

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of Submissions and Further
Submissions on the
Proposed Wellington City
District Plan

Minute 17:

Stream 2 Follow Up

Introduction

1. A number of matters arose during the course of the Stream 2 hearing concluding yesterday that we should record.
2. We have already addressed one of those matters: the role and content of the Residential Design Guide- refer Minute 15.

Rule Structuring

3. At present, there is one set of rules and standards in the High Density Residential Chapter for 1-3 residential units, and a separate set of rules and standards for 4 or more residential units.
4. In Stream 2, the planning witness for Kāinga Ora (Mr Heale) proposed that there be one set of rules and standards covering both scenarios, but he had not identified all the consequential changes that were required.
5. During the course of that hearing, we asked Mr Patterson to caucus with Mr Heale to see if they could reach agreement on an appropriate rule and standard structure should we find merit in Mr Heale's suggestion. We emphasise that we have made no decisions, tentative or otherwise, on these structuring issues.
6. Their joint witness statement should be filed before 21 April, to coincide with the deadlines we fix for other Kāinga Ora inputs below.

KiwiRail

7. Also during the hearing, we requested KiwiRail to provide us with the following information by 14 April:
 - (a) The approximate length of rail frontage within the HRZ, MRZ and LLRZ;
 - (b) The approximate range of distances between rail tracks and adjacent residential property boundaries within Wellington City;
 - (c) The setbacks to the rail corridor provided for in other recently finalised District Plans.

Ara Poutama Aotearoa Department of Corrections

8. We also gave Ara Poutama Aotearoa Department of Corrections leave to provide a Section 77J evaluation of its suggested Arohata precinct, assuming an underlying HRZ zoning, again by 14 April.

Kāinga Ora

9. During the course of the presentation by Kāinga Ora, its counsel, Ms Caldwell, requested that we give leave for Kāinga Ora to provide any amendments to its suggested Plan provisions drawing on its experience from appearing in other IPI processes. We agree that it would be helpful if Kāinga Ora's input could draw on its experience in other jurisdictions, but obviously such further inputs need to be in hand in good time for the Council team to respond to in their Reply. Accordingly, we will accept further input on Plan provisions from Kāinga Ora, provided it is in hand on or before 21 April.
10. We record that during the course of Mr Rae's evidence, he noted that some of the maps he had provided showing the rezoning he supported had material errors. He undertook to provide replacement maps. Such replacement should be in hand within the same timeframe as above, namely by 21 April.

Retirement Villages Association/Ryman Healthcare

11. During the course of the presentation of Dr Mitchell's evidence for these submitters, he identified an error in his recommended provisions. He also indicated in response to our questions that there were issues in relation to his suggested changes he would wish to consider further.
12. We gave Dr Mitchell leave to produce marked up copies of his Plan provisions, showing (in separate versions) changes from the version attached to his evidence and changes from the notified version of the residential zone chapters.
13. We also requested that Dr Mitchell provide us with a wiring diagram showing the inter-relationship between his suggested objectives, policies, rules and standards governing retirement villages.
14. These inputs should be filed on or before 21 April.

Council Reply

15. Lastly, we have identified a number of points on which the Hearing Panel would be assisted by further input as part of the Council Reply. The Council is, of course, free to reply on any matters it wishes arising out of the hearing, but we request that it address the following:

- (a) A list of out of scope recommendations;
- (b) Can Counsel please provide his response to Mr Hinchey's argument for the Retirement Villages Association and Ryman Healthcare that mandatory design guidelines would be contrary to MDRS Policy 5;
- (c) Can Counsel also please comment on the validity of an analogy between identifying ONLs and character areas, insofar as both might involve areas/properties that make little contribution (and may even make a negative contribution) to the broader area defined;
- (d) Please confirm whether, in Council's view, the Three Waters provisions of the PDP operate as a Qualifying Matter, with reasoning, and if so, where the Council's evaluation of the restriction on standards that would otherwise be required by the NPSUD is located;
- (e) Please advise the breakdown (i.e. percent) of the ODP in the Inner Residential and Outer Residential Zones proposed to be zoned MRZ and HRZ respectively;
- (f) Please comment on the implications of substituting 'ability' with 'impairment';
- (g) In the context of Three Waters, what does it mean to be 'adequately serviced'; and is greater clarity required in the PDP provisions in that regard?
- (h) What does it mean saying that a development is 'able to be' serviced? In particular, how definite does that ability need to be?
- (i) What potential qualifying matters were considered as part of the Section 32 evaluation, or otherwise, by Council? Please provide references to the relevant analysis.
- (j) What modelling has the Council done of the loss of sunlight/shading under the proposed height and height in relation to boundary controls in the PDP? What difference do the changes to height and height in relation to boundary standards proposed by Kāinga Ora make to loss of sunlight/shading?
- (k) What is the extent of rooftop solar panel use in the Wellington City Urban Area?

- (l) What consideration has been given in the Section 32 evaluation of lost solar power generation under the proposed rules and standards?
- (m) Did the Section 32 evaluation explore the option of a Coastal Hazard Zone, rather than an overlay? If so, please provide references;
- (n) As regards the recommended reference in Objective HRZ-01 to a built character "*of at least six storey buildings*", what is the outcome anticipated? – in particular how much higher than six storeys is anticipated?
- (o) Please confirm Council Officers' view as to whether HRZ-P2 should refer to 'other' residential buildings?
- (p) As regards HRZ-P6 please confirm Council Officers' view as to whether the RPS requires greater consideration be given to reverse sensitivity issues vis a vis regionally significant infrastructure such as state highways in this context?
- (q) As regards HRZ-P8, please advise as what the suggested requirement to respond to the site context means in practice;
- (r) In relation to HRZ-P14, can Council Officers please confirm what policy direction is proposed for non-residential activities that do not meet one or more of the listed instructions?
- (s) In relation to HRZ-R3, please advise the evidential basis for the suggested standards of four employees/ten people total?
- (t) In relation to HRZ-R9, can Council Officers please advise the rationale for all commercial activities, irrespective of nature and scale, to be full discretionary activities.
- (u) In HRZ-R17 should the trigger for restricted discretionary activity status be whether the standards specified 'cannot' be achieved, or alternatively 'are not' achieved?
- (v) In relation to HRZ-S1, can Council Officers please comment on the substance of Mr Heale's revised version of this standard. If they do not agree with it, please also supply the basis for that disagreement given Dr Zamani's agreement with it in the urban designers Joint Witness Statement?
- (w) In relation to HRZ-S2:
 - Council Officers are invited to comment on whether shifting the height limit from 21 metres to 22 metres might facilitate height creep, utilising the latter as the permitted baseline;

- Have Council Officers changed their view having heard Willis Bond's evidence in relation to provision for rooftop plant rooms? If not, is a more limited provision e.g. for lift wells, appropriate?
- (x) In relation to MRZ-PREC03, is this precinct correctly analysed as a Qualifying Matter? If so, please refer the Panel to the appropriate Section 77J/77L evaluations, ideally in the same tabular format as that supplied in relation to other precincts;
- (y) More generally in relation to Qualifying Matters, can Council Officers please provide a revised version of the table provided by Ms Woodbridge with an extra column setting out their response to her commentary;
- (z) In relation to MRZ-P7, can Council Officers please comment on the potential to provide in this policy for utilisation of the flexibility provided by large sites, e.g. to provide for greater heights well set back from site boundaries?
- (aa) As regards the suggested MRZ-Rxx, can Council Officers please advise the evidential basis for the suggested GFA standard and the rationale for including restaurants, and for not providing hours of operation as a standard?
- (bb) In relation to MRZ-P12, please advise the evidential basis for differentiating Spenmoor Street in this regard? In particular, does the fact that Plan Change 67 specified traffic controls when it was made operative adequately justify the maintenance of such controls in the PDP given the road improvements that have been made in the interim, and the absence of like controls governing development on similarly traffic-challenged streets?
- (cc) What is Council Officers' response to Mr Halliday's presentation as regards the Council at 35 Bickerton Street, and whether it should more appropriately be OSZ?
- (dd) Have Council Officers reconsidered their view in relation to Mr Halliday's proposed extension of the MRZ zoning in Atherton Terrace to match property boundaries?
- (ee) In relation to MRZ-01, do Council Officers consider that the current wording accurately reflects the intended outcome?- in particular whether it goes further than 'encouragement';.
- (ff) In relation to MRZ-P13, should the location of 'the Tapu-Te-Ranga land' be clarified? Further, is the cross reference to the Papakainga

Design Guide in this policy consistent with Officers' advice that that design guide is not intended to be part of the PDP?

- (gg) In relation to MRZ-R3, can Council Officers please comment on whether Condition (a) should require, as at present, that the site is the principal place of residence of **all** persons living on the site?
- (hh) In relation to MRZ-R14, can Council Officers please confirm their position regarding notification preclusion in relation to non-compliance with MRZ-S7 (outlook spaces)?
- (ii) To what extent (in number of dwellings) did the ODP character area provisions restrict development capacity provided in that Plan?
- (jj) In relation to LLRZ-P8, is it appropriate and in scope to include reference to non-public infrastructure such as telecommunications and electricity?
- (kk) Dr Zamani referred in his evidence (paragraph 40) to international standards for unit sizes. Can he please provide further detail as to what those standards are:
- (ll) Can Dr Zamani please document his verbal comments on the maps Mr Rae tabled for Kāinga Ora showing suggested zoning changes. If there are non-urban design planning (or other) issues relevant to those rezoning proposals, please itemise same;
- (mm) Can Council Officers please comment on the Pukepuke Pari argument that development controls are required to constrain the properties immediately behind those with frontage to Oriental Parade, in order to achieve the objectives of the Oriental Bay Height Precinct?
- (nn) What assessment have Council Officers made of the area south of Bolton Street in relation to its potential inclusion in the Character Precinct provisions?
- (oo) Similarly, what is the Council Officers' response to suggestions by submitters that the identified character precincts in Thorndon, Aro Valley, Mt Cook, Newtown, and Mt Victoria be further expanded from the recommendations in the s42A report, and that an area of The Terrace be added? In this regard, we are looking for a street by street commentary on the additional areas proposed (rather than a more generic response). Please also advise what the effect would be on development capacity, broken down by suburb if they, and/or the Lower Kelburn area referred to immediately above, were included in the character precincts.

- (pp) What was the rationale for not including the area of Lower Wadestown identified by Boffa Miskel in the notified character precincts?
- (qq) Did the methodology applied for identification of character areas take into account listed heritage status of any buildings within a possible character precinct?- if so, how?
- (rr) In relation to HRZ-S3(4), which Officers have recommended be deleted, what analysis has been undertaken of the proposed height in relation to boundary controls demonstrating that they achieve the same or a similar level of sunlight in the Natural Open Space Zone, Open Space Zone and Sports and Active Recreation Zones?
- (ss) Can Council Officers please comment on Mr Rae's proposal that when analysing walkable catchments, a gradient of 12.5-20% requires specific consideration and a gradient in excess of 20% is not walkable?
- (tt) Referencing Mr Heale's suggestion that clear policies are required to ensure that any additional height provisions over 22 metres are not regarded as 'anticipated', do Council Officers agree with that proposition, and if so, how should such policies be framed?
- (uu) Can Council Officers please advise their response to the presentation of the Tenths Trust as regards development controls applying to 357-359 Adelaide Road?
- (vv) In relation to the North Mount Victoria Townscape Precinct, should 4 Vogel Street be included within the precinct because of its visibility at the upper southern edge of the precinct?
- (ww) Can Council Officers please explain the logic of identifying 15 Brougham Street as part of the Character Precinct given its location on a back section and the fact that (according to its owner) similar buildings on the adjacent back sections (at 11 and 13 Brougham Street) are not identified as such?
- (xx) Does the definition of a 'site' exclude land designated for road or rail widening, and if not, should it be so defined?
- (yy) Has the effect of excluding eaves from the boundary setback requirements in HRZ-S4 and MRZ-S4 on sunlight reaching adjacent properties been assessed, and if so, what is the resulting relative loss of amenity? Similarly, what is the loss of development capacity if they are not included?

- (zz) Can Council Officers please provide examples as to how height or density standards manage effects on properties adjacent to character precincts or within character precincts within both the HRZ and MRZ?
 - (aaa) Can Council Officers please advise what provisions in the HRZ, MRZ and LLRZ govern development adjacent to SASMs and protect the values of those sites and areas?
 - (bbb) In relation to the submission of Taranaki Whanui seeking reference in the introduction to the LLRZ Chapter to SASMs, should the text note that the relatively undeveloped nature of the zone increases the likelihood that new SASMs will be discovered?
16. The Hearing Panel is conscious that this is an extensive list of outstanding issues, and that Council Officers will require a lot more time to prepare their written reply than the Panel had envisaged when drafting Minute 1. The Council's reply will also need to consider and comment on the additional material we have given KiwiRail, Ara Poutama Aotearoa Department of Corrections, Kāinga Ora, and RVA/Ryman leave to produce, as above. Given that three of the four members of the Stream 2 Panel are also sitting on Stream 3, the Panel will in practice be unable to consider the Council's reply until the end of May, and we see no merit in requiring production of the Council's reply before then, particularly if it means that that reply is of less assistance to the Panel than it would have been with additional time to prepare it.
17. Accordingly, we direct that the Council's written Stream 2 reply be provided by 1pm on 26 May.



Trevor Robinson
Chair

For the Wellington City Proposed District Plan Hearings Panel
Dated: 12 April 2023