

WELLINGTON CITY COUNCIL

Hearing of Submissions and Further Submissions

on

Proposed District Plan

Report and Recommendations of Independent Commissioners

Hearing Stream 4

Report 4B

**City Centre Zone (CCZ) (including Te Ngākau Civic Square Precinct)
Waterfront Zone (WFZ)**

Commissioners

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EXECUTIVE SUMMARY

1. This report (4B) addresses submissions on the Central City Zone (CCZ) and the Waterfront Zone (WFZ). Submissions on the Metropolitan Centre Zone (MCZ), Local Centre Zone (LCZ) and Neighbourhood Centre Zones are considered in Report 4C while Mixed Use, Commercial and General Industrial Zones are addressed in Report 4D. Other matters such as general matters and City Outcomes Contributions are addressed in Report 4A. The district-wide Wind provisions are addressed in Report 4E.
2. The Introduction to the CCZ outlines that:

The purpose of the City Centre Zone is to enable and reinforce the continued primacy of the Wellington central city area as the principal commercial and employment centre servicing the city and metropolitan region. The City Centre Zone is the commercial heart of Wellington and the wider region and New Zealand's Capital City. It is also a major employment hub for the region and contains a vibrant and diverse mix of inner city living, entertainment, educational, government, parliamentary, civic and commercial activity. Relative to other areas of the city it exhibits a heightened intensity and scale of development.
3. The starting point of our evaluation on the CCZ provisions is the direction provided under NPSUD Policy 3(a) whereby in city centre zones, building heights and density of urban form should realise as much development capacity as possible, to maximise benefits of intensification.
4. The zone provisions as recommended are on the whole permissive and enabling of increased heights and densities within the CCZ. There is also an emphasis in optimising the land available with no height limits and the introduction of height thresholds while a new standard that discourages lower buildings in the zone has been introduced. In the CCZ, we agree that the height standards should be thresholds, that is to say, as triggers for a more robust level of scrutiny of taller buildings.
5. One of the most contentious parts of the CCZ provisions was the City Outcomes Contribution Policies and the related rules, and we have outlined our position on this extensively in Report 4A. There we concluded that the proposed City Outcomes Contributions mechanism was ultimately too problematic to be fit-for-purpose. We were not satisfied it would be an effective method for generating any significant positive impact on the City's public amenities and services, or promote

building design excellence. Rather, it would lead to, at best, an ad hoc sporadic provision of a few public good outcomes.

6. We received a considerable number of submissions that either supported, opposed or more frequently sought changes to the CCZ that reflects, in our view, the overall public interest there is in the Wellington Region's largest and most important commercial area.
7. In terms of specific submissions, we heard significant concerns from residents of Moir Street in Mount Victoria. We have agreed that in relation to the CCZ interface with those properties that it is necessary to maintain the heritage and character values that are present in Moir Street by decreasing the height threshold and the height to boundary control for adjacent properties in Hania Street.
8. We received extensive evidence from Mr Marriage and the NZIA whose principal concern is that the height thresholds would enable buildings to be built to the various height threshold standards across the CCZ, which in the case of most of 'Te Aro Flat' is 42.5 metres. For the narrow east-west streets in Te Aro, Mr Marriage contended that this would mean that lower level residential accommodation on the northern side of such streets would receive minimal daylight and even less sunlight. Setbacks for higher level floors is sought.
9. After careful consideration we reluctantly have had to accept Ms Stevens' conclusion that there should be no setback standard within the Plan. This is more for reasons of building practicalities and the potential to discourage investment. We do, however, remain concerned with the potential result being that the level of daylight access provided to lower level residential apartments with a south facing aspect may be suboptimal. We do strongly consider that this matter should be revisited in the near future to establish whether or not, and based on the level of development uptake that there has been in the CCZ, whether some intervention via a setback control is required to better achieve a well-functioning urban environment.
10. We also received a number of requests that CCZ properties should be rezoned primarily in the Thorndon, western Mount Victoria and Upper Willis Street areas. We do not consider in these cases that there should be any rezoning out of the CCZ.
11. In respect of Adelaide Road, we do consider that the finger of proposed CCZ land south of the Basin Reserve should be rezoned to Mixed Use Zone (MUZ) as a

separately identified precinct. We do not consider that Adelaide Road Area meets the definition of CCZ in the National Planning Standards and does not function as part of the City Centre but as an area of transition between the Newtown commercial spine and the CCZ. The outcomes sought for this area are better aligned with a mixed use form of development, while enabling a much greater level of residential and business intensification can be achieved through the application of much higher height limits for this precinct.

12. We also received extensive evidence on the wording of Objectives and Policies that apply. While much attention was given to height and design matters, we have with some exceptions most notably the COC mechanism, generally found that the provisions are fit for purpose. We also note that the Centres and Mixed Use Design Guide and its applicability is the subject of discussion in Report 4A.
13. In terms of the rules and standards we considered considerable detail about whether they provided the right balance between planning certainty, encouraging appropriate levels of intensification and ensuring that the city achieved a central city that constituted a well-functioning urban environment.
14. We also considered a number of submissions that were concerned about details such as active frontage and verandah controls, requirements for useable and accessible open space and whether there should be any provision for ground floor parking in the CCZ.
15. There were a small number of submissions on the Te Ngākau Civic Square Precinct that seeks to provide a framework for the future use and development of this important Civic Space. We consider that the provisions as amended are appropriate.
16. We have also addressed submissions on the Waterfront Zone in this report, given this area's close relationship with the City Centre.
17. Considering the importance of this zone to the City and the complex history of planning provisions that apply we are of the view that the amended provisions are sound and provide the necessary policy guidance and control over the outcomes sought.

2. CITY CENTRE ZONE

2.1 Introduction

18. Hearing Stream 4 focused on the Commercial and Mixed Use zones (CMUZ) of the PDP, the Waterfront and General Industrial zones and the provisions relating to Wind.
19. This Report (4B) is specifically in respect of the City Centre Zone (CCZ) and Waterfront Zone (WFZ) provisions considered at that hearing being:
 - a) City Centre Zone:
 - i) Introduction – P1 Sch1
 - ii) Objectives – ISPP
 - iii) Policies CCZ-P4–CCZ-P6 and CCZ-P8–CCZ-P12 - ISPP
 - iv) Policies CCZ-P1–CCZ-P3 and CCZ-P7 – P1 Sch1
 - v) Rules CCZ-R17–CCZ-R20 – ISPP
 - vi) Rules CCZ-R1–CCZ-R16, CCZ-R21 and CCZ-R22 – P1 Sch1
 - vii) Standards CCZ-S1–CCZ-S13 – ISPP
 - b) Te Ngākau Civic Square Precinct:
 - i) Introduction – P1 Sch1
 - ii) Objectives – ISPP
 - iii) Policies – CCZ-PREC01-P2–CCZ-PREC01-P4 – ISPP
 - iv) Policies – CCZ-PREC01-P1 – P1 Sch1
 - v) Rules CCZ-PREC01-R7 (Note: this should say CCZ-PREC01-R8) - ISPP
 - vi) Rules CCZ-PREC01-R1–CCZ-PREC01-R7 – P1 Sch1
 - vii) Standard CCZ-PREC01-S1 – ISPP
20. This report should be read in conjunction with three reports. Report 1A sets out the relevant statutory functions, considerations and requirements for the review of the District Plan. Report 1B sets out the Panel’s findings on the overall Strategic Objectives within the Plan.

21. Report 4A is particularly relevant as it discusses specific matters across all of the Commercial and Mixed Use Zones including:
- *The Zone Framework*
 - *General Submissions on the Commercial and Mixed Use Zones*
 - *Definitions*
 - *Support for Commercial and Mixed Use Zones provisions*
 - *Expansion of Commercial and Mixed Use Zones*
 - *Town Centre Zone*
 - *Requests for Changes to Zoning*
 - *Consistency with Other Zones*
 - *Amendments to Commercial and Mixed Use Zones provisions*
 - *Urban Design*
 - *City Outcomes Contributions Mechanism*
 - *New Commercial and Mixed Use Zones provisions*
 - *Minor and Inconsequential Amendments.*
22. Hearing Stream 4 was the subject of ten Section 42A Reports with Ms Anna Stevens providing an overview report, addressing general matters relevant to these zones. Ms Stevens was also the author of Report 1 of the suite of Section 42A Reports for CMUZ concerning the City Centre Zone.
23. There were submissions across a wide variety of the matters within the CCZ chapter, and as a result, the Section 42A Report was quite lengthy. While many of the matters raised in submissions were not the subject of specific attention at the hearing, we have referenced them but will generally refer to the Section 42A Report for the reasoning.
24. In respect of the CCZ provisions, this report does not discuss the City Outcomes Contribution mechanism within the zone, which is extensively discussed in Report 4A. Nor does this report discuss the detailed provisions of the Centres and Mixed Use Design Guide that are also discussed in Report 4A.
25. This report is structured to consider all of these submissions in the same order as Ms Stevens' Section 42A Report as follows:
- General submissions
 - Rezoning requests

- Other CCZ Matters
- CCZ Objectives
- CCZ Policies
- CCZ Rules
- CCZ Standards
- Te Ngākau Civic Square Precinct
- Requests for new CCZ provisions.

26. This report should be read in conjunction with Report 1B, which addresses strategic objectives, and Report 1A, which sets out:

- Appointment of commissioners
- Notification and submissions
- Procedural directions
- Conflict management
- Statutory requirements
- General approach taken in reports
- Abbreviations used.

2.2 General Submissions on CCZ

27. Firstly, it is acknowledged that there were submissions to the CCZ chapter from Mark Tanner, Wellington City Youth Council, Property Council New Zealand, Z Energy Limited, Waka Kotahi and Fabric Property Limited¹ that supported the chapter as notified. Further, Dept of Corrections² supported "*residential activities*" in the CCZ and sought that the provisions be retained as notified.

28. Angus Hodgson³ sought that densification within the CCZ is retained as notified. James and Karen Fairhall, Karen and Jeremy Young, Kane Morison and Jane Williams, Athena Papadopoulos, Lara Bland, Geoff Palmer, Dougal and Libby List, Craig Forrester, Moir Street Collective (Dougal List, Libby List, Karen Young,

¹ Submissions #24.4, # 201.32, # 338.17, # 361.95, # 370.405 and # 425.56

² Submission # 240.55

³ Submission # 200.10

Jeremy Young, James Fairhall, Karen Fairhall, Craig Forrester, Sharlene Gray), Chrissie Potter, and Dorothy Thompson⁴ all sought that good quality intensification of the CCZ should be undertaken in a way that also maintains the character, amenity, and heritage of the City.

29. Other submitters such as Andrew Haddleton⁵ sought that the allowable building height in the CCZ is sympathetic to the surrounding heritage buildings and character of the city. Oyster Management Limited⁶ sought amendment to the CCZ to enable well-functioning urban environments in the CCZ.
30. The relief sought in these submissions was not specific enough to be able to make changes to the provisions on their own, but similar outcomes were sought within the range of CCZ Objectives that reference character, heritage values and amenity.
31. Mt Victoria Residents' Association⁷ considered that the viewshaft from Matairangi Mt Victoria over the City towards Te Ahumairangi, Brooklyn and Mt Albert will be greatly diminished if the building heights are realised at the levels imagined in the PDP. It sought reduced heights to protect this viewshaft.
32. We note the advice of Ms Stevens⁸ that this submission was not addressed at the Viewshafts hearing. The Viewshafts (VIEW) chapter regulates height limits within protected views, imposing additional restrictions that mean the height and density standards within the CCZ and other zones may not be able to be realised for all sites. We agree with Ms Stevens that unless a viewshaft is identified within the viewshafts overlay, it is not protected by the Plan. The submitter did not ask for this particular view be added to the identified viewshafts. Outside the identified viewshafts, however, we consider the actual risk of a loss of views from Matairangi Mt Victoria due to development is remote.
33. James and Karen Fairhall, Karen and Jeremy Young, Kane Morison and Jane Williams, Athena Papadopoulos, Lara Bland, Geoff Palmer, Dougal and Libby List, Craig Forrester, Moir Street Collective, Chrissie Potter, and Dorothy Thompson⁹

⁴ Submissions # 160.4, # 162.4, # 176.4, # 183.3, # 184.3, # 188.3, # 207.4, # 210.5, # 312.4, # 446.3, # 449.3

⁵ Submission # 23.2

⁶ Submission # 404.3

⁷ Submission # 342.12

⁸ Section 42A Report, at paragraph 34.

⁹ Submissions # 160.5, # 162.5, # 176.5, # 183.4, # 184.4, # 188.4, # 207.5, # 210.6, # 312.5, # 446.4, # 449.4

considered that the current provisions of the PDP, in particular standards CCZ-S1 (Maximum height) and CCZ-S3 (Character precincts and Residentially Zoned heritage areas – Adjoining site-specific building and structure height), will result in significant adverse effects on Moir Street properties which cannot be mitigated through design.

34. Jane Szentivanyi¹⁰ considered that, as currently drafted, the current provisions of the PDP will result in significant adverse effects on Moir Street properties which cannot be mitigated through design. Negative effects would include public and private amenity, reverse sensitivity effects, including along the boundary with adjoining residentially zoned areas, and impacts on character and heritage.
35. We have carefully considered the submissions in relation to Moir Street and the heritage and character¹¹ values that apply. Ms Stevens did not agree that further amendments to the notified provisions are needed. She maintained her position that the approach that is currently in the CCZ, with the reduced height threshold adjoining Moir Street in the CCZ of 27m under CCZ-S1, and the character precinct and residentially zoned heritage area height in relation to boundary (recession plane) control under CCZ-S3, is the most balanced and appropriate method to managing potential adverse effects on neighbouring residential areas from development in the CCZ.
36. In contrast, we had well thought out and convincing evidence from the Moir Street Collective through Mr List that further intervention in relation to heights and setbacks is necessary to maintain the heritage and character values that are present in Moir Street.
37. In evaluating this matter, we took into account that the ODP height limit for the properties on Hania Street is 10.2 metres, so a 27 metre height limit under the PDP represents a significant change. We were shown a photograph of a ten-storey apartment building on Brougham Street to demonstrate the potential effects. We also took into account that, under the CCZ, the height standards are intended to be thresholds rather than limits, so potentially much taller buildings could be proposed on Hania Street.

¹⁰ Submission # 376.5

¹¹ Section 42A Report, at paragraphs 40 and 41

38. Additionally, we also recognise that recession planes in CCZ-S3 are at 60° measured from a height of 8 metres, whereas the ODP building recession rule for the boundary adjoining the Inner Residential Area is a maximum 71° measured from height of 2.5 metres. This is significantly more stringent than CCZ-S3. We agree with the submitters that a 60 degree recession plane from 8 metres height would provide negligible mitigation.
39. Given the height and proximity of building that could be built under the PDP alongside the Moir Street vicinity, we agree with the submitters that such development would have a detrimental effect on the amenity, character and heritage values of the area. We note that the protection of historic heritage from inappropriate subdivision, use, and development is a matter of national importance under Section 6(f), which is a Qualifying Matter. We also note that there is a precedent for imposing lower height limits in the CCZ, with the Tasman/Sussex Street block having a lower height threshold to protect views and heritage values¹².
40. We therefore recommend a reduction in the height limit and a reduction in the height to boundary controls that apply to properties on Hania Street immediately to the west of the Moir Street properties. We recommend that the height standard for the properties adjoining the Moir Street vicinity (between and including 45 and 21 Hania Street) be reduced to 15 metres as sought by the submitters. While a taller building could be proposed for any of these sites, it would require consent, and have to address relevant policies, including policy CCZ-P9 (a), which seeks to ensure that development responds to site context, particularly where it is located adjacent to a heritage area or character precinct.
41. In relation to the recession plane, we consider that as the MRZ recession plane is 4 metres and then 60° then the submitters request of 5 metres and then 60° is a reasonable position in this context. We reference this further in relation to standards for height and height in relation to boundary matters later in this report.
42. We are also mindful of our requirement to carry out an evaluation under s77(J) of the Act to demonstrate that the qualifying matter is incompatible with the level of development permitted as provided for by NPSUD Policy 3 for that area. We consider that given the geographically limited extent of the change and the small loss of development capacity in this case, the potential impact on development

¹² Refer to our discussion on the height threshold for this block later in this report (paragraphs 276 to 280)

capacity as a result of more restrictive building height and recession plane standards is acceptable when considering the adverse effects from larger buildings adjoining an area that has both heritage and character values.

43. There were three general submissions that discussed the addition of setback requirements in the CCZ generally to prevent a ‘canyon’ effect, especially in the City’s narrower streets, to prevent shading effects. This would be a control that determined where at what height a building would need to be setback from the front boundary and would relate to higher floors of built development.
44. Angus Hodgson¹³ sought the addition of setback requirements that takes into account the width of the streets and height of a proposed building in the CCZ. Guy Marriage¹⁴ sought the addition of the setback provisions that were included in the Draft District Plan. Wellington Branch NZIA¹⁵ considered there should be a setback standard for narrow streets and lanes to ensure daylight to living spaces and sought that this be added to the CCZ.
45. In response, Ms Stevens¹⁶ was of the view that:

A setback control was proposed in the Draft District Plan in the form of a street edge height control on identified narrow streets in the CCZ as a suggested measure to reduce the impacts of tall buildings on the city’s narrower streets.

Section 5.2 of the City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct Section 32 (CCZ, WFZ, STADZ and Te Ngākau S32) report discusses the analysis undertaken to inform this control. It also details modelling work completed by Council’s Urban Design Team showing that minimal sunlight access was provided in all three scenarios tested. Due to the modelling showing that the setback control would not achieve the outcome sought, it was not carried forward into the PDP.

In addition, modelling of Draft District Plan (DDP) standards undertaken for Council by Jasmax (Appendix C) identified the costs resulting from the use of street edge height controls in terms of the potential loss of ground floor area (GFA). The testing identified particular concerns with use of this control for some inner city sites that are narrow or have multiple street frontages, which would lead to a loss in development potential.

¹³ Submission # 200.12

¹⁴ Submissions # 497.4 and 497.7

¹⁵ Submission # 301.10

¹⁶ Section 42A Report, at paragraphs 43-46

These concerns are reinforced in The Property Group's Wellington City District Plan Proposed Amenity and Design Provisions Cost Benefit Analysis report (TPG Report). The report found that the Street Edge Height Rule (DDP CCZ-S4), which is specifically aimed at achieving solar access and a reduction of the appearance of building bulk on narrow streets, would likely result in costs to development through a loss of yield without achieving the desired solar access benefit.

46. We received extensive evidence on this matter from Mr Marriage¹⁷ on behalf of himself and the NZIA, and he provided further overseas evidence and physical three dimensional models for us to consider in the wrap up hearing.
47. Our understanding of Mr Marriage's principal concern is that the height thresholds would enable building to be built to the various height standards across the CCZ, which in the case of most of 'Te Aro Flat' is 42.5 metres. For the narrow east-west streets in Te Aro, taking Frederick and Haining Streets as examples, Mr Marriage contended that this would mean that lower level residential accommodation on the northern side of such streets would receive minimal daylight and even less sunlight into these apartments should adjoining buildings or buildings on the other side of the street be built to a similar height.
48. This is in our view is a particularly important matter as residential accommodation in the CCZ is actively encouraged above ground floor level, and in terms of a well-functioning urban environment, access to adequate levels of daylight is important for personal well-being.
49. In light of these concerns, we asked officers to consider the following in their reply:

Can you please comment on the evidence of Mr Guy Marriage (Submission 407); in particular, his evidence in regard to access to sunlight and daylight to residential units within the lower levels of High Density Residential development in narrow streets. On this matter, can a copy of the stepped street edge height setbacks for narrow streets that were initially considered in the Draft Plan be provided along with reasons for discounting it?

50. In response, Ms Stevens¹⁸ outlined extensively her reasoning why no setback requirement should apply in the right of reply. Her conclusions after considering national and international examples and an assessment from other disciplines such as structural engineering and property economics were as follows:

¹⁷ Submitter Presentation - Guy Marriage and NZIA

¹⁸ Reply Report pages 25 to 31

These concerns are reinforced in The Property Group's Wellington City District Plan Proposed Amenity and Design Provisions Cost Benefit Analysis report (TPG Report). The report found that the Street Edge Height Rule (paragraphs CCZ-S4) would likely impose additional costs to development through loss of yield, with no demonstrable benefit in terms of solar gain. It also noted that given the heights available in the CCZ there would either need to be a significant setback on the upper floors, or of the building itself, to achieve a substantial increase in solar access.

Based on the design, engineering and cost implications and results of modelling outlined above, the control was not carried forward into the notified PDP. I consider that the evidential base outlined in the preceding paragraphs is also relevant in considering the matters raised by Mr Marriage.

51. While we acknowledged the points made by Mr Marriage, we reluctantly have to accept Ms Stevens' conclusion that there should be no setback standard within the Plan. This is more for reasons of building practicalities and the potential to discourage investment where the direction in NPSUD Policy 3(a) is to enable building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification. This position is also against a background where we did not have the evidential basis to determine what would be an appropriate form of building setbacks for the CCZ, based on the benefits and costs of such controls.
52. We do however remain concerned with the potential result being that the level of daylight access provided to lower level residential apartments with a south facing aspect may be suboptimal. We can envisage a scenario that a low standard but acceptable development is built that is subsequently 'built out' by their neighbours, turning a marginally acceptable outcome into a positively unhealthy and unacceptable one.
53. We do strongly consider that this matter should be revisited in the future to establish whether or not, based on the level of development uptake that there has been in the CCZ, some intervention via a setback control is required to better achieve a well-functioning urban environment. We would suggest that this be considered urgently after the Plan becomes operative.
54. Avryl Bramley¹⁹ sought the addition of rules to limit the number of non-residential car parks permitted inside buildings to those necessary for the service and maintenance of the building, plus a small margin over and above. Ms Bramley also

¹⁹ Submissions # 202.44-45

sought the addition of rules to create a sinking lid policy on existing car parks used for those same purposes, and to re-register their use into the same categories and newly created parks.

55. We agree with Ms Stevens that the PDP provides the appropriate balance between discouraging ground level parking in the CCZ and providing for car parking above ground floor. Further, we agree with Ms Stevens' conclusion²⁰:

I do not consider it is appropriate to include additional rules to create a sinking lid policy on existing carparks. This is not within the remit of the RMA or District Plans. I consider it is sufficient to deter new open-air surface long-term carparking activities, to avoid demolition of buildings for the use of carparks, and encourage non-car related transport as proposed by the PDP policy framework.

56. WCCT²¹ sought that policies are added that address encroachment of city centre activities into adjoining residential zones. We agree with Ms Stevens²² that no additional CCZ provisions are necessary, nor is it the place of the CCZ to ensure this. Instead, the focus should be on the Residential Zone rule frameworks to ensure appropriate activities are located within the Residential Zones to meet the purpose of those zones.

57. Richard Murcott²³ sought that incentives be placed to encourage densification in the CCZ. Ms Stevens²⁴ noted that these are already provided for in changes from the ODP to the PDP. These changes include:

- *Increased height limits in Te Aro;*
- *Height increases enabled through the City Outcomes Contribution mechanism²⁵;*
- *Residential Activities enabled on ground levels when not on a street with an identified verandah or active frontage control;*
- *Objectives and policies that seek to encourage and accommodate growth ensuring there is sufficient serviced development capacity and an intensive urban form;*

²⁰ Section 42A Report, at paragraph 51

²¹ Submission # 233.24

²² Section 42A Report, at paragraph 52

²³ Submission # 322.29

²⁴ Section 42A Report, at paragraph 54

²⁵ Note our conclusions on the matter in Report 4A

- *Restricted Discretionary Activity status that is not subject to public notification if standards are not met, with no fall back to a less-enabling activity status;*
 - *A policy and rule framework that seeks to encourage the optimisation of the development capacity of sites, and restricts uses such as ground level carparking on sites; and*
 - *A minimum building height requirement.*
58. We agree with Ms Stevens and consider that these changes from the ODP do already provide for significant incentives for increased densification within the CCZ provisions of the PDP.
59. Carolyn Stephens and Elizabeth Nagel²⁶ sought that enhanced sunlight access be provided to outdoor and indoor living areas. We note Ms Stevens' view that:
- Given the level of existing and anticipated intensification within the CCZ sunlight access to indoor and outdoor living space is restricted and difficult to achieve without significantly compromising development capacity and yield. However, the CCZ provides for daylight access through the following standards:*
- *CCZ-S6 Minimum sunlight access – public space;*
 - *CCZ-S10 Residential – outdoor living space;*
 - *CCZ-S11 Minimum building separation distance;*
 - *CCZ-S12 Maximum building depth; and*
 - *CCZ-S13 Outlook Space.*
60. We consider each of these standards specifically later in our Report, but highlight that it is important to recognise that the PDP intends for the CCZ to provide for the greatest level of intensification in the City. This aligns with Policy 3(a) of the NPSUD which requires District Plans to have building heights and density of urban form in city centre zones to realise as much development capacity as possible, to maximise benefits of intensification. Accordingly, the relevant standards for the CCZ need to be more permissive than other zones²⁷.
61. Parliamentary Service²⁸ considered that, in the CCZ, the provisions of the PDP need to recognise the unique role that the Parliamentary Precinct plays in NZ, and

²⁶ Submissions # 344.11 and # 368.16

²⁷ For example, Strategic Direction Objective CEKP-O2 includes the goal that “The City Centre is the primary location for future intensification for both housing and business needs”.

²⁸ Submission # 375.11

that the planning framework should provide for the safe, effective and efficient functioning of Parliament.

62. As Wellington is the capital city and the seat of government, we consider that specific recognition of these activities should be made in the Introduction and in the Permitted Activity rules that apply in the CCZ. We therefore endorse Ms Stevens²⁹ recommendations in this regard.
63. Willis Bond³⁰ sought to amend the chapter to remove the extent of prescriptive standards, such as minimum unit sizes and outdoor living spaces (in particular, within the CCZ). In general terms, however, we agree with the reporting officer that some prescriptive standards are required in order to achieve a well-functioning urban environment. We consider these specific standards in more detail below later in this report.
64. Paul Burnaby³¹ considered that the draft provision CCZ-R21 from the Draft District Plan should be 'reinstated'. We were advised by Ms Stevens³² that:

Comprehensive Development of land 2000m² in area or greater. DDP CCZ-R21 was created alongside the definition of 'Comprehensive Development' and DDP policy CCZ-P8 Comprehensive Development as a mechanism for providing integrated, comprehensive, well-designed intensification throughout the CCZ. The policy and rule combination sought to optimise the development capacity of land, provide for the increased levels of residential accommodation anticipated, enable mixed use development, and to activate larger areas of the CCZ through utilising and potentially amalgamating numerous sites.

...

Whilst there has been positive feedback received on the mechanism, and acknowledgement that it would be beneficial with regard to implementing the NPS-UD direction to maximise development capacity in the CCZ, ultimately it was concluded that the approach could create difficulties in terms of rule interpretation and consenting pathway.

²⁹ Section 42A Report, at paragraphs 85 to 87

³⁰ Submission # 375.11

³¹ Submission # 44.4

³² Section 42A Report, at paragraphs 73 to 77

65. On a similar note, Kāinga Ora³³ sought that reference to Comprehensive Development be removed from the PDP, and also sought the deletion of the definition of 'Comprehensive Development'.

66. Ms Stevens³⁴ considered:

Retaining this terminology in the policy frameworks for CCZ-P9 and CCZ-P11 provides clear policy direction for when large-scale developments are proposed in the CCZ and other CMUZ, and provides policy direction for applicants and consent planners to consider when assessing a large scale development. Consent planners have the grounds to seek that the development occurs in an integrated fashion, that it contains a mix of activities and building types and is constructed in one more stages.

67. We agree that retaining this terminology is useful when considering a mix of activities and a mix of building forms in the context of resource consents for proposals for development of larger sites in the CCZ.

68. Jill Wilson³⁵ sought amendment to require new apartment buildings to incorporate adequate storage for emergency supplies for residents. We consider that this is more a matter for the developer to consider, and that it would be a very difficult matter to enforce under the RMA.

2.3 Rezoning

69. In terms of rezoning requests, we firstly acknowledge that:

- Foodstuffs³⁶ sought to retain the CCZ zoning for New World Railway Metro (2 Bunny Street, Pipitea), New World Willis Street Metro (70 Willis Street, Wellington Central), New World Wellington City (279 Wakefield Street, Te Aro) and New World Thorndon (150 Molesworth Street) as notified.
- Z Energy Limited³⁷ sought to retain the CCZ at 155 Taranaki Street and 174 Vivian Street.

³³ Submissions # 391.11 and 391.33

³⁴ Section 42A Report, at paragraph 80

³⁵ Submission # 218.3

³⁶ Submissions # 476.67-70 and 476.96-99

³⁷ Submission # 361.1

- Fabric Property Limited³⁸ sought the zoning is retained as notified at 22 The Terrace, 1 Grey Street, 20 Customhouse Quay and 215 Lambton Quay.
- McDonald's³⁹ supported the zonings that have been applied to their existing restaurants.

Mount Victoria

70. There were several submissions⁴⁰ in respect of rezoning west of Kent Terrace in Mount Victoria. Judith Graykowski and David Lee sought that the western edge of Mount Victoria is rezoned. Tim Bright sought that the edge of Mount Victoria suburb is rezoned. Joanna Newman sought that the CCZ east of Cambridge Terrace in Mount Victoria is rezoned to MRZ.
71. Further, Alan Olliver & Julie Middleton sought that the area of Mount Victoria that is CCZ is rezoned to MRZ. The submitter also sought that the western edge of Mount Victoria that is within the CCZ is rezoned to MRZ. Vivienne Morrell sought that the western edge of Mount Victoria is rezoned.
72. Jonothan and Tricia Briscoe sought that the area of Mount Victoria that is CCZ is rezoned to MRZ. Mount Victoria Historical Society sought that the CCZ east of Cambridge Terrace in Mount Victoria is rezoned to MRZ.
73. Mt Victoria Residents' Association sought that all of Mount Victoria is treated as one unit that includes Cambridge Terrace and Kent Terrace.
74. In recommending that these submissions be rejected, Ms Stevens⁴¹ outlined reasons that included:
- *The CCZ boundary has not changed from the ODP and that no compelling evidence or s32AA assessment has been provided by submitters to support any change in zoning.*
 - *Of the CCZ suburbs, Te Aro has seen the most growth in recent years, with increased intensification over the lifespan of the ODP in the area.*

³⁸ Submission # 425.4-7

³⁹ Submission # 274.2

⁴⁰ Submissions # 80.12, 454.6, 75.20, 85.4, 111.8, 111.1, 155.15, 190.11, 190.19, 214.3, 214.10, 342.18

⁴¹ Section 42A Report, at paragraph 155

- *The area along the CCZ edge with Mount Victoria features a dynamic mixture of land use activities, thus fitting with the purpose and activities enabled and expected within the CCZ.*
- *Cambridge Terrace and Kent Terrace have been identified as being on the chosen Mass Rapid Transit (MRT) route identified by Let's Get Wellington Moving (LGWM). This will lead to significant change in the area in terms of the development of MRT infrastructure and stations, and MRT will also be a catalyst for further high density mixed use and residential development along this corridor. I consider CCZ is the best zoning to enable the change expected through the LGWM MRT process.*

75. We agree with Ms Stevens that these are valid reasons for retention of the CCZ zonings in this location and note that aside from the Moir Street interface issue discussed above, there was no other evidence presented to the contrary. We also note that there are controls to manage CCZ sites adjacent to character precincts and residentially zoned heritage sites that would apply.

Upper Willis Street, Palmer Street and Eastern Aro Valley

76. Aro Valley Community Council⁴² sought that 290, 292, 294, 296, 298, 300, 302, 304 and 306 Willis Street are rezoned from CCZ to MRZ. Roland Sapsford⁴³ sought that all CCZ adjoining Palmer Street is rezoned to MRZ, and also sought to rezone the sites on the west side of Willis Street between Aro Street and Abel Smith Street from CCZ to MRZ.

77. Ms Stevens⁴⁴ disagreed with these submissions for the following reasons:

- *This PDP CCZ boundary has not changed from the Operative Plan....I do not consider that compelling evidence or s32AA assessment has been provided by submitters to support any change in zoning.*

78. Ms Stevens noted that some of these sites back onto character precincts, and as such, CCZ-S3 applies and provides an appropriate edge treatment. CCZ height has been stepped down to 28.5m to provide an edge control. Moreover, if these sites were to be rezoned, they would be rezoned HRZ rather than MRZ given they

⁴² Submissions # 87.16-17, 87.43-44,

⁴³ Submissions # 305.22, 305.33

⁴⁴ Section 42A Report, at paragraph 116

sit within the walking catchment of the City Centre Zone under NPSUD Policy 3(c)(ii).

79. Ms Stevens noted that there is a mix of uses within these sites including a funeral home, the multi-storey Norton Flats, stand-alone dwellings, a restaurant, retail shops and commercial activity. The built form varies in height and density.
80. We heard from Mr Sapsford⁴⁵ at the hearing, but not in relation to these matters. His focus was on the zoning of 68-72 Aro Street and the Garage Project Site considered in Report 4C. As with Mount Victoria above, we agree with Ms Stevens that there are valid reasons for retention of the CCZ zonings in this location and note that there was no evidence presented to the contrary. We also note that there are controls to manage CCZ sites adjacent to character precincts and residentially zoned heritage sites that would apply.

Thorndon

81. As with Mount Victoria there were several submissions⁴⁶ that sought rezoning of sites within the Thorndon area of the CCZ.
82. Dr Briar E R Gordon and Dr Lyndsay G M Gordon opposed the zone change of the area east of the motorway and sought that it is rezoned.
83. Wheeler Grace Trust sought that Selwyn Terrace, Thorndon is rezoned from CCZ to HRZ.
84. Richard Murcott sought that:
 - The Selwyn Terrace residential enclave be rezoned from CCZ to MRZ.
 - The residential area of Portland Crescent be rezoned from CCZ to MRZ.
 - The residential area of Hawkestone Street be rezoned from CCZ to MRZ.
85. Thorndon Residents' Association also sought that the Selwyn Terrace / Hill Street enclave and the Portland Crescent/Hawkestone St cluster be re-zoned back to Inner Residential Area, with a qualifying matter as a Character Precinct Area, in a manner consistent with the maps and information appended to their submission.

⁴⁵ Speaking Notes Submission of Roland Sapsford re Hearing Stream 4

⁴⁶ Submissions # 156.2-3, 261.1-2, 322.7 and 322.26, 322.8 and 322.27, 322.9 and 322.28, 333.15-16, 333.1-3, 287.2-3

86. Eldin Family Trust opposed the rezoning of Selwyn Terrace from Inner Residential in the ODP to CCZ in the PDP, and sought that it is rezoned from CCZ to MRZ.
87. Ms Stevens⁴⁷ recommended that each of these submissions be rejected for a number of reasons that included:
- In respect of the location and zoning of Selwyn Terrace, Hill Street, Portland Crescent and Hawkestone Street area, the motorway acts as a clear physical boundary between the CCZ and residential zones in this part of Thorndon.
 - These streets are surrounded by a mixture of different land uses and densities, and such diversity is also evident on these streets themselves, which is more akin to CCZ than HRZ.
 - Selwyn Terrace at the top of the street does have a concentration of one to two storey standalone residential dwellings, but it is of a more mixed nature at the bottom of the street and in surrounding areas.
88. Given the wider area features higher density development, Ms Stevens did not consider it to be appropriate to rezone a small pocket of land to HRZ, as this would be out of keeping with the wider area. These areas currently in the ODP adjoin the Central Area and given their location are well-located to support increased densification and opportunities for new housing to meet the City's growth needs.
89. In Ms Stevens' view, the fact that the officer's Section 42A Report for Hearing Stream 2 did not recommend that character precincts be extended over these areas provided even more rationale for retaining the CCZ zoning, rather than changing it back to a residential zoning. It meant that if these areas were not CCZ, they would be HRZ, which enables 6 storeys, due to their close proximity to the CCZ.
90. She also observed that this area of Thorndon and Pipitea is within walking distance of the Wellington Railway Station and Bus Station, with thousands of commuters, students and other people going to destinations in this area. The Paneke Pōneke – Bike Network Plan is improving walking and cycling connections through the area. These transport services support the high density mixed uses enabled by the CCZ.
91. We agree with Ms Stevens' analysis of these rezoning requests. Our view is that each of the three identified areas are too small to provide for a critical mass to justify a residential zoning, particularly given surrounding existing and enabled

⁴⁷ Section 42A Report, at paragraph 117

activities. We note that the Stream 2 hearing panel recommended against including them in a character precinct for much the same reason (refer Report 2B).

92. These areas also have very good locational access to the remainder of the City Centre. Even if these areas were HRZ instead of CCZ, it would mean a significant uplift in building heights and overall development capacity of the land compared with the existing situation.

Adelaide Road

93. Michael O'Rourke⁴⁸ sought that the Adelaide Road spine is rezoned from CCZ to HRZ and the mapping is amended to reflect this.
94. Guy Marriage and Wellington Branch NZIA⁴⁹ sought that Adelaide Road is rezoned from CCZ to HRZ.
95. Steve Dunn⁵⁰ sought that intensification in Newtown should be focussed along Adelaide Road.
96. Aside from these three submitters, we also had a number of participants at the hearing who offered their opinions on whether or not Adelaide Road should be part of the CCZ, or whether it should be rezoned something else, either HRZ or, as it is the closest other available zoning, potentially mixed use zone or MUZ. These included Mr Hanley, on behalf of The Urban Activation Lab of Red Design Architects⁵¹ and Anna Kemble Welch⁵², Jane O'Loughlin for LIVE WELLington⁵³ and Rhona Carson for the Newtown Residents Association⁵⁴.
97. In the Section 42A Report, Ms Stevens⁵⁵ considered that the rezoning submissions should be rejected. This is because:

Over the life of the Operative Plan the portion of Adelaide Road between Rugby Street and Riddiford Street has had a Centres Zoning. If it was not CCZ it would be retained as a Centres Zoning or a Mixed Use Zone (MUZ) rather than HRZ. HRZ would inhibit the wide variety of activities that

⁴⁸ Submission # 194.17

⁴⁹ Submissions # 407.1 and 407.6, 301.9

⁵⁰ Submission # 288.12

⁵¹ Submission #420

⁵² Submission #434

⁵³ Submission #154, further Submission #96

⁵⁴ Submission #40, Further Submission #63

⁵⁵ Section 42A Report, at paragraph 118

currently operate in the area as well as inadequately provide for future anticipated mixed use activities.

Figures 11 and 12 below show the results of a land-use survey undertaken by Council in 2020, of which the purpose was to get a better understanding of current built development in pockets of Thorndon and Adelaide Road signalled to be included in the CCZ. As well as other findings, the survey identified that the Adelaide Road area (between Rugby Street and Riddiford Street) had:

- An average site coverage of 53.5%;*
- An average of 2.7 storeys for existing development;*
- A mixture of lot sizes, the majority of which are moderately sized lots, with the top typical development site size being 541m², as well as a handful of larger sites (over 2,200m²) currently utilised as a range of activities including storage, commercial activities, gyms etc; and*
- A mixture of land uses including retail, hospitality, residential (standalone/single dwellings, multi-unit, apartments), light industrial, services, repair and maintenance, community facilities etc. Commercial and residential are the primary uses. The main primary land uses were stand alone/single unit dwellings, multi-units, apartments, offices, retail, government buildings, industrial-services and education facilities.*

As detailed on page 97 of the CCZ, WFZ, STADZ and Te Ngākau S32 report¹⁸, Sense Partner's in their Market and Retail Assessment 2020¹⁹ noted that the proposed change in zoning for Adelaide Road to CCZ allows for more intensive development and will accelerate change from light industrial activities to high end uses. The report notes that they expect mixed use development with ground floor retail to lift the quality of the building stock in the area, with population growth supporting existing and new retail development.

The extension of the CCZ to Adelaide Road is also a natural extension of the CCZ to an area that is already characterised by mixed-use development and that is already seeing high density residential development. Adelaide Road provides opportunities to accommodate growth anticipated in the CCZ.

Adelaide Road has been signalled for redevelopment for an extended period now, first through the Adelaide Road Framework²⁰ and then through the Spatial Plan²¹. This has therefore been an area identified for mixed use high density growth and CCZ, over and above HRZ, is the considered the most appropriate zone to enable this. Additionally, Adelaide Road is the chosen MRT route identified by LGWM, and through this process has been identified as a key area for intensive redevelopment around an MRT station(s). I therefore consider CCZ is the best zoning to capitalise on the benefits that MRT will bring as a key enabler of growth.

98. We note that the proposed CCZ area known generally as Adelaide Road is between the Basin Reserve and John Street. It is a relatively narrow band of land between

This was highlighted in the presentation by Ms Hilary Watson to the hearing who provided an analysis of the changing land use patterns in the area⁵⁶.

- c) Extending the CCZ south along Adelaide Road to the John Street intersection would mean that the CCZ directly connect with the Newtown LCZ, challenging the separate identity of the latter as well as the concept of the Centres hierarchy.
 - d) Adelaide Road does not require a City Centre zoning to enable significant urban change over the lifetime of the PDP to create a prosperous and high quality mixed-use area, as envisaged by the Adelaide Road Framework. The height thresholds notified under the PDP can apply equally to an alternative zoning for the area.
 - e) While we acknowledge that Adelaide Road is part of the City's main public transport spine, we do not consider this necessitates the area having a City Centre zoning, noting that Wellington's southern public transport spine contains a range of zoning.
 - f) A City Centre zoning would enable a potentially unlimited building height under the approach applied for the CCZ which uses 'height thresholds' rather than 'height limits'. An unlimited height framework would not be appropriate for the Adelaide Road area, having regard to its surrounding context.
 - g) Specific height limits for the Adelaide Road area can be applied to enable the forms of development envisioned to occur without this area having to be in the CCZ.
102. We did not consider that another form of centres zoning (for example, MCZ, LCZ or NCZ) would be appropriate as the vicinity clearly does not function as a separate commercial centre. A COMZ zoning would not be appropriate given the increasing residential component of Adelaide Road, as that zone generally would preclude residential development.
103. A Mixed Use zoning would enable the redevelopment and intensification of this area as a transition to a future CCZ.

⁵⁶ Submission #321 and further submission FS74

104. In regard to height, the 12 storeys enabled by the notified 42.5m height standard significantly increases the intensification capacity of the Adelaide Road area, and certainly is a quantum shift from the stepped height limits proposed under the Adelaide Road Framework which would have had an 18m permitted and 24m discretionary height limit along the central spine of Adelaide Road, and a 12m permitted and 18m discretionary height limit further back from Adelaide Road and around the John Street vicinity.
105. The Panel agreed that the height limits proposed under the Adelaide Road Framework are too low, particularly in the context of the neighbouring height limits. The Panel would prefer lower height limits for the Adelaide Road area, that better recognised the overall urban framework and the surrounding context, in a similar manner to the lower height thresholds adjoining Mount Victoria suburb. The 42.5m height standard is considerably higher than the adjoining height limits which range between 12m and 22m. However, we received no evidence on appropriate alternative height limit framework, other than that provided by Hilary Watson who referred to the Adelaide Road Framework which we have concluded to be relatively too low⁵⁷.
106. We consider that the Adelaide Road area should come with the MUZ as a separately identified precinct, in the same manner as we have recommended for the Curtis Street site which we have recommended to be “MUZ-PREC-01 Curtis Street”. The Adelaide Road area would be defined as “MUZ-PREC-02 Adelaide Road”, and would have its own policy support. The recommended provisions are provided in Appendix 1 to the Panel Report 4D. A map showing the area affected by the recommended rezoning is shown below:

⁵⁷ Presentation material tabled by Hilary Watson, Submission 321 and further submissions FS74

IHP RECOMMENDATIONS

Recommended area for rezoning
to MUZ - PREC02 Adelaide Road

WELLINGTON
HIGH SCHOOL
AND
COMMUNITY
EDUCATION
CENTRE

BASIN
RESERVE

University
Wellington

Finlay Ter

Wallace St

Tasman St

Myrtle Cres

King St

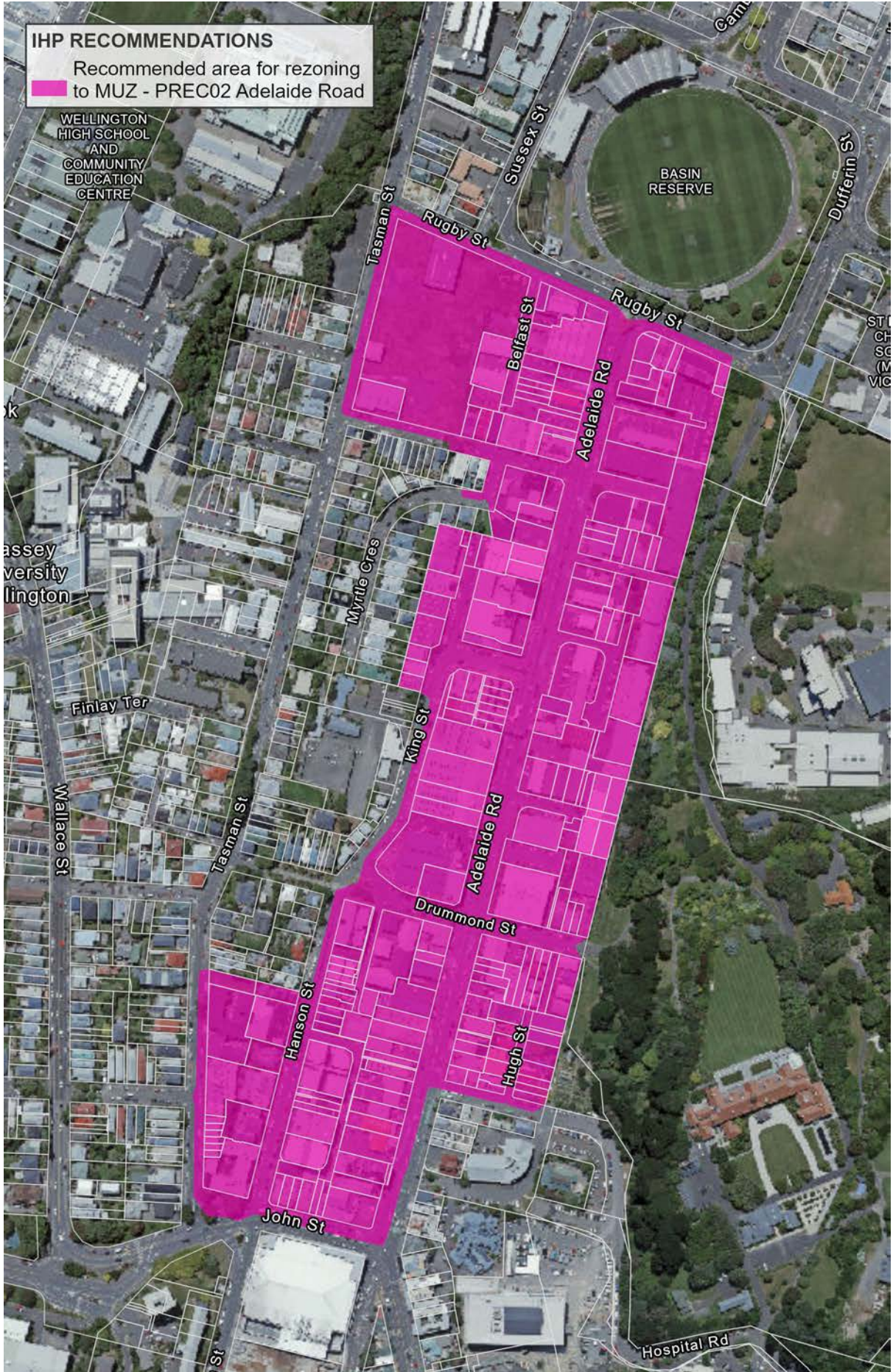
Drummond St

Hanson St

Hugh St

John St

Hospital Rd



2.4 Other CCZ Matters

107. This section of the report considers matters that do not comfortably fall within other parts of this report and are included here for completeness.
108. Firstly VUWSA⁵⁸ supported moves towards higher density housing in the CCZ. We note in this regard that the CCZ provides for intensification not only for business use, but also with a focus on more people living within the CCZ through the enablement of intensified development.
109. Additionally, VUWSA sought that Council consider further steps that could be taken to ensure housing quality, affordability, and accessibility. We agree with Ms Stevens⁵⁹ who noted that the CCZ encourages and provides for all three matters through objectives, policies, rules, and standards, as well as the Residential Design Guide⁶⁰, the Centres and Mixed Use Design Guide and the City Outcomes Contribution mechanism⁶¹. CCZ-O2 and CCZ-P4 encourage a choice of building type, size, affordability, and distribution, including forms of medium and high-density housing; CCZ-O5 supports good quality amenity and design, and CCZ-P9 and CCZ-P10 address quality design outcomes and residential amenity.
110. Wellington City Youth Council⁶² sought that the PDP facilitate pedestrianisation of areas such as Cuba Street in order to stimulate business activity and make better use of limited space. We consider that the Plan is not the best place for consideration of pedestrianisation of city streets to occur as it would require Council resolutions to amend schedules in the Traffic and Parking Bylaw under the Local Government Act.
111. Wellington Branch NZIA⁶³ sought that a mandatory Design Panel Review be adopted for all inner-city developments. In this regard, we refer to our discussion in Report 4A on our support for design assessments to be undertaken by an Urban Design Panel for significant developments particularly in the Central City.

⁵⁸ Submission # 123.56 and 123.57

⁵⁹ Section 42A Report, at paragraph 131

⁶⁰ Noting that we have concluded in Report 4A that this should not apply to the CCZ.

⁶¹ Noting that we have significant reservations about how this would work outlined in Report 4A.

⁶² Submission # 201.33

⁶³ Submissions # 301.7-8

112. Wellington Branch NZIA also considered that the Council needs to work harder to create good quality meaningful living conditions for residents in Te Aro to ensure that this area will flourish and not become a slum. We refer to our reasoning above in relation to where we considered introducing a street edge height control, but note that this mechanism has a number of practical and economic constraints to enabling development capacity in the CCZ.
113. Living Streets Aotearoa⁶⁴ sought that in any future developments, the effect on adjacent public spaces is addressed. We agree with Ms Stevens⁶⁵ advice that effects on adjacent public spaces are already addressed through CCZ-P12 and CCZ-S6: minimum sunlight access to public spaces. CCZ-P9(2)(a)(iv) directs that development responds to the site context, particularly where adjacent to a listed public space. We also note in relation to the listed public spaces in the CCZ, Ms Stevens' advice that:

This review including modelling of ODP sites to check that these sites were still receiving adequate sunlight during the prescribed and adjusted hours were made based off this work. In addition, a review of all public spaces included in the CCZ boundaries was undertaken and 15 additional sites were added to the list of protected sites under the CCZ sunlight control (the number of protected sites went from 13 in the ODP to 28 in the PDP). Assessment of sunlight access at the time that the plan was notified of each additional public space was undertaken to assess appropriate sunlight hours.

2.5 Submissions On CCZ Chapter

CCZ Introduction (P1 Sch1)

114. We note that Oyster Management Limited⁶⁶ sought to retain the Introduction as notified.
115. Generation Zero Inc⁶⁷ sought to amend the Introduction of the chapter for consistency as follows:

In locations where rapid transit investment has been signalled measures have been included to enable opportunities for more intensive, comprehensive

⁶⁴ Submission # 482.59

⁶⁵ Section 42A Report, at paragraphs 141-142

⁶⁶ Submission # 404.44

⁶⁷ Submission # 254.16

*development to occur, particularly in areas within a walkable ~~distance~~
catchment of planned rapid transit stops.*

116. We agree that this change is appropriate to align with the NPSUD terminology.
117. Wellington Civic Trust⁶⁸ sought to amend the Introduction of the CCZ chapter to state the need for more available public open space in the CCZ and how this shortfall is going to be corrected through the Plan and other methods available to the Council.
118. We discuss open space requirements in the CCZ relating to development standards later in this report, but in respect of this submission, we were advised by Ms Stevens⁶⁹ that:

The CCZ gives effect to the Green Network Plan, which seeks to enhance the quantity and quality of public space provision in the CCZ, through the following provisions:

- *CCZ-O2(3) - Convenient access to a range of open space, including green space, and supporting commercial activity and community facility options;*
 - *CCZ-O5(6) – Development in the CCZ positively contributes to creating a high quality, well-functioning urban environment, including; protecting current areas of open space, including green space, and providing greater choice of space for residents, workers and visitors to enjoy, recreate and shelter from the weather;*
 - *CCZ-R18(1)(a)(ii) Demolition or removal of buildings and structures – where the demolition or removal of a building enables the creation of public space or private outdoor living space associated with the use of a building; and*
 - *CCZ-P11(1) and wider City Outcome Contribution mechanism - Require over and under height, large-scale residential, non-residential and comprehensive development in the CCZ to positively contribute to public space provision and the amenity of the site and surrounding area.*
119. We consider that this is a reasonable response, but again note our significant reservations about how effective the City Outcome Contribution would be for the reasons discussed in Report 4A. In our view, in order to create a well-functioning urban environment that enables intensification, particularly for residential purposes, there will be a corresponding increase in public open space accessibility, especially in areas where existing provision is limited. We consider that this process is best

⁶⁸ Submissions # 388.19-20

⁶⁹ Section 42A Report, at paragraph 153

managed outside of the Plan through other processes, including development contributions or options for Council to purchase sites to develop public spaces.

120. Taranaki Whānui⁷⁰ sought to amend the Introduction to the chapter, to include Taranaki Whānui as holding ahi kā and primary mana whenua status in the CCZ. We note that requests to address this matter throughout the Plan have been discussed in Report 1A, recommending that they not be accepted. We rely on the reasoning in that Report and make the same recommendation.
121. Kāinga Ora⁷¹ sought to amend the Introduction to delete comprehensive development from the Introduction as there are no rules to implement this approach. We consider that the term has some utility with a policy link to CCZ-P9. Achieving comprehensive development is a useful consideration in particular circumstances.
122. TRoTR⁷² sought to amend the Introduction of the CCZ to require partnership with mana whenua in the development of the Te Ngākau Civic Square Precinct.

A long-term vision for the Te Ngākau Civic Square Precinct has been developed and approved by the Council, the focus of which is ensuring the precinct becomes a vibrant, safe and inclusive area that enables creative, cultural, civic and arts activities to flourish. The Council and its Tākai Here partners will plan the precinct redevelopment to realise this vision. The City Centre Zone aligns with this vision by enabling a level of redevelopment to occur that accommodates the range of activities anticipated.

...

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.

123. We accept the advice from Ms Stevens⁷³ that an amendment is appropriate to recognise Council and mana whenua as partners in the Square's redevelopment. Further, Ms Stevens was advised by Council's Matahu Aranui team to refer to

⁷⁰ Submission # 389.97

⁷¹ Submissions # 391.690-691

⁷² Submissions # 488.79-80

⁷³ Section 42A Report, at paragraph 158

Council's 'mana whenua partners', with respect to Te Ngākau Civic Square Precinct as Tākai Here partners.

124. We therefore recommend the changes to the Introduction of the CCZ chapter as outlined in the officer's final recommendations.

CCZ Objectives

CCZ-O1 – Purpose (ISPP)

125. Argosy, Kāinga Ora, Oyster Management Limited, Precinct Properties New Zealand Limited, Restaurant Brands Limited and Z Energy Limited⁷⁴ sought that CCZ-O1 is retained as notified. There were no submissions that sought a change.

CCZ-O2 – Accommodating growth (ISPP)

126. Paul Burnaby, Precinct Properties New Zealand Limited, FENZ, Restaurant Brands Limited, Z Energy Limited and Argosy, Oyster Management Limited and Willis Bond⁷⁵ sought to retain CCZ-O2 as notified.
127. MoE⁷⁶ sought that CCZ-O2 be amended to explicitly recognise and provide for educational activities and additional infrastructure in the CCZ. We agree with Ms Stevens⁷⁷ that by amending CCZ-O2 to reference 'additional infrastructure', which is defined in the Plan, this identifies that the CCZ is a suitable location for educational facilities.
128. Kāinga Ora⁷⁸ sought two amendments to clause 1 of CCZ-O2. The first was to clarify that the CCZ contains 'high-density residential living' rather than 'medium and high-density housing'. Ms Stevens⁷⁹ explained that the CCZ's strong policy direction, rule hooks and mechanisms in the standards require more efficient optimisation of CCZ sites and provision of a high level of density. The change is therefore appropriate.

⁷⁴ Submissions # 383.92, 391.692, 404.46, 139.26, 349.173, 361.96

⁷⁵ Submissions # 44.5, 139.27, 273.308, 349.174, 361.97, 383.93, 404.47, 416.47

⁷⁶ Submissions # 400.142-143

⁷⁷ Section 42A Report, at paragraph 168

⁷⁸ Submissions # 391.693-694

⁷⁹ Section 42A Report, at paragraph 173

129. The second matter was replacing the word ‘housing’ with ‘residential living’. We agree with Ms Stevens⁸⁰ that the suggested replacement of ‘housing’ with the term ‘residential living’ is not appropriate as the suggested term is not used elsewhere, or defined in the PDP.
130. The Section 42A Report⁸¹ also recommended a correction under Schedule 1, clause 16(2) of the Act to change ‘choice’ to ‘variety’ to align with other Centres Zones for plan consistency purposes within clause 1 to CCZ-O2.
131. Therefore CCZ-O2 is proposed to be amended as follows:

CCZ-O2	<p><i>Accommodating growth</i></p> <p><i>The City Centre Zone plays a significant role in accommodating residential, business and supporting community service growth, and has sufficient serviced development capacity and additional infrastructure to meet its short, medium and long term residential and business growth needs, including:</i></p> <ol style="list-style-type: none"> <i>1. A choice variety of building type, size, affordability and distribution, including forms of medium and high-density housing;</i> <i>2. Convenient access to active and public transport activity options;</i> <i>3. Efficient, well integrated and strategic use of available development sites; and</i> <i>4. Convenient access to a range of open space, including green space, and supporting commercial activity and community facility options.</i>
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CCZ-O3 – Urban form and scale (ISPP)

132. Argosy, Kāinga Ora, Oyster Management Limited, Paul Burnaby, Precinct Properties NZ, Restaurant Brands Limited, Willis Bond and Z Energy Limited⁸² sought to retain CCZ-O3 as notified.

CCZ-O4 – Ahi Kā (ISPP)

133. Argosy, Kāinga Ora, Oyster Management Limited, Restaurant Brands Limited, Taranaki Whānui, VicLabour and Z Energy Limited⁸³ sought to retain CCZ-O4 as notified.

⁸⁰ Section 42A Report, at paragraph 176

⁸¹ Section 42A Report, at paragraph 801 b.

⁸² Submissions # 383.94, 391.695, 404.48, 44.6, 139.28, 349.175, 416.143, 361.98

⁸³ Submissions # 383.95, 391.696, 404.49, 349.176, 389.98, 414.42, 361.99

134. TRoTR⁸⁴ sought that CCZ-O4 is amended to provide for partnership with mana whenua in terms of development. We agree with the views of Ms Stevens⁸⁵ that:

I consider the CCZ gives effect to the Anga Whakamua strategic directions and partnership with mana whenua through the PDP CCZ-O4 Ahi Kā and CCZ-P7 Ahi Kā wording. CCZ-O4 and CCZ-P7 note that Taranaki Whānui and Ngāti Toa Rangatira are acknowledged as the mana whenua of Te Whanganui ā Tara (Wellington) and their cultural associations, landowner and development interests are recognised in the planning and development of the CCZ.

CCZ-O5 – Amenity and design (ISPP)

135. Argosy, FENZ, Oyster Management Limited, Paul Burnaby, Restaurant Brands Limited, Taranaki Whānui, WCC Environmental Reference Group, WHP and Z Energy Limited⁸⁶ sought that CCZ-O5 is retained as notified.
136. Kāinga Ora⁸⁷ sought that clause 4 of CCZ-O5 be amended to balance the need to contribute to the amenity of neighbouring residential areas with achieving anticipated built form in accordance with the NPSUD. Ms Stevens agrees to this change as do we.
137. Willis Bond⁸⁸ considered that the requirement to acknowledge and respond to heritage buildings and areas should only apply where those heritage areas immediately adjoin the relevant development. The submitter sought that clause 7 be amended as follows:

Acknowledging and sensitively responding to immediately adjoining heritage buildings, heritage areas and areas and sites of significance to Māori.

138. We, like Ms Stevens⁸⁹, consider that this addition is not necessary. The term ‘adjoining’ already means those that are only immediately adjoining, and as such, the suggested change is redundant. We therefore recommend that CCZ-O5 be amended as follows.

⁸⁴ Submission # 488.81

⁸⁵ Section 42A Report, at paragraph 185

⁸⁶ Submissions # 383.96, 273.309, 404.50, 44.7, 349.177, 389.99, 377.476, 412.80, 361.100

⁸⁷ Submission # 391.697 and 391.698

⁸⁸ Submission # 416.144

⁸⁹ Section 42A Report, at paragraph 194

CCZ-05	<p><i>Amenity and design</i></p> <p><i>Development in the City Centre Zone positively contributes to creating a high quality, well-functioning urban environment, including:</i></p> <ol style="list-style-type: none"> <i>1. Reinforcing the City Centre Zone’s distinctive sense of place;</i> <i>2. Providing a quality and level of public and private amenity in the City Centre Zone that evolves and positively responds to anticipated growth and the diverse and changing needs of residents, businesses and visitors;</i> <i>3. Maintaining and enhancing the amenity and safety of public space;</i> <i>4. Contributing to the general amenity of neighbouring residential areas <u>while achieving the planned urban form of the City Centre Zone</u>;</i> <i>5. Producing a resilient urban environment that effectively adapts and responds to natural hazard risks and the effects of climate change;</i> <i>6. Protecting current areas of open space, including green space, and providing greater choice of space for residents, workers and visitors to enjoy, recreate and shelter from the weather; and</i> <i>7. Acknowledging and sensitively responding to adjoining heritage buildings, heritage areas and areas and sites of significance to Māori.</i>
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CCZ-06 – Development near rapid transit (ISPP)

139. Argosy, Kāinga Ora, Oyster Management Limited, Paul Burnaby, Restaurant Brands Limited, and Z Energy Limited⁹⁰ sought to retain the objective as notified. There were no submissions that sought a change.

CCZ-07 – Managing adverse effects (ISPP)

140. Argosy, Oyster Management Limited, Restaurant Brands Limited, Taranaki Whānui and Z Energy Limited⁹¹ sought that CCZ-07 be retained as notified.
141. Kāinga Ora⁹² sought that the chapeau (beginning) of the objective be amended to recognise that adverse effects do not include significant changes to an area anticipated by the planned urban built form.
142. Mr Heale for Kāinga Ora was of the view that the revised wording should remain and also sought the deletion of the term “*identified pedestrian streets*” under clause 2 of the objective. We agree with the latter point.

⁹⁰ Submissions # 383.97, 391.699, 404.51, 44.8, 349.178,361.101

⁹¹ Submission # 383.98, 404.52, 349.179, 389.100, 361.102

⁹² Submissions # 391.700-701

143. However, in recommending that there be no other change to the objective, we partially agree with Ms Stevens⁹³ conclusions that:

I consider that this change is inappropriate as it would effectively build a permitted baseline test into the policy, which arguably should remain at the discretion of the resource consent planner. I consider that this phrasing should not be used in the CCZ (or other zones) planning framework.

I also consider there are sufficient objectives focused on intensification, density and built form, and this objective should purely focus on managing adverse effects as its counterpart does in the ODP.

144. We do have a problem with that part of the statement saying, ‘*should remain at the discretion of the resource consent planner*’. This wording would suggest that a statutory discretion exercised by the decision-maker would remain at the planner’s discretion. We consider that the exercise of that discretion should be based upon clear evaluation of the proposal against the Objectives, Policies and relevant Rules.

145. Willis Bond⁹⁴ considered that the reference to ‘interfaces’ is too broad and could refer to an indeterminate area. Willis Bond suggested the following change to clause 2:

2. At ~~interfaces with~~ Where such activities or development immediately adjoin:

146. It is noted that the planner for Willis Bond, Mr Aburn did not discuss this in evidence. We therefore agree with Ms Stevens⁹⁵ view that this change is not desirable. She stated:

As detailed in paragraph 194 of this report, the use of the term ‘adjoining’ (not ‘immediately adjoining’), might be appropriate for managing adverse effects next to some things like zones, heritage buildings, and heritage. However, this is not the case for all matters to be protected in the CCZ. In particular, ‘adjoining’ is not sufficient to manage adverse effects on the sunlight access of listed public spaces under Appendix 9 as per CCZ-S6.

⁹³ Section 42A Report, at paragraph 204

⁹⁴ Submission # 416.145

⁹⁵ Section 42A Report, at paragraph 206

CCZ Policies

CCZ-P1 Enabled activities (P1 Sch1)

147. Corrections, Argosy, FENZ, Oyster Management Limited, Precinct Properties, Restaurant Brands Limited, Taranaki Whānui and Z Energy Limited⁹⁶ sought to retain CCZ-P1 as notified.
148. Parliamentary Service⁹⁷ sought that CCZ-P1 be amended to specifically provide for parliamentary activities to occur within the CCZ. The submitter notes it is not clear which (if any) of the listed activities 'parliamentary activities' would fall within. We have already agreed that this change is appropriate.
149. Stratum Management Limited⁹⁸ sought that the Policy include residential at ground level to match subsequent provisions such as CCZ-P6 (Adaptive use) and CCZ-R12 (Residential activities). We agree with Ms Stevens⁹⁹ that the policy should be consistent with what is permitted through CCZ-R12 and endorse her proposed changes.
150. Kāinga Ora¹⁰⁰ considered that CCZ-P1 should be amended to remove specifics about activities that should be restricted and should instead recognise that residential activities are generally enabled under this Policy. It suggested that Policy CCZ-P2 provides the specifics about activities that should be restricted.
151. Ms Stevens¹⁰¹ was of the view that these changes should be accepted in part, in that the exception for natural hazard risk should be removed from CCZ-P1, as this is appropriately covered in the Natural Hazard and Coastal Hazard chapter's rule framework. We agree with her recommendation. However, we also agree with Ms Stevens that the exception for active frontages and verandahs should not be removed from CCZ-P1. She considered that it is clearer that the exceptions to the enabled activities are outlined in CCZ-P1, as well as being listed as potentially incompatible activities in CCZ-P2.

⁹⁶ Submissions # 240.57-58, 383.99, 273.310, 404.53, 139.29, 349.180, 389.101, 361.103

⁹⁷ Submissions # 375.12, 375.15-16

⁹⁸ Submission # 249.33

⁹⁹ Section 42A Report, at paragraph 217

¹⁰⁰ Submissions # 391.702-703

¹⁰¹ Section 42A Report, at paragraph 218

152. If the definition of ‘supported residential care activity’ is retained, Dept of Corrections¹⁰² sought that the policy be amended to include ‘supported residential care activities’ as well as ‘residential activities’. The issue does not arise as the Hearing Panel has recommended (in Report 1A) that that definition be deleted. Even if that had not been the case, the suggested amendment is unnecessary as supported residential activities are covered within the definition of residential activities in any event.

153. We therefore agree that the following changes to CCZ-P1 are appropriate.

CCZ-P1	<p>Enabled activities</p> <p><i>Enable a range and diversity of activities that support the purpose and ongoing viability of the City Centre Zone and enhances its vibrancy and amenity, including:</i></p> <ol style="list-style-type: none"> 1. <i>Commercial activities;</i> 2. <i>Residential activities, except <u>located</u>;</i> <ol style="list-style-type: none"> a. <u>Above ground floor level; or</u> b. <u>At ground floor level</u> a<i>Along any street <u>not</u> subject to active frontage and/or verandah coverage requirements;</i> c. on any site subject to an identified natural hazard risk; 3. <i>Community facilities;</i> 4. <i>Educational facilities;</i> 5. <i>Arts, culture and entertainment activities;</i> 6. <i>Emergency service facilities;</i> 7. <i>Marae activities;</i> 8. <i>Community corrections activities;</i> 9. <i>Public transport activities;</i> 10. <i>Visitor accommodation;</i> 11. <i>Repair and maintenance service activities; and</i> 12. <i>Recreation activities;</i> 13. <u>Parliamentary activities;</u> 14. <u>Government activities; and</u> 15. <u>Civic activities.</u>
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CCZ-P2 — Potentially incompatible activities (P1 Sch1)

154. Argosy, MoE, Oyster Management Limited, Restaurant Brands Limited and VUWSA¹⁰³ sought to retain CCZ-P2 as notified.

¹⁰² Submission # 240.58 and 240.59

¹⁰³ Submissions # 383.100, 400.144, 404.54, 349.181 123.58

155. McDonald's¹⁰⁴ generally supported the objectives and policies of the CCZ and the enablement of commercial activities. The submitter opposed all ground level parking being considered as a potentially incompatible activity. It sought that "*Carparking at ground level*" be amended to "*Carparking visible at the street edge or public space*". Foodstuffs¹⁰⁵ also opposed all ground floor level car parking being considered as a potentially incompatible activity in the CCZ and had the same relief as McDonalds.
156. Ms Stevens¹⁰⁶ did not agree, because CCZ-P2 notes that carparking at ground level is a 'potentially' incompatible activity, and CCZ-R14 further details circumstances when carparking at ground level will be a permitted activity.

157. In evidence for Foodstuffs, Ms Key¹⁰⁷ was of the view that:

Ground level carparking is comprehensively considered in Section 8 of my evidence below. In addition to the matters addressed in Section 8 of my evidence, in my opinion, at a minimum, the policy should be amended to be consistent with the other centre zones as follows:

Carparking at ground level visible at the street edge along an active frontage or non-residential activity frontage;

158. In rebuttal Ms Stevens¹⁰⁸ stated:

With regards to the change that Ms Key seeks for CCZ-P2 to remove reference to 'ground level' and ensure consistency with the policy language of the other CMUZ, my position has not changed from that detailed in my S42A Part 1 CCZ report. The strong directive to deter ground level carparking in the CCZ is a response to an identified resource management issue identified within the CCZ in the last 10 years plus. This is the inefficient use and optimisation of CCZ land, where developers have gained resource consent application to demolish sites and then these sites are left vacant before a new development is built or they get utilised for carparking and remain in this use for an extensive period of time.

In my view, ground level carparking use is not an effective use of prime central city sites that instead could be more efficiently utilised and contribute to accommodating more residential development or mixed-use development with the zone to meet housing supply needs. Whilst I appreciate that for supermarkets, ground level carparking will only form some of the proposed use, I still consider

¹⁰⁴ Submissions # 274.56-57

¹⁰⁵ Submission # 23.94

¹⁰⁶ Section 42A Report, at paragraph 231

¹⁰⁷ Evidence of Elena Key paragraph 6.9

¹⁰⁸ Rebuttal of Anna Stevens paragraphs 37 and 38

that there is better way to optimise the site through either mixed-use development that allows more uses within sites and greater intensification, and/or carparking below ground floor level or provision above ground floor level as part of a larger development.

159. We agree with the views of Ms Stevens. The CCZ is the most intensively developed part of the City, where land should be utilised for its optimum purpose. We support her view that open ground floor parking should be actively discouraged unless there is a valid reason, in which case that should be considered by way of resource consent.
160. RVA¹⁰⁹ opposed any restriction on retirement villages being established at ground floor level, and sought to remove clause (5) of CCZ-P2 as notified. We agree with Ms Stevens¹¹⁰ that this clause is targeted at all residential activities, not just retirement villages, and is a deliberate focus to enable more residential activity at ground level than provided in the ODP, but not where there is a verandah or active frontage control. This is for numerous reasons including urban design and streetscape.
161. Woolworths¹¹¹ considered activities under CCZ-P2 need to be accommodated in the zone if there is a functional and operational need, and effects on the Centre are managed, by amending CCZ-P2 as follows:

~~Only allow activities that are potentially incompatible with the purpose of the City Centre Zone, where they demonstrate an operational or functional need to locate within the zone; or will not have an unacceptable adverse effect on its vitality, vibrancy and amenity. Potentially incompatible activities include:~~

- ~~1. Industrial activities;~~*
- ~~2. Yard-based retail activities;~~*
- ~~3. Carparking visible at street edge along an active frontage or non-residential activity frontage;~~*
- ~~4. Demolition of buildings that results in the creation of vacant land;~~*
- ~~5. Ground floor residential activities on street edges identified as having an active frontage or non-residential activity frontage; and~~*
- ~~6. Yard-based retail activities.~~*

¹⁰⁹ Submissions # 350.288-289

¹¹⁰ Section 42A Report, at paragraph 232

¹¹¹ Submission # 359.84

162. Ms Stevens¹¹² considered that the proposed changes would undermine the intent of CCZ-P2 ‘potentially incompatible activities’ and also the associated activity status of the respective activities.

163. In evidence, Ms Panther Knight¹¹³ for Woolworths sought further changes:

Only allow activities that are potentially incompatible with the role and function of the City Centre Zone, where they will not have an unacceptable adverse effect on its vitality, vibrancy amenity, resilience and accessibility. Potentially incompatible activities include:

- 1. Industrial activities;*
- 2. Yard-based retail activities;*
- ~~3. Carparking at ground level;~~*
- 4. Demolition of buildings that results in the creation of vacant land;*
- 5. Ground floor residential activities on street identified as requiring either an active frontage or verandah.*

164. In support of this view, Ms Knight commented.

Recognising the Council’s position that permitted activities such as supermarkets in the CCZ would not be considered “incompatible activities”, the policy is generally acceptable from a supermarket enabling and consenting perspective. However, including visible car parking in the policy draws supermarket format into this consideration, and combined with the discretionary activity consent status proposed for not complying with Rule CCZ-R14, results in supermarkets falling foul of this policy, without recognition of the operational and functional requirements of car parking for the activity.

Without the qualifier “unacceptable”, this policy does not allow for any genuine and site-specific assessment of effects at consenting as it effectively “shuts the door” on consideration at time of consenting.

165. Willis Bond¹¹⁴ considered that carparking at ground level should only be a potentially incompatible activity where it occurs along building frontages.

166. We do not consider that visible carparking is at all appropriate in the CCZ, for reasons we have already outlined in response to the evidence of Foodstuffs.

167. Z Energy Limited¹¹⁵ considered that CCZ-P2 is too specific and sought to retain the Policy with minor amendments as follows:

¹¹² Section 42A Report, at paragraph 233

¹¹³ Evidence of Kay Knight page 17

¹¹⁴ Submission # 416.150

¹¹⁵ Submission # 361.104 and 361.105

Only allow new activities that are potentially incompatible with the purpose of the City Centre Zone, where they will not have an adverse effect on its vitality, vibrancy and amenity. Potentially incompatible activities include:

- 1. Industrial activities;*
- 2. Some yard-based retail activities*

168. We agree with Ms Stevens¹¹⁶ that these changes are inappropriate. We note with regard to their ‘new’ reference, that the policy will only apply to new buildings and activities. As with Ms Stevens we also disagree with the addition of the word ‘some’ as this creates ambiguity and uncertainty for plan readers, applicants and consent planners as to which activities are included.

169. WCC Environmental Reference Group¹¹⁷ sought that CCZ-P2 place an emphasis on walkability, sustainability, and climate change and requests changes as follows:

Only allow activities that are potentially incompatible with the purpose of the City Centre Zone, where they will not have an adverse effect on its vitality, vibrancy, and amenity, walkability, climate change and earthquake resilience or ease of public transport access and use. Potentially incompatible activities include:

...

170. As with Ms Stevens¹¹⁸, we do not consider that all these proposed changes are appropriate to include in CCZ-P2, as this list of changes is overly prescriptive, and it is not clear how the list of potentially incompatible activities in CCZ-P2 would have an effect on all the items that the submitter lists. However, we do consider that there is merit in referencing resilience to climate change and natural hazards and accessibility within the zone.

171. Kāinga Ora¹¹⁹ sought to amend the Policy to provide for ground floor residential activities that are not visible from streets. It also considered that identified hazard risk should be removed as it is addressed in the natural hazards chapter. We agree that the latter changes are appropriate to avoid duplication, but do not consider the change in respect of the addition of the words “*visibility from the street*” is appropriate. We agree with Ms Stevens¹²⁰ rationale, being that:

¹¹⁶ Section 42A Report, at paragraph 235

¹¹⁷ Submission # 377.479

¹¹⁸ Section 42A Report, at paragraph 236

¹¹⁹ Submissions # 391.704-705

¹²⁰ Section 42A Report, at paragraph 237

The exclusions in CCZ-P1, CCZ-P2 and CCZ-R14 for residential activities that are incompatible are not just about visibility on the street edge. I consider that there is sufficient alternative areas of the CCZ where residential activity at ground floor has been enabled and considered appropriate.

172. Therefore, we accept Ms Stevens recommended amendments to CCZ-P2 as follows.

CCZ-P2	<p>Potentially incompatible activities</p> <p><i>Only allow activities that are potentially incompatible with the purpose of the City Centre Zone, where they will not have an adverse effect on its vitality, vibrancy, and amenity, <u>resilience and accessibility</u>. Potentially incompatible activities include:</i></p> <ol style="list-style-type: none"> <i>1. Industrial activities;</i> <i>2. Yard-based retail activities;</i> <i>3. Carparking at ground level;</i> <i>4. Demolition of buildings that results in the creation of vacant land; and</i> <i>5. Ground floor residential activities on streets identified as requiring either an active frontage or verandah coverage and sites subject to an identified hazard risk.</i>
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CCZ-P3 – Heavy industrial activities (P1 Sch1)

173. The submissions of Argosy, Kāinga Ora, Oyster Management Limited, Restaurant Brands Limited and Z Energy Limited¹²¹ that sought to retain CCZ-P3 as notified are acknowledged. There are no submissions that sought a change to the policy.

CCZ-P4 – Housing choice (ISPP)

174. Argosy, Oyster Management Limited, Paul Burnaby, Restaurant Brands Limited, Stratum Management Limited, Willis Bond and Z Energy Limited¹²² seek to retain CCZ-P4 as notified.
175. Disabled Persons Assembly New Zealand Incorporated¹²³ sought to replace the term ‘abilities’ with ‘impairments’. The submitter notes that using the term ‘abilities’ to refer to disabled people is regarded as euphemistic by many within the disabled community. This change is supported.

¹²¹ Submissions # 383.101, 391.706, 404.55, 349.182, 361.106

¹²² Submissions # 383.102, 404.56, 44.9, 349.183, 249.23, 416.151, 361.107

¹²³ Submission # 343.11

176. Kāinga Ora¹²⁴ sought amendment to recognise that tenures should not be managed through the District Plan through deletion of the word ‘tenure’. It considered the focus should be on providing for the level of the activity and building form that is appropriate for a City Centre. In this respect, we agree with the advice of Ms Stevens¹²⁵ that tenure has been included to ensure that the policy also focuses on a range of housing types and sizes for renters, giving renters sufficient choice rather than just those seeking to buy.
177. RVA¹²⁶ supported CCZ-P4 and its enabling of high density, good quality residential development. It requested that the word “Offers” is changed to “Contributes to” at CCZ-P4.2. We agree that the latter term is more appropriate.
178. Therefore, we support the following amendments to CCZ-P4.

CCZ-P4	<p>Housing choice</p> <p><i>Enable high density, good quality residential development that:</i></p> <ol style="list-style-type: none"> <i>1. Contributes towards accommodating anticipated growth in the city; and</i> <i>2. Offers <u>Contributes to</u> a range of housing price, type, size and tenure that is accessible to people of all ages, lifestyles, cultures, <u>impairments</u> and abilities.</i>
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CCZ-P5 – Urban form and scale (ISPP)

179. Argosy, Kāinga Ora, Oyster Management Limited, Paul Burnaby, Precinct Properties NZ, Restaurant Brands Limited, RVA, Stratum Management Limited, Willis Bond and Z Energy Limited¹²⁷ sought to retain CCZ-P5 as notified. No submissions sought amendment.

CCZ-P6 – Adaptive use (ISPP)

180. Argosy, Oyster Management Limited, Restaurant Brands Limited and Z Energy Limited¹²⁸ sought to retain CCZ-P6 as notified.

¹²⁴ Submissions # 391.707-708

¹²⁵ Section 42A Report, at paragraph 252

¹²⁶ Submissions # 350.290-291

¹²⁷ Submissions # 383.103, 391.709, 404.57, 44.10, 139.30, 349.184, 350.292, 249.24, 416.152, 361.108

¹²⁸ Submissions # 383.104, 404.58, 349.185, 361.109

181. Kāinga Ora¹²⁹ sought amendments that recognise that ground floor residential activities may be appropriate where they are located at ground floor level, but not fronting active streets. It also considered that not all hazards would restrict residential activities from locating at ground floor. We agree that the deletion of the term “*and sites free of any identified natural hazard risk*” is appropriate, as we have done elsewhere in the CCZ chapter.

182. In terms of the first request, we agree with the view of Ms Stevens¹³⁰, which was:

I do not consider this change to ‘frontage’ is appropriate as there is no definition of ‘frontage’ and it could create ambiguity with implementation at the resource consent stage. I do not consider that the submitter has provided compelling evidence to support this change from ‘along’ to ‘fronting’. I note that this policy is about enabling residential activity where these controls apply, as opposed to CCZ-P2 which notes residential activity along streets where these specific controls apply is considered potentially incompatible.

183. Willis Bond¹³¹ sought to delete CCZ-P6 entirely. The submitter noted that adaptive reuse is already effectively controlled through market mechanisms and sustainability requirements and rating tools, which reward reuse.

184. We agree with Ms Stevens that CCZ-P6 remains appropriate as it is an encouragement policy, and that adaptive reuse of existing buildings is a good outcome for the City. Obviously, there may be circumstances where adaptive reuse is not possible or impracticable, but that can be considered at the time of any resource consent application.

CCZ-P7 – Ahi Kā (P1 Sch1)

185. Argosy, Kāinga Ora, Oyster Management Limited, Restaurant Brands Limited, Taranaki Whānui, TRoTR, VicLabour and Z Energy Limited¹³² sought to retain CCZ-P7 as notified. There were no submissions that sought a change to the policy.

CCZ-P8 – Sense of place (ISPP)

186. Argosy, Disabled Persons Assembly New Zealand Incorporated, Kāinga Ora, Oyster Management Limited, Paul Burnaby, Restaurant Brands Limited, Taranaki

¹²⁹ Submission # 391.710 and 391.711

¹³⁰ Section 42A Report, at paragraph 263

¹³¹ Submission # 416.153

¹³² Submissions # 383.105, 391.712, 404.59, 349.186, 389.102, 488.82, 414.43, 361.110

Whānui, Willis Bond and Z Energy Limited¹³³ sought to retain CCZ-P8 as notified. There were no submissions that sought a change to the policy.

CCZ-P9 – Quality design outcomes (ISPP)

187. CCZ-P9 was the subject of some attention from submitters at the hearing, as was the whole subject of design guidance, which was the primary subject within the Wrap Up hearing. What is now recommended to be entitled ‘Quality Development Outcomes’ is the subject of Report 4A and the analysis there of the policy as recommended is not repeated. However, for completeness the revised policy is:

CCZ-P9	<p>Quality design <u>development</u> outcomes</p> <p><i>Require new development, and alterations and additions to existing development, at a site scale to positively contribute to the sense of place and distinctive form, quality and amenity of the City Centre Zone by:</i></p> <p><i>1. <u>Fulfilling the intent of the Centres and Mixed Use Design Guide;</u></i></p> <p><i>24. <u>Recognising the benefits of well-designed, comprehensive development, including the extent to which the development:</u></i></p> <p><i>a. Acts as a catalyst for future change by reflecting <u>Reflects</u> the nature and scale of the development proposed <u>enabled</u> within the zone and in the vicinity and responds to the evolving, more intensive identity of the neighbourhood;</i></p> <p><i>b. <u>Optimises the development capacity of the land, particularly-including sites that are:- large, narrow, vacant or ground level parking areas;</u></i></p> <p><i>i. Large; or</i></p> <p><i>ii. Narrow; or</i></p> <p><i>iii. Vacant; or</i></p> <p><i>iv. Ground level parking areas;</i></p> <p><i>c. <u>Provides for the increased levels of residential accommodation anticipated;</u> and</i></p> <p><i>d. <u>Provides for a range of supporting business, open space and community facilities;</u> and</i></p> <p><i>e. <u>Is accessible for emergency service vehicles.</u></i></p> <p><i>2-3 <u>Ensuring that development, where relevant:</u></i></p> <p><i>a. <u>Responds to the site context, particularly where it is located adjacent to:</u></i></p>
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¹³³ Submissions # 383.106, 343.12, 391.713, 404.60, 44.11, 349.187, 389.103, 416.154, 361.111

i. A scheduled site of significance to Māori;

ii. A heritage building, heritage structure or heritage area;

iii. An identified character precinct;

iv. A listed public space;

~~*v. Identified pedestrian streets;*~~

vi. Residential zones;

vii. Open space zones; and

viii. The Waterfront Zone;

b. Responds to the pedestrian scale of narrower streets;

c. Responds to any identified significant natural hazard risks and climate change effects, including the strengthening and adaptive reuse of existing buildings;

d. Provides a safe and comfortable pedestrian environment;

e. Enhances the quality of the streetscape and the private/public interface;

f. Integrates with existing and planned active and public transport activity movement networks, including planned rapid transit stops; ~~and~~

g. Allows sufficient flexibility for ground floor space to be converted to a range of activities, including residential along streets that are not subject to active frontage and/or verandah coverage requirements ~~and sites free of any identified natural hazard risk; and.~~

h. Positively contributes to the sense of place and distinctive form of the City Centre where the site or proposal will be prominent.

4. Recognising the benefits of well-designed accessible, resilient and sustainable development, including the extent to which the development:

a. Enables universal accessibility within buildings, ease of access for people of all ages and mobility/disability; and

b. Incorporates a level of building performance that leads to reduced carbon emissions and increased climate change and earthquake resilience; and

c. Incorporates construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs.

CCZ-P10 – On-site residential amenity (ISPP)

188. Argosy, Oyster Management Limited, Paul Burnaby, Restaurant Brands Limited and Z Energy Limited¹³⁴ sought to retain CCZ-P10 as notified.

189. Stratum Management Limited¹³⁵ opposed CCZ-P10, relating to outdoor living spaces. The submission sought to amend the Policy by deleting point (2) of CCZ-P10 as follows:

- 1. Providing residents with access to an adequate outlook. ~~and~~*
- ~~2. Ensuring access to convenient outdoor space, including private or shared communal areas.~~*

190. Kāinga Ora¹³⁶ sought amendments to relevant rules to clarify the extent of on-site amenity requirements. It sought CCZ-P10 be amended to remove communal outdoor space requirements, as it considered that this is already covered by reference to outdoor space generally, and this could be private outdoor space.

191. Willis Bond¹³⁷ considered that on-site residential amenity can be provided in several ways, and should not be restricted by prescriptive amenity requirements. It sought that CCZ-P10 be amended to acknowledge affordability constraints. The submitter sought the following amendments:

- CCZ-P10 (On-site residential amenity)*
Achieve a high standard of amenity for residential activities that reflects and responds to the evolving, higher density scale of development anticipated in the City Centre Zone and the need to provide for a choice of building type, size, affordability and distribution, including:
- ~~1. Providing residents with access to an adequate outlook; and~~*
 - ~~2. Ensuring access to convenient outdoor space, including private or shared communal areas.~~*

192. In the Section 42A report, Ms Stevens proposed a number of changes that sought to resolve the matters raised by these submitters, as follows:

¹³⁴ Submission # 383.108, 404.62, 44.13, 349.189, 361.114

¹³⁵ Submission # 249.25

¹³⁶ Submission # 391.716 and 391.717

¹³⁷ Submission # 416.158

CCZ-P10	<p><i>On-site residential amenity</i></p> <p><i>Achieve a high standard of amenity for residential activities that reflects and responds to the evolving, higher density scale of development anticipated in the City Centre Zone, including:</i></p> <ol style="list-style-type: none"> <i>1. Providing residents with access to an adequate outlook; and</i> <i>2. Ensuring <u>convenient</u> access to convenient outdoor space, <u>including private and/or shared communal areas of outdoor space</u>;-</i> <i>3. <u>Fulfilling the intent of the Centres and Mixed Use Design Guide;</u></i> <i><u>and</u></i> <i>4. <u>Providing residents with adequate internal living space.</u></i>
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193. We agree that Ms Stevens redrafting is appropriate, noting that in respect of clause 2, this is broadly in line with the submission of Kāinga Ora. Mr Lewandowski for Stratum was also broadly in agreement with the Policy now recommended, noting that both Mr Heale for Kāinga Ora and Mr Lewandowski had reservations about the use of Design Guides. That matter is discussed in detail in Reports 2A and 4A.

194. We consider that the Policy as recommended by Ms Stevens is acceptable. It ensures that appropriate levels of outdoor space and internal living spaces are recognised and provided for at the time of resource consent.

CCZ-P11 – City outcomes contribution (ISPP)

195. This Policy is extensively considered in Report 4A Overview and General Matters.

CCZ-P12 – Managing adverse effects (ISPP)

196. Argosy, Oyster Management Limited, Restaurant Brands Limited and Z Energy Limited¹³⁸ sought to retain CCZ-P12 as notified.

197. FENZ¹³⁹ considered it critical that access for emergency service vehicles is a consideration of the design and layout of new high density developments. FENZ sought the inclusion of a further matter under this policy to provide for “*Accessibility for emergency service vehicles*”.

198. We agree with Ms Stevens¹⁴⁰ that this amendment is not necessary, as this policy is managing adverse effects from evolving, higher density development. Ms Stevens

¹³⁸ Submissions # 383.110, 404.64, 349.191, 361.117

¹³⁹ Submissions # 273.313-314

¹⁴⁰ Section 42A Report, at paragraph 312

also considered that FENZ’s relief is already sufficiently satisfied in her proposed amendment to CCZ-P9. Her view was that the proposed addition to CCZ-P12 does not align with the adverse effects sought to be managed in this policy: for example, building dominance and sunlight access.

199. WCC Environmental Reference Group¹⁴¹ considered that CCZ-P12 fails to mention the impact of the development process on any of the Wellington Central City Zones sustainability goals. They sought the following amendments to ensure CCZ-P12 upholds Objectives 3 and 5:

- 2. The emission of greenhouse gases and waste water runoff from construction.
- 5. The impacts of related construction activity on the transport network and pedestrian linkages.

200. Like Ms Stevens¹⁴², we consider that an amendment to include a clause focusing on the “*emission of greenhouse gases and waste water runoff from construction*” is overly onerous. We also agree that there is no detail about how emissions or waste water runoff are to be monitored, or ways to manage the adverse effects of this. Additionally, the regulation of these matters is also considered outside the functions of Territorial Authorities under s31 RMA, and sits instead within functions of Regional Councils under s30 RMA.

201. However, we do accept that the addition of the words “*and pedestrian linkages*” are beneficial in the context of construction activity.

202. Kāinga Ora¹⁴³ sought to amend the Policy to include adverse effects “*beyond those anticipated within the zone*”.

Recognise the evolving, higher density development context anticipated in the City Centre Zone, while managing any associated adverse effects beyond those anticipated within the zone including:

...

203. This is a similar matter to that discussed under CCZ-O7, and would introduce a greater level of uncertainty to the policy which already has the wording “*Recognise the evolving, higher density development context anticipated*” at the beginning of the policy.

¹⁴¹ Submission # 377.480

¹⁴² Section 42A Report, at paragraph 313

¹⁴³ Submissions # 391.720-721

204. Willis Bond¹⁴⁴ considered that the impacts of construction activity on the transport network should not be relevant in the resource consenting process. It also considered densification proposed by the District Plan will inevitably result in impacts. The submitter sought the deletion of CCZ-P12.4.
205. Stratum Management Limited¹⁴⁵ sought the following amendments to CCZ-P12:
1. *The impacts of building dominance and the height and scale relationship where a building does not meet relevant standards; and*
 2. *Building mass effects, including the amount of light and outlook around buildings where a building does not meet relevant standards; and*
206. Ms Stevens¹⁴⁶ did not agree. She considered that these matters are relevant even when standards can be met, in order to ensure quality design outcomes alongside managing adverse effects.
207. Mr Lewandowski¹⁴⁷ for Stratum was of the view that the introduction of a non-notification statement for rule CCZ-R20 where a building meets all relevant standards, means that certainty of non-notification has been provided. On the basis that the additional notification statement to rule CCZ-R20 is confirmed as recommended by the reporting officer, then his concern around how this policy could be applied was alleviated.
208. In her supplementary evidence, Ms Stevens¹⁴⁸ referred to Mr Heale's supplementary evidence for Kāinga Ora where he identified that there is inconsistency across policies CCZ-P12, LCZ-P9, NCZ-P9 and MCZ-P9 in the use of the word 'enabled' versus 'anticipated'. Given Ms Stevens recommended amendment above to not use 'anticipated' in CCZ-O5, she also recommended that 'anticipated' is removed from CCZ-P12 and MCZ-P9 and replaced with 'enabled'. We agree.
209. Therefore CCZ-P12 is proposed to be amended as follows:

¹⁴⁴ Submission # 416.163

¹⁴⁵ Submission # 249.27

¹⁴⁶ Section 42A Report, at paragraph 317

¹⁴⁷ Evidence of Mitch Lewandowski paragraph s 313-314

¹⁴⁸ Supplementary Evidence of Anna Stevens paragraph 27

CCZ-P12	<p><i>Managing adverse effects</i></p> <p><i>Recognise the evolving, higher density development context anticipated <u>enabled</u> in the City Centre Zone, while managing any associated adverse effects including:</i></p> <ol style="list-style-type: none"> <i>1. The impacts of building dominance and the height and scale relationship;</i> <i>2. Building mass effects, including the amount of light and outlook around buildings; and</i> <i>3. The impacts on sunlight access to identified public space; and</i> <i>4. The impacts of related construction activity on the transport network <u>and pedestrian linkages</u>.</i>
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CCZ-P13 - Retirement villages

210. RVA¹⁴⁹ sought to include a new policy in the CMUZ to support the provision of retirement villages in these zones. The reporting officer agreed to recommend a policy supporting retirement villages in the CCZ, MCZ, LCZ and NCZ to align with the similar policy in the HRZ. The reporting officer also recommended incorporating new rules to provide for retirement villages in the Centres zones as a permitted activity, and as a discretionary activity in the MUZ and COMZ, the latter to align with the approach to managing development in the COMZ and MUZ.
211. We note our discussion in Report 4C in relation to this Policy and related rules in the MCZ, LCZ and NCZ where we did not agree that a retirement village activity was appropriate as a permitted activity, given the relatively small scale of these centres and the potential impact of a retirement village on their vibrancy and capacity. We consider the activity is better managed as a discretionary activity in these zones for the reasons we provide in the respective reports.
212. In the case of the CCZ we did consider whether a new Policy is beneficial at all considering that most activities are permitted in the zone in principle and for residential, that it be located above ground floor on streets requiring active frontages. In addition, the wording proposed could equally apply if it were a residential apartment complex and not just a retirement village. However, on the basis that there is some recognition of retirement villages, we accept Ms Stevens' final wording for this policy which is:

¹⁴⁹ Submission # 350.286

<u>CCZ-P13</u>	<p><u>Retirement villages</u></p> <p><u>Provide for retirement villages where it can be demonstrated that the development:</u></p> <ol style="list-style-type: none"> <u>1. Fulfils the intent of the Centres and Mixed Use Design Guide;</u> <u>2. Includes outdoor space that is sufficient to cater for the needs of village residents;</u> <u>3. Provides an adequate and appropriately located area on site for the management, storage and collection of all of the solid waste, recycling and organic waste potentially generated by the development;</u> <u>4. Is able to be adequately serviced by three waters infrastructure or can address any constraints on the site; and</u> <u>5. Is of an intensity, scale and design that is consistent with the amenity values anticipated in the Zone.</u>
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CCZ Rules

213. We acknowledge that there were several rules where there were only submissions in support in respect of the following land use activities in the CCZ:

- **CCZ-R1 – Commercial activities** (P1 Sch1) - Argosy, Century Group Limited, Fabric Property Limited, Foodstuffs, Oyster Management Limited, Precinct Properties New Zealand Limited, Restaurant Brands Limited, and Z Energy Limited¹⁵⁰.
- **CCZ-R2 – Community facilities** (P1 Sch1) Century Group Limited and Precinct Properties New Zealand Limited¹⁵¹.
- **CCZ-R3 – Educational facilities** (P1 Sch1) - Century Group Limited, Ministry of Education and Precinct Properties New Zealand Limited¹⁵².
- **CCZ-R4 – Recreation activities** (P1 Sch1) - Century Group Limited and Precinct Properties New Zealand Limited¹⁵³.

¹⁵⁰ Submissions # 383.111, 238.5, 425.59, 476.100, 404.65, 139.32, 349.192, 361.118

¹⁵¹ Submissions # 238.6, 139.33

¹⁵² Submissions # 238.7, 400.145, 139.34

¹⁵³ Submissions # 238.8, 139.35

- **CCZ-R5 – Arts, culture, and entertainment activities** (P1 Sch1) - Century Group Limited and Precinct Properties New Zealand Limited¹⁵⁴
- **CCZ-R6 – Emergency service facilities** (P1 Sch1) - Century Group Limited, FENZ and Precinct Properties New Zealand Limited¹⁵⁵
- **CCZ-R7 – Marae activities** (P1 Sch1) - Century Group Limited and Precinct Properties New Zealand Limited¹⁵⁶
- **CCZ-R8 – Community corrections activities** (P1 Sch1) - Corrections, 238.12 and Precinct Properties New Zealand Limited¹⁵⁷
- **CCZ-R9 – Public transport activities** (P1 Sch1) - Century Group Limited and Precinct Properties New Zealand Limited¹⁵⁸
- **CCZ-R10 – Visitor accommodation activities** (P1 Sch1) Century Group Limited and Precinct Properties New Zealand Limited¹⁵⁹
- **CCZ-R11 – Repair and maintenance services activities** (P1 Sch1) -Century Group Limited and Precinct Properties New Zealand Limited¹⁶⁰
- **CCZ-R13 – Industrial activities, excluding repair and maintenance service activities** (P1 Sch1) – now CCZ R17 - Century Group Limited¹⁶¹
- **CCZ-R16 – All other land use activities** (P1 Sch1) now CCZ R20 – Century Group Limited¹⁶².

214. Ms Stevens has also recommended the insertion of four permitted activity rules applying to:

- *CCZ-R12 - Parliamentary activities (P1 Sch1)*
- *CCZ-R13 - Government activities (P1 Sch1)*

¹⁵⁴ Submissions # 238.9, 139.36

¹⁵⁵ Submissions # 238.10, 273.315, 139.37

¹⁵⁶ Submissions # 238.11, 139.38

¹⁵⁷ Submissions # 240.60, 238.12, 139.39

¹⁵⁸ Submissions # 238.13, 139.40

¹⁵⁹ Submissions # 238.14, 139.41

¹⁶⁰ Submissions # 238.15, 139.42

¹⁶¹ Submission # 238.18

¹⁶² Submission # 238.20

- *CCZ-R14 - Civic activities (P1 Sch1)*
- *CCZ-R15 - Retirement Villages (P1 Sch1)*

215. All rules were introduced by virtue of submissions from Parliamentary Service and the RVA, and have been explained in preceding sections of this Report. As a result of the insertion of four rules, there is a consequential renumbering to the remaining rules in the CCZ chapter.

CCZ-R12 – Residential activities (P1 Sch1) - Now CCZ-R16

216. CCZ-R12 is a more detailed rule that applies to the provision of residential activities in the CCZ.

217. Corrections, Argosy, Century Group Limited, Oyster Management Limited and Precinct Properties New Zealand Limited¹⁶³ sought to retain CCZ-R12 as notified.

218. Stratum Management Limited¹⁶⁴ sought that point (iv) in the Rule be amended to ‘At ground level on any site not contained within a Natural Hazard Overlay’. Stratum Management Limited also sought that the notification status under CCZ-R12 is amended to preclude both limited notification and public notification.

219. Kāinga Ora¹⁶⁵ supported CCZ-R12 in part but:

- Sought that active frontages are only applied to key roads;
- Considered it is unclear why verandah coverage is an issue for residential development, particularly when ground floor development is controlled on active frontages and non-residential activity frontages in accordance with LCZ-P4;
- Sought that reference to natural hazards is removed as it is considered these matters are controlled by Natural Hazard rules and the proposed wording is inconsistent with this approach as this encourages residential development in hazard overlay areas. The submitters considered this is an unnecessary duplication; and

¹⁶³ Submissions # 240.61, 383.112, 238.16, 404.66, 139.43

¹⁶⁴ Submissions # 249.28-29

¹⁶⁵ Submissions # 391.722-725

- Sought that the activity status for non-compliance is amended to Restricted Discretionary and appropriate matters of discretion are restricted to Policy 7 and 8 matters and limited to simple design limitations.

220. In the Section 42A report¹⁶⁶, Ms Stevens agreed with the deletion of the term ‘natural hazards’ from the rule as this is considered under the detailed Natural Hazards provisions. Also supported is a change to the notification clause for CCZ-R12. She did not consider that there was sufficient justification to notify a resource consent application for a ground floor residential activity where there is a verandah or active frontage control.

221. Further, in her evidence in reply, after having considered the evidence of Mr Heale for Kāinga Ora, Ms Stevens also reconsidered Discretionary Activity status for CCZ-R12.2 Residential Activities where the Permitted Activity requirements are not met. She had reflected on requests made during the course of the hearing and came to a view that a change to Restricted Discretionary Activity status for CCZ-R12.2 is appropriate.

222. We agree with the changes proposed by Ms Stevens that CCZ-R12 (now CCZ-R16), should be amended as follows:

CCZ-R12	<p><i>Residential activities</i></p> <p>1. <i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p style="padding-left: 40px;">a. <i>The activity is located:</i></p> <p style="padding-left: 80px;">i. <i>Above ground floor level; or</i></p> <p style="padding-left: 80px;">ii. <i>At ground floor level along any street edge not identified as an active frontage; or</i></p> <p style="padding-left: 80px;">iii. <i>At ground level along any street not identified as requiring verandah coverage; or</i></p> <p style="padding-left: 80px;">iv. <i>At ground level on any site not contained within a Natural Hazard Overlay.</i></p> <p>2. <i>Activity status: Discretionary</i></p> <p><i>Where:</i></p>
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¹⁶⁶ Section 42A Report, at paragraph 357 to 360

	<p>a. Compliance with the requirements of CCZ-R12.1.a cannot be achieved.</p> <p>Notification status: An application for resource consent made in respect of rule CCZ-R12.2.a is precluded from being either publicly or limited notified.</p> <p><u>2. Activity status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p><u>a. Compliance with the requirements of CCZ-R12.1.a cannot be achieved.</u></p> <p><u>Matters of discretion are:</u></p> <ol style="list-style-type: none"> 1. <u>The matters in CCZ-P2, CCZ-P4 and CCZ-P9;</u> 2. <u>The extent and effect of non-compliance with CCZ-S7 and CCZ-S8;</u> 3. <u>Whether residential activities exceed 50% of the street frontage at ground floor;</u> 4. <u>The extent to which an acceptable level of passive surveillance is maintained between the interior of the building and the street or area of public space;</u> 5. <u>The extent to which the building frontage is designed and located to create a strong visual alignment with adjoining buildings;</u> 6. <u>The effect on the visual quality of the streetscape and the extent to which the activity contributes to or detracts from the surrounding public space;</u> 7. <u>The continuity of verandah coverage along the identified street, informal access route or public space; and</u> 8. <u>The extent to which non-compliance with verandah coverage will adversely affect the comfort and convenience of pedestrians.</u> <p><u>Notification status: An application for resource consent made in respect of rule CCZ-R12.2.a is precluded from being either publicly or limited notified.</u></p>
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CCZ-R14 – Carparking activities (P1 Sch1) now CCZ-R18

223. CCZ-R14 provides a permitted activity rule where carparking activities are appropriate. Century Group Limited and VUWSA¹⁶⁷ sought to retain CCZ-R14 as notified.

¹⁶⁷ Submissions # 238.18, 123.59

224. Precinct Properties New Zealand Limited¹⁶⁸ sought to amend CCZ-R14 to remove mandatory notification for at grade car parks. The submitter considered that there may be circumstances where there are functional needs to provide car parking at ground level. McDonald's, Foodstuffs and Reading Wellington Properties Limited¹⁶⁹ also opposed the requirement for public notification of any carparks in the CCZ, and sought to delete the clause under CCZ-R14.2. Precinct Properties New Zealand Limited, Foodstuffs, and McDonald's also opposed the Discretionary Activity status in CCZ-R14 for car parking activities that do not comply with the Permitted Activity requirements.
- ~~225.~~ Woolworths¹⁷⁰ also considered that the activity status should be changed to Restricted Discretionary and suggested a number of matters of discretion. The submitter also opposed the notification clause and sought that it be deleted.
226. Foodstuffs and McDonald's¹⁷¹ further considered that if carparking is not visible it should be a permitted activity in CCZ-R14 as per the other centre zones.
227. In the Section 42A report Ms Stevens¹⁷² considered that these submissions should be rejected for a number of reasons including:
- *That mandatory public notification is appropriate where the permitted activity conditions are not met as it discourages these activities from occurring within the zone at the expense of more appropriate activities and land uses that more efficiently optimise sites.*
 - *Discretionary Activity status sends a strong signal that ground floor parking is considered to be a sub-optimal use of CCZ land. Ms Stevens noted that as part of the District Plan review process, ground floor carparking has been an identified issue within the CCZ.*
 - *Further as part of the District Plan review process, ground floor carparking has been an identified issue.*
 - *That strategic direction CC-O3, directs that Wellington retains a compact urban form and is 'greener' (i.e. seeks to lower carbon emissions). The CCZ's focus on active transport, micro-mobility, public transport and activities and development near existing and planned rapid transit, as well as responding to identified significant climate change effects, supports the discretionary activity status under CCZ-R14 as notified.*

¹⁶⁸ Submission # 139.44

¹⁶⁹ Submissions # 274.64, 476.56, 441.4 and 441.5

¹⁷⁰ Submission # 359.86

¹⁷¹ Submissions # 476.55, 274.61 -.62

¹⁷² Section 42A Report, at paragraphs 372-378

- *Carparking that is not visible along the street edge (inferred) should not be a permitted activity. Ms Stevens considered that to enable the efficient use of land and intensification in the CCZ, it is appropriate that the activity is subject to a resource consent process.*

228. In outlining the position of a supermarket operator, Ms Key¹⁷³ for Foodstuffs was of the view that:

Whilst I agree that the PDP should retain an appropriate level of discretion for short-term ground level carparking to ensure good urban design outcomes, a restricted discretionary activity status is sufficient to allow for the appropriate consideration of design. A discretionary activity status for short-term parking is unnecessarily onerous.

Therefore, I maintain the opinion that the activity status for short-term carparking activities not meeting the permitted activity status under rules NCZ-R13, LCZ-R13, MCZ-R15 and CCZ-R14 to be a restricted discretionary activity. There should be a separate discretionary activity status for long-term carparking which would signal that this is an undesirable activity.

229. Ms Key¹⁷⁴ also opposed the mandatory public notification of proposals that do not meet the permitted activity conditions, as it is appropriate for the normal notification tests to apply. She sought that public notification status under CCZ-R14 is deleted or only applied to long-term carparking. Ms Panther Knight¹⁷⁵ for Woolworths shared similar concerns.

230. Ms Stevens¹⁷⁶ remained of the view in her evidence in reply that amendments for clarity are required, but that there should be no other changes within the CCZ.

231. We agree that ground floor carparking is an inefficient use of sites within the CCZ and should be discouraged. We therefore agree with Ms Stevens and the recommended changes to CCZ-R14 as follows.

CCZ-R1418	<p><i>Carparking activities</i></p> <p><i>1. Activity status: Permitted</i></p> <p><u><i>Where:</i></u></p> <p>a. The activity involves:</p>
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¹⁷³ Evidence of Elena Key paragraphs 8.8 and 8.9

¹⁷⁴ Evidence of Elena Key paragraph 8.16

¹⁷⁵ Evidence of Kay Panther Knight paragraph 65

¹⁷⁶ Right of Reply Report, at paragraph 167

	<ul style="list-style-type: none"> i. Provision of carparks above ground <u>floor</u> level; or ii. Provision of carparks below ground floor level; or iii. Provision of parking spaces for people with disabilities; or iv. Provision of ground <u>floor</u> level carparks that form part of a building specifically constructed and used for carparking purposes <u>and that complies with CCZ-S8; or</u> v. Provision of ground floor level carparks that form part of a building, are located to the rear of the site, comply with CCZ-S8 and are not visible from the street; or vi. Provision of carparks on a road. <p>2. Activity status: Discretionary</p> <p><i>Where</i></p> <p>a. Compliance with the requirements of CCZ-R18-4.1.a cannot be achieved.</p> <p><i>Notification status: An application for resource consent made in respect of rule CCZ-R18-4.2.a must be publicly notified.</i></p>
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CCZ-R15 – Yard-based retailing activities (P1 Sch1) now CCZ R19

- 232. Century Group Limited¹⁷⁷ sought to retain CCZ-R15 as notified.
- 233. The Oil Companies collectively, and Z Energy Limited¹⁷⁸, considered that public notification should not be required if the activity relates to maintenance, operation and upgrading of an existing activity, or if the new or existing activity adjoins another commercial zone, residential zone or an arterial or collector Road.
- 234. Ms Stevens¹⁷⁹ agreed with the first point, but not the second. She stated:
 - ...it is these zone interfaces that the District Plan seeks to protect, and quality urban design outcomes should be encouraged in these locations. I*

¹⁷⁷ Submission # 238.19

¹⁷⁸ Submissions # 372.153-154, 361.119-120

¹⁷⁹ Section 42A Report, at paragraphs 384-385

agree that yard-based activities adjacent to arterial or principal roads will potentially be appropriate, and the underlying policy framework establishes that these activities are 'potentially incompatible' within the CCZ. As such, I consider that the mandatory requirement for public notification is appropriate as it discourages these activities from occurring within the zone at the expense of more appropriate activities.

235. We agree that such activities are generally inappropriate in the CCZ and a new or expanded activity for yard-based retailing should have to justify its case. In general, we do not agree that using mandatory public notification in a punitive manner is a reasonable rationale. However, proposing to use valuable city centre land for a low intensity purpose is contrary to the public policy directive of the NPSUD and of the PDP. While we did consider whether the standard notification tests under Section 95 should apply, we do not see that it sends a strong enough signal that such an activity is generally an inefficient use of CCZ land where we are obliged, as a matter of public policy, to consider the maximisation of urban development potential. The notification status statement is therefore recommended to be amended as follows:

1. Activity status: Discretionary

Notification Status: An application for resource consent made in respect of rule CCZ-R1945 that is either a new activity or expands the net area of an existing activity must be publicly notified.

236. There are also six rules applying to Buildings and Structures within the CCZ.

CCZ-R17 – Maintenance and repair of buildings and structures (ISPP) now CCZ R21

237. Argosy, FENZ, Oyster Management Limited, Precinct Properties New Zealand Limited and Restaurant Brands Limited¹⁸⁰ sought to retain CCZ-R17 as notified.

CCZ-R18 – Demolition or removal of buildings and structures (ISPP) now CCZ-R22

238. FENZ, Oyster Management Limited and Restaurant Brands Limited¹⁸¹ sought to retain CCZ-R18 as notified.

239. Argosy and Oyster Management Limited¹⁸² sought to amend the status of CCZ-R18.2 to from 'Non-Complying' to 'Restricted Discretionary'. The submitters considered there may be practical reasons why a building might need to be

¹⁸⁰ Submissions # 383.113, 273.316, 404.67, 139.46, 349.193

¹⁸¹ Submissions # 273.317, 404.70, 349.194

¹⁸² Submissions # 383.114, 404.68-69

demolished before a resource consent is sought for a new building; for example, if a staged development is being undertaken. This was expanded on in the evidence of Mr Joe Jeffries for the submitters.

240. In a similar manner, Fabric Property Limited¹⁸³ sought that CCZ-R18 be amended to provide for demolition as a Restricted Discretionary Activity where it does not comply with CCZ-R18.1. Alternatively, Fabric Property Limited sought a Discretionary Activity status, which would be consistent with MCZ-R19.
241. Kāinga Ora¹⁸⁴ sought to amend CCZ-R18 as necessary to avoid potential unintended consequences of constraining staged development.
242. GWRC¹⁸⁵ sought to amend CCZ-R18 to include a rule requirement that Permitted Activity status is subject to building and demolition waste being disposed of at an approved facility.
243. Ms Stevens¹⁸⁶ was of the view that:

Well-planned development is best achieved through comprehensive redevelopment of a site, which may include staging secured through a condition of a resource consent. I also do not recommend any changes in response to [391.726] regarding avoiding potential unintended consequences of constraining staged development.

I consider that the demolition rule CCZ-R18 sends a clear signal that Council does not want to see any further derelict sites in Wellington and instead wants to encourage planned, consented revitalisation of CCZ sites, either through buildings or public space.

Consistent with other Section 42A reports, I disagree with the amendment sought by GWRC [351.278, 351.279] relating to the disposal of building waste at approved facilities. It would be an impractical requirement to enforce given the difficulties of tracking waste from the many demolition projects that occur across the city. In addition, the Solid Waste Management and Minimisation Bylaw 2020 deals with construction waste and all persons undertaking demolition are required to comply with this. The submission point states the request gives effect to Policy 34 of the Operative RPS, but Policy 34 is about controlling activities on contaminated land.

¹⁸³ Submissions # 425.60-62

¹⁸⁴ Submission # 391.726

¹⁸⁵ Submissions # 351.278-279

¹⁸⁶ Section 42A Report, at paragraphs 402-404

244. Ms Stevens considered that the rule should remain as notified so that there are no unintended consequences, noting that there are amendments to provide for clarity. We agree with this rationale as demolition to create vacant land is undesirable unless it is required to construct a new development. The rule provides for this to occur.

CCZ-R19 – Alterations and additions to buildings and structures (ISPP) now CCZ-R23

245. There were a number of submissions on CCZ-R19. FENZ¹⁸⁷ sought that CCZ-R19 be retained as notified. Council¹⁸⁸ considered a notification status statement is missing in relation to developments where all standards are met. We agree that a notification status statement to preclude public or limited notification should be added.

246. Argosy¹⁸⁹ considered that other standards are sufficient to control alterations and additions that can occur as a Permitted Activity and therefore sought CCZ-R19.1 be amended to remove (a)(i) relating to altering the external appearance of the building or structure. It further sought that the Centres and Mixed-Use Design Guide be removed from under the matters of discretion.

247. Similarly, Fabric Property Limited¹⁹⁰ considered that other standards are sufficient to control alterations and additions that can occur as a Permitted Activity, and opposed rule CCZ-R19.1.a.i. It sought that the references to the design guides and Policy CCZ-P11 in the matters of discretion of CCZ-R19 be removed and replaced with references to the specific design outcomes that are sought. The submitter supported the preclusion of limited and public notification and specified permitted activities.

¹⁸⁷ Submission # 273.318

¹⁸⁸ Submission # 266.157

¹⁸⁹ Submission # 383.115

¹⁹⁰ Submissions # 425.63-71

248. Investore¹⁹¹ sought that Design Guides are removed as a matter of discretion and replaced with specific outcomes that are sought. Precinct Properties New Zealand Limited¹⁹² sought a similar outcome.
249. Oyster Management Limited¹⁹³ supported CCZ-R19 in part, including the Restricted Discretionary activity status and the notification preclusions. The submitter considered that CCZ-R19.1.a.i would likely make all alterations and additions non-compliant with the Permitted Activity rule and considered other standards are sufficient to control alterations as a Permitted Activity. The submitter sought this provision be removed.
- ~~250.~~ Kāinga Ora¹⁹⁴ sought that CCZ-R19 be amended to remove direct reference to the Design Guides, and to instead include the urban design outcomes that are sought, and to remove reference to the “*City Outcomes Contribution*”. It further considered that it is unclear why the creation of new residential units needs control as residential activities are encouraged in the City Centre, and other rules control the location of residential activities.
251. McDonald's¹⁹⁵ opposed the requirement for Restricted Discretionary consent where additions and alterations change the exterior to the building above veranda level and are visible from public spaces. The submitter considered that CCZ-P19 should be a Permitted Activity where compliance can be achieved with the relevant standards.
252. Paul Burnaby¹⁹⁶ sought that preclusion for limited notification be removed from CCZ-R19, while Restaurant Brands Limited¹⁹⁷ sought that CCZ-R19 be amended to remove the cross reference to the CMUDG within the matters of discretion.

¹⁹¹ Submissions # 405.132-133

¹⁹² Submission # 139.47-49

¹⁹³ Submissions # 404.71-74

¹⁹⁴ Submissions # 391.727-728

¹⁹⁵ Submissions # 274.65-66

¹⁹⁶ Submissions # 44.15-16

¹⁹⁷ Submission # 349.195

253. Willis Bond¹⁹⁸ sought that CCZ-R19 be amended to remove the inclusion of the Design Guides.
254. RVA submission¹⁹⁹ made the following points:
- a) Supported the additions and alterations to a retirement village being provided for as a Permitted or Restricted Discretionary activity under CCZ-R19.
 - b) Considered the matters of discretion in Clause 1 are not appropriate, noting they are too broad and not specific to the effects of retirement villages that require management.
 - c) Opposed the inclusion of CCZ-P11 in Clause 1 relating to the City Outcomes contribution.
 - d) Considered, due to the absence of any reference to retirement villages in the Centres and Mixed Use Design Guide (CMUDG) and the Residential Design Guide (RDG), their inclusion as matters of discretion in Clauses 3 and 4 are not of relevance/applicable to retirement villages and should be deleted.
 - e) Considered a set of retirement village specific matters of discretion should be included based on MDRS provisions.
255. Ms Stevens did not agree with these submissions in principle, for reasons outlined in her Section 42A report²⁰⁰. However, in her supplementary statement²⁰¹, she stated that as a result of reviewing and considering these and other relevant points raised by submitters, a number of technical amendments to CCZ-R19 are required in response to improve their comprehension and workability.
256. We agree with Ms Stevens that resource consent should be required for additions and alterations, and that the CMUDG should apply by way of reference to CCZ-P9 as a matter of discretion. We also accept the wording proposed as being appropriate. This matter is also discussed in Report 4A particularly in relation to the relevance of the City Outcomes Contribution. The marked up changes to the rule we recommend are as follows.

¹⁹⁸ Submission # 416.168

¹⁹⁹ Submission # 350.295-297

²⁰⁰ Section 42A Report, at paragraphs 422 to 432.

²⁰¹ Supplementary Report, at paragraph 160

CCZ-R1923	Alterations and additions to buildings and structures
	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The <u>Any</u> alterations or additions to a building or structure that:</p> <p>i. Do not alter its <u>the external appearance of the building or structure; or</u></p> <p>ii. <u>Involves the placement of solar panels on rooftops; or</u></p> <p>iii. <u>Involves maintenance, repair or painting; or</u></p> <p>iv. <u>Involves re-cladding with like for like materials and colours; or</u></p> <p>v. <u>Relate to a building frontage that is:</u></p> <ul style="list-style-type: none"> • <u>below verandah level, including entranceways and glazing; and</u> • <u>compliantes with CCZ-S8 is achieved; or</u> <p>vi. <u>Are not visible from a public space; and</u></p> <p>b. <u>The alterations or additions:</u></p> <p>iii-i. Do not result in the creation of new residential units; and</p> <p>iv. Are not visible from public spaces; and</p> <p>v. ii. <u>Comply with standards CCZ-S1, CCZ-S2, CCZ-S3, CCZ-S4, CCZ-S5, CCZ-S6, CCZ-S7, and CCZ-S8, CCZ-S15 and CCZ-S16.</u></p>
	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of CCZ-R2349.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <p>1. The matters in CCZ-P4, CCZ-P5, CCZ-P6, CCZ-P7, CCZ-P8, CCZ-P9, CCZ-P10, CCZ-P11 and CCZ-P12 and CCZ-P13;</p> <p>2. The extent and effect of non-compliance with CCZ-S1, CCZ-S2, CCZ-S3, CCZ-S4, CCZ-S5, CCZ-S6, CCZ-S7, CCZ-S8, CCZ-S9, CCZ-S10, CCZ-S11, CCZ-S12, and CCZ-S13, CCZ-S15 and CCZ-S16;</p> <p>3. Construction impacts on the transport network; and</p> <p>4. Where CCZ-S1 or CCZ-S4 cannot be complied with, the matters in CCZ-P11 and</p> <p>5. The Centres and Mixed-Use Design Guide, including guideline G107—City Outcomes Contribution for any building that exceeds the maximum height requirement and either comprises 50 or more residential units or is a non-residential building; and</p>

	<p>6. The Residential Design Guide.</p> <p><i>Notification status:</i></p> <p><u>An application for resource consent made in respect of rule CCZ-R23.2.a that complies with all of the identified standards in CCZ-R23.2.a.2 is precluded from being either publicly or limited notified.</u></p> <p>An application for resource consent made in respect of rule CCZ-R2349.2.a which results in non-compliance with CCZ-S5, CCZ-S9, and CCZ-S10, CCZ-S11, CCZ-S12 and CCZ-S13 is precluded from being either publicly or limited notified.</p> <p>An application for resource consent made in respect of rule CCZ-R2349.2.a which results in non-compliance with CCZ-S1, CCZ-S2, CCZ-S3, CCZ-S4, CCZ-S6, CCZ-S7, and CCZ-S8, CCZ-S11, CCZ-S12, CCZ-S13, CCZ-S15 and CCZ-S16 is precluded from being publicly notified.</p>
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CCZ-R20 – Construction of buildings and structures (ISPP) now CCZ-R24

257. CCZ-R20 is a pivotal rule within the CCZ, as it applies to new buildings and structures. Many of the same issues that apply to R19 also apply, and these have also been extensively discussed in Report 4A. Firstly, we record that FENZ²⁰² supported CCZ-R20 as notified and Precinct Properties New Zealand Limited²⁰³ supported the preclusion of limited and public notification under CCZ-R20.2.
258. Precinct Properties New Zealand Limited and Investore²⁰⁴ sought to amend CCZ-R20 so that the references to the design guides in the matters of discretion are removed and replaced with references to the specific design outcomes that are sought. Argosy²⁰⁵ sought reference to the CMUDG be removed.
259. Kāinga Ora²⁰⁶ supported the preclusion of public and limited notification, but sought amendments to remove direct references to the Design Guide and the City Outcomes Contribution, and instead sought that urban design outcomes are articulated. We do not agree with these submissions for the reasons outlined in Report 4A and above in relation to CCZ-R19.

²⁰² Submission # 273.319

²⁰³ Submissions # 139.50-51

²⁰⁴ Submissions # 405.134-135

²⁰⁵ Submission # 383.116

²⁰⁶ Submissions # 391.729- 730

260. Stratum Management Limited²⁰⁷
- a) Supported the first notification status;
 - b) Sought that CCZ-S1 is removed from the second notification status;
 - c) Sought an additional non-notification statement for a situation where all standards are complied with; and
 - d) Sought a minor change to matter of discretion (3) to clarify its applicability
261. Fabric Property Limited²⁰⁸ sought similar relief. Restaurant Brands Limited²⁰⁹ sought that CCZ-R20 is amended to delete matter of discretion (3) under the Restricted Discretionary section relating to Design Guides.
262. Council²¹⁰ sought that CCZ-R20 notification status is amended to add the following statement: - '*An application for resource consent made in respect of rule CCZ-R20.2.a which complies with all standards is precluded from being either publicly or limited notified*'. We agree that this is appropriate.
263. Willis Bond²¹¹ considered that:
- a) The Design Guides should be non-statutory;
 - b) The City Outcomes Contribution will not be required if height limits are removed;
 - c) "*the extent of any identifiable site constraints*" is vague and will be difficult to apply;
 - d) The impacts of construction activity on the transport network should not be relevant in the resource consenting process; and
 - e) The matter relating to three waters should be managed via development/financial contributions.

²⁰⁷ Submission # 249.30-32, 425.80

²⁰⁸ Submission # 425.80

²⁰⁹ Submission # 349.196

²¹⁰ Submission # 266.158

²¹¹ Submissions # 416.169-170

264. RVA's submission²¹²:
- a) Supported the rule, the Permitted construction of buildings when complying with relevant built form standards, and the triggering of more restrictive activity statuses based on non-compliance with relevant standards; and
 - b) Considered construction of retirement villages should be a Restricted Discretionary Activity and should have its own focused matters of discretion.
265. Woolworths²¹³:
- a) Considered that the rule should be amended to establish a baseline for supermarket operations that is greater than the current threshold of 100m² for new buildings on account of the general operational requirements of the stores. The submitter sought a baseline of 450m², which it considered is a commensurate response given the typical scale of supermarket buildings in this zone;
 - b) Considered that CCZ-R20.2 should be amended to reflect changes to standard CCZ-S4, which would exclude supermarkets from compliance with the minimum building height standard; and
 - c) Had concerns around the inclusion of the CMUDG within these matters of discretion and sought this is excluded from matters of discretion for new supermarket buildings.
266. Oyster Management Limited²¹⁴ sought that CCZ-R20.2 Matters of Discretion are amended to what types of site constraints there may be relevant according to Matter of Discretion 5.
267. We note that the recommended text of the rule changed during the course of the hearing with Ms Stevens recommending technical amendments to CCZ-R19, CCZ-R20 and CCZ-S1 in response to submissions to improve their comprehension and workability. We also accept Ms Stevens' reasoning in her Section 42A Report in relation to the submissions of Woolworths.

²¹² Submissions # 350.298-300

²¹³ Submissions # 359.87-89

²¹⁴ Submissions # 404.75-76

268. We recommend the following changes, noting our commentary on the City Outcomes Contribution and Design Guides in relation to CCZ-R20 in Report 4A.

CCZ-R20	Construction of buildings and structures
	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. It involves the construction of any new building or structure that:</p> <ol style="list-style-type: none"> i. Will have a gross floor area of 100m² or less; and ii. Will result in a building coverage of no more than 20 percent; and <p>b. Compliance with CCZ-S1, CCZ-S2, CCZ-S3, CCZ-S4, CCZ-S5, CCZ-S6, CCZ-S7, CCZ-S8, CCZ-S9, CCZ-S10, CCZ-S11, CCZ-S12, and CCZ-S13, <u>CCZ-S14, CCZ-S15 and CCZ-S16 is achieved.</u></p>
	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of CCZ-R20.1, excluding CCZ-S4, cannot be achieved.</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in CCZ-P4, CCZ-P5, CCZ-P6, CCZ-P7, CCZ-P8, CCZ-P9, CCZ-P10, CCZ-P11, and CCZ-P12 and CCZ-P13; 2. The extent and effect of non-compliance with CCZ-S1, CCZ-S2, CCZ-S3, CCZ-S5, CCZ-S6, CCZ-S7, CCZ-S8, CCZ-S9, CCZ-S10, CCZ-S11, CCZ-S12, and CCZ-S13, <u>CCZ-S14, CCZ-S15 and CCZ-S16;</u> 3. The Centres and Mixed-Use Design Guide, including guideline G107 – City Outcomes Contribution for any building that exceeds the maximum height requirement and either comprises 50 or more residential units or is a non-residential building; 3. <u>Where CCZ-S1 or CCZ-S4 cannot be complied with, the matters in CCZ-P11;</u> 4. The Residential Design Guide; 4. The extent and effect of any identifiable site constraints; 5. The impacts of related construction activities on the transport network; and 6. The availability and connection to existing or planned three waters infrastructure. <p>Notification status:</p> <p><u>An application for resource consent made in respect of rule CCZ-R24.2.a which complies with all of the identified standards in CCZ-R24.2.2 is precluded from being either publicly or limited notified.</u></p>

	<p><i>An application for resource consent made in respect of rule R2420.2.a which results in non-compliance with CCZ-S5, CCZ-S9, and CCZ-S10, CCZ-S11, CCZ-S12 and CCZ-S13 is precluded from being either publicly or limited notified.</i></p> <p><i>An application for resource consent made in respect of rule R2420.2.a which results from non-compliance with CCZ-S1, CCZ-S2, CCZ-S3, CCZ-S6, CCZ-S7, and CCZ-S8, CCZ-S11, CCZ-S12, CCZ-S13, CCZ-S15 and CCZ-S16 is precluded from being publicly notified.</i></p>
	<p>3. Activity status: Discretionary</p> <p>Where:</p> <p>a. Compliance with the requirements of CCZ-S4 cannot be achieved.</p> <p>Notification status:</p> <p><i>An application for resource consent made in respect of rule CCZ-R2420.3 which results in non-compliance with CCZ-S4 is precluded from being either publicly or limited notified.</i></p>

CCZ-R21 Conversion of buildings, or parts of buildings, for residential activities (P1 Sch1) now CCZ-R25

269. Argosy²¹⁵ supported CCZ-R21 as notified. FENZ²¹⁶ supported the rule as the matters of discretion include the availability and connection to existing or planned Three Waters infrastructure, particularly where this may involve the conversion of non-habitable rooms to residential use. The submitter sought an amendment to include the necessity to connect to Three Waters infrastructure, including for the purposes of firefighting. We do not see this is necessary as firefighting servicing is provided for under the Building Code.
270. Investore²¹⁷ sought that CCZ-R21 is amended to remove Design Guides as matters of discretion and replace them with specific outcomes, with no specific recommendation. Kāinga Ora²¹⁸ supported the rule in part, and in particular supported the notification preclusion. The submitter also sought that reference to the Design Guide is removed, that reference to CCZ-S10 (private or communal outdoor living space) is removed, and design outcomes are further articulated.

²¹⁵ Submission # 383.117

²¹⁶ Submissions # 273.320-321

²¹⁷ Submission # 405.136 and 137

²¹⁸ Submissions # 391.731-732

271. Willis Bond²¹⁹ sought to remove reference to Design Guides and sought that the matter of discretion (4) is also removed as it should be managed via development contributions/financial contribution.
272. Oyster Management Limited²²⁰ sought that CCZ-R21 is amended to provide for conversion of office to residential as either a Permitted, Controlled or Restricted Discretionary activity subject to compliance with appropriate standards (Permitted), or appropriate matters of control and discretion (Controlled and Restricted Discretionary). The submitter also sought that the notification status is retained for all activity statuses.
273. In response to these submissions, Ms Stevens²²¹ recommended the deletion of the clause relating to the Residential Design Guide, but that no further changes are made. We agree with that position, because reference to CCZ-S10 in CCZ-R21 is important, so that consideration is given to the adequacy of private or communal outdoor living space in the context of conversion of a building to residential activities.
274. Regarding the matter of discretion for the availability and connection to existing or planned Three Waters infrastructure, we agree that it is fundamental to ensure that developments will be adequately serviced by existing or planned Three Waters infrastructure. We also agree that a Restricted Discretionary Activity enables the necessary urban design and planning assessment required to assess the effects and design of a building conversion to residential activities.
275. We therefore endorse the recommended changes outlined in the evidence of Ms Stevens, the reporting officer.

CCZ-R22 – Outdoor storage areas (P1 Sch1) now CCZ-R26

276. There was one submission on this rule from FENZ²²² that considered it important that screening of outdoor storage areas as a visual mitigation will not obscure emergency or safety signage or obstruct access to emergency panels, hydrants,

²¹⁹ Submission # 416.171

²²⁰ Submissions # 407.77-78

²²¹ Section 42A Report, at paragraphs 471 to 474

²²² Submissions # 273.322-323

shut-off valves or other emergency response facilities. Ms Stevens agreed, as do we, and the amendment requested is included in **Appendix 1**.

CCZ Standards

277. As notified, there are 16 standards that apply in the CCZ.

CCZ-S1 – Maximum height/height thresholds (ISPP)

278. One of the significant changes from the ODP and in the notified Plan, to the recommendations to us at the hearing is the removal of a 'height limit' and its replacement with a 'height threshold'. The intent is that there is no height limit, but if the height threshold is exceeded, the City Outcome Contribution mechanism would apply. It should be noted that there is extensive discussion on this approach and a revised Standard in Report 4A as part of the Panel's recommended decision on the City Outcomes Contributions.
279. Wellington City Youth Council, FENZ, James Coyle, Restaurant Brands and Oyster Management Limited²²³ supported CCZ-S1. However, there were numerous submissions that sought change to the Standard as notified.
280. Oyster Management Limited²²⁴ considered that the 90m Height Control Overlay should extend over 141 The Terrace, 294 and 298 Lambton Quay so it is contiguous with the height control applying to 312 Lambton Quay and other sites to the south. The submitter also sought that the 75m Height Control Area extent is retained as notified. This was not pursued by the submitter at the hearing, with Mr Jeffries²²⁵ supporting the officer's recommendations for unlimited building height.
281. Guy Marriage²²⁶ sought to amend the building heights in Te Aro so that they are restricted to 5 - 6 storeys, with the occasional 9 storey towers. Wellington Branch NZIA²²⁷ also opposed Height Control Area 8 – Te Aro.
282. We heard extensively from Mr Marriage at the hearing, but consider that a restriction to that level within Te Aro would unnecessarily constrain development

²²³ Submissions # 201.35-36, 273.324, 307.23, 349.197, 404.80

²²⁴ Submissions # 404.2-3, 404.45

²²⁵ Evidence of Joe Jeffries paragraph 7.5

²²⁶ Submission # 407.5

²²⁷ Submission # 301.11

and lead to a loss of development capacity. We are also mindful of the direction of NPSUD Policy 3a that directs us to provide for building heights and density of urban form to realise as much development capacity as possible in city centre zones, to maximise benefits of intensification.

283. There were also a number of submissions that we received no evidence to support the relief sought. These included;

- a) Catherine Penetito²²⁸ sought that the building height zones adjacent to the following items in SCHED1 – Heritage Buildings are reconsidered to ensure they are not overshadowed, being the National War Memorial and Carillon, the National/Dominion Museum and National Art Gallery (former), the Home of Compassion Crèche (former) and Army Headquarters (former).
- b) Conor Hill, Nico Maiden, Stratum Management Limited, Generation Zero Inc, Paihikara Ki Pōneke Cycle Wellington, Willis Bond, Andrew Flanagan, and Reading Wellington Properties Limited²²⁹ opposed CCZ-S1 and sought that it is deleted in its entirety. Darko Petrovic also sought the removal of all height limits in all sections of the Central CBD area to the extent that they do encroach on Viewshafts.
- c) Similarly, VicLabour and Fabric Property Limited²³⁰ sought that maximum height limits in the CCZ are removed and unlimited heights are introduced.
- d) Andrew Haddleton²³¹ sought that the allowable building height on the Courtenay Place end of Kent Terrace be amended to 18m. Paul Burnaby²³² sought that the height control at 110 Wakefield St (West Plaza Hotel) be amended to 73m.
- e) Te Herenga Waka Victoria University of Wellington²³³ sought that CCZ-S1 Height Control Area 1 – Thorndon Quay be amended to exclude Rutherford

²²⁸ Submissions # 474.4-7

²²⁹ Submissions # 76.2, 77.4, 249.33, 254.17 302.48, 416.181-182, 198.12, 198.18, 441.6, 124.1

²³⁰ Submissions # 414.45-46, 425.81-82

²³¹ Submissions # 23.3- 4

²³² Submission # 44.2 and 44.17

²³³ Submission # 106.10

House site (23 Lambton Quay), and to give that site an increased height limit (from 35m to 56m).

- f) Darko Petrovic²³⁴ sought that CCZ-S1 is amended to remove Height Control Area 5 (CBD East) and Height Control Area 6 (CBD West).
- g) Jill Wilson²³⁵ opposed CCZ-S1 to the extent that it applies to Wakefield and Cable Street.
- h) Wakefield Limited²³⁶ sought that CCZ-S1 be amended to provide for a 60 metre height limit in Height Control Area 7– Eastern edge of CBD
- i) U.S. Embassy Wellington²³⁷ was concerned about any structure adjacent to the United States Embassy being built to a height of 27m, particularly without any requirement for the Embassy to be notified of and consent to the proposed building, for security reasons. The submitter sought that CCZ-S1 is amended so that properties identified on a map surrounding the United States Embassy have a maximum height of 10m.
- j) WCC Environmental Reference Group²³⁸ sought that CCZ-S1 is amended so the standard does not apply to “*enclosed immobile garden beds providing these do not extend beyond 2m in diameter or 1m in height*”.

284. In relation to the above submitters, we did not have any direct evidence to justify what is being sought in these submissions, and therefore accept Ms Stevens’ recommendations in this regard.

285. Kāinga Ora²³⁹ sought that CCZ-S1 is amended to delete the Height Control Areas and replace it with the statement ‘*There is no maximum height for buildings and structures in the City Centre Zone*’. The submitter also sought that the CCZ add a height control of:

²³⁴ Submissions # 124.2- 3

²³⁵ Submission # 218.4

²³⁶ Submission # 267.1

²³⁷ Submission # 366.1

²³⁸ Submission #377.481

²³⁹ Submissions 391.733, 391.688-689

- a) 43m within a 400m walkable catchment of a City Centre Zone
- b) 36m within a 400-1500m walkable catchment of a City Centre Zone.

286. Ms Stevens²⁴⁰ disagreed with Kāinga Ora's submission point that sought height limits in the CCZ be deleted from mapping references. We understand that this mapping referencing is needed to tie into CCZ-S1 heights, and show where they apply. Ms Stevens also disagreed with the submission point from Kāinga Ora to add standards to CCZ-S1 that control heights within walking catchments of the City Centre Zone. We agree that this is inappropriate for the two reasons outlined by Ms Stevens:

- *This is directing a height limit for other zones outside the CCZ. The appropriate place for height limits in these areas is within the relevant zone standards, not in the CCZ provisions.*
- *I support the Section 42A report analysis and recommendations in Hearing Streams 1 and 2 on height limits in the MRZ and HRZ, including the effect of the CCZ walkable catchment on those limits.*

287. Moir Street Collective²⁴¹ sought that CCZ-S1 be amended to add Height Control Area 11 - Eastern side of Hania St 15m. The same group opposed CCZ-S1 Height Area 9 – South East, South West Zone Edge. We agree with this request for the reasons outlined in relation to Moir Street above.

288. Precinct Properties New Zealand Limited²⁴² sought that CCZ-S1 is amended to provide unlimited building heights in the City Centre zone, or if that is rejected, amend CCZ-S1 to allow build heights at least as great as that of existing buildings.

289. Century Group Limited²⁴³ considered the lack of an unlimited height control, or at least an increase in the height limits throughout the CCZ is inconsistent with Policy 3(a) of the NPSUD. The submitter sought that CCZ-S1 is amended to provide an unlimited height limit relating to Height Control Area 2 – Waterloo Quay section.

²⁴⁰ Section 42A Report, at paragraph 514

²⁴¹ Submission # 312.7 including some of the following: Juliet Cooke [68.3], James and Karen Fairhall [160.6, 160.7], Karen and Jeremy Young [162.7, 162.8], Kane Morrison and Jane Williams [176.7, 176.8], Athena Papadopoulos [183.6, 183.7], Lara Bland [184.6, 184.7], Geoff Palmer [188.6, 188.7], Dougal and Libby List [207.7, 207.8], Craig Forrester [210.8], Jane Szentivanyi [376.6, 376.7], Chrissie Potter [446.6], Dorothy Thompson [449.6] and Tracey Paterson [74.4]

²⁴² Submission # 139.52

²⁴³ Submission # 238.21

290. Peter Kennedy²⁴⁴ supported the properties at 25 and 25A Taranaki Street being subject to the height control of 42.5m above ground level. The submitter also considered that the height restriction of 42.5m should be removed, and sought that CCZ-S1 is amended to provide for 60m in this Height Control Area.
291. We note the changes to CCZ-S1 included in **Appendix 1** are broadly consistent with the intent of these submissions.
292. Wheeler Grace Trust and Eldin Family Trust²⁴⁵ sought that CCZ-S1 is amended so that Selwyn Terrace, Thorndon does not have a 27m maximum building height (Height Control Area 3). We have already outlined our position on Selwyn Terrace and also refer to Reports 2B, 3A and 3B addressing Character, Heritage and Viewshafts issues raised in relation to this area.
293. Argosy and Oyster Management Limited²⁴⁶ sought that CCZ-S1 is amended to include an additional matter of discretion: “4. *The extent to which taller buildings would contribute to maximising the benefits of intensification in the city*”.
294. Willis Bond²⁴⁷ sought:
- a) that as an alternative to CCZ-S1 (Maximum height), floor area ratios relative to lot sizes could be used as a method to control bulk and calculated based on the heights currently allowed.
 - b) that if height limits are retained, there should be further scope for development above the façade height, e.g., plant rooms, sloping roofs etc.
 - c) that for the Wellington Train Station precinct CCZ-S1 (Maximum height) be amended, notwithstanding the submitter’s other comments regarding height controls, to increase the height limit above the rail corridor to the extent possible, and ensure the height limit of nearby areas is at a similar scale.
 - d) that the Tasman Street block maximum height be amended, notwithstanding the submitter’s other comments regarding height controls, to increase the

²⁴⁴ Submissions # 353.1- 2

²⁴⁵ Submissions # 261.3, 287.7

²⁴⁶ Submissions 383.119 and 404.79

²⁴⁷ Submissions # 416.183-184, 416.7, 416.185, 416.8, 416.186

height limit of the Tasman Street block to be consistent with the surrounding blocks, and consistent with the intent of the NPSUD.

295. In relation to Tasman Street, we note the evidence of Rosalind Luxford from Willis Bond that was presented at the hearing by Jimmy Tait-Jamieson. Their position²⁴⁸ was:

We ask the Panel to explore the reasoning behind the height threshold with Council and, in particular, consider whether the height threshold is justifiable under the NPS-UD. In the absence of any such justification (which we would appreciate a chance to respond to in the absence of seeing any justification to date), we request that the 28.5m height threshold for the block bounded by Buckle Street, Tasman Street, Rugby Street and Sussex Street be either deleted entirely (as per our primary submission point noted in part 2 above), or amended to 42.5m.

296. In our Minute 26, we specifically requested from the officers the reasoning for the lower height limit for the block of land bounded by Tasman/ Sussex/ Buckle/ Rugby Streets (compared with the CCZ zoned land to the north and south).

297. Ms Stevens²⁴⁹ outlined in response that the reduced height in the CCZ block bounded by Tasman St, Buckle St, Sussex St and Rugby St reflected the fact that there are material interface issues in this area that differentiate it from the proposed height treatment applying to the balance of Te Aro and along Adelaide Road. These issues include:

- *The interface with Pukeahu National War Memorial Park, a nationally significant site recognised in area specific legislation.*
- *The significant collection of Heritage buildings and structures of national significance in and around this location, including the National War Memorial and individual heritage items within this area including the Carillon, Dominion Museum and the Basin Reserve.*
- *Provision of a height transition from the City Centre to the surrounding Residential Zone, the purpose of which is to avoid a sudden, dominating interface between these two zones.*

298. In maintaining the height threshold as notified, we accept that there are good reasons for a lower anticipated height on this site compared to other areas in Te Aro. The area identified by the submitter is also within and aligns with our proposed southern CCZ boundary.

²⁴⁸ Submitter Speaking Notes of Rosalind Luxford paragraph 8.5

²⁴⁹ Reply Report, at paragraph 91

299. We have already outlined our reasons as to why Adelaide Road should be removed from the table and our specific attention to Moir Street. We have also outlined the addition required to the assessment criteria to refer to 'The extent to which the building would positively contribute to the sense of place and distinctive form of the City Centre where the site or proposal will be prominent' as a consequential change to our recommendations on the City Outcomes Contribution in Report 4A.

300. Therefore our recommended changes to CCZ-S1 are:

CCZ-S1	Maximum height <u>Height threshold</u>		
<p>1. The following maximum height limits thresholds must be complied with (measured above ground level unless otherwise specified) <u>apply to any new building or addition to an existing building:</u></p>	<p><i>Assessment criteria where the standard is infringed:</i></p> <ol style="list-style-type: none"> 1. <i>Streetscape and visual amenity effects;</i> 2. <i>Dominance and privacy effects on adjoining sites; and</i> 3. <i>The extent to which taller buildings would substantially contribute to increasing residential accommodation in the city; and</i> 4. <i><u>The extent to which the building would positively contribute to the sense of place and distinctive form of the City Centre where the site or proposal will be prominent.</u></i> 		
Location			<u>Limit Height threshold</u>
a. Height Control Area 1 – Thorndon Quay			35.4m
b. Height Control Area 2 – Waterloo Quay section			50m
c. Height Control Area 3 – Bulk of Thorndon			27m
d. Height Control Area 4 – Mid and Upper Molesworth Street			43.8m
e. Height Control Area 5 - CBD East			48.5m-93m
f. Height Control Area 6 - CBD West			75m-95m (MSL) Mean Sea Level as defined by the New Zealand Vertical Datum 2016 (NZVD2016)
g. Height Control Area 7– Southern edge of CBD			43.8m
h. Height Control Area 8 –Te Aro	42.5m		

i. Height Control Area 9 - South-East, South-West Zone Edge <u>except 21-45 Hania Street</u>	28.5m	
j. Height Control Area 10 – Adelaide Road <u>Height Control Area 10 – 21-45 Hania Street</u>	42.5m 15m	
<p>2. Fences and standalone walls must not exceed a maximum height of 1.8 metres (measured above ground level).</p> <p>This standard does not apply to:</p> <ul style="list-style-type: none"> a. Solar panel and heating components attached to a building provided these do not exceed the <u>height threshold</u> by more than 500mm; b. Satellite dishes, antennas, aerials, chimneys, flues, architectural or decorative features (e.g. finials, spires) provided that none of these exceed 1m in diameter and do not exceed the <u>height threshold</u> by more than 1m; and c. Lift overruns provided these do not exceed the <u>height threshold</u> by more than 4m; b. <u>d. Fences and standalone walls; and</u> <u>e. Circumstances where up to 50% of a building's roof in elevation exceeds the height threshold where the entire roof slopes 15° or more.</u> 		

CCZ-S2 – Old St Paul’s Church – Adjoining site specific building height (ISPP)

301. WCCT, Century Group Limited and Stratum Management Limited²⁵⁰ supported CCZ-S2 as notified. There were no submissions that sought a change.

CCZ-S3 – Character precincts and Residentially Zoned heritage areas – Adjoining site specific building and structure height (ISPP)

302. Century Group Limited and FENZ²⁵¹ supported CCZ-S3 as notified.
303. The Moir Street Collective²⁵² including the other submitters who are in the collective sought CCZ-S3 is amended as follows:

²⁵⁰ Submissions # 233.25, 238.22, 249.34

²⁵¹ Submissions # 238.23, 273.325

²⁵² Submissions # 312.9-14

CCZ-S3	Character precincts and Residentially Zoned heritage areas – Adjoining site specific building and structure height
<p><i>Identified character precincts and Residentially Zoned heritage areas</i></p> <p><i>a. For any site adjoining a site identified within a Character Precinct or a Residentially Zoned Heritage Area: no part of any building, accessory building or structure may project beyond a line of 60° measured from a height of 8m <u>5m</u> above ground level from all side and rear boundaries that adjoin that precinct, and</i></p> <p><i>b. <u>For any site adjoining a site identified within the MRZ within a Character Precinct or a Residentially Zoned Heritage Area: no part of any building, accessory building or structure may be higher than 15m</u></i></p>	

304. The same group also sought the addition to the Standards stating:

- c. For any site adjoining a site identified within Character Precinct or a Residentially Zoned Heritage Area: The first 5 metres back from the boundary must not exceed 4m (1 storey).

305. Ms Stevens²⁵³ did not support a change to the Standard. Her view was:

The CCZ is city's densest zone and Council is required by Policy 3(a) of the NPS-UD to maximise development capacity within it. Further restricting development adjacent to character precincts will not maximise development capacity. Council undertook modelling work to ensure that this standard would enable sufficient sunlight access to sites subject to character precincts. This modelling showed that sufficient sunlight access was enabled whilst sufficient development capacity for the CCZ site was also enabled. Dropping the height in CCZ-3 to 5m would be too restrictive for CCZ sites and would significantly impact their development capacity.

306. As outlined under general submissions, we consider that a reduction in height limit should occur to address the protection of heritage values of Moir Street Heritage Area, and we also consider that there should be a reduction in the height to the boundary control over sites adjoining Moir Street to 5 metres. We note that this is more permissive than the ODP in relation to this area.

²⁵³ Section 42A Report, at paragraph 560

307. We do not, however, consider that a hard and fast setback of 4 metres height within the first 5 metres is necessary, as a combination of a lower height and a lower starting point for the recession plane will primarily achieve that purpose anyway. We also note that there are no other residential sites that adjoin CCZ sites where this particular issue arises.

CCZ-S4 – Minimum building height (ISPP)

308. There is some discussion as to the Minimum Building Height Rule in our Report 4A in respect of the City Outcomes Contribution, but these submissions concern the detailed wording. Firstly, Century Group Limited, Wellington Civic Trust and Angus Hodgson²⁵⁴ supported CCZ-S4 as notified.

309. Precinct Properties New Zealand Limited, McDonald's, Restaurant Brands Limited and Foodstuffs²⁵⁵ opposed CCZ-S4 and sought that it is deleted in its entirety.

310. Woolworths²⁵⁶ sought that CCZ-S4 is amended to exclude any new supermarket building. Z Energy²⁵⁷ considered that CCZ-S4 should include an exclusion for any building or structure which is unable to be occupied.

311. Argosy²⁵⁸ sought that CCZ-S4 is amended so that the standard does not apply to temporary buildings and structures.

312. Willis Bond²⁵⁹ sought that CCZ-S4 is amended to consider reducing the height limit and provide clarity on the factors which will be considered if the minimum building height is not achieved (e.g. quality urban design outcome).

313. The US Embassy Wellington²⁶⁰ sought that CCZ-S4 is amended so that it does not apply to sites surrounding the Embassy.

314. Our view is that it is not appropriate to have exemptions to CCZ-S4 based on location alone. Furthermore, activities such as embassies are not an identified

²⁵⁴ Submissions # 238.24, 388.34, 200.11

²⁵⁵ Submissions 139.54, 274.67, 349.198, 476.57

²⁵⁶ Submission # 359.90

²⁵⁷ Submissions # 361.121-122

²⁵⁸ Submission # 383.120

²⁵⁹ Submission # 416.187

²⁶⁰ Submission # 366.4

qualifying matter to consider when reducing development capacity on sites. They would have to be evaluated as an ‘other matter’ under Section 77R of the Act, and we did not have the evidence that would have met that requirement. We therefore agree with Ms Stevens and do not consider that these activities, with due respect, warrant an exemption from CCZ-S4.

315. Wheeler Grace Trust and Eldin Family Trust²⁶¹ sought that CCZ-S4 is amended so that Selwyn Terrace, Thorndon does not have a 22m minimum building height. For reasons outlined elsewhere where we consider that a CCZ zoning is appropriate, we do not consider that the Selwyn Terrace area should be any different from other areas of the CCZ.
316. Our view is that a minimum height standard is necessary, and we note that this is a departure from the ODP. We were advised by numerous submitters that the large Paddington development on the corner of Taranaki and Jessie Streets was an inefficient use of central city land, being only two storeys in height. We agree with that position.
317. However, we are mindful that there may be small sites where a combination of locational factors and the site context may mean a height above 22 metres may be challenging. We are comfortable that these matters can be taken into account through a resource consent process.
318. We therefore recommend that CCZ-S4 be amended as follows:

CCZ-S4	Minimum building height
<p><i>A minimum height of 22m is required for new buildings or structures.</i></p> <p><i>This standard does not apply to:</i></p> <p><i>Any site adjoining a site located within a character precinct or Residentially Zoned Heritage Area and thus subject to CCZ-S3; and</i></p> <p><i>Any site within the Te Ngākau Civic Square Precinct.</i></p>	<p><i>Assessment criteria where the standard is infringed:</i></p> <p><i>–The extent to which a reduced height is necessary to provide for the functional needs or operational needs of a proposed activity; and</i></p> <p><i>–Whether topographical or other site constraints make compliance with the standard impracticable or unnecessary.</i></p>

²⁶¹ Submissions # 261.4, 287.8

CCZ-S5 – Minimum ground floor height (ISPP)

319. Century Group Limited²⁶² supported CCZ-S5 as notified.
320. Precinct Properties New Zealand Limited, McDonald's, Restaurant Brands Limited, Fabric Property Limited and Foodstuffs²⁶³ all opposed CCZ-S5 and sought that it is deleted in its entirety.
321. Stratum Management Limited²⁶⁴ sought that CCZ-S5 is amended so that the minimum ground floor height to the underside of a structural slab or equivalent shall be 4m for non-residential and mixed use buildings, and 3m for residential buildings.
322. Ms Stevens²⁶⁵ was of the view that the control is integral in the CCZ as it provides necessary flexibility for a variety of ground floor activities over time. This is achieved through having a higher ground floor height than other floors in developments.
323. In respect of Stratum Management Limited, minor amendments are acceptable with the addition of “*the*” and “*a*” as proposed. However, we do not accept its changes that would result in separate different heights for residential buildings versus non-residential and mixed use buildings. If there is a compelling reason why a lower ground floor height is required, it can be assessed through resource consent process.

CCZ-S6 – Minimum sunlight access – public space (ISPP)

324. Wellington City Youth Council, Century Group Limited and Restaurant Brands Limited²⁶⁶ supported CCZ-S6 as notified.
325. Catherine Penetito²⁶⁷ sought that sunlight access must be maintained in a minimum of 80% of Pukeahu Park rather than the current 70% as specified in CCZ-S6 (Minimum sunlight access - public space).

²⁶² Submissions # 238.25

²⁶³ Submissions # 139.55, 274.68, 349.199, 425.83, 476.58

²⁶⁴ Submissions # 249.35-36

²⁶⁵ Section 42A Report, at paragraph 591

²⁶⁶ Submissions # 201.37, 249.35-36, 349.200

²⁶⁷ Submission # 474.8

326. Khoi Phan²⁶⁸ opposed CCZ-S6 and sought that it is deleted in its entirety.
327. We accept that this standard is necessary and provisions to this effect have been part of this Council's District Plans for some time. We also accept Ms Stevens²⁶⁹ rationale for making no changes. Further we had no evidence to support an increase in the percentage figures in respect of Pukeahu Park.

CCZ-S7 – Verandahs (ISPP)

328. Restaurant Brands Limited²⁷⁰ supported CCZ-S7 as notified.
329. Z Energy Limited²⁷¹ partially supported CCZ-S7 and sought that this is amended so that this Standard does not apply to buildings where there is functional requirement to not include a verandah, or alternatively, recognise functional requirements in the assessment criteria. It proposed three options where this could be achieved within the Standard.
330. We note that Ms Stevens accepted that of the three options, an exemption for verandahs for service stations is the clearest, as do we.
331. Argosy²⁷² sought that CCZ-S7 is amended to provide an exemption for any building where compliance with the Standard results in an encroachment into the dripline of an existing street tree that is to be retained. Ms Stevens does not agree, nor do we, as any site specific issues can be managed through a resource consent process.
332. Century Group Limited²⁷³ generally supported the Standards, subject to specific relief sought in respect of verandah and active frontages controls to the property. The submitter sought to delete the 'verandah' control as it relates to the land along both sides of Waterloo Quay, to the northeast of Bunny Street. On the latter point, we disagree as we accept Ms Stevens reasoning in that regard.

²⁶⁸ Submission # 326.41

²⁶⁹ Section 42A Report, at paragraphs 599 to 605

²⁷⁰ Submission # 349.201

²⁷¹ Submissions # 361.123-126

²⁷² Submission # 383.121

²⁷³ Submission # 238.27 and 238.1

333. Craig Palmer²⁷⁴ supported the overall requirement for verandahs, and sought both that verandahs are installed over time along the south side "Active Frontages" of Tennyson, Lorne, and College Streets; and Jessie, Frederick, and Haining Streets, and that verandahs be required to have clear glazing out to the kerbside.
334. We note Mr Palmer's comment, but we support the verandah and active frontage locations as proposed. We also consider that verandah design can be considered when new ones are installed through either CCZ-R19 or R20.
335. Therefore, the only change recommended from the notified version of this Standard is to the exemptions by adding service stations to the list.

CCZ-S8 – Active frontage control (ISPP)

336. Century Group Limited and Restaurant Brands Limited²⁷⁵ supported CCZ-S8 as notified.
337. Precinct Properties New Zealand Limited²⁷⁶ generally supported the standard, but considered it provides insufficient exceptions for functional requirements such as vehicle entrances. The submitter sought that CCZ-S8 is amended as follows:
- a) Be built up to the street edge on all street boundaries and along ~~the full~~ 70% of the width of the site boundary bordering any street boundary, subject to functional requirements
338. Argosy and Fabric Property Limited²⁷⁷ sought that CCZ-S8 is amended to exclude vehicle and pedestrian access and public open spaces.
339. In his evidence for these submitters, Mr Jeffries²⁷⁸ proposed alternative wording, some of which would result in clarification and more certainty. Ms Stevens recommended alternative wording with 90% of the street frontage being built to the street edge at ground floor level specifically proposed for the standard.

²⁷⁴ Submissions # 492.38-41

²⁷⁵ Submissions # 238.2, 238.28 and 349.202

²⁷⁶ Submission # 139.56

²⁷⁷ Submissions # 383.122, 425.84

²⁷⁸ Evidence of Joe Jeffries paragraphs 7.18 to 7.22

340. McDonald's and Foodstuffs²⁷⁹ sought that CCZ-S8 also be amended as follows:
- a) Dwellings must not locate on the ground floor of ~~Any new building or addition to an existing building~~ on an identified street with an active frontage for any new building, or ground level addition or alteration to an existing building.
must:
 - a) Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary;
 - b) Provide a minimum of 60% of continuous display windows or transparent glazing along the width of the ground floor building frontage; and
 - c) Locate the principal public entrance on the front boundary;
- 2 Any new building or ground level addition to, or alteration of, a building or structure facing a public space must not result in a featureless façade:
341. We consider that these changes are undesirable, as they would remove the requirement for continuous window displays, transparent glazing, locating the principal public entrance of the building on the front boundary, and the requirement to build up to the street edge. We consider that all these elements contribute to good streetscape, quality design, positive aesthetics, safety and street vitality outcomes.
342. Z Energy Limited²⁸⁰ sought that CCZ-S8 is amended with two options. The first would add a functional requirement test to clause a and c while the second would specifically exclude service stations. As with the verandahs standard, we recognise that service stations are a particular typology of development. Ms Stevens preferred the exclusion of service stations, as do we.
343. Willis Bond²⁸¹ sought that CCZ-S8 is amended to add the words "*or otherwise enhances the streetscape*" to clause b of the assessment criteria. We agree that this change would be appropriate as it allows sufficient design flexibility and innovation to provide a building frontage to enhance the streetscape and have visual benefits to the street and its users.

²⁷⁹ Submissions # 274.69-70, 476.64-65

²⁸⁰ Submissions # 361.127-129

²⁸¹ Submissions # 416.190

344. Kāinga Ora²⁸² sought that CCZ-S8 is amended to only apply where necessary, such as along principal roads/arterials, only to buildings that are located along any street edge rather than buildings on the whole site where an active frontage applies. It considered active frontage controls on streets and buildings where these matters do not apply should be deleted. Mr Rae for Kāinga Ora also specified his uncertainty with the rule, and suggested wording changes some of which have been agreed to by Ms Stevens.

345. However, in relation to the thrust of the submission, Ms Stevens²⁸³ disagreed as follows:

This is reflected in the PDP active frontage control mapping and proposed standard which only applies to ‘an identified street with an active frontage’. In my view, the mapped extent and wording of CCZ-S8 make it clear where in the CCZ the provision applies. CCZ-S8 therefore does not apply to streets which do not have an identified active frontage control layer applying to them.

346. We agree with the point made by Ms Stevens.

347. We also do not consider that Mr Rae’s changes are appropriate, particularly as they have not been subject to public assessment. We therefore endorse the following recommended changes:

CCZ-S8	Active frontage control
<p>1. Any new building or addition to an existing building adjoining <u>facing</u> an identified street with an active frontage control must:</p> <p>a. <u>Be built up to the street edge at ground floor level along at least 90% of the</u> on all street boundaries with an identified active frontage control and along full width of the site that border the street(s) bordering any street boundary, excluding vehicle and pedestrian access;</p> <p>b. Provide a minimum of 60% of continuous display windows or transparent glazing along the width of the ground floor building frontage; and</p>	<p>Assessment criteria where the standard is infringed:</p> <p>1. The extent to which:</p> <p>a. Any non-compliance is required for on-site functional needs or operational needs;</p> <p>b. The building frontage is designed and located to create a strong visual alignment with adjoining buildings <u>or otherwise enhances the streetscape;</u> and</p> <p>c. An acceptable level of passive surveillance is maintained between</p>

²⁸² Submission # 391.735

²⁸³ Section 42A Report, at paragraph 647

<p>c. <i>Locate the principal public entrance on the front boundary.</i></p> <p>2. <i>This standard does not apply to Except that</i></p> <p>a. <i><u>Any vehicle and pedestrian access to a site situated on a street subject to an active frontage control;</u></i></p> <p>b. <i>This does not apply to aAny heritage building identified in SCHED1-heritage buildings or service stations; and</i></p> <p>3. <i>Any ground level addition to, or alteration of, a building or structure facing a public space must not result in a featureless façade that:</i></p> <p>a. <i>Is more than 4 metres wide;</i></p> <p>b. <i>Extends from a height of 1m above ground level to a maximum height of 2.5m; and</i></p> <p>c. <i>Any roller shutter doors, security grilles, screens or similar structures fitted to the facade of any building must be at least 50% visually transparent.</i></p>	<p><i>the interior of the building and the street.</i></p>
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CCZ-S9 – Minimum residential – unit size (ISPP)

348. Century Group Limited and Reading Wellington Properties Limited²⁸⁴ supported CCZ-S9 as notified.
349. Willis Bond²⁸⁵ opposed CCZ-S9 and sought that it be deleted in its entirety, or if it is retained, then it should be amended so it is clearly defined that hotel accommodation, student accommodation and other similar accommodation types are distinct from residential unit sizes. The submitter noted that the definition of residential units does not clearly exclude student accommodation, and may render it subject to these minimum sizes. We note that neither Ms Luxford, Mr Jamieson nor Mr Aburn discussed this in evidence.
350. Stratum Management Limited²⁸⁶ sought that CCZ-S9 is amended to reduce the minimum size standards for studio units from 35m² to 30m².
351. Kāinga Ora supported this standard in part, but sought that CCZ-S9 is amended as follows:

²⁸⁴ Submissions # 238.29, 441.7

²⁸⁵ Submission # 416.191, 416.192

²⁸⁶ Submission # 249.37, 249.38

- a) Studio units ~~35~~0m²
- b) 1 or more bedroom unit 40m²
- c) 2+ bedroom unit 55m²

352. At the hearing, Mr Stewart for Stratum explained to us his rationale for a reduced minimum residential unit size from the perspective of a frequent apartment developer within the city. He encouraged us to be more flexible with the 35m² minimum size, and invited us to visit a recently completed apartment development on Thorndon Quay with 30m² studio apartments, an opportunity we took up.
353. Based on the advice of Council's urban design adviser, Dr Zamani, and as detailed Ms Stevens the 42A Report, Ms Stevens disagreed with Kāinga Ora, Stride, and Willis Bond. Dr Zamani stated that to make the transition and transformation (to higher density living) more appealing, and to avoid significant physical, social and mental health problems, it is critical that the high-density residential environment is designed to a high quality. One of the key and fundamental factors to achieve this quality is to ensure apartments are of an appropriate size, so their future residents can live in there comfortably and permanently. We agree with that reasoning.
354. In our view, the studio apartments were quite small and akin to a hotel room (which we understand the building operates as). We considered that they bordered on being too limited for space for permanent everyday living. We also consider that if such a typology is proposed, it should have good access to external living space, which the development did not provide. We therefore question whether a permanent living space of this type constitutes a positive living environment within the city.
355. In our view, the minimum standard should remain at 35m², with proposals for lesser sized units to be considered by way of resource consent. We also note that Ms Stevens²⁸⁷ was of the view that providing a minimum unit size helps achieve the NPSUD objective of providing for a 'well-functioning urban environment' under Objective 1, and aligns with the PDP's strategic directions UFD-O6, UFD-O7, CC-O2 and CC-O3.
356. For similar reasons, we do not accept the submission of Kāinga Ora, and consider that for one and 2 bedroom units, there should also be a higher standard than that

²⁸⁷ Section 42A Report, at paragraph 664

proposed by the submitter. We received no evidence to support that position and note that Mr Heale's supplementary revised CCZ provisions did not include that change.

357. Therefore, we recommend that CCZ-S9 should remain as notified.

CCZ-S10 – Residential – outdoor living space (ISPP)

358. Century Group Limited²⁸⁸ supported CCZ-S10 as notified.

359. Paul Burnaby²⁸⁹ sought to amend CCZ-S10 to add a provision within CCZ-S10 regarding 'Juliet balconies'. We agree with Ms Stevens²⁹⁰, who considered that no change is necessary, as Juliet balconies do not provide the outcomes and amenities that balconies or sunrooms can provide.

360. Stratum Management Limited, Kāinga Ora and Willis Bond²⁹¹ opposed CCZ-S10 and sought that it is deleted in its entirety.

361. The evidence for Kāinga Ora and Willis Bond did not comment on these submissions, but we received detailed evidence from Mr Stewart and Mr Lewandowski for Stratum supporting a deletion of the standard. Mr Stewart²⁹² outlined:

Stratum has developed inner-city buildings both with and without balconies. We determine our design approach on a project specific basis taking into account various inputs including market demands, affordability and design outcomes. A mixed approach to the provision of balconies is also a consideration i.e. where only some apartments are provided with balconies.

In my experience, where balcony spaces are provided they are often either not utilised, or are underutilised, and often become storage areas. Wellington's weather conditions are also often a limiting factor to the success of balcony spaces.

A key concern that I have relating to this standard is that of cost – cost that will be borne by the purchasers of the apartments. As noted in the Stratum submission, the requirement to provide a 5m2 balcony for a studio apartment will add an additional \$60,000 to the sale price for that

²⁸⁸ Submission # 238.30

²⁸⁹ Submission # 44.18

²⁹⁰ Section 42A Report, at paragraph 6.77

²⁹¹ Submissions # 249.39, 391.738, 416.194-195

²⁹² Evidence of Craig Stewart paragraphs 310 to 3.12

apartment. For an 8m² balcony for 2+ bedroom apartments, this cost will be in the order of \$100,000.

362. Mr Lewandowski reinforced this in his evidence:

In my view, the significant costs imposed by the standard (as described by Mr Stewart) far outweigh the benefits of the standard. The impact of those costs will relate to housing affordability and development feasibility. I acknowledge that the section 32 evaluation, informed by a cost-benefit analysis of amenity and design provisions, considered this point. I also note that the amenity and design provisions assessment itself acknowledged the cost impact of the open space provisions, and the impact on housing affordability (and particularly to more affordable housing).

Given that cost and affordability impact, I consider it would be more appropriate to remove the standard. Individual development proposals can then determine what open space provision is appropriate to a given development. Such an approach would be consistent with objective CCZ-O2 which seeks to achieve choice in building size, type and affordability.

363. Ms Stevens²⁹³ in her rebuttal did not agree, stating:

I acknowledge Mr Stewart's concerns relating to the costs of providing outdoor living space. However, I consider that the standard provides sufficient flexibility for development design to arrange how outdoor living space should be provided whether it be through a combination of private and communal, only private or all communal.

It is important to reinforce it is not a requirement for it to be all private outdoor living space nor is it expected to just be through provision of balconies. Instead alternatives like communal courtyards, roof terraces etc. can be provided for which help to enable compliance with this standard.

364. We appreciate Mr Stewart's concerns, but agree that with city living, there is also a need for residents to be able to access open space. While some sites are near urban parks or the waterfront, many are not, and so provision for either private or communal living space should be provided for as the base position. If, on individual sites and particularly for southward facing balconies on narrow streets, the provision of outdoor space would provide no amenity for occupants, this can be considered on a case-by-case basis through the resource consent process.

²⁹³ Rebuttal of Anna Stevens paragraphs 247 and 248

CCZ-S11 – Minimum building separation distance for residential activities (ISPP)

365. Century Group Limited²⁹⁴ supported CCZ-S11 as notified.
366. Kāinga Ora²⁹⁵ opposed CCZ-S11 and sought that it is deleted in its entirety. Mr Heale did not discuss this in evidence but noted in his marked up proposed changes that the deletion of the standard was still supported.
367. Mr Rae²⁹⁶ was of the view that:

I question the rationale for an 8m separation between buildings in the MCZ for example, which I consider is too narrow to provide appropriate privacy between opposing living spaces. If such a standard is retained it should relate to the windows of living rooms and outdoor living space and should have at least a 6m separation for each unit.

I do not agree that buildings need to be separated as proposed where windows are not provided. There should be greater flexibility in building location opportunities.

The requirement for separation distances to apply to residential buildings appears to relate to managing effects on neighbouring sites, however non-residential buildings do not. There is inconsistency of the outcome sought. I recommend the separation standard as proposed is deleted and rely on the assessment of any proposed building to provide appropriate outcomes.

368. In response, Dr Zamani²⁹⁷ for WCC was of the view that:

I agree with Mr. Rae's statement that an 8m separation between principal living rooms would not be sufficient. However, after assessing the constrained nature of Wellington sites, I have found it to be the least limiting dimension. It is worth noting that this measurement aligns with the Minimum Daylight and Sunlight (MDRS) standards, which require a minimum of 4m of outlook space for each principal living room.

I concur with Mr. Rae's suggestion that another valid approach to achieve the desired outcomes of separation between buildings would be to provide outlook space. However, due to the shapes and topography of certain Wellington sites, it may not always be feasible. Moreover, the implementation of an 8m separation can contribute to a more favourable urban form, especially when applied on a neighbourhood scale to form perimeter blocks. In contrast, outlook space does not significantly impact the general urban form of a neighbourhood.

²⁹⁴ Submission # 238.31

²⁹⁵ Submission # 391.739

²⁹⁶ Evidence of Nick Rae paragraph 1.2 r. to t .

²⁹⁷ Rebuttal Statement of Dr Farz Zamani paragraphs 42 and 43

369. In her evidence in reply, Ms Stevens attached as City Centre Appendix 1 - Building Depth, Separation And Outlook Rule that showed graphical representations prepared by Dr Zamani of the interrelationships between the rules. We are comfortable that these represent acceptable building outcomes in the CCZ.
370. We therefore prefer the evidence of Dr Zamani. The rule has a useful purpose and, in our view, should remain.
371. Tracey Paterson, Athena Papadopoulos, Dougal and Libby List, Geoff Palmer, Moir Street Collective, Jane Szentivanyi, Chrissie Potter and Dorothy Thompson²⁹⁸ sought that CCZ-S11 is amended as follows:

1. Any new building or addition to an existing building used for residential activities must provide an 8m separation distance between buildings located on the same site, and a 5m separation distance from any residential building on any adjoining residentially zoned site...

372. We do not see that a more stringent separation distance should apply for residentially developed sites. In the case of Moir Street, we agree that a combination of a reduced height and reduced height to boundary standard would mean no further rules need apply.
373. RVA²⁹⁹ sought that CCZ-S11 is amended to exclude retirement villages from this standard. We do not see that there is any necessity to make an exception for buildings constructed as a retirement village.

CCZ-S12 – Maximum building depth for residential activities (ISPP)

374. Century Group Limited and Restaurant Brands Limited³⁰⁰ supported CCZ-S12 as notified.
375. RVA³⁰¹ sought that CCZ-S12 is amended to exclude retirement villages from this standard. We do not see that there is any necessity to do this in relation to buildings constructed as a retirement village.

²⁹⁸ Submissions # 74.7-8, 183.13-14, 184.13-14, 207.15-16, 88.13-14, 312.15-16, 376.10-11, 446.11, 449.11

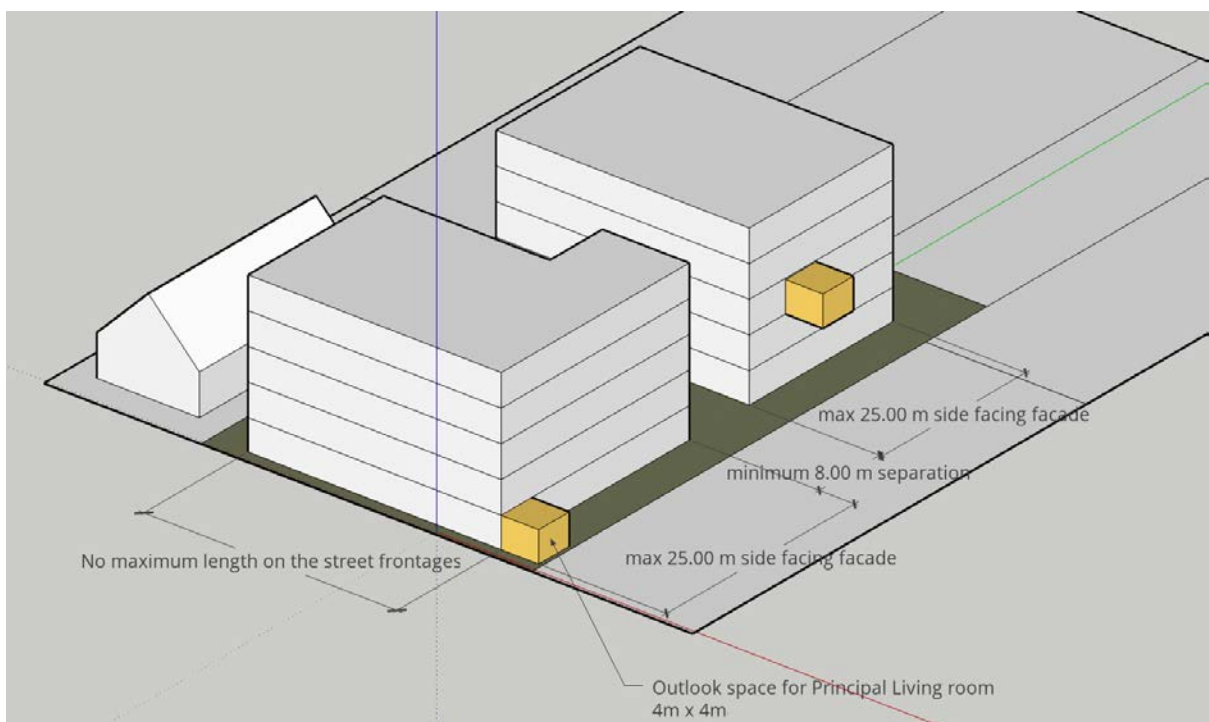
²⁹⁹ Submissions # 350.301-302

³⁰⁰ Submission 238.32, 349.203

³⁰¹ Submissions # 350.303-304

376. Precinct Properties New Zealand Limited, Stratum Management Limited, Kāinga Ora, Willis Bond, Fabric Property Limited and Foodstuffs³⁰² opposed CCZ-S12 and sought that it is deleted in its entirety.
377. There was much discussion about the building depth standard and we note the strong interrelationship that there is between S11, S12 and S13 relating to Outlook Space. There was urban design evidence from Mr Rae for Kāinga Ora and Mr Wallace for Precinct, and the relevant planners (Mr Jeffries, Mr Lewandowski and Mr Heale), that questioned the workability of the three standards.
378. In rebuttal, Dr Zamani responded that the standard was still required, while in her evidence in reply, Ms Stevens³⁰³ explained that a number of amendments were worthwhile for clarity, with two new diagrams introduced to assist in interpretation. She noted the following:

Dr Zamani has updated the associated diagrams for minimum building separation distance, maximum building depth for residential activities and outlook space to replace the PDP notified diagrams. These two diagrams represent an in-block site and a corner site development.



³⁰² Submissions # 139.57, 249.40, 391.740, 416.196, 425.85, 476.101

³⁰³ Right of reply paragraph 61

Figure 2: Showing an in-block site development scenario complying with CCZ-S11, CCZ-S12 and CCZ-S13 based on the proposed amendment above to increase outlook space to 4m x 4m for principal living rooms.

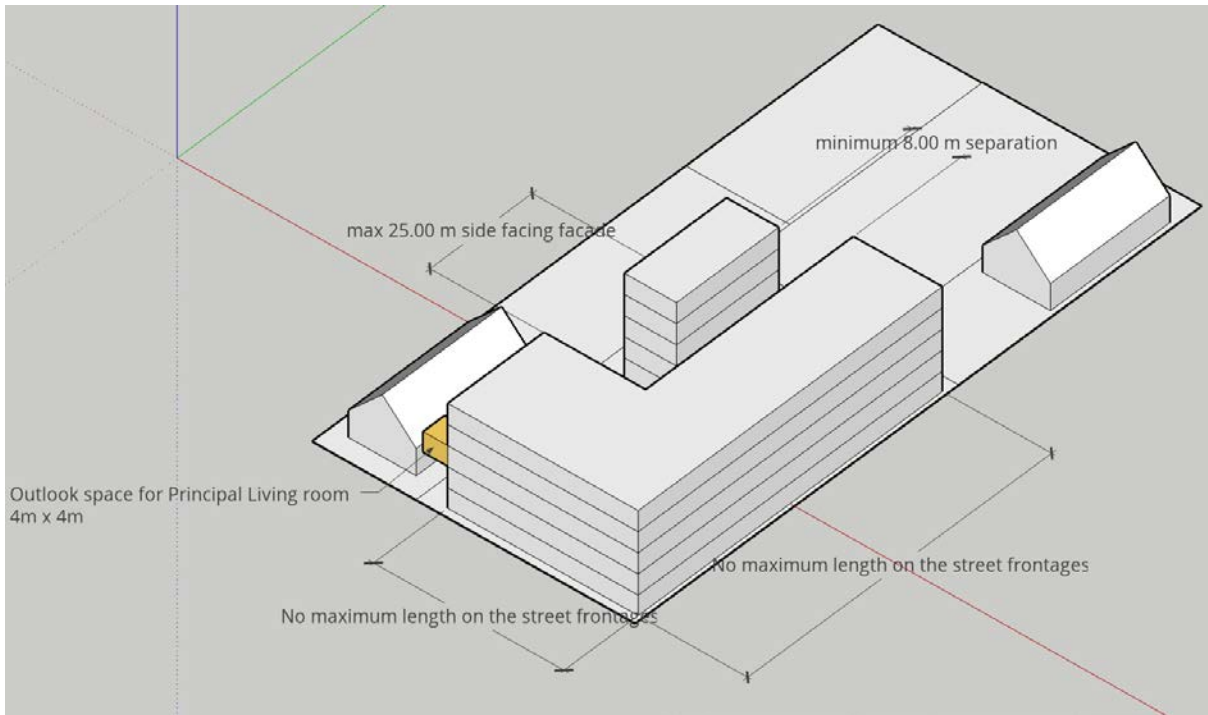


Figure 3: Showing a corner block site development scenario complying with CCZ-S11, CCZ-S12 and CCZ-S13 based on the proposed amendment above to increase outlook space to 4m x 4m for principal living rooms

379. In her reply, Ms Stevens³⁰⁴ recommended that the standard not apply to rear sites. She noted that rear sites have no street frontage, and all the boundaries are facing the neighbouring sites. In her view, application of the depth standard would significantly limit the development, as length of the buildings would be limited to 25m from all aspects. The Panel accepts Ms Stevens' evaluation for the reasons set out in her Reply statement and recommends an exclusion for rear sites be inserted.
380. We consider that this provides considerably more clarity and recommend that CCZ-S12 is amended as follows.

CCZ-S12	<i>Maximum building depth <u>for residential activities</u></i>
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304 HS4 Reply Statement CCZ Anna Stevens 4 August 2023 paragraph 55-56

1. Any new building, part of a new building, or additions to an existing building constructed for residential activities on any site aside from a rear site, must not result in the continuous depth length of any external side wall façade facing a neighbouring site, being greater than 25m, as shown in Diagram 4918 and Diagram X19 below.

Diagram 18: In-block site

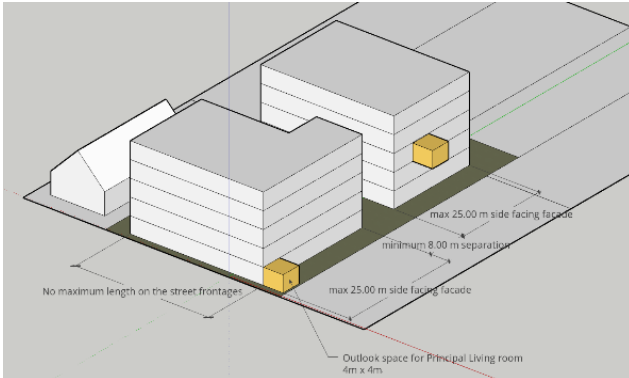
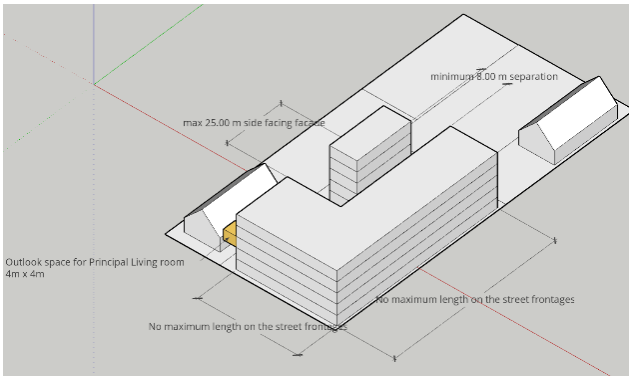


Diagram 19: Corner site



Assessment criteria where the standard is infringed:

1. The extent to which the design mitigates the effect of a long featureless building façade; and
2. Dominance and privacy effects on adjoining sites.

381. We also consider that the diagrams recommended by Ms Stevens and Dr Zamani (Figure 2 and Figure 3 above) usefully illustrate the range of requirements set out in standards CCZ-S11 to CCZ-S13 and recommend that the diagrams are incorporated into those standards accordingly.

CCZ-S13 – Outlook space (ISPP)

382. Century Group Limited³⁰⁵ supported CCZ-S13 as notified.
383. Kāinga Ora³⁰⁶ opposed CCZ-S13 and sought that it is deleted in its entirety.

³⁰⁵ Submission # 238.33

³⁰⁶ Submission # 391.741

384. As with the previous two standards, there was consequential work done on the content of CCZ-S13 by Dr Zamani and Ms Stevens to improve its clarity. We agree with the main recommended change, to require the outlook space of all principal living rooms to have minimum dimensions of 4m in depth and 4m in width. This is required to provide acceptable living accommodation within the City. We therefore recommend that CCZ-S13 should be amended as follows.

385. These amendments were a result of further assessment by Dr Zamani in response to questions from the Panel during the hearing about the differences of approach between the Council and Kāinga Ora, and clarified that it applies to buildings with residential use. The Panel accepts Ms Stevens' recommended amendments to CCZ-S13 for the reasons given and adopts her evaluation as being a more efficient and effective mechanism that will contribute to a well-functioning urban environment.

CCZ-S13	Outlook space
<ol style="list-style-type: none"> 1. <i>An outlook space must be provided for each residential unit as specified in this standard;</i> 2. <i><u>All principal living rooms must have an outlook space of a minimum dimension of 4m in depth and 4m in width as shown in Diagram 18 and Diagram 19 below;</u></i> 3. <i>All habitable rooms must have an outlook space of a minimum dimension of 1m in depth and 1m in width;</i> 4. <i>The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies;</i> 5. <i>Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space;</i> 6. <i>Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building;</i> 7. <i>Outlook spaces may be under or over a balcony;</i> 8. <i>Outlook spaces required from different rooms within the same building may overlap; and</i> 	<p><i>Assessment criteria where the standard is infringed:</i></p> <ol style="list-style-type: none"> 1. <i>The extent to which:</i> <ol style="list-style-type: none"> a. <i>Acceptable levels of natural light are provided to habitable rooms;</i> b. <i>The design of the proposed unit provides a healthy living environment; and</i> c. <i>The extent of dominance and privacy related effects on adjoining sites.</i>

<p>9. <i>Outlook spaces must:</i></p> <p style="margin-left: 20px;">a. <i>be clear and unobstructed by buildings; and</i></p> <p style="margin-left: 20px;">b. <i>not extend over an outlook space or outdoor living space required by another dwelling.</i></p>	
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CCZ-S14 – Fences and standalone walls (ISPP)

386. This standard was a consequential change recommended in the Section 42A Report as being required for clarity around fences and standalone walls, instead of being within the height standard S1. There was no discussion on this point at the hearing. We therefore recommend that the following rule be included in the District Plan.

CCZ-S14	<i>Fences and standalone walls</i>	
<p>1. <i>Fences and standalone walls must not exceed a maximum height of 1.8 metres (measured above ground level)</i></p>	<p><i>Assessment criteria where the standard is infringed:</i></p> <p style="margin-left: 20px;">1. <i>Streetscape and visual amenity effects; and</i></p> <p style="margin-left: 20px;">2. <i>Dominance and privacy effects on adjoining sites.</i></p>	

CCZ-S15 – Boundary setback from a rail corridor (ISPP)

387. This was a matter considered in Hearing Stream 2. A plan-wide recommendation was made that a new rule should be inserted requiring a setback of 1.5 metres from the boundary of a designated rail corridor.

CCZ-S16 – Sites adjoining residential zones (ISPP)

388. This introduces a separate rule requiring that no part of any building, accessory building or structure may project beyond a line of 60° measured from a height of 19m above ground level from all side and rear boundaries that adjoin the Residentially Zoned site. Our view is necessary noting that there is a separate provision CCZ-S3 that relates to CCZ sites adjoining Character precincts and Residentially Zoned heritage areas.

2.6 Te Ngākau Civic Square Precinct

389. This is the only Precinct within the CCZ, and seeks to provide a framework for the future use and development of this important Civic Space. There were submissions

that covered most provisions largely from the Wellington Civic Trust, represented by Ms Helene Ritchie, Mr Clive Anstey and Mrs Sylvia Allan, and from Willis Bond represented by Mr Tait Johnson and Mr Aburn.

CCZ-PREC01 Introduction (P1 Sch1)

390. Wellington Civic Trust³⁰⁷ sought that the first paragraph of the CCZ-PREC01 Introduction be amended as follows:

The purpose of the Te Ngākau Civic Square Precinct is to provide for civic activities, functions, public use and areas of open space and redevelopment. Any future change in the precinct must ensure that development of change ~~while ensuring that any future development respects the special qualities of the area, including the concentration of listed heritage buildings.~~

391. Ms Stevens³⁰⁸ disagreed with their requested amendments to delete “*and redevelopment*” and “*while ensuring that any future development*” and utilise alternative wording. She referenced the Section 32 evaluation where the purpose of Te Ngākau was stated as being to provide for civic activities, functions, areas of open space and redevelopment of the precinct while ensuring that any future development respects the special qualities of the area, including the concentration of listed heritage buildings. We agree with this position.
392. Willis Bond³⁰⁹ considered Te Ngākau Civic Square Precinct needs to be able to adapt in years to come to Wellington’s changing needs and questioned whether two of the buildings should be included, given the intention to demolish the Civic Administration Building (and possibly the Municipal Office Building (MOB)). The submitter sought that CCZ-PREC01 Introduction is amended to remove reference to these buildings.
393. In recommending acceptance of this point, Ms Stevens³¹⁰ advised that in regard to the MOB, the Strategy and Policy Committee of Council had agreed that in the context of the Te Ngākau Precinct Framework, the preferred regeneration option was to demolish the building and replace it with a new one. Ms Stevens advised that, in passing this resolution, the Committee noted the contributory status of the

³⁰⁷ Submission # 388.21, 388.22

³⁰⁸ Section 42A Report, at paragraph 714

³⁰⁹ Submission # 416.140

³¹⁰ Section 42A Report, at paragraphs 720, 721

building within the ODP, and that a resource consent would be required to demolish it. Further, the recommendation (HS3-Rec217) of the Stream 3 Section 42A Report was that SCHED1 not include the Michael Fowler Centre, the Municipal Office Building, the Civic Administration Building, and the Wellington Central Library on the list.

394. Ms Ritchie for the Wellington Civic Trust was very surprised by this, when she and other Civic Trust members presented to us at the hearing. Our view, however, is to accept the relief sought by Willis Bond. While it is consistent with WCC position on the development of the Precinct the deletion of the two buildings from the introduction does not undermine that a due process needs to be followed for the potential demolition of the Municipal Office Building.

395. This would lead to the following changes to the Introduction:

CCZ-PREC-01	<i>Te Ngākau Civic Square Precinct</i>
<p><i>The purpose of the Te Ngākau Civic Square Precinct is to provide for civic activities, functions, <u>public use and areas of open space</u> and redevelopment of the precinct while ensuring that any future development respects the special qualities of the area, including the concentration of listed heritage buildings.</i></p> <p><i>The Precinct is Wellington's unique civic place. It is located in the heart of the City Centre and is a destination in itself. It is also an anchor point and gateway that connects the city centre's entertainment area, the waterfront and the Central Business District. Wellington's major civic and entertainment venues are located within the precinct, including the Wellington Town Hall, City Gallery Wellington (Te Whare Toi), Wellington City Library (Te Matapihi), Michael Fowler Centre, Civic Administration Building, Municipal Office Building, and Capital E.</i></p>	

CCZ-PREC01 Objectives

CCZ-PREC01-O1 - Purpose (ISPP)

396. Wellington Civic Trust³¹¹ supported CCZ-PREC01-O1 as notified.

397. Willis Bond³¹² considered that reference to Te Ngākau Civic Square Precinct as being supported by a range of activities that “*complement its primary civic function*” may unintentionally narrow the scope of activities in Te Ngākau. The submitter

³¹¹ Submission # 388.25

³¹² Submission # 416.146

considered that appropriate activities should be those that support the application of a long-term vision for Te Ngākau as the “*beating heart*” of Wellington. The submitter sought that CCZ-PREC01-O1 is amended, with two options to achieve this.

398. We agree with Ms Stevens³¹³, who was of the view that no change is necessary in that acknowledging “*a range of activities that complement*” the “*primary civic function*” of the Precinct limits the scope of activities that can occur in Te Ngākau. The list of enabled activities in CCZ-PREC01-P1 and their associated permitted activity rules, show that a variety of activities are enabled in the zone and that their intent is to work cohesively with the civic function and origins of the precinct.

CCZ-PREC01-O2 - Built form (ISPP)

399. Wellington Civic Trust³¹⁴ sought that CCZ-PREC01-O2 is retained as notified.
400. Willis Bond³¹⁵ sought that CCZ-PREC01-O2 be amended as follows:

The scale, form and positioning of development within the Te Ngākau Civic Square Precinct:

...

3. Frames the square where situated adjacent to the square;

4. Ensures a high degree of sunlight access is achieved within ~~the precinct~~ public spaces in the precinct;

401. We agree with Ms Stevens³¹⁶ that the second of the changes proposed is worthwhile. We also do not agree with the suggested amendment “*where situated adjacent to the square*”,. This addition is onerous and unnecessary as all development in the Precinct should “*frame the square*”, and the suggested addition creates ambiguity.

³¹³ Section 42A Report, at paragraph

³¹⁴ Submission # 388.26

³¹⁵ Submissions # 416.147-148

³¹⁶ Section 42A Report, at paragraph 735

402. The WCC Environmental Reference Group³¹⁷ considered the objective does not provide for a 'green environment' as described in the preamble introduction to the CCZ. It sought the following amendments:

5. Provides multiple connections which enable people to conveniently move between the city centre and the waterfront; ~~and~~

6. Is sustainable and resilient; and

7. Provides for green spaces and encourages indigenous biodiversity where possible.

403. We agree with Ms Stevens³¹⁸ that a reference can be made to providing for green space, and that a 'where possible' caveat needs to be added, as this is not always possible and an alternative public space design may, by necessity, not have a green function.

404. Therefore, we agree that the Objective should be altered as follows:

CCZ-PREC-02	<p>Built form</p> <p><i>The scale, form and positioning of development within the Te Ngākau Civic Square Precinct:</i></p> <ol style="list-style-type: none"> <i>1. Respects and reinforces the distinctive form and scale of existing associated historic heritage buildings, architecture and public space;</i> <i>2. Integrates mana whenua values into the design;</i> <i>3. Frames the square;</i> <i>4. Ensures a high degree of sunlight access is achieved within the precinct <u>public spaces in the precinct</u>;</i> <i>5. Provides multiple connections which enable people to conveniently move between the city centre and the waterfront; and</i> <i>6. Is sustainable and resilient; and</i> <i>7. <u>Provides for green spaces, where possible.</u></i>
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³¹⁷ Submission # 377.477

³¹⁸

CCZ-PREC01-O3 - Integration with the City Centre, Waterfront and wider transport network (ISPP)

405. WCC Environmental Reference Group, Wellington Civic Trust and Willis Bond³¹⁹ supported CCZ-PREC01-O3 as notified. No other submitters opposed or sought to amend this provision.

CCZ-PREC01 Policies

CCZ-PREC01-P1 – Activities (P1 Sch1)

406. Wellington Civic Trust and Willis Bond³²⁰ supported CCZ-PREC01-P1 as notified. No other submitters opposed or sought to amend CCZ-PREC01-P1.

CCZ-PREC01-P2 – Use and development of the Te Ngākau Civic Square Precinct (ISPP)

407. Wellington Civic Trust³²¹ considered that CCZ-PREC01-P2 should be amended to reflect that as much as possible of the existing buildings, structures and spaces should be retained for reuse, rather than demolition and replacement buildings. It also sought the deletion of the term “*staged development*”.
408. Ms Stevens³²² was of the view that the suggested changes will adversely inhibit re-development that is necessary. Her view was that while some existing buildings may be able to be retained for reuse, for example the Central Library and Town Hall, some buildings can be considered for demolition and replacement for different reasons specific to the state of each existing building.
409. Further, Ms Stevens considered that given the redevelopment envisioned through the framework, it is important that reference to “*staged redevelopment*” is retained, as this is the reality of re-development and revitalisation of a large area like Te Ngākau. New development needs to be enabled, and in her view, Council cannot rely on just the re-use of existing buildings alone.
410. In response to this, Mrs Allan³²³ for the Civic Trust was of the view that:

³¹⁹ Submissions # 377.478, 388.27, 416.149

³²⁰ Submissions # 388.28, 416.164

³²¹ Submissions # 388.29-30

³²² Section 42A Report, at paragraph 749 - 750

³²³ Civic Trust Speaking Notes

From the officer's report, it is still going to be described as a "staged redevelopment" area, with several other mentions of new development. This is not at all necessary as part of the Precinct description and policies – the policies should be neutral in that respect. We consider that "managed change" is a much more appropriate policy for such an important area in the District Plan.

411. In our view, the Precinct is an opportunity not only for retention of some existing buildings, but also the redevelopment of some buildings, or new development of others. Due to the size of, and public interest in the Precinct, we consider that recognition that staged development is appropriate.

CCZ-PREC01-P3 – Access, connections and open space (ISPP)

412. Willis Bond³²⁴ supported CCZ-PREC01-P3 as notified.
413. Wellington Civic Trust³²⁵ sought that CCZ-PREC01-P3 be amended to add a further clause to that Policy that states '*Avoids vehicle access at surface level with the precinct*'.
414. Ms Stevens³²⁶ considered that, for the majority of the Precinct, avoiding vehicle access at surface level within the Precinct is an expectation due to lack of vehicle access to the square itself (from Mercer Street, Victoria Street and Harris Street). Ms Stevens also noted that the Precinct includes the Michael Fowler Centre and also the future redevelopment site in the Michael Fowler Street carpark. For these areas, she did not consider the change to be appropriate, and it is overly restrictive where vehicle access at surface level is needed i.e. when setting up for events at Michael Fowler or delivery of goods and services.
415. Mrs Allan³²⁷ noted that carparking has always been underground except for the Michael Fowler Centre, which has a parking area. The Civic Square was always a clean safe traffic-free area for children's' play and adult use. Mrs Allan also noted that the officer's report does not agree with their suggestion, but suggested this could be reworded to refer to the Civic Square only.

³²⁴ Submission # 416.166

³²⁵ Submissions # 388.31-32

³²⁶ Section 42A Report, at paragraph 757

³²⁷ Submitter speaking notes page 22

416. We recognise the sensitivities of the site in respect of access, but agree with Ms Stevens. In our view, the addition of the additional clause is overly restrictive for the reasons she outlines.

CCZ-PREC01-P4 – Amenity and design (ISPP)

417. We note that no specific submissions were received on this policy. Notwithstanding this, we recommend consequential amendment to this policy to adopt reference to the CMUDG, in line with our recommendations on this matter.

CCZ-PREC01 Rules

CCZ-PREC01-R1 through to CCZ-PREC01-R6 (P1 Sch1)

418. Willis Bond³²⁸ sought that CCZ-PREC01-R1 through to CCZ-PREC01-R6 are amended so that Permitted Activity rules are expanded to consider more activities. The submitter noted that the activities considered in this section are very narrow – for example, childcare activities are not permitted, which is a current activity within the Precinct. At a minimum, the submitter sought that CCZ-PREC01-R7 is replaced with Educational Facilities with a Permitted Activity status and ‘All other land use activities’ re-numbered to CCZ-PREC01-R8.
419. Willis Bond also considered that the activities that are Permitted overlook educational facilities and sought a new rule as CCZ-PREC01-R7 for Educational Facilities as having Permitted Activity status and re-number CCZ-PREC01-R7 (all other land use activities) to CCZ-PREC01-R8.
420. Ms Stevens³²⁹ agreed that Educational Facilities should be added to the Precinct’s rule framework, but did not agree that the current activities enabled through the Precinct’s rule framework are very narrow in scope. She considered that the activities in the PDP serve the existing activities of the precinct and future needs. However, she did agree that a small selection of additional activities could be enabled in the Precinct, including government activities and educational facilities.
421. We agree with this position and consider that a new rule for educational and Government Activities is appropriate in the context of the precinct.

³²⁸ Submissions # 416.172-178, 416.141

³²⁹ Section 42A Report, at paragraph 765

CCZ-PREC01-R7 – All other land use activities (P1 Sch1) now CCZ-PREC01-R9

422. We were advised in the Section 42A Report that in the PDP, there were two rules numbered as CCZ-PREC01-R7. Parliamentary Service³³⁰ and Willis Bond³³¹ sought that this repetition is eliminated by re-numbering the second CCZ-PREC01-R7 (Construction of Buildings and Structures, Additions and Alterations to Buildings and Structures) to CCZ-PREC01-R8. Ms Stevens agreed, as do we. In any case, we note that the numbering of rules in the PDP has been superseded by the recommended addition of educational facilities and government activities to the list of precinct activity rules.

CCZ-PREC01-R7 – Construction of buildings and structures, additions and alterations to buildings and structures (ISPP) now CCZ-PREC01-R10

423. Willis Bond³³² considered the requirement for public notification will unnecessarily fetter development in the Te Ngākau Civic Square Precinct, and add cost and delay even to minor alterations or additions to structures within the precinct. The submitter sought that CCZ-PREC01-R7 be amended to preclude public or limited notification.
424. In his evidence for Willis Bond, Mr Aburn³³³ was of the view that:

In my opinion, stating that all new buildings and structures must be publicly notified indicates an element of pre-determination. It is quite possible that new buildings and new structures do not generate any public interest, and this could well be the outcome of public consultation under the Local Government Act 2002, which would precede an application for resource consent.

425. We agree with Ms Stevens, whose view was that the submission point can be accepted in part, with respect to additions and alterations to existing buildings. She considered that otherwise, mandatory public notification remains appropriate, given the level of public interest in the precinct for new buildings and structures are publicly notified. Recommended refinements to the notification clause for the rule were provided to achieve this.

³³⁰ Submission # 375.17

³³¹ Submission # 416.179

³³² Submission # 416.180

³³³ Evidence of Alistair Aburn Paragraph 6.28

CCZ-PREC01 Standards

CCZ-PREC01-S1 – Maximum Height (ISPP)

426. Paul Burnaby³³⁴ supported CCZ-PREC01-S1 as notified. No other submitters opposed or sought to amend CCZ-PREC01-S1.

2.7 Proposed New CCZ Provisions

427. Parliamentary Service³³⁵ sought that the Parliamentary Precinct be recognised in planning provisions in a similar way to the Te Ngākau Civic Square Precinct. The submission noted that these Parliamentary Precinct provisions could be analogous to:

- *Objectives: CCZ-PREC-01, CCZ-PREC-02, CCZ-PREC-03*
- *Policies: CCZ-PREC01-P1, CCZ-PREC01-P2, CCZPREC01- P3, CCZ-PREC01-P4*
- *Rules: CCZ-PREC01-R1, CCZ-PREC01-R2, CCZ-PREC01- R3, CCZ-PREC01-R4, CCZ-PREC01-R5, CCZ-PREC01-R6, CCZ-PREC01-R7*
- *Standard: CCZ-PREC01-S1.*

428. Parliamentary Service also considered that the rules need to be clarified to make clear that Parliamentary activities are permitted in the CCZ, because such activities do not clearly fall within any of the activities listed in CCZ-P1.

429. We have already agreed that parliamentary service activities should be recognised in CCZ planning provisions, and clarification provided that Parliamentary activities are permitted in the CCZ.

430. However, we agree with Ms Stevens³³⁶, who opposed the position that the Parliamentary Precinct can be recognised in a similar way to Te Ngākau Civic Square Precinct, as the submitter suggests, without having a precinct under the CCZ also added for the Parliamentary area. We agree that a precinct is not necessary or appropriate noting that the Parliamentary area is protected by its own Heritage Area (Parliamentary Heritage Area).

³³⁴ Submission # 44.19

³³⁵ Submission # 375.13

³³⁶ Section 42A Report, at paragraph 784

431. Catharine Underwood³³⁷ considered that all new buildings in the inner city should have a minimum setback of at least 1.5m (2m is better) to give room for a green corridor. The submitter sought a new standard in the CCZ setting boundary setbacks of at least 1.5m for all new buildings.
432. We do not consider that this is appropriate and agree with Ms Stevens³³⁸ reasoning for rejecting this submission point:
- *Whilst it is not explicit in the submission that this suggestion for a setback applies to the front of the site, I have assumed so, I note that setting buildings back from the site frontage goes against an established focus on ensuring buildings in the CCZ build to the front of the site for consistency in streetscape effect, safety, amenity etc. reasons;*
 - *Requiring a setback to provide for a green corridor will affect the development capacity of sites in the CCZ, thus going against the directive of the NPS-UD policy 3(a) to maximise development capacity, and impacting the developability of sites;*
 - *Whilst greening of the city has good design, health and wellbeing and ecological benefits, it will make other important functions such as the operation and maintenance of existing infrastructure and addition of new infrastructure difficult etc;*
 - *I do not consider that alignment with the recommendations of the Green Network Plan nor LGWM's plans for the CCZ has been considered in this recommendation; and*
 - *I do not consider that compelling evidence or s32AA assessment has been provided by submitters to support any change as part of this report.*
433. Wellington Civic Trust³³⁹ considered that the CCZ chapter should have an additional rule immediately before or after CCZ-PREC01-R7 that concerns “*Demolition or removal of buildings and structures in the Te Ngākau Civic Square Precinct*”.
434. Ms Stevens was of the view that this new rule is neither necessary nor appropriate. She considered that:
- *In my view a Discretionary activity resource consent is too onerous for demolition that enables the creation of new public space. I also note the identified deficiency in public space as noted in the Green*

³³⁷ Submission # 481.32

³³⁸ Section 42A Report, at paragraph 795

³³⁹ Submission # 481.32

Network Plan. I also consider requiring public notification is overly onerous. I consider that the CCZ-R18 Demolition or removal of buildings and structures, is sufficient to apply to Te Ngākau Civic Square Precinct as notified in the PDP, such is the relationship between zone and precinct provisions.

435. In response, Mrs Allan³⁴⁰ for the Civic Trust stated:

- *This is one of the very few available public spaces in the central city, and the public absolutely should have a right to comment on changes to them. We note the extent of privatisation of the buildings round the square and the seeming lack of acceptance that the public should be allowed to take an interest in the design or the useability of the public space and what surrounds it.*
- *Our concern is that, if a new building is proposed (and it must be publicly notified), demolition of the existing building on the site becomes a permitted activity, so there is no ability for a submitter to comment on the merits of the building that is being removed as part of an application. We proposed that such demolitions should be a discretionary activity. The non-complying status should remain where there is no proposal for a replacement building.*
- *We suggested a competent rule for this (which has been slightly garbled by an addition in the officer's report) and we would like the Hearing panel to seriously consider this.*

436. Wellington Civic Trust³⁴¹ also considered that the CCZ chapter should have an additional rule for the Precinct that relates to the modification of existing open space or the development of new open space as follows:

- *CCZ—PREC01-RX (Development of new public space, or modification of existing public open space in the Te Ngākau Civic Square Precinct)*
- *1. Activity status: Discretionary*
- *The assessment of the activity must have regard to the Principles and Outcomes in the Wellington City Council Design Guides Introduction [2022].*
- *Notification status: An application for resource consent made in respect of rule CCZ-PRE-RXXX must be publicly notified.*

³⁴⁰ Submitter Presentation page 24

³⁴¹ Submission # 388.24

437. Ms Stevens³⁴² was of the view that:

I disagree with the suggestion to require a Discretionary Activity for changes to existing public space or creation of new public space. I consider that this is overly onerous and does not align with the Te Ngākau Framework direction, and I consider that such a rule would have an adverse effect on the timing of delivering redevelopment projects in the precinct and also could impact the ability to create new public space within the Precinct. In my view, new public space would help to revitalise the precinct.

438. Mrs Allan³⁴³ for the Civic Trust took a different view:

We also seek a new rule, as discretionary status, with public notification, for change or redevelopment of the existing public spaces within the Precinct. The Civic Square is much-loved, and was more so when it was properly-maintained, and the Council not providing for public input into any change in this area is reprehensible. The public space is just as important for people to express an opinion on as the buildings that frame the Civic Square. Once again, we proposed a competently-drafted rule, which we would like the Commissioners to seriously consider. As population builds up in the City Centre, it is important that residents feel they can have a say in what their open spaces are going to be like.

439. We have seriously considered these new rules, but are concerned with duplication. We consider that requiring public notification in all circumstances would be onerous. While there is significant public interest in the site, we are of the view that the Precinct provisions as a whole have the right balance of recognising significant values and outcomes sought while also enabling appropriate development.

³⁴² Section 42A Report, at paragraph 797

³⁴³ Submitter Presentation page 24 - 25

3. WATERFRONT ZONE

3.1 Introduction

440. The Waterfront Zone (WFZ) is a special purpose zone identified as necessary for Wellington City. It applies to the relevant objectives, policies, rules, definitions, appendices, and maps of the Wellington City Proposed District Plan (PDP) as they apply to the Waterfront Zone.
441. Nine submitters collectively made 101 submission points on the WFZ. Three submitters collectively made 56 further submission points. Overall, there were 157 total submission points on the WFZ.
442. This report should be read in conjunction with three reports. Report 1A sets out the relevant statutory functions, considerations and requirements for the review of the District Plan, while Report 1B contains the findings on the overall Strategic Objectives within the Plan.
443. Report 4A is particularly relevant as it discusses specific matters across all of the Commercial and Mixed Use Zones including:
- *The Zone Framework*
 - *General Submissions on the Commercial and Mixed Use Zones*
 - *Definitions*
 - *Support for Commercial and Mixed Use Zones provisions*
 - *Expansion of Commercial and Mixed Use Zones*
 - *Town Centre Zone*
 - *Requests for Changes to Zoning*
 - *Consistency with Other Zones*
 - *Amendments to Commercial and Mixed Use Zones provisions*
 - *Urban Design*
 - *City Outcomes Contributions Mechanism*
 - *New Commercial and Mixed Use Zones provisions*
 - *Minor and Inconsequential Amendments.*
444. Report 4A also contains a list of submitter appearances at the hearing.
445. Hearing Stream 4 was the subject of ten Section 42A Reports, with Ms Anna Stevens providing an overview report addressing general matters relevant to these zones. Mr Andrew Wharton was the author of the Section 42A Report for the Waterfront Zone.

446. In respect of the WFZ provisions, this report does not discuss the City Outcomes Contribution (COC) mechanism within the zone. The COC is extensively addressed in Report 4A, and in any case, does not apply in the WFZ. Nor does this report discuss the intent of, or detailed provisions of the Centres and Mixed Use Design Guide that are discussed in Reports 2A and 4A respectively.
447. This report is structured to consider all of these submissions in the same order as Mr Wharton's Section 42A Report as follows:
- *Scope of Fale Malae Trust Further Submission Point*
 - *General submissions*
 - *Introduction*
 - *WFZ Objectives*
 - *WFZ Policies*
 - *WFZ Rules*
 - *WFZ Standards*
 - *Minor amendments.*

3.2 Procedural Matters

Fale Malae Trust

448. There was one procedural matter related to the WFZ that Mr Wharton³⁴⁴ outlined. This related to the Fale Malae Trust, which made a further submission³⁴⁵ to the Plan, but did not make an original submission.
449. The further submission of Fale Malae requested a number of specific changes, including to Objectives and Policies, that are summarised in Mr Wharton's report. Some of the matters raised in this further submission were not raised in any of the original submissions lodged on the WFZ.
450. Under Schedule 1 Clause 8(2), which applies to the Intensification Streamlined Planning Process (ref: Schedule 1 Clause 95), a further submission must be limited to a matter in support of or in opposition to an original submission.
451. We agree with Mr Wharton's assessment that several of the Trust's further submission points are outside the scope of the original submissions that they were attached to. We did not hear from the Trust at the hearing that it had a contrary view,

³⁴⁴ Section 42A Report at paragraph 36

³⁴⁵ Further Submission # 59

and we have not recorded a specific view on the matters raised in its further submission in this Report.

452. We also note that further submitters are not generally referred to in the Panel's Recommendation Reports, because further submissions are either accepted or rejected in conformance with our recommendations on the primary submissions to which they relate.

3.3 General Submissions

453. Firstly, it is acknowledged that the submission of the Civic Trust³⁴⁶ generally supported the Waterfront Zone and sought that it be retained, with specific amendments that we consider further in this Report.
454. Dept of Corrections³⁴⁷ supported the "*residential activities*" provisions in the Waterfront Zone.
455. CentrePort Limited³⁴⁸ supported the Waterfront Zoning over the triangle of land between Lady Elizabeth Lane and Waterloo and Interislander Wharves, on the basis that any redevelopment will be assessed on its compatibility with urban form, not that a "*zero height limit*" means no built structures should occur.
456. We accept Mr Wharton's³⁴⁹ assessment that new buildings or structures on CentrePort land (excluding smaller permitted ones under WFZ-R15.5) would generally be Discretionary Activities and publicly notified, with assessment factors including bulk, height and scale, relevant Design Guide principles and outcomes, and standards WFZ-S1-S6. The note on WFZ-S1 Maximum Building Height confirms that having no maximum building height means each building height must be justified against objectives and policies, particularly Policy WFZ-P6(2 and 3) for height.
457. The Civic Trust³⁵⁰ requested that the Public Open Space areas be retained, and extended where possible, including the space between the Circa Theatre and Te Papa.

³⁴⁶ Submissions # 388.4, 388.53

³⁴⁷ Submission # 270.74

³⁴⁸ Submissions # 402.1, 402.210

³⁴⁹ Section 42A Report, at paragraph 43

³⁵⁰ Submissions # 388.2-3, 388.5

458. The Civic Trust³⁵¹ was also concerned that some publicly accessible spaces not identified as Public Open Space, Queens Wharf Buildings and Areas of Change could all be encroached by buildings and private use. The Trust wanted the introduction and rules to specifically identify and exclude these existing open spaces from new buildings and encroachments, as well as having rules that prevent the cumulative effects of buildings filling up publicly accessible spaces.
459. Mr Wharton³⁵² outlined the areas of the Waterfront that he did not support mapping as Open Space. He also outlined the two additional areas he did support, being the small public space on the north end of the new Bell Gully building, and the small public space between the northern Queens Wharf building and the Steamship Building.
460. In relation to the space between Te Papa and Circa Theatre (above mean high water springs), excluding the vehicle entrance to the Te Papa carpark, Mr Wharton observed that the Wellington Waterfront Framework notes that Circa Theatre has long-term rights to stay on its site, either in the existing building or in a new building. Almost half of this space is owned by Wellington Waterfront Ltd/the Council, and the rest by Te Papa. Given the mixed management of the space and the uncertain redevelopment of Civic Theatre, he did not support extending the public open space specific control into this area.
461. Mrs Allan³⁵³ for the Civic Trust did not agree with Mr Wharton as she considered this is one of the area's most important open spaces and should be recognised and protected as such, regardless of ownership. In his reply statement, Mr Wharton³⁵⁴ confirmed his position in his Section 42A Report. We agree with that position as these open spaces are effectively managed by the Museum of New Zealand Te Papa Tongarewa as an autonomous Crown entity under its 1992 Act.
462. Mrs Allan further noted that the Trust did not support the way that some open space area had been 'shaved off' near the public toilets in Queen Elizabeth Lane without explanation. She observed that there was no submission seeking less open space.

³⁵¹ Submissions # 388.56-58

³⁵² Section 42A Report, at paragraphs 47, 48

³⁵³ Submitter Speaking Notes Civic Trust, page 4

³⁵⁴ Included in Ms Stevens' CCZ Reply at Paragraph 182

Mr Wharton³⁵⁵ outlined in his Reply that he did not support mapping the service lanes, vehicle parking and loading/offloading spaces as Public Open Space, because the Public Open Space policies, rules and standards are less applicable to those areas. In the hearing, the Trust disagreed with this perspective.

463. We consider that Mr Wharton has carried out a thorough analysis of each part of the WFZ and agree with his amendments for the reasons he outlined. Any new buildings (except for minor permitted ones) in the Waterfront Zone not subject to the specific controls for Public Open Space must still go through a publicly notified Discretionary resource consent, comply with Waterfront Zone policies and standards, and meet the overall Waterfront Zone site coverage standard.
464. Steve Dunn³⁵⁶ supported new public spaces being protected from building development and having protected sunlight access. He sought that Frank Kitts Park and Waitangi Park be vested as reserves under the Reserves Act, and that a Fale Malae should be located between Te Papa and Waitangi Park, not on Frank Kitts Park.
465. We agree with Mr Wharton who considered that this is outside the scope of the RMA. He noted that he has forwarded both of these requests to the Parks, Sport and Recreation team at Council for consideration as Asset owner.
466. GWRC³⁵⁷ requested that the Plan's 'reclamation' definition align with the Regional Plan definition. Mr Wharton³⁵⁸ advised that the term 'reclamation' is used in a description in the Waterfront Zone, and on some property titles listed in the Plan schedules, but not in any directive Plan provisions. We agree with his recommendation that this definition can be deleted as an amendment of minor effect.

³⁵⁵ Included in Ms Stevens' CCZ Reply, at Paragraph 185

³⁵⁶ Submission # 288.3

³⁵⁷ Submission # 351.45

³⁵⁸ Section 42A Report, at paragraph 53

3.4 Submissions on WFZ Chapter

WFZ Introduction

467. The Civic Trust³⁵⁹ requested that the Waterfront Zone Introduction state the principles below, taken from the Wellington Waterfront Framework 2001.
- a) The waterfront is predominantly a public area.
 - b) The public should be consulted – either through the stage two process or through a statutory planning process – about any proposed new buildings and any significant changes to existing buildings.
 - c) Ground floors of buildings will be predominantly accessible to the public.
468. We do not accept that there is a necessity for further principles to be added and consider that the WFZ as a chapter already takes these matters into account.
469. The Civic Trust³⁶⁰ also requested that the Introduction clarify the purpose of areas that are not mapped as public open spaces being the Queens Wharf buildings and Areas of Change. The aim of the clarification was to ensure that open spaces in the Waterfront Zone are not filled up with buildings over time.
470. We agree with Mr Wharton's³⁶¹ view that the WFZ is written to enable limited flexibility for new development in these areas, provided the new development meets the strong directions in the Zone policy, rules and standards, including a maximum overall building coverage standard for the Zone. We agree that this approach is sufficient for areas without specific purpose or controls on them.
471. The Civic Trust³⁶² sought that the Introduction clarify the circumstances when public notification will occur – as a minimum being any new building, structure or activity requiring a resource consent. We consider that clarification about public notification status would be useful, but would better be set out in specific rules, given the Introduction is meant to be descriptive.
472. Therefore, we recommend the following changes to the Introduction to the zone:

³⁵⁹ Submission # 388.54

³⁶⁰ Submission # 388.58

³⁶¹ Section 42A Report, at paragraph 61

³⁶² Submission # 388.55

- a) 8th paragraph – *When constructing new and redeveloped buildings and public spaces, the Waterfront Zone requires public involvement and weighs the public interest very highly as the Zone is predominantly a public area. Applications for significant new development in the Waterfront Zone are publicly notified, as specified in the relevant rules’ notification status.*
- b) The addition of a new final paragraph – *These three specific controls are mentioned in some Waterfront Zone objectives and policies, and are labelled to the left of the relevant rules for building and structure activities. The label “Entire Zone” to the left of a rule or standard means the rule or standard applies to areas both with and without specific controls, unless otherwise specified.*

WFZ Objectives

473. Fabric Property Ltd³⁶³ generally supported the Waterfront Zone objectives.

WFZ-O1 - Purpose

474. The Civic Trust³⁶⁴ partially supported WFZ-O1, but sought an amendment by adding: “with public spaces, buildings and other structures that reflect the unique location and existing character of and special components and elements that make up the waterfront.”
475. We agree with Mr Wharton’s³⁶⁵ view that WFZ-O1’s reference to “*special components and elements*” is vague, and that reference to “*location and character*” is better. We do not support utilising the term “*existing character*”. The Waterfront’s character has evolved over time, as described in the Zone Introduction, and will continue to change.

WFZ-O2 - Ahi Kā

476. Taranaki Whānui³⁶⁶ considered that only Taranaki Whānui can be referred to in relation to Ahi Kā and requested an amendment to reflect this. TRoTR³⁶⁷ disagreed

³⁶³ Submission # 425.86

³⁶⁴ Submissions #389.59-60

³⁶⁵ Section 42A Report at paragraph 67

³⁶⁶ Submissions # 389.127-128

³⁶⁷ Further submissions #138.66-67

and noted that Ngāti Toa has a physical presence and significant sites in Wellington City. Vic Labour³⁶⁸ supported the Ahi kā provisions in WFZ-O2.

477. We refer to our recommendations on this matter in our Report 1A that it would be inappropriate for the Plan to specify different levels of mana whenua status. We take the same view in this context. Treaty of Waitangi settlement legislation identifies both mana whenua as having interests in Te Whanganui ā Tara. Both are acknowledged as mana whenua in the Council's Tākai Here agreement which is signed by both Taranaki Whānui and Ngāti Toa Rangatira.

WFZ-O3 - Protection of public open space

478. The Civic Trust³⁶⁹ supported WFZ-O3, but wanted it clarified to: "The Waterfront's public open spaces identified on the planning maps ~~mapped as specific controls~~ are protected and maintained for temporary activities and recreational activity only".
479. We accept Mr Wharton's³⁷⁰ view that the term "*specific controls*" in WFZ-O3 should remain as it is consistent with the Planning Standards' District Spatial Layers Standard. We are also satisfied that the Plan's phrasing is appropriate and assists in distinguishing the Waterfront's Public Open Spaces from other mapped layers such as the Open Space Zone.

WFZ-O4 - Areas of change

480. No submissions were received on this objective.

WFZ-O5 - Connections to Te Whanganui a Tara, public transport and the City Centre

481. The Civic Trust³⁷¹ partially supported WFZ-O5 but wanted it amended to emphasise connectivity: "Connections to Te Whanganui a Tara, public transport and the City Centre and throughout the Zone. Active transport and micro-mobility connections between the edge of Te Whanganui a Tara, public transport and the City Centre are maintained or enhanced and connectivity is provided throughout the Zone."

³⁶⁸ Submission # 414.47

³⁶⁹ Submissions # 388.61-62

³⁷⁰ Section 42A Report, at paragraph 71

³⁷¹ Submissions # 388.61, 388.62

482. We agree with Mr Wharton’s slightly differing wording and an amended title for the objective to read:

WFZ-05 Active transport and micro-mobility connectivity ~~Connections to Te Whanganui a Tara, public transport and the City Centre~~

Active transport and micro-mobility ~~connections~~ connectivity within the Waterfront Zone, and between the edge of Te Whanganui a Tara, public transport and the City Centre ~~are,~~ is maintained or enhanced.

WFZ-06 - Vibrant and diverse mix of activities

483. No submissions were received on this objective.

WFZ-07 - Managing adverse effects

484. The Civic Trust³⁷² partially supported WFZ-07, but requested amendments to include “connectivity” at the end of WFZ-07.1, and to ensure the validity of items 2. c, d, e and f in WFZ-07.2, which mention interfaces that may not exist.

485. Mr Wharton agreed and proposed alternative wording. We were advised at the hearing that this was acceptable to the Civic Trust. Therefore, WFZ-07 is recommended to be amended as follows:

WFZ-07	<p><i>Managing adverse effects</i></p> <p><i>Adverse effects of activities and development in the Waterfront Zone are managed effectively both:</i></p> <ol style="list-style-type: none"> <i>1. Within the zone, including on its role, and function <u>and connectivity</u>; and</i> <i>2. At interfaces with:</i> <ol style="list-style-type: none"> <i>a. Heritage buildings, heritage structures and heritage areas;</i> <i>b. Scheduled sites and areas of significance to Māori;</i> <i>c. Mapped <u>Public open space specific controls</u>;</i> <i>d. Identified pedestrian streets;</i> <i>e. Residential zoned areas;</i> <i>f. Open space zoned areas; and</i>
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³⁷² Submissions # 388.65-67

	<i>g. The coastal marine area.</i>
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WFZ Policies

486. Fabric Property Ltd³⁷³ generally supported the Waterfront Zone policies.

WFZ-P1 - Enabled activities

487. Dept of Corrections³⁷⁴ and FENZ³⁷⁵ supported WFZ-P1, and the Civic Trust supported it with amendments.

488. Dept of Corrections also requested that the words “*and supported residential care activities*” be added to WFZ-P1.8 if Council implements this separate term definition. We note that in Hearing Stream 1, the Reporting Officers recommended (and the Panel accepted) removing the supported residential care definition. No change is therefore necessary to the Waterfront Zone provisions.

489. The Civic Trust³⁷⁶ requested that WFZ-P1.6 (public transport activities) be deleted and transferred to WFZ-P2, and that WFZ-P1.7 (visitor accommodation) is amended to only enable if above ground floor. Both Mrs Allan and Mr Wharton agreed to alternative wording for public transport activities that specified where this activity is enabled.

490. Mr Wharton³⁷⁷ did not support the request for visitor accommodation to be Permitted above ground floor only, which would mean that it would be treated the same as residential activities. We agree with his view that visitor accommodation on the ground floor is appropriate as an enabled activity, because it typically includes reception/lobby areas that are publicly accessible, and can include a restaurant/bar or other services ancillary to the accommodation. Furthermore, short-term visitors tend to be more tolerant of adjacent public activity with fewer reverse sensitivity effects. Therefore, we recommend the policy be amended as follows:

³⁷³ Submission # 425.87

³⁷⁴ Submissions # 240.76-77

³⁷⁵ Submission # 273.337

³⁷⁶ Submission # 388.68-69

³⁷⁷ S 42A Report, at paragraph 89

WFZ-P1	<p>Enabled activities</p> <p><i>Enable a range and diversity of activities that support the role and function of the Waterfront Zone and enhance the Zone’s vitality, vibrancy and amenity during the day and night, including:</i></p> <ol style="list-style-type: none"> 1. <i>Commercial activities;</i> 2. <i>Community facilities;</i> 3. <i>Recreation activities;</i> 4. <i>Emergency service facilities;</i> 5. <i>Marae activities;</i> 6. <i>Public transport activities <u>on Waterloo Quay, Customhouse Quay, Jervois Quay, Cable Street, Oriental Parade and in the Post Office Square Heritage Area;</u></i> 7. <i>Visitor accommodation; and</i> 8. <i>Residential activities above ground floor.</i>
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WFZ-P2 - Managed activities

491. The Civic Trust³⁷⁸ partially supported WFZ-P2, but requested that “*public transport activities*” be added to the list, as part of the request to remove it from WFZ-P1. This is related to the discussion on WFZ-P1 above, where we recommended that more specific locations be identified where this activity should be enabled; namely the main transport routes contained within the WFZ. We recommend amending Policy WFZ-P2 to have public transport a managed activity outside the main transport routes.

WFZ-P2	<p>Managed activities</p> <p><i>Manage the location and scale of activities which could result in cumulative adverse effects on the vitality, vibrancy and amenity of the Waterfront Zone, including:</i></p> <ol style="list-style-type: none"> 1. <i>Industrial activities;</i> 2. <i>Construction of apartments and visitor accommodation;</i> 3. <i>New and expanded buildings;</i> 4. <i>New and modified public space; and</i> 5. <i>Demolition of buildings that results in the creation of unutilised vacant land <u>Public transport activities seaward of Waterloo Quay, Customhouse Quay, Jervois Quay, Cable Street, Oriental Parade and the Post Office Square Heritage Area.</u></i>
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³⁷⁸ Submissions #388.70-71

WFZ-P3 - Incompatible activities

- 492. The Civic Trust³⁷⁹ partially supported WFZ-P3 and requested that ground floor visitor accommodation be added as an incompatible activity.
- 493. This submission point was part of the same request to remove the term from WFZ-P1 and we refer to our conclusions on that Policy in this regard. No change is recommended.

WFZ-P4 - Access, connections and public space

- 494. The Civic Trust³⁸⁰ partially supported WFZ-P4 and requested that the word “*connected*” be added to WFZ-P4.3.
- 495. Mr Wharton supported the Civic Trust’s addition of “*connected*” to this Policy, consistent with his support for this word to be added in WFZ-O5, as connectivity is part of access and public spaces being well-designed and safe. We agree. We also noted the need to delete the extraneous word ‘between’ in clause 2. The amended policy is therefore:

WFZ-P4	<p><i>Access, connections and public space</i></p> <p><i>Require that the use, development, and operation of the Waterfront Zone:</i></p> <ol style="list-style-type: none"><i>1. Provides attractive, safe, efficient, and convenient connections to existing and planned transport networks;</i><i>2. Promotes and enhances existing and planned pedestrian and cycle access and connections between to the City Centre Zone;</i><i>3. Provides well-designed, <u>connected</u> and safe public space and pedestrian, cycle and micro-mobility access;</i><i>4. Provides equitable access to and along the edge of the coastal marine area and structures within it; and</i><i>5. Provides a safe environment for people that promotes a sense of security and allows informal surveillance.</i>
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³⁷⁹ Submissions # 388.72-73

³⁸⁰ Submissions # 388.74- 75

WFZ-P5 - Sense of place

496. Fabric Property Ltd³⁸¹ supported this policy. The Civic Trust³⁸² partially supported WFZ-P5, but sought an amendment to clarify the 35% building requirement either by deleting “site” from WFZ-P5.1, or another way to clarify it.
497. Mr Wharton³⁸³ agreed with the Civic Trust’s concern that links to the definitions of “building” and “site” cause confusion, and indicates that individual site coverages and calculations are measured. His view was that this standard is unique to the Waterfront Zone and its unusual mix of “sites”, so does not have to be identical to site coverage standards elsewhere in the Plan. He proposed replacing “building site coverage” with “total building coverage”, which is within the scope of the Trust’s request.
498. Mrs Allan³⁸⁴ stated:
- When we made the submission seeking clarification, we didn’t take into account that the Waterfront Zone includes the very extensive areas of road within the Zone. If this extensive area is taken into account, then the 35% building coverage is far too extensive – enabling more like a 50% coverage of the available land, which is inconsistent with the purpose of the Zone – and which would not reflect the unique location and character of the Zone. We suggest that the 35% should apply to the whole area of the Zone, excluding public roads.*
499. In his evidence in reply³⁸⁵, Mr Wharton explained that this 35% building coverage standard in the Proposed Plan’s Waterfront Zone is the same as in the ODP’s Lambton Harbour Area standard 13.6.3.8.1, which also showed the Lambton Harbour Area including the roads in its Planning Maps. Further, he stated that whether the roads are included in the calculation or not, there is enough remaining building coverage potential under the 35% threshold to develop all the identified areas of change, and also the Port-owned triangle of Waterfront Zone land.

³⁸¹ Submission # 425.88

³⁸² Submissions # 388.76-77

³⁸³ Section 42A Report, at paragraph 100

³⁸⁴ Speaking Notes Civic Trust, at page 8

³⁸⁵ Officers Reply Report, at paragraphs 193, 194, 195

500. We agree with this approach and, aside from replacing the term 35% building site coverage with 35% total building coverage, recommend the policy should remain as notified.

WFZ-P6 - Development of buildings

501. There were no submissions on WFZ-P6, but we note there is a consequential change resulting from the recommendations made by the reporting officer, Ms Stevens, to the Wrap Up Hearing (and discussed in Report 2A) in regard to the outcomes of the Design Guide review process which was undertaken following Hearing Stream 2. Ms Stevens recommended the inclusion of a reference to *“fulfilling the intent of the Centres and Mixed Use Design Guide”* in this policy for consistency with related policies in other CMUZ. We agree with this recommendation.

WFZ-P7 - Protection of public open space

502. The Civic Trust³⁸⁶ supported WFZ-P7.

WFZ-P8 - Areas of change

503. No submissions.

WFZ-P9 - Sustainable long term use

504. The Civic Trust³⁸⁷ supported WFZ-P7.

WFZ-P10 - Ahi kā

505. The Civic Trust³⁸⁸, and VicLabour³⁸⁹ supported WFZ-P10.

WFZ Rules

WFZ-R1 - Commercial activities

506. Fabric Property Ltd³⁹⁰ supported WFZ-R1.

³⁸⁶ Submission # 388.78

³⁸⁷ Submission # 388.79

³⁸⁸ Submission # 388.79

³⁸⁹ Submission # 414.48

³⁹⁰ Submission # 425.87

WFZ-R2 - Community facilities and WFZ-R3 - Recreation activities

507. No submissions.

WFZ-R4 - Emergency service facilities

508. FENZ³⁹¹ supported WFZ-R1.

WFZ-R5 - Marae activities

509. No submissions.

WFZ-R6 - Public transport activities

510. The Civic Trust³⁹² sought that WFZ-R6 be deleted so public transport activities default to a Discretionary status.

511. We support the view of Mr Wharton³⁹³ that, as he discussed for WFZ-P1.6, making public transport activities “*managed*” by resource consents seaward of the main transport corridors is appropriate. The scale and effects of such an activity could be very small, or extend across most of the Waterfront Zone. Because of this uncertainty, he supported the Discretionary status requested by the Civic Trust for the part of the Waterfront Zone seaward of the main transport corridors and Post Office Square Heritage Area.

512. This would require the following recommended amendments.

WFZ-R6	<i>Public transport activities</i>
	<p>1. <i>Activity status: Permitted</i></p> <p><u>Where:</u></p> <p>a. <u>The activity is located in one or more of:</u></p> <ul style="list-style-type: none">i. <u>Waterloo Quay</u>ii. <u>Customhouse Quay</u>iii. <u>Jervois Quay</u>iv. <u>Cable Street</u>v. <u>Oriental Parade</u>

³⁹¹ Submission # 273.338

³⁹² Submission # 388.81

³⁹³ Section 42A Report, at paragraph 112

	<i>vi. Post Office Square Heritage Area.</i>
	<p>2. <u>Activity status: Discretionary</u></p> <p><u>Where:</u></p> <p style="padding-left: 40px;">a. <u>Compliance with the requirements of WFZ-R6.1 cannot be achieved.</u></p>

WFZ-R7 - Visitor accommodation

513. The Civic Trust³⁹⁴ sought that WFZ-R7 be amended so visitor accommodation is only permitted “Where: a. The activity is located above ground floor level. Cross-reference – also refer to NOISE-R5 and NOISE-S4 for noise-sensitive controls near the Port Zone.”
514. As discussed previously for WFZ-P1.7, we do not support restricting visitor accommodation to above ground floor.

WFZ-R8 - Residential activities

515. Dept of Corrections³⁹⁵ supported WFZ-R8.

WFZ-R9 - Industrial activities

516. No submissions.

WFZ-R10 - Car parking activities

517. The Civic Trust³⁹⁶ supported WFZ-R10.

WFZ-R11 - All other land use activities

518. No submissions.

³⁹⁴ Submissions # 388.82-83

³⁹⁵ Submission # 240.778

³⁹⁶ Submission # 388.84

WFZ-R12 - Maintenance and repair of buildings, structures and public open space

519. FENZ³⁹⁷ and Fabric Property Ltd³⁹⁸ supported WFZ-R10.

WFZ-R13 - Demolition or removal of buildings and structures

520. FENZ³⁹⁹ supported the rule while GWRC⁴⁰⁰ supported WFZ-R13 and requested that the Permitted status be subject to building and demolition waste being disposed at an approved facility. The Civic Trust⁴⁰¹ supported WFZ-R13 with the following amendment: *“ii. Enables the creation of public space ~~or for private outdoor living space; or~~”*.

521. Consistent with the other Panel Recommendation Reports for the Commercial and Mixed Use Zones, the amendment sought by GWRC relating to the disposal of building waste at approved facilities is not supported as it is not readily enforceable, and is managed outside the RMA.

522. Mr Wharton⁴⁰² agreed with the Civic Trust's point that allowing demolition to create private outdoor living space as a Permitted Activity is inconsistent with residential activities on the ground floor being a Non-Complying activity. Making this demolition purpose require resource consent would be consistent with the overall policy approach. We agree with this change.

523. Mr Wharton,⁴⁰³ however, disagreed with Fabric Property Ltd that a Non-Complying activity status for demolition not associated with a new building, public space or to avoid imminent threat is too stringent a test, because staged demolition and clearing of a site may be needed to enable well-planned development. He considered that the Waterfront Zone provisions aim to avoid long-term derelict sites, or buildings being replaced by private outdoor uses such as car parking. Mr Wharton's view was

³⁹⁷ Submission # 273.339

³⁹⁸ Submission # 425.90

³⁹⁹ Submission # 273.340

⁴⁰⁰ Submissions # 351.311-312

⁴⁰¹ Submissions # 388.85-86

⁴⁰² Section 42A Report, at paragraph 121

⁴⁰³ Section 42A Report, at paragraph 122

that well-planned development is best achieved through resource consents for comprehensive redevelopment of a site, which may include staging over time.

524. In response, Mr Jeffries⁴⁰⁴ the planner for Fabric Properties was of the view that:

I partially agree with the reporting officer that long-term derelict or vacant sites can have negative effects on the city. I also agree that it is appropriate for the district plan to include provisions which seek to manage demolition and control the use and amenity of a site before redevelopment occurs. However, I agree with the submitter that WFZ-R13 as notified provides insufficient flexibility to enable demolition for staged development which may require a building to be demolished before resource consent is sought for a new building. A non-complying activity would provide insufficient certainty in this circumstance. A restricted discretionary activity status by contrast would provide greater certainty, while ensuring that Council still retains appropriate discretion to impose conditions to ensure quality design outcomes and use of the site before it is redeveloped.

525. In his supplementary evidence, Mr Wharton⁴⁰⁵ disagreed:

In my Section 42A Report, at paragraph 122 I noted that concurrent applications for building demolition and a new building may include staging of the building construction.

Another option within the proposed Waterfront Zone provisions if an applicant wants to demolish a building, but is not yet ready to apply for a new building in its place, is for the applicant to create an interim public space in place of the demolished building. This would make the demolition permitted under WFZ-R13.1(a)(ii). The new public space would also be permitted provided it is not within the Public Open Space spatial layer and it meets the permitted rule on structures (WFZ-R15). This approach gives flexibility for a later redevelopment while also avoiding the adverse effects of derelict or vacant sites in the Waterfront Zone.

526. We accept Mr Wharton's views in this regard. We also accept the necessity for the removal of the words 'The assessment of the activity must have regard to the Principles and Outcomes in the Wellington City Council Design Guides Introduction [2022]' as this is a consistent change made in relation to the CMUZ as referred to in reports 2A and 4A.

527. The Civic Trust's further submission pointed out "*the expectation of permitted activities*" relating to demolition. If the building itself is Permitted, the demolition of buildings to enable it should also be Permitted. However, this further submission has prompted Mr Wharton to recommend an alteration of minor effect under Schedule 1

⁴⁰⁴ Evidence of Joe Jeffries paragraph 8.4

⁴⁰⁵ Supplementary evidence of Andrew Wharton paragraphs 7 and 8

Clause 16 to WFZ-R13.1(a)(iii) to enable demolition that is required to construct a Permitted Activity building. We agree that this will provide an improvement to the clarity of this rule.

528. Therefore WFZ-R13 is recommended to be altered as follows:

WFZ-R13	<i>Demolition or removal of buildings and structures</i>
<i>Entire Zone</i>	<p>1. Activity status: Permitted</p> <p>Where:</p> <p style="padding-left: 40px;">a. The demolition or removal of a building:</p> <p style="padding-left: 80px;">i. Is required to avoid an imminent threat to life and/or property; or</p> <p style="padding-left: 80px;">ii. Enables the creation of public space or for private outdoor living space; or</p> <p style="padding-left: 80px;">iii. Is required for the purposes of constructing a new building or adding to or altering an existing building that <u>is a permitted activity under WFZ-R14 or WFZ-R15, or that has an approved resource consent or resource consent is being sought concurrently under WFZ-R14 or WFZ-R15</u>; or</p> <p style="padding-left: 40px;">b. The demolition or removal involves a structure, excluding any building.</p>
<i>Entire Zone</i>	<p>2. Activity status: Non-complying</p> <p>Where:</p> <p style="padding-left: 40px;">a. Compliance with the requirements of WFZ-R13.1 cannot be achieved</p> <p>The assessment of the activity must have regard to the Principles and Outcomes in the Wellington City Council Design Guides Introduction [2022].</p> <p>Notification status: An application for resource consent made in respect of WFZ-R13.1 is precluded from being either publicly or limited notified.</p>

WFZ-R14 - Alterations or additions to buildings and structures

529. FENZ⁴⁰⁶ supported the rule, while The Civic Trust⁴⁰⁷ supported WFZ-R14 with amendment to R14.1 so that the aggregate area of buildings and structures within areas identified as public open space does not exceed 50 ~~200~~-m² per hectare.
530. Mr Wharton⁴⁰⁸ did not agree, as reducing the aggregate of 200m² would limit the functioning of public open spaces by restricting the number of small buildings that enhance the spaces, such as public toilets, shelters, small cafes, etc, and would significantly add to administration and resource consent costs to establish them once the building coverage limit for a Public Open Space is exceeded.
531. In the submitter notes presented at the hearing on behalf of the Civic Trust, Mrs Allan⁴⁰⁹ further explained that a 200m² addition to a building or a new building is equivalent to one large house for every football field, and there are few open spaces on the waterfront of that size. Additionally, the rule sets up the opportunity for a proliferation of inappropriate structures taking up the scarce resource of open space.
532. The Civic Trust also sought a limitation of no more than 2.5% footprint extension of existing buildings as Restricted Discretionary activities and without public notification. It considered that a 5% extension is too large.
533. Fabric Property Ltd⁴¹⁰ supported the Restricted Discretionary status in WFZ-R14.5 for extending the building footprint by not more than 5%.
534. We agree with Mr Wharton that there needs to be an ability for smaller scale additions to be made to existing buildings as Restricted Discretionary activities, and that there should be an aggregate limit to ensure they do not exceed 200m² per hectare. These additions will be assessed against the extensive range of objectives and policies that apply to the WFZ. We also note Mr Wharton's⁴¹¹ advice that the building addition standard of 5% comes from the Operative Plan Rule 13.3.5. The 5% standard in the Plan is now measured against building floor space at the date of Plan notification, so

⁴⁰⁶ Submission # 273.341

⁴⁰⁷ Submissions # 388.87-89, 388.93

⁴⁰⁸ Section 42A Report, at paragraphs 130, 133

⁴⁰⁹ Civic Trust Speaking Notes

⁴¹⁰ Submission # 425.95

⁴¹¹ Section 42A Report, at paragraph 133

the effect will be smaller than the Operative Plan's 5% which could have cumulative additions over time.

535. The Civic Trust⁴¹² requested that WFZ-R14.2, R14.4, R14.5, R14.6 include the Wellington Waterfront Framework in the assessment of additions/alterations to buildings and structures. We do not consider that to be necessary as the key elements in respect of location, scale and design are included in objectives and policies anyway. We also note that the Waterfront Framework is now quite dated, and there has been considerable physical change to the waterfront since 2001.
536. We also note that, as a result of the review of the Design Guides that occurred following Hearing Stream 2, the words 'Assessment of the activity must have regard to the Principles and Outcomes in the Wellington City Council Design Guides Introduction [2022]' is now recommended to be deleted (refer to Report 2A for the background to that recommendation). We agree that that is appropriate, given the consensus that the Design Guides Introduction be removed from the Plan.
537. Fabric Property Ltd⁴¹³ sought that the mandatory public notification clause in WFZ-R14.6 be removed, while Ms Allan continued to oppose this position at the hearing.
538. Mr Jeffries⁴¹⁴ noted that the Fabric Property Ltd submission stated that it is more appropriate for notification to be determined on a case-by-case basis, and in some cases non-notification may be appropriate. He considered that it is appropriate to rely on the normal notification tests for additions and alterations to buildings, as some of these activities may have limited impact on the public realm.
539. Mr Wharton⁴¹⁵, in response, stated that public involvement is an important principle in the Waterfront Zone, and specifying public notification for larger building additions gives certainty for the public (and applicant), rather than being dependent on a notification assessment under RMA section 95A.
540. However, in his evidence in reply, Mr Wharton⁴¹⁶ partially supported Mr Jeffries' position that public notification would be required not only for major (>5% footprint)

⁴¹² Submissions # 388.89-92

⁴¹³ Submission # 425.96

⁴¹⁴ Evidence of Joe Jeffries paragraphs 8.7 to 8.9

⁴¹⁵ Supplementary Statement of Andrew Wharton paragraph 9

⁴¹⁶ Reply Evidence of Andrew Wharton paragraphs 188 to 191

additions, but also if any standards WFZ-S1 – WFZ-S6 are not met. We agree that a building addition or alteration that does not meet one or more of these standards may not be significant enough for public notification in every instance. Building height is the exception. We consider that if height is exceeded through a building addition/alteration, public notification is appropriate.

541. The Waterfront Zone is the one of the most prominent and significant areas within the Central City, and there is a large element of public interest that applies to any significant development occurring in this Zone. In our view, non-compliance with standards apart from height may not justify public notification in all circumstances. We therefore adopt Mr Wharton’s wording of WFZ-R14.6 as follows:

<p><i>Entire Zone except Public Open Space, Queens Wharf Buildings</i></p>	<p>6. Activity status: <i>Discretionary</i></p> <p><i>Where:</i></p> <p style="padding-left: 40px;"><i>a. Compliance with the requirements of WFZ-R14.5 cannot be achieved</i></p> <p><i>The assessment of the activity must have regard to the Principles and Outcomes in the Wellington City Council Design Guides Introduction [2022].</i></p> <p><i>Notification status: An application for resource consent made in respect of Rule WFZ-R14.6 <u>where WFZ-R14.5(a) or WFZ-S1 has not been complied with</u> must be publicly notified.</i></p>
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WFZ-R15 - Construction of new buildings and structures

542. FENZ⁴¹⁷ supported WFZ-R15’s permitted activity status for construction. The Civic Trust⁴¹⁸ supported WFZ-R15 in part, but opposed WFZ-R15.1’s 200m²/ha building area threshold in Public Open Space, and wanted it reduced to 50m²/ha. In addition, the Civic Trust requested that the Wellington Waterfront Framework be referred to for Discretionary applications under WFZ-R15.2 and R15.6.
543. We note that we have discussed the 200m²/ha standard above in relation to WFZ-R14 in respect of additions and alterations. The same rationale applies for new buildings or structures. Similarly, we have discussed the same issue with referencing the Wellington Waterfront Framework above.

⁴¹⁷ Submission # 273.342

⁴¹⁸ Submissions # 388.94-97

544. Fabric Property Ltd⁴¹⁹ requested that WFZ-R15.6 have Restricted Discretionary activity status, not Discretionary, and no requirement for public notification. Alternatively, the WFZ-R15.6 'Entire Zone' should also apply to Public Open Space, relying on the assessment matters.
545. Mr Wharton⁴²⁰ disagreed, and considered that the public notification clause should remain for new buildings and structures that do not meet the Permitted Activity requirements in WFZ-R15.4 and R15.5. We agree, and note that as with WFZ-R14, the Waterfront Zone has a general policy principle that significant building works in the Zone should be publicly notified. Building works under WFZ-R14.6 are significant in our view.

WFZ-R16 - Development of new public space, or modification of existing public open space

546. The Civic Trust⁴²¹ supported WFZ-R16 with a request to reference the Wellington Waterfront Framework.
547. For the reasons identified in the WFZ-R14.2, R14.4, R14.5, R14.6 assessment above, we disagree with the Civic Trust that the Wellington Waterfront Framework should be referenced in WFZ-R16.

WFZ-R17 - Conversion of buildings or parts of buildings to residential activities

548. FENZ⁴²² supported WFZ-R17, with an amendment: 4. The availability and connection of existing or planned three waters infrastructure, including for firefighting purposes.
549. Consistent with the position we have taken in other Recommendation Reports for the Commercial and Mixed Use Zones, we do not agree, as matters relating to fire-fighting servicing are provided for under the Building Act and should not be duplicated in the District Plan in relation to conversion of existing buildings.

⁴¹⁹ Submissions # 425.97-100

⁴²⁰ Section 42A Report, at paragraph 141

⁴²¹ Submissions # 388.9699

⁴²² Submission # 273.343-344

550. The Civic Trust⁴²³ partially supported WFZ-R17, and requested that the rule reference the Wellington Waterfront Framework. For the reasons identified in the WFZ-R14.2, R14.4, R14.5, R14.6 assessment above, we do not agree that the Wellington Waterfront Framework should be referenced in WFZ-R17.

WFZ - R18 Outdoor storage areas

551. FENZ⁴²⁴ sought that WFZ-R18 has a new permitted standard: b. Screening does not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.

552. Consistent with the advice in other Section 42A Reports for the Commercial and Mixed Use Zones, the screening of outdoor storage areas should not obscure emergency or safety signage or obstruct access to emergency facilities, and we recommend this amendment be made to WFZ-R18.

553. The Civic Trust⁴²⁵ requested that WFZ-R18 be retained, with amendments:

a) *The storage area is screened by a fence or landscaping of 1.8m in height around its immediate perimeter and from any adjoining road or site; and*

b) *The storage area has a maximum area of 10m².*

554. Mr Wharton⁴²⁶ advised us that, after talking with Council staff managing the Council's landowner responsibilities on the Waterfront, he disagreed with the Civic Trust's amendment to require fencing around the immediate perimeter of storage areas. In his view, the Waterfront requires site-specific design solutions for fencing, which may include lower height fencing for safety reasons or to maintain views of paths or the harbour, or placing storage areas under stairs. A standard requiring full fencing 1.8m high would inhibit these solutions, as the incentive would be to follow the permitted standard instead of an appropriate design.

555. Mr Wharton⁴²⁷ also did not agree with the Civic Trust that storage areas should be limited to 10m² as a Permitted Activity. He also noted that the size and location of

⁴²³ Submission # 388.100-101

⁴²⁴ Submission # 273.345

⁴²⁵ Submissions # 388.102-103

⁴²⁶ Section 42A Report, at paragraph 150

⁴²⁷ Section 42A Report, at paragraph 151

storage areas in most of the Waterfront Zone will also be controlled by the Council as landowner and manager of most of the Waterfront Zone.

556. In her notes to the hearing, Mrs Allan⁴²⁸ considered that, given that this is a public area, outdoor storage should not be provided, and if it has to be, it should be extremely limited in area and well-screened. Her view was that the suggestion that the Waterfront should accommodate this type of activity at all is pretty primitive in this day and age.
557. We note these concerns, but consider that the standard provides the appropriate balance between allowing and screening smaller storage areas that are necessary to support waterfront activities, while providing for assessments of larger areas and larger fence heights. We are also mindful of the advice that the Council maintains significant control over specific design solutions in most of the WFZ.

New Rule

558. Dept of Corrections⁴²⁹ considered that, if it is necessary to have ‘supported residential care activity’ as a separate activity, a new Permitted Activity rule for it should be included in the Waterfront Zone. As with other submissions that sought this relief across the PDP, we have supported deleting the supported residential care activity definition, with reliance on the broad meaning of residential activities sufficient to address the submitter’s concerns.

WFZ Standards

559. There are six standards that apply in the Waterfront Zone, of which three were the subject of submissions. There were no submissions on:
- a) WFZ-S3 Outlook space (per residential unit);
 - b) WFZ-S4 Minimum residential unit size; and
 - c) WFZ-S5 Building separation distance.

⁴²⁸ Civic Trust speaking notes page 12

⁴²⁹ Submission # 240.75

WFZ-S1 – Maximum building heights outside of Public Open Space and Areas of Change

560. Fabric Property Ltd⁴³⁰ sought to have an increased maximum height from 17.7m to at least 23.1m to enable an additional floor for 33 Customhouse Quay, previously known as the Meridian Building.
561. In disagreeing with this submission, Mr Wharton⁴³¹ recorded that he sympathised with the issues the Meridian Building is having with earthquake strengthening, and acknowledged that additional building height would improve the commercial viability of this work. However, he agreed with the Civic Trust's point in its further submission⁴³² that an increase in height here is contrary to the scheme for building heights in the Waterfront Zone. Mr Wharton considered that additional building height must be assessed on the merits of each individual application, through a Discretionary or Non-Complying resource consent, with particular regard to WFZ-P6.
562. For Fabric Properties, urban designer Mr Wallace⁴³³ was of the view that:

I have no concerns with the Fabric proposal on urban design grounds and note that a resource consent process would still be required to increase the height of that building. In my opinion, the increased height proposed, which is consistent with adjacent buildings (in line with the matters identified in WFZ-P6) and considerably smaller in scale than new development along Customhouse Quay, provides greater certainty that Fabric can proceed through a design process for an additional storey of development to support the feasibility of earthquake strengthening. From an urban design perspective, the more critical concern is that the current building remains vacant and cannot contribute to the creation of a vibrant and safe waterfront area consistent with WFZ-O6 and WFZ-P4. In my opinion, given the nature of existing buildings within the WFZ, reducing barriers to the ongoing use of existing buildings and activation of the WFZ is the more important issue with which the Proposed Plan can help address.

563. Based on this evidence, Mr Jeffries⁴³⁴ for Fabric, stated that the additional height would improve the viability of the works required for earthquake strengthening. He asserted that the merits and effects of additional building height can and should be considered through the PDP process. Additionally, he noted that any additional

⁴³⁰ Submissions # 425.101-102

⁴³¹ Section 42A Report, at paragraph 150

⁴³² Further submissions #83.11-12

⁴³³ Evidence of Cameron Wallace, at paragraph 50

⁴³⁴ Evidence of Joe Jeffries, at paragraph 8.15

height would be subject to the Minimum Sunlight Access requirements of WFZ-S2, which will ensure minimal effects on the adjacent public space. We note that in its submission Fabric sought that WFZ-S2 be deleted.

564. In response, Mr Wharton⁴³⁵ did not support this planning and urban design evidence for increasing building height to allow an extra storey on the Meridian Building site. In his view, irrespective of any potential merits the evidence is not detailed enough or public enough to justify an increased height on this site in the Plan.
565. Mr Wharton also referred us to the direct referrals process to the Environment Court for the new buildings on site 9 (Bell Gully building), site 10 (PWC building), and appeals on district plan provisions applying to the Queens Wharf buildings, all of which had building heights as key points of contention.
566. We also note that the comparable examples given by Mr Wallace and Mr Jeffries relate to buildings actually on Customhouse Quay, whereas the Meridian Building occupies a position much closer to the water's edge.
567. We agree with Mr Wharton that the proposed Waterfront Zone continues the approach of providing high level policy direction, with detailed site and building-specific evaluation to be done at the resource consent stage. The submission asking for increased height did not include the detailed evaluation needed to justify an increased height on this prominent waterfront site. We do not recommend it be accepted.

WFZ-S2 - Minimum Sunlight Access - Public Space

568. Fabric Property Ltd⁴³⁶ sought that this standard (minimum sunlight access – public space) be deleted in its entirety. If not deleted in full, then it sought that it be deleted in relation to Kumutoto Park.
569. Mr Wharton⁴³⁷ was of the view that Standard 2 should be retained, including in relation to Kumutoto Park. He concurred with the rationale for this in the Section 42A Report – City Centre Zone – Minimum Sunlight Access – Public Space. Further, Mr Wharton noted that the sunlight protection in the Plan for Kumutoto Park applies from 12–2pm at the equinox. This means only around the southernmost corner of

⁴³⁵ Statement of Supplementary Evidence of Andrew Wharton, at paragraph 11

⁴³⁶ Submissions # 425.3, 425.103

⁴³⁷ Section 42A Report, at paragraph 157

Kumutoto Park at the Meridian Building entrance has its sunlight affected by the Meridian Building at this time, and this is only from around 1-2pm. He explained that this very small existing shaded area will not change if the Meridian Building height is increased.

570. Neither Mr Wallace nor Mr Jeffries discussed this matter at the hearing. On that basis, we agree that there should be no change to WFZ-S2 aside from the editorial changes recommended by Mr Wharton.

WFZ-S6 - Waterfront Zone site coverage

571. The Civic Trust⁴³⁸ sought that WFZ-S6 be retained, but with the word “*site*” removed, because the standard is meant to apply to the Waterfront Zone as a whole.
572. Mr Wharton⁴³⁹ agreed with this submission and recommended that the words “*site coverage*” be replaced with “*total building coverage*”. This is in our view an appropriate clarification.

⁴³⁸ Submissions # 388.104-105

⁴³⁹ Section 42A Report, at paragraph 159

4. MINOR AND INCONSEQUENTIAL AMENDMENTS

4.1 City Centre Zone

573. Ms Stevens⁴⁴⁰ also outlined a number of minor or inconsequential amendments under Schedule 1, clause 16 (2) of the RMA or in the case of ISPP provisions s99.

574. We agree that the following changes are appropriate and all have minor effect.

City Centre Zone

- a) Correction to the CCZ Introduction to remove reference to “*viability*” to acknowledge that a mixture of activities are enabled within the CCZ;
- b) Correction to CCZ-O2 (Accommodating Growth) to change “*choice*” to “*variety*” to align with other Centres Zones for Plan consistency purposes;
- c) Correction to CCZ-O7 (Managing adverse effects) and CCZ-P9 (Quality design outcomes) to remove reference to 2(d) “*Identified pedestrian streets*” as this is not a matter that the CCZ provides for or manages;
- d) Correction to CCZ-P1 to remove the words “*and ongoing viability*” to acknowledge that a mixture of activities are enabled within the CCZ;
- e) Addition to CCZ-P10 on-site residential amenity to include a reference to “*minimum residential unit size*” as a policy hook for standard CCZ-S10 Minimum residential – unit size: “Providing residents with adequate internal living space.”;
- f) Addition to CCZ-R18 Demolition or removal of buildings and structures. Ms Stevens⁴⁴¹ advised that currently, demolition is permitted if required for any structure or public space, or a building that has an approved resource consent, but demolition is a Non-Complying activity if needed for a new building or addition/alteration that is permitted under CCZ-R19 or CCZ-R20. She considered this would create perverse outcomes, as demolition for a permitted building still achieves the policy goal of avoiding unused or privately-used large open spaces. We agree, and in our opinion, the alteration is of minor effect because the building demolition could still be

⁴⁴⁰ Section 42A Report, at paragraph 801

⁴⁴¹ Section 42A Report, at paragraph 801 f.

completed as a permitted activity if it first “enables the creation of public space”;

- g) Correction to CCZ-S10 (Residential – communal outdoor living space) to align with the changes to the residential zones.

Amendments to Te Ngākau Civic Square Precinct

- 575. Correction to CCZ-PREC01-O1, CCZ-PREC01-O2 and CCZ-PREC01-O3, because in the PDP they are missing the '01' after 'PREC' and so are currently reading CCZ-PREC-O1, CCZ-PREC-O2 and CCZ-PREC-O3.

Appendix 9

- 576. Correction to Appendix 9's APP9 – City Centre Zone and Special Purpose Waterfront Zone – Minimum Sunlight Access and Wind Comfort Control – Public Space Requirements table. This is to clarify that the time period to be calculated using New Zealand Standard Time is at 23 September.

4.2 Waterfront Zone

- 577. Mr Wharton⁴⁴² advised that there were a number of minor amendments to the WFZ that were largely errors in drafting, were consequential on other changes or that had no clarity.
- 578. We agree that the following minor amendments are appropriate under Schedule 1 Clause 16:

- a) **Align Plan map layers with coastal rock revetments in the Waterfront**

Zone. Mr Wharton advised that the Plan's spatial layers' boundaries at mean high water springs could be better aligned with the precast concrete and rock revetment walls where the coastal marine area begins. The solid wharves here make it difficult to locate mean high water springs without an under-wharf survey.

Mr Wharton prepared Figure 3 that was included in Appendix A of the Section 42A report that showed the location of seawalls between Waterloo Wharf and Waitangi Park. These lines were drawn from the seawall asset assessments in 2010 by Cardno and Tonkin & Taylor, and their review in 2020. We agree that

⁴⁴² Section 42A Report Section 5

the seawalls are a better identification of mean high water springs (and the boundary of district plan jurisdiction) in this part of the City than some of the existing Waterfront Zone boundaries.

We have considered whether there is any party who may be affected by this change and have concluded that there are none as the mapping changes proposed are 'ground truthing' and improving the accuracy of the mean high water springs boundary between the City's jurisdiction and the Coastal Marine Area.

- b) **Delete 'Reclamation' definition.** The term 'reclamation' is used in a description in the Waterfront Zone, and on some property titles listed in the Plan, but not in any directive Plan provisions. This makes the definition unnecessary. In any event, the term is defined in the National Planning Standards.
- c) **Delete WFZ-P2.5.** The need for this was identified by the Fale Malae Trust⁴⁴³:
"Demolition of buildings that results in creation of unutilised vacant land' is both an incompatible activity in WFZ-P3, and a managed activity in WFZ-P2." We agree with Mr Wharton that these two policy directions conflict, with WFZ-P3.2 being the correct policy direction. It aligns with the Non-Complying rule status for demolition in WFZ-R13.2. It is also consistent with the approach in the RMA.
- d) **Delete "between" from WFZ-P4.2.** This word is a drafting error.
- e) **Enable building demolition required for permitted building construction under WFZ-R13.1(a)(iii).** Currently, demolition is permitted if required for any structure or public space, or a building that has an approved resource consent, but demolition is a Non-Complying activity if needed for a new building or addition/alteration that is permitted under WFZ-R14 or WFZ-R15. We agree that this is a perverse outcome, as demolition for a Permitted Building still achieves the policy goal of avoiding unused or privately-used large open spaces. Importantly, the alteration is of minor effect because the building demolition could still be completed as a Permitted Activity if it first *"enables the creation of public space"*.

⁴⁴³ Further submissions # 59.7-10

- f) **Renumber the duplicate WFZ-R13.1 to WFZ-R13.2.** This is a numbering error in the Plan.
- g) **Delete the assessment criteria heading from WFZ-S1, and add WFZ-S1.2 number.** Mr Wharton explained that, in the Plan, the maximum building height standards for the WFZ are in a column with the text “*assessment criteria where the standard is infringed.*” This is a formatting error moving from an earlier Word version to the ePlan version. If the maximum building height is breached, the application has a full Discretionary or Non-Complying consent as per the note, and does not have specific assessment criteria related to the building height standard. The column border and numbering should also be changed. As a separate numbering error, the WFZ-S1 for Queens Wharf Building needs a .2.
- h) **Add the correct assessment criteria for WFZ-S3.** The assessment criteria where WFZ-S3 (minimum sunlight access) is infringed is copied from the assessment criteria in WFZ-S2, despite being a different standard (outlook space). Mr Wharton considered that this is a copying error. The assessment criteria should be the same as that in CCZ-S13 (outlook space) as they both apply to residential apartment units located above ground floor. There are no submission points on WFZ-S3.
- i) **Amend Appendix 9 in the Plan to be measured at a specific date.** This is a consistent change with the CCZ. The spatial application of the Minimum Sunlight Access standard remains constant over time, and as a result the column 3 heading should be changed as follows: “*Time period to be calculated using New Zealand Standard Time at ~~either of the equinoxes (i.e. 21 March or 23 September 2023)~~*”

5. CONCLUSIONS

579. We recommend that the changes to the relevant CCZ and WFZ provisions are accepted. These are included in Appendix 1 to this report (including amendments made in respect of other recommendations where only the affected provisions are shown).
580. We have sought to address all material issues of the parties who have appeared before us put in contention in relation to the City Centre Zone and Waterfront Zone.
581. To the extent that we have not discussed submissions on this topic, we agree with and adopt the reasoning of the Section 42A Reports prepared by Ms Stevens and Mr Wharton, as amended in their written Replies.
582. To the extent that the Section 42A Reporting Officers have recommended amendments to the Plan requiring evaluation in terms of Section 32AA, we adopt their evaluations for this purpose.
583. Where we have discussed amendments, in particular where we have identified that further amendments should be made, our reasons in terms of Section 32AA of the Act are set out in the body of this Report.
584. **Appendix 2** sets out in tabular form our recommendations on the submissions allocated to Hearing Stream 4 topics. Our recommendations on relevant further submissions reflect our decisions on the primary submission to which they relate.
585. We specifically note that there are no out-of-scope recommendations we have made in regard to either CCZ or WFZ.

For the Hearing Panel



Robert Schofield

Chair, Hearing Stream 4

Dated: 2 February 2024