

Points of Clarification following the Hearing held 1-2 May 2024

(WCC Ref: SR 517439):

1. Following the Hearing there are two points which require addressing. One relates to the non-residential active frontages and the other was with regard to MRZ-P13.

Non-residential activity frontages:

2. In terms of **non-residential activity frontages**, I note there is no definition within the 2024 District Plan. The following image is from the 2024 District Plan highlighting the subsequent standard Local Centres Zone - LCZ-S5 for the overlay mentioned when discussing the potential zone change from High Density Residential/ Medium Density Residential. This is being provided for clarification as this was discussed within Council's right of reply.

LCZ-S5	Active frontage and non-residential activity frontage controls
<p>1. Any new building or addition to an existing building facing an identified street with an active frontage must:</p> <ol style="list-style-type: none">a. Be built up to the street edge at ground floor level along at least 90% of the full width of the site that borders the street(s);b. Provide a minimum of 60% of continuous display windows or transparent glazing along the width of the ground floor building frontage; andc. Locate the principal public entrance on the front boundary. <p>This standard does not apply to:</p> <ol style="list-style-type: none">a. Any vehicle and pedestrian access to a site situated on a street subject to an active frontage or non-residential activity control;b. Service stations. <p>2. Any ground level addition to, or alteration of, a building or structure facing a public space must not result in a featureless facade that:</p> <ol style="list-style-type: none">a. Is more than 3 metres wide; andb. Extends from a height of 1m above ground level to a maximum height of 2.5m. <p>3. Any roller shutter doors, security grilles, screens or similar structures fitted to the facade of any building must be at least 50% visually transparent; and</p> <p>4. Any new building or addition to an existing building on a site with a non-residential activity frontage control must:</p> <ol style="list-style-type: none">a. Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary; andb. Locate the principal public entrance on the front boundary.	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none">1. The extent to which:<ol style="list-style-type: none">a. Any non-compliance is required for on-site functional needs or operational needs;b. The building frontage is designed and located to create a strong visual alignment with adjoining buildings or otherwise enhances the streetscape; andc. An acceptable level of passive surveillance is maintained between the interior of the building and the street.

MRZ-P13:

3. Following your question regarding how to apply MRZ-P13 and whether every criterion listed needed to be met, I have sought guidance from the District Plan Team and they have advised that MRZ-P13, when it is a Discretionary Activity, does not require each criterion to be met.
4. The policy gives guidance as to how effects could be mitigated – for example if the design of a development is enhanced to meet MRZ-P13 point 3 then it might be considered acceptable, even if other points in the policy are not met.
5. With respect to this proposal, MRZ-P13 is not a determinative policy and needs to be assessed in the context of all relevant MRZ objectives and policies. Additionally, this is a Discretionary Activity and the District Plan Team advise that the objectives in the Strategic Direction section of the 2024 District Plan should be taken into account.
6. From my analysis of the Strategic Direction section of the 2024 District Plan, I have turned my mind to Capital City, Sustainability, Resilience and Climate Change, Urban Form and Development as my reading of the strategic direction I believe these are relevant and I am of the mind the proposal is not consistent.
7. In terms of weighting, the District Plan Team have advised that the MRZ-P13 is following the Part 1 Schedule 1 plan-making process and the appeal period has not yet closed so the approach is to 'have regard' only.

Use of conjunctives in the 2024 District Plan

8. The s42A to the ISPP Wrap-up Hearing addresses the *use of conjunctives* in the policy and rule framework – from paragraph 333. The Independent Hearings Panel elected not to make any changes in this respect.
9. I trust this provides you guidance on how to approach this policy.