

20 June 2023

Hearings Panel  
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For: Jaskirat Kaur, Hearings Administrator

## Wellington Proposed District Plan: Hearing Stream 4 – Submitter Statement / Speaking Notes

### 1. Introduction

- 1.1. Thank you for the opportunity to participate in Hearing Stream 4 on the Proposed District Plan (“PDP”).
- 1.2. Willis Bond and Company Limited (“Willis Bond”) submitted on PDP provisions relating to the Mixed Use Zone, Metropolitan Centre Zone and City Centre Zone (“CCZ”). This statement focuses on provisions relating to the CCZ, in particular:
  - Height Limits (including notification status and exceptions)
  - City Outcomes Contribution
  - Carparking at Ground Level
  - Te Ngākau Civic Square Precinct (including height limits and notification status)
  - 1-23 Tasman Street
- 1.3. We refer the Panel to the expert evidence of Alistair Aburn, provided on behalf of Willis Bond. Mr Aburn’s evidence addresses height limits within the CCZ and the Te Ngākau Civic Square Precinct, the City Outcomes Contribution and the approach to notification within the Te Ngākau Civic Square Precinct.
- 1.4. We look forward to speaking to this statement at the Hearing.

### 2. Height Limits

- 2.1. In our submission, we advocated for removing height limits in the CCZ (submission points 416.182-183) on the basis:
  - 2.1.1. height limits are not consistent with the NPS-UD;
  - 2.1.2. building height limits artificially inflate height over other design considerations, potentially to the detriment of overall design excellence;

- 2.1.3. the requirements to comply with other objective performance criteria such as overshadowing, daylight access, protected view shafts and wind sufficiently contain the environmental impact of developments without the further imposition of height constraints; and
    - 2.1.4. building height limits do not allow for a diversity of height within the CCZ, which we consider contributes to a more engaging urban form and allows for better design and urban outcomes.
  - 2.2. We also noted that specifying a “maximum height” provides a false sense of future development within the CCZ as breaching the height limits does not affect activity status (restricted discretionary) and heights can be extended through, for example, application of the City Outcomes Contribution.
  - 2.3. The section 42A report author has recommended that, within the CCZ, the “maximum height” should become a “height threshold” (at 544). Above the “height threshold”, applicants must comply with the City Outcomes Contributions.
  - 2.4. Our preference and our request to the Panel remains for height limits not to apply within the CCZ. However, if height limits are retained, then:
    - 2.4.1. We support the section 42A report author’s recommendations to reframe them as height thresholds rather than maximum heights. That reframing will better reflect what the thresholds actually do and will better allow a diversity of height within the CBD and ensure that “over-height” buildings contribute to the city.
    - 2.4.2. We seek changes to the notification status in CCZ-R19 and CCZ-R20, as outlined in section 3 below.
    - 2.4.3. We seek changes to the height limit exceptions in CCZ-S1, as outlined in section 4 below.
    - 2.4.4. We seek changes to the specific numbers used in the height limits/thresholds table, as outlined in section 7 below.
  - 2.5. We refer the Panel to Mr Aburn’s expert evidence in support of the section 42A report author’s approach.

### 3. Height Limits – Notification Status

- 3.1. In his expert evidence, Mitch Lewandowski (on behalf of Stratum Management Limited) raises concerns with the proposed drafting of CCZ-S1 and CCZ-P11.
- 3.2. Mr Lewandowski considers that these provisions do not provide a consent pathway for developments over the height threshold which do not satisfy the City Outcomes Contribution criteria. We agree that the City Outcomes Contribution criteria should not preclude developments over the height threshold being consented in the usual manner.

- 3.3. This matter has been addressed by Anna Stevens in rebuttal evidence on behalf of Council. Ms Stevens' recommendations provide an alternative pathway for over height developments that do not satisfy the City Outcomes Contribution criteria. Public notification will be required for such consent applications.
- 3.4. We ask the Panel to consider whether public notification should be mandatory in these situations. In our view, it would be preferable to remain silent as to notification and instead rely on the s95 tests in the Resource Management Act 1991. That would allow Council discretion to consider whether public notification is appropriate on a case-by-case basis – in the case of a minor technical height exceedance, it may not be.

#### 4. Height Limits – Exceptions

- 4.1. In our submission, we proposed that, if height limits are retained, the exceptions within CCZ-S1 should be amended to better reflect building appurtenances and sloping roofs (submission 416.184):

*This standard does not apply to:*

- a. Solar panel and heating components attached to a building provided these do not exceed the height by more than 500mm;*
- b. Satellite dishes, antennas, aerials, chimneys, flues, architectural or decorative features (e.g. finials, spires) provided that none of these exceed 1m in diameter and do not exceed the height by more than 1m; and*
- c. Lift overruns provided these do not exceed the height by more than 4m.*
- d. Circumstances where up to 50% of a building's roof in elevation exceeds the maximum height where the entire roof slopes 15° or more;*
- e. Circumstances where, in respect of flat roofs or roofs sloping less than 15°, non-habitable rooms (such as plant rooms) and other roof-top structures may exceed the height, provided those structures are set back from the leading edge of the parapet by at least 2 metres and do not exceed 50% of the overall roof area.*

- 4.2. Our proposal has not been adopted by the section 42A report author. The section 42A report author has instead recommended removing the exceptions in a. and b. from CCZ-S1 and including the exceptions in a., b. and c. (as well as an exception for fences and standalone walls) in a new standard, CCZ-SX, for sites adjoining residential zones (at 543 and 548).
- 4.3. In our view, the exceptions should still be included within CCZ-S1. The ability to exceed the "height threshold" through the City Outcomes Contributions does not take away the need to calculate height in a fair manner. Aspects of the building which have a negligible visual impact should not be included in the calculation.
- 4.4. If the exceptions are not included, the height threshold in CCZ-S1 has effectively been reduced for developments with building appurtenances.
- 4.5. We also maintain that our additional exceptions (d. and e. above) should be included for the reasons in our original submission. We note that our suggested exception for roofs (d. above) was recommended for inclusion in the HRZ by the section 42A report author in Hearing Stream 2. At minimum, this exclusion should also be included in the CCZ (and other zones with height limits or thresholds) for consistency.

## 5. City Outcomes Contribution – Architectural Design Excellence

- 5.1. In our submission, we supported the City Outcomes Contribution mechanism in part, but considered there needed to be a level of certainty that the significant investment required to deliver those outcomes would result in increased height (submission 416.169).
- 5.2. The recommendations in the section 42A report generally achieve this by:
- 5.2.1. relocating the City Outcomes Contribution from the Design Guides to the body of the PDP; and
  - 5.2.2. specifically tying the height standard (CCZ-S1) to the City Outcomes Contribution.
- 5.3. We are generally comfortable with the City Outcomes Contribution criteria, but are concerned with the section 42A report author’s recommendation to remove the urban design panel approval from the City Outcomes Contribution appendix (at 216):

Urban-Design Panel (1-10 points)		
Urban-Design-Panel-Approval	1-10	The range in points depends on the development’s response to all the design guides as decided by the Panel.

- 5.4. This amendment is a consequence of the section 42A report author’s recommendation that urban design panels are included as a ‘method’ rather than an ‘outcome’ in the PDP (at 207-208).<sup>1</sup>
- 5.5. We understand the section 42A report author’s reasoning, however, the result is that there are now no criteria which incentivise design excellence.
- 5.6. In our view, an important city outcome is that buildings respond to their context and positively contribute to the urban form of the city. The higher the building, the more important this becomes. This is the purpose behind the ODP’s rule requiring “design excellence” for over height buildings, as set out in the explanatory note in the ODP for the rule (our emphasis):

*As all buildings contribute to the character and public environment of central Wellington, design quality is a fundamental consideration in the assessment of any development application (see policy 12.2.6.2). The issue of design quality is even more important for buildings of unusual height or bulk, which due to their size, height and massing can have a significant impact on the city, both at street level and from a distance. To ensure that over height buildings visually enhance the cityscape of the Central Area, the Council will require that they display design excellence.*

*When processing a consent application for an over-height building, Council will consider both the scale of the proposed height increase and the comparative height of the resulting building in relation to its surroundings. While all buildings in the Central Area must be of sufficient design quality that they make a positive contribution to the urban environment, the requirement to deliver design excellence applies particularly to proposals that will result in a building that is significantly higher than the surrounding built form.*

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<sup>1</sup> Willis Bond has been supportive of the use of urban design panels and proposed that a ‘design excellence panel’ or similar be constituted for each project (submission 216.204).

...

- 5.7. In his expert evidence, Mr Aburn proposes remedying this issue by introducing the following criteria (at 6.9):

*Architectural Design Excellence (1-10 points)*

*Design Excellence*

*1-10*

*The range of points depends on the development's architectural response to its context and its overall design quality as assessed by the Urban Design Panel*

- 5.8. This approach is consistent with:

5.8.1. CCZ-O5 (Amenity design) which seeks a "high-quality, well-functioning urban environment";

5.8.2. CCZ-P9 (Quality design outcomes); and

5.8.3. CCZ-P11 (City Outcomes Contribution), which requires development over height thresholds to positively contribute to "the amenity of the site and the surrounding area".

- 5.9. To be clear, we are not advocating a return to the "design excellence" approach in the ODP. It created too much uncertainty (as Mr Aburn refers to in his evidence at 6.7) and, arguably, put too much weight on external appearance over other factors such as sustainability, public spaces, accessibility and affordability. We do, however, think that design excellence should be considered as part of the City Outcomes Contribution criteria and points available for a building that displays a quality design response.

- 5.10. While it is our preference for an urban design panel (or similar) to make this assessment, the assessment could be conducted by Council officers (with expert advice) if necessary and the reference to assessment by an urban design panel could be removed.

- 5.11. There may be an opportunity to tie this new criterium to the Design Guides. For example, if a development goes above and beyond the minimum requirements in the Design Guides, it could be awarded points for architectural design excellence. Given the potential link with the Design Guides, the Panel may wish to consider this further in the wrap-up hearing stream.

## 6. Carparking – Ground Level

- 6.1. CCZ-P2 describes "carparking at ground level" as a potentially incompatible activity in the CCZ.

- 6.2. In our submission, we proposed inserting the words "where it occurs along building frontages". Carparking at ground level which is not visible should not be a concern.

- 6.3. The section 42A report author disagreed with our proposal as it could still allow carparking along site frontages (at 239).

- 6.4. As an alternative, we propose amending "carparking at ground level" to "carparking at ground level visible to the public" or "carparking at ground level along building or site frontages". Carparking at

ground level will not always be incompatible. For deep sites, carparking may be able to be set behind an activated frontage and, due to the lack of light, may be the most appropriate use (alongside storage) for that space.

## 7. Te Ngākau Civic Square Precinct

7.1. Willis Bond submitted on the Te Ngākau Civic Square Precinct ("Precinct") provisions in the PDP. As mentioned in our statement for Hearing Stream 3, Willis Bond has a particular interest in the "Michael Fowler Carpark" site at 110 Jervois Quay, being the current location of the temporary Royal New Zealand Ballet building.

7.2. Council has approved a development agreement with Willis Bond for the site. It is included within the Te Ngākau Civic Square Precinct and is accommodated by the Te Ngākau Civic Square Precinct Framework ("Framework"), as explained on Council's website:<sup>2</sup>

The Council adopted the Framework with one amendment to reflect the residential/office development planned (via a long-term lease to Willis Bond) for Michael Fowler Centre carpark, as the development agreement was approved at the same Council meeting.

7.3. Our proposed development on the site is currently subject to an application for resource consent, which has been referred to the Environment Court.

### 7.4. CCZ-PREC01 (Te Ngākau Civic Square Precinct)

7.4.1. In respect of CCZ-PREC01, Willis Bond submitted that the references to the Civic Administration Building (CAB) and the Municipal Office Building (MOB) should be removed (submission 416.140). The section 42A report author agreed with the submission (at 720-721).

7.4.2. We opposed Wellington Civic Trust's submission (further submission 12.1-2) that CCZ-PREC01 should remove reference to "redevelopment" and include references to "public space".

7.4.3. We agree with the section 42A report author's proposed amendments which retain "redevelopment" but include a reference to "public space". It is important that the PDP reflects the focus on future development of the Precinct, as envisaged in the Framework.

### 7.5. CCZ-PREC01-O1 (Purpose)

7.5.1. We are concerned that CCZ-PREC01-O1 unintentionally narrows activities in the Precinct to those that "complement its primary civic function" (submission 388.25). Not all activities will necessarily complement its civic function. The list of enabled activities, for example, includes commercial facilities and residential activities.

7.5.2. We have reviewed the section 42A report author's comments at 724-730 and are comfortable with the current drafting, so long as the activity status remains as currently proposed.

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<sup>2</sup> <https://wellington.govt.nz/your-council/projects/te-ngakau-civic-precinct-programme>

## 7.6. CCZ-PREC01-02 (Built form)

7.6.1. We proposed two amendments to CCZ-PREC01-02 (submission 416.147-148) to acknowledge that:

7.6.1.1. not all development within the Precinct frames Civic Square; and

7.6.1.2. the requirement for a high degree of sunlight relates to the public spaces in the Precinct.

7.6.2. The section 42A report author agreed with the second amendment regarding sunlight access (at 736), but did not agree with the first requested amendment (at 735):

*I do not agree with the suggested amendment 'where situated adjacent to the square'; I think this addition is onerous and unnecessary as all development in the precinct should 'frame the square' and the suggested addition creates ambiguity. It would be useful to know what sites/areas of the precinct they do not consider 'frame the square' and instead are 'adjacent to the square'.*

7.6.3. Our point was that not all development is adjacent to Civic Square. If development is not adjacent, it cannot frame the square. For example, the Precinct includes the Michael Fowler Centre carpark site. This site is not adjacent to the open area within the centre of Civic Square (unlike the Library, CAB, MOB, Town Hall, City Gallery and Michael Fowler Centre). Development on the Michael Fowler Centre carpark site cannot frame the square.

7.6.4. We are not wedded to our proposed wording, but do consider that the requirement that development "frames the square" should not be expressed so absolutely. It should only apply to those buildings that are actually adjacent to Civic Square or should be expressed as "where relevant".

7.6.5. We do not agree with the insertion of "Provides for green spaces, where possible". The Michael Fowler Centre carpark site is a development site. It is certainly "possible" for it to be a green space, but that would be inconsistent with the Framework and the NPS-UD's general thrust for greater density in the City Centre. While we understand the reasoning behind the "where possible" qualifier, we believe it still leaves the objective too uncertain.

## 7.7. CCZ-PREC01-P2 (Use and development of the Te Ngākau Civic Square Precinct)

7.7.1. Wellington Civic Trust requested the removal of references to "staged redevelopment" and "new development" in CCZ-PREC01-P2. We agree with the section 42 report author that it is inappropriate to include these amendments. Some buildings can be considered for demolition and replacement, in each case subject to the requirements in the PDP.

7.7.2. We proposed an amendment to paragraph 3 (submission 416.165):

*2. Ensuring land use activities and development are planned and designed in a co-ordinated, site-responsive, comprehensive and integrated manner to the extent reasonable while allowing for development to progress in a natural manner; and*

7.7.3. Our concern was that paragraph 3 would require different developments to be planned together, something which is not always possible and could seriously delay consenting.

7.7.4. As an alternative, we propose removing the word “co-ordinated”. As landowner of the Precinct, it is still within Council’s control to co-ordinate development, but this is not something that should or needs to be considered in the consenting stage.

7.8. CCZ-PREC0 1-P3 (Access, connections and open space)

7.8.1. We asked to retain CCZ-PREC01-P3 as notified (submission 416.166).

7.8.2. Wellington Civic Trust asked to amend CCZ-PREC01-P3 to require that use and development “Avoids vehicle access at surface level with[in] the precinct”.

7.8.3. We agree with the section 42A report author that the change is inappropriate and overly restrictive (at 757).

7.9. CCZ-PREC0 1-R1 through to CCZ-PREC0 1-R6 (Activities)

7.9.1. We sought to expand the activities allowed in the Precinct (submissions 416.172-178).

7.9.2. On balance, we are comfortable with the section 42A report author’s recommendations to include educational activities and government facilities (at 768-769).

7.10. CCZ-PREC0 1-R8 (Construction of Buildings and Structures, Additions and Alterations to Buildings and Structures)

7.10.1. This rule was included in the PDP as CCZ-PREC01-R7, but the section 42A report author has recommended correcting the numbering to CCZ-PREC01-R8.

7.10.2. CCZ-PREC01-R8 contains the notification rule for the construction of buildings and structures and additions and alterations in the Precinct. As notified, it required public notification for all such resource consent applications:

*Notification status: An application for resource consent made in respect of rule CCZ-PREC01-R7.1 must be publicly notified.*

7.10.3. In our submission, we asked to amend the notification status, so that an application in respect of rule CCZ-PREC01-R7.1 which complies with CCZ-S1, CCZ-S3 and CCZ-S5 to CCZ-S13 is precluded from being either limited or publicly notified (submission 416.180).

7.10.4. This is similar to the approach throughout the CCZ which is to preclude public notification for all consent applications for the construction of buildings and structures and to preclude limited notification in all cases, except where height limits (or thresholds) are exceeded (see CCZ-R20).

7.10.5. Our view is that the same approach should apply to the Precinct. We do not consider that public notification is likely to generate useful additional information as to effects.

7.10.6. As an alternative to our primary submission, we consider that CCZ-PREC01-R8 should be silent as to notification, in which case the tests in s95 of the Resource Management Act 1991 will apply. The evidence provided by Mr Aburn supports this alternative approach.

7.10.7. The section 42A report author recommends that the requirement for public notification is retained except for additions and alterations. While this would assist, it could still result in applications being publicly notified that do not require notification. As an example, an application to amend a resource consent for a new building which was previously publicly notified could still require public notification, even if the new application does not generate any additional adverse effects likely to impact members of the public.

7.10.8. This issue has been addressed in rebuttal evidence by Ms Stevens on behalf of Council. The proposed amendments in Appendix A to Council's rebuttal evidence adopt the same approach to notification within the Precinct as the balance of the CCZ (as recommended by Ms Stevens) – that is, notification is precluded except where it does not comply with the height threshold or the additional height allowed under the City Outcomes Contribution criteria.

7.10.9. Ms Stevens' recommended amendments to CCZ-PREC01-R8 are set out below:

<b>Rules: Building and structures activities in the Te Ngākau Civic Square Precinct (CCZ-PREC01)</b>	
<b>CCZ-PREC01-R78</b>	<b>Construction of buildings and structures, additions and alterations to buildings and structures</b>
<p>1. Activity status: <b>Restricted Discretionary</b></p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> <li>1. The matters in CCZ-PREC01-P2, CCZ-PREC01-P3 and CCZ-PREC01-P4;</li> <li>2. The extent and effect of non-compliance with CCZ-S1, CCZ-S3, CCZ-S5, CCZ-S6, CCZ-S7, CCZ-S8, CCZ-S9, CCZ-S10, CCZ-S11, CCZ-S12 and CCZ-S13;</li> <li><del>3.</del> <a href="#">The Centres and Mixed Use Design Guide;</a></li> <li><del>4.</del> <a href="#">The Residential Design Guide;</a></li> <li><del>5.</del> <del>3.</del> The outcomes of any consultation undertaken with mana whenua;</li> <li><del>6.</del> <del>4.</del> The extent and effect of any identifiable site constraints;</li> <li><del>7.</del> <del>5.</del> The extent to which the proposed building or addition/alteration respects the form, scale and style of historic heritage buildings located within the precinct;</li> <li><del>8.</del> <del>6.</del> The extent to which the new building or addition/alteration to a building has an adverse impact on the micro-climate of surrounding public space, including any impacts on sunlight access and wind protection; and</li> <li><del>9.</del> <del>7.</del> The design, scale and configuration of the proposed building/structure or building additions/ alterations, including:               <ol style="list-style-type: none"> <li>a. The scale of development anticipated within the precinct and in the vicinity of the site;</li> <li>b. Their visual and architectural quality based on such factors as form, scale, design, portion and detailing of the building/structure or building additions/alterations; and</li> <li>c. The safe movement of people to, from and within the site, precinct and surrounding transport and street network.</li> </ol> </li> </ol> <p>Notification status: An application for resource consent made in respect of rule CCZ-PREC01-R78.1 <del>for a new building or structure, but excluding any additions and alterations to a building or structure,</del> is precluded from being either <del>must be</del> publicly or limited notified.</p>	

2. Activity status: Restricted Discretionary

Where:

- a. The relevant City Outcome Contribution Height Threshold set out in CCZ-PREC01-S1 is exceeded.

Matters of discretion are:

- 1. The matters in CCZ-P11; and
2. The application and implementation of the City Outcome Contribution set out in Appendix 16.

Notification status: An application for resource consent made in respect of rule CCZ-PREC01-R8.2 is precluded from being either publicly or limited notified, except where the application does not give effect to CCZ-P11 City Outcomes Contribution.

Notification status: An application for resource consent made in respect of rule CCZ-PREC01-R8.2 that does not give effect to CCZ-P11 City Outcomes Contribution must be publicly notified.

7.10.10. We support Ms Stevens' approach in part. It appropriately aligns notification in the Precinct with the balance of the CCZ. A consent application for a building over the height threshold which complies with the City Outcomes Contribution criteria will be precluded from being notified.

7.10.11. On our reading, however, the revised drafting does not cover the situation where a building is under the height threshold (in which case, the City Outcomes Contribution criteria are not engaged). In that case, CCZ-PREC01-8.1 appears to apply, which is silent as to notification (it only covers notification for additions and alterations). Presumably, the intention is that notification is also precluded if a development is under the height threshold.

7.10.12. To address this issue, we propose that CCZ-PREC01-8.1 also includes a notification statement which precludes applications under the height threshold in CCZ-PREC01-S1 from being publicly notified.

## 7.11. CCZ-PREC01-S1 – Maximum Height

7.11.1. Willis Bond did not submit on CCZ-PREC01-S1, but we consider that Council's new approach to height within the CCZ (which we did submit on – submission point 416.182-183) requires amendment to CCZ-PREC01-S1.

7.11.2. We also note that, as CCZ-PREC01-S1 is an ISPP matter, the Hearings Panel has the ability to make recommendations that fall outside the scope of submissions.

7.11.3. The height of buildings in the Precinct should be approached in the same way as the balance of the CCZ. As covered earlier, within the CCZ, the section 42A report author has recommended that the "maximum height" be described as the "height threshold" and that, above the height threshold, developments be required to comply with the City Outcomes Contribution.

7.11.4. Currently, CCZ-PREC01-S1 contains assessment criteria for buildings which are over the “maximum height”:

*Assessment criteria where the standard is infringed:*

- 1. Dominance and shading effects within the Precinct and on adjoining sites; and*
- 2. Streetscape and visual amenity effects.*

7.11.5. If (contrary to our primary submission) the “maximum height” in CCZ-PREC01-S1 is to be retained, it should be described as a “height threshold” in the same way as in the CCZ. Similarly, the assessment criteria that apply for a building over the height should be the City Outcomes Contribution as in the CCZ.

7.11.6. This would ensure consistency of approach and certainty as to the requirements for any building above the height threshold.

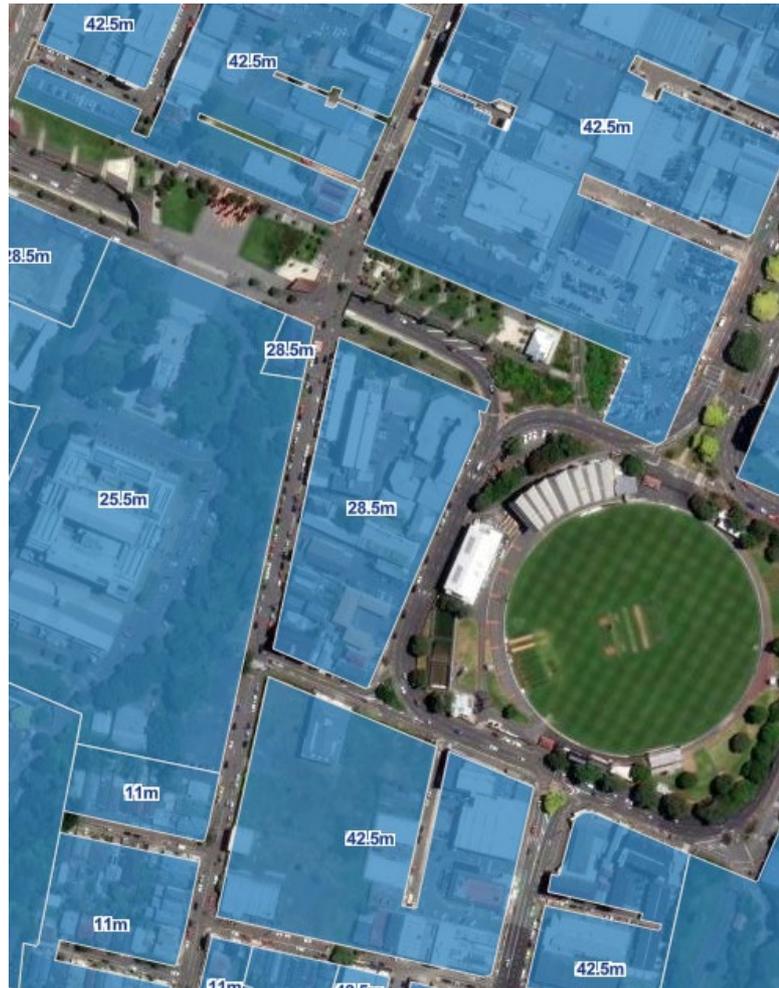
7.11.7. Mr Aburn, in his expert evidence, discusses this issue and recommends amendments to CCZ-PREC01-S1.

7.11.8. This issue has been remedied by Ms Stevens on behalf of Council in rebuttal evidence, noting that it is “largely a technical omission” (at 190). We support Ms Stevens’ proposed amendments and look forward to discussing this further.

## 8. 1-23 Tasman Street

8.1. In our submission, we sought to amend the height limit for the block bounded by Buckle Street, Tasman Street, Rugby Street and Sussex Street (submission 416.186). A development entity controlled by Willis Bond owns the properties within the block at 1-23 Tasman Street, which are currently subject to a resource consent application for an apartment development.

8.2. The proposed height limit (or threshold) for the block is currently 28.5m. This appears as an anomaly, given the blocks immediately to the north and south are both 42.5m, and we have not been able to locate any explanation for why a lower limit has been imposed on this block. See screenshot from Council’s Height Control Areas – Proposed District Plan map below (the relevant block is in the centre of the image):



- 8.3. Our submission point is mentioned in the section 42A report (at 510) but then does not appear to be mentioned again other than to state that the officers recommend it is rejected. We have not been able to identify any specific reasoning for rejecting the submission.
- 8.4. The 28.5m height threshold is significantly lower than most of the CCZ. We do not consider it is consistent with the NPS-UD's policy (3(a)) to enable building heights in city centre zones that "realise as much development capacity as possible, to maximise the benefits of intensification". Further, it appears to be inconsistent with objective CEKP-02 in Part 2 of the PDP, which states, "the City Centre is the primary location for future intensification for both housing and business needs". To put it simply, a height limit consistent with what is enabled in most of the CCZ would allow more housing to be provided on the site.
- 8.5. We ask the Panel to explore the reasoning behind the height threshold with Council and, in particular, consider whether the height threshold is justifiable under the NPS-UD. In the absence of any such justification (which we would appreciate a chance to respond to in the absence of seeing any justification to date), we request that the 28.5m height threshold for the block bounded by Buckle Street, Tasman Street, Rugby Street and Sussex Street be either deleted entirely (as per our primary submission point noted in part 2 above), or amended to 42.5m.

## 9. Miscellaneous

- 9.1. We proposed amending the active frontage control standard (CCZ-S8) to include the words "or otherwise enhances the streetscape". The section 42A report author has recommended accepting this amendment (at 651).
- 9.2. We consider this is a small, but important, qualification which will allow flexibility when designing frontages.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'R. Luxford', written in a cursive style.

Rosalind Luxford  
Senior Development Manager

Willis Bond and Company Limited