

Character Precincts – Compliance with Legislation for Qualifying Matters

Section	Section 32 Evaluation	Section 42A Report	Supplementary Evidence
<p>Section 77J Requirements in relation to an evaluation report</p> <p>...</p> <p><i>(3) The evaluation report must, in relation to the proposed amendment to accommodate a qualifying matter,—</i></p> <p><i>(a) demonstrate why the territorial authority considers—</i></p>			
<p><i>(i) that the area is subject to a qualifying matter; and</i></p>	Section 9.1 (Character Precincts) and Section 9.2 (Mt Victoria North Townscape Precinct)	Section 8	Paragraphs: 40-47
<p><i>(ii) that the qualifying matter is incompatible with the level of development permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 for that area; and</i></p>	Sections 9.1 and 9.2; Section 11 - Tables	Paragraphs – 44, 54	Paragraphs: 18, 40-47
<p><i>(b) assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity; and</i></p>	Wellington City Qualifying Matters Assessment November 2022 – Property Economics	Paragraphs – 41, 53 WCC Capacity Modelling Character Areas and Kilbirnie HDRZ – February 2023	Paragraphs: 46
<p><i>(c) assess the costs and broader impacts of imposing those limits.</i></p>	Section 11 – Tables Wellington City Qualifying Matters Assessment November 2022 – Property Economics	N/A	Paragraphs: 48 (refers to section 11 of s 32 report), 49, 50, 51
<p><i>(4) The evaluation report must include, in relation to the provisions implementing the MDRS,—</i></p>			
<p><i>(a) a description of how the provisions of the district plan allow the same or a greater level of development than the MDRS:</i></p>	Section 11	Paragraphs: 49	Paragraphs: 50
<p><i>(b) a description of how modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and, in particular, how they apply to any spatial layers relating to overlays, precincts, specific controls, and development areas, including—</i></p>	Section 11	N/A	Paragraphs: 24, 25, 26, 29 (especially), 50, 51
<p><i>(i) any operative district plan spatial layers; and</i></p>	N/A	N/A	N/A
<p><i>(ii) any new spatial layers proposed for the district plan.</i></p>	Section 11	N/A	Paragraphs: 50, 51
<p><i>(5) The requirements set out in subsection (3)(a) apply only in the area for which the territorial</i></p>			

<i>authority is proposing to make an allowance for a qualifying matter.</i>			
<i>(6) The evaluation report may for the purposes of subsection (4) describe any modifications to the requirements.</i>	Section 11	N/A	N/A
Section 77L Further requirement about application of section 77I(j)			
<i>A matter is not a qualifying matter under section 77I(j) in relation to an area unless the evaluation report referred to in section 32 also—</i>			
<i>(a) identifies the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3) inappropriate in the area; and</i>	Section 9.1 (Character Precincts) and Section 9.2 (Mt Victoria North Townscape Precinct)	Paragraphs: 43, 44, 54	Paragraphs: 17, 18, 44, 53
<i>(b) justifies why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and</i>	Sections 9.1 and 9.2; Section 11 – Tables Wellington City Qualifying Matters Assessment November 2022 – Property Economics	Paragraphs: 43, 44, 54	Paragraphs: 18, 29, 30, 45, 54, 63-68
<i>(c) includes a site-specific analysis that—</i>			
<i>(i) identifies the site to which the matter relates; and</i>	Pre-1930 Character Area Review, Boffa Miskell Mt Victoria North Townscape Precinct Urban Design Review, Urban Perspectives PDP Mapping	Paragraphs: 85 Section 10 and mapping appendices Pre-1930 Character Area Review, Boffa Miskell	Paragraphs: 20, 36, 55
<i>(ii) evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and</i>	Pre-1930 Character Area Review, Boffa Miskell Mt Victoria North Townscape Precinct Urban Design Review, Urban Perspectives	Pre-1930 Character Area Review, Boffa Miskell Mt Victoria North Townscape Precinct Urban Design Review, Urban Perspectives	Paragraphs: 20, 36, 54, 55
<i>(iii) evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 while managing the specific characteristics.</i>	Section 11	N/A	Paragraphs: 20, 53, 54, 56-62