

Memorandum

Date: 2 October 2023 File ref: PDP Hearing Stream 4

To: Robert Schofield, Chair, Proposed District Plan Independent Hearings Panel (HS4)

From: Stewart McKenzie, District Plan Advisor

Cc: Trevor Robinson, Chair, Proposed District Plan Independent Hearings Panel; Adam McCutcheon, Team Leader District Plan Team; Anna Stevens, Team Leader District Plan Team; Michael Duindam, Manager District Plan Team

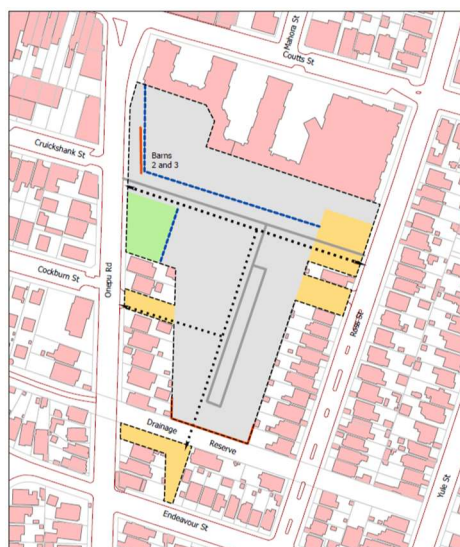
Subject: PDP Hearing Stream 4 – Submissions on Appendix 11 – Kilbirnie Bus Barns Development Plan

Summary

1. On auditing the submissions on the ISPP provisions, Council officers have identified a number of submission points in relation to Appendix 11 – Kilbirnie Bus Barns Development Plan (Appendix 11) that were not addressed in the Commercial and Mixed Use Zones section 42A report and subsequent Hearing Stream 4.
2. This memo provides context and a summary of the submission points in question, and the appended Table 1 provides additional commentary and recommendations in relation to the submission points.
3. The Council requests direction from the Panel on how to resolve this matter.

Background

4. The submission points are on Appendix 11 which relates to Development Area 1 – Kilbirnie Bus Barns provisions (DEV1). Submissions on the DEV1 chapter were addressed in the Section 42A Report prepared by Council's Reporting Officer, Ms Lisa Hayes, in relation to the Metropolitan Centre Zone (MCZ).
5. Appendix 11 includes nine Development Plan requirements for the DEV1 zone, along with the following Bus Barn - Concept Plan:



BUS BARN -
CONCEPT PLAN

LEGEND

- Bus barn site boundary
- 27m maximum building height
- Area subject to Medium Density Residential Area Provision
- Public Open Space
- Pedestrian link
- Indicative vehicular access
- Retain existing building facades
- Non-residential frontage

Submissions

6. Ms Hayes has reviewed the submission points and notes the following:

- i. Claire Nolan, James Fraser, Bidy Bunzl, Margaret Franken, Michelle Wolland, and Lee Muir [275.45], seek that Appendix 11 is retained as notified. This submission point was opposed by Bus Barn Limited [FS95.1] on the basis that they sought modifications as detailed in their primary submission [submission no. 320]. To note:
 - The submission points from Bus Barn Limited were addressed in Hearing Stream 4 (Section 42A Report (Part 2 – Metropolitan Centre Zone)¹, Supplementary Statement of Evidence² and Right of Reply³). Bus Barn Limited provided a written statement of evidence⁴ and an oral submission.
 - Claire Nolan, James Fraser, Bidy Bunzl, Margaret Franken, Michelle Wolland, and Lee Muir [275.45] did not provide evidence or oral submissions to Hearing Stream 4 and it is not clear that their submission point to retain Appendix 11 has been addressed. In particular, it is noted that the Bus Barn – Concept Plan shows a height limit of 27 metres in the DEV1 zone. Ms Hayes has recommended a height increase to 35 metres across the Kilbirnie MCZ, including within the DEV1⁵. This recommendation takes into account submissions that both support and oppose the height increase.
- ii. Waka Kotahi [370.453, 370.454] support Appendix 11 but seek that DEV1-APP-R7 is amended to ensure that the requirement to provide pedestrian linkages through the site is mandatory to enable a well-connected transport route. These submission points were opposed by Bus Barn Limited [FS95.2, FS95.3] on the basis that they did not support the change sought by Waka Kotahi. To note:
 - The change sought by Waka Kotahi is as follows:

DEV1-APP-R7: A public, mid-block pedestrian and vehicular link shall be provided to connect Onepu Road and Ross Street, and to provide access to commercial and residential units as indicated in the Development Plan.

The layout and design of the internal road and pedestrian link shall be in general accordance with the Concept Plan, ~~but depending on the final design and layout of development on the site it may not be possible to provide 'active edges' strictly in accordance with District Plan definition along the full length of the internal road.~~ Access into and from the site shall be confined to the points indicated on the concept plan in order to ensure traffic, cyclist, and pedestrian safety and efficiency.
 - Bus Barn Limited did not comment on this change in their written evidence to the IHP or in their oral submission.
 - Waka Kotahi did not provide written evidence to the IHP or an oral submission to Hearing Stream 4. It is noted that Waka Kotahi supported the DEV1 chapter as

¹ [section-42a-report---part-2---metropolitan-centre-zone.pdf \(wellington.govt.nz\)](#), section 8.0.

² [Statement of supplementary planning evidence of Lisa Hayes on behalf of Wellington City Council](#), para 77-83.

³ [Right of reply responses of Lisa Hayes - MCZ, LCZ, NCZ, MUZ & COMZ \(wellington.govt.nz\)](#), para 59-63.

⁴ [Submitter evidence - C de Leiger for Bus Barn Limited \(320 & FS95\) \(wellington.govt.nz\)](#)

⁵ [Appendix A - Amended Recommendations - Commercial and Mixed-Use Zone \(wellington.govt.nz\)](#)

notified. This submission point [370.447] was addressed in the Section 42A Report (Part 2 – Metropolitan Centre Zone)⁶.

7. The Council recognises that as a result of this oversight Claire Nolan, James Fraser, Bidy Bunzl, Margaret Franken, Michelle Wolland, and Lee Muir [submitter 275] and Waka Kotahi [submitter 370] have not had an opportunity to provide written evidence or oral submissions on these points. Likewise, these points were not assessed in the Council's Section 42A Report, Supplementary Statement of Evidence or Right of Reply.

Conclusion

8. I trust that this memo, along with appended Table 1, provide adequate context and information to assist the Panel in relation to this matter. The Council apologises for any inconvenience this may cause for the Panel in their deliberations, and we look forward to receiving your direction.

Yours Sincerely



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⁶ [section-42a-report---part-2---metropolitan-centre-zone.pdf \(wellington.govt.nz\)](#), section 8.0.

Table 1 – Recommendations on submissions – Appendix 11 Kilbirnie Bus Barns Development Plan

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Officers Comments	Officers Recommendation	Changes to PDP?
Claire Nolan, James Fraser, Biddy Bunzl, Margaret Franken, Michelle Wolland, and Lee Muir	275.45	Appendices Subpart / Appendices / APP11 Kilbirnie Bus Barns Development Plan	Support	[No specific reason given beyond decision requested - refer back to original submission]	Retain Appendix 11 Kilbirnie Bus Barns Development Plan as notified.	<p>The request to retain Appendix 11 as notified is acknowledged, however, an increase from 27 metres to 35 metres in MCZ-S1: Height Control Area 2 has been recommended in the Right of Reply to Hearing Stream 4 (MCZ).</p> <p>If the IHP adopts the recommended height then the image 'Bus Barn - Concept Plan' would increase to 35 metres (from 27 metres).</p> <p>Note: The submitter did not provide written evidence with respect to this change and may not be aware of the recommendation. They may wish to comment on the recommended height increase insofar as this changes the details within Appendix 11 (Kilbirnie Bus Barn Concept Plan).</p>	Accept in part	Yes - Amend height shown in Bus Barns Concept Plan to 35 metres, if recommendation to increase MCZ-S1 Height Control Area 2 is adopted
Bus Barn Ltd	FS95.1	Part 4 / Appendices Subpart / Appendices / APP11 Kilbirnie Bus Barns Development Plan	Oppose	The original submission proposed by Claire et al seeks to retain the bus barn provisions as notified. Bus Barn Ltd seeks to modify this provision as outlined in their submission.	Disallow / Retain the Kilbirnie Bus Barn Development, as modified by the Bus Barn Limited submission	<p>The submitter requests a 40 metre height limit for the DEV1 zone (being MCZ-S1 - Height Control Area 2).</p> <p>The height limit was addressed in Hearing Stream 4 - 35 metres is recommended.</p> <p>Note: Should the primary submitter above provide further evidence, the further submitter should be provided the opportunity to comment on this evidence.</p>	Accept in part	Yes - Amend height shown in Bus Barns Concept Plan to 35 metres, if recommendation to increase MCZ-S1 Height Control Area 2 is adopted
Waka Kotahi	370.453	Appendices Subpart / Appendices / APP11 Kilbirnie Bus Barns Development Plan	Support in part	Appendix 11 is supported, but an amendment is sought.	Retain APP11 - Kilbirnie Bus Barns Development Plan and seeks amendment.	See assessment below with respect to Waka Kotahi submission point 370.454.	Accept in part	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Officers Comments	Officers Recommendation	Changes to PDP?
Bus Barn Ltd	FS95.2	Part 4 / Appendices Subpart / Appendices / APP11 Kilbirnie Bus Barns Development Plan	Oppose	The submission provided by Waka Kotahi states that pedestrian linkages must go through the site. Bus Barn Limited considers that this does not allow for any flexibility within the design which may restrict safe and cohesive pedestrian linkages. The provision within DEV1-APP-R7 as it stands allows for this flexibility.	Disallow / Retain the provision DEV1-APP-R7 as originally proposed	See assessment below with respect to Waka Kotahi submission point 370.454.	Accept	No
Waka Kotahi	370.454	Appendices Subpart / Appendices / APP11 Kilbirnie Bus Barns Development Plan	Amend	Considers that pedestrian linkages through the Bus Barn area should be a non-negotiable to enable a well connected transport route.	Amend DEV1-APP-R7 of APP11 - Kilbirnie Bus Barns Development Plan as follows: A public, mid-block pedestrian and vehicular link shall be provided to connect Onepu Road and Ross Street, and to provide access to commercial and residential units as indicated in the Development Plan. The layout and design of the internal road and pedestrian link shall be in general accordance with the Concept Plan, but depending on the final design and layout	It is recommended that the submission point is rejected as the change requested does not achieve the relief sought by the submitter and that this is addressed through both the rule itself and DEV1-APP-R4. The submitter seeks DEV1-APP-R7 is amended to ensure that pedestrian linkages through the DEV1 are mandatory. They seek the proposed change on the basis that ' <i>any divergence from providing good pedestrian linkages should be subject to further consideration</i> '. DEV1-APP-R7 requires the construction of the through-road as requested by the submitter. The deleted text recognises that it may not be possible to provide active edges along the new internal road, but does not inherently provide flexibility with respect to the requirement to construct this. This means that the requested pedestrian linkages will need to be provided, however, the quality of these will be determined by whether or not active	Reject	No

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Officers Comments	Officers Recommendation	Changes to PDP?
					<p>of development on the site it may not be possible to provide 'active edges' strictly in accordance with District Plan definition along the full length of the internal road.</p> <p>Access into and from the site shall be confined to the points indicated on the concept plan in order to ensure traffic, cyclist, and pedestrian safety and efficiency.</p>	<p>frontages are provided.</p> <p>Note that DEV1-APP-R4 requires active frontages through the site, where these are 'non residential activity frontages'. Where this rule is not met, a resource consent will be required and the effects of diverging from the rule will be assessed. DEV1-APP-R4 therefore achieves the intent of the submission point from Waka Kotahi with respect to the key east-west pedestrian route through the site.</p> <p>Note: The submitter did not provide written evidence with respect to this change and may wish to comment on the recommendation.</p>		
Bus Barn Ltd	FS95.3	Part 4 / Appendices Subpart / Appendices / APP11 Kilbirnie Bus Barns Development Plan	Oppose	The submission provided by Waka Kotahi states that pedestrian linkages must go through the site. Bus Barn Limited considers that this does not allow for any flexibility within the design which may restrict safe and cohesive pedestrian linkages. The provision within DEV1-APP-R7 as it stands allows for this flexibility.	Disallow / Retain the provision DEV1-APP-R7 as originally proposed	See assessment above with respect to Waka Kotahi submission point 370.454.	Accept	No