

# **Wellington City Proposed District Plan**

## **Hearing Stream 7 - Tertiary Education Zone**

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

## Document Information

**REPORT FOR:** **Independent Hearings Commissioners:**

Robert Schofield (Chair)  
Miria Pomare  
Jane Black  
Lindsay Daysh

**SUBJECT:** **Wellington City Proposed District Plan**

**Part 3 – Special Purpose Tertiary Education Zone**

**PREPARED BY:** Lisa Hayes

**REPORT DATED:** 20 February 2024

**DATE OF HEARING:** 19 – 28 March 2024

## Executive Summary

- i. This report considers submissions received by Wellington City Council in relation to the relevant objectives, policies, rules, definitions and maps of the Wellington City Proposed District Plan as they apply to the Special Purpose Tertiary Education Zone chapter in the Proposed District Plan.
- ii. The Special Purpose Tertiary Education Zone applies to the following university campuses:
  - Te Herenga Waka Victoria University of Wellington Kelburn Campus; and
  - Te Kunenga ki Pūrehuroa | Massey University, Mt Cook.
- iii. A total of eight submissions were received in relation to the Special Purpose Tertiary Education Zone chapter, along with one further submission. This report outlines recommendations in response to the issues that have emerged from these submissions.
- iv. The following are considered to be the key issues in contention with respect to the Special Purpose Tertiary Education Zone:
  - The suitability of the zoning of university campuses as Special Purpose Tertiary Education Zone;
  - The suitability of the respective zone boundaries; and
  - The suitability of the objectives, policies, rules and standards of the Special Purpose Tertiary Education Zone chapter.
- v. This report addresses each of these key issues, as well as any other relevant issues raised in the submissions.
- vi. Appendix A of this report sets out the recommended changes in full. These recommendations take into account all of the relevant matters raised in submissions and relevant statutory and non-statutory documents.
- vii. Appendix B of this report details recommendations on the specific submission points, and whether those submissions should be accepted or rejected. The reasoning for these recommendations is set out in the body of this report.
- viii. The recommendations on this chapter may also be subject to consequential amendments arising from submissions to the whole of the Proposed District Plan and other chapters.
- ix. For the reasons set out in the Section 32AA evaluation included throughout this report, the proposed objectives and associated provisions, with the recommended amendments, are considered to 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 Proposed District Plan, in respect to the proposed provisions.

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**Table 1: Abbreviations**

<b>Abbreviation</b>	<b>Means</b>
the Act / the RMA	Resource Management Act 1991
the Enabling Act	Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021
the Council	Wellington City Council
ODP	Operative Wellington City District Plan
PDP	Proposed Wellington City District Plan
CMUDG	Centres and Mixed Use Design Guide
HOSZ	Special Purpose Hospital Zone
IHP	Independent Hearings Panel
Planning Standards	National Planning Standards
NES	National Environmental Standard
NPS	National Policy Statement
NPS-UD	National Policy Statement on Urban Development 2020
RPS	Wellington Regional Policy Statement 2013
SASM	Sites and Areas of Significance to Māori
Spatial Plan	Spatial Plan for Wellington City 2021
S32	Section 32 of the Resource Management Act 1991
S32AA	Section 32AA of the Resource Management Act 1991
TEDZ	Special Purpose Tertiary Education Zone

**Table 2: List of Submitters and Abbreviations of Submitters' Names**

<b>Abbreviation</b>	<b>Submission references</b>	<b>Submitter</b>
GWRC	351	Greater Wellington Regional Council
Massey University	253	Te Kunenga ki Pūrehuroa   Massey University
Oliver Sangster	112	Oliver Sangster
Taranaki Whānui	389	Taranaki Whānui ki te Upoko o te Ika
Victoria University	106	Te Herenga Waka Victoria University of Wellington
Te Rūnanga o Toa Rangatira	488 FS138	Te Rūnanga o Toa Rangatira
Waka Kotahi	370	Waka Kotahi NZ Transport Agency
WCC ERG	377	WCC Environmental Reference Group

In addition, references to submissions includes further submissions, unless otherwise stated.

## 1.0 Introduction

### 1.1 Purpose of the Section 42A Report

1. This report is prepared under section 42A of the Resource Management Act 1991 (the **RMA**) to:
  - a. Assist the Independent Hearings Panel (**IHP**) in their role as Independent Commissioners in making their decisions on the submissions and further submissions on the Wellington City Proposed District Plan (the **PDP**); and
  - b. Provide submitters with information on how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.
2. This section 42A report relates to Hearing Stream 7 – Special Purpose Tertiary Education Zone (**TEDZ**).
3. Note that the following provisions under the ambit of Hearing Stream 7 are addressed in separate section 42A reports:
  - Special Purpose Hospital Zone (**HOSZ**)
  - Rural Zone (**GRUZ**)
  - Open Space Zones – Natural Open Space Zone, Open Space Zone and Sport and Active Recreation Zone (**NOSZ, OSZ, SARZ**)
  - Temporary Activities (**TEMP**)
  - Signs (**SIGN**)
  - Light (**LIGHT**)
4. This report is intended to be read in conjunction with the Section 42A Overview Report<sup>1</sup>, which sets out the statutory context, background information and administrative matters pertaining to the District Plan review and PDP.
5. The IHP may choose to accept or reject the conclusions and recommendations of this report, or may come to different conclusions and make different recommendations based on the information and evidence provided to them by submitters.

### 1.2 Author and Qualifications

6. My name is Lisa Hayes. I am a Principal Advisor in the District Planning Team at Wellington City Council (the Council). I am the topic lead for the TEDZ and HOSZ.
7. I hold the qualification of Post-Graduate Diploma in Arts (Planning) from Massey University. I also hold a Master of Arts (Distinction) in Pacific Studies and a Bachelor of Arts (First Class Honours) in Pacific Studies from the University of Canterbury, and a Bachelor of Arts in Māori Studies from the University of Otago.
8. I have been a member of the District Planning Team for 2 years. Prior to notification of the PDP in July 2022 I assisted with a review of the chapters, including the HOSZ, TEDZ, Special

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<sup>1</sup> [S42A Overview Report \(wellington.govt.nz\)](https://www.wellington.govt.nz)

Purpose Stadium Zone (STADZ) and Commercial and Mixed Use Zones (CMUZ). I am the topic lead for the CMUZ (excluding the City Centre Zone (CCZ)).

9. I have 22 years experience in planning and resource management, with 20 of these in the Council's Resource Consents Team. Initially I worked for three years as a Hearings Advisor, before my 17 year tenure as a Resource Consents Planner. In that role I assessed a range of resource consent applications. In the later years my focus was on large scale developments in the central city and other centres.
10. I am a full member of the New Zealand Planning Institute and an accredited resource management commissioner.
11. My role in preparing this report is that of an expert in planning.

### 1.3 Code of Conduct

12. The Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court came into effect on 1 January 2023. The Code of Conduct has been complied with in the preparation of this section 42A report, and will be complied with in the preparation of any supplementary evidence and presentation of oral evidence.
13. Other than where it is stated that the evidence or advice of another person is relied on, this evidence is within my area of expertise. No material facts that might alter or detract from the opinions expressed have been omitted from consideration.
14. Any supporting evidence considered in forming the opinions in this suite of reports are set out below at section 1.4 of this report.

### 1.4 Supporting Evidence

15. The expert evidence, literature, legal cases or other material that has been taken into account in preparation of this section 42A report is as follows:
  - a. The Wellington City District Plan (the **ODP**)<sup>2</sup>, including section 32 reports that inform the ODP provisions;
  - b. The plan titled 'Our City Tomorrow – Spatial Plan for Wellington City (the **Spatial Plan**, adopted 24 June 2021)<sup>3</sup>;
  - c. The report titled 'Report to Technical Review Panel – Special Purpose Tertiary Zone', prepared by Anna Stevens (dated 21 May 2021)<sup>4</sup>; and
  - d. The report titled 'Institutional Precincts Zone – Issues & Options to inform the Wellington District Plan Review of the Institutional Precincts', prepared by RMG (dated March 2020)<sup>5</sup>.

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<sup>2</sup> [Plans, policies and bylaws - Current District Plan - Wellington City Council](#)

<sup>3</sup> [Plans, policies and bylaws - A Spatial Plan for Wellington City - Wellington City Council](#)

<sup>4</sup> Refer to Appendix D

<sup>5</sup> Refer to Appendix E

- e. The recommendations of the IHP in relation to the ISPP provisions considered under Hearing Streams 1 to 5 and the ISPP Wrap-up Hearing.  
[Plans, policies and bylaws - Decision-making process on the Proposed District Plan - Wellington City Council](#)

## 2.0 Key resource management issues in contention

16. Key topics arising in the submissions and further submissions were:
  - a. The suitability of the zoning of university campuses as Special Purpose Tertiary Education Zone;
  - b. The suitability of the respective zone boundaries; and
  - c. The suitability of the objectives, policies, rules and standards of the Special Purpose Tertiary Education Zone chapter.
17. There are a number of TEDZ provisions either not in contention or not needing further consideration, for example where only submissions in support were received in relation to an objective, policy, rule or standard. The provisions not in contention for the TEDZ are listed at paragraph 40 below. It is recommended that these provisions are adopted as notified. No further consideration of them is required.

## 3.0 Procedural Matters

18. At the time of writing this report there have been no pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on the TEDZ.

## 4.0 Background and Statutory Considerations

### 4.1 Resource Management Act 1991

19. The PDP has been prepared in accordance with the RMA and in particular the requirements of:
  - Section 74 Matters to be considered by territorial authority; and
  - Section 75 Contents of district plans.
20. While the Council has followed two plan making processes in developing the PDP, all of the TEDZ provisions follow the Part 1 Schedule 1 process.
21. Since public notification of the PDP and publishing of the related section 32 evaluation reports on 18 July 2022, the following relevant statutory considerations have changed or been introduced:
  - a. **The Spatial Planning Bill and Natural and Built Environment Bill**
    - These Bills have now been repealed and have no further relevance.
  - b. **Plan Change 1 to the Wellington Regional Policy Statement was notified (19.08.2022)**
    - Hearings on Plan Change 1 are currently underway.

## 4.2 Section 32A Evaluation Reports

22. The following Section 32 Evaluation Reports are relevant to the TEDZ provisions that will be addressed in this S42A report:

[Section 32 - Part 1 - Context to Evaluation and Strategic Objectives \(wellington.govt.nz\)](https://www.wellington.govt.nz)

[Section 32 - Part 2 - Special Purpose Hospital Zone and Special Purpose Tertiary Education Zone \(wellington.govt.nz\)](https://www.wellington.govt.nz)

## 4.3 Section 32AA Evaluations

23. Evaluations of the recommended amendments to provisions since the initial section 32 evaluation report for the TEDZ was prepared have been undertaken in accordance with section 32AA of the Act.

24. Section 32AA states:

***32AA Requirements for undertaking and publishing further evaluations***

*(1) A further evaluation required under this Act—*

*(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*

*(b) must be undertaken in accordance with section 32(1) to (4); and*

*(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*

*(d) must—*

*(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*

*(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

*(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*

25. The s32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated. No re-evaluation has been undertaken if the amendments have not altered the policy approach.

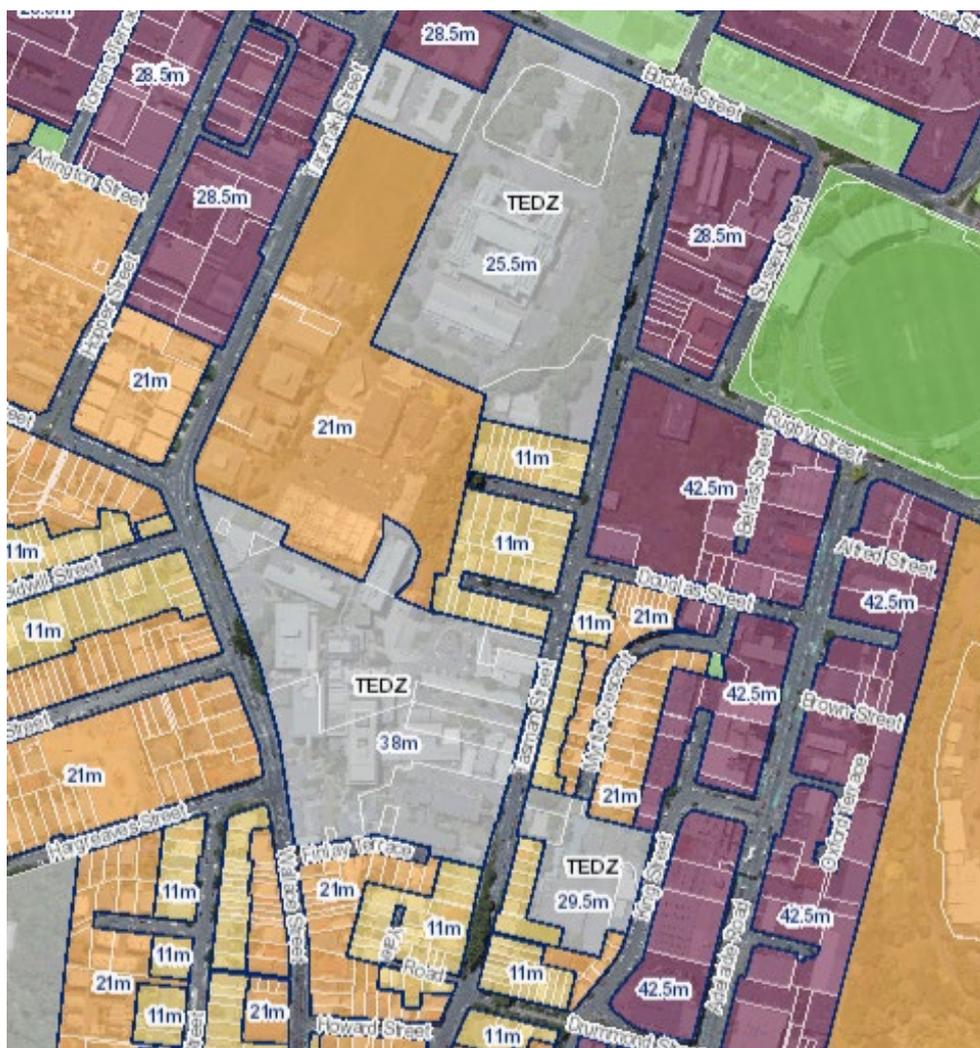
26. In accordance with section 32AA(1)(d)(ii), I have undertaken section 32AA evaluations for changes proposed within the report in the same location as a recommendation.

## 4.4 Trade Competition

27. Trade competition is not considered relevant to the provisions of the PDP relating to this topic and no known trade competition issues were raised in the submissions.



Figure 2: Te Kunenga ki Pūrehuroa | Massey University, Mount Cook Campus



30. Background information regarding the establishment and use of the two campuses is provided in the report titled ‘Technical Review Panel – Officer’s Report – Special Purpose Tertiary Zone’<sup>7</sup>, where it is noted that the two universities are major employment, research, technological, commercial and social hubs within Wellington and have a combined student population of over 25,000 students. This report also details the existing built development on the two campuses, noting that Victoria University contains a number of heritage buildings and Massey University incorporates the listed Former National / Dominion Museum and National Art Gallery building (used for university purposes) and the National War Memorial (which includes the Carillon). The Massey University Mount Cook campus and TEDZ is adjacent to Pukeahu National War Memorial Park.
31. Under chapters 8 and 9 of the ODP Massey University, the Victoria University Kelburn Campus and the Wellington Regional Hospital are zoned as Institutional Precincts<sup>8</sup>. The District Plan Review has identified that the existing Institutional Precinct provisions are out of date and do not align with the National Policy Statement on Urban Development 2020 (NPS-UD) or

<sup>7</sup> Refer to Appendix D, page 4-5

<sup>8</sup> [v1chap08.pdf \(wellington.govt.nz\)](#), [v1chap09.pdf \(wellington.govt.nz\)](#)

National Planning Standards<sup>9</sup>. In recognition of their strategic importance and to support their efficient operation, function and development the two campuses have been given a new Special Purpose Tertiary Education Zone in the PDP, thus aligning them with the National Planning Standards structure.

32. The introduction to the TEDZ chapter states that purpose of the TEDZ is to *“enable the efficient and effective operation and development of these tertiary education facilities across both campus sites. The zone provisions reflect the importance of these existing institutions by providing for their growth and a diverse range of education, research and development activities and facilities”*.
33. The introduction also notes: *“These campus sites and universities have long established historical and cultural associations for the mana whenua of Whanganui ā Tara (Wellington), Taranaki Whānui and Ngāti Toa Rangatira. Activities and development within the Tertiary Education Zone must recognise mana whenua as kaitiaki, alongside their relationship with the land. Active engagement with mana whenua will assist in ensuring the mouri/mauri of this area of importance to mana whenua is not diminished through any potential adverse effects created by activities within the Zone”*.

## 5.2 Submissions

34. In total there were 80 submission points in relation to the TEDZ, as follows:
  - Eight submitters who collectively made 77 original submission points; and
  - One further submitter who made 3 further submission points in support or opposition to the original submissions.
35. These submissions are categorised and assessed as follows:
  - General points relating to the TEDZ; and
  - Submissions relating to specific provisions in the TEDZ chapter.
36. This report should be read in conjunction with the information in the following appendices:
  - Appendix A – Recommended Amendments to the TEDZ chapter;
  - Appendix B – Recommended Responses to Submissions and Further Submissions on the TEDZ chapter; and
  - Appendix C – Map with 320A The Terrace rezoned as TEDZ.

## 5.3 Format for Consideration of Submissions

37. For each identified topic, the consideration of submissions has been undertaken in the following format:
  - Matters raised by submitters;
  - Assessment; and
  - Summary of recommendations.

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<sup>9</sup> Ibid., page 5  
Proposed Wellington City District Plan

38. 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.
39. Where my recommended amendments represent a material change from the notified PDP I have undertaken a s32AA evaluation in my assessment.
40. Submissions received in relation to the following provisions were all in support, and seek that the respective provisions are retained as notified:
- TEDZ-O1: Purpose (subject to a minor correction)
  - TEDZ-O4: Managing Adverse Effects
  - TEDZ-P1: Enabled activities
  - TEDZ-P4: Providing for future needs
  - TEDZ-P6: Quality design outcomes and amenity
  - TEDZ-P8: National War Memorial
  - TEDZ-R1: Tertiary education facility
  - TEDZ-R2: Activities relating to the function of the National War Memorial including ceremonial activities
  - TEDZ-R4: Maintenance and repair of buildings and structures
  - TEDZ-S4: Building coverage in relation to 320 The Terrace
41. With the exception of my recommended minor and inconsequential amendments to TEDZ-P6, discussed at Section 6, I recommend that these provisions are retained as notified and have not assessed them further in this report.
42. No submissions were received in relation to TEDZ-S4. This standard is also discussed at Section 6 of this report.

## **5.4 General Submission Points Relating to the Tertiary Education Zone**

### **5.4.1 General Submissions**

43. Massey University [253.22] supports the introduction of a specific Tertiary Education Zone in part, subject to relief sought in relation to specific provisions, as will be addressed elsewhere in this section 42A report.
44. Victoria University [106.1] has advised that they are a significant property owner in Wellington and have a planned programme of works to revitalise university buildings over the next 10 years, called the Campus Development Plan (CDP). The submitter considers that the Controlled activity status in the ODP that has applied to such works has ensured good design outcomes for major campus projects to date. They note that the CDP proposes to connect the Kelburn campus with 320 and 320A The Terrace, and to conserve and re-purpose the McLean Flats. They advise that there is no ability, appetite or available resource to repurpose the Gordon Wilson Flats and note that, due to the state of disrepair, any heritage values associated with the Gordon Wilson Flats are now significantly undermined.

45. Victoria University [106.2] does not support the use of the term 'cannot be achieved' throughout the PDP as it implies that a provision must be complied with unless it is impossible to do so. They seek that all such references are changed to 'is not achieved' throughout the entire PDP.

### Assessment

46. I acknowledge the submission from Massey University [253.22] in general support of the TEDZ.
47. Likewise, I acknowledge the partial support and information provided by Victoria University in relation to their campus [106.1], noting that I discuss the sites at 320 and 320A The Terrace at section 5.4.3 below.
48. I disagree with Victoria University's interpretation of the term 'cannot be achieved'. The use of the word 'cannot' is intended to provide flexibility, so that developers have the opportunity to vary from District Plan provisions where they cannot achieve these, by way of the resource consent process. I also note that the use of 'cannot be achieved' occurs consistently across the PDP. For these reasons I do not support this suggested change.

### Summary of recommendations

49. **HS7-TEDZ-Rec1:** That the general submission points relating to the Special Purpose Tertiary Zone are accepted/rejected as detailed in Appendix B.

#### 5.4.2 Submission Relating to Definitions

##### Matters raised by submitters

50. Massey University [253.3] supports the definition of Tertiary Education Facility and seeks that this is retained as notified.
51. Victoria University [106.7] supports the definition of Tertiary Education Facility and seeks that this is amended as follows:

**TERTIARY EDUCATION FACILITY** means land or buildings used for tertiary education and research activities

Includes:

- a. classrooms, lecture theatres and other facilities dedicated to learning;
- b. staff and student facilities, including student and staff support services, student union offices, student and staff clubs and organisations;
- c. research and innovation facilities;
- d. [marae](#) activities and facilities;
- e. spiritual facilities;
- f. laboratories;
- g. libraries;
- h. sport and recreation activities and facilities;
- i. student accommodation activities;
- j. [education and research partners](#);
- k. ~~j~~ any ancillary activity necessary for the effective operation of the University sites which includes:
  - i. office activities;
  - ii. commercial activities;
  - iii. staff facilities;
  - iv. operation and maintenance support facilities including laundries, printing and publishing, telecommunications and broadcasting, kitchens, cafeterias, refreshment facilities, generators, substations, plant and vehicle depots, storage facilities and workshops;
  - v. childcare services;
  - vi. conference facilities;
  - vii. community use of tertiary education facilities;
  - viii. healthcare activities;
  - ix. entertainment facilities;
  - x. light manufacturing;
  - xi. car parking for staff, students and visitors; ~~and~~
  - xii. emergency service facilities;
  - xiii. [food and beverage](#); ~~and~~
  - xiv. [retail](#).

## Assessment

52. I acknowledge the submission in support of retaining the Tertiary Education Facility definition as notified [253.3], but accept that the additional activities requested by Victoria University [106.7] fall under the ambit of facilities that would be anticipated on a tertiary education site. I therefore recommend that the definition is amended as requested by the submitter.

## Summary of recommendations

53. **HS7-TEDZ-Rec2:** That the definition of 'Tertiary Education Facility' is amended as shown below and at Appendix A.

**TERTIARY EDUCATION FACILITY** means land or buildings used for tertiary education and research activities

Includes:

- a. classrooms, lecture theatres and other facilities dedicated to learning;
- b. staff and student facilities, including student and staff support services, student union offices, student and staff clubs and organisations;
- c. research and innovation facilities;
- d. [marae](#) activities and facilities;
- e. spiritual facilities;
- f. laboratories;
- g. libraries;
- h. sport and recreation activities and facilities;
- i. student accommodation activities;
- j. [education and research partners](#);
- k. ~~j~~ any ancillary activity necessary for the effective operation of the University sites which includes:
  - xv. office activities;
  - xvi. commercial activities;
  - xvii. staff facilities;
  - xviii. operation and maintenance support facilities including laundries, printing and publishing, telecommunications and broadcasting, kitchens, cafeterias, refreshment facilities, generators, substations, plant and vehicle depots, storage facilities and workshops;
  - xix. childcare services;
  - xx. conference facilities;
  - xxi. community use of tertiary education facilities;
  - xxii. healthcare activities;
  - xxiii. entertainment facilities;
  - xxiv. light manufacturing;
  - xxv. car parking for staff, students and visitors; ~~and~~
  - xxvi. emergency service facilities;
  - xxvii. [food and beverage](#); ~~and~~
  - xxviii. [retail](#).

54. **HS7-TEDZ-Rec3:** That the submission points relating to the definition of ‘Tertiary Education Facility’ are accepted as detailed in Appendix B.

### 5.4.3 Submission Relating to Zoning

#### Matters raised by submitters

55. Victoria University [106.3, 106.4, 106.11] considers that the TEDZ should be extended to include the McLean Flats site at 320A The Terrace and the substation site adjoining the Gordon Wilson Flats site (320 The Terrace) on the northern side. As part of this CDP the university intends to connect the Kelburn Campus with 320 and 320A The Terrace via the ‘Te Huanui Project’, which is described in their submission<sup>10</sup>.

<sup>10</sup><https://wellington.govt.nz/-/media/Your-council/plans-policies-and-bylaws/district-plan/Proposed-district-plan/Files/original-submissions/100-149/Submission-106-Te-Herenga-Waka-Victoria-University-of-Wellington.pdf>, para 12.

56. Massey University [253.1] seeks that the TEDZ should be extended to include all of the Massey University campus.

### Assessment

#### Victoria University

57. The sites that Victoria University seeks rezoning of are shown in the submitter's image below:

**Figure 3: Rezoning Request from Victoria University**



*Figure 2: Excerpt from the PDP planning maps showing 320 The Terrace in the Tertiary Education zone (outlined in red) adjacent to 320A The Terrace (outlined in black) and the substation site (outlined in blue) in the High Density Residential zone.*

58. Victoria University is the owner of the land at 320A The Terrace, containing the McLean Flats building, as well as the Gordon Wilson Flats. I note that at the time that the Gordon Wilson Flats site (320 The Terrace) was rezoned from Inner Residential Area to Institutional Precinct, being the equivalent ODP zones to High Density Residential Zone (HRZ) and TEDZ, the McLean Flats site was not owned by the university or intended to be used for tertiary education purposes<sup>11</sup>.

<sup>11</sup> [The Architecture Centre v Wellington City Council, ENV-2016-WLG-000024, 9 August 2017.pdf](#), para 4.  
Proposed Wellington City District Plan

59. The section 32A report for the TEDZ notes that this site was zoned HRZ in the PDP due to the *'current context and processes in play'*<sup>12</sup>. This relates to the University not having provided the Council with any plans or reasoning as to why residential development could not be accommodated within the McLean Flats building. Hence the zoning reflects the Council's focus (at that time) on increasing housing supply. The University still has not provided this information and has advised that refurbishing the building for residential development is not their current intent. Evidence presented in relation to the ISPP Hearings identified that the Council has had advice from Property Economics that the upzoning of land across Wellington City, through the PDP, has enabled more than sufficient residential development capacity<sup>13</sup>. Hence I do not see the need to preserve the McLean Flats for residential development and consider that a TEDZ zoning best reflects the site's expected future use (ie by the university for tertiary education activities).
60. I also note that the Council does not include McLean Flats in its ODP heritage list or PDP heritage schedule, however, recommends that Gordon Wilson Flats remains in the heritage schedule<sup>14</sup>. Both buildings are included in the Heritage New Zealand Pouhere Taonga (NZHPT) heritage list (ref 9783). The NZHPT listing occurred after the 2017 appeal. More information on the heritage listings is available at the links below:
- [Proposed District Plan - Wellington City Proposed District Plan](#) (ref 299)
- [Gordon Wilson Flats - Wellington Heritage - Absolutely Positively Wellington City Council Me Heke Ki Poneke \(wellingtoncityheritage.org.nz\)](#) (ref 299)
- [Welcome to Heritage New Zealand](#) (ref 9783)
- [Plans, policies and bylaws - Decision-making process on the Proposed District Plan - Wellington City Council](#) (report 3A)
61. As detailed at paragraph 44 of this report, it is intended that the sites at 320 and 320A The Terrace are redeveloped in line with the Victoria University's CDP. Given that 320A The Terrace is owned by the submitter and their intent is to use the site for university-related activities, I agree that this site should be rezoned as TEDZ. I also note that there are no submissions or further submissions in relation to the zoning of this site or further submissions in opposition to this rezoning request from Victoria University.
62. The rezoning will enable a wider range of activities to occur at 320A The Terrace than if the notified HRZ is retained. Under the HRZ only residential activities can occur on this site as a permitted activity. Rezoning the site to TEDZ will enable the submitter to carry out Tertiary Education Facility activities as a permitted activity under TEDZ-R1, thereby enabling the university to re-purpose the McLean Flats building for university related activities without requiring resource consent for such activities. As student accommodation is included within the definition of Tertiary Education Facility, re-purposing the building for this purpose would

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<sup>12</sup> [Section 32 - Part 2 - Special Purpose Hospital Zone and Special Purpose Tertiary Education Zone \(wellington.govt.nz\)](#), p97.

<sup>13</sup> [wellington-city-commercially-feasible-residential-capacity-assessment.pdf](#).

<sup>14</sup> Refer to HS3-Rec157: [S42A Hearing Stream 3 - Historic Heritage, Sites and Areas of Significance and Notable Trees \(wellington.govt.nz\)](#), para 702.

also be permitted under the rezoning. I therefore recommend that the Victoria University submission points [106.3, 106.11 (in relation to 320A The Terrace)] are accepted. A map showing this change is provided at Appendix C to this section 42A report.

63. Victoria University also seeks that the site at 302 The Terrace, to the immediate north of 320 The Terrace, is rezoned as TEDZ. They request this rezoning as their CDP also earmarks 302 The Terrace to be used for university purposes. This site, which contains an established substation, is owned by Wellington Electricity Lines Limited (WELL). I note that vehicle access to 320 The Terrace (Gordon Wilson Flats) runs adjacent to 302 The Terrace.



**Figure 4: 302 The Terrace – substation at 302 The Terrace shown in the top right, with the driveway forming part of the site at 320 The Terrace.**



**Figure 5: Aerial photograph showing location of the boundary between 302 and 320A The Terrace**

64. While WELL has made a submission on the PDP (submission no. 355), they have not made a specific submission point in relation to 302 The Terrace. Nor have they made a further submission in relation to the Victoria University rezoning request. Nonetheless, given that WELL owns the site at 302 The Terrace and there is no indication that the substation on this site will be removed, it is not clear that the submitter has access to this site or any ability to undertake their intended CDP development there. I therefore recommend that the submission points [106.4, 106.11 (as it relates to 302 The Terrace)] are rejected.

### Massey University

65. Massey University seeks rezoning of two sections of the land zoned HRZ that is located to the north of the TEDZ. The HRZ land has the address 249 Taranaki Street, Mt Cook, and is occupied by Wellington High School and Community Institute.
66. The PDP zoning is shown on the left below, with the submitter's requested zoning on the right:



**Figure 6: Massey University Rezoning Request**

67. As identified by the submitter, whilst these two sections of land are within the Wellington High School site, the buildings and activities within them form part of the Massey University Campus. The university seeks the zoning of these areas as TEDZ to reflect the existing pattern of land use and enable Tertiary Education Facility activities to occur in the two sections of land without resource consent, which will be of benefit to the submitter particularly if the use of either existing building changes in the future.
68. While the TEDZ land is owned by Massey University, the Wellington High School and Community Education Institute site at 249 Taranaki Street is owned by the Crown (with the Record of Title referring to Her Majesty the Queen). Wellington High School is designated for school purposes (ODP designation E68, PDP designation MEDU64). The PDP designation directly rolls over the ODP designation. The Ministry of Education is the Requiring Authority for the designated site. The Ministry has not made a submission requesting changes to the designation or the rezoning of the land referred to in the Massey University submission, nor have they made a further submission in support or opposition to the request from Massey

University. Given the designation that applies to the Wellington High School site, rezoning the land would require a change to the designation, with approval of the Requiring Authority.

69. As the Ministry for Education would need to initiate and approve the rezoning of the sections of the Wellington High School and Community Education Institute site, and at this stage have not done so, I do not support rezoning the two sections of land as requested by the submitter. I therefore recommend that the Massey University submission point [253.1] is rejected. I note that the existing university activities would retain existing use rights under section 10 of the RMA.

### Summary of recommendations

70. **HS7-TEDZ-Rec4:** That the Special Purpose Tertiary Zone applied to 320A The Terrace, Kelburn (McLean Flats) is rezoned from High Density Residential Zone to Special Purpose Tertiary Zone.
71. **HS7-TEDZ-Rec5:** That the High Density Residential Zone applied to the site at 302 The Terrace, Kelburn is retained as notified.
72. **HS7-TEDZ-Rec6:** That the extent of the Special Purpose Tertiary Zone applied to Massey University is confirmed as notified.
73. **HS7-TEDZ-Rec7:** That the submission points in relation to Mapping are accepted/rejected as detailed in Appendix B.

## 5.5 Submissions Relating to Specific Tertiary Education Zone Provisions

### TEDZ-O1 – Purpose

#### Matters raised by submitters

74. Massey University [253.23, 253.24] supports TEDZ-O1, but seeks that a minor amendment to clarify the objective. The objective as shown in the submission is provided below:

#### **TEDZ-O1 (Purpose)**

Victoria University's Kelburn Campus and Massey University's Mt Cook Campus operate efficiently and effectively and are recognised regionally, nationally, and internationally as significant educational facilities supported by a range of primary and ancillary activities.

#### Assessment

75. I acknowledge the support of TEDZ-O1 [253.23]. I do not consider the change sought by the submitter [253.24] is necessary as the wording of the objective as shown in the PDP already captures the wording sought by the submitter, as shown below (highlight added):

**TEDZ-O1 (Purpose)**

Victoria University's Kelburn Campus and Massey University's Mt Cook Campus operate efficiently and effectively and are recognised regionally, nationally, and internationally as significant educational facilities supported by a range of primary and ancillary activities.

**Summary of recommendations**

76. **HS7-TEDZ-Rec8:** That TEDZ-O1 (Purpose) is confirmed as notified.
77. **HS7-TEDZ-Rec9:** That submission points relating to TEDZ-O1 (Purpose) are accepted/rejected as detailed in Appendix B.

**TEDZ-O2 – Mana whenua**

**Matters raised by submitters**

78. Massey University [253.25] supports TEDZ-O2 in part. To ensure that the objective does not rule out other mana whenua and recognises the varying interests of all mana whenua within the area, Massey University seeks one of the amendments shown below.

**Either [253.26]:**

**TEDZ-O2 (Mana Whenua)**

Taranaki Whānui, Te Āti Awa and Ngāti Toa Rangatira are acknowledged as the mana whenua of Te Whanganui ā Tara (Wellington) and their cultural associations to these sites and the land are recognised in planning and developing the Tertiary Education Zone.

**Or [253.27]:**

**TEDZ-O2 (Mana Whenua)**

~~Taranaki Whānui and Ngāti Toa Rangatira are acknowledged as~~ The cultural association the mana whenua of Te Whanganui ā Tara (Wellington) ~~and their cultural associations have~~ to these sites ~~and the land~~ are recognised in future planning and ~~developing~~development of the Tertiary Education Zone.

79. Taranaki Whānui [389.124] (opposed by Te Rūnanga o Toa Rangatira [FS138.63]) seeks that TEDZ-O2 is amended to state that Taranaki Whānui hold ahi kā and primary mana whenua status in Wellington City.
80. Te Rūnanga o Toa Rangatira [488.92, 488.93] supports TEDZ-O2 in part and seeks that this is amended to require 'partnership' rather than 'engagement' with mana whenua.

## Assessment

81. I acknowledge the partial support from Massey University and their concern that there may, in the future, be additional iwi with mandated mana whenua status in Wellington. However, the approach that has been adopted across the entirety of the PDP is to recognise Taranaki Whānui and Te Rūnanga o Toa Rangatira as mana whenua iwi. At present, Te Āti Awa sits under the umbrella of Taranaki Whānui and is not recognised as having mana whenua status in its own right. Noting this, and for consistency across the District Plan, I do not support the first change requested by Massey University [253.26].
82. I acknowledge that the second request from Massey University [253.27] would also future proof the District Plan. However, in my view this would be inconsistent with references to mana whenua elsewhere in the PDP. This change also has the potential to diminish the recognition afforded to our existing mana whenua, both of which have had significant input into the development of the PDP as notified. As such, I recommend that the change is rejected.
83. The request from Taranaki Whānui [389.124] (opposed by Te Rūnanga o Toa Rangatira [FS138.63]) seeking that Taranaki Whānui are recognised as holding ahi kā and primary mana whenua status in Wellington City was addressed in the section 42A report for Hearing Stream 1 by the reporting officer Adam McCutcheon<sup>15</sup>. Mr McCutcheon advised:
- “I do not agree with the amendments requested by Taranaki Whānui [389.24] as it would be inappropriate for the plan to specify a level of mana whenua status different to that identified through Treaty of Waitangi settlement legislation. In this case Taranaki Whānui ki te Upoko o te Ika and Ngāti Toa Rangatira both have mana whenua status”.*
84. This matter was traversed further by Mr McCutcheon in relation to Hearing Stream 3 (Historic Heritage) and by Anna Stevens, the reporting officer for Hearing Stream 4 (City Centre Zone)<sup>16</sup>. Ms Stevens endorsed Mr McCutcheon’s advice, adding the following:

*“Further to this, the Tākai Here agreement between mana whenua and Wellington City Council was signed by Te Rūnanganui o Te Āti Awa ki te Upoko Te Ika a Māui for Te Āti Awa, Port Nicholson Block Settlement Trust for Taranaki Whānui ki te Upoko o te Ika, and Te Rūnanga o Ngāti Toa Rangatira for Ngāti Toa Rangatira. Tākai Here refers to the way we will bind the waka to which Te Rangapū Ahikāroa (the mana whenua signatories) and Te Kaunihera o Pōneke/Wellington City Council will work together to ensure each binding, lashing, knotting and tying of our waka is safe and fit for our collective purposes. This strategic partnership will be underpinned by the agreement’s shared values and tikanga. In summary, the Tākai Here agreement does not afford an elevated mana whenua status to any iwi partner”.*

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<sup>15</sup> [Hearing stream 1 – Section 42a Report – Part 1 plan wide matters and strategic direction \(wellington.govt.nz\)](https://www.wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/files/hearing-streams/04/section-42a-reports/section-42a-report---part-1---city-centre-zone.pdf), para 487.

<sup>16</sup> [wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/files/hearing-streams/04/section-42a-reports/section-42a-report---part-1---city-centre-zone.pdf](https://www.wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/files/hearing-streams/04/section-42a-reports/section-42a-report---part-1---city-centre-zone.pdf), para 155-156.

85. I agree with Mr McCutcheon and Ms Stevens in this respect, and recommend that the submission point from Taranaki Whānui [389.124] is rejected. Further, I note that the IHP has recommended that Mr McCutcheon’s recommendation is adopted<sup>17</sup>.
86. With respect to the request from Te Rūnanga o Toa Rangatira [488.92, 488.93] to require ‘partnership’ rather than ‘engagement’ with mana whenua, I note that Mr McCutcheon addressed a similar submission point in relation to Hearing Stream 1 and recommended that the terminology be changed to ‘active partnership’ throughout the District Plan<sup>18</sup>. I therefore recommend that the submission points are accepted, but note that TEDZ-O2 makes no reference to engagement with iwi and no change to the provision is required. At paragraph 222 of this section 42A report I identify that this change is necessary within the wording of the Introduction to the TEDZ chapter. This is the only instance where change is required.

### Summary of recommendations

87. **HS7-TEDZ-Rec10:** That TEDZ-O2 (Mana whenua) is confirmed as notified.
88. **HS7-TEDZ-Rec11:** That submission point relating to TEDZ-O2 (Mana whenua) are accepted/rejected as detailed in Appendix B.

### TEDZ-O3 – Amenity and Design

#### Matters raised by submitters

89. Massey University [253.28, 253.29] supports TEDZ-O3 in part. To clarify that the objective does not require coordination between Massey and Victoria Universities when undertaking development, the submitter seeks the amendment shown below:

#### **TEDZ-O3 (Amenity and Design)**

Changes in land use and the built form of Victoria university’s Kelburn campus and Massey University’s Mt Cook campus’ occur in a coordinated and integrated manner respectively for each individual campus, contribute to a well-functioning urban environment and recognise the functional and operational needs of each of the individual ~~the~~ university campus’.

### Assessment

90. I agree with the changes requested by Massey University [253.28, 253.29] as this provides clarification as to how the objective applies. The intent of the objective is to ensure that development of each individual campus is co-ordinated and integrated within that campus, and not that Massey and Victoria campuses should coordinate with each other when undertaking development.

<sup>17</sup> [ihp-recommendation-report-1b.pdf \(wellington.govt.nz\)](#), para 86.

<sup>18</sup> [Hearing stream 1 – Section 42a Report – Part 1 plan wide matters and strategic direction \(wellington.govt.nz\)](#), para 460.

91. Further to the above, I recommend amending the plural of campuses as shown at **HS7-TEDZ-Rec12** below.

#### Summary of recommendations

92. **HS7-TEDZ-Rec12:** That TEDZ-O3 (Amenity and Design) is amended as set out below and at Appendix A:

##### **TEDZ-O3 (Amenity and Design)**

Changes in land use and the built form of Victoria university's Kelburn campus and Massey University's Mt Cook campus' occur in a coordinated and integrated manner respectively for each individual campus, contribute to a well-functioning urban environment and recognise the functional and operational needs of each of the individual ~~the~~ university ~~campus'~~ campuses.

93. **HS7-TEDZ-Rec13:** That submission points relating to TEDZ-O3 (Amenity and Design) are accepted as detailed in Appendix B.

#### **TEDZ-O4 – Managing adverse effects**

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

94. Massey University [253.30] and WCC ERG [377.510] supports TEDZ-O4 and seek that this is retained as notified.

##### **Assessment**

95. I acknowledge the support for TEDZ-O4 [253.30, 377.510].

#### Summary of recommendations

96. **HS7-TEDZ-Rec14:** That TEDZ-O4 (Managing adverse effects) is confirmed as notified.
97. **HS7-TEDZ-Rec15:** That submission points relating to TEDZ-O4 (Managing adverse effects) are accepted as detailed in Appendix B.

#### **TEDZ-P1 – Enabled activities**

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

98. Massey University [253.31] supports TEDZ-P1 and seeks that this is retained as notified.

##### **Assessment**

99. I acknowledge the submissions in support of TEDZ-P1 [253.31].

## Summary of recommendations

100. **HS7-TEDZ-Rec16:** That TEDZ-P1 (Enabled activities) is confirmed as notified.
101. **HS7-TEDZ-Rec17:** That the submission point relating to TEDZ-P1 (Enabled activities) is accepted as detailed in Appendix B.

## TEDZ-P2 – Incompatible activities

### Matters raised by submitters

102. Massey University [253.32, 253.33] supports TEDZ-P2 in part, but seeks that this is amended to allow other entities to use their established premises when a space is underutilised. The submitter seeks the amendment shown below:

#### **TEDZ-P2 (Incompatible activities)**

Only allow other activities within the Tertiary Education Zone where they:

1. Are compatible with the purpose of the Zone; ~~and~~
2. Will not have adverse effects on the vitality and amenity of the Zone- ; ~~and~~
3. Are facilitated by the tertiary education provider.

## Assessment

103. I acknowledge the partial support of TEDZ-P2 [253.32].
104. Massey University also request that the policy is amended to provide for university premises to be used by other entities when not being used for their primary purpose. An example of this would be the use of the 'National Art Gallery and Dominion Museum (Former) at 15 Buckle Street for the 'Great War Exhibition' between 2014 and 2018. This exhibition required resource consent for a Discretionary Restricted activity under ODP Rule 9.3.1 for an activity that did not relate to the primary function of the Institutional Precinct and was not an ancillary function. Likewise, this activity would require resource consent for a Discretionary Restricted activity under TEDZ-R3 of the PDP, with TEDZ-P2 being a matter of discretion. In my view amending the policy as requested by the submitter is not necessary or appropriate. As landowners, activities occurring within existing premises will need approval of the relevant university (either Massey or Victoria) and will in all cases be 'facilitated by the university provider'. In fact, these activities provide an opportunity for the universities to lease out their land/buildings and it is potential non-university uses that the District Plan seeks to regulate, regardless of who facilitates the activity. In my view, this change will make no material difference to how TEDZ-R3 is applied. I therefore recommend that the submission point [253.33] is rejected.

## Summary of recommendations

105. **HS7-TEDZ-Rec18:** That TEDZ-P2 (Potentially incompatible activities) is confirmed as notified.
106. **HS7-TEDZ-Rec19:** That the submission points relating to TEDZ-P2 (Potentially incompatible activities) are accepted/rejected as detailed in Appendix B.

## TEDZ-P3 – Mana whenua

### Matters raised by submitters

107. Massey University [253.34, 253.35] supports TEDZ-P3 in part, but considers that as facilities within the TEDZ are designed to be functional and meet their educational purpose, there are limited opportunities for design modifications. They note that managing design collaboration with their iwi partners occurs via non-statutory documents such as the Massey University Te Tiriti o Waitangi objectives and consider that TEDZ-P3.3 means that the PDP as notified results in duplication with this process. As such, they request that this provision is deleted as shown below:

#### **TEDZ-P3 (Mana Whenua)**

Recognise and enable Taranaki Whānui and Ngāti Toa Rangatira cultural associations in the Tertiary Education Zone by:

1. Ensuring that use and development in the Zone recognises and has regard to the historical and contemporary relationship between mana whenua and these sites and universities;  
and
2. Managing new development adjoining scheduled sites of significance to Māori; ~~and~~
- ~~3. Collaborating on the design and incorporation of traditional cultural elements into public space within the zone.~~

108. Taranaki Whānui [389.125] (opposed by Te Rūnanga o Toa Rangatira [FS138.64]) seeks that TEDZ-O2 is amended to state that Taranaki Whānui hold ahi kā and primary mana whenua status in Wellington City.
109. Te Rūnanga o Toa Rangatira [488.94, 488.95] supports TEDZ-O2 in part and seeks that this is amended to require 'partnership' rather than 'engagement' with mana whenua.

## Assessment

110. I acknowledge the partial support from Massey University [253.34]. With respect to their requested change [253.35], I note that TEDZ-P3.3 is a tool to facilitate engagement between the universities and iwi with respect to the design of public space within the zone. It provides recognition for mana whenua in such spaces, but does not impose any specific requirements on the universities (particularly if this work is occurring already). Nevertheless, I consider that the collaboration encouraged by this policy is beneficial as it will assist to create public spaces that are recognisable and inclusive to Māori students. This reflects objective 5 and policy

1(a)(ii) of the NPS-UD, along with section 8 of the RMA. Therefore, in my view, where such elements cannot be incorporated into the design of a public space, this should be justified through the resource consent process. As such, I consider that TEDZ-P3.3 should be retained as notified and the submission point rejected.

111. The submission point from Taranaki Whānui [389.125] (opposed by Te Rūnanga o Toa Rangatira [FS138.64]) has been addressed at paragraphs 83 to 84 above.
112. The submission points from Te Rūnanga o Toa Rangatira [488.94, 488.95] have been addressed at paragraph 85 above.

#### Summary of recommendations

113. **HS7-TEDZ-Rec20:** That TEDZ-P3 (Mana whenua) is confirmed as notified.
114. **HS7-TEDZ-Rec21:** That the submission points relating to TEDZ-P3 (Mana whenua) are accepted/rejected as detailed in Appendix B.

#### TEDZ-P4 – Providing for future needs

##### Matters raised by submitters

115. Massey University [253.36] supports TEDZ-P4 and seeks that this is retained as notified.

##### Assessment

116. I acknowledge the submissions in support of TEDZ-P4 [253.36].

#### Summary of recommendations

117. **HS7-TEDZ-Rec22:** That TEDZ-P4 (Providing for future needs) is confirmed as notified.
118. **HS7-TEDZ-Rec23:** That the submission point relating to TEDZ-P4 (Providing for future needs) is accepted as detailed in Appendix B.

#### TEDZ-P5 – Sense of place

##### Matters raised by submitters

119. Massey University [253.37] supports TEDZ-P5 and seeks that this is retained as notified.
120. Taranaki Whānui [389.126] (opposed by Te Rūnanga o Toa Rangatira [FS138.65]) seeks that TEDZ-P5 is amended to state that Taranaki Whānui hold ahi kā and primary mana whenua status in Wellington City.

## Assessment

121. I acknowledge the submission point in support of TEDZ-P5 [253.37].
122. The submission point from Taranaki Whānui [389.126] (opposed by Te Rūnanga o Toa Rangatira [FS138.64]) has been addressed at paragraphs 83 to 85 above.

## Summary of recommendations

123. **HS7-TEDZ-Rec24:** That TEDZ-P5 (Sense of place) is confirmed as notified.
124. **HS7-TEDZ-Rec25:** That the submission points relating to TEDZ-P5 (Sense of place) are accepted/rejected as detailed in Appendix B.

## TEDZ-P6 – Quality design outcomes and amenity

### Matters raised by submitters

125. Massey University [253.38], Waka Kotahi [370.446] and WCC ERG [377.511] support TEDZ-P6 and seek that this is retained as notified.

## Assessment

126. I acknowledge the submission points in support of TEDZ-P6 [253.38, 370.446, 377.511].

## Summary of recommendations

127. **HS7-TEDZ-Rec26:** That TEDZ-P6 (Quality design outcomes and amenity) is confirmed as notified, subject to **HS7-TEDZ-Rec56** with respect to the title of the policy and reference to the Centres and Mixed Use Design Guide within it.
128. **HS7-TEDZ-Rec27:** That the submission points relating to TEDZ-P6 (Quality design outcomes and amenity) are accepted as detailed in Appendix B.

## TEDZ-P7 – Resilience

### Matters raised by submitters

129. WCC ERG [377.512] supports TEDZ-P7 and seeks that this is retained as notified.
130. Massey University [253.39, 253.40] supports TEDZ-P7 in part. The submitter seeks the following amendment on the basis that Massey University has no agreement with any natural hazard and emergency services providers to serve as a resilience anchor during a natural hazard event, nor is the scope of this role/requirement defined. The submitter is not satisfied that TEDZ-P7.2 has been justified through the Council's section 32 reporting and considers that it imposes a requirement on Massey University that has not been agreed to. As such, they seek that the clause is deleted as shown below:

### **TEDZ-P7 (Resilience)**

Encourage new development within Victoria University's Kelburn campus and Massey University's Mt Cook campus that:

1. Is sustainable, resilient and adaptable to change in use over time. ~~and~~
2. ~~Supports the universities' role and function as resilience anchors during and after natural hazard events.~~

### **Assessment**

131. I acknowledge the submission point in support of TEDZ-P7 [377.512].
132. With respect to the submission points from Massey University [253.39, 253.40], Issue 7 in the Report to the Technical Review Panel states both Massey and Victoria University campuses were identified in the Spatial Plan as "*anchors of resilience for responses to natural and pandemic disasters*"<sup>19</sup>, where 'anchors of resilience' are intended to be self-supporting places following events such as earthquakes. The policy recognises that the universities are implicitly viewed by the public as resilience anchors as they are stable places that have a role in the City's future, regardless of any formal arrangement with the Council or other party. The policy does not impose any specific constraints or requirements on development within the university sites, and in fact acts in favour of development where the requirements of the policy are met. I therefore recommend that the policy is retained as notified and the submission points from Massey University [253.39, 253.40] are rejected.

### **Summary of recommendations**

133. **HS7-TEDZ-Rec28:** That TEDZ-P7 (Resilience) is confirmed as notified.
134. **HS7-TEDZ-Rec29:** That the submission points relating to TEDZ-P7 (Resilience) are accepted/rejected as detailed in Appendix B.

### **TEDZ-P8 – National War Memorial**

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

135. Massey University [253.41] supports TEDZ-P8 as notified.

### **Assessment**

136. I acknowledge the submission point in support of TEDZ-P8 [253.41].

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<sup>19</sup> Refer to Appendix D, page 11.  
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### Summary of recommendations

137. **HS7-TEDZ-Rec30:** That TEDZ-P8 (National War Memorial) is confirmed as notified.
138. **HS7-TEDZ-Rec31:** That the submission point relating to TEDZ-P8 (National War Memorial) is accepted as detailed in Appendix B.

### TEDZ-R1 – Tertiary education facility

#### Matters raised by submitters

139. Massey University [253.42] supports TEDZ-R1 as notified. No submitters oppose, or request changes to, TEDZ-R1.

#### Assessment

140. I acknowledge the submission point in support of TEDZ-R1 [253.42] and recommend that it is accepted. No further assessment is required.

### Summary of recommendations

141. **HS7-TEDZ-Rec32:** That TEDZ-R1 (Tertiary education facility) is confirmed as notified.
142. **HS7-TEDZ-Rec33:** That the submission point relating to TEDZ-R1 (Tertiary education facility) is accepted as detailed in Appendix B.

### TEDZ-R2 – Activities relating to the function of the National War Memorial including ceremonial activities

#### Matters raised by submitters

143. Massey University [253.43] supports TEDZ-R2 as notified. No submitters oppose, or request changes to, TEDZ-R2.

#### Assessment

144. I acknowledge the submission point in support of TEDZ-R2 [253.43]. No further assessment is required.

### Summary of recommendations

145. **HS7-TEDZ-Rec34:** That TEDZ-R2 (Activities relating to the function of the National War Memorial including ceremonial activities) is confirmed as notified.
146. **HS7-TEDZ-Rec35:** That the submission point relating to TEDZ-R2 (Activities relating to the function of the National War Memorial including ceremonial activities) is accepted as detailed in Appendix B.

## **TEDZ-R3 – All other activities**

### **Matters raised by submitters**

147. Massey University [253.44] supports TEDZ-R3 and seeks that this is retained as notified.
148. Victoria University [106.12] supports TEDZ-R3 in part, but seeks that the rule is amended to say 'is not achieved' rather than 'cannot be achieved'.
149. WCC ERG [377.513] considers that while the rule provides an outline for requirements for activities outside of other established activities, it fails to include the important long-term sustainability and resilience considerations outlined within TEDZ-P6 and TEDZ-P7. The submitter requests that these policies are included as matters of discretion.

### **Assessment**

150. I acknowledge the submission point in support of TEDZ-P3 [380.57].
151. The submission point from Victoria University [106.12] has been addressed at paragraph 48 above, where I recommend against this change.
152. With respect to the WCC ERG submission point [377.513], I note that TEDZ-R3 relates to activities, whereas TEDZ-P6 (Quality design outcomes and amenity) and TEDZ-P7 (Resilience) relate to buildings. It is not necessary to include these as matters of discretion under the activities rules as these will be captured through TEDZ-R6 and TEDZ-R7.

### **Summary of Recommendations**

153. **HS7-TEDZ-Rec36:** That TEDZ-R3 (All other activities) is confirmed as notified.
154. **HS7-TEDZ-Rec37:** That the submission points relating to TEDZ-R3 (All other activities) are accepted/rejected as detailed in Appendix B.

## **TEDZ-R4 – Maintenance and repair of buildings and structures**

### **Matters raised by submitters**

155. Massey University [253.45] supports TEDZ-R4 and seeks that this is retained as notified.

### **Assessment**

156. I acknowledge the submission in support of TEDZ-R4 [253.45].

## Summary of recommendations

157. **HS7-TEDZ-Rec38:** That TEDZ-R4 (Maintenance and repair of buildings and structures) is confirmed as notified.
158. **HS7-TEDZ-Rec39:** That the submission point relating to TEDZ-R4 (Maintenance and repair of buildings and structures) is accepted as detailed in Appendix B.

## TEDZ-R5 – Demolition or removal of buildings and structures

### Matters raised by submitters

159. Massey University [253.46, 253.47] supports TEDZ-R5 and seeks that this is retained as notified.
160. Victoria University [106.13] supports TEDZ-R5 in part, but seeks that the rule is amended to say 'is not achieved' rather than 'cannot be achieved'.
161. Oliver Sangster [112.13] seeks that TEDZ-R5 is amended to permit the demolition of the Gordon Wilson Flats at 320A The Terrace. This change is shown below:

TEDZ-R5 (Demolition or removal of buildings and structures)	
	<p><del>1.</del> Activity status: Permitted</p> <p><del>Where:</del></p> <p>a. <del>The demolition or removal is not of Gordon Wilson Flats at 320 the Terrace.</del></p>
	<p><del>2.</del> Activity status: <b>Controlled</b></p> <p><del>Where:</del></p> <p>a. <del>Compliance with any of the requirements of <u>TEDZ-R5.1.a</u> cannot be achieved</del></p> <p><del>Matters of control are:</del></p> <p><del>1. The preparation and implementation of a <u>demolition management plan</u>;</del> <del>2. Management of <u>demolition effects on local amenity values</u>; and</del> <del>3. Recording of the <u>building prior to demolition</u>.</del></p>

162. WCC ERG [377.514] considers that TEDZ-R5.2 does not effectively consider the potential significant local and wider environmental impacts of demolition activities within Wellington City and request an additional matter of control to acknowledge these risks and the need for their minimisation. The change the submitter seeks is shown below:

**TEDZ-R5 (Demolition or removal of buildings and structures)**

2. Activity status: **Controlled**

Where:

- a. Compliance with any of the requirements of TEDZ-R5.1.a cannot be achieved.

Matters of control are:

1. The preparation and implementation of a demolition management plan;
2. Management of demolition effects on local amenity values; ~~and~~
3. Recording of the building prior to demolition; ~~and~~
4. Establishment of a management plan for runoff of potential on site exotoxins and other environmental hazards.

163. GWRC [351.309, 351.310] supports TEDZ-R5 in part, but seeks that this is amended to require that all building and demolition material is disposed of at an approved facility to achieve the Permitted activity status.

### Assessment

164. I acknowledge the submission in support of TEDZ-R5 [253.46, 253.47].
165. The submission point from Victoria University [106.13] has been addressed at paragraph 48 above, where I recommend against this change.
166. Oliver Sangster [112.13] requests that all demolition or removal of buildings from the TEDZ is a permitted activity, including the demolition of Gordon Wilson Flats. I note that Mr Sangster has not provided any planning evidence or section 32 analysis of why the demolition of this building should be a permitted activity. While TEDZ-R5 permits the demolition and removal of buildings and structures from the TEDZ, it is important to note that the demolition or removal of any heritage buildings or structures in the zone will require resource consent under HH-R8 and/or HH-R9. The IHP has recommended retaining the Gordon Wilson Flats building within Schedule 5 of the District Plan. If this provision is made operative, the demolition of this building will require resource consent as a Discretionary Activity under HH-R9. Hence unless the building is removed from the heritage schedule in the future, its demolition will not be a Permitted Activity in line with the relief sought by Mr Sangster and I recommend that the submission point [112.13] is rejected.
167. That said, I have given consideration as to whether the Controlled Activity status is required under TEDZ-R5.2 when the more stringent Discretionary Activity rule as recommended by the IHP also applies. I note that TEDZ-R5.2 provides direction as to the matters that should be considered if the building is demolished (ie either under HH-R9 or if it is removed from the heritage schedule at a later date). The rule will provide an additional level of protection for the heritage building (ie by requiring 'recording of the building prior to demolition'). It also requires a demolition management plan prior to demolition and provides for consideration of

demolition effects on local amenity values, which in my view are important matters for the decision-maker to retain control over given the scale of both the building and the associated effects that could occur during demolition. I therefore consider that the Controlled Activity component of TEDZ-R5 is appropriate and should be retained.

168. With respect to the submission point from WCC ERG [377.514], I note that TEDZ-R5.2 only applies to the Gordon Wilson Flats site and not Wellington City in general. The Council's Solid Waste Management and Minimisation Bylaw 2020 deals with construction waste and all persons undertaking demolition are required to comply with this. Therefore, I consider that this change is not a necessary addition to the District Plan.
169. I disagree with the amendment sought by GWRC [351.309, 351.310] relating to the disposal of building waste at approved facilities on the basis 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. I note that the submitter has requested this change across all of the PDP zones and that officers have recommended against the change. The change has not been adopted into any chapters addressed under the ISPP hearings (Hearing Stream 1 to 5) IHP's recommendations on provisions and to introduce it now would result in an inconsistency within the District Plan.

### Summary of Recommendations

170. **HS7-TEDZ-Rec40:** That TEDZ-R5 (Demolition or removal of buildings and structures) is confirmed as notified.
171. **HS7-TEDZ-Rec41:** That submission points relating to TEDZ-R5 (Demolition or removal of buildings and structures) are accepted/rejected as detailed in Appendix B.

### TEDZ-R6 – Additions and alterations to buildings and structures

#### Matters raised by submitters

172. Massey University [253.48, 253.49, 253.50] supports TEDZ-R6 in part, but seeks the removal of TEDZ-R6.1.a.ii that permits additions and alterations that 'are not visible from public spaces', on the basis that all works within the university will be visible from a public space (as all spaces are publicly accessible). The requested change is shown below:

**TEDZ-R6 (Additions and alterations to buildings and structures)**

1. Activity status: **Permitted**

Where:

- a. The proposed additions or alterations:
  - i. Do not alter the external appearance of the building or structure; or
  - ii. ~~Are not visible from public spaces; and~~
  - iii. Compliance with TEDZ-S1, TEDZ-S2, TEDZ-S3 and TEDZ-S4 is achieved.

173. Victoria University submission points on TEDZ-R6 both support and oppose the rule in part, and seek a number of amendments as follows:

- i. [106.14] – opposes changing the activity status for additions and alterations from Controlled (under the ODP) to Restricted Discretionary at TEDZ-R6.2 as this extends the matters of discretion (formerly control) and is unduly onerous on the universities.
- ii. [106.15] – opposes in part the definition of ‘public spaces’ on the basis this is broad and would apply throughout the university, given this is all publicly accessible. As such, the submitter seeks that TEDZ-R6.1 is amended so that this only applies in relation to the legal road.
- iii. [106.16] – seeks that if the Restricted Discretionary activity status at TEDZ-R6.2 is retained, then limited notification is also precluded when a development complies with the building standards at TEDZ-S1, TEDZ-S2, TEDZ-S3 and TEDZ-S4.
- iv. [106.17] - seeks that TEDZ-R6.2.a is amended to say ‘is not achieved’ rather than ‘cannot be achieved’.

174. The changes sought by Victoria University are shown below:

#### **TEDZ-R6 (Additions and alterations to buildings and structures)**

1. Activity status: **Permitted**

Where:

- a. The proposed additions or alterations:
  - i. Do not alter the external appearance of the building or structure; or
  - ii. Are not visible from public spaces, a legal road or are located 10 m away from a legal road boundary; and
  - iii. Compliance with TEDZ-S1, TEDZ-S2, TEDZ-S3 and TEDZ-S4 is achieved.

2. Activity status: **~~Controlled Restricted-Discretionary~~**

Where:

- a. Compliance with any of the requirements of TEDZ-R6.1 is not cannot be achieved

Matters of discretion are:

1. Any relevant matters in TEDZ-P3, TEDZ-P4, TEDZ-P5, TEDZ-P6 and TEDZ-P8;
2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards;
3. The Centres and Mixed-Use Design Guide; and
4. The extent to which any service elements (e.g. roof plant, exhaust and intake units, and roof equipment) that could be viewed from the road or open space zone can be integrated as part of the façade or roof of the building.

Notification status: An application for resource consent made in respect of rule TEDZ-R6.2 is precluded from being publicly notified and will be precluded from limited notification where compliance with TEDZ-S1, TEDZ-S2, TEDZ-S3 and TEDZ-S4 is achieved.

#### **Assessment**

175. Both universities are concerned that as all areas within their respective campuses are publicly accessible, no additions and alterations will achieve TEDZ-R6.1.a.ii. The definition of public space is as follows:

*means those places in public or private ownership which are available for public access (physical or visual) or leisure and that are characterised by their public patterns of use. Public spaces include, but not limited to, streets, accessways, squares, plazas, urban parks, open space and all open or covered spaces within buildings or structures that are generally available for use by the public, notwithstanding that access may be denied at certain times.*

The intent of the provision is to only permit additions and alterations where these are not visible from public spaces, for example where they are to the rear of buildings and/or obscured from view. Works that are visible will require resource consent, where the Council retains the ability to consider design (through consideration of the matters in the relevant policies). This is consistent with both the ODP approach and other zones' approach to additions and alterations provisions in the PDP, in particular the equivalent provisions in the CMUZ. Hence I do not recommend that TEDZ-R6.1.a.ii is deleted in its entirety as requested by Massey University [253.49], or amended as requested by Victoria University [106.15].

176. With respect to the Victoria University submission point [253.49] I note that buildings within 10 metres of the legal road have the potential to be highly visible and this change would not enable the Council to assess the visual effects of such development on the streetscape context. Additionally, there are other public spaces in the vicinity of the Kelburn campus, including the Wellington Botanic Gardens, and the requested change would remove the Council's ability to assess whether the works create adverse visual effects on such places. I therefore recommend that submission points 106.15 and 253.49 are rejected.
177. I disagree with the relief sought by Victoria University with respect to retaining the Controlled Activity status for additions and alterations [106.14]. I note that the PDP intentionally moves away from the use of the Controlled Activity status throughout the District Plan. The ODP Controlled Activity rule (Rule 9.2.1) retains control over design, external appearance and siting, vehicle parking and site access. The PDP Restricted Discretionary Activity rule has wider matters of discretion as shown in the text box above. I consider that these matters of discretion are appropriate, noting that for small scale works resource consent are likely to be easy to achieve, whereas for larger scale additions and alterations the Restricted Discretionary Activity status provides the Council with wider scope to positively influence design outcomes. I note that the PDP largely moves away from the use of the Controlled Activity status. Regardless of this, the Restricted Discretionary Activity status reflects that both campuses are visually prominent within Wellington's townscape and require appropriate consideration at the resource consent application stage.
178. That said, I accept that where the building standards at TEDZ-S1 to TEDZ-S4 are met, there should be no requirement for limited notification, as these standards set the scale of development that is considered to be appropriate. Consistent with the approach of applying a permitted baseline, I consider it is only necessary to undertake an assessment of the scale and nature of effects on adjacent property owners when development exceeds these standards. I therefore support the change to the notification status as requested by Victoria University [106.16].
179. For the reasons set out at paragraph 48 of this report, I do not support the request from Victoria University to change 'cannot be achieved' to 'is not achieved' [106.17].

### Summary of recommendations

180. **HS7-TEDZ-Rec42:** That TEDZ-R6 (Additions and alterations to buildings and structures) is amended as detailed at Appendix A and shown below:

**TEDZ-R6 (Additions and alterations to buildings and structures)**

1. Activity status: **Permitted**

Where:

- a. The proposed additions or alterations:
  - i. Do not alter the external appearance of the building or structure; or
  - ii. Are not visible from public spaces; and
  - iii. Compliance with TEDZ-S1, TEDZ-S2, TEDZ-S3 and TEDZ-S4 is achieved.

2. Activity status: **Restricted Discretionary**

Where:

- a. Compliance with any of the requirements of TEDZ-R6.1 cannot be achieved

Matters of discretion are:

1. Any relevant matters in TEDZ-P3, TEDZ-P4, TEDZ-P5, TEDZ-P6 and TEDZ-P8;
2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards;
3. The Centres and Mixed-Use Design Guide; and
4. The extent to which any service elements (e.g. roof plant, exhaust and intake units, and roof equipment) that could be viewed from the road or open space zone can be integrated as part of the façade or roof of the building.

Notification status:

An application for resource consent made in respect of rule TEDZ-R6.2 is precluded from being publicly notified.

An application for resource consent made in respect of rule TEDZ-R6.2 is precluded from limited notification where compliance with TEDZ-S1, TEDZ-S2, TEDZ-S3 and TEDZ-S4 is achieved.

181. **HS7-TEDZ-Rec43:** That submission points relating to TEDZ)-R6 (Additions and alterations to buildings and structures) are accepted/rejected as detailed in Appendix B.

### S32AA Evaluation

182. In my opinion, the amendment to the notification clause under TEDZ-R6 is more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:
- a. The change clarifies that resource consent applications will not be subject to limited notification where compliance with the TEDZ building standards is achieved, thereby providing certainty to the university with respect to the parameters in which they can develop their respective sites without incurring the costs, delays and uncertainty associated with notification.
  - b. The change is more efficient and effective than the notified provisions in achieving the objectives of the District Plan.
183. The recommended amendments will not have any greater environmental, social, economic or cultural effects that the notified provisions.

184. **TEDZ-R7 – Construction of new buildings and structures**

**Matters raised by submitters**

185. Massey University supports TEDZ-R7 in part [253.51], but seeks the following amendments:
- i. [253.52] – An increase to the 100m<sup>2</sup> permitted building footprint at TEDZ-R7.1, on the basis that this area is too small to construct any form of structure required for the operation of a tertiary education facility and a 1000m<sup>2</sup> footprint is more appropriate.
  - ii. [253.53] – Deletion of the reference to visibility from public spaces at TEDZ-R7.1 on the basis that visibility from public spaces and large building sites can be sufficiently covered by TEDZ-R7.2.
  - iii. [253.54] – Further clarification of the matter of discretion at TEDZ-R7.2.4 to make it clear that these views from roads and/or open space are limited to directly adjoining public areas. This is because the Massey University Site is visible from a wide range of vantages around Wellington, which would result in this matter of discretion being relatively wide reaching and could result in unintended consequences.
186. The changes requested by Massey University are shown below:

<p><b>TEDZ-R7 (Construction of new buildings and structures)</b></p> <ol style="list-style-type: none"><li>1. Activity status: <b>Permitted</b> Where:<ol style="list-style-type: none"><li>a. <del>The new building or structure will have a gross floor area of less than or equal to 1000m<sup>2</sup>; and</del> <del>i. — Is not visible from a public space; and</del> <del>ii. — Will have a gross floor area of less than 100m<sup>2</sup>; and</del></li><li>b. Compliance with TEDZ-S1, TEDZ-S2, TEDZ-S3 and TEDZ-S4 is achieved.</li></ol></li><li>2. Activity status: <b>Restricted Discretionary</b> Where:<ol style="list-style-type: none"><li>a. Compliance with any of the requirements of TEDZ-R6.1 cannot be achieved</li></ol></li></ol> <p>Matters of discretion are:</p> <ol style="list-style-type: none"><li>1. Any relevant matters in TEDZ-P3, TEDZ-P4, TEDZ-P5, TEDZ-P6 and TEDZ-P8;</li><li>2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards;</li><li>3. The Centres and Mixed-Use Design Guide; and</li><li>4. The extent to which any service elements (e.g. roof plant, exhaust and intake units, and roof equipment) that could be viewed from the <u>directly adjoining</u> road or open space zone can be integrated as part of the façade or roof of the building.</li></ol>
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187. Victoria University supports/opposes TEDZ-R6 and seeks a number of amendments as follows:
- i. [106.18] – opposes changing the activity status for additions and alterations from Controlled (under the ODP) to Restricted Discretionary at TEDZ-R7.2 and this extends the matters of discretion (formerly control) and is unduly onerous on the universities.

- ii. [106.19] – opposes in part the definition of ‘public spaces’ on the basis this is broad and would apply throughout the university, given this is all publicly accessible. As such, the submitter seeks that TEDZ-R6.1 is amended so that this only applies in relation to the legal road.
- iii. [106.20] – seeks that if the Restricted Discretionary activity status at TEDZ-R6.2 is retained, then limited notification is also precluded when a development complies with the building standards at TEDZ-S1, TEDZ-S2, TEDZ-S3 and TEDZ-S4.
- iv. [106.21] - seeks that TEDZ-R6.2.a is amended to say ‘is not achieved’ rather than ‘cannot be achieved’.

188. The changes sought by Victoria University are shown below:

**TEDZ-R7 (Construction of new buildings and structures)**

1. Activity status: **Permitted**

Where:

- a. The proposed new building or structure:
  - i. Is not visible from a public space legal road or is located 10 m away from a legal road boundary; and
  - ii. Will have a gross floor area of less than 100m<sup>2</sup>; and
- b. Compliance with TEDZ-S1, TEDZ-S2, TEDZ-S3 and TEDZ-S4 is achieved.

2. Activity status: **Controlled Restricted Discretionary**

Where:

Compliance with any of the requirements of TEDZ-R7.1 is not cannot be achieved

Matters of discretion are:

- 1. Any relevant matters in TEDZ-P3, TEDZ-P4, TEDZ-P5, TEDZ-P6 and TEDZ-P8;
- 2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards;
- 3. The Centres and Mixed-Use Design Guide; and
- 4. The extent to which any service elements (e.g. roof plant, exhaust and intake units, and roof equipment) that could be viewed from the road or open space zone can be integrated as part of the façade or roof of the building.

Notification status: An application for resource consent made in respect of rule TEDZ-R7.2 is precluded from limited notification where compliance with TEDZ-S1, TEDZ-S2, TEDZ-S3 and TEDZ-S4 is achieved.

### Assessment

189. My assessment of the submission points from Massey University is as follows:

- i. [253.52] – I disagree with increasing the floor area of a permitted activity building from 100m<sup>2</sup> to 1000m<sup>2</sup>. I note that the submitter has not provided any rationale or section 32AA assessment as to why this footprint is appropriate. Consistent with the provisions in the Commercial and Mixed Use chapters, the purpose of the permitted activity rule is

to provide for small scale buildings, with the intent being that any buildings larger than 100m<sup>2</sup> require resource consent where their design can be assessed. While I accept that this may mean that all new buildings require resource consent, I consider that this is appropriate given that buildings within the TEDZ are public in nature (despite not always being visible from a public street) and a high-quality design that takes into account the range of matters specified in the policies is required. I note that this footprint is consistent with the permitted size in the equivalent CCZ and other CMUZ construction of buildings provisions, which supports a more consistent plan-wide approach.

- ii. [253.53] – As detailed at paragraphs 175 to 176 above in relation to TEDZ-R6, the intent is that TEDZ-R7.1.a.i applies to buildings where these are visible from a range of public spaces and not just the legal road. This includes publicly accessible spaces within and around the two universities. The submitter contends that visibility from public spaces and large building sites can be sufficiently covered by TEDZ-R7.2 and I agree that this is the case when resource consent is required; however, I note that where the permitted activity rule is met there will be no such consideration. Consistent with my recommendation in relation to TEDZ-R6, my recommendation is that TEDZ-R7.1.a.i is retained as notified and that this submission point is rejected.
  - iii. [253.54] – I agree that consideration of the visual effects of service elements (such as roof plant, intake units and the like) should be restricted to the adjoining road. While such features may be visible from wider afield (and are more likely to be), separation distances will serve to mitigate any visual / bulk and dominance effects. The visibility of such features is an expected part of any townscape environment and is considered acceptable, noting that if these are appropriately screened at the adjoining street the long-range visual effects are also likely to be mitigated. I therefore support the requested change to TEDZ-R7.2.a.4; however, note that the word ‘directly’ is implicit to the definition of ‘adjoining’ and not necessary. It is also not included elsewhere in the PDP where adjoining is used.
190. For the reasons discussed at paragraph 177 above in relation to TEDZ-R6, I disagree with the relief sought by Victoria University with respect to retaining the Controlled activity status for new buildings and structures in the TEDZ [106.18].
191. Likewise, and as further discussed at paragraph 178, I accept that where a new building or structure complies with the building standards at TEDZ-S1 to TEDZ-S4, there should be no requirement for limited notification, as these standards set the scale of development that is appropriate. I therefore support the inclusion of a notification status under TEDZ-R7 as requested by Victoria University [106.19]. The submitter has not requested that public notification also be precluded and therefore I have not included this change as it is not within the scope of the submissions. This does, however, create an incongruence in the rule structure.
192. As noted previously, I do not support the request from Victoria University to change ‘cannot be achieved’ to ‘is not achieved’ [106.20].

## Summary of recommendations

193. **HS7-TEDZ-Rec44:** That TEDZ-R7 (Construction of new buildings and structures) is amended as shown below and at Appendix A.

### **TEDZ-R7 (Construction of new buildings and structures)**

1. Activity status: **Permitted**

Where:

- a. The proposed new building or structure:
  - i. Is not visible from a public space; and
  - ii. Will have a gross floor area of less than 100m<sup>2</sup>; and
- b. Compliance with TEDZ-S1, TEDZ-S2, TEDZ-S3 and TEDZ-S4 is achieved.

2. Activity status: **Restricted Discretionary**

Where:

- a. Compliance with any of the requirements of TEDZ-R7.1 cannot be achieved:

Matters of discretion are:

1. Any relevant matters in TEDZ-P3, TEDZ-P4, TEDZ-P5, TEDZ-P6, TEDZ-P7 and TEDZ-P8;
2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards;
3. The Centres and Mixed-Use Design Guide; and
4. The extent to which any service elements (e.g. roof plant, exhaust and intake units, and roof equipment) that could be viewed from the adjoining road or open space zone can be screened or integrated as part of the façade or roof of the building.

Notification status: An application for resource consent made in respect of rule TEDZ-R7.2 is precluded from limited notification where compliance with TEDZ-S1, TEDZ-S2, TEDZ-S3 and TEDZ-S4 is achieved.

194. **HS7-TEDZ-Rec45:** That the submission points relating to TEDZ-R7 (Construction of new buildings and structures) are accepted/rejected as detailed in Appendix B.

## S32AA Evaluation

195. In my opinion, the amendments under TEDZ-R7 to more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:
- a. The change to the notification clause clarifies that resource consent applications will not be subject to limited notification where compliance with the TEDZ building standards is achieved, thereby providing certainty to the university with respect to the parameters in which they can develop their respective sites without incurring the costs, delays and uncertainty associated with notification.
  - b. The change is more efficient and effective than the notified provisions in achieving the objectives of the District Plan.

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

## **TEDZ-R8 – Outdoor storage areas**

### **Matters raised by submitters**

197. Massey University [253.55, 253.56] supports TEDZ-R8 and seeks that this is retained as notified.
198. Victoria University [106.22] supports TEDZ-R8 in part, subject to replacing ‘cannot be achieved’ with ‘is not achieved’.

### **Assessment**

199. I acknowledge the submission in support of TEDZ-R8 [253.55, 253.56].
200. The submission point from Victoria University [106.22] has been addressed at paragraph 48 above, where I recommend against this change.

### **Summary of recommendations**

201. **HS7-TEDZ-Rec46:** That TEDZ-R8 (Outdoor storage areas) is confirmed as notified.
202. **HS7-TEDZ-Rec47:** That submission points relating to TEDZ-R8 (Outdoor storage areas) are accepted/rejected as detailed in Appendix B.

## **TEDZ-S1 – Maximum height of buildings and structures**

### **Matters raised by submitters**

203. Massey University [253.57, 253.58] supports TEDZ-S1.2 (relating to Massey University) and TEDZ-S1.3 (relating to fences and standalone walls) respectively and seeks that the standard is retained as notified.
204. Victoria University supports TEDZ-S1 in part, and seeks the following amendments:
- i. [106.23] – That Height Control Area 4 at TEDZ-S1.1 is extended to include the McLean Flats site at 320A The Terrace, as this is now owned by the University and will be used for university purposes.
  - ii. [106.24] – That Height Control Area 4 at TEDZ-S1.1 is amended to accommodate the proposed Te Huanui building, which the submitter anticipates will be between 8 to 12 metres above the maximum height in Height Control Area 4 (34 metres)<sup>20</sup>. The submitter notes that Te Huanui project is expected to increase the level of amenity to the southern

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<sup>20</sup> While the submission says ‘8 to 12 metres’, based on the 34 metre height requested it is assumed this is an error and the submitter means ‘8 to 12 storeys’.

end of The Terrace and should be accommodated within the Height Control Areas of the TEDZ to reduce future consenting complexity. The submitter seeks an amendment to Height Control Area 2 to those parts of the site that are 20 metres or more away from a residential zone.

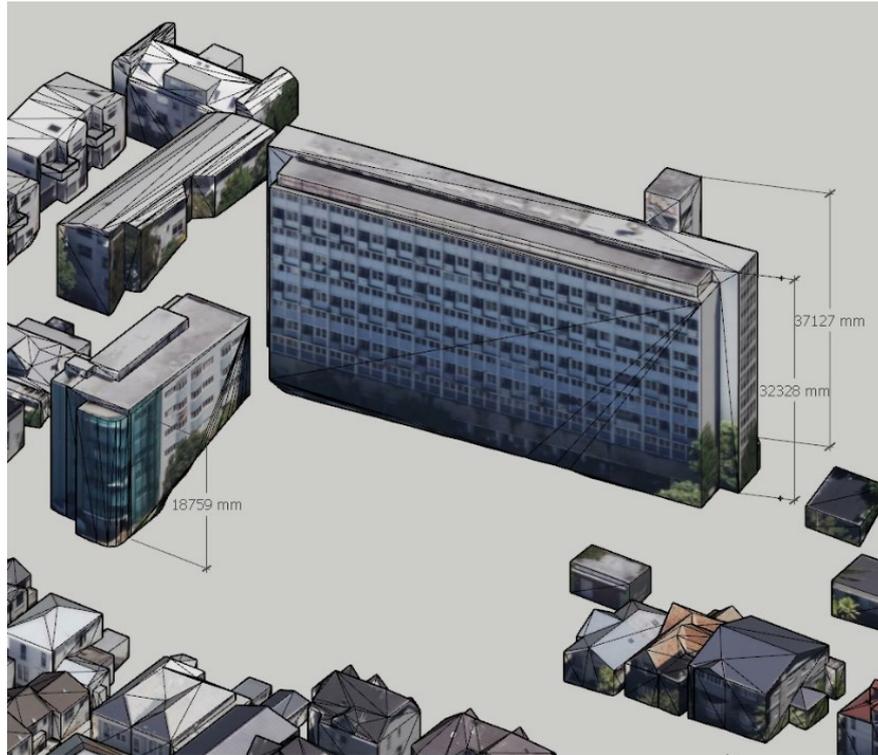
- iii. [106.6] – That the mapping is amended to show the change to Height Control Area 2 applying to those parts of Te Haunui site that are more than 20 metres away from a residential zone.

## Assessment

205. I acknowledge the support from Massey University [253.57, 253.58] for TEDZ-S1.

206. My assessment with respect to the changes sought by Victoria University is as follows:

- i. 106.24 – Taking into account the ownership and intended use of 320A The Terrace, containing McLean Flats, I recommend at paragraph 70 (**HS7-TEDZ-Rec4**) of this section 42A report that this site is rezoned from HRZ to TEDZ. Should the IHP adopt this recommendation, then I also recommend that the TEDZ height control area attributed to this site is Height Control Area 4 (21 metres). This will allow for consistency across the entirety of this section of TEDZ (ie both 320 and 320A The Terrace). In my view a 21 metre height limit is appropriate in this context, where the site sits within the HRZ with a 22 metre height limit<sup>21</sup> and is at the periphery of the CCZ. The 21 metre height limit is consistent with the 21 metre HRZ height limit that was applied to the site under the PDP, and lower than the 22 metre HRZ height limit that has been subsequently been recommended by the IHP.
- ii. 106.25 – This submission point seeks that Height Control Area 2 (34 metres) is applied to the Te Huanui Project area that is within Height Control Area 4 (21 metres) and is located more than 20 metres from a residential boundary. As shown at Figure 7 below, the existing Gordon Wilson Flats building is 7-10 storeys high, and approximately 32.33 metres in height (with a maximum 37.13 metres at the top of the lift overrun on the western elevation). McLean Flats is 18.76 metres high.

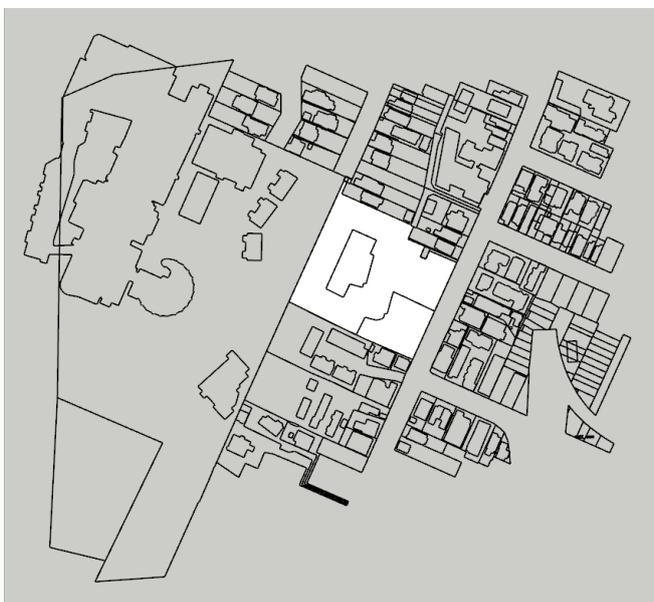


**Figure 7: Existing building heights**

While the submitter has not clarified whether they intend this change to relate to both 320 and 320A The Terrace, I note that if the IHP adopts my recommendations to rezone 320A The Terrace to TEDZ and consequently apply Height Control Area 4 to this site, the submission point 106.25 would relate to both 320 and 320A The Terrace. Conversely, if the recommendations are not adopted then the submission point would only apply to 320 The Terrace and the adjoining residential boundary would be the shared boundary between 320 and 320A.

Figures 8 to 10 below show where the additional height would be available, based on both the proposed District Plan zoning and if the recommended rezoning is applied.

a. **320 The Terrace**



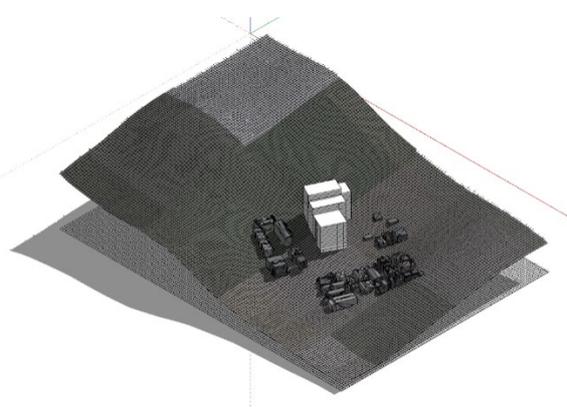
**Figure 8: Portion of 320 The Terrace located 20m from a residential boundary**

This option would allow for approximately 1.7 metres of additional building height in comparison to the height of the existing Gordon Wilson Flats buildings, albeit in a more central location at 320 The Terrace than where this is currently located. Note that the remainder (ie periphery) of the site could be developed up to 21 metres in height, subject to meeting the boundary setback controls at TEDZ-S3 and the restrictions on building on the escarpment as set out at TEDZ-S4 (where development on the escarpment is restricted to 35%<sup>22</sup>).

b. **320 and 320A The Terrace**



**Figure 9: Portion of combined sites located 20m from a residential boundary (outline of existing building shown underneath)**



**Figure 10: Building envelope at 34m height**

<sup>22</sup> [Proposed District Plan - Wellington City Proposed District Plan](#), refer to TEDZ-S4.2  
Proposed Wellington City District Plan

This change would provide the submitter with significantly more development potential if 320A The Terrace is rezoned as TEDZ. Combined with the rezoning, this change could result in one or more buildings across 320 and 320A The Terrace being constructed up to 34 metres in height with the centre of the TEDZ site(s). It is noted that building height is measured from the existing ground level underneath the building. As shown in the image on the right in Figure 10, the additional height could follow the contour of the site, and result in the rear (western) part of the building appearing taller. Again, it is noted that TEDZ-S4 restricts development of the escarpment at the rear of 320 The Terrace.

As demonstrated by the existing Gordon Wilson Flats building, a 34 metre high building on this site will be highly visible within the immediate streetscape and wider townscape context. That said, I note the following:

- The established Gordon Wilson Flats building forms part of the existing environment. If demolition of this building was allowed, Victoria University could seek an existing use certificate under section 139A of the RMA, and subsequently construct a replacement building of a similar scale.
- The height for the periphery of the TEDZ, within 20 metres of any HRZ boundary, will remain 21 metres (Height Control Area 4). This will create a transition area between the Height Control Area 2 area and the residential zone. The physical setback to the higher part(s) of the building(s) will assist to mitigate visual dominance effects experienced at the residential properties in the vicinity of the site. Additionally, the transition heights will mitigate the visual dominance of any building(s) from long range views.
- The IHP has recommended that the height limit in the adjacent HRZ is 22 metres<sup>23</sup>. If this recommendation is not adopted this height will reduce to 21 metres. In either instance, the additional height in the TEDZ zone will not be significantly taller than the height limits that the District Plan enables on adjacent residential sites. Additionally, the maximum height limits in the CCZ have been significantly increased (noting it is recommended by the IHP that these be thresholds)<sup>24</sup>, meaning that the District Plan will enable significant increased building height in the wider context. Hence, over time, the development of the TEDZ in question will appear less visibly dominant within its context.
- Victoria University has indicated that under their CDP they intend to retain (and repurpose) the McLean Flats building. The northern elevation of this building is located 20 metres from the adjoining residential boundary to the south, meaning that any new 34 metre high building would be located to the north of the existing McLean Flats building. Should this building be

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<sup>23</sup> [wellington-pdp-report-2a-final.pdf](#), para 454.

<sup>24</sup> [ihp-recommendation-report-4b.pdf \(wellington.govt.nz\)](#), para 300.



208. **HS7-TEDZ-Rec49:** That the ePlan mapping is updated to reflect the height changes above, as demonstrated at Appendix C of this section 42A report.
209. **HS7-TEDZ-Rec50:** That submission points relating to TEDZ-S1 (Maximum height of buildings and structures) are accepted/rejected as detailed in Appendix B.

### Section 32AA Evaluation

210. In my opinion, the amendment to TEDZ-S1 is more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:
- The amendment gives better effect to the NPS-UD directions, in particular Policy 3(a) with respect to maximising the development capacity available to the university. This is in combination with Objective 1, which requires that councils provide well-functioning urban environments.
  - The amendment is consistent with the TEDZ objectives and policies, including TEDZ-O1 (Purpose), TEDZ-P1 (Enabled activities), TEDZ-P5 (Sense of Place) and TEDZ-P6 (Quality Design Outcomes and Amenity).
  - The height increase provides for more diversity in building design and a more enabling and efficient consenting framework in the development of the University site.
211. The environmental, economic, social and cultural effects of the recommended amendments to TEDZ-S1 are detailed below:

**Environmental** Taller buildings facilitated by this change will have increased environmental effects such as visual effects (ie they are more visible) and shading effects. However, the context of the two sites where height changes are recommended are considered suitable for the additional height due to their location in relation to residentially zoned sites and the increased height limits available to the residential zone from the ODP to the PDP.

From a design perspective, additional height provides for design flexibility, with associated benefits to the public through improved design and increased potential for student accommodation.

**Economic** More enabling framework for development.

Potentially simplified resource consent requirements and lower costs as there is a clearer framework about what activities are enabled, and greater development capacity/height is enabled than in the notified PDP (or ODP).

One economic constraint is that there will be increased demand on infrastructure.

**Social** Social benefits are improved vitality within the University's site, through the creation of a campus extension where people can study and work. This will create greater use and movement within the site than at present, given the building is not currently utilised, which will in turn lead to enhanced safety along the street.

Social costs would be through loss of privacy and outlook at adjacent sites; however, this is managed through the development standards.

Cultural No direct or indirect cultural costs or benefits have been identified.

## 212. TEDZ-S2 – Height in relation to boundary

### Matters raised by submitters

213. Massey University [253.59, 253.60] support TEDZ-S2 and seek that this is retained as notified.

214. Victoria University [106.25] supports TEDZ-S2 in part, but seeks that this is amended to remove reference to 320 The Terrace on the basis that this is included within the TEDZ and not the HRZ and should therefore have no specific height in relation to boundary control. This change would be as follows:

<p><b>TEDZ-S2 (Height in relation to boundary)</b></p> <p>Location</p> <p>[...]</p> <p>Boundary adjoining any site within the HRZ, <del>including 320 The Terrace</del></p>
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### Assessment

215. I acknowledge the submission points in support of TEDZ-S2 [253.59. 253.60].

216. With respect to the Victoria University submission point [106.25] requesting that 320 The Terrace is exempt from the standard, I note that the standard is not meaning to imply that 320 The Terrace is within the HRZ, but rather applies to any boundary shared with an adjacent site that is within this zone. Hence the standard imposes a control on development on the TEDZ site at 320 The Terrace but in proximity to the HRZ. The submitter has not provided any planning evidence or section 32 analysis showing why the height in relation to boundary (HIRB) control should not apply. In my view, the standard should continue to apply at 320 The Terrace so as to protect sunlight/daylight access to adjacent residential sites. Hence I recommend the requested change is rejected.

### Summary of recommendations

217. **HS7-TEDZ-Rec51:** That TEDZ-S2 (Height in relation to boundary) is confirmed as notified.

218. **HS7-TEDZ-Rec52:** That submission points relating to TEDZ-S2 (Height in relation to boundary) are accepted/rejected as detailed in Appendix B.

## TEDZ-S3 – Building setbacks

### Matters raised by submitters

219. Massey University [253.61] support TEDZ-S3 and seek that this is retained as notified.

220. Victoria University [106.26] opposes TEDZ-S3 in part and seeks that this is amended. In the submitter's view a 5 metre setback distance from any shared HRZ boundary with 320 The Terrace is appropriate. They seek the standard is amended as shown below:

**TEDZ-S3 (Building setbacks)**

1. [...]
2. ~~in relation to 320 The Terrace a~~ A 5m setback shall apply to the boundaries with the High Density Residentially zoned areas, ~~except for:~~
3. ~~the boundary adjoining 302 The Terrace where a 1m setback shall apply; and~~
4. ~~the boundary of 324 The Terrace where a 10m yard shall apply.~~

### Assessment

221. I acknowledge the submission in support of TEDZ-S3 [253.61].
222. Appendix 4 to Chapter 9 of the ODP specifies a number of development standards that apply to the site at 320 The Terrace<sup>25</sup>. The set-back requirements at TEDZ-S3 have been carried down to the PDP from this appendix.
223. Noting this, I recommend that the submission point from Victoria University [105.26] is rejected for the following reasons:
- (i) The request to increase the setback from 302 The Terrace to 5 metres imposes additional constraints on the University. As detailed at paragraph 64 of this section 42A report I recommend that the submitter's request to rezone this site as TEDZ is rejected. However, given the established substation, this site is unlikely to be developed for residential purposes, and in my view a wider setback is not necessary for the protection of residential amenity values. Additionally, the substation site itself will provide a transition between any tall buildings at 320 The Terrace and the residential properties further to the north.
  - (ii) The standard provides an additional level of protection to the residential property at 324 The Terrace that has previously been identified by the Council as necessary. The submitter has not provided any planning evidence or section 32 analysis showing that circumstances have changed rendering the 10 metre setback control unnecessary. In my view, the standard should continue to apply at 320 The Terrace so as to protect sunlight/daylight access to this adjacent residential site, in particular if my recommendation to increase the height limit centrally within the TEDZ is accepted. I note that this setback has the additional benefit of maintaining the vegetated area between McLean Flats and 324 The Terrace.

<sup>25</sup> [v1chap09.pdf \(wellington.govt.nz\)](#)  
Proposed Wellington City District Plan

## Summary of recommendations

224. **HS7-TEDZ-Rec53:** That TEDZ-S3 (Building setbacks) is confirmed as notified.
225. **HS7-TEDZ-Rec54:** That the submission points relating to TEDZ-S3 (Building setbacks) are accepted/rejected as detailed in Appendix B.

## 6.0 Minor and Inconsequential Amendments

226. 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.

### 6.1 Special Purpose Tertiary Education Zone Introduction

227. Te Rūnanga o Toa Rangatira has made a number of submission points requesting that the District Plan require ‘partnership’ rather than ‘engagement’ with mana whenua [488.92, 488.93, 488.94, 488.95]. As discussed at paragraph 83 of this section 42A report I recommend that, for consistency across the District Plan, this change is adopted. Engagement with mana whenua is mentioned in the Introduction to the TEDZ chapter, which I recommend is amended as shown at **HS7-TEDZ-REC55** below.
228. The IHP has recommended that a request from Taranaki Whānui to replace references to ‘mauri’ with ‘mouri’ is accepted<sup>26</sup>. For consistency across the District Plan this requires an additional change to the Introduction to the TEDZ chapter, in this case involving the deletion of the word ‘mauri’, as is also shown at **HS7-TEDZ-REC55** below.

### 6.2 TEDZ-P6 – Quality design outcomes and amenity

229. The IHP has recommended that the title of the policies titled ‘*Quality design outcomes*’ throughout the suite of CMUZ chapters the PDP is amended to ‘*Quality development outcomes*’. This change reflects that the matters listed in the policy relate to more than just design. For consistency across the District Plan, I recommend that the title of TEDZ-P6 is likewise updated. This change is shown at **HS7-TEDZ-REC56** below.

### 6.3 References to Design Guides in the Special Purpose Tertiary Education Zone

230. Part 2 of the section 42A report prepared by Ms Anna Stevens for the ISPP Wrap-up Hearing<sup>27</sup> relates to the Design Guides and details the design guide review process that was undertaken concurrently with the ISPP hearings. This involved a series of expert witness conferencing sessions resulting in a Joint Witness Statement (JWS) and wholesale review of the Design

<sup>26</sup> [ihp-recommendation-report-1a.pdf \(wellington.govt.nz\)](#), para 373.

<sup>27</sup> [wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/files/hearing-streams/wrap-up-ispp/council-reports-and-docs/section-42a-report---ispp-wrap-up-hearing---part-2---design-guides.pdf](#)

Guides. Of relevance to the TEDZ provisions is the Centres and Mixed Use Design Guide (CMUDG). The JWS is amended to Ms Stevens’s section 42A report<sup>28</sup>, with the latest CMUDG appended to Ms Stevens’s Right of Reply response<sup>29</sup>.

231. At paragraph 210 of her section 42A report Ms Stevens identifies that changes recommended in relation to the ISPP Wrap-up Hearing will also require amendments to the TEDZ provisions (and other non-ISPP chapters) insofar as the manner in which the CMUDG is referenced in this chapter. This is because of her recommendation to amend the wording of the respective policies that refer to the CMUDG from ‘Meeting the requirements of the Centres and Mixed Use Design Guide’ to ‘Fulfilling the intent of the Centres and Mixed Use Design Guide’. As shown below, **WU-P2-Rec17** identifies that TEDZ-R6 and TEDZ-R7 may need to be updated to incorporate the same wording as is used in the CMUZ chapters. I note that the IHP has also recommended this change.

**WU-P2-Rec17:** *That the following District Plan provisions shown are updated, as shown in Appendix E of this section 42A report:*

Zone	Provision	Provision Title
...		
<b>Tertiary Education Zone</b> (yet to be heard)	TEDZ-R6	Additions and alterations to buildings and structures
	TEDZ-R7	Construction of new buildings and structures

232. In my view, to achieve consistency across the District Plan the following minor amendments to the TEDZ provisions are required:
- i. The addition of the wording ‘Fulfilling the intent of the Centres and Mixed Use Design Guide to TEDZ-P6; and
  - ii. The deletion of the Centres and Mixed Use Design Guide as a matter of discretion under TEDZ-R6; and
  - iii. The deletion of the Centres and Mixed Use Design Guide as a matter of discretion under TEDZ-R7.

233. These changes are shown at **HS7-TEDZ-REC57** to **HSZ-TEDZ-REC59** below.

#### **6.4 TEDZ-R6: Additions and alterations to buildings and structures**

234. At **HS7-TEDZ-Rec44** of this section 42A report I recommend that matter of discretion 4 under TEDZ-R7.2.a is amended as follows:

*“The extent to which any service elements (e.g. roof plant, exhaust and intake units, and roof equipment) that could be viewed from the adjoining road or open space zone can be screened or integrated as part of the façade or roof of the building”.*

<sup>28</sup> [part-2--appendix-d--joint-witness-statement-urban-design-experts-22-august-2023.pdf \(wellington.govt.nz\)](#)

<sup>29</sup> [Appendix A - Amended Recommendations - Centres and Mixed Use Design Guide \(wellington.govt.nz\)](#)

235. The reason for this change is detailed at paragraph 186.iii. For consistency, I recommend that the same change is applied to TEDZ-R6.2.a.4. This change is shown at **HS7-TEDZ-Rec58** below and at Appendix A.

### 6.5 TEDZ-S4: Building coverage in relation to 320 The Terrace

236. TEDZ-S4 restricts development of 320 The Terrace to 50% where it is located outside of the escarpment sub-area, and 35% where it is within this sub-area. The escarpment sub-area is depicted in the map below:

**Figure 11: TEDZ-S4 – Escarpment Sub-area**



#### KEY



Escarpment Sub-Area

237. No submissions were received in relation to TEDZ-S4; however, given that I have recommended rezoning 320A The Terrace as TEDZ, I have considered whether it is necessary to impose any site coverage restriction on this site. In my view, it is appropriate to amend the title of the standard to include 320A The Terrace, thereby extending the site coverage restriction across the two parcels of land. This will achieve the intended purpose of the standard, which is to prevent over-development of the site. Where the levels of site coverage set out in the standard are exceeded, resource consent will be required with the applicant to assess the matters in the assessment criteria, being:

1. Streetscape and visual amenity effects; and
2. Dominance, privacy and shading effects on adjoining properties.

238. Given there is no scope within the submissions to make this change, this matter should be deferred and included in a future plan change.

## Summary of recommendations

239. **HS7-TEDZ-Rec55:** That the Introduction to the Special Purpose Tertiary Education Zone is amended as shown below and at Appendix A:

### Introduction

...

These campus sites and universities have long established historical and cultural associations for the [mana whenua](#) of Whanganui ā Tara (Wellington), [Taranaki Whānui](#) and [Ngāti Toa Rangatira](#). Activities and development within the Tertiary Education Zone must recognise [mana whenua](#) as kaitiaki, alongside their relationship with the land. Active [partnership engagement](#) with [mana whenua](#) will assist in ensuring the ~~mouri/mauri~~ of this area of importance to [mana whenua](#) is not diminished through any potential adverse effects created by activities within the Zone.

240. **HS7-TEDZ-Rec56:** That the title of TEDZ-P6 (Quality design outcomes and amenity) is amended as shown below and at Appendix A:

### TEDZ-P6 (Quality [development](#) ~~design~~ outcomes and amenity)

Require new development, alterations and additions and public space, at a site scale to positively contribute to the distinctive form, quality and amenity of the Tertiary Education Zone and adjoining zones by ensuring that, where relevant, it:

....

241. **HS7-TEDZ-Rec57:** That TEDZ-P6 (Quality design outcomes and amenity) is amended as shown below and at Appendix A:

#### TEDZ-P6 (Quality design outcomes and amenity)

Require new development, [alterations](#) and [additions](#) and [public space](#), at a [site](#) scale to positively contribute to the distinctive form, quality and amenity of the Tertiary Education Zone and adjoining zones by ensuring that, where relevant, it:

- ~~1.~~ [Fulfils the intent of the Centres and Mixed Use Design Guide;](#)
- ~~2.~~ ~~1-~~ Has regard to the location of existing and future primary and [ancillary activities](#);
- ~~3.~~ ~~2-~~ Responds to the [site](#) context, particularly where it is located adjacent to:
  - a. [Sites and areas of significance to Māori](#);
  - b. [Heritage buildings, heritage structures or heritage areas](#), particularly the National War Memorial;
  - c. Open Space and Recreation Zones; and
  - d. Residential Zones;
- ~~4.~~ ~~3-~~ Responds to any identified significant [natural hazard](#) risks and climate change effects, including the strengthening and adaptive [reuse](#) of existing [buildings](#);
- ~~5.~~ ~~4-~~ Maintains and, where possible, enhances existing informal [pedestrian](#) and cycling routes and creates new links that increase [access](#) and connectivity;
- ~~6.~~ ~~5-~~ Achieves good accessibility for people of all ages and mobility and encourages social interaction;
- ~~7.~~ ~~6-~~ Provides a safe environment for people that promotes a sense of security and allows both formal and informal surveillance;
- ~~8.~~ ~~7-~~ Contributes to the visual interest of [public space](#);
- ~~9.~~ ~~8-~~ Incorporates green open space;
- ~~10.~~ ~~9-~~ Integrates with existing and planned active and [public transport activity](#) movement networks, including planned [rapid transit stops](#);
- ~~11.~~ ~~10-~~ Enhances the quality of the [streetscape character](#) and the private/public interface; and
- ~~12.~~ ~~11-~~ Has regard to the benefits and use of open space, landscaping and mature trees within the [site](#) on the [streetscape](#), and on the [character](#) and visual amenity of the Victoria University's Kelburn campus and Massey University's Mt Cook campus and adjoining areas.

242. **HS7-TEDZ-Rec58:** That TEDZ-R6 (Additions and alterations to buildings and structures) is amended as shown below and at Appendix A:

#### TEDZ-R6 (Additions and alterations to buildings and structures)

##### 2. Activity status: **Restricted Discretionary**

Where:

- a. Compliance with any of the requirements of [TEDZ-R6.1](#) cannot be achieved

Matters of discretion are:

- ~~1.~~ ~~1.~~ Any relevant matters in [TEDZ-P3](#), [TEDZ-P4](#), [TEDZ-P5](#), [TEDZ-P6](#) and [TEDZ-P8](#);
- ~~2.~~ ~~2.~~ The extent and [effect](#) of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards; [and](#)
- ~~3.~~ ~~The Centres and Mixed Use Design Guide; and~~
- ~~4.~~ ~~3.~~ The extent to which any service elements (e.g. roof plant, exhaust and intake units, and roof equipment) that could be viewed from the [road](#) or open space zone can be integrated as part of the façade or roof of the [building](#).

Notification status: An application for resource consent made in respect of rule TEDZ-R6.2 is precluded from being publicly notified.

[An application for resource consent made in respect of rule TEDZ-R6.2 is precluded from limited notification where compliance with TEDZ-S1, TEDZ-S2, TEDZ-S3 and TEDZ-S4 is achieved.](#)

243. **HS7-TEDZ-Rec59:** That TEDZ-R7 (Construction of new buildings and structures) is amended as shown below and at Appendix A:

**TEDZ-R7 (Construction of new buildings and structures)**

2. Activity status: **Restricted Discretionary**

Where:

- a. Compliance with any of the requirements of [TEDZ-R7.1](#) cannot be achieved

Matters of discretion are:

- ~~1.~~ **1.** Any relevant matters in [TEDZ-P3](#), [TEDZ-P4](#), [TEDZ-P5](#), [TEDZ-P7](#) and [TEDZ-P8](#);
- ~~2.~~ **2.** The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards; and
- ~~3. The Centres and Mixed-Use Design Guide; and~~
- ~~4.~~ **3.** The extent to which any service elements (e.g. roof plant, exhaust and intake units, and roof equipment) that could be viewed from the [road](#) or open space zone can be integrated as part of the façade or roof of the [building](#).

Notification status: An application for resource consent made in respect of rule TEDZ-R7.2 is precluded from limited notification where compliance with TEDZ-S1, TEDZ-S2, TEDZ-S3 and TEDZ-S4 is achieved.

### S32AA Evaluation

244. In my opinion, the amendments to TEDZ-P6, TEDZ-R6 and TEDZ-R7 are more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:
- a. The amendments give better effect to the NPS-UD directions, in particular Objective 1 with respect to well-functioning urban environments, by updating TEDZ-P6 (Urban form, quality and amenity) to require that developments fulfil the intent of the CMUDG. This will achieve high quality design outcomes, and well-functioning environments, for staff, students and visitors to the respective universities.
  - b. The removal of the reference to the CMUDG as a matter of discretion under TEDZ-R6 and TEDZ-R7 does not materially change the outcomes sought within the rules (ie an assessment against the CMUDG), as the hook to the CMUDG is retained within TEDZ-P6, which is referenced at TEDZ-R6.1 and TEDZ-R6.2. However, the amendments remove duplication within the rules and provides for a less complicated consenting framework that avoids repetition in the assessment process.
  - c. The amendments provide for greater District Plan consistency with other zones that link to the Design Guides, including all CMUZ and the Residential Zones. The amendments align with other recommended changes to the PDP that have subsequently been adopted and recommended by the IHP (with respect to ISPP provisions).
  - d. As the amendments will result in an outcome that is not materially different from the notified provisions (ie an assessment against the CMUDG), they are considered equally efficient and effective in achieving the objectives of the District Plan.

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

## 7.0 Conclusion

246. Submissions have been received in support and opposition to the TEDZ provisions of the PDP.
247. 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.
248. For the reasons set out in the Section 32AA evaluations 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 District Plan, in respect to the proposed provisions.

## 8.0 Recommendations

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

## 9.0 List of Appendices

- i. Appendix A – Tracked Changes Version of the Special Purpose Tertiary Education Zone Chapter.
- ii. Appendix B – Recommendations Decisions on Submissions – Special Purpose Tertiary Education Zone.
- iii. Appendix C – Map with 320A The Terrace rezoned as TEDZ.
- iv. Appendix D – Report titled ‘Report to Technical Review Panel – Special Purpose Tertiary Zone’, prepared by Anna Stevens (dated 21 May 2021).
- v. Appendix E - Report titled ‘Institutional Precincts Zone – Issues & Options to inform the Wellington District Plan Review of the Institutional Precincts’, prepared by RMG (dated March 2020).

## Full Set of Recommendations

1. **HS7-TEDZ-Rec1:** That the general submission points relating to the Special Purpose Tertiary Zone are accepted/rejected as detailed in Appendix B.
2. **HS7-TEDZ-Rec2:** That the definition of 'Tertiary Education Facility' is amended as shown below and at Appendix A.

**TERTIARY EDUCATION FACILITY** means land or buildings used for tertiary education and research activities

Includes:

- a. classrooms, lecture theatres and other facilities dedicated to learning;
- b. staff and student facilities, including student and staff support services, student union offices, student and staff clubs and organisations;
- c. research and innovation facilities;
- d. [marae](#) activities and facilities;
- e. spiritual facilities;
- f. laboratories;
- g. libraries;
- h. sport and recreation activities and facilities;
- i. student accommodation activities;
- j. [education and research partners](#);
- k. ~~j~~ any ancillary activity necessary for the effective operation of the University sites which includes:
  - i. office activities;
  - ii. commercial activities;
  - iii. staff facilities;
  - iv. operation and maintenance support facilities including laundries, printing and publishing, telecommunications and broadcasting, kitchens, cafeterias, refreshment facilities, generators, substations, plant and vehicle depots, storage facilities and workshops;
  - v. childcare services;
  - vi. conference facilities;
  - vii. community use of tertiary education facilities;
  - viii. healthcare activities;
  - ix. entertainment facilities;
  - x. light manufacturing;
  - xi. car parking for staff, students and visitors; ~~and~~
  - xii. emergency service facilities;
  - xiii. [food and beverage](#); ~~and~~
  - xiv. [retail](#).

3. **HS7-TEDZ-Rec3:** That the submission points relating to the definition of 'Tertiary Education Facility' are accepted as detailed in Appendix B.

4. **HS7-TEDZ-Rec4:** That the Special Purpose Tertiary Zone applied to the McLean Flats (320 The Terrace) and substation to the north of the Gordon Wilson Flats (320A The Terrace) are rezoned from High Density Residential Zone to Special Purpose Tertiary Zone.
5. **HS7-TEDZ-Rec5:** That the High Density Residential Zone applied to the site at 302 The Terrace is retained as notified.
6. **HS7-TEDZ-Rec6:** That the extent of the Special Purpose Tertiary Zone applied to Massey University is confirmed as notified.
7. **HS7-TEDZ-Rec7:** That the submission points in relating to Mapping are accepted/rejected as detailed in Appendix B.
8. **HS7-TEDZ-Rec8:** That TEDZ-O1 (Purpose) is confirmed as notified.
9. **HS7-TEDZ-Rec9:** That submission points relating to TEDZ-O1 (Purpose) are accepted/rejected as detailed in Appendix B.
10. **HS7-TEDZ-Rec10:** That TEDZ-O2 (Mana whenua) is confirmed as notified.
11. **HS7-TEDZ-Rec11:** That submission point relating to TEDZ-O2 (Mana whenua) are accepted/rejected as detailed in Appendix B.
12. **HS7-TEDZ-Rec12:** That TEDZ-O3 (Amenity and Design) is amended as set out below and at Appendix A:

**TEDZ-O3 (Amenity and Design)**

Changes in land use and the built form of Victoria university's Kelburn campus and Massey University's Mt Cook campus' occur in a coordinated and integrated manner respectively for each individual campus, contribute to a well-functioning urban environment and recognise the functional and operational needs of each of the individual the university campus' campuses.

13. **HS7-TEDZ-Rec13:** That submission points relating to TEDZ-O3 (Amenity and Design) are accepted as detailed in Appendix B.
14. **HS7-TEDZ-Rec14:** That TEDZ-O4 (Managing adverse effects) is confirmed as notified.
15. **HS7-TEDZ-Rec15:** That submission points relating to TEDZ-O4 (Managing adverse effects) are accepted as detailed in Appendix B.
16. **HS7-TEDZ-Rec16:** That TEDZ-P1 (Enabled activities) is confirmed as notified.
17. **HS7-TEDZ-Rec17:** That the submission point relating to TEDZ-P1 (Enabled activities) is accepted as detailed in Appendix B.

18. **HS7-TEDZ-Rec18:** That TEDZ-P2 (Potentially incompatible activities) is confirmed as notified.
19. **HS7-TEDZ-Rec19:** That the submission points relating to TEDZ-P2 (Potentially incompatible activities) are accepted/rejected as detailed in Appendix B.
20. **HS7-TEDZ-Rec20:** That TEDZ-P3 (Mana whenua) is confirmed as notified.
21. **HS7-TEDZ-Rec21:** That the submission points relating to TEDZ-P3 (Mana whenua) are accepted/rejected as detailed in Appendix B.
22. **HS7-TEDZ-Rec22:** That TEDZ-P4 (Providing for future needs) is confirmed as notified.
23. **HS7-TEDZ-Rec23:** That the submission point relating to TEDZ-P4 (Providing for future needs) is accepted as detailed in Appendix B.
24. **HS7-TEDZ-Rec24:** That TEDZ-P5 (Sense of place) is confirmed as notified.
25. **HS7-TEDZ-Rec25:** That the submission points relating to TEDZ-P5 (Sense of place) are accepted/rejected as detailed in Appendix B.
26. **HS7-TEDZ-Rec26:** That TEDZ-P6 (Quality design outcomes and amenity) is confirmed as notified, subject to **HS7-TEDZ-Rec56** with respect to the title of the policy and reference to the Centres and Mixed Use Design Guide within it.
27. **HS7-TEDZ-Rec27:** That the submission points relating to TEDZ-P6 (Quality design outcomes and amenity) are accepted as detailed in Appendix B.
28. **HS7-TEDZ-Rec28:** That TEDZ-P7 (Resilience) is confirmed as notified.
29. **HS7-TEDZ-Rec29:** That the submission points relating to TEDZ-P7 (Resilience) are accepted/rejected as detailed in Appendix B.
30. **HS7-TEDZ-Rec30:** That TEDZ-P8 (National War Memorial) is confirmed as notified.
31. **HS7-TEDZ-Rec31:** That the submission point relating to TEDZ-P8 (National War Memorial) is accepted as detailed in Appendix B.
32. **HS7-TEDZ-Rec32:** That TEDZ-R1 (Tertiary education facility) is confirmed as notified.
33. **HS7-TEDZ-Rec33:** That the submission point relating to TEDZ-R1 (Tertiary education facility) is accepted as detailed in Appendix B.
34. **HS7-TEDZ-Rec34:** That TEDZ-R2 (Activities relating to the function of the National War Memorial including ceremonial activities) is confirmed as notified.

35. **HS7-TEDZ-Rec35:** That the submission point relating to TEDZ-R2 (Activities relating to the function of the National War Memorial including ceremonial activities) is accepted as detailed in Appendix B.
36. **HS7-TEDZ-Rec36:** That TEDZ-R3 (Maintenance and repair of buildings and structures) is confirmed as notified.
37. **HS7-TEDZ-Rec37:** That the submission points relating to TEDZ-R3 (Maintenance and repair of buildings and structures) are accepted/rejected as detailed in Appendix B.
38. **HS7-TEDZ-Rec38:** That TEDZ-R4 (Maintenance and repair of buildings and structures) is confirmed as notified.
39. **HS7-TEDZ-Rec39:** That the submission point relating to TEDZ-R4 (Maintenance and repair of buildings and structures) is accepted as detailed in Appendix B.
40. **HS7-TEDZ-Rec40:** That TEDZ-R5 (Demolition or removal of buildings and structures) is confirmed as notified.
41. **HS7-TEDZ-Rec41:** That submission points relating to TEDZ-R5 (Additions and alterations to buildings and structures) are accepted/rejected as detailed in Appendix B.
42. **HS7-TEDZ-Rec42:** That TEDZ-R6 (Additions and alterations to buildings and structures) is amended as detailed at Appendix A and shown below:

**TEDZ-R6 (Additions and alterations to buildings and structures)**

1. Activity status: **Permitted**

Where:

- a. The proposed [additions](#) or [alterations](#):
  - i. Do not alter the external appearance of the [building](#) or [structure](#); or
  - ii. Are not visible from public spaces; and
  - iii. Compliance with [TEDZ-S1](#), [TEDZ-S2](#), [TEDZ-S3](#) and [TEDZ-S4](#) is achieved.

2. Activity status: **Restricted Discretionary**

Where:

- a. Compliance with any of the requirements of [TEDZ-R6.1](#) cannot be achieved

Matters of discretion are:

1. Any relevant matters in [TEDZ-P3](#), [TEDZ-P4](#), [TEDZ-P5](#), [TEDZ-P6](#) and [TEDZ-P8](#);
2. The extent and [effect](#) of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards;
3. The [Centres and Mixed-Use Design Guide](#); and
4. The extent to which any service elements (e.g. roof plant, exhaust and intake units, and roof equipment) that could be viewed from the [road](#) or open space zone can be integrated as part of the façade or roof of the [building](#).

Notification status:

An application for resource consent made in respect of rule TEDZ-R6.2 is precluded from being publicly notified.

[An application for resource consent made in respect of rule TEDZ-R6.2 is precluded from limited notification where compliance with TEDZ-S1, TEDZ-S2, TEDZ-S3 and TEDZ-S4 is achieved.](#)

43. **HS7-TEDZ-Rec43:** That submission points relating to TEDZ-R6 (Additions and alterations to buildings and structures) are accepted/rejected as detailed in Appendix B.
44. **HS7-TEDZ-Rec44:** That TEDZ-R7 (Construction of new buildings and structures) is amended as shown below and at Appendix A.

**TEDZ-R7 (Construction of new buildings and structures)**

1. Activity status: **Permitted**

Where:

- a. The proposed new building or structure:
  - i. Is not visible from a public space; and
  - ii. Will have a gross floor area of less than 100m<sup>2</sup>; and
- b. Compliance with [TEDZ-S1](#), [TEDZ-S2](#), [TEDZ-S3](#) and [TEDZ-S4](#) is achieved.

2. Activity status: **Restricted Discretionary**

Where:

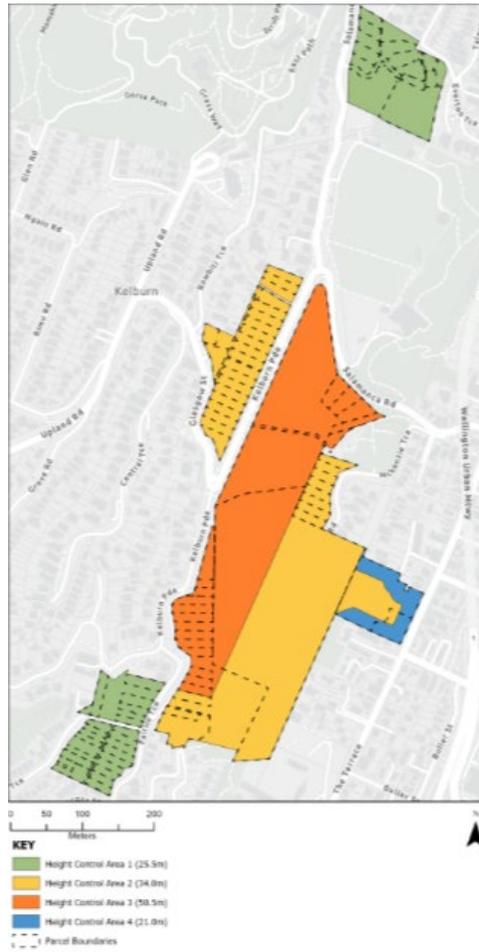
- a. Compliance with any of the requirements of [TEDZ-R7.1](#) cannot be achieved:

Matters of discretion are:

1. Any relevant matters in [TEDZ-P3](#), [TEDZ-P4](#), [TEDZ-P5](#), [TEDZ-P6](#), [TEDZ-P7](#) and [TEDZ-P8](#);
2. The extent and [effect](#) of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards;
3. The [Centres and Mixed-Use Design Guide](#); and
4. The extent to which any service elements (e.g. roof plant, exhaust and intake units, and roof equipment) that could be viewed from the [adjoining road](#) or open space zone can be screened or integrated as part of the façade or roof of the [building](#).

Notification status: An application for resource consent made in respect of rule TEDZ-R7.2 is precluded from limited notification where compliance with TEDZ-S1, TEDZ-S2, TEDZ-S3 and TEDZ-S4 is achieved.

45. **HS7-TEDZ-Rec45:** That the submission points relating to TEDZ-R7 (Construction of new buildings and structures) are accepted/rejected as detailed in Appendix B.
46. **HS7-TEDZ-Rec46:** That TEDZ-R6 (Outdoor storage areas) is confirmed as notified.
47. **HS7-TEDZ-Rec47:** That submission points relating to TEDZ-R8 (Outdoor storage areas) are accepted/rejected as detailed in Appendix B.
48. **HS7-TEDZ-Rec48:** That TEDZ-S1 (Maximum height of buildings and structures) is amended, with Height Control Area 2 applied to areas within 320 and 320A The Terrace that are located 20 metres from the external boundary of the Special Purpose Tertiary Education Zone, as shown in the image below and at Appendix A.



49. **HS7-TEDZ-Rec49:** That the ePlan mapping is updated to reflect the height changes above, as demonstrated at Appendix C of this section 42A report.
50. **HS7-TEDZ-Rec50:** That submission points relating to TEDZ-S1 (Maximum height of buildings and structures) are accepted/rejected as detailed in Appendix B.
51. **HS7-TEDZ-Rec51:** That TEDZ-S2 (Height in relation to boundary) is confirmed as notified.
52. **HS7-TEDZ-Rec52:** That submission points relating to TEDZ-S2 (Height in relation to boundary) are accepted/rejected as detailed in Appendix B.
53. **HS7-TEDZ-Rec53:** That TEDZ-S3 (Building setbacks) is confirmed as notified.
54. **HS7-TEDZ-Rec54:** That the submission points relating to TEDZ-S3 (Building setbacks) are accepted/rejected as detailed in Appendix B.

55. **HS7-TEDZ-Rec55:** That the Introduction to the Special Purpose Tertiary Education Zone is amended as shown below and at Appendix A:

**Introduction**

...

These campus sites and universities have long established historical and cultural associations for the [mana whenua](#) of Whanganui ā Tara (Wellington), [Taranaki Whānui](#) and [Ngāti Toa Rangatira](#). Activities and development within the Tertiary Education Zone must recognise [mana whenua](#) as kaitiaki, alongside their relationship with the land. Active ~~partnership engagement~~ with [mana whenua](#) will assist in ensuring the mouri/~~mauri~~ of this area of importance to [mana whenua](#) is not diminished through any potential adverse effects created by activities within the Zone.

56. **HS7-TEDZ-Rec56:** That the title of TEDZ-P6 (Quality design outcomes and amenity) is amended as shown below and at Appendix A:

**TEDZ-P6 (Quality ~~development design~~ outcomes and amenity)**

Require new development, alterations and additions and public space, at a site scale to positively contribute to the distinctive form, quality and amenity of the Tertiary Education Zone and adjoining zones by ensuring that, where relevant, it:

....

57. **HS7-TEDZ-Rec57:** That TEDZ-P6 (Quality design outcomes and amenity) is amended as shown below and at Appendix A:

**TEDZ-P6 (Quality design outcomes and amenity)**

Require new development, [alterations](#) and [additions](#) and [public space](#), at a [site](#) scale to positively contribute to the distinctive form, quality and amenity of the Tertiary Education Zone and adjoining zones by ensuring that, where relevant, it:

1. [Fulfils the intent of the Centres and Mixed Use Design Guide;](#)
2. ~~1.~~ Has regard to the location of existing and future primary and [ancillary activities](#);
3. ~~2.~~ Responds to the [site](#) context, particularly where it is located adjacent to:
  - a. [Sites and areas of significance to Māori](#);
  - b. [Heritage buildings](#), [heritage structures](#) or [heritage areas](#), particularly the National War Memorial;
  - c. Open Space and Recreation Zones; and
  - d. Residential Zones;
4. ~~3.~~ Responds to any identified significant [natural hazard](#) risks and climate change effects, including the strengthening and adaptive [reuse](#) of existing [buildings](#);
5. ~~4.~~ Maintains and, where possible, enhances existing informal [pedestrian](#) and cycling routes and creates new links that increase [access](#) and connectivity;
6. ~~5.~~ Achieves good accessibility for people of all ages and mobility and encourages social interaction;
7. ~~6.~~ Provides a safe environment for people that promotes a sense of security and allows both formal and informal surveillance;
8. ~~7.~~ Contributes to the visual interest of [public space](#);
9. ~~8.~~ Incorporates green open space;
10. ~~9.~~ Integrates with existing and planned active and [public transport activity](#) movement networks, including planned [rapid transit stops](#);
11. ~~10.~~ Enhances the quality of the [streetscape character](#) and the private/public interface; and
12. ~~11.~~ Has regard to the benefits and use of open space, landscaping and mature trees within the [site](#) on the [streetscape](#), and on the [character](#) and visual amenity of the Victoria University's Kelburn campus and Massey University's Mt Cook campus and adjoining areas.

58. **HS7-TEDZ-Rec58:** That TEDZ-R6 (Additions and alterations to buildings and structures) is amended as shown below and at Appendix A:

**TEDZ-R6 (Additions and alterations to buildings and structures)**

2. Activity status: **Restricted Discretionary**

Where:

- a. Compliance with any of the requirements of [TEDZ-R6.1](#) cannot be achieved

Matters of discretion are:

- ~~1.~~ 1. Any relevant matters in [TEDZ-P3](#), [TEDZ-P4](#), [TEDZ-P5](#), [TEDZ-P6](#) and [TEDZ-P8](#);
- ~~2.~~ 2. The extent and [effect](#) of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards; [and](#)
- ~~3.~~ ~~The Centres and Mixed Use Design Guide; and~~
- ~~4.~~ 3. The extent to which any service elements (e.g. roof plant, exhaust and intake units, and roof equipment) that could be viewed from the [road](#) or open space zone can be integrated as part of the façade or roof of the [building](#).

Notification status: An application for resource consent made in respect of rule TEDZ-R6.2 is precluded from being publicly notified.

An application for resource consent made in respect of rule TEDZ-R6.2 is precluded from limited notification where compliance with TEDZ-S1, TEDZ-S2, TEDZ-S3 and TEDZ-S4 is achieved.

59. **HS7-TEDZ-Rec59:** That TEDZ-R7 (Construction of new buildings and structures) is amended as shown below and at Appendix A:

**TEDZ-R7 (Construction of new buildings and structures)**

2. Activity status: **Restricted Discretionary**

Where:

- a. Compliance with any of the requirements of [TEDZ-R7.1](#) cannot be achieved

Matters of discretion are:

- ~~1.~~ 1. Any relevant matters in [TEDZ-P3](#), [TEDZ-P4](#), [TEDZ-P5](#), [TEDZ-P7](#) and [TEDZ-P8](#);
- ~~2.~~ 2. The extent and [effect](#) of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards; [and](#)
- ~~3.~~ ~~The Centres and Mixed Use Design Guide; and~~
- ~~4.~~ 3. The extent to which any service elements (e.g. roof plant, exhaust and intake units, and roof equipment) that could be viewed from the [road](#) or open space zone can be integrated as part of the façade or roof of the [building](#).

Notification status: An application for resource consent made in respect of rule TEDZ-R7.2 is precluded from limited notification where compliance with TEDZ-S1, TEDZ-S2, TEDZ-S3 and TEDZ-S4 is achieved.