

Part C Appropriateness of policies and methods

The evaluation in the following sections indicates the extent to which the proposed policies, methods and rules contained in the Central Area Review are the most appropriate for achieving the District Plan's objectives.

Some of the operative provisions of the District Plan are proposed to be retained in their current form. The existing provisions are being retained on the basis that they remain appropriate. Some provisions have been retained with subtle changes to improve their effectiveness. The appropriateness of existing provisions was considered at the time of being included in the 'first generation' District Plan (in 1994). Implementation and monitoring of the District Plan has not indicated any notable deficiencies with these provisions. However, submissions and subsequent decisions on the notified chapter review may raise additional issues that will then be subject to further analysis as part of the evaluation under section 32 of the Act.

The District Plan has adopted a rule based regime, based on compliance with relevant environmental standards. This approach has been thoroughly considered though the plan preparation, submission and hearing process when the operative District Plan was originally notified. For this reason it is not proposed to reconsider the merits of this approach in this report.

Other provisions are entirely new or amend existing operative provisions. The evaluation below discusses the new or substantially amended provisions in more depth.

Section 32 of the Act requires the appropriateness of the proposed policies, methods or rules to be examined in terms of achieving the objectives of the District Plan. In examining the policies and methods, regard should be had to their effectiveness and efficiency. The benefits, costs and relevant risks associated with the provisions are also examined.

For your guidance – structure of Part C:

- **The following analysis of provisions is structured around each objective** (which is highlighted in a grey shaded box at the beginning of each section). The numbering of the objectives reflects the numbering in Proposed Plan Change 48.
- The set of policies and methods proposed to achieve each objective is listed (in a white box) under the relevant objective at the beginning of each section. **Proposed changes to existing policies, or entirely new policies are underlined**; whereas existing operative policies are not underlined.
- An individual analysis of each group of policies and methods proposed to achieve the relevant objective follows on under each objective.

For more significant changes an indepth analysis of the different options examined is provided, whereas for matters largely remaining unchanged the options are more briefly canvassed.

3. Achieving efficient use and development of resources

The provisions proposed to achieve the following objective are listed below:

12.2.1 To enhance the Central Area's natural containment, accessibility and highly urbanised environment by promoting the efficient use and development of natural and physical resources.

3.1 Proposed policies and methods

12.2.1.1 Maintain and enhance the compact, contained physical character of the Central Area.

12.2.1.2 Contain Central Area activities and development within the Central Area.

METHOD

- Planning Maps
- Rules

3.1.1 Existing provisions proposed to be retained

The general premise of containing 'Central Area activities and development' within the Central Area zone is proposed to be retained. Some very minor changes to the wording are, however, proposed as noted.

3.1.2 Proposed changes to provisions to achieve the above objective

The main change to the existing approach is to ensure that policies are clear that containing the Central Area has two components:

- Containing activities and development within the Central Area, and
- Containing the spatial extent of the Central Area.

To reflect this a new policy is proposed to ensure the compact character of the Central Area is maintained. Proposed minor wording changes to the existing policy to 'contain activities and development' now refer to the 'Central Area' as opposed to 'a defined boundary'.

3.2 Removal of the Central Area boundary

3.2.1 Context – containing the Central Area within a boundary

The operative policy seeks to ‘*contain the Central Area... within a defined boundary*’ and is accompanied by a Central Area boundary line depicted on the planning maps. This approach reflects national, regional and district strategies and policies that promoted a compact urban form as an efficient approach to managing land use.

However, the Central Area boundary has not served all of the functions intended at the time it was included in the 1994 Proposed District Plan. As a result it is proposed to uplift the boundary and rely on the Central Area zoning as the means to contain the city centre. A new policy is also proposed (12.2.1.2) to reinforce containing activities and development, as well as the compact physical character of the city’s urban form.

3.2.2 Background to the Central Area boundary

The Central Area Boundary is the last remnant of an idea to develop character areas throughout the entire Central Area. In the late 80s and early 90s character areas had been developed for Cuba Street, Courtenay Place and the Civic Centre. The intention was that the character area approach would be extended to cover the entire Central Area as defined by the Central Area boundary.

However, the Thorndon Society didn’t support this approach because they did not believe that the character area controls would provide adequate protection to these residential enclaves, compared with the existing residential zoning. As a compromise these areas remained zoned as Inner Residential when the Plan was notified in 1994, but the Central Area Boundary line also remained in the Plan including the Residential Areas.

The initial intention to establish character areas right across the Central Area has not progressed as intended. While Variation 22 created what is effectively a ‘character area’ to cover the waterfront, similar provisions have not been applied to the remainder of the Central Area.

Also, because the Plan no longer refers to the Central Area Boundary in any rules, it is considered that there is no longer any reason to retain the Central Area Boundary.

3.2.3 The concept of a contained, compact city

The Central Area chapters are currently premised on the concept of containing the central city. This concept is reflected throughout the District Plan and remains relevant. Containment is a concept that is strongly linked to a mixed-use approach, as reflected in the Urban Development Strategy:

Wellington will have a contained urban form, with intensification in appropriate areas and mixed land-use, structured around a vibrant central city, key suburban centres and major transport corridors. (1.3)

The concept of a compact city is also linked to promoting a ‘walkable’ city centre, concentrating development around transport nodes, and enhancing the sustainability of commercial centres. Containment is also a concept that is intertwined with efficient development and in this way gives effect to relevant ‘built environment’ objectives and policies of the Regional Policy Statement (chapter 14.3).

Other strategic policy documents promoting the concept of containment include:

Table 3A

Document	Message – containment
Long Term Council Community Plan for the 2006/07-2015/16 period	<p>One of the long term outcomes for urban development is to be</p> <ul style="list-style-type: none"> ○ 'More compact' – 'Wellington will have a contained urban form, with intensification in appropriate areas and mixed land-use, structured around a vibrant central city, key suburban centres and major transport corridors.
Transport Strategy	<ul style="list-style-type: none"> ○ In relation to walking, the strategy notes the flatness and compact nature of the CBD as a strength.
Wellington Regional Policy Statement 1995, Chapter 14.3	<ul style="list-style-type: none"> ○ <i>Urban areas, the built environment and transportation systems are developed so that they, and their associated activities, use resources efficiently and demand for the use of finite resources is moderated (objective 1)</i> ○ <i>To use natural and physical resources efficiently in the development of urban areas and in use of the built environment by:</i> ○ <i>(1) Encouraging forms of urban development that reflect efficient use of resources</i>
Wellington – our sense of place: building a future on what we treasure, 2004	<ul style="list-style-type: none"> ○ Policy work on 'Wellington – our sense of place' identifies that Council will work to ensure a compact and integrated urban layout (see point 2)

The table below considers the cost and benefits of principle options considered during the preparation of the Central Area review.

Table 3B	1. Status quo	2. Clarify provisions	3. Weaken provisions
	<ul style="list-style-type: none"> Contain Central Area development within a defined Area boundary 	<ul style="list-style-type: none"> Contain Central Area development Contained, compact physical character 	<ul style="list-style-type: none"> Remove policies promoting containment
Appropriateness	<i>This approach is not recommended</i>	<i>This approach is recommended</i>	<i>This approach is not recommended</i>
Environmental costs	Concentrating activities within a contained location intensifies the potential adverse effects of those activities in that area.	Concentrating activities within a contained location intensifies the potential adverse effects of those activities in that area.	Allowing a wide range of activities to spread beyond the Central Area would result in associated adverse effects extending beyond that Area's boundary resulting in the inefficient use of resources (such as public transport) and key infrastructure.
Environmental benefits	Concentrating activities within a contained location contains the potential adverse effects of those activities in that localised area.	Concentrating activities within a contained location contains the potential adverse effects of those activities in that localised area.	Dispersing activities would likely result in adverse effects being dispersed.
Social costs	<p>The defined Central Area boundary serves little purpose over and above the existing zoning and is confusing where it includes Residential Areas.</p> <p>Containing activities within the city intensifies activities within an area that may be in conflict with one another, for example, in terms of competing amenity levels.</p>	Containing activities within the city intensifies activities within an area that may be in conflict with one another, for example, in terms of 'reverse sensitivity' between different Central Area uses.	<p>This approach would detract from accessibility within the city centre. The ability for people to combine a range of activities within a localised area, including their home, work and recreational activities, would likely diminish.</p> <p>Spread of Central Area activities into adjacent Residential Areas could detract from the character and amenity of suburbs.</p>
Social benefits	People are able to combine a range of activities within an area, including their home, work and recreational activities.	<p>The policy intent is clear that a compact physical character is sought, and that relates to the Central Area specifically (not adjacent Residential Areas).</p> <p>This approach enhances accessibility within the city centre. People are able to</p>	Dispersing activities would likely result in fewer conflicts between activities, for example, in terms of competing amenity levels.

Table 3B	1. Status quo <ul style="list-style-type: none"> Contain Central Area development within a defined Area boundary 	2. Clarify provisions <ul style="list-style-type: none"> Contain Central Area development Contained, compact physical character 	3. Weaken provisions <ul style="list-style-type: none"> Remove policies promoting containment
		<p>combine a range of activities within an area, including their home, work and recreational activities.</p> <p>Also, this approach maintains and enhances the Golden Mile. A highly urbanised, compact central area gives the city (and region) a commercial, social and economic heart.</p>	
Economic costs	In situations where a particular business can not find a site with desired characteristics, alternatives may be constrained because of the containment policy.	In situations where a particular business can not find a site with desired characteristics, alternatives may be constrained because of the containment policy.	<p>The viability of the city centre may be affected as commercial activities spread beyond the central city boundary. There may a loss in the economic benefit of co-location of different Central Area activities.</p> <p>There may be impacts on the level of use of public transport and therefore the benefits of funding public transport may decline.</p>
Economic benefits	Containing activities and development enhances the viability of the city centre.	Containing activities and development enhances the viability of the city centre due to increased connectivity and vitality, and benefits for businesses through co-location.	There would be more opportunity for commercial activities to locate in other areas. There may be site specific economic benefits such as lower land costs for activities that located outside the Central Area.
Risks if uncertain/insufficient info	--	--	--
Effectiveness and efficiency	While the general approach is generally efficient, it lacks effectiveness because the defined Central Area boundary serves little purpose over and above the existing	The proposed approach is generally effective and efficient.	This approach lacks effectiveness and efficiency.

Table 3B	1. Status quo <ul style="list-style-type: none"> • Contain Central Area development within a defined Area boundary 	2. Clarify provisions <ul style="list-style-type: none"> • Contain Central Area development • Contained, compact physical character 	3. Weaken provisions <ul style="list-style-type: none"> • Remove policies promoting containment
	zoning and is confusing where it includes Residential Areas.		

3.2.4 Conclusion

Having considered the options above, option 2 clarifies the intended approach towards development within the Central Area and, on the basis of its effectiveness and efficiency, is the most appropriate way to enhance the Central Area's natural containment, accessibility and highly urbanised environment by promoting the efficient use and development of natural and physical resources.

4. Achieving a vibrant, dynamic Central Area

12.2.2 To facilitate a vibrant, dynamic Central Area by allowing a wide range of activities to occur, provided that adverse effects are avoided, remedied or mitigated.

4.1 Proposed Policies and Methods

12.2.2.1 Encourage a wide range of activities within the Central Area by allowing most uses or activities provided that the standards specified in the Plan are satisfied.

12.2.2.2 Ensure that activities are managed to avoid, remedy or mitigate adverse effects in the Central Area or on properties in nearby Residential Areas.

12.2.2.3 To provide for temporary activities that contribute to the social, economic and cultural wellbeing of the community, and control the adverse effects of temporary activities in a manner that acknowledges their infrequent nature and limited duration.

12.2.2.4 Control the adverse effects of noise in the Central Area.

12.2.2.5 Ensure that appropriate on-site measures are taken to protect noise sensitive activities that locate within the Central Area from any intrusive noise effects.

METHODS

- Rules
- Other mechanisms (Enforcement, Sections 16 and 17 of the Act, through the management of use of roads and public spaces, Regional Air Quality Plan, Enforcement, WCC Bylaws)

4.1.1 Existing provisions proposed to be retained

The general approach to enable a wide range of activities within the Central Area subject to appropriate standards is proposed to be retained. This is supported by provisions to avoid, remedy or mitigate adverse effects in and around the Central Area, including a policy to control adverse noise effects.

4.1.2 Proposed changes to achieve the above objective

Monitoring of the effectiveness and efficiency of the District Plan and other research has indicated some deficiencies in the way existing provisions are achieving objectives to avoid, remedy and mitigate adverse effects. In response, the following changes are proposed:

- Clearer policies and methods for managing temporary activities
- Filling gaps in rules to control adverse noise effects, and to provide stronger policy about managing ‘noise sensitive activities’ (eg residential living)

4.2 Retaining existing policies and methods for ‘activities’

4.2.1 Context –enabling most activities subject to appropriate standards

The above provisions were evaluated at the time they were first introduced to the District Plan and are proposed to be retained in their current form. The provisions enable most activities to be carried out subject to standards to maintain an appropriate level of environmental quality.

4.2.2 Enabling a range of activities or mix of uses within the Central Area

Allowing a mix of uses to be carried out within the city centre is a principle of the Central Area chapters. This includes allowing residential living, retailing, office and commercial services, bars and other activities all within the same area (subject to conditions). The concept of ‘mixed use’ and associated diversity of activities is consistent with the policies and strategic direction of the city:

Table 4A

Document	Message – mixed use and diversity
Internationally Competitive Wellington, a sustainable economic growth framework for our region’, 2005 p 27	<ul style="list-style-type: none"> o Work on the Wellington Regional Strategy also refers to the importance of an ‘urban system’ that is able to adapt to change
Long Term Council Community Plan, 2006/06-2015/16	<p>Long term outcomes for the economic development:</p> <ul style="list-style-type: none"> o More competitive: Wellington will attract and retain an increasing diversity of vibrant, internationally competitive people, targeted investment, and businesses and industries of all sizes. o More prosperous: Wellington will have a strong and growing economy including a high-quality, innovative and diverse public sector. Wellington will offer a wide range of sustainable employment and business opportunities. o More compact: Wellington’s central city will be the premier and most rapidly growing specialty retail, entertainment, service and knowledge centre for the region
Urban Development Strategy, 2006	<ul style="list-style-type: none"> o More liveable: Wellington will be a great place to be, offering a variety of places to live, work and play within a high quality public environment. (1.1(a)) o More prosperous: Wellington’s urban form, and flexible approach to land use planning in the central city, centres and industrial areas, will contribute to economic growth and prosperity (1.2)
Economic Development Strategy, 2006	<ul style="list-style-type: none"> o More compact: Wellington’s central city will be the premier and most rapidly growing specialty retail, entertainment, service and knowledge centre for the region, anted Wellingtons thriving suburban and rural areas will offer enhanced services and lifestyle choices (3.2).
The Retail Strategy 2003	<ul style="list-style-type: none"> o Refers to the need for new developments to be mixed use to inject more vitality into the area (p 20).

Enabling a wide range of activities reinforces the Central Area as the commercial core of the city, and the pivotal role it plays in the region (Internationally Competitive Wellington, a sustainable economic growth framework for our region, 2005). The

flexibility provided by a non-use Council has also worked to position Wellington as a creative, innovative capital, and in doing so the ability to accommodate a wide range of activities is crucial to the city centre.

4.2.3 General approach to avoid, remedy or mitigate adverse effects

Policies to avoid, remedy and mitigate adverse effects reflect both the relevant objective and purpose of the Act. In the Central Area, a transitional area is recognised where stricter thresholds should apply at the edge of the area adjacent to Residential Areas.

Some activities are also recognised as having adverse effects of a level that warrants additional control and therefore such activities are not permitted as of right.

4.2.4 Conclusion

Overall, the existing policies and methods to achieve the above objective were examined at the time of being included in the 'first generation' District Plan, and on the basis of the above, continue to remain relevant and appropriate.

4.3 Management of temporary activities

12.2.2.3 To provide for temporary activities that contribute to the social, economic and cultural wellbeing of the community, and control the adverse effects of temporary activities in a manner that acknowledges their infrequent nature and limited duration.

4.3.1 Context

Temporary activities make an important contribution to the vibrancy and vitality of the Central Area and Wellington City as a whole. At present temporary activities in the Central Area are required to comply with all activity standards. Generally this means that temporary activities can be undertaken in the Central Area as a permitted activity. However some temporary activities, often those that involve outdoor amplified music, struggle to comply with the noise standards applying in the Central Area and therefore require resource consent.

In the Residential, Rural and Open Space zones temporary activities (as defined) are permitted activities and are not subject to the noise standards for the zones. Instead the potential adverse effects of temporary activities are managed using section 16 (duty to avoid unreasonable noise) and section 17 (duty to avoid, remedy or mitigate adverse effects) of the RMA.

4.3.2 Monitoring, policy analysis and consultation

The current situation is not ideal as it requires temporary activities to be assessed against different criteria depending on the location. In particular temporary activities undertaken in the Central Area are required to comply with the zone's noise standards, while in other areas no specific noise standards are applied and the noise effects of temporary activities are managed using s16 of the RMA. The noise provisions for the Central Area are such that it is almost impossible for outdoor amplified music to comply with the permitted activity standard. In the past this has required activities such as the Cuba Carnival to seek resource consent from the Council.

Consultation and monitoring indicates that there are a number of other issues with the current provisions:

- the definition of temporary activities is unnecessarily ambiguous.
- the three day period specified for the duration of temporary activities is often insufficient to cover the set up and tear down of structures associated with temporary activities, especially those associated with major events.
- the definition of temporary activities that applies to the waterfront does not refer to non-repetitive or transient, meaning that an activity could run multiple times per year in one month spells and comply with the rules. (Note, temporary activities on the waterfront have a maximum duration of one month).

In proposing changes to the temporary activity provisions careful consideration has been given to the management of potential adverse environmental effects, particularly noise. With growing numbers of people choosing to live in the Central Area care must be taken to ensure that 'reasonable' levels of residential amenity are maintained. However it is unreasonable to expect that noise levels similar to a suburban

residential setting can be achieved in the Central Area and this should be reflected in the rules that apply to Temporary Activities. Issues of reverse sensitivity should not prevent a full range of activities from being able to be undertaken in the Central Area.

4.3.2.1 Temporary Activity definition

Temporary Activities are defined in the District Plan as:

an activity that is of a non-repetitive, transient nature and includes entertainment, cultural and sporting events that are of less than three days' duration and that do not involve permanent structures.

At first reading the definition implies that a temporary activity is any activity that is non-repetitive, transient, less than three days in duration and which does not involve permanent structures.

Further consideration offers a number of alternative readings of the definition.

A temporary activity is a non-repetitive, transient activity, and may include entertainment, cultural and sporting events that are less than three days duration and which do not involve permanent structures. The implication is that any non-repetitive, transient activity that is not an entertainment, cultural or sporting event is not subject to the three day duration and permanent structure criteria.

Alternatively it could be argued that the three day duration and permanent structure criteria apply only to sporting events.

It seems likely that the intention of the definition was to prevent the construction of new permanent structures in association with temporary activities. However the definition could be read to the effect that Temporary Activities may not make use of any permanent structures.

To reinforce the intent of the definition it is proposed that it be amended as follows:

TEMPORARY ACTIVITY (IN RESPECT OF ALL CHAPTERS OTHER THAN CHAPTER 23): means an activity that is of a non-repetitive, transient nature (including sporting, recreational, entertainment, cultural or similar events and outdoor gatherings) that does not exceed three days duration, and that does not involve the construction of permanent structures. The construction and removal of temporary structures associated with a temporary activity may occur up to two weeks before and two weeks after the three day period referred to above.

4.3.2.2 Policy for Temporary Activities

From a policy perspective there is currently no guidance in the District Plan to allow the positive and negative effects generated by temporary activities to be balanced. The current policies focus very much on protection of amenity, making it difficult to sustain an argument that the temporary adverse effects generated by a temporary activity (generally noise) may be acceptable in light of the positive effects in terms of creating a lively and vibrant city.

To provide greater guidance as to how the Council will manage temporary activities it is proposed to introduce the following policy.

12.2.2.3 To provide for temporary activities that contribute to the social, economic and cultural wellbeing of the community, and control the adverse effects of temporary activities in a manner that acknowledges their infrequent nature and limited duration.

4.3.2.3 Rules for Temporary Activities in the Central Area

Within the Central Area temporary activities are subject to the Permitted Activity noise standards (60 dBA L10, 85 dBA Lmax). As a rule, outdoor amplified music is not able to meet these standards, so concert events such as the Cuba Street Carnival are required to apply for resource consent.

It is proposed to amend the rules that apply to temporary activities in the Central Area to provide greater flexibility to organisers, and to recognise the role played by temporary activities in creating a vibrant, exciting, creative city centre:

1. Add rules that exempt temporary activities from the standard noise requirements between the hours of 9am and 9pm (Sunday to Thursday) and 9am to 10pm (Friday and Saturday), and 9am to 1am the following day on New Years Eve. Consent may be sought to exceed these times (as a Discretionary Activity (Restricted)).
2. Amend the temporary activity provisions that apply to the Waterfront to bring them into line with the remainder of the Central Area.
3. Encourage event organisers to consult with the Council's noise officers prior to undertaking an event involving amplified music.

Under section 16 of the RMA, Council can take action to avoid unreasonable noise irrespective of whether the activity is allowed in the District Plan and whether it complies with the permitted activity standards.

4.3.2.4 Lambton Harbour Area Rules

In the Lambton Harbour Area temporary activities may last for up to one month, with no pre-stated noise standards. While it is proposed to retain the month long duration in recognition of the public nature of the waterfront area, it is considered that the proposed rule covering the hours in which temporary activities are exempt from the noise standards should also apply in the Lambton Harbour Area.

4.3.3 Key documents

- **WCC - Wellington – our sense of place: building a future on what we treasure (2004)**

The document promotes ten key characteristics for Wellington City:

- The growing range and size of the creative and cultural sectors
- The range of events and recreation activities, both outdoors and indoors

- **Economic Strategy (2006)**

A goal of the Strategy is that Wellington will be more eventful so the city maximises the economic value from promoting and hosting high profile events.

- **WCC – Long Term Community Council Plan (2006)**

Outcomes sought in the Long Term Council Community Plan 2006/07-2015/16 include:

- *Wellington will maximise the economic value from promoting and hosting high profile events (Economic Development, 3.3).*
- *Wellington will be recognised as the arts and culture capital, and known for its exciting entertainment scene and full calendar of events, festivals, exhibitions and concerts (Culture, 5.2)*

- **Best Practise Guide – Regulatory Procedures for Location Filming (draft).**
Prepared for Local Government New Zealand by Hill Young Cooper Ltd (May 2002)

4.3.4 Key discussions/briefings

- Jean Johnson, Film Wellington Manager, Positively Wellington Business (Feb 2003)
- Matt Borich & Glynn Jones, Noise enforcement officers, Wellington City Council (2005-2006)

4.3.5 Consultation, in accordance with the First Schedule of the RMA 1991

- Peter Frater, organiser of Newtown Festival (June 2006)

4.3.6 Options

The table below considers the cost and benefits of principle options considered during the preparation of the Central Area review.

Table 4B	1. Status quo	2. Clarify provisions
Details	Retain the existing provisions relating to temporary activities. Temporary Activities would remain permitted activities subject to compliance with all the relevant Central Area standards.	Install a policy that recognises the temporary nature of the effects of temporary activities. Exempt Temporary Activities from the Central Area noise standards between the hours of: <ul style="list-style-type: none"> ○ 9am and 9pm (Sunday to Thursday) ○ 9am to 10pm (Friday and Saturday) ○ 9am to 1am the following day on New Years Eve Install assessment criteria to guide assessment of Temporary Activities that do not comply with the noise standards outside the hours specified above.
Appropriateness	<i>This approach is not recommended</i>	<i>This approach is recommended</i>
Environmental costs	The current approach does not recognise the fact that the effects of temporary activities are of limited duration, and therefore more likely to be tolerable.	There is the potential for an increased number of noisy events in the Central Area, possibly to the detriment of the amenity of some public spaces and private residences.
Environmental benefits	Would ensure that temporary activities do not create noise levels above the specified District Plan standards.	This option will allow a wider range of temporary activities to occur in the Central Area at appropriate times. This will contribute to the vibrancy and vitality of the Central Area.
Social costs	The need to seek resource consent for any temporary activity that exceeds the current noise standards could limit the number of temporary activities that are held in the Central Area, reducing the vibrancy of the Central Area for residents and visitors.	There is the potential for an increased number of 'noisy' events in the Central Area, possibly to the detriment of the amenity of some public spaces and private residences. The proposed approach will require the Council to act retrospectively (under section 16 of the RMA) to control a Temporary Activity that creates a noise nuisance during the hours of exemption from the noise standards. Managing the effects (particularly noise effects) of an activity once it has started can be difficult and can raise the possibility for episodes of civil disobedience.
Social benefits	Allows the possible effects (particularly noise effects) of temporary activities to be managed and considered via the resource consent process. Provides a high degree of certainty to other Central Area residents and tenants regarding the potential impact of temporary activities	This option endorses the role of temporary activities in creating a vibrant and dynamic city, but also recognises the needs to provide for the amenity of the growing number of people living in the inner city.

Table 4B	1. Status quo	2. Clarify provisions
	undertaken in the Central Area	
Economic costs	<p>Temporary Activities an important component to providing for a vital central city. The current provisions could act as a barrier to temporary activities that would exceed the permitted noise standards in the District Plan.</p> <p>The current District Plan provisions do not provide policy guidance to aid the assessment of resource consent applications for temporary activities that would exceed noise limits or other standards.</p> <p>At present Temporary Activities that exceed the Central Area noise standards by more than 5 decibels are a Non-complying Activity. In the absence of any policies explicitly recognising the positive effects of Temporary Activities it can be difficult to construct an argument to justify granting consent for the activity. This can make it very difficult and costly for applicants to gain resource consent for temporary activities that involve amplified music or other sources of loud noise.</p>	<p>An increased number of 'noisy' events occurring on the streets and public spaces of the Central Area could disrupt businesses that are sensitive to high noise levels.</p> <p>The proposed approach will provide less certainty for property owners and tenants during the hours of exemption from the noise standards, regarding the potential noise effects of temporary activities.</p>
Economic benefits		<p>The proposed approach provides a more versatile and flexible regime for managing Temporary Activities. It acknowledges that the Council can also manage the effects of Temporary Activities outside the District Plan through its role as the owner of the legal road and public which serve as a venue for the majority of outdoor temporary events.</p> <p>Under the proposed approach Temporary Activities that cannot apply meet the noise provisions in the District Plan will require resource consent. However the scope of the consent will limited to considering the potential effects of the excess noise as a discretionary (restricted) activity. This would make the consent application process cheaper, easier and more focused than at present, with many applications currently processed as non-complying activities.</p>
Risks if uncertain/ insufficient info	_____	_____
Effectiveness and efficiency	<p>The current provisions are not an efficient means of managing the effects of temporary activities as many activities that can be undertaken with limited impact on the public environment, are required to apply for resource consent.</p>	<p>The proposed approach is considered to be a more effective tool for managing temporary activities because it recognises both the positive and negative effects of temporary activities. This option endorses the role of temporary activities in creating a vibrant and dynamic city, but also recognises the needs to provide for the amenity of the growing number of people living in the inner city.</p>

4.3.7 Conclusion

The Central Area is host to the majority of temporary activities held in the city. The current temporary activity provisions are inappropriate, as they make it harder to undertake temporary activities in the Central Area than in other zones around the city. The proposed provisions will resolve this anomaly, but in a way that recognizes and protected the amenity of people living and working in the Central Area.

4.4 Management of noise and noise sensitive activities

12.2.2.4 Control the adverse effects of noise in the Central Area.

12.2.2.5 Ensure that appropriate on-site measures are taken to protect noise sensitive activities that locate within the Central Area from any intrusive noise effects.

4.4.1 Context – controls to manage noise emissions from sites, and to manage noise effects

The District Plan contains several rules controlling the effects of noise. The main rule controls the level of noise received at the boundary of any site, other than the site from which the noise is emitted. An additional rule requires buildings that house noise sensitive activities to insulate against intrusive noise effects and to provide appropriate ventilation.

4.4.2 Issues with current approach

The current noise provisions lack effectiveness because they do not adequately manage important adverse noise effects or matters of ‘reverse sensitivity’ within the Central Area. There are three main problems:

- There is a lack of control over the level of noise received, ie from loudspeakers, in public places such as footpaths,
- There is a limited control over the cumulative effects of ‘fixed plant’ noise, and
- The Plan contains rules to manage noise sensitive activities, but lacks supporting policy.

Several other matters are also discussed below but no new rules are proposed.

4.4.3 Managing noise emissions in public places

4.4.3.1 Excessive noise levels in public places

The District Plan lacks control over the level of noise received in public places such as footpaths. As a result, noise levels in public places are at times unacceptable. The main problem is that existing rules control the level of noise received at the boundary of any site, other than the site from which the noise is emitted, but do not apply to public places.

A survey of noise levels from music emanating from outdoor speakers was carried out on 28 January 2006⁹. The speakers of the first 3 bars monitored ranged between 86 dBA (L10) and 92 dBA (L10) on the public street. A noise level of 92 dBA is similar to noise levels on the edge of a nightclub dance floor and is considered unacceptable in the public environment.

The survey showed that there has been no reduction in noise levels from outside speakers since the more comprehensive survey was carried out in December 2004. Noise levels recorded in 2006 are the same as the higher noise levels measured in the 2004 survey.

⁹ Matthew Borich, Compliance Monitoring and Enforcement, 7 March 2006, Email.

4.4.3.2 Proposal to manage noise emissions in public places

To ensure an appropriate public amenity, a new standard to limit the adverse effects of noise on public places is proposed. The proposed rule will impose greater control of noise emitted from loudspeakers that affect public places.

Nigel Lloyd of Acousafe Consulting and Engineering Ltd (Acousafe) made the following comments in respect of the proposed standard:

The sound level of 75dBA L₁₀ is selected because it allows the sound to be moderate without causing it to be uncomfortable to most persons in the street. There may still be some annoyance factor to passers-by depending on what is being played on the sound system and the sensibility of the recipient. Rule 13.1.1.1.1 [operative number] provides the main protection for actual sites and it is considered that the passers-by only need to be protected for the time that it takes them to walk away if they still find the sounds annoying.

The level of 75dBA L₁ is also appropriate when applied at the nearby public area because it is unlikely to be stricter than the (Rule 13.1.1.1.1) 60dBA L₁₀ limit measured at or beyond a nearby site boundary. Particularly once corrections for special audible characteristics have been applied when assessing the latter. (5 January 2006, pg 3)

4.4.4 Managing the cumulative noise effects of fixed plant noise

Fixed plant noise from equipment such as air conditioning and refrigeration is a distinct contributor to the problem of 'noise creep' (ie cumulative noise effects of background noise). Currently fixed plant equipment is subject to generic noise rules that fail to sufficiently control the related cumulative noise effects. Therefore a standard to control fixed plant noise is proposed.

Nigel Lloyd of Acousafe made the following comments in respect of fixed plant noise:

Currently the permitted noise standards apply generically to all sources of noise (except traffic noise). However, there are generally more options available for mitigating noise from fixed plant equipment at the time of constructing or altering a building than after the fact. Design are available for plant and equipment items. It is often possible to choose intrinsically quiet models at the outset (such as large slow speed condensers for example) or to design equipment with enclosures and mufflers and anti-vibration equipment.

Noise control hardware is manufactured in New Zealand and is available at a reasonable cost. Thus providing quieter equipment is a practicable proposition particularly when the design standards are provided for at the outset. The District Plan recognises this in the Residential and Rural Areas where separate rules apply to noise from fixed plant equipment than from other sources [eg rules 5.1.1.1.1 and 15.1.1.1]. (5 January 2006, pg 6-7)

The proposed limits are within the maximum guidelines recommended by NZS6802:1991³. The proposed rule is also in line with the noise limits for permitted activities in Inner Residential Areas. There are, however, several exceptions. The limits set for Saturdays and Sundays are not distinguished from any other day, because in the Central Area weekends can be as busy as any other day. Limits set for

night time noise reflect the noise levels of a city environment. In addition, exceptions also apply to circumstances relating to ‘emergency’ equipment.

For the sake of clarity, a new definition of fixed plant is proposed as follows:

FIXED PLANT: means plant that is permanently or temporarily located and operated at any location and includes mechanical and building services equipment such as equipment that is:

- required for ventilating, extracting, heating, cooling, conditioning, and exhaust either of buildings or commercial activities;
- associated with boilers or plant equipment, furnaces, incinerators or refuse equipment;
- electrical equipment, plumbing (including pumps), lift or escalator equipment; or
- similar plant, equipment, items, rooms or services.

4.4.5 Managing noise sensitive activities

Noise sensitive activities such as residential living are increasingly locating in the Central Area. Between 1996 and 2001, almost 60% of the city’s population growth occurred in the central city. In 2006, the residential population reached an estimated 18,000 people. By 2016, the population is expected to grow to approximately 23,500¹⁰. However, people need to be aware that a higher noise environment is provided for within the Central Area than other zones such as Residential Areas.

The District Plan approach to managing noise sensitive activities is to require the activity to protect itself against the noise generated by other Central Area activities.

Under the operative District Plan, existing rules require buildings that house noise sensitive activities to be insulated against intrusive noise effects and to provide appropriate ventilation. In short, the noise sensitive activity must protect itself against the noise effects of other Central Area activities. However, there is a lack of policy guidance to support the rules and this in turn leaves a ‘policy vacuum’. It is therefore proposed to fill this policy void with a new policy that guides the management of noise sensitive activities, as follows:

Ensure that appropriate on-site measures are taken to protect noise sensitive activities that locate within the Central Area from any intrusive noise effects.

In addition to the above, there have been a number of situations within the Central Area in which noise sensitive activities and ‘noisy’ activities have located within the same building (or site). The typical example is apartments locating above a bar (or vice versa). Co-locating ‘incompatible’ uses is a generator of major noise complaints. One option officers considered was to control the noise effects between otherwise ‘incompatible’ uses within the same building/site. However, the review of the Building Code is currently examining and seeking to address this problem, and duplicating regulatory responses is not generally an appropriate approach.

Having also examined these matters, the Auckland Regional Council indicated the Building Code, if effectively reviewed, is an appropriate mechanism for managing internal noise problems within a building (16 November 2005). Similarly, Nigel Lloyd of Acousafe advised against developing rules to manage internal noise problems within a property. Council is not the only party with responsibility to manage noise levels, there is also an onus on body corporates and landholders to

¹⁰ Based on Statistics NZ medium projections for Area Units: Thorndon-Tinakori Road, Lambton, Willis Street-Cambridge Terrace (Ref RIS 9283)

manage their own properties in a functional way; including adverse noise effects between different uses on-site. As a consequence, no new plan provisions were considered appropriate at this time.

4.4.6 Other noise issues – no new provisions proposed

In contrast to the above matters, it is proposed to delete operative rule 13.1.1.1.2, which currently provides for noise to be measured from within a building in situations where it is impracticable to measure noise externally. The main reason for deleting the rule is that the way the measurements are adjusted to account for the insulating qualities of the façade is not always reliable.

There are few situations in which external noise measurements can only be taken from within a building. In any event, section 16 of the Act imposes a duty on everyone to avoid unreasonable noise and excess noise is subject to control in this way.

4.4.7 Key documents

- Nigel Lloyd, Acousafe Consulting and Engineering Ltd, 5 January 2006, Central Area Noise Provisions for Wellington City Council, N1323
- Auckland Regional Council, 16 November 2006, Ensuring Liveable Quality Apartments in the Auckland Region: Discussion of issues to be addressed in the review of the NZ Building Code

4.4.8 Key discussions and briefings

- Tina Chong, Policy Advisor, Policy Unit, 21 November 2005
- Nigel Lloyd, Acousafe Consulting and Engineering Ltd, 21 December 2005, 17 October 2005, 7 July 2006 and 31 May 2006
- Glynn Jones, Noise Control Officer, Compliance Monitoring and Enforcement, 3 February and 17 May 2006, 1 September 2005, and conversation 25 January 2006
- Matt Borich, Noise Control Officer, Compliance Monitoring and Enforcement, 7 March and 17 May 2006
- Robert Tierney, Team Leader Building, Building Inspections, Wellington City Council, 6 July 2006 and 22 May 2006
- Graeme Brown, Logistics Manager, 30 July 2006, Wellington Emergency Management Officer, Wellington City Council

4.4.8 Options

Policies, rules and other methods

The table below considers the cost and benefits of principle options considered during the preparation of the Central Area review.

Table 4C	1. Status quo <ul style="list-style-type: none"> • Standards to control off-site noise effects except public places • No specific control of fixed plant noise • Provides for measuring external noise from within a building • No policy to manage noise sensitive activities 	2. Strengthen provisions <ul style="list-style-type: none"> • Standards to control off-site noise effects including public places • Standards for controlling fixed plant noise • Does not provide for measuring external noise from within a building – but relies on s16 • New policy to manage noise sensitive activities 	3. Weaken provisions <ul style="list-style-type: none"> • Rely on section 16 of the Act to control noise effects
Appropriateness	<i>The approach is not recommended</i>	<i>This approach is recommended</i>	<i>This approach is not recommended</i>
Environmental costs	Ongoing cumulative effect of fixed plant noise, and excess noise in public places.	Noise effects within the standard are accepted.	There is the potential for an increase in excess noise as people test the boundaries of what is accepted.
Environmental benefits	Existing standard protects sites from adverse noise effects.	Noise effects of fixed plant and on public places will be appropriately controlled so the quality of the noise environment is maintained.	There are likely to be few benefits to the noise environment.
Social costs	Some people experience certain public places as excessively noisy, and some background noise levels as unpleasant.	Reducing excess noise in public places may be experienced by some people as being dull.	Any increase noise is likely to result in more public complaints, and if the noise environment deteriorates people may move elsewhere.
Social benefits	Some people experience the high noise levels of certain public places as an exciting vibrant city centre.	Some people's experience of certain public places will be enhanced as the noise environment improves.	People will be able to carry out noisier activities that do not reach a level otherwise characterised as 'unreasonable'.
Economic costs	There are costs involved in meeting standards to control off-site noise effects.	There are costs involved in meeting additional standards to control off-site noise effects, although in the case of fixed plant this can generally be accommodated as part of any new building design. This approach may reduce the ability of entertainment venues to attract custom through excessive noise.	If existing noise levels increase people may seek to incorporate additional noise insulation in their buildings to mitigate excess noise levels. The cost of enforcement would rise substantially.

Table 4C	1. Status quo <ul style="list-style-type: none"> • Standards to control off-site noise effects except public places • No specific control of fixed plant noise • Provides for measuring external noise from within a building • No policy to manage noise sensitive activities 	2. Strengthen provisions <ul style="list-style-type: none"> • Standards to control off-site noise effects including public places • Standards for controlling fixed plant noise • Does not provide for measuring external noise from within a building – but relies on s16 • New policy to manage noise sensitive activities 	3. Weaken provisions <ul style="list-style-type: none"> • Rely on section 16 of the Act to control noise effects
Economic benefits	There are few controls on noise effects on public places or from fixed plant equipment. Entertainment venues are able to attract custom through excessive noise.	There are few controls on noise effects on public places or from fixed plant equipment.	The Central Area will attract noisy activities that may generate economic activity.
Risks if uncertain/insufficient info	Rules providing for external noise to be measured from within a building can generate unreliable results.	This approach would remove existing uncertainty of operative rules that provide for external noise to be measured from within a building.	Given that noise is one issue that results in relatively high levels of public complaints, this approach would result in a level of uncertainty that people are not likely to find acceptable.
Effectiveness and efficiency	The rules lack effectiveness in controlling the full range of noise sources, and in the case of internal measurements of noise the results are not always reliable. There is some efficiency in having few controls, but this is offset by the time spent carrying out noise control and enforcement.	The rules are effective in controlling the range of noise sources, and are efficient in ensuring an appropriate level of control that enables most activities to be carried out without undue regulation.	This approach would be ineffective in maintaining the amenity of the noise environment, and would result in inefficiencies because of removing a clear standard to be met.

4.4.9 Conclusion

Having considered the effectiveness and efficiency of the options above, option 2 is the most appropriate as it provides for a wide range of activities subject to appropriate standards, and in that way contributes to the vibrancy of the Central Area.

5A. Urban Design and Building Development (Overview)

Given the importance placed on achieving a high quality built environment in central Wellington, the operative District Plan provided comparatively little guidance as to the type and quality of outcomes that the Council was seeking to achieve.

To address this lack of guidance, stronger policy is now proposed regarding the management of buildings and the quality of the built environment:

(A) Urban Form and Sense of Place

At the higher macro level the proposed policies seek to preserve the 'high city-low city' urban form of the Central Area, and to promote a strong sense of place and identity within different parts of the Central Area.

(B) Sensitive Development Areas

Within the Central Area there are a number of areas that have particular development requirements. These are the port and rail land to the north of the CBD, and the edges of the inner city bypass route through southern Te Aro (Te Aro Corridor). Regarding the port and rail land, new policies acknowledge the potential for Central Area uses to expand into this area, but also notes that any such development will need to be preceded by development of a masterplan.

New policies for the Te Aro Corridor focus on ensuring that future development along the edge of the bypass route enhances the area, and assists in incorporating the bypass into the urban fabric of southern Te Aro.

(C) Effects of New Building Works

Proposed policies identify the potential for new buildings to generate significant adverse effects on the central city environment. The policies establish the Council's framework for managing building height, building mass, and the wind effects created by new building works.

(D) Buildings and Public Amenity

Proposed policies address the impact that new buildings works can have on the quality of the public environment. The policies promote high quality building design that acknowledges and responds to the context of the site and the surrounding area. Other policies seek to protect sunlight access to public spaces and identified viewshafts, enhance the pedestrian environment, promote 'active edges' at ground level, enhance public safety, manage vacant sites, and protect the amenity for adjoining residential zones.

(E) Building Amenity

Energy efficiency and environmentally sustainable building design are matters that have been elevated at the national level. Issues of building amenity (particularly for buildings containing residential uses) and the promotion of Environmentally Sustainable Design for new buildings are becoming increasingly relevant in the Central Area. New policies seek to acknowledge the positive environmental effects provided by sustainably designed and energy efficient buildings when considering the overall impact of a new building on the urban environment.

(F) Site-specific policies

Specific policy guidance is also provided for the Lambton Harbour Area and the Wellington Regional Stadium site in recognition of the special character and city-wide (and region-wide) significance of these areas and functions.

The provisions outlined above are discussed in more detail in the following sections.

5. Urban form and sense of place

12.2.3 To recognise and enhance those characteristics, features and areas of the Central Area that contribute positively to the City's distinctive physical character and sense of place.

5.1 Proposed policies and methods

12.2.3.1 Preserve the present 'high city/low city' general urban form of the Central Area.

12.2.3.2 Promote a strong sense of place and identity within different parts of the Central Area.

METHOD

- Rules
- Central Area Design Guide
- Identification of Heritage Areas
- The Wellington Waterfront Framework
- Other methods – operational activities

5.1.1 Existing provisions proposed to be retained

The general premise of preserving the Central Area's general urban form is proposed to be retained. Some very minor changes to the wording are, however, proposed as noted.

5.1.1 Proposed changes to achieve the above objective

Monitoring of the effectiveness and efficiency of the District Plan and other research has indicated some deficiencies in the way existing provisions are protecting the special areas within the city and particularly areas of significant character or heritage values associated to areas or specific buildings. In response, the policies and methods to achieve the above objective are proposed to be strengthened. In particular:

- Stronger policy, rules, design guidance and methods for protecting areas of significant heritage or character values,
- Clarification of the height control rule for sites adjacent to St Paul's, and
- Minor wording changes to make it explicit that the desired urban form is the existing 'high city/low city' urban form.

5.2 Retaining the existing 'high city/ low city' urban form

It is proposed to continue to promote and reinforce the high city / low city macro urban form within the Central Area. Building heights as specified on Planning Map 32 are the primary mechanism for achieving this urban form, and these building heights will generally be retained (other than in heritage areas as discussed in the next section).

Retention of this urban form conveys a range of benefits to the City. Sense of place policy work refers to 'the green hills, the buildings and the sea fit together in a beautiful balance that is unrivalled' (Wellington – our sense of place – building a future on what we treasure, 2004). It reinforces the City's sense of place, and assists residents and visitors to orientate themselves around the Central Area. The high city also concentrates commercial activity into an area close to the main rail and bus transport hubs helping to promote the sustainability and accessibility of the Central Area. The high city/low city form also relates well to the surrounding topography with the high city being located in front of the steeply sloped terrace escarpment. The low city meanwhile ensures a suitable transition between the Central Area and the adjacent residential areas of Mt Victoria, Mt Cook, Aro Valley and Thorndon.

5.3 Policies and methods to contribute to sense of place and identity

5.3.2 Context – Review of Heritage Chapter and Central Area

The Heritage Chapter of the District Plan is currently under review by way of proposed District Plan Change 43. Proposed District Plan Change 43 proposes to install new objectives, policies and rules for historic heritage buildings, objects, areas, trees within Wellington City. The proposed plan change does not cover the heritage listings contained in the District Plan and these will be reviewed in the current financial year.

The operative Heritage Chapter contains listed heritage buildings, objects, areas and trees. Additions and alterations to a listed heritage item is a Controlled Activity. The total or partial demolition or removal of a listed heritage item is a Discretionary Activity (Restricted). The heritage areas currently listed in the Central Area cover a range of items including Parliamentary Grounds, Post Office Square, the Cable Car, and Plimmer Steps. They are an assortment of items that do not fit well under the headings of buildings or objects. They are often reasonably large in size but they are usually in single ownership or are managed as a single entity.

Under the 2003 amendment to the Resource Management Act, the protection of historic heritage from inappropriate subdivision, use and development was elevated to a matter of national importance (under s6 of the Act).

5.3.3 Monitoring, policy analysis and consultation

Council has commissioned a monitoring report on the effectiveness of the heritage rules (G Mason, and A McEwan, 2005). This report involved a study of 55 heritage buildings which had had resource consents issued for them. The study ranked the heritage outcomes of the work carried out on the buildings and the overall heritage value of the buildings. Generally, the results showed that 31% of buildings studied had a notable or substantial loss of heritage values. Many of these heritage buildings were located in the Central Area. Overall the study concluded that the existing heritage rules were not helping to achieve good environmental outcomes for heritage buildings.

The heritage values of a listed building or object can also be adversely affected by developments on adjoining sites. Currently the District Plan has no clearly defined means by which to manage this issue.

The Council's Built Heritage Policy (2005) identified that in situations where there is a concentration of heritage items, defining a heritage area can be the most appropriate means by which to manage heritage values. This is because:

- A heritage area recognises the collective value of a group of buildings, sites and spaces as a whole and allows the individual elements to be defined and managed as a complete entity.
- A heritage area recognises the importance of settings, surroundings and context to the management of heritage values.
- Managing the collection of buildings, sites, and spaces as a whole will help to avoid incremental loss of heritage values
- The Council can consider the impact of new developments on the heritage values of the area as a whole and not just the site on which the work is being undertaken.
- Heritage areas allow the Council to consider the possible impact of redeveloping buildings that do not currently make a positive contribution to the heritage character, but which are within close proximity to a group of heritage items.

- Creating heritage areas is also potentially more equitable as the cost of heritage protection is shared across all property owners in a specified area, not just the owners of listed heritage items.

5.3.3.1 Opportunities to improve provisions managing heritage areas

The protection of areas of unique and special character within the Central Area is an important component in ensuring the long term viability of the central city. Clusters of heritage buildings within the Central Area make a significant contribution to the value and amenity of central Wellington. Retaining the special character of these areas will help to strengthen Wellington city's sense of place, and the diversity of the urban form and the quality of the central city.

It is proposed to introduce a number of heritage areas within the Central Area. This is a new initiative and while there is currently no equivalent provision applying to the Central Area, this proposal does have some similarities to the existing character area provisions.

The heritage areas proposed for the Central Area review are groups of buildings, sites, and spaces (often in multiple and private ownership) that collectively have significant historic heritage value. The principle behind identifying heritage areas is that these pockets of the Central Area that have significant heritage values are most appropriately managed as a collective, to protect the values from inappropriate subdivision, use and development.

Research and investigation has identified the following heritage areas as warranting inclusion in the District Plan:

- Parliament Precinct Heritage Area
- Stout Street Heritage Area
- Post Office Square Heritage Area
- BNZ/Head Office Heritage Area
- Civic Centre Heritage Area
- St John's Church Heritage Area
- Cuba Street Heritage Area
- Wesley Church Heritage Area
- Courtenay Place Heritage Area

These areas have been identified as having a unique and important character resulting from:

- The retention of a high percentage of original listed heritage items; and/or
- A special character centred on continuous and on-going use for specific activities; or
- Strong ties to the city's ecclesiastical traditions; or
- Strong association with the development of government (and local government) in Wellington and the city's role as the nation's capital.

Finally, there is also an opportunity to clarify the height control rule for sites adjacent to St Paul's, as discussed in a separate analysis on **page 70**.

5.3.3.2 Rules applying to Heritage Areas

The objectives, policies and rules that control new development in heritage areas are contained with the Heritage Chapters of the District Plan (Chapters 20, 21A and 21B) (refer proposed District Plan Change 43). Height standards for each heritage area are contained within section 13.6.3 of the Central Area chapter. Design guidance for new developments in heritage areas is contained in the Central Area Urban Design Guide and relevant appendices contained in Volume II of the District Plan.

As with all new buildings and structures within the Central Area, new buildings, or additions and alterations to an existing building will require resource consent for matters of design. Heritage area assessments would vary slightly from standard urban design assessments in that a key focus would be the protection of historic heritage values, in addition to achieving a positive urban form and urban design outcomes. A development proposal will be expected to demonstrate that the work is consistent with, and complimentary to, the heritage values, and existing scale and character of the area. To ensure that this is the case all applications for new building works will be assessed against the Central Area Urban Design Guide and the relevant Heritage Area appendix to the Central Area Urban Design Guide.

Heritage areas may include sites or buildings that do not directly contribute to the heritage characteristics of an area, but which because of their location have the potential to significantly impact on the overall value of the heritage area. The height standards in section 13.6.3, and the heritage area appendices to the Central Area Urban Design Guide provide guidance to help ensure that when these ‘non-contributing’ buildings are redeveloped they reflect and enhance the overall character and scale of the heritage area.

(A) Height

For each heritage area, height standards are set to help ensure that new developments are of a scale that maintains and enhances the character and heritage values of the area. These heights are generally lower than the height standards specified in the operative District Plan. The proposal to lower heights in heritage areas reflects Council’s concern that the current building height regime does not work effectively to ensure protection of historic heritage from inappropriate use and development. There is an on-going tension between the heritage provisions and the building height provisions. The heritage provisions by their nature seek to retain the listed items and areas largely in their current form (albeit with scope for adaptive re-use to ensure long term viability) to protect their special character and heritage values. At the same time the operative plan permits building heights that are often significantly higher than the heights of existing listed heritage buildings, implying that substantial increases in building height and bulk can be absorbed without impact on the character and values of the item or area.

For this reason it is proposed to limit building heights in identified heritage areas to the heights of existing buildings (a similar regime is included in the operative District Plan for the Lambton Harbour Area). However for empty sites, or sites containing non-contributing buildings, height standards have been included in section 13.6.3 to provide a guide as to the general scale of development that is anticipated in each area. In areas that are characterised by a strong built edge (to adjoining public space), with relatively uniform frontage heights, both minimum and maximum height standards are specified. For areas that do not have a strongly defined built edge there is less risk that a low building will impact on the character of the area, so no minimum standards have been specified.

There are no prohibited activities within the District Plan, and applicants can apply for consent for any development proposal. The heights specified in the table below are not absolute limits, but reflect the threshold(s) for developments in each heritage area. If a new building development complies with these standards there is a strong likelihood that the scale and effects

of the new building will be generally acceptable and sympathetic to the heritage context. There may be scope for developments in excess of these standards on certain sites, when the proposed development is consistent with the scale of existing adjoining buildings, the character of the surrounding area, and does not detrimentally impact on the heritage values of the Heritage Area.

Table 5A. Analysis of building heights in proposed heritage areas

Heritage Area	Minimum Height	Maximum Height	Consideration
Courtenay Place	12 metres	18 metres	The Courtenay Place Heritage Area has a strong built form character based on existing three storey buildings with a street edge height around 12-15 metres above ground level. While there are buildings present that are taller and shorter, the area retains a significant number of original three storey buildings. Minimum and maximum height have been specified to ensure that new buildings reinforce the strong built edge that is characteristic of the area, and are sympathetic to the scale of the existing buildings. The heights specified represent a range of 3 metres above and below the average height for the area which has been taken to be 15 metres above ground level.
Wesley Church	None	10 metres	On the Wesley Church site the Council seeks to ensure that new buildings do not overwhelm or challenge the primacy of the main church building on site. The maximum height level has therefore been set at approximately two thirds the height of the main ridge line of the church.
Cuba Street			
<ul style="list-style-type: none"> north of Dixon Street 	15 metres	21 metres	<p>Cuba Street has a strong linear nature, characterised by commercial buildings built up to the street edge. The scale of buildings at the street edge, and their relationship to the width of the street is an important feature that helps to define Cuba Street's unique character.</p> <p>Building heights in lower Cuba Street are generally higher than elsewhere in the heritage area. The original buildings in the blocks north of Dixon Street are generally between 14 and 22 metres above ground level. More modern buildings tend to be lower, while rooftop additions have pushed some buildings higher.</p> <p>Minimum and maximum height have been specified to ensure that new buildings north of Dixon Street reinforce the strong built edge that is characteristic of the area, and are sympathetic to the scale of the existing buildings. The heights specified represent a range of 3 metres above and below the average height for the area which has been taken to be 18 metres above ground level.</p> <p>In this area the width of Cuba Street ranges between 17.5 and 20 metres</p>
<ul style="list-style-type: none"> between Dixon Street & Abel Smith Street 	12 metres	18 metres	<p>Between Dixon Street and Abel Smith Street the width of Cuba Street narrows to 15 metres. The average height of the original buildings also drops slightly to between 12 and 16 metres (usually two or three storeys).</p> <p>Buildings in this area of Cuba Street are generally</p>

Heritage Area	Minimum Height	Maximum Height	Consideration
			<p>built to the front of the site, providing a strong built edge along both sides of the street.</p> <p>The heights specified represent a range of 3 metres above and below the average height for the area which has been taken to be 15 metres above ground level.</p>
<ul style="list-style-type: none"> • south of Abel Smith Street 	9 metres	12 metres	<p>South of Abel Smith Street the character and scale of Cuba Street changes. In terms of the heritage area, the key defining buildings are the original two storey commercial buildings clustered around Arthur Street, Tonks Avenue and the intersection with Webb Street.</p> <p>The scale of these buildings is consistently in the range of 8-9 metres above ground level. The exceptions being 301 Cuba Street (three storeys, 12 metres) and the Footscray Ave Cottages (one storey). Closer to the intersection of Abel Smith Street there are a number of empty sites and modern buildings that could be redeveloped in the future.</p> <p>In setting heights for this area the heights of the existing listed heritage buildings were taken as the key reference points.</p>
St John's Church	None	12 metres	<p>On the St John's Church site the Council seeks to ensure that new buildings do not overwhelm or challenge the primacy of the main church building on site. The maximum height level has therefore been set at approximately two thirds the height of the main ridge line of the church.</p>
Civic Centre	15 metres	21 metres	<p>The Civic Centre heritage area contains two key development sites - Illot Green and the Michael Fowler Centre carpark.</p> <p>Because of its proximity to Civic Square the development of Illot Green will play a role in providing enclosure to this important public space. In this regard it is important that the scale of any new building is large enough to provide enclosure to the square, but also retains a degree of consistency with the scale of the other two buildings on the northern side of the square – the City Gallery (15 metres) and the Public Library (16-24metres).</p> <p>The Michael Fowler Centre carpark is located on the south eastern tip of the heritage area. Being at the eastern end of the heritage area its principle relationship is with the Michael Fowler Centre, a building that has, over its life, developed landmark qualities. The height limits specified will provide for the development of the carpark site at a scale that will help to retain the landmark value of the Michael Fowler Centre.</p>
BNZ Centre	15 metres	25 metres	<p>The scale of existing listed heritage buildings within the BNZ Centre heritage area is subject to a reasonable degree of variation.</p> <p>At the Stuart Dawson corner there are three, three storey listed buildings with heights of approximately 15 metres above ground level.</p>

Heritage Area	Minimum Height	Maximum Height	Consideration
			<p>The majority of the block containing the Old BNZ bank has building heights around 20 metres, although the old CML building on the corner of Lambton Quay and Hunter Street rises to approximately 40 metres.</p> <p>The remainder of the listed buildings fronting Lambton Quay and Hunter Street are between 30 and 35 metres in height.</p> <p>The heights specified for the BNZ Centre heritage areas are intended to achieve a scale transition between the Stuart Dawson corner and the taller buildings to the north. The heights also seek to preserve the prominence of the Prudential, CBA, and South British buildings north of Plimmer Steps.</p>
Post Office Square			
<ul style="list-style-type: none"> west of Jervois Quay 	20 metres	40 metres	<p>To the south and west of Post Office Square the buildings fronting the square have a reasonable consistency of scale, between 30 and 35 metres above ground level.</p> <p>The heights specified for the heritage area reflect the existing height characteristics of the buildings surrounding the square.</p>
<ul style="list-style-type: none"> east of Jervois Quay 	Refer to the height standards for the Lambton Harbour Area		<p>The issue of building heights in the Lambton Harbour Area was resolved via Variation 22 to the proposed District Plan. The Central Area review does not propose to alter the heights defined by Variation 22.</p>
Stout Street			
<ul style="list-style-type: none"> In the block bounded by Lambton Quay, Whitmore Street, Stout Street and Ballance Street 	10 metres	20 metres	<p>This block is the proposed site for the Supreme Court, and also contains the lowest building within the Stout Street Heritage Area. A block specific height has been set in recognition of its future role and the scale of the existing heritage building on site.</p>
<ul style="list-style-type: none"> In the remainder of the Heritage Area 	20 metres	30 metres	<p>In the remainder of the heritage area building heights range from approximately 20 metres to 35 metres. The principle non-heritage building within the area is the car-park building on the southern edge of Stout Street (21 metres), adjacent to the listed Mission to Seaman building. The building heights specified will ensure that any future development of that site will be of a scale complimentary with both the Mission to Seaman building (18 metres), the Supreme Court building across Stout Street (14 metres) and the surrounding office buildings.</p>
Parliamentary Precinct			
<ul style="list-style-type: none"> In the block bounded by Lambton Quay, Bunny Street, Stout Street and Whitmore Street. 	None	15 metres	<p>The height limit specified will ensure that any new building works do not overwhelm the principle building on the site – the Government Building.</p>
<ul style="list-style-type: none"> In front of parliament buildings 	None	None	<p>No new buildings of significance are anticipated in the area in front of the Parliamentary Buildings, in respect of the existing buildings role as the centre of national government. The building height</p>

Heritage Area	Minimum Height	Maximum Height	Consideration
			specified has been set in order to reinforce the primacy and setting of the Parliamentary Buildings.
<ul style="list-style-type: none"> Between parliament buildings and Museum Street 	None	15 metres	Buildings within close proximity to the rear of the Parliamentary Buildings should be of a scale that is respectful of the existing buildings. The height limit of 15 metres is consistent with the existing height of the Parliamentary Library, the old Government Building and the Beehive.
<ul style="list-style-type: none"> West of Museum Street 	None	27 metres	To the west of Museum Street, further removed from the Parliamentary Buildings taller buildings can be accommodated. Buildings up to 27 metres in height would provide a transition from the Parliamentary Buildings and the taller office buildings to the west.

(B) Demolition

The proposed Heritage Areas would be subject to the demolition rules contained in proposed District Plan Change 43 – Heritage Chapter. As notified, Plan Change 43 requires consent to demolish any building or structure that contributes to the heritage values of the area. Any application for resource consent to demolish would be assessed against the following assessment criteria:

- 21B.3.1.1 *Whether there is any change in circumstances that has resulted in a reduction of the area's heritage significance since the area was identified in the Plan.*
- 21B.3.1.2 *The extent to which buildings, structures or other features comprising a heritage area have been damaged by fire or other human generated disaster or any natural disaster.*
- 21B.3.1.3 *Whether relocation is necessary to save a building, structure or other feature comprising a heritage area from ground subsidence, landslip, flooding or other natural disaster.*
- 21B.3.1.4 *Whether it can be demonstrated irrefutably that no sustainable continued use of buildings within a heritage area is possible.*
- 21B.3.1.5 *Whether it can be demonstrated that a building proposed for demolition or relocation has no intrinsic heritage value and does not contribute to the significance of the heritage area.*
- 21B.3.1.6 *Where the demolition or relocation of a building that contributes to the significance of the heritage area is proposed to enhance the development potential of land, whether this should override the heritage value of retaining the building in its existing location.*
- 21B.3.1.7 *The extent to which proposed replacement buildings are compatible with the original architectural style predominant in the heritage area and maintain the continuity of front façade alignment of buildings in the vicinity.*
- 21B3.1.8 *Whether the site has or is likely to have significant archaeological values, and whether the effects on those values by the proposal can be adequately avoided, remedied or mitigated.*

For each of the heritage areas in the Central Area maps have been prepared that show those ‘non-heritage’ buildings that have a neutral or negative impact on the heritage values of the area. Resource consent would not be required to demolish these buildings.

It is noted that proposed District Plan Change 43 is still in the submission phase, and will be subject to a public hearing and appeal process. The provisions of proposed District Plan Change 43 could therefore be subject to change, with any subsequent changes applying to the heritage areas identified in the Central Area.

5.3.3.3 Financial Compensation

The proposed heritage area provisions have been widely consulted on during the preparation of the Central Area Review. The responses received during the consultation indicated a wide range of views both amongst property owners and other interest groups. Specifically the level of opposition to the proposals was not as high as officers had anticipated. While there were some property owners that opposed inclusion of their property within a heritage area, the majority of owners acknowledge that there was some benefit to the City in protecting areas of significant heritage or character. However they considered that any heritage proposals should be accompanied by some degree of financial compensation, because defining and protecting heritage areas is a public good, the costs of which should not fall entirely on to the property owners. Rates relief was the most commonly requested form of financial compensation.

The Council acknowledges that the creation of heritage areas, and in particular the lowering of building heights within those areas, will impact on the development potential of properties within each area. While the issue of financial incentives for heritage buildings was considered through the preparation of the Built Heritage Policy (2005), it is considered that there is merit in reconsidering the issue in response to the heritage areas contained in the Central Area Review. This is because the heritage areas include not only listed heritage buildings, but also non-heritage buildings and vacant sites that were not considered through the Built Heritage Policy.

The Council has commissioned work to assess the degree to which the proposed heritage areas will impact on the development potential of sites, and also to consider options for providing compensation when this impact is significant. The District Plan does not contain the financial mechanism to provide compensation, so any proposals will need to be considered by Council through the Annual Plan process. It is therefore proposed to bring to Committee in October, a paper discussing the appropriateness of financial compensation for heritage areas, as part of the draft Annual Plan process for the 2007/08 financial year.

5.3.7 Revision of height control rule for sites near St Paul's

Old St Paul's Church is located on Mulgrave Street. It is one of the City's most significant heritage buildings, a matter that is reinforced by its setting, surrounded by mature pohutakawa trees. The importance of the church was recognised in 1987, when the Planning Tribunal installed a special height control plane in the District Scheme to protect the setting of the church. The height control plane required any new building works erected on a site to the north and south of the church to comply with a building setback. To the east of the church, the ground level drops sharply down the coastal escarpment so new buildings on sites fronting Thorndon Quay are less likely to impact on the setting of the church.

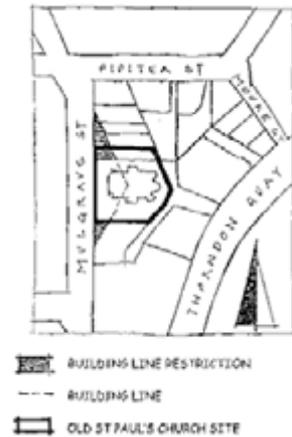
From the wording in the height control rule installed by the Planning Tribunal, it is considered that the Tribunal intended to protect the setting of the church by imposing the height control plane to the relatively flat area of land (located above the coastal escarpment) to the north, north-east, and south of the church site. While the exact wording of the height control rule is somewhat ambiguous, the general consensus is that it does not apply to a small area of land, above the escarpment, and immediately to the rear (east) of the church. Given the proximity of this land to the church, and the potential for development of this piece of land to detrimentally impact on the setting of the church, it is considered that its exclusion from the height control rule constitutes an oversight.

To ensure that the existing height control plane applies to all land above the coastal escarpment it is proposed to slightly amend the wording of the Old St Paul's height control rule. The dimensions of the height control plane will remain as per the operative District Plan (measured 10 metres vertically at the boundary of the church site and then extending outwards, at 90 degrees, at an angle of 1.5 vertical to 1 horizontal). However, the height control plane will apply to all

boundaries of the church site whereas at present it applies to only the northern and southern boundaries. The proposed wording of the height control rule is shown below.

Height Control for Sites near Old St Paul's

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



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

The proposed rule will mean that the height control plane applies to a portion of land to the rear of the church that is currently not subject to the height plane. There is currently no building on this land, and the new rule would impose a degree of limitation on the scale of building that could be developed on this site in the future. The scale of this limitation can be observed by looking at the Hitachi Building at 48 Mulgrave Street which was built to comply with the existing rule. It is considered that the scale of the limitation is acceptable and appropriate given the extremely high heritage value of Old St Paul's Church and its setting. The proposed changes will also clarify how the Old St Paul's height rule is applied by removing some of the ambiguity from the current rule.

5.3.4 Key documents

The process which led to the development of this Plan Change was initiated in response to the Resource Management Amendment Act 2003, which elevated the status of heritage protection to section 6 of the Act.

Following on from this the Council prepared a Draft Built Heritage Strategy setting out the intentions of the Council for the city's built heritage over the next 10 years. As part of this public consultation process all the building owners were notified as well as all interested groups. Following this, the Built Heritage Policy was adopted in June 2005. Key points revised in the Policy were the need to strengthen the Heritage Rules and the need to give better protection to groups of buildings in the inner city and suburban areas.

Lastly, the Council has been involved in monitoring the level of development activity involving heritage buildings as part of its section 35 plan monitoring responsibilities. These pieces of work are summarised below to provide the reasoning for proposing this plan change. Details of other reports and meetings conducted are also listed for the record.

- **Built Heritage Policy – Adopted by Council 28 June 2005**

The Council's built heritage policy includes a number of objectives that, together, aim to achieve the vision that:

Wellington is a creative and memorable city that celebrates its past through the recognition, protection, conservation and use of its built heritage for the benefit of the community and visitors, now and for future generations.

One objective of the Policy is to protect the city's built heritage from adverse effects that may compromise the heritage values of a place, including physical deterioration and inappropriate subdivision, development and use. This is relevant to this plan change because one action identified in the Policy is to;

Extend the protection of heritage values to suburban areas through identifying more heritage areas and other mechanisms.

- **Mason, G and McEwan, A (2005) Plan Effectiveness Monitoring: Built Heritage.** Unpublished report for the Wellington City Council.
- **District Plan Monitoring Programme – Effectiveness of the Plan Relating to Heritage**

A Plan monitoring report covering the period June 2000 to December 2004, concluded overall that the District Plan was not achieving its aim of protecting heritage values during that four year period.

Seventy buildings were studied by external consultants to analyse how well the District Plan heritage rules protect heritage.

A study of resource consents granted for projects affecting built heritage for a sample of heritage buildings showed that there was a more than minor loss of heritage in one third of the projects approved. A number of recommendations were suggested as a result of those findings, including:

- Recognise heritage in broader terms by identifying and protecting the values that contribute to the building's significance, such as interiors and setting,
- Strengthen the heritage rules for signage and additions/alterations so that Council has the ability to decline consents when their effects are deemed unacceptable,
- Clarify the definitions in the Plan relating to the various activities so that there is no room for doubt as to their meaning,
- Add other buildings to the heritage list where these have been assessed as meeting the eligibility criteria, and
- Consider establishing new heritage areas to ensure the group values of buildings are not undermined by individual consents.

The last bullet point has been addressed in the Central Area Review.

- **Proposed District Plan Change 43 – Review of Heritage Chapter objectives, policies and rules**

A full review of the objectives, policies and rules applying to heritage items and heritage areas was publicly notified on 4th May 2006. The preparation of this review has informed the Central Area heritage areas, and the hearing of submissions on the Heritage Chapter review will consider the rules that control the management of new buildings, demolition, subdivision and earthworks in heritage areas.

- **WCC - Wellington – our sense of place: building a future on what we treasure (2004)**

The Council's aim is to encourage population and economic growth that respects and enhances the City's sense of place. To achieve this the Council will seek to preserve and enhance *'the distinct character of communities, neighbourhoods, urban quarters and*

suburban centres – people and buildings – and the city’s confident, unpretentious personality’ (point 9), and preserve ‘the symbols, images, places and buildings that identify the people of Te Whanganui-a-Tara and Wellington city and tell their history’ (point 10).

- **WCC Urban Development Strategy (2006)**

The Urban Development Strategy is a growth management strategy for Wellington City that directs growth to where the benefits are greatest, where adverse effects are minimised, and delivers on quality. The strategy includes a variety of long-term outcomes, including:

1.5 Stronger sense of place: *Wellington will be a memorable, beautiful city, celebrating and building on its sense-of-place, capital city status, distinctive landform and landmarks, defining features, heritage and high quality buildings and spaces.*

Wellington’s success as a city relates closely to its sense of place. Wellington has a dramatic setting, is compact, and has good public transport. It is at the centre of the nation and is the national capital. It will have distinctive and beautiful buildings connected by high-quality public spaces and recognises the legacy of the past through the protection and conservation of its natural and cultural heritage. Building on Wellington’s distinctiveness will mean:

- Protecting and enhancing the elements of the city’s sense of place, including the compact walkable nature of the city, its series of urban villages, its heritage buildings and objects, notable trees, heritage areas, Maori heritage sites, national capital uses, landmark natural and built features
- Having more distinctive high quality buildings and increasing the focus on the quality of urban design, by integrating the planning of buildings and spaces, and the networks that connect them, at all scales across the city.

- **WCC – Long Term Community Council Plan (2005)**

Long term outcomes sought in the plan include:

Stronger sense of place: *Wellington will be a memorable, beautiful city, celebrating and building on its sense-of-place, capital city status, distinctive landform and landmarks, defining features, heritage and high quality buildings and spaces (Urban Development, 1.5)*

More compact: *Wellington will have a contained urban form with intensification in appropriate areas and mixed land use, structured around a vibrant central city, key suburban centres and major transport corridors (Urban Development, 1.3)*

- **Research and analysis of Heritage Areas (2005-2006)**

See attached reports and analysis for each heritage area. Spreadsheets containing details relating to the building stock within each heritage area are also available, but due to their size these have not been attached to this section 32 report. Further details regarding the heritage value of individual buildings within each heritage area can also be accessed online via the Built Heritage Inventory <http://www.wellington.govt.nz/services/heritage/inventory/index.html> .

5.3.4 Options

Policies, rules and other methods

The table below considers the cost and benefits of the two principle options considered during the preparation of the Central Area review. Note – see also the section 32 report for proposed District Plan Change 43 – Heritage Review.

Table 5B	1. Status quo	2. Clarify provisions
<p>Details</p>	<p>Existing character areas cover the following areas:</p> <ul style="list-style-type: none"> • Cuba Street • Courtenay Place • Civic Centre <p>Heritage areas cover a number of areas in the Central Area including:</p> <ul style="list-style-type: none"> • Post Office Square • Plimmer Steps • St John's Church • Parliament Grounds <p>It is noted that the existing heritage areas would be subject to the new heritage objectives, policies and rules contained in proposed District Plan Change 43 – Heritage Review.</p> <p>Existing building heights would be retained as per Map 32 of the District Plan.</p>	<p>Identify nine Heritage Areas within the Central Area:</p> <ul style="list-style-type: none"> • Courtenay Place Heritage Area • Wesley Church Heritage Area • Cuba Street Heritage Area • St John's Presbyterian Church Heritage Area • Civic Centre Heritage Area • BNZ/Head Office Heritage Area • Post Office Square Heritage Area • Stout Street Heritage Area • Parliament Precinct Heritage Area <p>The Objectives, Policies and Rules applying to the heritage areas are contained within proposed District Plan Change 43 – Heritage Review.</p> <p>Lower building heights in the heritage areas as necessary to more accurately reflect the existing built form and scale of each area. Any application to construct a building or structure higher (or lower) than the specified standards will be considered as a Discretionary Activity (Unrestricted).</p> <p>Require resource consent to demolish buildings and structures, other than identified non-contributing buildings and structures.</p>
<p>Appropriateness</p>	<p><i>This approach is not recommended</i></p>	<p><i>This approach is recommended</i></p>
<p>Environmental costs</p>	<p>Plan effectiveness monitoring indicates that the current heritage rules are not effective in protecting historic heritage from inappropriate subdivision, use and development. District Plan monitoring indicates that the values associated with listed heritages items are being lost or degraded under the current provisions. Option 1 is therefore inconsistent with the Resource Management Amendment Act (2003) and Wellington City Council's Built Heritage Policy.</p> <p>Potential loss of significant heritage buildings, areas or objects to present and future generations.</p> <p>Council would be required to use its discretion regarding the design of all new building works to help ensure that new buildings are of a scale and character that enhances the surrounding area. This approach increases uncertainty of all parties regarding the scale of development</p>	

Table 5B	1. Status quo	2. Clarify provisions
Environmental benefits	<p>that may be appropriate and may be granted consent on any given site</p> <p>The operative provisions and provisions contained in proposed District Plan Change 43 provide a suitable degree of protection for existing listed Heritage Areas.</p>	<p>Option 2 sends a very clear message regarding the Council's objectives and desired outcomes regarding heritage, urban form and sense of place in the Central Area:</p> <ul style="list-style-type: none"> • Key urban environments with high heritage value and strong sense of place are specifically identified and protected. These areas are tightly defined to include only those properties that directly contribute to, or could potentially impact on, the identified heritage and character values. • Building heights have been lowered to reflect the existing built form. This will help to resolve the current discrepancies between height standards and heritage protection in the operative District Plan. • The approach acknowledges that in some parts of the Central Area the combined value of a group of heritage buildings is greater than the sum of each individual building. <p>Strong rules for the addition and alteration of buildings and objects require property owners or occupiers interested in developing their properties to reflect the character of the area in which they are located.</p>
Social costs	<p>Retaining the existing heritage areas would not reflect the work undertaken in the preparation of the Built Heritage Policy and Council's strong focus on enhancing Sense of Place in Wellington city. Potential loss of significant heritage buildings, areas or objects to present and future generations</p> <p>The potential loss of the special character of some of Wellington City's most distinctive central city neighbourhoods.</p> <p>Option 1 would perpetuate the ongoing tension between the building height standards and the requirement for Council to protect historic heritage values and enhance areas of special character. The Council would have limited ability to ensure that the existing character and scale of key urban environments within the Central Area is retained. The height standards in the operative District Plan are significantly higher than the existing built character in many of these areas.</p> <p>Overtime it could be expected that the existing character of these areas would be altered as new buildings are developed up to the height limit.</p>	<p>Heritage provision may place some limitations on the creative expression of architects and property owners.</p>
Social benefits		<p>Protecting heritage items contributes to vibrant and varied urban environment</p> <p>Protecting heritage items can contribute to the quality of sense of place, by providing recognisable and long lasting land marks.</p>

Table 5B	1. Status quo	2. Clarify provisions
		<p>Application can be made for resource consent for any development proposal within a heritage area as no activities are prohibited. The merits of any specific proposal will be assessed in terms of the impact on the historic heritage values of the area and the consistency with the objectives and policies of the District Plan. Strengthened rules will enable Council to decline poor applications that do not meet the objectives for conserving heritage qualities of buildings and other items.</p>
Economic costs	<p>Option 1 would perpetuate the ongoing tension between the building height standards and the requirement for Council to protect historic heritage values and enhance areas of special character. The Council would have limited ability to ensure that the existing character and scale of key urban environments within the Central Area is retained. The height standards in the operative District Plan are significantly higher than the existing built character in many of these areas. Overtime it could be expected that the existing character of these areas would be altered as new buildings are developed up to the height limit.</p>	<p>Applicants may need to invest greater upfront time to work with the Council to reach a proposal that is likely to be approved in the resource consent process. This could lead to development delays and holding or lost opportunity costs.</p> <p>Lowering of heights will reduce the development potential of sites in the majority of heritage areas. However it is not considered that the height limits proposed will render properties incapable of reasonable use in any of the heritage areas. The heritage areas containing the largest number of properties (Courtenay, Cuba and BNZ/Head Office) are all located on key retail frontages where a significant proportion of the value of the property is derived from the ground and first floor tenancies. With the other two heritage areas with a strong commercial focus (Stout Street and P.O. Square) the majority of buildings are listed heritage items that are subject to the provisions of DPC 43 (Heritage Chapter) irrespective of the proposed Heritage Area provisions.</p>
Economic benefits	<p>No loss of development potential for property owners There would be fewer constraints on the development of properties that are not listed heritage items or that are not located in an existing heritage area. Option 1 would apply the heritage chapter provisions only to listed heritage buildings and areas. Other properties would have a slightly more streamlined resource consent process for new building works. Only listed heritage buildings and new buildings within an existing heritage areas would be assessed against the heritage rules. On all other sites in the Central Area new building works would be subject only to an urban design assessment against the Central Area Design Guide (currently as a Controlled Activity but proposed to be a Discretionary Activity (Restricted) under this plan change), subject to compliance with other specified environmental standards.</p>	<p>Greater certainty for applicants as to the appropriate scale of new building works in each area, as area specific heights are specified in the building height standards. There is therefore less reliance on Council exercising its discretion when considering the appropriateness of new development proposals. The retention of key heritage and character areas will help to ensure that Wellington City retains the unique sense of place, and high quality urban environment that can give the city a comparative advantage in terms of attracting businesses, visitors and residents. Creating special 'precincts' based on the unique character of the heritage areas may enhance the retail, commercial and tourism based opportunities, both for businesses located within those areas and the city as a whole.</p>
Risks if uncertain/insufficient info	—	—
Effectiveness and efficiency	Option 1 does not recognise the importance of identifying and protecting the heritage value of collections of buildings and spaces of	Option 2 would more effectively meet Council's obligations under Part II of the Resource Management Act, to ensure that historic

Table 5B	1. Status quo	2. Clarify provisions
	similar historical character.	heritage is protected from inappropriate subdivision use and development. Option 2 is also consistent with the Council's Built Heritage Policy (2005).

5.3.5 Conclusion

The existing heritage and character area provisions in the District Plan have had mixed success in retaining the special character and heritage values of the Central Area. The retention of areas of special character and heritage value within the Central Area is considered to be important for the city's ongoing vitality and vibrancy, and critical to allow Wellington to continue to develop its unique sense of place. The proposed heritage area provisions provide a clearer and more robust structure for the management of these areas. The new provisions will better achieve the purpose of the Resource Management Act and will be more efficient and effective in protecting historic heritage from inappropriate subdivision, use and development. There are no prohibited activities in the District Plan, therefore application may be made for any development within a heritage area. However applications will need to demonstrate that they are consistent with the objectives, policies and design guidance relating to the management of heritage areas.

6. Sensitive Development Areas

12.2.4 To ensure that any future development of large land holdings within the Central Area is undertaken in a manner that is compatible with, and enhances the contained urban form of the Central Area.

6.1 Proposed policies and methods

12.2.4.1 Enhance the public environment of the Port Redevelopment Precinct (shown in Appendix 2) by managing the design of new buildings and public space development, and by enhancing accessibility to and within the precinct.

12.2.4.2 Provide for the integrated development of the Pipitea Precinct and its connections with the remainder of the Central Area, by way of a masterplan.

12.2.4.3 Allow for a public space structure within the Pipitea Precinct which provides interconnections across and throughout the Area.

12.2.4.4 Ensure that development within the Pipitea Precinct complements the established part of the central city and reinforces its contained urban form, its vitality, and its viability.

12.2.4.5 Ensure that development within the Te Aro Corridor assists to integrate the inner city bypass in to the urban fabric of southern Te Aro.

METHODS

- Rules
- Design Guides
- Masterplan/s
- Operational activities (WCC as a landowner and roading authority)
- Other Mechanisms (WCC funding of public transport, Urban Development Strategy, and as landowner and roading authority [where relevant])

6.1.1 Existing provisions proposed to be retained

All of the policies and methods related to the management of sensitive development areas within the Central Area are new.

6.1.2 Proposed changes to achieve the above objective

There are few large landholdings within the Central Area. However, changes in land use within the Operational Port Area and the construction of the Te Aro bypass have given rise for the need to provide guidance specific to development within these areas.

In addition, the operative Central Area Chapters include a separate chapter for Te Ara Haukawakawa Precinct (chapter 13B). Many of the provisions simply duplicate those contained in Chapters 12 and 13 and are no longer required; whereas other provisions are unique and should be amended and integrated into the wider Central Area Chapter.

In response the following changes are proposed:

- Ensure development along the Te Aro Corridor helps to integrate the bypass with the adjoining neighbourhood.

- Managing the design of new buildings and public space development within the Port Redevelopment Precinct, and
- New locality-specific policies and rules relating to Pipitea Precinct, including appropriate provision for a public space structure and interconnections within the Precinct.

6.2 Te Aro Corridor

Te Aro Corridor requirements do not require specific rules, and can be adequately addressed by provisions of a Design Guide that addresses the unique urban development issues that apply in the area. The proposed design guide is considered under urban design matters in this report (refer **page 130**). Analyses of proposed zoning changes to individual parcels in response to land use changes along the corridor is provided in **Part D**.

6.3 Port Redevelopment Precinct

The Port Redevelopment Precinct is largely being incorporated into the wider Central Area rules regime. Because of the scale and nature of the site some rules are specific to the site, and specific design guidance is proposed. These matters are discussed in more detail in the section on urban design (**page 131**).

6.4 Pipitea Precinct

The Pipitea Precinct is the northern most part of the Central Area comprising what was previously referred to as the Te Ara Haukawakawa Precinct and the current Operational Port Area. It excludes the Railway station and excludes most of the Port Redevelopment Precinct (other than its very northern end), which have been incorporated into the wider Central Area rules regime.

The role of the Pipitea Precinct as a major multimodal transport hub gives it particular strategic and economic importance, at the city, regional and national level. Its proximity to the core CBD and open expansive nature of the existing land use means that Pipitea Precinct has potential for significant urban development over-time as any existing uses relocate or rationalise. Given its role and location, it is important that any urban development on this land safeguards future transport uses and is managed carefully to ensure the vitality and viability of the commercial core.

6.4.1 Previous District Plan provisions

The previous District Plan provisions differentiated between the Te Ara Haukawakawa Precinct and the Operational Port Area.

A designation applies for much of the rail yards allowing considerable flexibility for rail activities within the Te Ara Haukawakawa Precinct. For all other development (outside the scope of the designation) the previous provisions of the District Plan required a Comprehensive Development Plan to be tabled with the Council prior to lodging of a consent application. The role of Council in approving the Comprehensive Development Plan was unclear and had not been tested. These provisions were inserted into the Plan through the Environment Court in decision W98/97. A design guide also applied to development in the Te Ara Haukawakawa Precinct, against which any resource consents would be assessed. Apart from the conditions set out above, the operative District Plan provisions do not constrain land use in any way.

As with the Te Ara Haukawakawa Precinct, the operative provisions of the District Plan provide for a very permissive approach to land use planning the within the Operational Port Area in

recognition of its role as a core infrastructural asset. The Plan included exemptions from standard design and amenity controls for activities and structures within the Operational Port Area.

6.4.2 Issues and the need for change.

While the approach set out in the previous District Plan has been generally successful for managing port and rail activities and buildings, the business environment for both of these infrastructure based industries has undergone continuing change and rationalisation in recent years. This has resulted in a much higher potential for significant changes in the land use of these areas towards commercial activities more akin to the rest of the Central Area. The recent development of Port Redevelopment Precinct (Harbour Quays Business Park) is a good example of this trend.

The need for change in the planning regime stems relates to the following matters:

1. Avoiding duplication - many of the provisions for the Te Ara Haukawakawa duplicate those contained in the rest of the Central Area and are no longer required.
2. The need to ensure new development does not constrain the ability for this area to fulfill its role as a strategic transport hub for the city and the region. Essentially, this is about future proofing and retaining adaptability to enable the efficient functioning of road, rail and sea transport activities.
3. The need to better manage the effects when significant land use change is proposed and to ensure that such changes do not undermine the vitality and viability of the Central Area as a whole. The previous provisions of the District Plan were not designed to take account of the potential for comprehensive developments of this nature to occur – particularly in the Operational Port Area.

One of the central objectives of the Plan is to maintain and reinforce the contained urban form of the Central Area. Contained urban form has particular benefits including the co-location of a range of activities and services, and excellent accessibility by public transport. If the Pipitea Precinct were to be developed for extensive CBD activities without any control, this could have the potential to conflict with the containment policy and undermine the efficient use of resources and principles of sustainable management.

The following bullet points set out some of the key resource management issues that the city would need to consider if further comprehensive urban expansion in the port and railyards area were proposed:

- Consideration of environmental effects (eg noise, wind, sunlight, privacy) related to co-location of a wider range of city, residential and commercial uses
- Consideration of how such development promotes accessibility and sustainable transport choices, including reducing the need to travel and providing alternatives to car use
- Consideration of the economic effects related to the efficient use of resources and maintaining a compact Central Area
- Consideration of the relationship to public investment in infrastructure and public spaces that would result from the co-location of a wider range of city activities
- Consideration of the long term requirements of the area as a major transport gateway for rail, road and sea travel.

6.4.3 The scope of proposed changes

The above discussion points to need for Council to firstly future proof the Pipitea Precinct for its existing and future role as a strategic and economic gateway, and secondly to ensure that any significant re-development in the area for more city type activities is managed to avoid adverse effects and ensure development is of a quality that is befitting of the publicly accessible parts of the Central Area.

Reflecting these needs, the proposed changes to the plan for this area focus on land use, design and better management of effects. In relation to land use, large office and retail activities are assessed as Discretionary (Unrestricted) Activities to enable the full gambit of effects to be considered. In addition to a design guide that applies to the area, the provisions require the deposit of a masterplan for large office and retail developments to ensure orderly planning and to make sure design considerations can be taken into account in the proposal.

The Port Redevelopment Precinct (Harbour Quays Business Park) has largely been removed from Operational Port Area in recognition of its changing role and function as part of the wider central city fabric. The northern end of the Port Redevelopment Precinct has been retained as Operational Port Area in recognition of the fact that port activities may continue in this area for some time to come.

6.4.4 Key documents & consultation

- **Wellington Regional Strategy – WRS Growth Framework August 2005 and Background Technical Documents (available at www.wrs.govt.nz)**

The Wellington Regional Strategy (WRS) is a sustainable economic growth framework for the region, developed by all nine local authorities in the Wellington Region. The Growth Framework was widely consulted on and received high levels of support from the Wellington public. In recognising the link between economic growth and infrastructure, the WRS Growth Framework and background documents include several references to the port and railyards as being strategically important in the overall economic performance of the region. Several key actions in the Growth Framework confirm the importance of the port area, including:

- Action Area 2.3 – Reinforce a strong CBD
 - Action Area 2.9 – Make sure land and infrastructure are used efficiently
 - Action Area 3.1 – Plugging the gaps (infrastructure)
 - Action Area 3.2 – Putting underutilised land to better use
 - Action Area 4.1 – Increase the emphasis on export oriented goods and services
 - Action Area 4.3 – Develop global business networks and connections
 - Action Area 4.4 – Bring the world to the Wellington Region
- **Wellington City Urban Development Strategy (UDS)**

The Wellington City Urban Development Strategy (UDS) sets out the strategic vision for managing future growth. The Central Area plays a key role in this regard, in that a large proportion of future growth in both employment and residential is expected to occur within the bounds of the Central Area. In thinking about how we manage such growth, the UDS sets out a series of long term outcomes relevant to the future development and growth of the city. Their application to the Pipitea Precinct is equally relevant, particularly if it is proposed to re-develop parts of the precinct into accessible city blocks, where the outcomes could be viewed as high level assessment criteria for major re-development in this area.

1.1 (a) More liveable: *Wellington will be a great place to be, offering a variety of places to live, work and play within a high quality public environment.*

1.1 (b) More sustainable: *Wellington's urban form will support an efficient and sustainable use of our rural and natural resources and promote prosperity and social well-being over the long term.*

1.1 (c) Better connected: *Wellington will be easy to get around, pedestrian-friendly and offer quality transport choices on a highly interconnected public transport and street system.*

1.2 More prosperous: *Wellington's urban form, and flexible approach to land use planning in the central city, centres and industrial areas, will contribute to economic growth and prosperity.*

1.3 More compact: *Wellington will have a contained urban form, with intensification in appropriate areas and mixed land-use, structured around a vibrant central city, key suburban centres and major transport corridors.*

1.4 Safer: *Wellington will be a safe place to be, with well designed buildings, spaces and connections between them.*

1.5 Stronger sense of place: *Wellington will be a memorable, beautiful city, celebrating and building on its sense-of-place, capital city status, distinctive landform and landmarks, defining features, heritage and high quality buildings and spaces.*

The UDS also sets out priority action areas for urban development over the next three years, including 'improving the quality of the city's urban design'. Initiatives under this priority area include improving the way we manage large scale projects and upgrades to public space (such as the 'greening of the quays'). The high level of priority on achieving good urban design outcomes is partly why Council has amended the provisions to include a requirement for a masterplan in the Pipitea Precinct.

- **Report - Assessment of the likely urban development impact of CentrePort's 'Harbour Quays' and the implications for future planning of Wellington City** (Derek C Kemp *Prosperous Places*)

This report is of fundamental importance to the changes proposed for the port and railyards areas. By assessing the likely urban development impact of 'Harbour Quays Business Park', the report highlights the extent to which the previous provisions of the District Plan failed to enable consideration of a wider range of effects associated to the development. The methodology included considerable consultation with property and land owners in Wellington.

The report emphasises the need to maintain compact office nodes within 800 metres of key pedestrian routes in the downtown part of the Central Area. The report also highlights the need to consider the effects, quality and provision of mixed use large developments on the fringes of the Central Area.

The report also clarified situations where planning interventions are justified, finding that:

"Planning interventions should not be invoked merely to protect particular properties and property owners. However, they are justified when 'disconnected, single purpose fringe office developments should occur incrementally, resulting in:

- *High retail vacancies leading to the loss of convenience and reduction in the range and variety of services and facilities available to residents, businesses, visitors and workers*
- *Significant office or retail vacancies resulting in loss of investment, tourism and visitor attractiveness for Wellington's Central City*
- *Reduced economic efficiency from the reduced opportunities for 'face to face' and 'casual contact' between government people, business people and workers*
- *The lack of access to basic facilities and services expected by the local workforce forced to work in fringe locations.*

- *Reduced regional economic efficiency and increased commuting by car because activities and employment are located away from the Central City*
- *Reduction in the use of public transport, unacceptable Central City parking demand and increased costs of fuel imports, transport infrastructure provision, pollution and congestion*
- *The loss of diversity and vitality resulting in a 'dead heart' in the Central City (during the day, evenings, at night or weekends)*
- *Failure to maintain existing properties and a deteriorating public realm (resulting in dilapidation, physical blight; increased anti-social behaviour, fears for public safety; 'no-go areas', increased crime against property and people and even the abandonment of areas)*

- **Wellington City Transport Strategy**

In line with the UDS, the Wellington City Transport Strategy sets out the strategic vision for transport for Wellington City. The long term outcomes in the Transport strategy have similar relevance (to that described above in the UDS) to development in the Pipitea Precinct. Improving Port Access is also referred to as a key priority for transport, in recognition of the important role of this area as the strategic gateway to the city. The Proposed District Plan Change, by requiring more comprehensive assessment of major development in the Pipitea Precinct, will provide a greater chance of ensuring this priority is met.

- **Draft Wellington Central City Framework**

The draft Wellington City Framework that sits between the Urban Development Strategy and the District Plan to provide a finer level of detail on the vision and strategic intent for the Central Area. It is specific and relevant to this area and the Proposed District Plan Change in the following way.

In summarising strategic intent, Objective 5 of the draft Framework refers to the need to 'grow the City's commercial base' in a way that will encourage positive growth and promote the city's comparative advantage. The objective specifically refers to the need to ensure development in the fringes of the Central Area compliments the vitality and viability of 'downtown' – by default this indicates a requirement to ensure effects of major develop are managed adequately.

Furthermore, Objective 9 recognises the need to 'Maintain the Pipitea Precinct as the transport infrastructure hub for road, rail and sea transport activities. Clearly there is a requirement for 'future proofing' this area in recognition of its strategic and economic importance at the local, regional and national levels.

6.4.5 Options – Pipitea Precinct

Policies, rules and other methods

The table below considers the cost and benefits of the principle options considered during the preparation of the Central Area review.

Table 6b	1. Status quo	2. Clarify provisions
Details	Retain the current District Plan provisions in relation to Operational Port land and Te Ara Haukawakawa precinct in the Central Area	Streamline the rules, policies and design requirements for the Pipitea Precinct Introduce policies, rules and methods to better manage the effects of significant land use change Define major office and retail developments as discretionary (unrestricted) activities Remove the Port Redevelopment Area (Harbour Quays) from the Pipitea precinct
Appropriateness	<i>This approach is not recommended</i>	<i>This approach is recommended</i>
Environmental costs	The current District Plan provisions do not provide policy guidance to aid the assessment of resource consent applications for urban uses and buildings in this area. This affects the ability to consider environmental effects. For example, it is likely that any redevelopment would occur on only part of the land and the remainder would remain as port or railway use. As such there may well be conflicts environmental costs arising from noise, safety and contamination. Sustainable management of these requires an integrated approach to be taken to the redevelopment of the whole area.	
Environmental benefits	Provided for limited control of environmental effect in Te Ara Haukawakawa via design guide and requirement for a comprehensive management plan. Some ability to improve environmental outcomes via the recently introduced Proposed District Plan Change 41 which introduced wind and design controls.	The revised provisions provide much greater scope to consider effects for new urban uses and buildings in this area, particularly the port area which was previously subject to very few controls. The requirement for a masterplan for retail and office activities ensures a more efficient use of resources and lead to improved amenity and design.
Social costs	The existing provisions (particularly in the Operational Port Area) provide very little ability to influence social and accessibility outcomes through the location and provision of public spaces, roads and public amenities.	
Social benefits	Dependant on the good will of the developer	The requirement for a masterplan to be prepared for any redevelopment of this area will ensure that development will form a well-considered and integrated package that does not constrain the future development of other areas and which integrates into the surrounding neighbourhood road and public space patterns. The masterplan will also assist in developing a high-quality urban

Table 6b	1. Status quo	2. Clarify provisions
		environment and appropriate phasing of development over-time.
Economic costs	<p>This area is currently largely used for operational port and railway purposes. These uses are part of a critical infrastructure hub for the functioning of the city. Allowing redevelopment of these areas for significant urban uses may compromise the future functioning of these uses.</p> <p>Currently the rule structure allows all buildings in the operational port area to proceed as permitted activities. This includes uses that would not be considered operational port uses. This rule was included to reflect the need for flexibility in managing a port, but major redevelopment for urban uses could adversely affect the viability and vitality of the established central area, and may not result in an efficient use of resources. There may also be significant increased costs from the induced public investment in infrastructure necessary to support any redevelopment areas and increased car dependence.</p>	<p>Development proposals will not be able to proceed without comprehensive consideration of the future of the wider area. This will increase compliance costs for applicants.</p> <p>The certainty of development outcomes may be reduced for landowners.</p>
Economic benefits	Provides for flexibility of use of this land and allows for uses, including possible future urban development to respond to market demand and to reflect changes in operational practice for the port and railway network.	<p>Provides for flexibility for port and rail use</p> <p>Ensures future development and land use change to urban uses does not constrain the role and future ability of the area to function as a regionally and nationally significant transport hub/gateway</p> <p>Ensures large-scale redevelopment of this area for urban uses (such as office and retail use) does not adversely affect the viability, vitality and compact nature of the established central area.</p> <p>Provides for improved urban amenity and quality, resulting in economic benefits associated with being a world class business environment.</p>
Risks if uncertain/insufficient info		
Effectiveness and efficiency	The existing approach is generally efficient and effective for port and rail uses, but duplicates Central Area provisions in the Te Ara Haukawa Precinct. The inability, particularly in the port areas, for consideration of wider infrastructure and amenity matters could lead to very inefficient outcomes in terms of process and physical delivery of infrastructure.	<p>More efficient by streamlining and avoiding unnecessary duplication with existing central area provisions.</p> <p>Much more effective in managing the effects of change. Will result in additional process if a masterplan is required for the port areas.</p>

7 Managing the effects of building works

12.2.5 To ensure that the potential adverse environmental effects of new building works are avoided, remedied or mitigated.

7.1 Proposed policies and methods

Building Height and Mass

12.2.5.1 Manage building height in the Central Area in order to:

- reinforce the high city/low city urban form,
- maintain the built form and scale of identified heritage and character areas

12.2.5.2 Manage building mass to ensure that the adverse effects of new building work are able to be avoided, remedied or mitigated on site.

12.2.5.3 Manage building mass in conjunction with building height to ensure quality design outcomes.

12.2.5.4 To allow building height above the specified height standards in situations where building height and bulk have been reduced elsewhere on the site to:

- provide an urban design outcome that is beneficial to the public environment, or
- reduce the impact of the proposed building on a listed heritage item

Any such additional height must be able to be treated in such a way that it represents an appropriate response to the characteristics of the site and the surrounding area.

12.2.5.5 Require design excellence for any building that is higher than the height standard specified for the Central Area.

Wind Effects

12.2.5.6 Ensure that buildings are designed to avoid, remedy or mitigate the wind problems that they create and where existing wind conditions are dangerous, ensure new development improves the wind environment as far as reasonably possible.

12.2.5.7 Ensure that the cumulative effect of new buildings or building alterations does not progressively degrade the pedestrian wind environment.

12.2.5.8 Ensure that the wind comfort levels of important public spaces are maintained.

12.2.5.9 Encourage consideration of wind mitigation measures during the early stages of building design and ensure that such measures are contained within the development site.

Permitted Baseline

12.2.5.10 Provide for consideration of 'permitted baseline' scenarios relating to building height and building bulk when considering the effect of new building work on the amenity of other Central Area properties

METHODS

- Rules
- Design Guides
- Information (Wind design guide/Advocacy)
- Implementation of the District Plan

7.1.1 Existing provisions proposed to be retained

While many of the rules and other methods relating to the management of the effects of new buildings works are to be retained, the policy framework around this issue has been completely revised.

7.1.2 Proposed changes to achieve the above objective

Most of the above provisions proposed are new, and even provisions relating to managing wind effects are proposed to be amended. Monitoring of the effectiveness and efficiency of the District Plan and other research has indicated some deficiencies in the way existing provisions achieve the objective to avoid, remedy and mitigate adverse environmental effects. In response, the following changes are proposed:

- New policies and methods to manage building heights and mass, and
- Clearer policy and methods for controlling wind effects of new buildings (**page 116**).

7.2 Managing effects of building height and mass

7.2.1 Context

When the District Plan was prepared in the mid-1990's there was a general view within the Council that the growing number of 'podium-tower' developments occurring in the Central Area, particularly the CBD, was having a negative impact on the city's urban form. In response to this, and in recognition of the effects-based planning regime introduced by the Resource Management Act (1991), the Council elected to dispense with the plot ratio system for managing development intensity, and instead developed plan provisions to manage the effects of new buildings through a combination of design assessment (against the relevant design guide) and environmental standards (wind, sunlight to parks, shop front requirements, viewshafts).

Building heights were set across the Central Area to reinforce the high city/low city macro urban form. Heights in the 'high city' were set at levels that protected views from the top of the Cable Car. No specific provisions were put in place for site intensity or bulk. The District Plan included provisions relating to wind, sunlight to public spaces, heritage items and urban design that were intended to ensure that new buildings did not adversely impact on the public environment. It was intended that in some cases the application of these rules could require a building to be built to less than the permitted height, or less than one hundred percent site coverage, in order to mitigate potential adverse effects relating to wind, daylight, heritage etc.

The advent of 'permitted baseline' through case law created a legal principle that a building built up to the permitted standards had no significant effect on the environment. This principle was at odds with the approach Council had adopted in the District Plan and over time application of permitted baseline has significantly reduced the District Plan's effectiveness in terms of managing some of the environmental effects of new building works.

The 2003 amendment to the Resource Management Act gave councils discretion whether or not to consider permitted baseline arguments in assessing resource consent applications. Whereas previously it had been mandatory. However, a presumption still remains that it will in most cases be considered.

7.2.2 Monitoring, policy analysis and consultation

7.2.2.1 Building height

Monitoring of the Central Area indicates that the current high city/low city height limits are generally appropriate, and provide sufficient capacity to accommodate anticipated levels of office, commercial and residential growth in the Central Area over the life of the next District Plan and beyond.

On this basis it is not proposed to significantly alter the height regime in the District Plan other than in identified **heritage areas** (refer to section 5.3 of this report for the discussion on the proposed heritage areas). In these areas it is proposed to lower maximum heights to reflect and reinforce the existing built form of each area.

7.2.2.2 Building mass

The District Plan is less effective in managing **building bulk** and the intensity of development occurring on some Central Area sites. In providing for up to 100% site coverage as a permitted activity standard in the operative District Plan, the Council has compromised its ability to manage some of the potential adverse effects of new buildings. These include:

- Effective on site management of the impact of new buildings on ground level wind conditions,

- On-going (on-site) provision to ensure appropriate levels of daylight to new buildings and apartments,
- Impact of new building work on listed heritage items (both on-site and on adjacent sites)
- Negative urban design outcomes including flat facades and visible blank side and rear elevations.

As discussed earlier, the ability of Council to manage these effects has been restricted by the advent of ‘permitted baseline’ which assumes that permitted building bulk has no significant effect on the environment. To help to clarify that permitted baseline scenarios will not be applied to the scale and bulk of new building works it is proposed to restructure the Central Area rules to place all activity and building standards in a separate section of the Central Area chapter. This will mean that the height and site coverage standards will no longer be regarded as being associated with a ‘permitted activity’.

It is also proposed to amend the District Plan’s management of building bulk, to allow the effects described above to be managed while also providing a suitable degree of certainty to property owners and the development industry.

7.2.2.3 Proposed standards relating to height and mass

To enable the District Plan to more efficiently and effectively manage the potential adverse effects of building bulk, it is proposed to specify maximum standards for building mass (volume) for sites within the Central Area.

Building mass (volume) will be calculated by multiplying the site area by the maximum height standard. The District Plan standard will then specify the percentage of building mass that is appropriate in the Central Area (proposed to be set at 75% of maximum). Applicants may apply to increase volume up to 100% but would need to be able to demonstrate that wind, daylight, design and heritage effects can be adequately dealt with on-site.

The approach would add some complexity to the application of the District Plan, particularly in terms of calculating maximum volumes and assessed ground levels.

The mass standard will be used in conjunction with the height standard to help manage the effects of over height buildings, and to provide a more flexible regime for managing the total mass of building that is developed on any given site. The proposed rule structure would allow for increases in building height or building mass (up to 35% above the specified standard) as a Discretionary Activity (Restricted). Any application that seeks to increase both height and mass above the specified standards will be dealt with as a Discretionary Activity (Unrestricted).

This approach will assist Council to negotiate setbacks and reductions in building bulk on site to achieve positive heritage and urban design outcomes. The intention would be that required setbacks, or reductions in bulk, could be recovered elsewhere on site, above the maximum height standard, provided that the overall volume of the building remains below the specified standard (i.e. 75%).

7.2.2.4 Definition of volume

Building mass (volume) is proposed to be defined in the District Plan as:

BUILDING MASS (VOLUME): means the total mass of building that may be erected on a site in the Central Area. Mass is measured (in cubic metres) from the exterior faces of exterior walls. Mass includes all enclosed portions of the building that are located above the assessed ground level. Enclosed portions means any part of the building that can be closed off from the outside environment, but does not include:

- open decks or recessed balconies, or
- space not more than 500mm deep between the inner and outer glazing of a double-skin façade, or

- roof top architectural features (excluding the volume of plant and functional plant spaces, or other occupied space), or
- architectural features, including structure, that protrude past the glass line of the facade.

When calculating mass for the purposes of additions and alterations to an existing building, any building mass that falls below the assessed ground level of the site shall be exempt from the mass calculation.

The definition of building mass has attempted to capture the basic bulk of any new building work, without penalising positive urban design and architectural features of a development. The definition has been developed to promote the incorporation of Environmentally Sustainable Design (ESD) features into new building design. At present ESD features such as double skin facades are sometimes sacrificed in order to maximise the building's internal floor space. By reducing building volume to 75% there will be greater scope to incorporate ESD features, and other architectural detailing and relief, into the facades of new buildings.

Similarly the new provisions should not penalise roof top features and encourage grossly utilitarian building tops. On most well designed rooftops, there will be significant volume that contributes to the quality of the roofscape, and the design quality and coherence of the building, but that is inaccessible and has no lettable value. To encourage the development of high quality roof top features, they have been excluded from the definition of building mass.

On the issue of architectural features past the glass line, this includes structural elements such as columns. Expression of structure has long been, and continues to be, one means of architectural expression and the District Plan does not seek to preclude this. The above definition will tend to encourage structural expression and facade articulation which will assist in the development of high quality buildings in the Central Area.

7.2.2.5 Assessed Ground Level

A new definition of 'assessed ground level' is proposed to allow the calculation of building mass in the high city (where building heights are measured above sea level) and to facilitate the application of building mass standards to existing building developments. Assessed ground level will be taken to mean:

GROUND LEVEL (ASSESSED) (FOR THE PURPOSES OF CALCULATING BUILDING VOLUME IN THE CENTRAL AREA): means the average ground level across the site, calculated by measuring the height of each corner of the site (measured in metres above mean sea level) and using these heights to calculate the mean average ground level. For corners abutting legal road or other public space the height shall be taken to be the ground level of the road or public space. In the event that it is not possible to physically measure the ground level at each corner of the site the one metre contour data held by Council shall be used to determine the approximate height of each corner.

The definition is deliberately simple. The calculation of ground level, for the purpose of calculating the mass of Central Area buildings, does not require the same level of refinement as ground level in residential areas where access to sunlight is protected. It is considered that an average ground level for a site, either surveyed or calculated using one metre contour data, will be sufficient for the purposes of managing building mass in the Central Area.

In controlling building mass, the District Plan is seeking to control the potential impact of the portion of a building that extends above ground level. Sub-terranean building volumes do not impact significantly on the public environment so are not included in the calculation of building mass.

7.2.2.6 Definition of Site

Site area is used to calculate maximum volume because the concept of a site is already used widely in the District Plan and is relatively well understood.

Using 'site area' does raise some practical issues when a development proposal covers only a small portion of a much larger site, as the calculation of 75 % mass becomes somewhat redundant. However this scenario also provides greater scope to manage potential adverse effects as there is usually greater flexibility to manipulate the placement of the building mass on the site. In these situations it is considered that the assessment of the building's design against the Central Area Design Guide will be sufficient to ensure that any potential adverse effects are avoided, remedied or mitigated.

The definition of site in the District Plan has been amended to acknowledge the increased use of computer registers by Land Information New Zealand.

***SITE:** means any area of land comprised wholly in one certificate of title, computer freehold register, or any allotments as defined by the Act, or any allotments linked pursuant to the provisions of section 37 of the Building Act 1991.*

***SITE AREA (FOR THE PURPOSES OF CALCULATING BUILDING MASS IN CHAPTER 13):** means the total area of the site (as per the definition of site).*

To prevent manipulation of the subdivision process to circumvent the building mass requirements, any future subdivision within the Central Area will need to demonstrate that each new title or computer register complies with the Central Area standards for building mass.

7.2.3 Key documents

- **District Plan Monitoring Programme – Effectiveness of the Plan Relating to Urban Design**
Refer also to the section 32 analysis for the Central Area Review relating to wind provisions and apartment amenity.
- **District Plan Monitoring Programme – Effectiveness of the Plan Relating to Heritage**
- **Auckland City Council – Apartment Amenity Study (2005)**
- **Research and analysis of building bulk and development intensity (2006)** See attached documentation and analysis in section **7.2.6**

7.2.4 Options

Policies, rules and other methods

The table below considers the cost and benefits of the two principle options considered during the preparation of the Central Area review. Note – see also the section 32 report for proposed District Plan Change 43 – Heritage Review.

Table 7A	1. Status quo – retain the existing building height and site coverage provisions	2. Amend provisions to enable more effective control of effects of new buildings relating to wind, daylight, heritage and urban design
Details	<p>Retain existing buildings heights (see Map 32) and provision for up to 100% site coverage.</p> <p>The height and site coverage standards would not be attached directly to a permitted activity, so permitted baseline scenarios would generally not be relevant to resource consent applications for new buildings.</p> <p>The design of any new building works would be considered against the District Plan standards relating to wind, sunlight to public spaces, heritage, and against the contents of the Central Area Design Guide.</p> <p>Setbacks could be requested as required to address effects raised by the context of the site.</p> <p>Urban design assessments would be via a resource consent for a Discretionary Activity (Restricted) so consent could be refused if building bulk was considered to be inappropriate for a site or location.</p>	<p>Retain the existing building height regime (see Map 32) which reinforces the high city/low city model of urban form.</p> <p>Implement controls on the maximum building mass that can be developed on any site in the central area to help manage potential adverse effects relating to wind, access to daylight, heritage and urban design.</p> <p>The volume standard would be set at 75% of a theoretical maximum volume. The theoretical maximum volume is calculated by multiplying the site area by the maximum height standard applying to the site.</p> <p>The proposed rule structure would allow for increases in building height or building mass (up to 35% above the specified standard) as a Discretionary Activity (Restricted). Any application that seeks to increase both height and mass above the specified standards will be dealt with as a Discretionary Activity (Unrestricted).</p>
Appropriateness	<i>This approach is not recommended</i>	<i>This approach is recommended</i>
Environmental costs	<p>On some sites developing 100% site coverage up to maximum height has resulted in limited success in mitigating ground level wind effects.</p> <p>100% site coverage can encourage poor urban design outcomes such as flat facades and blank, visible side and rear elevations.</p> <p>Can result in poor heritage outcomes both on and adjacent to listed heritage items</p>	
Environmental benefits	<p>Allows efficient use of sites.</p> <p>This approach does not penalise small sites and limits the need for site amalgamation in order to develop properties. This can assist in retaining a neighborhood exists 'grain' and 'texture'.</p> <p>Allows buildings to be built up to the street edge to reinforce the edges of public space.</p>	<p>This approach will provide greater scope to manage the environmental effects of buildings on site. Issues relating to wind, heritage, daylight, and urban design will be able to be more effectively resolved through the manipulation and placement of building mass.</p> <p>Introducing building volume as a standard in the District Plan will allow the Council to better manage applications for over height buildings. Under this approach over height building work can be tagged to building mass to manage the total volume of building that is built on site. This should provide greater freedom for architects and developers to vary overall building form to better manage the</p>

Table 7A	1. Status quo – retain the existing building height and site coverage provisions	2. Amend provisions to enable more effective control of effects of new buildings relating to wind, daylight, heritage and urban design
		<p>effects of new building works. This approach does not penalise small sites and limits the need for site amalgamation in order to develop properties. This can assist in retaining a neighbourhood's existing 'grain' and 'texture'. This approach would provide scope for integration of Environmentally Sustainable Design (ESD) features, such as double skin facades, into new building design.</p>
Social costs	<p>Assumption via 'permitted baseline' that building up to the maximum height and 100% site coverage has no significant adverse effects. This approach does not adequately address the potential negative effects linked to development intensity. These include:</p> <ul style="list-style-type: none"> • On site management of the impact of new buildings on ground level wind conditions • On-going provision of appropriate levels of daylight to new buildings and apartments (on-site) • Impact of new building work on listed heritage items (both on-site and on adjacent sites) • Negative urban design outcomes including flat facades and visible blank side and rear elevations. <p>Has resulted in some buildings built up to side boundaries that rely on less developed adjoining sites not building to their potential retain access to light and outlook.</p>	<p>Increasing the amount of building height that can be sought as a Discretionary Activity (Restricted) to 35% for the whole of the Central Area (it is currently 35% in the high city and 4.2 metres in the low city) will reduce the reliance that can be placed on strict adherence to the height standards in the District Plan. Under Option 2 there would be the potential for taller buildings in some parts of the city, however this height would be only be available when there was a demonstrable public benefit in terms of the heritage or urban design impact of the proposed building (see Policy 12.2.5.4).</p>
Social benefits	<p>Relatively simple to administer. Allows buildings to be built up to the street edge, helping to reinforce the edges of public space.</p>	<p>This option would allow for more effective management of the potential adverse effects of new buildings. These include:</p> <ul style="list-style-type: none"> • Providing for setbacks to limit the impact of new building work on adjoining listed heritage items. • Provide for scale transitions when a new development proposal is significantly larger than surrounding buildings. • Provide for greater façade detail and façade relief. • Enable new developments to set back from boundaries, create light wells, or provide atriums to ensure on-going access to daylight. • Allow for a wider range of wind mitigation measures to be incorporated into new building design. <p>Introducing building volume as a standard in the District Plan will allow the Council to better manage applications for over height buildings. Under this approach over height building work can be</p>

Table 7A	1. Status quo – retain the existing building height and site coverage provisions	2. Amend provisions to enable more effective control of effects of new buildings relating to wind, daylight, heritage and urban design
		<p>tagged to building mass to manage the total volume of building that is built on site. This should provide greater freedom for architects and developers to vary overall building form to better manage the effects of new building works.</p> <p>This approach does not prescribe a single building format so would allow freedom of design on every site and variation in building form across the city.</p> <p>Linking building height to building mass will facilitate a more flexible planning regime for new buildings in the Central Area, and will provide the Council with greater scope to negotiate positive heritage and urban design outcomes for new developments.</p>
Economic costs	<p>Lacks certainty for owners and developers because the overall development potential of any site would depend on whether the Council utilised its discretion to reduce building bulk. This would make it difficult to value properties given that the overall development potential of the site would depend on Council's assessment of the potential adverse effects relating to wind, daylight, heritage and urban design.</p> <p>This approach is likely to generate on-going antagonism between Council, property owners, and the development community. Because 100% volume is the defined standard, many property owners would anticipate achieving this level of development. In situations where the Council required a reduction in volume to deal with wind, daylight, heritage and urban design this could be regarded by developers as a reduction of their development 'entitlement'.</p>	<p>A perceived reduction in overall development potential across the Central Area as a result of the proposed building mass standard. However many sites in the Central Area are not able to be developed up to the current 100% building mass due to site constraints, wind requirements, sunlight provisions, or requirements generated by the buildings proposed use. It is also noted that the development potential provided by the operative District Plan is a relatively recent phenomenon. Previous to the current plan, the District Scheme place limits on the development intensity that could be developed in the CBD through the use of plot ratios. The proposed building mass provisions are in line with the development intensity provided for under the previous District Scheme.</p> <p>Some additional complexity in applying the District Plan and calculating the development potential of a site. This would particularly apply to applications to sub-divide, or further develop, a site containing existing buildings. Such applications would need to be accompanied by an assessment of the building mass of existing buildings on site.</p> <p>To a degree the selected building mass provision of 75% may appear arbitrary. It is not possible to categorically state that a building with 76% building mass will have significantly more effect on the environment than a building developed to 75%. However the limit of 75% is not absolute, but rather it constitutes a threshold above which the potential effects of a development will be assessed through the resource consent process.</p>
Economic benefits	<p>No change to the District Plan provisions relating to height and site coverage. There would be no requirement for plan users to adopt new techniques or methods.</p> <p>No perceived loss of development potential for property owners.</p>	<p>This approach has a high degree of site specific flexibility as building mass can be arranged on site as required to mitigate the effects to be managed i.e. wind, daylight or heritage, and to satisfy the requirements of the proposal.</p>

Table 7A	1. Status quo – retain the existing building height and site coverage provisions	2. Amend provisions to enable more effective control of effects of new buildings relating to wind, daylight, heritage and urban design
	Allows efficient use of sites.	This approach provides certainty to property owners and developers, and also provides for increases in building bulk (up to 100% mass) in situations where all environmental effects can be adequately addressed on site.
Risks if uncertain/insufficient info	————	————
Effectiveness and efficiency	Monitoring of the Central Area provisions of the District Plan indicates that the current rules relating to building height and site coverage do not, in combination, adequately address the effects of development intensity within the Central Area.	The proposed approach of linking building height and building mass to manage development intensity in the Central Area will be more effective than the current approach in the operative District Plan. Using a mass standard will allow the Council to better manage development effects relating to building bulk, while also providing property owners with significant flexibility in how they develop their properties.

7.2.5 Conclusion

The current provisions relating to building height and building mass have not been as effective as originally anticipated in managing the potential adverse effects of new building works. The advent of ‘permitted baseline’ in particular, has nullified a number of the key provisions that were installed to manage effects such as wind, urban design, and heritage.

The proposed rule structure and provisions relating to building mass will allow Council to manage the effects of new building works more efficiently and effectively than is possible under the operative provisions, while also providing a reasonable degree of certainty to property owners and the development community.

7.2.6 Research and Analysis Relating to Building Mass and Development Intensity

7.2.6.1 Introduction

This study was undertaken in two parts. Part A was a desktop analysis covering the history of development intensity control in Wellington City, and the planning provisions used in the cities of Auckland, Christchurch and Sydney to control development intensity. The study also considered the provisions from the previous Wellington City District Scheme and the current Wellington City District Plan. The study sought to establish how the current Wellington City District Plan provisions compare to the development intensity provided for in other cities in New Zealand and Australia.

Part B involved consideration of development proposals consented to under the current District Plan provisions. The study calculated the mass (volume) of each of the proposed developments and considered how this linked to the effects generated by each development.

Part A, Comparison of Development Intensity Provisions

7.2.6.2 History of control of development intensity – Wellington City Council

The 1959 Undisclosed District Scheme regulated the height of buildings in the inner city by reference to the street width, subject to a maximum height, e.g.

1 : 1.5 times the width of the street or 102 feet (31.11m) whichever is the lesser

Height dispensations were possible, provided the proposal complied with a building envelope. Council could also limit height and restrict buildings to ‘a specified height being not less than one half of the permitted maximum height’ for reasons of ‘density, use, character, height and harmony in design and external appearance’.

When the Code of Ordinance was being developed in 1965/66 the form of development taking place in the central area was typically a ten or eleven storey buildings right up to the street boundary and from side boundary to side boundary along the whole street frontage. It was considered beneficial to encourage ‘podium tower’ development since:

- There would be no continuous block of buildings on the street frontage and a canyon effect could be avoided
- Better natural lighting was provided to a greater number of people working in a building
- It would assist in managing ground level wind conditions
- More sunlight and view of the sky would be evident for those in the street
- A number of high rise buildings would give the city character

The draft District Scheme (1968) included plot ratios for a variety of purposes:

- To limit the density of development permitted on any site so as to control increasing traffic congestion, assist in parking problems that arising, and create an improved working environment.
- To encourage podium tower development to allow better light into offices, assist in managing ground level wind conditions, and relieve to potential for canyon like effects along inner city streets.

The plot ratio did not of itself dictate the form of a building, rather it was a device that set limits on the amount of building on a site. Professor R.T. Kennedy noted in 1968:

'It is not the objective of a city planning authority to encourage the maximum building development of city sites in the interests of the developer irrespective of other planning considerations. It is the objective of the planning authority to permit the fullest and most appropriate use of city sites when the proposed building development is shown not to be contrary to the public interest'.

The plot ratio approach was continued into the 1970's where the detail was tweaked to ensure that the intensity of development was in accord with Council objectives. These objectives were:

- To encourage the development of the central area as a safe, pleasant functional working, shopping, cultural and living environment
- To encourage the strengthening and rehabilitation of earthquake risk buildings.

The plot ratio provisions were intended to:

- spread development across central Wellington to avoid 'over-development' of certain areas at the expense of other. At the time Council was actively trying to encourage office development outside the core CBD to reduce congestion and pressure on infrastructure
- maintain traffic and pedestrian flows about buildings to a functional working level
- ensure that footpaths do not become so overcrowded as to become unpleasant
- ensure that the pressure of vehicles seeking parking places did not congest the city streets
- allow redevelopment and refurbishment of old earthquake risk buildings
- encourage amalgamation and redevelopment of small inefficient sites

The District Scheme used plot ratios in conjunction with building heights. The **plot ratio** was used to regulate the amount of floor space provided (and indirectly determined the number of occupants of a building) and the intensity of the use of a building site. The **building height** requirements determined the limits within which the floor space could be arranged to provide reasonable conditions of daylight and air to surrounding streets and properties

Under the last District Scheme a standard plot ratio of 4:1 was used, with a maximum possible ratio of 10:1 subject to achieving bonuses for public plazas, access to daylight, public pedestrian links, footpath widening, public art work, provisions of residential accommodation etc. Based on a ground floor height of 5 metres and an upper storey height of 4 metres, these plot ratios equate to:

4:1 = 17 metre building height (@ 100% site coverage)

10:1 = 41 metre building height (@ 100% site coverage)

These figures indicate that in most areas of the Central Area the total development potential and site intensity anticipated by the District Scheme was significantly lower than the current District Plan.

7.2.6.3 Operative Wellington City District Plan

When the District Plan was prepared in the mid-1990's there was a general view within Council that the growing number of 'podium tower' developments was having a negative impact on the city's urban form. In response to the effects based planning regime introduced by the Resource Management Act (1991) the Council elected to dispense with plot ratios and instead manage the effects of new buildings through a combination of design assessment

(against the relevant design guide) and environmental standards (wind, sunlight to parks, shop front requirements, viewshafts)

Building heights were set across the Central Area to reinforce the high city/low city macro urban form. Heights in the ‘high city’ were set at levels that protected views from the top of the Cable Car. No specific provisions were put in place for site intensity or bulk. The District Plan included provisions relating to wind, sunlight to public spaces, heritage items and urban design that were intended to ensure that new buildings did not adversely impact on the public environment. It was intended that in some cases the application of these rules could require a building to be built to less than the permitted height, or less than one hundred percent site coverage, in order to mitigate potential adverse effects relating to wind, daylight, heritage etc.). The advent of ‘permitted baseline’ through case law created a legal principle that a building built up to the permitted standards had no significant effect on the environment. This principle was at odds with the approach Council had adopted in the District Plan and over time application of permitted baseline has significantly reduced the District Plan’s effectiveness in terms of managing the environmental effects of new building works.

The 2003 amendment to the Resource Management Act made the application of permitted baseline discretionary, when it had previously been mandatory for all consent applications.

7.2.6.4 Options for dealing with building mass in the proposed Central Area Review

(A) Status quo

Retain maximum heights and provision for 100% site coverage. It is considered that retention of the existing approach is generally not feasible, as monitoring indicates that providing for 100% site coverage (and hence 100% building volume) as a permitted activity can result in significant adverse environmental effects.

Table 7B. Advantages and disadvantages of status quo – height and design

Building height and design – Pro’s	Building height and design – Con’s
<ul style="list-style-type: none"> • High certainty for developers and property owners • Relatively simple to administer? • Allows efficient use of sites • Limits the need for site amalgamation in order to develop properties. This can assist in retaining a neighbourhoods existing ‘grain’ and ‘texture’ • Allows buildings to be built up to the street edge to reinforce the edges of public space 	<ul style="list-style-type: none"> • Assumption via ‘permitted baseline’ the building up to the maximum height and 100% site coverage has no significant adverse effects. • Does not adequately address the potential negative effects linked to development intensity (i.e. access to light, wind, impact on heritage items) • Limited success in mitigating wind effects on some sites. • Tends to encourage low inter-storey heights and flat facades. • Can result in poor heritage outcomes both on and adjacent to listed heritage items • Has resulted in some buildings built up to side boundaries that rely on adjoining sites not building to retain access to light and outlook.

(B) Design based approach

Manage (and at times reduce) building bulk as required to reinforce the local setting and context. This approach would involve retaining a standard providing for development up to 100% volume. However through clear policy guidance, assessment criteria, and the Central Area design guide, Council would reserve the ability to reduce bulk below 100% in order to manage potential effects relating to wind, daylight, heritage and design.

- This approach would be flexible and would allow site specific solutions that respond to context
- It would place a very strong onus on Council to provide prompt, transparent, and consistent urban design advice.
- It lacks certainty for owners and developers because the overall development potential of any site would depend on whether the Council utilised its discretion to reduce building bulk. This would make it difficult to value properties given that the overall development potential of the site would depend on Council's assessment of the potential adverse effects relating to wind, daylight, heritage and urban design.
- This approach is likely to generate on-going antagonism between Council, property owners, and the development community. Because 100% volume is the defined standard, many property owners would anticipate achieving this level of development. In situations where the Council required a reduction in volume to deal with wind, daylight, heritage and urban design this could be regarded by developers as a reduction of their development 'entitlement'.

(C) Set-back rule

Mitigate the effects of building bulk by requiring buildings to set back from side and rear boundaries.

- This approach would provide certainty, and given sufficiently deep set-backs would go some way to ensuring that all sites are able to provide appropriate levels of daylight and manage wind effects on site.
- Setbacks by themselves would not necessarily deal appropriately with the context and setting of adjoining heritage items
- Minimum setbacks for all buildings could lead to an artificial urban typography with undesirable design outcomes
- Setbacks are a fairly blunt tool and in many circumstance may not be the most efficient or effective manner of dealing with the potential adverse effects arising from new building work
- A straight setback rule would tend to disadvantage small sites due to the higher portion of the site devoted to setbacks. This is inequitable as the potential for small sites to generate significant adverse effects in terms of wind and daylight is generally lower than on larger sites

(D) Use of plot ratios to encourage set in from boundaries

Plot ratios can be used to manage the volume and bulk of buildings on any given site. Plot ratios are based on gross floor area which is calculated by multiplying the site area by the appropriate ratio.

- Plot ratios provide certainty to all parties as the total allowable volume on a given site can be calculated using the base plot ratio and accumulation of any specified bonuses.
- Plot ratio bonuses can be used to encourage positive social, environmental and urban design such as mixed use, set backs from boundaries, active edges.
- To implement plot ratios to achieve a reduction in building mass, the Council would either need to reduce development potential to allow heights to remain generally as anticipated by the District Plan. Alternatively Council would need to be prepared to accept buildings significantly higher than the current height standards.

Table 7C. Advantages and disadvantages of plot ratio

Plot Ratio – Pro’s	Plot Ratio – Con’s
<ul style="list-style-type: none"> • Provides certainty in terms of development potential • Clearly focused on the issue of building intensity and the potential negative effects that this can generate • Can be used to encourage the spread of development over a wider area, or to concentrate development in certain localities • Useful incentive tool to promote certain land uses • Useful incentive tool to promote public amenity features • Tends to lead to reduced site coverage which helps to managed effects of wind and access to daylight • Less incentive to ‘squash’ floors in under the maximum height • Tends to provide variation in building heights and diversity in macro urban form • Promotes the amalgamation of smaller sites to provide for economically more efficient development of buildings. 	<ul style="list-style-type: none"> • Overall development potential is generally significantly lower • Promotes site amalgamation which can be detrimental to the existing character and ‘grain’ of an area • Tends to promote a single development type, i.e. “podium tower” • Evidence that the podium space above ground floor level can be hard to let. • The overseas motivation for plot ratios is to control the maximum density of buildings to ensure that basic public services are not overwhelmed (i.e. New York). The lesser scale of development in Wellington means that a similar application of the system is less valid. • Plot ratio figures can be viewed as somewhat arbitrary and subject to challenge. • Design and ‘plan by numbers’ approach can be difficult to justify in an ‘effects based’ environment • Small sites often unable to realise their full potential as represented by the plot ratio, due to poor site dimensions and shape, and an inability to make suitable provision for building regulations such as disabled access, lifts, and fire egress. • Requires long term buy in to the philosophy and approach. If the plot-ratio approach is dispensed with in the future there could be potential for building owners to re-coup additional floor area and remove design gains that had been negotiated through the plot ratio process.

(E) Reduced site coverage provision (above a set height)

This approach would involve allowing 100% site coverage up to a certain height (probably in the vicinity of four storeys), and then reducing maximum site coverage for the portion of the building above that height.

- This approach would allow for full width buildings at and immediately above street level. This is generally a positive urban design outcome as the buildings provide a strong edge to the adjoining public space
- Specifying site coverage standards would provide certainty to owners and developers
- This approach would not discriminate against the development of smaller sites
- The approach is reasonably well focused on managing the effects of wind and daylight, as mass can be manipulated (above the fourth storey). It may not be as effective in managing heritage effects as four storeys built up to the boundary adjoining a listed heritage building may not always be a desirable solution
- This approach would tend to encourage a single development type throughout the Central Area similar to the podium tower model. This could be an inappropriate urban design result in many parts of the city, particularly the low city area of Te Aro.

(F) Control building mass (in conjunction with building height)

This approach is a refinement of the site coverage option described above. Rather than use site coverage to control mass, the District Plan would specify standards for building volume. Maximum building mass (volume) would be calculated by multiplying the site area by the maximum height standard. The plan would then specify the percentage of volume that is appropriate in the Central Area (probably around 75% of maximum). Developers could apply to increase volume up to 100% but would need to be able to demonstrate that wind, daylight, design and heritage effects can be adequately dealt with on-site.

7.2.6.5 Building mass (volume) case studies

Analysis has been undertaken of the planning mechanisms used by Christchurch, Auckland and Sydney city council's to manage new central city developments. Each of these cities use plot ratios in conjunction with maximum building heights to control the intensity and mass of new building developments.

For each of the case studies the plot ratios have been converted into equivalent height and equivalent volume figures to allow direct comparison with the building volume standards proposed for the Wellington City District Plan.

The equivalent height represents how high a building would be if it was built to 100% site coverage up to the maximum plot ratio. For the purpose of this calculation the following measurements were used:

- a ground floor height of 5 metres, and
- upper storey height of 4 metres (per floor)

The equivalent volume was calculated by dividing the equivalent height by the maximum height. This figure represents the maximum building volume that can be developed by a proposal built up to the maximum height in compliance with the maximum plot ratio.

The locations selected are not an exhaustive record of the controls applying in each city. Rather they are intended to provide a representative sample of the different building height environments that are present in each city centre.

(A) Christchurch City District Plan

Within central Christchurch the rule regime uses plot ratios and maximum building height to control the effects of new building work on:

- The existing scale and height of adjoining buildings, and in that part of the central city.
- Any public open space and on the pedestrian environment, particularly shadowing and visual intrusion.
- Wind behaviour and its effect on pedestrians.
- The scale and bulk of the existing building.
- The effect the urban form outcomes for the various areas of the central city (Core, Frame, West Fringe, East Fringe, City South).

Table 7D. Christchurch city – equivalent volume and height provisions

Location/zone	Maximum height	Maximum Plot Ratio	Equivalent Height	Equivalent Volume
City frame 1	80 metres	7:1	29 metres	36%
City frame 2	60 metres	7:1	29 metres	48 %
City core	45 metres	6.5:1	27 metres	60%
East fringe	40 metres	5:1	21 metres	52%
West fringe	30 metres	5:1	21 metres	70%
City south	20 metres	2:1	9 metres	45%

The analysis above shows that throughout central Christchurch limits are placed on the total bulk of building that can be developed on any given site. As a rule, the total volume (as a percentage of a theoretical 100% maximum) decreases as building height increases, probably in response to the greater visibility of tall buildings and the increased potential of larger buildings to impact on wind, sunlight to public spaces and urban form of the surrounding area.

The exception to this rule is the City south area where building heights are set at 20 metres but the plot ratio of 2:1 results in an equivalent volume of only 45%.

(B) Auckland City District Plan

Auckland City uses plot ratios and maximum building height to control the effects of new building work in the city centre. Building height and controls on the admission of sunlight to public places are used to manage the impact of new buildings on the public environment. Plots ratios are used to manage the overall intensity of development on site. The regime includes scope for increases from the standard plot ratio, up to the maximum plot ratio if a development makes provisions of ‘public good’ outcomes such as mixed use, public rest rooms, a public plaza, public art work, heritage retention etc.

Table 7E. Auckland city – equivalent volume and height provisions

Location/zone	Maximum height	Maximum Plot Ratio	Equivalent Height	Equivalent Volume
Core CBD (1)	No limit	13:1	53 metres	38% (assuming a 140 metre tall building) 53% (assuming a 100 metre tall building)

Core CBD (2)	No limit	10:1	41 metres	51% (assuming an 80 metre tall building)
Medium city (Symonds St)	50 metres	6:1	25 metres	50 %
Low City (K-Road)	35 metres	6:1	25 metres	71%
City centre fringe	15 metres	3:1	13 metres	87%

The analysis shows that like Christchurch, Auckland City places limits on the total bulk of building that can be placed on any given site throughout central Auckland. Auckland also follows the trend of decreasing the total volume (as a percentage of a theoretical 100% maximum) as height limits increase.

Interestingly Auckland City sets no maximum height limits in the core CBD/high city area, instead relying on sunlight protection of key public spaces and plot ratios to control the maximum bulk of building that can be developed on site. Experience in Auckland City indicates that this approach encourages the amalgamation of sites to create large floor plates, thus allowing new developments to realise premium floor space at or above 100 metres in height.

(C) City of Sydney Local Environment Plan 2005

The Local Environment Plan for central Sydney specifies both maximum building heights and floor space ratios. Protection of sun access to the public domain is also an essential objective of planning in Central Sydney. These controls ensure that sunlight access to nominated parks and community places are protected during nominated times. In other parts of Central Sydney, heights for buildings have been nominated to ensure that their height integrates with the existing scale and desirable character of development, to provide a transition of building heights between localities, and to ensure the provision of adequate levels of daylight to streets.

The controls also identify that higher buildings or tower developments should only occur on sites of sufficient size to provide adaptable urban form and amenity.

The achievable height on any site is subject to compliance with floor space ratio, development plan, design excellence, heritage provisions and other provisions of this plan.

Floor space ratios are used in central Sydney to achieve the following objectives:

- to ensure a degree of equity in relation to development potential for sites of different sizes and for sites located in different parts of Central Sydney, and
- to ensure that proposals for new buildings are assessed with due regard to the development plan, design excellence, urban design and built form provisions of this plan, and
- to provide a framework for the award and allocation of heritage floor space, and
- to provide sufficient floor space for high quality development for the foreseeable future, and
- to encourage the provision of residential and visitor accommodation, and
- to encourage the provision of certain uses and facilities that provide a public benefit, and
- to regulate the density of development and generation of vehicular and pedestrian traffic.

For proposals to develop higher than 55 metres or for sites over 1500 square metres in size, an approved development plan is required before development may proceed. The total floor space ratio that may be developed on the site is decided as part of the approval process for the development plan

Table 7F. City of Sydney – equivalent volume and height provisions

Location/zone	Maximum height	Maximum Floor Space Ratio	Equivalent Height	Equivalent Volume
Area A1	110-235 metres	14:1	Generally not applicable as the floor space ratio for developments over 55 metres in height is set on a site by site basis through the development plan process	n/a
Area A2	60-80 metres	11:1	Generally not applicable as the floor space ratio for developments over 55 metres in height is set on a site by site basis through the development plan process	n/a
Area B	50 metres	9:1	37 metres	74%
Area C	45 metres	5:1	21 metres	46%
Area F (1)	45 metres	5:1	21 metres	46%
Area F (2)	30 metres	5:1	21 metres	21%
Area H	9 metres	2:1	9 metres	100%

(D) Wellington City District Scheme (1985-2000)

The previous Wellington City District Scheme used building heights and plot ratios to manage development intensity. As discussed above this approach was replaced in the current District Plan due to concerns that the growing number of ‘podium tower’ developments was having a negative impact on the city’s urban form

However consideration of the previous District Scheme provisions remains relevant, as that scheme sought to achieve many of the same outcomes as the current District Plan. In particular the District Scheme sought to:

- maintain the high city - low city concept of urban form
- ensure that buildings made a positive contribution to the public environment

In the District Scheme maximum building heights were stated in metres above sea level. For the purposes of this analysis, where the difference between sea level and actual ground level is more than 5 metres, the heights have been converted to metres above ground level. The equivalent volume value has been calculated using the heights above ground level.

Table 7G. District Scheme – equivalent volume and height provisions

Location/zone	Maximum height above seal level (effective height above ground level)	Maximum Plot Ratio	Equivalent Height	Equivalent Volume
Retail B1 & Office B				
Cnr Willis & Lambton	95 metres	10:1	41 metres	45%

Location/zone	Maximum height above seal level (effective height above ground level)	Maximum Plot Ratio	Equivalent Height	Equivalent Volume
	(95 metres)			
The Terrace	75 metres (60 metres)	10:1	41 metres	68%
Cnr Aitken & Mulgrave	70 metres (60 metres)	10:1	41 metres	68%
Jervois Quay	60 metres (60 metres)	10:1	41 metres	68%
Manners Street	55 metres (50 metres)	10:1	41 metres	82%
Cuba Street	25 metres (25 metres)	10:1	41 metres	100%
Industrial B1 & Retail C				
Upper Willis Street (1)	60 metres (45 metres)	5.5:1	23 metres	51%
Upper Willis Street (2)	50 metres (30 metres)	5.5:1	23 metres	76%
Tory Street (upper)	30 metres (15 metres)	5.5:1	23 metres	100%
Tory Street (lower)	30 metres (30 metres)	5.5:1	23 metres	77%
Thorndon Quay	24 metres (24 metres)	5.5:1	23 metres	96%

These figures indicate that the previous District Scheme deliberately controlled the intensity that could be developed in different areas of the central city. The majority of properties were subject to maximum volumes of around 70-75%. Exceptionally tall buildings (70+ metres above ground level) had lower percentage volumes around 50%, while volumes of up to 100% were provided for in areas with below average heights (15-25 metres above ground level).

(E) Wellington City Operative District Plan (2000 – present)

The Wellington City Operative District Plan controls development intensity through a combination of building height, environmental standards (i.e. wind, sunlight to parks) and consideration of each proposal against identified urban design principles. No specific controls were placed on the maximum density or mass of building that can be developed on any site. In principle a maximum volume of 100 percent can be achieved with this figure being calculated to multiplying the site area by the maximum permitted height.

The table below shows a range of height zones identified in the Operative District Plan. For each height zone the equivalent plot ratio is listed. The equivalent plot ratio represents the

floor area that could be developed if a site was developed up to the maximum height with 100 percent site coverage.

Table 7H. Operative District Plan – equivalent volume provisions

Location/ Zone	Maximum permitted height	Equivalent Plot Ratio	Equivalent Volume	Maximum discretionary height	Equivalent plot ratio	Equivalent Volume
Majoribanks Street	10.2 metres (agl)	2.3:1	100%	4.2 metres	+ 1:1	141%
Willis Street (upper)	14.4 metres	3.3:1	100%	4.2 metres	+ 1:1	129%
Kent Terrace	18.6 metres	4.4:1	100%	4.2 metres	+ 1:1	123%
Tory Street	27.0 metres	6.5:1	100%	4.2 metres	+ 1:1	116%
Thorndon Quay	35.4 metres	8.6:1	100%	4.2 metres	+ 1:1	112%
Cuba Street (lower)	43.8 metres	10.7:1	100%	4.2 metres	+ 1:1	110%
Waterloo Quay	50.0 metres	12.3:1	100%	4.2 metres	+ 1:1	108%
Jervois Quay	60 metres (amsl)	14.8:1	100%	21 metres	+ 5.25:1	135%
The Terrace	75 metres (amsl)	18.5:1	100%	26.3 metres	+ 6.5:1	135%
Grey Street	80 metres (amsl)	19.8:1	100%	28 metres	+7:1	135%
Cnr Willis & Lambton	95 metres (amsl)	22.3:1	100%	33.3 metres	+8.3:1	135%

This table indicates that the current District Plan provisions provide for development intensity in the Central Area of at least 100% on all sites. This is significantly higher than the previous District Scheme and higher than the intensity provided for in Auckland, Christchurch and Sydney. While the ability of sites to realise 100% plus building mass is at time constrained by the provisions relating to wind and sunlight to public spaces, in general the development potential provided for in the Central Area is higher than that in the other urban centres covered in this study.

Part B, Development Analysis – Central Area Resource Consents

The table below provides a summary of the Council’s consideration of development proposals consented to under the current District Plan provisions. The study calculated the mass (volume) of each of the proposed developments and considered how this linked to the effects generated by each development.

Table 7 I

Total possible building volume calculated by multiplying the site area by the maximum permitted height
The percentage shown in the third column is the approximate mass of the consented building as a percentage of the total possible building volume.

Consent Details	District Plan Maximum Volume	Approx. volume of approved plans	R/C discussion	Relevant Conditions
Resource Consents with a focus on wind issues				
<p>Museum Apartments 247-257 Wakefield Street</p> <p>SR: 95339 SR: 100315 SR:111702</p>	<p>Site Area (Lots 18-21 DP 9880 = 1277m²)</p> <p>Building height = 27m</p> <p>Total Possible Building Volume = 34479m³</p>	<p>Calculations taken from final approved 10 story building (SR 111702).</p> <p>See attached plans for calculation assumptions.</p> <p>Total proposed building volume: 32534.35m³</p> <p>This equates to 94% of possible BV.</p>	<p>Main issue for this consent was the wind effects, given proposed building built slightly over height limit, compared with existing surrounding three story buildings. However, seems though that in this case the wind environment would not necessarily be improved by a reduction in the building height. Fins attached to building to reduce downwash.</p> <p>(NB: building is over height, but stays under 100% because of setback on northern elevation of site and at tenth floor)</p>	Nothing specific.
<p>The Argus 35-37 Dixon Street</p> <p>SR: 116940</p>	<p>Site Area (Lots 1-3 DP 7962): 755m²</p> <p>Building Height: 43.8m</p> <p>Total Possible Building Volume: 33069m³</p>	<p>See plans for calculation assumptions.</p> <p>Ground, 1st and 2nd floor volume: 6916.27m³</p> <p>Floors 3-9 Volume: 11232.95m³</p> <p>Total volume: 18149.22m³</p>	<p>Good example of a situation where a significant reduction in building bulk was the only appropriate solution to respond to wind effects on the site. Difficult situation here in that the park opposite the development site set tougher standards for pedestrian wind environment.</p> <p>Site had a history of being unable to meet wind requirements for park opposite development. Numerous design iterations and ‘tack-on’ wind mitigation measures did not reduce wind effects to a level deemed appropriate for approval on a non-notification process. Eventually, in order to reduce wind effects to a level able to be considered as a non-notified resource consent, the developer reduced building height from 46.6m (14 stories) to 32.5m (9 storeys).</p>	All wind features must be constructed as proposed.

Consent Details	District Plan Maximum Volume	Approx. volume of approved plans	R/C discussion	Relevant Conditions
		This equates to 54.8% of possible BV.	<p>This level is well within height limit for the area.</p> <p>Other mitigation measures include verandah and another canopy higher up. 'Fins' and balconies also act to break-up the downwash effect of the building.</p> <p>This building has also provided for good levels of light into each apartment due to balconies on each corner set back into the building site and a lightwell on the eastern elevation.</p>	
<p>Southern Cross Apartments 35-39 Abel Smith Street SR: 106566</p>	<p>Site actually two sites as proposed building to be built across two adjoining sites. For purposes of site definition, both sites must be used to calculate site volume.</p> <p>Site area: 1680.19m²</p> <p>Building Height: 27m</p> <p>Total Possible Building Volume: 45365.13m³</p>	<p>Refer to drawings for calculation areas. These calculations are more approximate than other examples.</p> <p>Ground floor volume: 5008.91m³ Mezzanine: 1163.45m³ Other floors: 11715.25m³</p> <p>Total BV: 17887.61m³</p> <p>This equates to 39.4% of possible BV, with the inclusion of the Southern Cross Hotel site.</p>	<p>Main issue with this building was wind mitigation, as a result of it being the first building to 27m height in a neighbourhood of 1-3storey buildings. Apartments on two legal frontages, but with potential for apartments overlooking Southern Cross tavern to be built out a little in the future.</p> <p>Wind dealt with by a breezeway at a mezzanine floor level, balconies and verandahs and one screen on edge of Kelvin Grove footpath connecting to the verandah.</p> <p>Approval only given on the basis that as future development occurs in this part of Te Aro then the wind effects associated with this particular building are likely to improve. Provision of wind screen only necessary condition of consent until such time as wind conditions improve and Council seeks the wind screen to be removed.</p> <p>Site boundaries subsequently re-done around the apartment building.</p>	<p>Wind mitigation measures condition of consent and maintained for life of building.</p>
<p>Watermark Building Cnr Jervois, Taranaki and cable Streets. John Chambers Building, Markets Building (Rialto Cinema) SR:</p>	<p>Lots 1-3 DP 1660 – 1146m² Lots 4-7 DP1660 – 1343m²</p> <p>Total site area= 2489m²</p> <p>Building Height=27m</p> <p>Total Possible Building</p>	<p>See attached plans for calculation assumptions.</p> <p>Area 1: 39896.5m³ Area 2: 30528m³</p> <p>Building Volume= 70424.5m³</p> <p>This equates to 104.7% of</p>	<p>Summary below from Environment Court decision</p> <p>Public v private views: objectives controlling amenity do include views, but plan actually deliberately excludes private views from consideration.</p> <p>Urban form: Watermark building did not create a spike in the macro urban form (curve from T Aro up to majestic tower), therefore high city, low city concept and amphitheatre effect preserved. Stepping down to waterfront does keep with amphitheatre effect but is not stipulated by DP.</p> <p>Urban Design: island site with varying heights of buildings around it. Watermark between high and low cities and would not overly dominate</p>	<p>Conditions to ensure that the key design elements of building are not watered down thru construction phase.</p>

Consent Details	District Plan Maximum Volume	Approx. volume of approved plans	R/C discussion	Relevant Conditions
	Volume= 67203m3 70% of BV=47042m3 75% of BV=50402m3 80% of BV=53762m3	possible BV.	<p>streetscape. Court heavily influenced by quality design, including complimentary to heritage buildings, in scale with existing buildings, does not overwhelm scale of heritage buildings, distinguished bottom, middle and top, bulk of building manipulated to where roads widest and visual impact reduced, steps back from prow of building, no blank walls, significant building on significant site, high quality materials.</p> <p>Heritage: Court held building efficient use of prominent heritage building and land resources for the site. Watermark steps down to the nose or prow of building – this considered to be sensitive treatment. Court considers building on top of John Chambers building would have compromised heritage values, design of building retains the ‘anchoring’ role of JC building.</p> <p>Appeal not about heritage aspects at all, rather urban design and urban form.</p>	
Resource consents with a focus on adequate daylight				
Monvie Apartments Holland Street SR: 117287 SR: 124297 SR: 124412	Site area: 577m2 Height Limit: 27m Total Possible Building Volume: 15579m3	Refer to drawings for calculation areas... Ground floor volume: 1671m3 Volume other floors: 12491.57m3 Total proposed BV: 14163.39m3 This equates to 90.9% of possible BV.	<p>Ground floor retail space and apartment reception area, upper floors containing 95 apartments. Each ‘primary’ unit is intended to be attached to a ‘studio’ unit when unit title subdivision is sought.</p> <p>Because the proposed building was within the permitted baseline most effects were regarded as de-minimus. Wind not found to be a problem overall. Site contamination found to be problematic later on, but not of particular interest to this study.</p> <p>Daylight to apartments: apartments with no legal road frontage have 1.15m setbacks/lightwells provided on east and west elevations to future-proof against future development on adjacent sites. At least two studio apartments on each floor have just one window facing into what will become a light well 3m back from an adjacent building on southern boundary (Century City Apartments). The building meets building Code tests for sufficient light, but represents a questionable outcome from an RMA perspective.</p> <p>NB: Century City started judicial review proceedings against this consent because it would result in them being unable to gain compliance with building code for their proposed apartments above carpark in the vicinity of Holland St apartments. Proceedings withdrawn thru council negotiation process over their own Building Consent.</p>	<p>Maximum height does not exceed 27m.</p> <p>Ensure acoustic insulation requirements met before occupation of residential units.</p> <p>Servicing Plus others.</p>
Aitken on	Site Area = 484m2	Refer to drawings.	Building height and bulk:	Applicant to liaise

Consent Details	District Plan Maximum Volume	Approx. volume of approved plans	R/C discussion	Relevant Conditions
<p>Mulgrave Apartments Cnr Aitken and Mulgrave Streets</p> <p>SR: 76777</p>	<p>Building height =27m.</p> <p>Total Possible Building Volume = 13068m3.</p>	<p>Grd floor volume: 2001m3</p> <p>2-8floors total volume: 9674.26m3</p> <p>Total proposed BV: 11675.26m3</p> <p>This equates to 89% building volume.</p>	<p>Building within height and site coverage requirements. Site coverage 97%, and goes to boundary on all sides with only minimal setbacks (ie. 20-30cm). Setback from 2nd floor above on the southern façade to provide minimal future-proofing of those apartments on the southern façade from development on adjacent site.</p> <p>Concerns noted on file from adjacent landowner about their intention to build to maximum allowed on that boundary and that this would cause those apartments to have substandard daylight and outlook. The District Plan prevented appropriate consideration of this because of 'permitted baseline', but this information put on any LIM for any of those apartments affected by future development.</p> <p>Design: Some concerns associated with urban design; these were eventually addressed as much as possible over course of consent being processed, though not ideal solution.</p> <p>Wind: Yes, very dangerous wind speeds occurring in this area, and these are made worse by development. Best option would be a podium tower type design, but this was found to be not appropriate from design perspective on such a prominent corner site and in light of the sites very small size. Also suggested off-site wind screen – council does not favour such structures. Settled on verandah cover. Noted that future development of adjacent sites will also change nature of wind environment in this area.</p>	<p>with council urban designer to finalise building top features prior to construction.</p> <p>Liaison also needed over landscaping and street treatment in front of building.</p> <p>Verandahs must be provided to mitigate wind effects.</p>
Resource consents with a focus on Heritage				
<p>8 Cambridge Terrace</p> <p>SR: 121541</p>	<p>Site area – 436m2</p> <p>Height – 27m</p> <p>Total possible Building Volume – 11,772m3</p>	<p>Refer to calculations:</p> <p>Total Proposed Building Volume: 13,021m3</p> <p>This represents 111% of possible building volume.</p>	<p>Notified consent, hearing held. Consent currently appealed.</p> <p>Urban form and Views: proposal consistent with the intentions of the District Plan which envisages 27 metres in the low city area. Views largely unable to be considered as the Plan permits building to 27m and height is the main bulk and location requirement. Did not believe the proposed building would be out of context.</p> <p>Shading: only very minor effects upon sunlight to streets.</p> <p>Wind: only minor wind effects created by proposal and the building design mitigates these effects.</p>	<p>Long list of conditions</p>

Consent Details	District Plan Maximum Volume	Approx. volume of approved plans	R/C discussion	Relevant Conditions
			<p>Heritage: tension between heritage and design issues – still possible to recognise both aspects in a way that benefits project as a whole.</p>	
<p>HSBC Building 195-213 Lambton Quay</p> <p>SR: 51752 (23 story building) SR: 67617 (2 additional floors)</p>	<p>Site – 2001m2</p> <p>Max height 80m amsl (plus 35% to 108m amsl.).</p>	<p>Can't figure out scale based on drawings provided.</p>	<p>Proposal a 23 storey commercial, retail and office building.</p> <p>Heritage: Harcourts building (Category II) to be restored and refurbished. Essentially lift tower on top of this building, set back on all sides so it doesn't read from the street as being part of Harcourts building.</p> <p>Façade of Hamilton Chambers to be kept, with rest of building demolished. This was viewed as a positive outcome at the time given the entire building was proposed to be demolished. Hamilton Chambers Category II listing by HPT. Originally sought to have a 2-3 metre setback of tower from top of HC façade, but final setback only 900mm. Regarded as “sympathetically incorporated into the development”. “The proposed negative detail setbacks either side or above the building will assist in the retained HC façade being perceived as a distinct building”. NZHPT approved treatment of heritage on site.</p> <p>Height: Usable floor space remains within height limit. Only lift tower that exceeds it by 9m and this is setback from all facades. No impact on views, okay from urban form perspective, no impacts on viewshafts.</p> <p>Building design: Generally meets intent of design guide...</p> <p>Wind: Wind conditions for southerly winds remain unchanged by proposed development, but substantial changes for the northerly winds on Panama, Featherston and Grey Streets resulting from downwash off northern face of building. Design modifications to address this included verandahs, mature trees planted, louvres on car parking floors modified to allow wind to blow through these floors. <i>“It is further considered that only major design changes which are considered unreasonable (on heritage and building design grounds) would improve this situation”.</i></p>	

Consent Details	District Plan Maximum Volume	Approx. volume of approved plans	R/C discussion	Relevant Conditions
<p>Kate Sheppard Apartments Kate Sheppard Place and Molesworth Streets</p> <p>SR: 82436</p>	<p>Site area: 1481m² (shown on cityview).</p> <p>Building Heights: two different building heights for this site, so have made assumptions for proportion of site in each height area:</p> <ul style="list-style-type: none"> • 85% of site at 27m • 15% of site at 34.5m <p>Total building volume: 41852.11m³</p>	<p>See plans for calculations. Calculations very approximate, likely to be overstated than understated because averaged the floor areas of each floor based on data already provided in plans.</p> <p>Proposed Building Volume: 40215.86m³.</p> <p>This equates to 96% of possible BV.</p>	<p>Subject site 'wraps around' a heritage building situated on the corner of Molesworth and Kate Sheppard place. The heritage building is in a different CT and a stratum subdivision above it exists (to allow balconies and decks from the apartment building above to encroach into the airspace above the heritage building - Backbencher).</p> <p>Urban Design comments in relation to heritage building</p> <p>Form and location of lower elements of building require consideration in regard to the Backbencher scale:</p> <ul style="list-style-type: none"> • Pedestrian and café on Molesworth St require greater height in consideration to Backbencher • Lower design vocabulary on Kate Sheppard Place should reflect the elements of Backbencher in height distribution <p>Proposal had also included attaching verandah to heritage building; this was eventually discarded from application.</p> <p>Little other discussion relating to the impact of building on adjacent heritage building.</p>	<p>Nothing of significance.</p>
<p>Vogel Building Kate Sheppard Place and Mulgrave Street</p> <p>SR: 139179</p> <p>Consent not yet granted volumes based on original plans deposited with Council.</p>	<p>Site area: 5365m³</p> <p>Building Height: 27m</p> <p>Building Volume: 144,855m³</p>	<p>Refer to drawings for calculation areas. These calculations are more approximate than other examples.</p> <p>Existing Vogel Building on site: 64,382m³</p> <p>Proposed Building: 81,192m³</p> <p>Total volume proposed on site: 145574m³</p> <p>This equates to 100.4% of</p>	<p>No consent report to refer to yet.</p>	

Consent Details	District Plan Maximum Volume	Approx. volume of approved plans	R/C discussion	Relevant Conditions
		possible BV.		
<p>The Wellington Apartments and Serviced Units (Twin Towers)</p> <p>221-227 Cuba Street. Wigan and Dunlop Street</p> <p>SR: 120593</p>			<p>Main issue here was the relationship of the two tower apartment blocks to the adjacent listed heritage buildings and listed facades of the subject site.</p> <p>After significant negotiation the final result was to setback the two towers by 6.5m from Cuba Street frontages to allow the façade and towers to 'read' as separate buildings, retention of the listed façade at 221-225 Cuba St and retention of the non-listed façade at 227-229 Cuba St.</p> <p>Height: breach height by 1m, due to a sloping site.</p> <p>Wind: generally ok, and won't be improved by any other reasonable alternative.</p>	Nothing particular
<p>Taranaki Street Apartment Motels</p> <p>25A Taranaki Street, behind and 'above' Zibbibo's Building.</p> <p>SR: 134200 SR: 50820 (stratum subdivision)</p>	<p>Site Area, Lot 1 and 2 DP 88921 = 708m².</p> <p>Building height =27m.</p> <p>Total Building Volume = 19116m³.</p>	<p>Refer to drawings for calculation areas.</p> <p>Area 1: 2260.83m³ Area 2: 2870.28m³ Area 3: 8338.5m³</p> <p>Total proposed BV: 13468.5m³.</p> <p>This equates to 70.4% of possible BV.</p>	<p>Height of 30.9m in 27m height area. Extra height is within discretionary level height (ie.4.2m).</p> <p>Effects are parking, servicing, height (urban form, shading, and privacy), wind, design, external appearance and siting.</p> <p>Height: effect on urban form no more than minor because site is in transition zone from 43.8m to 27m.</p> <p>Shading effects de minimus compared with a fully complying building. No privacy effects to be concerned with.</p> <p>Wind: wind tunnel test showed almost no effect on existing wind environment in Taranaki St.</p> <p>Urban Design: Heritage comment submitted by applicant: While the heritage assessment found it perplexing that a stratum subdivision would be granted for the airspace above Zibbibo's (ie. that development of the space is acceptable) it is concluded that the "building makes a significant attempt to "fit" with its neighbours. Given the height limits allowed in the DP and a lack of guidance in the Design Guides as to how bulk is to be addressed in this context, the building makes attempts to articulate itself in a manner that is straightforward and...in sympathy with the old building façade". Building in the space above</p>	No particular conditions worth noting.

Consent Details	District Plan Maximum Volume	Approx. volume of approved plans	R/C discussion	Relevant Conditions
			<p>Zibbibo's is anticipated by the Plan, so effects no more than minor.</p> <p>NB: Original subdivision consent to create stratum title to airspace above Zibbibo's sought to protect air/light for the future res. building at the rear of Zibbibos.</p>	
Other consent				
<p>Maritime House</p> <p>10 Customhouse Quay</p> <p>SR: 116196 SR 119775 (two additional floors)</p>	<p>Site area – 843m²</p> <p>Building height – 60masl</p> <p>Total possible building volume – 50,580m³</p>	<p>Refer to calculations:</p> <p>Volume of main building - 49,996m³</p> <p>Machinery room – 569m³</p> <p>Total volume: 49,996</p> <p>This represents 98.8% of potential building volume.</p>	<p>Overview of consent: These calculations are taken from the plans approved by the consent order. Consent was initially granted for a 16 storey central area building. A further consent application sought to increase this by an additional two floors in the middle of the building. Consent was declined, but on appeal, a consent order reached that involved the addition of one more floor to the middle of the building.</p> <p>Original consent for 16 storey building</p> <p>Shading: would not have more than a de minimus effect on shading of surrounding properties.</p> <p>Visual: design generally in accordance with design guide. Considered to achieve 'human scale and visual diversity'. Height of building considered to be consistent with surrounding development (including Mobile on Park, BP), so panoramic views will not be compromised.</p> <p>Wind: existing wind speeds exceed those set by the Plan. Proposed building will not exacerbate wind effects compared with the previous five storey building on site, so further modifications to the building are impracticable as no improvement can be achieved.</p> <p>Commissioner's decision on second application to create 18th floors.</p> <p>Urban Design: design had several positive features, and respected the attention to detail and quality. Impact on views were not seen to be more than minor, but it was noted that with further development along the Quay, this will begin to have significant effect on the vista. In respect of height, commissioners agreed that an additional 35% might be appropriate in some High City Areas, but given the context of neighbouring buildings, then this site is not one of those sites that can go much higher than the 60amsl. Proposed addition would make building significantly higher than neighbouring buildings. Would not 'fit' with neighbouring buildings. Therefore additional height inappropriate.</p>	<p>Typical consent conditions.</p>

Consent Details	District Plan Maximum Volume	Approx. volume of approved plans	R/C discussion	Relevant Conditions
			<p>Sunlight/shading: considered that the development of public spaces along the waterfront was a relevant matter and found that there would be a more than minor effect on these areas.</p> <p>Wind: extra two floors would exacerbate wind conditions, and verandahs would help. But outstanding concern that the district plan seeks an improvement in the wind environment, therefore the effects are more than minor.</p> <p>Proposal does not meet relevant objectives and policies of the District Plan.</p>	

7.3 Managing the wind effects of new building work

- 12.2.5.6 **Ensure that buildings are designed to avoid, remedy or mitigate the wind problems that they create and where existing wind conditions are dangerous, ensure new development improves the wind environment as far as reasonably possible.**
- 12.2.5.7 **Encourage consideration of wind mitigation measures during the early stages of building design and ensure that such measures are contained within the development site.**

7.3.1 Context – overview of wind issues

Wind rules apply in the Central Area so that buildings of moderate/ tall height are designed to avoid, remedy or mitigate wind problems they create, in order to maintain and enhance amenity values of the Central Area. The application of the wind rules over the past four years has highlighted some problems with the interpretation and administration of the operative rules:

- The need for an adequate, alternative process in place where the need for a full tunnel test is not justified.
- Difficulty in conveying the effect of certain winds by using wind speeds (ie. metres/second) in the permitted activity standards.
- Responding to tensions that exist between wind mitigation measures and the effect of such features on the value of heritage buildings and streetscape/urban design.
- Whether Computational Fluid Dynamics (CFD) can be used as an alternative to wind tunnel testing.

The issues are discussed more fully below, along with options tables, followed by a recommendation.

7.3.2 Issue 1: Providing an alternative means (apart from the wind tunnel tests) of showing compliance with the permitted activity wind speeds.

The current permitted activity rules state that in order “*to show that a proposed development complies with these standards, a wind report must be supplied which includes the results of a wind tunnel test*” (rule 13.1.2.11.2). A review of wind assessments from over 60 resource consent applications shows how the application of the rules has become more problematic over time, and as a consequence, a pragmatic approach has been adopted in some situations, whereby a report from a wind expert has been adopted in lieu of a wind tunnel test.

One option is to devise a set of circumstances where an expert opinion report will be accepted instead of a full tunnel test. The types of developments able to make use of such an alternative processes could include:

- Where the proposed building or addition is consistent with other building heights in the neighbourhood, and incorporates wind mitigation measures such as verandahs, setbacks and breezeways;
- Where the proposed work is for a minor rooftop addition (eg. lift or ventilation room) which is setback from all sides of the building;
- Where the proposal involves a structure that will not impede wind flows, eg, aerials, masts, and

- The report is prepared by a suitably qualified wind expert.

The benefit of such an approach is to reduce unwarranted regulation (time and costs) for those building works which will not create a ‘more than minor’ effect on the pedestrian wind environment. The main disadvantage is that by introducing a second, alternative process in the Plan that Council officers would need to exercise discretion in terms of judging which process is to be used. Such discretion contributes to less certainty for developers.

7.3.3 Issue 2: Permitted activity wind speeds

There are two aspects of the permitted activity wind speeds that need review.

The first aspect is the need to explicitly state that the wind speeds seek to address three issues – safety, avoiding degradation of the wind environment (ie. creep) and to provide comfort in important parks and spaces. The current permitted activity standards are designed to ensure that the wind environment is safe for pedestrians and to avoid a degradation of the pedestrian wind environment through the cumulative alteration of buildings. Another dimension of the pedestrian wind environment however is ‘comfort’. Comfort is particularly important for places where people gather for longer than a few minutes. The current rules set a lower wind threshold for ‘parks’ but this has been open to interpretation in the past. It is appropriate now to consider including ‘comfort’ in important parks and spaces as one of the goals of the wind rules.

A second issue relates to the difficulty that lay people have in understanding the effect of a certain wind speed. This is particularly important in a pre-application meeting between the Council and the applicant or a resource consent hearing, where for example, it is difficult to grasp the true difference between the effect of a 20m/s wind speed and a 21m/s wind speed. As the concept of time is easier to grasp than wind speed it has been suggested that the permitted activity wind speeds are changed to reflect this, ie. number of hours per year that a certain wind speed will occur as a result of the building works.

A fuller explanation of all changes made to the wind standards is attached at the end of this discussion.

7.3.4 Issue 3: Tensions that wind mitigation measures create with urban design and heritage protection

The review of resource consent applications processed over the past five years revealed an ongoing tension in the Plan between the requirement of a developer to mitigate the wind effects from a building, and the need to meet certain urban design requirements and to protect listed heritage items.

Ideally wind, urban design and heritage protection, where relevant, are all matters that would be considered early on in the design process. Even so, often tensions would remain unresolved at the time the consent application was lodged. This is largely because a rule in the plan (ie wind standard) carries more weight than a guideline in the Design Guides.

7.3.4.1 Urban Design

The review of consents shows that the least preferred wind mitigation measure from an urban design perspective is wind breaks on public land (pedestrian walkways, streets, parks etc). It is noted that the Council has itself constructed wind/rain shelters along key unprotected pedestrian routes (most notably in front of the railway station). The reason why Council structures are acceptable and privately constructed ones are not is primarily because private

structures are needed as a direct result of a building development that has created an adverse wind effect on the public environment that will not benefit the general public in any way. Council based structures are generally erected in open space areas where the wind/rain is an existing problem that cannot be solved by other measures.

Other wind mitigation measures (such as breezeways, setbacks and trees) are generally more acceptable but have, in particular situations, also been considered inappropriate. In one such case a breezeway was to be provided at the ground floor level (with car parking behind). This was considered unacceptable in terms of the design guide and streetscape generally as it would interrupt the predominant flow of retail frontages along the street. An alternative solution would see the breezeway situated further above the ground (ie. levels 2 and 3).

7.3.4.2 Heritage protection

A particular tension arises where a building requiring wind mitigation is a listed heritage building (as alluded to above). Proposals to attach verandahs and balconies to listed heritage buildings (to reduce a wind effects created by the building development) may result in an unfavourable recommendation from the Council's heritage advisor where the heritage character of the building would be adversely affected.

Proposed amendments to the heritage provisions in proposed Plan Change 43 are likely to give more balance to the situations, along with the change in activity status for new buildings or additions and alterations from Controlled to Discretionary Restricted in the proposed Central Area rules. These changes will mean that planners can give due consideration to all the effects of a building on the pedestrian wind environment and, depending on other relevant considerations, require changes to proposed mitigation solutions to respect urban design or heritage matters.

7.3.5 Issue 4: Using computational fluid dynamics as an alternative to a physical wind tunnel test

Computational Fluid Dynamics (CFD) is a way of calculating or describing with the use of computers the movement or dynamics of things that flow (eg. wind, smoke, pollution). The Council has received sporadic requests in recent years to consider whether computational fluid dynamics could be used to test pedestrian wind effects as an alternative to wind tunnel testing.

CFD technology has traditionally been used to model such things as building ventilation, fire and smoke dispersal, and spread of pollution. The question is whether this technology is able to be applied to the study of the pedestrian wind environment as a result of new building works. It is generally accepted that the application of CFD to pedestrian wind environments is technically more difficult than its other applications.

A search of the published scientific journals and discussions with users of CFD suggests that while the technology does have distinct benefits over wind tunnel testing, the current consensus is that there are still significant limitations with the application of CFD to testing the pedestrian wind environment. This limitation is summed up by Jones et al (2004) who concluded that, *“while there is agreement in general flow trends, which may indicate the existence of wind problems, there are significant departures in details, in the identification and the extent of problems. In practical application, these differences could lead to different design assessments, or different design alterations.”*

This is of particular importance for local authorities trying to determine how a building should be redesigned to ameliorate the wind effects. Confidence is needed that the results of a CFD

test result in appropriate building design changes which can then be enforced by resource consent conditions.

CFD does provide the way forward for testing the wind effects from buildings on the pedestrian environment, but until its weaknesses have been addressed it is regarded as pre-emptive to amend the District Plan to allow CFD testing as an alternative to the wind tunnel tests. For future reference, it is considered that the use of CFD to assess compliance against the permitted activity wind speeds for Wellington should be reconsidered when the following occurs:

- There is a wide body of international published research and consensus that confirms CFD is valid tool for measuring wind effects on the pedestrian environment;
- When providers of CFD information can demonstrate to Council's satisfaction that their CFD model is calibrated against an international wind data set and against Wellington's wind environment.

When this occurs, the Council will need to commence a plan change process to recognise the CFD methodology and possibly a revised report format.

7.3.6 Options

Policies, rules and other methods

The table below considers the cost and benefits of principle options for changes to the wind rules considered during the preparation of the Central Area review.

Table 7J	OPTION 1: Status Quo – make no changes to existing wind rules	OPTION 2: Make some changes to wind rules to clarify their intent and improve efficiency and effectiveness of rules (incl. proposal to allow wind assessment reports for certain wind developments and clarify wind standards)	OPTION 3: A plan change that requires proposals to meet tougher wind thresholds in order to create a significantly less windy environment, and to require building bulk to be reduced as the primary means of mitigating adverse wind conditions.
Appropriateness	This is NOT recommended.	This is the recommended option. It is appropriate because it retains the key elements of the existing 'tried and true ' approach, but makes adjustments as necessary to address issues that have arisen in the past ten years. In particular it reduces unnecessary compliance costs for those situations where the effects of the proposal on the wind environment are expected to be de minimus, and it also provides greater clarity about what the rules are seeking to achieve.	This is NOT recommended.
Effectiveness in achieving the Plan's objectives & policies	Effective: The existing requirement for a full tunnel test ensures that the Council receives full information about the effects of the development and can be confident that the decisions it makes will achieve the plan's objectives and policies. However, achieving the current wind speeds to fulfill the wind objective and policy may result in non-compliance with other policies and objectives of the Plan. The current approach does cause tension between the different goals of the Plan as they are not currently very well aligned and as a result, it may not be achieving good results overall.	Effective: Wind experts agree that there can be some sites where a proposed development will not adversely impact on the existing wind environment, and may even improve that environment. Given this, proposed developments that meet the selected criteria should be regarded as meeting the Plan's objective to maintain amenity values and wind policies without having to go through a wind tunnel test. The requirement to clarify the intent of the wind standards will assist planners in their consideration of the proposal against the Plan's objectives and policies.	Effective: Adopting more stringent wind speeds/hours thresholds will eventually (ie. over decades) lead to a less windy pedestrian environment. As building height and bulk can be the main contributors for buildings not able to meet the thresholds, then requiring significant reductions in bulk and height will be the most effective solution.
Environmental benefits	No change.	Will clarify that the rules are controlling safety, cumulative effects and comfort in identified parks. Such clarity will lead to better decision-making, especially in the area of	Will progressively see a reduction on adverse pedestrian wind conditions across the city.

Table 7J	OPTION 1: Status Quo – make no changes to existing wind rules	OPTION 2: Make some changes to wind rules to clarify their intent and improve efficiency and effectiveness of rules (incl. proposal to allow wind assessment reports for certain wind developments and clarify wind standards)	OPTION 3: A plan change that requires proposals to meet tougher wind thresholds in order to create a significantly less windy environment, and to require building bulk to be reduced as the primary means of mitigating adverse wind conditions.
		proposed wind mitigation measures. Will progressively see a reduction on adverse pedestrian wind conditions across the city.	
Environmental costs	No change.	One cost includes the small (but unlikely) possibility that for some developments an adverse wind environment is created. This would not be picked up until after completion of the work. Having wind speed data from a tunnel test would prevent this. Mitigation measures could be added after construction of the building to ameliorate these effects.	May result in small, squat buildings that do not fit well with the desired urban form of the city (ie. high city, low city), or even in context of surrounding buildings. Rules that are perceived to be limiting development potential of a site may result in neglect of existing buildings, affecting their long term sustainable use.
Economic benefits	If the tunnel testing is done early in the process it can result in changes to the building design at an early stage, avoiding costly redesign at a later stage in order to make the building comply with the planning regulations.	If the new 'wind assessment process' is applicable, this will result in reduced costs and delays (ie. compliance costs) compared with the full wind tunnel test.	N/A
Economic costs	The cost of a full wind tunnel test and subsequent report starts at around \$15,000. This cost could be larger depending on the number of alternative designs that are tested.	If the new 'wind assessment process' is applicable, the cost of obtaining such a report, at approximately \$1,000 to \$2,000, is substantially lower than a wind tunnel test.	Rules may be perceived as discouraging development in the central city, affecting its long term viability, vitality and the regeneration of existing, older building stock. Developers will have little certainty about the development potential of a site. Significant research into Wellington CBD building stock and how it influences Wellington's pedestrian wind environment before this level of intervention could be justified.

Table 7J	OPTION 1: Status Quo – make no changes to existing wind rules	OPTION 2: Make some changes to wind rules to clarify their intent and improve efficiency and effectiveness of rules (incl. proposal to allow wind assessment reports for certain wind developments and clarify wind standards)	OPTION 3: A plan change that requires proposals to meet tougher wind thresholds in order to create a significantly less windy environment, and to require building bulk to be reduced as the primary means of mitigating adverse wind conditions.
Social benefits	N/A	Improved comfort levels in public spaces should encourage people to linger longer, creating a sense of community and vitality.	Improved comfort levels in public spaces should encourage people to linger longer, creating a sense of community and vitality.
Social costs	N/A	The wider community may not be satisfied with the reduced information requirements for some developments.	N/A
Efficiency	No change	Yes. Will codify existing practice (regarding approval of consents without the results of a wind tunnel test) into the Plan reducing uncertainty and delays for applicants.	No. Will require more in depth testing and re-testing of alternative designs, lengthen the resource consent process and reduce certainty. The benefits do not yet outweigh the negatives.

7.3.7 Conclusion

Option 2 is favoured as the most effective and efficient option to achieve a desirable pedestrian wind environment without increasing levels of risk to the community or placing excessive restrictions on the future development of the city. Option 1 (the status quo) is not recommended primarily because the monitoring work has indicated that changes are needed to improve the workability of the rules. Option 3 is not recommended as it would require a significant amount of research and further consultation with the community as reducing building bulk and height will fundamentally change the urban form of Wellington. The need for this level of intervention is not well established.

7.3.8 Key documents, discussions and briefings

Over 20 meetings with Nick Locke and Neil Jamieson (Opus), Mike Donn (Council's Wind expert – Victoria University) and Council Resource Consent and District Plan Policy staff since March 2004 to July 2006.

- Donn, M., Osterhaus. W., and Bluck. A (1999) Sun, Light and Wind in Central Wellington. A paper submitted to the 1999 ACSA/CIB Technology Conference. School of Architecture, Victoria University of Wellington.
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- Bosselmann. P, et al., (1995) 'Urban Form and Climate' in Journal of the American Planning Association 20, 1995.
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- Shaviv, E., Yezioro. A., Capeluto. I., (2001) Sun and winds in a new business district in Tel Aviv, Paper presented to the Seventh International IBPSA Conference, Rio de Janeiro, Brazil, 13-15 August 2001.
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- Blocken. B., Carmeliet. J., (2004) 'Pedestrian Wind Environment around Buildings: Literature Review and Practical Examples', in Journal of Thermal Env. & Bldg. Sci., Vol 28, No 2:107-159
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- Miles. S., and Westbury. P., (2002) 'It's a breeze', in The Architects' Journal, May 2002 <http://www.bre.co.uk/pdf/AJarticle.pdf>
- 2 privileged legal opinions on resource consent applications

Central Area Wind Control provisions

A simple guide to understanding the difference between the existing and proposed pedestrian wind control provisions in the Wellington City District Plan

Rule 13.6.3.5.1

The Port Redevelopment Precinct (i.e. Harbour Quays) is proposed to be subject to the wind control rules. Operational port activities within the Operational Port Area will continue to be exempt from the wind requirements.

Rule 13.6.3.5.2

The threshold for triggering compliance with the standard for new buildings, structures or additions and alterations remains at 18.6m (or what used to be known as 4 storeys).

1st significant change

In the Operative Plan, the permitted activity wind standards were all outlined in one table. That wind table sought to achieve three goals:

- Safety - avoid dangerous winds (i.e. speeds above 18m/s);
- Cumulative Degradation – avoid gradual deterioration of wind environment (i.e. 'up to 15m/s' and '15-18m/s');
- Comfort - protection for high amenity public spaces / parks (i.e. speeds \leq 10m/s).

In the proposed Plan Change, each of these three goals are now provided for with their own standard. Thus, a development proposal must meet both the 'safety' and 'cumulative effect' criteria, and if a listed public space is adjacent it must also meet the 'comfort' criteria.

13.6.3.5.2 (a) Safety criteria

The proposed standard applies to all public spaces. Public space is defined in the Definitions section of the Plan.

Purpose: To prevent the one strong gust that may only occur once a year, but which is capable of knocking people over because it is a dangerous wind. It calculates this by measuring the maximum gust speed.

Operative Plan: says that the maximum gust speed must not exceed 18m/s.

Proposed Plan: says that the maximum gust speed must not exceed 20m/s.

At first glance, it appears as though the standard has been relaxed. In fact, this is not true. The change can be explained by the fact that the calculation methodology for the maximum gust speed has changed (methodology detailed in Appendix 8) and because of this it was necessary to change the value to ensure the threshold of a dangerous wind gust was still the same as that used in the Operative Plan. There are two areas where the measurement procedure has changed:

1. One aspect of measuring maximum gust speed relates to the number of hours in a year. In the Operative Plan, only daylight hours are used with the maximum gust speed calculation (ie. 4380 hours per year). However, in recognition that wind occurs during all hours of the day and because many pedestrians are more likely to be out at all times of day and night now than it is appropriate to include all hours of the year in the calculation (ie. 8760 hours per year).
2. There is no explicit definition of how to measure gust speeds in the Operative Plan. The proposed changes have now clearly defined an appropriate calculation, which has resulted in the need to adjust the standard to 20m/s.

13.6.3.5.2 (b) – Cumulative Effect

The proposed standard applies to all public spaces. Public space is defined in the Definitions section of the Plan.

Purpose: To control the cumulative degradation of the wind environment caused by one or a number of developments in an area.

Operative Plan:

The existing provisions outline a two stage process where if the existing wind speed is within a certain range of wind speeds (ie. less than 15m/s, or 15-18m/s) then the developer is required to ensure the wind speeds after the development do not increase above these ranges. This rule effectively limits wind speeds below 15 m/s from increasing above 15 m/s, and limits wind speeds between 15 and 18 m/s from increasing above 18 m/s.

The main problem of the current provisions is that they only limit winds from exceeding 15 or 18 m/s (depending on their initial value). Therefore, winds speeds may increase substantially in one area (e.g. from 9m/s up to 15m/s) and comply with the rule, while they may hardly increase at all in another (e.g. 15 up to 16m/s), but will fail the rule. The proposed plan change seeks to control all changes in wind speeds, not only those that cross the 15m/s or 18m/s threshold speeds.

A further problem with this provision is that people do not easily understand the effect that different wind speeds have on the wind environment throughout the year. The impact of changes in wind speed are also difficult to understand as a change at low wind speed has a different impact on the environment to the same change at high wind speeds. Alternatively, the wind speed information can be expressed as the time (in this case 'hours') that a given wind speed occurs for each year. The proposed plan change is seeking to convert this standard to an 'hours' calculation.

Proposed Plan:

In addition to the change in focus from a particular wind speed to 'hours of occurrence' there are two aspects of the proposed cumulative effect standard that need to be understood.

1. The changes in the wind environment (i.e. improvements or degradation) need to be assessed for both strong winds, which occur for a small proportion of the year, and for light winds / breezes, which occur for a relatively large amount of the year. Changes to the windy periods of the year are measured using a mean wind speed of 3.5m/s, while changes to the light breezes are measured using a mean wind speed of 2.5m/s. Changes in the hours of occurrence, between the existing situation and the proposed development, will be calculated at all the selected measurement points. If the change in hours exceeds 170hrs/year (i.e. corresponds to 2% of the year, or 1 week) then the developer is required to amend the proposal to reduce the change in hours to a maximum of 170hrs.

Example 1: the north east corner of a development site has strong winds (ie. 3.5m/s) that occur for 500 hours a year. Testing a proposed development shows that the same spot has strong winds occurring for 800hrs/yr. The developer would then be expected to amend the building design to reduce the hours to 670hrs/yr at most, but preferably lower.

2. The second aspect of this rule is that in order to avoid a gradual degradation of wind conditions (i.e. developments increasing windy/breezy periods by just under the 170hrs/yr limit, at several of the measurement points, causing an overall cumulative increase), there is a duty to ensure that the overall impact of a building on the wind environment is neutral or beneficial. Hence, for any given development some measurement points may be over and others may be under, but the net effect cannot be windier than existing conditions.

To measure the overall impact, it is necessary to do a simple 'average' calculation of the results from all measurement points. Failure to produce a neutral or beneficial result will breach the standard, requiring a resource consent.

Example 2: the change in hours measured at 10 locations around a proposed development (compared to the existing building) range between -100 hr/yr to +140hr/yr. If the average change over the 10 points is less than or equal to zero then the proposed development complies, otherwise if the average change is greater than zero (i.e. there is a net increase in wind speed) then the development will not comply.

13.6.3.5.2 (d) – Comfort

The proposed standard applies to all listed public spaces referred to in the 'Sunlight access to public spaces rule" (ie. Rule 13.6.3.4).

Purpose: To provide a comfortable level of amenity for people in important public spaces. It is appropriate to make a connection between those public spaces protected to provide sunlight access and the requirement to have appropriate wind conditions in those same places. This is because wind influences the willingness of people to stop and sit for a time.

Operative Plan:

The current wind rules state that any development producing a wind speed of more than 10m/s in a park space must reduce this to 10m/s.

Proposed Plan:

This provision also has been re-written in terms of the number of uncomfortable hours that occur each year, rather than wind speeds. It is important to recognise that the comfort rule relates to the absolute number of hours each year, as compared with the 'cumulative criteria' which limit the 'difference' between the existing and proposed situations.

Because we are interested in creating a comfortable park, we want to measure how many hours uncomfortable winds (ie. winds greater than 2.5m/s) occur for. The rule states that if winds equal or exceed 2.5m/s for more than 1700 hours per year, then the developer needs to reduce the number of hours to existing levels (if existing levels are above 1700 hours) or to 1700 hours (if existing levels were below 1700 hours).

This implies a change in approach compared with the operative rules as wind conditions only need to be reduced back to existing levels in the proposed rule. For example, the operative plan states if a proposed development increases wind speeds above 10m/s it must reduce the wind speed back down to 10m/s by amending building design. This does not allow for the fact the existing wind speeds may already be above 10m/s. The proposed rule states that if a development increases the uncomfortable hours beyond 1700 (i.e. 20% of the year) then the building must be redesigned to either; reduce the hours to a maximum of 1700 (if the existing uncomfortable winds occur for less than 1700 hours), or reduce the hours to existing levels (if the existing uncomfortable winds occur for more than 1700 hours per year). By way of example, if the existing number of hours that are uncomfortable are 2500 hours, and a proposed development increases the hours to a total of 2800 hours, then the developer is only required to reduce levels back to 2500 (not 1700 as might be expected otherwise). This change is intentional to ensure that the standard is realistic and achievable.

The mean hourly wind speed of 2.5 m/s equalled or exceeded for 1700 hours each year was selected as a comfort measure as it corresponds to established international comfort criteria and also corresponds closely to the limits of comfort found in a study of Wellington inner city parks. It is important to recognise that any outdoor space will be uncomfortable/unusable for a certain amount of time each year (the amount will vary from point to point depending on the relative windiness of each area). The comfort criteria allows for this fact by stating that an area can be uncomfortable (i.e. mean wind speed > 2.5m/s) for up to 20% of the year. It is important to understand that a higher wind speed that occurs for a corresponding smaller number of hours could have been used to describe exactly the same overall wind conditions. However, the low wind speed and large number of hours will be more intuitive for non-technical people as, 1) the wind speed of 2.5 m/s (approximately 10 km/hr) is commonly experienced and everyone will be able to relate to its effect, and 2) the large number of hours that the wind speed may occur for in a year will also be significant in peoples minds (i.e. 20% is a large proportion of the year).

Rule 13.6.3.5.3 - Does a development meet the standards?

All applications must be accompanied by a report prepared in accordance with Appendix 8. This is essentially a quality control measure, ensuring that all wind studies follow a consistent methodology and therefore the results can be trusted.

Applicants are also referred to the Information Requirements (specifically 3.2.2.14) as these outline two types of reports that may be provided to Council. This represents another change from the Operative Plan and the proposed Plan.

Information Requirements – Chapter 3, section 3.1.1.14

The main statement sets up a presumption that all reports provided will be prepared following a wind tunnel test procedure. The testing procedure and content of the report is outlined in Appendix 8.

A second alternative is provided if a proposed development meets certain criteria:

- Where the proposed building or addition is consistent with other building heights in the neighbourhood, and incorporates wind mitigation measures such as verandahs, setbacks and breezeways;
- Where the proposed work is for a minor rooftop addition (eg. lift or ventilation room) which is setback from all sides of the building;
- Where the proposal involves a structure that will not impede wind flows, eg, aerals, masts.
- A report prepared by a suitably qualified wind expert concludes the development is highly likely to comply with the wind standards set out in 13.6.3.5.2.

Once again, Appendix 8 outlines the contents of the 'wind assessment report'. This alternative procedure has been provided to ease the process for the small number of applications each year that met these criteria. It is expected that most applications for new buildings or significant additions or alterations would still be required to be tunnel tested.

Failure to comply with the standards

Failure to comply with any of the standards will see a proposal being assessed as a Discretionary (Restricted) Activity (so no change from Operative Plan and Proposed Plan). Guidance in assessing the application should be taken from the relevant polices, which have been amended in the Proposed Plan Change, to include aspects that were previously found in the assessment criteria.

8. Managing the effect of new buildings on the public environment

12.2.6 To ensure that new building works maintain and enhance the amenity and safety of the public environment in the Central Area, and the general amenity of any nearby residential areas.

8.1 Proposed policies and methods

Building Design and Context

- 12.2.6.1 Enhance the public environment of the Central Area by guiding the design of new building development, and enhancing the accessibility and usability of buildings.
- 12.2.6.2 Require high quality building design within the Central Area that acknowledges, and responds to, the context of the site and the surrounding environment.
- 12.2.6.3 Ensure that new buildings and structures do not compromise the context, setting and streetscape value of adjacent listed heritage items, through the management of building bulk and building height.

Sunlight to Public Spaces

- 12.2.6.4 Protect sunlight access to identified public spaces within the Central Area and ensure new building developments minimise overshadowing of identified public spaces during periods of high use.
- 12.2.6.5 Advocate for new building work to be designed in a way that minimises overshadowing of any public open space of prominence or where people regularly congregate.

Views

- 12.2.6.6 Protect the panoramic view from the public viewing point at the top of the Cable Car.
- 12.2.6.7 Protect, and where possible enhance, identified public views of the harbour, hills and townscape features from within and around the Central Area.

Verandahs and Pedestrian Shelter

- 12.2.6.8 Ensure that pedestrian shelter is continuous on identified streets where there are high volumes of pedestrians, and on identified pedestrian access routes leading to the Golden Mile from the outskirts of the Central Area.
- 12.2.6.9 Ensure that in providing pedestrian shelter any adverse effects on the architectural integrity of a building to which the shelter is affixed, and any adverse effects on public safety and the informal surveillance of public spaces are avoided, remedied or mitigated.
- 12.2.6.10 Encourage the provision of pedestrian shelter along streets and public spaces throughout the Central Area (including within the Pipitea Precinct).

Shopfronts and Active Edges

- 12.2.6.11 Maintain and enhance the visual quality and design of ground floor level developments fronting on to streets, parks and pedestrian thoroughfares throughout the Central Area
- 12.2.6.12 Maintain and enhance the commercial character and visual interface of ground floor level developments facing the public space along identified frontages within the Central Area.
- 12.2.6.13 Encourage new building development in the Central Area to provide ground floor stud heights that are sufficient to allow retro-fitting of other uses.

Safety

- 12.2.6.14 Improve the design of developments to reduce the actual and potential threats to personal safety and security.
- 12.2.6.15 Promote and protect the health and safety of the community in development proposals.
- 12.2.6.16 Ensure that public spaces in the Central Area (including privately owned places that are characterised by public patterns of use) are suitably lit at night time to improve the safety and security of people.

Structures over roads

- 12.2.6.17 Maintain and enhance the streetscape by controlling the siting and design of structures on or over roads and through continuing programmes of street improvements.

Creation of Vacant Land

12.2.6.18 Maintain and enhance the streetscape by controlling the creation of vacant or open land and ground level parking areas.

Sites Adjacent to Residential Areas

12.2.6.19 Require that where Central Area buildings or structures adjoin a Residential Area, they satisfy additional standards.

METHODS

- Other mechanisms (Bylaws)
- Rules
- National standard access design criteria
- Design Guides
- The Wellington Waterfront Framework
- Operational activities (The Wellington Waterfront Framework, City safety initiatives, street improvement works)
- Advocacy (eg National Guidelines for Crime Prevention through Environmental Design in NZ)
- Pipitea Precinct - Masterplan
- Port Redevelopment Precinct – Masterplan
- Encroachment licenses

8.1.1 Existing provisions proposed to be retained

Existing policies proposed to be retained largely relate to key premises of the Plan, including the overall intent:

- to guide the design of new building developments,
- to protect a significant panoramic view across the Central Area,
- to provide for people's health, safety and security,
- to enhance developments within the street, and
- to maintain the amenity values of Residential Areas are proposed to be retained.

8.1.2 Proposed changes to achieve the above objective

Most of the proposed policies are new, or modify and build on existing policies. Monitoring of the effectiveness and efficiency of the District Plan and other research has indicated some deficiencies in the way existing provisions achieve the types of outcomes sought by the above objective. These changes include strengthening, updating, better integrating and adding new policies and methods:

- Stronger policy, design guidance and methods for achieving quality urban design outcomes with any new building developments, including where buildings are sited adjacent to heritage items (**page 131**),
- Updated policy and rules to protecting sunlight access to an updated list of identified public spaces, and to advocate building design to maintain sunlight access elsewhere (**page 146**),
- Updated policy and viewshaft appendices for protecting significant public views (**page 167**),
- New and clearer policies and rules for requirements to provide pedestrian shelter (**page 176**),
- Stronger policy, design guidance and methods to maintain and enhance the quality and adaptability of ground floor frontages (**page 183**),

- Integrating (unchanged) policies on safety with other urban design policies, so that they work together, and add a new policy to light public spaces suitably (**page 192**), and
- Adding a policy to manage any new vacant land (**page 193**).

Note, a discussion on protecting heritage and character areas, while also relevant to these provisions, was discussed in full on **page 63** above.

8.2 Achieving quality urban design outcomes

- 12.2.6.1 Enhance the public environment of the Central Area by guiding the design of new building development, and enhancing the accessibility and usability of buildings.
- 12.2.6.2 Require high quality building design within the Central Area that acknowledges, and responds to, the context of the site and the surrounding environment.
- 12.2.6.3 Ensure that new buildings and structures do not compromise the context, setting and streetscape value of adjacent listed heritage items, through the management of building bulk and building height.

8.2.1 Context

Wellington City Council has an established history of managing building design in the Central Area to ensure that new building works do not adversely impact on the quality of the public environment. As a signatory to the *New Zealand Urban Design Protocol* (2005), the Council has re-iterated its commitment to quality urban design.

With the exception of the Operational Port Area, operative design guides apply to all parts of the Central Area under the operative District Plan. Any new building, or significant addition or alteration to an existing building requires resource consent and is assessed against the contents of the relevant design guide. The design guide assessments are undertaken by way of a Controlled Activity rule.

The Central Area Design Guide is the principle document covering the Central Area, but there are also three character areas; Courtenay, Cuba, and Civic Centre that are subject to their own design guides. The area of rail yards north of the city centre, known as the Te Ara Haukawakawa Precinct, is also subject to its own design guide which has a particular focus on creating high quality public space and related structure.

On 16 December 2005, Council publicly notified District Plan Change 41, which applied urban design (and wind) controls to the area of the Operational Port identified (by port operator CentrePort Ltd) for development as a business park as part of the 'Harbour Quays' project.

8.2.2 Monitoring, policy analysis and consultation

8.2.2.1 Monitoring results

Monitoring of the effectiveness of the District Plan rules and design guides relating to urban design has revealed a number of issues with the current District Plan provisions. While the current process of assessing new building works against a design guide is generally resulting in better design outcomes than could be expected if no guidelines were in place, only 60% of buildings studied gained an urban design rating of better than average. This implies that the design guides are not as effective as they might be. Reasons for this include:

- The content of many of the design guides is dated and now out of context,
- There is unnecessary duplication between design guides,
- Some character area design guides cover too large an area and their impact is diluted as a result,
- There are issues about when the main Central Area Design Guide and the Character Area Design Guides are applied in relation to each other.
- The Controlled Activity status used to implement the design guides does not provide sufficient clout to ensure good design outcomes are achieved.

In response to the monitoring study, it is proposed to take the following action in relation to design guides and the definition of character areas:

- Provide stronger policy direction as to the desired outcomes for building design and the enhancement of the public environment in the Central Area,
- Implement the design guides as a Discretionary Activity (Restricted),
- Revise design guides to update content, improve relevance and reduce repetition of content, and
- Revise the number and extent of the current ‘character areas’ in the Central Area. In place of character areas it is proposed to create nine heritage areas in the Central Area to cover areas of high heritage values and special character. Three of the proposed heritage areas are existing character areas. These are the Cuba Street, Courtenay Place and Civic Centre Heritage Areas. In addition, four of the proposed heritage areas contain existing heritage areas, including Parliament grounds, Post Office Square, the Wesley Church Heritage Area, and the lower part of Plimmer Steps.

8.2.2.2 Stronger policy direction

Given the importance placed on achieving a high quality built environment in Central Wellington, the operative District Plan provided comparatively little guidance as to the type and quality of outcomes that the Council was seeking to achieve. This lack of policy guidance has made implementation of the District Plan difficult for a number of reasons:

- It can be difficult for decision makers to construct arguments for the refusal of poor developments because there is little clear guidance as to the Council’s ‘vision’ for the built form of the Central Area, and
- The policies provide very little guidance for applicants seeking to undertake a development that falls outside the parameters and rules set down in the District Plan. When unusual or unique applications are received by Council there is little guidance in the District Plan to help determine whether the proposal is appropriate and consistent with the long term vision for the Central Area.

To help resolve these issues the revised Central Area Review provides much stronger policy direction regarding management of buildings and the quality of the built environment. The new structure is split into six topic areas or ‘issues’: design coherence; relationship to context; siting, height, bulk and form; edge treatment; façade composition and building tops; materials and details.

8.2.2.3 Rule structure & activity status

Monitoring of the quality of new building developments in the Central Area from 2001-2004 indicates that approximately 60% of new buildings have a design quality above average. While this figure is higher than could be anticipated if no design assessment was undertaken for new buildings, it also indicates that there is scope for improvement in how the Council undertakes the design assessment for new building works. The monitoring report concluded that a significant barrier to achieving better overall building design was the Controlled Activity status of the design assessment rule in the operative District Plan.

As a result the Central Area Review proposes to elevate the status of the design assessment rule to Discretionary Activity (Restricted). This status will mean that the Council’s discretion remains limited to the design aspects of new building works, but will enable the Council to decline applications for developments that would be inconsistent with the provisions of the Central Area Design Guide and detrimental to the quality of the public environment in the Central Area.

Port activities within the Operational Port Area continue to be exempt from some rules to allow the operational port to function effectively. Non-port developments or non-rail developments within the Pipitea Precinct are subject to proposed new controls as discussed on **page 78**.

It is proposed to retain a Controlled Activity rule for new buildings, structures and public spaces in the Port Redevelopment Precinct. Retention of the controlled activity status is linked to the provision of a masterplan, Memorandum of Understanding, and mandatory design review process for the Precinct. These are discussed in more detail in section 8.2.2.6 below.

It should also be noted that the Te Aro Corridor Design Guide applies to some sites within the Inner Residential and Institutional Precinct zones. References to the Te Aro Corridor Design Guide have been added to the existing rules that apply in those zones to allow the contents of the design guide to be considered in the assessment of any relevant developments in those zones.

8.2.2.4 Internal assessment procedures

Elevating the design assessment to a Discretionary Activity (Restricted) will increase the importance of pre-application meetings between developers, architects and Council's urban design team. It is acknowledged that the new discretionary activity status places a greater onus on the Council to provide consistent, timely and transparent urban design advice during the pre-application phase. Work is currently underway within Council to ensure that internal processes are sufficient to deliver high quality urban design advice to customers in a timely manner.

8.2.2.5 Central Area Design Guide

Monitoring of the design guides included in Volume II of the operative District Plan has revealed a number of shortcomings with the current documents:

- The content of many of the design guides is dated and now out of context.
- There is unnecessary duplication between design guides.
- Some character area design guides cover too large an area and their impact is diluted as a result.

The current design guides were developed over the course of a decade beginning with the Cuba Character Area Design Guide. This time lapse means that some later design guides include ideas, approaches and principles that were not included in the earlier design guides. In reviewing the Central Area, the opportunity has been taken to rationalise the content and structure of the central area design guides to improve their relevancy, reduce duplication, and remove outdated material.

The new structure will combine each of the existing design guides into one Central Area Design Guide. This design guide, which covers the core urban design principles applying to new building works, will apply to the whole of the Central Area (excluding port buildings in the Operational Port Area). Sitting beneath the Central Area Design Guide will be a series of appendices to be read in conjunction with the Central Area Design Guide. These appendices address area specific design issues that are not appropriately incorporated into the principle design guide and are detailed below.

(A) Appendices relating to sensitive areas

Two appendices have been prepared to cover sensitive development areas that require unique design treatment. These are:

- **Pipitea Precinct Design Guide** – this appendix addresses issues of public space structure and public space design. The area covers the railway and operational port land at the northern end of the Central Area (also discussed on **page 79**). At present the Pipitea Precinct has very limited public space structure (streets, lanes, footpaths, parks, squares etc), a legacy of its ongoing use for port and rail purposes. For this reason it is important

that any future development of this area for non port or rail purposes, first considers the structure, form and quality of public spaces that will need to be developed to support those uses. For this reason a design guide has been prepared to guide the development of public space and public space structure in the Pipitea Precinct. This design guide will be implemented first and foremost through the preparation of a masterplan for any areas of the Pipitea Precinct that are no longer required for port or rail purposes and that are transitioning to Central Area uses. Resource consent would also be required for individual buildings and structures within the Pipitea Precinct. The Pipitea Precinct Design Guide will also be used to assess the open space aspects of developments within the Port Redevelopment Precinct.

- **Te Aro Corridor Design Guide** – this appendix focuses on the development of the vacant land parcels that were created by the formation of the inner city bypass (also discussed on **page 79**). The design guide seeks to incorporate the bypass route into the urban fabric of Te Aro by ensuring that new developments do not turn their back on the new road. Rather they should positively address the new road and place activities at the road edge as is characteristics of other urban streets. New developments should provide a strong built edge to the bypass to help provide enclosure for the road corridor. The Te Aro Corridor Design Guide also seeks to enhance the character of the unique environments that currently exist along the bypass’s length (such as the National War Memorial and the Tonks Avenue area).

The majority of the Te Aro Corridor area is zoned Central Area, but where parcels of land zoned as Inner Residential Area or Institutional Precinct are located immediately adjacent to the bypass, these have also been included in the Te Aro Corridor area.

(B) Appendices for Proposed Heritage Areas

Also included as appendices to the Central Area Design Guide, are design guides for each of the heritage areas identified in the Central Area (also discussed on page **60**). These are:

- Courtenay Place Heritage Area
- Wesley Church Heritage Area
- Cuba Street Heritage Area
- St John’s Presbyterian Church Heritage Area
- Civic Centre Heritage Area
- BNZ/Head Office Heritage Area
- Post Office Square Heritage Area
- Stout Street Heritage Area
- Parliament Precinct Heritage Area

For each heritage area the design guide will include a description of the area itself and its historic context, an assessment of the area’s heritage significance and integrity, and the objectives and guidelines for new development within the area.

8.2.2.6 Port Redevelopment Precinct

The Port Redevelopment Precinct covers an area of land east of Waterloo Quay and north of the Lambton Harbour Area which is proposed to be transformed, over a 5-10 year period, from port operations to a “business park”. As such the area will, over time, move from being a port/industrial centre that is generally not open to the public, to being a public environment that is both an expansion of the CBD and a northern extension of the City’s waterfront area.

The business park, known as Harbour Quays, is being developed by CentrePort Ltd, the operator of the port. CentrePort has developed a masterplan for the Port Redevelopment Precinct which shows the layout of roads, paths, pedestrian links, buildings, parks, squares and other public spaces that will make up the business park. The masterplan also includes details regarding the mixture of uses, design quality and sustainable design features that are to be developed on site. The vision behind the masterplan is as follows:

The Masterplan vision is to create a vibrant new precinct that contributes to Wellington's ambitions to be an innovative and artistic city. A primary aim is to assist in creating a new gateway to the City. It is anticipated that the new precinct will also be a leading example of how successful development can occur in conjunction with an environmentally sensitive design approach. Site rejuvenation is to be achieved by opening up the site to public use and pedestrians. A unique public and pedestrian friendly environment is sought by incorporating references to the maritime setting and by extensive planting. A mixture of activities and high quality design and materials are to be used to ensure sustainable and diverse development.

It is proposed to include the masterplan into the District Plan as a mechanism to reinforce the high quality of the public environment that is to be created within the Port Redevelopment Precinct. This is vital to ensuring that the redevelopment of the area enhances the central city, and provides a range of vibrant, high quality public spaces that can be enjoyed by workers, residents and visitor alike.

The evolution of the Port Redevelopment Precinct from port uses to a fully functioning, vital Central Area environment may take some time. Because of this, the northern part of the Precinct remains included in the Operational Port Area to ensure that port activities can continue to be carried out. The nature and mix of activities within the Precinct, particularly at ground floor level, will be vital to ensuring that this evolution occurs. However the District Plan is a poor tool for ensuring that activities locate, or occur, in certain areas. The focus on the District Plan is therefore to ensure that the new buildings and public spaces in the Port Redevelopment Precinct are of high quality, and that the ground floor edges of new buildings are able to accommodate a wide range of uses. This will ensure that the urban form of the area will be robust and adaptable, and will facilitate the integration of the area into the waterfront and wider Central Area over time.

Under normal circumstances it is considered that a consistent approach should be taken to managing urban design throughout the Central Area, which would require that new buildings in the Precinct be considered as a Discretionary Activity (Restricted). However the Port Redevelopment Precinct is somewhat unique in that the entire area is in single ownership, and that the development is scheduled to take place over a number of years. This provides scope to investigate alternative methods by which to achieve positive urban design outcomes. One such method is the Memorandum of Understanding (MoU) entered into by CentrePort and Wellington City Council in 2006.

The purpose of the MoU is to establish a framework of joint action to ensure that the development of the Port Redevelopment Precinct achieves a high quality urban environment that is integrated into its surrounding areas and which adds value to the central city. It will help ensure the Precinct is developed in a manner that embraces quality urban design principles and sustainable practices. It will also ensure timely investment in infrastructure that addresses future growth in this area, particularly managing access to the Harbour Quays area by pedestrians, vehicles and public transport.

A key feature of the MoU is the creation of a design review process to consider the design of any new building, and the design and layout of any public spaces associated with or surrounding that building, prior to resource consent being lodged with Council.

On the basis that the masterplan, MoU and design review process provide alternate methods for managing design outcomes in the Port Redevelopment Precinct, it is proposed that the design of

new buildings, structures and public spaces within the Precinct be considered as a Controlled Activity, provided a number of specified conditions are met. Conditions include the proposal must be consistent with the masterplan in terms of building foot prints, the location of the primary frontage and entrances, and the provision of “active edges” at and above ground floor level.

Any application for consent that does not comply with this condition will be considered as a Discretionary Activity (Restricted). This will allow other matters to be considered as part of the resource consent assessment, including the impact of the proposal on the rest of the masterplan, Waterloo Quay, the waterfront and the wider Central Area.

Both the Controlled and Discretionary Activity (Restricted) rules applying to the Port Redevelopment Precinct provide for an additional element of discretion covering ‘public space structure and public space design’ to help ensure that these elements of the masterplan are considered as part of any resource consent application.

8.2.3 Key documents

- **Review of District Plan Design Guides, Wellington City Council, Barry Rae Transurban Ltd, (December 2004)** - prepared as part of the District Plan Monitoring Programme

This report was a review of the Central Area and Cuba / Courtenay Character Area design guides of the Wellington City District Plan. An assessment of urban design outcomes and of the urban design process was carried out, based on a review of 20 developments that have been completed, or resource consent granted, between 2001 and 2004, and subject to the above design guides.

Of the 20 developments assessed, 60% achieved an urban design rating better than average and 35% were rated as good or exemplary.

On this basis, it was considered that the Central / Cuba / Courtenay design guides were not achieving their stated aims as well as they could be. However, they had had a positive influence on urban design quality better than if no design guides were in place.

The assessment of recent developments indicated that generally the guidelines were out of date and required comprehensive review if they were to achieve better outcomes in the future.

The guidelines were not an effective tool when they were used in association with controlled activity assessment, as is the current practice, as applications could not be refused and conditions could not deal with design deficiencies. The report considered that restricted discretionary planning processes are required to allow the guidelines to be effective in promoting good urban design outcomes, and stopping poor outcomes.

Critical to the success of guidelines is the quality of pre-application negotiation between Council and applicant and this needs to be improved if the guidelines are to be more effective.

Multiple issues, such as heritage, traffic access, wind effects and signage, need to be dealt with in a more holistic urban design context, rather than from the narrower approach of individual disciplines.

The report recommended the continued use of design guides, but subject to improvement in content, rule structure and process.

- **District Plan Monitoring Programme – Effectiveness of the Plan Relating to Heritage**

A Plan monitoring report covering the period June 2000 to December 2004, concluded overall that the District Plan was not achieving its aim of protecting heritage values over the four year period.

Seventy buildings were studied by external consultants to analyse how well the District Plan heritage rules protect heritage.

A study of resource consents granted for projects affecting built heritage for a sample of heritage buildings showed that there was a more than minor loss of heritage in one third of the projects approved. A number of recommendations were suggested as a result of those findings, including:

- Recognise heritage in broader terms by identifying and protecting the values that contribute to the building's significance, such as interiors and setting,
- Strengthen the heritage rules for signage and additions/alterations so that Council has the ability to decline consents when their effects are deemed unacceptable,
- Clarify the definitions in the Plan relating to the various activities so that there is no room for doubt as to their meaning,
- Add other buildings to the heritage list where these have been assessed as meeting the eligibility criteria, and
- Consider establishing new heritage areas to ensure the group values of buildings are not undermined by individual consents.

The last bullet point has been addressed in the Central Area Review by greater recognition of the settings and context of heritage buildings and heritage areas within the Central Area Design Guide.

- **Ministry for the Environment – New Zealand Urban Design Protocol (2005)**

The Council is a signatory to the Urban Design Protocol. These proposals regarding urban design are consistent with the protocol.

- **Ministry of Justice (2005) – National Guidelines for Crime Prevention through Environmental Design in New Zealand**

The CEPTD guidelines have been provided for in the Central Area Design Guide, which includes guidelines regarding the maintenance and enhancement of safety in public spaces.

- **Wellington City Council – Wellington – our sense of place – building a future of what we treasure (2004)**

The Council's aim is to encourage population and economic growth that respects and enhances the City's sense of place. To achieve this the Council will seek to preserve and enhance '*the distinct character of communities, neighbourhoods, urban quarters and suburban centres – people and buildings – and the city's confident, unpretentious personality*' (Outcome 9), and preserve '*the symbols, images, places and buildings that identify the people of Te Whanganui-a-Tara and Wellington city and tell their history*' (Outcome 10).

- **Wellington City Council – Urban Development Strategy (July 2006)**

The Urban Development Strategy is a growth management strategy for Wellington City that directs growth to where the benefits are greatest, where adverse effects are minimised, and delivers on quality. The Council has long recognised that quality of the built environment has a direct impact on the 'quality of life' for people living, working and playing in the Central Area. This is reinforced in the Council's Urban Development Strategy:

The appeal of a city, and the quality of life it provides, are directly related to its urban form and quality of its built environment. Wellington is attractive and easy to get around. It has distinctive character and 'feel'. It is a compact, vibrant city, with a distinctive heart and good access to transport. As a signatory to the Urban Design Protocol, Council has an obligation to improve on

these urban development outcomes in both the public and private domain' (Urban Development Strategy, WCC, July 2006).

The strategy includes a variety of long-term outcomes, including:

1.5 Stronger sense of place: *Wellington will be a memorable, beautiful city, celebrating and building on its sense-of-place, capital city status, distinctive landform and landmarks, defining features, heritage and high quality buildings and spaces.*

Wellington's success as a city relates closely to its sense of place. Wellington has a dramatic setting, is compact, and has good public transport. It is at the centre of the nation and is the national capital. It will have distinctive and beautiful buildings connected by high-quality public spaces and recognises the legacy of the past through the protection and conservation of its natural and cultural heritage. Building on Wellington's distinctiveness will mean:

Protecting and enhancing the elements of the city's sense of place, including the compact walkable nature of the city, its series of urban villages, its heritage buildings and objects, notable trees, heritage areas, Maori heritage sites, national capital uses, landmark natural and built features

Having more distinctive high quality buildings and increasing the focus on the quality of urban design, by integrating the planning of buildings and spaces, and the networks that connect them, at all scales across the city.

- **Wellington City Council– Long Term Community Council Plan (2006/07)**

Long term outcomes sought in the 2006/07 Long Term Community Plan include:

“Wellington will have a contained urban form with intensification in appropriate areas and mixed land use, structured around a vibrant central city, key suburban centres and major transport corridors’ (1.3 More compact)

‘Wellington will be a memorable, beautiful city, celebrating and building on its sense of place, capital city status, distinctive landform and landmarks, defining features, heritage and high quality buildings and spaces’ (1.5 Stronger sense of place)

- **Harbour Quays Masterplan and Memorandum of Understanding (2006)**

8.2.4 Options

Policies, rules and other methods

The table below considers the cost and benefits of the two principle options considered during the preparation of the Central Area review. Note – see also the section 32 report for proposed District Plan Change 43 – Heritage Review.

Table 8A	1. Status quo	2. Clarify provisions , with urban design assessment as a Discretionary Activity (Restricted), except within the Operational Port, the Waterfront, Pipitea Precinct and Port Redevelopment Precinct where alternate rules apply.	3. Clarify provisions , with urban design assessment as a Discretionary Activity (Restricted), except within the Operational Port, the Waterfront, and Pipitea Precinct where alternate rules apply.
Details	<p>The majority of new buildings and structures in the Central Area are required to apply for resource consent, to allow an urban design assessment to be undertaken.</p> <p>The resource consent assessment is undertaken as a Controlled Activity, with Council's discretion limited to 'design, external appearance and siting'. Consents are assessed against the contents of the relevant design guide.</p> <p>Three character areas exist in the Central Area – Cuba, Courtenay, and Civic Centre. Each of these areas has its own design guide.</p> <p>The Te Ara Haukawakawa area north of the CBD also has its own design guide, but must also submit a comprehensive development plan (CDP) prior to lodging and resource consent for a new building. The CDP must demonstrate how the new development is incorporated into the wider urban environment in terms of access, public space structure and urban design.</p> <p>The Operational Port Area is exempt from the design assessment process on the grounds that it is an operational port and a key infrastructural asset for the city.</p> <p>District Plan Change 41 introduces design and wind controls to the area of the Operational Port Area that is proposed to be redeveloped</p>	<p>Provide strong policy guidance as to the desired outcomes for new building developments in the Central Area.</p> <p>The majority of new buildings and structures in the Central Area would be required to apply for resource consent, to allow an urban design assessment to be undertaken.</p> <p>For most of the Central Area the resource consent assessment would be undertaken as a Discretionary Activity (Restricted), with Council's discretion limited to 'design, external appearance and siting' and 'the placement of building mass'. Consents would be assessed against the contents of the Central Area Design Guide, including any relevant appendices if the project is located in a heritage area or sensitive development area.</p> <p>Within the Port Redevelopment Precinct new building works would be a Controlled Activity if the proposal is consistent with the submitted masterplan. Any application that is not consistent with the masterplan would be considered as a Discretionary Activity (Restricted). All proposals would be subject to a mandatory design review process prior to any application for resource consent being lodged.</p> <p>The operational port buildings within the Operational Port Area would be exempt from the design assessment process on the grounds that it is an operational port and a key infrastructural</p>	<p>Provide strong policy guidance as to the desired outcomes for new building developments in the Central Area.</p> <p>The majority of new buildings and structures in the Central Area would be required to apply for resource consent, to allow an urban design assessment to be undertaken.</p> <p>For most of the Central Area the resource consent assessment would be undertaken as a Discretionary Activity (Restricted), with Council's discretion limited to 'design, external appearance and siting' and 'the placement of building mass'. Consents would be assessed against the contents of the Central Area Design Guide, including any relevant appendices if the project is located in a heritage area or sensitive development area.</p> <p>The operational port buildings within the Operational Port Area would be exempt from the design assessment process on the grounds that it is an operational port and a key infrastructural asset for the city.</p> <p>In the Waterfront Area the majority of new building works are Discretionary Activities (Unrestricted), with exemptions for minor additions and alterations, and works in the Queens Wharf Special Height Area.</p> <p>Within the Pipitea Precinct the development of buildings for office or retail activities must be</p>

Table 8A	1. Status quo	2. Clarify provisions , with urban design assessment as a Discretionary Activity (Restricted), except within the Operational Port, the Waterfront, Pipitea Precinct and Port Redevelopment Precinct where alternate rules apply.	3. Clarify provisions , with urban design assessment as a Discretionary Activity (Restricted), except within the Operational Port, the Waterfront, and Pipitea Precinct where alternate rules apply.
	as the Harbour Quays business park.	asset for the city. In the Waterfront Area the majority of new building works are Discretionary Activities (Unrestricted), with exemptions for minor additions and alterations, and works in the Queens Wharf Special Height Area. Within the Pipitea Precinct the development of buildings for office or retail activities must be accompanied by a masterplan for the area, and will be considered as a Discretionary Activity (Unrestricted). Further details regarding the proposed Pipitea Precinct are contained in the section 32 report in section 6 of this document. This option should also be considered in conjunction with the proposed building height, building mass, and heritage area provisions as the combined package is intended to provide for the effective management of building development in the Central Area.	accompanied by a masterplan for the area, and will be considered as a Discretionary Activity (Unrestricted). Further details regarding the proposed Pipitea Precinct are contained in the section 32 report in section 6 of this document. This option should also be considered in conjunction with the proposed building height, building mass, and heritage area provisions as the combined package is intended to provide for the effective management of building development in the Central Area.
Appropriateness	<i>This approach is not recommended</i>	<i>This approach is recommended</i>	<i>This approach is not recommended</i>
Environmental costs	The Controlled Activity status used to implement the design guides does not provide sufficient clout to ensure good design outcomes are achieved in all situations. While many successful design solutions have been negotiated and approved under the current regime, there have been occasions when a suitable urban design outcome has not been able to be achieved through negotiation or the imposition of conditions on consent.	Monitoring of the current District Plan provisions indicates that the use of Controlled Activity status to manage urban design can be limited in its effectiveness, because very poor designs that cannot be amended or mitigated through conditions, cannot be declined. Applying a controlled activity rule to the design of new buildings and public spaces in the Port Redevelopment Precinct (PRP) would therefore appear to open up the possibility of poor urban design outcomes in that area. However the risk of poor urban design outcomes is mitigated by the inclusion of a masterplan for the PRP into the District Plan, the existence of a Memorandum of Understanding signed by CentrePort and	

Table 8A	1. Status quo	2. Clarify provisions, with urban design assessment as a Discretionary Activity (Restricted), except within the Operational Port, the Waterfront, Pipitea Precinct and Port Redevelopment Precinct where alternate rules apply.	3. Clarify provisions, with urban design assessment as a Discretionary Activity (Restricted), except within the Operational Port, the Waterfront, and Pipitea Precinct where alternate rules apply.
		Wellington City Council, and an urban design review process established to assess the design of new buildings and public spaces with the PRP. Any development that is not consistent with the masterplan would be considered as a Discretionary Activity (Restricted)	
Environmental benefits	Monitoring indicates that the current regime is resulting in higher quality building design than could have been anticipated if no design assessment was undertaken for new buildings and structures.	<p>Revised design guide content will provide more focused and concise guidelines for the assessment of new building works.</p> <p>The Discretionary Activity (Restricted) activity status will provide greater scope for the Council to require minimum levels of acceptable design quality in the Central Area. This will allow for an overall improvement in the quality of development, particularly developments currently at the lower end of the design spectrum.</p> <p>In the Port Redevelopment Precinct a masterplan has been developed which has the potential to transform the area into a vibrant extension of CBD and a northern terminus for the waterfront promenade. To maximise benefits to the City it is important that all aspects of the masterplan are realised, and that any new buildings that are not anticipated by the masterplan do not negatively impact on the ability to create a positive, high quality public environment within the Precinct. The Controlled Activity status, in conjunction with the masterplan, the Memorandum of Understanding, and a mandatory urban design review process would allow the range of possible effects of any building and the associated public space to be managed. Any development that is inconsistent with the masterplan would be considered as a Discretionary Activity (Restricted). This default to Discretionary Activity (Restricted) is considered important given the lack of formal public space and public space structure within the Port</p>	<p>Revised design guide content will provide more focused and concise guidelines for the assessment of new building works.</p> <p>The Discretionary Activity (Restricted) activity status will provide greater scope for the Council to require minimum levels of acceptable design quality in the Central Area. This will allow for an overall improvement in the quality of development, particularly developments currently at the lower end of the design spectrum.</p> <p>In the Port Redevelopment Precinct a masterplan has been developed which has the potential to transform area into a vibrant extension of CBD and a northern terminus for the waterfront promenade. To maximise benefits to the City it is important that all aspects of the masterplan are realised, and that any new buildings that are not anticipated by the masterplan do not negatively impact on the ability to create a positive, high quality public environment within the Precinct. Assessing new buildings and public spaces as a Discretionary Activity (Restricted) status would allow the range of possible effects of any building in the Port Redevelopment Precinct to be considered.</p>

Table 8A	1. Status quo	2. Clarify provisions , with urban design assessment as a Discretionary Activity (Restricted), except within the Operational Port, the Waterfront, Pipitea Precinct and Port Redevelopment Precinct where alternate rules apply.	3. Clarify provisions , with urban design assessment as a Discretionary Activity (Restricted), except within the Operational Port, the Waterfront, and Pipitea Precinct where alternate rules apply.
		Redevelopment Precinct.	
Social costs	<p>The content of many of the design guides is dated and now out of context. Some of the Central Area Design Guides are over ten years old and relate to areas or development types that are no longer entirely appropriate or relevant to the range of uses occurring in the Central Area.</p> <p>There is unnecessary duplication between design guides. Each design guide operates as a stand alone document. This leads to a lot of duplication relating to the application of the design guide and basic urban design principles that apply to all developments.</p> <p>There are issues about when the main Central Area Design Guide and the Character Area Design Guides are applied in relation to each other. Only one design guide is applied in any given situation, based on the location of the project and whether it falls within a character area. Sometime this can result in a proposal being assessed against guidelines that are not entirely appropriate. At the same time guidelines in other design guides that might be relevant cannot be used to assess the application</p>		
Social benefits		<p>The expanded policies on urban design and urban form in the Central Area will provide all parties with greater clarity as to the built outcomes that the Council is seeking in the Central Area. The revised policies will provide a much more robust framework for assessing applications for new buildings and structures in the Central Area.</p> <p>The revised policies provide a more affirmative direction for new building work. They acknowledge the potential positive effects of buildings that are of</p>	<p>The expanded policies on urban design and urban form in the Central Area will provide all parties with greater clarity as to the built outcomes that the Council is seeking in the Central Area. The revised policies will provide a much more robust framework for assessing applications for new buildings and structures in the Central Area.</p> <p>The revised policies provide a more affirmative direction for new building work. They</p>

Table 8A	1. Status quo	2. Clarify provisions, with urban design assessment as a Discretionary Activity (Restricted), except within the Operational Port, the Waterfront, Pipitea Precinct and Port Redevelopment Precinct where alternate rules apply.	3. Clarify provisions, with urban design assessment as a Discretionary Activity (Restricted), except within the Operational Port, the Waterfront, and Pipitea Precinct where alternate rules apply.
		<p>high design quality, even if those buildings do not comply completely with the building standards specified in the District Plan. The policies (and design guide) also provide guidance as to the circumstances when developing a high quality landmark building is appropriate.</p> <p>The revised design guide structure will allow for the removal of significant duplication of content between design guides. The structure will also ensure that applications are assessed against the most appropriate objectives and guidelines, based on the character of the proposal and its surrounding context.</p> <p>The proposed Design Guide reinforces the Council's objectives and policies for identified Heritage Areas and for the sensitive development areas of the Pipitea Precinct and Te Aro Corridor.</p>	<p>acknowledge the potential positive effects of buildings that are of high design quality, even if those buildings do not comply completely with the building standards specified in the District Plan. The policies (and design guide) also provide guidance as to the circumstances when developing a high quality landmark building is appropriate.</p> <p>The revised design guide structure will allow for the removal of significant duplication of content between design guides. The structure will also ensure that applications are assessed against the most appropriate objectives and guidelines, based on the character of the proposal and its surrounding context.</p> <p>The proposed Design Guide reinforces the Council's objectives and policies for identified Heritage Areas and for the sensitive development areas of the Pipitea Precinct and Te Aro Corridor.</p>
Economic costs	<p>Some character area design guides cover too large an area and their impact is diluted as a result. The Cuba Character Area in particular extends to Taranaki St to the east, and Victoria Street to the west, even though much of the development on those frontages has very little in common with the character of Cuba Street. Applying the Cuba Character Area Design Guide to those streets can therefore be a frustrating and sometimes counter productive exercise.</p>	<p>The Discretionary Activity (Restricted) status for the consideration of urban design will provide less certainty for applicants, as Council is able to decline to grant consent if the proposal is considered to be detrimental to the public environment, and inconsistent with the contents of the Central Area Design Guide(s) and the objectives and policies of the District Plan.</p> <p>Applicants may need to invest greater upfront time to work with the Council to reach a proposal that is likely to be approved in the resource consent process. This could lead to development delays, and holding or lost opportunity costs.</p>	<p>The Discretionary Activity (Restricted) status for the consideration of urban design will provide less certainty for applicants, as Council is able to decline to grant consent if the proposal is considered to be detrimental to the public environment, and inconsistent with the contents of the Central Area Design Guide(s) and the objectives and policies of the District Plan.</p> <p>Applicants may need to invest greater upfront time to work with the Council to reach a proposal that is likely to be approved in the resource consent process. This could lead to development delays, and holding or lost opportunity costs.</p>
Economic benefits	<p>No change to the District Plan provisions relating to building design. There would be no requirement for plan users to adopt new</p>	<p>While the economic cost for individual developments may be slightly higher under this</p>	<p>While the economic cost for individual developments may be slightly higher under this</p>

Table 8A	1. Status quo	2. Clarify provisions , with urban design assessment as a Discretionary Activity (Restricted), except within the Operational Port, the Waterfront, Pipitea Precinct and Port Redevelopment Precinct where alternate rules apply.	3. Clarify provisions , with urban design assessment as a Discretionary Activity (Restricted), except within the Operational Port, the Waterfront, and Pipitea Precinct where alternate rules apply.
	techniques or methods. Controlled Activity status provides a degree of certainty to applicants, as consent must be granted to the application. Conditions may be attached to an approved consent.	option due to the more rigorous consenting process, the overall benefits to the City of improved urban design outcomes and high quality public spaces is likely to be significant. Quality design will enhance the urban experience for people that live, work and play within the Central City. A high quality urban environment is considered vital as Wellington seeks to establish a comparative advantage that will attract residents, businesses and tourists to the City in the future.	option due to the more rigorous consenting process, the overall benefits to the City of improved urban design outcomes and high quality public spaces is likely to be significant. Quality design will enhance the urban experience for people that live, work and play within the Central City. A high quality urban environment is considered vital as Wellington seeks to establish a comparative advantage that will attract residents, businesses and tourists to the City in the future.
Risks if uncertain/insufficient info	_____	_____	_____
Effectiveness and efficiency	Monitoring of the Central Area environment indicates that the current District Plan provisions relating to urban design are not as effective as they should be. This is a result of number of factors including the Controlled Activity status for design assessment and the outdated content of some of the design guides applying within the Central Area. The current approach of permitting any building to be built within the Operational Port Area without a design or wind assessment is considered to be inconsistent with the District Plan's objective of creating a positive urban environment and quality public spaces in all parts of the Central Area.	The proposed approach would allow the Council to more effectively manage issues of urban design and the quality of public spaces within the Central Area. The amended rule structure and revised design guides will improve the effectiveness of the assessment process. The proposed rule structure for the Port Redevelopment Precinct would acknowledge the unique circumstances surrounding the development of that area, and the alternate methods that are in place to ensure that the effects of the new development are effectively managed. The proposed approach to managing development on the rail and port land to the north of the city centre will help to ensure that any new building work in these areas enhances the Central Area urban environment and provides positive, high quality public space in areas open to the public.	The proposed approach would allow the Council to more effectively manage issues of urban design and the quality of public spaces within the Central Area. The amended rule structure and revised design guides will improve the effectiveness of the assessment process. The proposed approach to managing development on the rail and port land to the north of the city centre will help to ensure that any new building work in these areas enhances the Central Area urban environment and provides positive, high quality public space in areas open to the public.

8.2.5 Conclusion

Having considered the options above and their benefits and costs, option 2 is recommended. It is considered that both Options 2 and 3 would provide a regulatory framework that would allow the Council to more effectively manage the urban design effects of new buildings work within

the different parts of the central city, and ensure that new building works make a positive contribution to the quality of the public environment in the Central Area. However Option 2 is recommended on the grounds that it acknowledges the unique circumstances that exist in the Port Redevelopment Precinct relative to the rest of the Central Area. On this basis a combination of methods (including the masterplan, MoU and design review process) can be used to manage the effects of new development within the Precinct.

8.3 Protection of sunlight access to public spaces

12.2.6.4 Protect sunlight access to identified public spaces within the Central Area and ensure new building developments minimise overshadowing of identified public spaces during periods of high use.

12.2.6.5 Advocate for new building work to be designed in a way that minimises overshadowing of any public open space of prominence or where people regularly congregate.

8.3.1 Context – protecting sunlight amenity to identified public spaces

An increased population living and working in the Central Area generates demand for quality public spaces. Protecting sunlight amenity is an important part of maintaining the quality of Central Area public spaces. Council is also committed to ‘enhancing “the high quality and diversity of public spaces” (*Wellington – our sense of place*, 2004).

The operative District Plan currently protects sunlight access to a list of public spaces at specified times. New building works must not overshadow identified public spaces and if they do they must be assessed as part of an application for resource consent. The rules effectively limit the building potential of adjacent sites located generally to the northwest of the public spaces listed for protection:

<ul style="list-style-type: none"> • Cobblestone Park • Glover Park • Te Aro Park • Civic Square 	<ul style="list-style-type: none"> • Cuba Mall • Frank Kitts Park • Manners Mall • Midland Park 	<ul style="list-style-type: none"> • Chaffers Beach • The Dell • Taranaki Street Wharf
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A complexity with protecting sunlight access is that it is a ‘moveable feast’. The sunlight to any one site depends on where the sun is located in the sky based on the time of day and year, as well as the site’s aspect, layout, elevation, and location within the city relative to terrain and other structures.

On the whole the general approach to sunlight protection remains relevant and appropriate. The main focus of the Central Area review was to examine the effectiveness and efficiency of existing policies and rules, and specifically the list of public spaces currently protected for sunlight purposes.

8.3.2 Issues with existing policy: ‘protect sunlight to identified parks’

The operative policy ‘to protect sunlight to identified... parks and encourage improved sunlight access to buildings and public places...’ (12.2.2.5) is generally workable, but there are some matters that could be clearer, these are:

- The intent of the policy is to protect sunlight access to public land rather than private property. The current wording could potentially be misconstrued as intending to protect sunlight access to private buildings via the words ‘encourage improved sunlight access to buildings’.
- The intent of the policy is to protect sunlight access during periods when the public space is in use,

- The advocacy component of the policy ‘to encourage improved sunlight access to buildings and public places’ would be more effective if tied to the public realm and separated from the rest of the ‘protection’ component of the policy, and
- The more generic term of ‘public spaces’ would better reflect the range of parks, pedestrian malls, squares and plazas being protected for sunlight purposes.

8.3.2.1 Proposed changes to policies

In response to the above matters, two changes are proposed:

- A new policy is proposed that advocates designing buildings in a way that minimises overshadowing of public spaces, and
- The existing policy (12.2.2.5) is amended to make it clear overshadowing of identified public spaces is to be minimised during periods of high use.

8.3.3 Issues with existing rules: ‘maintain direct sunlight access to... Central Area parks...’

The existing Central Area rule protects sunlight access to listed public spaces between specified periods (either 12 noon to 2pm at the equinox, or 10am to 4pm along the waterfront at the winter solstice, New Zealand Standard Time).

There are few records of the rules being triggered¹¹. Because of the lack of information there is little evidence of how the rules and related assessment criteria work in practice. In saying this, there are several concerns about the existing rules:

- While the time of day and year during which sunlight protection is triggered is generally appropriate, in some cases it is not, and the period needs to be amended (for example, Manners Mall is largely in shade during the period of sunlight protection)
- The level of development restriction on adjacent sites from sunlight protection provisions is generally acceptable, but in some cases it is not and the period of protection needs to be amended (for example, sunlight protection of Frank Kitts Park imposes an 8 metre building height on adjacent sites at 4pm at the winter solstice).
- Sunlight protection of some public spaces is ineffective and protection is not warranted (for example, Chaffers Beach was never constructed as originally planned).
- Some (new) public spaces that are not currently protected warrant sunlight protection (for example, Denton Park).
- For public spaces zoned Central Area, the rules treat all structures the same and technically require resource consent for any seating or other public amenity facility to be erected. However, some structures may be appropriate, such as temporary structures or screens to protect the public from ultra violet radiation.

¹¹ Between the period of July 2000 and December 2005 (since the Plan was operative).

- Not all public spaces are clearly identified and there is potential for uncertainty about the extent of the area being protected.

Many of the above concerns relate to the effectiveness of sunlight protection to individual public spaces. In response, the list of public spaces protected has been reviewed and revised on the basis of an analysis of each public space. The analysis of individual public spaces is discussed below.

In addition to the above, property developers typically express concern about decision makers assessing the shading effects on (parts of) identified public spaces that are already overshadowed. In considering this matter, officers have differentiated between overshadowing by existing amenity facilities within the public space (including vegetation), and the effects of overshadowing of other buildings. For the latter, if there are no additional shading effects over and above the existing then the assessment can take this into account. On the other hand, shading from amenity facilities within the public space (such as vegetation, seating, or ultraviolet screens) should not be taken into account on the basis that public spaces are regularly redeveloped (with new layouts and amenity facilities provided), and sunlight protection of the public space should be enduring for future generations.

8.3.3.1 Proposed changes to rules

In response to the above the minor changes to the rules will provide for some structures within the listed public spaces zoned Central Area, for example, seating ultra violet screens etc. Further, any shading of public amenity facilities within a public space should not be used as a grounds for granting consent for similar overshadowing of the public space by new building works.

For the sake of clarity plans identifying the area being protected will be included as an appendix to the Central Area rules.

8.3.4 Analysis of individual public spaces

As part of the review, the list of public spaces protected for sunlight purposes was updated; including adding and deleting public spaces from those listed for protection, and reviewing the time of day or year that sunlight protection is triggered. In addition, each public space was identified in map form to clarify the actual area being protected.

Sunlight analyses were completed to find out whether each public space was ‘in’ sun during the period of protection. For areas shown to be largely shaded, alternative times were also analysed. Other Central Area public spaces not currently subject to sunlight protection rules were also analysed to see if there were other acceptable alternatives.

The review also considered the location and public access to each public space, the level and periods of use, and whether applying sunlight protection was appropriate (irrespective if sunlight protection rules currently apply). Site visits to all public spaces were carried out (most around the time of the 2004 equinoxes). The level of restriction imposed on adjacent land as a result of sunlight protection was also considered. Council policies and strategies were reviewed to evaluate whether protection of the sunlight amenity would be consistent with Council’s objectives.

As a result of the analysis discussed above, the following changes are proposed:

Table 8B. Public spaces considered for sunlight protection

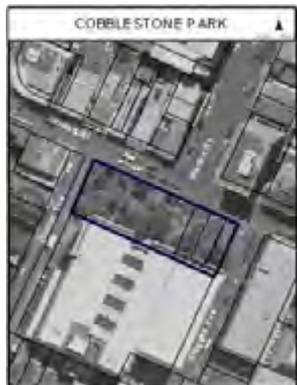
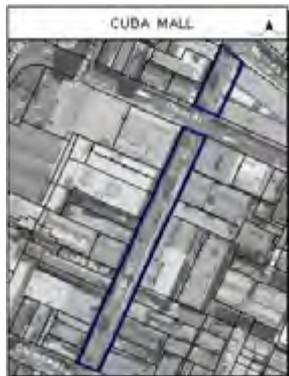
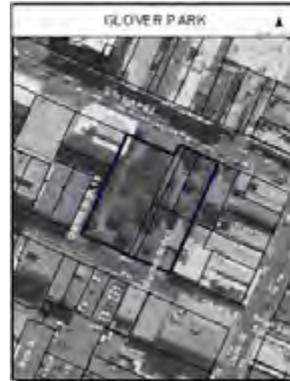
Outcome of evaluating public space	Public space
Public spaces protected under existing rules and proposed to be retained	<ul style="list-style-type: none"> • Cobblestone Park • Glover Park • Te Aro Park (with spatial changes to exclude toilets) • Civic Square • Midland Park • Cuba Mall
Public spaces protected under existing rules proposed to be retained with refinements	<ul style="list-style-type: none"> • Frank Kitts Park • Manners Mall • Taranaki Street Wharf area – Odins Plaza/ Lagoon
Public spaces not protected under existing rules, but proposed to be added to the list	<ul style="list-style-type: none"> • Denton Park, Bond Street/ Lombard Street • Taranaki Street/ Courtenay Place intersection park, southeastern corner • Post Office Square • Proposed Kumutoto Plaza A, Wellington Waterfront
Public spaces protected under existing rules, but proposed to be removed from the list	<ul style="list-style-type: none"> • The Dell – located outside the Central Area • Chaffers Beach
Public spaces analysed for sunlight protection, and not currently listed nor proposed to be listed	<ul style="list-style-type: none"> • Katherine Mansfield Park • Southwestern corner park of Molesworth Street and Hawkestone Street • Southeastern corner of Molesworth Street and Pipitea Street • Thorndon Pool • The Stadium • Parliament grounds • Cenotaph • Railway Station • Justice Park • Bolten Street Memorial Park • Woodward Street • Grey Street • Corner of Featherston Street and Lambton Quay • Post office alcove on Victoria Street/ Manners Street intersection • Waitangi Park • Southwest corner of Courtenay Place and Cambridge Tce • Cambridge and Kent Terrace road islands • Basin Reserve • The Carillion and surrounds

A summary of the assessment of individual public spaces proposed to be included in the District Plan, or proposed to be removed from existing sunlight protection is outlined in the following sections.

8.3.4.2 Public spaces protected under existing rules proposed to be retained

The following public spaces are proposed to be retained under existing rules without substantial change: Cobblestone Park, Glover Park, Cuba Mall, Civic Square and Midland Park, and Te Aro Park. These public spaces are currently protected between 12 noon and 2pm, New Zealand Standard Time at the equinoxes.

The public spaces continue to experience high levels of use, are able to receive sun at the specified times, are accessible to the public and are distributed throughout the core Central Area. These public spaces are located on or near the Golden Mile or other premier streets and pedestrian routes (experiencing high pedestrian counts).



The *City to Waterfront* report indicates that periods of high stationary activities at several of these prominent public spaces listed continues to be generally between 12 noon – 2pm period. Collectively these public spaces reinforce the ‘Golden Mile’ principle of the District Plan, and its structuring effect on the city’s urban form.

The primary change proposed is to redefine Te Aro Park so that it excludes the public toilets and service access from sunlight protection.

8.3.4.3 Existing sunlight protection to public spaces proposed to be modified:

(A) Frank Kitts Park

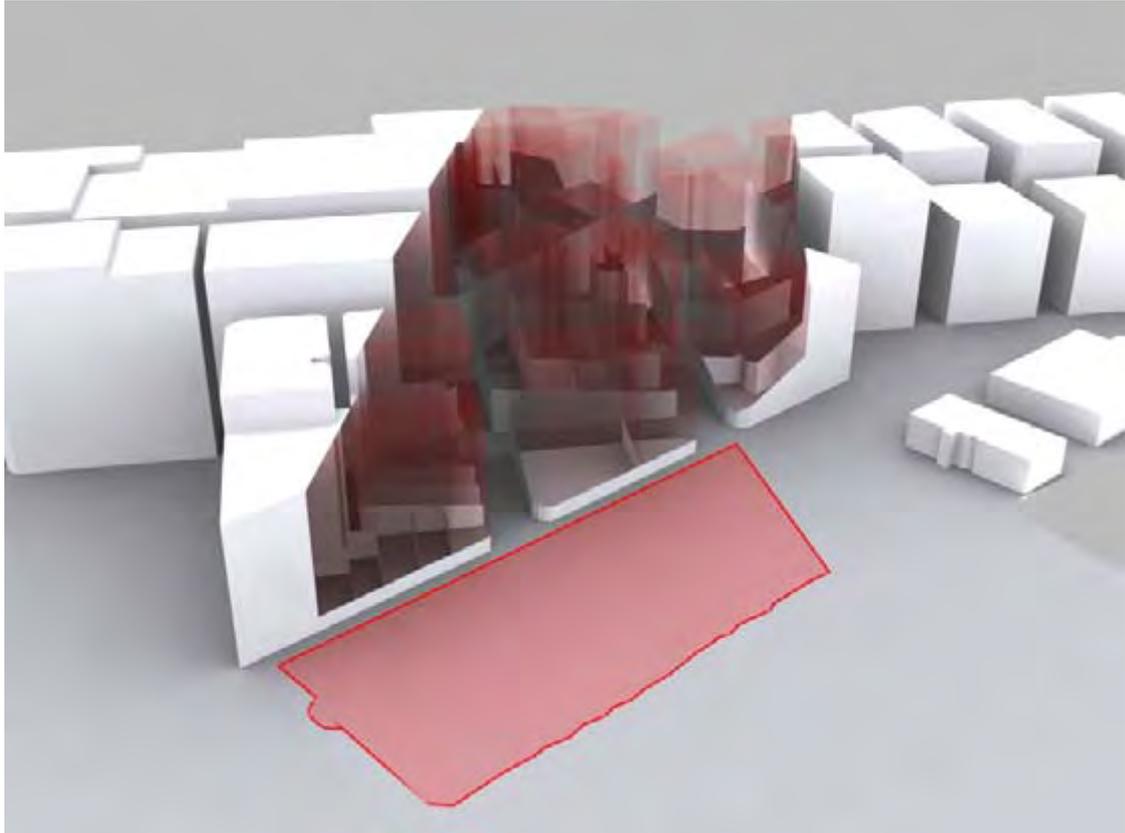
Frank Kitts Park is currently protected between 10am to 4pm New Zealand Standard Time at the winter solstice. The current period for sunlight protection is not realistic because the park is primarily in shade from approximately 2:30pm – 4pm.

At its most extreme, the sunlight protection rule sets a maximum building height of 8 metres on adjacent land (as demonstrated graphically below). This is an equivalent building height limit to a residential zone. Elsewhere along Jervois Quay the maximum building height is 60 metres. Existing buildings adjacent to Frank Kitts Park extend to that height, for example, 86 Jervois Quay is 63 metres above sea level.

At least one building development at 195 Lambton Quay, located three blocks back from Frank Kitts Park (or approximately 290m away) has penetrated the ‘sunlight protection plane’ within the period the park is currently protected. (Note, the breach occurs during a period the park is already overshadowed at 3:30pm at the winter solstice).

The rule in its current form lacks effectiveness for this site. The existing rule imposes needless regulation that does not enhance the amenity of the park.

Image 1. Application of sunlight protection rule at 4pm, 21 June, and implications for maximum building heights



One option is to shift the date that sunlight access is assessed from the winter solstice to the equinoxes, as used elsewhere in the Central Area. Another option is to change the time period being protected, but continue to assess the effects on shading at the winter solstice.

There are benefits and disadvantages of either option. However, shifting the sunlight protection period to the equinox retains the duration that sunlight protection currently applies. The equinox also represents a higher use period within the year. The sunlight protection rule would affect approximately 44 fewer properties than the current rule (10am-4pm at the winter solstice). Reducing the level of restriction is appropriate given the high city urban form of the adjacent land and existing building heights.

On balance, shifting the period of sunlight protection to 10am and 4pm at the equinox is the most appropriate way of maintaining the sunlight amenity of Frank Kitts Park.

(B) Manners Mall

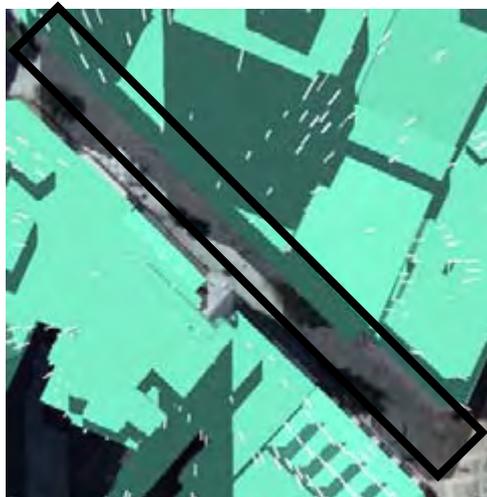
Manners Mall is currently protected between 12 noon and 2pm New Zealand Standard Time at the equinoxes. Manners Mall is largely in shade during most of the period up to 1pm. Manners Mall is oriented from northwest to southeast, which is not conducive to receiving sun during that 12 noon to 2pm period.

Images 2, 3 and 4 (dark grey within mall shows shading effects)

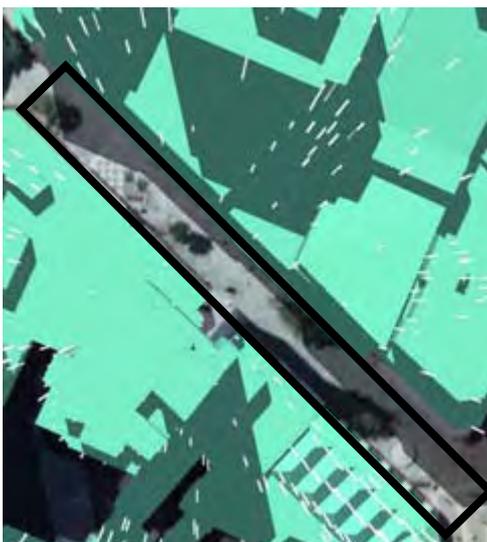
2. Manners Mall sunlight access at 12 noon at the equinox¹²



3. Manners Mall sunlight access at 12:30pm at the equinox



4. Manners Mall sunlight access at 1pm at the equinox



¹² Sunlight analyses of public spaces in the Central Area, Wellington City Council, 2005-2006

Manners Mall is a high use pedestrian-dedicated route and part of the Golden Mile. The New Zealand Property Institute records Manners Street as having the most pedestrian counts on a week day, outside of Lambton Quay (*Wellington Pedestrian Count 2003*). The *City to Waterfront* report also states that Manners Mall has 20% more pedestrian traffic than Cuba Mall, and the highest pedestrian traffic of any Central Area street on Saturdays (15%-30% increase) (pg 15).

Protecting sunlight to Manners Mall is important for maintaining the amenity of a high use public space and pedestrian route along the Golden Mile. Given that public use of the mall is highest on Saturdays as well as high throughout the week, there is scope to shift the period of sunlight protection to later in the day when the mall is not in shade. Changing the period would provide a centrally located area protected for sunlight at an alternative time that would complement other nearby public spaces (Te Aro Park, Cuba Mall, and potentially Denton Park).

The advantages and disadvantages of each option are outlined below in the tables below. Note, retaining the status quo is not considered, because the sunlight amenity of Manners Mall is largely compromised within the stated period of protection.

Table 8C. Protecting sunlight to Manners Mall 1:30pm-3pm at the equinoxes

Advantages	Disadvantages
The sunlight amenity of the park will be protected at a realistic time period given the orientation of the site.	The rules will limit the development potential of areas of private property not previously affected by existing rules (from a north-northwest direction to the northwest).
Parts of six properties would no longer be affected by sunlight protection provisions (56 and 60 Cuba Street, 28 Bond Street, 7 Lombard Street, 107 and 109 Victoria Street).	The rule may no longer apply to the peak period of use within the mall, likely to be at the middle of the day (around 12:30pm).
The western portion of Manners Street provides some natural sunlight protection to the mall, and therefore reduces the level of restrictions on private property.	Parts of six properties not currently affected by sunlight protection provisions would be subject to additional regulation (18-32, 34-36, 38, 40-42, 44, 48 Manners Street).
Manners Mall has consistently high levels of use on both week days and Saturdays, and is more suited to having the time period for sunlight protection shifted (on Saturdays people are more likely to be using the space throughout the day).	
Protecting sunlight access to Manners Mall reinforces the principle of the District Plan relating to the Golden Mile.	
The alternative time period for sunlight protection will complement the time that sunlight access is protected to other nearby public spaces (and particularly Cuba Mall).	

Table 8D. Removing Manners Mall from sunlight protection rules altogether

Advantages	Disadvantages
With the removal of Manners Mall from sunlight protection rules, fewer properties would have their development potential limited.	The sunlight access of one of the highest use pedestrian-dedicated route would no longer be protected.
	The sunlight amenity may reduce over time as building developments overshadow the mall. The lack of sunlight may pull people away from the Golden Mile to other places.

On balance, the option of shifting the time period subject to sunlight protection so that it falls between 1:30pm and 3pm at the equinoxes is the most appropriate way of maintaining the sunlight amenity within the Central Area to a high use public space.

(C) Taranaki Street Wharf/ Odlins Plaza west of the lagoon

Taranaki Street Wharf is currently protected between 10 noon and 4pm New Zealand Standard Time at the winter solstice. District Plan map 16 does not specify where the wharf is located. The former Lambton Harbour Combined Scheme identified a general area called the Taranaki Wharf Character Area. The District Plan, however, refers specifically to Taranaki Street Wharf and not a character area. The Wellington Harbour Board Berthage Plan issued in January 1927, and another plan of the Wellington Harbour Board dated 1970 both show Taranaki Street Wharf following a similar alignment to that part of the wharf currently identified as (largely being) within the coastal marine area and subject to the jurisdiction of Greater Wellington Regional Council.

Like Frank Kitts Park, sunlight protection of Taranaki Street Wharf sets relatively unrealistic building restrictions on the high part of the city. As it is, the report *City to Waterfront* indicates the wharf does not experience high levels of stationary activity relative to other parts of the waterfront (pg 27).

Wellington Waterfront Ltd is in the process of redeveloping the waterfront area referred to as Taranaki Street Wharf (West) Public Space Development. There is an opportunity to update sunlight protection measures in this area. Once in place, the area will be an important transition space between Civic Square and Te Papa, and will form an axis of converging walkways. The wider area attracts a range of activities and this is likely to continue; the Brewery bar, Circa theatre, and outdoor recreation such as water sports, fishing, skating, jogging and so forth. The area is well located to receive direct sun throughout the day and the year. A new bridge is also planned to strengthen the link between the Civic Square and Te Papa. New buildings in the form of a wharehau (meeting house) and wharewaka (boat shed) are also proposed. Because of the new building developments and existing Boat Shed, the lagoon area and Odlins Plaza will be subject to localised shading.

At the time of writing the redevelopment of Odilins Plaza and lagoon area is not yet underway. However, to secure ongoing sunlight access, the Odilins Plaza/ lagoon area should be included in the sunlight protection rules for the period 12 noon to 2pm New Zealand Standard Time at the equinoxes.



8.3.4.4 New public spaces proposed to be listed for sunlight protection:

(A) Denton Park

Denton Park is zoned Open Space and adjoins the southern side of Bond Street and the western side of Lombard Street. Denton Park is centrally located, one block north from the Golden Mile (Manners Street), and one block south of Civic Square and several premier streets (Wakefield and Victoria Streets).

The report *Greening Central Wellington* states: “Greening has played a significant part in successfully transforming Denton Park into an attractive and better-used pocket park, with landscape treatment that has linked Victoria Street right through to Cuba Street along Lombard Lane” (2002, pg 48). *Capital Spaces Open Space Strategy for Wellington Te Whanganui-A-Tara* promotes: “...the interweaving of small green spaces, and roof and balcony gardens, into the city centre” (1998, pg 30).

Denton Park currently receives direct sunlight during the middle of the day around the equinoxes. The park provides valuable open space in close proximity to areas of high pedestrian traffic. The park’s location to the southeast of the Bond Street/ Victoria Street intersection also provides some natural sunlight protection. Because the park is oriented from northwest to southeast, future building developments to the north could overshadow the park during the 12 noon – 1pm period.

There are several open spaces in the vicinity of Denton Park with sunlight protection currently in place, in which case adding Denton Park to the rules may appear to some as surplus. However, there is a need to ensure the amenity of existing parks is maintained, particularly given the ongoing demand that both workers and increasing numbers or residents place on having quality Central Area parks. The Council has a responsibility to ensure the existing park network is maintained to a high quality.

Including council land, sunlight protection of Denton Park would lower the maximum building height to parts of 11 properties, and all of 2 properties¹³. In recognition of the park’s location adjacent to the ‘high city’ (refer planning map 32) and the close proximity of buildings to the north, a shorter period of protection is recommended. To secure ongoing sunlight access, the park should be included in the sunlight protection rules for the period 12:30 noon to 2pm New Zealand Standard Time at the equinoxes.



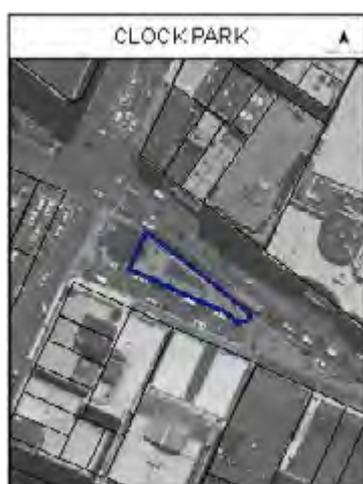
¹³ Bond St. 14, 20; Victoria St. 81-83, 85, 87, 89-93, 96, 97, 98, 100; Wakefield St. 100, 102, 104

(B) Taranaki Street/ Courtenay Place intersection, southeastern corner, 'clock park'

A corner park is currently located within the road reserve to the southeast of the intersection between Taranaki Street and Courtenay Place. The park is able to receive direct sun during midday around the equinoxes. The park's site at the southeastern corner of a major intersection is excellent for ensuring ongoing sunlight access at midday.

The park is located on the Golden Mile and therefore receives reasonable use. The park is located relatively close to Te Aro Park on the opposing side of the Taranaki Street/ Courtenay Place intersection. The intersection represents the most substantial break and barrier along the Golden Mile; with five roads converging and Taranaki Street reaching six lanes in width. The corner park is an accessible alternative for people along Courtenay Place. The Council also has plans for the redevelopment of this Central Area public park to improve its ongoing amenity.

Aside from Council land between Inglewood Place and Taranaki Street, sunlight protection of the 'clock park' would lower the maximum building height of a minor portion of 120, 128, 132, and 134 Courtenay Place.



To secure ongoing sunlight access to the site, the park should be included in the sunlight protection rules for the period 12 noon to 2pm New Zealand Standard Time at the equinoxes.

(C) Post Office Square

Post Office Square is located between Customhouse Quay, Jervois Quay and Grey Street. Post Office Square is a heritage area (both existing and proposed) within the District Plan (ref. 16), and contains a heritage building (ref. 159) and items (including the telephone box, ref. 24, and the postal box, ref. 8).

Although located within the 'high city' (refer District Plan Map 32), Post Office Square is south of an intersection with three converging streets (Customhouse Quay, Panama Street and Jervois Quay), and as such receives sunlight during mid day around the equinoxes.

The *City to Waterfront* report indicates the Square experiences high levels of stationary activities comparable to that of Midland Park. However a greater proportion of users are standing at Post Office Square than at Midland Park. The square's location along an arterial route and several blocks back from the Golden Mile does not point to a high-use locality. One reason for the high levels of use could be

the customers attracted to the dairy located within the square. The Post Office Square/ Grey Street intersection also has the highest pedestrian numbers accessing the waterfront and Queens Wharf compared with other connecting routes (*City to Waterfront*, pg 21).

Post Office Square is currently an important route for achieving one of the principles of the District Plan for city/harbour integration. The Square also assists in providing a well distributed open space network in a part of the city that generally lacks open space on the city side. Without protection, the sunlight amenity of the square could be eroded over time. However, in recognition of the square's location at the edge of the 'high city' (refer planning map 32) and existing shading pressure, a shorter period of protection is recommended.

Sunlight protection of Post Office Square would lower the maximum building height to parts of two properties¹⁴.

To secure ongoing sunlight access to the site, the park should be included in the sunlight protection rules for the period 12 noon to 1:30pm New Zealand Standard Time at the equinoxes.



(D) Kumutoto, Plaza A

Wellington Waterfront Ltd's application for resource consent to redevelop the Kumutoto site on North Queens Wharf included an open space area referred to as Plaza A. Assuming construction is completed, the plaza represents an important open space feature along the waterfront. The application submitted provided sunlight analyses of the site that demonstrated the plaza will receive direct sunlight during the middle of the day throughout the year, and clearly within the 12 noon – 2pm period at the equinox. Because the plaza will be surrounded by buildings and is more intimate in nature, sunlight protection during the mid winter period is not appropriate.

The proposed plaza and development will contribute to the principle of the District Plan for city/ harbour interface. People will be drawn to the waterfront and the activities that it offers.

¹⁴ Lot 2 DP 91187 or 2 Grey Street, and Lot 1 DP 10633 or 50 Customhouse Quay.

To secure ongoing sunlight access to the site, Plaza A should be included in the sunlight protection rules for the period 12 noon to 2pm New Zealand Standard Time at the equinoxes.



8.3.4.5 Public spaces proposed to be removed from list:

(A) The Dell

The Dell, located between the unconstructed part of Percival Street and the Terrace Gardens walkway, is currently protected between 12 noon and 2pm New Zealand Standard Time at the equinoxes.

At the time the Plan was made operative the Dell was comprised of five lots. Only three remain in Council ownership and continue to be zoned Open Space and as a collective is now fragmented. Two privately owned lots, that were rezoned Inner Residential, are located between Council's southernmost and (two) northernmost Open Space lots. Rezoning of those lots removed the sunlight protection from those private properties.

It is proposed to uplift the Central Area boundary because the boundary no longer forms a planning purpose. With the boundary removed, the Dell would sit outside the Central Area (refer **page 39** for details on the boundary).

As it is, the land surrounding the Dell is largely zoned Inner Residential to the west (over Percival Street), and to the south and north of the Council-owned lots. Sunlight access between 12 noon and 2pm at the equinoxes is from the north to northwest direction, or from the Inner Residential Area. A maximum building height of 10m is the permitted activity condition in the adjacent zone (5.1.3.4.1). Sunlight protection is not warranted because stricter rules are imposed on building developments in the Inner Residential Area. In contrast, the maximum building height of 43.8m in the Central Area zone applies to land adjoining the Dell to the east.

The Dell is not recognised as a high use Central Area park. The park tends to be used as a pedestrian thoroughfare in conjunction with the Terrace Gardens walkway and the unconstructed section of Percival Road. Although the Dell is located relatively close to the Golden Mile, approximately two blocks away, the park appears to receive little use possibly because of the uphill climb from the Golden Mile. En route, the grounds of St Mary's Catholic Church on Boulcott Street provide a pleasant alternative with direct sun at the mid-day period around the equinoxes.

For the reasons outlined above, rules protecting sunlight to the Dell are no longer effective.

(B) Chaffers Beach

Chaffers Beach is currently protected between 10am and 4pm New Zealand Standard Time at the winter solstice. As discussed earlier, Chaffers Beach was never formed in the way envisaged under the Lambton Harbour Combined Scheme. The Chaffers Beach proposal involved developing a beach to the east of Te Papa, and in the locality of the northern end of Waitangi Park. The space that Chaffers Beach was intended to occupy exists, but the beach was never formed. Council Planners have not always known the intended locality of Chaffers Beach, and have informed parties that Chaffers Beach does not exist.

The development of Waitangi Park (on the site adjoining Heard Street, Oriental Terrace, and Cable Streets) has superseded the Chaffers Beach proposal.

At the time of writing, Waitangi Park is being constructed in place of Chaffers Park, Herd Street and the northern part of Chaffers Street within the Lambton Harbour Area. The site represents a substantial inner city park. Waitangi Park has been designed to be an active hub, accommodating markets, skateboard parks and adjoining apartment complexes, amongst other things. The Park is well positioned to receive direct sunlight from the east, north and west, although existing buildings such as Te Papa and the Herd building cause shading at certain times of the year, particularly during mid winter.

Waitangi Park is located in the vicinity of the 'low city' part of the Central Area (refer District Plan Map 32). The *City to Waterfront* report indicates that high use periods along the waterfront tend to be concentrated at mid day and in the early evening. However, rules to protect sunlight access to Waitangi Park would only have implications on waterfront buildings, which are located to the north and northwest (for example 10am-4pm at the equinox). Protection of sunlight access is already a matter that is managed under the Wellington Waterfront Framework and the zero building height within the Lambton Harbour Area.

For the reasons outlined above, rules to protect sunlight access to Chaffers Beach currently lack effectiveness. The alternative of Waitangi Park is sufficiently protected for sunlight purposes by way of the Wellington Waterfront Framework and the zero building height rules that apply to the Lambton Harbour Area.

8.3.5 Key discussions and briefings

- Resource Consent Planning Team: David Grant, Resource Consent Planner, 12 December 2004; Warren Ulusele, Principal Planner, 21 December 2004; John Hayward, Resource Consent Planner, 5 January 2005; Mary O'Callaghan, Team Leader, 5 August 2005
- Bruce Geden, Strategic Projects Manager, City Development; 3 January 2005, 11 March 2005
- Peter Kundycki, Urban Designer, City Development; 7 January 2005, 2 August 2005
- Geoffrey Snedden, Landscape Architect, City Development; and 14 January 2005
- Council Committee feedback: Stephanie Cook, Councillor; 3 March 2005

- Portfolio Unit, Property and Standards Unit: Craig Bailey, Team Leader, 3 March 2005; Tracey Morrah, March 2005
- Jacqueline Murray, Assets and Project Manager, Parks and Gardens, 3 March 2005
- Mike Oates, Manager Natural and Botanic Areas, Parks and Gardens; 22 February 2005 and 3 March 2005
- Paul Barker, Road Safety Manager, Traffic Operations; 3 March 2005
- John Carl and Mike Hannaway, (both) Project Managers, Wellington Waterfront Ltd; 17 March 2005

8.3.6 Key documents

In carrying out the assessment discussed above a number of documents were referred to, including:

- City to Waterfront – Wellington, October 2004 Public Spaces and Public Life Study, Gehl Architects, Denmark
- Spencer Holmes research 19 February 2001, file 10441DPV22, of Frank Kitts Park.
- Positively Wellington Waterfront, <http://www.wellingtonwaterfront.co.nz/>
- The Wellington Waterfront Framework Report of the Waterfront Leadership Group, April 2001
<http://www.wellington.govt.nz/plans/policies/waterfront/pdfs/framework.pdf>
- Waterfront Development Plan
<http://www.wellington.govt.nz/plans/policies/waterfront/index.html>
- Greening Central Wellington - a Vision and Guideline, prepared for the Wellington City Council by Boffa Miskell Ltd, August 2002
- Capital Spaces Open Space Strategy for Wellington Te Whanganui-A-Tara, Wellington City Council, November 1998
- Lambton Harbour Combined Scheme, 1 November 1989
- Sunlight analyses, Wellington City Council, 2005-2006
- Sunlight Protection of Parks, Pedestrian Malls and Areas – An Analysis of Building Heights Stage 2, September 2005, Arc Images
- Sunlight Protection of Parks, Pedestrian Malls and Areas – An Analysis of Building Heights, July 2005, Arc Images
- Sunlight Protection of Parks, Pedestrian Malls and Areas – An Analysis of Building Heights Stage 3, December 2005, Arc Images
- Legal Opinions (privileged) - permitted baseline regarding building heights, 9 April 2003
- Decision No W 21/2005, Duxton Hotel Wellington v The Wellington City Council and 129 Jervois Quay Ltd.

In addition, other documents referred to above, others informed the general review of the provisions, including:

- The Costs of Skin Cancer to New Zealand,
www.cancernz.org.nz/INFO/PDF/sun.pdf/costskincancer.pdf+skin+cancer+statistics&hl=en

- Skin cancer prevention and early detection, www.cancernz.org.nz/INFO/PDF/Positions.pdf/skincanpositstate04.pdf+skin+cancer+prevention&hl=en
- Cancer Society and Metservice partners in Sunsmart move, November 4, 1999, www.cancernz.org.nz/subitem.php3?22+171

8.3.7 Options

Policies, rules and other methods

The table below considers the cost and benefits of principle options considered during the preparation of the Central Area review.

Table 8E	1. Status quo: • Protect sunlight to existing parks currently listed in the Plan (including poorly defined areas), and encourage sunlight to buildings	2. Clarify and strengthen regulation: • Protect sunlight to the updated (and defined) list of public spaces during high use periods • Advocate sunlight protection	3. Consider the effects on sunlight amenity as part of the assessment of <u>all</u> new building developments, without listing any public spaces for sunlight protection
Appropriateness	<i>This approach is not recommended</i>	<i>This approach is recommended</i>	<i>This approach is not recommended</i>
Environmental costs	Only listed public spaces are protected and the sunlight amenity of other public places may be eroded, including listed parks that are poorly defined.	Only listed public spaces are protected and the sunlight amenity of other places may be eroded.	Only public spaces that are demonstrated as being of such importance as to protect sunlight amenity would be protected.
Environmental benefits	Listed public spaces are protected.	Listed public spaces are protected for sunlight purposes, including additional public spaces to be listed. Through advocacy, new developments may be designed to protect sunlight access to other areas.	The sunlight amenity of any public space could be considered as part of the assessment of the effects of a new development. This may result in the sunlight amenity of some areas being protected.
Social costs	People may value the sunlight amenity of public spaces not currently listed that, over time, may be affected by new development. People may think they can obtain sunlight protection to private buildings on the basis of the policy to 'encourage improved sunlight access to buildings', but this approach is not likely to be successful.	People may value the sunlight amenity of public spaces not listed for protection that, over time, may be affected by new development.	People may value the sunlight amenity of public spaces that are, over time, affected by new development. A general provision may raise the expectation of people that the sunlight amenity of all public spaces will be protected.
Social benefits	The sunlight amenity of public spaces contribute to the quality and pleasantness of those places.	The sunlight amenity of public spaces contribute to the quality and pleasantness of those places.	People who like a particular public space may have the opportunity to participate in the planning process to protect the sunlight amenity of that area.
Economic costs	Proposed developments affecting the sunlight amenity of listed public spaces need to prove the adverse effects are only minor. The cost	Proposed developments affecting the sunlight amenity of listed public spaces need to prove the adverse effects are only minor. The cost	An assessment of the effects on sunlight amenity of new developments would add \$500-\$1000 to all applications for resource

Table 8E	1. Status quo: • Protect sunlight to existing parks currently listed in the Plan (including poorly defined areas), and encourage sunlight to buildings	2. Clarify and strengthen regulation: • Protect sunlight to the updated (and defined) list of public spaces during high use periods • Advocate sunlight protection	3. Consider the effects on sunlight amenity as part of the assessment of all new building developments, without listing any public spaces for sunlight protection
	of such an assessment is in the order of \$500-\$1000 ¹⁵ . Poorly defined rules impose significant restrictions on extensive areas of the Central Area and confusion about the limits on development potential and the extent of sunlight protection.	of such an assessment is in the order of \$500-\$1000. The addition of new public spaces to the list imposes costs on developers seeking to redevelop adjacent properties that would potentially breach the sunlight protection plane.	consent for new buildings.
Economic benefits	A quality public environment, including sunlight amenity, can contribute to the vitality of the city. Individual property owners to the south of listed public spaces may privately benefit from the public good of sunlight protection.	A quality public environment, including sunlight amenity, can contribute to the vitality of the city. Better targeted rules remove significant and needless restrictions on extensive areas of the Central Area. The removal of public spaces not requiring sunlight protection also reduces the level of needless regulation. Individual property owners to the south of listed public spaces may privately benefit from the public good of sunlight protection of listed public spaces.	A quality public environment, including sunlight amenity, can contribute to the vitality of the city.
Risks if uncertain/insufficient info	There is a risk of continuing with poorly defined public spaces that adds an extra cost for applicants where it is not clear the exact area being protected.	--	--
Effectiveness and efficiency	Because not all listed public spaces are well defined, the rules are not always effective in protecting the sunlight amenity of those places. Nor is the public nature of sunlight protection explicit. On this basis the existing approach lacks effectiveness and therefore efficiency.	On the basis of the above, this option would be effective and efficient in achieving the relevant objective. In particular, removing needless regulation associated with poorly targeted sunlight protection, but providing sunlight protection of well used public spaces.	On the basis of the above, this approach would lack efficiency and therefore effectiveness in achieving the relevant objective. In particular because every application would involve an assessment of the effects on sunlight access to all public spaces.

¹⁵ Estimate provided on 26 July 2005 by email from R Maunder of Arc Images.

8.3.8 Conclusion

Having considered the effectiveness and efficiency of the options above in table 8E above, option 2 is the most appropriate, as it maintains sunlight amenity to identified public spaces of importance, and encourages building design to maintain sunlight amenity elsewhere. The provisions are the most appropriate to ensure new building works maintain and enhance the amenity and safety of the public environment.

8.4 Policy and methods to protect views

12.2.6.6	Protect the panoramic view from the public viewing point at the top of the Cable Car.
12.2.6.7	Protect, and where possible enhance, <u>identified public</u> views of the harbour, hills and townscape features from within and around the Central Area.

8.4.1 Context – protecting identified views of the harbour, hills and buildings

Quality views contribute to the amenity values and quality of the urban environment, and specifically people’s sense of place. Planning work in the 1980s established a principle to protect identified views of the hills, harbour and particular townscape features. A review of Council documents supports the current policy focus, particularly protecting views to the harbour as outlined in the table below.

Table 8F

Document	Message relevant for view protection
<i>Draft Long Term Council Community Plan 2006/07-2015/16</i>	The long term outcome for urban development: <ul style="list-style-type: none"> • <i>Stronger sense of place: Wellington will be a memorable, beautiful city, celebrating and building on its sense-of-place, capital city status, distinctive landform and landmarks, defining features, heritage and high quality buildings and spaces</i>
<i>Built Heritage Strategy, 2005</i>	Goals: <ul style="list-style-type: none"> • <i>Recognition – Wellington’s built heritage is recognised as contributing to our understanding of our cultural diversity and awareness of sense of place</i> • <i>Protection, conservation and use – Wellington’s unique character is enhanced by the protection, conservation and use of its built heritage</i>
<i>Wellington – our sense of place: building a future on what we treasure, 2004</i>	The publication describes Wellington as, amongst other things: <i>Wellington’s essence is its integration...</i> <ul style="list-style-type: none"> • <i>Hills-harbour-buildings-greenery in balance</i> <i>...and the key to protecting this is to keep it all accessible</i> <p><i>The place:</i></p> <ul style="list-style-type: none"> • <i>Dramatic setting - Wellington has a natural setting that is comparable to Auckland, San Francisco and Sydney in its dramatic beauty</i> <p><i>The differences -</i></p> <ul style="list-style-type: none"> • <i>Hill-crowded harbour city - The steep green hills, the buildings and the sea fit together in a beautiful balance that is unrivalled.</i> <p><i>Preserving Wellington’s sense of place</i></p> <ul style="list-style-type: none"> • <i>The natural character of the significant ridgelines and hilltops and the coastline, and the significance of the Town and Green Belts</i> • <i>The high quality and diversity of public spaces, including the prominent streets, parks and squares</i> • <i>The symbols, images, places and buildings that identify the people of Te Whanganui-a-Tara and Wellington city and tell their history</i>
<i>City to Waterfront – Wellington October 2004, Public Spaces and Public Life Study</i>	The project recommended a strategy for developing strong links between the city and the waterfront. The report describes the city as follows: <ul style="list-style-type: none"> • <i>Wellington enjoys an excellent natural landscape formed by the hills and harbour. The compact city centre includes a thriving business district, the Parliamentary Precinct, a number of educational and cultural institutions and a lively retail area - the Golden Mile and connecting streets. Heritage buildings form a strong building</i>

Document	Message relevant for view protection
	<p><i>tradition from which a complementary design tradition has been formed.</i> (p 5)</p> <p>In response to stepping up pedestrian priority the report recommends:</p> <ul style="list-style-type: none"> • <i>ensuring free vistas and interesting views</i> (p50) <p>The report also lists as a Quality Criteria for waterfront connections:</p> <ul style="list-style-type: none"> • <i>the views, visual connection – limited obstacles</i> (p 60).
Central City Urban Design Strategy Principles, paper to Built and Natural Environment Committee, 7 August 2003	<p>Section 6.1 – outlines the principle of ‘Sense of Place’, stating:</p> <ul style="list-style-type: none"> • <i>[Wellington] gains its individuality and identity from its characteristics of form; the topography, the landscape, Maori pre-European inhabitation, the street pattern, the open space network, the buildings and the use of local materials where appropriate.</i> <p>Section 6.3 – outlines the principle of ‘Legibility’, includes:</p> <ul style="list-style-type: none"> • <i>Use visual connections and vistas to link from one space or area to another where appropriate”. Also “Make it easy for people to find their way around by clear reference to landmarks, character areas and clear hierarchy of spaces</i>
<i>The Wellington Waterfront Framework</i> , August 2001	<p>Lists as ‘Principles’:</p> <ul style="list-style-type: none"> • <i>Important views and vistas from the city to the sea will be protected and important new ones created</i> • <i>Panoramic views from the water’s edge, along with framed views of the waterfront, are important</i> (p20)
Local Town Centre Programme	<p>Focuses on the Golden Mile and key connecting streets to the waterfront – including improving street environment, and enhancing links to the waterfront.</p>
District Plan principles of the Central Area	<p>In terms of the District Plan, the viewshaft provisions align with two of the principles for steering development in the Central Area, being: the “Golden Mile” and “City/harbour integration”.</p>

Over the last thirty years, the planning regime for protecting views has been rigorously examined, including through appeals to the Planning Tribunal in 1985. Much of this work was tied in with building height provisions as discussed on **page 88**. Many of the views identified through earlier studies¹⁶ remain protected in the 2000 operative District Plan.

There are 27 operative viewshafts and one panoramic view that are protected in the operative District Plan. Where viewshafts traverse private property the rules can restrict the building potential of that part of the site or elevation traversed. Approximately half of the viewshafts follow road corridors and extend in a limited way over private property. Several viewshafts extend over the top of the city, including from the top of the steps of the main entrance to Massey University, Parliament buildings, from the Cable Car viewing platform, and several public building entrances along The Terrace. There is one panoramic view, which forms part of the assessment framework for considering overheight building proposals - as discussed on **page 88**.

The protected views within and across the Central Area are tied to the urban form of Wellington City and the Golden Mile. This general ‘high city/ low city’ urban form is proposed to be retained as is the structuring and functional role of the Golden Mile.

¹⁶ ‘View Protection and Urban Form: Wellington’s Inner City’ 1985, and ‘Urban Form Study Wellington’s Inner City’, 1987

Many of the viewpoint locations are positioned along the Golden Mile, and many of the views focus on the harbour – providing a sense of city/harbour integration. The every day views of the hills from within the city are generally more common place because of Wellington’s ‘amphitheatre’ topography.

Not all the views currently protected can be described as outstanding; in some cases they simply evoke characteristics that contribute to Wellington’s sense of place as people move around the city.

8.4.2 Issues – clarify and update policies, rules and appendices

Overall, the existing provisions are workable, but there are some matters that could be improved.

8.4.2.1 Issues with existing policy

In terms of operative policy 12.2.2.5 (to protect and where possible enhance significant vista views...), it is proposed to retain the existing policy, with small changes to clarify certain matters:

1. Public enquiries to the Council indicate that inner city residents are looking to mechanisms in the District Plan, such as viewshafts, to maintain their own apartment amenity. The intent of the policy is to protect public rather than private views and this should be made explicit, and
2. The policy does not make it clear that the focus of protection is on identified views and this could be made more explicit.

The explanation to the refined policy also clarifies how conflicts between verandahs and viewshafts should be managed. The visual effects of a verandah should be treated as minor provided it is contained within the outline of an existing building either within the foreground or within the background, and that building is not a focal element of the viewshaft.

8.4.2.2 Proposed changes to policy

In response to the above, an amended policy is proposed:

Protect, and where possible enhance, identified public views of the harbour, hills and townscape features from within and around the Central Area.

8.4.2.3 Issues with existing rules

In terms of the rules, there are several matters that could be improved:

1. There are a number of inaccuracies and inconsistencies with the details and descriptions of some existing viewshafts –in some cases affecting the visibility of the view. For example, the perspective drawings of viewshafts included in the operative District Plan do not always reflect what is visible to the human eye; or a defined view lacks visibility from the viewpoint location,
2. Some viewshafts lack visibility or poorly relate to the Central Area, detracting from the effectiveness of the mechanism,
3. Some viewshafts duplicate one another, and could be amalgamated to simplify the mechanism,
4. There are some conflicts between rules requiring verandahs along road frontages and rules to protect the viewshaft that could be clarified,

5. The threshold for considering intrusions in a viewshaft as a non-complying activity is difficult to apply to vertical intrusions.

8.4.2.4 Proposed changes to existing rules

In response to the above, the existing rule is largely to be retained, with the main focus on updating the viewshaft details, and clarifying the threshold for non-complying applications for both vertical and horizontal intrusions. A review of all viewshafts was carried out and updated as outlined in the following sections.

The information required to be submitted as part of an application for resource consent has also been shifted to Chapter 3 (section 3.2 'Information to be submitted with an Application for Resource Consent'), rather than specified in assessment criteria.

As a separate matter, but for the record, although identified viewshafts traverse a number of other zones the rules are only triggered in the Central Area. However, because stricter height control rules apply in the Inner Residential Areas, there is little potential for encroachment into any viewshaft traversing those areas. Accordingly it is not necessary for the viewshaft rules to apply in the Inner Residential Area at this time.

8.4.3 Quality of existing viewshafts

The effectiveness of provisions to protect views is dependent on the quality and characteristics of existing viewshafts. Site visits and photographs were taken to record the quality of existing viewshafts in 2005 (as documented in the Viewshaft Catalogue¹⁷). The photographs showed a number of incursions into the viewshafts from vegetation and structures¹⁸, but on the whole most viewshafts remain intact. Outcomes from the 2005 photographs showed:

- of the 27 viewshafts, one was encroached 100% by structures (viewshaft 2)
- of the 27 viewshafts, seven are affected by vegetation encroaching on the viewshaft, although in some cases this was envisaged within the viewshaft (viewshaft 1, 3, 12, 13, 19, 26, 27). Note, there are no rules controlling the encroachment of vegetation,
- of the 27 viewshafts, since 2000 eight viewshafts were recorded as having consents granted to encroach on the view (vs 2, 3, 9, 11, 13, 22, 26, 27). In some cases a single development encroached on several viewshafts (hence the encroachments exceed the number of recorded breaches),
- several viewshafts were affected by traffic signs or signals (vs 4, 5, 19, 22, 23).

On the basis of the above information, a desktop analysis, and a review of relevant documents (listed below) the viewshafts were reviewed and updated.

¹⁷ Viewshaft catalogue: Wellington City Operative District Scheme viewshafts, 1980s photographs of viewshafts; Wellington City District Plan (operative 2000) viewshafts, 2005 photographs of viewshafts, and viewpoint locations (& alternatives).

¹⁸ At the time of writing the record of consents granted to breach viewshafts extended to December 2004

8.4.4 Proposed changes to listed viewshafts

The nature of the proposed changes are to ensure the viewshafts are well defined in the appendix information. This includes updating, deleting and amalgamating existing viewshafts as outlined below. The primary driver for updating the viewshafts was to ensure the views are readily visible and that viewshaft protection is an appropriate mechanism.

8.4.4.1 Listed operative viewshaft/panoramic view proposed to be retained and updated:

These viewshafts are proposed to be retained in their current form. The main changes are to ensure the focal and context elements of viewshafts (ie the parts of the view being protected) are clearly defined. In addition, the use of Maori place names (as used in the District Plan) of defined viewshaft elements have been included to reflect the values associated with the relevant landforms.

- Viewshaft 3 from Parliament steps looking out to the harbour,
- Viewshaft 6 from Whitmore St to the harbour,
- Viewshaft 7 from Waring Taylor Street to the harbour,
- Viewshaft 8 from Johnston Street to the harbour,
- Viewshaft 9 from Brandon Street to Queens Wharf – although dominated by wharf buildings, the view contributes to city/harbour integration,
- Viewshaft 10 from 8th floor of AMP NZ building (238-252 Lambton Quay) to the harbour and old Harbour Board Office – although the viewpoint location is on private land, the public currently has full access and the space has thoroughfare qualities that contribute to its public nature,
- Viewshaft 11 from the Caltex Tower entrance (forms part of Council land 139B The Terrace, Pt Lot 2 DP 977,) view towards the harbour,
- Viewshaft 12 from Hunter St to the harbour,
- Viewshaft 13 from Willeston St to the harbour,
- Viewshaft 14 from Chews Lane to St Gerards – although the viewshaft traverses private property, the public currently has full access to the route, and current owners purchased the property with full awareness of the existing viewshaft,
- Viewshaft 15 from the Michael Fowler Centre to the harbour. In the future it may be appropriate to shift the viewpoint location outside to the park/proposed new city to sea bridge that will eventually link the Civic Square to Odlins Plaza, Te Papa and surrounds,
- Viewshaft 16-18 from the viewing platform at the Cable Car out to St Gerards, Points Jerningham and Halswell and Somes Island,
- Viewshaft 23, from Taranaki Street to the harbour,
- Viewshaft 24, from Tory Street to the harbour, and
- Appendix 6 panoramic view.

8.4.4.2 Listed operative viewshaft proposed to be retained, but modified:

- Viewshaft 2, 100% of the view from the northwestern side of the Railway Station forecourt to the Beehive and Parliament Buildings has been obscured by structures. The viewpoint location needs to be relocated to the northeastern corner of Bunny Street and Featherston Street to ensure the view is visible,
- Amalgamate viewshafts 4 and 5, from Bunny Street to Beehive and Government Buildings. These viewshafts are both viewed from the same viewpoint location and take in the same view. Amalgamating the viewshafts would minimise duplication of the same view,
- Amalgamate viewshafts 20 and 21, from Cuba Street to the hills above the Michael Fowler Centre. These viewshafts are both viewed from the same viewpoint location and take in the same view. Amalgamating the viewshafts would minimise duplication of the same view,
- Viewshaft 25 from Tory Street to Brooklyn Hill/ Buckle Street Barracks is completely obscured from the existing viewpoint location. The view is better viewed from the southeastern corner of the intersection than from the existing viewpoint location, and
- Amalgamate viewshafts 26 and 27, from the steps to the main entrance of Massey University, but retain the two viewpoint locations. These viewshafts as viewed from the two viewpoint locations both take in the same view.

8.4.4.3 Listed operative viewshaft proposed to be deleted due to lack of effectiveness:

- Viewshaft 1 from Wadestown Road to St Gerards relates poorly to the Central Area because it largely traverses Residential Areas. The view is elevated well above the building height standards, and the focal element is at such a distance that it detracts from the visibility of the intended view. Better views of the general Oriental Bay area can be obtained from elsewhere on Wadestown Road, which are of such an elevated nature viewshaft protection is inappropriate.
- Viewshaft 19 from Willis Street to Brooklyn Hill is not visible from its current location. The intended view follows the street in its entirety, which provides some natural view protection along this route. The viewshaft has a base level of 47m, well above the building heights of upper Willis Street of 10.2m and 14.4m within the Central Area, and 10m within the Inner Residential Area.
- Viewshaft 22 from Taranaki Street to Brooklyn Hill is interrupted by various structures and the view lacks quality. The viewshaft traverses Central Area private properties above the maximum building height of 27m, with a focal element that is elevated well above this at a height of 60m. Alternative viewing opportunities can be obtained from other points along the road corridor, which because of the road's extensive width of approximately 20m, provides some natural view protection.

8.4.5 Key documents

- Viewshaft catalogue - Wellington City Operative District Scheme viewshafts, 1980s photographs of viewshafts, Wellington City District Plan (operative 2000) viewshafts, 2005 photographs of viewshafts, and viewpoint locations (and alternatives)
- <http://www.london.gov.uk/mayor/strategies/sds/docs/spg-views.pdf>
- 'Planning' journal 22 April 2005, 'Protection of views updated in London'
- 'Planning' journal 29 April 2005, 'Guide starts capital debate'
- http://www.urisa.org/Journal/Under_Review/mak/developing_a_city_skyline.htm
- The Wellington Waterfront Framework, August 2001
- Wellington City Council archives, viewed on 9 March 2005, file DSC 88/1 Town Planning Department. Building height controls Central Area etc. [A210] [00057:7:88/1 P+5]
- Central City Urban Design Strategy Principles, paper to Built and Natural Environment Committee, 7 August 2003
- Briefing paper for the urban development strategy, workshop 2 August 2005
- Urban Form Study Wellington's Inner City, Discussion Paper, Town Planning Department Wellington City Council March 1987
- View Protection and Urban Form: Wellington's Inner City' 1985
- Local Town Centre Programme
- Greening Central Wellington, 2002
- Auckland City District Plan
- Circa Site Development Draft Design Brief
- Inhouse review of resource consent applications to intrude on viewshafts
- Gerald Blunt, Urban Designer, Wellington City Council, Viewshaft assessment, 19 April 2005

Note also consultation listed in **Part A**.

8.4.6 Key discussions and briefings

- Gerald Blunt, Urban Designer, 22 December 2004, 22 June 2004 and 24 June 2005
- Consent Planners: John Hayward, Consents Planner, 5 January 2005; Mary O'Callaghan, Team Leader, 5 August 2005
- Peter Kundycki, Urban Design, 7 January 2005
- John Carl and Mike Hanning of Wellington Waterfront Ltd, Project Managers, 17 March 2005
- Barbara Fill and Laura Paynter, Heritage Advisors, 17 May 2005 and 24 June 2005 (Laura)
- Meeting with Compliance Monitoring and Enforcement, 21 June 2005, about Central Area work
- John Sherbone, Land and Property Information Advisor, Land Information, Data Services, 20 June 2005

Policies, rules and other methods

The table below considers the cost and benefits of principle options considered during the preparation of the Central Area review.

Table 8G	1. Status quo: <ul style="list-style-type: none"> • Protect significant views • Rules to protect listed views, but some views are ill defined 	2. Clarify regulation: <ul style="list-style-type: none"> • Identified and updated public views protected • Rules to protect listed views that are more clearly defined 	3. Consider the effects on views as part of the assessment of all new developments without listing any significant views
Appropriateness	<i>This approach is not recommended</i>	<i>This approach is recommended</i>	<i>This approach is not recommended</i>
Environmental costs	Only listed views are protected and other views may be lost, including listed views that are not well defined.	Only listed, public views are protected and other views may be lost.	Only views that are demonstrated to be of such significance as to protect would be maintained; whereas characteristic views may be lost.
Environmental benefits	Listed views are protected. Because inner city dwellers are seeking to protect private amenity, they look to enforce view protection.	Listed views are protected, including redefined views.	Any potential view can be considered in the assessment of effects of new developments. This may result in some unusual views being protected, including potentially private views.
Social costs	People may value other views not currently listed that are over time affected by development. There is some confusion about the views being protected in the case of those that are not well defined.	People may value other views not currently listed that are over time affected by development.	People may value views that are, over time, affected by development.
Social benefits	Quality and characteristic views contribute to people's sense of place and amenity.	Quality and characteristic views contribute to people's sense of place and amenity.	People who like a particular view may have the opportunity to participate in the planning process to protect those views.
Economic costs	Proposed developments affecting listed views need to prove the adverse effects are only minor. Poorly defined views add needlessly to the regulatory cost of resource consent applications.	Proposed developments affecting listed views need to assess the adverse effects on any viewshaft.	Carrying out an assessment of the effects of development on the visual amenity would add to the cost of all consent applications for new building developments.
Economic benefits	A quality public environment, including views from in and around the Central Area, contribute to the vitality of the city. Owners of properties in line with identified viewshafts may privately benefit from the added value of view protection as part of a public good.	A quality public environment, including views from in and around the Central Area, contribute to the vitality of the city. Owners of properties in line with identified viewshafts may privately benefit from the added value of view protection as part of a public good.	A quality public environment, including views from in and around the Central Area, contribute to the vitality of the city.

Table 8G	1. Status quo: • Protect significant views • Rules to protect listed views, but some views are ill defined	2. Clarify regulation: • Identified and updated public views protected • Rules to protect listed views that are more clearly defined	3. Consider the effects on views as part of the assessment of all new developments without listing any significant views
		Clarifying the definitions of protected views removes the regulatory cost associated with poorly defined viewshafts.	
Risks if uncertain/insufficient info	--	--	--
Effectiveness and efficiency	Because not all listed views are well defined, the rules are not always effective in protecting the quality of all views from encroaching developments. Nor is the public nature of view protection explicit. On this basis the existing approach lacks effectiveness and therefore efficiency.	On the basis of the above, this option would be effective and efficient in achieving the relevant objective. In particular, the viewshafts are clearly defined.	On the basis of the above, this approach would lack efficiency and therefore effectiveness in achieving the relevant objective.

8.4.7 Conclusion

Having considered the effectiveness and efficiency of the options above, option 2 is the most appropriate to protect identified views. The provisions are the most appropriate to: ensure new building works maintain and enhance the amenity and safety of the public environment.

8.5 Policy and methods to provide pedestrian shelter

12.2.6.8	<u>Ensure that pedestrian shelter is continuous on identified streets where there are high volumes of pedestrians, and on identified pedestrian access routes leading to the Golden Mile from the outskirts of the Central Area.</u>
12.2.6.9	<u>Ensure that in providing pedestrian shelter any adverse effects on the architectural integrity of a building to which the shelter is affixed, and any adverse effects on public safety and the informal surveillance of public spaces are avoided, remedied or mitigated.</u>
12.2.6.10	<u>Encourage the provision of pedestrian shelter along streets and public spaces throughout the Central Area (including within the Pipitea Precinct).</u>

8.5.1 Context - protecting pedestrians from the weather

The Central Area has a high proportion of pedestrians. Wellington City's pedestrian 'journey to work trips' are recorded as the highest in the region and are continuing to rise (Draft Regional Pedestrian Strategy, Greater Wellington The Regional Council, December 2003). According to census data from 2001, Wellington City had over 12,000 pedestrian 'journey to work trips', approximately 8,000 more than any other district in the region. Wellington City Council's annual pedestrian surveys consistently show high levels of pedestrian movements along the Golden Mile. The principle of containing the city centre also contributes to an intensive pedestrian environment.

Wellington is a city with at times harsh weather. The requirement to provide verandahs on identified street frontages is a mechanism in the District Plan to shelter pedestrians from the wind, rain and sun along main pedestrian routes (refer Appendix 8 of operative Chapter 13).

A number of documents reinforce the importance of providing a pedestrian-friendly environment within the city (listed below). The Council is also in the early stages of developing a Walking Plan that will support provision of a quality walking network within the wider city.

Table 8H

Document	Message relevant to the pedestrian environment
Central government strategy 'Getting there – on foot, by cycle' (2005).	<ul style="list-style-type: none"> o The goals of the strategy promote walking and include: community environments and transport systems that support walking, and more people choosing to walk more often. o Transport accessibility: People have options, walking, cycling, public transport and cars
Draft Long Term Council Community Plan 2006/07-2015/16 Urban Development Strategy	<p>Both documents seek the outcome of being:</p> <ul style="list-style-type: none"> o Better Connected: Wellington will be easy to get around, pedestrian-friendly ... o The Urban Development Strategy also seeks: An increasingly pedestrian and cycle-friendly city, where more trips can be made safely using active modes (1.1(c))
Transport Strategy	<ul style="list-style-type: none"> o More liveable: Wellington will be easy to get around, <ul style="list-style-type: none"> ▪ Priority walking routes to and within the central city. (2.1) o Healthier: Wellington's transport system will contribute to healthy communities and social interaction. <ul style="list-style-type: none"> ▪ Promoting walking and cycling and reduced dependence on motor vehicles for short trips through the travel demand management programme (2.4(b))

Document	Message relevant to the pedestrian environment
Policy work on 'Wellington – our sense of place'	<ul style="list-style-type: none"> o Council seeks: a compact, people place: 'A city of pedestrians' o Council will work to ensure good accessibility, including easy walking within and between parts of the city (see point 1). In relation to walking, the flatness and compact nature of the CBD is noted as a strength.
The 2003 Retail Strategy (now policy)	<ul style="list-style-type: none"> o The policy contains a principle for a high quality physical environment. The policy refers to the open-air streets and footpaths with verandahs to protect pedestrians from poor weather as a strength of the central city and existing retail network (p 28).

The question for the Central Area review is not, therefore, whether it is appropriate to require verandahs. Instead the questions are whether the policy and rules require verandahs along appropriate pedestrian routes, whether effective shelter is provided, and whether there are any conflicts with other provisions that need to be resolved?

8.5.2 Issues: matters requiring updating and clarifying

Overall, verandahs are provided extensively throughout the Central Area, but there are some streets that would either benefit from more *continuous* pedestrian shelter, or that experience high levels of pedestrians but are not identified as requiring verandahs.

There are several other concerns relating to the operative provisions for verandah requirements:

- There are gaps in the linkages between the operative provisions that weaken the way they work together as a whole (ie gaps in the policy and assessment criteria relating to verandah specifications contained in the rules).
- The operative policy in its current form (*'ensure that verandahs are continuous on streets or access routes where there are many pedestrians'*) contains a number of gaps. The policy intent to provide pedestrian *shelter* is not explicit, nor is there any policy support for specifying verandah dimensions in existing rules (largely applied for safety reasons). Likewise, there is a lack of policy support for considering the visual effects of verandahs in the rules and assessment criteria. In addition, guidance would help to prevent any conflict between providing verandahs and informal surveillance of the street.
- The existing rule requires verandahs on any part of a building fronting an identified street or public space (13.1.2.8). In contrast (and ironically), erecting verandahs elsewhere within the Central Area requires a resource consent (as a building alteration).
- Erecting verandahs can conflict with other rules relating to loading areas, heritage and viewshafts etc. Either aligning the rules or providing guidance about which rules take precedence would assist in providing a coherent set of rules,
- There are no rules controlling the height of verandahs, and increasingly higher verandahs are providing ineffective shelter (particularly when also narrow), and
- Appendix 8 of Chapter 13 identifies streets and other public spaces where verandahs (and also display windows) are required. Appendix 8 is depicted at

such a small scale that it is not always clear which frontages require verandahs, and the map should be updated to make this clear.

- There is a question of which streets require verandahs.

8.5.3 Proposed changes to requirements relating to pedestrian shelter

8.5.3.1 Proposed changes to policies

On the basis of the matters identified above, it is proposed to introduce three new policies, in place of the existing policy, to clarify that verandahs:

- are to provide pedestrian shelter,
- are required along streets with high volumes of pedestrians,
- are required along identified (more pedestrian-friendly) routes leading to the Golden Mile,
- should avoid adverse effects on the architectural integrity of a building,
- should avoid adverse effects on public safety and informal surveillance, and
- are encouraged throughout the Central Area.

8.5.3.2 Proposed changes to rules

The proposed changes to the rules reinforce the changes outlined in the policies above. This includes:

- permitting verandahs throughout the Central Area provided that specified dimensions are met,
- specifying a maximum verandah height to ensure sufficient shelter is provided to pedestrians, and
- verandahs are not permitted along narrow sections of public space, such as alleyways, where they might inhibit informal surveillance.

Finally, a new planning map (49a) is proposed to identify streets requiring verandahs at a more legible scale than the operative appendix 8. Street frontages identified on the map as requiring verandahs were identified on the basis of a street-by-street analysis. The analysis primarily considered the pedestrian numbers along each route, as well as a pedestrian network that reflects the city's vision for development. This took on board the opportunity to establish a comprehensive pedestrian network that takes account of whether access routes are vehicle-dominated or 'slower' and more pedestrian friendly.

Proposed changes to the built heritage rules in Chapter 21 clarify how conflicts between heritage and other rules should be managed. Likewise, proposed changes to the viewshaft provisions clarify how conflicts between verandahs and viewshafts should be applied.

8.5.4 Key documents

The analysis discussed above took into account the following documents (and work on heritage areas, refer **page 60**):

- Retail Strategy (Sep 2003)

- City to Waterfront – Wellington October 2004, Public Spaces and Public Life Study
- Urban Design (draft Central City Framework, Local Centre Upgrades), Central City Public Space Framework
- Wellington Pedestrian Count 2003, New Zealand Property Institute, Wellington Branch
- The Wellington Waterfront Framework, April 2001
- Verandahs in the Central Area, An analysis by Mareika Buck and Manuela Juric, City Development, Wellington City Council, Mai 2003
- Operative District Plan, Cuba Character Design Guide, Courtenay Character Design Guide, Te Ara Haukawa Design Guide, Pipitea Precinct, Chapter 13C, Guidelines for Design Against Crime
- Possible changes to the District Plan roading heirarchy (Central Area)
- ‘Central City Urban Design Strategy Principles’, paper to Built and Natural Environment Committee, 7 August 2003
- ‘Parliamentary Precinct Project: Project Scope and Opportunities for discussion’, December 2004
- Draft Central City Streetscape Plan, City Development
- Local Town Centre Programme, Wellington City Council
- Circa Site Development Draft Design Brief, Wellington City Council
- Gateway project, Wellington City Council

8.5.5 Key discussions and briefings

- Steve Spence, Chief Transportation Engineer, Infrastructure, 23 December 2004; 23 May 2005
- Peter Kundycki, Urban Designer, City Development, 7 January 2004
- Geoffrey Snedden, Acting Manager Urban Design, 14 January 2005 and on 29 January 2005
- Resource Consents Team: 8 February 2005; Rachel Pinson, Resource Consents Planner, 28 January 2005
- Peter Sumby, Project Manager Road Reserve, Roading Operations (encroachment), 16 February 2005
- Gerald Blunt, Urban Designer, City Development, 9 May 2005
- Barbara Fill and Laura Paynter, Heritage Advisors, City Development, 17 May 2005
- Compliance Monitoring and Enforcement Team: 21 June 2005, discussed Central Area work generally; Scott Cantley, Monitoring Officer, 22 June 2005
- Memo, 3 October 2006 to Gerald Blunt, Barbara Fill, Geoffrey Snedden and Hugh Nicholson of City Development, Graeme McIndoe (Urban Design)

consultant), Jeremy Blake of District Plan, Steve Spence of Infrastructure, Jennifer Laing of City Safety

- Jennifer Laing, Community Safety Coordinator, Project Manager for NZ CPTED Guidelines, 28 October 2006

Policies, rules and other methods

The table below considers the cost and benefits of principle options considered during the preparation of the Central Area review.

Table 8 I	1. Status quo • Require verandahs on listed frontages	2. Strengthen provisions • Require verandahs on most frontages, with minor exceptions such as not impeding informal surveillance or conflicts with heritage buildings.	3. Clarify provisions and expand requirements • Extend verandah requirements to high-use pedestrian routes and a expanded pedestrian network • Resolve conflicts with other objectives
Appropriateness	<i>This approach is not recommended</i>	<i>This approach is not recommended</i>	<i>This approach is recommended</i>
Environmental costs	Some verandahs detract from the visual amenity of the host building.	Some verandahs detract from the visual amenity of the host building, and with expanded requirements this conflict would be more prevalent.	Some verandahs detract from the visual amenity of the host building, but in sensitive areas (ie some heritage areas) new verandahs are not required.
Environmental benefits	Verandahs improve the pedestrian amenity.	A comprehensive verandah network would substantially improve the pedestrian amenity.	An expanded verandah network along high-use pedestrian routes, and main routes to the CBD would considerably improve the pedestrian amenity. Where relevant, conflicts with the architectural integrity of buildings would be managed.
Social costs	Not all frontages require verandahs in which case people are subject to the weather. Even so, some verandahs do not provide appropriate levels of weather protection. The current policy is not clear that both shelter and safety are important matters in providing verandah coverage (for example regarding conflicts with traffic).	Areas with heritage buildings or conflicts with informal surveillance would not require verandah coverage.	Not all frontages require verandahs in which case people are subject to the weather in the outer parts of the Central Area.
Social benefits	Weather protection encourages people to participate in city-life in all types of weather.	Weather protection encourages people to participate in city-life in all types of weather. Impediments to informal surveillance would be minimised.	Weather protection encourages people to participate in city-life in all types of weather. The revised policy would make it clear that verandahs should be designed for safety. Impediments to informal surveillance would be minimised.
Economic costs	Requirements for verandahs impose a cost on	Requiring verandahs along most frontages imposes additional costs on most	Requiring verandahs along frontages imposes costs on developments along identified

Table 8 I	1. Status quo • Require verandahs on listed frontages	2. Strengthen provisions • Require verandahs on most frontages, with minor exceptions such as not impeding informal surveillance or conflicts with heritage buildings.	3. Clarify provisions and expand requirements • Extend verandah requirements to high-use pedestrian routes and a expanded pedestrian network • Resolve conflicts with other objectives
	developers. Resource consent is required to erect verandahs that are not otherwise permitted by the District Plan.	developments, even where pedestrian numbers are not high. Pedestrians are not likely to continue to use pedestrian routes in harsh weather unless verandah coverage is continuous which will take some time to achieve throughout the Central Area.	frontages, particularly for the additional frontages proposed.
Economic benefits	Where there is verandah coverage, pedestrians are more likely to continue to use these routes (for retail, commercial and other activities) irrespective of the weather conditions, particularly where verandahs are continuous.	Where there is verandah coverage, pedestrians are more likely to continue to use these routes (for retail, commercial and other activities) irrespective of the weather conditions, particularly where verandahs are continuous.	Where there is verandah coverage, pedestrians are more likely to continue to use these routes (for retail, commercial and other activities) irrespective of the weather conditions, particularly where verandahs are continuous.
Risks if uncertain/insufficient info	--	--	--
Effectiveness and efficiency	The current approach lacks effectiveness because there are gaps in the linkages between the provisions that weaken the way they work together as a whole. On the basis of the above, the approach lacks efficiency.	On the basis of the above, this approach lacks efficiency because the costs imposed are not balanced by corresponding benefits, and the approach therefore lacks effectiveness.	On the basis of the above, the approach is effective because the provisions work together, the requirement for pedestrian shelter is targeted at specific routes, but not at the expense of safety or adverse environmental effects.

8.5.6 Conclusion

Having considered the effectiveness and efficiency of the options above, option 3 is the most appropriate to provide pedestrian shelter to along main pedestrian routes. The provisions are the most appropriate to ensure new building works maintain and enhance the amenity and safety of the public environment.

8.6 Policy and methods to protect heritage and character areas

Several new policies and methods are proposed to help protect heritage and character areas as a way to ‘ensure that new building works maintain and enhance the amenity... of the public environment in the Central Area...’. These policies and methods were discussed in full in relation to objective 12.2.3 - to enhance ‘sense of place’ – refer **page 63**.

8.7 Policy and methods to enhance ground floor frontages

- 12.2.6.11 Maintain and enhance the visual quality and design of ground floor level developments fronting on to streets, parks and pedestrian thoroughfares throughout the Central Area
- 12.2.6.12 Maintain and enhance the commercial character and visual interface of ground floor level developments facing the public space along identified frontages within the Central Area
- 12.2.6.13 Encourage new building development in the Central Area to provide ground floor stud heights that are sufficient to allow retro-fitting of other uses.

8.7.1 Context – ground floor frontages

The ground floor level is a dynamic part of the city. It is a major contributor to the quality of the streetscape, and provides an important interface between pedestrians and the buildings frontage and related activities. In Wellington’s core city centre, the ground floor level has a strong commercial character that reflects the structuring effect of the Golden Mile, and the high numbers of pedestrians along this route. As the commercial core, the ability for the ground floor level to adapt to changes in commercial activities in response to a changing economy is an important quality.

‘Active’ building edges at ground level provide visual interest to pedestrians, including the ability for pedestrians to make visual contact with activities in buildings fronting the street. In short, ‘active edges’ avoid blank building facades, but is more formally described as:

Generally the edges of spaces against the buildings are where people inhabit. It is these areas that can provide shelter and a greater diversity of experience. For instance, people enter and exit buildings, look at display windows or interesting architectural features; shelter from inclement weather or the sun, or engage in some activity that has spilt out from the building, such as eating at outdoor cafes (‘Central City Urban Design Strategy Principles’, signed off by the Built and Natural Environment Committee, 7 August 2003).

Other than display windows, there are few requirements to maintain ‘active edges’ at the ground level within the Central Area. Display windows provide an interface between the street and building interior. The network of streets requiring display windows includes the Golden Mile, core CBD streets, and several access routes leading to the CBD (Molesworth and Cuba Streets). These streets are generally associated with retail-type activities, high-use pedestrian routes and attractive frontages.

As already noted, national level guidance has emphasised the importance of urban design through the Urban Design Protocol - to which the Council is a signatory. The importance of urban design is reflected in a number of documents, and this includes factors relating to the human scale as well as at the macro urban form:

Table 8J

Document	Message relevant to ground floor frontages
Urban Development Strategy	<ul style="list-style-type: none"> ○ Safer: Wellington will be a safe place to be, with well designed buildings, spaces and connections between them. <ul style="list-style-type: none"> ▪ Improving the design of private buildings, particularly where these interface with the public environment. ▪ Promoting good building design to respond to building location and activities that take place within buildings. (1.4)
The Council's urban design principle	<ul style="list-style-type: none"> ○ Emphasises a 'high level of architecture and detailing of buildings'
The Retail Strategy (Sep. 2003) (now policy)	<ul style="list-style-type: none"> ○ Promotes an 'experience principle' to achieve: <i>a high quality physical environment and entertainments that are safe and clean...</i>

8.7.2 Issues with existing approach to ground floor frontages – display windows

The existing operative District Plan provisions relating to display windows are generally workable. However, it is the lack of control to achieve quality and adaptable ground floor frontages that is generally of concern. Some of these matters are outlined below:

- Other than streets requiring display windows there are few requirements to provide active edges below verandah level,
- In addition to this, there is no definition of 'verandah level' leaving it to be interpreted on a case by case basis,
- The existing policy is unduly limited to 'retail frontages' (*Maintain identified retail frontages within the Central Area*) rather than the commercial character and uses of the ground floor within the central city,
- The requirement for display windows along identified streets can conflict with goals to protect identified heritage buildings,
- The definition of display windows is unduly narrow, limiting the visual interface to 'display space', rather than the visibility of activities within the interior of the building space,
- There is a question of whether or not any frontages requiring display windows should be added or deleted from the existing requirements,
- Other 'active edges' at ground floor level can generally only be negotiated as part of consent processes for new buildings and significant additions and alterations of existing buildings,
- There is a risk that generally permitting alterations below verandah level could result in poor design outcomes that adversely affect the pedestrian streetscape,
- The ground floor is the primary commercial interface of the Central Area, and needs to retain the ability to adapt to a changing economic environment over a longer period, and

- The ability to adapt development at ground floor level is not assessed at any stage.

8.7.3 Are more controls on ground floor frontages required?

There is a question of whether additional controls are warranted to maintain the quality and adaptability of the ground floor level? Does the quality of the pedestrian environment suffer as a result of the existing permissive regime at this level?

Additions and alterations below verandah height are generally permitted with little design guidance provided at this level. Requiring display windows along ground floor frontage on identified streets is the one exception. There are few other mechanisms to prevent detailed facades from being converted into lengthy blank walls. Likewise, there are no rules to ensure the ground floor level is designed to be sufficiently adaptable to accommodate different activities.

8.7.3.1 Quality of ground floor frontages

The quality of ground floor frontages in the city centre was examined in the report *City to Waterfront - Wellington*, October 2004, prepared by Gehl Architects of Denmark. The report classified ground floor frontages throughout the city centre (generally south of the railway station) as either attractive or unattractive (some frontages were not classified).

Most of the frontages assessed in the report as attractive corresponded to frontages identified within the Central Area as requiring display windows. Likewise, most of the Golden Mile was identified as attractive (with no part identified as unattractive). In contrast, streets identified as unattractive generally fell within one or more of the following categories:

- Located near or on arterial routes,
- Located more than one block away from the Golden Mile, or
- Not identified in the District Plan as requiring display windows.

In saying this, some display window facades were described as unattractive (where there are large units with few doors, little diversity of function, and few or no details etc pg 37). However, the report also stated that at least 60% of the total length of the façade along the footpath should be transparent (p63):

All shops or offices must have visual contact with the footpath. At least 60% of the total length of the façade along the footpath should be transparent, with displays and/ or visual contact with the work being done on the ground floor.

To this end, it is accepted that windowing at ground floor level contributes to an attractive frontage, and in doing so is able to contribute to the Plan's objective to maintain and enhance the amenity of the public environment.

On the face of it, attractive frontages related well to those frontages identified in the District Plan as requiring display windows. However, any causality between District Plan provisions and actual outcomes may be speculative. Attractive frontages are relatively self-sustaining in the CBD because it is the commercial hub, and businesses typically seek to attract custom. One outcome is more certain, and that is blank walls are less likely to be constructed along those frontages requiring display windows because of the need to articulate the frontage.

8.7.3.2 Controlling poor quality ground floor frontages

The main concern is about the potential for poor outcomes in situations where building works below verandah level convert quality frontages into blank walls. One option is to control the extent of ground floor detailing that is converted into blank walls. To this extent a relatively permissive regime is maintained provided that the existing level of ‘visual interest’ (whether as windows, doors or architectural features) is not unduly compromised. On the whole, a strong justification would be needed to make any wholesale change to the otherwise permissive regime of the District Plan below verandah level. For new building developments this is justified on the basis that the entire development is subject to scrutiny, including the adaptability of the ground floor. Refer to **page 130** for an analysis of provisions for urban design guidance.

For additions and alterations to ground floor frontages further scrutiny should be limited to preventing poor outcomes. The Gehl report describes attractive frontages as having ‘small units, many doors (15-20 units per 100 m)’ (p 35). On average, some form of detailing would be anticipated every four metres. This provides a basis for controlling the removal of such detailing in excess of that four metre length. A new standard to this effect is therefore proposed.

8.7.3.3 Definition of ‘verandah level’

Another matter to clarify is the maximum height that permitted building works below verandah level extends to. On this basis a new definition is proposed to define:

***VERANDAH LEVEL:** means the height of a formed verandah, or where there is no formed verandah the vertical height of the ground floor storey (up to a maximum height of 4.2 metres).*

8.7.4 Proposed changes to ground floor frontage requirements

In response to the above, the proposed changes are to introduce policies that make it clear ground level frontages should:

- maintain the commercial character and interface of frontages along identified (core) commercial streets,
- maintain the visual quality and design of ground level frontages along all pedestrian routes throughout the Central Area,
- be of a sufficient height so as to enable adaptive re-use of buildings at this level in response to changes in economic drivers.

In turn, proposed changes to the rules and methods address the above by:

- requiring display windows, by way of rules, along 60% of the frontage for buildings along core commercial streets to ensure the commercial character of these frontages is retained,
- inserting new planning map 49a (in place of Appendix 8) that identifies at a more legible scale the frontages requiring display windows. A street by street analysis was undertaken to determine which streets warrant display windows, primarily on the basis of the city’s commercial core and the outcomes sought in other Council policy documents (as listed later below),

- retaining the flexibility to adapt ground floor frontages but adding a new rule to ensure existing facades are not altered in a way that results in blank facades of 4m or more in length,
- considering the height of ground floor studs in conjunction with the design assessment of new buildings under the Central Area Design Guide, and
- retaining as much as possible the flexibility to alter and adapt ground level frontages with minimum levels of control.

In addition, two new definitions are proposed:

- the definition of ‘display windows’ is proposed to be amended so that it includes not only ‘display space’ but also the ability to view activities within the interior of a building, as follows:

DISPLAY WINDOWS: means windows which permit the public to view display space or activities within a building.

- a new definition for:

VERANDAH LEVEL: means the height of a formed verandah, or where there is no formed verandah the vertical height of the ground floor storey (up to a maximum height of 4.2 metres).

8.7.6 Key documents

The list of documents consulted and discussions held as part of this review is outlined below:

- Urban Design Strategy, July 2006
- Retail Strategy, September 2003
- Central City Urban Design Strategy Principles, paper to Built and Natural Environment Committee, 7 August 2003
- City to Waterfront – Wellington, October 2004 Public Spaces and Public Life Study, Gehl Architects, Denmark
- ‘Parliamentary Precinct Project Scope and Opportunities for discussion’, Wellington City Council internal paper, December 2004
- Circa Site Development Draft Design Brief.
- Urban Design (draft Central City Framework, Local Centre Upgrades), Central City Public Space Framework
- Local Town Centre Programme
- Draft Central City Streetscape Plan, City Development management plan
- Wellington Pedestrian Count 2003, New Zealand Property Institute, Wellington Branch
- The Wellington Waterfront Framework, April 2001
- ‘Central City Urban Design Strategy Principles’, paper to Built and Natural Environment Committee, 7 August 2003
- Draft Central City Streetscape Plan, City Development

- Retail storefront and display windows - creating visual interest for pedestrians:
<http://64.233.179.104/search?q=cache:mlbxdVPOlcMJ:www.city.vancouver.bc.ca/commsvcs/Guidelines/C009.pdf+pedestrian+shelter+design&hl=en>
- District Plans: Lower Hutt City District Plan; Porirua City District Plan; Kapiti Coast District Plan; North Shore City District Plan; Auckland City Council District Plan; Manukau City District Operative Plan
- Automatic Dispensing Facilities included as a display windows or areas:
http://jupiter.brookers.co.nz/libraries/frameset.asp?headingswithhits=on&advquery=adjoining+verandah&depth=all&softpage=BROWSE_VW&hitsperheading=on&clientID=105124321&tocview=hitlist&infobase=rmcsmat.nfo&record={20CC4
- Recognising the importance of retail frontages and the role of suburban centres:
http://jupiter.brookers.co.nz/libraries/frameset.asp?headingswithhits=on&advquery=retail+frontage&depth=all&softpage=BROWSE_VW&hitsperheading=on&clientID=105124321&tocview=hitlist&infobase=rmcsmat.nfo&record={E4FF

8.7.7 Key discussion and briefings

- Peter Kundycki, Urban Designer, City Development 7 January 2005
- Morten Gjerde, Gerald Blunt and Sarah Duffell, Urban Designers, City Development, 7 January 2005
- Geoffrey Snedden, Acting Manager Urban Design, 14 January 2005
- Resource Consents Team: Team meeting, 8 February 2005; David Grant, Consents Planner, 21 December 2004; John Hayward, Consents Planner, 5 January 2005; Rachel Pinson, Consents Planner, 28 January 2005
- Barbara Fill and Laura Paynter, Heritage Advisors, 17 May 2005
- Compliance Monitoring and Enforcement Team meeting, 21 June 2005

Note also key discussions and briefings listed in **Part A** of this document, specifically relating to urban design.

Policies, rules and other methods

The table below considers the cost and benefits of principle options considered during the preparation of the Central Area review.

Table 8K	1. Status quo: <ul style="list-style-type: none"> • Display windows required on retail frontages • Security screens not allowed to block views of display windows 	2. Strengthen and target regulation: <ul style="list-style-type: none"> • Display windows required for commercial character & interface • Development of frontages must avoid creating blank facades to maintain the quality of the public space • Security screens not allowed to block views of display windows • Consider ground floor stud height in the design assessment 	3. Apply design guidance (including for ground floor stud height) to developments extending above Verandah Level Otherwise permit development below Verandah Level No requirements for display windows
Appropriateness	<i>This approach is not appropriate</i>	<i>This approach is appropriate</i>	<i>This approach is not appropriate</i>
Environmental costs	Other than display windows there is the potential for poor outcomes in terms of the quality of ground floor level developments, and potential redevelopment ability.	Requiring display windows along sixty percent is not overly high and could result in some poor outcomes within the commercial core of the Central Area. Average quality ground floor developments can be developed elsewhere.	There are no provisions for setting a minimum level of quality at ground floor level unless development extends above Verandah Level and requires a design assessment.
Environmental benefits	The commercial core retains its retail character.	A minimum level of quality at ground floor level is required to enhance the pedestrian streetscape and public spaces.	Design guidance is only applied to comprehensive developments or redevelopments extending above Verandah Level.
Social costs	A lack of quality ground floor level developments may detract from pedestrian interest, other than along identified retail frontages. The existing rule lacks specificity. Some buildings may lack adaptability for future developments.	- -	A lack of quality ground floor level developments may detract from pedestrian interest within the city centre.
Social benefits	Retail frontages will remain the focus of pedestrian activity.	Pedestrian interest and activities at ground floor level contribute to the vitality of the city centre throughout the Central Area. In certain circumstances sufficient stud height may be required to ensure the ongoing adaptability of ground floor frontages (for example along the Golden Mile).	Pedestrian interest and activities at ground floor level will depend primarily on commercial attractions.

Table 8K	1. Status quo: <ul style="list-style-type: none"> • Display windows required on retail frontages • Security screens not allowed to block views of display windows 	2. Strengthen and target regulation: <ul style="list-style-type: none"> • Display windows required for commercial character & interface • Development of frontages must avoid creating blank facades to maintain the quality of the public space • Security screens not allowed to block views of display windows • Consider ground floor stud height in the design assessment 	3. Apply design guidance (including for ground floor stud height) to developments extending above Verandah Level Otherwise permit development below Verandah Level No requirements for display windows
Economic costs	A minimum level of display windows in the commercial core is relatively self-sustaining and therefore the costs of any new development or modification are of a similar level.	A minimum level of ground floor quality is relatively self-sustaining and therefore the costs of any new development or modification are of a similar level. A limited ability to convert detail of facades into blank walls may impose additional costs on building modifications at ground level. Considering the need for sufficient stud height as part of the overall design assessment may reduce the available floor space in some circumstances because it would take fewer floors to reach the building height restriction. However, floor stud height is one of many factors the design assessment considers, and its importance will depend on the site's location (eg the Golden Mile).	There are not likely to be any substantial financial costs other than when a design assessment is required for developments extending above Verandah Level.
Economic benefits	Quality ground floor frontages attract vitality and pedestrian interest in the city's commercial centre.	Quality ground floor frontages attract vitality and pedestrian interest in the city's commercial centre.	A minimum level of regulation enables commercial activities to come and go at minimum cost, adapting the ground floor level as able.
Risks if uncertain/insufficient info	--	--	--
Effectiveness and efficiency	The current approach lacks effectiveness because of the potential for poor outcomes in the quality of ground level developments, although is otherwise relatively efficient.	On the basis of the above, this approach is effective and efficient because the costs are kept to a minimum, while requiring a minimum level of quality and adaptability that contributes to the pedestrian amenity and building adaptability.	This approach lacks effectiveness because of the potential for poor outcomes in the quality of ground floor level developments, although is otherwise relatively efficient.

8.7.5 Conclusion

Having considered the effectiveness and efficiency of the options above, option 2 is the most appropriate to maintain quality ground floor frontages. The provisions are the most appropriate to ensure new building works maintain and enhance the amenity and safety of the public environment.

8.8 Policy and methods to improve people's health and safety

- 12.2.6.14 **Improve the design of developments to reduce the actual and potential threats to personal safety and security.**
- 12.2.6.15 **Promote and protect the health and safety of the community in development proposals.**
- 12.2.6.16 **Ensure that public spaces in the Central Area (including privately owned places that are characterised by public patterns of use) are suitably lit at night time to improve the safety and security of people.**

8.8.2 Policy analysis

People's sense of safety, whether actual or perceived, is an important quality for any city centre. Public safety is a concept that filters through most Council policies and strategies (eg 2006/07-2015/16 Long Term Council Community Plan, Urban Development Strategy 2006, and Transport Strategy 2006). At the national level, guidelines have been developed to guide design in a way that prevents crime (National Guidelines for Crime Prevention through Environmental Design in New Zealand, 2005). New developments can be designed to enhance people's public safety, for example, through enabling informal surveillance and preventing 'entrapment'. These are not new concepts for the District Plan. Non-statutory design guidelines for crime prevention are included in Volume 2 of the District Plan, as are most of the policies and methods outlined above.

The biggest change proposed is to ensure the policies and methods are read alongside other provisions relating to the public environment, rather than as separate provisions considered in isolation. This is a more integrated approach to managing new developments and one that is also reflected in the Central Area Design Guide. An integrated approach to incorporating crime prevention through environmental design was supported in discussions with Jennifer Laing, Community Safety Coordinator, Project Manager for NZ CPTED Guidelines, 6 October 2005.

A new policy is proposed to provide support to existing operative rules that require public spaces to be suitably lit. The proposed new policy is:

Ensure that public spaces in the Central Area (including privately owned places that are characterised by public patterns of use) are suitably lit at night time to improve the safety and security of people.

8.8.3 Conclusion

The appropriateness of existing provisions was considered at the time of being included in the 'first generation' District Plan (in 1994). Implementation and monitoring the effectiveness and efficiency of the District Plan has not identified notable deficiencies. The only change is to provide policy support for existing rules requiring suitable lighting of public spaces. On this basis the above provisions remain relevant and appropriate to ensure new building works maintain and enhance the safety of the public environment.

8.9 Policy and methods to maintain and enhance the streetscape and Residential Areas

- 12.2.6.17 **Maintain and enhance the streetscape by controlling the siting and design of structures on or over roads and through continuing programmes of street improvements.**
- 12.2.6.18 **Maintain and enhance the streetscape by controlling the creation of vacant or open land and ground level parking areas.**
- 12.2.6.19 **Require that where Central Area buildings or structures adjoin a Residential Area, they satisfy additional standards.**

8.9.2 Policy analysis

Implementation and monitoring of the effectiveness and efficiency of the District Plan has generally not indicated deficiencies in the way existing provisions achieve objectives to maintain the amenity of the public environment. The policies and methods are generally workable and only minor changes have been made to enhance the effectiveness of the provisions. This includes a new policy to guide existing rules that control the creation of vacant or open space land and ground level parking areas.

Locating structures and buildings on or over the road has the potential to cause adverse safety and visual effects on the public environment. Council has a responsibility to maintain and enhance this public environment through not only its regulatory role, but also as a landowner of much of the public environment. As a custodian, Council is committed to an ongoing programme of street improvements as part of the ten year Centres Development Programme. The Programme outlines a range of projects for street improvements, which in the Central Area includes the Lambton Quay Upgrade, Greening the Quays, and a new park at the southern intersection of Taranaki Street and Courtenay Place.

The interface between the Central Area and adjacent Residential Areas is a transitional space in terms of the amenity associated with each zone. As a result the effects of structures and buildings within the Central Area can detract from the amenity of adjoining Residential Areas. By way of example, there are potential impacts on residential privacy or from the dominance of adjacent buildings. Additional standards are imposed on buildings and structures within the Central Area that adjoin Residential Areas so that the adverse effects on the residential amenity are controlled.

8.9.3 Conclusion

Overall, the existing policies and methods were examined at the time of being included in the 'first generation' District Plan (in 2000). With the minor changes proposed, the provisions are an appropriate way of ensuring that new building works maintain and enhance the amenity and safety of the public environment in the Central Area.

9. Achieving environmentally sustainable buildings and energy efficiency

12.2.7 To promote energy efficiency and environmental sustainability in new building design.

9.1 Proposed policies and methods

12.2.7.1 To promote a sustainable built environment in the Central Area, involving the efficient end use of energy and the use of renewable energy, especially in the design and use of new buildings and structures.

12.2.7.2 Ensure all new buildings provide appropriate levels of natural light to occupied spaces within the building.

12.2.7.3 Enhance the quality and amenity of residential buildings in the Central Area by guiding their design to ensure current and future occupants have adequate ongoing access to daylight and an awareness of the outside environment.

METHODS

- Other mechanisms (Advocacy, Education)
- Design Guides
- Rules

9.1.2 Proposed changes to achieve the above objective

The proposed policies and methods are completely new. Energy efficiency and environmentally sustainable building design are matters that have been elevated at the national level (through legislative change to the RMA and as part of the Building Act 2004) and are now reflected in the above objective. The policies and methods proposed to achieve the above objective fall in two distinct camps:

- General provisions to promote energy efficiency and sustainable building design, and
- Specific provisions to ensure the ongoing amenity of building users.

The latter has arisen because monitoring of the District Plan and other research has indicated some deficiencies in the durability of residential and occupier building amenity – specifically access to daylight and a sense of the outdoor environment. These factors are linked to environmentally sustainable building design as part of providing for the health and wellbeing of building users/occupants.

9.2 Policy analysis

9.2.1 Context - energy efficiency and sustainable building design

Opportunities to incorporate sustainable building design features and to use sustainable building methods can minimise potential adverse environmental effects. New developments are users of natural and physical resources that can have adverse effects on the environment (including cumulative effects). For example, building occupants can be high consumers of water or electricity.

Because sustainable building design involves the site-specific context and function of a building, the options for taking up different design features and methods will vary from case to case. The Ministry for the Environment discusses the potential benefits of such an approach in *Value Case for Sustainable Building in New Zealand, 2005*. Ongoing developments in the technology and information about sustainable building design means that options for this type of approach are likely to evolve. Some matters are more appropriately covered under the Building Act 2004 than the Resource Management Act.

While a number of issues relating to building amenity, building efficiency and building sustainability are more effectively managed under the Building Act and Building Code, policies have been included in the District Plan to help ensure that these matters are considered during the design assessment of new building projects. With growing numbers of people living in the Central Area, and with escalating energy costs, it is likely that these issues will come further to the fore over the life of the District Plan.

This approach reflects the Council's strategies, which promote a 'more sustainable' approach to urban development, including to 'reduc[e] our ecological footprint by applying sustainable design principles in all aspects of urban development and urban living' (Urban Development Strategy, 1.1(b)).

Environmentally sustainable building design (including energy efficiency) is not only about the design and construction of a building, but is also relevant to the health and wellbeing of building occupants/users. This includes ensuring ongoing access to daylight and where possible outlook. The following section looks at these matters.

9.2.2 Amenity of building users and occupants

9.2.2.1 Issue

With over 18,000 people expected to be living in the Central Area by the end of 2006 the amenity of inner city residential buildings is an issue to be addressed as part of this Plan Change. Concerns have been expressed in the media in recent years about the growth rate of apartments and quality of living spaces these apartments provide. Further incentive to address this issue now comes from the Urban Development Strategy, which anticipates that the Central Area will be used to accommodate a significant proportion of the city's population growth in the next 50 years. If this Strategy is to be realised, it is necessary to put measures in place now that ensures the development of quality inner-city residential buildings. Residential developments that can achieve amenity requirements on-site for current and future occupiers will ensure that the central city remains an attractive housing option on a long term basis.

9.2.2.2 Research

Two studies of apartment buildings in Wellington were carried out to better understand the apartment building stock. One study gauged typical apartment size (largely in response to apartment size concerns being expressed in Auckland City) and the other study assessed external design and access to light in the apartment buildings.

Generally speaking, Wellington has not faced the same extreme development conditions experienced in Auckland City, which resulted in the development of many very small apartments there. Wellington has a wide variety of apartment buildings resulting in a wide variety of apartment sizes. Another feature of the Wellington apartment market is that there is no one area in the central city that has a high concentration of buildings with very small apartments. The diversity of the apartment market in Wellington makes it possible for people to find a unit suitable for their lifestyle and/or financial circumstances in a number of locations across the Central Area. As a result, it was concluded that apartment size is not the main area of concern for Wellington residential developments.

The main concern that does exist relates to whether residential buildings are receiving adequate amenity over the life of the building for its occupiers. This concern comes from:

- The risk of losing amenity (ie. daylight, awareness of outdoor environment, sunlight) over time as adjoining sites are developed to their potential (ie. being 'built-out'). The operative provision in the Plan allowing 100% site coverage is the main driver for this.
- The inability to ensure that the basic level of amenity required to obtain building code compliance is maintained over the life of the building. That is, that amenity is provided for on-site and does not rely on adjacent 'under-developed' sites.

Table 9A discusses how issues relating to apartment amenity might be addressed. Table 9B summarises options relating to whether controls should be placed over apartment size.

9.2.3 Option analysis

Table 9A: Inner-city residential apartment amenity controls

Table 9A	<p>1. Advocacy Educate community ie. how Plan rules might affect on-going access to attributes contributing to apartment amenity. Provide best practice guidance to developers on apartment design to achieve good amenity for occupants.</p>	<p>2. Status Quo Take no action, no control used to ensure minimum levels of residential amenity in the Central Area</p>	<p>3. Strengthen District Plan requirements Amend Plan to strengthen policies and rules in Plan to ensure adequate amenity into residential buildings in Central Area.</p> <p>Includes: new policies to clarify approach to central city apartments, design guidance for new apartment buildings, discretionary restricted activity to construct new building.</p>	<p>4. Option Identify specific areas in the Central Area where residential uses are preferred, and as a result, control all residential uses that do not occur in those 'identified areas'.</p>
Appropriateness	<i>This approach is not recommended on its own</i>	<i>This approach is not recommended</i>	<i>This approach is recommended</i>	<i>This approach is not recommended</i>
Environmental costs	Nil	<p>May result in a large proportion of the City's building stock being of poorer quality as the development of adjoining sites reduces amenity to existing apartments. May affect long-term viability of those apartments. The concern is that clusters of these apartments with poor amenity in one area could result in a general decline of the surrounding environment.</p> <p>Land can be developed very quickly, in response to market conditions. It will be difficult for the Council to respond quickly to rising concerns about too many apartments in one area with little adequate amenity.</p>	<p>May represent enough of a disincentive for some developers to stop doing inner city apartments, instead looking for infill or Greenfield sites to develop, so may affect Council's goal of further intensification of central city.</p>	<p>Highly likely to stifle the apartment market in the City, and may represent enough of a disincentive for some developers to stop doing inner city apartments, instead looking for infill or Greenfield sites to develop, so may affect Council's goal of further intensification of central city.</p>
Environmental benefits	Nil	<p>The Council's Urban Development Strategy relies on the Central Area being able to accommodate a large percentage of the predicted future population growth. The most efficient way to achieve this is through apartments in the Central city and lack</p>	<p>The development of buildings with better on-going amenity for residents. Benefits also derived from reducing energy consumption due to greater access of light and sun into apartment units.</p>	<p>Will encourage residential uses to locate in certain areas and help to reduce the 'reverse sensitivity' effects.</p> <p>Over time, it is likely that these areas of the central city will</p>

		of regulation on these to ensure their on-going development. This will ensure the city remains compact and ultimately sustainable as more people living close to their workplace, study institutions, or recreational areas. Reduced transport and energy demands likely as a result.		develop their own residential amenity (free from commercial/industrial effects).
Social costs	<p>Still relies on the buyer beware principle. Whilst such information on inner-city living may be available, many people still likely to miss out on it.</p> <p>It is likely that even if people are educated, they will continue to be concerned when change occurs near their apartments, reducing amenity.</p>	<p>Possible that 'reverse sensitivity' issues will only become more pronounced as the central city continues to intensify with residential use.</p> <p>Council might be viewed as ignoring an increasingly large proportion of its ratepayers by not taking any action on their concerns.</p> <p>Over supply of low-amenity apartments may lead to their use as primarily rental accommodation. Over time this may result in decline of apartment quality, lower rentals, attracting tenants that do not take pride in looking after unit or building. General decline of certain areas of city if too many of these apartments not maintained is likely.</p>	Requirements for minimum standards may increase cost of apartments, possibly making them unaffordable for first home buyers.	Requirements for minimum standards may increase cost of apartments, possibly making them unaffordable for first home buyers.
Social benefits	<p>Will raise general awareness of the issues associated with living in the inner-city.</p> <p>May help to curb expectations that one can expect the same levels of amenity in the inner-city as is found in the suburbs.</p> <p>Greater public awareness of the issues may lead to</p>	Adds to the range of housing choice, allowing first home buyers to get into the housing market which the Government is presently encouraging as owner/occupiers stimulate stable, flourishing communities.	<p>Certainty for home owners that minimum standards have been achieved that meet basic social living standards for wellbeing.</p> <p>Reduction in complaints to council regarding proposed developments that affect amenity of existing apartment owners.</p> <p>Development of a vibrant inner-city resident population that willingly interacts with surrounding environment, businesses, and services.</p>	<p>Certainty for home owners that minimum standards have been achieved that meet basic social living standards for wellbeing.</p> <p>Reduction in complaints to council regarding developments that affect amenity of existing apartment owners.</p>

	calls for Council to 'do something' about apartment amenity (ie. protect amenity through regulation).			
Economic costs	A targeted campaign on this issue could cost over \$40000 in one year. Eg. citywide mailout to all ratepayers can cost between \$20,000-\$30,000. To get message out to other people (eg 'occupiers') will cost additional money. Development of a brochure could cost an additional \$5,000-\$10,000.	Long term economic costs associated with possible decline of building stock, making it too expensive for Body Corperates to fully maintain - building goes into decline.	Fewer apartments being built per floor is a possible outcome of this approach (due to requirements for setbacks, atria, lightwells), resulting in lower profit margin for developer. May affect general quality of apartments as 'shortcuts' may be used in building process, ie. cheaper, less durable materials used by developer which end up requiring more maintenance by unit owners as time goes on. As with any regulation it imposes additional requirements on the resource consent applicant but this is expected to be minimal additional expense. As all new buildings and additions and alterations to existing buildings already require urban design analysis the additional regulation will be limited to considering aspects of apartment design that influence amenity.	Will impose significant development constraints on landowners, who previously had zoning that allowed any type of activity. May result in fewer apartments being built in the Central City.
Economic benefits	No regulation on developers to ensure greater levels of amenity will facilitate continuation of development of apartments.	Upholds intent of Central Area policies to not regulate specific uses, therefore continues to cement the 'regulation-free' approach. Confirms primary purpose of the Central Area as the city's economic base; while other activities can occur, the focus of regulation should continue to encourage (rather than discourage) activities that contribute to the economic basis of the city.	Confirms primary purpose of the Central Area as the city's economic base; while other activities can occur, the focus of regulation should continue to encourage (rather than discourage) activities that contribute to the economic base of the city.	Requiring apartments to be built in certain areas will increase the land value of those properties, and depress the value of land elsewhere. This may result in some small businesses (ie. light manufacturing) being able to afford rents in the central city, expanding the economic base of the central city.

		Council resources are used on other projects.		
Risks if uncertain/insufficient info	--	--		--
Effectiveness and efficiency	While the general approach is generally efficient, it lacks effectiveness because there is no evidence that advocacy will be effective by itself. Experience with pre-application meetings is that you can only achieve as much as the developer is prepared to do without affecting the fundamental economics of the proposal.	The proposed approach is neither effective nor efficient as research shows that there is a problem with apartment amenity which results directly from the planning approach adopted in the Central Area.	<p>This is the favoured approach because it is both effective and efficient. Design guidance has the benefit of allowing Council to set out 'best practice' to achieve good apartment amenity without prescribing the exact requirements, ie. allows for flexibility in design.</p> <p>Design guides are an established tool in the District Plan, and the Central Area design guides in particular have been shown to produce better results than if no design guides were in place.</p> <p>The Guides, in combination with the Restricted Discretionary rule, will provide council with a tool against which it can assess the quality and effectiveness of amenity provided for apartment buildings and to impose conditions as required.</p>	<p>This is not efficient or effective as it undermines the current policy/effects based framework of the Central Area that any activity can occur anywhere provided the effects are managed, ie. an approach that has worked well to help create a vibrant, diverse central city.</p> <p>Would involve Council 'picking winners' by rezoning certain areas of land suitable for residential development. The Plan already identifies residential suburbs close to the city where amenity is protected by residential rules.</p>

Table 9B: Minimum standards for apartment size

Table 1	1. Status quo <ul style="list-style-type: none"> Take no action ie. no control over apartment size. 	2. Advocacy <ul style="list-style-type: none"> Work with other Councils to lobby for amendments to the Building Code which introduce minimum size standards for apartments 	3. Strengthen District Plan requirements <ul style="list-style-type: none"> Regulate apartment size standards in the District Plan
Appropriateness	<i>This approach is recommended</i>	<i>This approach is recommended</i>	<i>This approach is not recommended</i>
Environmental costs	Likely to result in a notable proportion of the City's building stock being of poorer quality, and ultimately unsustainable long-term. The concern is that clusters of these apartments in one area could cause a decline in the amenity and quality of that environment.	Changes to the Building Code are to take place over the next three years, and this may be too late in terms of avoiding undesirable environment outcomes (identified in option 1 previously).	May stifle the apartment market in the City, resulting in more development in greenfield areas, which is not supported from a strategic perspective as the City seeks to encourage high density living close to the centre.
Environmental benefits	The Council's Urban Development Strategy relies on the Central Area being able to accommodate a large percentage of the predicted future population growth. The most efficient way to achieve this is through apartments in the Central city and lack of regulation on these to ensure their on-going development. This will ensure the city remains compact and ultimately sustainable as more people living close to their workplace, study institutions, or recreational areas. Reduced transport and energy demands likely as a result.	Building Act purpose now refers to sustainable management, suggesting a new focus on durability of building materials used. Advocating that 'quality' apartments be built from scratch will ensure the long-term life of the building.	<p>District plan provisions are drafted to respond to local conditions and concerns. A rule in the Plan may better reflect the particular situation faced in Wellington, rather than being a generic rule imposed by the Building Code.</p> <p>A plan change has immediate effect as soon as it is notified, meaning that any concerns about an emerging problem of too many small apartments in Wellington can be acted on quickly.</p>
Social costs	Over supply of investment driven inner-city apartments results in rental accommodation. Over time this tends to result in decline of apartment quality, lower rentals, attracting tenants that do not take pride in looking after unit or building. Possibly resulting in general decline of certain areas of city if too many of these apartments are not well maintained.	<p>Changes to the Building Code are to take place over the next three years, and this may be too late in terms of avoiding undesirable social outcomes (identified in option 1 previously).</p> <p>Requirements for minimum standards may increase cost of apartments, possibly making them unaffordable for first home buyers.</p>	Requirements for minimum standards may increase cost of apartments, possibly making them unaffordable for first home buyers.

Social benefits	Adds to the range of housing choice, allowing first home buyers to get into the housing market which the Government is presently encouraging as owner/occupiers stimulate stable, flourishing communities.	Certainty for home owners that minimum standards have been achieved and meet basic social living standards for wellbeing.	Certainty for home owners that minimum standards have been achieved and meet basic social living standards for wellbeing.
Economic costs	Long term economic costs associated with possible decline of building stock, making it too expensive for Body Cooperates to fully maintain - building goes into decline. Best option may be retro-fitting of building into fewer apartments (if all unit owners can agree).	Costs of advocacy included in regular Council work.	While resource consents are already required for design and appearance of new buildings, and the cost of a consent application for apartment size would be no greater, it is likely to involve more time of both the applicant and Council to negotiate a design that is likely to be approved during the resource consent process. This may result in fewer apartments being built per floor, resulting in lower profit margin for developer. May affect general quality of apartments as 'shortcuts' may be used in building process to compensate for this, ie. cheaper, less durable materials used by developer and which end up requiring more maintenance by unit owners as time goes on.
Economic benefits	Upholds intent of Central Area policies to not regulate specific uses, therefore continues to cement the 'regulation-free' approach. Confirms primary purpose of the Central Area as the city's economic base; while other activities can occur, the focus of regulation should continue to encourage (rather than discourage) activities that contribute to the economic basis of the city.	Upholds intent of Central Area policies to not regulate specific uses, therefore continues to cement the 'regulation-free' approach. Confirms primary purpose of the Central Area as the city's economic base; while other activities can occur, the focus of District Plan regulation should continue to encourage (rather than discourage) activities that contribute to the economic basis of the city.	Minimum room sizes, or requirements to ensure apartments able to be retro-fitted may result in greater flexibility of the apartment market, leading to economic gains in future.
Risks if uncertain/insufficient info	--	--	--
Effectiveness and	The proposed approach is generally	The proposed approach is generally	The general approach is effective, but is

<p>efficiency</p>	<p>effective and efficient as Wellington does not have the same sense of urgency that Auckland had in 2004-2005 when it introduced minimum standards in its District Plan as equivalent standards were not available in the Building Code. Wellington apartment market provides a mixture of small, medium, large apartments of average to high quality.</p>	<p>effective and efficient as Wellington does not have the same sense of urgency that Auckland had in 2004-2005 when it introduced minimum standards in its District Plan as equivalent standards were not available in the Building Code. Wellington apartment market provides a mixture of small, medium, large apartments of average to high quality.</p> <p>The issue of apartment sizes is more closely associated to the Building Act so it would be more appropriate to seek amendments to that legislation. Working closely with Auckland City to develop apartment standards is an effective and efficient way to advocate changes to the Code.</p> <p>While the apartment situation is not as critical in Wellington as Auckland, there is potential for this to change at any moment. It is appropriate to act together and seek common solutions at a national level.</p>	<p>not regarded as efficient because research suggests that apartment size is not the crucial resource management issue that needs a strong regulatory response in the District Plan.</p>
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9.2.4 Key Documents

- Auckland Regional Council (2005) Ensuring Liveable Quality Apartments in the Auckland Region. Auckland.
- Bayleys Research (2004) Wellington Apartment Report. Published by Bayleys Research.
- Bird, C (Nov 2005) Minimum Standards for Residential Apartments in Central Auckland, unpublished report for Auckland City Council.
- Building Industry Authority (2001) New Zealand Building Code Handbook and Approved Documents
- City of Calgary Planning Department (1978) Draft Urban Design Guidelines: Amenities for Apartments.
- Department of Sustainability and Environment (2004) Guidelines for Higher Density Residential Development. Melbourne. `
- Graeme McIndoe (2002) Urban Design Report on Auckland City Daylight Controls: Plan Change 71. Wellington. Unpublished Report for Auckland City Council.
- Heslop, V., Lysnar, P. Dixon, J., Murphy, L., and Haarhoff, E., (April 2004) Living the Highlife? A review of apartment living in inner city Auckland, Auckland: Auckland UniServices Limited, University of Auckland
- Housing New Zealand Corp. (2005) Building the Future: the New Zealand Housing Strategy. Wellington.
- New South Wales Planning Department (2002) SEPP65 – Design Quality of Residential Flat Development. NSW Department of Planning.
- North Shore City Council and Auckland Regional Council (?) What to look for when buying a terraced house or apartment. Auckland.
- Office of the Deputy Prime Minister (2004) Better Places to Live by Design: A Companion Guide to PPG3, UK.
<http://www.communities.gov.uk/index.asp?id=1144788>
- Standards Association of New Zealand (1964) Model Building Bylaw: Chapter 4 Residential Buildings. NZSS1900.
- Syme, McGregor and Mead (2005) Social Implications of Housing Intensification in the Auckland region: Analysis of media reports, surveys and literature. Auckland.
- Wellington City Council (2003) Wellington Residential Intensification Review. Prepared by Hames Sharley. Wellington.
- Wellington City Council (2004) Apartment Amenity in Wellington City. Unpublished report on study of apartment size in Wellington.
- Wellington City Council (2005) Apartment Building Street Survey. Unpublished report summarises results of survey of apartment buildings in respect of amenities.

- Wellington City Council (2006) Unpublished Internal Discussion Paper on Apartment Amenity. Prepared as part of the Central Area Review. Wellington.

- **New Zealand Herald – Auckland Daily Paper**

2-3.10.04 – Pint-sized apartments prove a hit with inner-city set
 14.1.05 – Architects blame council for blocks hogging views
 13.3.05 – The dark side of the city’s burgeoning apartment business
 16.5.05 – Apartments threaten to turn into ghettos
 18.05.05 – You can’t choose your neighbours
 3.6.05 – Rules ban tiny apartments
 12.6.05 – ARC declares war on high-density housing
 27.9.05 – Tenants profit in rental unit glut

- **Dominion Post – Wellington Daily Paper**

5.6.04 – Downtown living is still on the up and up
 21.8.04 – High Society – Wellington’s inner city is on the rise. Apartment blocks are soaring above existing buildings and not everybody is happy about it.
 9.7.05 – Prices soar as boom in city living continues
 6.8.05 - Rising costs may slow city apartment boom

- **Other News sources**

Sydney Morning Herald - 30.5.2003 – We could be building future slums: Planners.
 Sydney Morning Herald – 30.5.2003 – Next generation faces dubious legacy of apartment boom
 Sunday Star Times – 10.8.2003 – The Big Squeeze. Apartments in our biggest city are getting smaller and smaller.
 Capital Times – 13.7.05 – Apartment Security
 Newstalk ZB: 13.3.05 – Warning for Apartment Buyers (Akd facing over supply of apartments)

9.2.5 Conclusions

9.2.4.1 Apartment size

Option 2 in Table 9A above is recommended. The Building Act is regarded as the most appropriate avenue to address concerns regarding apartment size and other minimum apartment standards. It is acknowledged that some other New Zealand local authorities have proposed minimum bedroom and living room sizes in their district plans, but those cities had critical problems emerging with their building stock; problems that were significant enough to be regarded as a resource management issue and therefore able to be controlled in their District Plans. In Wellington, a study of apartment sizes has shown that the issue of sufficient space in apartments was not as severe as the situation in Auckland City and as a result it will be very difficult for the Council to justify such rigid controls in our District Plan. However, it is clear that the problem does occur in Wellington on a smaller scale and, as a result, consider it should be controlled in the Building Code.

9.2.4.2 Residential amenity

Inner city residential amenity is an issue that is attracting increasing attention due to the ever increasing number of apartment dwellers in the inner city. It is important therefore to consider what can be done to address concerns about substandard amenity

for apartments, but at the same time recognise the primary role and function of the Central City is still an economic one.

Based on the analysis in Table 9B above, it is considered that a change to the District Plan is required and it is the most appropriate approach to managing the use and development of residential apartments in the Central Area to ensure that the amenity provided to those apartments can be maintained over the life of the building. Option 3 is recommended as the most effective and efficient option to address this issue in Wellington City. It recognises that the Council needs to take a stronger stance on some issues (bulk and massing resulting from 100% site coverage and applying design guidelines) to ensure the apartment amenity can be maintained to a high standard, ensuring the market is successful and sustainable in the long-term. This is particularly necessary as the Central Area is seen as a key component of the 'Growth Spine' where new growth is to occur. If Wellington residents reject the concept of inner city living because a significant proportion of the apartment market fails to provide adequate amenity then it will be difficult for the Council to achieve its long term growth management objectives.

9.2.4.3 Environmentally sustainable building design

Finally, it is appropriate to promote a sustainable built environment, involving the efficient end use of energy and the use of renewable energy as a policy, to achieve energy efficiency and environmentally sustainable building design.

10. Achieving appropriate development of the Lambton Harbour Area

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

10.1 Proposed policies and methods

- 12.2.8.1 Maintain and enhance the public environment of the Lambton Harbour Area by guiding the design of new open spaces and where there are buildings, ensuring that these are in sympathy with their associated public spaces.**
- 12.2.8.2 Ensure that a range of public open spaces, public walkways and through routes for pedestrians and cyclists and opportunities for people, including people with mobility restrictions, to gain access to and from the water are provided and maintained.**
- 12.2.8.3 Encourage the enhancement of the overall public and environmental quality and general amenity of the Lambton Harbour Area.**
- 12.2.8.4 Maintain and enhance the heritage values associated with the waterfront.**
- 12.2.8.5 Recognise and provide for developments and activities that reinforce the importance of the waterfront's Maori history and cultural heritage.**
- 12.2.8.6 Provide for new development which adds to the waterfront character and quality of design within the area and acknowledges relationships between the city and the sea.**
- 12.2.8.7 Maintain and enhance the Lambton Harbour Area as an integral part of the working port of Wellington.**

METHODS

- Rules
- Design Guides (The Wellington Waterfront framework)
- Operational activities (The Wellington Waterfront Framework)
- Information and advocacy
- Regional Coastal Plan
- National Standard Access Design Criteria: NZ 4121:2001
- Conservation Plans

10.1 Existing policies and methods proposed to be retained

The operative provisions relating to the Lambton Harbour Area are one of the most recent additions to the Central Area chapters, having been resolved and made operative in 2004. The District Plan provisions work in tandem with the Wellington Waterfront Framework 2001, which is a non-statutory document that guides development along the waterfront. The Framework's vision is:

Wellington's Waterfront is a special place that welcomes all people to live, work and play in the beautiful and inspiring spaces and architecture that connect our city to the sea and protect our heritage for future generations (p11).

Although the provisions have yet to be formally monitored, they collectively provide a cohesive and effective framework for managing the ongoing development of the waterfront. This includes management of the various recreational, heritage, character and cultural values associated with the area, as well as maintaining public involvement in the planning process.

10.2 Conclusion

The above policies and methods were examined extensively as part of the section 32 analysis of Variation 22 to the District Plan and subsequent public process. The provisions that became operative in 2004 continue to be relevant and appropriate for achieving the above objective.

11. Achieving community well-being in the development of the regional stadium

12.2.9 To support the use and development of the regional stadium so that it continues to contribute to the well-being of the local and regional community.

11.1 Proposed policies and methods

- 12.2.9.1 Enable the continuing development and operation of the regional stadium (lot 1, DP 85907 & lot 1, DP 10550).**
- 12.2.9.2 Promote the use of public transport, and discourage vehicle use and parking which would have adverse environmental effects on the roading network and areas adjoining the regional stadium.**
- 12.2.9.3 Ensure that the Wellington Stadium site (on lot 1, DP 85907 and Part lot 1 DP 10550) retains key links to public transport nodes and facilitates pedestrian access to the stadium.**
- 12.2.9.4 Ensure that any adverse environmental effects of activities associated with a stadium, especially the effects of day to day noise, will be avoided, remedied or mitigated.**
- 12.2.9.5 Provide for a limited number of special entertainment events in the regional stadium subject to standards which recognise and mitigate the temporary nature of noise experienced by the local community.**

METHODS

- Rules
- Operational activities (WCC initiatives relating to parking restrictions and enforcement, and powers as roading authority, traffic management)
- Funding of public transport by WRC
- Other mechanisms (WCC and Regional Land Transport Strategies)
- Wellington Regional Stadium Trust – Operational Plan Coach Parking

11.1.1 Proposed changes to achieve the above objective

Proposed changes to the above policies and methods seek to:

- Delete generic provisions and apply general Central Area provisions to the Stadium Site where these are relevant, and
- Retain and better target the unique policies and methods relating to the Stadium Site.

11.2 Policy analysis

The operative District Plan contains a separate chapter for governing land use within the Stadium's site (Chapter 13C Te Ara Haukawakawa Precinct Stadium Site). Given the Stadium site is fully contained within the Central Area it is appropriate for land use within the site to be generally managed according to the Central Area provisions. In 1998 when Chapter 13C of the District Plan was resolved, the regional stadium was yet to be fully constructed. This high profile regional facility is now built, and many of the activities and uses provided for by Chapter 13C are well established. Nowadays many of the provisions in Chapter 13C simply duplicate those contained in Chapters 12 and 13 (and the provisions proposed in this plan change) and are no longer required.

There are, however, some unique qualities about the Stadium site that warrant specific provisions; for example, to manage the effects of stadium use on nearby Residential Areas such as the effects of noise. Likewise, the relationship of the Stadium site to existing public transport infrastructure, and to the existing road network are characteristics that should be carefully managed. As a result existing provisions on these matters are proposed to be retained.

As a significant regional facility the stadium is an important resource that contributes substantially to the district and regional economy, as well as the social and cultural wellbeing of the wider community. A new policy is introduced to enable the Stadium to continue to be developed and operated as appropriate.

11.3 Conclusion

Some unique provisions relating to the Regional Stadium site are proposed to be retained and introduced. Some of these provisions were examined at the time of being included in the 'first generation' District Plan (as part of Variation 8) and continue to remain relevant and appropriate. New provisions simply reinforce the importance of the Stadium site as a significant regional facility. The rest of this section 32 analysis examines other general provisions that will also generically apply to the Stadium site.

12. Achieving signage that is well integrated with the environment

12.2.10 To achieve signage that is well integrated with and sensitive to the receiving environment, and that maintains public safety

12.1 Proposed policies and methods

- 12.2.10.2 Manage the scale, intensity and placement of signs to:**
- **maintain and enhance the visual amenity of the host building or site, and**
 - **ensure public safety.**
- 12.2.10.1 Guide the design of signs (and their associated structures and affixtures) to enhance the quality of signage within the Central Area.**
- 12.2.10.3 Ensure signs in the Central Area do not adversely affect the architectural integrity of the building on which the sign is located.**
- 12.2.10.4 Ensure that signs contribute positively to the visual amenity of the building neighbourhood and cityscape above the fourth storey level.**
- 12.2.10.5 Ensure that signs contribute positively to the context of the Parliamentary Precinct Heritage Area.**
- 12.2.10.6 Ensure that signs in the Central Area do not adversely affect the amenity values of nearby Residential Areas.**

METHOD

- Rules
- Design Guides
- Other mechanisms (WCC Bylaws, Encroachment Licenses, Pavement Licences, Building Act, Advertising Standards Authority)

12.1.1 Existing provisions proposed to be retained

As with other parts of the Central Area, policies and methods to maintain the amenity values of Residential Areas are proposed to be retained. By and large most of the existing rules are to be retained in their current form. This includes the dimensions specified for permitted signs, the number of signs permitted on site frontages and above the fourth storey level, and the displays permitted on buildings above the fourth storey level. The rules generally prove workable, and where there is need for wording changes these are also proposed (below).

12.1.2 Proposed changes to achieve the above objective

Implementation and monitoring of the effectiveness of the District Plan and other research has indicated some deficiencies in the way existing provisions achieve the outcomes sought by the above objective. In response, changes to the policies and methods are proposed to:

- Provide stronger policy guiding how to achieve quality signage,
- Introduce a new design guide to help achieve quality signage,
- Reword and update existing rules to clarify their intent,
- Introduce new rules to permit certain temporary signs,

- Introduce new rules to control certain signs that pose a potential traffic safety hazard,
- Introduce new rules to control signs adjacent to the proposed Parliamentary Precinct Heritage Area, and
- Amend the definition of ‘temporary sign’ and ‘sign’ to clarify their intent.

The following discussion analyses the proposed changes outlined above.

12.2 Monitoring, policy analysis and consultation

12.2.1 Context – managing signs in the Central Area

Signs are an important part of maintaining a vibrant city. However signs can put pressure on the visual amenity of the city where they result in clutter, become obtrusive, obscure architectural features, affect public safety, or dominate the city or nearby Residential Areas. These are the matters that current rules seek to manage.

In the Central Area, the District Plan contains rules that manage the effects of signs located on sites and private property; including freestanding signs and signs affixed to buildings. The District Plan rules complement other Council methods for managing signs (including pavement licenses to control ‘sandwich board’, ‘The Footpath Management Policy’, 1995 (being revised), and Council bylaw 17.A.3 for controlling signs relating to commercial sex premises).

Because the Central Area is the city’s commercial core, the rules controlling signs are more permissive than elsewhere within the city. The council seeks to ensure a fair approach to the enforcement of signage rules is applied. This in itself dissuades people from erecting illegal signs that are otherwise problematic in other districts where enforcement is less reliable.

However, signage throughout the city is a matter that generates relatively more complaints; with approximately half of these relating to the Central Area, and in turn about 10% of these relating to signs on listed heritage items (note the Heritage Chapter is the subject of a separate review, including signs on heritage items).

12.2.2 Overview of issues: lack of policy direction and gaps in current rules

On the whole, the existing provisions provide a practical framework for managing signs. Key issues relating to existing provisions include:

- There is a lack of clear policy guidance on how to achieve appropriate signage outcomes,
- Assessment criteria for considering signage proposals are open to different interpretations, and it is not always clear what outcomes are being sought,
- The Environment Court has commented on drafting problems with the existing rules (W024/2002), and this in turn has given rise to different interpretations about how to apply these rules,
- It is not always clear how to apply the non-complying threshold for managing signs that exceed specified dimensions,
- Certain types of temporary signs are not permitted,

- The control of signs does not distinguish between unique areas of special character and importance (ie parliament) and other parts of the city centre (ie Taranaki Street),
- Certain signs that pose a potential traffic safety hazard are permitted as of right,
- The definition of ‘temporary sign’ is incomplete and the definition of ‘sign’ lacks grammatical clarity.

12.2.3 Policy issues and proposed changes

The intent of the current approach is to permit signage provided the quality of the host site or building and surrounding environment is not compromised. This intent has not been well supported with clear policy or other guidance. For example, existing policy 12.2.2.8 (*generally permit signs below the fourth storey level but manage the maximum size and placement of signs*) provides little guidance for signs above the fourth storey level, for freestanding signs, matters of public safety and other factors for achieving appropriate signage.

12.2.3.1 Proposed policy and design guidance

The proposed new provisions fill this gap in providing new policies (as outlined above), supported by a new Sign Design Guide to help both the design and assessment of signage proposals. The proposed new policies cover matters addressed in operative assessment criteria that are fundamental to quality signage outcomes, including:

- The number, scale and illumination of signs,
- The relationship of the sign to the site and building, and surrounding context, and
- Public safety.

The proposed Sign Design Guide elucidates key design principles to achieve quality signage outcomes. A new policy - to guide the design of signs - supports the use of the design guide in assessing resource consent applications for signage proposals.

12.2.4 Rule issues and proposed changes

12.2.4.1 General approach to rules retained

As a general approach, the current rules seek to ensure signs are carefully located on the host building or site. Stricter rules apply to signs that affect general areas of sensitivity above the fourth storey level and in adjacent Residential Areas. This approach seeks to maintain the amenity of the city, and as a general approach is proposed to be retained.

Arguments can be made that stronger controls are required based on the number of complaints that Council receives about signs. However, any controls need to be efficient to administer. This includes the number of consents that need to be applied for and processed, and the amount of compliance needing to be enforced. There is little benefit in having strict rules that, because of the weight of enforcement burden, will simply be broken. Administering signage provisions represents a relatively high proportion of resourcing spent in implementing the District Plan. In that respect, the efficacy of provisions to manage signs is important and a balanced approach needs to

be taken. On this basis, many of the existing rules have been rolled over, including one rule applying specifically to the Stadium.

12.2.4.2 Clarifying intent of specific rules

In reviewing proposed new standards, Council officers have also sought to incorporate feedback received in the 2002 Environment Court decision regarding Central Area signage rules (case (W024/2002) between Twisted World Ltd and the Wellington City Council). Specifically, the rules have been reworded to make it even more explicit that any sign placed on a building should be located on a blank wall, and specifically not on an architectural feature. Likewise, rewording of the existing rule has made it more explicit that no sign should project above that part of the building on which it is located – irrespective of where on the building the sign is located.

12.2.4.3 Non-complying threshold removed

By strengthening the policy framework and guidance for assessing signage, there is now less need for setting a threshold for signs exceeding specified dimensions to be considered as a non-complying activity. It has not always been clear how the threshold should be applied in all cases, for example, to signs projecting out from the face of a building. As urban designers have noted, it can be better to have one large-scale sign than many small scale signs in close proximity causing visual clutter. With the proposed Sign Design Guide and new policies a more cohesive framework for assessing signage proposals is provided, including for proposals to exceed specified dimensions, and therefore a non-complying activity status is no longer required.

12.2.4.4 Amending definitions

The grammar of the existing definition of sign has the potential to cause different interpretations about its meaning. Therefore, while the basic content of the definition is proposed to be retained, the grammar is amended to make it easier to understand, as follows:

***SIGN:** means any name, figure, image, character, outline, spectacle, display, delineation, announcement, poster, handbill, or an advertising device, ~~or~~ appliance, or any other things of a similar advertising nature; that is:*

- intended principally to attract attention, and*
- whether it is placed on or affixed to any land or building, or incorporated within the design of any building (whether by painting or otherwise), and*
- which is visible from a public space.*

This excludes signs within buildings and signs for the management of the legal road.

The definition of temporary sign currently does not include ‘for lease’ signs. The amended definition as proposed would include such signs, as follows:

***TEMPORARY SIGN:** means any sign erected and removed in relation to:*

- advertising a community event*
- electioneering*
- identifying construction sites or subdivision developments*
- selling or leasing land or premises.*

12.2.4.5 Filling gaps in existing rules

There are other gaps in the existing sign rules that this review has had the opportunity to fill. This includes ensuring that all signage located on structures is subject to relevant rules. Other gaps include:

- ensuring traffic safety,
- identifying sensitive areas where stricter controls are required, and
- providing for temporary signage.

(A) Traffic safety

Currently signs that have potential adverse effects on traffic safety are permitted. The main reason that traffic expertise is currently provided on applications for resource consent is because other rules (such as heritage rules) trigger the need for consent, and an assessment criterion specifies traffic safety as a matter to assess. Signage poses a range of potential risks to traffic safety. Of these, the Chief Transport Engineer, Steve Spence, has indicated that dynamic signs (involving movement) are more likely to pose a hazard. Illuminated signs also have the potential to cause glare.

The Land Transport Safety Authority has also identified the distracting nature of dynamic signs:

It is well known that displays of a novel, intriguing, sensuous, colourful or dynamic (moving) nature... provide a more powerful distraction than familiar or static displays." For this reason, care is needed when allowing such displays to be located where they are visible to passing motorists. In particular animated or flashing signs should not be used as roadside advertising. (Land Transport Safety Authority, reprinted July 2001, p 28).

Most of the Central Area is of a lower speed limit (below 70km/hour) and this reduces the potential risk that signs will distract vehicle drivers. However, signs can be distracting when located in close proximity to intersections, of which there is a concentration within the Central Area. Therefore, to err on the side of caution, a new rule is proposed to control illuminated signs that contain flashing lights, moving images, moving text or lights, and where such signs are also visible from the road.

The proposed provision gives some leeway to erect static signs that are illuminated, or conversely to erect animated signs that are not illuminated. In acknowledging the role that flashing lights and moving text have in celebrating festivities these are also provided for on a temporary basis.

(B) Sensitive areas

Existing sign rules do not recognise the special qualities of unique localities within the Central Area. The development of new heritage areas and associated heritage rules (where stronger controls on signs apply) has largely addressed this matter. One of the new areas includes the Parliamentary Precinct Heritage Area; which is made up of the Beehive, Parliament Buildings, General Assembly Library, the Cenotaph, and Government Buildings. This area is of particular importance because it symbolises the country's nationhood, contains important institutions and places of remembrance, and is a forum for hosting dignitaries. To respect the mana and significance of this area as a collective, stricter controls on signage are proposed on adjacent sites 'looking in' to the heritage area.

The proposed rules require signs on sites adjacent to this heritage area to denote only the name of the building, site, occupiers or property owners. This approach aids in the 'wayfinding' quality of signage in this area, and mitigates against the potential for bold third-party advertising that would be better suited elsewhere.

(C) Temporary signage

A more flexible approach is sought for certain types of temporary signs. While temporary signs are permitted in other zones, they are not specifically provided for in the Central Area. This is probably because the Central Area rules already permit a wide range of signs, including on a temporary basis. However, there are administrative inefficiencies in the resources spent applying for and processing applications for temporary signs. As it is, decision makers tend to grant consent for breaches of a temporary nature (usually for community events) on the basis that the adverse effects are minor due to the short duration. Likewise, enforcing temporary breaches of the sign provisions is of a lower priority than more permanent signage.

On balance, the approach lacks efficiency because the cost of administering the rules outweighs the short duration of any adverse environmental effects. On this basis, new rules permit certain temporary signs as defined in the District Plan (with proposed amendments) for a specified period. This permits some oversized temporary signs advertising community events, or permits some temporary signs to project above the part of the building to which they are attached.

12.2.4.1 Summary of proposed changes to the rules

In summary, proposed changes to the rules include:

- generally retain the current rules unless otherwise specified (including one rule requiring signs to be flush with the Stadium building),
- clarify the intent of existing rules; in particular to locate signs on plain walls when attached to buildings, and to ensure signs do not project above the part of the building on which the sign is located,
- apply rules to control certain illuminated/animated signs that pose a potential traffic safety hazard,
- apply rules to control signs in the context of the Parliamentary Precinct Heritage Area,
- permit certain types of temporary signs,
- clarify the definitions of ‘sign’ and ‘temporary sign’,
- apply rules to signs located on any structure,
- remove the non-complying threshold for signs exceeding specified dimensions.

12.2.5 Key discussions and briefings

- Heather McNeal, Auckland City Council, 14 December 2004
- Consent Planners: David Grant, Resource Consent Planner, 21 December 2004; Consent Planners Team, 7 June 2005; Jo Stanbury, Consent Planners, 7 July 2005
- Peter Kundycki, Urban Designer, City Development, 7 January 2004
- Morten Gjerde, Gerald Blunt, Sarah Duffell, Urban Designers, City Development, 7 January 2005, 23 May 2005, 22 December 2004 (Gerald)

- Judith Burney and Helen Walker, Senior Policy Advisors, Policy Team, 7 February 2005, 4 July 2005 (Helen)
- Allan Worthington, Planner, Dunedin City Council, 15 February 2005
- Peter Sumbly, Project Manager Road Reserve, Roading Operations (encroachment), 16 February 2005 and 16 May 2005
- Barbara Fill and Laura Paynter, Heritage Advisors, City Development, 17 May 2005
- Steve Spence, Chief Transportation Engineer, 23 May 2005
- Irene Clarke, Best Practice Manager, Urban Strategy, 30 May 2005
- Compliance Monitoring and Enforcement Team, 21 June 2005, discussed Central Area work generally; Paul Duffin, Compliance Officer, Compliance, 16 May 2005; Brendon Stone, Manager, 7 July 2005
- Jacqui Irons, APN Outdoors, Debra Langton, Tauranga City District Council, 1 December 2005

Note, other consultation was carried out as detailed in **Part A** of this document.

12.2.6 Key documents

- Wellington Operative District Plan, July 2000
- Annotated Wellington Proposed District Plan
- Decision report on the Proposed District Plan 1994
- Central City Urban Design Strategy Principles, paper to Built and Natural Environment Committee, 7 August 2003
- Retail Strategy, September 2003
- Wellington City Council's 'Footpath Management Policy',
- *City to Waterfront* – Wellington, October 2004 Public Spaces and Public Life Study, Gehl Architects, Denmark
- http://intranet/factfile/faqs/roads/sandwich_boards.html Wellington City Council intranet information on sandwich board signs
- Draft Central City Streetscape Plan, City Development management plan
- <http://www.wellington.govt.nz/plans/bylaws/part17.html> Hoardings, Posters and Notices in Public Places, Wellington City Council
- 'Parliamentary Precinct Project Scope and Opportunities for discussion', Wellington City Council internal paper, December 2004
- Code of Advertising <http://www.asa.co.nz/codes/codes.htm>
- Advertising signs and road safety: design and location guidelines *RTS 7*, November 1993, reprinted June 1998, July 2001, Land Transport Safety Authority
- Nelson Resource Management Plan, Nelson City Council, operative 2004
- Porirua City District Plan, operative 1 November 1999
- City of Sydney Draft Signage and Advertising Structures Development Control Plan 2004
- High Street Design Guidelines, Auckland City Council
- Dunedin Sign Guidelines, Dunedin City Council

- Context-sensitive Signage Design, American Planning Association
- Supplementary Planning Guidance Advertisements, London Borough of Tower Hamlets
- Christchurch City Council District Plan
- <http://www.aucklandcity.govt.nz/council/members/hoardings/default.asp>
Temporary Election Hoarding Signs – Auckland
- <http://www.planning.org/signs>
- Environment Court, Wellington, 20020708: Twisted World Ltd V Wellington City Council, W024/2002, 8 July 2002
- [Privileged] Legal Opinions, 26 February 2003
- [Privileged] Legal opinion, 23 April 2001
- [Privileged] Legal opinion, 17 May 2001,

12.2.7 Policies, rules and other methods

The table below considers the cost and benefits of principle options considered during the preparation of the Central Area review.

Table 12A	1. Status quo:	2. Strengthen policies/ design guidance and update rules to fill gaps and clarify intent:	3. Strengthen rules and policies
	<ul style="list-style-type: none"> • Policies that generally permit signs below fourth storey level and that maintain residential amenity • Rules for below fourth storey • Rules for above fourth storey • Rules for freestanding rules 	<ul style="list-style-type: none"> • Rules for signs below the fourth storey • Rules for signs above fourth storey level • Rules for freestanding signs • Rules for the Parliamentary Precinct • Rules for illuminated and animated signs • Permit certain temporary signs 	In addition to the status quo, new rules would control billboards, and the number of signs located on buildings below the fourth storey level.
Appropriateness	<i>This approach is not appropriate</i>	<i>This approach is appropriate</i>	<i>This approach is not appropriate</i>
Environmental costs	The policy lacks guidance that can result in signage that integrate poorly with the environment.	Flexibility in the rules still provides opportunity for bad outcomes.	There may be an increase in illegal signage seeking to avoid consenting processes.
Environmental benefits	Some signs are sensitively developed.	New signs will be designed to integrate better with the environment.	New signs will be designed to integrate better with the environment.
Social costs	There are currently a high proportion of public complaints relating to signage.	Signs are a part of the built environment that is the subject of a lot of complaints.	Illegal signs are particularly likely to be the public subject of complaint.
Social benefits	New businesses are able to erect new signs with little regulatory cost.	New businesses are able to erect new signs with little regulatory cost. New signs are less likely to pose any hazard to traffic safety.	There may be fewer complaints relating to permitted signs.
Economic costs	There are fewer available sites to erect complying signs.	There are fewer available sites to erect complying signs.	More signs will require resource consent, imposing a cost on applicants, as well as the cost of administering the rules, including enforcement.

Table 12A	1. Status quo:	• 2. Strengthen policies/ design guidance and update rules to fill gaps and clarify intent:	3. Strengthen rules and policies
Economic benefits	A lot of properties are able to make money out of hosting advertising signs, as well as their own signs to advertise on-site businesses.	The rules are sufficiently flexible to allow most properties to erect signs to advertise on-site businesses and in some cases to host other advertising as an additional money earner. Providing for temporary signs means that community events and short term signs do not require consent.	There would be less opportunity for signs to be legally erected. This may have the perverse incentive of resulting in more illegal signage.
Risks if uncertain/ insufficient info	--	--	--
Effectiveness and efficiency	The current approach lacks effectiveness because there are gaps in the existing rules relating to temporary signs and traffic safety, and the current policies lack guidance about the type of signage outcomes being sought.	On the basis of the above, this approach is effective and efficient because the costs are kept to a reasonable minimum, but quality signage outcomes are supported through policies, design guidance, and the rules.	This approach lacks effectiveness because of the potential for a perverse incentive to erect illegal signage, and the additional cost of administering applications for resource consent and enforcement.

12.2.8 Conclusion

Having considered the effectiveness and efficiency of the options above, option 2 is the most appropriate to achieve signage that is well integrated with and sensitive to the receiving environment, and that maintains public safety.

13. Achieving appropriate subdivision

12.2.11 To ensure that the adverse effects of new subdivisions are avoided, remedied or mitigated.

13.1 Proposed policies and methods

12.2.11.1 Ensure the sound design, development and servicing of all subdivisions.

METHOD

- Rules (Code of Practice for Land Development)
- Other mechanisms (WCC Bylaws)

13.1.1 Proposed changes to achieve the above objective

Implementation and monitoring of the effectiveness and efficiency of the District Plan and other research has not indicated notable deficiencies in the way existing provisions achieve the above objective. Only minor changes are proposed to enhance the effectiveness of the provisions, and specifically to improve the workability of permitted subdivision rules.

13.2 Policy analysis

The process of subdividing land and buildings sets out the structure for future development and the potential demand on public services and infrastructure. The layout of new subdivisions often remains a durable feature of the environment. This is particularly the case for the layout of roading networks and other infrastructure. Council's Code of Practice for Land Development guides subdivision design and provides a framework for considering subdivision proposals.

The one key area where change is to the permitted activity subdivision rule, proposed as a result of feedback during the consultation process. Permitted Activity subdivisions are very rare as a result of the difficulties in passing all standards. These standards were reviewed and where changes could be made without increasing risk of adverse effects then these have been recommended. It is intended these minor changes will improve the workability of that permitted activity rule, resulting in its more frequent use and ultimately a more efficient Plan.

13.3 Conclusion

The existing provisions were examined at the time of being included in the 'first generation' District Plan, and with minor amendments to improve the workability of permitted rules, continue to remain relevant and appropriate.

14. Achieving access to, and a quality coastal environment

12.2.12 To maintain and enhance access to, and the quality of the coastal environment within and adjoining the Central Area.

14.1 Proposed policies and methods

12.2.12.1 Maintain the public’s ability to use the coastal environment by requiring that, except in Operational Port Areas, public access to and along the coastal marine area is maintained and enhanced where appropriate and practicable.

12.2.12.2 Enhance the natural values of the urban coastal environment by requiring developers to consider the ecological values that are present, or that could be enhanced, on the site.

12.2.12.3 Ensure that any developments near the coastal marine area are designed to maintain and enhance the character of the coastal environment.

12.2.12.4 To recognise the special relationship of the port to the coastal marine area through identification of the Operational Port Area.

METHODS

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

14.1.1 Proposed changes to achieve the above objective

Implementation of the District Plan has not indicated deficiencies in the way existing provisions achieve the above objective. The policies and methods are workable and few changes have been made to enhance the effectiveness of provisions. The main change relates to how port land may be developed for office and retail purposes over time, and ways to manage such developments.

14.2 Policy analysis

An important part of the Central Area coastal environment is the Operational Port Area. The regulatory regime is relatively permissive in this area in order to provide for the operation of the Port. As part of changes to the District plan port activities would continue to be permitted within the Operational Port Area, but it is proposed that other retail and office developments would be subject to more stringent controls. Likewise, non-port activities and buildings within the northern part of the Port Redevelopment Precinct that is also located in the Operational Port Area would be controlled. These provisions provide a greater level of scrutiny of proposals that could otherwise go unchecked under the existing regime. These changes are discussed on page in more detail on **page 78**.

The Lambton Harbour Area is also an important part of the coastal environment because of the recreational, heritage, character, and cultural values associated with this area. Specific objectives, policies and methods apply to the Lambton Harbour Area and these provisions are considered below on **page 207**.

14.3 Conclusion

The existing coastal environment provisions were examined at the time of being included in the ‘first generation’ District Plan, and continue to remain relevant and appropriate, other than specific matters considered in relation to large land holdings on **page 78**.

15. Achieving management of natural and technological hazards

12.2.13 To avoid or mitigate the adverse effects of natural and technological hazards on people, property and the environment.

15.1 Proposed policies and methods

- 12.2.13.1 Identify those hazards that pose a significant threat to Wellington, to ensure that areas of significant potential hazard are not occupied or developed for vulnerable uses or activities.**
- 12.2.13.2 In relation to the Wellington fault, discourage the location of new structures and buildings within the ‘fault rupture hazard area’.**
- 12.2.13.3 Ensure that the adverse effects of hazards on critical facilities and lifelines are avoided, remedied or mitigated.**
- 12.2.13.4 Ensure that the adverse effects on the natural environment arising from a hazard event are avoided, remedied or mitigated.**

METHODS

- Rules
- Advocacy
- Operational mechanisms (WCC enforcement of the Building Act and as a Civic Defence authority)

15.1.1 Existing provisions proposed to be retained

Implementation and monitoring of the effectiveness and efficiency of the District Plan and other research has not indicated any deficiencies in the way existing provisions achieve the above objective. The policies and methods are workable and only very minor wording changes have been made to enhance the effectiveness of provisions.

15.2 Policy analysis and conclusion

As part of the ongoing review of the District Plan, Proposed Plan Change 22 considered the specific matter of identifying the Hazard (Fault Line) Area. Plan Change 22 became operative in 2004. Until such time as further monitoring or practice indicates these provisions are deficient, it is accepted on the basis of the recent review that the provisions are appropriate. Likewise, the appropriateness of the other provisions was considered at the time of being included in the ‘first generation’ District Plan, and these remain relevant and appropriate.

16. Achieving prevention of adverse effects of hazardous substances

12.2.14 To prevent or mitigate any adverse effects of the storage, use, disposal, or transportation of hazardous substances, including waste disposal, and from the use of contaminated sites.

16.1 Proposed policies and methods

12.2.14.1 Ensure that the use, storage, handling and disposing of hazardous substances does not result in any potential or actual adverse effects on the environment, by requiring that the proposed activity is assessed using the Hazardous Facilities Screening Procedure, and where appropriate, the resource consent process.

12.2.14.3 Control the use of land for end point disposal of waste to ensure the environmentally safe disposal of solid and hazardous waste.

12.2.14.2 Reduce the potential adverse effects of transporting hazardous substances.

12.2.14.4 To require hazardous facilities to be located away from Hazard Areas.

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

12.2.14.6 Co-operate with the Regional Council in compiling a database of all contaminated sites in the city.

12.2.14.7 Control activities on any contaminated site.

12.2.14.8 Encourage the restoration of any contaminated sites.

METHODS

- Rules
- Operational activities (Waste Management Strategy)
- Designation
- Other mechanisms (advocacy and WCC bylaws, and NZ land transport legislation - including Land Transport Act 1993, Land Transport Rule: Dangerous Goods 1999 and New Zealand Standard 5433:1999, Regional Plans and Hazardous Substances and New Organisms Act 1996, Health Act, Health and Safety in Employment Act 1992).
- Hazardous Facilities Screening Procedure (HFSP)
- Rules

16.1.1 Existing provisions proposed to be retained

Most of the provisions are being retained in their current form. The effectiveness and efficiency of these provisions was considered as part of the ongoing review of the District Plan that resulted in the update of these provisions as part of Plan Change 35. The appropriateness of existing provisions was examined as part of the section 32 analysis of Plan Change 35 that became operative in 2005.

16.1.2 Proposed changes to achieve the above objective

Two main changes are proposed to the provisions. One policy has been reworded for the sake of clarity but with no change to the policy's intent. The second change amends the activity status of the rule controlling the use of contaminated sites from a Discretionary Activity (Unrestricted) to a Discretionary Activity (Restricted).

16.2 Policy analysis

Any use of contaminated sites is strictly controlled in the District Plan as a means of preventing contamination affecting occupiers of the site and also to encourage these sites to be cleaned up. The Plan includes rules in every 'area' chapter of the Plan to control the use of contaminated sites as Discretionary (Unrestricted) Activities.

The Hearings Committee that originally considered submissions on the proposed plan submissions, noted that the issue of contaminated sites management 'is a matter for debate and the situation is fluid'. The Committee effectively acknowledged that the provisions were difficult to administer, but that they should remain in light of the precautionary principle. The Committee recorded that future clarification of some issues probably would be needed to ensure the rules were more workable.

In the nine years since that hearing decision was made, some progress has been made to clarify the best way for Councils to manage contaminated land. The Ministry for the Environment has prepared some guidance on the issue, but has yet to finalise its suite of guidance materials. The Ministry continues to work with Regional Councils to develop a system that is workable. It is understood that a National Environmental Standard is being considered by the Ministry as the appropriate way forward for managing contaminated sites.

In the absence of any further national or regional guidance, it is considered unwise to start a wholesale review of the contaminated sites provisions in the Plan. However, in the context of the Central Area review, the review of those provisions highlighted some issues that, if desired, could be dealt with without affecting any future review of the contaminated sites provisions across the whole Plan.

16.2.1 Issues

Any proposal that requires consent under at least one other Central Area rule (ie. Controlled Activity for a new building) will be elevated up to the Discretionary Unrestricted status as this is the status of the contaminated sites rule. The effect of this is to turn what was originally a Controlled Activity consent (which must be granted by Council possibly with conditions) into an activity which Council may decline and which there is no restriction on the matters the Council may consider when reaching its decision.

There is little doubt that this type of 'technical' result was not intended by the rule. Whilst legal opinions do suggest that it would be appropriate to 'unbundle' the consents required in some situations, this legal opinion has not been tested and difficulties would still remain in the plan administration process.

'Unbundling' in this context, refers to the situation that where two consents are required under different rules for the same proposal, instead of treating the consents as one application with the consent being elevated to whatever the highest rule is, then the two consents are processed relatively independently of each other. Case law suggests that this is only appropriate where one consent application is not directly related to another. It is suggested in a legal opinion that a consent for the use of a contaminated site does not have flow on effects for a consent for a new building so they could be 'unbundled' from each other and processed as two separate consents.

But it is conceivable that an application will come to Council that is not for a new building, but rather some other activity which does have a close association with the use of the contaminated site. In such a case it would not be appropriate to 'unbundle' and so the consents would be elevated.

Given that central areas sites largely built to high density (with significant amount of hard surfacing) there are probably benefits in reducing regulation too to continue to encourage further remediation of the site.

It is also proposed to narrow the scope of the rule (which presently triggers any ‘use’ of a contaminated site) to activities, including buildings and structures, that disturb or alter the ground of a contaminated site. This narrower focus will ensure that changes of use within a building that do not result in external changes to that building are not triggered by the rule. Another example would be additions and alterations to a building that did not result in an extension of the building footprint. There is no need to trigger this rule in these cases as the risk has not changed. It is envisaged that additions and alterations to an existing building beyond its current footprint, or building structural work affecting foundations, new building works, new foundations, creation of new public spaces (eg. Waitangi Park), erection of structures in ground are the sorts of examples where this revised rule would be triggered.

16.2.2 Options

Table 16A below sets out the two main options for addressing this technical anomaly.

Table 16A	Status quo ie. Retain use of Contaminated Sites as a Discretionary (Unrestricted) Activity	Weaken regulation ie. Change use of Contaminated Sites as a Discretionary (Restricted) Activity
Environmental costs	Concern that the ‘Unrestricted Discretionary’ Activity status may be preventing sites from being cleaned up because consent status regarded as too restrictive.	-
Environmental benefits	Can be certain that adequate controls are in place to protect people and the environments from contaminants that may escape during work on the site. Once a site is proposed for new activity, likely that it will be decontaminated and so reduces amount of contaminated land in the city.	Adequate controls still in place to require that use of such sites do not adversely affect environment or people’s health and the change of activity status may result in more sites being cleaned up.
Social costs	-	May be a perception that the Council is placing less importance on the issue by giving it a lower consent activity status.
Social benefits	Comfort provided that any contaminated site will be managed appropriately to avoid adverse effects.	Comfort provided that any contaminated site will be managed appropriately to avoid adverse effects.
Economic costs	Results in uncertainty in resource consenting process for applications that are elevated from a Controlled Activity status to a Discretionary Unrestricted Activity status. May also result in delays and additional costs.	Less likelihood of delays or uncertain outcomes as a result of this rule activity status.
Economic benefits	-	More certainty to developers over the processing of consents and what Council will restrict its discretion to.
Appropriateness	This option is Not Recommended	This option is recommended .

Option 2 is recommended as it would address a technical anomaly that has arisen in the administration of the Plan. As well as easing the resource consent process, it may also result on encouraging more sites to be cleaned up – which is actually what the Policies in the Plan seek to achieve. Option 2 still involves a Discretionary Activity meaning that the Council retains the ability to decline consent where it is not satisfied the effects will be managed appropriately.

Whilst some might view the change as a weakening of Council's position, in fact, given the nature of the Central Area (ie. highly urbanised environment where the Plan anticipates 100% site coverage at the ground floor and there is significant amounts of hard surfacing) there are few situations where the site could not be remediated in some way and future uses protected from contaminants. This situation is quite different in comparison to residential Areas where there is a lower site coverage requirement and plenty of open spaces used for recreation or planting trees and vegetables.

The real effect of this change will be to assist the smooth functioning of the District Plan until such time as a more thorough review of contaminated sites management takes place as a result of anticipated guidance from the national or regional level.

As an aside, a review of how other Plans control contaminated sites revealed that the significant majority which included provisions in their plans used either a Permitted, Controlled or restricted Discretionary Control to manage these sites. Very few used the Discretionary Unrestricted, Non-complying or Prohibited consent categories. This indicates that Option 2 is more consistent with the practice and approach of other Councils.

16.2.3 Key References and consultation

- Privileged Legal Opinion – Phillips Fox. Relating to 2005 resource consent for a development involving a contaminated site, process for bundling or unbundling.
- Boulder Planning Ltd (June 2006) Contaminated Land - Review of District, Regional and Unitary Plans. Unpublished Report prepared for Ministry for the Environment
- Email and phone Conversations dated 3 August 2006, 22 August 2006, Bruce Croucher - Contamination and Land Scientist for the Greater Wellington Regional Council.

16.3 Conclusion

Until such time as further monitoring or practice indicates the provisions are deficient, it is accepted on the basis of their recent review that the provisions remain relevant and appropriate. In addition, until further work on contaminated sites is complete, it is appropriate in terms of the efficient and effective administration of the Plan to consider the use of contaminated sites as a Discretionary Activity (Restricted).

17. Achieving efficient, convenient and safe access

12.2.15 To enable efficient, convenient and safe access for people and goods within the Central Area.

17.1 Proposed policies and methods

- 12.2.15.1 Seek to improve access for all people, particularly people travelling by public transport, cycle or foot, and for people with mobility restrictions.
- 12.2.15.3 Manage the road system in accordance with a defined road hierarchy.
- 12.2.15.4 To permit appropriate extensions to the existing road network, and make provision for these.
- 12.2.15.5 Enable development within the Pipitea Precinct by allowing for the design and construction of new roads and access points, where appropriate.
- 12.2.15.6 Manage the supply of commuter car parking.
- 12.2.15.7 Consider waivers from parking requirements where:
- the nature of the activity on the site necessitates the provision of additional parking; or
 - the additional provision is for short-stay customer parking.
- 12.2.15.8 Manage on-site parking to ensure any adverse effects on the surrounding street network are avoided, remedied or mitigated.
- 12.2.15.9 Require the provision of servicing or loading facilities for each site in the Central Area.
- 12.2.15.10 Ensure that the design and location of servicing or loading facilities is appropriate having regard to the nature of the development and the existing or likely future use of the site.
- 12.2.15.11 Consider waivers from the servicing or loading requirements:
- where suitable alternative off-street provision can be made; or
 - where site access restrictions apply and there is no suitable alternative means of access; or
 - where it is necessary to protect any listed heritage item.
 - where the topography, size or shape of the site, the location of any natural or built features on the site, or other requirements such as easements, rights of way, or restrictive covenants impose constraints which make compliance impractical.
- 12.2.15.12 Manage the creation of new vehicle accessways along identified roads in the Central Area, to ensure:
- efficient, convenient and safe movement of pedestrians, vehicles and public transport; and,
 - continuity of key commercial frontages.
- 12.2.15.13 Require all vehicular access to sites to be safe.
- 12.2.15.14 Protect and enhance access to public spaces in the Central Area.
- 12.2.15.15 Recognise the role of the Pipitea Precinct as a strategic public transport corridor for the City, to recognise the continuing role of the railway system for both passenger and freight transport, and to promote the provision and use of public transport to generally enhance accessibility within the Pipitea Precinct.

METHODS

- Rules
- Operational activities (WCC initiatives for parking enforcement, coupon parking, long-stay parking restrictions, pricing and sale of parking buildings, Urban design strategy, Transport Strategy, Traffic management).
- Other mechanisms (WRC and central government initiatives for funding public transport, bylaws, Regional Transport Strategy)
- Advocacy
- National standard access design criteria
- Design Guides
- Encroachment policy

17.1.1 Existing provisions proposed to be retained

Existing policies proposed to be retained generally build on existing premises of the District Plan to:

- Improve access for all people,
- Manage the road system with a defined road hierarchy,
- Permit and provide for appropriate extensions to the road network,
- Protect and enhancing access to public spaces, and
- Allow the development of an appropriate road network within the Pipitea Precinct, and recognize the strategic role the Precinct has for public transport within the city.

The policies and methods are workable and only very minor wording changes have been made to enhance the effectiveness of these provisions.

17.1.2 Proposed changes to achieve the above objective

Implementation and monitoring of the effectiveness and efficiency of the District Plan and other research has indicated that existing provisions can be improved to better achieve the above objective. In response, the key areas of change include:

- Updating the road hierarchy and restricted access frontages, and
- Updating policies and methods to manage parking, loading, servicing and access.

Overall the policies have been strengthened to provide better guidance regarding accessibility within the Central Area. A number of improvements are proposed to the methods and rules as a result of changes in the environment, most significantly the construction of the Inner City Bypass. Key changes as a result of the Bypass include a revised road hierarchy map, and additions of some property frontages to the map showing vehicle access restrictions.

Parking in the central city continues to be a topical issue, but as a parking policy for the entire city is currently being developed and only limited changes have been proposed for this Plan Change.

Changes have been made to the vehicle servicing requirements, however, in direct response to concerns about necessity of loading docks for all sites in the Central Area. A new policy has been introduced providing guidance on when it will be appropriate to waive the vehicle servicing requirements (eg. for a heritage building). The existing policy to ‘limit the supply of commuter car parking’ has been reworded to ‘manage the supply of commuter car parking’, so the policy recognises a wider range of approaches to managing car parking and related traffic effects within the Central Area.

17.2 Context – a defined road hierarchy and restricted access frontages

The Council uses a number of mechanisms, via the District Plan, to manage the road network in central Wellington. These include the road hierarchy and restricted vehicle access frontages. The road hierarchy classifies roads according to their function. A road hierarchy is used in the administration of the Plan to ensure that land uses or activities are appropriately related to the network.

Restricted vehicle access frontages are used as a means by which to manage the creation of new vehicle crossing along key vehicle frontages. New accessways are generally not permitted onto roads where access is restricted. Well-designed and safe access to sites is needed to help prevent traffic congestion or conflict between street users. Where significant disruption would occur because of the nature of the traffic or pedestrian environment, access may be limited.

17.2.1 Monitoring, policy analysis and consultation

17.2.1.1 Road Hierarchy

A number of changes are proposed to the hierarchy of roads in the Central Area. These amendments reflect changes in vehicular traffic patterns over the life of the current District Plan. The majority of these changes are in response to the development of the Inner City Bypass which will alter the pattern of traffic flows in the Te Aro area. The following changes are proposed:

Table 17A

Location	Change	Justification
(ex) May Street	Notate as Motorway/State Highway	May Street serves exclusively as an on-ramp to the motorway.
Customhouse Quay (between Grey & Panama Streets)	Notate as Collector Road	
Cuba Mall & Dixon Street	Remove Golden Mile notation.	Cuba Mall between Manners Mall and Dixon Street, and Dixon Street, do not form part of the linear link that is generally referred to as the 'Golden Mile'.
Taranaki Street (from Buckle Street to Ghuznee Street)	Notate as Collector Road	Once the Inner City Bypass is in place this length of Taranaki Street will no longer form part of the one way system into and out of the City. As such it can be re-classified as a Collector Road (it is currently Arterial)
Buller Street and Vivian Street (west of Willis Street)	Remove Principal Road notation and return to local street status	These roads will revert back to local street characteristics pending completion of the Inner City Bypass and this should be reflected in the road hierarchy.
Inner City Bypass route	Realign notation to more accurately match formed route of Inner City Bypass. Notate as Motorway/State Highway	The Inner City Bypass will form the key vehicle route into and out of the central city, linking the Basin Reserve to the motorway. This should be reflected in the road hierarchy.
Ghuznee Street	Delete the motorway off-ramp. Notate as a Collector	Ghuznee Street is currently the one-way link from the motorway into Te Aro, Once the Inner City Bypass is completed, Ghuznee Street will no longer form part of the State Highway/one way

Location	Change	Justification
	Road (currently an Arterial)	network and it should be re-classified to reflect this.

17.2.1.2 Restricted Vehicle Access Frontage

Restricted vehicle access frontages are used as a tool to manage the effects of new vehicle crossings along identified road frontages. The restriction is applied in four situations:

- On key shopping and retail streets where it is important to retain continuity of commercial frontages.
- On key pedestrian routes where an increase in vehicles crossing the footpath could compromise the safety and flow of pedestrians along the street.
- On key public transport routes where an increase in vehicles moving onto and off the carriage way from adjacent sites could potentially reduce the efficient functioning of the public transport system.
- On key, high volume traffic routes where an increase in vehicles moving onto and off the carriage way from adjacent sites could potentially reduce the safe and efficient flow of traffic along these streets.

The following changes are proposed for streets in the Central Area:

Table 17B. Analysis of proposed changes to vehicle access restrictions

Location	Change	Justification
Murphy Street (western edge from motorway to Halswell Street)	Add vehicle access restriction.	This portion of Murphy Street acts as an off-ramp from the motorway. Creating vehicle crossings onto this portion of Murphy Street would compromise the safety of vehicles exiting the motorway.
Oriental Parade (northern edge between Cable St and Wakefield Street)	Add vehicle access restriction.	This stretch of Oriental Parade is an Arterial Road and forms part of the Cambridge/Kent Terrace, Wakefield St and Cable Street one way system. This short stretch of Oriental Parade is the only part of the Arterial network in this vicinity not to have a vehicle access restriction. For consistency it is considered that the restriction should be applied to this area.
Inner City Bypass route including Buckle Street and Vivian Street (between Taranaki Street and Cambridge Terrace).	Add vehicle access restriction.	The bypass network will form the principal vehicular corridor into and out of the Central Area and southern suburbs. As major arterial roads, restrictions on the creation of vehicle access points should be installed to help ensure the efficient operation of the road network.
Cuba Street (from Ghuznee Street to Webb Street)	Add vehicle access restriction.	Cuba Street is a major shopping street with a strong continuity of shop fronts. It is also has the most intact verandah cover of any of the streets running north-south across Te Aro. Restricting vehicle access points is important to retaining the retail character of the street and the pedestrian shelter provided by the verandah cover.
Ghuznee Street (between Victoria Street and Willis Street)	Remove vehicle access restriction.	This portion of Ghuznee Street will carry significantly less traffic once the Inner City Bypass is operational, and will no longer justify restrictions on vehicle access

Location	Change	Justification
Street)		points.
Dixon Street (southern edge between Taranaki Street and Victoria Street)	Add vehicle access restriction.	Dixon Street serves as the major route for public transport (buses) moving through the Central Area from Courtenay Place to the Railway Station. Restrictions on new vehicle crossing is desirable in order to ensure the ongoing efficiency of the public transport network.
Victoria Street (between Dixon Street and Manners Street)	Add vehicle access restriction.	Victoria Street (between Dixon Street and Manners Street) serves as the major route for public transport (buses) moving through the Central Area from Courtenay Place to the Railway Station. Restrictions on new vehicle crossing is desirable in order to ensure the ongoing efficiency of the public transport network.

17.2.1.3 Key documents

- Transport Strategy (2006)

The Council’s transport strategy is designed to ensure that the city’s transport system is sustainable in the long term and underpins the vision for the city as “Creative Wellington – Innovation Capital”. The strategy is intended to provide direction for Council on decisions for transport infrastructure and management of the system, and link to other strategies and policies.

The strategy aims to build on the strengths of the Wellington City transport system. The city has inherent advantages as a compact, liveable city because of its topography and development pattern, resulting in a concentration of activities in the inner city. This compact urban form is an important factor in ensuring the sustainability of the city.

The transport system is currently operating effectively. Wellington has low levels of congestion compared to other cities, and high levels of travel by public transport and walking. However, the city does face transport challenges because we are planning for the city to grow, and peak hour traffic volumes are close to or at the capacity of the road network along key routes into the city.

The proposed changes to the road hierarchy and the restricted vehicle access frontage seeks to assist in the implementation of the City’s transport strategy as it relates to the Central Area.

- Draft Central City Streetscape Plan (2004)

The draft streetscape plan for central Wellington is part of the long term implementation process for the improvement of the streetscape in the central city. It provides standards and guidelines for the management of streets in the central city, to ensure consistent design and installation of streetscape elements throughout the central city. The plan breaks the streets in the central city down in to a hierarchy of types based on the current character of the street and anticipated pedestrian volumes. The hierarchy is at follows:

1. The Golden Mile, special streets and lanes – the main streets in the city, these streets are the spine of the central city street network. They carry high pedestrian volumes with a comparatively low vehicle movement that focuses on public transport.
2. First level streets – streets are the streets that have high pedestrian use and which are used by pedestrians as short cuts through the street network. They are typically narrow, short length streets that have a high degree of vibrancy due to their narrow nature and active edges

3. Second level streets – second level streets are those that have high vehicle use and that are focused on moving traffic through the city. They tend to be long, straight and wide, with limited interaction between the buildings and the street environment.
4. Base level streets – these are the residential streets and access lanes throughout the city.

The proposed changes to the restricted vehicle access frontages seek to assist in maintaining and enhancing the role of the golden mile, special streets and first level streets as pedestrian friendly environments. Similarly the proposed changes seek to ensure that the ability of second level street to move high volumes of vehicular traffic safely is retained.

- City to Waterfront Report (Public Space and Public Life Study), Jan Gehl (October 2004)
- Lambton Quay Streetscape (Urban Design Analysis and Recommendations), Chris McDonald (May 2002)

17.2.1.4 Key discussions/briefings

- Discussions with Transit New Zealand regarding the application of vehicle access frontage to the full length of the proposed Inner City Bypass route 10 July 2006 and other dates.

17.1.3.5 Consultation, in accordance with the First Schedule of the RMA 1991

- Mailout to owners of all properties that front a street that is proposed to have a vehicle access frontage applied to it.

Refer also to consultation outlined in **Part A** of this report.

17.2.2 Options

The table below considers the cost and benefits of the two principle options considered during the preparation of Proposed District Plan Change 40

Table 17C	1. Status quo	2. Clarify provisions
Details	Retain the existing road hierarchy and the restricted vehicle access frontages shown in Map 34.	Modify the existing road hierarchy and vehicle restrictions to reflect changes in road layout and patterns of road use over the past decade.
Appropriateness	<i>This approach is not recommended</i>	<i>This approach is recommended</i>
Environmental costs	Not applying vehicle access restrictions to streets that will form part of the Inner City Bypass layout could lead to developments occurring on the edge of the bypass that will detrimentally impact on the safe and efficient functioning of the bypass route and the road network.	
Environmental benefits		Applying access restrictions along the length of Cuba Street will reinforce its role as the key north-south pedestrian thorough fare across Te Aro. The application of the access restriction will also reinforce its heritage area status, sense of place and vitality by ensuring that the street retains a strong retail/commercial functions at ground floor level.
Social costs	Not applying vehicle access restrictions to streets that will form part of the Inner City Bypass layout could lead to developments occurring on the edge of the bypass that will detrimentally impact on the safe and efficient functioning of the bypass route and the road network.	The commissioning of the inner city bypass will have a significant impact on patterns of traffic and road use in and around southern Te Aro. To ensure that the benefits accrued by the development of the bypass (pertaining to improvements in the efficiency of the road network) are retained over time, it is considered important that the district plan provisions relating to vehicle frontage restrictions are applied to all key vehicle routes through Te Aro.
Social benefits		Applying access restrictions along the length of Cuba Street will reinforce its role as the key north-south pedestrian thorough fare across Te Aro. The application of the access restriction will also reinforce its heritage area status, sense of

Table 17C	1. Status quo	2. Clarify provisions
		<p>place and vitality by ensuring that the street retains a strong retail/commercial functions at ground floor level.</p> <p>Amending the road hierarchy and restricted access frontages to reflect actually use patterns will help to facilitate the efficient, convenient and safe access for people and goods within the Central Area.</p>
Economic costs	<p>The hierarchy and access restrictions shown in Map 34 do not reflect a number of important changes to the road network in Central Wellington, particularly the development of the Inner City Bypass in southern Te Aro. Ignoring these changes could, over time, detrimentally impact on the efficiency and effectiveness of the road network by allowing the development of inappropriate access points onto key vehicle routes. The retention of vehicle access restrictions on streets that will no longer be key vehicular routes (post commissioning of the bypass) may restrict the efficient development of properties fronting those streets.</p>	<p>The proposed changes will apply vehicle access restrictions to a number of frontages around the City. In terms of the scale of the change the key streets are upper Cuba Street and the eastern end of Vivian Street. While the majority of properties fronting these streets have either existing vehicle crossing or use of alternate access points (service lanes, back streets, a second frontage), a number of properties will be required to apply for resource consent to form a new vehicle crossing across the restricted frontage.</p>
Economic benefits	<p>No new vehicle related restrictions would be applied to properties within the Central Area</p>	<p>The commissioning of the inner city bypass will have a significant impact on patterns of traffic and road use in and around southern Te Aro. To ensure that the benefits accrued by the development of the bypass (pertaining to improvements in the efficiency of the road network) are retained over time, it is considered important that the district plan provisions relating to vehicle frontage restrictions are applied to all key vehicle routes through Te Aro. Amending the road hierarchy and restricted access frontages to reflect actually use patterns will help to facilitate the efficient, convenient and safe access for people and goods within the Central Area.</p>
Risks if uncertain/insufficient info	<p>_____</p>	<p>_____</p>
Effectiveness and efficiency	<p>Retaining the status quo would ignore the significant changes to</p>	<p>The proposed changes acknowledge the changes that have</p>

Table 17C	1. Status quo	2. Clarify provisions
	the road hierarchy that have occurred in the Central Area over the life of the Operative Plan. To ignore these changes in the District Plan could lead to developments occurring in the Central Area that could adversely impact on the safe and efficient functioning of the road network.	occurred (and are continuing to occur) in the Central Area road network. The recommended changes will help to ensure that the road network functions as safely and as efficiently as possible.

17.2.3 Conclusion

Having considered the benefits and costs of each option in Table 17C, option 2 is recommended. Option 2 reflects the changes that have occurred in the Central Area road network over the past decade. To proposed provision will help to ensure that the road network functions as safely and efficiently as possible.

17.3 Policy and methods for parking, loading servicing and access

<p>12.2.15.7 <u>Consider waivers from parking requirements where:</u></p> <ul style="list-style-type: none">• <u>the nature of the activity on the site necessitates the provision of additional parking; or</u>• <u>the additional provision is for short-stay customer parking.</u> <p>12.2.15.8 <u>Manage on-site parking to ensure any adverse effects on the surrounding street network are avoided, remedied or mitigated.</u></p> <p>12.2.15.9 <u>Require the provision of servicing or loading facilities for each site in the Central Area.</u></p> <p>12.2.15.10 <u>Ensure that the design and location of servicing or loading facilities is appropriate having regard to the nature of the development and the existing or likely future use of the site.</u></p> <p>12.2.15.11 <u>Consider waivers from the servicing or loading requirements:</u></p> <ul style="list-style-type: none">• <u>where suitable alternative off-street provision can be made; or</u>• <u>where site access restrictions apply and there is no suitable alternative means of access; or</u>• <u>where it is necessary to protect any listed heritage item.</u>• <u>where the topography, size or shape of the site, the location of any natural or built features on the site, or other requirements such as easements, rights of way, or restrictive covenants impose constraints which make compliance impractical.</u> <p>12.2.15.12 <u>Manage the creation of new vehicle accessways along identified roads in the Central Area, to ensure:</u></p> <ul style="list-style-type: none">• <u>efficient, convenient and safe movement of pedestrians, vehicles and public transport; and,</u>• <u>continuity of key commercial frontages.</u> <p>12.2.15.13 <u>Require all vehicular access to sites to be safe.</u></p>
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17.3.1 Context – controls to manage vehicular parking, loading and access

The Council's draft Transport Strategy provides the context for the District plan provisions relating to parking, servicing and site access. The strategy works to ensure that Wellington's transport system supports the city's vision for its future growth and function. More specifically the strategy, among other things, seeks to ensure that roading network functions effectively for people and goods.

With regard to parking the Council has embarked on a policy review that in investigating all matters pertinent to parking in the city both public and private. The intention is to determine whether the provisions that are currently in place are appropriate to support the strategic goals of the Council. As this review will not be completed before the notification of the Central Area review no substantive change has been proposed to the District Plan parking provisions at this stage.

The District Plan review for the Central Area has instead focused primarily on improving the operation of existing provisions.

Under the District Plan the key Central Area objective with regard to parking, servicing and access is to enable efficient, convenient and safe access for people and goods. The related policies and rules work to achieve this objective. The current rules address the following matters:

- Maximum number of vehicle parks,
- Minimum number of loading zones,
- Dimensions and layouts of parks and loading zones and site access, and
- Numbers and locations of vehicle crossings.

17.3.2 Issues with the current approach

In general the existing provisions have worked appropriately to achieve the objectives of the District Plan. However, some issues have emerged since the Plan was first notified that have necessitated some refinement. Three main issues have been identified. These are:

- There is insufficient policy guidance in respect of the various District Plan rules
- The parking and access requirements are inconsistent with the building code and best practice
- There is insufficient control over site access

17.3.2.1 Policy Guidance

In the operative Central Area provisions it is considered that there is an over-emphasis on assessment criteria in the rules for parking, servicing and site access in lieu of policy. The effective management of traffic related matters demands greater emphasis on the policy provisions in the Plan and the opportunity has been taken to strengthen this area.

Clear policy guidance is of benefit to both applicants and the Council in the determination of resource consent applications.

17.3.2.2 Consistency for parking and access requirements

Generally, the best practice for parking and access is provided by the Australian and New Zealand Standard 2891.1 – 2004, Parking Facilities, Part 1: Off-Street Car Parking. This Standard has been based on extensive research and consultation over a long period and is widely used. Compliance with this Standard is also recommended under the Building Code. As the existing District Plan provisions duplicate the Standard and differ in various respects this has caused administrative confusion. It is therefore appropriate that the Standard provide the basis for the District Plan controls.

17.3.2.3 Controls over site access

The Operative Plan provisions contain a number of site access requirements tailored for the Wellington city situation. However, experience has shown that additional provisions would be helpful to further improve accessibility and safety in the Central Area. These are:

- Limiting access points to one per site
- Requiring the entry and exit of vehicles across a site boundary to be in a forward direction
- Limiting access from primary streets if access is available from secondary streets

New rules are proposed to address these issues.

17.3.3 Key documents

- Transport Strategy (2004) and Transport Strategy (2006)

The Council's transport strategy is designed to ensure that the city's transport system is sustainable in the long term and supports the city's vision for its future growth and function. The strategy provides direction for Council on decisions for transport infrastructure and management of the system, and to link to other strategies and policies.

The strategy aims to build on the strengths of the Wellington City transport system. The city has inherent advantages as a compact, liveable city because of its topography and development pattern, resulting in a concentration of activities in the inner city. This compact urban form is an important factor in ensuring the sustainability of the city.

Wellington has low levels of congestion compared to some other cities and high levels walking and public transport use. However the city does face traffic challenges because peak hour traffic volumes are close to or at the capacity along key routes.

The proposed changes to the vehicle parking and access provisions will complement the Transport Strategy (2004) and Transport Strategy (2006) by encouraging more efficient and safer vehicle parking, servicing and access arrangements.

- The Australian and New Zealand Standard 2891.1 – 2004, Parking Facilities, Part 1: Off-Street Car Parking

The Australian and New Zealand Standard 2891.1 – 2004 is the primary source document for the design of parking and site access. The foreword to the standard notes:

“The success of a parking development requires an efficient design. It must represent a balance between function, economics, safety and aesthetics. Consideration must be given to the speed and quality of parking service, the traffic circulation, access to and fro the street, the external traffic network, car manoeuvring and convenience for the drivers and pedestrians, including people with disabilities.”

The proposed changes will ensure that the parking requirements of Wellington City are in full accordance with best practice as outlined by the Standard.

- Wellington City Council Central Business District Servicing Policy Study – Issues and Options (January 2005)
- Wellington City Council Review of District Plan Rules Relating to Servicing of Buildings (June 2005)

17.3.4 Evaluating the effectiveness and efficiency of proposed noise provisions

The following table identifies the benefits, costs and effectiveness and efficiencies of alternative options for the proposed new or amended parking, servicing and site access provisions within the Central Area. It is considered that greater efficiency will be gained by strengthening the parking, servicing and site access provisions. This will improve the general accessibility, convenience and safety of the road network.

17.3.5.1 Options

The table below considers the costs and benefits of principle options during the preparation of the Central Area review.

Table 17D	1. Status quo – retain existing provisions <ul style="list-style-type: none"> Standards to control parking, loading and access Not consistent with Building Code Less of policy guidance for considering resource consent applications 	2. Strengthen regulatory control <ul style="list-style-type: none"> Improved standards to control parking, loading and access Consistency with Building Code Improved policy guidance for considering resource consent applications 	3. Reduce regulatory control <ul style="list-style-type: none"> Reduce controls on parking, loading and access
Appropriateness	This approach is not recommended.	This approach is recommended.	This approach is not recommended.
Environmental costs	Optimum efficiency not attained. Some congestion – increased vehicle emissions Some conflict with heritage objectives – impact on heritage items	Increased efficiency – Less congestion than 1 but continued vehicle emissions Impact on heritage items	Reduced efficiency of the street network Greater congestion, more discharges to air Greater impact on heritage items
Environmental benefits	Reasonable efficiency – reduced congestion and vehicle emissions Reduced conflict with heritage objectives	Increased efficiency – Reduced congestion and vehicle emissions Reduced impact on heritage items	Reduced impact on heritage items if provision for parking, servicing or access not made
Social costs	Existing level of frustration arising from congestion and travel delay maintained Existing accident rate maintained	Frustration caused by congestion and travel delay but less than existing Accidents result but less than existing	Increased congestion and travel delays Increased accident rates
Social benefits	Limits frustration arising from congestion and travel delay Limits accidents	Reduced frustration caused by congestion and travel delay Reduced accident rate	No benefits identified
Economic costs	Existing costs arising from reduced convenience and access maintained Existing administration and compliance costs maintained	Costs arising from reduced convenience and access but less than existing Higher administration and compliance costs	Increased costs arising from less convenient road network and reduced accessibility Administration and compliance costs but lower than existing
Economic benefits	Existing costs arising from reduced convenience and access maintained Existing administration and compliance costs maintained	Reduced costs arising from improved convenience and accessibility	Lower administration and compliance costs
Risks if information is uncertain or insufficient.	Low risk – adequate information available on issues	Very low risk - the Australian and New Zealand Standard 2891.1 –	Higher risk – the effects of reduced or nil regulation uncertain

Table 17D	1. Status quo – retain existing provisions <ul style="list-style-type: none"> Standards to control parking, loading and access Not consistent with Building Code Less of policy guidance for considering resource consent applications 	2. Strengthen regulatory control <ul style="list-style-type: none"> Improved standards to control parking, loading and access Consistency with Building Code Improved policy guidance for considering resource consent applications 	3. Reduce regulatory control <ul style="list-style-type: none"> Reduce controls on parking, loading and access
		2004 has been accepted in the New Zealand legal environment via the Building Code.	

17.3.5 Conclusion

Of the options considered in Table 17D above, Option 2 is considered the most appropriate to enable efficient, convenient and safe access for people and goods.

18. Achieving the exercise of tino rangatiratanga and kaitiakitanga

12.2.16 To facilitate and enable the exercise of tino rangatiratanga and kaitiakitanga by Wellington's tangata whenua and other Maori.

18.1 Proposed policies and methods

12.2.16.1 Identify, define and protect sites and precincts of significance to tangata whenua and other Maori using methods acceptable to tangata whenua and other Maori.

12.2.16.2 Enable a wide range of activities that relate to the needs and wishes of tangata whenua and other Maori, provided that physical and environmental standards specified in the Plan are met.

12.2.13.3 In considering resource consents, Council will take into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi.

METHODS

- Rules
- Information

18.1.1 Existing provisions proposed to be retained

Monitoring of the effectiveness and efficiency of the District Plan, and other research and consultation has generally not indicated the need to change existing provisions at this time.

18.2 Policy analysis

The District Plan provisions to achieve the above objectives are generally effective. However, there is scope to better identify important Maori sites and areas. The Wellington Tenth Trust is currently leading a programme of work to identify sites and areas of significance to tangata whenua, including within the Central Area. Once that project is sufficiently progressed, work to list any additional sites within the District Plan will be carried out.

As already noted elsewhere, a review of the Heritage Chapter provisions has been publicly notified. Matters relating to protecting archaeological sites have been considered as part of that review. This is of particular relevance to tangata whenua because of the relatively high proportion of archaeological sites containing Maori taonga and artifacts. The conclusion of that review is that further work on archaeological sites is required. However, a new policy was introduced to provide the framework for considering applications in situations where 'new' archaeological sites are found.

18.2.1 Consultation and matters considered

Comments on the Central Area Review were received from Te Runanga o Toa Rangatira by way of a written submission,¹⁹ and from the Tenth Trust during several

¹⁹ 'Wellington City District Plan: Central Area Review by Te Runanga o Toa Rangatira', Received from Miria Pomare on 30 June 2006 by email to Brett McKay, Manager Planning Policy Team.

meetings on the draft Central Area chapters. (Refer to **Part A** for a summary of the consultation received on the Central Area review).

18.2.1.1 Use of Maori names

Feedback has indicated that the opportunity to incorporate Maori terms in the names of District Plan area descriptions would be appropriate. Certainly this has been taken into account, for example, in applying Maori place names in viewshaft descriptions. A new name was also arrived at in consultation with the Tenth Trust to identify collective land associated with the rail and port area. The new names considered are ‘Takutai’ or alternatively ‘Pipitea’ Precinct, reflecting the association of this area with the sea coast and foreshore.

18.2.1.2 Maori cultural values and the waterfront

Te Runanga o Toa Rangatira has indicated that areas around the waterfront are of special importance because of the traditional occupancy, trading and fishing relationship of Maori to those areas. In the case of the Lambton Harbour Area, these matters are covered through specific provisions and processes that ensure Maori cultural values are provided for in the development of the waterfront. (The policies and methods of the Lambton Harbour Area are considered separately on **page 207**).

Other parts of the waterfront are included in the Operational Port Area and Port Redevelopment Area. The proposed rules would continue to provide for port and transport activities currently provided for within these areas on a permitted basis, but some developments within this area would be subject to more stringent controls. While these controls do not explicitly consider Maori cultural values, they do provide a level of scrutiny of proposals that could otherwise go unchecked under the existing regime. Further discussion on the rules relating to this area is provided for on **page 78**.

18.2.1.3 Maori cultural values and urban design

Both the Tenth Trust and Te Runanga o Toa Rangatira have provided feedback on urban design matters. The Tenth Trust has also expressed support for providing strong urban design guidance for new developments within the Central Area. This matter is discussed in more depth on **page 130**.

Te Runanga o Toa Rangatira made the more specific comment that:

It is our view that the design guides governing the development of the Central Area should acknowledge and incorporate Māori design and symbols. Consideration should also be given to the choice of construction materials to ensure the visual effect reflects the unique place of Tangata Whenua in the city.

In terms of development on public land there is an opportunity to acknowledge the unique place of tangata whenua in the design of city developments. In addition, the Tenth Trust has also raised concerns about ensuring an appropriate level of ‘greening’ and public facilities (such as toilets) are provided within the Central Area. These are matters that are more appropriately dealt with in the draft Central City Framework and management of public land. Council’s ongoing liaison with tangata whenua provides an avenue for continuing input into such developments.

In terms of development of private property, Council’s approach is to enable developers to design buildings as they choose subject to established urban design principles (and performance standards). One option to address the matters Te

Runanga has raised is to refer to the use of Maori design and symbols within the Central Area Design Guide. However, Council is cautious of promoting the use of Maori symbols and design without also providing supporting guidance on how to do this appropriately. To provide suitable guidance of this nature would require further work.

18.2.1.4 Respecting areas of national significance

The Tenth Trust also raised concerns about the potential of some activities, particularly entertainment, to detract from the importance of parliament and surrounding national institutions that are symbolic of the nation's head. The Council recognises its role in managing important areas within the nation's capital. Officers are of the view that signage is likely to be a particular offender in detracting from the heritage and amenity values of such areas, and have therefore proposed additional restrictions on signs adjacent to the proposed Parliamentary Precinct Heritage Area. This complements other existing controls on signage such as pavement licences and the bylaw controlling signage for commercial sex premises. Further matters relating to signage are discussed in more depth on **page 210**.

18.3 Conclusion

Overall, the existing policies and methods to achieve the above objective were examined at the time of being included in the 'first generation' District Plan, and on the basis of the above, continue to remain relevant and appropriate at this time.