

Wellington City Proposed District Plan - submission form

Clause 6 of the First Schedule, Resource Management Act 1991.

How to make a submission

- online at eplan.wellington.govt.nz/proposed
- email your submission to: PDPsubmissions@wcc.govt.nz
- post this form to us (no stamp needed)
- drop your completed form off to Wellington City Council reception, Level 16, 113 The Terrace.

To make sure your submission can be accepted please lodge by 5pm Monday 12 September 2022.

Privacy statement - what we do with your personal information

All submissions (including name and contact details) are published and made available to elected members and to the public from our offices and on our website. Personal information will also be used for the administration of the notified Proposed Plan process.

All information collected will be held by Wellington City Council. You have the right to ask for a copy of any personal information we hold about you, and to ask for it to be corrected if you think it is wrong. Please contact us at district.plan@wcc.govt.nz.

Your details

Name	
Postal address (including suburb)	
Phone/mobile	Email
I am making this submission: <input type="checkbox"/> as an individual <input type="checkbox"/> on behalf of an organisation. Organisation's name:	
I would like to be heard in support of my submission in person <input type="checkbox"/> Yes <input type="checkbox"/> No	
If others make a similar submission, I will consider presenting a joint case with them at a hearing. <input type="checkbox"/> Yes <input type="checkbox"/> No	

This is a submission on the Wellington City Proposed District Plan

<input type="checkbox"/> I could <input type="checkbox"/> I could not - gain an advantage in trade competition through this submission
If you could gain an advantage in trade competition through this submission answer the next question.
<input type="checkbox"/> I am <input type="checkbox"/> I am not - directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition. (Please tick relevant box if applicable) Note: If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Multiple provisions can be commented on within the following section. Feel free to add more pages to your submission to provide a fuller response.

The specific provision of the plan that my submission relates to: Do you: <input type="checkbox"/> Support <input type="checkbox"/> Oppose <input type="checkbox"/> Amend
What decision are you seeking from the Council? And why?

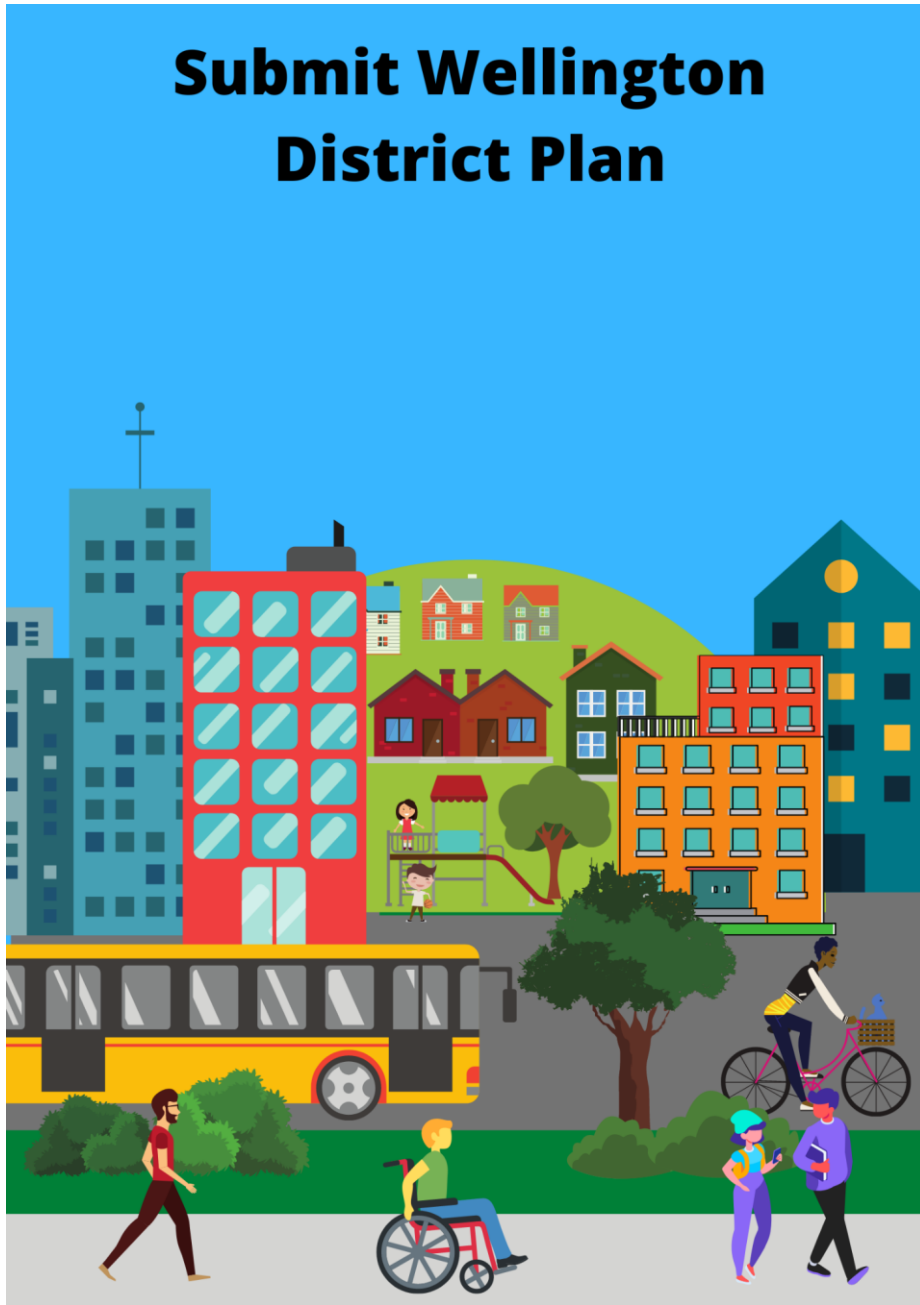
Chapter / Sub-part	Specific provision / matter	Position	Reason for submission	Decisions requested / relief sought
<u>Height controls in the City Centre Zone</u>				
Part 3 Area-Specific Matters – Zones – Commercial and mixed use - City Centre Zone.	CCZ-S1 Maximum height.	Oppose.	A maximum height control in the City Centre Zone is inconsistent with the policy direction of the NPS-UD and is not justified with reference to a qualifying matter.	Delete provision CCZ-S1 Maximum height.
<u>Walkable catchments</u>				
Part 3 Area-Specific Matters – Zones – Commercial and mixed use - City Centre Zone.	Area of walkable catchment.	Seek to amend.	A 10-minute walkable catchment is inconsistent with the policy direction of the NPS-UD and the approach of other Tier 1 local authorities.	Increase the area of the walkable catchment in and around the City Centre Zone to 15 minutes.
Part 3 Area-Specific Matters – Zones – Commercial and mixed use - Metropolitan Centre Zone.	Area of walkable catchment.	Seek to amend.	A 10-minute walkable catchment is inconsistent with the policy direction of the NPS-UD and the approach of other Tier 1 local authorities.	Increase the area of the walkable catchment in and around the Metropolitan Centre Zone to 15 minutes.
Rapid transit stops.	Area of walkable catchment.	Seek to amend.	A 10-minute walkable catchment is inconsistent with the policy direction of the NPS-UD and the approach of other Tier 1 local authorities.	Increase the area of the walkable catchment around rapid transit stops to 15 minutes.
Part 3 Area-Specific Matters – Zones – Commercial and mixed use - City Centre Zone.	Introduction.	Seek to amend.	Amendment proposed for consistency.	The introduction to the City Centre Zone chapter is amended as follows: In locations where rapid transit investment has been signalled measures have been included to enable opportunities for more intensive, comprehensive development to occur, particularly in areas within a walkable distance <u>catchment</u> of planned rapid transit stops.

Chapter / Sub-part	Specific provision / matter	Position	Reason for submission	Decisions requested / relief sought
Part 1 – Introduction and General Provisions – Interpretation - Definitions	Definitions table.	Seek to amend.	To provide clarity around the walkable catchments that have been used in the PDP. To provide flexibility in amending a walkable catchment in the future, should that be required.	A definition of walkable catchment is added to chapter 1 of the PDP as follows: <u>WALKABLE CATCHMENT means the area an average person could walk from a specific point to get to multiple destinations.</u> <u>The City Centre Zone uses a 15-minute walkable catchment. Walkable catchments around Metropolitan Centre zones and existing and planned rapid transit stops are also 15 minutes.</u>
<u>Johnsonville Rail Line</u>				
N/A.	Johnsonville Rail Line is not designated a Rapid transit service.	Oppose.	As set out in this submission, Johnsonville Rail Line meets the definition of rapid transit in the NPS-UD.	Johnsonville Rail Line is designated a rapid transit service in the PDP.
Part 3 Area-Specific Matters – Zones – Residential – High Density Residential Zone	Extent of High Density Residential Zone.	Seek to amend.	Building heights of at least six storeys are enabled within a walkable catchment of the Johnsonville Rail line in accordance with the requirements of Policy 3(c) of the NPS-UD.	The High Density Residential Zone is applied to all residential sites within a 15-minute walkable catchment of the rapid transit stops on the Johnsonville Rail line except where a justifiable qualifying matter applies.

Chapter / Sub-part	Specific provision / matter	Position	Reason for submission	Decisions requested / relief sought
Part 1 – Introduction and General Provisions – Interpretation - Definitions	Definitions table, definition of RAPID TRANSIT STOP.	Seek to amend.	The definition “rapid transit stop” should be amended to provide clarity around the rapid transit stops that have been identified in the PDP.	<p>The definition of rapid transit stop in the PDP is amended as follows:</p> <p>RAPID TRANSIT STOP means a place where people can enter or exit a rapid transit service, whether existing or planned.</p> <p><u>The following stations on the Kapiti Line are rapid transit stops:</u></p> <ul style="list-style-type: none"> • <u>Wellington Station</u> • <u>Takapu Road Station</u> • <u>Redwood Station</u> • <u>Tawa Station</u> • <u>Linden Station</u> • <u>Kenepuru Station.</u> <p><u>The following stations on the Johnsonville Line are rapid transit stops:</u></p> <ul style="list-style-type: none"> • <u>Crofton Downs Station</u> • <u>Ngaio Station</u> • <u>Awarua Street Station</u> • <u>Simla Crescent Station</u> • <u>Box Hill Station</u> • <u>Khandallah Station</u> • <u>Raroa Station</u> • <u>Johnsonville Station.</u> <p><u>The following station on the Hutt/Melling Line is a rapid transit stop:</u></p> <ul style="list-style-type: none"> • <u>Ngauranga Station.</u>

Chapter / Sub-part	Specific provision / matter	Position	Reason for submission	Decisions requested / relief sought
<u>Qualifying matters: Special Character</u>				
Part 3 Area-Specific Matters – Zones – Residential – Medium Density Residential Zone	Extent of Character Precincts within the Medium Density Residential Zone.	Support.	In applying Character Precincts within the Medium Density Residential Zone it is appropriate that the identification of areas only with high concentrations of character (i.e. areas with a predominance of primary classified buildings), and not those with medium concentrations of character (i.e. areas with a predominance of contributory classified buildings), fall within the qualifying matter exemption at section 77I(j) of the RMA.	Retention of the qualifying matter at section 77I(j) of the RMA applying only to properties that have been identified as having high concentrations of character (i.e. areas with a predominance of primary classified buildings).
Part 3 Area-Specific Matters – Zones – Residential – Medium Density Residential Zone	Extent of Character Precincts within the Medium Density Residential Zone.	Support.	To justify reliance on section 77I(j) of the RMA, an analysis that complies with section 77L is required. In applying Character Precincts within the Medium Density Residential Zone WCC has not provided a section 32 analysis that complies with section 77L of the RMA.	A site-specific analysis of special character properties within the Character Precincts is undertaken that complies with the requirements of section 77L of the RMA.

Submit Wellington District Plan



Generation Zero's Submission to Wellington's Proposed District Plan

UNDER

the Resource Management Act 1991 ("**the Act**")

AND

IN THE MATTER

of a submission pursuant to Clause 6 of Schedule 1 of the Act in respect of the **WELLINGTON CITY COUNCIL PROPOSED DISTRICT PLAN 2022**

SUBMISSION ON THE WELLINGTON CITY COUNCIL PROPOSED DISTRICT PLAN 2022

TO: District Planning Team, Level 16
Wellington City Council
113 The Terrace
Wellington Central 6011

Email: PDPsubmissions@wcc.govt.nz

Name of submitter: Generation Zero Incorporated

1.1 INTRODUCTION

- a) This is a submission on the Wellington City Council ("WCC") Proposed District Plan 2022 ("the PDP").
- b) Generation Zero Incorporated ("GZ Inc") is a not-for-profit, youth-led organisation focused on transitioning society away from its dependency on fossil fuels and combating climate change. GZ Inc's objectives are to:
 - 1. Educate and empower New Zealanders about issues that threaten New Zealand's future well-being, with a particular focus on climate change;
 - 2. Promote a zero carbon New Zealand by 2050; and
 - 3. Provide a voice for New Zealanders on climate change.
- c) GZ Inc could not gain an advantage in trade competition as a result of this submission.
- d) GZ Inc wishes to be heard in support of its submission.

1.2 RATIONALE FOR SUBMISSION

- a) GZ Inc proposes its amendments to the PDP on the basis that these align with its objectives of achieving a thriving, accessible, zero-carbon Aotearoa. GZ Inc also proposes its amendments to the PDP on the basis that these will support everyone's human right to a decent home.
- b) A zero-carbon Aotearoa is important to addressing the global climate crisis. Without increased action, carbon emissions in Aotearoa will continue to rise and contribute to harming the planet, leading to increased global temperatures, an increase in the frequency and scale of adverse weather events, rising sea levels and displacement of communities. The earth is already suffering the consequences of climate change and it is important to address these issues to slow the harm being caused.
- c) For Wellington, and all cities across New Zealand, GZ Inc supports sustainable urban form, low or zero-emissions transport options and increased density of development. For Wellington city centre, GZ Inc considers that unlimited height controls are appropriate, to support a compact urban form which promotes efficiency of development and reduces carbon emissions by facilitating people to travel efficiently between home and work locations. This is crucial to securing a future safe from the impacts of climate change for everyone in Wellington, and ensuring more equitable access to housing, services and infrastructure.
- d) GZ Inc supports better quality and accessible public and active transport infrastructure that improves quality of life throughout the city, enabling people to live close to or sustainably access where they work, study, and socialise. It is important that the disabled, low income, and other communities who are marginalized are actively prioritised in the designs to ensure the barriers to their access to the city, workplaces, study, and social life are significantly reduced. Having better quality and accessible public and active transport infrastructure is also an essential element to supporting everyone's right to a decent home. Location is one of the seven conditions identified by the United Nations as needing to be met for housing to be adequate, this is defined as, "Location: housing is not adequate if it is cut off from employment opportunities, health-care services, schools, childcare centres and other social facilities, or if located in polluted or dangerous areas." Ensuring equitable access to these through quality and accessible public and active transport infrastructure is essential to supporting

everyone's right to a decent home. Densification can also support this by building more housing around public transport hubs.

- e) GZ Inc recognises that housing is not adequate if it does not respect and take into account the expression of cultural identity.¹ The PDP needs to create space for different housing typologies, such as papakāinga, to be developed with ease. The rules and regulations of the PDP must be relevant, applicable, and adaptable, to different types of housing. Under its Te Tiriti obligation of article two to "protect the Chiefs, the subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures"² it is paramount that the PDP supports the development of papakāinga and culturally adequate housing for Māori. Under Local Governments obligations to Te Tiriti and delivering the right to a decent home, they must provide effective regulation to stop private enterprises from developing Māori land without free, prior and informed consent of mana whenua.¹ The impact of colonisation (including the depletion of resources) on mana whenua must be recognised and redressed in this process as well.
- f) The Human Rights Commission's Framework Guidelines on the right to a decent home in Aotearoa identified that Central and Local Governments have a shared responsibility *to do everything in their power* to deliver the right to a decent home for everyone in Aotearoa. The PDP plays a crucial role in Wellington City Council's ability to do this and it is important the PDP does not interfere with nor delay the progressive realisation of this right. Currently in Wellington, as with many other cities, we are faced with a cost of living crisis that has been built on years of rapidly increasing rent and housing prices, in part due to inadequate housing supply. The PDP needs to support the development of adequate housing through densification and supporting infrastructure for the wellbeing of everyone in the Wellington City Council area and to deliver the right to a decent home.

¹ Human Rights Commission. 2021. *Framework Guidelines on the right to a decent home in Aotearoa*.

² Kawharu, I. 2020. *The full text of te tiriti o waitangi: The Treaty of Waitangi*. Wellington: Museum of New Zealand Te Papa Tongarewa. Retrieved 2022, from <https://www.tepapa.govt.nz/discover-collections/read-watch-play/maori/treaty-waitangi/treaty-close/full-text-te-tiriti-o>

- g) GZ Inc supports a PDP that creates a city with abundant affordable and accessible housing as well as a city-wide rapid-transit and bicycle network. Achieving these will assist with tackling the housing crisis, reduce transport emissions, and create a liveable city.

1.3 SUMMARY OF SUBMISSION

GZ Inc supports the PDP subject to amendments to ensure that the intensification outcomes required by the Resource Management Act 1991 (“the RMA”) (as amended by the Resource Management (Enabling Housing Supply and Other Matters) Act 2021 and the National Policy Statement on Urban Development 2020 (“NPS-UD”) are enabled, specifically that:

- (a) **Removing height limits in the City Centre Zone;**
- (b) **Walkable catchments increased to 15 minutes** from the City Centre Zone, Metropolitan Zones and from Mass Rapid Transit stops;
- (c) **The Johnsonville Rail Line is designated as “rapid transit”;** and
- (d) **The proposed “special character” qualifying matters in the PDP are not expanded,** because:
 - (i) the NPS-UD has a very high threshold for “other” qualifying matters and only a narrow set of sites and areas can retain the 1930’s “special character rule” following rigorous, site-specific analysis;
 - (ii) the PDP is just consistent with the NPS-UD as it only applies “special character” to small areas with high concentrations of characters; and
 - (iii) “special character” rules, enacted in the early 1990s, have caused significant damage to the liveability and affordability of Wellington. While they have some limited “historical” and “place” benefits, their widespread use across several Wellington suburbs has significantly caused our housing shortage, caused displacement, and are an exclusionary colonial construct.

Summary table

A table summarising GZ Inc’s proposed amendments is set above. Detailed submissions are set out at Sections 2 to 5.

Structure of submission

This submission addresses:

- a) City Centre Zone height limits (Section 2);
- b) Walkable catchments (Section 3);
- c) Johnsonville Rail Line (Section 4);
- d) Special character sites and areas (Section 5);

2 CITY CENTRE ZONE HEIGHT LIMITS

- 2.3 The PDP retains height limit controls in the City Centre Zone,³ with only limited increases from the Operative District Plan (“ODP”).
- 2.4 The retention of height limit controls in the PDP directly contradicts the NPS-UD requirement that building heights in City Centre zones “realise as much development capacity as possible”.
- 2.5 Section 77N(2) of the RMA requires that:

In carrying out its functions under subsection (1), the territorial authority must ensure that the provisions in its district plan for each urban non-residential zone within the authority’s urban environment give effect to the changes required by policy 3 or policy 5, as the case requires

- 2.6 Policy 3(a) of the NPS-UD is as follows:

Policy 3: *In relation to tier 1 urban environments, regional policy statements and district plans enable:*

- (a) *in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and*

...

(Emphasis ours)

- 2.7 This is a strong direction which indicates a presumption that height should be unlimited *unless* particular limitations are justified. The PDP is not consistent with this direction.
- 2.8 Ministry for the Environment (“MfE”) guidance (“the MfE guidance”) states that in implementing policy 3(a) of the NPS-UD, enabling development ‘as

3 PDP, Part 3 – Area-Specific Matters, Zones, Commercial and mixed use, City Centre Zone, CCZ-S1.

much as possible' is expected to mean greater than six storeys, and it may be appropriate for Tier 1 local authorities to have no maximum building heights in city centre zones or large parts of city centre zones:⁴

"6.2 Enabling as much development capacity as possible in city centre zones (Policy 3(a))

...

City centres are a step up in the zoning hierarchy from metropolitan centres, so enabling as much development capacity as possible is expected to mean greater than six storeys (because six storeys is the minimum for metropolitan centres). Tier 1 local authorities should be considering the level of demand and accessibility in determining what heights and densities can be enabled. In practice, this may mean:

- *no maximum building heights or maximum gross floor area (GFA) standards in city centre zones or large parts of city centre zones*
- *development standards that may limit building height and density, where there is evidence that doing so will contribute to a well-functioning urban environment and achieving the objectives of the NPS-UD as a whole.*

In giving effect to this policy requirement, local authorities need to step through the following:

- *Consider what 'as much as possible' is going to mean in the city centre, taking into account local circumstances and factors – specifically, the level of demand and accessibility should be key considerations.*

(Emphasis ours)

- 2.9** Accordingly, the level of demand and accessibility are key considerations in determining the heights and densities that can be enabled.

Out of step with other Tier 1 local authorities

- 2.10 The approach adopted in the PDP is contrary to the approach adopted by other Tier 1 local authorities. For example:

2.10.1 In Auckland proposed changes to the City Centre zone include amendment of the general height control. This will enable:

- 2.10.1.1 Unlimited building heights in the core city centre except where special height controls apply;

⁴ Ministry for the Environment. 2020. *Understanding and implementing intensification provisions for the National Policy Statement on Urban Development*. Wellington: Ministry for the Environment, pages 29-30.

2.10.1.2 Heights up to 72.5 metres across the city centre, except where special height controls or other qualifying matters apply.⁵

2.10.2 Hutt City Council has notified Plan Change 56 which seeks to implement the requirements of the NPS-UD and incorporate the MDRS. The plan change deletes the maximum height of buildings and structures rule in the Central Commercial Activity Area zone.⁶

2.10.3 Porirua City Council has notified Variation 1 and Plan Change 19 to its district plan. The plan change rezones the existing City Centre Zone to Metropolitan Centre Zone and increases building heights in the zone from 30m to 50m.⁷

2.10.4 In implementing the NPS-UD, other Tier 1 local authorities are applying higher height limits in their city centre zones (or equivalent), than that of WCC. As New Zealand's capital city, without reference to a qualifying matter, there is no justification for Wellington to have lesser height limits in its central business district than other Tier 1 local authorities.

2.11 The NPS-UD recognises that it may be appropriate to modify the relevant building heights under Policy 3 (i.e., to provide less development capacity than is possible) only to the extent necessary to accommodate a qualifying matter in that area.⁸ The Council has not identified specified qualifying matters which justify provision of less development capacity and has not justified the proposed height limits in terms of section 32 of the RMA.

Inappropriate focus on preservation of existing amenity

2.12 The Council's section 32 analysis prepared by the Council concludes that the "no height limits" option most closely aligns with the policy directives in the NPS-UD⁹ but nevertheless concludes that height limits of 42.5m (10 storeys) in Te Aro and 28.5m (8 storeys) elsewhere in the City Centre Zone are the most appropriate outcome.

5 Auckland Council, Proposed Plan Change 78 Information Sheet #10 The City Centre Zone, page 3.

6 Hutt City Council, Proposed Plan Change 56, amendment 223 on page 98.

7 Porirua City Council, Proposed Porirua District Plan, Part 3: Area Specific Matters, Commercial and Mixed Use Zones, MCZ - Metropolitan Centre Zone, MCZ-S1.

8 NPS-UD, Policy 4.

9 Wellington City Council, Section 32 - Part 2 - City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct, page 144.

- 2.13 None of the reasons provided for this conclusion are justified in terms of the requirements of the NPS-UD. In this regard, the section 32 analysis states that:
- 2.13.1 The preferred option “provides an appropriate balance” between enabling growth and “ensuring measures are in place to preserve amenity and manage adverse effects.”¹⁰
- 2.13.2 The preferred option adopts an approach that is “well established in the ODP, entrenched in case law and supported by evidence”.¹¹
- 2.13.3 The “no height limits” option would “potentially overcompensate” on the intensification policy direction of the NPS at the expense of creating ‘well-functioning urban environments’.¹²
- 2.14 Policy 4 of the NPS-UD indicates that only a qualifying matter may justify modifications to the requirement to provide “as much height as possible”. The preservation of existing amenity is not a specified qualifying matter.
- 2.15 The section 32 analysis incorrectly suggests that the requirements of Policy 3 should be limited by the requirement to create “well-functioning urban environments”, on the basis that unlimited height limits would adversely affect existing amenity.
- 2.16 The term “well-functioning urban environments” has the meaning set out in Policy 1 of the NPS-UD. This includes urban environments that, as a minimum, “*have or enable a variety of sites that are suitable for different business sectors in terms of location and site size*”, have good accessibility between housing and jobs including by way of public transport and “*support reductions in greenhouse gas emissions*”. A well-functioning urban environment does not include the preservation of existing amenity. To the contrary:
- 2.16.1 Objective 4 of the NPS-UD recognises that urban environments, including their amenity values, are responsive and develop and change over time;
- 2.16.2 Policy 6 of the NPS-UD identifies that significant changes to an area may detract from amenity values appreciated by some, but improve

10 Above n9, page 144.

11 Above n9, page 144.

12 Above n9, page 145.

amenity values appreciated by others, and that change in and of itself is not an adverse effect.

- 2.17 The effect of the NPS-UD is to establish a new direction for urban planning towards significantly greater intensity, in order to achieve more development capacity and well-functioning urban environments. As such:
- 2.17.1 There is an expectation that planning outcomes will be different to those that were enabled in the past;
 - 2.17.2 There is an expectation that implementation of the NPS-UD will result in changes to amenity values over time; and
 - 2.17.3 There is no tension between the NPS-UD imperative to create well-functioning urban environments and the imperative to deliver as much development capacity as possible.
- 2.18 The fact that height limits are used in the ODP and “entrenched in case law” are not relevant matters. In this regard, decisions of the courts issued prior to the commencement of the NPS-UD on 20 August 2020 are irrelevant.

Insufficient analysis undertaken

- 2.19 The section 32 analysis fails to adequately identify:
- 2.19.1 The adverse effects that may arise as a result of greater or unlimited height limits in the City Centre Zone.
 - 2.19.2 To what extent the adverse effects would undermine the creation of a “well-functioning urban environment” or outweigh the benefit of providing “as much development capacity as possible”.
- 2.20 The section 32 analysis therefore provides insufficient justification for the height limit controls in the City Centre Zone.

Submission - unlimited height controls are the most appropriate option

- 2.21 The approach taken by WCC reflects a do-minimum approach rather than enabling as much development capacity as possible and then assessing to what extent if any, that is required to be modified due to a qualifying matter.
- 2.22 The City Centre in Wellington is serviced by significant transport infrastructure from around the region, is the hub of commercial and social life, and is the city’s largest neighbourhood. This is evidenced by the City

Centre having the highest land values in the region. Providing unlimited building height in the City Centre would:

- 2.22.1 Enable the tallest buildings to be built close to central public transport routes, including those identified as rapid transit in both the DDP and the RLTP 2021;
- 2.22.2 Contribute to well-functioning urban environments by providing good accessibility between housing and jobs;
- 2.22.3 Facilitate regeneration, i.e. investment and economic growth, in the city centre of an appropriate scale and form with the surrounding development;
- 2.22.4 Support the primacy of the central city (City Centre Zone) for commercial development and, in doing so, increase the vibrancy of the city centre;
- 2.22.5 Enable efficient use of land, reducing urban sprawl and creating a balance between greenfields expansion and growth in existing areas;
- 2.22.6 Provide greater opportunities for residential development close to employment opportunities and transport links, thereby reducing inner-city housing prices; and
- 2.22.7 Reduce greenhouse gas emissions.

Relief sought

2.23 The following relief is sought:

- 2.23.1 Deletion of the height limit controls in the City Centre Zone.

3 WALKABLE CATCHMENTS

Issue

- 3.3 In preparing the PDP, WCC has used walking catchments of 10 minutes within the city centre, around Tawa and Kenepuru stations and 5 minutes around the other stations designated as rapid transit along the Hutt/Melling Kapiti rail lines.
- 3.4 These walkable catchments are inconsistent with the policy direction of the NPS-UD and with the walking catchments used by other Tier 1 local authorities. Further, they are unsupported by any section 32 analysis and are contrary to public feedback on the draft Spatial Plan which:
- 3.4.1 Demonstrated support for inner-city intensification; and
- 3.4.2 Indicated that people are willing to walk longer distances.

The law: NPS-UD

- 3.5 Policy 3(c) of the NPS-UD is as follows:

"Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:

....

- (c) building heights of at least 6 storeys within at least a walkable catchment of the following:*
- (i) existing and planned rapid transit stops*
 - (ii) the edge of city centre zones*
 - (iii) the edge of metropolitan centre zones..."*

- 3.6 "Walkable catchment" is not defined in the NPS-UD nor the RMA.
- 3.7 Relevantly, section 5.5 of the MfE guidance includes the following:

"5.5 Walkable catchments

A walkable catchment is the area that an average person could walk from a specific point to get to multiple destinations. A walkable catchment of 400 metres is typically associated with a five-minute average walk and 800 metres with a 10-minute average walk. These distances are also affected by factors such as land form (eg, hills take longer to walk up and can be an obstacle to walking), connectivity or severance (eg, the lack of ease and safety of crossing roads, highways and intersections), and the quality of footpaths. Walkable catchments can be determined either using a simple, radial pedshed analysis or a more detailed GIS (geographic information systems) network analysis."

- 3.8 The exercise of defining what a “walkable catchment” is, is coloured by the intent and purpose of the NPS-UD – i.e. to maximise the benefits of intensification. The NPS-UD chose to mandate upzoning within walking distance of key locations because:
- 3.8.1 those locations have or provide amenity, access and liveability;
 - 3.8.2 as such, the demand for places within walking distance is extremely high, but councils have generally significantly restricted or de facto banned new dwellings in those locations;
 - 3.8.3 enabling medium- and high-density homes in walking distance from those locations therefore aligns new homes with good transport infrastructure and good access to jobs, community facilities and shops; and
 - 3.8.4 this approach minimises the negative effects of new development (e.g. congestion) and maximises the large positive effects of new development - creating a virtuous cycle of increased demand for good locations and infrastructure, leading to well-functioning urban environments.
- 3.9 Therefore, “walkable catchment” under the NPS-UD is determined not just by the *ability* of someone to walk, but more importantly, is determined by the *amenities, benefits and demand for the destination*. In essence, the NPS-UD uses walking distance from key locations to approximate places in Tier 1 local authorities with relatively high demand and good infrastructure.
- 3.10 The MfE guidance encourages consideration of greater walkable catchments in Tier 1 environments.¹³ Due to the increased accessibility of city centres and the draw of services and amenities, a walkable catchment around a city centre is likely to be larger than a walkable catchment around a smaller commercial zone, such as a metropolitan or neighbourhood centre zone.
- 3.11 Research by Auckland Transport found that half of the pedestrians surveyed walked further than 800 metres to a train station. Proposals made by Auckland Transport in relation to walkable catchments included the following: 400 metres (a five- to 10-minute walk), and 1000 metres or a 20-minute walk for town centres and rapid transit stops, to 1200 metres for intermediate or high schools.¹⁴

13 Above n4, at 5.5.2.

14 Ibid.

PDP's definition of walkable catchment

- 3.12 The PDP does not include a definition of walkable catchment or similar.
- 3.13 The section 32 report (part 1) for the PDP records that in preparing the PDP, WCC first adopted a Spatial Plan (June 2021) and that as a result of the consultation with the public, the Spatial Plan included the following changes:¹⁵
- *the expansion of the NPS-UD 'walkable catchments' as follows:*
 - o *around the City Centre to 15 minutes (from 10 minutes)*
 - o *Increasing walkable catchment around all train stations to 10 minutes (from a mix of 5 and 10 minutes)."*
- 3.14 The summary of consultation on the draft Spatial Plan records that:¹⁶
- 3.14.1 Those who were in favour of intensification identified the benefits that would result from intensification, which included more affordable housing, better proximity to amenities, higher quality housing, and a more compact city that would increase vibrancy;
- 3.14.2 Those who opposed intensification feared losing the character of established suburbs, particularly the inner suburbs;
- 3.14.3 There was a preference for intensification to be carried out in areas that were close to transport routes, or in existing commercial centres – to ensure that these places were well connected and well serviced; and
- 3.14.4 There was an overall preference for intensification in inner suburbs as opposed to outer suburbs, as people felt this would do more to enhance the vibrancy of the city.
- 3.15 Following a meeting of the WCC Planning and Environment Committee on 23 June 2022, Wellington City councillors voted to adopt reduced times for walkable catchments as previously recommended by Council officers in respect of the spatial plan:¹⁷

15 Wellington City Council, Section 32 report, *Part 1: Context to s32 evaluation and evaluation of proposed Strategic Objectives*, page 43. There were 2,897 submissions made on the Draft Spatial plan.

16 Global Research Limited, *Wellington City Spatial Plan*, 21 December 2021, page 6.

17 Pūroro Āmua | Planning and Environment Committee, minutes of meeting on 23 June 2022, page 12. See also n15 page 27.

"Agree that the walking catchments recommended by officers, in respect of the spatial plan, to be reinstated as follows:

- 10 mins walking catchment around City Centre Zone (CCZ) and metropolitan centres except where limited by natural hazard*
- 10 mins walking catchment around Tawa and Kenepuru stations.*
- 5 mins walking catchment around the other stations designated as rapid transit along the Hutt/Melling Kapiti lines."*

3.16 The reasons given by the Councillors supporting the reduced walkable catchments included:¹⁸

3.16.1 The Draft Spatial Plan was prepared prior to the introduction of the Medium Density Residential Standards ("MDRS") and, as such, didn't account for the MDRS. The Medium Density Residential Standards provide increased density capacity across the city;¹⁹

3.16.2 Infrastructure needs to be upgraded before development in the City Centre can be intensified;²⁰

3.16.3 Unlimited height controls will not work without buildings being strong enough to withstand earthquakes;²¹

3.16.4 The Johnsonville train line does not have the capacity to have six or more storeys along it as the suburbs will not be able to cope;²² and

3.16.5 The city should be preserved.²³

3.17 None of the reasons given related to the methodology for identifying walkable catchments, nor whether the walkable catchment distances used are suitable for Wellington's topography. Rather, it appears that the concerns relate to:

3.17.1 The resulting intensification that increased walkable catchments allow; and

3.17.2 That the additional development capacity enabled by the MDRS provides an increased level of density across most of Wellington which satisfies the policy direction of the NPS-UD.

18 <https://youtu.be/WgLkdTpDohQ>, discussion commencing 3:49:38 and concluding 5:04:14.
19 Per Deputy Mayor Free.
20 Per Liz Kelly and Deputy Mayor Free.
21 Per Councillor Pannett.
22 Per Councillor Calvert.
23 Per Deputy Mayor Free.

- 3.18 WCC has not undertaken a section 32 analysis of the revised, shorter walkable catchments or indeed any analysis regarding different options for walkable catchments around the required areas.
- 3.19 By comparison, Auckland Council has undertaken a comprehensive analysis in its equivalent section 32 report.²⁴
- 3.20 Further, the Council's obligations in giving effect to the Resource Management (Enabling Housing Supply & Other Matters) Amendment Act 2021 and the NPS-UD go further than simply implementing the MDRS. While the MDRS increases intensification in relevant residential zones, it has no application to commercially zoned land. Nor does the MDRS take into account the separate intensification requirements as directed by the NPS-UD to land in and/or around city centre zones, metropolitan centre zones, neighbourhood centre zones, local centre zones, town centre zones, or rapid transit stops.

Other Tier 1 local authorities' walkable catchments

- 3.21 Auckland Council has applied the following walkable catchments to its plan change:²⁵
- 3.21.1 A 15-minute walk (around 1200 metres) from the edge of the City Centre Zone; and
- 3.21.2 A 10-minute walk (around 800 metres) from the edge of the metropolitan centres and around existing and planned rapid transit stops, such as a train station entrance point or a stop along the Northern Busway.
- 3.22 Hutt City Council has applied the following walkable catchments to its plan change:²⁶
- 3.22.1 Within 1200 metres / 15 minutes of the City Centre;
- 3.22.2 Within 800 metres / 10 minutes of the Metropolitan Centre; and
- 3.22.3 Within 800 metres / 10 minutes of Rapid Transit Stops.

24 Auckland Council, PC 78 – Section 32 Policy 3 Intensification – Part One, 6.6.3 Evaluation of options – What size is a walkable catchment?.

25 Auckland Council, *Proposed Plan Change 78 Information Sheet #1 Walkable catchments*.

26 Above n6, Plan Change 56, Volume 2, Section 32 Evaluation, page 28.

3.23 Porirua City Council has applied the following walkable catchments to its plan change:²⁷

3.23.1 800m from the edge of the Metropolitan Centre Zone and/or a train station.

3.24 Again, as New Zealand's capital city, a city famous for walking, and one which has access to multi-mode, regular public transport it is inconsistent and illogical that WCC has applied smaller walking catchments than proposed by other Tier 1 local authorities.

Submission – walkable catchments should be increased to 15 minutes

3.25 The walkable catchments which informed the adopted Spatial Plan, adopted as a consequence of public consultation favouring inner-city intensification, have been informed by the best available information in respect of what is a realistic walking distance and what the people living within Wellington are willing to walk.

3.26 A definition of walkable catchment should be added to the PDP:

3.26.1 To provide clarity around the walkable catchments that have been used in the PDP; and

3.26.2 To provide flexibility in amending a walkable catchment in the future, should that be required.

Relief sought

3.27 GZ Inc seeks the following relief:

3.27.1 A definition of "walkable catchment" is added to the PDP:

"WALKABLE CATCHMENT means the area an average person could walk from a specific point to get to multiple destinations.

The City Centre Zone uses a 15-minute walkable catchment. Walkable catchments around Metropolitan Centre zones and existing and planned rapid transit stops are also 15 minutes."

27 Porirua City Council, Section 32 Evaluation Report – Part B Urban Intensification – MDRS and NPS-UD Policy 3, Appendix H Summary of Mapping methodology.

3.27.2 The introduction to the City Centre Zone chapter is amended as follows, for consistency:

"In locations where rapid transit investment has been signalled measures have been included to enable opportunities for more intensive, comprehensive development to occur, particularly in areas within a walkable ~~distance~~ catchment of planned rapid transit stops."

3.27.3 Walkable catchments are increased from 10 minutes to 15 minutes for:

3.27.3.1 Existing and planned rapid transit stops;

3.27.3.2 The edge of city centre zones; and

3.27.3.3 The edge of metropolitan centre zones.

4 JOHNSONVILLE RAIL LINE

4.3 Policy 3(c) of the NPS-UD provides that building heights of at least six storeys are enabled within at least a walkable catchment of existing and planned rapid transit stops.

4.4 The NPS-UD includes the following relevant definitions:

"planned in relation to forms or features of transport, means planned in a regional land transport plan prepared and approved under the Land Transport Management Act 2003.

...

rapid transit service means any existing or planned frequent, quick, reliable and high-capacity public transport service that operates on a permanent route (road or rail) that is largely separated from other traffic.

rapid transit stop means a place where people can enter or exit a rapid transit service, whether existing or planned."

4.5 Johnsonville Rail Line meets the criteria identified in those definitions and should therefore be identified as a rapid transit service in the PDP. The failure to do so and to enable intensification within a walkable catchment around it is inconsistent with the requirements of Policy 3 of the NPS-UD.

Context

4.6 In making its decision to notify the PDP, the WCC Planning and Environment Committee reversed the position set out in the Spatial Plan and the DDP, and determined not to include the Johnsonville Rail Line (nor any of the stops along the line) as a rapid transit line, with the effect that the walking catchment areas and additional height enabled around the rail stations would no longer apply.²⁸

4.7 The rationale for the decision was variously recorded as:²⁹

4.7.1 There is a fragile basis upon which the Johnsonville Rail Line has been classified as rapid transit, namely under the RLTP. Six storeys in that environment would constitute a significant change and there would need to be more weight behind the definition of rapid transit line to justify it;³⁰

28 Above, n15 at page 51.

29 Above, n18.

30 Per Mayor Foster.

- 4.7.2 The MDRS allows greater capacity to provide housing along the railway line;³¹
- 4.7.3 The Onehunga line in Auckland is similar to the Johnsonville Rail Line. Auckland Transport has not defined that line as a rapid transit line;³²
- 4.7.4 Public buses are often quicker than the Johnsonville train;³³
- 4.7.5 The suburbs along the Johnsonville Rail Line do not have the capacity to have six or more storeys and will not be able to cope.³⁴
- 4.8 None of the reasons provided justifies the decision not to identify the Johnsonville Rail as a rapid transit service.

Identification of the Johnsonville Rail Line as “rapid transit” in the RLTP 2021

- 4.9 The Greater Wellington Regional Council identifies the Johnsonville line as rapid transit in the RLTP 2021.³⁵ The RLTP 2021:
 - 4.9.1 Was prepared following the promulgation of the NPS-UD and identifies and references that document.
 - 4.9.2 Was prepared in collaboration with all councils in the Wellington Region (including WCC) and includes input from Waka Kotahi and KiwiRail.³⁶
- 4.10 The RLTP represents the best available source of information about what is and what is not a rapid transit service. Although the RLTP has not been subject to a Schedule 1 process, the question of whether the rail line constitutes “rapid transit” is a largely a factual matter which the authors of the RLTP are best placed to assess.
- 4.11 That is consistent with the relevant definitions in the NPS-UD which provide that identification of a transit service as “rapid transit” in the relevant RLTP indicates that the service should similarly be classified as “rapid transit” under the NPS-UD.

31 Per Liz Kelly.

32 Per Councillor Calvert.

33 Per Mayor Foster and Councillor Calvert.

34 Per Councillor Calvert.

35 RLTP 2021, “*The rapid transit network and services for the Wellington Region comprise the Kapiti, Hutt, Melling and Johnsonville rail lines.*”, page 129.

36 RLTP 2021, page 6.

- 4.12 Consistent with the RLTP, the MfE guidance references Wellington’s commuter rail services as an example of existing rapid transit stops.³⁷

Johnsonville Rail Line meets NPS-UD criteria for rapid transit

- 4.13 The Johnsonville Rail Line also meets the criteria set out in the definition of “rapid transit”. In this regard WCC has assessed the Johnsonville Rail Line as:³⁸

4.13.1 Frequent. Under the One Network Framework PT1 category, all metro rail corridors are “frequent” and the line operates at 15-minute frequency.

4.13.2 High-capacity, using the metric of bi-directional people movement of greater than 3,000 people a day.

4.13.3 Generally more reliable than an alternative bus service which can get delayed by heavy traffic. In some instances the Johnsonville Rail Line may be slower, but overall the Johnsonville Rail Line has less variability in journey times compared with the public bus service. Reliability is also planned to improve following scheduled resilience and service upgrades³⁹; and

4.13.4 Quick, up to the last three stations: Khandallah, Raroa and Johnsonville.

- 4.14 In assessing what is ‘quick’, GZ Inc considers that matters such as convenience and amenity are also relevant insofar as they influence whether a journey is considered overall to be efficient. Users may prefer the Johnsonville Rail Line over an alternative bus route for the following reasons:

4.14.1 Train stations provide better protection from adverse weather, making journeys easier end-to-end.

4.14.2 The use of train stations provide more safety than a bus service (and therefore greater certainty that a journey will be not be interrupted) due to:

4.14.2.1 increased passive surveillance from other users and activities at the platform such as cafes; and

37 Above n4, page 21.

38 Above n15, page 45.

39 This including a planned fourth track into Wellington Station. See: Greater Wellington Regional Council, *Wellington Regional Rail Plan 2010 – 2035 “A Better Rail Experience”*, 2 July 2009, page 20.

4.14.2.2 Better lighting of train stations and trains at night.

4.15 In terms of the reasons provided by WCC for not classifying the Johnsonville Rail line as "rapid transit":

4.15.1 The interpretation of "*frequent, quick, reliable and high-capacity*" should be informed by the intent of the NPS-UD. The NPS-UD policies require intensification around existing and planned rapid transit stops, thereby indicating that if people are facilitated to live close to these locations, this will enable them to access their jobs more efficiently thereby contributing to well-functioning urban environments.

4.15.2 Neither the NPS-UD nor the MfE guidance state that a comparison should be made between the travel times on buses and trains in a location in order to determine that a public transport mode is 'quick' and meets the definition of rapid transit.

4.15.3 The Johnsonville Rail Line is not equivalent to the Onehunga Line. Auckland Council has stated that the Onehunga Line is "*is not considered rapid transit as it is not planned to reach a 15-minute service frequency.*"⁴⁰ The Johnsonville Rail Line operates during peak times every 15 minutes while off-peak it is either every 30-minutes or hourly.⁴¹ Further, Council officers have concluded it is frequent.

4.15.4 Intensification of development along the line will in turn increase patronage. An increase in patronage will assist with funding improvements to the service.

Identification of the Johnsonville Rail Line as "rapid transit" is consistent with the policy direction of the NPS-UD

4.16 The intent of the NPS-UD is to enable greater intensification around high-demand areas i.e. City Centre and Metropolitan Zones and rapid transit stops.

4.17 Land prices are typically much higher around railway lines, indicating the increased economic and social opportunities and access railway services provide. The NPS-US responds to this market demand by enabling higher intensification of development in places of high demand.

40 Auckland Council, Proposed Plan Change 78 Information Sheet #1 Walkable catchments, page 3.

41 <https://www.metlink.org.nz/service/JVL/timetable> accessed on 18 August 2022.

- 4.18 Further, the NPS-UD is intended to align new higher density development along places with existing infrastructure. The Johnsonville Rail Line is underused and has spare capacity.
- 4.19 Indeed, if it was not for decades of exclusionary zoning along the Johnsonville Rail line (especially around the Ngaio and Khandallah stops), the line would see more patronage and this would have funded further service and infrastructure improvements. This undesirable status quo is exactly the ill the NPS-UD is directed at solving
- 4.20 Lastly, designating the Johnsonville Rail Line as rapid transit is in line with the policy intent of the NPS-UD to support reductions in greenhouse emissions and provide good accessibility between housing and jobs by way of public transport.⁴²

Relief sought

- 4.21 GZ Inc seeks the following relief:

- 4.21.1 The definition of rapid transit stop in the PDP is amended as follows:

"RAPID TRANSIT STOP means a place where people can enter or exit a rapid transit service, whether existing or planned.

The following stations on the Kapiti Line are rapid transit stops:

- Wellington Station*
- Takapu Road Station*
- Redwood Station*
- Tawa Station*
- Linden Station*
- Kenepuru Station*

The following stations on the Johnsonville Line are rapid transit stops:

- Crofton Downs Station*
- Ngaio Station*
- Awarua Street Station*
- Simla Crescent Station*
- Box Hill Station*
- Khandallah Station*
- Raroa Station*
- Johnsonville Station*

The following station on the Hutt/Melling Line is a rapid transit stop:

- Ngauranga Station.*

- 4.21.2 The Johnsonville Rail Line and the stations along it are identified as rapid transit in the PDP; and

4.21.3 Building heights of at least six storeys are enabled within a walkable catchment of the Johnsonville Rail line in accordance with the requirements of Policy 3(c) of the NPS-UD.

5 SPECIAL CHARACTER QUALIFYING MATTER

Issue

- 5.3 The PDP proposes to modify the density across parts of the Medium Density Residential Zone that are identified as Character Precincts..
- 5.4 GZ Inc supports PDP's identification of areas with high concentrations of character (i.e. areas with a predominance of primary classified buildings) as representing an "other qualifying matter". The PDP strikes an appropriate balance. GZ Inc does not support increasing special character area. This section is in support of the PDP.
- 5.5 The scheme of the RMA amendments and the NPS-UD make clear that there is a very high bar for a matter to be significant to constitute a qualifying matter. GZ Inc therefore supports the identification of only areas with high concentrations of character (i.e. areas with a predominance of primary classified buildings) as falling within the exemption. Those with medium concentrations of character (i.e. areas with a predominance of contributory classified buildings) should not be included.

Qualifying matters

- 5.6 "Special character" is not specified as a qualifying matter. However, section 77I(j)/77O(j) provides for "*any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area*" provided that the requirements of section 77L/77R are satisfied.

WCC's identification of Character Precincts

- 5.7 The permitted development, height or density directed by the MDRS has been modified in parts of the Medium Density Residential Zone to accommodate "*Character Precincts*" in the following suburbs:
- 5.7.1 Berhampore;
 - 5.7.2 Newtown;
 - 5.7.3 Mt Cook;
 - 5.7.4 Mt Victoria;
 - 5.7.5 Aro Valley; and
 - 5.7.6 Thorndon.

The threshold for reliance on “any other matter” is a high one

- 5.8 GZ Inc opposes the inclusion of areas with anything less than “high” special character within a Character Precinct.
- 5.9 In preparing the draft Spatial Plan 2021, WCC officers had proposed that areas with both high concentrations of character (i.e. areas with a predominance of primary classified buildings), and those with medium concentrations of character (i.e. areas with a predominance of contributory classified buildings), were recognised as having special character and therefore met the “qualifying matter” standard.
- 5.10 GZ Inc’s submission on the draft Spatial Plan stated that it is appropriate that only high-character areas are included within special character precincts.⁴³
- 5.11 At the meeting of the WCC Planning and Environment Committee on 23 June 2022, Wellington City councillors voted to restrict the MDRS qualifying matter to only areas with high concentrations of character.⁴⁴
- 5.12 GZ Inc submits that the application of the special character qualifying matter only to areas with high concentrations of character is the correct approach under the RMA.
- 5.13 Any decision to identify an “any other” qualifying matter must be supported by an evaluation report prepared under section 32 of the RMA. Any section 32 report must, among other things include:
- 5.13.1 An examination of the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and
- 5.13.2 An examination of whether the provisions in the proposal are the most appropriate way to achieve the objectives.
- 5.14 Sections 77J and 77K of the RMA⁴⁵ specify additional requirements for the section 32 analysis that must be undertaken with respect to qualifying matters. Regardless of whether the process set out in section 77J or section 77K (for existing qualifying matters) is followed, WCC must also justify the application of the special character qualifying matter with reference to the

43 Generation Zero Incorporated, Submission on Draft Spatial Plan, 5 October 2020 (https://d3n8a8pro7vhmx.cloudfront.net/generationzero/pages/9198/attachments/original/1602275022/Generation_Zero_Draft_Spatial_Plan_Submission.pdf?1602275022).

44 Above n17, page 14.

45 With equivalent requirements under section 77P and 77Q for non-residential urban areas.

additional requirements specified at section 77K and section 77L of the RMA. This includes:

- 5.14.1 Identification of the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3) inappropriate in the area; and
 - 5.14.2 Justification of why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and
 - 5.14.3 Identification of the impact of the imposition of the qualifying matter and the loss of development potential.
- 5.15 Consequently, the section 32 analysis required to justify an “any other” qualifying matter is more stringent than a conventional section 32 analysis insofar as it must clearly demonstrate why departure from the MDRS is required. The wording of the provisions and their policy context indicates that there is a high bar to justify departure from the MDRS. The direction of the RMA is clear that “any other matter” is to be applied narrowly, and only where there has been an evaluation of an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS.
- 5.16 In this way, the RMA does not provide for a widespread use of the qualifying matter, but rather only after a considered and evaluative analysis of the extent to which it impacts on the delivery of development capacity.
- 5.17 The requirements must be read alongside the requirements of the NPS-UD. The objectives of that document include that district plans enable more people to live in areas of an urban environment in which:⁴⁶
- 5.17.1 The area is in or near a centre zone or other area with many employment opportunities; or
 - 5.17.2 The area is well-serviced by existing or planned public transport; or
 - 5.17.3 There is high demand for housing or for business land in the area, relative to other areas within the urban environment.
- 5.18 The proposed Character Precincts are located within the inner-city suburbs of Wellington, which typically hold these characteristics. In particular, in

46 Above n8, Objective 3.

these areas there is great demand for housing in both the purchase and rental markets.

- 5.19 Special character rules, enacted in the early 1990s, have caused significant damage to the liveability and affordability of Wellington. While they have some limited “historical” and “place” benefits, their widespread use across several Wellington suburbs has significantly caused our housing shortage, caused displacement, and are an exclusionary colonial construct. Growing cities are dynamic and freezing a significant portion of the city in amber for over three decades has predictable effects – pushing any new housing to the city fringe, more expensive housing and lower quality housing choice.
- 5.20 Accordingly, delivery of development capacity in these areas is a core purpose of the NPS-UD. The application of “qualifying matters” to depart from that requirement should be used sparingly.

Submission – Character precincts apply only to areas of high character, as in the PDP

- 5.21 The imposition of Character Precincts is appropriate only in areas where there are high concentrations of character (i.e. areas with a predominance of primary classified buildings). The extension of Character Precincts to encompass areas with medium concentrations of character (i.e. areas with a predominance of contributory classified buildings) cannot be justified in terms of sections 32, 77K and 77L of the RMA and would not achieve the purpose of the NPS-UD.

The Boffa Miskell report does not align with the “any other matters” legal test

- 5.22 GZ Inc notes that, the 2019 Boffa Miskell character report⁴⁷ is not conclusive on this issue, despite the submissions of some other submitters. It was drafted before the enactment of the NPS-UD, and its analysis does not reflect the legal test set out in the NPS-UD, MDRS and RMA. The creation of ‘sub-areas’ is not consistent with the requirement for site-specific analysis. Nor does the report engage with the direction that any qualifying matter has to be justified against the requirements for more housing choice.

⁴⁷ Boffa Miskell Limited 2019. Pre-1930 Character Area Review.

Assessment of the impact of limiting development capacity

- 5.23 Sections 77K and 77L of the RMA requires assessments to be undertaken to assess the impacts of limiting development capacity through qualifying matters.
- 5.24 The section 32 report notes that at the time of publishing, the requisite detailed assessment has not yet been undertaken and will be published in approximately August 2022.⁴⁸
- 5.25 At the time of preparing this submission, the impact assessment had not yet been made publicly available.⁴⁹ GZ Inc is therefore unable to comment on the adequacy of the impact assessment and reserves its right to make a further submission on this point.

48 Wellington City Council, Section 32 Evaluation Report, Part 2: Character Precincts and the Mt Victoria North Townscape Precinct, at 9.3.

49 We have been advised by email that WCC hope to have it available in September.