

# **Wellington City Proposed District Plan**

## **Stream 2 – Part 3, Residential Zones – Part 2: High Density Residential Zone**

### **Section 42A of the Resource Management Act**

# Part 2 – High Density Residential Zone

## 1.0 Overview

1. This section of the S42A report for the Part 3 – Residential Zones addressed the High Density Residential Zone (HRZ) provisions.
2. There were 145 submitters who collectively made 706 submission points in relation to the HRZ.
3. There were 25 further submitters who collectively made 242 further submission points.
4. Overall there were 170 submitters and 948 submission points.
5. These submissions are categorised and assessed as follows:
  - i. General points relating to the HRZ
  - ii. Site specific rezoning or reduced height limit requests
  - iii. Chapter wide submissions on the HRZ
  - iv. Submissions relating to specific provisions in the HRZ chapter.
6. This report should be read in conjunction with the information in the following appendices:
  - a. Appendix A – Recommended Amendments to the Residential Chapters
  - b. Appendix B – Recommended Responses to Submissions and Further Submissions on the Residential Chapters.

## 2.0 Format for Consideration of Submissions

7. For each identified topic, the consideration of submissions has been undertaken in the following format:
  - Matters raised by submitters;
  - Assessment; and
  - Summary of recommendations. The specific recommendations are in Appendices A and B.
8. As noted above, the recommended amendments to the relevant parts of the PDP are set out in Appendix A of this report where all text changes are shown in a consolidated manner.
9. Where necessary, for example where I have recommended a significant departure from the notified PDP provisions, I have undertaken a s32AA evaluation in respect to the recommended amendments in my assessment.
10. I note that in the HRZ there were no submissions in relation to HRZ-R15 (Fences and standalone walls). I recommend that this provision is confirmed as notified, and have not assessed it further in this report.

### 3.0 General Points Relating to the High Density Residential Zone

11. The following section of the report addresses the key issues that have emerged from general submissions relating to the HRZ. Submissions have been grouped into sub-topics. An assessment and summary of recommendations follows each sub-topic.

#### 3.1 General support for High Density Residential Zone

##### Matters raised by submitters

12. Several submitters (including public sector entities, private sector developers, corporate companies, and non-corporate individuals) support, in a broad sense, the general intent of the proposed High Density Residential Zone and that for the most part the zone appropriately incorporates the intensification requirements in residential zones as prescribed by s77G and Schedule 3A and Schedule 3B of the RMA.
13. Several submitters including Waka Kotahi [370.323, 370.325 and 370.326] [opposed by FS82.145 and FS96.90 and supported by FS89.21] and Kāinga Ora [391.432] [opposed by FS80.23, FS82.112, FS84.73, FS96.32, and FS117.31] seek that the HRZ is more enabling of high-density residential development. This is a key issue for Waka Kotahi and Kāinga Ora which is reflected in various submissions to specific PDP provisions in the HRZ.
14. Waka Kotahi [370.323] recommend that greater building heights are enabled to provide for densities that are commensurate to the services available. It considers this is best determined by an assessment undertaken by Wellington Council to determine what densities are commensurate in different areas across the district, or otherwise the following maximum building heights are included:
  - Maximum of six storeys in a walkable catchment of local centre zones
  - Maximum of twelve storeys in a walkable catchment of city centre, metropolitan centre zones and within a walkable catchment of existing and planned rapid transit stops.
15. Further submitters both oppose [Wellington's Character Charitable Trust, FS82.145; and LIVE WELLington, FS96.90] and support [Kāinga Ora, FS89.21] this submission.
16. Several submitters [including 67.1, 351.257, 370.324] highlight the role the enabling greater levels of intensification plays in contributing to housing supply and housing affordability, and is a cost-effective approach that utilises existing infrastructure compared to further urban sprawl.
17. Notwithstanding the above, many of these submitters seek various amendments to specific objectives, policies, rules and standards.

##### Assessment

18. In a general sense, the HRZ appropriately incorporates the NPS-UD and MDRS as required by the RMA by enabling building heights of at least 6-storeys and incorporating the MDRS and targeted standards provided for proposals of more than four residential units. I am of the opinion that the objectives, policy, rules and standards provides for 'at least' 6-Storey

buildings. Specifically, the 21m height limit for four or more residential units is not an inflexible maximum height, with height infringements and associated effects able to be considered as part of the consenting process. I also note that in subsequent sections of this report, I recommend amendments that provide additional height exclusions to encourage and enable variations in roof / building design whilst still enabling at least 6-storeys to be achieved, and also a greater permitted height of 14m for 1-3 residential unit developments in the HRZ.

19. Furthermore, I consider that the PDP provides more than sufficient residential capacity to meet demand which assists in illustrating that the PDP is in accordance with the objectives NPS-UD. In paragraph 4.2 of Mr Osborne's evidence (Statement of Evidence of Philip Osborne on behalf of Wellington City), presented in Hearing Stream 1, he outlines that Wellington City requires 35,928 new homes to 2051. Mr Osborne then outlines that the PDP provides approximately 50,000 dwellings, which is more than sufficient to meet demand.
20. However, I have considered the detailed submissions to HRZ provisions and recommend amendments to provisions in subsequent sections of this report in response to submissions that seek greater recognition of the anticipated level of residential intensification.

### Summary of recommendations

21. HS2-P2-Rec1: No amendments are recommended in response to the submission themes outlined in paragraphs 12 to 16 of this report.
22. HS2-P2-Rec2: That submission points relating to the theme 'General support for High Density Residential Zone' are accepted/rejected as detailed in Appendix B.

## 3.2 Extend High Density Residential Zone

### Matters raised by submitters

23. Several submitters [including 490.23, and 391.432] seek an increase or extension of the HRZ as notified for reasons that have been categorised as follows:
  - a. increase walkable catchments from centres or rapid transit stations with a consequential extension of the HRZ; and
  - b. enabling housing supply should be a priority over character protection in identified Character Precincts.
24. Kāinga Ora [391.432] seeks that High Density Residential Zones extend to:
  - i. 15-20min/1500m walkable catchment from the edge of the City Centre Zone
  - ii. 15min/800m walkable catchment from the edge of MCZ and from existing and
  - iii. planned rapid transit stops (including the Johnsonville Line)
  - iv. 10 min/400-800m walkable catchment from Town Centre Zones.

### Assessment

25. As covered in detail in Hearing Stream 1, a significant body of work including housing capacity and walkable catchment modelling was undertaken by WCC to provide a robust evidence base to inform the spatial extent of zones, including the HRZ.

26. Submissions relating to walkable catchments from centres or rapid transit stops is a matter that has been appropriately and extensively addressed in the *Hearing Stream 1 – Part 1, plan wide matters and strategic direction Section 42A* report and in the Stream 1 hearing, and I support the recommendations of the reporting officers as outlined in the s42A report for Stream 1 as they relate to the extent of the HRZ.
27. Submissions relating to character areas are appropriately addressed in Part 4 - Character Precincts report for this hearing stream.

### Summary of recommendations

28. HS2-P2-Rec3: No amendments are recommended in response to the submission themes outlined in paragraph 22 and 23 of this report.
29. HS2-P2-Rec4: That submission points relating to the theme 'Extend High Density Residential Zone' are accepted/rejected as detailed in Appendix B.

## 3.3 General concerns with High Density Residential Zone and development

### Matters raised by submitters

30. A large number of submitters (including joint residential landowners / resident groups, community advocacy groups, and non-corporate individuals) have raised a range of concerns relating to high density residential development including:
  - The impact high-density residential buildings may have on existing communities and adjoining properties, and the negative impact on property values and compensation needed for loss of amenity;
  - That the identification of areas as HRZ should be refined to reflect consideration of areas where high density residential development will have a relatively lower impact on surrounding residents, or apply to sites that are currently underutilised as suitable for intensification;
  - the reduction or rezoning of the High Density Residential Zone in areas of steep terrain, poor walkability or poor access to amenities;
  - The loss of access to sunlight and impact of shading on the health of existing homes through making them damper and harder to heat, and on the operation and efficiency of solar panels is a matter raised by a significant number of submitters with further submissions opposing inclusion of sunlight provisions on the basis that any standards in addition to MDRS is inconsistent with the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021;
  - Increased traffic issues resulting from increased residents in certain locations;
  - The impact on open space / green space from future high-residential developments on adjoining sites, particularly with regards to sunlight (e.g. Carrara Park where a height limit of 11m on sites around the park is sought by submitters) and the need to consider greater levels of open space provision in response to increasing residents;
  - The impact on other public spaces such as shading of streets;
  - Application of a 'transition zone' (ie applying the Medium Density Residential Zone, or height controls in the HRZ) to sites adjoining character precincts and heritage buildings to more adequately manage the adverse effects from high-density residential developments on character and heritage values;

- The impact that poorly designed high-density residential buildings can have on on-site amenity and the health and wellbeing of future residents, and the need for more local-specific Design Guides and standards;
  - Reverse sensitivity effects with respect to service stations, emergency services facilities, and rail operations;
  - Discouraging vegetation removal and carbon emissions relating to construction and demolition;
  - Resource consent and notification requirements; and
  - Wind effects as a safety hazard relevant to HRZ developments.
31. Whilst many of these submitters oppose the HRZ, either generally or for specific sites or areas of the city, and seek rezoning to MRZ, many of these submitters also seek general or specific amendments to objectives, policies, rules and standards to address these issues.

### Assessment

32. The focus of this assessment section is the broad areas of concern identified in Section 4.1.3.1. Individual submission points are not specifically addressed in the assessment and recommendation below, with acceptance/rejection of individual submission points raised set out in Appendix B.

### Impacts of high-density on existing communities and focused intensification in areas of least impact

33. The Enabling Housing Amendment Act introduced the requirement to enable a greater scale of medium density residential development through implementation of the MDRS in Schedule 3A of the RMA, while Policy 3 of the NPS-UD requires minimum building heights and densities across much of the urban area.
34. In responding to these directives, the PDP implements the MDRS and NPS-UD, the net result of which is a significant change in the scale of intensification enabled within existing residential areas.
35. In addition to the mandatory density standards, the HRZ seeks to find an appropriate balance between enabling the scale of development anticipated in the zone and managing the potential effects of larger-scale residential development.
36. It is acknowledged that as development occurs, there will be an incremental change to the existing amenity of sites and neighbourhoods within HRZ, which in part is unavoidable. However, it is important to note that the pace and scale of change will for the most part be determined by the development community's response and the extent to which plan-enabled capacity is taken up.
37. In response to submitters raising the need for compensation for loss in amenity for existing properties, or change of zoning or zone provisions, this is not a resource management issue that requires consideration under the RMA.

### Impacts on adjacent residential dwellings

38. The existing suite of standards in the HRZ seek to manage the adverse effects of large-scale residential development whilst still enabling the density anticipated in the zone to be realised. Matters in relation to impacts on adjoining sites including shading, sunlight, privacy and bulk and dominance of buildings are addressed in relevant HRZ standards which I consider in detail in subsequent sections of this report.
39. The anticipated impact on solar panel efficiency from shading caused by new high-density residential buildings on existing lower-height residential dwellings is, for the most part, an unavoidable impact from the change that will occur over time following the enabling of a greater level of residential intensification.
40. In response to submission points that express concern about shading, and the impact of shading on solar panels, I disagree that any amendments are required based on the general points received. I am confident that the height in relation to boundary controls will ensure that adjacent properties are not significantly impacted by loss of sunlight. In addition, the restricted discretionary status of developments which breach the standards will mean that the effects of shading can be looked at closer, shading diagrams may be required.

#### **Increase in traffic from intensification**

41. The extent of the HDZ is a has been informed by proximity to centres and rapid transit stops. Traffic effects are also managed by the provisions in the Transport Chapter, with high vehicle trip generating activities being assessed through a consenting process.
42. For these reasons, I don't agree with submissions that seek a reduction of the HRZ due to increased traffic generated by the scale of residential intensification enabled in the HRZ.

#### **Impacts on adjacent open space and open space provision**

43. A number of submitters raise valid concerns relating to the potential impact that the enabled scale of residential development may have on existing open space.
44. The HRZ includes a specific standard, HRZ-S3.4, for the purpose of managing the impact of large-scale buildings on sites adjacent to open space.
45. In general, I consider that there is a need to maintain sunlight access and manage shading effects from new developments on adjacent open space. This is broadly achieved through a HIRB standard in combination with relevant HRZ standards that manage building bulk and dominance. Specific submissions on HRZ-S3 are considered in a subsequent section of this report.
46. Open Space provision and any necessary improvements to the open space network to meet a defined level of service (quantity or quality) and associated funding to meet that level of service is a matter for council to consider as part of council's responsibilities under the Local Government Act 2002. HRZ-P13 and HRZ-R14 also encourage large scale residential

developments to contribute to public space as one option to satisfy a required City Outcomes Contribution.

**Transition zone (applying the Medium Density Residential Zone, or height controls in the HRZ) to sites adjoining character precincts and heritage buildings**

47. I note that HRZ-S3 as notified applies a more restrictive HIRB (HRZ-3.3, 60° recession plane measured from a point 5 metres vertically above ground level along the boundary) when a HRZ site is adjoining a site zoned Medium Density Residential Zone.
48. All residential sites within the notified character precincts are zoned MRZ, and therefore the more restrictive recession plane applies. HRZ-S3.3 also applies to any Heritage Area or any site containing a Heritage Building. The result of applying this standard is that it effectively creates a transition between HRZ zoned sites and identified heritage areas/buildings and character precincts.
49. In my view, HRZ-S3.3 adequately manages the potential bulk and dominance effects from multi-unit residential developments effects on adjoining Character Precincts and sites with identified heritage values by limiting the height of buildings located in close proximity of shared boundaries. For this reason, I do not agree that a transition zone of MDZ needs to be applied to sites adjoining Character Precincts, Heritage Areas, or sites containing heritage buildings or structures. I also do not agree that permitted heights should be decreased on sites adjoining Character Precincts, Heritage Areas, or sites containing heritage buildings or structures as this broad-brush approach would result in reducing enabled heights across an entire site where it may not be necessary to address impacts of higher buildings on heritage and character values on adjacent sites. I consider that the targeted HIRB standard strikes the appropriate balance between managing potential adverse effects on identified heritage and character values and enabling housing supply.

**High-quality design and on-site amenity**

50. The Residential Design Guide is embedded in HRZ policy and matters of discretion for multi-unit housing, the effect of which is that all multi-unit developments are required to illustrate that they meet the intent of the design guide.
51. Additionally, there are a range of HRZ standards proposed that ensure either a minimum level of on-site amenity including outdoor living space requirements, outlook space requirements, landscaping, minimum residential unit size and building separation requirements, or effects from non-compliance are considered through assessment of a resource consent application. In my view these standards, in combination with the guidelines in the Residential Design Guide, strike an appropriate balance between enabling opportunities for housing and ensuring quality living environments.



### **Reverse sensitivity effects**

52. Consideration of whether any amendments are required to the HRZ is addressed in relation to specific relief sought to HRZ provisions by submitters and which I consider in detail in subsequent sections of this report.
53. In a general sense, the potential for non-residential activities to result in reverse sensitivity issues has been considered in determining the nature and status of activities appropriate to the HRZ.
54. It is however noted that the reverse sensitivity in relation to large-scale infrastructure such as state highways and railway networks are managed in infrastructure related parts of the plan. Also, the management of noise and light effects arising from a range of specific activities is addressed at a city-wide scale in the noise and light chapters, and as such I do not consider it necessary to explicitly recognise reverse sensitivity effects throughout the HRZ.

### **Discouraging vegetation removal and carbon emissions relating to construction and demolition**

55. I am of the view that that the carbon emissions resulting from demolition of existing buildings and construction of new residential developments offers and insufficient basis to prevent greater levels of intensification being enabled in certain areas as enabling housing supply in areas in close proximity to centres and rapid mass transit stations will contribute to reducing reliance on private motor vehicles and result in reduced carbon emissions.
56. I also do not agree with submitters that seek to limit density based on a concern that it will result in a loss of vegetation as I consider that this would be inconsistent with Schedule 3A Part 2 of the RMA. I also consider that the identification and protection of significant vegetation is a s6 matter best addressed through the Ecosystems and Indigenous Biodiversity.

### **Resource consent and notification requirements**

57. I note that implementation of the MDRS results in up to 3 residential units that comply with the standards being a permitted activity not requiring a resource consent, with any non-compliance with a standard treated as a restricted discretionary activity requiring a resource consent. I further note that under the PDP all multi-unit housing developments will require resource consent as a restricted discretionary activity.
58. Schedule 3A Clause 5 of the RMA stipulates notification preclusions for residential developments. Outside of these preclusions, whether a consent application is notified is determined by the effects of the proposal in accordance with s95A and S95B of the RMA.
59. In light of this I am of the opinion that no further amendments to the plan requiring resource consent or notification of applications for residential developments are required.

### **Wind effects**

60. Wind effects are included in the notified PDP as an assessment criteria where residential developments infringe the 21m building height limit, and will be a matter for high-density

developments to consider where there are height infringements as part of the consenting process. In response to the submissions seeking greater consideration of the potential health and safety issues from wind, following further consideration of how the PDP addresses wind effects, I agree that this is a matter that requires further consideration, and that there may be good reason to include greater consideration of wind effects for residential developments less than 21m in height. However, I do not consider that compelling evidence or s32AA assessment has been provided by submitters to support any change as part of this report. On that basis, I recommend that further consideration of submissions in relation to wind effects is deferred to the wind topic in Hearing Stream 4.

### Summary of recommendations

61. HS2-P2-Rec5: No amendments are recommended in response to the submission themes outlined in paragraph 29 of this report.
62. HS2-P2-Rec6: That submission points relating to the theme 'General concerns with High Density Residential Zone and development' are accepted/rejected as detailed in Appendix B.

### 3.4 Design of high-density residential buildings

#### Matters raised by submitters

63. A significant number of submitters raise concerns relating to high-density developments needing to adequately provide for universal accessibility, cycle and micro-mobility facilities to support active travel and reduce dependency on private motor vehicles, and waste storage and collection.
64. One submitter [Amos Mann, 172.1] seeks that the plan provides an incentive for the provision of lifts in buildings.

#### Assessment

65. High quality buildings is a key Outcome of the Residential Design Guide, noting that this extends to embrace include inclusivity and universal design. In the design guide this flows through to entrance widths, step-free entry, and best practice internal design for accessibility and functionality.
66. In response to [Amos Mann, 172.1] I do not think it necessary for the plan to incorporate specific incentives for the provision of lifts in buildings, as this is a matter more appropriately addressed by the Building Act and through the Building code.
67. In response to submitters seeking greater support for active travel and reducing dependency on private motor vehicles, I agree that this is a critical and relevant matter. At a citywide scale, the PDPs direction for a compact urban form has benefits in reducing car-dependency and transport-related emissions. At an individual building scale, provisions to support active travel are incorporated in the transport chapter and ensure provisions and appropriate design of cycle and micromobilty storage for residential units. The Residential Design Guide also includes matters relevant to bicycle storage. Consequently, as this matter is already

adequately addressed elsewhere in the PDP I do not consider there is a need to duplicate these provisions in the HRZ chapter.

68. In response to submitters seeking greater provision for waste storage and collection, I am of the view that this matter is appropriately addressed through inclusion in HRZ-P7 and through the Residential Design Guide.

#### **Summary of recommendations**

69. HS2-P2-Rec7: No amendments are recommended in response to the submission themes outlined in paragraphs 62 – 63 of this report.
70. HS2-P2-Rec8: That submission points relating to the theme ‘Design of high-density residential buildings’ are accepted/rejected as detailed in Appendix B.

### **3.5 Commercial Activities in High Density Residential Zone**

#### **Matters raised by submitters**

71. A significant number of submitters seek that the HRZ is more enabling of small-scale public-facing commercial activities.
72. One submitter [Phillippa O’Connor, 289.28] specifically seeks greater provision for commercial activities and requests that the HRZ is amended to include dairies, cafes and restaurants as a Restricted Discretionary activity where limited to 100m<sup>2</sup> GFA. This submitter proposes specific matters of discretion.
73. One submitter [Waka Kotahi, 370.327] requests that Commercial Activities are provided for as a permitted activity where the commercial activity is integrated into a multi-unit residential development, and where included in apartment buildings, the commercial activities are located at street level.

#### **Assessment**

74. In a broad sense, I consider that the HRZ as notified appropriately provides for commercial activities. HRZ-P1 and HRS-P14 provide policy direction for commercial activities relative to compatibility with a high density residential environment.
75. Submissions seeking amendments to specific provisions of the HRZ in relation to commercial activities are considered in detail in subsequent sections of this report.

#### **Summary of recommendations**

76. HS2-P2-Rec9: No amendments are recommended in response to the submission themes outlined in paragraphs 70 – 72 of this report.
77. HS2-P2-Rec10: That submission points relating to the theme ‘Commercial Activities in High Density Residential Zone’ are accepted/rejected as detailed in Appendix B.

### 3.6 Other general matters in relation to High Density Residential Zone

#### Matters raised by submitters

78. KiwiRail Holdings Limited [408.120] seek that the railway corridor is treated as a qualifying matter and a building setback from any rail corridor boundary is imposed. Kāinga Ora [FS89.28] opposes this relief sought.
79. Willis Bond and Company Limited [416.72] submit that there will be an impact that the more permissive medium density residential standards will have on other zones. The submitter identifies that zones supporting higher density development have more restrictive standards than the MRZ, creating a risk that new development is concentrated in the more permissive MRZ at the exclusion of denser zones where Council wishes to encourage greater development.
80. Aro Valley Community Council [87.36] seek that land zoned HRZ is zoned MRZ to avoid perverse outcomes such as slowing the of delivery residential development in certain areas. This is opposed by Generation Zero [FS54.40].
81. Richard Murcott [322.24] seeks greater alignment with housing supply and demand for Wellington City as outlined in the Housing and Business Land Capacity Assessment 2022 (HBA), which identifies the need for more low-rise town houses or terrace apartments (as opposed to taller high-density residential apartments [supported by FS69.56], and to better align with market demand.

#### Assessment

82. In response to KiwiRail Holdings Limited's [408.120] request for the railway corridor to be treated as a qualifying matter I note that this has been adequately addressed in the Stream 1 s42A report. However, I agree that a building setback from rail corridor boundary may be appropriate, with submissions seeking amendments to building setback standards considered in detail in subsequent sections of this report.
83. In response to Willis Bond and Company Limited [416.72], I am not of the view that the multi-unit housing standards are unnecessarily more restrictive than the MDRS standards that apply to 1-3 units, but acknowledge that multi-unit developments are a restricted discretionary activity a wider range of matters are required to be considered as part of the consenting process. It is important to note the assessment required for this activity only relates to the relevant matters of discretion identified in the plan. Also, an application for resource consent made in respect of rule HRZ-R14.1 is precluded from being publicly notified which provides a degree of certainty regarding the consenting process. I also note that in subsequent sections of this report relating to submission points on HRZ-R14, I support amendments that provide further clarity on notification of developments proposing four or more residential units which would preclude an application for resource consent made in respect of rule HRZ-R14.1 that complies with all relevant standards, or an application for resource consent made in respect of rule HRZ-R14.1 that complies with HRZ-S2, HRZ-S3.1, and HRZ-S4, but does not comply with all other relevant standards from being limited notified.

84. In response to Aro Valley Community Council [87.36], I do not agree that the extent of the HRZ should be reduced to avoid the possibility of the extent of HRZ slowing the of delivery residential development in certain areas as this would be contrary to the direction of the NPS-UD.
85. In response to Richard Murcott [322.24] regarding the extent of the HRZ I do not agree that it should be reduced to better align with demand as outlined in the HBA. The HRZ provides for a range of typologies, not just large-scale apartments. Also, the intent of the NPS-UD is that the supply of plan-enabled land should exceed market demand to encourage competitive land and development markets and contribute positively to housing affordability.

### Summary of recommendations

86. HS2-P2-Rec11: No amendments are recommended in response to the submission themes outlined in paragraphs 77 – 80 of this report.
87. HS2-P2-Rec12: That submission points relating to the theme ‘Other general matters in relation to High Density Residential Zone’ are accepted/rejected as detailed in Appendix B.

## 4.0 Site Specific Rezoning or Reduced Height Limit Requests

### Matters raised by submitters

88. The section focuses on broad themes for rezoning or a reduction in permitted height limits for specific areas or sites. Individual submission points are not specifically addressed in the assessment and recommendation below, with acceptance/rejection of individual submission points raised set out in Appendix B.
89. Various submitters raise concerns relating to site or area specific effects on existing amenity (such as shading, access to sunlight and privacy), and seek rezoning to MRZ or a reduction in permitted height.
90. Various submitters raise concerns relating to site or area specific characteristics such as topography, walkability, and access to centres, amenities and public transport, and seek rezoning to MRZ or a reduction in permitted height.
91. Various submitters also seek rezoning from HRZ to MRZ for sites or areas surrounding identified character precincts or sites with identified heritage values. Various submitters have also sought rezoning from HRZ to MRZ or a height reduction for a specific site or area on the basis the site or area should be identified as a character precinct.
92. These submissions (and relevant further submissions) relate to a wide range of sites and areas across the city, including:
  - Aro Valley
  - Johnsonville
  - Kelburn

- Newtown
  - Mount Cook
  - Mount Victoria
  - Tawa
  - Thorndon
93. The following submissions have specific reasons for rezoning beyond the reasons summarised above.
94. Aro Valley Community Council [87.7] considers that 137 Abel Smith Street should be rezoned from HRZ to OSZ as this site forms part of Aro Park and there is a mapping error.
95. Tawa Business Group seek various rezoning requests for the most part due to existing activities undertaken on the various sites. This part of the report addresses submissions from Tawa Business Group that seek to rezone from HRZ to another zone. Tawa Business Group [107.11] and also Graham Mexted (No 2) Family Trust [66.2] seek that 130 Main Road, Tawa be rezoned from High Density Residential Zone to Neighbourhood Centre Zone.
96. Te Herenga Waka Victoria University of Wellington [106.5] seek that mapping is amended to show a 21m height limit on 320A The Terrace.

### Assessment

97. I do not agree with submissions that seek rezoning from HRZ to MRZ on the basis that applying a HRZ will have adverse effects on existing amenity (such as shading, access to sunlight and privacy) as these matters are not considered to adequately justify deviating from implementation of the NPS-UD and MDRS requirements. I consider that these matters have been adequately addressed in the Hearing Stream 1 s42A report by way of the Policy 3 of the NPS-UD recommendation and concur with conclusions reached and the reasons that underpin them. I also consider that matters such as shading and privacy are sufficiently addressed through relevant standards in the HRZ.
98. In response to submitters who seek a rezoning from HRZ to MRZ due to site or area specific characteristics such as topography, walkability, and access to centres, amenities and public transport, I consider that these matters have been adequately addressed in the Hearing Stream 1 s42A report by way of Policy 3 of the NPS-UD recommendation and concur with conclusions reached and the reasons that underpin them.
99. In response to submitters who seek a rezoning from HRZ to MRZ due to a site or area adjoining an identified character precinct or sites with identified heritage values, I do not support these requests on the basis that the PDP HRZ (subject to any recommendation from s42A reporting planners, particularly those in relation to Hearing Stream 1) implements Policy 3 of the NPS-UD and that the consideration of character and heritage values on adjacent sites is achieved through appropriate standards.

100. Where submissions are seeking rezoning or a height reduction for a specific site or area on the basis that the site or area should be identified as a character precinct, these submissions are addressed in the character precinct part of this report.
101. In response to Aro Valley Community Council [87.7] I note that the proposed zoning is not an error and maintains a residential zoning for the site as was the case in the ODP. Although the site contains the Te Aro Community Centre, the Te Aro pre-school building, and a basketball court this parcel is not part of the adjoining Open Space zoned park. Consequently, I recommend that the proposed zoning of high density residential zone under the proposed district plan is retained.
102. I do not support Tawa Business Group [107.11] who seek that 130 Main Road, Tawa be rezoned from High Density Residential Zone to Neighbourhood Centre Zone as no compelling reasons and supporting section 32AA evaluation has been provided to justify the need to increase the spatial extent of the centre.
103. In response to Te Herenga Waka Victoria University of Wellington [106.5] 320A The Terrace is zoned HRZ with HRZ-S1 Building height control 1 where no more than three residential units occupy the site' (11m height limit as notified) or HRZ-S2 'Building height control 2 for multi-unit housing or a retirement village' (21m height limit) applying depending on the proposed activity. I do not agree that PDP mapping is required to be amended as the 21m height label already applies to the site.

### Summary of recommendations

104. HS2-P2-Rec13: No amendments are recommended in response to the 'Site specific rezoning or reduced height limit requests' outlined in paragraphs 87 – 95 of this report.
105. HS2-P2-Rec14: That submission points relating to the 'Site specific rezoning or reduced height limit requests' are accepted/rejected as detailed in Appendix B.

## 5.0 Chapter Wide Submissions on the High Density Residential Zone

### Matters raised by submitters

106. Ara Poutama Aotearoa the Department of Corrections [240.16] seeks the removal of references to "supported residential care activity" from the HRZ on the basis that a separate definition of "supported residential care activities" is unnecessary. Kāinga Ora [FS89.8] oppose this removal of references to this definition on the basis that it is uncertain how the deletion of the definition would affect existing activities that fall within this definition.
107. Jonathan Markwick [490.21] seeks that where building height limits and recession planes and setbacks are mentioned in HRZ, these are made universally consistent with the Coalition for More Homes' Alternative medium density residential standards.

## Assessment

108. In response to Ara Poutama Aotearoa the Department of Corrections [240.16] it is noted the Hearing Stream 1 s42A reporting officer does not support deletion of this definition and I concur with the recommendation to retain the definition of Supported Residential Care Activity, and therefore I recommend retention of references to Supported Residential Care Activity within the HRZ.
109. In response to Jonathan Markwick [490.21] I have considered the Coalition for More Homes' Alternative medium density residential standards and agree some aspects of the alternative standards proposed promote good urban outcomes. However, I do not consider there is the ability to amend the relevant standards for 1-3 residential units in a way that would achieve the outcomes promoted by the suite of alternative standards and remain compliant with the legislative requirements of the Act in relation to implementing the MDRS. In relation to the relevant standards for 4 or more residential units, I consider that the current standards, in particular the building separation and building depth standards, and Residential Design Guide provide flexibility to achieve the enabled density and certainty of good design outcomes for the context of each site.

## Summary of recommendations

110. HS2-P2-Rec15: That submission points seeking the removal the references to "supported residential care activity" from the High Density Residential zone are rejected as detailed in Appendix B.

## 6.0 Submissions Relating to Specific Provisions in the HRZ Chapter

111. This section of my report addresses the submission points that refer to specific HRZ provisions or where Council through the summary of submissions has inferred that the decisions sought by submitters relate to specific HRZ provisions. An assessment and summary of recommendations follows a summary of matters raised by submitters for each objective, policy, rule and standard.

### Introduction (P1Sch1)

#### Matters raised by submitters

112. Wellington City Council (WCC) [266.142] seeks an amendment to the introduction to include reference to inundation areas as a qualifying matter as illustrated in the table below. Kāinga Ora [FS89.106] oppose this submission, noting that inundation areas are managed by other rules so therefore do not necessarily need to be included as qualifying matters.

Stream corridors, <del>and</del> overland flow paths <u>and inundation areas</u> (refer to Natural Hazards Chapter).
--

113. Kāinga Ora [391.433 and 391.434] seeks an amendment to the introduction section to reflect that the HRZ should be enabling of intensive development of between 6-12 storeys. Specifically:



The High Density Residential Zone encompasses areas of the city located near to the City Centre Zone, ~~Johnsonville~~ City Centre Zone, Metropolitan Centre Zones, Town Centre Zones and ~~Kenepuru~~ and ~~Tawa~~ railway stations. These areas are used predominantly for residential activities with a high concentration and bulk of buildings and other compatible activities.

...

The High Density Residential Zone provides for a range of housing types at a greater density and scale than the Medium Density Residential Zone. It gives effect to the requirements of the RMA to provide for well functioning urban environments by allowing for three intensive development residential units of up to 6 storeys in all areas of the HRZ and up to 12 storeys in areas of high accessibility to key centres three storeys on a site, and also by enabling multi-unit housing of up to six storeys through a resource consent process subject to standards and design guidance.

114. A number of further submitters [FS3718, FS38.12, FS94.18, FS96.33, FS117.32] oppose the relief sought by Kāinga Ora.
115. KiwiRail Holdings Limited [408.120] seeks an amendment to include reference to railway corridors to recognise rail as a qualifying matter to be applied within the HRZ through to imposing a building setback requirement from the rail boundary. Kāinga Ora [FS89.28] opposes changes to provisions and rules relating to the rail corridor as a qualifying matter in KiwiRail's submission.
116. Waka Kotahi [370.325] considers that enabling up to twelve stories is appropriate in certain areas where the density is supported by services. Waka Kotahi seek the following amendments to HRZ-introduction:

The High Density Residential Zone provides for a range of housing types at a greater density and scale than the Medium Density Residential Zone. It gives effect to the requirements of the RMA to allow for three residential units of up to three storeys on a site, and also by enabling multi-unit housing of up to ~~six~~ twelve storeys in appropriate areas through a resource consent process subject to standards and design guidance.

## Assessment

117. I agree with WCC [266.142] that inundation areas are a qualifying matter. However, I disagree that the addition of reference to inundation areas to the list of qualifying matters is necessary. This follows a recommendation from Hearing Stream 1 in relation to qualifying matters recommend that specific reference to each qualifying matter in the HRZ is removed as outlined in section 5 'Consequential amendments following Stream 1 Hearing' of this report.
118. I agree in part with Kāinga Ora [391.434]. I agree with the removal of specific references to areas (Johnsonville, Kenepuru and Tawa railway stations), and the insertion of reference to 'provide for well functioning urban environments'. This aligns with s42A report recommendations in Hearing Stream 1 which I concur with for the reasons outlined in that report.

119. Although I do not agree with the reference to enabling 12-storey specifically as this goes well beyond the scale of development anticipated in the PDP HRZ, and in my opinion would be a scale of development that could generate adverse effects well beyond those currently managed by the zone provisions. However, I can support partial relief in the form of amending 'up to' with 'at least' signalling that residential developments over the permitted height are 'enabled' but require an effects-based assessment of any infringement of standards as a restricted discretionary activity.
120. In response to KiwiRail Holdings Limited [408.120] I note that this matter was also addressed in hearing stream 1, with the s42A officer agreeing that the rail network falls within the definition of 'nationally significant infrastructure' per the NPS-UD and is accordingly eligible to be treated as a qualifying matter. However, due to the lack of evidence based on the lack of evidence presented to support treating the rail corridor as a qualifying matter it was recommended that the rail network should not be identified as a qualifying matter in the plan. I am of the view that recognition of rail corridors as a qualifying matter in the introduction section of the PDP is not necessary, but do note that a setback from the corridor is supported as address in detail in response to submissions on the building setback standard HRZ-S4 in paragraph 547.
121. I also note the recommendation from Hearing Stream 1 regarding the inclusion of a definition for qualifying matters, and the consequential amendment recommended in following section of this report to remove reference to specific qualifying matters in the HRZ introduction. For the reasons outlined above, I do not support the inclusion of a specific reference to the railway corridor as a qualifying matter.
122. In response to Waka Kotahi [370.325], I do not agree that reference should be made to enabling up to 12-storey development but, as noted above, recommend an amendment in the form of amending 'up to' with 'at least'. This would act to signal that residential developments over the permitted height are 'enabled', noting however that an effects-based assessment of any infringement of standards as a restricted discretionary activity would be required.

### **Summary of recommendations**

123. HS2-P2-Rec16: That submission points relating to the HRZ-Introduction are accepted/rejected as detailed in Appendix B.
124. HS2-P2-Rec17: That HRZ-Introduction be amended as set out below and detailed in Appendix A.

The High Density Residential Zone encompasses areas of the city located near to the City Centre Zone, Johnsonville, Metropolitan Centre Zones, and Kenepehu and Tawa railway stations. These areas are used predominantly for residential activities with a high concentration and bulk of buildings and other compatible activities.

...

The High Density Residential Zone provides for a range of housing types at a greater density and scale than the Medium Density Residential Zone. It gives effect to the requirements of the RMA to provide for well functioning urban environments by allowing for three residential units of up to three storeys on a site, and also by enabling multi-unit housing of up to at least six storeys through a resource consent process subject to standards and design guidance.

## All Objectives – HRZ

### Matters raised by submitters

125. Michelle Rush [436.15] supports the HRZ objectives as they balance the need for intensification with environmental safeguards.

### Assessment

126. No further assessment required.

### Summary of recommendations

127. HS2-P2-Rec18: That submission points relating to the HRZ objectives are accepted/rejected as detailed in Appendix B.

## Objective – HRZ-O1: Purpose (ISPP)

### Matters raised by submitters

128. Several submitters [350.153; 350.155; 370.328; 372.129; 377.366; 391.435; 416.73] seek that HRZ-O1 is retained as notified.
129. Several submitters including [249.19; 329.329; 391.436] seek that HRZ-O1 is amended to recognise the higher density residential development enabled.
130. Retirement Villages Association of New Zealand Incorporated (RVANZ) [350.153, 350.154, 350.155, 350.156, 350.157 & 350.158] seek that HRZ-O1 is split into two objectives, 'Purpose' and 'Residential Density', with the new 'Purpose' objective including reference to 'compatible non-residential activities'. RVANZ seek amendments to HRZ-O1 as set out below:

#### **HRZ-O1 Purpose Residential density**

The High Density Residential Zone provides for ~~predominantly residential activities~~ and a variety of housing types and sizes that respond to:

1. Housing needs and demand; and
2. The neighbourhood's planned urban built character, including 3-storey buildings.

**HRZ-OX Purpose**

The High Density Residential Zone accommodates predominantly residential activities and a range of compatible non-residential activities.

131. Waka Kotahi [370.329] seek a similar amendment to HRZ-O1 to recognise non-residential activities that support urban living, as set out below:

**HRZ-O1 Purpose**

The High Density Residential Zone provides for predominantly residential activities and mixed use activities that support urban living, and a variety of housing types and sizes that respond to:

1. Housing needs and demand; and
2. The neighbourhood's planned urban built character, including 3-storey buildings, and higher density residential living such as apartments of up to twelve storeys.

132. Kāinga Ora [391.436] seek inclusion of reference to planned urban built character 'relative to proximity to centres and rapid transit stops' as set out below. GWRC [FS87.74] oppose the amendments to HRZ-O1 sought by Kāinga Ora on the grounds that enabling further intensified development require necessary controls to manage potential effects of water bodies and freshwater ecosystems to give effect to the NPS-FM and have regard to Proposed RPS Change 1. Greater Wellington also consider that any further intensification will not be feasible unless there is investment in associated infrastructure.

**HRZ-O1 Purpose**

The High Density Residential Zone provides for predominantly residential activities and a variety of housing types and sizes that respond to:

1. Housing needs and demand; and
2. The neighbourhood's planned urban built character proximate to Centres and Rapid Transit Stops, including 3-12 storey buildings.

**Assessment**

133. I agree in part with submissions that seek greater recognition of the anticipated density expected in zone. I acknowledge that HRZ-O1 as notified complies with the requirement to include Objective 2 per Schedule 3A Clause 6(1) of the RMA, however I consider there is the opportunity to recognise the greater scale of intensification anticipated in the HRZ whilst still complying with the requirements of the RMA. For this reason, I recommend minor amendments to HRZ-O1 that reflect that the zone enables buildings of at least 6 storeys, with 21m height provided for and a consenting pathway for height infringements that considers the effects of the infringement as a Restricted Discretionary Activity.

134. In response to Waka Kotahi [370.329] and Kāinga Ora [391.436] seeking recognition of greater scale of residential intensification, I agree in part only, with amendments recognising anticipated 6-storey buildings recommended. I consider reference to a planned built character of at least 6 storey buildings establishes a clear and appropriate outcome for the zone that enables housing supply whilst still providing for high-amenity residential environments.
135. In response to RVANZ [350.154 & 350.158], I do not agree that there needs to be a separate objective outlining the purpose of the zone, and an additional objective that addresses expected residential density for the zone. In my view, residential density is a key element intrinsic to the purpose of the HRZ. The outcomes sought for the zone are also not simply the provision of residential activities but encouraging a high-density residential built environment that utilises the proximity to centres and public transport. For these reasons, I am of the opinion that a single objective is more appropriate and efficient.
136. In response to RVANZ [350.154 & 350.158] and Waka Kotahi [370.329] who are similarly seeking amendments to HRZ-O1 to recognise non-residential activities that support urban living, I do not consider it necessary to explicitly recognise non-residential activities at the objective level. The zone is intentionally set up to primarily provide for high-density housing. This includes policies relating to non-residential activities that reflect those enabled activities that are considered compatible (HRZ-P1), and provision for non-residential activities with very clear policy direction on those non-residential activities that might be appropriate in the HRZ (HRZ-P14). This approach is appropriate in my view.

### Summary of recommendations

137. HS2-P2-Rec19: That submission points relating to the HRZ-O1 are accepted/rejected as detailed in Appendix B.
138. HS2-P2-Rec20: That HRZ-O1 be amended as set out below and detailed in Appendix A.

#### HRZ-O1 Purpose

The High Density Residential Zone provides for predominantly residential activities and a variety of housing types and sizes that respond to:

1. Housing needs and demand; and
2. The neighbourhood's planned urban built character, of at least including 3 6 storey buildings.

### S32AA Evaluation

139. In my opinion, the amendment to the HRZ-O1 more appropriately reflects the outcome sought in the HRZ than the notified objective. I consider that:
- The change makes recognition that the purpose of the HRZ is to enable greater height and density than 3 storey buildings and that the anticipated built character enabled by the HRZ is at least 6 storey buildings. For this reason I consider that the amended

objective is more efficient and effective than the notified provisions in achieving the strategic objectives of the plan.

- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

## Objective – HRZ-O2: Efficient use of land (ISPP)

### Matters raised by submitters

140. Several submitters [343.6; 350.159; 370.330; 372.130; 377.367; 391.437; 416.74] seek that HRZ-O2 is retained as notified
141. RVANZ [350.160] considers that HRZ-O2 is inconsistent with Objectives 1 and 2 of the MDRS in Clause 6, Schedule 3A of the RMA and suggests that Objective 2 of the RMA could be included verbatim, or alternatively that the term ‘positively’ be deleted from HRZ-O2.3 on the basis that the contribution is inherently positive and the explicit inclusion of the term ‘positive’ introduces uncertainty with what is required.
142. Waka Kotahi [370.331] and Kāinga Ora [391.438] seek amendments to HRZ-O2 that reflect the higher densities the zone is intended to deliver.
143. Waka Kotahi seeks the following amendment to HRZ-O2:

#### HRZ-O2 (Efficient use of land)

Land within the High Density Residential Zone is used efficiently for residential development that:

1. Increases housing supply and choice;
2. ~~May be of a~~ Provides for a greater density and scale than the Medium Density Residential Zone; and
3. Contributes positively to a more intensive high-density urban living environment.

144. Kāinga Ora seeks the following amendment to HRZ-O2 as follows:

#### HRZ-O2 (Efficient use of land)

Land within the High Density Residential Zone is used efficiently for residential development that:

1. Increases housing supply and choice;
2. ~~May be is~~ of a greater density and scale than the Medium Density Residential Zone; and
3. Contributes positively to a more intensive high-density urban living environment.

### Assessment

145. I disagree with RVANZ [350.160] that HRZ-O2 is inconsistent with Objectives 1 and 2 of the MDRS in Clause 6, Schedule 3A of the RMA. I consider that HRZ-O2.3 as notified is appropriate and the inclusion of ‘positively’ does not introduce uncertainty as it broadly aligns well with

the direction of MDRS Objective 1, which is specifically included in the Strategic Direction chapter of the plan.

146. I disagree with Waka Kotahi [370.331] and Kāinga Ora [391.438] who seek relatively minor amendments to HRZ-O2.2. I consider 'may be' the most appropriate wording as it recognises that 1-3 residential units is permitted, and that development up to at least 6-storeys is enabled.

#### Summary of recommendations

147. HS2-P2-Rec21: That submission points relating to the HRZ-O2 are accepted/rejected as detailed in Appendix B.
148. HS2-P2-Rec22: That HRZ-O2 is confirmed as notified.

### Objective – HRZ-O3: Healthy, safe and accessible living environments (P1Sch1)

#### Matters raised by submitters

149. Several submitters [273.191; 343.7; 350.161; 350.162; 372.131; 377.368] seek that HRZ-O3 is retained as notified. The WCC Environmental Reference Group [377.368] considers that increased density needs to be done well and the objective as notified gives an important signal to ensure that this is achieved.
150. RVANZ [350.161] considers that the current drafting of HRZ-O3 is inconsistent with Objective 1 and Policy 3 of the MDRS and also seeks that reference to "accessible living environments" be deleted on the basis that internal accessibility is addressed by the Building Act.

#### Assessment

151. I disagree with RVANZ [350.161] that HRZ-O3 is inconsistent with Objective 1 and Policy 3 of the MDRS, and my view is that there is obvious alignment. There is no constraint on territorial authorities' ability to include in objectives or policies matters in addition to those required by Schedule 3A of the RMA. In response to the submitter's view that inclusion of the term 'accessible' living environments inappropriate, I disagree. As an outcome sought through an objective, promoting accessible living environments (be it from a supply perspective or from a universal design perspective) is appropriate as these matters are consistent with the purpose of the Act and contribute to enabling people and communities to provide for their social wellbeing and their health and safety whilst still enabling housing supply. The objective is not intended to flow through to very specific building specifications but establishes an outcome that, in part, is achieved through implementation of the Residential Design Guide through the policy and rule framework.

#### Summary of recommendations

152. HS2-P2-Rec23: That submission points relating to the HRZ-O3 are accepted/rejected as detailed in Appendix B.
153. HS2-P2-Rec24: That HRZ-O3 is confirmed as notified.

## Objectives – proposed new objectives

### Matters raised by submitters

154. RVANZ [350.148] seeks that Objective 1 of the MDRS be included in the HRZ.

HRZ-OX Well-functioning urban environment

A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

155. Ministry of Education [400.99] seek an additional ‘non-residential activities’ objective to provide for infrastructure and educational facilities.

HRZ-OX

Non-Residential activities

Non-residential activities are in keeping with the amenity of the High Density Residential zone and provide for the community’s social, economic, and cultural wellbeing

### Assessment

156. In response to RVANZ [350.148], this is not considered necessary as Objective 1 of the MDRS has been included in the Strategic Direction (UFD-07) chapter of the plan and does not need to be repeated in each residential zone as this would be inefficient for plan implementation.
157. In response to Ministry of Education [400.99], a specific non-residential objective is not considered necessary as the role of non-residential is secondary and is broadly addressed in HRZ-O3. In my view, the policy (HRZ-P14) and rule (HRZ-R9 and HRZ-R10) framework appropriately recognises and provides for the role of non-residential activities within residential zones to support well-functioning urban environments. Non-residential activities are clearly anticipated but only where non-residential activities are compatible with a predominantly residential environment.

### Summary of recommendations

158. HS2-P2-Rec25: That submission points relating to the new additional objectives in HRZ are accepted/rejected as detailed in Appendix B.
159. HS2-P2-Rec26: That no new additional objectives are included in HRZ.

## Policy – HRZ-P1: Enabled activities (P1Sch)

### Matters raised by submitters

160. Several submitters [240.17; 240.18; 273.192; 370.332; 372.132; 377.369; 391.439] seek that HRZ-P1 is retained as notified.



161. RVANZ [350.164] seeks deletion of HRZ-P1 in its entirety. The submitter considers that while the policy is seeking to 'enable' the permitted activities in the zone, the phrasing of the policy qualifies this enabling provision by reference to a scale and intensity that is 'consistent with the amenity values anticipated for the zone'. The Submitter considers this part of HRZ-P1 conflicts with the MDRS in that it seeks to manage the form, scale and design of development in a manner that is inconsistent with the direction provided in the Enabling Housing Act.
162. Phillippa O'Connor [289.29] seeks deletion of the specified activities from HRZ-P1 as they are limited and do not align with current rule HRZ-R10 or new rule proposed by the submitter relating to commercial activities. Phillippa O'Connor [289.29] seeks that following amendments to HRZ-P1:

**HRZ-P1 (Enabled activities)**

Enable residential activities and other activities that are compatible with the purpose of the High Density Residential Zone, while ensuring their scale and intensity is consistent with the amenity values anticipated for the Zone- including:

1. Home Business;

2. Boarding Houses;

3. Visitor Accommodation;

4. Supported Residential Care;

5. Childcare Services; and

6. Community Gardens.

163. FENZ [273.193] seeks an amendment to include 'emergency service facilities' as a listed activity in HRZ-P1 as the submitter considers emergency service activities, including the establishment of fire stations, an integral part of providing for the health, safety, and wellbeing of people in the community.
164. Waka Kotahi [307.333] seeks the inclusion of commercial activities where they are integrated with residential development' to HRZ-P1 on the basis that to support the higher densities, commercial activities (particularly at ground floor) should be enabled and encouraged where they are integrated with residential development.

165. Waka Kotahi [307.333] seeks the following amendments to HRZ-P1:

**HRZ-P1 (Enabled activities)**

Enable residential activities and other activities that are compatible with the purpose of the High Density Residential Zone, while ensuring their scale and intensity is consistent with the amenity values anticipated for the Zone.

1. Home Business;
2. Boarding Houses;
3. Visitor Accommodation;
4. Supported Residential Care;
5. Childcare Services; ~~and~~
6. Community Gardens; ~~and~~
7. Commercial activities where they are integrated with residential development.

166. Kāinga Ora [391.440] seeks that reference to ‘amenity values’ be removed and replaced with reference to ‘planned built form’ to better recognise the intent of the NPS-UD (particularly Policy 6) that recognises the planned urban built form and that change to existing amenity is not in itself an adverse effect. LIVE WELLington [FS96.34] and Roland Sapsford [FS117.33] oppose this proposed amendment.

167. Kāinga Ora [391.440] seeks the following amendments to HRZ-P1:

**HRZ-P1 (Enabled activities)**

Enable residential activities and other activities that are compatible with the purpose of the High Density Residential Zone, while ensuring their scale and intensity is consistent with the ~~amenity values~~ amenity values anticipated and planned built form of for the Zone.

1. Home Business;
2. Boarding Houses;
3. Visitor Accommodation;
4. Supported Residential Care;
5. Childcare Services; and
6. Community Gardens.

## Assessment

168. I disagree with RVANZ [350.164] and consider that managing the scale and intensity of non-residential activities in a residential zone is entirely appropriate to ensure that non-residential activities do not result in adverse effects within a predominantly residential setting, whilst still

providing a very enabling policy and rule framework non-residential activities that have a high level of compatibility with the primary residential function of the zone.

169. In response to Phillippa O'Connor [289.29] I note that the activities listed in HRZ-P1 are not intended to represent an exhaustive range of non-residential activities that may be appropriate in the HRZ but reflect those activities, many residential in nature such as supported residential care and visitor accommodation that have a level of compatibility that justifies permitted activity status in a residential environment. For this reason, I disagree with the relief sought by this submitter.
170. I disagree with FENZ [273.193] that 'emergency service facilities' should be a listed activity in HRZ-P1 for the reasons outlined in paragraph 163 above. I also note that emergency facilities are already provided for in HRZ-P14 and HRZ-R9.
171. I do not agree with Waka Kotahi [307.333] that provision should be made for commercial activities alongside the other identified activities. These other activities are in their nature more compatible with a residential environment, which is reflected through the enabling policies and rules that apply to these activities. I am not of the view that commercial activities fall into this category noting that HRZ-P14 appropriately provides for non-residential activities in addition to those listed HRZ-P1.
172. In response to Kāinga Ora [391.440] who seek removal of reference to amenity values and inclusion of reference to 'planned built form', I agree in part. I consider it appropriate to consider both future amenity values and the planned built form for the zone when managing and providing for non-residential activities in a residential environment, as this does not limit the type of development to the type in the surrounding environment. However, as the reference to amenity values is not intended to provide any policy basis for consideration of existing amenity values present in the zone I disagree with the relief sought by this submitter.

### Summary of recommendations

173. HS2-P2-Rec27: That submission points relating to the HRZ-P1 are accepted/rejected as detailed in Appendix B.
174. HS2-P2-Rec28: That HRZ-P1 be confirmed as notified.

### Policy – HRZ-P2: Housing supply and choice (ISPP)

#### Matters raised by submitters

175. Several submitters [350.165; 370.334; 372.133; 377.370; 391.441; 416.75] seek that HRZ-P2 is retained as notified.
176. Antony Wilkinson [11.1] seeks that the height limit of up to 6 stories in HRZ-P2 be rescinded as 6-storey buildings will negatively affect the character of the city and its suburbs, and buildings of this height are not needed to meet housing demand.

177. Several submitters [including 326.30, 416.75] seek that greater heights are enabled in the policy to better reflect the higher densities enabled and expected in the zone.
178. Waka Kotahi [370.335] seeks amendments to reflect higher densities that should be explicitly provided for and expected in the zone, and to better align with the direction of the NPS-UD to achieve a compact urban form. Waka Kotahi [370.335] seeks the following amendments to HRZ-P2:

**HRZ-P2 (Housing supply and choice)**

Enable a variety of housing typologies with a mix of densities within the zone, including ~~3- 4-~~ townhouses attached and detached dwellings, and ~~low-rise~~ apartments of up to twelve storeys in height in suitable locations, and ~~residential buildings of up to 6- storeys in height.~~

179. Kāinga Ora [391.441 and 391.442] seek amendments to HRZ-P2 to provide for higher density with close proximity of higher order centres [opposed by FS84.75] as follows:

**HRZ-P2 (Housing supply and choice)**

Enable a variety of housing typologies with a mix of densities within the zone, including ~~3-6-~~ storey attached and detached dwellings, ~~low-rise~~ apartments, and residential buildings of up to ~~6-12-~~ storeys in height located close to higher order centres.

## Assessment

180. I disagree with the relief sought by Antony Wilkinson [11.1] as it is inconsistent with the directives and associated outcomes sought by Policy 3 of the NPS-UD.
181. In response to Waka Kotahi [370.335] and Kāinga Ora [391.441 and 391.442] and other submitter requests seeking much greater density and heights than currently enabled by the PDP I note that the NPS-UD Policy 3(c) requires tier 1 territorial authorities to enable at least 6 storeys within a walkable catchment from the edge of central city zones, and metropolitan zones. The PDP achieves this minimum requirement.
182. The question is then whether the policy framework should explicitly provide for density and heights greater than 6 -storeys to achieve the intent and objectives of the NPS-UD. Any increase in the number of storeys referenced in HRZ-P1 would also logically need to involve increases in the relevant standards.
183. On the basis that the PDP as notified meets the NPS-UD requirements and that the greater potential for adverse effects from enabling buildings of much greater heights than that enabled in the notified PDP (subject to any recommendation from s42A reporting planners, particularly those in relation to Hearing Stream 1), I consider there to be no compelling reason

to increase the number of building storeys referenced in the HRZ-P2. However, I can support an amendment which could be considered to provide light relief to submitters seeking recognition of greater height in HRZ-P2 by way of a minor change to refer to ‘at least’ 6 storeys.

### Summary of recommendations

184. HS2-P2-Rec29: That submission points relating to the HRZ-P2 are accepted/rejected as detailed in Appendix B.
185. HS2-P2-Rec30: That HRZ-P2 be amended as set out below and detailed in Appendix A.

#### **HRZ-P2 (Housing supply and choice)**

Enable a variety of housing typologies with a mix of densities within the zone, including 3-storey attached and detached dwellings, low-rise apartments, and residential buildings of at least 6-storeys in height.

### Policy – HRZ-P3: Housing needs (ISPP)

#### Matters raised by submitters

186. Several submitters [370.336; 372.134; 377.371; 391.443; 416.76] seek that HRZ-P3 is retained as notified. One submitter, WCC Environmental Reference Group [377.370] considers that the policy sends an important signal about the quality of housing required in high density areas to provide for residents’ health and wellbeing.
187. Disabled Person Assembly New Zealand Incorporated [348.3] seeks that HRZ-P3 be amended to substitute the use of the term ‘abilities’ with ‘impairments’ due to the use of the term ‘abilities’ to refer to disabled people is regarded as euphemistic by many within the disabled community.
188. RVANZ [350.167] seeks amendments to remove ‘encourage a variety of housing types, sizes and tenures to cater for people of all ages, lifestyles and abilities’, as this is not required by Policy 4 of the MDRS, with these matters also generally covered by HRZ-P2. RVANZ [350.167] seeks the following amendments to HRZ-P3:

#### **HRZ-P3 (Housing needs)**

Enable housing to be designed to meet the day-to-day needs of residents, ~~and encourage a variety of housing types, sizes and tenures to cater for people of all ages, lifestyles and abilities.~~

189. Waka Kotahi [370.337] seeks provision for commercial activities within HRZ-P3 as follows:

**HRZ-P3 (Housing needs)**

Enable housing to be designed to meet the day-to-day needs of residents, and encourage a variety of housing types, sizes and tenures, and commercial activities where appropriately integrated into residential development, to cater for people of all ages, lifestyles and abilities.

190. Kāinga Ora [391.444] considers that an amendment to HRZ-P3 is required to remove reference to 'tenure' to recognise that tenures cannot and should not be managed through the District Plan.

### Assessment

191. In response to Disabled Person Assembly New Zealand Incorporated [348.3] I rely on their relevant knowledge and expertise and recommend the wording change sought to HRZ-P3.
192. In response to RVANZ [350.167] I agree that HRZ-P3 duplicates HRZ-P2 regarding reference to housing types and recommend that this reference be removed. However, I disagree with the other amendments to HRZ-P3 sought by the submitter.
193. I disagree with Kāinga Ora [391.444] that the reference to tenure should be removed from HRZ-P3. The policy encourages, and does not require, a variety of tenures. The provision for papakāinga (noting the plan's deficiencies as highlighted by submitters), supported residential care facilities, and the encouraged provision of assisted housing (by way of City Outcomes Contributions HRZ-P13) are aspects the plan relevant to the tenure reference in HRZ-P3.

### Summary of recommendations

194. HS2-P2-Rec31: That submission points relating to the HRZ-P3 are accepted/rejected as detailed in Appendix B.
195. HS2-P2-Rec32: That HRZ-P3 be amended as set out below and detailed in Appendix A.

**HRZ-P3 (Housing needs)**

Enable housing to be designed to meet the day-to-day needs of residents, including by and encouraging a variety of housing ~~types~~, sizes and tenures to cater for people of all ages, lifestyles and ~~abilities-impairments~~ abilities-impairments.

### S32AA Evaluation

196. In my opinion, the amendment to the HRZ-P3 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:

- The change removes an unnecessary duplication from HRZ-P3 with HRZ-P2. In addition, the change removes a word that could offend the disabled community by replacing ‘ability’ with ‘impairment’. The change is more efficient and effective than the notified provisions in achieving the objectives of the plan.
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

## Policy – HRZ-P4: Medium density residential standards (ISPP)

### Matters raised by submitters

197. Several submitters [350.168; 370.338; 372.135; 377.372; 391.445] seek that HRZ-P4 is retained as notified.
198. Willis Bond and Company Limited [416.77] considers that the HRZ should be more permissive than the MRZ and that HRZ-P4 should be amended to encourage denser and more intensive development than that permitted within the Medium Density Residential Zone.
199. Waka Kotahi [370.339] considers that given that higher densities and a denser urban form are anticipated in the High-Density Residential Zone, the permitted level of development should be higher to support the urban change outcomes in the NPS-UD and that this should be reflected in HRZ-P4.
200. Waka Kotahi [370.339] seeks amendments to explicitly reference enabled development in the HRZ as set out below:

#### **HRZ-P4 (Medium density residential standards)**

Apply the medium density residential standards across the High Density Residential Zone except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga), and enable higher permitted threshold of development due to the more urban character of the High Density Residential Zone.

201. RVANZ [350.169] suggest that insertion of Policy 2 of the MDRS into the HRZ creates interpretation issues as it suggests the medium density residential standards do not apply in parts of the HRZ and note that areas subject to qualifying matters have not been zoned HRZ so that part of the policy is not required. RVANZ seek amendments to HRZ-P4 as set out below:

#### **HRZ-P4 (Medium density residential standards)**

Apply the medium density residential standards across the High Density Residential Zone ~~except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).~~

## Assessment

202. In response to Waka Kotahi [370.339], I agree that the policy would benefit from including recognition of the greater scale of residential intensification anticipated in the zone as suggested by the submitter. HRZ-P4 is a matter of discretion for any construction, addition or alteration of buildings and structures where no more than three residential units occupy the site (HRZ-R13) where compliance with the relevant standards is not achieved. I agree that this policy would provide improved and more appropriate policy guidance as a matter of discretion if the policy recognised that a greater level of height and density are enabled in the zone. There are also instances where the HRZ is more permissive than the MDRS for multi-housing units, such as recession planes, building setbacks and height standards. In my view minor amendments to HRZ-P4 remain consistent with the requirements of Schedule 3A.
203. In response to RVANZ [350.169], I agree that in some instances qualifying matters such as character and heritage have informed the underlying zone, for instance applying a medium density zone instead of a high density zone where a character precinct has been identified within a walkable catchment assessed in relation to Policy 3(c) of the NPS-UD. However, there are also instances where an identified qualifying matter such as a natural hazard has not influenced the underlying zoning but has resulted in additional development controls located elsewhere in the plan.

## Summary of recommendations

204. HS2-P2-Rec33: That submission points relating to the HRZ-P4 are accepted/rejected as detailed in Appendix B.
205. HS2-P2-Rec34: That HRZ-P4 be amended as set out below and detailed in Appendix A.

### **HRZ-P4 (Medium density residential standards)**

Apply the medium density residential standards across the High Density Residential Zone and enable a higher permitted threshold to support high density development, except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).

## **Policy – HRZ-P5: Developments not meeting permitted activity status (ISPP)**

### **Matters raised by submitters**

206. Several submitters [350.170; 372.136; 391.446; 416.78] seek that HRZ-P5 is retained as notified, with Survey & Spatial New Zealand Wellington Branch (SSNZ) [439.39] seeking a relatively minor change as set out below:

### **HRZ-P5 (Developments not meeting permitted activity status)**

Provide for developments not meeting permitted activity status, while encouraging high-quality developments buildings.



## Assessment

207. I disagree with SSNZ [439.39] that HRZ-P5 should be amended to apply to buildings rather than developments. The intent of the policy is wider than the buildings themselves and applies equally to matters such as outdoor living space and landscaping.

## Summary of recommendations

208. HS2-P2-Rec35: That submission points relating to the HRZ-P5 are accepted/rejected as detailed in Appendix B.
209. HS2-P2-Rec36: That HRZ-P5 be confirmed as notified.

## Policy – HRZ-P6: Multi-unit housing (ISPP)

### Matters raised by submitters

210. FENZ [273.194] seeks that HRZ-P6 is retained as notified.
211. Phillippa O'Connor [289.30], Stratum Management Limited [249.20], Willis Bond and Company Limited [416.79] and Kāinga Ora [391.448] seek the deletion of HRZ-P6.1.
212. Phillippa O'Connor considers that reference to the Residential Design Guide as a matter of discretion (by virtue of referring to Policy HRZ-P6 in the matters of discretion for activities requiring consent under HRZ-R2.2) is not appropriate or commensurate in respect of a restricted discretionary activity assessment.
213. Stratum Management Limited [249.20] consider reference to the design guide introduces a lack of clarity on what would be required to fulfil the intent of the design guide. Stratum Management Limited [249.20] notes that the residential design guide, as notified, contains 137 individual guidelines. Stratum considers that it is unclear how, or at what point, any given multi-unit development can fulfil the intent of the design guide given that a design guide assessment is inherently a subjective assessment. Stratum suggest that the HRZ approach to this matter is inconsistent with the approach adopted by the City Centre zone. Stratum Management Limited [249.20] also seeks the deletion 'a minimum area of' from HRZ-P6.2 or the deletion of HRZ-P6.2 in its entirety. The submitter also suggests that HRZ-P6.3 is addressed through the design guide which may be a duplication across policies.
214. Willis Bond and Company Limited [416.79] states that the Residential Design Guide should be non-statutory. This relief is supported by further submitters [FS126.254 and FS128.254].

215. Willis Bond and Company Limited [416.79] seeks HRZ-P6.1, HRZ-P6.2 and HRZ-P6.4. be deleted. They consider that outdoor living space and infrastructure servicing are addressed elsewhere in the plan. The submitter’s view is that external areas should not be mandated in the plan. The submitter questions the need for HRZ-P6 to include waste management matters. Willis Bond and Company Limited seeks amendments to HRZ-P6 (Multi-unit housing) as follows:

**HRZ-P6 (Multi-unit housing)**

Provide for multi-unit housing where it can be demonstrated that the development:

- ~~1. Fulfils the intent of the Residential Design Guide;~~
- ~~2. Provides a minimum area of private or shared outdoor living space that is sufficient to cater for the needs of future occupants;~~
3. Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development; and
- ~~4. Is adequately serviced by three waters infrastructure or can address any constraints on the site.~~

216. Kāinga Ora [391.448] [opposed by further submitters FS80.33 and FS82.147] and Willis Bond and Company Limited [416.80] [supported by further submitters FS126.255 and FS128.255] suggest that an alternative to the residential design guide’s inclusion in HRZ-P6 would be to replace the design guide with specific urban design outcomes.

217. WCC Environmental Reference Group [377.373] and Paihikara Ki Pōneke Cycle Wellington [302.45] seek additional matters to support active modes of travel and reduce reliance private motor vehicles. WCC Environmental Reference Group [377.373] seeks the following amendments to HRZ-P6:

**HRZ-P6 (Multi-unit housing)**

Provide for multi-unit housing where it can be demonstrated that the development:

1. Fulfils the intent of the Residential Design Guide;
2. Provides a minimum area of private or shared outdoor living space that is sufficient to cater for the needs of future occupants;
3. Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development; and
4. Is adequately serviced by three waters infrastructure or can address any constraints on the site.
5. Reduce reliance on travel by private motor vehicle.

218. Paihikara Ki Pōneke Cycle Wellington [302.45] seeks the following amendments to HRZ-P6:

**HRZ-P6 (Multi-unit housing)**

Provide for multi-unit housing where it can be demonstrated that the development:

1. Fulfils the intent of the Residential Design Guide;
2. Provides a minimum area of private or shared outdoor living space that is sufficient to cater for the needs of future occupants;
3. Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development; and
4. Is adequately serviced by three waters infrastructure or can address any constraints on the site.
5. Provides an adequate and appropriately located area on site for cycle and micromobility parking and charging;
6. Adequate cycle facilities are accessible, secure, and covered (protected from weather)

219. Z Energy Limited [361.19] and BP Oil New Zealand, Mobil Oil New Zealand Limited and Z Energy Limited (the Fuel Companies) [371.138] seek that the management of reverse sensitivity effects on existing non-residential activities be included in HRZ-P6. The submitters hold similar a view that the greater residential densities and more permissive building standards are likely to generate greater potential for reverse sensitivity effects that may affect the ongoing operation, maintenance and upgrade of service station facilities. Several further submitters [FS89.49, FS89.156, FS126.16, and FS128.16] oppose the relief sought in relation to reverse sensitivity.

220. Z Energy Limited [361.19] and the Fuel Companies [372.138] seek the following amendments to HRZ-P6:

**HRZ-P6 (Multi-unit housing)**

Provide for multi-unit housing where it can be demonstrated that the development:

1. Fulfils the intent of the Residential Design Guide;
2. Provides a minimum area of private or shared outdoor living space that is sufficient to cater for the needs of future occupants;
3. Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development; and
4. Is adequately serviced by three waters infrastructure or can address any constraints on the site.
5. Manages reverse sensitivity effects on existing lawfully established non-residential activities.

221. Waka Kotahi [370.341] seeks that a requirement for buildings to be designed to mitigate noise and vibration effects when located in proximity to legally established activities that emit noise (such as State Highways).

222. Waka Kotahi [370.341] also seek that HRZ-P6 includes a matter to encourage high density developments to incorporate commercial activities. Waka Kotahi [370.341] seeks the following amendments to HRZ-P6:

**HRZ-P6 (Multi-unit housing)**

~~Multi-unit housing~~ Higher density residential development

Provide for ~~multi-unit housing~~ more than six residential units per site where it can be demonstrated that the development:

1. ~~Fulfills the intent of the Residential Design Guide~~ Achieves the following urban design outcomes:

a. Provides an effective public private interface;

b. The scale, form, and appearance of the development is compatible with the planned urban built form of the neighbourhood;

c. Provides high quality buildings;

d. Responds to the natural environment;

2. Provides a minimum area of private or shared outdoor living space that is sufficient to cater for the needs of future occupants;

3. Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development; and

4. Is ~~adequately able to be~~ serviced by three waters infrastructure or can address any water constraints on the site.

223. Kāinga Ora [391.448] also seek that HRZ-P6 be amended to refer to ‘higher density residential development’ rather than reference to specific typology or number of units. The specific amendments sought by Kāinga Ora to HRZ-P6 is shown below. The relief sought by Kāinga Ora is opposed by two further submitter [FS80.33 and FS82.147].
224. Envirowaste Services Limited [373.19] seeks that specific consideration of the accessibility of waste collection by collection truck be ensured in HRZ-P6.

## Assessment

225. In response to the submission points by Phillippa O’Connor [289.30], Kāinga Ora [391.448], Stratum Management Limited [249.20] and Willis Bond and Company Limited [416.79] seeking the deletion of HRZ-P6.1, I disagree with the request sought. Implementation of the MDRS necessitates the allowance of up to 3 units as a permitted activity subject to compliance with the relevant standards, however this leaves scope for council to retain discretion for developments of 4 or more units. The notified PDP seeks to ensure a high-quality high density residential environment through the use of a statutory residential design guide.

226. I am of the view that to be of most relevance the Design Guides must have statutory weight. I understand Kāinga Ora's and other submitters reasons for seeking that they are removed from the provisions and made a non-statutory tool, especially as this relates to providing for housing. However, I consider that the Design Guides weighting will be significantly reduced if they sit outside of the District Plan as a non-statutory tool. This is because without the legal foundation that comes with the Design Guides being embedded in the planning provisions, many applicants will not have regard to it. It is important that the District Plan has robust mechanisms for ensuring good design outcomes as the built density increases. The inclusion of the design guide in the plan also allows the content of the design guide to be tested and amended where needed in the context of the policy framework that establishes how the design guide is to applied.
227. I do not agree with Willis Bond and Company Limited [416.79] that the Residential Design Guide should be non-statutory, for the reasons outlined in paragraph 226 above.
228. In response to Stratum Management Limited [249.20] I agree that that clarity of interpretation and certainty of how a resource consent application would fulfil the intent of the Residential Design Guide is an important matter, however no alternative policy wording has been proposed by these submitters. On that basis I do not support any amendments to how the Residential Design Guide is reference in the policy. I also do not consider there to be a significance difference in how HRZ and CCZ incorporate Design Guides as a matter of discretion. The main difference being the HRZ refers to the design guide in policy which is relied on as a matter of discretion, and the CCZ approach which is to include a design guide as a specific matter of discretion. Lastly, I do not agree with Stratum Management Limited [249.20] that reference to 'a minimum area of' should be deleted from HRZ-P6.2 or that HRZ-P6.2 be deleted in its entirety. It is appropriate for a district plan to ensure that living environments provide for the health and wellbeing of occupants.
229. Willis Bond [416.79] submit that the multi-unit housing standards are more restrictive than the MDRS and may result in a perverse outcome of lower density development in the HRZ. The development community will make investment decisions informed by multiple factors, not solely the ease of the consenting process. I do not consider that the possibility of this outcome occurring is justification for diluting policies intended to assist in achieving high-quality residential environments, and I also consider it appropriate that any adverse effects from larger scale developments are managed through design standards and considered as part of a consenting process to ensure high-quality residential environments. I also consider that the waste management matters covered by HRZ-P6.3 are appropriately incorporated at the policy level as this matter is not addressed in citywide approach as many other matters of the plan are such as transport and cycle storage requirements. I disagree with Willis Bond and Company's submission point seeking that point 4 relating to infrastructure is deleted from the policy. Infrastructure is an important consideration as it is a necessity for development and any constraints associated with infrastructure should be considered. However, I am of the opinion that a further minor amendment to HRZ-P6.4 that recognises that infrastructure may

not be available at the time of consideration of a development would assist in addressing the submitters concerns.

230. In response to WCC Environmental Reference Group [377.373] and Paihikara Ki Pōneke Cycle Wellington [302.45] although I agree on the importance of reducing reliance on private motor vehicles and the need for residential developments to support active modes of transport, I do not consider there is a need to include either of these matters in HRZ-P6. Firstly, the HRZ inherently supports a reduction in the reliance on private vehicles due to the matters that have informed the spatial extent of the zone – a walkable distance to rapid transit stops and higher order centres. Secondly, multi-unit housing is required to address relevant matters of the transport chapter, most relevantly TR-S2, TR-S3 and Table 7 that specify bicycle and micromobility parking and design in multi-housing unit developments. Although I am of the opinion that an amendment to HRZ-P6 is not necessary, if the hearing panel was of a mind to grant this relief, I suggest that an additional matter, ‘Provides an adequate and appropriately located area on site for cycle and micromobility parking and charging’, would suffice.
231. Z Energy Limited [361.19] and BP Oil New Zealand, Mobil Oil New Zealand Limited and Z Energy Limited (the Fuel Companies) [371.138] seek that the management of reverse sensitivity effects on existing non-residential activities be included in HRZ-P6. I do not agree that reverse sensitivity should be a matter included in HRZ-P6 and consider that reverse sensitivity can broadly be considered as part of the consenting process where relevant, with other parts of the plan also addressing specific reverse sensitivity effects such as noise. The submitters have not presented compelling evidence to illustrate that lighting and noise produced by existing service stations is an issue that would result in a greater scale of complaints as density of adjoining sites increases and therefore warrant a specific reverse sensitivity related policy.
232. In response to Waka Kotahi [370.341] who seek similar amendments to HRZ-P6 to address reverse sensitivity matters, I do not support the amendments sought for the reasons consistent with those outlined above in paragraph 231.
233. In response to Waka Kotahi’s [370.341] request to incorporate in HRZ-P6 consideration of whether opportunities to incorporate mixed uses such as commercial activities into multi-unit housing developments, I do not think this amendment which acts to encourage these non-residential activities in the HRZ, is necessary. As already addressed, there exists an appropriate consenting pathway for new commercial activities that are compatible with a high-density residential environment.
234. In response to Kāinga Oras additional submission points [391.348] to replace ‘multi-unit housing’ with ‘Higher Density Housing’ and to replace ‘adequately’ with ‘able to’ under point 4, I agree in part. I do not agree with replacing ‘multi-unit housing’ with ‘higher density housing’ as the policy intent is to provide direction for multi-unit housing and any higher density housing will fall into the multi-unit housing definition by default. I agree in part with Kāinga Ora’s [391.448] suggested amendment in relation to infrastructure and consider that

'is able to be adequately serviced' is the appropriate wording for this policy as this recognises that infrastructure may not always be in place before developments are considered.

235. I agree with Envirowaste Services Limited [373.19] in principle, however in my opinion HRZ-P6 already adequately addresses the matter of waste storage and collection, and in combination with the design guidance on waste storage areas contained within the Residential Design Guide will result in appropriately located and accessible waste storage areas.

### Summary of recommendations

236. HS2-P2-Rec37: That submission points relating to the HRZ-P6 are accepted/rejected as detailed in Appendix B.

237. HS2-P2-Rec38: That HRZ-P6 be amended as set out below and detailed in Appendix A.

#### **HRZ-P6 (Multi-unit housing)**

Provide for multi-unit housing where it can be demonstrated that the development:

1. Fulfils the intent of the Residential Design Guide;
2. Provides a minimum area of private or shared outdoor living space that is sufficient to cater for the needs of future occupants;
3. Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development; and
4. Is able to be adequately serviced by three waters infrastructure or can address any constraints on the site.

### Policy – HRZ-P7: Retirement Villages (P1Sch)

#### Matters raised by submitters

238. Several submitters [350.17; 372.136; 391.446; 416.78; 273.195; 350.171; 370.342; 370.344; 372.139; 373.20; 391.449] seek that HRZ-P7 is retained as notified. In particular, FENZ [273.195] support the need to demonstrate that a development can be adequately serviced by three waters infrastructure, or can address any constraints on the site.
239. RVANZ [350.172] considers that HRZ-P7 does not appropriately provide for / recognise the functional and operational needs of retirement villages, that they may require greater density than the planned urban built character to enable efficient provision of services and have unique layouts and internal amenity needs to cater to the needs of residents. In response it seeks significant amendments to HRZ-P7 to reflect the functional and operation needs of retirement villages and HRZ-P7.1, which imbeds the Residential Design Guide into the policy. The submitter seeks that the reference to the Residential Design Guide is replaced with the specific design outcomes anticipated.

240. RVANZ [350.172] seeks the following amendments to HRZ-P7:

**HRZ-P7 (Retirement villages)**

Provide for retirement villages where it can be demonstrated that the development:

- ~~1. Fulfils the intent of the Residential Design Guide where it is relevant;~~
- ~~2. Includes outdoor space that is sufficient to cater for the needs of the residents of the village;~~
- ~~3. Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development;~~
- ~~4. Is adequately serviced by three waters infrastructure or can address any constraints on the site;~~  
~~and~~
- ~~5. Is of an intensity, scale and design that is consistent with the amenity values anticipated for the Zone.~~

1. Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons in [add] zone, such as retirement villages.
2. Recognise the functional and operational needs of retirement villages, including that they:
  - a. May require greater density than the planned urban built character to enable efficient provision of services.
  - b. Have unique layout and internal amenity needs to cater for the requirements of residents as they age.

241. Waka Kotahi [370.343] seeks that HRZ-P7 is amended to include consideration of location and design consideration to enable multimodal connectivity, with WCC Environmental Reference Group [377.374] seeking an additional matter to reduce reliance private motor vehicles.

242. Waka Kotahi [370.343] seeks the following amendments to HRZ-P7:

**HRZ-P7 (Retirement villages)**

Provide for retirement villages where it can be demonstrated that the development:

1. Fulfils the intent of the Residential Design Guide where it is relevant;
2. Includes outdoor space that is sufficient to cater for the needs of the residents of the village;
3. Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development;
4. Is adequately serviced by three waters infrastructure or can address any constraints on the site;  
~~and~~
5. Is of an intensity, scale and design that is consistent with the amenity values anticipated for the Zone-;  
and
6. Is suitably located and designed to enable multimodal connectivity.



243. WCC Environmental Reference Group [377.374] seeks the following amendments to HRZ-P7:

**HRZ-P7 (Retirement villages)**

Provide for retirement villages where it can be demonstrated that the development:

1. Fulfils the intent of the Residential Design Guide where it is relevant;
2. Includes outdoor space that is sufficient to cater for the needs of the residents of the village;
3. Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development;
4. Is adequately serviced by three waters infrastructure or can address any constraints on the site; ~~and~~
5. Is of an intensity, scale and design that is consistent with the amenity values anticipated for the Zone-; and
6. Reduce reliance on travel by private motor vehicle.

244. Envirowaste Services Limited [373.21] seeks that specific consideration of the accessibility of waste collection storage areas by collection trucks be ensured in HRZ-P7. Further submitters [FS126.24 and FS128.24] support the intent of the submission but seek additional clarification on specific relief sought.

245. Kāinga Ora [391.449 and 391.450] seek the removal of the residential design guide from HRZ-P7 to be replaced with specific urban design outcomes and replacing the term 'amenity value's with 'planned built form'. Further submitters [FS126.139 and FS FS128.139] support the removal of reference to the design guide, however are not entirely supportive of the design outcomes proposed.

246. Kāinga Ora [391.449 and 391.450] seek following amendments to HRZ-P7:

**HRZ-P7 (Retirement villages)**

Provide for retirement villages where it can be demonstrated that the development:

- ~~1. Fulfils the intent of the Residential Design Guide where it is relevant~~ Achieves the following urban design outcomes:
  - a. Provides an effective public private interface;
  - b. The scale, form, and appearance of the development is compatible with the planned urban built form of the neighbourhood;
  - c. Provides high quality buildings.
  - d. Responds to the natural environment;
2. Includes outdoor space that is sufficient to cater for the needs of the residents of the village;
3. Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development;
4. Is ~~adequately able to be~~ serviced by three waters infrastructure or can address any constraints on the site; and
5. Is of an intensity, scale and design that is consistent with the ~~amenity values~~ anticipated and planned built form for the Zone.

## Assessment

247. In response to RVANZ [350.172] I acknowledge that retirement villages in many respects operate differently to a multi-housing unit development. The PDP recognises this by having specific definitions and having a specific policy in the HRZ for retirement villages. However, I do not support the proposed amendments sought by RVANZ as they represent a shift from an effects management approach that ensures retirement villages in the HRZ are of a high-quality design that are integrated and compatible with the built form anticipated for the zone, to a policy approach framed in a way that elevates the needs of a retirement village above achieving the outcomes sought for the zone.
248. In response to Waka Kotahi [370.343] and WCC Environmental Reference Group [377.374] who seek similar amendments to address multi-modal connectivity and the reduction of reliance on private motor vehicles, I do not consider this necessary for the reasons outlined above in paragraph 230 in relation similar relief sought for HRZ-P6.
249. In response to Envirowaste Services Limited [373.21], I agree with the intent, but in my view HRZ-P6.3: *Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development*, already adequately addresses the location of waste storage areas and the collection of waste from a storage area. I consider this would extend to the ability of waste collection trucks to access the waste storage area for collection.

250. I disagree with Kāinga Ora [391.449 and 391.450] who seek deletion of reference to the Residential Design Guide to be replaced with specific urban design outcomes, for the same reasons outlined above in paragraph 225 and 226 in relation to in relation to submissions on HRZ-P6.
251. In response to Kāinga Ora [391.449 and 391.450] who seek removal of reference to amenity values and inclusion of reference to ‘planned built form’, I agree in part. I consider it appropriate to consider both the future amenity values and planned built form of the zone when managing and providing for non-residential activities in a residential environment. The reference to amenity values is not intended to provide any policy basis for the consideration of existing amenity values present in the zone.
252. I agree in part with Kāinga Ora’s [391.449 and 391.450] suggested amendment in relation to infrastructure and consider that ‘is able to be adequately serviced’ for the same reasons outlined above in paragraph 234 in relation to HRZ-P6.

### Summary of recommendations

253. HS2-P2-Rec39: That submission points relating to the HRZ-P7 are accepted/rejected as detailed in Appendix B.
254. HS2-P2-Rec40: That HRZ-P7 be amended as set out below and detailed in Appendix A.

#### **HRZ-P7 (Retirement villages)**

Provide for retirement villages where it can be demonstrated that the development:

1. Fulfils the intent of the Residential Design Guide where it is relevant;
2. Includes outdoor space that is sufficient to cater for the needs of the residents of the village;
3. Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development;
4. Is able to be adequately serviced by three waters infrastructure or can address any constraints on the site; and
5. Is of an intensity, scale and design that is consistent with the amenity values anticipated form for the Zone.

## Policy – HRZ-P8: Residential buildings and structures (ISPP)

### Matters raised by submitters

255. Several [273.196; 370.345; 372.140; 377.375; 391.451] submitters seek that HRZ-P8 is retained as notified.
256. Philip O’Reilly and Julie Saddington [310.2] seek amendments to HRZ-P8 to strengthen consideration of character and heritage sites adjoining high density development. The submitter seeks the following amendments to HRZ-P8:

#### **HRZ-P8 (Residential buildings and structures)**

Provide for a range of residential buildings and structures, including additions and alterations, that:

1. Provide healthy, safe and accessible living environments;
2. Are compatible with the built environment anticipated in the High Density Residential Zone; and
3. Contribute positively to a changing urban environment; ~~and~~
4. Achieve attractive and safe streets.; and
5. Where these buildings and structures are in a site adjacent to a character and heritage precinct, their form and scale be sympathetic towards the identified Character Precinct and heritage precinct values.

257. RVANZ [350.173 and 350.174] seeks clarification that HRZ-P8 does not apply to retirement villages.
258. Waka Kotahi [370.346] seeks that HRZ-P8 addresses the management of reverse sensitivity effects and that HRZ-P6 includes a matter to encourage high density developments to incorporate commercial activities [370.341]. The submitter seeks the following amendments to HRZ-P8:

#### **HRZ-P8 (Residential buildings and structures)**

Provide for a range of residential buildings and structures, including additions and alterations, that:

1. Provide healthy, safe and accessible living environments;
2. Are compatible with the built environment anticipated in the High Density Residential Zone; and
3. Contribute positively to a changing urban environment; ~~and~~
4. Achieve attractive and safe streets.;
5. Where located in proximity to legally established activities that emit noise (such as State Highways), are designed to mitigate noise and vibration effects on sensitive receivers; and
6. For higher density developments, options to incorporate mixed-uses such as commercial activities at ground floor have been explored.

## Assessment

259. In response to Philip O'Reilly and Julie Saddington [310.2] I agree in part with the view that greater recognition in the policy is needed to address built form and the scale of high-density development on sites adjacent to sites containing identified heritage and character precincts as the height and density enabled in the HRZ will in many cases be much greater than in adjoining Character Precincts and it is appropriate to recognise this at the policy level, particularly as HRZ-P8 is a matter of discretion. An amendment similar to that proposed by the submitter would provide a clearer policy foundation for the proposed more restrictive height in relation to boundary standard (HRZ-S3.3) for sites adjoining any Heritage Area; or any site containing a Heritage Building.
260. I disagree with the Retirement Villages Association of New Zealand [350.173 and 350.174] as I am of the view that HRZ-P8 should apply to retirement villages. While HRZ-P7 is a specific policy for retirement villages, this policy does not cover aspects of HRZ-P8 that I consider are important and should also apply to retirement villages. This includes to contribute positively to a changing urban environment and achieving attractive and safe streets.
261. I do not agree with Waka Kotahi [370.345 and 370.346] that amendments relating to reverse sensitivity or the incorporation of mixed uses is necessary, for the same reasons I do not support similar requested changes to HRZ-P6.

## Summary of recommendations

262. HS2-P2-Rec41: That submission points relating to the HRZ-P8 are accepted/rejected as detailed in Appendix B.
263. HS2-P2-Rec42: That HRZ-P8 be amended as set out below and detailed in Appendix A.

### **HRZ-P8 (Residential buildings and structures)**

Provide for a range of residential buildings and structures, including additions and alterations, that:

1. Provide healthy, safe and accessible living environments;
2. Are compatible with the built environment anticipated in the High Density Residential Zone; and
3. Contribute positively to a changing urban environment; ~~and~~
4. Achieve attractive and safe streets.; and
5. Responds to the site context, particularly where it is located adjacent to a heritage building, heritage structure or heritage area, or character precinct.

## S32AA Evaluation

264. In my opinion, the amendment to the HRZ-P8 is more appropriate in achieving the objectives, specifically the strategic objectives, of the plan than the notified provisions. I consider that:

- The change recognises that there will be instances where development proposals will involve infringements of the HRZ standards and in such cases, it would be appropriate to consider the site context, in particular adjoining sites containing identified heritage and character values that are of a much lower height and density. The amended policy also provides a clearer policy position to inform the height in relation to boundary standard that applies in relation to sites containing heritage buildings, heritage structures or heritage areas. The change is more efficient and effective than the notified provisions in achieving the objectives of the plan; and
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

## Policy – HRZ-P9: Permeable surface (ISPP)

### Matters raised by submitters

265. Several submitters [372.141; 377.376; 391.452] seek that HRZ-P9 is retained as notified.
266. Wellington City Council [266.143] seeks that HRZ-P9 is deleted in its entirety with this matter best addressed and located in the three waters chapter of the plan.
267. Trelissick Park Group [221.74] seek that HRZ-P9 is amended to require neutral or lesser stormwater runoff than pre-development levels.
268. Tyers Stream Group [221.74] seek that HRZ-P9 is amended to require a level of permeable surface proportionate to extent of hard surface increase.
269. Kāinga Ora [391.453] seek amendments to HRZ-P9 to require a ‘sufficient permeable surface area’ rather than a ‘minimum level of permeable surface’. The submitter seeks the following amendments to HRZ-P8:

#### Policy HRZ-P9 (Permeable surface)

Require development to provide a ~~minimum level of~~ sufficient permeable surface area to assist with reducing the rate and amount of storm water run-off.

### Assessment

270. In my opinion, the amendment to HRZ-P9 to relocate HRZ-P9 to the Three Waters chapter is more appropriate because it will help with plan useability as it keeps relevant provisions in one place.
271. Based on this recommendation, I have not considered the submission points seeking amendments to the policy as I consider it more appropriate that any changes are considered in the context of the three waters chapter.

## Summary of recommendations

272. **HS2-P2-Rec43:** That Policy HRZ-P9 be deleted from HRZ and relocated to the three waters chapter.
273. **HS2-P2-Rec44:** That references to HRZ-P9 be deleted from HRZ as a consequential amendment.
274. **HS2-P2-Rec45:** That all other submission points on HRZ-P9 be considered in the Three Waters s42A in hearing stream 5.

## S32AA Evaluation

275. In my opinion, the amendment to HRZ-P9 to relocate HRZ-P9 to the Three Waters chapter is more appropriate in achieving the objectives of the plan than the notified provisions. This is because the Council have included a three waters chapter under the Energy, Infrastructure and Transport heading, in keeping with the National Planning Standards. The change will help with plan useability as it keeps relevant provisions in one place. I further consider that:
- The change is more efficient and effective than the notified provisions in achieving the objectives of the plan; and
  - The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

## Policy – HRZ-P10: Vegetation and landscaping (ISPP)

### Matters raised by submitters

276. Several submitters [372.142, 377.377, 385.82, 391.454] seek that HRZ-P10 is retained as notified. WCC Environmental Reference Group [377.377] cite the importance of reducing unnecessary loss of vegetation, with benefits to biodiversity, pleasantness and amenity, as well as helping reduce the rate and amount of storm water run-off. The Director-General of Conservation [385.82] supports the use of policy which encourages the retention of existing vegetation (including native vegetation) that would otherwise be unprotected under the Proposed District Plan.
277. Tyers Stream Group [221.75] seek that HRZ-P10 is amended to replace 'seek' with 'require' with regards to replacement planting.
278. RVANZ [350.175] seek deletion of the reference to 'equal or better quality' vegetation as this is not always possible, particularly with the increased density enabled in the HRZ.
279. Willis Bond and Company Limited seeks deletion of HRZ-P10 in its entirety [416.81], or alternatively [416.82] HRZ-P10 is amended to acknowledge the greater intensity encouraged in the High Density Residential Zone.

## Assessment

280. I disagree with Willis Bond and Company Limited [416.81] that HRZ-P10 should be deleted. The Policy is not a requirement for vegetation protection and will not have the effect of blanket vegetation protection. There are no rules or standards requiring vegetation protection in the HRZ. HRZ-P10 seeks to encourage the retention of vegetation only. In addition, the landscaping aspect of the policy provides direction for the landscaping provisions in the HRZ. I therefore recommend that the submission point is rejected.
281. I disagree with the RVANZ submission point [350.175], providing equal or better-quality landscaping is not a requirement. HRZ-P10 states that it should be sought only. I am of the view that this is an appropriate wording for the policy which seeks to mitigate the effects of hard landscaping and bulk of buildings. I therefore recommend the submission point is rejected.
282. I disagree with the Tyers Stream Group submission point [221.75] which seeks to replace 'seek' with 'require'. I am of the view that making the policy a requirement would run the risk of equating to blanket vegetation protection and given there are no rules in the HRZ to prevent vegetation clearance, the word 'require' would not hold any weight.

## Summary of recommendations

283. HS2-P2-Rec46: That submission points relating to the HRZ-P10 are accepted/rejected as detailed in Appendix B.
284. HS2-P2-Rec47: That HRZ-P10 be confirmed as notified.

## Policy – HRZ-P11: Attractive and safe streets and public open spaces (ISPP)

### Matters raised by submitters

285. A number of submitters [350.177; 370.347; 372.143; 377.378; 391.455] seek that HRZ-P11 is retained as notified. Submitters cite alignment with Policy 3 of the MDRS and ensuring passive surveillance and safety matters are considered as reasons for support.

## Assessment

286. No further assessment is required.

## Summary of recommendations

287. HS2-P2-Rec48: That submission points relating to the HRZ-P11 are accepted/rejected as detailed in Appendix B.
288. HS2-P2-Rec49: That HRZ-P11 be confirmed as notified.



## **Policy – HRZ-P12: Community gardens, urban agriculture and waste minimisation (P1Sch)**

### **Matters raised by submitters**

289. A number of submitters [372.144; 373.22; 377.379; 391.456; 414.32; 488.77] seek that HRZ-P12 is retained as notified. Submitters cite encouragement and enabling of the diversion of waste and green waste recycling as reasons for support.

### **Assessment**

290. No further assessment is required.

### **Summary of recommendations**

291. HS2-P2-Rec50: That submission points relating to the HRZ-P12 are accepted/rejected as detailed in Appendix B.
292. HS2-P2-Rec51: That HRZ-P12 be confirmed as notified.

## **Policy – HRZ-P13: City Outcomes Contribution (ISPP)**

### **Matters raised by submitters**

293. A number of submitters [343.9; 343.10; 370.348; 372.145] seek that HRZ-P13 is retained as notified.
294. Property Council New Zealand [338.12] support incentives being provided for over height large-scale developments, however seek that these are encouraged not required. Further submitters [FS126.204 and FS128.204] have opposed the relief sought.
295. RVANZ [350.158], Fabric Property Limited [425.49] and Investore Property Limited [405.55] seeks deletion of HRZ-P13 in its entirety for similar reasons. These submitters consider that requirements to mitigate potential or actual adverse effects from a development should relate directly effects from the development. This view is supported by a further submission [FS45.9].
296. Waka Kotahi [370.349] seek an amendment to incorporate consideration of non-residential uses to provide for mixed use development.

297. Kāinga Ora [391.458] seek amendments to ‘encourage’ not ‘require’ positive contributions to be delivered by developments in the HRZ, with the removal of the matter relating to the incorporation of assisted housing into developments. Further submitters [FS126.141 and FS128.141] oppose the relief sought. The submitter seeks the following amendments to HRZ-

**HRZ-P13 (City Outcomes Contributions)**

~~Require over height, large-scale residential~~ Encourage development in the High Density Residential Zone to contribute to positive outcomes ~~deliver City Outcomes Contributions as detailed and scored in the Residential Design Guide,~~ including through either:

1. Positively contributing to public space provision and the amenity of the site and surrounding area; and/or
2. Incorporating a level of building performance that leads to reduced carbon emissions and increased climate change resilience; and/or
3. Incorporating construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs; and/or
4. ~~Incorporating assisted housing into the development, and where this is provided legal instruments are required to ensure that it remains assisted housing for at least 25 years; and/or~~
54. Enabling ease of access for people of all ages and mobility.

298. Willis Bond and Company Limited [416.83] note that contributions are ‘required’ by the policy rather than being framed as a clear incentive and seek that HRZ-P13 be reconsidered to appropriately align with any amendments to the City Outcomes Contributions within the City Centre Zone. The submitter seeks greater certainty that the investment to deliver on the City Outcomes will result in material incentives. Further submitters [FS126.256 and FS128.256] oppose the relief sought as it relates to the Residential Design Guide on the basis that it is inconsistent with the removal of the Residential Design Guide from the District Plan.

### Assessment

299. No assessment of submissions in relation to HRZ-S13 is included in this report as it is considered more efficient to address these matters comprehensively in hearing stream 4.

### Summary of recommendations

300. No recommendations in relation to HRZ-S13 are included in this report as it is considered more efficient to address these matters comprehensively in hearing stream 4.

### Policy – HRZ-P14: Non-residential activities and buildings (P1Sch)

#### Matters raised by submitters

301. Several submitters [273.197; 302.46; 370.350; 372.146; 377.380; 391.459; 400.100] seek that HRZ-P14 is retained as notified. Phillippa O’Connor [289.31] and Woolworths New Zealand [359.43] both seek a minor amendment to remove ‘only’ from the beginning of HRZ-P14.

302. Paihikara Ki Pōneke Cycle Wellington [302.47] seeks inclusion of adequate and appropriately located cycle and micro mobility parking, charging and facilities as an element of HRZ-P14. Paihikara Ki Pōneke Cycle Wellington [302.47] seeks the following amendments to HRZ-P14:

**HRZ-P14 (Non-residential activities and buildings)**

Only allow non-residential activities and buildings that:

1. Support the needs of local communities;
2. Are of an intensity, scale and design that is consistent with the amenity values anticipated for the Zone;
3. Contribute positively to the urban environment and achieve attractive and safe streets;
4. Reduce reliance on travel by private motor vehicle;
5. Maintain the safety and efficiency of the transport network; ~~and~~
6. Are adequately serviced by three waters infrastructure or can address any constraints on the site.
7. Provides an adequate and appropriately located area on site for cycle and micromobility parking and charging; and
8. Adequate cycle facilities are accessible, secure, and covered (protected from weather).

303. Woolworths New Zealand [359.43] seeks inclusion of the consideration of non-residential activities and buildings that can demonstrate an operational or functional need to locate within the zone.

304. Waka Kotahi [370.351] seeks encouragement for commercial activities that are appropriate and integrated with residential developments. The submitter seeks the following amendments to HRZ-P14:

**HRZ-P14 (Non-residential activities and buildings)**

Only allow non-residential activities and buildings that:

1. Support the needs of local communities;
2. Are of an intensity, scale and design that is consistent with the amenity values anticipated for the Zone;
3. Contribute positively to the urban environment and achieve attractive and safe streets;
4. Reduce reliance on travel by private motor vehicle;
5. Maintain the safety and efficiency of the transport network; and
6. Are adequately serviced by three waters infrastructure or can address any constraints on the site; and
7. are integrated into residential developments where possible.

305. Ministry of Education [400.101] supports HRZ-P14 in part and seeks amendments to recognise infrastructure (such as educational facilities) needed to support the needs of the community. The submitters seeks the following amendments to HRZ-P14:

**HRZ-P14 (Non-residential activities and buildings)**

Only allow non-residential activities and buildings that:

1. Support the needs of local communities;
2. Are of an intensity, scale and design that is consistent with the amenity values anticipated for the Zone;
3. Contribute positively to the urban environment and achieve attractive and safe streets;
4. Reduce reliance on travel by private motor vehicle;
5. Maintain the safety and efficiency of the transport network; and
6. Are adequately serviced by three waters infrastructure or can address any constraints on the site; and
7. Provides additional infrastructure to support the needs of the community.

## Assessment

306. In response to Paihikara Ki Pōneke Cycle Wellington [302.47] I do not support the proposed additions for the same reasons I have not recommended similar amendments sought to other policies – that the transport chapter provisions already adequately address bicycle and micromobility storage. Additionally, I consider that the submitter’s concerns are also addressed in part by HRZ-P15.4 and HRZ-P15.5 given their focus on reducing reliance on private motor vehicle travel and maintaining a safe and efficient transport network.
307. In response to Woolworths New Zealand [359.43] I do not think that introducing an operational or functional need consideration is necessary as the current matters in HRZ-P14 set an appropriate starting point for the consideration of non-residential activities in the HRZ. I agree with the part of the submission point seeking to remove ‘only allow’ and replace with ‘allow’. I consider this to broaden the scope of the policy and allow consideration for a wider assessment.
308. I agree with Waka Kotahi [370.351] and support policy direction that encourages future non-residential activities, commercial activities in particular, to be incorporated into residential developments where appropriate as this outcome reflects an optimal outcome of providing for non-residential activities in the HRZ without completely compromising the housing supply potential of individual sites.
309. I agree with Phillippa O’Connor [289.31] and Woolworths New Zealand [359.43] to remove ‘only’ from the beginning of HRZ-P14. I consider this to broaden the scope of the policy and allow consideration for a wider assessment.

310. I do not agree with Ministry of Education [400.101] as I consider that community infrastructure such as educational facilities is already adequately covered by HRZ-P14.1 through the listed matters.

### Summary of recommendations

311. HS2-P2-Rec52: That submission points relating to the HRZ-P14 are accepted/rejected as detailed in Appendix B.

312. HS2-P2-Rec53: That HRZ-P14 be amended as set out below and detailed in Appendix A.

#### **HRZ-P14 (Non-residential activities and buildings)**

~~Only a~~ Allow non-residential activities and buildings that:

1. Support the needs of local communities;
2. Are of an intensity, scale and design that is consistent with the amenity values anticipated for the Zone;
3. Contribute positively to the urban environment and achieve attractive and safe streets;
4. Reduce reliance on travel by private motor vehicle;
5. Maintain the safety and efficiency of the transport network; and
6. Are able to be adequately serviced by three waters infrastructure or can address any constraints on the site; and
7. Are integrated into residential developments where appropriate.

### S32AA Evaluation

313. In my opinion, the amendment to the HRZ-P15 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:

- The change to point 6 makes recognises that infrastructure is not always available at the time that developments are considered;
- The addition of point 7 encourages non-residential activities to be integrated into residential developments, which would provide a range of positive outcomes for the HRZ including improving the amenity of the area and assisting with the provision of additional housing, ensuring that developments are designed to make space for both residential and non-residential housing;
- The changes to HRZ-P15 are therefore more efficient and effective than the notified provisions in achieving the objectives of the plan; and
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

## Policy – Proposed new policies

### Matters raised by submitters

314. Historic Places Wellington [182.29] and Wellington Heritage Professionals [412.76] seek a new policy similar to NCZ-P7 requiring new development to positively contribute to the sense of place, quality and amenity of the zone by ensuring that development responds to the site context, particularly where it is located adjacent to a scheduled site of significant to Māori, heritage buildings, structures or areas, character precincts.
315. RVANZ [350.149, 350.150, 350.151, 350.152] seeks the inclusion of new policies that recognise the intensification opportunities provided by larger sites and a policy recognising the changing nature of communities, and also a new policy that enables the MDRS to be utilised as a baseline for the assessment of the effects of developments.

#### HRZ-PX Larger sites

Recognise the intensification opportunities provided by larger sites within all residential zones by providing for more efficient use of those sites.

#### RESZ-PX Changing communities

To provide for the diverse and changing residential needs of communities, recognise that the existing character and amenity of the residential zones will change over time to enable a variety of housing types with a mix of densities.

#### HRZ-PX Role of density standards

Enable the density standards to be utilised as a baseline for the assessment of the effects of developments.

## Assessment

316. In response to Historic Places Wellington [182.29] and Wellington Heritage Professionals [412.76] I do not share the view that a specific policy is necessary to require new development respond to the site context where it is located adjacent to a scheduled site of significant to Māori, heritage buildings, structures or areas or character precincts as the broad objective of the HRZ is to enable housing supply, and a policy requiring developments respond to values present on adjacent sites may create conflicting policies and interpretation issues. I also consider that HRZ-P8 already goes some way to achieving the relief sought by this submitter subject to my recommendation to support changes to HRZ-P8 that include the consideration of heritage buildings, structures or areas, and character precincts. I consider that the provisions in SASM chapter is the best place to ensure protection of SASM.

317. In response to RVANZ [350.149, 350.150, 350.151, 350.152] I do not agree that there is a need for an addition of a new policy that addresses the development potential of larger sites as I consider the HRZ as a whole already provides a framework that ensures the development potential of larger sites is enabled to an appropriate scale. I do not consider that there needs to be a specific policy that explicitly recognises the anticipated change in existing character and amenity that will occur over time as enabled development is realised as this is already adequately addressed by HRZ-P2 that establishes the future anticipated urban character. I also do not agree with the need for a specific policy that recognises the density standards as a permitted baseline as this is a matter that can be addressed as part of the consenting process as provided for by the Act. I am not convinced that any of these new policies are necessary for the purpose and objectives of the HRZ to be achieved.

### Summary of recommendations

318. HS2-P2-Rec54: That submission points relating to new HRZ policies are accepted/rejected as detailed in Appendix B.

319. HS2-P2-Rec55: That no new policies are included in the HRZ.

### Rules – HRZ-R1: Community Gardens (P1Sch)

#### Matters raised by submitters

320. WCC Environmental Reference Group [377.381] and VicLabour [414.34] seek retention as notified. The submitters reasons for support can be broadly summarised as benefiting community health and wellbeing and supporting green waste recycling.

### Assessment

321. No further assessment is required.

### Summary of recommendations

322. HS2-P2-Rec56: That submission points relating to the HRZ-R1 are accepted/rejected as detailed in Appendix B.

323. HS2-P2-Rec57: That HRZ-R1 be confirmed as notified.

## **Rules – HRZ-R2: Residential activities, excluding retirement villages, supported residential care activities and boarding houses (ISPP)**

### **Matters raised by submitters**

324. Several submitters [240.19; 370.352; 377.382; 391.460] seek retention as notified.
325. Khoi Phan [326.31] seeks an amendment to provide for up to 10 residential units as a permitted activity.
326. Waka Kotahi [370.353] seeks an amendment to provide for up to four residential units as a permitted activity.
327. Kāinga Ora [391.460] considers changes can be made to HRZ-R2 provide for better clarity in regard to the intention of the rule and notification preclusions and allow for a higher permitted activity threshold to allow for up to 6 dwellings within the HDRZ. Further submitters [FS80.34 and FS82.148] oppose increases to the permitted number of residential units that are more enabling than the MDRS. Kāinga Ora seeks the following amendments to HRZ-R2:



**HRZ-R2 (Residential activities, excluding retirement villages, supported residential care activities and boarding houses)**

1. Activity status: Permitted

where:

a. No more than ~~three~~ six residential units occupy the site.

b. Compliance with the following standards is achieved:

i. HRZ-S1;

ii. HRZ-S3;

iii. HRZ-S4 only in relation to the rear/side yard boundary setback;

iv. HRZ-S5;

v. HRZ-S7

2. Activity Status: Restricted Discretionary

a. where compliance with HRZ-R1.a. cannot be achieved.

Matters of discretion are:

1. The matters in HRZ-P2, HRZ-P3, HRZ-P5 and HRZ-P6. The scale, form, and appearance of the development is compatible with the planned urban built form of the neighbourhood;

2. The development contributes to a safe and attractive public realm and streetscape;

3. The extent and effects on the three waters infrastructure, achieved by demonstrating that at the point of connection the infrastructure has the capacity to service the development.

4. The degree to which development delivers quality on-site amenity and occupant privacy that inappropriate for its scale.

b. where compliance with HRZ-1.b. cannot be achieved.

1. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard.

Notification status:

1. An application for resource consent made in respect of rule HRZ-R2.2.a is precluded from being either publicly or limited notified, which complies with HRZ-R1.a. but does not comply with HRZ-R1.b. is precluded from being publicly notified.

2. An application for resource consent made which does not comply with HRZ-R1.a. but complies with HRZ-R1.b. is precluded from being either publicly or limited notified.

3. An application for resource consent made which does not comply with HRZ-R1.a. and HRZ-R1.b. but complies with HRZ-S1 and HRZ-S5 is precluded from being either publicly notified.

## Assessment

328. In response to Khoi Phan [326.31], I do not support making 10 residential units a permitted activity. Residential capacity modelling has been carried out across the city which found that the PDP enables sufficient housing to meet projected future demand. In light of this I consider enabling 10 residential units per site would constitute unnecessary overreach. Further, I note that the PDP includes provision for 10 residential units to be applied for as a restricted discretionary, with this being a more appropriate avenue in my view to address this level of development and any potential effects on the surrounding environment that are likely to arise.
329. In response to Kāinga Ora [391.460] who seek HRZ-R2 is re-written as detailed above, I disagree with the proposed amendments. I consider that the proposed amendment achieves the same outcome as the wording currently proposed. The main difference between HRZ-R2 and the proposed amendment largely relates to a preference in drafting style. I am comfortable with the matters of discretion in HRZ-R2 pointing to the relevant policies which cover off all the matters of discretion Kāinga Ora have proposed in the amendment – it also aligns with contemporary drafting practice applied in other recent plans including the Proposed Porirua and New Plymouth District Plans. This is equally the case in terms of referencing in the rule compliance with specified standards.
330. In response to Kāinga Ora [391.460] who seek that the notification preclusion in HRZ-R2 is amended to reflect the various scenarios where limited notification and public notification exclusions apply. I do not consider these changes necessary as the PDP version of HRZ-R2 simply excludes public and limited notification for any application for resource consent made in respect of rule HRZ-R2.2.ais precluded under HRZ-R2. I consider that since the HRZ is primarily a residential zone, residential activities can be reasonably expected to predominate within the zone and there is no compelling reason for these to be either limited or publicly notified.

## Summary of recommendations

331. HS2-P2-Rec58: That submission points relating to the HRZ-R2 are accepted/rejected as detailed in Appendix B.
332. HS2-P2-Rec59: That HRZ-R2 be confirmed as notified.

## Rules – HRZ-R3: Home business (P1Sch1)

### Matters raised by submitters

333. Submitters seek [377.383; 391.462; 492.25] retention as notified. WCC ERG [377.383] support HRZ-R3 as it will help enable businesses well suited to a residential setting.

334. Kāinga Ora [391.462 and 391.463] seeks an amendment to reference ‘planned urban built form’ in place of ‘amenity values’ as the proposed amendment would better recognise changing urban environments and amenity in accordance with the NPSUD.
335. Craig Palmer [492.26 – 492.29] has made several submission points on HRZ-R3, including:
- Support for facilitating individuals being able to conduct a business from their principal place of residence.
  - Amending the number of people permitted to work from or on site associated with a home business at any one time to better reflect the scale of home-based business, restricting this to no more than 3 people directly involved in the home business at any one time, with the maximum number of people on site associated with the home business not exceeding 6 people at any one time.
  - Including mandatory notification and consultation provisions of the Prostitution Reform Act 2003.
  - Amending the Matters of Discretion to include the potential loss of tenancies for commercial property owners paying higher rates.

### Assessment

336. In response to Kāinga Ora [391.462 and 391.463] I do not consider this amendment is appropriate because the potential effects from home business activities is on the amenity of nearby residential properties not on built form. I also do not agree with this amendment for the reasons stated in response to a similar point under HRZ-P14.
337. In response to Craig Palmer’s submission points [492.26 – 492.29], I address these below:
- I disagree that the proposed numbers working on site and those visiting is out of proportion to a home-based business. I consider that four employees is a reasonable threshold as it is of a size that enables potential effects on the neighbouring residential environment to be appropriately managed while offering scope for sufficient resource to be employed to make a home business viable. I also consider that allowing up to 10 people associated with the home business on site at any one time is appropriate as this provides for visiting customers and other offsite contributors, noting that this number will vary throughout a day.
  - I do not consider it necessary to include the mandatory public notification and consultation provisions of the Prostitution Reform Act 2003 in HRZ-R3 as these are already a statutory consideration if an activity like this is proposed in the HRZ and would be contrary to the procedural principles in section 18A of the RMA.
  - The matter raised in relation to rates is out of scope and more appropriately addressed outside of the District Plan.

### Summary of recommendations

338. HS2-P2-Rec60: That submission points relating to the HRZ-R3 are accepted/rejected as detailed in Appendix B.

339. HS2-P2-Rec61: That HRZ-R3 be confirmed as notified.

## **Rules – HRZ-R4: Supported residential care activities (P1Sch1)**

### **Matters raised by submitters**

340. Ara Poutama Aotearoa the Department of Corrections [240.20] seek that HRZ-R4 be retained as notified if the "supported residential care activity" definition and references to term throughout the plan are retained.

341. WCC Environmental Reference Group [377.384] support HRZ-R4 as notified as it will help enable facilities and services well suited to a residential setting.

342. Khoi Phan [326.32] seeks an increase to the permitted maximum occupancy from 10 to 20 residents.

### **Assessment**

343. In response to Ara Poutama Aotearoa the Department of Corrections [240.11], in paragraph 686 of the Hearing Stream 1 Section 42A Report, Mr McCutcheon recommended that the definition is retained, with a small amendment. I concur with this and for this reason agree that HRZ-R4 should not be amended in response to this submission.

344. I disagree with the relief sought by Khoi Phan [326.32] as no compelling reason/s or section 32AA evaluation has been provided to support an increase in the permitted maximum occupancy for supported residential care activity.

### **Summary of recommendations**

345. HS2-P2-Rec62: That submission points relating to the HRZ-R4 are accepted/rejected as detailed in Appendix B.

346. HS2-P2-Rec63: That HRZ-R4 be confirmed as notified.

## **Rules – HRZ-R5: Boarding houses (P1Sch1)**

### **Matters raised by submitters**

347. One submitter, Khoi Phan [326.33] seeks an increase to the maximum permitted occupancy from 10 to 20.

## Assessment

348. I disagree with the relief sought by Khoi Phan [326.33] as no compelling reason/s or section 32AA evaluation has been provided to support an increase in the permitted maximum occupancy for boarding houses.

## Summary of recommendations

349. HS2-P2-Rec64: That submission points relating to the HRZ-R5 are accepted/rejected as detailed in Appendix B.
350. HS2-P2-Rec65: That HRZ-R5 be confirmed as notified.

## Rules – HRZ-R6: Visitor accommodation (P1Sch1)

### Matters raised by submitters

351. One submitter, Airbnb [126.8], supports HRZ-R6 as notified.

## Assessment

352. No further assessment is required.

## Summary of recommendations

353. HS2-P2-Rec66: That submission points relating to the HRZ-R6 are accepted/rejected as detailed in Appendix B.
354. HS2-P2-Rec67: That HRZ-R6 be confirmed as notified.

## Rules – HRZ-R7: Childcare services (P1Sch1)

### Matters raised by submitters

355. Submitters [377.385 & 400.102] seek retention as notified.
356. Waka Kotahi [307.354] supports the permitted activity status for childcare service activities for up to 10 children, however seeks additional matters of discretion to address potential

traffic effects, support for multi-modal transport and integration of childcare facilities within residential development as follows:

Matters of discretion are:

1. The extent to which the intensity and scale of the activity may adversely impact on the amenity values of nearby residential properties and the surrounding neighbourhood.
2. The extent to which childcare facilities are integrated into residential development
3. Traffic generation and effects on the road network, and
4. How alternative modes will be supported.

## Assessment

357. In response to Waka Kotahi [370.354] I agree with the part of the submission point which seeks a new matter of discretion as follows: '2. The extent to which childcare facilities are integrated into residential development'. I consider this to be a sensible addition given the residential zoning, further I believe this gives effect to the recommended amendment to HRZ-P14. I disagree with their submission point seeking two additional traffic related matters of discretion. I consider that the traffic effects are suitably managed within the Transport Chapter and will apply to any activity lodged under HRZ-R7.

## Summary of recommendations

358. HS2-P2-Rec68: That submission points relating to the HRZ-R7 are accepted/rejected as detailed in Appendix B.

359. HS2-P2-Rec69: That HRZ-R7 be amended as set out below and detailed in Appendix A.

### HRZ-R7: Childcare Services

(...)

Matters of discretion are:

1. The extent to which the intensity and scale of the activity may adversely impact on the amenity values of nearby residential properties and the surrounding neighbourhood.
2. The extent to which childcare facilities are integrated into residential development.

## S32AA Evaluation

360. In my opinion, the amendment to the HRZ-R7 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:

- The additional matter of discretion recognises that the HRZ is primarily for residential development and that any non-residential activities should be encouraged to be

integrated into residential development where possible. I also consider that this change gives effect to the recommended amendment to HRZ-P14;

- The changes to HRZ-R7 are therefore more efficient and effective than the notified provisions in achieving the objectives of the plan; and
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

## Rules – HRZ-R8: Retirement villages (P1Sch1)

### Matters raised by submitters

361. WCC Environmental Reference Group [377.386] seeks retention as notified.
362. Waka Kotahi [370.355] support retention of HRZ-R8 as a restricted discretionary activity subject to their requested amendments to HRZ-P7 being accepted.
363. RVANZ [350.179 and 350.180] supports the inclusion of a retirement village specific rule, and applications under this rule being precluded from being publicly notified. However, considers that retirement villages as an activity should be a permitted activity (with the construction of the retirement villages being a restricted discretionary activity). Permitted activity status recognises that retirement villages are residential activities and provide substantial benefit in residential zones including enabling older people to remain in familiar community environments for longer (close to family and support networks), whilst also freeing up a number of dwellings located in surrounding suburbs.
364. RVANZ [350.179 and 350.180] seeks HRZ-R8 is amended to provide for retirement villages as a permitted activity, as follows:

**HRZ-R8 (Retirement village) as follows:**

1. Activity status: ~~Restricted Discretionary~~ Permitted

~~Matters of discretion are:~~

~~1. The matters in HRZ-P2, HRZ-P3 and HRZ-P7.~~

~~Notification status: An application for resource consent made in respect of rule HRZ-R8.1 is precluded from being publicly notified.~~

### Assessment

365. In response to Waka Kotahi [370.355], I do not support their proposed amendments to HRZ-P7 as outlined in paragraph 230. I note that this means the submitter no longer seeks that HRZ-R8 is retained as notified.

366. In response to RVANZ [350.179 and 350.180], I do not consider that retirement villages should be a permitted activity as they can potentially be of a large scale and accommodate many residents and support staff – a point at which the effects on the surrounding residential environment may be significant. By contrast, I am comfortable with the restricted discretionary activity status which allows each application to be assessed based on the merits of what is specifically being proposed, noting that a restricted discretionary status does not mean Retirement Villages are not supported in the zone. I further note that changing the activity status of retirement villages would also create a misalignment with HRZ-R4 as this rule only permits supported residential care activities to a maximum of 10 residents.

### Summary of recommendations

367. HS2-P2-Rec70: That submission points relating to the HRZ-R8 are accepted/rejected as detailed in Appendix B.
368. HS2-P2-Rec71: That HRZ-R8 be confirmed as notified.

### Rules – HRZ-R9: Community facility, health care facility, emergency facility, education facility (excluding child care services) (P1Sch1)

#### Matters raised by submitters

369. WCC Environmental Reference Group [377.387] seeks retention as notified.
370. Waka Kotahi [370.355] considers that in interests of amenity and services for urban environments, commercial activities should be included as a restricted discretionary activity.
371. Ministry of Education [400.104] seeks a minor amendment to refer to ‘educational facilities’ instead of ‘education facilities’.
372. Kāinga Ora [391.465] request the inclusion of commercial activities as a restricted discretionary activity, with the following amendments to HRZ-R9 requested:



**HRZ-R9 (Community facility, health care facility, emergency facility, education facility (excluding child care services)) and Commercial activities**

1. Activity status: Restricted Discretionary

Where commercial activities:

a. Are limited to the ground floor tenancy of an apartment building;

b. Have a gross floor area that does not exceed 200m<sup>2</sup>

c. Have hours of operation between:

i. 7.00am and 9.00pm Monday to Friday; and

ii. 8.00am and 7.00pm Saturday, Sunday and public holidays.

Matters of discretion are:

1. The matters in HRZ-P14.

Notification status: An application for resource consent made in respect of rule HRZ-R9.1 is precluded from being publicly notified.

## Assessment

373. In response to Waka Kotahi [370.355] and Kāinga Ora [391.465] I do not support the proposed amendments to HRZ-R9. I consider that commercial activities are already appropriately provided for in the HRZ as notified under HRZ-R10. I do not consider that commercial activities, including those of a smaller scale, should be treated in the same manner as the other activities listed in HRZ-R9.
374. There may be unanticipated incompatibility of certain commercial activities even of a small-scale and it is impractical to include an exhaustive list of acceptable commercial activities to be treated as restricted discretionary activities.
375. In response to Ministry of Education [400.104] I note that the Hearing Stream 1 s42A reporting officer recommends deletion of definition of 'Education Facility'. This proposed amendment aligns with the recommendation and I support this minor change.

## Summary of recommendations

376. HS2-P2-Rec72: That submission points relating to the HRZ-R9 are accepted/rejected as detailed in Appendix B.
377. HS2-P2-Rec73: That HRZ-R9 be amended as set out below and detailed in Appendix A.

**HRZ-R9 (Community facility, health care facility, emergency facility, educational facility (excluding child care services))**

1. Activity status: Restricted Discretionary

Matters of discretion are:

1. The matters in HRZ-P14.

Notification status: An application for resource consent made in respect of rule HRZ-R9.1 is precluded from being publicly notified.

## **Rules – HRZ-R10: All other activities (P1Sch1)**

### **Matters raised by submitters**

378. Woolworths New Zealand [370.358] and Waka Kotahi [370.358] support the retention of HRZ-R10 as notified.
379. Braydon White [146.20] and Johnathan Markwick [490.27] seek a more permissive activity status for small-scale commercial activities.

### **Assessment**

380. In response to Braydon White [146.20] and Johnathan Markwick [490.27] I do not agree for the reasons outlined above in paragraphs 373 and 374 in relation to similar submissions on HRZ-R9 relating to commercial activities.

### **Summary of recommendations**

381. HS2-P2-Rec74: That submission points relating to the HRZ-R10 are accepted/rejected as detailed in Appendix B.
382. HS2-P2-Rec75: That HRZ-R10 be confirmed as notified.

## **Rules – HRZ-R11: Maintenance and repair of buildings and structures (ISPP)**

### **Matters raised by submitters**

383. One submitter, FENZ [273.198] seeks retention as notified.

### **Assessment**

384. No further assessment is required.

## Summary of recommendations

385. HS2-P2-Rec76: HS2-P2-RecXX: That submission points relating to the HRZ-R11 are accepted/rejected as detailed in Appendix B.
386. HS2-P2-Rec77: That HRZ-R11 be confirmed as notified.

## Rules – HRZ-R12: Demolition or removal of buildings and structures (ISPP)

### Matters raised by submitters

387. FENZ [273.199] seeks retention as notified.
388. Greater Wellington Regional Council [351.259] seeks that HRZ-R12 is amended to ensure building waste is properly disposed of, through the inclusion of a rule requirement that permitted activity status is subject to building and demolition waste being disposed of at an approved facility.

### Assessment

389. In response to the GWRC submission point [351.259], I disagree with an amendment relating to the disposal of building waste at approved facilities. My reason for this is that 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.

## Summary of recommendations

390. HS2-P2-Rec78: That submission points relating to the HRZ-R12 are accepted/rejected as detailed in Appendix B.
391. HS2-P2-Rec79: That HRZ-R12 be confirmed as notified.

## Rules – HRZ-R13: Construction, addition or alteration of buildings and structures where no more than three residential units occupy the site (ISPP)

### Matters raised by submitters

392. Several submitters seek amendments to provide for construction, addition or alteration of buildings and structures as a permitted activity on sites with a greater number of existing residential units occupying the site, with various amendments proposed to HRZ-R13.
393. Khoi Phan [326.34] seeks an amendment to provide for up to ten residential units as a permitted activity.

394. Waka Kotahi [370.359 and 370.360] seek an amendment to provide for up to four residential units as a permitted activity, to better align with the outcomes of the NPS-UD. Wellington's Character Charitable Trust oppose this relief by way of further submission [FS82.146]. Kāinga Ora [391.466 and 391.467] consider that the permitted standard should be expanded to six residential units to reflect the greater scale of intensification anticipated in the HRZ. Kāinga Ora [391.466 and 391.467] seeks the following amendments to HRZ-R13:

**HRZ-R13 (Construction, addition or alteration of buildings and structures where no more than three residential units occupy the site)**

Construction, addition or alteration of buildings and structures ~~where no more than three residential units occupy the site.~~

1. Activity Status: Permitted

where:

a. There are no more than six residential units on a site; and

ab. Compliance with the following standards is achieved:

...

2. Activity status: Restricted Discretionary

Where:

a. Compliance with any of the requirements of HRZ-R13.1.a and HRZ-R13.1.b ~~cannot be~~ are not achieved.

Matters of discretion are:

1. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard; ~~and~~

2. The matters in HRZ-P2, HRZ-P3, HRZ-P4, HRZ-P5, HRZ-P8, HRZ-P9, ~~HRZ-P10~~ and HRZ-P11.; and

3. where compliance with HRZ-R13.1.a is not achieved the matters in HRZ-P6.

Notification status:

An application for resource consent made in respect of rule HRZ-R13.2.a which results from non-compliance with HRZ-S1, HRZ-S3, HRZ-S4 or HRZ-S5 is precluded from being publicly notified.

An application for resource consent made in respect of rule HRZ-R13.2.a which results from non-compliance with HRZ-S6, HRZ-S7, HRZ-S8 or HRZ-S9 or HRZ-S10 is precluded from being either publicly or limited notified.

395. Rachael Underwood [458.8] seeks that all yard setbacks should apply to residential developments and that HRZ-R13 be amended accordingly.

396. KiwiRail Holdings Limited [408.121 and 408.122] seeks incorporation of a setback from rail corridors and an additional matter of discretion that ensures the ability to safely access and maintain any building without having to access on, above or over the rail corridor as set out below. Kāinga Ora [FS89.34 and FS89.35] opposes this relief sought.

**HRZ-R13 (Construction, addition or alteration of buildings and structures where no more than three residential units occupy the site)**

Construction, addition or alteration of buildings and structures where no more than three residential units occupy the site

1. Activity status: Permitted

Where:

a. Compliance with the following standards is achieved:

i. HRZ-S1;

ii. HRZ-S3;

iii. HRZ-S4 only in relation to the rear yard and rail corridor boundary setbacks;

iv. ...

...

2. Activity status: Restricted Discretionary

Where:

a. Compliance with any of the requirements of HRZ-R13.1.a and HRZ-R13.1.b cannot be achieved.

Matters of discretion are:

1. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard;

2. The matters in HRZ-P2, HRZ-P3, HRZ-P4, HRZ-P5, HRZ-P8, HRZ-P9, HRZ-P10 and HRZ-P11.; and

3. The location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.

...

Notification status:

An application for resource consent made in respect of rule HRZ-R13.2.a which results from non-compliance with HRZ-S1, HRZ-S3, HRZ-S4 or HRZ-S5 is precluded from being publicly notified.

An application for resource consent made in respect of rule HRZ-R13.2.a which results from non-compliance with HRZ-S6, HRZ-S7, HRZ-S8 or HRZ-S9 or HRZ-S10 is precluded from being either publicly or limited notified.

## Assessment

397. In response to the submission point from Rachael Underwood [458.8], I agree with the submitter that the exclusion for side and front yards is not appropriate, noting that the current situation reflects a Council decision to exclude front and side yards from having immediate legal effect contrary to the direction in the MDRS. The removal of the exclusion for side and front yards will realign developments for up to three residential units under HRZ-R13 with the MDRS. I do note that in my assessment of submissions on HRZ-S4 in paragraph 537, I recommend no front yard setback for 1-3 residential unit developments in the HRZ.
398. In response to Khoi Phan [326.34], I disagree with the request as no compelling reason/s or section 32AA evaluation has been provided to support permitting up to 10 units per site.
399. I disagree with the amendment requested by Kāinga Ora [391.467] as I do not consider that the amendments are necessary for the following reasons:
- I do not consider that a permitted threshold of six residential units is appropriate. This number of residential units represents a scale of development that can result in adverse effects in terms of poor design outcomes as a result of not being assessed through a resource consent process.
  - Replacing 'cannot be' with 'are not' is not necessary.
  - HRZ-P6 relates to multi-unit developments only, with these addressed under HRZ-R14.
400. In response to Waka Kotahi [370.360] I do not support an increase in the permitted number of residential units provided for as a permitted activity for the same reasons outlined above in paragraph 399 in response to Kāinga Ora.
401. I agree in part with Kiwirail Holdings [408.121 and 408.122]. As discussed later in this report, under HRZ-S4, I agree that a setback of 1.5m from the rail corridor is acceptable. However, I do not agree that a note is needed in HRZ-R13 as I consider that stating compliance with the standard covers this. I agree with Kiwirail Holdings to add a new matter of discretion. This is recommended only if the panel accept my recommendation under HRZ-S4 to apply a 1.5m setback from the rail corridor.

## Summary of recommendations

402. HS2-P2-Rec80: That submission points relating to the HRZ-R13 are accepted/rejected as detailed in Appendix B.

403. HS2-P2-Rec81: That HRZ-R13 be amended as set out below and detailed in Appendix A.

**HRZ-R13 (Construction, addition or alteration of buildings and structures where no more than three residential units occupy the site)**

1. Activity status: Permitted

Where:

a. Compliance with the following standards is achieved:

i. HRZ-S1;

ii. HRZ-S3;

iii. HRZ-S4 ~~only in relation to the rear yard boundary setbacks;~~

iv. ...

(...)

2. Activity status: Restricted Discretionary

Where:

a. Compliance with any of the requirements of HRZ-R13.1.a cannot be achieved.

Matters of discretion are:

1. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard; ~~and~~

2. The matters in HRZ-P2, HRZ-P3, HRZ-P4, HRZ-P5, HRZ-P8, HRZ-P9, HRZ-P10 and HRZ-P11.; and

3. The location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.

(...)

## Rules – HRZ-R14: Construction of buildings or structures for multi-unit housing or a retirement village (ISPP)

### Matters raised by submitters

404. Several submitters [350.181; 370.361; 391.468] seek retention as notified.
405. Waka Kotahi [370.361] note support for the construction of multi-unit houses as a Restricted Discretionary Activity, subject to their amendments sought to relevant standards, objectives, and policies referred to in the rule.
406. Khoi Phan [326.35] seeks a permitted activity status for the construction of buildings or structures for multi-unit housing or a retirement village.
407. Stratum Management Limited [249.21] seeks an exclusion from public or limited notification when an application made under HRZ-R14.1 meets the relevant standards. Further submissions [FS126.210 and FS128.210] support this relief sought.
408. WCC [266.144] considers the notification clauses for 4 or more household units need to align with Schedule 3A, clause 5 of the RMA. Further submissions [126.242 and FS128.242] support this relief sought. WCC [266.144] seek the following amendments to HRZ-R14:

Amend the notification clause of HRZ-R14 (Construction of buildings or structures for multi-unit housing or a retirement village) as follows:

Notification status: An application for resource consent made in respect of rule HRZ-R14.1 is precluded from being publicly notified.

An application for resource consent made in respect of rule HRZ-R14.1 which results from non-compliance with HRZ-S2, HRZ-S3, HRZ-S4 or HRZ-S5 is precluded from being publicly notified.

An application for resource consent made in respect of rule HRZ-R14.1 which results from non-compliance with HRZ-S12, HRZ-S13 or HRZ-S14 is precluded from being either publicly or limited notified.



409. RVANZ [350.182, 350.183 and 350.184] seek amendments to the matters of discretion to reflect the specific effects of retirement villages and exclusions to notification subject to compliance with specified standards. RVANZ [350.182, 350.183 and 350.184] seek the following amendments to HRZ-R14:

**HRZ-R14 (Construction of buildings or structures for multi-unit housing or a retirement village)**

1. Activity status: Restricted Discretionary

Matters of discretion are:

1. ...

2. For multi-unit housing only, the ~~The~~ matters in HRZ-P2, HRZ-P3, HRZ-P5, HRZ-P6, HRZ-P7, HRZ-P8, HRZ-P10 and HRZ-P11.

3. For retirement villages:

i. The effects of the retirement village on the safety of adjacent streets or public open spaces;

ii. The extent to which articulation, modulation and materiality addresses adverse visual dominance effects associated with building length;

iii. The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;

iv. When assessing the matters in 1(i - ii), and 1(vi – viii); and 4(i-iii), consider:

a. The need to provide for efficient use of larger sites; and

b. The functional and operational needs of the retirement village.

v. The positive effects of the construction, development and use of the retirement village.

~~The matters in HRZ-P13 where the development comprises 25 or more residential units; or exceeds the maximum height requirement by 25% or more.~~

For clarity, no other rules or matters of discretion relating to the effects of density apply to buildings for a retirement village.

Notification status: An application for resource consent made in respect of rule HRZ-R14.1 is precluded from being publicly notified.

An application for resource consent for a retirement village where compliance is achieved with HRZ-S2, HRZ-S3, HRZ-S15 and HRZ-S17 is precluded from being limited notified.

410. Kāinga Ora [391.469] seeks removal of multi-unit housing from HRZ-R14 and various amendments to HRZ-R14 on the basis that the rule would apply only to retirement villages following the Kāinga Ora submission in relation to HRZ-R13. RVANZ [FS126.142 and FS128.142] support this submission to the extent it aligns with each submitter's primary submission. Kāinga Ora [391.469] seeks the following amendments to HRZ-R14:

**HRZ-R14 (Construction of buildings or structures for multi-unit housing or a retirement village)**

Construction of buildings for ~~multi-unit housing or~~ a retirement village

1. Activity status: Restricted Discretionary

Matters of discretion are:

1. The extent and effect of non-compliance with any of the follow standards as specified in the associated assessment criteria for any infringed standard:

i. HRZ-S2;

ii. HRZ-S3;

iii. HRZ-S12 ~~for multi-unit housing only;~~

iv. HRZ-S13 ~~for multi-unit housing only;~~

v. HRZ-S14 ~~for multi-unit housing only;~~

~~vi.~~ iv. HRZ-S15;

~~vii.~~ v. HRZ-S16; and

~~viii.~~ vi. HRZ-S17.

2. The matters in HRZ-P2, HRZ-P3, ~~HRZ-P5~~, HRZ-P6, HRZ-P7, HRZ-P8, ~~HRZ-P10~~ and HRZ-P11.

~~3. The matters in HRZ-P13 where the development comprises 25 or more residential units; or exceeds the maximum height requirement by 25% or more.~~

Notification status: An application for resource consent made in respect of rule HRZ-R14.1 is precluded from being publicly notified.

An application for resource consent made in respect of rule HRZ-R14 that complies with the relevant standards is precluded from public and limited notification.

411. SSNZ Wellington [439.40] seek removal of HRZ-P8 as a matter of discretion on the basis that council’s scope for a restricted discretionary activity is too broad. SSNZ Wellington [439.41] also considers that preclusion from public notification only does not comply with Clause 5(2) of Schedule 3A, which requires both limited and public notification be excluded for any resource consent for 4+ units that comply with the MDRS. RVANZ [FS126.212] and Ryman Healthcare [FS128.212] support the relief sought in this submission to the extent it is consistent with their primary submissions.
412. SSNZ Wellington [439.40] seeks amendments to HRZ-R14 as follows:

**Rule HRZ-R14 (Construction of buildings or structures for multi-unit housing or a retirement village)**

Notification status: An application for resource consent made in respect of rule HRZ-R14.1 is precluded from being publicly notified.

An application for resource consent made in respect of rule HRZ-R14.1 is precluded from being limited notified where the proposal complies with HRZ-S2 to HRZ-S9.

An application for resource consent made in respect of rule HRZ-R14.1 is precluded from being limited notified where the proposal complies with HRZ-S2 to HRZ-S5 and HRZ-S12 to HRZ-S17.

### Assessment

413. I disagree with Khoi Phan [326.35] as I consider that the restricted discretionary activity status is appropriate given the potential major adverse effects that can result from multi-unit housing or retirement villages. In my view, requiring an individualised assessment based on the merits of what is specifically being proposed is justified.
414. In response to Stratum Management Limited [249.21], WCC [266.144], RVANZ [350.182, 350.183 and 350.184], Kāinga Ora [391.469], SSNZ Wellington [439.40] who are all seeking amendments to the notification provisions for multi-unit housing, I agree that amendments are required to better reflect the notification exclusions required to comply with the Act, as set out in the recommendation section below. I agree that an application for resource consent made in respect of rule HRZ-R14.1 should be precluded from being limited notified where the proposal complies with MDRS as this reflects the requirements of the Act.
415. I disagree with RVANZ [350.182, 350.183 and 350.184], who consider that the Matters of Discretion in HRZ-R14 are not appropriate for retirement villages. I consider that the matters in the Transport Chapter, the Residential Design Guides, and in HRZ-P7 adequately address the requested matters of discretion and that there are no benefits to listing specific matters in HRZ-R14. Further, I consider the proposed matters of discretion allow reasonable scope for a processing planner to determine the level of adverse effects that are acceptable. In response to RVANZ [350.182, 350.183 and 350.184] I do support minor amendments to clarify exclusions for matters of discretion that apply to retirement villages.

416. In response to Kāinga Ora [391.469] I do not agree with the amendments sought that result in HRZ-R14 only applying to retirement villages as I am of the opinion that multi-unit housing is a scale of development that may have adverse effects on the environment that should be considered through the consenting process.
417. I disagree with the SSNZ Wellington [439.40], who consider councils scope in the matters of discretion is too broad. I am of the opinion that the matters of discretion proposed are appropriate as they provide scope for Council to consider the varied applications anticipated under HRZ-R14 and are relevant considerations given the nature of the activity.

### **Summary of recommendations**

418. HS2-P2-Rec82: That submission points relating to the HRZ-R14 are accepted/rejected as detailed in Appendix B.

419. HS2-P2-Rec83: That HRZ-R14 be amended as set out below and detailed in Appendix A.

**HRZ-R14 (Construction of buildings or structures for multi-unit housing or a retirement village)**

Construction of buildings for multi-unit housing or a retirement village

1. Activity status: Restricted Discretionary

Matters of discretion are:

1. The extent and effect of non-compliance with any of the follow standards as specified in the associated assessment criteria for any infringed standard:

i. HRZ-S2;

ii. HRZ-S3;

iii. HRZ-S12 for multi-unit housing only;

iv. HRZ-S13 for multi-unit housing only;

v. HRZ-S14 for multi-unit housing only;

iv. HRZ-S15;

v. HRZ-S16; and

vi. HRZ-S17.

2. The matters in HRZ-P2, HRZ-P3, HRZ-P5, HRZ-P6 (for multi-unit housing only), HRZ-P7 (for retirement villages only), HRZ-P8, HRZ-P10 and HRZ-P11.

3. The matters in HRZ-P13 where the development comprises 25 or more residential units; or exceeds the maximum height requirement by 25% or more.

Notification status: An application for resource consent made in respect of rule HRZ-R14.1 is precluded from being publicly notified.

An application for resource consent made in respect of rule HRZ-R14.1 that complies with all relevant standards is also precluded from being limited notified.

An application for resource consent made in respect of rule HRZ-R14.1 that complies with HRZ-S2, HRZ-S3.1, and HRZ-S4, but does not comply with one or more of the other relevant standards is also precluded from being limited notified.

## S32AA Evaluation

420. In my opinion, the amendment to the HRZ-R14 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:

- The preclusion of limited and public notification aligns the PDP with the requirements under Clause 5 of Schedule 3A of the RMA. The changes are therefore more efficient and effective than the notified provisions in achieving the objectives of the plan; and
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

## Rules – HRZ-R16: Buildings and structures on or over a legal road (P1Sch1)

### Matters raised by submitters

421. Kāinga Ora [391.470] seeks retention as notified.
422. WCC [266.145] seeks provision for small retaining wall structures (less than 1.5m) on a legal road as a permitted activity to reduce consenting requirements and because these structures can be adequately managed under the encroachment licence process. WCC [266.145] seeks the following amendments to HRZ-R16:

**HRZ-R16 (Buildings and structures on or over a legal road)**

...

1. Activity status: Permitted

Where:

a. It is a retaining wall of less than 1.5m in height above ground level.

~~2. Activity Status: Restricted Discretionary~~

Where: 1. Compliance with any of the requirements of HRZ-R16.1.a cannot be achieved. (...)

423. FENZ [273.201] seek an additional matter of discretion that includes consideration of maintaining the ability for emergency services, including fire appliances, to access the property for firefighting purposes. FENZ [273.201] seeks the following amendments to HRZ-R16:

**HRZ-R16 (Buildings and structures on or over a legal road)**

...

Matters of discretion are restricted to:

...

3. Maintaining safe access and safety for road users, including pedestrians; ~~and~~

4. The matters in HRZ-P8, HRZ-P10 and HRZ-P11.; and

5. Maintaining the ability for emergency services, including fire appliances, to access the property for firefighting purposes.

424. Further submitters [FS126.39 and FS128.39] object to this relief sought by FENZ due to matters relating to firefighting and associated services being already provided for under the Building Act.
425. Waka Kotahi [370.363] seeks inclusion of a requirement to provide written approval from them authorising any building or structure proposed to be located on any legal road they control to ensure visibility over the road corridor.

### Assessment

426. I agree with the relief sought by WCC [266.145] as I consider the requested amendment will reduce consenting requirements when retaining walls less than 1.5m in height are proposed on or over a legal road. I also concur with WCC that structures on legal road are also currently covered by the encroachment licencing process.
427. I support the additional matter of discretion sought by FENZ [273.201] due to the importance of maintaining access and efficient operation of emergency services to provide for public safety. I note that further submitters [FS126.38 and FS128.38] have raised that the Building Act adequately manages this issue but am of the view that the potential for minor duplication in this instance is acceptable given the importance of this issue.
428. I do not agree with Waka Kotahi [370.363] that inclusion of a requirement for it to provide written approval from authorising any building or structure proposed to be located on legal road they control is necessary. In any situation where a resource consent holder that is not the owner of land the consent relates to, the consent holder would require approval from the landowner prior to giving effect to the consent. A similar matter arises when WCC is both the consenting authority and asset owner of legal road, where an approved resource consent does not constitute landowner approval from WCC.

### Summary of recommendations

429. HS2-P2-Rec84: That submission points relating to the HRZ-R16 are accepted/rejected as detailed in Appendix B.

430. HS2-P2-Rec85: That HRZ-R16 be amended as set out below and detailed in Appendix A.

**HRZ-R16 (Buildings and structures on or over a legal road)**

...

1. Activity status: Permitted

Where:

a. It is a retaining wall of less than 1.5m in height above ground level.

~~2.~~ 2. Activity Status: Restricted Discretionary

Where: 1. Compliance with any of the requirements of HRZ-R16.1.a cannot be achieved.

Matters of discretion are restricted to:

...

3. Maintaining safe access and safety for road users, including pedestrians; ~~and~~

4. The matters in HRZ-P8, HRZ-P10 and HRZ-P11.; and

5. Maintaining the ability for emergency services, including fire appliances, to access the property for firefighting purposes.

Notification status: An application for resource consent made in respect of rule HRZ-R16.1 is precluded from being publicly notified.

### S32AA Evaluation

431. In my opinion, the amendment to the HRZ-R16 is more appropriate in achieving the objectives of the plan than the notified provisions, I consider that:

- The proposed additions will:
  - i. Reduce unnecessary resource consenting costs while not increasing adverse effects;
  - ii. Ensure emergency services will not be constrained from accessing property, thereby ensuring the safety of the public;
- The changes are therefore more efficient and effective than the notified provisions in achieving the objectives of the plan; and
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

### Rules – HRZ-R17: Construction of any other building or structure, including additions and alterations (P1Sch1)

#### Matters raised by submitters

432. FENZ [273.202] seeks retention as notified.



433. Kāinga Ora [391.472] seeks amendments to remove of a number of the permitted standards and to reduce the matters of discretion as consequential changes to reflect the amendments sought by the submitter on other parts of the PDP. Further submitters [FS126.143 and FS128.143] support this relief. Kāinga Ora [391.472] seeks amendments to HRZ-R17 as follows:

**HRZ-R17 (Construction of any other building or structure, including additions and alterations)**

Activity status: Permitted

Where:

a. Compliance with the following standards is achieved:

~~i. HRZ-S1;~~

~~ii. HRZ-S2;~~

~~iii.i. HRZ-S3;~~

~~iv.ii. HRZ-S4;~~

~~v.iii. HRZ-S5;~~

~~vi.iv. HRZ-S10; and~~

~~vii.v. HRZ-S12;~~

~~viii. HRZ-S13;~~

~~ix. HRZ-S14;~~

~~x. HRZ-S15;~~

~~xi. HRZ-S16; and~~

~~xii. HRZ-S17.~~

2. Activity status: Restricted Discretionary

where:

a. Compliance is not achieved with any of the requirements of HRZ-R17.1.a ~~cannot be achieved~~.

Matters of discretion are:

1. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard;
2. The matters in HRZ-P9, ~~HRZ-P10~~, HRZ-P11 and HRZ-P14; and
3. The matters in ~~HRZ-P6~~, HRZ-P7 and HRZ-P8 for additions and alterations to ~~multi-unit housing or~~ a retirement village.

434. RVANZ [350.186] seeks amendments to the matters of discretion to reflect the specific effects of retirement villages. RVANZ also seeks that any application for resource consent for additions and alterations to a retirement village where compliance is achieved with specified standards is precluded from being limited notified. RVANZ seeks the following amendments to HRZ-R17:

**HRZ-R17 (Construction of any other building or structure, including additions and alterations)**

2. Activity status: Restricted Discretionary

Where:

...

2. The matters in HRZ-P9, HRZ-P10, HRZ-P11 and HRZ-P14 (this clause is not applicable to retirement villages); ~~and~~

3. The matters in HRZ-P6, HRZ-P7 and HRZ-P8 for additions and alterations to multi-unit-housing; ~~or a retirement village~~; and

4. For additions and alterations to retirement villages:

i. The effects of the retirement village on the safety of adjacent streets or public open spaces;

ii. The extent to which articulation, modulation and materiality addresses adverse visual dominance effects associated with building length;

iii. The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;

iv. When assessing the matters in 1(a)(i) – (v), and 2(a)(4)(i) –(iii), consider:

a. The need to provide for efficient use of larger sites; and

b. The functional and operational needs of the retirement village.

v. The positive effects of the construction, development and use of the retirement village.

For clarity, no other rules or matters of discretion relating to the effects of density apply to buildings for a retirement village.

Notification status: An application for resource consent made in respect of rule HRZ-R17.2.a is precluded from being publicly notified.

An application for resource consent for additions and alterations to a retirement village where compliance is achieved with HRZ-S2, HRZ-S3, HRZ-S15 and HRZ-S17 is precluded from being limited notified.

## Assessment

435. I disagree with the RVANZ [350.186], who request specific matters of discretion for retirement villages for the reasons stated under HRZ-R14 in paragraph 415. I do however support amendments to improve clarity on the application of HRZ-R17 in relation to retirement villages.
436. I agree in part with RVANZ [350.186] regarding the point on limited notification preclusions. However, I consider this relates to all activities under HRZ-R17, not just retirement villages. Therefore, I recommend that the notification preclusion is amended so that any activity under HRZ-R17 which complies with standards HRZ-S2, HRZ-S3, HRZ-S15 and HRZ-S17, is precluded from limited notification and public notification as this change better aligns with Clause 5 of Schedule 3A of the RMA.
437. Any additional adverse effects arising from not complying with the remaining relevant standards are internal to the site and would never warrant limited notification.
438. In response to Kāinga Ora [391.472], I agree that amendments are needed, but more for the reason of improved clarity to inform application of the rule rather than in response to the reasons outlined by Kāinga Ora for the amendments sought to HRZ-R14 and other HRZ provisions. HRZ-R17 applies to all buildings and structures on a site in HRZ that contains 4 or more residential units, and also applies to additions and alterations to multi-unit housing and retirement villages. Therefore, appropriately targeted standards and policies need to be referenced in the rule, and clarification provided where any exceptions apply. I do not consider it necessary to reference HRZ-S1 as HRZ-R13 sufficiently covers all matters relating to sites where no more than three residential units occupy the site. HRZ-S2 is the appropriate height standard to reference for activities covered by HRZ-R17. I consider that amendments are necessary to clarify which standards and matters of discretion apply only to multi-unit housing and/or retirement villages. I also consider that replacing 'cannot be' with 'are not' is not necessary noting that 'cannot be' has been used throughout the entire PDP.

## Summary of recommendations

439. HS2-P2-Rec86: That submission points relating to the HRZ-R17 are accepted/rejected as detailed in Appendix B.
440. HS2-P2-Rec87: That HRZ-R17 be amended as set out below and detailed in Appendix A.

**HRZ-R17 (Construction of any other building or structure, including additions and alterations)**

Activity status: Permitted

Where:

a. Compliance with the following standards is achieved:

~~i. HRZ-S1;~~

ii. HRZ-S2;

~~iii.i. HRZ-S3;~~

~~iv.ii. HRZ-S4;~~

~~v.iii. HRZ-S5;~~

~~vi.iv. HRZ-S10;~~

vii.v. HRZ-S12 (for multi-unit housing only);

viii. HRZ-S13 (for multi-unit housing only);

ix. HRZ-S14 (for multi-unit housing only);

x. HRZ-S15 (for multi-unit housing and retirement villages only);

xi. HRZ-S16 (for multi-unit housing and retirement villages only); and

xii. HRZ-S17 (for multi-unit housing and retirement villages only).

2. Activity status: Restricted Discretionary

where:

a. Compliance with any of the requirements of HRZ-R17.1.a. cannot be achieved

Matters of discretion are:

1. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard;

2. The matters in HRZ-P9, HRZ-P10, HRZ-P11 and HRZ-P14;~~and~~

3. The matters in HRZ-P6,~~HRZ-P7~~ and HRZ-P8 for additions and alterations to multi-unit-housing; and/or a retirement village.

4. The matters in HRZ-P7 and HRZ-P8 for additions and alterations to a retirement village.

Notification status: An application for resource consent made in respect of rule HRZ-R17.2.a is precluded from being publicly notified.

An application for resource consent for additions and alterations to a retirement village where compliance is achieved with HRZ-S2, HRZ-S3, HRZ-S15, HRZ-S16, and HRZ-S17 is precluded from being limited notified.

## S32AA Evaluation

441. In my opinion, the amendment to the HRZ-R17 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:
- Amendments to HRZ-R17 ensures appropriate targeted standards and policies are referenced, provides greater clarity and improves ease of plan implementation;
  - The preclusion of limited notification for additions and alterations to multi-unit housing and retirement homes better aligns the PDP with the requirements under Clause 5 of Schedule 3A of the RMA. The changes are therefore more efficient and effective than the notified provisions in achieving the objectives of the plan; and
  - The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

### Rules – Proposed new rules

#### Matters raised by submitters

442. FENZ [273.190] seeks a new rule to provide for Emergency Service Facilities as a permitted activity in High Density Residential Zone.
443. Phillippa O'Connor [289.28] seeks a new rule to allow commercial activities to be able to establish within residential zones, and that the list of permitted activities is too small and should have a baseline of 100m<sup>2</sup> for dairies, restaurants and cafes. The submitter seeks the following new rule be included in the HRZ:

HRZ-R11 – Dairies, cafes and restaurants

1. Activity status: Restricted Discretionary

Where:

- a. The maximum GFA is 100m<sup>2</sup>

Matters of discretion are:

1. Infrastructure and servicing

2. Effects on neighbourhood character, residential amenity, safety and the surrounding residential area from building scale, form and appearance; traffic; noise; lighting; and hours of operation

444. Waka Kotahi [370.327] similarly seeks a new rule to provide for mixed use development in multi-unit housing that supports the outcomes of the zone and in the NPS-UD.

HRZ-R2x Commercial activities

Activity status: Permitted

Where

- a. They are integrated into a multi-unit residential development;
- b. In apartment buildings, commercial activities are at street level.

445. GWRC [351.10] considers that the Residential Design Guide is not referenced in any rules for the HRZ and seeks that the Design Guides are included in all necessary rules across chapters.

### Assessment

446. In response to FENZ [273.190], emergency facilities are already provided for under HRZ-R9 as a restricted discretionary activity. This activity status is most appropriate given the unknown effects that emergency facilities could have on the residential environment. Additionally, a restricted discretionary activity status does not preclude emergency facilities.
447. In response to Phillippa O'Connor [289.28] and Waka Kotahi [370.327] who seek similar relief in the form of a new rule permitted some form of commercial activities in HRZ, I disagree with this proposed amendment as commercial activities are appropriately provided for under HRZ-10 as Discretionary Activities that can be considered on the merits due to the potential effects on the surrounding residential environment that could arise given the non-residential nature of these activities. However, if the Panel were of a mind to grant relief in relation to this matter, I would suggest the following amendment:

HRZ-R11 – Dairies and cafes

1. Activity status: Restricted Discretionary

Where:

- i. The maximum GFA is 100m<sup>2</sup>
- ii. Hours of operation are between 0600 and 0900.

Matters of discretion are:

1. The extent to which the intensity and scale of the activity may adversely impact on the amenity values of nearby residential properties and the surrounding neighbourhood.

448. In response to GWRC [351.10] I consider that the inclusion of the Residential Design Guide in policies HRZ-P6 and HRZ-P7 and as a matter of discretion including for developments of 4 or more residential units adequately imbeds the design guide into the HRZ. I do not agree that the Residential Design Guide needs to be explicitly referenced in any additional rules.

## Summary of recommendations

449. HS2-P2-Rec88: That submission points relating to new HRZ rules are accepted/rejected as detailed in Appendix B.
450. HS2-P2-Rec89: That no new rules are included in the HRZ.

### Standards – HRZ-S1: Building height control 1 where no more than three residential units occupy the site (ISPP)

#### Matters raised by submitters

451. A number of submitters [212.6, 212.7, 289.32, and 289.33] seek various amendments to HRZ-S1.
452. A number of submitters [including 42.6, 109.3, and 111.7] seek a transition zone of MRZ when HRZ borders character or heritage areas, or reductions.
453. LIVE WELLington [154.8] seek HRZ-S1.3 is amended to apply to open space zone within 50m.
454. WCC [266.146] seeks amendments to the exemptions to HRZ-S1 to enable minor building height limit intrusions to accommodate elements such as solar panels and heating components, satellite dishes, chimneys, decorative features. WCC seek the following amendments to HRZ-S1:

**HRZ-S1 (Building height control 1 where no more than three residential units occupy the site)**

(...)

This standard does not apply to:

- a. Fences or standalone walls;
- b. Solar panel and heating components attached to a building provided these do not exceed the height by more than 500mm;
- c. 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 height by more than 1m measured vertically;
- d. Multi-unit housing; and
- e. Retirement villages.

455. FENZ [273.204] seek a height exemption for hose drying towers associated with a fire station.

456. Phillippa O'Connor [289.33] seeks that HRZ-S1 and HRZ-S2 are combined with a single height limit regardless of the number of residential units existing or proposed on a site.
457. Waka Kotahi [307.364] seeks an increased permitted height of 14 metres and that HRZ-S1 be amended to apply to up to four residential units.
458. Khoi Phan [326.36] seeks a permitted height of 15m and removal of the roof slope component of the standard as follows:

**HRZ-S1 (Building height control 1 where no more than three residential units occupy the site)**

1. Buildings and structures must not exceed ~~11~~ 15 metres in height above ground level, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, ~~where the entire roof slopes 15° or more~~, as shown in Diagram 5 below:

...

459. Kāinga Ora [391.474] considers that amendments are required to allow this standard to apply to all residential units regardless of how many residential units are on a site and to be more enabling for residential units located within close proximity to train stations and local centres. Kāinga Ora [391.474] also seek amendments to align with the NPS-UD Policy 3 which enables building heights and density of urban form to realise as much development capacity as possible, particularly within walkable distances of existing and planned rapid transit stops and amenities such as local centres. A significant number of further submitters [FS37.19, FS38.13, FS80.16, FS82.104, FS84.33, FS94.19, FS117.34] oppose the relief sought by Kāinga Ora. Kāinga Ora [391.474] also seek the addition of wind effects as an assessment criteria.



460. Kāinga Ora [391.474] seek amendments to HRZ-S1 as follows:

**HRZ-S1 (Building height control 1 where no more than three residential units occupy the site)**

Building height control 1 ~~where no more than three residential units occupy the site~~

1. Buildings and structures must meet the following requirements:

a. not exceed ~~11~~ 22 metres in height above ground level, except that:

i. This can be extended to 43m where Buildings and Structures are located within 400m of the CCZ; and

ii. This can be extended to 36m where Buildings and Structures are located between 400m-800m of the CCZ or 400m of the MCZ; and

iii. This can be extended to 29m where Buildings and Structures are located within 400m from Miramar Town Centre and 50m adjoining the Tawa MUZ extension, within 400m of the Tawa Town Centre Zone and 36m within 400m of the Newtown Town Centre Zone; and

b. in all other cases 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more, as shown in Diagram 5 below:

Except where:

[diagram]

This standard does not apply to:

a. Fences or standalone walls.

b. Solar panel and heating components attached to a building provided these do not exceed the height by more than 500mm; and

c. 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 height by more than 1m.

Assessment criteria where the standard is infringed:

1. Streetscape and visual amenity effects;

2. Dominance, privacy and shading effects on adjoining sites; ~~and~~

3. Effects on the function and associated amenity values of any adjacent open space zone-; and

4. Wind effects

## Assessment

461. A number of submitters seek a transition zone of MRZ when HRZ borders character or heritage areas, or a reduction to the permitted heights.

462. Council in its summary of submissions and decisions sought document 'allocated' a number of submission points relating to the need for a 'transition zone' of medium density residential zone between character precincts, heritage areas and heritage buildings to HRZ-S1. As the

relief sought is more appropriately related to rezoning this matter is not addressed in response to changes sought to HRZ-S1 and this matter is considered in the General Submissions section of this report, with the extent of the zones a result of implementing the direction of Policy 3 of the NPS-UD already addressed in Hearing Stream 1.

463. Council in its summary of submissions and decisions sought also allocated submission points to HRZ-S1 that seek a reduction in permitted height limits in relation to specific sites and areas of the city. These individual site and area specific requests are discussed in the Site Specific Rezoning or Reduced Height Requests section of this report.
464. I do not support the amendment sought by LIVE WELLington [154.8] to amend HRZ-S1 assessment criteria 3 to apply to open space zone within 50m as no compelling evidence has been provided that a building over 11m would have potential adverse effects on open space located 50m away.
465. In response to WCC [266.146] who seeks amendments to the exemptions to HRZ-S1 to enable minor building height limit intrusions, I support the proposed exclusions as the exclusions will not result in additional unacceptable adverse effects and will reduce unnecessary resource consenting costs. The proposed amendments also clarify that the standard does not apply to multi-housing units or retirement villages.
466. I do not agree with FENZ [273.204] that a height exemption for hose drying towers associated with a fire station is necessary. Over-height structures may have adverse effects that should be considered through a consenting process. I also do not anticipate that consents for hose drying towers will be frequently needed so will not result in a significant cost or delay to FENZ.
467. In response to Kāinga Ora [391.474], it is unnecessary, in my view, for HRZ-S1 be amended to apply to any number of buildings as the two height control standards, HRZ-S1 and HRZ-S2 provide a clear distinction between height limits for multi-units and retirement villages, and other lower density buildings. I consider that the HRZ and HRZ-S1 as notified appropriately implement the requirements of the NPS-UD and MDRS with residential developments of 4 or more residential units and of heights that exceed the number of buildings storeys required to be enabled having the potential for adverse effects that necessitates consideration through a consenting process. Furthermore, residential capacity modelling has been carried out across the city which found that the PDP enables sufficient housing to meet projected future demand. The extent of the HRZ throughout the areas described, and throughout the entire city, have been informed by several factors including Clause 5 of Schedule 3A of the RMA, Policy 3 of the NPS-UD, the Housing and Business Capacity Assessments and the walkable catchment analysis detailed in Hearing Stream 1.
468. In response to Kāinga Ora's [391.474] submission point on consideration of wind effects, I do not support this addition for the reasons outlined in the General Submissions section of this report, in summary I do not consider that compelling evidence or s32AA assessment has been provided by submitters to support any amendments in relation to wind effects as part of this

report. On that basis, I recommend that further consideration of submissions in relation to wind effects is deferred to the wind topic in Hearing Stream 4.

469. In response to Phillippa O'Connor [289.33], Waka Kotahi [307.364] and Khoi Phan [326.36] who similarly seek amendments to provide for a greater number of permitted residential units, I do not support any amendment for the reasons outlined above in response to Kāinga Ora.
470. I do agree with submitters that in the HRZ providing for a greater permitted height for 1-3 residential units is appropriate, particularly given the maximum height standard for 4 or more residential unit developments allows for a building height of 21m. I do not consider 21m is appropriate as a permitted height for 1-3 residential units, however I am of the opinion that consistency with the additional height provided for in the HRZ (HRZ-S2.1b) in areas considered suitable for increases in height limits based on factors such as accessibility to public transport and commercial centres. I support that HRZ-S1 be amended to increase the permitted height for 1-3 residential units in HRZ to 14m.
471. In response to Khoi Phan [326.36] seeking deletion of the 'roof slope' aspect of the allowable height exceedance, no compelling evidence is presented to support taking a more enabling approach than the MDRS and consequently I do not support this.

### Summary of recommendations

472. HS2-P2-Rec90: That submission points relating to the HRZ-S1 are accepted/rejected as detailed in Appendix B.
473. HS2-P2-Rec91: That HRZ-S1 be amended as set out below and detailed in Appendix A.

**HRZ-S1 (Building height control 1 where no more than three residential units occupy the site)**

1. Buildings and structures must not exceed ~~11~~ 14 metres in height above ground level, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more, as shown in Diagram 5 below:

[Consequential amendments to Diagram]

This standard does not apply to:

- a. Fences or standalone walls;
- b. Solar panel and heating components attached to a building provided these do not exceed the height by more than 500mm;
- c. 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 height by more than 1m measured vertically;
- d. Multi-unit housing; and
- e. Retirement villages.

**Standards – HRZ-S2: Building height control 2 for multi-unit housing or a retirement village (ISPP)**

**Matters raised by submitters**

474. Several submitters [273.205, 350.187, 370.366, 405.56, 490.28, 490.29] seek HRZ-S2 is retained as notified.
475. A significant number of submitters seek a reduction of the 21m permitted height control for a variety of reasons including areas of steep topography to manage effects of high-density residential buildings on adjoining properties access to sunlight, with a number of submitters requesting a reduction in permitted height for specific areas. Further submitters both support and oppose one or more of the submissions seeking a reduction in the maximum permitted height.
476. FENZ [273.206] also seek an exemption to accommodate hose drying towers associated with emergency service facilities of up to 15 metres in height.
477. Phillippa O'Connor [289.35], consistent with the submitter's requested amendments to HRZ-P1, seeks that HRZ-S1 and HRZ-S2 are combined with a single height limit regardless of the number of residential units existing or proposed on a site.
478. Several submitters seek an increase to the permitted height to a range of proposed heights.
479. Khoi Phan [326.37] seeks a permitted maximum height of 30 metres.

480. Waka Kotahi [370.367] seeks a permitted height of 42 metres on the basis that up to 12 storeys is appropriate in certain areas where the density is supported by services. Waka Kotahi also seek an additional assessment criteria to be added to HRZ-S2 being, *'contribution to built urban form and outcomes sought under the NPS-UD.'*
481. Kāinga Ora [391.474] seek deletion of HRZ-S2 in its entirety, subject to the acceptance of proposed amendments to HRZ-S1 to allow that standard to apply to all building heights. They oppose the provision of two entirely separate height standards based on the number of residential units on or proposed for a site. GWRC [FS84.34] oppose the relief sought by Kāinga Ora as it considers that enabling a greater scale of intensification with no ability to consider potential effects on water bodies and freshwater ecosystems, and that any further intensification will not be feasible unless there is investment in associated infrastructure.
482. Willis Bond and Company Limited [416.84] seeks amendments to the exemptions to HRZ-S1 to enable minor building height limit intrusions to enable development above the façade height to encourage a variety of building and roof designs as set out below.

**HRZ-S2 (Building height control 2 for multi-unit housing or a retirement village)**

1. Buildings and structures must not exceed 21 metres in height above ground level.

This standard does not apply to:

...

b. Solar panel and heating components attached to a building provided these do not exceed the height by more than 500mm; and

c. 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 height by more than 1m;

d. Circumstances where up to 50% of a building's roof in elevation exceeds the maximum height where the entire roof slopes 15° or more; or

e. Circumstances where, in respect of flat roofs or roofs sloping less than 15°, non-habitable rooms (such as plant rooms) and other roof-top structures may exceed the height, provided those structures are set back from the leading edge of the parapet by at least 2 metres and do not exceed 50% of the overall roof area.

...

## Assessment

483. Similar to HRZ-S1, a number of submitters seek a transition zone of MRZ when HRZ borders character or heritage areas, or a rezoning to MRZ or reductions in the permitted height for individual sites or areas for a range of reasons. For the same reasons in response to the matter

in the assessment section for HRZ-S1, I do not address rezoning requests as part of considering changes to HRZ-S2.

484. Submissions that seek a reduction in permitted height limits in relation to specific sites and areas of the city are not considered in detail in relation to HRZ-S2. These site and area specific requests are addressed in the general section of this report.
485. In response to submitters that seek a reduction in the permitted height of 21m, I do not support any reduction in 21m as this building height is necessary to accommodate the mandatory 6-storey buildings in the HRZ in implementing Policy 3 of the NPS-UD.
486. In response to WCC [266.146] who seek amendments to the exemptions to HRZ-S1 to enable minor building height limit intrusions, I support the proposed exclusions as they address an apparent drafting oversight and will not result in additional unacceptable adverse effects and will reduce unnecessary resource consenting costs. The proposed amendments also clarify that the standard does not apply to multi-housing units or retirement villages.
487. I do not agree with FENZ [273.206] for the reasons detailed under HRZ-S1 paragraph 466.
488. In response to Phillippa O'Connor [289.35] who seeks a single height standard regardless of the number of units, I do not agree and consider that it is appropriate to have a permitted height that reflects the MDRS, and an additional more permissive height standard that applies to developments of 4 or more residential units.
489. In response to Khoi Phan [326.37] and Waka Kotahi [370.367] who seek much greater permitted height to enable a greater scale of intensification in the HRZ, I do not support an increase in the permitted height for the reasons I do not support proposed increased in permitted heights as outlined in response to HRZ-S1 in paragraph 467.
490. In response to Waka Kotahi [370.367] seeking an additional matter of discretion, I do not support the relief sought as I consider the existing assessment criteria adequately cover the matters that any height infringement should be assessed against.
491. Kāinga Ora [391.474] seek deletion of HRZ-S2 in its entirety, subject to the acceptance of proposed amendments to HRZ-S1. As I have not recommended acceptance of Kāinga Ora's relief sought in relation to HRZ-S1, I do not support deletion of HRZ-S2 for the same reasons set out in relation to HRZ-S1 in paragraph 467.
492. I have considered, and also relied on advice of Dr Farzad Zamani, Council's Urban Design expert, on the exclusions sought and reasoning provided by Willis Bond and Company Limited [416.84] to encourage varied roof and building design. Although a 21m height limit provides a building envelope for enabled 6-storey development if you consider a development with floor to floor dimensions greater than 3m there may not be surplus height to achieve 6-storeys and various pitched roof designs. For that reason I support the roof exclusion proposed by the

submitter. I however do not support the proposed exclusion for non-habitable rooms, with any height infringement able to be addressed as part of the consenting process.

### Summary of recommendations

493. HS2-P2-Rec92: That submission points relating to the HRZ-S2 are accepted/rejected as detailed in Appendix B.
494. HS2-P2-Rec93: That HRZ-S2 be amended as set out below and detailed in Appendix A.

#### **HRZ-S2 (Building height control 2 for multi-unit housing or a retirement village)**

1. Buildings and structures must not exceed 21 metres in height above ground level.

This standard does not apply to:

...

b. Solar panel and heating components attached to a building provided these do not exceed the height by more than 500mm; ~~and~~

c. 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 height by more than 1m; and

d. Circumstances where up to 50% of a building's roof in elevation exceeds the maximum height where the entire roof slopes 15° or more.

### S32AA Evaluation

495. In my opinion, the amendment to the HRZ-S2 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:
- The proposed exclusions will not result in additional unacceptable adverse effects and will reduce unnecessary resource consenting costs. The changes are therefore more efficient and effective than the notified provisions in achieving the objectives of the plan; and
  - The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

### Standards – HRZ-S3: Height in relation to boundary (ISPP)

#### Matters raised by submitters

496. WCC Environmental Reference Group [377.388] seeks HRZ-S3 be retained as notified.
497. Interprofessional Trust [96.8] and Khoi Phan [326.38] seeks that HRZ-S3 is deleted in its entirety.

498. Willis Bond and Company Limited [416.86] seeks that HRZ-S3.1 be deleted in its entirety, including the diagram.
499. A number of submitters [including 80.9, 81.6, 85.3, 114.7, 155.12, 214.9, 257.5, 307.16, 307.17, 310.3321.18, 321.19, 331.18, 333.14, 437.9, 440.26, 459.10, and 481.24] have expressed a view that HRZ-S3 does not appropriately respond to the impact of high-density residential buildings on sunlight and shading of adjoining sites, and character and heritage areas, and in certain parts of the city and that it needs to provide greater sunlight protection for parks and open spaces.
500. Philip O'Reilly and Julie Saddington [310.3] seek a specific amendment to HRZ-S3 to ensure that HRZ-S3.3 applies at a boundary that adjoins a site in 'any Character Precinct'.
501. WCC [266.147] seeks amendments to exemptions to HRZ-S3 to enable minor building height limit intrusions to accommodate elements such as solar panels and heating components, satellite dishes, chimneys, decorative features as follows:

**HRZ-S3 (Height in relation to boundary)**

(...)

This standard does not apply to:

a. (...)

b. (...)

c. (...);

d. Solar panel and heating components attached to a building provided these do not exceed the height by more than 500mm; and

e. 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 height by more than 1m measured vertically.

502. FENZ [273.208] also seek an exemption for hose drying towers associated with emergency service facilities.
503. Phillippa O'Connor [289.36] seeks an amendment to HRZ-S3 so the recession plane is measured from 19 metres vertically above ground level to enable greater utilisation of maximum permitted heights, particularly on smaller sites and appropriate levels of intensification for a high-density zone as follows:



**HRZ-S3 (Height in relation to boundary)**

2. For any site where HRZ-S2 applies: no part of any building or structure may project beyond a 60° recession plane measured from a point 8 19 metres vertically above ground level along all boundaries, ~~except where (3) or (4) below is applicable;~~

504. RVANZ [350.189] seeks that HRZ-S3 is amended so that it does not apply to boundaries adjoining open space and recreation zones, commercial and mixed-use zones, and special purpose zones.
505. Kāinga Ora [391.476 and 391.477] supports HRZ-S3 in general subject to amendments being made to reflect the relevant height control sought by it for other standards to achieve improved regional alignment and enable appropriate levels of intensification in the HRZ. GWRC [FS84.34] oppose the relief sought by Kāinga Ora as it considers that enabling a greater scale of intensification with no ability to consider potential effects on water bodies and freshwater ecosystems, and that any further intensification will not be feasible unless there is investment in associated infrastructure.
506. Kāinga Ora seeks amendments to HRZ-S3 as follows:

**HRZ-S3 (Height in relation to boundary)**

1. ~~For any site where HRZ-S1 applies: n~~No part of any building or structure may project beyond a 60° recession plane measured from a point 4 19 metres vertically above ground level along all boundaries within 21.5 m from the frontage, as shown in Diagram 6 below.

~~{diagram}~~

2. ~~For any site where HRZ-S2 applies: n~~No part of any building or structure may project beyond a 60° recession plane measured from a point 8 metres vertically above ground level along all boundaries except where (1) above is applicable, and except where (3) or (4) below is applicable;

3. ~~For any site where HRZ-S2 applies: n~~No part of any building or structure may project beyond a 60° recession plane measured from a point 56 metres vertically above ground level along any boundary that adjoins a site in: ...

507. Anna Kemble Welch [434.11] considers that HRZ-S3 should be amended to allow for more daily sunlight access throughout the year, and seeks amendments to HRZ-S3 as follows:

**HRZ-S3 (Height in relation to boundary)**

...

4. For any site where HRZ-S2 or HRZ-S1 applies that is located within 60 meters of adjacent to a site in the Natural Open Space Zone, Open Space Zone, or Sport and Active Recreation Zone: all buildings and structures must be designed and located to maintain sunlight access to a minimum of 70% of the open space site area during 10am to 4.30pm throughout the year. 3pm at either of the equinoxes (i.e. 21 March or 23 September)

...

508. RVANZ [FS126.9] and Ryman Healthcare Limited [FS128.9] oppose the relief sought by Anna Kemble Welch.
509. Newtown Residents' Association [440.26] seek a similar amendment as follows:

**HRZ-S3 (Height in relation to boundary)**

...

4. For any site where HRZ-S2 or HRZ-S1 applies that is located ~~adjacent to~~ within 60m of a site in the Natural Open Space Zone, Open Space Zone, or Sport and Active Recreation Zone: all buildings and structures must be designed and located to maintain sunlight access to a minimum of 70% of the open space site area during 10am to ~~3pm~~ 4pm at either of the equinoxes (ie 21 March or 23 September) and at midwinter ie 23 June.

## Assessment

510. I do not agree with Interprofessional Trust [96.8] and Khoi Phan [326.38] that HRZ-S3 should be deleted in its entirety as the standard is necessary to ensure sunlight access and shading of adjacent sites is appropriately managed whilst still enabling the density of development anticipated in the zone.
511. In response to Willis Bond and Company Limited [416.86] I do not agree with the deletion of HRZ-S3.1 as it directly implements Clause 12 of Schedule 3A of the RMA.
512. In response to various submitters seeking amendments to HRZ-S3 to provide greater protection for sunlight and shading of adjoining sites including parks and open spaces, and adjoining character and heritage areas, I do not consider there is compelling evidence that warrants any amendment. I also note that no section 32AA evaluation has been undertaken to support the relief sought. I suspect that there is a general concern with the change that will occur over time due to increased development potential within the HRZ. However, I do not consider that this is a necessary and sufficient reason to impose more restrictive standards that will impact the ability to achieve the density of development anticipated in the zone.

513. I also suspect that some submitters will not have understood that HRZ-S3.3 applies to HRZ sites adjoining the MRZ, and therefore by default Character Precincts with a medium density residential zoning, with this providing the transitional relief that many submitters are seeking.
514. Similarly, HRZ-S3.4 applies where a site in the HRZ is located adjacent to relevant open space zones and seeks to maintain sunlight access to a minimum of 70% of the open space site. However, I am not convinced that this specific standard achieves a better outcome than if HRZ-S3.3 applied where adjoining a site in the Natural Open Space Zone, Open Space Zone, or Sport and Active Recreation Zone as the standard has not been thoroughly tested for a high density residential environment. In response I would suggest amending the PDP as set out below to more a consistent approach that is similar in effectiveness but more efficient as it reduces the complexity of assessment for both applicants and the consideration of resource consent applications in relation to height recession planes and adjoining open space.
515. In response to Philip O'Reilly and Julie Saddington [310.3] I agree that HRZ-S3 should be amended to ensure that HRZ-S3.3 applies at a boundary that adjoins a site in 'any character precinct'. This amendment recognises that the design of larger scale residential development that is adjacent to character precincts should reflect the sites context.
516. I agree with the additional exclusions requested by WCC [266.147] as the exclusions address an apparent drafting oversight and will not result in additional unacceptable adverse effects.
517. I do not support the exclusion sought by FENZ [273.208] as these structures can be located to comply with the standard or alternatively any effects can be considered through a consenting process. I also do not anticipate that consents for hose drying towers will be frequently needed so will not result in a significant cost or delay to FENZ.
518. I do not support the amendments sought by Phillippa O'Connor [289.36] as there remains a necessary balance to be struck between enabling the anticipated density and heights whilst considering the effects of a greater scale of development on adjoining lower-density residential zones, open space and character and heritage values which HRZ-S3 as notified achieves.
519. I disagree with the RVANZ [350.189] as I consider that HRZ-S3 should apply to all boundaries, regardless of zoning, because the boundary setbacks contribute to protecting amenity of adjacent sites. This is particularly relevant to open spaces and reserves which can be significantly impacted by excessive shading.
520. I do not support Kāinga Ora's [391.474] amendments to HRZ-S3 as I consider that that the suite of HRZ standards relevant to multi-unit housing, including building separation and building depth, work with the HIRB standards to ensure a high-quality, high density residential environment is achieved whilst providing flexibility for each site's context.

521. I do not support the amendments sought by Anna Kemble Welch [434.11] and Newtown Residents' Association [440.26] as there is no compelling evidence that the proposed amendments are necessary. They would also require a significant number of consent applications for sites within 60m of a specified open space zone to undertake shading assessments where in many cases it wouldn't be necessary.

### Summary of recommendations

522. HS2-P2-Rec94: That submission points relating to the HRZ-S3 are accepted/rejected as detailed in Appendix B.
523. HS2-P2-Rec95: That HRZ-S3 be amended as set out below and detailed in Appendix A.

### HRZ-S3 (Height in relation to boundary)

(...)

3. For any site where HRZ-S2 applies: no part of any building or structure may project beyond a 60° recession plane measured from a point 5 metres vertically above ground level along any boundary that adjoins a site in:

The Medium Density Residential Zone; or

The Wellington Town Belt Zone; or

Any Heritage Area; or

Any site containing a Heritage Building; or

Any Character Precinct; or

Any site in the Natural Open Space Zone, Open Space Zone, or Sport and Active Recreation Zone;

Any site occupied by a school;

(...)

~~4. For any site where HRZ-S2 applies that is located adjacent to a site in the Natural Open Space Zone, Open Space Zone, or Sport and Active Recreation Zone: all buildings and structures must be designed and located to maintain sunlight access to a minimum of 70% of the open space site area during 10am to 3pm at either of the equinoxes (i.e. 21 March or 23 September).~~

(...)

This standard does not apply to:

a. (...)

b. (...)

c. (...);

d. Solar panel and heating components attached to a building provided these do not exceed the height by more than 500mm; and

e. 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 height by more than 1m measured vertically.

## S32AA Evaluation

524. In my opinion, the amendment to the HRZ-S3 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:

- The addition of Character Precincts recognises the need for higher-density development to consider adjacent character values. This change also results in minimal change as the standard already applies to MRZ as the underlying zone for Character Precincts ;
- The amendment to the HIRB relating to adjacent open space is a more a consistent approach that is similar in effectiveness but more efficient as the PDP standard as it

reduces the complexity of assessment for both applicants and the consideration of resource consent applications in relation to height recession planes and adjoining open space;

- The proposed exclusions will not result in additional unacceptable adverse effects and will reduce unnecessary resource consenting costs;
- The changes are therefore more efficient and effective than the notified provisions in achieving the objectives of the plan; and
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

## **Standards – HRZ-S4: Boundary setbacks (ISPP)**

### **Matters raised by submitters**

525. RVANZ seeks HRZ-S4 be retained as notified and supports the exclusion of retirement villages.
526. Several submitters [174.5, 175.5, 202.42, 202.43] seek amendments to increase setbacks for a variety of reasons including access for building maintenance, to minimise damage during an earthquake event, loss of sunlight, streetscape and visual amenity effects, privacy, and rubbish and recycling storage.
527. A significant number of submitters [including 429.38, 245.7, 237.6, 235.6, 202.43, 444.6, 444.7, 481.2] seek that HRZ-S4 applies to developments of 1 to 3 residential units or that all setback exclusions are removed so that the MDRS front, side and rear yard setbacks apply to all buildings and structures.
528. Various submitters [including 137.13 opposed by FS72.89, 235.6, 326.39, 437.10 opposed by FS126.169 and FS128.169, 459.11, 481.25] seek specific amendments to setback requirements, including:
- A reduced front yard setback to 1m, or removal of a front yard setback in its entirety;
  - A minimum front yard setback of 2m;
  - A minimum setback from all boundaries of at least 1.5m;
  - A reduction of side yard setbacks to 0.5m;
  - Removal of side and rear yard setback requirements except that, a minimum width of 1 metre must be maintained between buildings where a residential building (other than an accessory building) on an adjoining site is sited less than 1 metre from the boundary [opposed by FS72.89];
  - Removal of the side yard setback requirement for the first 20m from a front boundary;
  - Require a rear yard setback of 8m;
  - Removal of all exclusions as notified;
  - Apply MDRS side and rear yard setbacks to multi-unit housing and retirement villages. [Further submitters FS126.169 and FS128.169 oppose this relief sought].

529. Submitters [481.25 and 288.8] cite the need to provide adequate space for street trees and on-site planting as reasons that support the need for front yard building setbacks.
530. Wellington City Council [266.148] seeks amendments to clarify that HRZ-S4 does not apply to the developments of 1-3 household units with respect to the front and side yard set-back requirements and additional exemptions for low uncovered decks and structures and eaves. WCC seeks amendments to HRZ-S4 as follows:

**HRZ-S4 (Boundary setbacks)**

This standard does not apply to:

a. Developments of 1-3 household units with respect to the front and side yard set-back requirements;

~~a~~-b. Site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed; and

~~b~~-c. Fences or standalone walls;

d. Uncovered decks and uncovered structures no more than 500mm in height above ground level;

e. Eaves up to 600mm in width;

c.e. Multi-unit housing; and

d.f. Retirement villages.

531. KiwiRail [FS72.90] oppose the relief sought by WCC as KiwiRail reject exempting 1-3 dwellings from complying with yard setback standards.
532. Rimu Architects Ltd [318.27] similar to WCC seeks exclusions for uncovered decks no more than 500mm in height above ground level and eaves up to 600mm in width.
533. Mt Cook Mobilised [331.19] seeks amendments to HRZ-S4 so that the setback requirements are informed by the width of streets and height of buildings.
534. Kāinga Ora [391.479] seeks amendments to replace the exemption for multi-unit housing with an exemption for where there are more than six residential units.
535. Waka Kotahi [370.325 and 370.369] considers that HRZ-S4 should have immediate legal effect and seeks amendments to ensure that this is the case.
536. KiwiRail Holdings Limited [408.123] seek and amendments to include a 5m setback from a rail corridor. Kāinga Ora [FS89.36] oppose the relief sought by KiwiRail as Kāinga Ora are of the view that a considerably reduced set back would provide adequate space for maintenance activities within sites adjacent to the rail network.

## Assessment

537. In response to those submitters who seek that HRZ-S4 is amended so boundary setbacks are reinstated for developments of 1 to 3 units, I have addressed this under HRZ-R13 in paragraph 397, noting that I have recommended that the exclusion under HRZ-R13, which excluded developments resulting in 1-3 residential units from the side yards, be removed. However, I do not support a front yard building setback for one to three residential unit developments in the HRZ. I consider that a front yard is not necessary for developments of 1-3 residential units in a high-density residential environment as this allows for a more efficient use of land.
538. Although very clear in the exclusions that apply to HRZ-S4, I highlight that multi-unit housing and retirement villages are exempt from this standard. Submitters seeking more permissive building setbacks may have overlooked this. Regardless, I do not support applying the yard setbacks in HRZ-S4 to multi-unit housing as there are other more appropriate standards to manage privacy and shading for a high-density residential environment.
539. In response to submitters specifically seeking a greater rear yard setback to push the bulk of buildings to the front of sites and allow for improved sunlight and amenity to private rear yards, I understand the intent of these proposed changes. However, I do not support this given the particular topographical challenges present in Wellington. I am of the opinion that this is a site-specific consideration best left to the planning and design stage to achieve the best outcome for each site. I note that there are also other relevant standards in the PDP (HRZ-S16 and HRZ-S17 that manage dominance and shading of adjoining sites.
540. In response to submitters seeking an increase in building setbacks, I do not support an increase as this would undermine the ability to achieve the anticipated scale of intensification intended for the HRZ. In particular, I do not support a front yard building setback for the purpose of accommodating planting or specimen trees and roots as I consider it appropriate to rely on the road reserve to accommodate large specimen trees. Importantly, any amendment to introduce a building setback control greater than the relevant MDRS would also contravene the statutory requirement in Clause 12 of Schedule 3A of the RMA.
541. I disagree with that part of the Wellington City Council submission point [266.148] which seeks that developments of 1-3 household units are excluded from the front and side setbacks as I consider this to be an inappropriate outcome which does not align with the statutory requirement in Clause 13 of Schedule 3A of the RMA.
542. I also disagree with that part of the Wellington City Council submission point [266.148] which seeks exclusions for multi-unit housing and retirement villages as there are no standards proposed which address these developments and I consider that boundary setbacks in relation to these development types are important and necessary to ensure better amenity and liveability outcomes. I note that the standard does not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.



543. I agree with the part of the Wellington City Council submission point [266.148] which seeks exclusions for uncovered decks and eaves. I note that Rimu Architects Ltd [318.27] also seek this and I also agree. I consider this to be a sensible addition which will reduce consenting costs and not result in any greater adverse effects.
544. I do not support Mt Cook Mobilised's [331.19] proposed amendments as I do not consider that front setbacks are necessary due to the scale of development anticipated in the HRZ, and the design guidance contained within the Residential Design Guide relevant to frontages and relationship with the street. I also consider that the absence of a front yard building setback requirement is a more efficient use of land.
545. I do not support Kāinga Ora's [391.479] proposed amendments to replace the exemption for multi-unit housing with an exemption for where there are more than six residential units on the basis that the multi-unit housing term is retained in plan.
546. I consider that Waka Kotahi's [370.325 and 370.369] request that HRZ-S4 should have immediate legal effect is a matter addressed by s77H(5) of the Act. As HRZ-S4 and HRZ-R13 as notified are more enabling than the MDRS by excluding the side yard setbacks applying to 1-3 residential units, my interpretation is that this specific density standard does not have immediate legal effect. I do not agree that any amendments to HRZ-S4 are necessary in response to this matter.
547. In response to Kiwirail Holdings Limited [408.123], I recommend the submission point is accepted in part. I agree with the submitter that requiring a setback from a railway corridor is a sensible outcome to ensure that buildings and structures can be accessed and maintained without needing to access or use the railway corridor. However, I disagree that a 5m setback is required. I note that Kāinga Ora Homes and Communities [FS89.36] also agree that a setback is required but also disagree with 5m. I recommend that HRZ-S4 is amended to require a 1.5m setback from the railway corridor which I consider is sufficient space to access and maintain buildings safely. I note that this is in line with the recommendation made by Porirua City Council in their PDP hearings.

### Summary of recommendations

548. HS2-P2-Rec96: That submission points relating to the HRZ-S4 are accepted/rejected as detailed in Appendix B.
549. HS2-P2-Rec97: That HRZ-S4 be amended as set out below and detailed in Appendix A.

#### HRZ-S4 (Boundary setbacks)

1. Buildings and structures must be set back from the relevant boundary by the minimum depth listed in the yards table below:

Yard	Minimum depth
Front	1.5 metres
Side	1 metre
Rear	1 metre (excluded on corner sites)
<u>Rail corridor boundary</u>	<u>1.5 metres</u>

This standard does not apply to:

a. Developments of 1-3 household units with respect to the front yard setback requirements;

~~a-b.~~ Site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed; and

~~b-c.~~ Fences or standalone walls;

d. Uncovered decks and uncovered structures no more than 500mm in height above ground level;

e. Eaves up to 600mm in width;

e.f. Multi-unit housing (except in relation to the rail corridor boundary, where it does apply); and

e.g. Retirement villages (except in relation to the rail corridor boundary, where it does apply).

### S32AA Evaluation

550. In my opinion, the amendment to HRZ-S4 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:

- The proposed exclusions will not result in additional unacceptable adverse effects and will reduce unnecessary resource consenting costs;
- The changes are therefore more efficient and effective than the notified provisions in achieving the objectives of the plan; and
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

#### Standards – HRZ-S5: Building coverage (ISPP)

#### Matters raised by submitters

551. RVANZ [350.191] and Waka Kotahi [370.370] seek retention as notified.

552. Kāinga Ora [391.481] seek that the 'multi-unit housing' exemption is replaced with an exemption where more than six residential units are proposed.

553. WCC [266.149] seek amendments to HRZ-S5 to clarify exemptions:

#### **HRZ-S5 (Building coverage) exemptions**

This standard does not apply to:

a. Uncovered decks and uncovered structures no more than 500mm in height above ground level;

b. Eaves up to 600mm in width;

~~c. a. Multi-unit housing; and~~

~~d. b. Retirement villages.~~

### **Assessment**

554. I support the requested amendments by the Wellington City Council [266.149]. In my view the proposed exclusions will not result in additional unacceptable adverse effects, particularly in relation to privacy as HRZ-S4 will still apply and will reduce unnecessary administrative and resource consenting costs.
555. I do not support Kāinga Ora's [391.481] proposed amendments to replace the exemption for multi-unit housing with an exemption for where there are more than six residential units on the basis that the multi-unit housing term is retained in plan.
556. Although no submissions have been made requesting that the exclusions for uncovered decks and uncovered structures and eaves up to 600mm in width be increased in width to 1m, if the Panel is of a mind to accept the recommended amendments to MRZ-S5 it may want to consider the same amendment to HRZ-S5 given the Panel's scope under the ISPP, as recommended below.

### **Summary of recommendations**

557. HS2-P2-Rec98: That submission points relating to the HRZ-S5 are accepted/rejected as detailed in Appendix B.
558. HS2-P2-Rec99: That HRZ-S5 be amended as set out below and detailed in Appendix A.

#### **HRZ-S5 (Building coverage)**

This standard does not apply to:

- a. Uncovered decks and uncovered structures no more than 1m in height above ground level;
- b. Eaves up to 1m in width;
- e. a. Multi-unit housing; and
- ~~e. b. Retirement villages.~~

### **Standards – HRZ-S6: Outdoor living space (per unit) (ISPP)**

#### **Matters raised by submitters**

559. Several submitters [350.192, 370.371, 373.23, 377.390] seek retention of HRZ-S7 as notified.
560. Envirowaste Services Ltd [373.24] consider that outdoor living spaces should be free from waste facilities or bin storage and HRZ-S6 should be amended to reflect this.
561. Kāinga Ora [391.482 and 391.483] seeks deletion of HRZ-S6 and replacement with HRZ-S13, subject to associated amendments sought by Kāinga Ora. RVANZ [FS126.144 and FS126.145] and Ryman Healthcare Limited [FS128.144 and FS128.145] support the intend of relief sought by Kāinga Ora subject to relief sought by both further submitters in primary submissions.

#### **Assessment**

562. In response to Envirowaste Services Limited [373.74] I disagree with the relief sought as I consider that HRZ-S6 already specifies that the outdoor living space should be free of servicing areas, which includes areas for bin storage, under HRZ-S6.1.e. In addition HRZ-S6 is consistent with Clause 15 of Schedule 3A of the RMA.
563. I disagree with Kāinga Ora Homes and Communities [391.483] as I consider it is appropriate to have two separate standards for multi-units and developments that result in 3 or less dwellings, particularly as the effects that could be expected from each are different and warrant separate standards. In addition, HRZ-S6 is consistent with Clause 15 of Schedule 3A of the RMA.

#### **Summary of recommendations**

564. HS2-P2-Rec100: That submission points relating to the HRZ-S6 are accepted/rejected as detailed in Appendix B.
565. HS2-P2-Rec101: That HRZ-S6 is confirmed as notified.

## Standards – HRZ-S7: Outlook space (per unit) (ISPP)

### Matters raised by submitters

566. Several submitters [350.193, 370.372, 377.391] seek retention of HRZ-S7 as notified.
567. Kāinga Ora [391.484 and 391.485] seeks the deletion of HRZ-S7 in its entirety, with an amended HRZ-14 to apply to all residential units in HRZ. RVANZ [FS126.148 and FS126.148] and Ryman Healthcare Limited [FS128.149 and FS128.149] support the relief sought by Kāinga Ora subject to relief sought by both further submitters in primary submissions.
568. Craig Palmer [492.30 and 492.31] seeks amendments to HRZ-S7 to require that principal living rooms have direct sunlight for a minimum of two hours from June to August.

### Assessment

569. I disagree with Kāinga Ora Homes and Communities [391.485] as I consider it appropriate to have two separate standards for multi-units and developments that result in 3 or less dwellings, particularly as the effects that could be expected from each are different and warrant separate standards. In addition, HRZ-S7 is consistent with Clause 16 of Schedule 3A of the RMA.
570. I disagree with Craig Palmer [492.30 and 492.31] as I consider that the height in relation to boundary controls adequately address issues to do with sunlight by ensuring building heights are controlled near boundaries. Additionally, I note that no compelling reason/s or section 32AA evaluation has been provided to support the relief sought.

### Summary of recommendations

571. HS2-P2-Rec102: That submission points relating to the HRZ-S7 are accepted/rejected as detailed in Appendix B.
572. HS2-P2-Rec103: That HRZ-S7 is confirmed as notified.

## Standards – HRZ-S8: Windows to street (ISPP)

### Matters raised by submitters

573. A number of submitters [including 350.194, 370.373, 377.392] seek that HRZ-S8 is retained as notified.
574. Interprofessional Trust [96.9] seeks an amendment to the glazing requirements for street-facing façades to 15-50% when oriented 90° of north, and a maximum of 20% for all other orientations, excluding shopfronts. This relief is sought on the basis that the 20% glazing standard has no support in science and that glass is not an insulating cladding.

575. Kāinga Ora [391.487] seeks that the 'multi-unit housing' exemption is replaced with and exemption for where there are more than six residential units.

### Assessment

576. I do not support the amendments proposed by Interprofessional Trust [96.9], noting that HRZ-S8 has been informed by and complies with the statutory requirement in Clause 17 of Schedule 3A of the RMA.
577. I do not support Kāinga Ora's [391.487] proposed amendments to replace the exemption for multi-unit housing with an exemption for where there are more than six residential units on the basis that the multi-unit housing term is retained in the District Plan.

### Summary of recommendations

578. HS2-P2-Rec104: That submission points relating to the HRZ-S8 are accepted/rejected as detailed in Appendix B.
579. HS2-P2-Rec105: That HRZ-S8 be confirmed as notified.

### Standards – HRZ-S9: Landscaped area (ISPP)

#### Matters raised by submitters

580. Several submitters [350.194, 370.373, 377.392] seek to retain HRZ-S9 as notified.
581. Phillippa O'Connor [289.37] seeks clarity on the interpretation of 'landscaped area' as it relates to standard HRZ-S10.
582. Kāinga Ora [391.488] seeks that the 'multi-unit housing' exemption is replaced with and exemption where more than six residential units are proposed.

### Assessment

583. In response to Phillippa O'Connor [289.37] I disagree that additional clarity is required as the planting requirements are imbedded in the standard.
584. I do not support Kāinga Ora's [391.488] proposed amendments for the reasons outlined in relation to HRZ-S8.

### Summary of recommendations

585. HS2-P2-Rec106: That submission points relating to the HRZ-S9 are accepted/rejected as detailed in Appendix B.

586. HS2-P2-Rec107: That HRZ-S9 be confirmed as notified.

### **Standards – HRZ-S10: Permeable surface area (ISPP)**

#### **Matters raised by submitters**

587. Several submitters [350.196, 377.394] seek to retain HRZ-S10 as notified.

588. WCC [266.150] seek the deletion of HRZ-S10 in its entirety with this standard to be relocated to the three waters chapter of the plan. The relief sought by WCC is supported by GWRC [FS84.8]

589. Kāinga Ora [391.489] seeks that the 'multi-unit housing' exemption is replaced with an exemption where more than six residential units are proposed.

590. Phillippa O'Connor [289.38] seeks clarity on whether the permeable surface area standard HRZ-S10 (Permeable surface area) is inclusive of landscaped area.

#### **Assessment**

591. I agree with the WCC's submission point [266.150] that HRZ-S10 should be deleted and moved to the three waters chapter as this is a more appropriate location for this standard, and aligns with the approach under the National Planning Standards.

592. Based on my recommendation below to delete HRZ-S10, I am not considering further submission points, these are to be addressed in Hearing Stream 5.

#### **Summary of recommendations**

593. **HS2-P2-Rec108:** That HRZ-S10 be deleted from HRZ and relocated to the three waters chapter.

594. **HS2-P2-Rec109:** That references to HRZ-S10 be deleted from HRZ as a consequential amendment.

595. **HS2-P2-Rec110:** That all other submission points on HRZ-S10 be considered in the Three Waters s42A in Hearing Stream 5.

### **Standards – HRZ-S11: Fences and standalone walls (ISPP)**

#### **Matters raised by submitters**

596. Design Network Architecture [259.4] seeks amendment to HRZ-S11 (Fences and Standalone Walls) to improve clarity to avoid fences for multi-unit developments being able to have any height as long as they are not on the front boundary.

597. FENZ [273.210] seeks an amendment to ensure walls and structures do not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities and seeks amendments to HRZ-S11 as follows:

**HRZ-S11 (Fences and standalone walls)**

1. Any fence or standalone wall, or combination of these structures, must not ~~exceed~~:
  - a. ~~Exceed~~ a maximum height of 2m above ground level where within 1m of any side or rear boundary.
  - b. Obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.
2. On a front boundary or in a front boundary setback any fence or standalone wall, or combination of these structures, must not ~~exceed~~:
  - a. ~~Exceed~~ a maximum height of 2m above ground level; and
  - b. Any part of a fence or standalone wall above 1.2m in height must be 50% visually transparent for its entire length, as shown in Diagram 8 below.
  - c. Obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.

598. Khoi Phan [326.40] seeks a reduction of maximum fence and wall height from 2m to 1.5m.
599. RVANZ [350.197 and 350.198] seeks an amendment to exclude temporary fences/walls from the standard.
600. WCC Environmental Reference Group [377.395] seeks amendments to require fences on front boundaries to be no more than 1.2 metre in height. Also, an amendment requiring that any fence abutting a public walkway to be no more than 2 m with the area above 1.2m being 50% visually transparent.
601. Living Streets Aotearoa [482.58] seeks an amendment to require that on boundaries with public space, any section of fence over 1 metre in height is required to be visually permeable for pedestrian safety reasons.

## Assessment

602. I agree with Design Network Architecture [259.4] that there is an unanticipated and unintended 'loophole' in relation to fences and walls that allows developments being able to have very high fences and walls as long as they are not on the front boundary given the absence of a front yard setback. In response, I suggest that this could be resolved by applying HRZ-S11.2 to a distance 5m from the front boundary.
603. HIRB will (to a degree) limit high walls or fences on side or rear boundaries where setbacks are more than 1m. However, there is an undesirable outcome of high fences and walls that



comply with HIRB being permitted, particularly where adjoining public space where passive surveillance is an important contributor to public safety.

604. In response to Khoi Phan [326.40] I do not agree with a reduction of maximum fence and wall height from 2m to 1.5m for rear and side boundaries as I do not consider that a fence 1.5m in height will provide for an adequate level of privacy.
605. In response to RVANZ [350.198] I consider that a 2m height for fences is appropriate, even for temporary fences, as this provides sufficient height to mitigate the noise related effects of construction raised by the submitter.
606. In response to FENZ [273.210] I agree that an amendment to ensure walls and structures do not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities is appropriate. This is to ensure the safety of the public.
607. In response to WCC Environmental Reference Group [377.395] seeks and Living Street Aotearoa [482.58] I broadly agree that fences on side or rear boundaries with a public space should have a visual permeability requirement to provide for passive surveillance of public spaces whilst still providing for on-site privacy and safety. However, I disagree with the requested heights of 1m and 1.2m and I propose a height of 1.5m on boundaries adjoining open space zones and public spaces.

### Summary of recommendations

608. HS2-P2-Rec111: That submission points relating to the HRZ-S11 are accepted/rejected as detailed in Appendix B.
609. HS2-P2-Rec112: That HRZ-S11 be amended as set out below and detailed in Appendix A.

### HRZ-S11 (Fences and standalone walls)

1. Any fence or standalone wall, or combination of these structures, must not ~~exceed~~:
  - a. Exceed a maximum height of 2m above ground level where within 1m of any side or rear boundary.
  - b. Obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.
2. On a front boundary or within a 5m front boundary setback any fence or standalone wall, or combination of these structures, must not ~~exceed~~:
  - a. Exceed a maximum height of 2m above ground level; and
  - b. Any part of a fence or standalone wall above 1.2m in height must be 50% visually transparent for its entire length, as shown in Diagram 8 below.
  - c. Obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.
3. On a boundary with a site zoned open space or boundary with a public space, including public accessways, or within 1m of either of those boundaries, any fence or standalone wall, or combination of these structures, must not:
  - a. Exceed a maximum height of 2m above ground level; and
  - b. Any part of a fence or standalone wall above 1.5m in height must be 50% visually transparent for its entire length.
  - c. Obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.

HRZ-S11.2 does not apply to a State Highway.

HRZ-S11.3 does not apply to a front boundary or a State Highway.

## Standards – HRZ-S12: Minimum residential unit size for multi-unit housing (ISPP)

### Matters raised by submitters

610. Kāinga Ora [391.491] seeks a reduction to minimum net floor areas for studio units and 1 or more bedroom units. Kāinga Ora seek amendments to HRZ-S12 as follows:

### HRZ-S12 (Minimum residential unit size for multi-unit housing)

1. Residential units, including any dual key unit, must meet the following minimum sizes:

Residential Unit Type	Minimum Net Floor Area
a. Studio Unit	<del>35m<sup>2</sup></del> 30m <sup>2</sup>
b. 1 <u>or more</u> bedroom(s) unit	40m <sup>2</sup>
c. <del>2+</del> bedroom unit	55m <sup>2</sup>

611. Willis Bond and Company Limited [416.86] seeks the deletion of HRZ-S12 in its entirety, in part due to a view held that regulating minimum residential unit sizes unnecessarily restrict the ability of developers to provide affordable housing choices and a diverse range of housing. The submitter requests [416.87] that if minimum residential unit sizes are retained that clarity is added to exclude hotel accommodation, student accommodation and other similar accommodation types.

### Assessment

612. In response to Willis Bond and Company Limited [416.86], I disagree with their submission point and recommend that HRZ-S12 is retained for the following reasons:
- Based on advice from the Council's Urban Design Team, I am of the view that the minimum unit sizes are necessary as they provide a mechanism for ensuring that residential units are liveable and useable;
  - The submitter states that occupiers are equipped to make their own decisions as to the type and size of the dwelling. Although I agree that occupiers are well equipped to make these decisions, I note that it is not always the case that occupiers have multiple dwellings/units available to choose from, particularly renters; and
  - I note that the standard is not intended to address health, fire egress and overcrowding issues.
613. In response to Kāinga Ora Homes and Communities [391.491], I disagree that amendments to the minimum unit sizes in the PDP are required. My reasons for this are informed by advice provided by the Council's Urban Design Team and are as follows:
- Regarding studio units, the 35m<sup>2</sup> minimum was based on the combined area for living (9m<sup>2</sup>), dining (4m<sup>2</sup>), kitchen (4m<sup>2</sup>), and sleeping (9m<sup>2</sup>), with an additional room for bathroom, laundry and storage (7m<sup>2</sup>). These areas add up to 33m<sup>2</sup>. If you then consider that applicants will likely push for smaller units through a resource consent process, then 35m<sup>2</sup> is an appropriate figure, which is only a 2m<sup>2</sup> difference between what is considered the minimum liveable area by the Council's Urban Design Team; and
  - Regarding the minimum size for 2 or more-bedroom units, I consider this is necessary as without it the result could be two or more bedroom units at only 40m<sup>2</sup>, which based on the above calculations is not considered liveable or useable.

### Summary of recommendations

614. HS2-P2-Rec113: That submission points relating to the HRZ-S12 are accepted/rejected as detailed in Appendix B.
615. HS2-P2-Rec114: That HRZ-S12 be confirmed as notified.

## Standards – HRZ-S13: Outdoor living space for multi-unit housing (ISPP)

### Matters raised by submitters

616. Several submitters [including 80.10, 155.13, 331.20, 331.21] suggest that the minimum outdoor area requirements are inadequate, particularly given submitters' views on the lack of yard setback requirements.
617. Design Network Architecture Limited [259.5 and 259.6] seeks amendments to clarify that the 8m minimum dimension requirement for a communal outdoor living space does not apply to all dimensions of the outdoor living space (i.e. doesn't require an 8 metre x 8 metre space) and allowance for the minimum communal outdoor area to be achieved through a range of area dimensions.
618. Rimu Architects Limited [312.28] raise a potential misalignment between the individual private outdoor living space and the communal outdoor living space minimum requirements for multi-unit housing and seek amendments to better align these provisions. The submitter also raises that there are sites within HRZ that have a site width of less than 8 metres. Rimu Architects seek amendments to HRZ-S13 as follows:

#### HRZ-S13 (Outdoor living space for multi-unit housing)

Living Space Type

...

b. Communal

i. For every 5 units unit

Minimum area - ~~10m<sup>2</sup>~~ 5m<sup>2</sup>

Minimum dimension - 8m except where site width is less than 8m. In that situation an area the full width of the site and 8m deep is acceptable.

619. Kāinga Ora [391.493 and 391.494] seeks that HRZ-S13 is amended so that the standard applies to all residential unit developments. RVANZ [FS126.146 and FS126.147] and Ryman Healthcare Limited [FS128.146 and FS128.147] support the relief sought by Kāinga Ora subject to relief sought by both further submitters in their primary submissions.
620. Willis Bond and Company Limited [416.88] seeks the deletion of HRZ-S13 in its entirety, citing a lack of robust rationale for the proposed minimum outdoor living areas.

### Assessment

621. Broadly, the views of submitters highlighting an inadequacy of the minimum outdoor living area requirements are not supported by evidence for any specific increase in minimum area

requirement. However, the various submissions received on this standard do highlight that the standard requires amendments to improve clarity, particularly for communal outdoor living spaces.

622. After considering the standard as notified, I cannot see that the minimum area for a communal living space was intended to be 10m<sup>2</sup> with one dimension of 8m as this would not result in a functional space. My view is that the 8m dimension applies to all dimensions, would result in a minimum 64m<sup>2</sup> communal living space which I consider is appropriate.
623. This is further supported by Dr Farzard Zamani, Council's Urban Design expert, which confirms that an area of 64m<sup>2</sup> space is an appropriate minimum to provide a functional communal outdoor living space.
624. It is important to note that the provision of communal living spaces is not a requirement. The standard provides the option to provide a communal space in lieu of, or in combination with, the provision of private outdoor living space as part of a multi-unit residential development.
625. In response to Design Network Architecture Limited [259.5 and 259.6] I do not support amendments to clarify that the 8m minimum dimension does not apply to all dimensions, as it is intended to apply to all dimensions.
626. In response Rimu Architects Limited [312.28] I agree that the standard requires amendment to provide clearer alignment with the minimum private outdoor living space ratios. The standard as notified includes a ratio of 10m<sup>2</sup> for every 5 units, which equates to 2m<sup>2</sup> per unit. Consequentially, I recommend amendments to the standard to clarify where an increased area of communal space is required over and above the minimum 64m<sup>2</sup> that any requirement for additional area is based on this ratio. However, I am unconvinced that the standard needs an exception for sites with a width narrower than 8m, as any non-compliance can be considered as part of a resource consent application.
627. In response to Kāinga Ora [391.493 and 391.494] I do not agree that HRZ-S13 should apply to residential developments of any number of units, noting the statutory requirement in clause 15 of Schedule 3A of the RMA relating to residential development of up to 3 units.
628. I do not agree with Willis Bond and Company Limited [416.88] that HRZ-S13 should be deleted in its entirety as ensuring the residential developments provide an adequate outdoor living area is necessary for the health and wellbeing of future residents.

### Summary of recommendations

629. HS2-P2-Rec115: That submission points relating to the HRZ-S13 are accepted/rejected as detailed in Appendix B.
630. HS2-P2-Rec116: That HRZ-S13 be amended as set out below and detailed in Appendix A.

**HRZ-S13: Outdoor living space for multi-unit housing**

- b. Each residential unit, including any dual key unit, must be provided with either a private outdoor living space or access to a communal outdoor living space;
- c. Where private outdoor living space is provided it must be:
- For the exclusive use of residents;
  - Directly accessible from a habitable room;
  - A single contiguous space; and
  - Of the minimum area and dimension specified in the table below;
- d. Where communal outdoor living space is provided it does not need to be in a single continuous space but it must be:
- Accessible from the residential units it serves;
  - Of the minimum area and dimension specified in the table below; and
  - Free of buildings, parking spaces, and servicing and manoeuvring areas.

Living Space Type	Minimum Area	Minimum Dimension
i. Private		
ii. Studio unit and 1-bedroom unit	5m <sup>2</sup>	1.8m
iii. 2+ bedroom unit	8m <sup>2</sup>	1.8m
j. Communal		
1. For every 5 4 – 15 units	<del>1064</del> m <sup>2</sup>	8m
• For each additional unit above 15 units	2m <sup>2</sup>	=
<u>Communal outdoor living space is calculated based on the number of units not provided with the minimum area of private outdoor living space.</u>		

**Standards – HRZ-S14: Outlook space for multi-unit housing (ISPP)****Matters raised by submitters**

631. Greater Brooklyn Residents Association [459.12] and Catharine Underwood [481.26] seek an increase in outlook space requirements, particularly given multi-unit residential developments can build to the boundary.
632. Kāinga Ora [391.495 and 391.496] seeks that HRZ-S14 is amended to apply to all residential unit developments, following the requested deletion of HRZ-S6. Further submitters support this relief sought. RVANZ [FS126.150 and FS126.151] and Ryman Healthcare Limited [FS128.150 and FS128.151] support the relief sought by Kāinga Ora subject to relief sought by both further submitters in primary submissions.

633. Il Casino Apartment Body Corporate [426.2] seek amendments to reflect good design with specific consideration given to natural light requirements for high-density residential buildings.

### Assessment

634. In response to Greater Brooklyn Residents Association [459.12] and Catharine Underwood [481.26], I do not consider the outlook space requirement is inadequate. There are a number of relevant standards that in combination manage potential adverse effects including shading and privacy of adjoining sites whilst balancing the need to enable the scale of residential intensification anticipated in the zone, and no compelling evidence provided that supports the need for any specific increase to outlook space requirements.
635. For similar reasons to those outlined above I do not support amendments to HRZ-S14 sought by Il Casino Apartment Body Corporate [426.2] relating to natural light.
636. Kāinga Ora [391.495 and 391.496] seeks that HRZ-S14 is amended to apply to all residential developments. I do not agree that HRZ-S14 should apply to residential developments of any number of units, noting the statutory outlook space requirement in clause 16 of Schedule 3A of the RMA relating to residential development of up to 3 units.

### Summary of recommendations

637. HS2-P2-Rec117: That submission points relating to the HRZ-S14 are accepted/rejected as detailed in Appendix B.
638. HS2-P2-Rec118: That HRZ-S14 be confirmed as notified.

### Standards – HRZ-S15: Minimum privacy separation to a boundary for multi-unit housing or a retirement village (ISPP)

#### Matters raised by submitters

639. RVANZ [350.199] does not oppose HRZ-S15 and the minimum privacy separation to a boundary above ground level at retirement villages, and seeks to retain HRZ-S15 as notified.
640. A significant number of submitters [including 80.11, 155.14, 257.7, 288.8, are concerned that the minimum privacy separation distances are inadequate and seek an increase, particularly given multi-unit residential developments can build to the boundary.
641. Il Casino Apartment Body Corporate [426.3 and 426.4] consider that a 2 metre setback does not result in good urban design that encourages people to live in the city, and seeks an increased separation between buildings. RVANZ [FS126.173 and FS126.174] and Ryman Healthcare Limited [FS128.173 and FS128.174] oppose the relief sought by Il Casino

Apartment Body Corporate subject to relief sought by both further submitters in primary submissions.

642. Kāinga Ora [391.498] seeks that the ‘multi-unit housing’ exemption is replaced with an exemption for where there are more than six residential units.

### Assessment

643. Many of the submissions in relation to HRZ-S15 appear to misinterpret the purpose of the minimum separation privacy standard (which is primarily to manage privacy of adjoining sites) as a standard that is primarily intended to protect sunlight or to manage shading on adjoining sites, which it is not. These matters are more appropriately considered in relation to building setback and height in relation to boundary standards.
644. In response to submitters seeking an increase in privacy separation requirements, I do not support this. There are a number of relevant standards that in combination manage potential adverse effects including shading and privacy of adjoining sites whilst balancing the need to enable the scale of residential intensification anticipated in the zone, and there is no compelling evidence provided that supports the need for any specific increase to privacy separation requirements.
645. For the reasons outlined above in paragraph 644 I do not support amendments to HRZ-S14 sought by Il Casino Apartment Body Corporate [426.3 and 426.4].
646. I do not support Kāinga Ora’s [391.498] proposed amendments for the reasons outlined in paragraph 577 in relation to HRZ-S8.

### Summary of recommendations

647. HS2-P2-Rec119: That submission points relating to the HRZ-S15 are accepted/rejected as detailed in Appendix B.
648. HS2-P2-Rec120: That HRZ-S15 be confirmed as notified.

### **Standards – HRZ-S16: Maximum building depth for multi-unit housing or a retirement village (ISPP)**

#### Matters raised by submitters

649. RVANZ [350.201] seeks that HRZ-S16 is amended to not apply to retirement villages as the proposed matters of discretion for HRZ-R17 and HRZ-R14 are sufficient for assessing any effects relating to building lengths.
650. Several submitters [Waka Kotahi, 370.376; and Kāinga Ora, 391.499 and Willis Bond and Company Limited, 416.89] seek that HRZ-S16 is deleted in its entirety. Submitters consider the



standard is unnecessarily restrictive citing that multi-unit residential developments are a restricted discretionary activity which allows for consideration of building design through the resource consent process and therefore no need for this specific standard. Willis Bond and Company Limited [416.90] request that building depth guidance is relocated to the Residential Design Guide.

651. James Coyle [307.19] considers that the 20m building depth standard is too long for Newtown and should be reduced for Newtown.

### Assessment

652. In response to Waka Kotahi, [370.376], Kāinga Ora [391.499] and, Willis Bond and Company Limited [416.89] I have considered, and also relied on advice of Dr Farzad Zamani, Council's Urban Design expert, in response to submitters seeking the deletion of HRZ-S16. In the HRZ maximum building length and building separation standards have been used as more effective and flexible alternative standards to site coverage, to manage scale and dominance of buildings both on adjoining sites and for on-site amenity. Maximum building depth will encourage the buildings to be placed at the front of the site and prevent long buildings into the site, facing adjoining properties. For these reasons I do not support deletion of HRZ-S16 or relocation of this matter to the Residential Design Guide.

653. I do not support the amendments sought by RVANZ [350.201] as I consider these standards are relevant to the potential adverse effects from retirement villages, which are usually of a large scale.

654. I do not support an increase in the building depth standard for Newtown as sought by James Coyle [307.19] as no compelling evidence has been provided to support an increase.

### Summary of recommendations

655. HS2-P2-Rec121: That submission points relating to the HRZ-S16 are accepted/rejected as detailed in Appendix B.

656. HS2-P2-Rec122: That HRZ-S16 be confirmed as notified.

### **Standards – HRZ-S17: Minimum building separation distance for multi-unit housing or a retirement village (ISPP)**

#### Matters raised by submitters

657. RVANZ [350.202] seeks that HRZ-S17 is amended so it does not apply to retirement villages. The submitter is concerned that the standard prevents linked buildings in retirement homes.

658. Several submitters [Waka Kotahi, 370.377; Kāinga Ora, 391.500; and Willis Bond and Company Limited, 416.91] seek that HRZ-S17 is deleted in its entirety. Submitters consider the standard

is unnecessarily restrictive to development. Also, that residential developments are already required to consider the residential design guide and require consent as a restricted discretionary activity.

659. James Coyle [307.20] seeks that elements such as car parking and decking be excluded from locating within the building separation area to allow it to be established as green space for bird life.

### Assessment

660. In response to Waka Kotahi [370.377], Kāinga Ora [391.500] and Willis Bond and Company Limited [416.91], I have considered, and also relied on advice of Dr Farzad Zamani, Council's Urban Design expert, in response to submitters seeking the deletion of HRZ-S16. In the HRZ maximum building length and building separation standards have been used as more effective and flexible alternative standards to site coverage, to manage scale and dominance of buildings both on adjoining sites and for on-site amenity. The separation between building ensures buildings are not placed closed to each in way that compromise the privacy of residents and their access to daylight.
661. I do not support the amendments sought by RVANZ [350.202] as I consider these standards are relevant to the potential adverse effects from retirement villages, which are usually of a large scale. Also, any infringement from linking buildings can be considered through the resource consenting process.
662. I do not support the introduction of exclusions of activities within the building separation area sought by James Coyle [307.19] as I am of the opinion that this would be an unnecessarily restrictive imposition on development to limit how these areas can be used and could result in an inefficient use of land.

### Summary of recommendations

663. HS2-P2-Rec123: That submission points relating to the HRZ-S17 are accepted/rejected as detailed in Appendix B.
664. HS2-P2-Rec124: That HRZ-S17 be amended as set out below and detailed in Appendix A.

### Standards – Proposed new standards

#### Matters raised by submitters

665. Several submitters [including 234.12, 239.11, 308.8, 131.11, 132.14, 133.13, 134.16, 143.22, 143.23, 163.14, 163.15, 172.23, 173.22, 179.17, 179.18, 180.11, 180.12, 196.18, 196.19, 198.15, 198.16, 378.19, 378.20, 394.18, 394.19, 398.17, 398.18, 422.13, 472.19, 472.20] seek new standards to address requirements relating to integration of universal accessibility and design, and facilities to support active travel into the design of developments.

666. Paihikara Ki Pōneke Cycle Wellington [302.42 and 302.43] HRZ standards should be amended to require cycle and micromobility parking and charging for residents that is sufficient to meet future demand aligned with 80% of people making some trips per week by cycle. They seek that multi-unit housing provide adequate and appropriately located cycle and micromobility parking that meets the standards set out in the Transport chapter of the PDP. RVANZ [FS126.200 and FS126.201] and Ryman Healthcare [FS128.200 and FS128.200] do not oppose these amendments in principle however, consider that the changes sought should not apply to retirement villages.

### Assessment

667. Although I support the concepts and outcomes of both universal design and multi-modal transport options, I do not support the need for a specific standard to address either matter in the HRZ noting that universal design will more appropriately be considered the through implementation of the Residential Design Guide.
668. As already discussed above, at an individual building scale, provisions to support active travel are incorporated in the transport chapter and ensure provisions and appropriate design of cycle and micromobility storage for residential units. The Residential Design Guide also includes matters relevant to bicycle storage. Consequently, I am of the opinion that there is no need to duplicate these provisions in the HRZ chapter.

### Summary of recommendations

669. HS2-P2-Rec125: That submission points relating to the new additional standards in the HRZ are accepted/rejected as detailed in Appendix B.
670. HS2-P2-Rec126: That no new additional standards are introduced in the HRZ.

## 7.0 Consequential Amendments Following Hearing Stream 1

### Definitions – Qualifying Matters

671. The *Hearing Stream 1 – Part 1, plan wide matters and strategic direction Section 42A* report (pg. 149), in response to submissions relating to qualifying matters, recommends that the plan include a definition of ‘Qualifying Matter’ taken directly from the Act.
672. As consequential amendment following this recommendation, I recommend that the introduction sections for the MRZ and HRZ chapters are both amended to ensure alignment throughout the District Plan.

## HRZ-Introduction

There are parts of the High Density Residential Zone where the permitted development, height or density directed by the NPS-UD may be modified by qualifying matters. ~~These include the following:~~

- ~~a. Stream corridors and overland flow paths (refer to Natural Hazards Chapter);~~
- ~~b. Heritage buildings, heritage structures and heritage areas (refer to Historic Heritage Chapter);~~
- ~~c. Notable trees (refer to Notable Trees Chapter); and~~
- ~~d. Sites and areas of significance to Māori (refer to Sites and Areas of Significance to Māori Chapter).~~

## 8.0 Minor and Inconsequential Amendments

673. Pursuant to Schedule 1, clause 16 (2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.
674. Any minor and consequential amendments to the HRZ provisions are captured in the tracked changes version of the chapter provided at Appendix A.

## 9.0 Conclusion

675. Submissions have been received in support and opposition to the High Density Residential Zone provisions of the PDP.
676. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that PDP should be amended as set out in Appendix A of this report.
677. For the reasons set out in the Section 32AA evaluation included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
- a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
  - b. Achieve the relevant objectives of the PDP, in respect to the proposed provisions.

## 10.0 Recommendations

678. I recommend that:
- a. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
  - b. The PDP is amended in accordance with the changes recommended in Appendix A of this report.