WELLINGTON CITY DISTRICT PLAN

PROPOSED PLAN CHANGE 22 – HAZARD (FAULT LINE) AREA REALIGNMENT AND RULES.

REVISED PROPOSED PLAN CHANGE 22 AS A RESULT OF RECOMMENDATIONS FROM HEARINGS COMMITTEE

14 April 2004

ALTERATIONS TO THE WELLINGTON CITY DISTRICT PLAN

Detailed below are the alterations to the Wellington City District Plan to incorporate changes to the Hazard (Fault Line) Area rules. To assist the understanding of the new provisions an annotated copy of the relevant rules are included at the end of this Appendix.

3.2 Information to be Submitted with an Application for a Resource Consent

1. **Add** a new section after 3.2.2.12 to read:

"3.2.2.13 Except for utilities less than $6m^2$ in area and a maximum height of 2m, where an application for a Land Use Consent is for a development within the Hazard (Fault Line) Area, the applicant must provide a geotechnical report and an engineering design report.

A geotechnical report will include, to Council's satisfaction, the results of relevant geotechnical investigations. The Council will determine the relevance of undertaking geotechnical assessments on a site by site basis in recognition that hazard related risks and the ability to investigate the hazard, vary within individual properties.

The engineering design report must detail additional engineering measures that will be adopted to mitigate potential adverse effects from a fault rupture hazard event."

3.10 Definitions

2. **Add** a new sentence to define Light Roof after the definition of "Lifelines" as follows:

> **"LIGHT ROOF:** means a roof with roofing material (cladding and any sarking), having a mass not exceeding 20kg/m^2 of roof area. Typical examples are steel, copper, and aluminium roof claddings of normal thickness, 6mm thick cellulose cement tiles, 6mm thick corrugated cellulose cement, and the like, without sarking."

3. **Add** a new sentence to define Light Wall Cladding after the definition of "Light Roof" as follows:

> **"LIGHT WALL CLADDING:** means a wall cladding having a mass not exceeding 30kg/m^2. Typical examples are weatherboards."

Objectives and Policies

4. **Delete** paragraphs two and three in the italicised explanatory statement of Policies 4.2.7.1, 6.2.6.1, 8.2.5.1, 10.2.4.1, 12.2.6.1, 13.13.5.1, and 14.2.7.1, and **add** the following two paragraphs after the first paragraph:

> *"Council's hazard management involves four phases – mitigation, preparedness, response and recovery. Mitigation is addressed through a combination of land use management within the District Plan and Building Act controls. Control can be exercised over some hazards to avoid the hazard (such as technological hazards), whereas other hazards such as fault rupture and ground shaking from earthquakes are unavoidable. However, the risk to life from these unavoidable hazards can be reduced with appropriate mitigation measures.*
>
> *Not everyone is able to respond to an event in the same way. Portions of the population (due to factors such as age, health and income) may be less able to cope with an emergency and are more vulnerable. Certain high-intensity land uses (such as public assembly sites, schools, high rise housing) may also increase the hazard risk."*

Chapter 5 – Residential Area Rules

Rule 5.1.3 *(Permitted Activity Rule)*

5. After the third bullet point in Rule 5.1.3.1 **add** a new bullet point:

> ∉no more than one household unit shall be permitted on any part of a site that is within the Hazard (Fault Line) Area

6. **Amend** Rule 5.1.3.7 (Residential buildings within a Hazard (Fault Line) Area) by replacing the words 'shall be specifically designed to the requirements of

New Zealand Standard 4203:1992 "Code of Practice for General Structural Design and Design Loadings for Buildings' with the following words:

> ***"****be built with a light roof and light wall cladding."*

7. **Delete** paragraph 6 in the italicised explanatory statement of Rule 5.1.3 and **replace** with the following paragraph:

> *"The restrictions on residential buildings within the Hazard (Fault Line) Area is intended to promote the safety and welfare of both occupiers and neighbours by reducing the risk of building failure following a fault rupture."*

Rule 5.2.4 *(Controlled Activity)*

8. After the words 'Except where covered by Rule 5.3.10' in Rule 5.2.4 **add** the following words:

> "and Rule 5.4.9"

Rule 5.3.4 *(Discretionary (Restricted) Activity)*

9. **Insert** the words "in the circumstances where Rule 5.4.9 applies" at the start of the third bullet point

10. **Delete** the second sentence of the second paragraph of the italicised explanatory statement for Rule 5.3.4 and **replace** with the following words:

> *"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."*

Rule 5.3.6 *(Discretionary (Restricted) Activity)*

11. **Delete** the existing paragraph under the Standards and Terms for Rule 5.3.6 and **replace** with the following words:

> "All buildings must meet all conditions in rules 5.1.3.2-5.1.3.6 and 5.1.3.9 unless consent is concurrently sought and granted for condition(s) not met. Applications for two or more household units on any part of a site that is within the Hazard (Fault Line) Area must be assessed under Rule 5.4.9 for multi-unit development within a Hazard (Fault Line) Area."

12. **Add** the words 'and neighbours.' at the end of existing assessment criteria 5.3.6.3

13. After the existing assessment criterion 5.3.6.3 **add** the following additional assessment criteria:

"5.3.6.4 Whether the development is located in the *fault rupture hazard area*, and the extent to which the siting and layout of the development will reduce the effects of fault rupture on the safety of occupiers and neighbours.

5.3.6.5 The extent to which a geotechnical report and an engineering design report shows that the risk of building failure following a fault rupture can be reduced to minimise the effects of fault rupture on the safety of occupiers and neighbours."

14. **Insert** the following words in bold italics in the right hand margin adjacent the assessment criteria in Rule 5.3.6:

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

15. **Delete** the existing italicised explanatory statement for Rule 5.3.6 and **replace** with the following five paragraphs:

"Limitations have been imposed on developments in the Hazard (Fault Line) Area to promote safety. Alternative building forms may be considered as a Discretionary (Restricted) Activity where considered acceptable and where safety is not compromised.

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

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

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

RULE 5.3.10 *Discretionary Activity (Restricted)*

16. After the word "except" in the sixth line of the rule, **insert** the words "in the circumstances where Rule 5.4.9 applies"

Rule 5.4 *Discretionary Activity (Unrestricted)*

17. **Add** a new rule after Rule 5.4.8 as follows:

5.4.9 The construction, alteration of, and addition to residential buildings, where the result will be two or more household units on any part of a site within the Hazard (Fault Line) Area, is a Discretionary Activity (Unrestricted).

Standards and Terms

All activities, buildings and structures must meet the following 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.

Assessment Criteria

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

5.4.9.1 The design guides for Multi-unit Development.

5.4.9.2 The extent to which the building height or construction type can be varied without jeopardising the safety of occupiers and neighbours. Council will seek to ensure all developments have light roofs and light wall cladding or appropriate alternatives.

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

5.4.9.3 Whether the development is located in the *fault rupture hazard area*, and the extent to which the siting and layout of the development will reduce the effects of fault rupture on the safety of occupiers and neighbours.

5.4.9.4 The extent to which a geotechnical report and an engineering design report shows that the risk of building failure following a fault rupture can be reduced to minimise the effects of fault rupture on the safety of occupiers and neighbours.

Multi unit residential development within the Hazard (Fault Line) Area may be acceptable in some circumstances. Light roof and light wall cladding is considered to withstand the effects of fault rupture better than other construction materials.

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

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

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

Chapter 7 – Suburban Centre

18. **Add** a new rule after Rule 7.3.8 as follows:

7.3.9 The construction, alteration and addition to buildings or structures exceeding a gross floor area of 30m^2 within a Hazard (Fault Line) Area is a Discretionary Activity (Restricted) in respect of:

7.3.9.1 the location and type of buildings or structures.

Non-notification

The written approval of affected persons will not be necessary in respect of item 7.3.9.1 and applications need not be notified.

Standards and Terms

This activity must comply with the conditions specified in rule 7.1.1 and 7.1.2 unless consents are concurrently sought and granted under rules 7.3.2 for those conditions that are not met.

Assessment Criteria

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

7.3.9.2 The extent to which a geotechnical report and an engineering design report shows that the risk of building failure following a fault rupture can be reduced to minimise the effects of fault rupture on the safety of occupiers and neighbours.

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

Limitations have been imposed on developments in fault zones to reduce development intensity and promote safety.

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

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

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

Chapter 13 – Central Area

Rule 13.3 *(Discretionary (Restricted) Activity)*

19. **Delete** the words 'Any activity involving the erection of buildings or structures' from the beginning of Rule 13.3.5 and **replace** with the following words:

> "The construction, alteration of, or addition to buildings and structures exceeding a gross floor area of $30m^2$"

20. **Delete** the words in existing assessment criterion 13.3.5.2 and **replace** with the following words:

> "The extent to which a geotechnical report and an engineering design report shows that the risk of building failure following a fault rupture can be reduced to minimise the effects of fault rupture on the safety of occupiers and neighbours."

21. **Insert** the following words in bold italics in the right hand margin adjacent the assessment criteria in Rule 13.3.5:

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

22. After the existing paragraph in the italicised explanatory statement for Rule 13.3.5, **add** the following three paragraphs:

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

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

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

Chapter 13B – Te Ara Haukawakawa Precinct

Rule 13.16 *(Discretionary (Restricted) Activity)*

23. **Delete** the words 'Any activity involving the erection of buildings or structures' from the beginning of Rule 13.16.7 and **replace** with the following words:

> "The construction, alteration of, or addition to buildings and structures exceeding a gross floor area of $30m^2$"

24. **Delete** the words in existing assessment criterion 13.16.7.2 and **replace** with the following words:

> "The extent to which a geotechnical report and an engineering design report shows that the risk of building failure following a fault rupture can be reduced to minimise the effects of fault rupture on the safety of occupiers and neighbours."

25. **Insert** the following words in bold italics in the right hand margin adjacent the assessment criteria in Rule 13.16.7:

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

26. After the existing paragraph in the italicised explanatory statement for Rule 13.16.7, **add** the following three paragraphs:

> *"The fault rupture hazard area is a narrower zone within the wider Hazard (Fault Line) Area. As the fault is expected to rupture within this narrower zone, it is desirable to avoid locating new structures and buildings in this zone.*
>
> *The Hazard (Fault Line) Area extends beyond the fault rupture hazard zone because of inherent uncertainties associated with fault rupture. Engineering measures should also be applied to buildings in this wider hazard area to reduce the effects of a fault rupture.*
>
> *The provision of site-specific geotechnical and engineering design reports carried out by experts will assist the Council to assess the adverse effects arising from the fault rupture hazard for the development site and how those effects can be minimised."*

Chapter 17 – Open Space

Rule 17.3 *(Discretionary (Unrestricted) Activity)*

27. **Add** a new assessment criterion after assessment criterion 17.3.2.8 as follows:

> "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.*

Chapter 19 – Conservation Sites

Rule 19.4 *(Discretionary (Unrestricted) Activity)*

28. **Add** a new assessment criterion after assessment criterion 19.4.1.6 as follows:

> "19.4.1.7 *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.*

ALTERATIONS TO THE WELLINGTON CITY DISTRICT PLAN PLANNING MAPS

Proposed Plan Change 22 Maps 1-3 on the following pages show the proposed new alignment of the Wellington Fault. These maps, if approved as part of the Operative District Plan, would replace the existing Hazard (Fault Line) Area on Maps 11, 15, 17 and 18 of the Planning Maps.

In addition, a new set of maps showing the Hazard (Fault Line) Area at a scale of 1:4000 will be added to the maps. These maps will show the Fault Rupture Hazard Area and the Buffer Area.

WELLINGTON CITY PROPOSED DISTRICT PLAN CHANGE 22 – WELLINGTON FAULT HAZARD MANAGEMENT

ANNOTATED PROVISIONS OF THE OPERATIVE DISTRICT PLAN INCLUDING RPOPOSED PLAN CHANGE 22 PROVISIONS

Deletions are struck out and the new or amended provisions are underlined.

3.2 Information to be Submitted with an Application for a Resource Consent

Add a new information requirement after provision 3.2.2.12:

3.2.2.13 Except for utilities less than $6m^2$ in area and a maximum height of 2m, where an application for a Land Use Consent is for a development within a Hazard (Fault Line) Area, the applicant must provide a geotechnical report and an engineering design report.

A geotechnical report will include, to Council's satisfaction, the results of relevant geotechnical investigations. The Council will determine the relevance of undertaking geotechnical assessments on a site by site basis in recognition that hazard related risks and the ability to investigate the hazard, vary within individual properties.

The engineering design report must detail additional engineering measures that will be adopted to mitigate potential adverse effects from a fault rupture hazard event.'

3.10 Definitions

…

LIFELINES: means those services, linkages and infrastructure which the community depends on to function and develop. These include water supply, drainage (sanitary and stormwater), gas, electricity, telecommunications, broadcasting, transport (road, rail, sea and air), fire, police, and ambulance.

LIGHT ROOF: means a roof with roofing material (cladding and any sarking), having a mass not exceeding 20kg/m^2 of roof area. Typical examples are steel, copper, and aluminium roof claddings of normal thickness, 6mm thick cellulose cement tiles, 6mm thick corrugated cellulose cement, and the like, without sarking.

LIGHT WALL CLADDING: means a wall cladding having a mass not exceeding 30kg/m^2. Typical examples are weatherboards.

LINE: as used in Part 23 of the Plan: Utility Rules means a wire or wires or a conductor of any kind (including a fibre optic or other cable) used or intended to be used for telecommunication; or the conveyance of electricity and includes any pole, support structure, pole mounted transformer, overhead substation, insulator, casing, minor fixture, tunnel or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any such wire or conductor; and also includes any part of a line. Any reference to 'overhead line' includes any line above ground.

LOADING AREA: means that part of a site within which all vehicle loading facilities required under this Plan or otherwise provided, are accommodated and includes all loading spaces and manoeuvring areas.

…

Objectives and Policies

Amend the explanation for Policies 4.2.7.1, 6.2.6.1, 8.2.5.1, 10.2.4.1, 12.2.6.1, 13.13.5.1, and 14.2.7.1, as follows:

Identify the hazards that pose a significant threat to Wellington and ensure that areas of significant potential hazard are not occupied or developed for vulnerable uses or activities.

METHODS

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

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

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

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

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

Chapter 5 – Residential Area Rules

Rule 5.1.3.1 *(Permitted Activity Rule)*

5.1.3 The construction, alteration of, and addition to, residential buildings, including accessory buildings, is a Permitted Activity (except in residential character areas or on a legal road) provided the new building or the new part of the building 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

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

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

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

For Capital Coast Health Land, Newtown refer to Appendix 19

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 and Mt Victoria (shown in Appendix 9) no more than 1 household unit shall be permitted on any site
- in the Oriental Bay Height Area (shown in Appendix 4) there shall be no limit to the number of household units

A no more than one household unit shall be permitted on any part of a site that is within the Hazard (Fault Line) Area

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.

5.1.3.7 Residential buildings within a Hazard (Fault Line) Area.

In any Hazard (Fault Line) Area, residential buildings shall have a maximum height of 8m and ~~shall be specifically designed to the requirements of New Zealand Standard 4203:1992 'Code of Practice for General Structural Design and Design Loadings for Buildings'~~ *be built with a light roof and light wall cladding.*

Explanatory text for Rule 5.1.3

The essential visual character of particular neighbourhoods is determined by the bulk and location of residences and the amount of open space around them.

The rules which apply to residential buildings are designed to ensure that development can proceed with minimum restriction while the primary visual character of residential neighbourhoods is maintained. The standards have been varied in neighbourhoods where special provisions such as Design Guides apply.

Sunlight access provisions allow a reasonable amount of sunshine to reach neighbouring sites by requiring the location of development away from boundaries. Less restrictive sunlight access provisions apply in the inner-city residential areas where the encouragement of existing building forms is also a consideration.

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

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

The restrictions on residential buildings within the Hazard (Fault Line) Area is intended to promote the safety and welfare of both occupiers and neighbours by reducing the risk of building failure following a fault rupture.

~~*Buildings within identified fault line Hazard Areas have been restricted in terms of height and construction type as a means of reducing development intensity and promoting safety in these areas.*~~

Residential buildings have been controlled in the Porirua Stream catchment to prevent as much as possible any increase in the flooding hazard.

In Residential Areas any new residential building, including additions must be located further than 30 metres from high voltage transmission lines as defined on the Planning Maps (refer to Policy 4.2.11.3).

Rule 5.2.4 *(Controlled Activity)*

5.2.4 Except where covered by rule 5.3.10 and 5.4.9, the construction, alteration of and addition to residential buildings (including accessory buildings) in that part of the Inner Residential Area identified in Appendix 8 where the result will be two household units on any site is a Controlled Activity in respect of:

5.2.4.1 the streetscape character.

Non-notification

The written approval of affected persons will not be necessary in respect of item 5.2.4.1 and applications need not be notified.

Standards and Terms

This activity must comply with all the conditions specified for activities in rules 5.1.1 and 5.1.3 (except 5.1.3.1). If the activity exceeds the conditions for Permitted Activities in Rules 5.1.1 and 5.1.3 then Rules 5.3.1 and 5.3.3 shall apply.

Assessment Criteria

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

5.2.4.2 The extent to which the proposal meets the Character provisions of the Multi-unit Design Guide.

Within the Inner Residential Areas identified in Appendix 8 two unit multi-unit developments have been made a Controlled Activity to enable the effects on streetscape character to be assessed.

The Inner Residential Area around the city retains high concentrations of original housing stock which is important in projecting the image of typical inner city residential development and maintaining the identity of the city as a whole. Council seeks to maintain and enhance these areas of local character by ensuring that two unit developments are sensitive to established streetscape patterns.

Rule 5.3.4 *(Discretionary (Restricted) Activity)*

5.3.4 Except:

- **in the area shown in Appendix 9 (Thorndon and Mt Victoria)**
- **in the Thorndon and Mt Victoria North Character Areas;**
- **in the circumstances where Rule 5.4.9 applies in a Hazard (Fault Line) Area**
- **inside the airnoise boundary depicted on Map 35**

For Capital Coast Health Land, Newtown refer to Appendix 19

the construction, alteration of, and addition to residential buildings, including accessory buildings, 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

The activity must comply with the relevant conditions specified for activities in rules 5.1.1 and 5.1.3. If the activity exceeds the conditions for a Permitted Activity in Rules 5.1.1 and 5.1.3 (except 5.1.3.1) then Rules 5.3.1 and 5.3.3 shall apply.

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 is excluded from sites within a Hazard (fault Line) Area to avoid more intensive development in these hazard areas.~~ 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.

Rule 5.3.6 *(Discretionary (Restricted) Activity)*

5.3.6 **Residential buildings within a Hazard (Fault Line) Area are Discretionary Activities (Restricted) if they do not comply with the conditions for Permitted Activities in respect of:**

5.3.6.1 **building height**

5.3.6.2 **construction type.**

Non-notification

The written approval of affected persons will not be necessary in respect of items 5.3.6.1 and 5.3.6.2 and applications need not be notified.

Standards and Terms

~~Except for the matters specified in rule 5.3.6 this activity must comply with all the conditions specified for activities in rules 5.1.1 and 5.1.3.~~

~~The conditions specified in rule 5.1.3.6 may be waived totally~~.

"All buildings must meet all conditions in rules 5.1.3.2-5.1.3.6 and 5.1.3.9 unless consent is concurrently sought and granted for condition(s) not met. Applications for two or more household units on any part of a site that is within the Hazard (Fault Line) Area must be assessed under Rule 5.4.9 for multi-unit development within a Hazard (Fault Line) Area."

Assessment Criteria

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

5.3.6.3 *The extent to which the building height or construction type can be varied without jeopardising the safety of occupiers and neighbours.*

5.3.6.4 *Whether the development is located in the fault rupture hazard area, and the extent to which the siting and layout of the development will reduce the effects of fault rupture on the safety of occupiers and neighbours.*

5.3.6.5 *The extent to which a geotechnical report and an engineering design report shows that the risk of building failure following a fault rupture can be reduced to minimise the effects of fault rupture on the safety of occupiers and neighbours.*

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

~~*Limitations have been imposed on developments in fault zones to reduce the intensity of development and to promote safety. Acceptable building forms may be considered as a Discretionary Activity.*~~

Limitations have been imposed on development in the Hazard (Fault Line) Area to promote safety. Alterative building forms may be considered as a Discretionary (Restricted) Activity where considered acceptable and where safety is not compromised.

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

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

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

5.3.10 In the area shown in Appendix 9 (Thorndon and Mt Victoria), and in the Thorndon Character Area, the construction, alteration of and addition to residential buildings, including accessory buildings, where the result will be two or more household units on any site is a Discretionary Activity (Restricted), except in the circumstances where rule 5.4.9 applies in a Hazard (Fault Line) Area, in respect of:

5.3.10.1 design, external appearance and siting

5.3.10.2 site landscaping

5.3.10.3 parking and site access.

Standards and Terms

This activity must comply with the conditions specified for activities in rule 5.1.1 and rule 5.1.3.6 unless consents are concurrently sought and granted under rule 5.3.1 and/or rule 5.3.3 in respect of any non-compliance. For the avoidance of doubt conditions 5.1.3.2, 5.1.3.3, 5.1.3.4 and 5.1.3.5 of the Permitted Activity rule 5.1.3 do not apply.

Non-notification

The written approval of affected persons will not be necessary in respect of items 5.3.10.1 – 5.3.10.3 and applications need not be notified except where the Rules 5.1.3.2, 5.1.3.3, 5.1.3.4 and 5.1.3.5 are not met. Where this occurs the presumption towards non-notification will not apply.

Assessment Criteria

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

5.3.10.4 The Design Guide for Multi-unit Development (particular attention will be paid to area specific Appendices).

5.3.10.5 The relevant character area design guide.

In respect of development in the Mt Victoria North Character Area the Multi-unit Design Guide shall be the predominant document. In respect of development in the Thorndon Character Area the Thorndon Character Area Design Guide shall be the predominant document.

5.3.10.6 Where rules 5.1.3 for yards, site coverage, building height and sunlight access are not met and the written approval of any affected person has not been obtained, whether new building work will cause significant loss of sunlight, daylight or privacy to adjoining sites.

Both Thorndon and Mt Victoria have a distinctive character which makes a significant contribution to the identity of the City.

While not precluding renewal and redevelopment the Council is concerned to ensure that new multi-unit residential buildings in Thorndon and Mt Victoria are well designed and respect the predominant patterns.

For this reason multi-unit development has been made a Discretionary Activity (Restricted) and no specific building standards and terms apply to multi-unit development in these areas. This is to enable proposals to be assessed against design guidance tailored specifically for each area and to ensure that common development patterns are maintained. The purpose of the design guides is not to impose specific

design solutions but to identify design principles that will promote better development and enhance Mt Victoria and Thorndon. The presumption towards non-notification will not apply for proposals which exceed the permitted rules (Rule 5.1.3) such as building height, site coverage, sunlight access and yards. Such proposals will only be non-notified if they meet the conditions of section 94(2) of the Resource Management Act.

Rule 5.4 *Discretionary Activity (Unrestricted)*

Add new Rule 5.4.9 as follows:

5.4.9 The construction, alteration of, and addition to residential buildings, where the result will be two or more household units on any part of a site within the Hazard (Fault Line) Area, is a Discretionary Activity (Unrestricted).

Standards and Terms

All activities, buildings and structures must meet the following 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.

Assessment Criteria

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

5.4.9.1 The design guides for Multi-unit Development.

5.4.9.2 The extent to which the building height or construction type can be varied without jeopardising the safety of occupiers and neighbours. Council will seek to ensure all developments have light roofs and light wall cladding or appropriate alternatives.

5.4.9.3 Whether the development is located in the *fault rupture hazard area*, and the extent to which the siting and layout of the development will reduce the effects of fault rupture on the safety of occupiers and neighbours.

5.4.9.4 The extent to which a geotechnical report and an engineering design report shows that the risk of building failure following a fault rupture can be reduced to minimise the effects of fault rupture on the safety of occupiers and neighbours.

Multi unit residential development within the Hazard (Fault Line) Area may be acceptable in some circumstances. Light roof and light wall cladding is considered to withstand the effects of fault rupture better than other construction materials.

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

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

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

Chapter 7 – Suburban Centre

Add new Rule 7.3.9 as follows:

7.3.9 The construction, alteration and addition to buildings or structures exceeding a gross floor area of 30m^2 within a Hazard (Fault Line) Area is a Discretionary Activity (Restricted) in respect of:

7.3.9.1 the location and type of buildings or structures.

Non-notification

The written approval of affected persons will not be necessary in respect of item 7.3.9.1 and applications need not be notified.

Standards and Terms

This activity must comply with the conditions specified in rule 7.1.1 and 7.1.2 unless consents are concurrently sought and granted under rules 7.3.2 for those conditions that are not met.

Assessment Criteria

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

7.3.9.2 The extent to which a geotechnical report and an engineering design report shows that the risk of building failure following a fault rupture can be reduced to minimise the effects of fault rupture on the safety of occupiers and neighbours.

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

Limitations have been imposed on developments in fault zones to reduce development intensity and promote safety.

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

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

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

Chapter 13 – Central Area

Rule 13.3 *(Discretionary (Restricted) Activity)*

Amend Rule 13.3.5 as follows:

13.3.5 ~~**Any activity involving the erection of buildings or structures**~~ **The construction, alteration of, or addition to buildings and structures exceeding a gross floor area of 30m^2 within a Hazard (Fault Line) Area is a Discretionary Activity (Restricted) in respect of:**

13.3.5.1 the location and type of buildings or structures.

Non-notification

The written approval of affected persons will not be necessary in respect of item 13.3.5.1 and applications need not be notified.

Standards and Terms

This activity must comply with the conditions specified in rule 13.1.1 and 13.1.2 unless consents are concurrently sought and granted under rules 13.3.1 and 13.3.2 for those conditions that are not met.

Assessment Criteria

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

13.3.5.2 The extent to which a geotechnical report and an engineering design report shows that the risk of building failure following a fault rupture can be reduced to minimise the effects of fault rupture on the safety of occupiers and neighbours. ~~Whether the applicant has proven, through the use of an engineering design report, that any structure will perform safely under hazard conditions for the life of the structure.~~

Limitations have been imposed on developments in fault zones to reduce development intensity and promote safety.

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

Refer to Rule 3.2.2.13 for information on geotechnical and engineering design

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

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

Chapter 13B – Te Ara Haukawakawa Precinct

Rule 13.16 *(Discretionary (Restricted) Activity)*

15. **Amend** Rule 13.16.7 as follows:

13.16.7 ~~**Any activity involving the erection of buildings or structures**~~ **The construction, alteration or, or additiona to buildings and structures exceeding a gross floor area of 30m^2 within a Hazard (Fault Line) Area is a Discretionary Activity (Restricted) in respect of:**

13.16.7.1 the location and type of buildings or structures.

Non-notification

The written approval of affected persons will not be necessary in respect of item 13.16.7.1 and applications need not be notified.

Standards and Terms

This activity must comply with all relevant conditions specified for activities in rule 13.14.1 and buildings and structures in rule 13.14.2 unless consents are concurrently sought and granted under rules 13.16.1 and 13.16.2 for those conditions that are not met.

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will be guided by the following criteria:

13.16.7.2 The extent to which a geotechnical report and an engineering design report shows that the risk of building failure following a fault rupture can be reduced to minimise the effects of fault rupture on the safety of occupiers and neighbours. ~~Whether buildings or structures on the site will be safe for the life of the building or structure. Within the Hazard (Fault Line) Areas, Council generally seeks a 20 metre separation distance for buildings or structures from a faultline.~~

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

Limitations have been imposed on developments in Hazard (Fault Line) Areas to reduce development intensity and promote safety.

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

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

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

Chapter 17 – Open Space

Rule 17.3 *(Discretionary (Unrestricted) Activity)*

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).

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.

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).

Chapter 19 – Conservation Areas

Rule 19.4.1 *(Discretionary (Unrestricted) Activity)*

19.4.1 Any activity which is not a conservation activity and which is not otherwise specified as a Permitted, Controlled or Discretionary (Restricted) Activity, and any building or structure (except fences less than 2 metres in height) is a Discretionary Activity (Unrestricted).

Assessment Criteria

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

19.4.1.1 The need for the activity or structure for the maintenance or enhancement of the ecological values of the site.

19.4.1.2 The extent to which the ecological values of the site are adversely affected.

19.4.1.3 The effect of the activity, building or structure on adjoining areas.

19.4.1.4 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.

19.4.1.5 The extent to which any activity, building or structure would impact on prominent or visually sensitive situations, including the coastal marine area, ridgelines, cliffs, escarpments and waterbodies.

19.4.1.6 The extent to which the structure or activity affects current or future access to the site and the amenity values of the site.

19.4.1.7 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.

Conservation Sites identify part of our natural heritage and therefore Council wishes to protect the ecological values associated with Conservation Sites. In general, non-conservation activities will be assessed as Discretionary (Unrestricted) Activities. However, some non-conservation activities are otherwise provided for as Permitted, Controlled, or Discretionary (Restricted) Activities. The construction, alteration of, and addition to all buildings and structures, except permitted fences are also Discretionary (Unrestricted). These activities will be closely scrutinised to ensure that they do not undermine the ecological significance of the site, or unduly affect access or other values of the site or adjoining areas.

Chapter 23 – Utilities

Rule 23.2.1 (Controlled Activity)

23.2.1	**Utility structures situated above ground not being Permitted Activities are Controlled Activities in all Areas of the City (with the exception of land which is not on a formed legal road or accessway within Open Space B and C Areas or Conservation Sites, or where the site is, or contains a listed heritage item) in respect of:**
23.2.1.1	**siting**
23.2.1.2	**design and external appearance**
23.2.1.3	**safety**
23.2.1.4	**measures to mitigate the effects of any hazard event when located in a Hazard Area.**

Non-notification

The written approval of affected persons will not be necessary in respect of Items 23.2.1.1, 23.2.1.2, 23.2.1.3 and 23.2.1.4 and applications need not be notified.

Standards and Terms

Under this rule the footprint of a utility structure must not exceed 20m^2 in area and the height must not exceed 3.5m above ground except:

- where a utility structure is located on a building it must not exceed 12m^2 in area and the height of the structure must not exceed 3m (which is the measurement of the utility structure itself rather than the building or the height above ground) except that the height above ground (measured at the top of the utility structure) must not exceed the permitted building height for the Area, or the highest part of the building (whichever is the greater).

Assessment Criteria

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

23.2.1.5 The extent to which utility structures can be co-sited with similar utility structures or other buildings to avoid, remedy or mitigate their visual impact.

23.2.1.6 The extent to which utility structures can be sited so that they are screened from view.

23.2.1.7 The extent to which utility structures can be sited to avoid, remedy or mitigate the overshadowing of residential properties or public spaces.

23.2.1.8 The extent to which utility structures can be sited to avoid, remedy or mitigate the impact on views, particularly harbour views. Council seeks to protect views on the seaward side of:

Oriental Parade
Evans Bay Parade
Shelly Bay Road
Massey Road
Karaka Bay Road
Owhiro Bay Road
Palliser Road

Grafton Road
Hornsey Road
Dunedin Road
Sutherland Road
Thane Road
The Crescent
Northland Road from the tunnel to Governor Road

23.2.1.9 The extent to which the siting of utility structures will affect streetscape amenities. Council discourages utility structures on open berms or on streets where the removal of existing trees or other significant vegetation would be necessary.

23.2.1.10 Whether structures are designed in a way that will maintain the character of the area or street in which it is located. Designs should reflect elements such as roof pitch and materials of buildings in the immediate locality. Special consideration should be given to design near heritage sites or character areas.

23.2.1.11 Whether utility structures comply with New Zealand Standard NZS2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz (or subsequent amendments).

23.2.1.12 Whether the safety and convenience of road users, including pedestrians, will be maintained.

23.2.1.13 Where a utility structure is located within a Hazard Area whether measures have been taken into account to mitigate the effects of any hazard event.

23.2.1.14 The extent to which any of the above criteria are constrained by operational or technical issues.

Refer to section 3.2.2.13 for further information

23.4 Discretionary Activities (Unrestricted)

Section 23.4 describes which activities are Discretionary Activities (Unrestricted) in all 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.

23.4.1 Antennas, masts (with or without associated antennas, aerials and utility network apparatus) and utility structures including water reservoirs, not specifically provided for as Permitted, Controlled or Discretionary Activities (Restricted) or that do not meet the conditions or standards and terms for Permitted, Controlled or Discretionary Activities (Restricted) are Discretionary Activities (Unrestricted) in all areas.

Assessment Criteria

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

23.4.1.1 Whether the size and scale of the proposal is generally compatible with other development in the area. More substantial structures may be acceptable in circumstances where:

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

Council seeks to ensure that structures located in or visible from Residential Areas are not obtrusively visible.

23.4.1.2 The degree to which the utility structure, mast or antenna is appropriately located. Wellington's hilly terrain imposes constraints on the siting of some utilities but structures are generally discouraged on prominent ridgelines and hilltops. Where ridgeline or hilltop locations are necessary, Council encourages the co-siting of utilities to help reduce the effect on visual amenities. The siting of utilities away from Residential or Open Space Areas will also be generally supported to protect the amenities of these areas.

23.4.1.3 With regard to water reservoirs, the extent to which they can be sited to harmonise with the natural or built features of the area in which they are situated, by one or more of the following means:

- burying the reservoir
- partial or complete backfilling of reservoir walls
- screening using mounding
- locating the reservoir so that it is not visible from a Residential Area.

23.4.1.4 Where the above treatments are not possible for hydraulic, topographical or other reasons, the extent to which impacts will be avoided, remedied or mitigated through:

- appropriate screening and/or planting
- colour treatment to reduce visual dominance; and/or
- design modifications such as domed roofs where reservoirs are situated on hills.

23.4.1.5 The extent to which the utility can be designed to reflect the form of development in the immediate locality. Where practicable, Council expects the design of structures to reflect elements such as roof pitch and materials of buildings in the vicinity. Special consideration should be given to design near heritage sites or character areas. Where structures are proposed to be sited on the top of a building, they should be designed or screened so that they form an integral part of the total building design.

23.4.1.6 The extent to which any utility will be hazardous or otherwise affect people's health or safety. Appropriate separation distances will be considered for the siting of such utilities. Where relevant, Council seeks compliance with Codes of Practice or New Zealand Standards.

23.4.1.7 In respect of noise, dust, lighting and electromagnetic radiation, the extent to which noise emissions, dust nuisance, lighting glare and electromagnetic effects will be intrusive. Council will seek to ensure the best practicable option is used to mitigate such effects and that any adverse effects are minor.

23.4.1.8 Where a utility structure is located within a Hazard Area the extent that measures are taken to mitigate the effects of any hazard event.

23.4.1.9 In respect of heritage items whether the heritage significance of the area or site is affected by the construction or placement of the utility structure, mast or antennas.

23.4.1.10 The extent to which any of the above criteria are constrained by operational or technical issues.

Refer to section 3.2.2.13 for further information