

**BEFORE INDEPENDENT HEARING COMMISSIONERS
AT WELLINGTON**

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

of the hearing of submissions on
Wellington Proposed District Plan

**STATEMENT OF EVIDENCE OF JOE JEFFRIES
ON BEHALF OF PRECINCT PROPERTIES NEW ZEALAND LIMITED
(SUBMITTER 139), FABRIC PROPERTY LIMITED (SUBMITTER
425), OYSTER MANAGEMENT LIMITED (SUBMISSION 404) AND
ARGOSY PROPERTY NO 1 LIMITED (SUBMISSION 383)**

Planning

**HEARING STREAM 4 – CITY CENTRE ZONE AND WATERFRONT
ZONE**

MAY IT PLEASE THE COMMISSIONERS

1 INTRODUCTION

- 1.1 My name is Joe Jeffries. I am an Associate at Barker & Associates, an independent, specialist planning consultancy with offices throughout New Zealand, including Wellington where I am based. I have been in this position since July 2021.
- 1.2 I have a Master of Planning Practice (Hons) from the University of Auckland, and a Bachelor of Arts from the University of Otago. I am an Intermediate member of the New Zealand Planning Institute.
- 1.3 I have over ten years of experience in planning policy and have provided evidence as an expert planning witness on behalf of councils and central government throughout New Zealand. In my current position I have provided expert evidence on behalf of Kāinga Ora on the Proposed Selwyn District Plan on the natural hazards, commercial and mixed use, residential zones, and rezoning topics. I have also provided expert evidence on behalf of Stride Investment Management Limited (Stride) and Investore Property Limited (Investore) for Hearing 1 of the Wellington Proposed District Plan, and for Hutt City Council's intensification plan change PC56.
- 1.4 Prior to my current position I was employed as a Senior Policy Planner at Hutt City Council. I was Hutt City Council's lead planner on Plan Change 43 – a full review of the Residential Chapter of the District Plan. This included preparing the Section 42a report, acting as the reporting planner through the hearings, and leading Environment Court mediation for Council. I also worked on the early stages of the development of the Hutt City District Plan Review including the response to the National Policy Statement on Urban Development 2020 (NPSUD).
- 1.5 I worked as a Policy Planner for Auckland Council between 2012 and 2017. In this position, I gave evidence as an expert witness on the Auckland Unitary Plan on the Precincts and Rural Urban Boundary topics.

2 CODE OF CONDUCT

- 2.1 I have read and am familiar with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2023, and agree to comply with it. My qualifications as an expert are set out above. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

3 SCOPE

- 3.1 This statement of evidence is presented on behalf of Precinct Properties New Zealand Limited (Precinct), Fabric Property Limited (Fabric), Oyster Management Limited (Oyster), and Argosy Property No 1 Limited (Argosy). This evidence addresses Precinct, Fabric, Oyster, and Argosy's submission points on the City Centre zone of the Wellington Proposed District Plan (PDP), as they relate to the recommendations of the relevant Section 42A (s42A) reports on the PDP.
- 3.2 I was involved with the preparation of primary and further submissions for Fabric and Precinct. I was not involved with the preparation of the Argosy and Oyster submissions, however, I can confirm that I have read these submissions.

3.3 In preparing my evidence, I have reviewed:

- (a) The Proposed District Plan;
- (b) The accompanying s32 report;
- (c) The Overview and General Matters s42A report;
- (d) The City Centre Zone (CCZ) s42A report;
- (e) The Waterfront zone (WFZ) s42a report;
- (f) Urban Design evidence of Dr Farzad Zamani;
- (g) Economic evidence of Kirdan Lees;
- (h) The statement of evidence of Jarrod Thompson;
- (i) The statement of evidence of Kevin Pugh; and
- (j) The statement of evidence of Cameron Wallace (urban design).

3.4 This statement of evidence addresses the following issues:

- (a) The City Outcomes Contributions;
- (b) The CCZ rules including CCZ-R14, CCZ-R18, CCZ-R19, CCZ-R20;
- (c) The CCZ Standards including CCZ-S1, CCZ-S5, CCZ-S7, CCZ-S8, CCZ-S12;
- (d) The WFZ provisions including WFZ-R13, WFZ-R14, WFZ-S1.

3.5 I am also preparing a s32AA analysis to address the amendments sought in Appendix 1. I will provide this separately as soon as possible.

4 **Overview**

4.1 The Stride, Investore, Oyster, and Argosy (the submitters) submissions support the PDP in part, particularly to the extent that it enables well-functioning urban environments in accordance with objective 1 of the NPSUD. The submitters seek a number of amendments to the PDP to better give effect to the NPSUD.

5 **CITY OUTCOMES CONTRIBUTION**

5.1 The Fabric, Argosy, and Precinct submissions all oppose the City Outcomes Contributions and seek their deletion. Fabric, Argosy, and Precinct also seek the deletion of CCZ-P11 which provides the overriding policy on the City Outcomes Contribution.

5.2 The Fabric submission states the following regarding City Outcomes Contributions:

Fabric is opposed to the 'City Outcomes Contributions' provisions, and specifically is opposed to requiring 'City Outcomes Contributions' for 'over height' development. While Fabric recognises the intent of these provisions in providing publicly beneficial outcomes, it is inappropriate for the provision of these publicly

beneficial outcomes to be connected to non-compliance with height rules. Developments that breach height standards should instead be considered on their own merits and effects. The provision of beneficial outcomes in any development should be considered as part of the merits of a development, and should not be confined to a specified and required list.

- 5.3 The Argosy and Precinct submissions make similar points to the above.
- 5.4 The City Outcomes Contributions are addressed in the Overview s42A report. The reporting officer rejects these submissions and supports the retention of the City Outcomes. The s42A report recommends amending the City Outcomes to provide greater clarity by reducing the trigger points to 'over and under height' development, and by moving the City Outcomes from the design guides to an appendix within the district plan.
- 5.5 I agree with the supporting officer that taller buildings have potential to create adverse effects. I also agree that the City Outcomes are seeking to provide publicly beneficial outcomes. However, I do not agree that the two are inherently connected, or that the outcomes sought address the specific potential effects of taller buildings.
- 5.6 I also do not agree that it is accurate to characterise the City Outcomes as 'incentives'. These provisions may have the opposite effect of disincentivising taller buildings, that may otherwise be considered acceptable based on an assessment of effects. In this sense I consider that it would be more appropriate for taller buildings to be assessed on the basis of their effects, and for the City Outcomes mechanism to assess the positive outcomes provided by a development as a separate matter in an overall assessment.
- 5.7 Acknowledging the history of the Design Excellence mechanism in the Operative Plan and the political support for the City Outcomes, I consider that there are a number of amendments that would improve the functionality, clarity and provision of the City Outcomes if they are to be retained.
- 5.8 I support the s42A amendments to the City Outcomes in part, particularly the reduction in trigger points, and moving the City Outcomes from the design guides to within the District Plan. However, despite these amendments the City Outcomes remain complex, uncertain, and highly subjective.
- 5.9 The statements of evidence of Jarrod Thompson and Cameron Wallace also raise a number of issues with the City Outcomes mechanism recommended in the s42a report from a commercial and urban design lens respectively. I concur with these statements and have relied on them in forming my position.
- 5.10 As noted in Mr Thompson's statement the following features of the City Outcomes create uncertainty and are likely to limit up take by developers:
 - (a) Green Star ratings are not awarded until after practical completion of a building, it is therefore not possible to allocate points for a Green Star rating as part of a resource consent application.
 - (b) There is no objective criteria for how points will be awarded. Many matters in the table are subjective, and so it would be difficult to design a building and have certainty it would achieve the necessary points for the additional height sought.

- (c) It is unclear how many points a number of outcomes would achieve, or how matters will be weighted. For example, providing a lane-way or reducing embodied carbon could score anywhere between 1-10 points, and communal gardens, public toilets or seismic measures could score between 1-5 points.

5.11 In my opinion the high degree of uncertainty in the City Outcomes, and the potential for cost intensive delays in assessing City Outcomes in a resource consent application before finalising the design of a building, is likely to lead to low up take of the City Outcomes from developers. This will result in unnecessarily constraining development of taller buildings while achieving none of the positive outcomes intended by the concept. This would not give effect to the outcomes sought in the NPSUD.

5.12 In my opinion the City Outcomes would provide greater certainty if they were brought into the policy framework of the plan and re-framed as an assessment of the positive effects of development. Additionally, I note that 'assisted housing' is one of the ways in which a development may contribute to affordable housing but there are other ways in which development may contribute to affordable housing. For example, by increasing the overall supply of dwellings or by increasing the number of dwellings delivered at more affordable price points. In my view the City Outcomes would benefit from a broader assessment of the potential contribution to affordable housing of a development, rather than one that is limited to 'assisted housing.'

5.13 To address the issues identified above and in the statements of evidence of Jarrod Thompson and Cameron Wallace I recommend making the following changes to the s42a report version of the City Outcomes Contributions system:

- (a) Delete Appendix 16.
- (b) Amend CCZ-P11 as set out in Appendix 1.

6 CITY CENTRE ZONE RULES

CCZ-R14 Carparking activities

6.1 The Precinct submission seeks amendments to CCZ-R14 to remove mandatory notification for at grade car parks, and to change the activity status for non-compliance from Discretionary to Restricted Discretionary.

6.2 In the s42A report the reporting officer rejects the request to remove mandatory notification for the following reason:

I consider mandatory public notification is appropriate as it discourages these activities from occurring within the zone at the expense of more appropriate activities and land uses that more efficiently optimise sites.

6.3 The reporting officer also rejects the request to change the activity status to Restricted Discretionary:

In my view the Discretionary Activity status sends a strong signal that ground floor parking is considered to be a sub-optimal use of CCZ land. I note that as part of the District Plan review process, ground floor carparking has been an identified issue within the CCZ.

- 6.4 I partially agree with the reporting officer that at grade parking has the potential to create sub-optimal use of City Centre land and poor urban design outcomes. I therefore agree that it is appropriate to require resource consent for this activity as a Discretionary activity to allow a robust and unrestricted assessment of an application.
- 6.5 I disagree with the reporting officer that mandatory public notification is appropriate as a means of discouraging these activities from occurring within the zone. In my opinion it is inappropriate to explicitly use public notification as a means of deterrence, presumably by adding additional costs and delay to proposals. That is not the purpose of notification. The purpose of notification is to enable people potentially affected by a proposed activity to be informed and to participate in the resource consent process. To the extent that the district plan intends to deter certain activities or specific adverse effects of those activities, this should be expressed through policy direction, activity status, and matters of discretion where relevant, rather than by indirectly adding costs and delay to the proposal through notification.
- 6.6 Public notification, in particular, has the potential to add significant cost and delay to a proposal, and therefore should only be mandatory for activities where a high degree of public interest is certain. It is not clear to me that that at grade-parking meets this test in all cases. It is therefore more appropriate to rely on the normal notification tests rather than make public and limited notification mandatory.
- 6.7 I therefore recommend amending CCZ-R14 to remove mandatory notification as set out in Appendix 1.

CCZ-R18 Demolition or removal of buildings and structures

- 6.8 The Fabric, Oyster, and Argosy submissions seek amendment to CCZ-R18 to make demolition that cannot comply with CCZ-R18.1(a) or (b), a Restricted Discretionary activity. The Oyster and Argosy submissions also support the permitted activity status where demolition is required for the purposes of constructing a new building or adding to or altering an existing building, and support the preclusion of notification provided under CCZ-R18.2.
- 6.9 The Fabric submission states that a restricted discretionary activity status would provide greater certainty for development while ensuring that Council still retains appropriate discretion to ensure quality design outcomes. Alternatively, Fabric seeks a discretionary activity status, which would be consistent with MCZ-R19 in the Metropolitan Centre Zone.
- 6.10 The Oyster and Argosy submissions provide similar reasons for seeking a restricted discretionary activity status:
- There may be practical reasons why a building might need to be demolished or removed before a resource consent is sought for a new building, for example if a staged development is being undertaken. It would be more appropriate for this rule to be a restricted discretionary activity.
- 6.11 The reporting officer rejects these submissions seeking a Restricted Discretionary activity status for the following reasons:

The CCZ provisions aim to avoid long-term derelict sites, or buildings being replaced by private outdoor uses such as carparking. Derelict sites can have numerous adverse effects including:

- Inefficient optimisation of prime CCZ land;

- Safety concerns with regards to empty sites or sites used for carparking where there is no passive surveillance through lack of activity on the site;
- Impact on the vitality and vibrancy of the wider area where derelict sites sit; and
- Impact on streetscape and amenity.

.....

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

- 6.12 I partially agree with the reporting officer that long-term derelict or vacant sites can have negative effects on the city. I therefore agree that it is appropriate for the district plan to include provisions which seek to manage demolition to avoid the creation of long term vacant sites. However, I agree with the submitters that CCZ-R18 as notified provides insufficient flexibility to enable demolition for staged development which may require a building to be demolished before resource consent is sought for a new building. It may also be a better outcome to demolish a vacant and/or dangerous building. A non-complying activity would provide insufficient certainty in this circumstance. A restricted discretionary activity status by contrast would provide greater certainty, while ensuring that Council still retains appropriate discretion to apply conditions to control the use and amenity of a site pending redevelopment.
- 6.13 I therefore recommend amending CCZ-R18 as requested by the submitters and as set out in Appendix 1.

CCZ-R19 Alterations and additions to buildings and structures

- 6.14 The Fabric, Oyster, Argosy, and Precinct submissions all support CCZ-R19 in part, particularly the preclusion of notification and the restricted discretionary activity status for alterations and additions to buildings or structures that do not comply with CCZ-R19.1.
- 6.15 Precinct seek amendments to CCZ-R19 to remove references to the design guides and replace with the specific design outcomes sought. This is consequential to submission points seeking that the design guides are provided as reference documents outside the plan rather than within the district plan. I support these submission points and consider it would provide greater clarity and certainty around the outcomes sought. However, as the design guides are to be addressed through later hearings I intend to address this issue in more detail in a subsequent statement of evidence.
- 6.16 The Oyster, Fabric, and Argosy seek deletion of CCZ-R191.a.i for the following reason:

The requirement that alterations and additions do not alter the external appearance should be removed. This requirement would likely make all alterations and additions non-compliant with the permitted activity rule. It is considered that the other standards are sufficient to control alterations and additions that can occur as a permitted activity.

6.17 The reporting officer rejects these submission points for the following reasons:

I disagree with the submission point ... with regards to their proposal to remove reference to CCZ-R19.2(a)(i) 'do not alter the external appearance of the building or structure; or' and the other clauses (a). This change does not align with CCZ-O5 (Amenity and design) and associated CCZ-P9 (Quality design outcome), which seeks to ensure quality design outcomes in the CCZ.

I consider that without the permitted activity qualifier to not alter the external appearance of buildings, and thus without urban design assessment through a resource consent application process, there is risk of perverse building design outcomes. This in turn could have perverse outcomes for the CCZ, including on the streetscape and amenity of the surrounding environment. All these controls are important to retain for the purposes of aligning with CCZ-P9 and CCZ-P10 and for the reasons detailed above.

I consider that this requirement as notified could potentially result in situations whereby works to upgrade existing buildings are not undertaken due to resource consent requirements. However, I do not consider this would be a significant risk as it is in a building owner's best interest to ensure ongoing maintenance of their buildings. I also note that this is balanced somewhat by maintenance and repair works being a permitted activity under CCZ-R17.

- 6.18 In my opinion CCZ-R19 as notified sets too low a threshold for triggering resource consent for minor additions and alterations. As drafted this rule implies that any alteration that alters the external appearance of a building, even if the change is minimal or of limited visibility, requires resource consent and urban design assessment. Requiring resource consent and urban design assessment for all alterations, even in cases where the change is minor and has minimal potential to adversely affect urban design outcomes, unnecessarily adds administrative costs and uncertainty without providing a corresponding public benefit.
- 6.19 In my view raising the threshold for triggering resource consent and urban design assessment for alterations is not inconsistent with the objectives and policies of the CCZ which seek to provide quality urban design and manage effects on amenity and streetscape such as CCZ-O5, CCZ-P9 and CCZ-P10.
- 6.20 While I note that maintenance of buildings is a permitted activity under CCZ-R17, there are a range of small scale alteration activities that go beyond what may be considered "maintenance" but that have limited potential to adversely affect urban design outcomes. For example, the replacement of plant equipment on a rooftop may "alter the external appearance of a building" and therefore trigger a resource consent requirement under CCZ-R19 as notified.
- 6.21 I disagree with the reporting officer that without the permitted activity qualifier to not alter the external appearance of buildings, and without urban design assessment through a resource consent application process, there is risk of perverse building design outcomes. While I acknowledge that some building alterations have the potential to have adverse effects on the streetscape in some circumstances, it does not follow that it is necessary that all visible alterations should require resource consent and associated urban design assessment. The issue is finding an appropriate trigger point for resource consent.

- 6.22 This rule also needs to be viewed in the context of the CCZ which currently has, and enables, a broad range of buildings and activities and is not an urban environment that is sensitive to minor changes to buildings.
- 6.23 I therefore recommend amending CCZ-R19 to delete CCZ-R191.a.i as set out in Appendix 1. I also recommend inserting additional wording to clarify that minor cosmetic alterations to a building or structure are a permitted activity.

CCZ-R20 Construction of buildings and structures

- 6.24 Fabric and Precinct seek amendments to CCZ-R20 to remove references to the design guides and replace with the specific design outcomes sought. This is consequential to submission points seeking that the design guides are provided as reference documents outside the plan rather than within the district plan. I support these submission points and consider that they provide greater certainty and clarity. However, as the design guides are to be addressed through later hearings, as above, I will address this issue in more detail in a subsequent statement of evidence.
- 6.25 Under CCZ-R20 there are only limited circumstances where a new building or structure is permitted, in most circumstances any new building or structure will require consent as a restricted discretionary or discretionary activity.
- 6.26 Fabric seek clarification on the matter of discretion 5 “extent and effect of any identifiable site constraints” in the matters of discretion by either deleting this or amending it to identify the types of constraints which may be relevant. Oyster and Argosy also seek that it is deleted.
- 6.27 According to the submitters this matter of discretion is unclear and may have the effect of giving the consent authority unrestricted discretion. Alternatively, it should be amended to identify the types of constraints which may be relevant.
- 6.28 The reporting officer does not support this amendment for the following reason:

I disagree with [the submissions seeking] to remove clause 5 regarding ‘the extent and effect of any identifiable site constraints’. I consider that it is important to retain this matter of discretion to provide for site considerations which may limit the extent of possible development capacity on a site, for example ground conditions. However, I also think it is important to retain ‘extent and effect’ because this provides sufficient discretion for a consent planner to understand the scale and impacts of a site constraint.

- 6.29 I agree with Argosy and Oyster that matter of discretion 5 as notified is open ended and unclear, and may be interpreted to give the consent authority unrestricted discretion. In my opinion the provision could be clarified by replacing the notified wording with the following, while still retaining discretion to appropriately consider site constraints:

whether there are particular site development characteristics in terms of unusual site size, shape or orientation, or the location and nature of existing buildings which have constrained the form of the development proposed

- 6.30 Accordingly, I recommend amending CCZ-R20 as described above and as set out in Appendix 1.

7 CITY CENTRE ZONE STANDARDS

CCZ-S1 Maximum Height

- 7.1 The Fabric and Precinct submissions seek amendments to CCZ-S1 to provide unlimited building heights.
- 7.2 The Oyster submission seeks amendment of CCZ-S1 as it applies to 141 The Terrace and 294 and 298 Lambton Quay to provide a 90m building height.
- 7.3 The Argosy submission seeks for the height limit of 7 Waterloo Quay be increased to 60m.
- 7.4 The reporting officer accepts all submission points seeking unlimited building heights and recommends amending CCZ-S1 accordingly.
- 7.5 I support the reporting officer's recommendation to provide for unlimited building heights in the CCZ and generally agree with their reasoning. I also note the following:
 - (a) Providing for greater building heights in the CCZ provides a number of benefits including increasing development capacity, improving affordability for housing and businesses, adding to city vibrancy, enabling better design outcomes by providing greater flexibility and commercial viability of high quality materials, design and amenities, and concentrating activity in an area of high accessibility.
 - (b) Policy 3(a) of the NPSUD requires district plans to enable "building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification" in City Centre zones. In my view, this policy direction should be interpreted to mean no building height limits in City Centre Zones, unless there are specific constraints that justify constraints. The PDP includes a number of provisions that manage specific constraints in relation to building height including view shafts, minimum sunlight access standards, specific height standards in relation to features such as Old St Paul's Church, and a new standard for CCZ sites adjoining residential areas. In the context of the direction of Policy 3(a) these provisions obviate the need for additional blanket height controls.
 - (c) Under CCZ-R20 all new buildings in the City Centre require resource consent. This enables appropriate consideration of the design of taller buildings including achieving quality design outcomes (CCZ-P9) and managing the adverse effects of taller buildings (MCZ-P12).
 - (d) The Wellington Spatial Plan and the strategic direction of the PDP both place an emphasis on compact urban form and accommodating future growth in the City Centre. Providing unlimited building heights in the City Centre area is consistent with this strategic direction.
 - (e) Providing unlimited building heights in the City Centre is consistent with the approach taken by a number of tier 1 urban authorities nationally. Of note both of the other territorial authorities with a City Centre zone in the Wellington Region – Upper Hutt City and Hutt City provide unlimited building heights in their CBD. According to CCZ-O1 the Wellington City Centre is intended to be the primary commercial centre for the wider Wellington region. In my view it would be somewhat of a perverse outcome in a regional sense if heights were constrained in the primary centre for the Wellington region but not in the secondary centres of Upper Hutt and Lower Hutt.

- 7.6 I therefore recommend amending CCZ-S1 to provide unlimited building heights as recommended in the s42A report.

CCZ-S1 Maximum Height Assessment Criteria

- 7.7 The Oyster and Argosy submissions seek amendment of the assessment criteria under CCZ-S1 to include an additional criteria: “4. The extent to which taller buildings would contribute to maximising the benefits of intensification in the city” (or words to similar effect).
- 7.8 As above, the s42A report has recommended removing the height limits and therefore also deleting the assessment criteria that applied. If this change is adopted, there is no need to add an additional assessment criteria as sought in the submission.

CCZ-S5 Minimum Ground Floor Height

- 7.9 The Fabric and Precinct submissions oppose the minimum ground floor height standard and seek its deletion, on the basis that it may be appropriate to provide ground floor heights lower than 4 metres in certain areas and that the standard as notified is unnecessarily constraining.
- 7.10 The reporting officer rejects these submissions and recommends retention of the standard for the following reasons:

I consider that it is integral that this control remain in the CCZ as it provides necessary flexibility for a variety of ground floor activities over time. This allows for flexibility in ground floor use and adaptability over time as higher heights mean that building owners can change ground floor use from one activity to another. What might be commercial, retail or office space, may be able to be utilised for other uses such as residential activity (if not exempt under CCZ-R12(1)(a)). This is achieved through having a higher ground floor height than other floors in developments.

I note that retail or commercial uses require higher heights for services, and not having that space will significantly limit different uses (particularly in terms of mechanical ventilation). Not only does it provide for a mixture of land use activities, it also facilitates better street frontage outcomes. This is because from outside, the ground floor would be distinct, creating a clear base for the building, while from inside you are able to be afforded more light and exposure and thus attract more pedestrian flow and attention. This leads to enhanced vibrancy and vitality with regards to the ground floor use.

- 7.11 I agree with the reporting officer in part. In my view the minimum ground floor height standard of 4m is generally appropriate in the City Centre for the street facing parts of buildings in order to provide flexibility and to facilitate better street frontage outcomes.
- 7.12 However, there are certain areas where it would be appropriate to provide lesser ground floor heights to accommodate service areas or other functional requirements in the non-street facing parts of buildings. This will also support a more efficient use of the building. On this basis it would be appropriate for CCZ-S5 to specify that it only applies within 10m of a street front in order to provide exceptions to accommodate service areas away from the street front. Providing this exception will avoid the unnecessary additional costs of going through the resource consent process for these uses. The statement of evidence of Cameron Wallace, which I have relied on and concur with, also addresses this issue.
- 7.13 I therefore recommend amending CCZ-S5 as set out in Appendix 1.

CCZ-S7 Verandahs

7.14 Argosy seeks amendment to CCZ-S7 to clarify that this standard would not apply where it would result in encroachment into the drip line of any tree that is to be retained. According to Argosy, there is a risk that referring to “street tree” would mean the exception to the requirement to provide a verandah would only apply to trees on public land and not existing trees on private property which contribute to streetscape.

7.15 The reporting officer rejects the Argosy’s requested amendment for the following reason:

I disagree with the changes to CCZ-S7 proposed in Argosy’s submission point [383.121]. Firstly, with regard to removing reference to ‘street’ in terms of ‘street tree’. I note that street tree is used consistently across the Centres and Mixed Use Zones, Port Zone and the Infrastructure chapter. Table 3 in the Infrastructure chapter refers to Street Tree species list. As such I do not consider that compelling evidence or s32AA assessment has been provided by submitters to support any change in this respect.

Secondly, with the addition of ‘that is to be retained,’ I consider that this creates ambiguity for plan users, developers and consent planners as to whether trees will be retained or not if a development has a verandah that is proposed to encroach into the dripline of an existing tree. If a tree that is not proposed to be retained for whatever reason, this is something that will be raised at resource consent phase.

7.16 While I acknowledge that the wording ‘that is to be retained’ may introduce ambiguity, I generally agree with the Argosy submission. As drafted CCZ-S7 does not provide the necessary exceptions to the requirement to provide a verandah in order to protect existing trees on private property that contribute to streetscape. There is also no provision within the CCZ-S7 matters of discretion to consider exceptions to the verandah requirement in order to recognise and protect trees on private property. The notified and s42A versions of CCZ-S7 may therefore cause the loss of trees on private property that positively contribute to public streetscapes, in order to meet the verandah requirement.

7.17 To address this issue I recommend amending CCZ-S7.2.b as follows and as set out in Appendix 1:

b. Any building where compliance with the standard results in an encroachment into the dripline of an existing ~~street~~ tree.

CCZ-S8 Active Frontage Control

7.18 Fabric, Oyster, Argosy and Precinct seek amendments to CCZ-S8 to provide exceptions to the requirement to build up to the street edge along the full width of the site. Fabric, Oyster, and Argosy seek exclusions for open space, vehicle and pedestrian access. Precinct seeks amendments to the standard so that only 70% of an active frontage must be built up to the street edge, in order to allow for functional requirements on the remaining 30% of the street frontage.

7.19 The reporting officer accepts these submission points in part and recommends amending CCZ-S8 to provide exceptions for vehicle and pedestrian access as follows:

1. Any new building or addition to an existing building adjoining an identified street with an active frontage control must:
 - a. Be built up to the street edge on all street boundaries with an identified active

frontage control and along the full width of the site bordering any street boundary, excluding vehicle and pedestrian access;

- b. Provide a minimum of 60% of continuous display windows or transparent glazing along the width of the ground floor building frontage; and
- c. Locate the principal public entrance on the front boundary.

7.20 I support the reporting officer's recommended amendments in part as they provide appropriate exceptions to the active frontage control in the City Centre Zone, consistent with the general direction of the Fabric, Oyster, Argosy and Precinct submissions on this provision.

7.21 However, as set out in the statement of evidence of Cameron Wallace which I have relied on, I consider that there are additional circumstances where not building out to the street boundary is appropriate, including to provide a small plaza space outside of a building entrance. To provide additional flexibility to achieve this outcome I recommend amending the standard so that only 90% of an active frontage must be built up to the street edge, consistent with the recommendation of Mr Wallace. I also recommend amending CCZ-S8 to clarify that the requirement to build out to the boundary only applies to a minimum building height of 7m. This provides flexibility for buildings to be set-back at upper floors to enable podium tower buildings as recommend by Mr Wallace.

7.22 Accordingly, I recommend amending CCZ-S8 as described above and as set out in Appendix 1.

CCZ-S12 Maximum Building Depth

7.23 The Fabric and Precinct submissions seek the deletion of CCZ-S12 which sets out a maximum building depth of 25m. According to the submitters this standard will act as a constraint on appropriate development and design, and it is not clear what positive outcome it achieves.

7.24 In the s42A report the reporting officer rejects these submission points on the basis that:

I consider that the proposed building depth standard contributes to privacy and averting overdominance by preventing buildings overlooking each other and enables improved sunlight access into the centre of sites.

This standard intends to break up the bulk of buildings so that there is not one continuous building mass running the full length of a site. The benefit it provides is that it provides for privacy, and reduces shadowing and building dominance. I note TPG's report findings that testing of sites demonstrates that other rules, along with the building depth and building separation rules, effectively allow development to achieve the privacy separation rule not only from external site boundaries, but between buildings on the same site.

Maximum building length and building separation standards have been proposed as more effective and flexible alternative standards to the ODP site coverage and massing control approach, and manage the scale and dominance of buildings both on adjoining sites and for onsite amenity. In my view, maximum building depth will encourage buildings to be placed at the front of sites and prevent long buildings into the site and facing adjoining properties.

7.25 I support the deletion of CCZ-S12 and agree with the submitters that the standard will act as a constraint on appropriate development and design. CCZ-S12 will reduce developable area in conflict with the outcomes sought in the NPSUD, while it is not clear what positive outcome it achieves.

- 7.26 It is not clear to me how the maximum building depth rule will encourage buildings to be placed at the front of the site, how it will prevent buildings from facing neighbours, nor how it will ensure living spaces face the street or communal courtyards.
- 7.27 To the extent that it is desirable for buildings to be placed at the front of sites this is an outcome already required by the Active Frontage control CCZ-S8. CCZ-S8 also prevents blank walls along the street edge by requiring a minimum of 60% transparent glazing along the width of the ground floor building frontage.
- 7.28 The issue of discouraging residential buildings from facing neighbours is addressed by the Outlook Space standard CCZ-S13. Finally, under CCZ-R20 all new buildings over 100m² in the CCZ are at least a restricted discretionary activity, with matters of discretion around quality design outcomes including enhancing the quality of the streetscape, and achieving on-site residential amenity. In my opinion CCZ-S8, CCZ-S13, and CCZ-R20 together ensure quality design outcomes including encouraging buildings to be placed at the front of sites, and discouraging facing adjoining properties. In the context of these provisions as a collection it is not clear what additional benefits CCZ-S12 achieves.
- 7.29 The statement of evidence of Cameron Wallace also addresses the Maximum Building Depth standard CCZ-S12 and recommends its deletion. I have relied on and agree with the reasoning provided in that statement. Consequential to this point Mr Wallace also recommends amending the outlook space standard CCZ-S13 to better provide privacy for residents and to reduce the extent to which living spaces overlook neighbouring sites. I support this recommendation to amend CCZ-S13 for the reasons provided by Mr Wallace.
- 7.30 I therefore recommend deleting CCZ-S12, and amending CCZ-S13 as set out in Appendix 1.

8 WATERFRONT ZONE

WFZ-R13 Demolition or removal of buildings and structures

- 8.1 The Fabric submission supports the permitted activity status for demolition of a building for the purposes of avoiding threats to life and property, and for the purposes of constructing a new building, and supports the preclusion of public and limited notification for demolition.
- 8.2 The Fabric submission also seeks a restricted discretionary activity status for demolition as there is a risk that the non-complying activity status for activities that do not comply with WFZ-R13 may constrain staged developments that require demolition and clearing of a site to enable well-planned development.
- 8.3 The reporting officer rejects the request to provide a restricted discretionary activity status for demolition:

The Waterfront Zone provisions aim to avoid long-term derelict sites, or buildings being replaced by private outdoor uses such as car parking. Well-planned development is best achieved through resource consents for comprehensive redevelopment of a site, which may include staging over time.

- 8.4 I partially agree with the reporting officer that long-term derelict or vacant sites can have negative effects on the city. I also agree that it is appropriate for the district plan to include provisions which seek to manage demolition and control the use and amenity of a site before redevelopment occurs. However, I agree with the submitter that WFZ-R13 as notified provides insufficient flexibility to enable demolition for staged development which may require a building

to be demolished before resource consent is sought for a new building. A non-complying activity would provide insufficient certainty in this circumstance. A restricted discretionary activity status by contrast would provide greater certainty, while ensuring that Council still retains appropriate discretion to impose conditions to ensure quality design outcomes and use of the site before it is redeveloped.

- 8.5 I therefore recommend amending WFZ-R13 as requested by the submitters and as set out in Appendix 1.

WFZ-R14 Alterations or additions to buildings and structures

- 8.6 The Fabric submission supports WFZ-R14 in part and in particular supports the restricted discretionary activity status provided for additions and alterations that do not exceed a building footprint by more than 5% under WFZ-R14.5.

- 8.7 Fabric seeks amendments to WFZ-R14.6 to remove the mandatory public notification clause. According to Fabric:

It is more appropriate for notification to be determined on a case-by-case basis, and in some cases non-notification may be appropriate. While Fabric recognises the high degree of public interest in the Waterfront area, public notification and the associated risk of litigation impose a high potential cost on development. There are means to ensure the effects of an alteration on the public realm are appropriately taken into account without the need for public notification, and retain the Council's discretion to publicly notify applications that are appropriate.

- 8.8 The reporting officer rejects this submission point for the following reason:

I disagree with Fabric Property Ltd [425.96] and agree with the Civic Trust [FS83.6] that the public notification clause should remain for building additions/alterations that do not meet the WFZ-R14.5 requirements. The Waterfront Zone has a general policy principle that significant building works in the Zone should be publicly notified. Building works under WFZ-R14.6 are significant in my view.

- 8.9 I support Fabric's request to remove mandatory public notification for alterations or additions, and I agree with the reasons provided in the submission. Acknowledging the high degree of public interest in the waterfront area, in my opinion it is appropriate to rely on the normal notification tests for additions and alterations to buildings as some of these activities may have limited impact on the public realm and therefore non-notification may be appropriate in some cases.

- 8.10 I disagree with the reporting officer that additions and alterations that are non-compliant with WFZ-R14.5 are necessarily 'significant' in all cases. For example, an alteration that is non-compliant with just one of the WFZ standards may be minor. In this case the significance of the alteration, its potential impact on the public, and whether notification is warranted can be adequately assessed through the normal notification tests.

- 8.11 I therefore recommend amending WFZ-R14.6 to remove the mandatory public notification clause as set out in Appendix 1.

WFZ-S1 Maximum building height

8.12 Fabric supports the building height standard as set out in WFZ-S1 in so far as it enables building heights at least equivalent to the height of the existing building at 55 Lady Elizabeth Lane. The Proposed Plan maps show that the maximum height for the Meridian Building site is 17.7m.

8.13 Fabric seeks a building height of at least 23.1m for the Meridian Building site to enable an additional floor to be added. According to Fabric:

This is consistent with the nearby PWC building and would improve the viability of the works required to the building for earthquake strengthening. It is appropriate to enable minor additional height in this location, while recognising and leveraging the existing built form investment.

8.14 The reporting officer rejects this submission point for the following reason:

I sympathise with the issues the Meridian Building is having with earthquake strengthening, and acknowledge that additional building height would improve the commercial viability of this work. However, I agree with the Civic Trust's point that an increase in height here is contrary to the scheme for building heights in the Waterfront Zone. Additional building height must be assessed on the merits of each individual application, through a discretionary or non-complying resource consent, with particular regard to WFZ-P6.

8.15 I support providing an increased building height to enable an additional storey on the Meridian Building site. This would be a moderate increase in comparison to the existing building and is consistent with the general context of the Waterfront area including the nearby PWC building. I agree with the Fabric submission that the additional height would improve the viability of the works required for earthquake strengthening. The merits and effects of additional building height can and should be considered through the PDP process. Additionally, I note that any additional height would be subject to the Minimum Sunlight Access requirements of WFZ-S2, which will ensure minimal effects on the adjacent public space.

8.16 I therefore recommend amending WFZ-S1 as set out in Appendix 1.

9 Conclusion

9.1 In my view, the PDP as amended by the recommendations set out in this statement of evidence will give effect to the objectives and policies of the NPSUD, will contribute to well-functioning urban environments, and is consistent with the purpose and principles of the Resource Management Act 1991.

Joe Jeffries

12 June 2023

Appendix 1 - Proposed Text Changes

Black Text – Original wording of the proposed plan change.

Red Text – Officer's recommended changes, as set out in the Council Officer Report.

Blue Text – Additional changes recommended in this statement of evidence.

City Centre Zone	
Policies	
CCZ-P11	<p>City outcomes contribution</p> <p>Support Require over and under height, large-scale residential, non-residential and comprehensive new developments over the CCZ-S1 height thresholds and under CCZ-minimum building heights in the City Centre Zone to deliver that provide positive City Outcomes Contributions as detailed and scored in Appendix 16 the Centres and Mixed Use Design Guide guideline G107, including through either:</p> <ol style="list-style-type: none"> 1. Positively contributing to public space provision and the amenity of the site and surrounding area, such as by providing a lane-way or through site connection, or public amenities; and/or 2. Enabling ease of access for people of all ages and mobility/disability; and/or 2. 3. Incorporating a level of building performance that leads to reduced carbon emissions and increased climate-change earthquake resilience; and/or 3. 4. Incorporating construction materials that increase the lifespan and seismic and climate change resilience of the development and reduce ongoing maintenance costs; and/or 4. 5. The provision of affordable housing, including but not limited to incorporating assisted housing into the development; where this is provided, legal instruments are required to ensure that it remains assisted housing for at least 25 years.; and/or <p>Enabling ease of access for people of all ages and mobility. Supporting the ongoing use or future reuse of a heritage building or structure or recognising a site or area of significance to Māori that is listed in Schedule 1, 2 or 7.</p>
Rules	
CCZ-R14	<p>-</p> <ol style="list-style-type: none"> 1. Activity status: Permitted <p>Where:</p> <ol style="list-style-type: none"> a. The activity involves: <ol style="list-style-type: none"> i. Provision of carparks above ground level; or ii. Provision of carparks below ground floor level; or

	<p>iii. Provision of parking spaces for people with disabilities; or iv. Provision of ground level carparks that form part of a building specifically constructed and used for carparking purposes.</p> <p>2. Activity status: Discretionary Where:</p> <p>a. Compliance with the requirements of CCZ-R14.1.a cannot be achieved.</p> <p>Notification status: An application for resource consent made in respect of rule CCZ-R14.2.a must be publicly notified.</p>
CCZ-R18	<p>1. Activity status: Permitted Where:</p> <p>a. The demolition or removal of a building:</p> <p>i. Is required to avoid an imminent threat to life and/or property; or</p> <p>ii. Enables the creation of public space or private outdoor living space associated with the use of a building; or</p> <p>iii. Is required for the purposes of constructing a new building or adding to or altering an existing building that is a permitted activity under CCZ-R19 or CCZ-R20, or that has an approved resource consent or resource consent is being sought concurrently under CCZ-R19.2, CCZ-R20.2 or CCZ-R20.3; or</p> <p>b. The demolition or removal involves a structure, excluding any building.</p> <p>2. Activity status: Non-complying Restricted Discretionary Where:</p> <p>a. Compliance with any of the requirements of CCZ-R18.1 cannot be achieved.</p> <p><u>Matters of discretion are:</u></p> <p>1. The potential impact of long-term vacant sites on streetscape and amenity, and efficient optimisation of land.</p> <p>Notification status: An application for resource consent made in respect of rule CCZ-R18.2.a is precluded from being either publicly or limited notified.</p>
CCZ-R19	<p>1. Activity status: Permitted Where:</p> <p>a. Any alterations or additions to a building or structure that:</p> <p>i. Are a minor cosmetic alteration to a building or structure-Do not alter the external appearance of the building or structure; or</p> <p>ii. Relate to a building frontage below verandah level, including entranceways and glazing and compliance with CCZ-S8 is achieved; or</p>

	<p>iii. Do not result in the creation of new residential units; and iv. Are not visible from public spaces; and Comply with standards CCZ-S1, CCZ-S2, CCZ-S3, CCZ-S4, CCZ-S5, CCZ-S6, CCZ-S7, and CCZ-S8 <u>and CCZ-SX (Fences and standalone walls).</u></p> <p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of CCZ-R19.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in CCZ-P4, CCZ-P5, CCZ-P6, CCZ-P7, CCZ-P8, CCZ-P9, CCZ-P10, CCZ-P11 and CCZ-P12; 2. The extent and effect of non-compliance with CCZ-S1, CCZ-S2, CCZ-S3, CCZ-S4, CCZ-S5, CCZ-S6, CCZ-S7, CCZ-S8, CCZ-S9, CCZ-S10, CCZ-S11, CCZ-S12 and CCZ-S13, and CCZ-S13, <u>CCZ-SX (Fences and standalone walls), CCZ-SX (Boundary setback from a rail corridor) and CCZ-SX (Sites adjoining residential zones);</u> 3. Construction impacts on the transport network; <u>and</u> 4. The Centres and Mixed Use Design Guide, including guideline G107– City Outcomes Contribution as required in Appendix 16 The matters in CCZ-P11 for any building that exceeds the maximum CCZ- S1 height threshold requirement or is under the minimum height limit, and either comprises 50 or more residential units or is a non-residential building; and 5. The Residential Design Guide. <p>Notification status:</p> <p><u>An application for resource consent made in respect of rule CCZ-R19.2.a that complies with all standards is precluded from being either publicly or limited notified.</u></p> <p>An application for resource consent made in respect of rule CCZ-R19.2.a which results in non-compliance with CCZ-S5, CCZ-S9, CCZ-S10, CCZ-S11, CCZ-S12 and CCZ-S13 is precluded from being either publicly or limited notified.</p> <p>An application for resource consent made in respect of rule CCZ-R19.2.a which results in non-compliance with CCZ-S1, CCZ-S2, CCZ-S3, CCZ-S4, CCZ-S6, CCZ-S7 and CCZ-S8 is precluded from being publicly notified.</p>
CCZ-R20	<p>1. Activity status: Permitted</p> <p>Where</p> <p>a. It involves the construction of any new building or structure that:</p> <ol style="list-style-type: none"> i. Will have a gross floor area of 100m² or less; and ii. Will result in a building coverage of no more than 20 percent; and <p>b. Compliance with CCZ-S1, CCZ-S2, CCZ-S3, CCZ-S4, CCZ-S5, CCZ-S6, CCZ-S7, CCZ-S8, CCZ-S9, CCZ-S10, CCZ-S11, CCZ-S12, and CCZ-S13, CCZ-SX (Fences and standalone walls), CCZ-SX (Boundary setback from a rail corridor) and CCZ-SX (Sites adjoining residential zones);</p>

is achieved

2. Activity status: Restricted Discretionary

Where:

- a. Compliance with any of the requirements of CCZ-R20.1, excluding CCZ-S4, cannot be achieved.

Matters of discretion are:

1. The matters in CCZ-P4, CCZ-P5, CCZ-P6, CCZ-P7, CCZ-P8, CCZ-P9, CCZ-P10, CCZ-P11 and CCZ-P12;
2. The extent and effect of non-compliance with ~~CCZ-S1~~, CCZ-S2, CCZ-S3, CCZ-S5, CCZ-S6, CCZ-S7, CCZ-S8, CCZ-S9, CCZ-S10, CCZ-S11, CCZ-S12, ~~and~~ CCZ-S13, ~~CCZ-SX (Fences and standalone walls), CCZ-SX (Boundary setback from a rail corridor) and CCZ-SX (Sites adjoining residential zones);~~
- ~~3. The Centres and Mixed-Use Design Guide, including guideline G107– City Outcomes Contribution as required in Appendix 16 The Matters in CCZ-P11 for any building that exceeds the maximum CCZ-S1 height threshold requirement or is under the minimum height limit in CCZ-S4 and either comprises 50 or more residential units or is a non-residential building;~~
- ~~4. The Residential Design Guide;~~
5. The extent and effect of any identifiable site constraints Whether there are particular site development characteristics in terms of unusual site size, shape or orientation, or the location and nature of existing buildings which have constrained the form of the development proposed;
6. The impacts of related construction activities on the transport network; and
7. The availability and connection to existing or planned three waters infrastructure.

Notification status:

An application for resource consent made in respect of rule CCZ-R20.2.a which complies with all standards is precluded from being either publicly or limited notified.

An application for resource consent made in respect of rule R20.2.a which results in non-compliance with CCZ-S5, CCZ-S9, CCZ-S10, CCZ-S11, CCZ-S12 and CCZ-S13 is precluded from being either publicly or limited notified.

An application for resource consent made in respect of rule R20.2.a which results from non-compliance with CCZ-S1, CCZ-S2, CCZ-S3, CCZ-S6, CCZ-S7 and CCZ-S8 is precluded from being publicly notified.

3. Activity status: **Discretionary**

Where:

	<p>a. Compliance with the requirements of CCZ-S4 cannot be achieved.</p> <p>Notification status: An application for resource consent made in respect of rule CCZ- R20.3 which results in non-compliance with CCZ-S4 is precluded from being either publicly or limited notified</p>																						
Standards																							
CCZ-S1	<p>Maximum height City Outcomes Contribution Height Threshold</p> <p>1. There are no maximum heights for buildings and structures in the City Centre Zone.</p> <p>2. Above the following maximum height limits thresholds apply the City Outcomes Contribution must be complied with (measured above ground level unless otherwise specified):</p> <table border="1" data-bbox="475 770 1418 1899"> <thead> <tr> <th data-bbox="475 770 948 819">Location</th> <th data-bbox="948 770 1418 819">Limit Height threshold</th> </tr> </thead> <tbody> <tr> <td data-bbox="475 819 948 916">a. Height Control Area 1 – Thorndon Quay</td> <td data-bbox="948 819 1418 916">35.4m</td> </tr> <tr> <td data-bbox="475 916 948 1016">b. Height Control Area 2 – Waterloo Quay section</td> <td data-bbox="948 916 1418 1016">50m</td> </tr> <tr> <td data-bbox="475 1016 948 1120">c. Height Control Area 3 – Bulk of Thorndon</td> <td data-bbox="948 1016 1418 1120">27m</td> </tr> <tr> <td data-bbox="475 1120 948 1252">d. Height Control Area 4 – Mid and Upper Molesworth Street</td> <td data-bbox="948 1120 1418 1252">43.8m</td> </tr> <tr> <td data-bbox="475 1252 948 1355">e. Height Control Area 5 - CBD East</td> <td data-bbox="948 1252 1418 1355">48.5m-93m</td> </tr> <tr> <td data-bbox="475 1355 948 1458">f. Height Control Area 6 - CBD West</td> <td data-bbox="948 1355 1418 1458"></td> </tr> <tr> <td data-bbox="475 1458 948 1561">g. Height Control Area 7– Southern edge of CBD</td> <td data-bbox="948 1458 1418 1561">43.8m</td> </tr> <tr> <td data-bbox="475 1561 948 1664">h. Height Control Area 8 –Te Aro</td> <td data-bbox="948 1561 1418 1664">42.5m</td> </tr> <tr> <td data-bbox="475 1664 948 1796">i. Height Control Area 9 – South-East, South-West Zone Edge</td> <td data-bbox="948 1664 1418 1796">28.5m</td> </tr> <tr> <td data-bbox="475 1796 948 1899">j. Height Control Area 10 - Adelaide Road</td> <td data-bbox="948 1796 1418 1899">42.5m</td> </tr> </tbody> </table> <p>2. Fences and standalone walls must not exceed a maximum height of 1.8 metres (measured above ground level).</p>	Location	Limit Height threshold	a. Height Control Area 1 – Thorndon Quay	35.4m	b. Height Control Area 2 – Waterloo Quay section	50m	c. Height Control Area 3 – Bulk of Thorndon	27m	d. Height Control Area 4 – Mid and Upper Molesworth Street	43.8m	e. Height Control Area 5 - CBD East	48.5m-93m	f. Height Control Area 6 - CBD West		g. Height Control Area 7– Southern edge of CBD	43.8m	h. Height Control Area 8 –Te Aro	42.5m	i. Height Control Area 9 – South-East, South-West Zone Edge	28.5m	j. Height Control Area 10 - Adelaide Road	42.5m
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	<p><u>Assessment criteria where the height threshold is exceeded standard is infringed:</u></p> <p>1. <u>The matters in CCZ-P11.</u></p> <p>Streetscape and visual amenity effects;</p> <p>2. Dominance and privacy effects on adjoining sites; and</p> <p>3. The extent to which taller buildings would substantially contribute to increasing residential accommodation in the city.</p>
CCZ-S5	<p>1. The minimum ground floor height to <u>the</u> underside of <u>a</u> structural slab or equivalent shall be 4m <u>within 10m of a street front.</u></p>
CCZ-S7	<p>.....</p> <p>This standard does not apply to:</p> <p>a. Any scheduled building identified in SCHED1 - Heritage Buildings. However, if for any reason these buildings received resource consent approval to be demolished, then a verandah would be required for any replacement buildings on these sites; and</p> <p>b. Any building where compliance with the standard results in an encroachment into the dripline of an existing street tree; and</p> <p>c. <u>Service stations</u></p>
CCZ-S8	<p>Active frontage and non-residential activity frontage controls</p> <p>1. Any new building or addition to an existing building adjoining an identified street with an active frontage must:</p> <p>a. Be built up to the street edge on all street boundaries <u>with an identified active frontage control</u> and along <u>the full 90% of the</u> width of the site <u>boundary bordering any street boundary, excluding vehicle and pedestrian access;</u></p> <p>b. Provide a minimum of 60% of continuous display windows or transparent glazing along the width of the ground floor building frontage; and</p> <p>c. Locate the principal public entrance on the front boundary;</p> <p><u>Except that this does not apply to service stations.</u></p> <p>2. Any ground level addition to, or alteration of, a building or structure facing a public space must not result in a featureless façade that:</p> <p>a. Is more than 3 metres wide; and</p> <p>b. Extends from a height of 1m above ground level to a maximum height of 2.5m;</p> <p>3. Any roller shutter doors, security grilles, screens or similar structures fitted to the facade of any building must be at least 50% visually transparent; and</p>

	<p>4. Any new building or addition to an existing building on a site with a non-residential activity frontage control must:</p> <ol style="list-style-type: none"> a. Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary; and b. Locate the principal public entrance on the front boundary. <p>Assessment criteria where the standard is infringed:</p> <p>1. The extent to which:</p> <ol style="list-style-type: none"> a. Any non-compliance is required for on-site functional needs or operational needs; b. The building frontage is designed and located to create a strong visual alignment with adjoining buildings <u>or otherwise enhances the streetscape</u>; and c. An acceptable level of passive surveillance is maintained between the interior of the building and the street
CCZ-S11	<i>Delete CCZ-S11 Minimum building separation distance</i>
CCZ-S12	<i>Delete CCZ-S12 Maximum building depth.</i>
CCZ-S13	<ol style="list-style-type: none"> 1. An outlook space must be provided for each residential unit as specified in this standard; 2. All habitable rooms must have an outlook space of a minimum dimension of 1m in depth and 1m in width; <u>except the principal living room which must have an outlook space of a minimum dimension of 6m in depth and 4m in width</u>; 3. The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies; 4. Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space; 5. Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building; 6. Outlook spaces may be under or over a balcony; 7. Outlook spaces required from different rooms within the same building may overlap; and 8. Outlook spaces must: <ol style="list-style-type: none"> a. be clear and unobstructed by buildings; and b. not extend over an outlook space or outdoor living space required by another dwelling.

	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. The extent to which: <ol style="list-style-type: none"> a. Acceptable levels of natural light are provided to habitable rooms; b. The design of the proposed unit provides a healthy living environment; and c. The extent of dominance and privacy related effects on adjoining sites.
WFZ	
Rules	
WFZ-R13	<p>1. Activity status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> a. The demolition or removal of a building: <ol style="list-style-type: none"> i. Is required to avoid an imminent threat to life and/or property; or ii. Enables the creation of public space or for private outdoor living space; or iii. Is required for the purposes of constructing a new building or adding to or altering an existing building that is a permitted activity under WFZ-R14 or WFZ-R15, or that has an approved resource consent or resource consent is being sought concurrently under WFZ-R14 or WFZ-R15; or b. The demolition or removal involves a structure, excluding any building <p>4.2. Activity status: Non-complying Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> a. Compliance with the requirements of WFZ-R13.1 cannot be achieved <p><u>Matters of discretion are:</u></p> <ol style="list-style-type: none"> 1. <u>How the land will be utilised whilst it is vacant; and</u> 2. <u>Creating a positive visual relationship between the site and streetscape whilst the site is vacant.</u> <p>The assessment of the activity must have regard to the Principles and Outcomes in the Wellington City Council Design Guides Introduction [2022].</p> <p>Notification status: An application for resource consent made in respect of WFZ-R13.1 is precluded from being either publicly or limited notified</p>
WFZ-R14	<p>.....</p> <p>6. Activity status: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> a. Compliance with the requirements of WFZ-R14.5 cannot be achieved <p>The assessment of the activity must have regard to the Principles and Outcomes in the Wellington City Council Design Guides Introduction [2022].</p> <p>Notification status: An application for resource consent made in respect of Rule WFZ-R14.6 must be publicly notified.</p>
Standards	

WFZ-S1	Entire zone, except Queens wharf buildings Queens Wharf Buildings	<p>Assessment Criteria where the standard is infringed:</p> <p>1. The building at any point does not exceed the height of the existing building heights <u>except:</u></p> <p>a. <u>the building at 55 Lady Elizabeth Lane may be up to 23.1m.</u></p> <p>Note that new buildings outside of existing building footprints and Queens Wharf Buildings do not have a maximum building height. Instead, each building height must be justified through a discretionary or non-complying consent, with particular regard to Policy 6(b and c)</p> <p>2. The building does not exceed 18.1 metres above New Zealand Vertical Datum 2016 (NZVD 2016).</p>