

# **Wellington City Proposed District Plan**

## **Hearing Stream 4**

### **Part 3, Commercial and Mixed Use Zones**

#### **Part 2: Metropolitan Centre Zone**

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

## Contents

1.0	Overview .....	3
2.0	Format for Consideration of Submissions .....	3
3.0	Metropolitan Centres in the Proposed District Plan .....	4
4.0	General Points Relating to the Metropolitan Centre Zone .....	6
5.0	Request for Expansion of Metropolitan Centre Zone.....	8
6.0	Submissions Relating to Specific Metropolitan Centre Zone Provisions.....	10
7.0	Proposed New Metropolitan Centre Zone Provisions .....	87
8.0	Development Area 1 – Kilbirnie Bus Barns.....	89
9.0	Minor and Inconsequential Amendments .....	94
10.0	Conclusion .....	95
11.0	Recommendations.....	95

## Part 3: Metropolitan Centre Zone

### 1.0 Overview

1. This section of the s42A report for the Part 3 – Commercial and Mixed Use Zones (CMUZ) addresses the Metropolitan Centre Zone (MCZ) provisions. This includes the DEV1 provisions, as will be discussed in detail at section 8.0 of this report.
2. Including primary and further submission points, and mapping submission points, there were approximately 385 submission points in relation to the MCZ. There were an additional 10 submission points relating to DEV1.
3. Within this section of my 42A report these submissions are categorised and assessed as follows:
  - i. General submissions relating to the MCZ
  - ii. Submissions relating to zoning
  - iii. Submissions relating to specific provisions in the MCZ chapter
  - iv. Proposed additional MCZ provisions
  - v. Development Area 1 – Kilbirnie Bus Barns
4. This report should be read in conjunction with the information in the following appendices:
  - a. Appendix A – Recommended Amendments to the CMUZ chapters (MCZ).
  - b. Appendix A – Recommended Amendments to the DEV1 chapter, including APP11
  - c. Appendix B – Recommended Responses to Submissions and Further Submissions on the Centres and Mixed Use chapters (MCZ)
  - d. Appendix B – Recommended Responses to Submissions and Further Submissions on the Development Area 1 chapter (DEV1)

### 2.0 Format for Consideration of Submissions

5. For each identified topic, the consideration of submissions has been undertaken in the following format:
  - Matters raised by submitters;
  - Assessment; and
  - Summary of recommendations.
6. 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.
7. Where I have recommended a material departure from the policy approach or associated provisions in the notified PDP I have undertaken a s32AA evaluation in respect to the recommended amendments in conjunction with my assessment.
8. There were no submissions in relation to MCZ-R2, MCZ-R4, MCZ-R5, MCZ-R8, MCZ-R9, MCZ-R10, MCZ-R11, MCZ-R14 or MCZ-R17. These provisions are now beyond challenge and have not been assessed in this section 42A report.

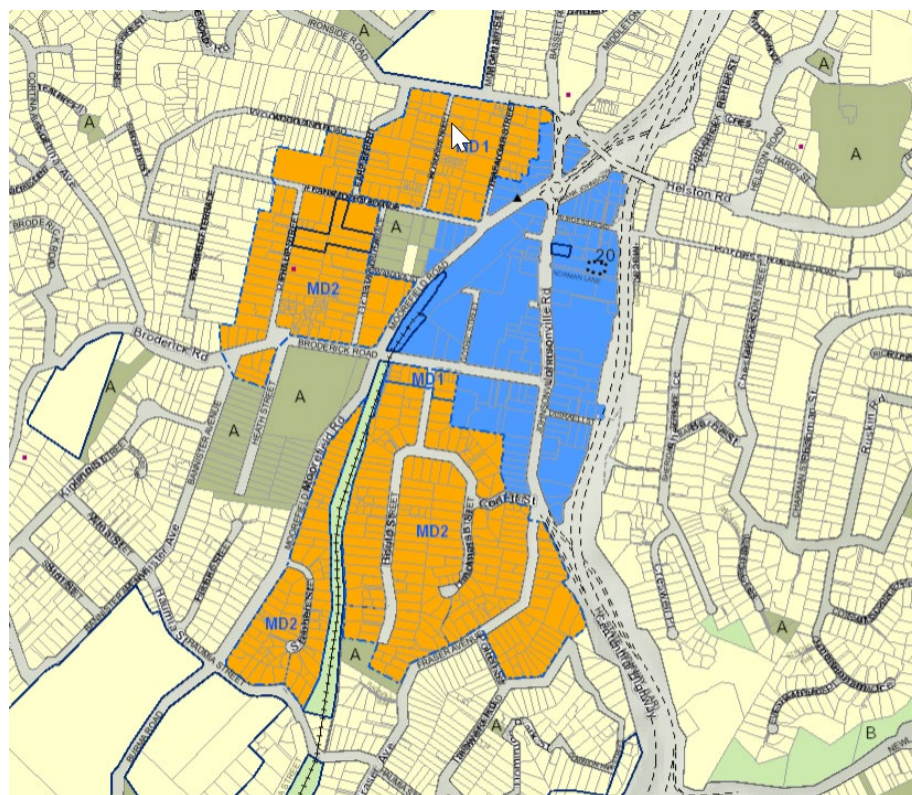
9. Submissions were received in support of the following provisions, seeking retention of these as notified:
  - Objectives and Policies: MCZ-O1, MCZ-P2, MCZ-P5
  - Rules: MCZ-R1, MCZ-R3, MCZ-R5, MCZ-R6, MCZ-R7, MCZ-R18
10. As there were no opposing submissions lodged in respect to these provisions I have not assessed them further in this report.

### 3.0 Metropolitan Centres in the Proposed District Plan

11. CEKP-01 describes Metropolitan Centres as follows:

*“[t]hese centres provide significant support to the City Centre Zone at a sub-regional level by offering key services to the outer suburbs of Wellington City and the wider Wellington region. They contain a wide range of commercial, civic and government services, employment, office, community, recreational, entertainment and residential activities. Metropolitan Centres are major transport hubs for the City and are easily accessible by a range of transport modes, including rapid transit. As a result, these centres are will be major live-work hubs for the City over the next 30 years. Intensification for housing and business needs will be enabled in these locations, to complement the City Centre”.*

12. Johnsonville and Kilbirnie are proposed to be zoned MCZ under the PDP. This zoning aligns with their current Sub-Regional Centre zoning under the ODP.
13. The existing and proposed zoning of Johnsonville is shown in the diagrams below, noting that no change to the current centre boundary is proposed.



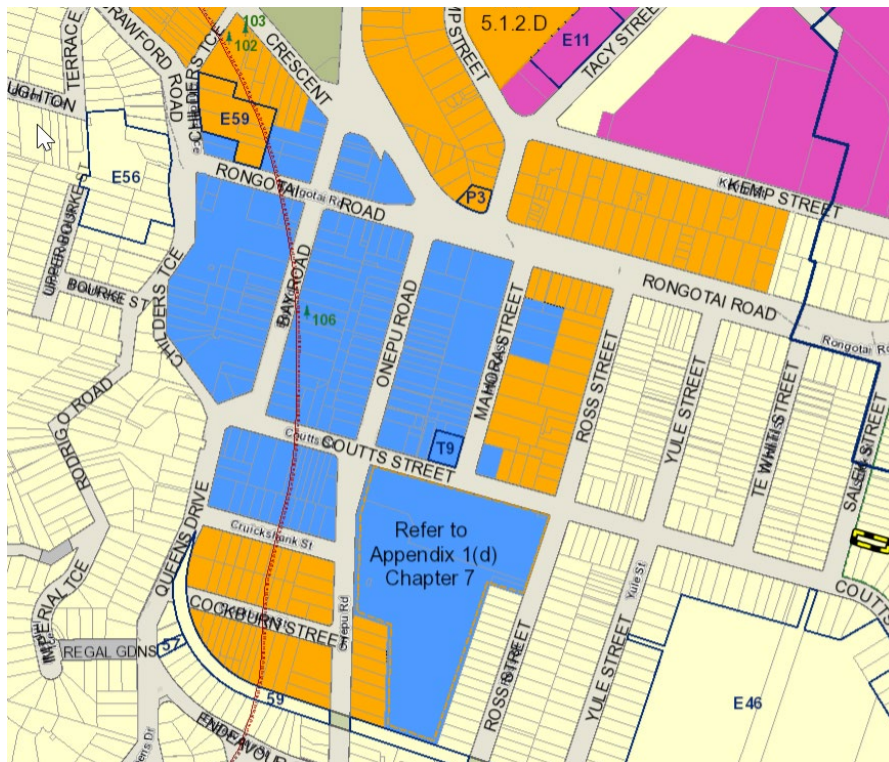
**ODP Zoning: Johnsonville - Centres Area (Sub-Regional Centre)**



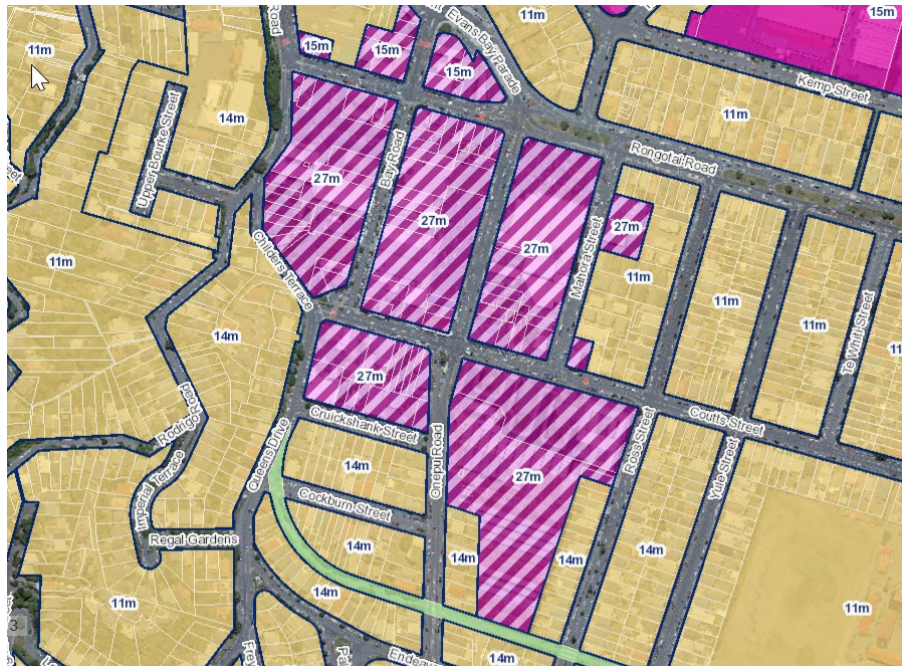


**PDP Zoning: Johnsonville - Metropolitan Centre Zone**

- 14. At present the Johnsonville Centre is surrounded by land zoned 'Medium Density Residential Area' (MDRA) to the west, with different land use (density) provisions in the ODP for land zoned MDRA1 (MD1) and MDRA2 (MD2). Under the PDP the existing MDRA land, along with a significant additional area of residential land around the centre, is proposed to be rezoned HRZ.
- 15. The existing and proposed zoning of Kilbirnie is shown below:



**ODP Zoning: Kilbirnie - Centres Area (Sub-Regional Centre)**



**PDP Zoning: Kilbirnie - Metropolitan Centre Zone**

16. Under the ODP land around the Kilbirnie centre is zoned either MDRA2 or Outer Residential Area. Under the PDP all of this land is proposed to be zoned MRZ. Note that Appendix 1(d) in the ODP map above relates to the Kilbirnie Bus Barns (DEV1 in the PDP).

#### **4.0 General Points Relating to the Metropolitan Centre Zone**

##### **General Submission Points in Support of the Metropolitan Centre Zone**

17. Oliver Sangster [112.12] supports the zoning of Johnsonville Mall and the surrounding area as MCZ, noting the development potential that will be available to this area, and seeks that this zoning is retained as notified.
18. Investore [405.8, 405.17, 405.87] and Stride [470.23] support the MCZ zoning of Johnsonville due to its sub-regional significance. Investore [405.90], Stride [470.26] and Foodstuffs [476.39] support the objectives and policies for the MCZ generally, subject to amendments discussed later in this s42A report. Foodstuffs [476.71, 476.82] supports the MCZ zoning of Pak'n'Save, Kilbirnie, at 5 Onepu Road.
19. Z Energy [361.67] supports the MCZ zoning of Kilbirnie and Johnsonville and seeks that this zoning is retained as notified. Specifically, Z Energy [361.2] supports the MCZ zoning of their service stations at 10 Coutts Street, Kilbirnie and 134 Johnsonville Road, Johnsonville.
20. Waka Kotahi [370.404] supports the MCZ with respect to the provision for active and public transport, the consideration of the function of the transport network, the discouragement of carparking visible at the street edge along an active frontage and the quality design outcomes, and seeks that the chapter is retained as notified.
21. Kāinga Ora supports the MCZ, subject to amendments to specific provisions as detailed later in this report.



## Assessment

22. No further assessment is required.

## Recommendation

23. HS4-P2-MCZ-Rec1: On the basis that no changes to the PDP are required, that the general submission points in support of the MCZ are accepted as detailed in Appendix B.

## General Submission Points not in Support of the Metropolitan Centre Zone

### Matters raised by submitters

24. John Wilson [453.3, 453.12, 453.13] opposes the provisions that apply to the Johnsonville MCZ. He seeks clarification as to whether the HRZ provisions apply around the Kilbirnie MCZ as well as the Johnsonville MCZ and seeks that the boundaries of the zones are clearly defined.
25. Willis Bond [416.111] seeks that the Council consider the relationship between the MRZ and other denser zones, including the MCZ, LCZ, NCZ, MUZ and COMZ, to ensure that development in these zones is not unduly restricted in these zones when the adjoining residential provisions are more permissive.

## Assessment

26. With respect to Mr Wilson's submission points, I disagree that the boundaries of the zones and the zoning of the land surrounding each MCZ are not clearly shown on the planning maps noting the that these are clearly illustrated as evidenced by the diagrams in paragraphs 13 and 15 of this report. Additionally, in terms of his objection to the planning provisions applying to Johnsonville, I note that he has not specifically referenced any provisions.
27. As noted at paragraph 125 of the Overview and General Matters section of this report, the PDP intends that the CMUZ enable greater development potential than the surrounding residential zones. This is the case with the MCZ, where significantly greater building heights are enabled within both Johnsonville and Kilbirnie than are available to the adjacent residentially zoned land. As such, no changes to the PDP are necessary as a result of the Willis Bond submission point [416.111].

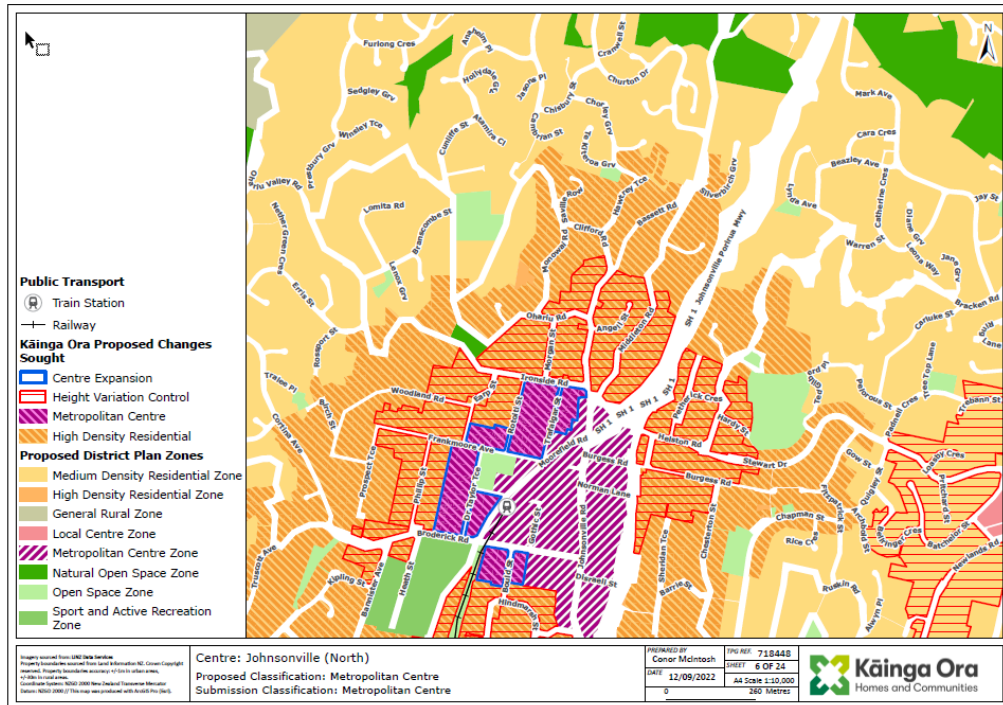
## Summary of recommendations

28. HS4-P2-MCZ-Rec2: On the basis that no changes to the PDP are required, that these general submission points are rejected as detailed in Appendix B.

## 5.0 Request for Expansion of Metropolitan Centre Zone

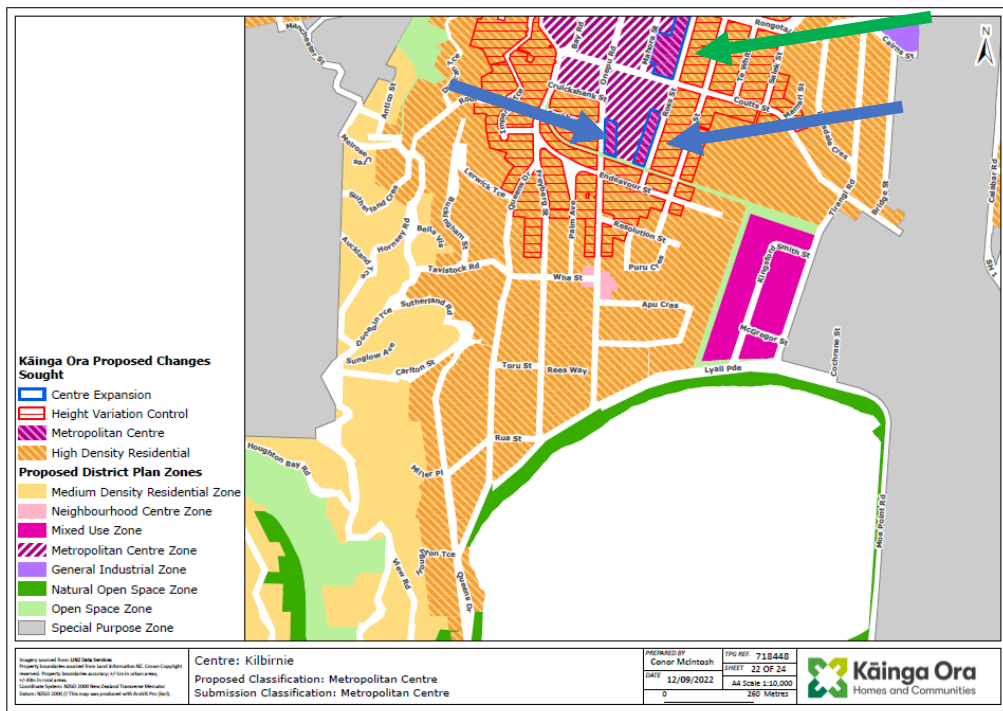
### Matters raised by submitters

29. Kāinga Ora [391.15] has requested an expansion of the Johnsonville MCZ as shown below:



**Kāinga Ora Map 6: Requested Expansion of Johnsonville MCZ**

30. Kāinga Ora [391.15] has requested an expansion of the Kilbirnie MCZ as shown below:



**Kāinga Ora Map 22: Requested Expansion of Kilbirnie MCZ**



## Assessment

31. The land in Johnsonville that Kāinga Ora has requested be rezoned to MCZ is zoned MDRA under the ODP and HRZ under the PDP, while the land in Kilbirnie includes sections of land zoned Outer Residential Area and MDRA under the ODP, all of which have been rezoned as HRZ under the PDP. Two of these areas adjoin the DEV1 – Kilbirnie Bus Barns site at the south of the Kilbirnie MCZ (indicated with blue arrows above), and one is located further to the north between Mahora Street and Ross Street (green arrow). With the exception of commercial activities on Mahora Street, these sites contain established residential buildings.
32. I acknowledge that the submitter seeks to enable additional development potential through extending the MCZ into these locations, noting that this would enable commercial/retail activities within this extended area and provide for increased building heights. The HRZ zoning also significantly increases the development potential, enabling heights of up to 21 metres, albeit with a requirement that buildings are used for residential purposes.
33. In my view, the retention of the notified zone boundaries will encourage the centres activities to occur within a more condensed area thereby establishing and maintaining more cohesive, accessible and viable centres. I therefore disagree that the MCZ should be extended to incorporate the additional areas as requested by Kāinga Ora [391.15]. The 2019 Housing and Business Capacity Report confirmed that there is suitable land and available floor space capacity within Wellington City to meet all categories business demand<sup>1</sup>. Further to this, I note that the evidence provided by Mr Philip Osborne in relation to Hearing Stream 1<sup>2</sup> confirmed that the PDP, as notified, will enable suitable development capacity to meet residential demand. At his conclusion Mr Osborne states:

*“When considering all development factors associated with both the market and planning restriction the Wellington City PDP is estimated to facilitate approximately 50,000 dwellings, more than sufficient to meet the requirement of 35,928 new homes, both in quantum and typology”.*

## Summary of Recommendations

34. HS4-P2-MCZ-Rec3: That the extent of the Johnsonville Metropolitan Centre Zone is confirmed as notified.
35. HS4-P2-MCZ-Rec4: That the extent of the Kilbirnie Metropolitan Centre Zone is confirmed as notified.
36. HS4-P2-MCZ-Rec5: That the submission points requesting the expansion of the MCZ are rejected as detailed in Appendix B.

---

<sup>1</sup> [wellington-regional-housing-and-business-development-capacity---chapter-2---wellington-city-council.pdf](#), p58

<sup>2</sup> [Statement \(wellington.govt.nz\)](#), pp5-7, para 2.7-2.12; p11, para 4.2.

## 6.0 Submissions Relating to Specific Metropolitan Centre Zone Provisions

### Introduction (Pt 1 Sch 1)

#### Matters raised by submitters

37. Kāinga Ora [391.648, 391.649] supports the Introduction to the MCZ chapter in part, but has requested the following amendments to better reflect the density and design outcomes anticipated by the NPS-UD:

Introduction

...

The Johnsonville and Kilbirnie metropolitan centres will play a critical role in accommodating forecast population growth and have significant development/redevelopment potential. To support and encourage intensification, the Metropolitan Centre Zone provides ~~substantial height limits~~ significant opportunity for building height. Given the significant development potential in the Metropolitan Centre Zones, comprehensive development and the integrated and coordinated development of larger sites is required to act as a catalyst for positive change and demonstrate density done well.

~~High quality building design~~ Achieving well designed buildings is a focus for these centres ~~and criteria are included to deliver this outcome~~. The building typology and design is encouraged to be significantly different to the existing built form ~~transition to more intensive use in metropolitan centres will result in significant changes to existing amenity values and design in the centres and their surrounds~~. Redevelopment will be supported by a range of measures to promote good design and environmental outcomes and address amenity issues. ~~Accordingly, most building activities will require a resource consent and an assessment against the Centres and Mixed Use Design Guide.~~

There is an identified need for significant residential intensification within and around the Metropolitan Centres. ~~These centres are subject to the intensification policies 3 (b) and (c) of the National Policy Statement on Urban Development 2020 (NPS-UD)~~. Accordingly, residential activity is permitted above ground floor within the centres and the High Density Residential Zone has been applied within a walkable catchment of the edge of these centres. The ~~cumulative risk from natural hazards in Kilbirnie is that the intensification of this area has been tempered as a qualifying matter under Subpart 6, clause 3.32 of the NPS-UD~~ has been addressed by applying a natural hazards overlay.

...

38. Investore [405.88, 405.89] and Stride [470.24, 470.25] supports the Introduction to the MCZ chapter, except for the statement that most building activities will require resource consent and an assessment against the CMUDG. They request the following amendment:

Introduction

...

High quality building design is a focus for these centres. The transition to more intensive use in metropolitan centres will result in significant changes to existing amenity values and design in the centres and their surrounds. Redevelopment will be supported by a range of measures to promote good design and environmental outcomes and address amenity issues. ~~Accordingly, most building activities will require a resource consent and an assessment against the Centres and Mixed Use Design Guide.~~

...

39. The Johnsonville Community Association [429.40] (opposed by Stride [FS107.2] and Investore [FS108.2]) considers that the key purpose of the Johnsonville Shopping Centre is to provide the range of retail and services required to support surrounding residential areas. They are concerned the emphasis on building residential development within the MCZ will compromise the focus of the centre and possibly further delay redevelopment of the Johnsonville Mall. They seek that the statement that residential development is to be a key focus of the MCZ is amended to state that residential development can also be supported in the MCZ only as long as it does not compromise the core purpose of the centre as outlined by the current District Plan.

## Assessment

40. I acknowledge that Kāinga Ora considers that their recommended amendments to the text of the Introduction better reflect the density and design outcomes anticipated by the NPS-UD. My assessment of their requested changes is as follows:
- a. Change 1: ~~substantial height limits~~ significant opportunity for building height.  
I disagree that this requested change is necessary, but acknowledge that the sentence could be reworded for clarity. I have recommended amended wording in my Summary of Recommendations below.
  - b. Change 2: ~~High quality building design~~ Achieving well designed buildings is a focus for these centres ~~and criteria are included to deliver this outcome~~.  
I disagree with these requested changes on the basis that the PDP seeks to encourage not just 'well designed' but 'high-quality' buildings, as clearly stated in the Introduction to the chapter and reflected in MCZ-P8. As detailed at paragraph 145 of the Overview and General Matters section of this report and within the Statement of Evidence provided by Dr Zamani in relation to Hearing Stream 2<sup>3</sup>, it is the Council's preference that the use of Design Guides will be retained in the District Plan.
  - c. Change 3: ~~The building typology and design is encouraged to be significantly different to the existing built form transition to more intensive use in metropolitan centres will result in significant changes to existing amenity values and design in the centres and their surrounds.~~  
I disagree with these requested changes. The wording as notified suitably signals that the PDP will give effect to the NPS-UD and sets a tone that change should be expected in and around the MCZ. I consider the notified wording to be clearer and less ambiguous than the suggested change, and thus less likely to create issues with interpretation.
  - d. Change 4: ~~Accordingly, most building activities will require a resource consent and an assessment against the Centres and Mixed Use Design Guide.~~  
As noted in point b above, it is the Council's intention to retain the proposed Design Guide approach.
  - e. Change 5: ~~These centres are subject to the intensification policies 3 (b) and (c) of the National Policy Statement on Urban Development 2020 (NPS-UD).~~  
I agree with this requested change, particularly as there is a risk that the signalled introduction of the National Planning Framework or any subsequent changes to the NPS-UD could render this reference redundant.

---

<sup>3</sup> [Statement of evidence of Dr Farzad Zamani on behalf of Wellington City Council](#), para 17

- f. Change 6: ~~The cumulative risk from natural hazards in Kilbirnie is that the intensification of this area has been tempered as a qualifying matter under Subpart 6, clause 3.32 of the NPS-UD~~ has been addressed by applying a natural hazards overlay. I agree with Kāinga Ora with respect to this change as the Natural Hazards (NH) chapter will apply to any site within the Natural Hazards Overlay.
41. For the reasons set out in paragraph 40 above, I recommend that the changes requested by Kāinga Ora [391.648, 391.649] are accepted in part, with my recommended amendments to the Introduction to the MCZ set out in the Summary of Recommendations below. For the reason outlined in paragraph 40 (with respect to change 2 requested by Kāinga Ora), I also recommend the request by Investore to delete the reference to the CMUDG in the Introduction is rejected.
42. While the Johnsonville Community Association’s assertion that the purpose of the Johnsonville Shopping Centre is to provide the range of retail and services required to support surrounding residential areas is broadly correct, I consider that residential activity is also appropriate within the MCZ. I note that this is reflected at the Strategic Direction level of the PDP, where CKEP-O2 states that the MCZ will become “*major live-work hubs for the City over the next 30 years*”. While the provision of retail and services is one function of the Johnsonville centre, in particular the existing shopping centre, the MCZ encompasses a wider area of land. I note that the ODP identifies residential activities as characteristic of a sub-regional centre<sup>4</sup> (refer to ODP policy 6.2.1.1). In accordance with both the ODP and the requirements of policy 3(b) of the NPS-UD, the Johnsonville MCZ has been identified as appropriate for both residential and commercial intensification with building heights of at least 6 storeys. The Johnsonville Community Association is concerned that the emphasis on building residential development within the MCZ will compromise the focus of the centre and possibly further delay redevelopment of the Johnsonville Mall. I note that they have not provided supporting evidence that residential development would slow the redevelopment of the mall, and there is the potential that this would in fact occur concurrently as part of a comprehensive development. Contrary to the view expressed by the Johnsonville Community Association, I agree with the further submitters that residential development is part of a well-functioning urban environment and should not be further restricted in the MCZ. Enabling intensive residential development within the MCZ allows people to live in close proximity to services, including work and recreational activities, and adds to the vitality and vibrancy of the centre. This will also result in shorter trips by residents living in the MCZ, encouraging greater use of low-carbon emitting forms of transport and leading to less reliance on high-carbon emitting forms of transport.

### Summary of recommendations

43. HS4-P2-MCZ-Rec6: Retain the Introduction to the MCZ chapter with amendments as set out below and in Appendix A.

---

<sup>4</sup> [v1chap06.pdf \(wellington.govt.nz\)](#)



## Introduction

...

The Johnsonville and Kilbirnie metropolitan centres will play a critical role in accommodating forecast population growth and have significant development/redevelopment potential. To support and encourage intensification, the Metropolitan Centre Zone provides an opportunity for substantial building heights to be realised~~substantial height limits~~. Given the significant development potential in the Metropolitan Centre Zones, comprehensive development and the integrated and coordinated development of larger sites is required to act as a catalyst for positive change and demonstrate density done well.

High quality building design is a focus for these centres. The transition to more intensive use in metropolitan centres will result in significant changes to existing amenity values and design in the centres and their surrounds. Redevelopment will be supported by a range of measures to promote good design and environmental outcomes and address amenity issues. Accordingly, most building activities will require a resource consent and an assessment against the Centres and Mixed Use Design Guide.

There is an identified need for significant residential intensification within and around the Metropolitan Centres. ~~These centres are subject to the intensification policies 3 (b) and (c) of the National Policy Statement on Urban Development 2020 (NPS-UD)~~. Accordingly, residential activity is permitted above ground floor within the centres and the High Density Residential Zone has been applied within a walkable catchment of the edge of these centres. ~~The cumulative risk from natural hazards in Kilbirnie is that the intensification of this area has been tempered as a qualifying matter under Subpart 6, clause 3.32 of the NPS-UD~~ has been addressed by applying a natural hazards overlay.

...

44. HS4-P2-MCZ-Rec7: That submission points relating to the Introduction to the MCZ chapter are accepted/rejected as detailed in Appendix B.

### **MCZ-O1 – Purpose (ISPP)**

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

45. Restaurant Brands Limited, Z Energy, Kāinga Ora, Investore and Willis Bond [349.148, 361.68, 391.650, 405.91, 416.114] support MCZ-O1, at least in a general sense, and seek that this is retained as notified.

#### **Assessment**

46. No further assessment is required.

#### **Summary of recommendations**

47. HS4-P2-MCZ-Rec8: That MCZ-O1 be confirmed as notified.
48. HS4-P2-MCZ-Rec9: That submission points relating to MCZ-O1 (Purpose) are accepted as detailed in Appendix B.

## MCZ-O2 – Accommodating Growth (ISPP)

### Matters raised by submitters

49. FENZ, Restaurant Brands Limited, Z Energy, Kāinga Ora, Investore and Willis Bond [273.294, 349.149, 361.69, 391.651, 405.92, 416.115] support MCZ-O2 and seek that this is retained as notified.
50. The Ministry of Education [400.138, 400.139] support MCZ-O2 in part and seek the following amendment to explicitly recognise and provide for educational activities in the MCZ which, in their view, are necessary to accommodate growth:

MCZ-O2 (Accommodating growth)

The Local Centre Zone has an important role in accommodating growth and has sufficient serviced, resilient development capacity and additional infrastructure to meet residential and commercial growth needs.

### Assessment

51. With respect to the Ministry of Education submission points [400.138, 400.139], I note that 'Additional Infrastructure' is defined in the District Plan as including social infrastructure such as schools and healthcare facilities. This change will signify that the MCZ is a suitable location for such facilities, along with the other 'additional infrastructure' activities listed in the definition. In my view, this aligns with the purpose of the zone. As such, I agree with the change sought by the Ministry of Education. I note that educational facilities are enabled through MCZ-P2 and MCZ-R3.

### Summary of recommendations

52. HS4-P2-MCZ-Rec10: That MCZ-O2 (Accommodating Growth) be amended as shown below and at Appendix A:

MCZ-O2 (Accommodating growth)

The Local Centre Zone has an important role in accommodating growth and has sufficient serviced, resilient development capacity and additional infrastructure to meet residential and commercial growth needs.

53. HS4-P2-MCZ-Rec11: That submission points relating to MCZ-O2 are accepted/rejected as detailed in Appendix B.

## MCZ-O3 – Amenity and Design (ISPP)

### Matters raised by submitters

54. Restaurant Brands Limited, Z Energy, Investore and Willis Bond [349.150, 361.70, 405.93, 416.116] support MCZ-O3 and seek that this is retained as notified.

55. Kāinga Ora [391.565, 391.566] supports the objective in part, and seeks the following amendment to better reflect the density and design outcomes necessary to reflect the centre’s location in the Centres hierarchy and the NPS-UD outcomes:

MCZ-O3 (Amenity and design)

~~Medium and high density mixed-use development is achieved that positively contributes to a good quality, well-functioning urban environment with a changing compact that reflects the changing urban form supporting high and amenity values of streets and public places the Metropolitan Centres Zone.~~

56. The Retirement Villages Association [350.264, 350.272] oppose MCZ-O3 in part on the basis that the wording is inconsistent with Objective 1 of the MDRS. In their view, the wording of MCZ-O3 should be amended as follows:

MCZ-O3 (Amenity and design)

Medium and high density mixed-use development is achieved that positively contributes to a good quality, well-functioning urban environment that reflects the changing urban form and amenity values of the Metropolitan Centres Zone.

## Assessment

57. With respect to the Kāinga Ora submission points [391.565, 391.566]:
- I recognise that Kāinga Ora seeks removal of the reference to medium density development on the basis that only high density development should be encouraged in the MCZ. At a strategic level CKEP-O2 identifies that housing intensification will be enabled in the MCZ; however, the typology of housing is not specified. As I am of the opinion that the Council cannot predict or prescribe the style, typology and intensity of development that will occur in the future, and that the District Plan should enable a mix of housing options to suit the needs of different residents, I disagree with the relief sought. I also note that the objective infers that any development should be of a high quality regardless of whether it is high or medium density.
  - I disagree with the other changes sought by Kāinga Ora as I am of the view that they change the tone of the objective, insofar as the focus would shift from the quality of the centre as a whole to just the public environment. While it is important to create high quality streetscape/townscape environments, the centre as a whole should provide a high level of amenity for people who live, work and recreate within it. These activities will be internal to the centre, rather than just at the public-facing level. Furthermore, design for amenity and CPTED should be at a centre-wide level.
58. I disagree with the submission point from the Retirement Villages Association seeking the removal of the word ‘positively’ from the objective. While the wording of MCZ-O3 is not verbatim with policy 1 of the MDRS, I consider that the objective gives effect to the MDRS objective. I also note that MCZ are predominantly commercial zones with a mixed-use focus, and there is no statutory directive for the MDRS wording to apply. There is therefore no compelling reason why the District Plan should not encourage high quality development within the MCZ, and inclusion of the word ‘positively’ indicates that this is the standard of development that the Council seeks to encourage.

## Summary of recommendations

59. HS4-P2-MCZ-Rec12: That MCZ-O3 (Amenity and Design) be confirmed as notified.
60. HS4-P2-MCZ-Rec13: That submission points relating to MCZ-O3 are accepted/rejected as detailed in Appendix B.

## MCZ-O4 – Activities (Pt 1 Sch 1)

### Matters raised by submitters

61. Restaurant Brands Limited, Z Energy, Kāinga Ora and Investore [349.151, 361.71, 391.653, 405.94] support MCZ-O4 and seek that this is retained as notified.
62. Kāinga Ora [391.653] generally supports the objective but seeks the following amendment to better reflect the MCZ’s location in the centres’ hierarchy and the NPS-UD outcomes:

#### MCZ-O4 (Activities)

Activities will be of an appropriate scale and type to enhance the vibrancy and viability of the sub-regional Metropolitan Centres, and reflect their sub-regional purpose.

### Assessment

63. I consider the wording changes requested by Kāinga Ora to be unnecessary given the existing wording of the objective already clearly articulates the purpose of the zone. I consider that a consequential change is required to support walkable neighbourhoods, in response to the submission point from Environmental Reference Group [377.425], as consistent with LCZ-Rec28.

## Summary of recommendations

64. HS4-P2-MCZ-Rec14: That MCZ-O4 (Activities) is consequentially amended in accordance with LCZ-Rec28.
65. HS4-P2-MCZ-Rec15: That submission points relating to MCZ-O4 are accepted/rejected as detailed in Appendix B.

## MCZ-P1 - Accommodating Growth (ISPP)

### Matters raised by submitters

66. Restaurant Brands Limited, the Retirement Villages Association and Willis Bond [349.152, 350.273, 416.118] (opposed by Foodstuffs [FS23.51, FS23.89]) support MCZ-P1 and seek that it is retained as notified.
67. Foodstuffs [476.40] (opposed by Kāinga Ora [FS89.59]) opposes the references in MCZ-P1.1 to undermining the ongoing viability, vibrancy and primacy of the other CMUZ. They consider



that each CMUZ fulfils a different purpose, that the centres are of different scales to one another, and that any development within the lower order centres should be considered in its own right without the additional administrative burden of potentially requiring assessments of effects on the higher order centres.

68. The amendment sought by Foodstuffs is as follows:

MCZ-P1.1 (Accommodating growth)

1. A variety of building types, sizes, tenures, affordability and distribution of a scale and intensity that ~~does not undermine the ongoing viability and vibrancy of the Local Centre Zone and Metropolitan Centre Zone and primacy of the City Centre Zone~~ supports the purpose of the zone;

69. McDonald's [274.43, 274.44] (opposed by Kāinga Ora [FS89.84]) supports MCZ-P1 and seeks that it is amended to remove references on undermining the ongoing viability, vibrancy and primacy of the other Centre zones:

MCZ-P1.1 (Accommodating growth)

1. A variety of building types, sizes, tenures, affordability and distribution of a scale and intensity that ~~does not undermine the ongoing viability, vibrancy and primacy of the City Centre Zone~~ supports the purpose of the zone;

70. Z Energy Limited [361.72, 361.73] supports the policy in part and seeks that it is expanded to enable a broad range of commercial activities that support the medium-density business and residential intensification sought as follows:

MCZ-P1 (Accommodating growth)

Provide for the use and development of the Metropolitan Centre Zone to meet the City's needs for housing, business activities and community facilities, including:

1. A variety of building types, sizes, tenures, affordability and distribution of a scale and intensity that does not undermine the viability, vibrancy and primacy of the City Centre Zone;
2. A mix of medium to high density housing;
3. Convenient access to active, public transport and rapid transit options;
4. Efficient, well integrated and strategic use of available development sites; and
5. Convenient access to a range of commercial services and open spaces.

71. Kāinga Ora [391.654] supports the policy in part and seeks that it is amended to:

- a. Recognise the range of housing densities potentially enabled in the zone, and to recognise that tenures and affordability cannot and should not be managed through the District Plan. The focus should be on providing for the level of the activity and building form that is appropriate to a metropolitan centre; and
- b. Clarify that the intent of the MCZ is to enable significant intensification and height, and therefore high-density housing is the appropriate scale of development to encourage within the MCZ.

72. As such, they seek the following changes:

MCZ-P1 (Accommodating growth)

Provide for the use and development of the Metropolitan Centre Zone to meet the City's needs for housing, business activities and community facilities, including:

1. A variety of building types, sizes, ~~tenures, affordability~~ and distribution of a scale and intensity that does not undermine the viability, vibrancy and primacy of the City Centre Zone;
2. ~~A mix of medium to h~~ High density housing;

...

73. Investore [405.95, 405.96] and Stride [470.27, 470.28, 470.29] are opposed to references in the policy to undermining the viability and vibrancy of the CCZ on the basis that metropolitan centres fulfil a different purpose and are of an entirely different scale to the CCZ. They also consider that the policy should encourage high density housing, rather than a mix of medium and high density, to maximise efficient use of the land.

74. Investore and Stride seek the following amendments:

MCZ-P1 (Accommodating growth)

Provide for the use and development of the Metropolitan Centre Zone to meet the City's needs for housing, business activities and community facilities, including:

1. A variety of building types, sizes, tenures, affordability and distribution of a scale and intensity ~~that does not undermine the viability, vibrancy and the primacy of the City Centre Zone;~~
2. ~~A mix of medium to h~~ High density housing;

...

## Assessment

### MCZ-P1.1

75. With respect to the submission points relating to MCZ-P1.1 [274.42, 274.44, 391.54, 405.95, 405.96, 470.28, 476.40], I note that the purpose of the MCZ is to facilitate considerable additional commercial and residential development. This is reflected in the rule framework. The two MCZ areas at Johnsonville and Kilbirnie are intended to complement the CCZ and improve accessibility to a range of satellite services. However, I note that there is currently an absence of guidance in the policy or underlying rule framework to inform an assessment as to whether a proposal potentially undermines the ongoing viability, vibrancy and primacy of the CCZ. This, in turn, is likely to lead to uncertainty and potential additional costs for developers at the resource consent stage (for example, through the requirement to commission expert economic assessments), noting further that any such supporting analysis would unlikely add little benefit to the consenting process given the purpose of the MCZ and the intention that it is designed to support significant levels of development. Further to this, in his Statement of Evidence<sup>5</sup> Dr Lees has identified that this clause, in particular with respect to 'vitality' *"could be interpreted as preserving existing commercial activities at the expense of competitors"*,

<sup>5</sup> [Statement of evidence of Dr Kirdan Ross Lees on behalf of Wellington City Council](#), para 34.

which would be at odds with the enabling purpose of the zone. I note this position was also covered in Hearing Stream one with respect to the Strategic Objectives for the ‘Urban Form and Development’ Chapter.

76. Consequently, I agree with the relief sought by McDonald’s, Kāinga Ora, Investore, Stride and Foodstuffs [274.42, 274.44, 391.54, 405.95, 405.96, 470.28, 476.40] with respect to MCZ-P1 and recommend that this is amended as detailed in my Summary of Recommendations below. I note that there is still a requirement at MCZ-P3 with respect to maintaining the vibrancy of the MCZ itself, which I recommend is retained. In my view this is a separate issue, as it relates to the MCZ rather than the effects on the MCZ on the CCZ.

#### MCZ-P1.2

77. Kāinga Ora, Investore and Stride [391.654, 405.95, 405.96, 470.29] have requested that references to medium density development are removed at MCZ-P1.2. As previously noted at paragraph 57 of this report, in my view medium density development is an acceptable and anticipated form of development in the MCZ. Consequently, I disagree with the relief sought by these submitters.

#### MCZ-P1.5

78. Z Energy [361.72, 361.73] has requested that MCZ-P1.5 is amended to include reference to ‘commercial services’. Although I agree that such services should be encouraged within the policy framework, MCZ-P1.5 specifically relates to the provision of open space. If this point were to be extended to reference commercial services, then arguably other activities (for example services that are not commercial in nature, recreational activities etc) should also be referenced. In my view MCZ-P1 adequately allows for commercial activities by referencing ‘business activities’ and ‘building tenures’ and therefore a change to MCZ-P1.5 is not required.

### Summary of recommendations

79. HS4-P2-MCZ-Rec16: That MCZ-P1.1 (Accommodating Growth) is amended as shown below and at Appendix A:

MCZ-P1 (Accommodating growth)

Provide for the use and development of the Metropolitan Centre Zone to meet the City’s needs for housing, business activities and community facilities, including:

...

1. A variety of building types, sizes, tenures, affordability and distribution of a scale and intensity that ~~does not undermine the ongoing viability and vibrancy of the Local Centre Zone and Metropolitan Centre Zone and primacy of the City Centre Zone~~ supports the purpose of the zone;

80. HS4-P2-MCZ-Rec17: For the reasons set out above, I recommend that the remainder of MCZ-P1 (ie MCZ-P1.2 to MCZ-P1.5) is confirmed as notified.
81. HS4-P2-MCZ-Rec18: That submission points relating to MCZ-P1 are accepted/rejected as detailed in Appendix B.

## MCZ-P2 – Enabled activities (Pt 1 Sch 1)

### Matters raised by submitters

82. A number of submitters [240.51, 240.52, 273.295, 349.153, 361.74, 391.655, 400.140, 405.97] support MCZ-P2 as notified. No submissions were received in opposition to this policy or requesting further changes.

### Recommendation

83. HS4-P2-MCZ-Rec19: That MCZ-P2 (Enabled activities) be confirmed as notified.
84. HS4-P2-MCZ-Rec20: That submission points relating to MCZ-P2 are accepted as detailed in Appendix B.

## MCZ-P3 – Managed activities (Pt 1 Sch 1)

### Matters raised by submitters

85. Restaurant Brands [349.154] supports MCZ-P3 and seeks that it is retained as notified.
86. Investore [405.98, 405.99] and Stride [470.30, 470.31, 470.32] are opposed to references in policy MCZ-P3 to undermining the viability and vibrancy of the CCZ, and seek the following amendment:

MCZ-P3 (Managed Activities)

Manage the location and scale of commercial activities that could result in cumulative adverse effects ~~on the viability and vibrancy of centres~~, the retention and establishment of a mix of activities within the Metropolitan Centre Zone, and the function of the transport network.

### Assessment

87. I acknowledge the submission in support by Restaurant Brands Limited [349.154].
88. The purpose of having a centres hierarchy is to ensure all centres across the city continue to provide retail and commercial hubs for the local residents, with larger centres providing for larger catchments. The avoidance of cumulative effects is a key part of maintaining a centre's vitality/vibrancy. As noted at paragraph 75 above, Dr Lees has advised that preserving viability benefits existing activities at the expense of future users. This is the case both between zones (ie the MCZ and CCZ) and within the respective zone. I therefore recommend that the word 'viability' is deleted from the policy and submission points 405.98, 405.99, 470.30, 470.31, 470.32 are accepted in part. Consequentially, viability should be removed across the Centres Zones for the same reasons. On the other hand, I recommend that the word 'vibrancy' is retained as this aligns the purpose of the zone, and Objective 1 of the NPS-UD with respect to providing well-functioning urban environments.

### Summary of recommendations



89. HS4-P2-MCZ-Rec21: That MCZ-P3 (Managed Activities) is amended to remove 'viability' as shown below and at Appendix A, and consequentially where referenced throughout the Centres Zones.

MCZ-P3 (Managed Activities)

Manage the location and scale of commercial activities that could result in cumulative adverse effects on the ~~viability and~~ vibrancy of centres, the retention and establishment of a mix of activities within the Metropolitan Centre Zone, and the function of the transport network.

90. HS4-P2-MCZ-Rec22: That submission points relating to MCZ-P3 are accepted/rejected as detailed in Appendix B.

**MCZ-P4 – Potentially incompatible activities (Pt 1 Sch 1)**

**Matters raised by submitters**

91. Restaurant Brands Limited and Investore [349.155, 405.100] support MCZ-P3 (Managed activities) and seek that it is retained as notified.
92. The Retirement Villages Association [350.274] opposes restrictions on retirement villages at ground level and seeks that clause (3) of MCZ-P4 is deleted.
93. Woolworths [359.75] considers that the policy as drafted is different to LCZ-P4 and NCZ-P4 and seeks that the policy is amended to accommodate 'potentially incompatible activities' if there is a functional and operational need and the effects on the centre are managed. As such, they seek that the policy is amended as follows:

MCZ-P4 (Potentially incompatible activities)

~~Only~~ Allow activities that are potentially incompatible with the role and function of the Metropolitan Centre Zone, where they demonstrate an operational or functional need to locate within the zone; or will not have an unacceptable adverse effect on the vibrancy and amenity values of the centre. ÷

- ~~1. Carparking visible at street edge along an active frontage or non-residential activity frontage;~~
- ~~2. Demolition of buildings that results in the creation of vacant land;~~
- ~~3. Ground floor residential activities on street edges identified as having an active frontage or non-residential activity frontage; and~~
- ~~4. Yard-based retail activities.~~

94. While Z Energy [361.75, 361.76] supports MCZ-P4 in part, they consider that the policy is too specific and will impact on the continued operation, maintenance and upgrade of a range of existing activities. They consider that some yard-based activities, like service stations, play a key role in providing essential services to enable a well-functioning urban environment. As such, they seek that the policy is amended as follows:

MCZ-P4 (Potentially incompatible activities)

Only allow new activities that are potentially incompatible with the role and function of the Metropolitan Centre Zone, where they will not have an adverse effect on the vibrancy and amenity values of the centre:

1. Carparking visible at street edge along an active frontage or non-residential activity frontage;
2. Demolition of buildings that results in the creation of unutilised vacant land;
3. Ground floor residential activities on street edges identified as having an active frontage or non-residential activity frontage; and
4. Some ~~Y~~yard-based retail activities

95. Willis Bond [416.119] considers that carparking at ground level should only be a potentially incompatible activity where it occurs along building frontages, and seek that the policy refers to 'car-parking at ground level where it occurs along building frontages'.

### Assessment

96. Regarding the relief sought by the Retirement Villages Association [350.274], I note that MCZ-P4.3 states that this provision only applies to active and non-residential frontages. The purpose of MCZ-P4 is to improve the interaction between buildings and the public environment, and I consider that residential activities at the street edge can detract from this as they communicate that the building is being used for private and not active or publicly-relevant activities. Residential activities at ground level have the potential to reduce the vibrancy of a centre and provide sub-optimal on-site amenity. That said, in conjunction with Ms Stevens I have recommended changes to the MCZ provisions to address the changes requested by this submitter. Assessments and recommendations regarding retirement villages are provided at paragraphs 213 and 216-217 of the Overview and General Matters section of this report.
97. With respect to Woolworths [359.75], I consider that the addition of the words 'demonstrate an operational or functional need to locate within the zone' is unnecessary, given the range of activities and building sizes permitted within the MCZ. This change, along with the addition of the word 'unacceptable', are matters that a resource consent planner would consider when assessing an application and are not necessary within the policy. I also disagree with the deletion of the four matters under the policy, as these specify the matters that are unacceptable.
98. I disagree that with Z Energy [361.75, 361.76] that the addition of the word 'new' is required as the policy will only apply to new buildings and activities, with no expectation that it also retrospectively applies to existing buildings or activities. I also disagree with the addition of the word 'Some' in MCZ-P4.4. In the absence of further clarification as to the nature of the activities covered by this term the requested change would create unnecessary interpretive uncertainty for developers and resource consent planners.

99. With respect to the Willis Bond submission [416.119], I disagree with the relief sought as it would enable car-parking to occur along the frontages of vacant sites and result in a streetscape outcome along active and non-residential activity frontages that the District Plan is trying to avoid.

#### Summary of recommendations

100. HS4-P2-MCZ-Rec23: That MCZ-P4 (Potentially incompatible activities) is confirmed as notified.
101. HS4-P2-MCZ-Rec24: That submission points relating to MCZ-P4 are accepted/rejected as detailed in Appendix B.

#### MCZ-P5 – Heavy industrial activities (Pt 1 Sch 1)

##### Matters raised by submitters

102. Restaurant Brands Limited, Z Energy, Kāinga Ora and Investore [349.156, 361.77, 391.656, 405.101] support MCZ-P5 and seek that this is retained as notified.

##### Assessment

103. No further assessment is required with respect to MCZ-P5.

#### Summary of recommendations

104. HS4-P2-MCZ-Rec25: That MCZ-P5 (Heavy industrial activities) is confirmed as notified.
105. HS4-P2-MCZ-Rec26: That submission points relating to MCZ-P5 are accepted as detailed in Appendix B.

#### MCZ-P6 – Housing choice (ISPP)

##### Matters raised by submitters

106. Restaurant Brands Limited, Z Energy, Kāinga Ora, Investore and Willis Bond [349.157, 361.78, 405.102, 416.120] support MCZ-P6 and seek that this is retained as notified.
107. The Retirement Villages of New Zealand [350.275, 350.276] generally supports MCZ-P6 and its enablement of medium density residential development, but seek the following change to acknowledge that each individual development will not offer a range with respect to the matters listed in MCZ-P6.2:

MCZ-P6 (Housing choice)

Enable medium density residential development that:

1. Contributes towards accommodating anticipated growth in the City; and
2. ~~Offers~~ Contributes to a range of housing price, type, size and tenure that is accessible to people of all ages, lifestyles, cultures and abilities.

108. Kāinga Ora [391.657, 391.658] seeks the policy is amended to:
- a. Recognise the range of housing densities potentially enabled in the zone, and to recognise that tenures and affordability cannot and should not be managed through the District Plan. The focus should be on providing for the level of the activity and building form that is appropriate for a Metropolitan Centre; and
  - b. Clarify that the intent of the MCZ is to enable significant intensification and height, and therefore medium to high-density housing is the appropriate scale of development to encourage within the Metropolitan Centre and high-density residential development can provide for a range of housing choices in itself.

109. They request the following change:

MCZ-P6 (Housing choice)

Enable medium to high density residential development that:

1. Contributes towards accommodating anticipated growth in the City; and
2. Offers a range of housing price, type, and size ~~and tenure~~ that is accessible to people of all ages, lifestyles, cultures and abilities.

110. Stride [470.33, 470.34] opposes the policy in part as they consider that the policy should enable high but not medium density development, and should not be directive on the price, style, size or tenure of development. They seek the following change:

MCZ-P6 (Housing choice)

Enable ~~medium to~~ high density residential development that: ~~1. Contributes towards accommodating anticipated growth in the City; and~~

- ~~2. Offers a range of housing price, type, and size and tenure that is accessible to people of all ages, lifestyles, cultures and abilities.~~

## Assessment

111. The Retirement Villages Association [350.275, 350.276] requests that the word 'Offers' is changed to 'Contributes to' at MCZ-P6.2. As I consider that these words can be used interchangeably I am of the opinion that this change is therefore unnecessary; however, I have no concerns if the IHP considers that this change is appropriate.
112. MCZ-P6 seeks that a range of housing is supplied in the MCZ, but is not prescriptive in terms of incorporating explicit requirements relating to the range of housing price, type, size and tenure to be provided within each development. I note that neither Kāinga Ora [391.657, 391.658] nor Stride [470.33, 470.34] have provided any planning or section 32AA evaluations, or technical/economic assessments in support of their request to delete MCZ-P6.2. The policy seeks to give effect to MCZ-O2 (Accommodating growth) and facilitate a range of housing typologies within the zone. I note that the District Plan zoning framework is designed to provide different housing typologies in different locations throughout the city, which has a direct impact on affordability and distribution. I see no reason why a range of tenures should not be available within the MCZ. For these reasons, I disagree with the relief sought by the submitters and recommend that MCZ-P2.2 is retained as notified, including the reference to tenure.

113. As discussed previously in paragraph 57, I consider that there may be circumstances where medium density housing is appropriate in the MCZ.

### Summary of recommendations

114. HS4-P2-MCZ-Rec27: The MCZ-P6 (Housing choice) is consequentially amended to be consistent with CCZ-Rec32.
115. HS4-P2-MCZ-Rec28: That submission points relating to MCZ-P6 are accepted/rejected as detailed in Appendix B.

### MCZ-P7 – Quality design – neighbourhood and townscape outcomes (ISPP)

#### Matters raised by submitters

116. Restaurant Brands Limited, the Retirement Villages Association, Investore and the Wellington Heritage Professionals [349.158 (opposed by Foodstuffs [FS23.52]), 350.277, 405.103, 412.79] support MCZ-P7 and seek that this is retained as notified.
117. FENZ [273.296, 273.297] supports the policy in part but seeks that this is amended to include a further matter that access for emergency service vehicles is a consideration of the design and layout of new developments. They seek the following change:

MCZ-P7 (Quality design - neighbourhood and townscape outcomes)

Require new development, and alterations and additions to existing development at a site scale, to positively contribute to the sense of place, quality and amenity of the Metropolitan Centre Zone by:

1. Recognising the benefits of well-designed, comprehensive development, including the extent to which the development:

...

x. is accessible for emergency service vehicles

118. On the basis that while functional and operational needs are referenced in some assessment criteria but not in the policy framework, McDonald's [274.45, 274.46] and Foodstuffs North Island [476.41, 476.42] seek the following change to MCZ-P7:

MCZ-P7 (Quality design - neighbourhood and townscape outcomes)

Require new development, and alterations and additions to existing development at a site scale, to positively contribute to the sense of place, quality and amenity of the Metropolitan Centre Zone by:

3. Recognising the functional and operational requirements of activities and development.

119. Z Energy [361.79, 361.80] considers that MCZ-P7 should be amended to recognise that alternative design responses are necessary to meet the functional requirements of a range of activities, including existing service stations. They seek the following change:

MCZ-P7 (Quality design - neighbourhood and townscape outcomes)

Require new development, and alterations and additions to existing development at a site scale, to positively contribute to the sense of place, quality and amenity of the Metropolitan Centre Zone by:

1. Recognising the benefits of well-designed, comprehensive development, including the extent to which the development:

...

x. Recognises that alternative design responses are necessary for functional requirements of a range of activities, including existing service stations.

120. Kāinga Ora [391.659, 391.660] (supported by Waka Kotahi [FS103.22], opposed by Roland Sapsford [FS117.36] and LIVE WELLington [FS96.37]) supports MCZ-P7 in part, but seeks the following amendments:

- a. A change to the name of the policy name to better reflect the intent of the policy and the subsequent wording, which seeks to manage the contribution new development makes to the neighbourhood and townscape; and
- b. A change to the policy wording to better recognise the MCZ rule setting and intent of the NPS-UD (particularly Policy 6) regarding recognition that the planned urban built form and change to existing amenity is not in itself an adverse effect; and to simplify and clarify the neighbourhood and townscape outcomes that the plan is seeking to manage.

121. They request the following changes:

MCZ-P7 ~~Quality design~~ – Centres outcomes

Require new development, and alterations and additions to existing development at a site scale, to positively contribute to the sense of place, quality and planned urban built form and function ~~amenity~~ of the Metropolitan Centre Zone by:

1. Recognising the benefits of well-designed, comprehensive development, including the extent to which the development:

~~a. Acts as a positive catalyst for future change by reflecting~~ Reflects the nature and scale of the development ~~proposed~~ enabled within the zone ~~and in the vicinity~~ and responds to the evolving, more intensive identity of the neighbourhood;

b. Optimises the development capacity of land, ~~particularly sites that are:~~

~~i. Large; or~~

~~ii. Narrow; or~~

~~iii. Vacant; or~~

~~iv. Ground level parking areas;~~

...

122. Willis Bond [416.121, 416.122] (supported by Foodstuffs [FS23.90]) considers that MCZ-P7 is long and confusing and should be reviewed against the earlier policies to ensure it is succinct, focused and does not cover the same ground as other policies. Willis Bond is opposed to



retaining the Design Guides in the District Plan, but seeks that if these are retained MCZ-P7 is reviewed to avoid overlap.

123. Stride [470.35, 470.36] supports the policy with the exception of MCZ-P7.2.e, which requires flexibility for ground floor space to be converted for a range of activities ‘including residential’. They consider that it will be too onerous to have to design buildings to be flexible to change to residential use and therefore seek the following change:

MCZ-P7 (Quality design - neighbourhood and townscape outcomes)

...

c. Enhances the quality of the streetscape and public / private interface;

d. Integrates with existing and planned active and public transport movement networks; and

e. Allows sufficient flexibility for ground floor space to be converted for a range of activities, ~~including residential.~~

### Assessment

124. I agree with FENZ [273.296, 273.297] that for safety purposes sites should be accessible for emergency service vehicles. For consistency with the recommendations relating to the other CMUZ and the GIZ, I consider that these submission points should be accepted as this will ensure that suitable access remains available.

125. I disagree that the request to reference functional and operational needs within the policy is a necessary change to the policy. The PDP provides definitions of ‘functional need’ and ‘operational need’, which are as follows:

Functional need:

*“means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment”.*

Operational need:

*“means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints”.*

This change would require that these needs are taken into account in all cases, whereas within the assessment criteria they are only referenced in relation to specific standards. Essentially, the requested change would elevate the importance of operational and/or functional needs and may result in outcomes that are inconsistent with the purpose of the zone. Retaining the reference in the relevant standards allows decision-makers to take these into account but does not unduly elevate the importance of these. I recommend that the relief sought by McDonald’s [274.45, 274.46] and Foodstuffs [476.41, 476.42] is rejected.

126. For the reasons set out at paragraph 125 above, I also disagree with the relief sought by Z Energy [361.79, 361.80] and recommend that these submission points are rejected.

127. With respect to the changes requested by Kāinga Ora [391.659, 391.660], I do not consider a change to the name of the policy is required. The existing title signifies that this policy is design focussed, whereas the requested change does not. The title responds to, and aligns with, MCZ-O3. If the IHP was of a mind to change the name of the policy I would suggest that it is called 'Quality Design Outcomes', with the words 'Neighbourhood and Townscape Outcomes' deleted, as the points within the policy are not specifically related to these outcomes. Kāinga Ora also seeks that the word 'amenity' is replaced with '*and planned urban built form and function*'. For consistency with the CCZ, I recommend that this change is rejected.
128. I consider that the changes requested by Kāinga Ora with respect to the wording of MCZ-P7.1.a are an improvement on the current wording for the reasons provided by the submitter and summarised in paragraph 120(b) above, and this change should be made. However, I do not support the requested changes to MCZ-P7.1.b. The purpose of listing the specific types of sites is to enable comprehensive development within the zone, as further referenced at MCZ-P10 (City outcomes contribution). For consistency with the CCZ, I consider that this part of the policy should be retained as notified.
129. I disagree with the Stride [470.35, 470.36] submission points as I note that MCZ-P7.2.e is not a 'requirement'. Consequently, I consider that this matter of discretion should be retained on the basis that it encourages good outcomes 'where relevant', noting that this enables discretion to be exercised as to when it is an appropriate consideration.
130. While I agree with Willis Bond [416.121, 416.122] that MCZ-P7 is lengthy and covers a lot of matters, I do not consider it to be confusing or to cover the same ground as other policies. I acknowledge that there is potentially overlap between the matters in MCZ-P7 and the CMUDG; however, the policy signifies the key design outcomes sought to be achieved when undertaking development within the zone. Subject to the changes discussed above in paragraphs 127 and 128, I consider that the matters in the policy should be retained to guide development, particularly given the scale of development that is likely to occur in the MCZ.
131. As has been detailed throughout this section 42A report, various submitters have requested that references to the Design Guides are removed from the rule framework. Based on my assessment of MCZ-R20 in paragraph 237 of this report, I am of the opinion that this change is appropriate and that references to the Design Guides sit best within the policy framework. As such, I consider that a change to MCZ-P7 is required to signify that any new development or alterations and additions to existing development also needs to 'Assist in achieving the zone objectives through application of the Centres and Mixed Use Design Guide as relevant'. It is intended that this wording also addresses submitters' concerns that references to the Design Guides are prescriptive and the guidelines must be met in full, whereas the Council's intention is that these are applied with reference to the context of the site and that only applicable guidelines are addressed.
132. Further, as discussed at paragraph 146 of the Overview and General Matters report, the structure and contents of the CMUDG and RDG are also currently being reviewed through a process involving submitters, with one of the proposed outcomes of the review process to ensure they are tighter and more consistent with District Plan provisions. The review presents

an opportunity to reduce overlap between the provisions and the CMUDG, with Minute 15 of the IHP specifying that the focus of the review needs to be on the Design Guides themselves and not the provisions that give effect to them or guide their application.

133. In my view the recommended changes to the policy, in conjunction with the review of the Design Guides, will achieve the relief sought by submitters with respect to reducing overlap and complexity within the CMUZ planning framework.

### Summary of recommendations

134. HS4-P2-MCZ-Rec29: That MCZ-P7 (Quality design outcomes – neighbourhood and townscape outcomes) is amended as set out below and at Appendix A, and consequentially from CCZ-Rec42.

#### MCZ-P7 - Quality design outcomes ~~– neighbourhood and townscape outcomes~~

Require new development, and alterations and additions to existing development at a site scale, to positively contribute to the sense of place, quality and amenity of the Metropolitan Centre Zone by:

1. Meeting the requirements of the Centres and Mixed Use Design Guide as relevant;
2. ~~1-~~ Recognising the benefits of well-designed, comprehensive, development, including the extent to which the development:
  - a. ~~Acts as a positive catalyst for future change by reflecting~~ Reflects the nature and scale of the development ~~proposed~~ enabled within the zone ~~and in the vicinity~~ and responds to the evolving, more intensive identity of the neighbourhood;
  - b. Optimises the development capacity of the land, ~~particularly including~~ sites that are:
    - ~~i. Large; or~~
    - ~~ii. Narrow; or~~
    - ~~iii. Vacant; or~~
    - ~~iv. Ground level parking areas;~~
  - c. Provides for the increased levels of residential accommodation enabled in this zone; and
  - d. Provides for a range of supporting business, open space and community facilities; and
  - e. Is accessible for emergency service vehicles.
3. ~~2-~~ Ensuring that the development, where relevant:
  - a. Responds to the site context, particularly where it is located adjacent to:
    - i. A scheduled site of significance to tangata whenua or other Māori;
    - ii. A heritage building, heritage structure or heritage area;
    - iii. Residential zoned areas;
    - iv. Open space zoned areas;
  - b. Provides a safe and comfortable pedestrian environment;
  - c. Enhances the quality of the streetscape and public / private interface;

135. HS4-P2-MCZ-Rec30: That submission points relating to MCZ-P7 are accepted/rejected as detailed in Appendix B.

## S32AA Evaluation

136. In my opinion, the amendments to MCZ-P7 are more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:
- The amendments give better effect to the NPS-UD direction, in particular Objective 1 in terms of providing well-functioning urban environments and Objective 4, in terms of providing greater flexibility and amenity value.
  - The changes signify that the CMUDG should be addressed at the project development stage to ensure that the development accords with the guidance within this; and that an assessment against the CMUDG is necessary at the resource consent stage.
  - The changes will help to ensure that important access for emergency service vehicles is available.
  - These changes are considered more efficient and effective than the notified provisions in achieving the objectives of the District Plan.
137. The environmental, economic, social and cultural effects of the recommended amendments to MCZ-P7 are detailed below.

Environmental	<ul style="list-style-type: none"><li>The change signifies that high quality design that achieves a range of improved outcomes is paramount within the zone, noting that this requirement is already set out in the MCZ rule framework . The environmental outcome will be a metropolitan centre that provides a high quality environment where people can live, work and undertake wide a range of associated activities.</li></ul>
Economic	<ul style="list-style-type: none"><li>The changes to the wording of the policy provide clarity as to how the policy applies, thereby reducing uncertainty and associated time and cost involved with resource consent applications.</li><li>The change does not introduce any new requirements that would impose additional costs on developers.</li></ul>
Social	<ul style="list-style-type: none"><li>The changes will result in more vibrant centres that help provide for the health and wellbeing of people and communities.</li></ul>
Cultural	<ul style="list-style-type: none"><li>The changes will result in more vibrant centres that also help provide for the cultural wellbeing of people and communities.</li></ul>

## MCZ-P8 – On-site residential amenity (ISPP)

### Matters raised by submitters

138. Restaurant Brands Limited, Kāinga Ora and Investrore [349.159, 361.81, 405.104] support MCZ-P8 and seek that this is retained as notified.
139. Kāinga Ora [391.661, 391.662] supports the policy in part, subject to amendments to the relevant rules in relation to on-site amenity requirements as follows:

MCZ-P8 (On-site residential amenity)

Achieve a good standard of amenity for residential activities in the Metropolitan Centre Zone by ensuring access to convenient outdoor space:

1. Providing residents with access to adequate outlook; and
2. Ensuring access to convenient outdoor space, including private or shared communal areas.

140. Likewise, Willis Bond [416.123] considers that on-site residential amenity can be provided in a number of ways and that the policy should not be prescriptive, noting that mandated types of amenity (such as outdoor space) can increase housing cost and prevent lower income residents living within the city. They seek the following change:

MCZ-P8 (On-site residential amenity)

Achieve a good standard of amenity for residential activities in the Metropolitan Centre Zone ~~by ensuring access to convenient outdoor space:~~

- ~~1. Providing residents with access to adequate outlook; and~~
- ~~2. Ensuring access to convenient outdoor space, including private or shared communal areas.~~

### Assessment

141. Having reviewed MCZ-P8, I do not agree with Willis Bond's submission point [416.123] that the policy is overly prescriptive. In my view, points 1 and 2 under the policy provide information about how the intent of the policy is achieved and should be retained. I also note in response to the submission points of Kāinga Ora [391.661, 391.662] that there is no requirement to provide both private and communal outdoor space, rather communal outdoor space is to be provided if private space is not. Regardless, I acknowledge that this may not be clear in the current wording and consider that MCZ-P8.2 would benefit from further amendment to rectify this.
142. Further to the assessment above, I consider that MCZ-P8 should be amended to reference the Residential Design Guide insofar as this seeks to encourage high quality on-site amenity for residential activities. This is a consequential change of amending MCZ-R20 in acknowledgement of the Restaurant Brands Limited submission point [349.165], which correctly identifies that the cross-reference at MCZ-R20.2.1 to the relevant policies is a means to achieve high quality design outcomes. Adding the reference to the RDG at MCZ-P8 provides for this design guide to be assessed when a development includes a residential component, so as to ensure high quality amenity for the building's occupants. However, if through the review of the Design Guides that is occurring concurrently to this hearing stream it is determined that the RDG no longer applies in the CMUZ, then it is acceptable that the reference is removed – subject to the Council retaining the ability to consider (through an urban design assessment) the residential amenity of occupants of buildings in the MCZ, either through a revised CMUDG or other method. I note that the reference to 'where relevant' indicates that only relevant aspects of the RDG need to be considered, rather than a

substantial assessment of all guidelines within the RDG for every development. This approach is also considered to respond to submitters' concerns that the Design Guide assessments will be too onerous under the current approach. The suggested change would allow for the removal of direct references to the RDG from MCZ-R20, noting that an assessment against the policy is required as a matter of discretion.

### Summary of recommendations

143. HS4-P2-MCZ-Rec31: That MCZ-P8 (On-site residential amenity) is amended as set out below and at Appendix A, and to consequentially reflect CCZ-Rec156.

MCZ-P8 (On-site residential amenity)

Achieve a good standard of amenity for residential activities in the Metropolitan Centre Zone by:

1. Providing residents with access to adequate outlook; and
2. Ensuring convenient access to ~~convenient outdoor space, including~~ private and/or shared communal areas of outdoor space;
3. Meeting the requirements of the Residential Design Guide, as relevant; and
4. Providing residents with adequate internal living space.

144. HS4-P2-MCZ-Rec32: That submission points relating to MCZ-P8 are accepted/rejected as detailed in Appendix B.

### S32AA Evaluation

145. In my opinion, the amendments to MCZ-P8 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, and Policies 2, 3 and 6 in terms of providing a balance between enabling development capacity in the MCZ whilst ensuring that high quality on-site amenity is provided for residents.
  - b. The changes clarify the wording of the policy with respect to the provision of communal open space.
  - c. The changes allow for MCZ-R20 to be simplified, as will be addressed later in this report. The addition of the reference to the RDG in the 'On-site residential amenity' policy is considered appropriate as this is where such amenity is assessed.
146. The environmental, economic, social and cultural effects of the recommended amendments to MCZ-P8 are detailed below.

- |               |  |
|---------------|--|
| Environmental | • The environmental benefit will be development that provides a high quality residential amenity for people living in the centre, thereby enhancing the overall quality of the respective MCZ. |
| Economic      | • No direct or indirect economic costs (e.g., on economic growth or  |



employment) have been identified.

- The value increased residential amenity has on a development and its contribution to the revenues that can be generated. It found that a high standard of development with good amenity would also support a higher price point for developments.
- Social
- The changes will result in more vibrant centres that also help provide for the health and wellbeing of people and communities.
  - The change will result in higher on-site amenity and assist to reduce impacts on the amenity available to surrounding residential properties.
- Cultural
- The changes will result in more vibrant centres that also help provide for the cultural wellbeing of people and communities.

## MCZ-P9 – Managing adverse effects (ISPP)

### Matters raised by submitters

147. Restaurant Brands Limited, Z Energy and Investore [349.160, 361.82, 405.105] support MCZ-P9 and seek that this is retained as notified.
148. The Retirement Villages Association [350.278] support MCZ-P9 in part. They agree that shading, privacy, bulk and dominance effects on adjacent sites require management, but consider that the level of management needs to be informed by the development expectations for the zone. They request that a new 'Role of Density Standards' policy is included to address this matter.
149. Kāinga Ora [391.663, 391.664] considers that an amendment is required to MCZ-P9 to specify that adverse effects that need consideration are only those beyond what is anticipated in the zone. They also request that the policy specifies that it only applies to 'adjoining properties'. The amended wording requested by Kāinga Ora is as follows:

#### MCZ-P9 (Managing adverse effects)

Recognise the evolving, higher density development context enabled in the Metropolitan Centre Zone, while managing any associated adverse effects beyond those anticipated within the zone, including:

1. Shading, privacy, bulk and dominance effects on adjacent sites; and
2. The impact of construction on the transport network.

150. Willis Bond [416.124] consider that the impacts of construction activity on the transport network should not be relevant in the resource consenting process, noting that the densification proposed by the District Plan will inevitably result in impacts. Stride [470.37, 470.38] considers that the management of traffic effects should be addressed in the Transport chapter. These submitters seek the following change:

#### MCZ-P9 (Managing adverse effects)

Recognise the evolving, higher density development context enabled in the Metropolitan Centre Zone, while managing any associated adverse effects including:

1. Shading, privacy, bulk and dominance effects on adjacent sites; ~~and~~
- ~~2. The impact of construction on the transport network.~~

#### Assessment

151. I disagree with Kāinga Ora [391.663, 391.664] that the policy should only allow for consideration of effects ‘beyond what is anticipated in the zone’. Caselaw has established that the word ‘anticipated’ can be taken to mean ‘permitted’<sup>6</sup>. As such, I recommend against adding this phrase into the PDP planning framework as sets an expectation of a ‘permitted baseline’. The implication of this, from a consenting perspective, is that the effects of a permitted baseline must be disregarded when the consent planner exercises their discretion to apply this. Therefore, the addition of the words ‘that are not anticipated in the zone’ sets an expectation that effects of a building or activity will not be taken into account before they have in fact been through an appropriate resource consent process. Further to this, I am of the view that this change is unnecessary given the notification clauses under MCZ-R20. I recommend against specifying in the policy that this only applies to adjoining properties as the effects of tall buildings (as provided for in the MCZ) will extend beyond adjacent sites; however, given the notification clauses there is no need for this change.
152. I disagree with the change requested by Willis Bond [416.124]. MCZ-P9.2 acknowledges that the City will undergo a large amount of construction if the level of development enabled under the PDP is realised, and the construction traffic effects will need to be managed to ensure ongoing traffic flow. The policy requires developers to consider how construction traffic effects will be managed and provides consent planners with discretion to impose a Construction Management Plan if considered necessary. I recommend that the submission point is rejected.
153. As the policy relates to the construction of buildings it is appropriate within the MCZ chapter and I also recommend that the Stride [470.37, 470.38] submission points are rejected.

#### Summary of recommendations

154. HS4-P2-MCZ-Rec33: For the reasons set out in my assessment above, I recommend that MCZ-P9 (Managing adverse effects) is amended consequentially to reflect CCZ-Rec46.
155. HS4-P2-MCZ-Rec34: That submission points relating to MCZ-P9 are accepted/rejected as detailed in Appendix B.

---

<sup>6</sup> Sydney Street Substation Limited v Wellington City Council, CIV 2017-485-11 [2017] NZHC 2489

## MCZ-P10 – City Outcomes Contribution (ISPP)

### Matters raised by submitters

156. McDonald's, the Retirement Villages Association, Investore, Fabric Property Limited, Stride and Foodstuffs [274.47, 350.279, 405.106, 405.107, 425.54, 470.39, 476.43] oppose MCZ-P10 and seek that it is deleted.
157. Additional submission points from Property Council, Restaurant Brands Limited, Woolworths, Z Energy, Kāinga Ora, VicLabour and Willis Bond [338.16] (opposed by the Retirement Villages [FS126.207] and Ryman [FS128.207]), 349.161 (opposed by Foodstuffs [FS23.53]), 359.76 (opposed by Foodstuffs [FS23.18]), 361.83, 361.84, 391.665 (supported in part by Retirement Villages [FS126.160] and Ryman [FS128.160]), 391.666, 414.41, 416.125 (supported by Foodstuffs [FS23.91]) seek that the policy is retained with amendments.
158. I note that Woolworths New Zealand [359.76] has identified that MCZ-P10 incorrectly refers to guideline G107, whereas the correct reference is G97.

### Assessment

159. The City Outcomes Contribution policy has been addressed at section 8.10 of the Overview and General Matters section of this report, where it is recommended that the City Outcomes Contribution mechanism is removed from the Design Guides into an appendix (Appendix 16), and that it continues to apply to all overheight buildings specifically. I agree with this approach, noting that it provides more certainty for developers and will achieve the outcomes sought by the Council – being high quality buildings that enhance the public environment.
160. I note that none of the submitters above specifically oppose the application of the City Outcomes Contribution within the MCZ. Instead, all of the submissions seeking that this is deleted are generic in nature and request it is deleted from all relevant chapters. Likewise, changes requested would apply to the policy and associated guideline across all relevant zones. As such, no specific assessment is required in this report and I instead defer to the assessment in the Overview and General Matters section of this report, with any consequential changes to the City Outcomes Contribution policy arising carried forward to the MCZ if required. Appendix B sets out the responses to the submission points listed at paragraphs 156 and 157 above.
161. If the CMUDG is retained, then I agree with Woolworths [359.76] that MCZ-P10 should be amended to reference to G97 as this will fix an error in the PDP. However, I note that HS4-Overview-Rec28 recommends that this is deleted in its entirety.

### Summary of recommendations

162. HS4-P2-MCZ-Rec35: That MCZ-P10 (City Outcomes Contribution) is confirmed with amendments consistent with those set out in the Overview and General Matters section of this report (HS4-Overview-Rec22 to HS4-Overview-Rec30) and detailed in Appendix A.
163. HS4-P2-MCZ-Rec36: That the reference in MCZ-P10 to G107 (City Outcomes Contribution) is corrected, with the reference amended to G97 (City Outcomes Contribution).

164. HS4-P2-MCZ-Rec37: That submission points relating to MCZ-P10 are accepted/rejected as detailed in Appendix B.

#### **MCZ-R1 – Commercial activities (Pt 1 Sch 1)**

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

165. Restaurant Brands Limited, Stride and Foodstuffs [349.162, 470.40, 476.94] support MCZ-R1 and seek that it is retained as notified. FS23.75 supports submission 349.162 and that the rule is retained.

##### **Assessment**

166. No further assessment is required.

##### **Summary of Recommendations**

167. HS4-P2-MCZ-Rec38: That MCZ-R1 (Commercial activities) is confirmed as notified.
168. HS4-P2-MCZ-Rec39: That submission points relating to MCZ-R1 are accepted as detailed in Appendix B.

#### **MCZ-R3 – Educational facilities (Pt 1 Sch 1)**

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

169. The Ministry of Education [400.141] supports MCZ-R3 and seeks that it is retained as notified.

##### **Assessment**

170. No further assessment is required.

##### **Recommendation**

171. HS4-P2-MCZ-Rec40: That MCZ-R3 (Educational facilities) is confirmed as notified.
172. HS4-P2-MCZ-Rec41: That submission points relating to MCZ-R3 are accepted as detailed in Appendix B.

#### **MCZ-R6 - Emergency services facilities (Pt 1 Sch 1)**

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

173. FENZ [273.298] supports MCZ-R6 and seeks that this is retained as notified.

##### **Assessment**

174. No further assessment is required.

## Recommendation

175. HS4-P2-MCZ-Rec42: That MCZ-R6 (Emergency services facilities) is confirmed as notified.
176. HS4-P2-MCZ-Rec43: That submission points relating to MCZ-R6 are accepted as detailed in Appendix B.

## MCZ-R7 – Community corrections activities (Pt 1 Sch 1)

### Matters raised by submitters

177. Corrections [240.53] supports MCZ-R7 and seeks that this is retained as notified.

### Assessment

178. No further assessment is required.

## Recommendation

179. HS4-P2-MCZ-Rec44: That MCZ-R7 (Community corrections activities) is confirmed as notified.
180. HS4-P2-MCZ-Rec45: That submission points relating to MCZ-R7 are accepted as detailed in Appendix B.

## MCZ-R12 – Residential activities (Pt 1 Sch 1)

### Matters raised by submitters

181. Corrections [240.54] supports MCZ-R12 and seek that this is retained as notified.
182. Kāinga Ora [391.667, 391.668] supports MCZ-R12 in part, but seeks that the references to verandah control and natural hazards are deleted as they consider these matters are not relevant to the location of residential activities or are addressed elsewhere in the District Plan. They seek the rule is amended as follows:

MCZ-R12 (Residential activities)

1. Activity status: Permitted

Where:

a. The activity is located:

- i. Above ground floor level;
- ii. At ground floor level along any street edge not identified as an active frontage; and
- iii. At ground floor level along any street edge not identified as a non-residential activity frontage;
- ~~iv. At ground level along any street not identified as requiring verandah coverage; or~~
- ~~v. At ground level on any site contained within a Natural Hazard Overlay.~~

## Assessment

183. I disagree with Kāinga Ora [391.667, 391.668] that the deletion of MCZ-R12.1.iv is necessary, but agree with the deletion of MCZ-R12.1.v. MCZ-R12.1.iv will apply in instances where verandah cover is required but the site is not otherwise an active or non-residential frontage, and signifies that the District Plan seeks to enhance the vitality and vibrancy of centres by preventing residential activities in these locations. Within the Natural Hazards Overlay the Natural Hazards (NH) chapter will apply in conjunction with the MCZ provisions. As the District Plan works in an integrated manner, there is no need to replicate the requirement to consider natural hazards at MCZ-R12.1.v.

## Summary of recommendations

184. HS4-P2-MCZ-Rec46: That MCZ-R12 (Residential activities) is amended as shown below and at Appendix A, and consequential changes to reflect NCZ-Rec56:

<p>MCZ-R12 (Residential activities)</p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The activity is located:</p> <p>i. Above ground floor level;</p> <p>ii. At ground floor level along any street edge not identified as an active frontage; and</p> <p>iii. At ground floor level along any street edge not identified as a non-residential activity frontage;</p> <p>iv. At ground level along any street not identified as requiring verandah coverage <del>or</del></p> <p><del>v. At ground level on any site contained within a Natural Hazard Overlay.</del></p> <p>2. Activity status: Discretionary</p> <p>Where:</p> <p>a. Compliance with the requirements of MCZ-R12.1 cannot be achieved.</p> <p>Notification status: An application for resource consent made in respect of rule MCZ-R12.2.a is precluded from being <u>limited and</u> publicly notified.</p>
--

185. HS4-P2-MCZ-Rec47: That submission points relating to MCZ-R12 are accepted/rejected as detailed in Appendix B.

## MCZ-R13 – Integrated retail activities (Pt 1 Sch 1)

### Matters raised by submitters

186. Investore [405.108, 405.109, 405.110, 405.111] and Stride [470.41, 470.42, 470.43, 470.44, 470.45] oppose MCZ-R13 in part and seek that this is amended to provide a larger gross floor



area (GFA) threshold in the MCZ. The submitters both consider that the clause within MCZ-R13 stating that the Council will not consider a permitted baseline is inappropriate, and seek that a notification clause is added to the rule that precludes public and limited notification. The changes sought by these submitters are as follows:

MCZ-R13 (Integrated retail activity)

1. Activity status: Permitted

Where:

a. The total gross floor area does not exceed ~~20,000m<sup>2</sup>~~ 30,000m<sup>2</sup>.

2. Activity status: Restricted Discretionary

Where:

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

Matters of discretion are:

1. The matters in MCZ-P1, MCZ-P2, MCZ-P3, and MCZ-P4;

2. The cumulative effect of the development on:

~~a. The ongoing viability and vibrancy of the City Centre Zone and Golden Mile;~~

~~b. a.~~ The safety and efficiency of the transport network, including providing for a range of transport modes;

~~c. b.~~ The hierarchy of roads, travel demand or vehicle use; and

3. The compatibility with other activities provided for in the Zone.

~~Council will not apply a permitted baseline assessment when considering the effects of integrated retail activities that cannot comply with MCZ-R13.1.a.~~

Notification status: An application for resource consent made in respect of rule MCZ-R13.2.a is precluded from being either publicly or limited notified.

## Assessment

187. With respect to the requested 30,000m<sup>2</sup> GFA, I note that the 20,000m<sup>2</sup> provided for under the notified rule will enable a significant sized activity. This could be accommodated in a single level or multi-storey building. I note that there is no site in Kilbirnie that exceeds 20,000m<sup>2</sup> in area, meaning that any integrated retail activity would need to occur across multiple levels. By contrast, in Johnsonville a 30,000m<sup>2</sup> building would cover approximately half of the Johnsonville Mall site. Alternatively, the activity could occur across multiple levels.

188. The GFA requirement has been carried over from the ODP, where it was introduced under Plan Change 73<sup>7</sup> (operative 19 November 2014) as a way of regulating large scale integrated retail activities to ensure they do not detract from the vitality and vibrancy of the CCZ and Golden Mile. I note that Plan Change 73 pre-dates the NPS-UD and associated requirements in relation to the provision of business capacity. Further, Post COVID-19, where working from

<sup>7</sup> [Plans, policies and bylaws - Plan Change 73: Suburban Centres Review - Wellington City Council](#)

home and shopping locally are more common and have recognised environmental benefits (such as reduced carbon emissions), I consider that the restriction on GFA should be more lenient. I note that while the MCZ follows the CCZ in the centres hierarchy, sites in the MCZ are more likely than those in the CCZ to provide large-scale integrated retail activities as larger sites are available. I also consider that the provisions of the same range of services within centres as is available in the CCZ (for example improves equitable access to services. As such, and noting that the NPS-UD encourages significant additional development in the MCZ, I agree with the submitter that the minimum GFA for an integrated retail activity within this zone could be increased. For the above reasons, and noting that Dr Lees<sup>8</sup> considers that the GFA restriction should be removed in the MCZ, I recommend that the GFA requirement for the MCZ should be removed in its entirety.

189. I note that any new building to accommodate the integrated retail activity will be assessed against MCZ-R20 and it is only the activity within the building that is regulated by MCZ-R13. Therefore, regardless of whether the GFA is 20,000m<sup>2</sup> (as notified) or unrestricted (as recommended), resource consent would be required under MCZ-R20 with respect to the construction of the building(s), with the Council retaining discretion to assess their design. As such, I consider that the submission points from Investore [405.109] and Stride [470.42] should be accepted.
190. On the basis of my recommendation above, the remaining requests to change the rule are rendered moot as any integrated retail activity is a Permitted activity. However, if the IHP determines that a GFA should be retained in the MCZ, my recommendations on the remaining changes requested in the submissions are as follows:
- i. The GFA should be increased to 30,000m<sup>2</sup>, for the reasons stated above.
  - ii. The statement that *'Council will not apply a permitted baseline assessment when considering the effects of integrated retail activities that cannot comply with MCZ-R13.1.a.'* is should be deleted from the rule. Again, this has been carried over from the ODP. In my view, the position set out in this statement is unnecessarily constraining as it should be up to the resource consent planner assessing an application to determine whether or not a permitted baseline should be applied, noting that this is at the planner's discretion. In any event, given that the rule applies to the activity, the permitted baseline in this case would be the effects of an integrated retail activity with a GFA larger than that specified at MCZ-R13.1. It seems reasonable that the planner considers this when considering the effects of a development with a larger GFA.
  - iii. The requirement to assess a developments in the MCZ against the viability and vibrancy of the CCZ and Golden Mile as the MCZ are intended to be significant centres in their own right. This aligns with the advice from Dr Lees<sup>9</sup>.
  - iv. In the absence of any planning evaluation to the contrary, I do not agree that there should be a clause precluding public and/or limited notification of applications made under MCZ-R13.2. The changes recommended above with respect to GFA and the permitted baseline assist to enable large scale integrated retail activities in the zone best-placed to accommodate them and a non-notification clause is not necessary. However,

---

<sup>8</sup> [Statement of evidence of Dr Kirdan Ross Lees on behalf of Wellington City Council](#), para 50.

<sup>9</sup> [Statement of evidence of Dr Kirdan Ross Lees on behalf of Wellington City Council](#), para 34.

there may be circumstances where the activity generates adverse effects that warrant limited or public notification and I recommend the clause is not included.

191. For convenience, and noting these are not my primary recommendations, the changes recommended at paragraph 190 above are shown below:

MCZ-R13 (Integrated retail activity)

1. Activity status: Permitted

Where:

a. The total gross floor area does not exceed ~~20,000m<sup>2</sup>~~, 30,000m<sup>2</sup>.

2. Activity status: Restricted Discretionary

Where:

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

Matters of discretion are:

1. The matters in MCZ-P1, MCZ-P2, MCZ-P3, and MCZ-P4;

2. The cumulative effect of the development on:

~~a. The ongoing viability and vibrancy of the City Centre Zone and Golden Mile;~~

~~b. a.~~ The safety and efficiency of the transport network, including providing for a range of transport modes;

~~c. b.~~ The hierarchy of roads, travel demand or vehicle use; and

3. The compatibility with other activities provided for in the Zone.

~~Council will not apply a permitted baseline assessment when considering the effects of integrated retail activities that cannot comply with MCZ-R13.1.a.~~

### Summary of recommendations

192. HS4-P2-MCZ-Rec48: That MCZ-R13 (Integrated retail activity) is amended as detailed below and at Appendix A.

MCZ-R13 (Integrated retail activity)

1. Activity status: Permitted

~~Where:~~

~~a. The total gross floor area does not exceed 20,000m<sup>2</sup>.~~

~~2. Activity status: Restricted Discretionary~~

~~Where:~~

~~a. Compliance with the requirements of MCZ-R13.1 cannot be achieved.~~

~~Matters of discretion are:~~

~~1. The matters in MCZ-P1, MCZ-P2, MCZ-P3, and MCZ-P4;~~

~~2. The cumulative effect of the development on:~~

~~a. The ongoing viability and vibrancy of the City Centre Zone and Golden Mile;~~

~~b. The safety and efficiency of the transport network, including providing for a range of transport modes;~~

~~c. The hierarchy of roads, travel demand or vehicle use; and~~

~~3. The compatibility with other activities provided for in the Zone.~~

~~Council will not apply a permitted baseline assessment when considering the effects of integrated retail activities that cannot comply with MCZ-R13.1.a.~~

193. HS4-P2-MCZ-Rec49: That submission points relating to MCZ-R13 are accepted as detailed in Appendix B.

### S32AA Evaluation

194. The amendments to MCZ-R13 are more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:
- a. The change to the GFA enables comprehensive development of a limited number of sites within the Johnsonville MCZ. Noting that other resource consent requirements will apply.
  - b. The change recognises that the two MCZ are sub-regional centres with significant development capacity in their own right, and that these centres can complement the CCZ whilst improving accessibility to a range of activities/services.
  - c. The change aligns with good planning practice with respect to the application of the permitted baseline, which I consider should be at the discretion of the resource consent planner.
  - d. The recommended changes are more efficient and effective than the notified provisions in achieving the objectives of the District Plan.
195. The environmental, economic, social and cultural effects of the recommended amendments to MCZ-R13 are detailed below.

- |               |   |
|---------------|---|
| Environmental | <ul style="list-style-type: none"> <li>• The environmental outcome will be a significantly sized integrated retail activity; however, the building that accommodates this will be subject to a resource consent. Hence any effects of the building will go through an assessment in relation to their design.</li> <li>• Likewise, other District Plan chapters will apply. For example, the Transport chapter will regulate traffic effects and in Kilbirnie the Natural Hazards chapter will influence the scale of development that can take place.</li> </ul> |
| Economic      | <ul style="list-style-type: none"> <li>• The changes enable additional retail capacity and reduce consenting and compliance costs for developers.</li> <li>• The change does not introduce any new requirements that would impose additional costs on developers.</li> </ul>  |
| Social        | <ul style="list-style-type: none"> <li>• The changes will result in more vibrant centres that help provide for the health and wellbeing of people and communities.</li> </ul>   |
| Cultural      | <ul style="list-style-type: none"> <li>• The changes will result in more vibrant centres that also help provide for the cultural wellbeing of people and communities.</li> </ul>  |

### **MCZ-R15 – Carparking activities (Pt 1 Sch 1)**

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

196. McDonald’s, Woolworths, Investore, Stride and Foodstuffs [274.48, 274.49, 359.77, 405.112, 405.113, 470.46, 470.47, 476.44, 476.45] oppose the Discretionary activity status under MCZ-R15.2 and seek that this is changed to Discretionary Restricted.
197. Woolworths [359.77] (supported by Foodstuffs [FS23.19], opposed by GWRC [FS84.103, FS84.108]) has also recommended a number of matters of discretion to sit under the proposed Discretionary Restricted activity rule as follows:

MCZ-R15.2 (Carparking activities)

2. Activity status: ~~Discretionary~~ Restricted Discretionary

Where:

a. Compliance with the requirements of MCZ-R15.1.a is not achieved.

Matters of discretion are:

1. The matters in MCZ-P2, MCZ-P3, MCZ-P4, MCZ-P7, MCZ-P9 and MCZ-P10;

2. The cumulative effect of the development on:

a. The ongoing viability and vibrancy of the Zone;

b. The safety and efficiency of the transport network, including providing for a range of transport modes;

c. The hierarchy of roads, travel demand or vehicle use; and

3. The compatibility with other activities provided for in the zone.

Note: Rule MCZ-R15 does not apply to new supermarkets or additions to existing supermarkets.

## Assessment

198. Car-parking activities not meeting the requirements for a Permitted activity are a Discretionary activity across all CMUZ, with a mandatory notification requirement within the CCZ. In conjunction with MCZ-R19 (Demolition or removal of buildings and structures), MCZ-R15 seeks to prevent the long term use of sites in the MCZ for car-parking purposes as this can undermine the viability and vibrancy of a centre and prevent the realisation of development potential. The Discretionary activity status reflects the underlying policy framework, which establishes that these activities are 'potentially incompatible' within the MCZ. Noting CC-O3, which sets the strategic city objective that Wellington retains a compact urban form and is 'greener' (ie has lower carbon emissions), I consider that this is appropriate and disagree with the request to change the activity status.
199. I disagree that there should be an exemption for supermarkets. The current rule framework encourages developers to consider alternative design where car-parking is not visible from the public environment, whereas an exemption would set an expectation that this is acceptable. Supermarkets, and all other developments, can apply for resource consent for car-parking activities with each application assessed on its merits. I consider that this is a suitable approach, given that car-parking can have adverse visual effects within a streetscape and can reduce opportunities to create active interfaces at the street edge of a site, thereby detracting from the quality of the public environment.

## Summary of recommendations

200. HS4-P2-MCZ-Rec50: That MCZ-R15 (Car-parking activities) is confirmed as notified.
201. HS4-P2-MCZ-Rec51: That submission points relating to MCZ-R15 are accepted/rejected as detailed in Appendix B.



## MCZ-R16 – Yard-based retailing activities (Pt 1 Sch 1)

### Matters raised by submitters

202. Z Energy Limited [361.85, 361.86] and BP Oil New Zealand, Mobil Oil New Zealand Limited and Z Energy Limited (the Fuel Companies) [372.151, 372.152] support MCZ-R16 in part, but seek the following amendment to the notification clause under the rule:

MCZ-R16 (Yard-based retailing activities)

Notification Status: An application for resource consent made in respect of rule MCZ-R16 must be publicly notified except:

a. The activity relates to the maintenance, operation and upgrading of an existing activity;

b. The new or existing activity adjoins another commercial zone, a residential zone or an arterial or collector Road.

203. The submitters consider that the notification clause under MCZ-R16 should be amended as it may have a range of unintended outcomes. For example, it would require public notification for any operational change, upgrading or maintenance to an existing yard-based activity and would discourage existing activities from undertaking important maintenance and upgrades, such as to meet requirements of HSNO / HSWA legislation, better accord with good practice, introduce new technologies, or necessary changes to meet demand. They consider that in these situations it would be more appropriate for the notification decision to be made by the resource consent planner applying the standard notification tests.
204. The submitters also seek an additional exclusion to the notification status as shown above in paragraph 215 on the basis that these locations and/or interfaces would not have, nor be expected to have, the same urban design outcomes and levels of visual amenity compared, for instance, to a centrally located site in the CCZ . They contend that a service station, for example, would not impact the function and vitality of a centre zone if it were located on the edge of the zone where it can appropriately transition to the adjoining zone.

## Assessment

205. I agree with Z Energy Limited [361.85, 361.86] and the Fuel Companies [372.151, 372.152] that activities associated with the ongoing operation, maintenance, and upgrades of existing service stations / yard-based retail activities need not be subject to this notification requirement. In such cases the use of the site for the specific activity (such as a service station) is established and it is reasonable that the effects of any change to this activity be assessed by a resource consent planner at the application stage, with discretion as to whether any form of notification is required residing with the reporting planner.
206. I disagree that there should be an exemption from notification where a yard-based activity is located at the periphery of the MCZ and adjacent to a different zone. In my view it is these zone interfaces that the District Plan seeks to protect, and quality urban design outcomes should be encouraged in these locations. The underlying policy framework (MCZ-P4) establishes that these activities are 'potentially incompatible' within the MCZ. As such, I consider that the mandatory requirement for public notification is appropriate as it discourages these activities from occurring within the zone at the expense of more appropriate activities.

## Summary of recommendations

207. HS4-P2-MCZ-Rec52: That MCZ-R16 (Yard-base retailing activities) is amended as detailed at Appendix A and shown below:

MCZ-R16 (Yard-based retailing activities)

Notification Status: An application for resource consent made in respect of rule MCZ-R16 must be publicly notified except when:

a. The activity relates to the maintenance, operation and upgrading of an existing activity.

208. HS4-P2-MCZ-Rec53: That submission points relating to MCZ-R16 are accepted/rejected as detailed in Appendix B.

## S32AA Evaluation

209. In my opinion, the amendments to MCZ-R16 are more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:
- The change clarifies that the rule does not apply to existing activities, which would in any event be subject to s10 of the RMA.
  - The change is more efficient and effective than the notified provisions in achieving the objectives of the District Plan.
210. The recommended amendments will not have any greater environmental, social, economic or cultural effects that the notified provisions.

## **MCZ-R18 – Maintenance and repair of buildings and structures (ISPP)**

### **Matters raised by submitters**

211. FENZ, Restaurant Brands Limited and Kāinga Ora [273.299, 349.163, 391.669] support MCZ-R18 and seek that this is retained as notified.

### **Assessment**

212. No further assessment is required.

### **Summary of Recommendations**

213. HS4-P2-MCZ-Rec54: That MCZ-R18 (Maintenance and repair of buildings and structures) is confirmed as notified.
214. HS4-P2-MCZ-Rec55: That submission points relating to MCZ-R18 are accepted as detailed in Appendix B.

## **MCZ-R19 – Demolition or removal of buildings and structures (ISPP)**

### **Matters raised by submitters**

215. FENZ and Restaurant Brands Limited [273.300, 349.164] support MCZ-R19 and seek that this is retained as notified.
216. GWRC [351.276, 351.277] (opposed by Stride [FS107.15] and Investore [FS108.15]) supports the rule but seeks that MCZ-19.1 is amended to require all demolition material is disposed of at an approved facility to achieve the Permitted activity status.
217. Kāinga Ora [391.670, 391.671] supports MCZ-R19 but seeks clarification and any necessary amendments to ensure that the rule will not have the unintended consequence of constraining staged developments. They have not recommended any specific changes to the wording.
218. Investore [405.114, 405.115] and Stride [470.48, 470.49] support the intention of the rule and the notification preclusions but seek Restricted Discretionary activity status at MCZ-R19.2 as follows:

MCZ-R19.2 (Demolition or removal of buildings and structures)

2. Activity status: Restricted Discretionary

Where:

- a. Compliance with any of the requirements of MCZ-R19.1 cannot be achieved

~~The assessment of the activity must have regard to~~ Matters of discretion are:

1. How the land will be utilised whilst it is vacant; and
2. Creating a positive visual relationship between the site and streetscape whilst the site is vacant.

## Assessment

219. I disagree with the amendment sought by GWRC [351.276, 351.277] relating to the disposal of building waste at approved facilities. As addressed in the section 42A report prepared by Josh Patterson for Hearing Stream 2, 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.
220. With respect to the Discretionary activity status, I note that the rule framework seeks to deter the creation of vacant land in the MCZ as this prevents development potential from being realised and could have a negative impact on the vitality of the centre. Therefore, I consider that Discretionary activity status is appropriate as it discourages demolition that is contrary to the intentions specified in MCZ-R19.1, noting that this approach is also mirrored in the CCZ. For these reasons, I disagree with the changes requested by Investore [405.114, 405.115] and Stride [470.48, 470.49].
221. Furthermore, I disagree with Kāinga Ora [391.670, 391.671] that the Discretionary activity status would have the unintended consequence of constraining staged development. The rule seeks to prevent demolition that results in land been retained in an undeveloped state. If staged development is desired, I note that this can be addressed under the land use consent sought in accordance with MCZ-R20.

## Summary of recommendations

222. HS4-P2-MCZ-Rec56: That MCZ-R19 (Demolition or removal of buildings and structures) is amended to reflect the minor amendment to the equivalent rule in the Waterfront Zone.
223. HS4-P2-MCZ-Rec57: That submission points relating to MCZ-R19 are accepted/rejected as detailed in Appendix B.

## MCZ-R20 – Construction of, or additions and alterations to, buildings and structures (ISPP)

### Matters raised by submitters

224. FENZ [273.301] supports MCZ-R20 and seeks that this is retained as notified.

225. Wellington City Council [266.156] (supported by Retirement Villages Association [FS126.244] and Ryman [FS128.244]) is supportive of this rule but notes that a notification clause was omitted in the drafting and seeks that this is added as follows:

MCZ-R20.2 (Construction of, or additions and alterations to, buildings and structures)

Notification status:

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

226. McDonald's [274.50, 274.51] opposes the rule with respect to the requirement for a resource consent where additions and alterations change the exterior to the building above verandah level and are visible from public spaces, and consider that these works should be a Permitted activity where compliance with relevant standards is achieved. They argue that the rule as notified could result in a perverse outcome, whereby works to upgrade existing facades are not undertaken as consent is required. As such, they seek that MCZ-R20 is amended as follows:

MCZ-R20.2 (Construction of, or additions and alterations to, buildings and structures)

1. Activity status: Permitted

Where:

a. Any alterations or additions to a building or structure:

~~i. Do not alter the external appearance of the building or structure; or~~

~~ii. Relate to a building frontage below veranda level, including entranceways and glazing and compliance with MCZ-S5; or~~

~~iii. Do not result in the creation of new residential units; and~~

~~iv. Are not visible from public spaces; and~~

~~v. i. Comply with effects standards MCZ-S1, MCZ-S2, MCZ-S3, MCZ-S4, MCZ-S5 and MCZ-S6.~~

227. Woolworths [359.78, 359.79] note there is an incorrect reference to MCZ-R19.2 in the rule and seek the following changes to MCZ-R20 to provide for supermarket activities:

MCZ-R20.1 (Construction of, or additions and alterations to, buildings and structures)

1. Activity status: Permitted

...

b. The construction of any building or structure:

i. Is not located on a site with an active frontage or non-residential activity frontage; or

ii. Is not visible from a public space; and

iii. Will have a gross floor area of less than 100m<sup>2</sup> except where specified in iv below;

iv. Will have a gross floor area of less than 2000m<sup>2</sup> where it accommodates a supermarket; and

[With consequential amendment to numbering of other matters below]

MCZ-R20.2 (Construction of, or additions and alterations to, buildings and structures)

2. Activity status: Restricted Discretionary

Where:

1. Compliance with any of the requirements of ~~MCZ-R19.1~~ MCZ-R20.1 cannot be achieved.

Matters of discretion are:

1. The matters in MCZ-P6, MCZ-P7, MCZ-P8 and MCZ-P9; excluding for supermarkets exceeding MCZ-R20(b)(iv);

2. For supermarkets exceeding MCZ-R20(b)(iv), the matters in MCZ-P3, MCZ-P4, MCZ-P7, MCZ-P9;

~~3.~~ 3. The extent and effect of non-compliance with MCZ-S1, MCZ-S2, MCZ-S3, MCZ-S4, MCZ-S5, MCZ-S6, MCZ-S7, MCZ-S8, MCZ-S9, MCZ-S10 and MCZ-S11;

~~4.~~ 4. The Centres and Mixed-Use Design Guide, including guideline G107 97 - City Outcomes Contribution for any building that exceeds the maximum height requirement and either comprises 25 or more residential units or is a non-residential building (excluding supermarkets);

[With consequential amendment to numbering of other matters below]

228. The Retirement Villages Association [350.280] seek changes to provide for retirement village activities:

MCZ-R20 (Construction of, or additions and alterations to, buildings and structures)

2. Activity status: Restricted Discretionary

Where:

a. Compliance with any of the requirements of ~~MCZ-R19.1~~ MCZ-R20.1 cannot be achieved.

Matters of discretion are:

1. The matters in MCZ-P6, MCZ-P7, MCZ-P8, MCZ-P9 and MCZ-P10 (this clause is not applicable to retirement villages);

2. The extent and effect of non-compliance with MCZ-S1, MCZ-S2, MCZ-S3, MCZ-S4, MCZ-S5, MCZ-S6, MCZ-S7, MCZ-S8, MCZ-S9, MCZ-S10 and MCZ-S11;

3. The Centres and Mixed-Use Design Guide, ~~including guideline G107 – City Outcomes Contribution for any building that exceeds the maximum height limit requirement at Ngaio, Berhampore and Aro Valley centres and either comprises 25 or more residential units or is a non-residential building~~ (this clause is not applicable to retirement villages);

4. The Residential Design Guide (this clause is not applicable to retirement villages);

5. The extent and effect of any identifiable site constraints;

6. Construction impacts on the transport network; ~~and~~

7. The availability and connection to existing or planned three waters infrastructure;

8. For retirement villages:

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

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

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

iv. When assessing the matters in 2(a)(2), and 2(a)(8)(i) – (iii), consider:

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

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

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

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

Notification status:

An application for resource consent made in respect of rule MCZ-R20.2.a that complies with MCZ-S3, MCZ-S7, MCZ-S8, MCZ-S9, MCZ-S10 and MCZ-S11 is precluded from being either publicly or limited notified.

An application for resource consent made in respect of rule MCZ-R20.2.a that results from non-compliance with MCZ-S1, MCZ-S2, MCZ-S4, MCZ-S5 and MCZ-S6 is precluded from being publicly notified.

An application for resource consent for a retirement village made in respect of rule MCZ-R20.2.a is precluded from being publicly notified.

An application for resource consent for a retirement village made in respect of rule MCZ-R20.2.b where compliance is achieved with MCZ-S1, MCZ-S2 and MCZ-S4 is precluded from being limited notified.



229. Kāinga Ora [391.672, 391.673] (supported in part by the Retirement Villages Association [FS126.161] and Ryman [FS128.161]) support the rule in part and in particular the notification clauses, but seek the removal of references to residential activities (as these are covered by the activity rules) and the Design Guides. Their requested changes are as follows:

MCZ-R20.2 (Construction of, or additions and alterations to, buildings and structures)

2. Activity status: Restricted Discretionary

where:

- a. Compliance with any of the requirements of MCZ-R20.1 cannot be achieved.

Matters of discretion are:

1. The matters in MCZ-P6, MCZ-P7, MCZ-P8 and MCZ-P9;

2. The extent and effect of non-compliance with MCZ-S1, MCZ-S2, MCZ-S3, MCZ-S4, MCZ-S5, MCZ-S6, MCZ-S7, MCZ-S8, MCZ-S9, MCZ-S10 and MCZ-S11;

~~3. The Centres and Mixed Use Design Guide, including guideline G107 – City Outcomes Contribution for any building that exceeds the maximum height requirement and either comprises 25 or more residential units or is a non-residential building;~~

~~4. The Residential Design Guide;~~

3. The following centres and residential urban design outcomes:

a. Provides an effective public private interface suitable for the location;

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

c. Appropriate response to neighbouring sites for the proposed activity.

d. Provides high quality buildings.

[With consequential amendment to numbering of other matters below]

230. Restaurant Brands Limited [349.165] and Investore [405.116, 405.117] oppose references to the Design Guides in MCZ-R20 and request that matters of discretion MCZ-R20.2.3 and MCZ-R20.2.4 are deleted in their entirety. Restaurant Brands Limited considers that the cross reference within the rule to the MCZ policies at MCZ-R20.1 is sufficient to ensure that development will achieve good quality, well-functioning environments as required by MCZ-O3.
231. Investore requests that the references to the Design Guides are replaced with references within the rule to the specific design outcomes sought. Fabric Property Limited [425.55] seeks the deletion of MCZ-R20.2.3 as it references the City Outcomes Contribution, which they oppose. Willis Bond [416.126] seeks that the references to the Design Guides are removed from the rule, as well as the matters of discretion under MCZ-R20.2.4 – thereby seeking the deletion of the third to seventh matters of discretion under MCZ-R20. The changes sought by these submitters are captured below:

MCZ-R20 (Construction of, or additions and alterations to, buildings and structures)

2. Activity status: Restricted Discretionary

Where:

a. Compliance with any of the requirements of MCZ-R20.1 cannot be achieved.

Matters of discretion are:

1. The matters in MCZ-P6, MCZ-P7, MCZ-P8, MCZ-P9 and MCZ-P10;
2. The extent and effect of non-compliance with MCZ-S1, MCZ-S2, MCZ-S3, MCZ-S4, MCZ-S5, MCZ-S6, MCZ-S7, MCZ-S8, MCZ-S9, MCZ-S10 and MCZ-S11;
3. The Centres and Mixed Use Design Guide, including guideline G107 – City Outcomes Contribution for any building that exceeds the maximum height limit requirement at Ngaio, Berhampore and Aro Valley centres and either comprises 25 or more residential units or is a non-residential building;
4. The Residential Design Guide;
5. The extent and effect of any identifiable site constraints;
6. Construction impacts on the transport network; and
7. The availability and connection to existing or planned three waters infrastructure.

232. Investore and Willis Bond [405.118, FS405.119, 416.127] (supported in part by the Retirement Villages Association [FS126.99, FS.126.100, FS126.257, FS126.275, 126.273, 126.276] and Ryman [FS128.99, FS128.100, FS128.257, FS128.275, 128.273, 128.276]), and Stride [470.50, 470.51] seek that the notification clauses under MCZ-R20 are amended so that public and/or limited notification is precluded when compliance is achieved with any of the MCZ standards. This change sought is outlined below:

MCZ-R20 (Construction of, or additions and alterations to, buildings and structures)

Notification status:

~~Notification status: An application for resource consent made in respect of rule MCZ R20.2 which complies with [MCZ S3](#), [MCZ S7](#), [MCZ S8](#), [MCZ S9](#), [MCZ S10](#) and [MCZ S11](#) is precluded from being either publicly or limited notified.~~

-

~~Notification status: An application for resource consent made in respect of rule MCZ R20.2 which results from non-compliance with [MCZ S1](#), [MCZ S2](#), [MCZ S4](#), [MCZ S5](#) and [MCZ S6](#) is precluded from being publicly notified.~~

An application for resource consent made in respect of Rule 20.2.a which complies with MCZ-S1 to MCZ-S11 is precluded from being either publicly or limited notified.

## Assessment

233. I note the current omission of a non-notification clause in MCZ-R20 and agree with the Council's submission point [266.156] that a non-notification clause should be added to the rule. This provides for buildings that meet the development standards to be assessed without notification, thereby indicating that buildings up to a certain size and that otherwise meet standards relating to amenity (ie building depth, outlook) are appropriate within the zone. The non-notification clause also signifies to developers that additional consideration will be given to the effects on adjacent sites where buildings that exceed these standards. This change also addresses the submission points of Investore [405.118], Willis Bond [416.127] and Stride [470.50, 470.51]. In addition to this change, I note the unnecessary duplication of the words 'Notification Status' in the rule and consider that these should be deleted from the rule as a minor consequential amendment.
234. I recommend that the submission points from McDonald's [274.50, 274.51] that seek a Permitted activity status for additions and alterations that change building exteriors above verandah level and are visible from public spaces are rejected. This change would go against the intent of MCZ-O3 (Amenity and design) and the associated policies MCZ-P7 and MCZ-P8, which seek to ensure quality design outcomes in the MCZ. Although I accept that the rule as notified could result in a perverse outcome, whereby works to upgrade existing buildings are not undertaken due to resource consent requirements, I do not consider this would be a significant risk as it is in a building owner's best interest to ensure ongoing maintenance of their buildings. In this regard I note that maintenance and repair works would be a Permitted activity, whereas this rule captures additions and alterations.
235. I agree with Woolworths [359.78] that the incorrect reference to MCZ-R19.2 in the rule should be amended. However, I disagree with their request that there should not be a resource consent requirement for supermarket buildings within the MCZ. I note that supermarket activities of any size are permitted under MCZ-R1. The purpose of the District Plan policy framework is not to discourage large scale supermarket activities, but rather to ensure that developers work with the Council (specifically the Urban Design Team) to ensure high quality building outcomes that enhance the quality of the centre. Without this assessment new buildings, including supermarket buildings, have the potential to generate adverse effects on the centre they are located in – such as a lack of interaction with the public realm and adverse visual effects.
236. The Retirement Villages Association [350.280] seek changes to provide for retirement village activities. This request is addressed in the Overview and General Matters section of this report. For the reasons set out at paragraph 213 of that report, namely that retirement villages will be considered as residential activities but should not be provided with exemptions from any rules or standards, I recommend that the submission point is rejected.
237. With respect to the request from Kāinga Ora [391.672, 391.673] submission points:
- a. I disagree that references to residential activities should be removed from the rule. While the activity is permitted, the rule provides an opportunity for the Council to assess the effects of any building constructed for residential purposes, with an associated RDG and/or CMUDG assessment.

- b. I agree with removing references to the Design Guides from the rule on the basis that MCZ-R20.2.1.2 and MCZ-R20.2.1.3 are unnecessarily repetitious given that MCZ-R20.1.1.1 requires that an application is assessed against MCZ-P7 and MCZ-P8, and these policies reference the CMUDG and RDG respectively. I consider that the policy level reference to the Design Guides is sufficient for the purposes of effectively implementing MCZ-R20. I note that this change is consistent with the framework in the residential zones and recommended change to the CCZ and other CMUZ.
  - c. Based on b. above, I disagree with the requested inclusion of design outcomes.
238. The assessment above also addresses the submission points from Restaurant Brands Limited [349.165] Investore [405.116, 405.117] and Fabric Property Limited [425.55] insofar as direct references to Design Guides will be removed from MCZ-R20.
239. Willis Bond [416.126] also seeks that references to the Design Guides are removed from the rules, but request that matters of discretion under MCZ-R20.2.3 to MCZ-R20.2.7 are deleted in full. Although, as discussed in paragraph 237 above, I agree with amending references to the Design Guides within MCZ-R20, I disagree with the further relief sought for the following reasons:
- a. It is logical that site constraints be taken into account in assessing an application as this allows a developer to design to the specific context and is intended to result in improved design outcomes;
  - b. MCZ-R20.3, amended in line with the recommendations at HS4-Overview-Rec22 to HS4-Overview-Rec30, will continue to apply to over-height buildings, to ensure that these achieve a high standard of design;
  - c. MCZ-R20.2.6 provides the reporting consent planner with discretion to consider construction transport effects and impose conditions to mitigate such effects; and
  - d. MCZ-R20.2.7 highlights that there may be restraints on development due to network capacity, and that these should be taken into account by developers.

### Summary of recommendations

240. HS4-P2-MCZ-Rec58: That MCZ-R20 (Construction of, or additions and alterations to, buildings and structures) is amended as detailed at Appendix A and shown below:

MCZ-R20 (Construction of, or additions and alterations to, buildings and structures)

± Activity Status: **Permitted**

Where:

- a. Any alterations or additions to a building or structure that:
  - i. Do not alter the external appearance of the building or structure; or
  - ii. Relate to a building frontage below verandah level, including entranceways and glazing and compliance with MCZ-S5 is achieved; or
  - iii. Do not result in the creation of new residential units; and
  - iv. Are not visible from public spaces; and
  - v. Comply with standards MCZ-S1, MCZ-S2, MCZ-S3, MCZ-S4, MCZ-S5, ~~and~~ MCZ-S6 and MCZ-SX (Boundary setback from rail corridor); and
- b. The construction of any building or structure:
  - i. Is not located on a site with an active frontage or non-residential activity frontage; or
  - ii. Is not visible from public space; and
  - iii. Will have a gross floor area of less than 100m<sup>2</sup>; and
  - iv. Will result in a total coverage (together with other buildings) of no more than 20 percent of the site; and
  - v. ~~Will c~~omply with standards MCZ-S1, MCZ-S2, MCZ-S3, MCZ-S4, MCZ-S5, ~~and~~ MCZ-S6 and MCZ-SX (Boundary setback from rail corridor); and
  - vi. Does not involve the construction of a new building for residential activities.

2. Activity status: **Restricted Discretionary**

Where:

- a. Compliance with any of the requirements of ~~MCZ-R19.1~~ MCZ-R20.1 cannot be achieved.

Matters of discretion are:

1. The matters in MCZ-P6, MCZ-P7, MCZ-P8 and MCZ-P9;
2. The extent and effect of non-compliance with MCZ-S1, MCZ-S2, MCZ-S3, MCZ-S4, MCZ-S5, MCZ-S6, MCZ-S7, MCZ-S8, MCZ-S9, MCZ-S10 and MCZ-S11;
- ~~3. The Centres and Mixed Use Design Guide, including guideline G107—City Outcomes Contribution as required in Appendix 16 for any building that exceeds the maximum height requirement ~~and either comprises 25 or more residential units or is a non-residential building;~~~~
- ~~4. The Residential Design Guide;~~
- ~~5. 3.~~ The extent and effect of any identifiable site constraints;
- ~~6. 4.~~ Construction impacts on the transport network; and
- ~~7. 5.~~ The availability and connection to existing or planned three waters infrastructure.

Notification status:

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

~~Notification status:~~ An application for resource consent made in respect of rule MCZ-R20.2 which complies with MCZ-S3, MCZ-S7, MCZ-S8, MCZ-S9, MCZ-S10 and MCZ-S11 is precluded from being either publicly or limited notified.

~~Notification status:~~ An application for resource consent made in respect of rule MCZ-R20.2 which results

241. HS4-P2-MCZ-Rec59: That submission points relating to MCZ-R20 are accepted/rejected as detailed in Appendix B.

### S32AA Evaluation

242. In my opinion, the amendments to MCZ-R20 are more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:
- The amendments give better effect to the NPS-UD directions, in particular Objective 1 with respect to well-functioning urban environments and Policies 2, 3 and 6 in terms of providing a balance between enabling development capacity in the MCZ whilst encouraging quality design and high quality living environments.
  - The changes fix a number of drafting errors in the notified version of the District Plan and removes duplication within the rule (of the words 'Notification status').
  - The changes provide for MCZ-R20 to be simplified. It removes the direct references to the Design Guides from the rule and avoids repetition in the assessment process.
  - The changes are more efficient and effective than the notified provisions in achieving the objectives of the District Plan.
243. The environmental, economic, social and cultural effects of the recommended amendments are no greater than the notified provisions.

### MCZ-R21 – Conversion of buildings, or parts of buildings, for residential activities (Pt 1 Sch 1)

#### Matters raised by submitters

244. FENZ [273.302, 273.303] (opposed by the Retirement Villages Association [FS126.41] and Ryman [FS128.41]) support MCZ-R21 in part, but seek that this is amended as follows to include the necessity to connect to three waters infrastructure for firefighting purposes:

MCZ-R21 (Conversion of buildings or parts of buildings for residential activities)

Matters of discretion are:

- The matters in NCZ-P1, NCZ-P3, NCZ-P6 and NCZ-P8
- The extent of compliance with standards NCZ-S7, NCZ-S8 and NCZ-S9 and satisfaction of associated assessment criteria;
- The Residential Design Guide; and
- The availability and connection to existing or planned three waters infrastructure, including for firefighting purposes.

245. Kāinga Ora [391.674, 391.675] (supported by the Retirement Villages Association [FS126.101, FS126.102] and Ryman [FS128.101, FS128.102]) supports MCZ-R21 in part, particularly the notification preclusions. They seek that the rule is amended to replace the reference to the Residential Design Guide with the specific design outcomes sought. Likewise, Investore [405.120, 405.121] supports the notification preclusions and seeks that references to the RDG

are replaced with the design outcomes sought. These submitters seek that the rule is amended as follows<sup>10</sup>:

MCZ-R21 (Conversion of buildings, or parts of buildings, to residential activities)

1. Activity status: Restricted Discretionary

Matters of discretion are:

1. The matters in MCZ-P1, MCZ-P3, MCZ-SP6 and MCZ-P8;
2. The extent of compliance with standards MCZ-S7, MCZ-S8 and MCZ-S9 and satisfaction of associated assessment criteria;
3. ~~The Residential Design Guide~~ The following residential urban design outcomes:
  - a. Provides an effective public private interface;
  - b. The scale, form, and appearance of the development is compatible with the planned urban built form of the neighbourhood;
  - c. Provides high quality buildings; and
4. The availability and connection to existing or planned three waters infrastructure.

## Assessment

246. I disagree with the submission points from FENZ [273.302, 273.303] as matters relating to fire-fighting servicing are provided for under the Building Code<sup>11</sup>. Consequently, in accordance with procedural principle 18(b)(i) of the RMA, they are irrelevant for the purposes of the Act and correspondingly the PDP.
247. I agree with the submissions from Kāinga Ora [391.674, 391.675] and Investore [405.120, 405.121] requesting the removal of the reference to the RDG from MCZ-R21 in part. As discussed previously in paragraphs 142 of this report, I am of the opinion that reference to the RDG should rightly sit within MCZ-P8 instead of the rule framework for the reasons outlined in these paragraphs. This would also, in my view, avoid unnecessary duplication given there is already a requirement to consider MCZ-P8 as a matter of discretion. I disagree with that part of these submissions seeking the addition of specific design outcomes to the rule given that these do not relate to residential amenity, which is the purpose of matter of discretion 3 in MCZ-R20.

## Summary of recommendations

248. HS4-P2-MCZ-Rec60: That MCZ-R21 (Conversion of buildings, or parts of buildings, to residential activities) is amended as detailed at Appendix A and shown below:

<sup>10</sup> Recommended design outcomes provided by Kāinga Ora.

<sup>11</sup> [C5 Access and safety for firefighting operations | Building Performance](#)



MCZ-R21 (Conversion of buildings, or parts of buildings, to residential activities)

1. Activity status: Restricted Discretionary

Matters of discretion are:

1. The matters in MCZ-P1, MCZ-P3, MCZ-SP6 and MCZ-P8;
2. The extent of compliance with standards MCZ-S7, MCZ-S8 and MCZ-S9 and satisfaction of associated assessment criteria; and
- ~~3. The Residential Design Guide; and~~
- ~~4.~~ 3. The availability and connection to existing or planned three waters infrastructure.

249. HS4-P2-MCZ-Rec61: That submission points relating to MCZ-R21 are accepted/rejected as detailed in Appendix B.

### S32AA Evaluation

250. In my opinion, the amendments to MCZ-R21 are more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:
- a. The removal of the reference to the Residential Design Guide as a matter of discretion aligns with other recommended changes and provides for a less complicated consenting framework that avoids repetition in the assessment process.
  - b. The change is more efficient and effective than the notified provisions in achieving the objectives of the District Plan.
251. The recommended amendments will not have any greater environmental, social, economic or cultural effects than the notified provisions.

### MCZ-R22 – Outdoor storage areas (Pt 1 Sch 1)

#### Matters raised by submitters

252. FENZ [273.304, 273.305] support MCZ-R22 in part but seek that this is amended as follows to ensure that the screening will not obscure safety signage or obstruct access to emergency panels, hydrants, shut-off valves or other emergency response facilities:

MCZ-R22 (Outdoor storage areas)

Activity status: Permitted

Where:

- a. The storage area is screened by either a fence or landscaping of 1.8m in height from any adjoining road or site.
- b. Screening does not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.

## Assessment

253. I agree with the submission points of FENZ [273.304, 273.305] that, for safety purposes, screening of outdoor storage areas should not obscure emergency or safety signage or obstruct access to emergency facilities.

## Summary of recommendations

254. HS4-P2-MCZ-Rec62: That MCZ-R22 (Outdoor storage areas) is amended as detailed at Appendix A.

MCZ-R22 (Outdoor storage areas)

Activity status: Permitted

Where:

a. The storage area is screened by either a fence or landscaping of 1.8m in height from any adjoining road or site.

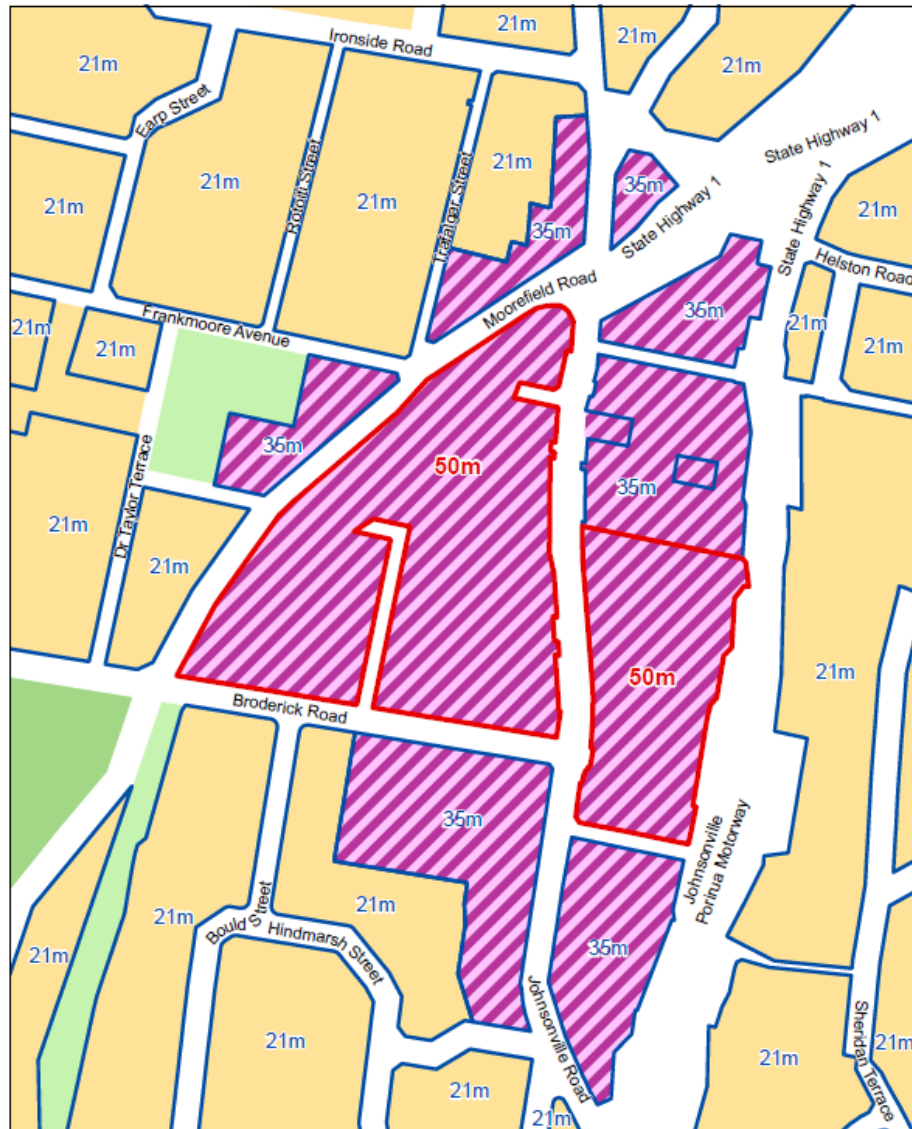
[b. Screening does not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.](#)

255. HS4-P2-MCZ-Rec63: That submission points relating to MCZ-R22 are accepted as detailed in Appendix B.

## MCZ-S1 – Maximum height (ISPP)

### Matters raised by submitters

256. FENZ and Restaurant Brands Limited [273.306, 349.266] support MCZ-S1 and seek that this is retained as notified. In addition, Investore [405.11, 405.124] supports MCZ-S1, Height Control Area 2 (Kilbirnie).
257. Bus Barn Limited [320.1, 320.2] support the standard in part, but seek that the limit for Height Control Area 2 is increased to 40 metres to reflect the intent of the NPS-UD and provide for additional housing, which would then support the local area.
258. Rachel Underwood [458.11] opposes six storey development in the LCZ as she considers this will result in cold, sunless wind canyons. She seeks that buildings are restricted to low rise or one level adjacent to the roadside, with three storey (or six storey) buildings set back.
259. Investore [405.10, 405.122, 405.123] and Stride [470.52, 470.53] are generally supportive of the 35 metre height limit at MCZ-S1, but consider it is important that the MCZ has suitable building heights to enable sufficient development capacity. The submitters request a two-tier approach in Johnsonville, as with Kilbirnie, and request a 50 metre height limit for an identified area between Moorefield Road and the Johnsonville-Porirua Motorway as shown below:



**Requested 50 metre Height Area**

260. The Johnsonville Community Association [FS114.21] opposes submission point 405.10 on the basis that they seek a height limit of 8 storeys. This request is also captured in their primary submission [429.13, 429.14].
261. Kāinga Ora [391.676, 391.677] (opposed by GWRC [FS84.47, FS84.48], supported by Stride [FS107.42] and Investore [FS108.42]) opposes MCZ-S1 and seeks that the height limit should be increased to 55 metres (15 storeys) in both Kilbirnie and Johnsonville as there is no justification in the PDP for the lower heights and 55 metres will enable greater development capacity, which is appropriate in the MCZ. They also request a change to the permitted height of a fence/standalone wall. The changes requested by Kāinga Ora [391.677] are as follows:

MCZ-S1 (Maximum height)

1. ~~Maximum height limits above ground level of 55m must be complied with. The following maximum height limits above ground level must be complied with:~~

~~Location~~

~~Limit~~

~~Height control area 1~~

~~Johnsonville ————— 35m~~

~~Height control 2~~

~~Kilbirnie (except as below) ————— 27m~~

~~Height control area 3~~

~~Kilbirnie, north of Rongotai Road ————— 15m~~

2. Fences and standalone walls must not exceed a maximum height of ~~1.8~~ 2 metres (measured above ground level).

262. Willis Bond [416.128] acknowledges that some form of bulk or height limitation is appropriate in the MCZ. The request that the Council considers using floor area ratios relative to lot sizes to control bulk as an alternative to maximum heights. In their view, this would enable more holistic design outcomes that prioritise performance outcomes as opposed to arguably arbitrary height limits.
263. Willis Bond [416.2, 416.129, 416.130] also requests that, if the height limit controls are retained, the height limit in Kilbirnie is increased to 35 metres, and that there should be additional provision for development above the maximum height for elements such as plant rooms and sloped (pitched) roofs. Their requested changes are shown below:

MCZ-S1 (Maximum height)

1. Maximum height limits above ground level of 35m must be complied with. The following maximum height limits above ground level must be complied with:

Location

Limit

Height control area 1

Johnsonville ————— 35m

Height control 2

Kilbirnie (except as below) ————— 27m

Height control area 3

Kilbirnie, north of Rongotai Road ————— 15m

...

This standard does not apply to:

...

d. 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

e. Lift overruns provided these do not exceed the height by more than 4m;:-

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

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

## Assessment

264. As detailed in the CMUZ section 32 report<sup>12</sup> building heights have been substantially increased across the suite of CMUZ to enable increased development potential. The maximum height limits for MCZ height control areas 1 to 3 provide considerable additional development capacity in comparison to the ODP heights, being 12-18 metres in Johnsonville and 12 metres in Kilbirnie. As discussed at paragraph 33 of this report, the PDP enables more than enough realisable housing and business capacity in Wellington to meet demand. Hence there is no need to increase the building heights for the purpose of enabling increased housing. The new heights give effect to policy 3 of the NPS-UD in that at least 6 storeys are enabled, but also recognise that these centres are below the CCZ in the centres hierarchy. The 15 metre limit for height control area 3 reflects that this land is on the periphery of the Kilbirnie MCZ. I consider this height limit to be appropriate as it provides a transition to the adjoining MRZ land.

<sup>12</sup> [Section 32 - Part 2 - Centres, Commercial, Mixed Use and Industrial Zones \(wellington.govt.nz\)](https://www.wellington.govt.nz)

265. I disagree with the request from Bus Barn Limited [320.1, 320.2] to increase the limit for height control area 2 in Kilbirnie to 40 metres, noting that this would enable an additional one to two storeys above the existing 27 metre (6 – 7 storey) height limit. The 27 metre height represents an increase of 15 metres above the 12 metre height available under the ODP, or more than double the existing development capacity. Height control area 2 within the Kilbirnie MCZ comprises all of the centre apart from three small sections of land to the north of Rongotai Road. As such, the 27 metre height limit provides for considerable additional development potential across the centre. On this basis, and noting the existing low-lying nature of the Kilbirnie MCZ and surrounding residential land and its relatively high-risk natural hazards profile, I consider the 27 metre height limit is appropriate. I also note that taller buildings could be constructed, but these would require resource consent as a Restricted Discretionary activity.
266. I acknowledge Ms Underwood’s opposition to six storey development in the MCZ [458.11] but I disagree with the three storey height limit sought. In particular I note that the MCZ is a key second tier sub-regional centre within the City’s centres hierarchy which, along with the CCZ, will play a critical role with respect to maximising development potential required by the NPS-UD. Policy 6(b) of the NPS-UD contemplates that significant changes to the built form of centres may detract from the amenity enjoyed by some people but will at the same time improve the amenity values appreciated by other people, communities and future generations, including by providing increased and varied housing densities and types. While six storeys adjacent to streets will represent a change to the existing environment, the MCZ is second only to the CCZ in the centres hierarchy and the zone is considered appropriate to accommodate this style of development. I note that streets in the MCZ (at least the main streets) are wider in nature and that this will assist in mitigating the concerns raised by Ms Underwood.
267. Investore [405.10, 405.122, 405.123] and Stride [470.52, 470.53] request a 50 metre height limit for approximately half the area of the Johnsonville MCZ. I note that the submitters have not provided any planning evaluation, technical, economic or urban design assessments, nor a s32AA evaluation in support of such a significant height change. The 35 metre building height will allow for 9 – 10 storey buildings, whereas 50 metres would provide for approximately 14 storeys. A 14 storey building is considered moderately high within the context of Wellington’s CBD, and would be considerably out of place in the Johnsonville context. As discussed at paragraphs 33 and 264 above, the notified 36 metre height will provide enough development capacity to meet projected residential and commercial growth. Consequently, I disagree with the relief sought as I consider the 35 metre height limit, which provides substantial additional development capacity over the 12 and 18 metre heights in the ODP, is appropriate.
268. With respect to the submission points requesting additional height, I also note that this can be achieved through the resource consent process as a Restricted Discretionary activity and the application of the City Outcomes Contribution. As such, there is a pathway whereby the aspirations of the submitters can be achieved, while retaining the ability for Council involvement with respect to achieving high quality design outcomes.
269. The Johnsonville Community Association [429.13, 429.14] seeks a reduction from 10 storeys (35 metres) to 8 storeys. In the context of the NPS-UD, and noting that the surrounding

residential area has height limits of 21 metres (6 storeys), I consider that the 35 metre height limit within the centre is appropriate.

270. For the reasons set out with respect to the Bus Barns Limited, Investore and Stride submission points in paragraphs 265 and 267 above, I disagree with the request from Kāinga Ora for a 55 metre (15 storey) height maximum in both Kilbirnie and Johnsonville [391.676, 391.677].
271. I disagree with the request from Kāinga Ora [391.677] to increase the height of a fence/standalone wall within the MCZ to 2.0 metres. The 1.8 metre fence height standard is applied across all zones and is considered a suitable height to both achieve security and privacy within a site whilst preventing a large expanse of blank wall and fortress like appearance when the site is viewed from the street.
272. Willis Bond [416.128] has requested that the Council considers using floor area ratios relative to lot sizes to control bulk as an alternative to maximum heights. The floor area ratio method enables developable capacity based on a ratio of floor area relative to overall site area, which allows different configurations of building mass with the same yield, for example long and lower or taller and narrower buildings<sup>13</sup>. I note that the Central Area provisions of the ODP contain standards relating to building mass, which are similar in their intent<sup>14</sup>. As part of the District Plan Review the Council evaluated the effectiveness of these provisions. As outlined in the section 32 report relating to the CCZ<sup>15</sup>, the PDP does not include building mass standards as while these are effective in managing effects on the surrounding environment, they can compromise on-site amenity (ie daylight and outlook to residential units). To address this matter, amenity standards (such as outlook space) have been introduced across the suite of CMUZ chapters.
273. In my view, the use of floor area ratios will potentially result in the outcome that the Council seeks to avoid. Further, as outlined in the Boffa Miskell Report<sup>16</sup>, this is an infrequently applied method in New Zealand and could have additional costs for developers. Given that the potential implications of the floor area approach have not been sufficiently explored and that the Council's preference is to move away from 'mass' as a development control, I recommend that the Willis Bond submission point [416.128] is rejected.
274. With respect to Willis Bond's request that the height limit in Kilbirnie is increased to 35 metres [416.129] I refer to my assessment in paragraph 265 above where I have concluded that the proposed 15 and 27 metre height limits are appropriate and should be retained. I also disagree with their associated request that there should be additional exemptions under the standard. In particular, I note that both the 15 and 27 metre height limits provide opportunities for substantial (and sufficient) development capacity to be realised. Consequently, I see no reason why the features the submitter [416.130] seeks an exemption for cannot be designed within the proposed height envelope, noting that if a developer chooses to push the boundaries of what the District Plan permits, it is reasonable that they go through a resource consent process to consider the merits of the proposal.

---

<sup>13</sup> [planning-for-residential-amenity-report-july-2021.pdf \(wellington.govt.nz\)](#), p24

<sup>14</sup> [v1chap13.pdf \(wellington.govt.nz\)](#), standards 13.6.3.2.1 – 13.6.3.2.3

<sup>15</sup> [Section 32 - Part 2 - City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct \(wellington.govt.nz\)](#)

<sup>16</sup> [planning-for-residential-amenity-report-july-2021.pdf \(wellington.govt.nz\)](#), p24



## Summary of recommendations

275. HS4-P2-MCZ-Rec64: That MCZ-S1 (Maximum height) is confirmed as notified.
276. HS4-P2-MCZ-Rec65: That submission points relating to MCZ-S1 are accepted/rejected as detailed in Appendix B.

## MCZ-S2 – Minimum building height (ISPP)

### Matters raised by submitters

277. Z Energy [361.87, 361.88] supports MCZ-S2 insofar as this seeks to enable higher density, but seeks that this is amended as follows to provide an exemption for unoccupiable buildings:

MCZ-S2 (Minimum building height)

1. A minimum height of 7m is required for:

- a. New buildings or structures; and
- b. Additions to the frontages of existing buildings and structures.

This standard does not apply to:

- 1. Any building or structure that is unable to be occupied by people.

278. Investore [405.125, 405.126] and Stride [470.54, 470.55] support the standard in part, but consider that it should only apply to identified active frontage to recognise that smaller building types may be required for practical reasons on larger development sites. They request the following change:

MCZ-S2 (Minimum building height)

1. A minimum height of 7m is required for:

- a. New buildings or structures on sites with active frontages; and
- b. Additions to the frontages of existing buildings and structures on sites with active frontages.

279. Willis Bond [416.131, 416.132] (opposed by Foodstuffs [FS23.92]) supports the standard in part but seeks a more flexible approach, with the assessment criteria where the standard is breached to include urban design outcomes.
280. McDonald's [274.52], Restaurant Brands Limited [349.167] (supported by Foodstuffs [FS23.54]), Woolworths [359.80] (supported by Foodstuffs [FS23.30]) and Foodstuffs [476.46] oppose the standard and seek that it is deleted in its entirety.

## Assessment

281. Consistent with CEKP-O2, the MCZ seeks to facilitate considerable increased development across its entirety to achieve the objectives of the NPS-UD and the relevant strategic objectives of the District Plan. Therefore, while I acknowledge the submissions in opposition to the MCZ-S2, I consider that this standard is appropriate as it encourages the realisation of suitable development potential within the zone and facilitates high quality design outcomes. On this basis, I disagree with the relief sought by McDonald's, Restaurant Brands Limited, Woolworths, Investore, Stride and Foodstuffs [274.52, 349.167, 359.80, 405.125, 405.126, 470.54, 470.55, 476.46] and consider that the standard should continue to apply across the entirety of the zone and not just along active frontages.
282. Buildings that do not meet the minimum height standard will need resource consent and will be assessed on their merits against applicable parts of the CMUDG. I support this approach as it ensures that the design quality of the building is assessed by an urban design expert, so as to achieve a building that is suitable for, and ideally enhances, the context in which it sits. Consequently, I disagree with the relief sought by Willis Bond [416.131, 416.132] that urban design outcomes are added to the rule.
283. I agree with Z Energy [361.87, 361.88] that there is no need to apply the minimum height to buildings that will not be occupied and are ancillary to the primary use of the site. Providing an exemption from the minimum height standard for these buildings will allow for ancillary activities to be accommodated on a site while ensuring that the primary building remains the most visibly prominent building and reducing the overall bulk of built development.

## Summary of recommendations

284. HS4-P2-MCZ-Rec66: That MCZ-S2 (Minimum building height) is amended as detailed in Appendix A and below:

MCZ-S2 (Minimum building height)

1. A minimum height of 7m is required for:

- a. New buildings or structures; and
- b. Additions to the frontages of existing buildings and structures.

This standard does not apply to:

1. Accessory buildings, ancillary to the primary activity on the site.

2. Any building or structure that is unable to be occupied by people.

285. HS4-P2-MCZ-Rec67: That submission points relating to MCZ-S2 are accepted/rejected as detailed in Appendix B.

## S32AA Evaluation

286. In my opinion, the amendment to MCZ-S2 is more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:

- a. The change will provide developers/applicants and resource consent planners with clarity as to when the standard applies.
  - b. The change is more efficient and effective than the notified provisions in achieving the objectives of the District Plan.
287. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified District Plan provisions.

### **MCZ-S3 – Minimum ground floor height (ISPP)**

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

288. FENZ [273.307] supports MCZ-S3 and seeks that this is retained as notified.
289. McDonald's, Restaurant Brands Limited and Foodstuffs [274.53, 349.168 (supported by FS23.55) and 476.47] oppose the standard and seek that it is deleted in its entirety.

#### **Assessment**

290. The purpose of MCZ-S3 is to ensure that buildings are adaptable for different uses over time. Therefore, I recommend that the submission points from McDonald's, Restaurant Brands Limited and Foodstuffs [274.53, 349.168 and 476.47] are rejected.
291. Submitters in opposition to the standard consider that it is overly prescriptive and does not provide for the specific requirements of certain activities. In this respect, I note that functional and operational needs of activities will be taken into account at the resource consent assessment stage.

#### **Summary of recommendations**

292. HS4-P2-MCZ-Rec68: That MCZ-S3 (Minimum ground floor height) is confirmed as notified.
293. HS4-P2-MCZ-Rec69: That submission points relating to MCZ-S3 are accepted/rejected as detailed in Appendix B.

### **MCZ-S4 – Height in relation to boundary (ISPP)**

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

294. Restaurant Brands Limited [349.169] supports MCZ-S4 and seeks that this is retained as notified.
295. Kāinga Ora [391.678, 391.679] supports MCZ-S4 in part, but consider that amendments are needed to align with the changes they seek in relation to the height and HIRB standards in the HRZ and MRZ.

## Assessment

296. Given the generous building heights in the MCZ, I consider that MCZ-S4 should be retained as notified to ensure ongoing access to sunlight/daylight to sites within adjoining zones.
297. Kāinga Ora has requested increased height limits at MCZ-S1. As such, they seek that MCZ-S4 is amended to reflect this change. The nature of these amendments has not been clearly outlined in their submission, nor have compelling reasons for the change or a supporting section 32AA evaluation been supplied. Noting that I have recommended that the MCZ heights at MCZ-S1 are retained as notified, I disagree with the relief sought by Kāinga Ora in relation to MCZ-S4 [391.678, 391.679].

## Summary of recommendations

298. HS4-P2-MCZ-Rec70: That MCZ-S4 (Height in relation to boundary) is confirmed as notified.
299. HS4-P2-MCZ-Rec71: That submission points relating to MCZ-S4 are accepted/rejected as detailed in Appendix B.

## MCZ-S5 – Verandah control (ISPP)

### Matters raised by submitters

300. Restaurant Brands Limited [349.170] supports MCZ-S5 and seeks that this is retained as notified.
301. Z Energy Limited [361.89, 361.90, 361.91, 361.92] supports the standard in part and seeks that this is amended so that sites with operational and functional needs that prevent the installation of verandahs (ie service stations) are exempt from this requirement. They propose the following options:

MCZ-S5 Verandah control

**Option A**

1. Verandahs must be provided on building elevations on identified street frontages except where there is a functional requirement for a building to not contain a verandah.

...

**Option B**

...

This standard does not apply to:

- a. Any scheduled building identified in SCHED1 - Heritage Buildings;
- b. Any building where compliance with the standard results in an encroachment into the dripline of an existing street tree;
- c. Service stations.

**Option C**

...

- 1. The extent to which any non-compliance:
  - a. Will adversely affect the comfort and convenience of pedestrians;
  - b. Will result in further street trees being added to public space as part the development; and
  - c. Is required for on-site functional or operational needs.

**Assessment**

302. I accept the submission by Z Energy [361.89, 361.90, 361.91, 361.92] that there will be circumstances where there are functional and operational requirements that mean the construction of a verandah along the frontage of a site is unnecessary or impractical. However, I am concerned that if the clauses suggested at Option A or Option C were included in the standard they would create uncertainty for both applicants and consent planners, in that any applicant could argue they have functional and operational needs that mean they should be exempt from providing a verandah. In the absence of a clear definition of 'functional and operational needs', which would be difficult to clearly define for the purposes of this rule, it would be at the discretion of the reporting planner to decide if the exemption should apply. This, in turn, could become a matter of contention in the consenting process and cause delays, as well as lost opportunities to achieve verandah cover within the MCZ.

303. Given that the nature of service stations is to have a building set back from the road (or in fact no building), with an open forecourt, I consider that Option B is acceptable. As service stations are dispersed throughout the city and are relatively limited in number, the exemption would only apply in a restricted range of circumstances within the MCZ.

## Summary of recommendations

304. HS4-P2-MCZ-Rec72: That MCZ-S5 (Verandah control) is amended to provide an exemption for service stations, as shown below and at Appendix A.

MCZ-S5 Verandah control

...

This standard does not apply to:

- a. Any scheduled building identified in SCHED1 - Heritage Buildings;
- b. Any building where compliance with the standard results in an encroachment into the dripline of an existing street tree;
- c. Service stations.

305. HS4-P2-MCZ-Rec73: That submission points relating to MCZ-S5 are accepted/rejected as detailed in Appendix B.

## S32AA Evaluation

306. In my opinion, the amendment to MCZ-S5 is more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:
- a. The change will enable service station buildings to be constructed in a way that reflects their specific needs.
  - b. The change will provide developers/applicants and resource consent planners with additional clarity as to when the standard applies.
  - c. The change is more efficient and effective than the notified provisions in achieving the objectives of the District Plan.
307. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

## MCZ-S6 – Active frontage and non-residential activity frontage controls (ISPP)

### Matters raised by submitters

308. Restaurant Brands Limited [349.171] (opposed by Foodstuffs [FS23.56]) supports MCZ-S6 and seeks that this is retained as notified.
309. Kāinga Ora [391.680] considers that MCZ-S6 should be amended so that active frontage controls only apply where necessary, such as along principal/arterial roads or along the street edge, and that active frontage controls on streets and buildings where these matters do not apply should be deleted.

310. Z Energy [361.93, 361.94] support the standard in part for its intent, but seeks an amendment as follows to recognise situations where functional requirements which necessitate site design where verandahs and buildings on boundaries cannot be achieved, such as service stations:

MCZ-S6 (Active frontage and non-residential activity frontage controls)

1. Any new building or addition to an existing building adjoining an identified street with an active frontage control must:

a. Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary except where there is a functional requirement for that building to be set back from the street edge. In this case, 1b would not apply;

b. Provide a minimum of 60% of continuous display windows or transparent glazing along the width of the ground floor building frontage

c. Locate the principal public entrance on the front boundary except where there is a functional requirement for the principal entrance to not front the street.

...

4. Any new building or addition to an existing building on a site with a non-residential activity frontage control must:

a. Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary except where there is a functional requirement for that building to be set back from the street edge.

b. Locate the principal public entrance on the front boundary except where there is a functional requirement for the principal entrance to not front the street.

311. Investore [405.127, 405.128] and Stride [470.56, 470.57] also support the intent of the standard, but considers that it provides insufficient exceptions for functional requirements such as vehicle entrances. They seek the following amendment to MCZ-S6.1.a:

MCZ-S6.1.a (Active frontage and non-residential activity frontage controls)

1. Any new building or addition to an existing building adjoining an identified street with an active frontage must:

a. Be built up to the street edge ~~on all street boundaries and along the full~~ 70% of the width of the site boundary bordering any street boundary, subject to functional requirements.

...

312. Woolworths [359.81, 359.82] (supported in part by Foodstuffs [FS23.21]) support the Restricted Discretionary activity status to infringe the active frontage standards of MCZ-S6, NCZ-S6 and LCZ-S6 but note that supermarkets are unlikely to comply with these standards in any circumstance. While Woolworths acknowledges that the assessment criteria associated with the standard enable the consideration of those operational and functional needs, they note that the standard represents another circumstance whereby consents would always be required for supermarkets, despite supposedly being encouraged within the relevant CMUZ. As such, they request the following amendment:



MCZ-S6 (Active frontage and non-residential activity frontage controls)

1. Any new building or addition to an existing building (excluding new supermarkets or additions to an existing supermarket) on an identified street with an active frontage must:

- a. Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary;
- b. Provide a minimum of 60% of continuous display windows or transparent glazing along the width of the ground floor building frontage; and
- c. Locate the principal public entrance on the front boundary;

~~2. Any ground level addition to, or alteration of, a building or structure facing a public space must not result in a featureless façade that:~~

- ~~a. Is more than 3 metres wide; and~~
- ~~b. Extends from a height of 1m above ground level to a maximum height of 2.5m;~~

3. Any roller shutter doors, security grilles, screens or similar structures fitted to the facade of any building on a site located on an identified street with an active frontage must be at least 50% visually transparent; and

4. Any new building or addition to an existing building (excluding new supermarkets or additions to an existing supermarket) on a site with a non-residential activity frontage control must:

....

313. Foodstuffs [476.48, 476.63] (opposed by the Retirement Villages Association [FS126.47, FS128.48] and Ryman [FS128.47, FS128.48]) oppose MCZ-S6 in part, on the basis that it is overly prescriptive, and seek the following change:

Amend MCZ-S6 (Active frontage and non-residential activity frontage controls)

1. ~~Dwellings must not locate on the ground floor of Any new building or addition to an existing building on an identified street with an active frontage or a non-residential activity frontage control for any new building, or ground level addition or alteration to an existing building must:~~

~~a) Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary;~~

~~b) Provide a minimum of 60% of continuous display windows or transparent glazing along the width of the ground floor building frontage; and~~

~~c) Locate the principal public entrance on the front boundary;~~

2. Any new building or ground level addition to, or alteration of, a building or structure facing a public space must not result in a featureless façade that:

a) Is more than 4.3 metres wide; and

b) Extends from a height of 1m above ground level to a maximum height of 2.5m; and

c) Any roller shutter doors, security grilles, screens or similar structures fitted to the facade of any building must be at least 50% visually transparent.

~~3. Any roller shutter doors, security grilles, screens or similar structures fitted to the facade of any building must be at least 50% visually transparent; and~~

4. Any new building or addition to an existing building on a site with a nonresidential activity frontage control must:

~~a. Be built up to the street edge on all street boundaries and along~~

~~the full width of the site bordering any street boundary; and~~

~~b. Locate the principal public entrance on the front boundary.~~

314. McDonald's [274.54, 274.55] (opposed by the Retirement Villages Association [FS126.180] and Ryman [FS128.180]) oppose the standard in part and seek the following amendments to reflect that centres and commercial areas have a mixture of typologies:

MCZ-S6 (Active frontage and non-residential activity frontage controls)

1. ~~Dwellings must not locate on the ground floor of Any new building or addition to an existing building on an identified street with an active frontage or a non-residential activity frontage control for any new building, or ground level addition or alteration to an existing building must:~~

~~a. Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary;~~

~~b. Provide a minimum of 60% of continuous display windows or transparent glazing along the width of the ground floor building frontage; and~~

~~c. Locate the principal public entrance on the front boundary;~~

2. Any new building or ground level addition to, or alteration of, a building or structure facing a public space must not result in a featureless façade that:

a. Is more than 4 metres wide; and

b. Extends from a height of 1m above ground level to a maximum height of 2.5m; and

c. Any roller shutter doors, security grilles, screens or similar structures fitted to the facade of any building must be at least 50% visually transparent.

~~3. Any roller shutter doors, security grilles, screens or similar structures fitted to the facade of any building must be at least 50% visually transparent; and~~

~~4. Any new building or addition to an existing building on a site with a non-residential activity frontage control must:~~

~~a. Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary; and~~

~~b. Locate the principal public entrance on the front boundary.~~

315. Willis Bond [416.133] (supported by [FS23.93]) considers that there should be more flexibility to breach the standard where the overall design has a positive effect on the streetscape and seeks that MCZ-P7 is amended as follows:

MCZ-S6 (Active frontage and non-residential activity frontage controls)

Assessment criteria where the standard is infringed:

The extent to which:

...

b. The building frontage is designed and located to create a strong visual alignment with adjoining buildings or otherwise enhances the streetscape; and

...

## Assessment

316. I agree with Kāinga Ora [391.680] that the MCZ-S6 active frontage controls should only apply where necessary. This is reflected in the name of the standard which only applies to ‘an identified street with an active frontage’ and/or a ‘non-residential frontage’, noting that these streets generally reflect those currently identified in the ODP and were subject to a process of reassessment and confirmation prior to notification of the PDP.
317. I acknowledge Z Energy’s [361.93] partial support for the standard and accept that there will be functional and operational requirements where buildings will need to be set back from the street, particularly for service stations which typically have a forecourt for the sale of petrol with a smaller building located to the rear/centre of the site. However, given the purpose of the standard is to encourage high levels of interaction between the private and public environment, I consider that it is appropriate that building that do not meet the requirements of the standard are subject to a resource consent. This allows the Council to undertake an urban design assessment and work with the developer to provide a high quality building, within the constraints imposed by the activity the building provides for. I therefore recommend that the submitter’s request for an exemption [361.94] is rejected.
318. Likewise, I disagree with the change requested by Investore [405.127, 405.128] and Stride [470.56, 470.57]. MCZ-S6 seeks to discourage site access points along active and non-residential frontages. As such, developers will be expected to design access points to the rear of a site or along frontages where this standard does not apply. While there will be sites that do not have alternative frontages, to ensure high quality building design it is appropriate that such buildings are subject to a resource consent where the reduced active/non-residential frontage is assessed to ensure effects on the vitality and vibrancy of the centre are minimised.
319. With respect to the Woolworths submission points [359.81, 359.82], I acknowledge the support for the Restricted Discretionary activity status and agree that new supermarkets in the MCZ will likely need resource consent. However, as discussed at paragraph 235 of this report and in response to the relief sought to amend the proposed assessment criteria [361.94], I consider that it is appropriate for large new supermarket buildings to go through the resource consent assessment process where developers work with the Council (specifically the Urban Design Team) to ensure high quality building outcomes that enhance the quality of the centre. Applying MCZ-S6 to supermarkets seeks to ensure that there are positive interfaces between these large buildings and the public realm, and to avoid the outcome of large blank walls dominating an active or non-residential frontage. I therefore recommend that the submission points requesting an exemption from the requirement for supermarkets to meet MCZ-S6 are rejected.
320. As set out at paragraph 319 above Foodstuffs [476.48, 476.63] seek a number of amendments to the standard. Having reviewed the requested changes I disagree with the relief sought for the following reasons:
- The requirements of the standard are consistent with the standard 7.2.6.7 of the ODP. These requirements were introduced under Plan Change 73 to provide positive interfaces between a building and the public environment, as well as to enhance public

safety in centres. These provisions have proven to be effective in achieving this purpose and there is no compelling reason to change the approach.

- At present the standard is clearly set out in four parts (MCZ-S6.1 to MCZ-S6.4) and it is evident when each part applies. The submitter seeks to amalgamate these parts, which in my view reduces the clarity of how the standard is presented. The suggested change to MCZ-S6.1 in particular is less clear than the current wording.
- The intent of the requirement at MCZ-S6.2.a that blank facades do not exceed 3 metres. I note that in some circumstances a 4 metre facade would cover the entirety of a shop frontage, with no opportunity for any activation of the street frontage at all. Long blank elevations have the potential to reduce interaction between the commercial tenancies and the street and deactivate the public environment. This reduces the overall vibrancy of the centre and is an outcome that the standard seeks to discourage.
- For the reasons set out above, the requirements at MCZ-6.3 should continue to apply to all buildings with an active frontage or a non-residential activity frontage control.

321. McDonald's [274.54, 274.55] seeks changes in line with those sought by Foodstuffs. For the reasons outlined above in paragraph XX, I disagree with the relief sought.

322. I agree with the change sought by Willis Bond [416.133] as I consider that it would improve the standard and provide developers with design flexibility. If a development did not create a strong visual alignment with the adjoining buildings, the onus would be on the developer to demonstrate that their building 'otherwise enhances the streetscape'.

### Summary of recommendations

323. HS4-P2-MCZ-Rec74: That MCZ-S6 (Active frontage and non-residential activity frontage controls) is amended as shown below and at Appendix A, and consequential amendments to reflect CCZ-Rec112.

MCZ-S6 (Active frontage and non-residential activity frontage controls)

Assessment criteria where the standard is infringed:

The extent to which:

...

b. The building frontage is designed and located to create a strong visual alignment with adjoining buildings or otherwise enhances the streetscape; and

...

324. HS4-P2-MCZ-Rec75: That submission points relating to MCZ-S6 are accepted/rejected as detailed in Appendix B.

### MCZ-S7 – Minimum residential unit size (ISPP)

#### Matters raised by submitters

325. Kāinga Ora [391.681, 391.682] supports MCZ-S7 in part, but seeks that this is amended to remove the minimum standard for 2+ bedroom units, so as to enable greater design flexibility and decrease the minimum floor area for studio units. They seek the standard is amended as follows:

MCZ-S7 (Minimum residential unit size)	
Residential units, including dual key units must meet the following minimum sizes:	
Residential unit type	Minimum net floor area
a. Studio unit	<u>30</u> 5m <sup>2</sup>
b. 1 <u>or more</u> bedroom unit	40m <sup>2</sup>
<del>c. 2+ bedroom unit</del>	<del>55m<sup>2</sup></del>

326. Willis Bond [416.134] opposes MCZ-S7 and seeks that it is deleted in its entirety. Alternatively, Willis Bond [416.135] seeks that, if the Council does retain minimum unit sizes, MCZ-S7 is amended to clearly define that hotel accommodation, student accommodation and other similar accommodation types are distinct from residential unit sizes and that the standard clearly excludes these types of accommodation.

327. Stride [470.58, 470.59] supports MCZ-S7 in part, but seeks that this is amended to remove the minimum standard for 2+ bedroom units, so as to ensure that well designed smaller apartments are provided for to in order ensure housing affordability, consistency with the NPS-UD, and to acknowledge diverse housing needs. They seek the standard is amended as follows:

MCZ-S7 (Minimum residential unit size)	
Residential units, including dual key units must meet the following minimum sizes:	
Residential unit type	Minimum net floor area
a. Studio unit	<u>25</u> <del>35</del> m <sup>2</sup>
b. 1 <u>or more</u> bedroom unit	<u>30</u> <del>40</del> m <sup>2</sup>
c. 2+ bedroom unit	55m <sup>2</sup>

## Assessment

328. The TPG Report<sup>17</sup> discusses benefits of providing adequate living space, noting that this is a key component of healthy housing as it provides for less crowded housing, improved opportunities for working at home (with the associated benefit of reduced transport emissions), multi-generational living (with associated reduced costs, including with respect to childcare), and cultural wellbeing.

<sup>17</sup> [proposed-amenity-and-design-provisions-cost-benefit-analysis-june-2022.pdf \(wellington.govt.nz\)](#), p21

329. Dr Zamani set out the purpose and benefit of the minimum unit size standard in his Statement of Evidence prepared for Hearings Stream 2 (Residential Zones)<sup>18</sup>. His commentary is as follows:

*“To accommodate future growth in Wellington, it is essential that we transition to higher density living. To make this transition and transformation more appealing and to avoid significant physical, social and mental problems, it is critical that the high-density residential environment is designed to a high quality. One of the key and fundamental factors to achieve this quality is to ensure apartments are of an appropriate size, so their future residents can live in there comfortably and permanently. Minimum unit size standards introduced in the Proposed District Plan aims to provide future residents with the least amount of space that is needed to have a comfortable life. These minimums are lower than international standards, however I believe they will be a first step in improving quality of higher density living”.*

330. Based on the advice from Dr Zamani at paragraph 329 above, I disagree with Kāinga Ora [391.681, 391.682] and Stride [470.58, 470.59] that amendments to the minimum unit sizes are required.

331. For the same reasons, I disagree with Willis Bond [416.134] that the standard should be deleted in its entirety. This could result in small units that do not provide suitable space for the occupants to experience a suitable quality of living. Further, I disagree with their request for an exemption for other accommodation types such as hotel accommodation and student accommodation on the basis that students and other long term residents should be provided with quality living space that suitably provides for their wellbeing and quality of life. Although I am less concerned about short-stay hotel accommodation as exposure to low quality amenity will be of a short duration, I consider that the standard should apply to ensure that it can be met if hotel accommodation is converted to permanent accommodation in the future. I note that failure to meet the standard only means that an assessment of the unit size will be made at the resource consent stage with the use of the building one of the matters of consideration that would be taken into account.

### Summary of recommendations

332. HS4-P2-MCZ-Rec76: That MCZ-S7 (Minimum residential unit size) is confirmed as notified.

333. HS4-P2-MCZ-Rec77: That submission points relating to MCZ-S6 are rejected as detailed in Appendix B.

### MCZ-S8 – Residential – outdoor living space (ISPP)

#### Matters raised by submitters

334. Stride [470.60] supports MCZ-S8 and seeks that it is retained as notified.

335. The Retirement Villages Association [350.281, 350.282] opposes MCZ-S8 in part, and seeks an exclusion for retirement villages.

---

<sup>18</sup> [Statement of evidence of Dr Farzad Zamani on behalf of Wellington City Council](#), para 40

336. Kāinga Ora [391.683, 391.684] supports the standard in part, but is opposed to requiring communal outdoor living space in addition to private outdoor living space. In their view, the standard as notified is not clear as to whether communal outdoor living space is required in addition to, or as an alternative to private outdoor living space. They seek that the standard is amended with one of the following options:

LCZ-S8 (Residential – outdoor living space)

**Option A**

Clarify that communal outdoor living space is not required but can be provided as an alternative to private outdoor living space; or

**Option B - Amend as follows:**

...

3. Where communal outdoor living space is provided it does not need to be in a single continuous space but it must be:

...

c. Free of buildings, parking spaces, and servicing and manoeuvring areas.

Living space type	Minimum area	Minimum dimension
<b>a. Private</b>		
i. Studio unit and 1-bedroom unit	5m <sup>2</sup>	1.8m
ii. 2+ bedroom unit	8m <sup>2</sup>	1.8m
<b>b. Communal</b>		
i. For every 5 units	10m <sup>2</sup>	8m

337. Willis Bond [416.136] (opposed by FENZ [FS14.3]) opposes MCZ-S8 and seeks that the standard is deleted in its entirety.

### Assessment

338. I disagree with the Retirement Villages Association [350.281, 350.282] that there should be an exemption from the requirement to provide outdoor living space for retirement villages, as this will ensure high quality amenity for the villages’ occupants. If the standard is not met a resource consent for this non-compliance can be obtained, subject to the developer showing that the occupants will be provided suitable on-site amenity for their specific needs. Further commentary in relation to retirement villages is provided in the Overview and General Matters section of this s42A report.

339. With respect to the Kāinga Ora [391.683, 391.684] assertion that the standard is ambiguous with respect to whether private or communal space should be provided, I note that the intent is that either of these options is available to a developer, or a combination of the two.



However, as detailed below, I recommend a number of changes to the standard that will provide clarity as to how the standard applies.

340. I disagree with Kāinga Ora [391.683, 391.684] that the requirement for communal open space should be deleted. The TPG Report<sup>19</sup> identifies that access to outdoor space provides physical and mental health benefits. In particular, the report asserts that providing on-site open space (either private or communal) is one method of providing residents of a development to the outdoors, noting that the space is most beneficial to health and wellbeing when it is in an accessible location and a quality living space. As such, on-site communal open space is preferable to public open space at an alternative location.
341. That said, I acknowledge that the standard is not clear, in that in order to meet the minimum dimension of 8m, the minimum area of a communal space will need to be 64m<sup>2</sup>. In this regard I note that in Hearing Stream 2 Mr Patterson concluded the following:
- “After considering the standard as notified, I cannot see that the minimum area for a communal living space was intended to be 10m<sup>2</sup> with one dimension of 8m as this would not result in a functional space. My view is that the 8m dimension applies to all dimensions, would result in a minimum 64m<sup>2</sup> communal living space which I consider is appropriate”.*
342. Based on this and advice received by Dr Zamani<sup>20</sup>, Mr Patterson subsequently recommended the following change:

---

<sup>19</sup> [proposed-amenity-and-design-provisions-cost-benefit-analysis-june-2022.pdf \(wellington.govt.nz\)](#), p20

<sup>20</sup> [Statement of evidence of Dr Farzad Zamani on behalf of Wellington City Council](#), para 35

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

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

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

343. I note that the same issue arises in the MCZ with respect to the lack of clarity in the standard. As such, I am of the opinion that the changes above should be replicated in the MCZ for consistency. As this addresses the Kāinga Ora submission in part, and is a consequential change that aligns with a recommended change in relation to the residential provisions, I consider that this change is within scope of the submissions.

344. Consistent with my recommendations in relation to the Kāinga Ora submission points at paragraph 340 above, I recommend that the Willis Bond [416.136] request to delete MCZ-S8 in its entirety is rejected.

### Summary of recommendations

345. HS4-P2-MCZ-Rec78: That MCZ-S8 (Residential – outdoor living space) is amended to align with the changes to the residential zones, as shown at Appendix A and in the text box below.

**MCZ-S8: Residential - outdoor living space**

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

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

346. HS4-P2-MCZ-Rec79: That submission points relating to MCZ-S8 are rejected as detailed in Appendix B.

**S32AA Evaluation**

347. In my opinion, the amendment to MCZ-S8 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:
  - a. The change to the standard will provide clarity as to how the standard is to be applied.
  - b. The change aligns with recommendations in relation to the residential zones and other CMUZ.
  - a. The change is more efficient and effective than the notified provisions in achieving the objectives of the District Plan.
348. There are no environmental, economic, social and cultural effects associated with the recommended amendments to MCZ-S8, which is essentially clarification of the rule as drafted.

## MCZ-S9 – Minimum outlook space for multi-unit housing (ISPP)

### Matters raised by submitters

349. Kāinga Ora [391.685] opposes MCZ-S9 on the basis that it sets a standard that may not be possible to meet for dwellings that would otherwise provide a decent standard of living, and seeks that this is deleted in its entirety.

### Assessment

350. I disagree with Kāinga Ora [391.685] that MCZ-S9 should be deleted. G7 of the Building Code requires “*habitable spaces to have adequate windows for natural light and visual awareness of the outside environment to safeguard against illness, and loss of amenity due to isolation*”<sup>21</sup>. Likewise, the TPG Report<sup>22</sup> identifies that a positive outlook has been shown to have a positive impact on peoples’ sense of security and mental wellbeing. The standard seeks to provide an acceptable standard of living for residential occupants by requiring a 1 metre by 1 metre outlook space from habitable rooms. At most, this will require a 1 metre separation distance between buildings on adjacent sites. I am of the view that the potential lost development potential should be balanced with the positive outcome for building occupants, and that the standard should be retained.

### Summary of recommendations

351. HS4-P2-MCZ-Rec80: That MCZ-S9 (Minimum outlook space for multi-unit housing) is confirmed as notified.
352. HS4-P2-MCZ-Rec81: That submission points relating to MCZ-S9 are rejected as detailed in Appendix B.

## MCZ-S10 – Minimum building separation distance (ISPP)

### Matters raised by submitters

353. The Retirement Villages of New Zealand Incorporated [350.283] opposes MCZ-S10 as notified and seeks that this is amended to include an exemption for retirement villages.
354. Kāinga Ora, Investore and Stride [391.686, 405.129, 470.61] oppose MCZ-S10 on the basis that it will constrain design flexibility and is not clear concerning the positive outcome it is intended to achieve, and seek that it is deleted in its entirety.

### Assessment

355. Refer to paragraphs 216-217 of the Overview and General Matters section of this report with respect to the recommended provisions in relation to retirement villages. In conjunction with the building depth standard (MCZ-S11), the building separation distance standard is

---

<sup>21</sup> [G7 Natural light | Building Performance](#)

<sup>22</sup> [proposed-amenity-and-design-provisions-cost-benefit-analysis-june-2022.pdf \(wellington.govt.nz\)](#), p21

considered a more flexible and effective approach than site coverage to manage the scale and dominance of buildings and provide for appropriate on-site amenity for a building's occupants. The submitter has not provided any rationale or planning evidence as to why the standard should not apply to retirement villages. I therefore recommend that the Retirement Villages Association submission point [350.283] is rejected.

356. I disagree with Kāinga Ora, Investore and Stride [390.686, 405.129, 470.61] that MCZ-S10 should be deleted in its entirety, noting that the primary purpose of the standard is to provide a level privacy to occupants of buildings within a site. As identified within the TPG Report, privacy is considered a human right and space between building achieves this. The standard also assists to provide an ongoing sense of openness and access to sunlight/daylight at adjoining sites. Although I accept that there may be alternative design options available to achieve the outcomes sought by this standard I consider that these can be assessed on their merits through the resource consent application process.

### Summary of recommendations

357. HS4-P2-MCZ-Rec82: That MCZ-S10 (Minimum building separation distance) is confirmed as notified.
358. HS4-P2-MCZ-Rec83: That submission points relating to MCZ-S10 are rejected as detailed in Appendix B.

### MCZ-S11 – Maximum building depth (ISPP)

#### Matters raised by submitters

359. Restaurant Brands Limited [349.172] (opposed by Foodstuffs [FS23.76]) supports MCZ-S11 and seeks that this is retained as notified.
360. In addition to Foodstuffs [476.95], Kāinga Ora [391.687], Investore [405.130], Willis Bond [416.137] and Stride [470.62] seek that MCZ-S11 is deleted in its entirety, on the basis that the standard will impose unnecessary development constraints.
361. The Retirement Villages of New Zealand Incorporated [350.284] seeks that the standard is amended to include an exemption for retirement villages.
362. Woolworths [359.83] considers that the standard should be amended on the basis that buildings that exceed the maximum depth standard may be required to meet operational and functional requirements. To provide for this, they seek the following amendment:

MCZ-S11 (Maximum building depth)

Assessment criteria where the standard is infringed:

1. The extent to which the design mitigates the effect of a long featureless building elevation; ~~and~~
2. Dominance, privacy and shading effects on adjoining sites; ~~and~~
3. The extent to which any non-compliance is necessary to provide for the functional needs or operational needs of a proposed activity.

### Assessment

363. Consistent with my recommendation at paragraph 355 above, I recommend that the Retirement Villages Association submission point [350.283] is rejected on the basis that quality on-site amenity should be available for occupants of retirement villages. I also note that if the developer can demonstrate through an appropriate design that this outcome is achieved, then they could build a building that didn't meet the standard, subject to obtaining resource consent.
364. I do not agree with the submitters in opposition (Foodstuffs [476.95], Kāinga Ora [391.687], Investore [405.130], Willis Bond [416.137] and Stride [470.62] that MCZ-S11 should be deleted in its entirety. The building depth standard is intended to work in conjunction with the building separation standard to provide privacy for residential occupants of a MCZ site; however, where the separation standard applies only to residential buildings, the depth standard applies to all buildings. This means that the standard, as written, would limit the size of all buildings in the MCZ. I consider that this is an error in the PDP and that the standard should be amended to clarify that it only applies to residential development.
365. My recommended amendment to the standard will also address the change requested by Woolworths [359.83] as it will clarify that this only applies to residential buildings. I therefore recommend that this submission point is rejected.

### Summary of recommendations

366. HS4-P2-MCZ-Rec84: That MCZ-S11 (Maximum building depth) is amended as shown below and at Appendix A:

MCZ-S11 (Maximum building depth)

Any new building or additions to existing buildings used for residential activities must not result in the continuous depth of any external side wall being greater than 25m, as shown in Diagram 16 below.

...

367. HS4-P2-MCZ-Rec85: That submission points relating to MCZ-S11 are accepted/rejected as detailed in Appendix B.

## S32AA Evaluation

368. In my opinion, the amendment to MCZ-S11 is more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:
- The change clarifies how the standard applies.
  - The change is more efficient and effective than the notified provisions in achieving the objectives of the District Plan.
369. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions

## 7.0 Proposed New Metropolitan Centre Zone Provisions

### Matters raised by submitters

370. The Retirement Villages Association [350.269, 350.270] seeks a new policy that supports retirement villages within the MCZ. They request the following policy be added to the District Plan:

#### MCZ-PX

##### Provision of housing for an ageing population

1. Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons in [add] zone, such as retirement villages.

2. Recognise the functional and operational needs of retirement villages, including that they:

a. May require greater density than the planned urban built character to enable efficient provision of services.

b. Have unique layout and internal amenity needs to cater for the requirements of residents as they age.

##### Changing communities

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

##### Larger sites

Recognise the intensification opportunities provided by larger sites within the Metropolitan Centre Zone by providing for more efficient use of those sites.

371. The Retirement Villages Association [350.278] acknowledges that shading, privacy, bulk and dominance effects on MCZ sites adjacent to residential zones require management, but seeks policy direction that specifies that the level of management is informed by the development expectations for the zone. They request the following policy be added to the District Plan:

MCZ-PX Role of density standards

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

372. The Retirement Villages Association [350.271] also seeks a new rule that enables retirement villages as a within the MCZ. They request the following Permitted Activity rule be added to the District Plan:

MCZ-RX Retirement Villages

Provision of housing for an ageing population

1. Activity Status: Permitted

373. Willis Bond [416.112, 416.113] considers the medium density residential standards should apply across the MCZ in a similar way to the HRZ as this would help encourage more development within the MCZ. They have not specified wording, but seek the standards are incorporated to match the HRZ.
374. Kiwirail [408.128] (opposed by Kāinga Ora [FS89.39], Stride [FS107.24] and Investore [FS108.24]) considers that building setbacks are essential to address significant safety hazards associated with the operational rail corridor and has requested a 5m boundary setback from the rail corridor for all buildings and structures in the MCZ, and that the rail corridor be recognised as a qualifying matter in relevant non-residential zones in accordance with section 77(1)(o) of the RMA. They have requested the following rule:

MCZ-RX Boundary setbacks

Buildings or structures must not be located within a 5m setback from a rail corridor boundary.

**AND seeks that as applicable, the following matter of discretion be inserted:**

Matters of discretion:

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

## Assessment

375. As discussed in the Overview and General Matters section of this report, retirement villages are considered to be residential activities. Hence no specific rule framework is required, as the residential activities rule, and associated building rules and standards apply. Recommendations with respect to the policies and rules are provided at paragraph xx Overview and General Matters section of this report. No further assessment of the submission points 350.269, 350.270 or 350.278 is required. I recommend that these submissions are accepted in part.



376. I disagree with the Retirement Villages Association [350.278] that a new 'Role of Density Standards' is of value. MRZ-R20 clearly establishes for developers, decision-makers and owners of adjacent sites the level of built development that can occur on MCZ sites through non-notification clauses that will apply when some or all development standards at MCZ-S1 to MCZ-S11 are met. Therefore, I recommend that the submission point is rejected.
377. Willis Bond [416.112, 416.113] seeks that the medium density residential standards are applied across the MCZ in a similar way to the HRZ as this would help encourage more development within the MCZ. I disagree, as the MCZ provisions are significantly more enabling than the MDRS, noting further that the District Plan seeks to encourage higher levels of density within the MCZ than the HRZ.
378. The request from Kiwirail [408.128] for 5 metre building setbacks has been addressed at paragraph xx of the Overview and General Matters section of this report. In line with the recommendations in relation to the residential zones, an alternative 1.5 metre setback is recommended, along with a corresponding matter of discretion at MCZ-R20.

### Summary of recommendations

379. HS4-P2-MCZ-Rec86: That any new provisions set out at HS4-Overview-Rec31 to HS4-Overview-Rec36 applicable to the Metropolitan Centre Zone are incorporated into the District Plan.
380. HS4-P2-MCZ-Rec87: That submission points requesting new MCZ provisions are accepted/rejected as detailed in Appendix B.

### S32AA Evaluation

381. In my opinion, the changes set out above are more appropriate in achieving the objectives of the District Plan than the notified provisions. I consider that:
- a. The proposed setback standard will not result in additional unacceptable adverse effects and will reduce unnecessary resource consenting costs;
  - b. The new provisions recommended above are more efficient and effective than the notified provisions in achieving the objectives of the District Plan.
  - c. The changes allow for greater consistency with policy direction in other zones, specifically other CMUZ.
382. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions

## 8.0 Development Area 1 – Kilbirnie Bus Barns

383. This section of my section 42A report considers submissions on DEV1-Kilbirnie Bus Barns. The DEV-1 area forms part of the Kilbirnie MCZ, as shown below:



387. In addition to seeking that the land adjacent to the DEV1 area is rezoned as MCZ (refer to paragraph 30 of this report), Kāinga Ora has sought rezoning of this land as HRZ (refer to paragraph 193 of Part 3 of Mr Patterson’s report in relation to Hearing Stream 2<sup>24</sup>). Kāinga Ora [391.743, 391.744] seeks amendments to the rules to make all necessary consequential changes in response to the rezoning of those parcels which are identified for MRZ as HRZ.
388. Bus Barn Limited [320.3, 320.4] (Supported by Kāinga Ora [FS89.50]) considers that the provision within DEV1-R1 that states that alterations or new buildings are required to not be visible from public spaces will mean that any development in this area would fail the permitted activity requirements as the whole site is essentially visible and any development will require resource consent. In their view, this is conflicting with Policy 3(b) of the NPS-UD. The submitter seeks that DEV1-R1 amended as follows:

DEV1-R1 (Construction of, or additions and alterations to, buildings and structures)

1. Activity status: Permitted

Where:

a. Any alterations or additions to a building or structure that:

- i. Do not alter the external appearance of the building or structure; or
- ii. Relate to a building frontage below verandah level, including entranceways and glazing; or
- ~~iii. Are not visible from public spaces; and~~
- iii. ~~iv.~~ Results in the creation of new residential units; and
- iv. ~~v.~~ Comply with standards MCZ-S1, MCZ-S2, MCZ-S3, MCZ-S4, MCZ-S5, and MCZ-S6; or

b. The construction of any building or structure:

- i. Is not located on a site with an active frontage or non-residential activity frontage; or
- ~~ii. Is not visible from public space; and~~
- ii. ~~iii.~~ Will have a gross floor area of less than 100m<sup>2</sup>; and
- iii. ~~iv.~~ Will result in a total coverage (together with other buildings) of no more than 20 percent of the site; and
- iv. ~~v.~~ Comply with standards MCZ-S1, MCZ-S2, MCZ-S3, MCZ-S4, MCZ-S5, and MCZ-S6; and
- v. ~~vi.~~ Does not involve the construction of a new building for residential activities.

389. VicLabour [414.50] is supportive of the inclusion of a points based system (ie the City Outcomes Contribution) to allow developments outside of some of the rules in the PDP if they provide other benefits, but considers that this is an example of how arbitrary and excessive many of these regulations are, particularly around height and character protections.

<sup>24</sup> [S42A Hearing Stream 2 - Part 3 - Medium Density Residential Zone \(wellington.govt.nz\)](https://www.wellington.govt.nz/42a-hearing-stream-2-part-3-medium-density-residential-zone)

390. Fabric Property Limited [425.104] is opposed to the City Outcomes Contribution throughout the PDP and seeks that this is removed from DEV1-R1 as follows:

DEV1-R1 (Construction of, or additions and alterations to, buildings and structures)

1. Activity status: **Restricted Discretionary**

Where:

a. Compliance with any of the requirements of DEV1-R1.1 cannot be achieved.

Matters of discretion are:

1. The matters in DEV1-P1, MCZ-P6, MCZ-P7, MCZ-P8 and MCZ-P9;
2. The extent and effect of non-compliance with MCZ-S1, MCZ-S2, MCZ-S3, MCZ-S4, MCZ-S5, MCZ-S6, MCZ-S7, MCZ-S8, MCZ-S9, MCZ-S10 and MCZ-S11;
3. ~~The Centres and Mixed Use Design Guide, including guideline G107 – City Outcomes Contribution for any building that exceeds the maximum height requirement and either comprises 25 or more residential units or is a non-residential building;~~

....

[With a consequential renumbering of the matters below]

## Assessment

391. Kāinga Ora has requested that the MRZ land adjoining the DEV1 zone be rezoned as either HRZ (at Hearing Stream 2) or MCZ. Mr Patterson has not recommended that the requested HRZ zoning be adopted. Likewise, at paragraphs 31-33 of this report I recommend that the existing MCZ zone boundary in Kilbirnie is retained as notified. I recommend that Kāinga Ora submission points [391.743, 391.744] are rejected on the basis that there is no change to the underlying zoning or provisions relating to the land that these points relate to.
392. Bus Barn Limited [320.3, 320.4] is concerned that DEV1-R1.a.iii and DEV1-R1.b.ii will mean that all development within the DEV1 area will require resource consent, as all of the DEV1 land is visible from a public space. I agree with this assertion, but note that this is the intent of the rule, which seeks to regulate the design of buildings to ensure positive visual outcomes that enhance the public realm. As a default, all new buildings in the DEV1 area will need resource consent; however, DEV-R1.a and DEV-R1.b identifies there may be situations where this is not necessary, such as where the works are not visible from public spaces. The requested change does not achieve the relief sought by the submitter, as it removes one opportunity for an exemption from the requirement to obtain resource consent. I note that the exemption at DEV1-R1.3 rule aligns with MCZ-R20, which has a similar exemption, and other zones including the CCZ. It also aligns with the ODP approach at rules 7.1.4.1 (Centres) and 13.1.2.1 (Central Area).
393. That said, for clarity and ease of interpretation, I recommend that the word ‘or’ under DEV1-R1.b.i is amended to say ‘and’. While there may be circumstances where either DEV1-R1.b.i or DEV1-R1.b.ii apply, the remainder of the list applies in all cases. In my view this is not clear with the current drafting and the recommended change will address this issue as it signifies that all aspects of the list need to be achieved. I also note that there is an error within DEV1-

R1, in that both the Permitted and Restricted Discretionary rules are listed as '1' (as shown above). I recommend that the Restricted Discretionary is labelled '2' for consistency with the rest of the District Plan.

394. With respect to the submission points relating to the City Outcomes Contribution [415.40, 425.104] I refer to the assessment at section 8.10 of the Overview and General Matters section of this report, where it is recommended that the City Outcomes Contribution mechanism is removed from the Design Guides into an appendix (Appendix 16), and that it continues to apply to all overheight buildings specifically. Consistent with my recommendations in relation to MCZ-P10 at paragraphs 159-161, I recommend that any necessary amendments are also made to DEV1-R1 to reflect this change.
395. In line with my earlier recommendations, I also recommend that the reference to G107 is corrected (should this remain the relevant reference).

### **Summary of recommendations**

397. HS4-P2-DEV1-Rec1: That DEV1-R1 (Construction of, or additions and alterations to, buildings and structures) is amended as shown below and at Appendix A (DEV1).



DEV1-R1 (Construction of, or additions and alterations to, buildings and structures)

1. Activity status: **Permitted**

Where:

- a. Any alterations or additions to a building or structure that:
  - i. Do not alter the external appearance of the building or structure; or
  - ii. Relate to a building frontage below verandah level, including entranceways and glazing; or
  - iii. Are not visible from public spaces; and
  - iv. Results in the creation of new residential units; and
  - v. Comply with standards MCZ-S1, MCZ-S2, MCZ-S3, MCZ-S4, MCZ-S5, and MCZ-S6; or
- b. The construction of any building or structure:
  - i. Is not located on a site with an active frontage or non-residential activity frontage; ~~or~~ and
  - ii. Is not visible from public space; and
  - iii. Will have a gross floor area of less than 100m<sup>2</sup>; and
  - iv. Will result in a total coverage (together with other buildings) of no more than 20 percent of the site; and
  - v. Comply with standards MCZ-S1, MCZ-S2, MCZ-S3, MCZ-S4, MCZ-S5, and MCZ-S6; and
  - vi. Does not involve the construction of a new building for residential activities.

2. Activity status: **Restricted Discretionary**

Where:

- a. Compliance with any of the requirements of DEV1-R1.1 cannot be achieved.

Matters of discretion are:

1. The matters in DEV1-P1, MCZ-P6, MCZ-P7, MCZ-P8 and MCZ-P9;
2. The extent and effect of non-compliance with MCZ-S1, MCZ-S2, MCZ-S3, MCZ-S4, MCZ-S5, MCZ-S6, MCZ-S7, MCZ-S8, MCZ-S9, MCZ-S10 and MCZ-S11;
3. ~~The Centres and Mixed Use Design Guide, including guideline G107~~ City Outcomes Contribution as required in Appendix 16 for any building that exceeds the CCZ-S1 height threshold requirement and is under the minimum height and either comprises 25 or more residential units or is a non-residential building;
4. ....

398. HS4-P2-DEV1-Rec2: That submission points relating to DEV1 are accepted/rejected as detailed in Appendix B.

## 9.0 Minor and Inconsequential Amendments

399. 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.

- 400. Within this report minor and consequential amendments have been identified under the provisions that they relate to. For example within specific provisions renumbering may be required with respect matters of discretion, assessment criteria and the like.
- 401. The changes detailed in this report will require the renumbering of the MCZ yard setback detailed at paragraph 379 above.
- 402. In a number of instances the changes result from similar changes recommended across the CMUZ chapters. These changes are recommended so the District Plan reads in an integrated manner.

## **10.0 Conclusion**

- 403. Submissions have been received in support and opposition to the MCZ provisions of the PDP.
- 404. 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.
- 405. 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.

## **11.0 Recommendations**

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