 and 17.2.5 in the Open Space rules chapter of the Plan.

Explanation

The former Chest Hospital site has been provided for as a Heritage Area to recognise its community and heritage values. Specifically, the Chest Hospital (built by the Wellington Hospital Board) has historic value for the insight it gives to the treatment of infectious diseases in the 1920s. Its architectural features such as sun porches and verandahs attached to wards are indicative of medical requirements that were current at the time. Other subsequent uses of the buildings have added to its historical interest. There is also technical value in the original fabric of the building; significant parts of which remain intact.

The Chest Hospital Heritage Area includes the former Hospital and associated buildings, as well as the area surrounding these buildings in Lot 4 DP 316137. The rules in this Appendix are the first point of reference for all activities and development in the Chest Hospital Heritage Area.

The Chest Hospital Heritage Area is zoned Open Space C, which reflects the open space nature of the site and its community use.

The effect of the zoning is that the Open Space Area rules (under Chapters 16 and 17) apply to the site in addition to the Heritage Area rules. Where any activity is allowed as a Permitted Activity under the Open Space C rules, but requires a resource consent under the Heritage Area rules or where resource consent is required under both the Heritage Area rules and Open Space C rules, the objectives, policies and rules applying in the Heritage Area will prevail.

The rules for the Chest Hospital Heritage Area are part of a package of measures that controls the effects from the use and development of this site. While the permitted activity rule allows for any use of the site to occur provided certain environmental conditions are met, there are other methods outside the Plan that also control the use of the site. These methods include landowner control (Council is landowner), lease agreements under the Local Government Act, and the Reserve Management Plan for the site. These controls will provide adequate control over the range of activities that occur on this site.

The boundary of the Chest Hospital Heritage Area aligns with Lot 4 DP 316137, as depicted below.



HERITAGE LIST: AREAS			
Location	Area	Map Ref	Symbol Ref
Alexandra Road	Chest Hospital Heritage Area: Former Chest Hospital site (as shown in the map in Appendix 5, Chapter 21), Lot 4 DP 316137.	6	23
Aro Street, 32-46, 39-45	Aro Valley Cottages	16	1
Bolton Street	Cemetery	17	2
Dixon Street	Dixon Street Steps	16/17	3
Glenmore Street	Botanic Gardens	11/17	5
Evans Bay Parade ²	Evans Bay Patent Slip Area; Wharf and Jetty (see Appendix 3 to Chapter 21 for details)	7	22
Jervois Quay	Post Office Square	17	16
Johnsonville/Ohariu	Old Coach Road	23	21
Kaiwharawhara	Bridle Track (refer Appendix 2, Chapter 21)	21	7
Lambton Quay to Upland Road	Cable Car Route	17	8
Lambton Quay to Boulcott Street	Plimmer Steps	17	9
MacDonald Crescent, cnr Willis Street and Dixon Street	St John's Church, Spinks Cottage	16	12
Masefield Way, 10, Karori	Garden	11	13
Molesworth Street	Parliament Grounds	17/18	14

HERITAGE LIST: BUILDINGS				
Street	Number	Building and Date of Construction (if known)	Map Ref	Symbol Ref
Abbott Street, cnr Kenya Street		All Saints Church 1928-29	21	378
Abbott Street	12	Arts and Crafts House 1941	21	379
Abel Smith Street	65-69	Wellington Education Board Building 1939	16	1
Abel Smith Street	66	House	16	2/1
Abel Smith Street	68	House 1898	16	2/2
Abel Smith Street	108	House 1897	16	3/1
Abel Smith Street	110	House	16	3/2
Abel Smith Street	112	House	16	3/3
Abel Smith Street	128	House 1898	16	4
Abel Smith Street	143-145	Houses 1899	16	5
Adelaide Road, cnr Drummond Street	114	Adelaide Hotel 1899	6	397
Adelaide Road	235	St James Church 1899	6	8
Adelaide Road	265	Former Alcohol and Drug Dependence Centre 1890s	6	7
Adelaide Road	493	Berhampore Flats 1938-40	6	398
Alexandra Road		Former Chest Hospital 1918-19 (<i>exterior and interior of the Hospital building, including the verandah, former Nurse's Home, associated covered walkway, and morgue, but excluding the central wing built in 1973, caretakers wing and gas utilities building</i>)	6	9
Allen Street	1-5	Warehouse 1907 (<i>front facade</i>)	16	10/1
Allen Street	2-12	Stock Exchange House (former) 1906-08	16	10/2