

WELLINGTON CITY COUNCIL

Hearing of Submissions and Further Submissions

on

Proposed District Plan

Report and Recommendations of Independent Commissioners

Hearing Stream 4

Report 4C

**Metropolitan Centre Zone (including DEV1 Kilbirnie Bus Barns)
Local Centre Zone
Neighbourhood Centre Zone**

Commissioners

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EXECUTIVE SUMMARY

1. This report (4C) addresses submissions on the Metropolitan, Local and Neighbourhood Centre Zones. Submissions on the Mixed Use, Commercial and General Industrial Zones are addressed in Report 4D and those on the City Centre Zone are addressed in Report 4B. Other matters such as general matters and City Outcomes Contributions are addressed in Report 4A. The district-wide Wind provisions are addressed in Report 4E.
2. The starting point of our evaluation on MCZ, LCZ and NCZ is the direction provided under NPSUD Policy 3(b) and (d) whereby –
 - Within Metropolitan Centre Zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and
 - Within Neighbourhood Centre Zones, and local centre zones, building heights and densities of urban form should be commensurate with the level of commercial activity and community services.
3. We tested and confirmed the view that we had arrived at in Report 1A that the surplus of development capacity the Plan provides over long-term predicted demand is very large – far larger than the NPSUD requires – and that there are no demand-related grounds for a general increase to heights and densities beyond those already provided for in the Plan, and required by the NPSUD. This finding is generally reflected in our recommendations in respect to submissions seeking extension of Metropolitan, Local or Neighbourhood zoning and increased height in Local and Neighbourhood zones. In the Metropolitan centres of Johnsonville and Kilbirnie we have recommended height increases to support the level of commercial activity and community services, and for Johnsonville we have included an additional area adjacent to the existing MCZ.
4. By the same token, we have not recommended acceptance of submissions seeking widespread downzoning/ reduced heights, as we consider this would be contrary to the NPSUD.
5. As we outlined in Report 4A, we have concluded that COC is inappropriate for the MCZ, LCZ and the NCZ and as such we have recommended amendments to the policy and rule framework. In summary, we concluded that the COC would be inappropriate to apply to these zones as the proposed building heights and densities provide for an anticipated urban form that would be commensurate with the level of commercial activity

and community services for this Centre. Thus, we consider the height standards for these zones should be more appropriately set as limits, with any proposal to go higher requiring resource consent as a discretionary activity.

6. The Panel concluded that MCZ-P10 (and equivalent policies in the other zones) should be reframed such that the policy seeks to 'encourage' rather than to 'require' the provision of outcomes that contribute positively to the amenity of the Centre and its sense of place. This policy would encourage applicants of over height development proposals to provide offset or compensation for adverse effects that these forms of development can create.
7. We think there is good reason not to provide specifically for retirement villages in the MCZ, LCZ and NCZ because it would be inconsistent with providing capacity for the demand for business needs in these centres and thereby be contrary to the NPSUD. Retirement villages can take up a lot of valuable commercial land which we think, as a general principle, is inappropriate for these centre zones, many of which are relatively small in extent. Consent can be sought for any retirement village proposal that can demonstrate a good fit with a particular centre.
8. We are comfortable with the zoning of the Khandallah centre as LCZ given the range of services it provides. We acknowledge that there are differences in the characteristics of LCZs (and indeed NCZs), but this is to be expected as they service different respective communities and provide for their individual characteristics. We consider that Khandallah passes the threshold to be an LCZ. Conversely, we have recommended that Linden centre be zoned NCZ rather than LCZ given the low level of services provided by this centre, and therefore a Neighbourhood Centre Zoning is more appropriate. As no submissions sought this change, we recommend this rezoning occur as a clause 99(2)(b) change (we note that, a NCZ that is focused on a railway station, the notified height limit of 22m for the Linden centre is appropriate to retain, and thus Linden should be under Height Control Area B under standard NCZ-S1).
9. We consider that a standard requiring a minimum building height in the LCZ and NCZ is not necessary and recommend that it be deleted.
10. The submissions received for the NCZ included predominantly rezoning requests, and the amendments of provisions, following the changes requested for other centre zones.
11. Where relevant we agree with the provision changes for consistency purposes throughout the Plan, but note that in a small number of instances we divert from other

zone provisions, mainly due to the small scale of the NCZ in comparison to the other CMUZ, and the different needs and purpose of this zone.

12. For the six properties on Tawa's Main Road, we agree to rezone from NCZ to HRZ due to their residential nature. Regarding properties at Aro Street, we are not convinced that a rezoning from NCZ to MRZ is appropriate.
13. In Report 2B, we recommend extending the Character Precinct in an area in Berhampore located between two NCZ along Luxford Street, which was the subject of submissions for various rezoning from submitters. We recommend rejection of those submissions on the basis that the area is most appropriate part of a Character Precinct rather than a centres zoning.
14. We consider that the wording in Policy NCZ-P1 should retain the reference to not undermining the vibrancy of other centres, as the purpose of the NCZ to only serve the immediate neighbourhood.
15. Lastly, we recommend a maximum height for the NCZ Height Control Area 2 (now 3) of 18m, rather than 22m, to better reflect the small neighbourhood character of these centres.

1. INTRODUCTION

1. Hearing Stream 4 covered the Commercial and Mixed Use Zone chapters in the Proposed District Plan, the Waterfront and Industrial zones and provisions relating to Wind.
2. This report (Report 4C) covers the Metropolitan, Local Centre and Neighbourhood Zones. Most of these matters were the subject of three separate Section 42A Reports authored by Ms Lisa Hayes – one for the Metropolitan Centre Zone and one for the Local Centre Zone. Some provisions were addressed by Ms Anna Stevens in her Section 42A Report for the City Centre Zone and subsequent evidence and primarily due to Plan consistency, these have flowed through to the provisions for the Metropolitan and Local Centre Zones.
3. Our Report follows the general layout of Ms Hayes Section 42A Reports and needs to be read in conjunction with Report 4A and 4B as these reports address matters that are also related to this report in addition to proposed recommendations being for Plan consistency reasons.
4. It should also be read in conjunction with Report 1B, which addresses strategic objectives, and Report 1A, which sets out:
 - a. Appointment of commissioners
 - b. Notification and submissions
 - c. Procedural directions
 - d. Conflict management
 - e. Statutory requirements
 - f. General approach taken in reports
 - g. Abbreviations used.

2. METROPOLITAN CENTRE ZONE

2.1 Introduction and Overview

5. The Section 42A Report dealing with the Metropolitan Centre Zone (MCZ) and Development Area 1 (Kilbirnie Bus Barns) was contained within Part 3 – Commercial and Mixed Use Zones (CMUZ) and the Reporting Officer was Ms Lisa Hayes.

6. There are two Metropolitan Centres proposed in the PDP: Johnsonville and Kilbirnie. This zoning aligns with their current Sub-Regional zoning under the ODP.

7. The PDP Strategic Objective CEKP-O2 describes the role and function of the MCZ as:

“[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 [stet] 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;”¹

8. Ms Hayes provided existing and proposed planning maps showing zoning in Johnsonville and Kilbirnie², noting that as notified:

a. For Johnsonville there is no change to the current Centre boundary proposed, and the existing ODP MDRA land, along with a significant area of residential land around the Centre is proposed to be rezoned HRZ.

b. For Kilbirnie no changes are also proposed to the current Centre boundary. The Centre includes the Kilbirnie Bus Barns (in the PDP this is DEV1). The land around the Centre, which under the ODP is MDRA2 or Outer Residential Area, as notified in the PDP, will all be zoned MRZ.

9. In relation to Kilbirnie we note that in Stream 1 we accepted Mr Wharton’s recommendation that a walkable catchment be defined within a 10 minute walkable catchment of the MCZ boundary. Mr Patterson in Stream 2 supported Mr Wharton’s

¹ This text is as it was notified, including an editing error “are will be”, which we have recommended correcting in our Report 1B. Also, we note that in the Section 42A Report for MCZ it is listed as CEKP-Q1 at paragraph 11 which is incorrect.

proposal and adopted a height limit of 22m for the HRZ, rather than the 36m requested by Kāinga Ora given the multiple hazard overlays that apply in the Kilbirnie area. Mr Patterson excluded the area immediately south of Rongotai Road, and north of Rongotai Road, and the Panel accepted Mr Rae's (urban designer for Kāinga Ora) suggestion to exclude two areas in the vicinity of Duncan Terrace, and Rodrigo Road and Imperial Terrace – these areas will be MRZ³.

10. Ms Hayes identified that 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. As they are beyond challenge, these provisions have not been assessed.
11. The following provisions had no opposing submissions lodged and therefore are not assessed further:
 - a. Objectives and Policies: MCZ-O1, MCZ-P2 and MCZ-P5
 - b. Rules: MCZ-R1, MCZ-R3, MCZ-R5, MCZ-R6, MCZ-R7, MCZ-R18

2.2 General Submissions

12. There were several general submission points in support of the MCZ, which can be summarised as follows:
 - a. Oliver Sangster⁴ supported the zoning of the Johnsonville Mall and surrounding area as MCZ, noting the development potential and sought that the zoning be retained as notified.
 - b. Investore⁵ and Stride⁶ supported the MCZ zoning of Johnsonville due to its sub-regional significance. Investore⁷, Stride⁸ and Foodstuffs⁹ supported the objectives and policies generally subject to amendments discussed below. Foodstuffs¹⁰ supported the MCZ zoning of Pak'n Save in Kilbirnie.

³ Refer to Report 2A Section 7

⁴ Submission #112.12

⁵ Submission #405.8, #405.17, #405.87

⁶ Submission #470.23

⁷ Submission #405.90

⁸ Submission #470.26

⁹ Submission #476.39

¹⁰ Submission #476.71 and #476.82

- c. Z Energy¹¹ supported the MCZ zoning of Kilbirnie and Johnsonville and sought that they be retained as notified. It gave specific support to the zoning for its service stations¹² in both centres.
 - d. Waka Kotahi¹³ supported 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 active frontages and the quality design outcomes, and sought that the chapter is retained as notified.
 - e. Kāinga Ora¹⁴ supported the MCZ subject to amendments to specific provisions which we discuss below.
13. Ms Hayes noted the support for the MCZ from these submissions, as the Panel does, and therefore no further assessment is required.
14. There were two submitters that were not in support of the MCZ. First, John Wilson¹⁵ opposed the provisions that apply to Johnsonville MCZ, although he did not reference any provisions specifically. He sought clarification as to whether the HRZ provisions apply around Kilbirnie MCZ as well as Johnsonville MCZ, and that the boundaries of the zones be clearly defined.
15. The second submission was from Willis Bond¹⁶ who sought that the Council consider the relationship between MRZ and other denser zones, including MCZ, LCZ, NCZ, MUZ and COMZ, to ensure that development in these zones is not unduly restricted when adjoining residential provisions are more permissive.
16. In response to Mr Wilson, Ms Hayes disagreed that the boundaries of the zones for Johnsonville and Kilbirnie are not clearly shown on planning maps. We agree with Ms Hayes and note that she provided zoning maps of both centres (ODP and PDP) at paragraphs 13 and 15 of her Section 42A Report. All planning maps were (and are) also available on the Council's website.
17. Ms Hayes reiterated that the PDP intends that the Commercial and Mixed Use Zones enable greater development potential than the surrounding residential zones, and this is the case for the MCZ. We agree with Ms Hayes and note that

¹¹ Submission #361.67

¹² Submission #361.2

¹³ Submission #370.404

¹⁴ Submission #391.646

¹⁵ Submission #453.3, #453.12, #453.13

¹⁶ Submission #416.111

significantly greater building heights are enabled within Johnsonville and Kilbirnie than in the adjoining residential zone and so no changes are necessary.

2.3 Requests for Rezoning

18. Kāinga Ora¹⁷ requested a spatial expansion of both the Johnsonville and Kilbirnie MCZ¹⁸.
19. In her Section 42A Report Ms Hayes recommended rejecting the submission. In her view, retention of the notified zone boundaries would encourage the centres activities to occur within a more condensed area, thereby establishing and maintaining more cohesive, accessible and viable centres¹⁹.
20. Mr Heale, the planner for Kāinga Ora, disagreed with the Reporting Officer. In summary, he was of the view that Centres needed to grow out, not just up, to accommodate future growth and that it would address some difficult land-use transitions. He gave the example of single-family homes adjacent to industrial uses in Kilbirnie (and Miramar). He also considered that the expansion areas would help create well-functioning urban environments, consistent with Policies 1(b-d) and 3 of the NPSUD.
21. In rebuttal, Ms Hayes maintained her position. She noted that there was a full review of the City's Centres' spatial extent in relation to Plan Change 73²⁰, which identified that many of the large centres are underperforming, with significant unrealised development potential within their existing spatial extent. In her view, it is preferable that development is focused inside the existing Centre boundaries until this development potential is more fully realised, rather than allowing centres to creep out into their adjacent residential areas and/or merge into one another²¹.
22. In response to the assertion of Mr Rae, the urban designer for Kāinga Ora, that once land is 'lost to residential' it is hard to get back, Ms Hayes noted that the opposite is also true. She also considered that, in a lot of instances, the submitter has asked that a centres zoning be imposed on land that is currently owned and used for residential use. She was concerned that while there is a further submission process available, many of the property owners concerned will not be aware of, or have engaged in this process, and would be concerned if the Council

¹⁷ Submission #391.15

¹⁸ HS2 Section 42A Report MCZ paragraphs 29 and 30 inserts Kāinga Ora maps detailing the expansion areas.

¹⁹ HS2 Section 42A Report MCZ paragraph 33

²⁰ Plan Change 73 became operative in November 2014

²¹ HS2 Statement of Supplementary Planning Evidence MCZ paragraph 41

rezoned their residential sites without further consultation. This was especially relevant for Kilbirnie, where land to the southeast and southwest of the DEV1 area may be appropriate for rezoning. However, for the reasons set out above, she did not recommend this change²².

23. The Panel agrees with Ms Hayes that the expansion of these Centres is not necessary and accept her reasons. We note that we were informed by Mr Osborne, the economics witness for the City Council, during Hearing Stream 1 that the PDP provides for greater development capacity on both housing and business land than is required. We are also concerned that any expansion of notified centres should not occur on the basis of a submission without evidence of consultation, particularly with property owners.

2.4 Submissions Relating to Specific Provisions

24. Several submissions sought specific changes to the MCZ chapter we go through each of these below.

MCZ Introduction

25. The Section 42A Report summarises the submitters' requests as follows:
- a. Kāinga Ora²³ supported the Introduction to the MCZ chapter in part, but requested specific amendments to better reflect the density and design outcomes anticipated by the NPSUD.
 - b. Investore and Stride²⁴ supported the Introduction to the MCZ chapter, except for the statement that most building activities will require resource consent and an assessment against the CMUDG, which they requested be deleted.
 - c. The JCA²⁵ sought that the statement that residential development is to be a key focus of the MCZ is amended to state that residential development is 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.
26. Ms Hayes identified six specific changes to the Introduction requested by Kāinga Ora and provided her assessment of each at paragraph 40 of her Section 42A Report. Of the six amendments, she recommended accepting two in full; one

²² HS2 Reply MCZ Lisa Hayes 4 August 2023 paragraph 49

²³ Submission #391.648 and #391.649

²⁴ Submissions #405.88, #405.89, and 470.24 and #470.25 respectively

²⁵ Submission #429.40 which was opposed by #FS107.2 and #FS108.2

related to the deletion of the reference to the NPSUD, and the other related to inserting text stating that the risk from natural hazards has been addressed by applying a natural hazards overlay rather than reference to a qualifying matter under Subpart 6, clause 3.32 of the NPSUD. One change she recommended accepting in part. That referred to some rewording for clarity in relation to building heights. The others, she rejected. We agree with Ms Hayes' assessment of these requests, and it follows that we adopt her reasons also.

27. Investore's request to delete the reference to the CMUDG in the Introduction was one of the changes that Kāinga Ora also sought, and that Ms Hayes also recommended rejecting. The Council maintained its preference that the use of Design Guides would be retained in the District Plan and we agree. We address Design Guides generally in our decision Report 2A, and the CMUDG more specifically in Report 4A.
28. We agree with Ms Hayes' response to JCA's submission point. In her opinion, the provision of retail and services is one function of the Johnsonville Centre and residential activity is also appropriate in the MCZ as part of a well-functioning urban environment, and should not be further restricted in the MCZ.

MCZ Objectives

MCZ-O1 – Purpose

29. Restaurant Brands, Z Energy, Kāinga Ora, Investore and Willis Bond²⁶ supported MCZ-O1, at least in a general sense, and sought that it be retained as notified, this is acknowledged.

MCZ-O2 – Accommodating Growth

30. We acknowledge that FENZ, Restaurant Brands, Z Energy, Kāinga Ora²⁷, Investore and Willis Bond supported MCZ-O2 and sought that it be retained as notified.
31. The MoE²⁸ supported MCZ-O2 in part but sought that it explicitly recognise and provide for educational activities by inserting the words 'additional infrastructure' in the MCZ. In their view, this was necessary to accommodate growth. Ms Hayes noted that 'additional infrastructure' is a defined term in the PDP, and includes social infrastructure such as schools and healthcare facilities. She accepted that the MCZ was a suitable location for such facilities, along with the other activities listed in the

²⁶ Submissions #349.148, #361.68, #391.650, #405.91 and #416.114 respectively

²⁷ Submissions #273.294, #349.149, #361.69, #391.651, #405.92 and #416.115 respectively

²⁸ Submission #400.138, 400.139

definition. We concur with Ms Hayes and consider that this aligns with the purpose of the zone. We also note that education facilities are enabled through MCZ-P2 and MCZ-R3.

MCZ-O3 – Amenity and Design

32. Restaurant Brands, Z Energy, Investore and Willis Bond²⁹ supported MCZ-O3 and sought that it be retained as notified and this is acknowledged.
33. Kāinga Ora³⁰ supported the objective in part. It sought an amendment to better reflect the density and design outcomes necessary to reflect the Centre's location in the Centres' hierarchy and the NPSUD outcomes. We agree with Ms Hayes where she recommends rejecting the submission of Kāinga Ora and adopt her reasons set out in paragraph 57 of her Section 42A Report.
34. RVA³¹ opposed the objective in part on the basis that the wording is inconsistent with Objective 1 of the MDRS. In its view, the wording of MCZ-O3 should exclude the word 'positively'. Ms Hayes did not agree with RVA. She acknowledged that the wording does not repeat Policy 1 of the MDRS verbatim, but considered that it gives effect to the MDRS objective, nonetheless, noting that MCZ are predominantly commercial zones with a mixed-use focus, and that there is no statutory directive for the MDRS wording to apply³². In Report 2A, the Hearing Panel accepted RVA's submission seeking to delete the word 'positively' from MRZ-O2 on the basis that it would allow for a 'neutral' contribution and therefore better align with the NPSUD, especially Policy 1. To be consistent across the Plan we accept this submission here also.

MCZ-O4 – Activities

35. The Panel acknowledges the support for MCZ-O4 to be retained as notified from Restaurant Brands, Z Energy, Kāinga Ora and Investore³³.
36. Kāinga Ora³⁴ generally supported the objective but sought an amendment to better reflect the MCZ's location in the Centres' hierarchy and the NPSUD outcomes. Ms Hayes considered this amendment to be unnecessary given that the objective already clearly articulates the purpose of the zone and we agree. She did,

²⁹ Submission #349.150, #361.70, #405.93 and #416.116 respectively

³⁰ Submission #391.565 and #391.566

³¹ Submission #350.264 and #350.272

³² HS4 Section 42A Report Lisa Hayes paragraph 58

³³ Submissions #349.151, #361.71, #391.653 and #405.94 respectively

³⁴ Submission #391.653

however, recommend a consequential change in response to the submission point from WCC Environmental Reference Group³⁵. The submission sought an amendment to capture that the activities provided for in the zone should provide choices that support walkable neighbourhoods and Ms Hayes accepted that to be consistent with LCZ-Rec28, by inserting the words 'support walkable neighbourhoods'. We agree with her recommendation, and agree it should be included in the MCZ, LCZ and NCZ. MCZ-O4 would therefore read as follows:

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

MCZ Policies

MCZ-P1 - Accommodating Growth

37. We acknowledge Restaurant Brands, RVA and Willis Bond's³⁶ support for MCZ-P1. They all sought to retain this policy as notified.
38. Foodstuffs³⁷ and McDonald's³⁸ opposed the references in **MCZ-P1.1** to undermining the ongoing viability, vibrancy and primacy of other CMUZ. Foodstuffs considered 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 without the additional administrative burden of potentially requiring assessments of effects on the higher order Centres³⁹. They sought the following amendment:

MCZ-P1.1 (Accommodating growth)

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;

39. Z Energy⁴⁰ supported the policy in part, and sought that it be expanded to enable a broad range of commercial activities that support the medium-density business and residential intensification in **MCZ-P1.5**.

³⁵ Submission #377.425

³⁶ Submissions #349.152, #350.273 #416.118] (opposed by #FS23.51, #FS23.89) respectively.

³⁷ Submission #476.40 (opposed by FS89.59)

³⁸ Submitter #274.43 and #274.44 (opposed by FS89.84)

³⁹ HS4 Section 42A Report MCZ paragraph 67-68

⁴⁰ Submitter #361.72 and #361.73

40. Kāinga Ora⁴¹ supported the policy in part and sought, as summarised by Ms Hayes⁴², that it be 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.
41. The specific changes sought by Kāinga Ora related to amendments to **MCZ-P1.1** and **MCZ-P1.2**.
42. Investore and Stride⁴³ also opposed references in the policy to undermining the viability and vibrancy of the CCZ in **MCZ-P1.1** on the basis that metropolitan centres fulfil a different purpose and are of an entirely different scale to the CCZ. They also considered that the policy should encourage high density housing, rather than a mix of medium and high density, to maximise efficient use of the land as sought by **MCZ-P1.2**.
43. In relation to the amendments sought for **MCZ-P1.1** Ms Hayes noted that the purpose of the MCZ is to facilitate considerable additional commercial and residential development and that this is reflected in the rule framework. She advised that Johnsonville and Kilbirnie MCZs are intended to complement the CCZ and improve accessibility to a range of satellite services, but she did 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. Ms Hayes considered that this in turn is likely to lead to uncertainty and potential additional costs for developers at the resource consent stage. She referred to Dr Lees' evidence⁴⁴ where he identified that this clause, particularly with respect to 'vitality' "*could be interpreted as preserving existing commercial activities at the expense of competitors*", which would be at odds with the enabling purpose of the zone. Consequently, Ms Hayes agreed with the relief sought, as we do for the reasons discussed above. She

⁴¹ Submitter #391.654

⁴² HS4 Section 42A Report MCZ Lisa Hayes paragraph 71

⁴³ Submissions #405.95 and #405.96, and #470.27, #470.28 and #470.29 respectively

⁴⁴ Evidence of Dr Kirdan Ross Lees on behalf of WCC paragraph 34.

further noted that there is still a requirement at MCZ-P3, which we address below, with respect to maintaining the vibrancy of the MCZ itself, which she has recommended be retained. In her view, this is a separate issue, to which we agree, as it relates to the MCZ rather than the effects on the MCZ on the CCZ.

44. In relation to **MCZ-P1.2** amendments, Ms Hayes disagreed with the relief sought to remove references to medium density development. Mr Heale asserted in his evidence that the amendments sought by Kāinga Ora were more closely aligned with the NPSUD because they sought a greater range of density in centres (and the MUZ) commensurate with the levels of commercial and community services. We agree with Ms Hayes' view that medium density development is an acceptable and anticipated form of development in the MCZ and so recommend rejecting the submission.
45. In Ms Hayes 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. We concur.

MCZ-P2 – Enabled activities

46. We acknowledge the number of submitters⁴⁵ that supported MCZ-P2 as notified. No submissions were received in opposition to this policy or requesting further changes.

MCZ-P3 – Managed activities

47. Restaurant Brands⁴⁶ supported MCZ-P3 and sought its retention as notified.
48. Investore and Stride⁴⁷ opposed references in MCZ-P3 to undermining the viability and vibrancy of the CCZ and sought that they be deleted from the policy. In her Section 42A Report at paragraph 88, Ms Hayes accepted that 'viability' should be removed across the Centres Zones. She recommended that 'vibrancy' be retained as in her view this aligns with the purpose of the zone, and Objective 1 of the NPSUD with respect to providing well-functioning urban environments.
49. Mr Jefferies⁴⁸ for Stride and Investore disagreed with the Reporting Officer and requested that MCZ-P3 be fully deleted. In his opinion, it is inappropriate to require management of adverse effects on the "viability and vibrancy of centres". This he

⁴⁵ Submissions #240.51, #240.52, #273.295, #349.153, #361.74, #391.655, #400.140 and #405.97

⁴⁶ Submission #349.154

⁴⁷ Submissions #405.98 and #405.99, and #470.30, #470.31, #470.32 respectively

⁴⁸ Expert planner on behalf of Stride Investment Management limited submitter #470 and Investore Property Limited submitter #405.

stated could require consideration of the cumulative adverse effects on a local centre for example, which may lead to perverse outcomes in how development in Johnsonville is assessed.

50. Ms Hayes maintained her position⁴⁹. In her view, the policy is a necessary consideration in implementing the Centres hierarchy and ensuring that development in one Centre does not undermine the function and role of others within the hierarchy. Without such considerations, the Centres hierarchy would effectively be only a hierarchy in name, and not in function. The Panel agrees with Ms Hayes for the same reasons.

MCZ-P4 – Potentially incompatible activities

51. Restaurant Brands and Investore⁵⁰ supported the policy as notified and sought that it be retained.
52. RVA⁵¹ opposed restrictions on retirement villages at ground level and sought that clause (3) of the policy be deleted.
53. Woolworths⁵² sought that the policy be amended to accommodate ‘potentially incompatible activities’ if there is a functional and operational need and the effects on the Centre can be managed. It noted that this policy is drafted differently to LCZ-P4 and NCZ-P4.
54. Z Energy⁵³ supported MCZ-P4 in part. It considered that the policy is too specific and would impact on the continued operation, maintenance and upgrade of a range of existing activities. It also considered that some yard-based activities, like service stations, play a key role in providing essential services to enable a well-functioning urban environment. As a solution to this concern, they proposed that the policy only be applicable to new activities and that some yard-based retail activities are potentially incompatible activities.
55. Willis Bond⁵⁴ considered that carparking at ground level should only be a potentially incompatible activity where it occurs along building frontages, and sought that the policy refer to ‘car-parking at ground level where it occurs along building frontages’.

⁴⁹ HS4 Statement of supplementary evidence MCZ Lisa Hayes 19 June 2023 paragraph 65

⁵⁰ Submission #349.155 and #405.100 respectively

⁵¹ Submission #350.274

⁵² Submission #359.75

⁵³ Submission #361.75 and #361.76

⁵⁴ Submission #416.119

56. Ms Hayes responded to these submission points at paragraphs 96 – 99 of her Section 42A Report and recommended rejecting all submission points for the reasons detailed there.
57. Ms Westoby, on behalf of Z Energy, disagreed with Ms Hayes⁵⁵. As she explained to us during the hearing the policy (and the same policies in CCZ and LCZ) may still inadvertently restrict the upgrade or expansion of existing service stations, which would be an unnecessary burden in terms of efficiency and effectiveness for such activities, which are often mandatory, such as upgrades and maintenance hence she supported the word ‘new’ being inserted. She did agree that including the word ‘some’ could create uncertainty for a policy assessment especially if the notification rules are not amended in accordance with their relief sought. However in her view the clause already implies that ‘some’ yard-based activities may be acceptable and so she did not pursue this matter further.
58. No other submitter provided evidence on this policy. Accordingly, we agree with Ms Hayes’ evaluation and her reasons for rejecting the submissions.

MCZ-P6 – Housing choice

59. Restaurant Brands, Z Energy, Kāinga Ora, Investore and Willis Bond⁵⁶ supported MCZ-P6 and sought that it be retained as notified.
60. RVA⁵⁷ generally supported the policy but sought an amendment to acknowledge that each individual development will not necessarily offer a range of housing choices with respect to the matters listed in MCZ-P6.2.
61. Kāinga Ora⁵⁸ sought amendments, in summary, to delete reference to tenures and to encourage medium to high-density housing within the Metropolitan Centre.
62. This policy was opposed in part by Stride⁵⁹ which sought to delete reference to medium density housing, and delete MCZ-P6.2 entirely.
63. In response to RVA, Ms Hayes considered that ‘contributes to’ or ‘offers’ in MCZ-P6.2 could be used interchangeably and considered that a change is unnecessary. While we agree that the terms could be used interchangeably, we consider that ‘contributes to’ is more appropriate in this situation, and so accept that part of the RVA submission. We consider that it would make it obvious that each individual

⁵⁵ EIC Sarah Westoby for Z Energy Limited 12 June 2023 paragraphs 5.6-5.14

⁵⁶ Submissions #349.157, #361.78, #405.102, #416.120 respectively

⁵⁷ Submission #350.275 and #350.276

⁵⁸ Submission #391.657 and #391.658

⁵⁹ Submission #470.33 and #470.34

development will not always offer a range housing price, type, size and tenure that is accessible to people of all ages, lifestyles, cultures and abilities.

64. We agree with Ms Hayes' rejection of Kāinga Ora and Stride submissions and accept her reasons as set out in paragraph 112 of her Section 42A report.

MCZ-P7 – Quality design – neighbourhood and townscape outcomes

65. Restaurant Brands, RVA, Investore and WHP⁶⁰ all supported the policy and sought that it be retained as notified and this is acknowledged.
66. FENZ⁶¹ supported it in part. It sought an amendment to include as an additional matter, that access for emergency service vehicles is a consideration of the design and layout of new developments.
67. McDonalds and Foodstuffs⁶² sought an additional clause to recognise functional and operational requirements of activities and development on the basis that while functional and operational needs are referenced in some assessment criteria, they are not provided for in the policy framework.
68. Z Energy⁶³ considered 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.
69. Kāinga Ora⁶⁴ supported the policy in part but sought 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 NPSUD (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.

⁶⁰ Submissions #349.158 (opposed by Foodstuffs [FS23.52]), #350.277, #405.103 and #412.79 respectively

⁶¹ Submissions #273.296 and #273.297

⁶² Submissions #274.45 and #274.46, and #476.41 and 476.42 respectively

⁶³ Submission #361.79 and #361.80

⁶⁴ Submission #391.659 and 391.660 (supported by Waka Kotahi [FS103.22], opposed by Roland Sapsford [FS117.36] and LIVE WELLington [FS96.37])

70. Willis Bond⁶⁵ considered that the policy is long, confusing, and potentially covers the same ground as other policies. It also opposed retaining the Design Guides in the Plan, but sought that if these are retained, MCZ-P7 is reviewed to avoid overlap.
71. Stride⁶⁶ supported 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’. It considered that it will be too onerous to have to design buildings to be flexible to change to residential use.
72. Ms Hayes agreed that, for safety purposes, sites should be accessible for emergency service vehicles and accepted FENZ submission. We agree. We also agree with her recommendation to reject McDonalds, Foodstuffs and Z Energy’s submissions and adopt her reasons⁶⁷. Their requested change would require that operational and/or functional needs be considered in all cases, whereas within the assessment criteria they are only referenced in relation to specific standards. We consider that including the requested changes 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.
73. In response to Kāinga Ora’s submission point regarding the policy title, Ms Hayes did not see a change being required. In her view the existing title signifies that this policy is design focussed, whereas the requested change does not. She did however suggest that it be called ‘Quality Design Outcomes’, with the words ‘Neighbourhood and Townscape Outcomes’ deleted given that the policy is not related to these latter outcomes. The Panel considers that this change is appropriate and adopts her Section 32AA evaluation⁶⁸ in this respect. In relation to the deletion of ‘amenity’ and its replacement with ‘and planned urban built form and function’, Ms Hayes rejected this for consistency with the CCZ. We concur.
74. Ms Hayes did agree that the amended wording provided by Kāinga Ora for MCZ-P7.1.a was an improvement on the current wording and adopted their reasons for that change⁶⁹ as we do also. She did not agree with the requested changes to MCZ-P7.1.b, which consisted of deleting the list of sites and neither do we. The

⁶⁵ Submission #416.121 and 416.122 (supported by Foodstuffs [FS23.90])

⁶⁶ Submission #470.35 and 470.36

⁶⁷ HS4 Section 42A Report Ms Hayes paragraph 125

⁶⁸ HS4 Section 42A Report Ms Hayes paragraph 136-137

⁶⁹ These are summarised at HS4 Section 42A Report Ms Hayes paragraph 120(b)

purpose of listing specific types of sites is to enable comprehensive development within the zone, and for consistency with the CCZ.

75. Ms Hayes rejected the submission from Stride, noting that the policy does not read as a 'requirement', and we agree.
76. In response to Willis Bond, Ms Hayes acknowledged that there is potentially an overlap between the matters in MCZ-P7 and the CMUDG. However, she considered that the policy signifies the key design outcomes sought to be achieved when undertaking development within the zone. We agree that, subject to the amendments discussed above, the matters in the policy should be retained. In regard to the references to the Design Guides we have addressed this generally in Report 2A, and more specifically in relation to the CMUDG in Report 4A.
77. As we discuss below, and more fully in our Report 4A, we have concluded that COC is inappropriate for the MCZ and as such we have recommended amendments to this policy. In our view the more intrinsic quality design attributes of the COC are more appropriate as elements of the policy on quality development outcomes across the MCZ. These elements relate to promoting higher standards of resilience, sustainability, and accessibility in building design so that these elements are explicitly considered as part of the resource consent process across all development. The policy also includes an element that focuses on whether a proposal positively contributes to the sense of place and distinctive form of the Centre where the site or proposal will be prominent. The design assessment process is well established and well understood, and while the intrinsic design aspects cannot be mandatorily imposed on development, having these aspects clearly articulated in policy will ensure that applicants address their responses to these matters as part of the design evaluation.

MCZ-P8 – On-site residential amenity

78. We acknowledge the support given to this policy as notified by Restaurant Brands, Kāinga Ora and Investore⁷⁰.
79. Kāinga Ora⁷¹ supported in part and sought deletion of on-site amenity requirements for private or shared communal areas. Willis Bond⁷² similarly considered that on-site amenity could be provided in a number of ways and that the policy should not

⁷⁰ Submissions #349.159, #361.81 and #405.104 respectively

⁷¹ Submissions #391.661 and #391.662

⁷² Submission #416.123

be prescriptive, noting that mandated types of amenity (such as outdoor space) can increase costs.

80. Ms Hayes reviewed the policy and acknowledged that the intent of the policy could be made clearer in light of the submissions of both Willis Bond and Kāinga Ora, in relation to outdoor space. She suggested amendments to rectify that. We accept her recommended amendments and also adopt her Section 32AA evaluation at paragraph 145 of her Section 42A Report.
81. Ms Hayes considered that MCZ-P8 should be amended to reference the RDG, insofar as this seeks to encourage high quality on-site amenity for residential activities. She considered this to be a consequential change, based on an amendment she recommended to MCZ-R20 in acknowledgement of the Restaurant Brands⁷³ submission point. Restaurant Brands correctly identified that the cross-reference at MCZ-R20.2.1 to the relevant policies is a means to achieve high quality design outcomes. Ms Hayes was of the view that 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. Ms Hayes notes that 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 discretion⁷⁴. We address MCZ-R20.2.1 below and we address the Design Guides in Report 2A where we recommend that only the CMUDG applies to the CMUZ – this is consistent with the Design Guide review process where it was recommended that being that only one guide should govern the Centre Zones. We therefore accept Ms Hayes amendments in part noting that we recommend that the RDG does not apply to the MCZ, and that only the CMUDG should apply.

MCZ-P9 – Managing adverse effects

82. Support for MCZ-P9 as notified from Restaurant Brands, Z Energy and Investore⁷⁵ is acknowledged.
83. RVA⁷⁶ supported the policy in part, but considered that the level of management needs to be informed by the development expectations for the zone. It requested a new 'Role of Density Standards' policy be included to address this matter.

⁷³ Submission #349.165

⁷⁴ HS4 Section 42A Report MCZ Ms Hayes paragraph 142

⁷⁵ Submission #349.160, #361.82 and #405.105

⁷⁶ Submission #350.278

84. Kāinga Ora⁷⁷ considered that the policy needs to specify that adverse effects that need consideration are only those beyond what is anticipated in the zone, and that it only applies to ‘adjoining properties’.
85. Willis Bond and Stride⁷⁸ considered that the impacts of construction activity on the transport network should not be relevant in the resource consenting process, and that the management of traffic effects should be addressed in the Transport chapter.
86. Ms Hayes rejected the submission points of Willis Bond and Stride for the reasons set out in paragraphs 152-153 of her Section 42A Report.
87. We heard from Mr Georgeson at the hearing appearing on behalf of Stride. In his view⁷⁹ moving the requirement in MCZ-P9.2 to the Transport chapter (for all zones) would provide greater consistency. Ms Hayes responded to this in her rebuttal⁸⁰. She disagreed as this clause relates to mitigation of construction effects and she considered that introducing a new chapter to be addressed where buildings otherwise do not breach any Transport chapter rules would add complexity to the consenting process. We agree with her view.

MCZ-P10 – City Outcomes Contribution

88. We address this matter at Section 3.4 in Report 4A where we recommend consequential changes to the City Outcomes Contribution policy in MCZ as outlined in that report. In summary, we concluded that the COC would be inappropriate to apply to the MCZ as the proposed building heights and densities provide for an anticipated urban form that would be commensurate with the level of commercial activity and community services for this Centre.
89. The Panel concluded that the policy should be reframed such that the policy seeks to ‘encourage’ rather than require the provision of outcomes contribute positively to the amenity of the Centre and its sense of place. This policy would encourage applicants of over and under height development proposals to provide offset or compensation for adverse effects that these forms of development can create.
90. This approach aligns with Section 104(1)(ab) RMA which requires consenting authorities, in considering resource consent applications, to have regard to “any measure proposed or agreed to by the applicant for the purpose of ensuring

⁷⁷ Submission # 391.663 and #391.664

⁷⁸ Submissions #416.124, and #470.37 and #470.38 respectively

⁷⁹ HS4 EIC Mark Georgeson for Stride Investment Management Limited and Investore Property Limited 12 June 2023 paragraphs 23-25

⁸⁰ HS4 Statement of Supplementary Planning Evidence Lisa Hayes WCC 19 June 2023 paragraph 69

positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity”. While the amended policy would identify those wider public environmental outcomes listed in the COC policy, it would not be confined to those outcomes and therefore an applicant could propose other forms of contributions that would be assessed on a case-by-case basis.

91. The recommended public outcomes for this revised policy would include:
- a. Positively contributing to public space provision and the amenity of the site and surrounding area, particularly in areas of deficit public space;
 - b. Positively contributing to public accessibility and connections;
 - c. Restoring and reusing heritage buildings and structures;
 - d. Recognising and responding to adjacent sites and areas of heritage or sites and areas of significance to Māori; and
 - e. Incorporating assisted housing into the development; where this is provided, legal instruments are required to ensure that it remains assisted housing for at least 25 years.

MCZ Rules

MCZ-R12 – Residential activities

92. Dept of Corrections⁸¹ supported MCZ-R12 as notified and sought it be retained; this is acknowledged.
93. Kāinga Ora⁸² supported the rule in part. It sought amendments to remove references to verandah control and natural hazards as it considered that they are either not relevant to the location of residential activities, or are addressed in other parts of the Plan.
94. In her Section 42A Report, responding to Kāinga Ora, Ms Hayes disagreed with the deletion of **MCZ-R12.1.iv**, but agreed with the deletion of **MCZ-R12.1.v** because the Natural Hazards chapter applies in conjunction with the MCZ chapter. She considered, however, that **MCZ-R12.1.iv** will apply in some instances⁸³.

⁸¹ Submission #240.5

⁸² Submission #391.667 and #391.668

⁸³ HS4 Section 42A Report MCZ Ms Hayes paragraph 183

95. The Reporting Officer for the CCZ, Ms Stevens, further considered the Discretionary Activity status for the same rule for the CCZ after hearing evidence on the issue. In her Reply⁸⁴, she agreed that a change to a Restricted Discretionary Activity consent status for CCZ-R12.2 is appropriate. The Panel agrees with Ms Stevens' reasons and adopts her s32AA evaluation as set out in her Reply. We recommend the same consequential amendments be made to MCZ-R12.2 for Plan consistency.

MCZ-R13 – Integrated retail activities

96. Investore⁸⁵ and Stride⁸⁶ opposed MCZ-R13 in part and sought that this be amended to provide a larger gross floor area (GFA) threshold in the MCZ. The submitters both considered that the clause within MCZ-R13 stating that the Council will not consider a permitted baseline is inappropriate, and sought that a notification clause is added to the rule that precludes public and limited notification.

97. Ms Hayes assessed this submission in her Section 42A Report at paragraphs 187 – 193 where she accepted the submission points. She considered that no GFA requirement is required in the MCZ. Mr Jefferies⁸⁷ agreed with the Reporting Officer, as do we. We accordingly adopt her Section 32AA evaluation⁸⁸.

MCZ-R15 – Carparking activities

98. McDonalds, Woolworths, Investore, Stride and Foodstuffs⁸⁹ opposed Discretionary Activity status under MCZ-R15.2 and sought that it be changed to Restricted Discretionary Activity. Woolworths⁹⁰ recommended several matters of discretion to sit under the proposed Restricted Discretionary Activity rule.

99. In her Section 42A Report, Ms Hayes recommended rejecting these submissions. She noted that 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 and disagreed that there should be an exemption for supermarkets⁹¹.

⁸⁴ HS4 Reply CCZ Ms Stevens paragraphs 157-159

⁸⁵ Submission #405.108, #405.109, #405.110, #405.111

⁸⁶ Submission #470.41, #470.42, #470.43, #470.44, #470.45

⁸⁷ HS4 EIC Joe Jefferies for Stride Investment Management Ltd and Investore Property Ltd paragraph 6.23

⁸⁸ HS4 Section 42A Report MCZ Lisa Hayes paragraphs 194-195

⁸⁹ Submissions #274.48, #274.49, #359.77, #405.112, #405.113, #470.46, #470.47, #476.44, #476.45

⁹⁰ Submission #359.77 (supported by Foodstuffs #FS23.19, opposed by GWRC #FS84.103, #FS84.108

⁹¹ HS4 Section 42A Report MCZ Lisa Hayes paragraphs 198-199

100. Ground floor parking was widely canvassed at the hearing. Ms Key appeared at the hearing on behalf of Foodstuffs. She considered that the Reporting Officer had a particular focus on long-term carparking activities and reiterated that Foodstuffs' submission is solely related to ancillary customer/staff parking with respect to retail activities; i.e. short-term parking. She was of the view that if the Council's intention relates to ground level long-term carparking, then it would be more appropriate to have separate activity statuses that differentiate between short-term (ancillary) and long-term parking⁹². Ms Key agreed that the PDP should retain an appropriate level of discretion for short-term ground level carparking to ensure good urban design outcomes, but considered that a Restricted Discretionary activity status is sufficient to allow for the appropriate consideration of design, and that a discretionary activity status for short-term parking is unnecessarily onerous for CCZ, MCZ, NCZ and LCZ.
101. Mr Jefferies⁹³ also considered that ground level car parking has the potential to create poor urban design outcomes and hence resource consent for this activity is appropriate, but considered a restricted discretionary activity status is sufficient to manage design or the creation of undesirable semi-vacant sites.
102. Ms Stevens, Reporting Officer for the CCZ, addressed car parking in her Rebuttal⁹⁴ and her Reply⁹⁵ in response to questions from the Panel. Ms Hayes adopted Ms Stevens assessment⁹⁶ in relation to the MCZ and recommended including an additional clause allowing the provision of carparks on the road. The Panel agrees with the Reporting Officers for the reasons set out in their respective reports.

MCZ-R16 – Yard-based retailing activities

103. Ms Hayes summarised the submissions of Z Energy⁹⁷ and BP Oil New Zealand, Mobil Oil New Zealand Limited and Z Energy (the Oil Companies)⁹⁸ to amend the provision at her paragraphs 202 – 204 of her Section 42A Report. We adopt her summary.
104. In Ms Hayes' Section 42A assessment, she agreed with Z Energy and the Oil Companies that activities associated with the ongoing operation, maintenance, and upgrades of existing service stations / yard-based retail activities need not be

⁹² HS4 EIC Evita Key for Foodstuffs North Island Ltd paragraph 8.3

⁹³ HS4 EIC Joe Jefferies for Stride Investment Management Ltd and Investore Property Ltd paragraph 6.26

⁹⁴ HS4 Statement of Supplementary Evidence Anna Stevens 19 June 2023 paragraphs 68-75

⁹⁵ HS4 Reply Anna Stevens 4 August 2023 paragraphs 92-95

⁹⁶ HS4 Statement of Supplementary Planning Evidence Lisa Hayes WCC 19 June 2023 paragraph 66

⁹⁷ Submissions #361.85 and #361.86

⁹⁸ Submissions #372.151 and #372.152

subject to this notification requirement. However, she disagreed that there should be an exemption from notification where a yard-based activity is located at the periphery of the MCZ, adjacent to a different zone, due to potential interface issues.

105. We note that Ms Westoby⁹⁹ for Z Energy acknowledged support in part from the Officers for the submissions. However, in summary, she considered that it would be more appropriate to determine notification through the standard RMA notification tests at the application stage. In her opinion, where activities adjoin another zone or an arterial or collector road, there is not the same expectations of urban design outcomes and levels of visual amenity as for a more centrally located site in the zone / Centre. In her conclusion, Ms Westoby considered that requiring public notification of some yard-based retail activities in some locations incorrectly assumes incompatibility of all activities and elevates consenting risk.
106. In Ms Stevens' Rebuttal at paragraphs 76 – 80¹⁰⁰, she noted a technical omission in that the notification settings do not address an application that is for a new activity or seeks to expand an existing activity and that the change recommended in her (and Ms Hayes') Section 42A Report(s) would have the result that public notification would not be required. In her opinion, this was not appropriate. Ms Stevens further recommended amendments to the Rule address this issue. The Panel accepts the reasons for the amendments to the rule by the Reporting Officer and adopts the Section 32AA assessment.

MCZ-R19 (now MCZ-R20) – Demolition or removal of buildings and structures

107. We acknowledge support for this rule to be retained as notified from FENZ and Restaurant Brands¹⁰¹.
108. GWRC¹⁰² and Investore¹⁰³ supported the rule, but sought that MCZ-19.1 be amended to require that all demolition material be disposed of at an approved facility to achieve Permitted Activity status.
109. Kāinga Ora¹⁰⁴ supported MCZ-R19, but sought clarification and any necessary amendments to ensure that the rule will not have the unintended consequence of constraining staged developments. It did not recommend any specific changes to the wording.

⁹⁹ HS4 EIC Sarah Westoby for Z Energy Ltd 12 June 2023 paragraphs 7.1-7.14

¹⁰⁰ Which Ms Hayes adopted at her paragraph 85 of her Supplementary Statement of Evidence 19 June 2023

¹⁰¹ Submissions #273.300, #349.164

¹⁰² Submissions #351.276 and #351.277 (opposed by Stride #FS107.15)

¹⁰³ FS108.15

¹⁰⁴ Submission #391.670 and #391.671

110. Investore and Stride¹⁰⁵ supported the intention of the rule and the notification preclusions but sought a Restricted Discretionary Activity status for MCZ-R19.2.
111. GWRC submission was addressed in our Decision Report 2A where we agreed with Mr Patterson, the Reporting Officer in relation to residential zones, that it would be impractical 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 manages construction waste and all persons undertaking demolition are required to comply with this.
112. Ms Hayes disagreed with Investore and Stride in relation to Discretionary Activity status. She considered that it is appropriate. We concur, as it discourages demolition that is contrary to the intentions specified in MCZ-R19.1, noting that this approach is also mirrored in the CCZ¹⁰⁶.
113. In response to Kāinga Ora, Ms Hayes also disagreed, and so do we. We agree with her observation that the rule seeks to prevent demolition that results in land being retained in an undeveloped state, and if staged development is desired, it can be addressed under the land use consent sought in accordance with MCZ-R20.

MCZ-R20 (now MCZ-R21) – Construction of, or additions and alterations to, buildings and structures

114. FENZ¹⁰⁷ supported MCZ-R20 and sought that it be retained as notified. This is acknowledged.
115. Council¹⁰⁸ was supportive of this rule, but noted that a notification clause was omitted in the drafting and sought that this be added.
116. McDonalds¹⁰⁹ opposed 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. It considered that these works should be a permitted activity where compliance with relevant standards is achieved, suggesting that the rule as notified could result in a perverse outcome, whereby works to upgrade existing façades are not undertaken as consent is required. It therefore sought that MCZ-R20 be amended¹¹⁰.

¹⁰⁵ Submissions #405.114 and #405.115, and #470.48 and #470.49

¹⁰⁶ HS4 Section 42A Report MCZ Lisa Hayes paragraph 220

¹⁰⁷ Submission #273.301

¹⁰⁸ Submission #266.156 (supported by RVA #FS126.244 and Ryman #FS128.244)

¹⁰⁹ Submission #274.50 and #274.51

¹¹⁰ HS4 Section 42A Report MCZ Lisa Hayes paragraph 226

117. Woolworths¹¹¹ noted that there is an incorrect reference to MCZ-R19.2 in the rule and sought changes to MCZ-R20 to provide for supermarket activities.
118. RVA¹¹² sought changes to provide for retirement village activities.
119. Kāinga Ora¹¹³ supported the rule in part, including in particular the notification clauses, but sought the removal of references to residential activities (as these are covered by the activity rules) and the Design Guides.
120. Restaurant Brands and Investore¹¹⁴ opposed references to the Design Guides in MCZ-R20 and requested that matters of discretion MCZ-R20.2.3 and MCZ-R20.2.4 are deleted in their entirety. Restaurant Brands considered 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.
121. Investore requested that reference to the Design Guides be replaced with references within the rule to the specific design outcomes sought. Fabric Property Ltd¹¹⁵ sought the deletion of MCZ-R20.2.3 as it references the City Outcomes Contribution, which it opposed. Willis Bond¹¹⁶ sought that reference to Design Guides be removed from the rule, as well as the matters of discretion under MCZ-R20.2.4.
122. Investore and Willis Bond¹¹⁷ and Stride¹¹⁸ sought that the notification clauses under MCZ-R20 be amended so that public and/or limited notification is precluded when compliance is achieved with any of the MCZ standards.
123. Ms Hayes, in her Section 42A Report¹¹⁹ agreed with the Councils submission point that there was an omission of a non-notification clause and that this should be added to the rule. She observed that this change addresses the submission points of Investore, Willis Bond and Stride. In addition to this change she noted the unnecessary duplication of the words 'Notification Status' in the rule and considered

¹¹¹ Submission #359.78 and #359.79

¹¹² Submission #350.280

¹¹³ Submission #391.672 and #391.673 (supported in part by RVAFS126.161 and Ryman FS128.161

¹¹⁴ Submissions #349.165 and 405.116, 405.117 respectively

¹¹⁵ Submission #425.55

¹¹⁶ Submission #416.126

¹¹⁷ Submissions #405.118, #FS405.119 and #416.127 respectively (supported in part by the RVA FS126.99, FS.126.100, FS126.257, FS126.275, 126.273, 126.276 and Ryman FS128.99, FS128.100, FS128.257, FS128.275, FS128.273, FS128.276

¹¹⁸ Submission #470.50 and #470.51

¹¹⁹ HS4 Section 42A Report MCZ Lisa Hayes paragraph 133

that these should be deleted from the rule as a minor consequential amendment.
We agree.

124. In response to McDonalds Ms Hayes recommended that the submission be rejected. She did 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, but she did not consider that 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 she noted that maintenance and repair works would be a Permitted activity, whereas this rule captures additions and alterations. We agree and accept her reasons.
125. Ms Hayes agreed with Woolworths in relation to the incorrect reference to MCZ-R19.2. However she disagreed, and so do we, that supermarket buildings should be permitted and noted that supermarket activities of any size are permitted under MCZ-R1. Ms Hayes noted that 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 effects¹²⁰.
126. We also note that we have recommended other amendments to this rule in response to our recommendations on the City Outcomes Contribution. These amendments are discussed in our report 4A.

MCZ-R21 (now MCZ-R22) – Conversion of buildings, or parts of buildings, for residential activities

127. FENZ¹²¹ supported MCZ-R21 in part, but sought that it be amended to include the necessity to connect to three waters infrastructure for firefighting purposes.
128. Kāinga Ora¹²² supported MCZ-R21 in part, particularly the notification preclusions. It sought that the rule be amended to replace the reference to the RDG with the specific design outcomes sought. Likewise, Investore¹²³ supported the notification

¹²⁰ HS4 Section 42A Report MCZ Lisa Hayes paragraph 235

¹²¹ Submission #273.302 and # 273.303 (opposed by the RVA FS126.41 and Ryman FS128.41)

¹²² Submission #391.674 and #391.675 (supported by RVA FS126.101 and FS126.102 and Ryman FS128.101, FS128.102)

¹²³ Submission #405.120 and #405.121

preclusions, and sought that references to the RDG be replaced with the design outcomes sought.

129. In her Section 42A Report, Ms Hayes disagreed with FENZ's request as fire-fighting servicing is provided for under the Building Code¹²⁴.
130. In response to Kāinga Ora and Investore, the Reporting Officer agreed with the request to remove the reference to the RDG from MCZ-R21 in part. As discussed above in paragraph 81, Ms Hayes was of the opinion that reference to the RDG should rightly sit within MCZ-P8. In her view, this would avoid unnecessary duplication given there is already a requirement to consider MCZ-P8 as a matter of discretion. She disagreed with that part of these submissions which sought 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-R20¹²⁵.
131. We heard no further evidence at the hearing from submitters to determine otherwise, and so the Panel agrees with Ms Hayes' reasons for the amendments to MCZ-R21. It follows that we also adopt her Section 32AA assessment at paragraph 248 of her Section 42A Report. As previously mentioned, we address the approach taken to Design Guides as a whole in our Report 2A.

MCZ-R22 (now MCZ-R23) – Outdoor storage areas

132. FENZ¹²⁶ supported MCZ-R22 in part, but sought that it be amended to ensure that screening will not obscure safety signage or obstruct access to emergency panels, hydrants, shut-off valves or other emergency response facilities. Ms Hayes agreed with the submission, and so do we, for reasons at her paragraph 253 of her Section 42A Report.

MCZ Standards

MCZ-S1 – Maximum height

133. FENZ and Restaurant Brands¹²⁷ supported MCZ-S1 and sought its retainment as notified. In addition, Investore¹²⁸ supported MCZ-S1, Height Control Area 2 (Kilbirnie).

¹²⁴ HS4 Section 42A Report MCZ Lisa Hayes paragraph 246

¹²⁵ HS4 Section 42A Report MCZ Lisa Hayes paragraph 247

¹²⁶ Submission #273.304 and #273.305

¹²⁷ Submissions #273.306 and #349.266

¹²⁸ Submission #405.11 and #405.124

134. Bus Barn Ltd¹²⁹ supported the standard in part, but sought that the limit for Height Control Area 2 be increased to 40 metres to reflect the intent of the NPSUD and provide for additional housing, which would then support the local area.
135. Rachel Underwood¹³⁰ opposed six storey development in the MCZ as she considered this will result in cold, sunless wind canyons. She sought that buildings are restricted to low rise or one level adjacent to the roadside, with three storey (or six storey) buildings set back.
136. Investore and Stride¹³¹ were generally supportive of the 35 metre height limit in MCZ-S1, but considered that it is important that the MCZ has suitable building heights to enable sufficient development capacity. The submitters requested a two-tier approach in Johnsonville, as with Kilbirnie, and requested a 50 metre height limit for an identified area between Moorefield Road and the Johnsonville-Porirua Motorway, as shown below:

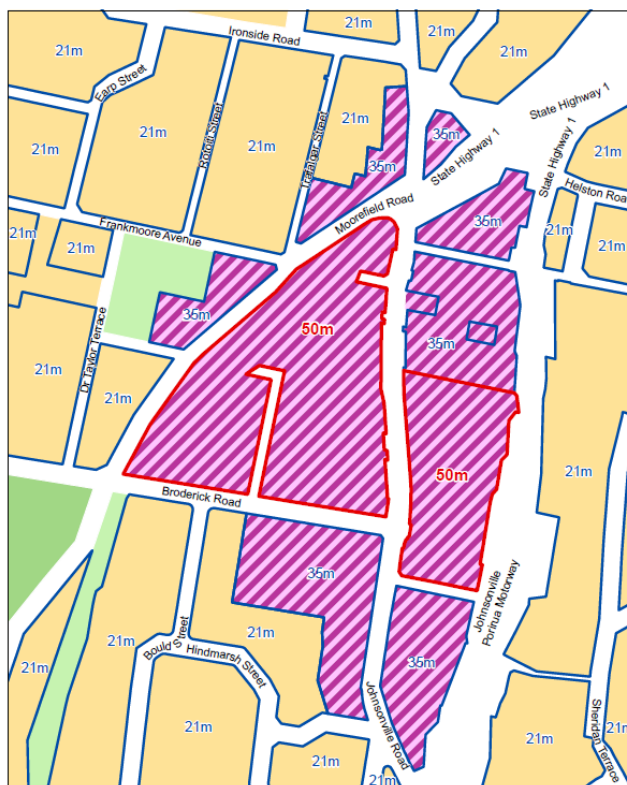


Figure 1: Requested 50 metre Height Area for Johnsonville MCZ

¹²⁹ Submission #320.1 and #320.2

¹³⁰ Submission #458.11

¹³¹ Submissions #405.10, #405.122, #405.123 and #470.52 and #470.53 respectively

137. JCA¹³² opposed the Investore submission on the basis that it sought a height limit of 8 storeys¹³³.
138. Kāinga Ora¹³⁴ opposed MCZ-S1 and sought that the height limit be increased to 55 metres (15 storeys) in both Kilbirnie and Johnsonville. In its opinion, 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. It also requested a change to the permitted height of a fence/standalone wall¹³⁵.
139. Willis Bond¹³⁶ requested that the Council consider using floor area ratios relative to lot sizes to control built form as an alternative to maximum heights to enable more holistic design outcomes, as opposed to arguably arbitrary height limits. It also requested that, if the height limit controls are retained, the height limit in Kilbirnie be increased to 35 metres, and that there be additional provision for development above the maximum height for elements such as plant rooms and sloped (pitched) roofs¹³⁷.
140. Ms Hayes disagreed with the requests from Bus Barn Ltd¹³⁸, Investore and Stride¹³⁹ and Kāinga Ora. For Kilbirnie, she considered that the notified 27 metre height limit is appropriate, noting that it is an increase of 15 metres from the ODP and provides for considerable additional development potential across the Centre. She also noted the natural hazard issues in Kilbirnie. As regards Johnsonville she considered that a 50 metre building would be considerably out of place in the Johnsonville context. She noted that taller buildings could be constructed, but would require a Restricted Discretionary Activity consent.
141. Ms Hayes also disagreed with Ms Underwood, noting 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 NPSUD. She also noted that the streets in the MCZ (at least the main streets) are wider in nature and that this will assist in mitigating the concerns raised by the submitter¹⁴⁰.

¹³² Further Submission #FS114.21

¹³³ HS4 Section 42A Report MCZ Lisa Hayes paragraph 260

¹³⁴ Submission #391.676 and #391.677 (opposed by GWRC #FS84.47 and #FS84.48, supported by Stride #FS107.42 and Investore #FS108.42)

¹³⁵ HS4 Section 42A Report MCZ Lisa Hayes paragraph 261

¹³⁶ Submission #416.128

¹³⁷ Submission #416.2, #416.129 and #416.130

¹³⁸ HS4 Section 42A Report MCZ Lisa Hayes paragraph 265

¹³⁹ HS4 Section 42A Report MCZ Lisa Hayes paragraphs 267-268

¹⁴⁰ HS4 Section 42A Report MCZ Lisa Hayes paragraph 266

142. The Reporting Officer also disagreed, as we do also, with the request from Kāinga Ora to increase the height of a fence/standalone wall within the MCZ to 2 metres for the reasons in her paragraph 271 of her Section 42A Report.
143. Responding to Willis Bond's requests, Ms Hayes recommended rejecting them for the reasons set out in paragraphs 272-274 of her Section 42A Report. We concur.
144. Mr Jefferies, on behalf of Stride and Investore, disagreed with Ms Hayes and reiterated to us at the hearing that, in his opinion, 50 metre buildings (14-15 storeys) would be appropriate in Johnsonville. Mr Jefferies was relying in part with evidence provided by Mr Wallace in relation to urban design and Mr Heath in relation to economics. Collectively, they were of the view that the adverse shading effects are limited, and the potential economic benefits of providing 50 metre building heights in Johnsonville outweighed the potential economic costs. Mr Jefferies also recommended amending MCZ-S1 to refer to a "Height Threshold" rather than a "Maximum Height" to recognise that the standard does not set a hard maximum, but rather provides a threshold at which additional matters of discretion are triggered¹⁴¹.
145. Mr Cameron de Leijer on behalf of Bus Barn Ltd provided an example to us at the hearing as to how the site could be developed under the proposed District Plan rules. In his opinion, with the limited height at 27m, there is not a high enough yield to warrant the construction of these buildings, or a return on the investment that will outweigh the risks of completing the development¹⁴².
146. Mr Heale on behalf of Kāinga Ora reasserted that the height limits should be amended to align with their recommendations supported by Mr Rae and Mr Cullen's evidence. His reasons for disagreeing with Ms Hayes are set out in evidence¹⁴³ and in essence take a 'more is better' approach.
147. In Reply, Ms Hayes disagreed with Kāinga Ora for the reasons set out in paragraphs 52-58. She did change her mind and agreed that an increase in height to 42 metres is appropriate centrally within the Johnsonville MCZ – the area is outlined in red as shown in the map above at paragraph 136. She also agreed to an increase in height for Kilbirnie to 35 metres for consistency. We support her recommendations to increase the height for both Johnsonville and Kilbirnie for the reasons set out in her Reply. Regarding Johnsonville, we can see no reason why the area east of Johnsonville Road and south of Disraeli Street has been excluded.

141 HS4 EIC Joe Jefferies for Stride Investment Management Ltd and Investore Property Ltd paragraphs 6.32-6.46

142 Hs4 EIC Cameron de Leijer for Bus Barn Ltd paragraph 11

143 HS4 EIC Matt Heale for Kāinga Ora paragraph 18.6-18.7

In our opinion this area should also be included to allow a height of 42 metres. This area is contained by existing roading systems and while there are residential activities adjacent the road provides some buffer adding to its appropriateness.

148. We consider that Kilbirnie has a different context. While the residential area is also in close proximity to the Centre, topography and natural hazards are additional factors, so a lower height is more appropriate. With that exception we agree with Ms Hayes' reasoning.
149. As regards Mr Jefferies request that the standard refer to a 'threshold', we disagree. We consider that 'limit' is more appropriate as taller buildings in this Centre may not be appropriate and would be assessed as a discretionary activity.

MCZ-S2 – Minimum building height

150. Z Energy¹⁴⁴ supported MCZ-S2 as it would enable higher density but sought that it be amended to provide for an exemption for unoccupiable buildings.
151. Investore and Stride¹⁴⁵ supported the standard in part, but considered that it should only apply to active frontages.
152. Willis Bond¹⁴⁶ also supported the rule in part, but sought a more flexible approach, with the assessment criteria where the standard is breached to include urban design outcomes.
153. McDonalds and Restaurant Brands¹⁴⁷ opposed the standard and sought its deletion.
154. Ms Hayes recommended rejection of the relief sought by McDonalds, Restaurant Brands, Woolworths, Investore, Stride and Foodstuffs¹⁴⁸ for the reasons set out in paragraph 281 of her Section 42A Report. She also considered that the standard should apply across the entirety of the zone and not just along active frontages. We agree with her reasoning.
155. Ms Hayes also disagreed with Willis Bond, noting that buildings that do not meet the minimum height standard will need resource consent and will be assessed on their

144 Submission #361.87 and #361.88

145 Submissions #405.125 and #405.126, and #470.54 and #470.55 respectively

146 Submission #416.131 and #416.132 (opposed by Foodstuffs FS23.92)

147 Submissions #274.52 and #349.167 respectively (supported by Foodstuffs [FS23.54]), Woolworths [359.80] (supported by Foodstuffs [FS23.30]) and Foodstuffs [476.46])

148 Submissions #274.52, #349.167, #359.80, #405.125, #405.126, #470.54, #470.55 and #476.46

merits against applicable parts of the CMUDG. She disagreed that urban design outcomes should be added to the Rule through assessment criteria ¹⁴⁹. We agree.

156. As regards Z Energy Ms Hayes agreed, and so do we, 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 site¹⁵⁰. We adopt her Section 32AA evaluation of the required amendment at paragraph 286 of her Section 42A Report.

MCZ-S3 – Minimum ground floor height

157. We acknowledge the support of FENZ for this provision.
158. McDonalds, Restaurant Brands and Foodstuffs¹⁵¹ opposed the standard and sought that it be deleted in its entirety.
159. We agree with the reasons set out in Ms Hayes Section 42A Report¹⁵² for rejection of these submissions.

MCZ-S4 – Height in relation to boundary

160. Restaurant Brands¹⁵³ supported MCZ-S4 and sought that it be retained as notified.
161. Kāinga Ora¹⁵⁴ supported the standard in part. It considered amendments are needed to align with the changes that it sought in relation to the height and HIRB standards in the HRZ and MRZ.
162. Noting that we disagreed with the changes sought for MCZ-S1, it follows that we disagree with relief sought for MCZ-S4 by Kāinga Ora. As Ms Hayes rightly points out, given the generous building heights in the MCZ, MCZ-S4 should be retained as notified to ensure reasonable and ongoing access to sunlight/daylight to sites within adjoining zones.

MCZ-S5 – Verandah control

163. We acknowledge that Restaurant Brands¹⁵⁵ supported MCZ-S5 and sought that it be retained as notified.

149 HS4 Section 42A Report MCZ Lisa Hayes paragraph 282

150 HS4 Section 42A Report MCZ Lisa Hayes paragraph 283

151 Submission #274.53 and #349.168 (supported by FS23.55) and #476.47 respectively.

152 HS4 s42A Report MCZ Lisa Hayes paragraphs 290-291

153 Submission #349.169

154 Submission #391.678 and #391.679

155 Submission #349.170

164. Z Energy¹⁵⁶ supported the standard in part. They sought an amendment so that sites with operational and functional needs that prevent the installation of verandahs (e.g. service stations) are exempt from this requirement. Ms Hayes accepted that reasoning, and so do we. We also adopt her Section 32AA evaluation¹⁵⁷ in this respect.

MCZ-S6 – Active frontage and non-residential activity frontage controls

165. Restaurant Brands¹⁵⁸ supported this standard and sought that it be retained as notified and this is acknowledged.
166. Ms Hayes summarised the submissions on MCZ-S6 in paragraphs 309 – 315 of her Section 42A Report which we adopt.
167. In response to Kāinga Ora¹⁵⁹, who requested that the standard be amended so that active frontage controls only apply where necessary, Ms Hayes considered that this is already reflected in the name of the standard that being ‘Active frontage and non-residential activity frontage controls’. We agree.
168. Ms Hayes acknowledged the submission of Z Energy¹⁶⁰, which supported the standard in part, but sought an amendment to recognise situations where functional requirements necessitating a site design where verandahs and buildings on boundaries cannot be achieved, such as service stations. However, Ms Hayes considered that it is appropriate that a building that does not meet the requirements of the standard be subject to a resource consent process, allowing the Council to undertake an urban design assessment. She recommended this submission be rejected. We agree.
169. Ms Hayes recommended rejecting the other submissions for reasons set out in her Section 42A Report at paragraphs 318 – 321. We agree and adopt those reasons. In response to Willis Bond¹⁶¹, she agreed with the change sought. She considered that their request would improve the standard and provide developers with design flexibility as to how their building ‘otherwise enhances the streetscape’. We agree with her recommendation and reasoning.
170. Further amendments to MCZ-S6 are required as a consequence of changes recommended to the mirror provision CCZ-S8 – Active frontages control, which was

156 Submission #361.89, #361.90, #361.91 and #361.92

157 HS4 Section 42A Report MCZ Lisa Hayes paragraphs 306-307

158 Submission #349.171 (opposed by Foodstuffs #FS23.56)

159 Submission #391.680

160 Submission # 361.93 and #361.94

161 Submission #416.133

addressed by Ms Stevens¹⁶². Ms Hayes adopted her reasons, and so do we. We address this fully in CCZ Report 4B.

MCZ-S7 – Minimum residential unit size

171. Kāinga Ora¹⁶³ supported this standard in part, but sought an amendment to remove the minimum standard for 2+ bedroom units to enable greater design flexibility and decrease the minimum floor area for studio units.
172. Willis Bond¹⁶⁴ sought that it either be deleted in its entirety, or amended¹⁶⁵ to clarify 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.
173. Stride¹⁶⁶ supported MCZ-S7 in part, but sought that it be amended to remove the minimum standard for 2+ bedroom units, so as to ensure that well designed smaller apartments are provided for.
174. Based on advice from Council's urban design adviser, Dr Zamani, and as detailed in paragraph 329 of Ms Hayes' Section 42A Report, she disagreed with Kāinga Ora, Stride, and Willis Bond. Dr Zamani stated that to make the transition and transformation (to higher density living) more appealing, and to avoid significant physical, social and mental health 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. We agree with that reasoning.

MCZ-S8 – Residential – outdoor living space

175. Stride's¹⁶⁷ support for MCZ-S6 as notified is acknowledged.
176. RVA¹⁶⁸ opposed the standard in part, and sought an exclusion for retirement villages.

162 HS4 Section 42A Report Anna Stevens paragraphs 638-651, HS4 Statement of supplementary evidence Anna Stevens paragraph 213-238, and HS4 Reply Statement Anna Stevens paragraph 92-95 and 102.

163 Submission #391.681 and #391.682

164 Submission #416.134

165 Submission #416.134 and #416.135

166 Submission #470.58 and #470.59

167 Submission #470.60

168 Submission #350.281 and #350.282

177. Kāinga Ora¹⁶⁹ supported the standard in part, but is opposed to requiring communal outdoor living space in addition to private outdoor living space. In its view, the notified standard is not clear.
178. Willis Bond¹⁷⁰ sought its deletion in its entirety which Ms Hayes recommended rejecting. We concur.
179. Ms Hayes disagreed with the exemption that RVA sought, as we do. She noted that 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 needs¹⁷¹.
180. In response to Kāinga Ora, Ms Hayes disagreed. She referenced the Cost Benefit Analysis for amenity and design provisions for the PDP¹⁷², which identified that access to outdoor space provides physical and mental health benefits, and that on-site open space (either private or communal) is one method of providing residents of a development to the outdoors. She acknowledged that the standard is not clear and noted that in Hearing Stream 2, Mr Patterson had recommended amendment of the equivalent provision in HRZ after taking advice from Dr Zamani. Ms Hayes was of the opinion that the outdoor living space standards should be replicated in MCZ for consistency¹⁷³ and we concur. We also adopt her Section 32AA evaluation at paragraphs 347 and 348 of her Section 42A Report.

MCZ-S9 – Minimum outlook space for multi-unit housing

181. Kāinga Ora¹⁷⁴ opposed 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 sought that this be deleted in its entirety.
182. In her Section 42A Report, Ms Hayes disagreed that it should be deleted for reasons outlined at paragraph 350. In her assessment of the same provision in the City Centre Zone CCZ-S13, Ms Stevens recommended amending the provision following advice from Dr Zamani¹⁷⁵. This change was intended to apply across all the applicable CMUZ zones¹⁷⁶. Ms Hayes adopted these recommendations, and so

169 Submission #391.683 and #391.684

170 Submission #416.136 (opposed by FENZ #FS14.3)

171 HS4 s42A Report MCZ Lisa Hayes paragraph 338

172 The Property Group Wellington City Proposed District Plan Proposed Amenity and Design Provisions Cost Benefit Analysis June 2022 page 20

173 HS4 Section 42A Report MCZ Lisa Hayes paragraph 343

174 Submission #391.685

175 HS4 Reply Statement CCZ Anna Stevens paragraphs 49-51

176 Dr Zamani also included new diagrams for MCZ-S9-S11 to assist in the application of these standards

do we. In particular, we note Dr Zamani's advice that a minimum outlook space associated with the principal living space of 4m by 4m, in combination with allied building depth and separation standards, ensures a quality living environment for the occupants of the new developments and the neighbouring sites, including: daylight access, mental wellbeing benefits, provision of green space, and greater privacy.

MCZ-S10 – Minimum building separation distance

183. RVA¹⁷⁷ opposed the standard as notified and sought an amendment to exclude retirement villages.
184. Kāinga Ora, Investore and Stride¹⁷⁸ opposed MCZ-S10 on the basis that it will constrain design flexibility and that it is not clear concerning the positive outcome it is intended to achieve. They sought that it is deleted in its entirety.
185. In response to RVA, Ms Hayes disagreed for reasons set out in paragraph 355 of her Section 42A Report. We concur.
186. As with MCZ-S9 Minimum outlook space for multi-unit housing above, Ms Stevens¹⁷⁹ amended the related provision in CCZ (CCZ-S11) and recommended that this change be made across all applicable CMUZ zones. These amendments were a result of further assessment by Dr Zamani in response to questions from the Panel during the hearing about the differences of approach between the Council and Kāinga Ora, and clarified that it applies to buildings with residential use. The Panel accepts Ms Stevens' recommended amendments to CCZ-S11 for the reasons given and adopts her evaluation as being more efficient and effective mechanism that will contribute to a well-functioning urban environment.

MCZ-S11 – Maximum building depth

187. Restaurant Brands¹⁸⁰ supported MCZ-S11 and sought that it be retained as notified.
188. Foodstuffs, Kāinga Ora, Investore, Willis Bond and Stride¹⁸¹ sought that MCZ-S11 be deleted in its entirety, on the basis that the standard will impose unnecessary development constraints.

177 Submission #350.283

178 Submissions #391.686, #405.129 and #470.61 respectively

179 Ms Stevens addresses outlook space, building separation, and building depth standards together in HS4 Reply Statement CCZ Anna Stevens paragraphs 49-59

180 Submission #349.172 (opposed by Foodstuffs #FS23.76)

181 Submissions #476.95, #391.687, #405.130, #416.137 and #470.62

189. RVA¹⁸² sought that the standard be amended to include an exemption for retirement villages.
190. Woolworths¹⁸³ considered 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.
191. Ms Hayes recommended rejection of the submission of RVA¹⁸⁴ on the basis that quality on-site amenity should be available for occupants of retirement villages. We concur.
192. Ms Hayes also recommended rejecting the submissions in opposition to MCZ-S11, but noted that a clarification was necessary that it only applies to residential buildings¹⁸⁵, which we accept. We adopt her Section 32AA evaluation also¹⁸⁶.
193. In her Reply, Ms Stevens¹⁸⁷ recommended that the standard not apply to rear sites. She noted that rear sites have no street frontage, and all the boundaries are facing the neighbouring sites. In her view, application of the depth standard would significantly limit the development, as length of the buildings would be limited to 25m from all aspects. The Panel accepts Ms Stevens' evaluation for the reasons set out in her Reply statement and recommends an exclusion for rear sites be inserted.

2.5 Proposed Additional Provisions

194. There were submissions that requested new provisions for the MCZ which were summarised by Ms Hayes¹⁸⁸ as follows.
195. RVA¹⁸⁹ sought a new policy that supports retirement villages within the MCZ. It also sought policy¹⁹⁰ direction specifying that the level of management for shading, privacy, bulk and dominance effects on MCZ sites adjacent to residential zones is informed by the development expectations for the zone.
196. RVA¹⁹¹ also sought a new rule that enables retirement villages within the MCZ. It requested that a Permitted Activity rule be added to the District Plan.

182 Submission #350.284

183 Submission 359.83

184 HS4 Section 42A Report MCZ Lisa Hayes paragraph 363

185 HS4 Section 42A Report MCZ Lisa Hayes paragraphs 364-366

186 HS4 Section 42A Report MCZ Lisa Hayes paragraphs 368-369

187 HS4 Reply Statement CCZ Anna Stevens 4 August 2023 paragraph 55-56

188 HS4 Section 42A Report MCZ Lisa Hayes paragraphs 370-374

189 Submission #350.269 and #350.270

190 Submission #350.278

191 Submission #350.271

197. Willis Bond¹⁹² considered that 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. It did not specify wording, but sought that standards are incorporated which match the HRZ.
198. KiwiRail¹⁹³ considered that building setbacks are essential to address significant safety hazards associated with the operational rail corridor. It 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 77O of the RMA.
199. In response to RVA's new policy, Ms Hayes reiterated that retirement villages are considered to be residential activities, and hence no specific alternative rule framework is required to enable their development; the residential activities rule, and associated building rules and standards would apply equally to retirement villages. However, in line with the recommendations made for the HRZ, Ms Hayes recommended specific provisions for retirement villages be incorporated into the MCZ, LCZ and NCZ to enable this activity. She did, however, note that "the rule approach between the Centres Zones should be different to that in COMZ and MUZ given the differing zone purposes, environments and anticipated activities across these zones".
200. We agree, and consider there is good reason to provide specifically for retirement villages in the MCZ context. We therefore recommend a specific policy to enable retirement villages in the MCZ, and ensure the design and servicing elements of proposed retirement villages are fully assessed. This aligns with our broader recommendation in Report 4B to include a specific policy to enable retirement villages in the CMUZ provided address the specific design elements that should be considered within the local context of the MCZ.
201. In response to the new policy for retirement villages, we note that, for Residential Zones, the construction of buildings for a retirement village are recommended to be subject to a separate rule, as a restricted discretionary activity (see Panel Report 2A). We think there is good reason to provide specifically for retirement villages in the MCZ but as a discretionary activity because it may not always be appropriate for a retirement village to located in his zone because this would not be providing for the demand for commercial activities and services in these zones, which would be

192 Submission #416.112 and #416.113

193 Submission #408.128 (opposed by Kāinga Ora #FS89.39, Stride #FS107.24 and Investore #FS108.24)

contrary to the NPSUD. The two MCZs in Wellington City are not particularly extensive (unlike the CCZ), and a retirement village would need to be designed and of a scale that is appropriate for the particular MCZ and its context and does not adversely affect its functioning and capacity. As a discretionary activity, a retirement village proposal would be assessed against the objectives and policies for the MCZ as relevant. As this change was not specifically sought by submitters, this amendment is recommended by applying clause 99(2)(b) of Schedule 1.

202. Also in response to RVA, Ms Hayes disagreed that the new policy for 'Role of Density Standards' was necessary. In her opinion, MCZ-R20 relating to the built form of buildings and structures, clearly establishes what can occur on MCZ sites for developers, decision-makers and owners of adjacent sites the level of built development, through non-notification clauses that will apply when some or all development standards at MCZ-S1 to MCZ-S11 are met. She recommended rejection of the submission on this basis and we concur.
203. In response to Willis Bond, Ms Hayes disagreed. She noted the MCZ provisions are significantly more enabling than the MDRS, and that furthermore the District Plan seeks to encourage higher levels of density within the MCZ than the HRZ. We agree.
204. Consistent with our reports (and the Reporting Officers' recommendations) for other zones, we recommend the request from KiwiRail for 5 metre building setbacks be rejected. An alternative 1.5 metre setback is recommended by the Reporting Officers, along with a corresponding matter of discretion at MCZ-R20 which we accept. Accordingly, we adopt Ms Hayes Section 32AA evaluation at paragraph 381-382 of her Section 42A Report.

2.6 Development Area 1 – Kilbirnie

205. This section of our report considers submissions and evidence on DEV1-Kilbirnie Bus Barns as detailed below:



Figure 2: PDP Zoning – DEV1 Kilbirnie Bus Barns

206. Ms Hayes explained in her Section 42A Report at paragraph 384-385 that the DEV1 site, as zoned, forms part of the Kilbirnie Sub-regional Centre under the ODP, and is subject to Appendix 1D of Chapter 7. Appendix 1D provides a concept plan for the development of the Kilbirnie Bus Barns site, which has been carried over and forms the basis for the DEV1 provisions. The DEV1 chapter needs to be read in conjunction with APP11 – Kilbirnie Bus Barns.
207. Waka Kotahi¹⁹⁴ sought to retain DEV1: Kilbirnie Bus Barn Development Area chapter as notified.
208. In addition to seeking that the land adjacent to the DEV1 area is rezoned as MCZ (refer to paragraphs 18-23 of this report), Kāinga Ora sought rezoning of this land as HRZ. Kāinga Ora¹⁹⁵ sought 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.
209. Bus Barn Ltd¹⁹⁶ considered 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

194 Submission #370.447 (opposed by Bus Barn Limited #FS95.4)

195 Submission #391.743 and #391.744

196 Submission #320.3 and #320.4 (Supported by Kāinga Ora #FS89.50)

requirements. It observed that the whole site is essentially visible, and any development will require resource consent. In his view, this conflicts with Policy 3(b) of the NPSUD.

210. VicLabour¹⁹⁷ was supportive of the inclusion of a points-based system (i.e. 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 protections¹⁹⁸.
211. Fabric Property Ltd¹⁹⁹ opposed the City Outcomes Contribution throughout the PDP and sought that this be removed from DEV1-R1.
212. In response to VicLabour and Fabric Property Ltd we refer to our Report 4A which addresses City Outcome Contributions matters. In summary we concluded that the COC would be inappropriate to apply to the MCZ as the proposed building heights and densities provide for an anticipated urban form that would be commensurate with the level of commercial activity and community services for this Centre. The Panel concluded that MCZ-P10 should be reframed such that the policy seeks to 'encourage' rather than require the provision of outcomes contribute positively to the amenity of the Centre and its sense of place. This policy would encourage applicants of over height development proposals to provide offset or compensation for adverse effects that these forms of development can create.
213. In response to Kāinga Ora, and consistent with the Reporting Officers' recommendation, we have recommended rejection of the request for the land to be zoned HRZ. We recommend that the existing MCZ boundary in Kilbirnie is retained as notified particularly as there has been no direct consultation with potentially affected landowners or the general community. On this basis, there is no change to the underlying zoning or provisions relating to the land that Kāinga Ora's submission points related to.
214. Ms Hayes²⁰⁰ agreed with Bus Barn Ltd that the site is visible from public spaces, but she noted that this is the intent of the rule. It 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 that there may be situations where this is not

197 Submission #414.50

198 HS4 Section 42A Report MCZ Lisa Hayes paragraph 389

199 Submission #425.104

200 HS4 Section 42A Report MCZ Lisa Hayes paragraph 392

necessary, such as where the works are not visible from public spaces. She also noted that its requested change does not achieve the relief sought as it removes one opportunity for an exemption from the requirement to obtain resource consent.

215. For clarity and ease of interpretation, Ms Hayes²⁰¹ recommended that the word ‘or’ under DEV1-R1.b.i is amended to say ‘and’. She noted that while there may be circumstances where either DEV1-R1.b.i or DEV1-R1.b.ii apply, the intention is that the remainder of the list applies in all cases. In her view, this was not clear in the current drafting. The recommended change would address this issue by directing that all aspects of the list need to be achieved. She also recommended correcting an error with the numbering. Ms Hayes did not identify a submission point that requested the change from ‘or’ to ‘and’ and we have been unable to find one either noting that these provisions are also notified under the Schedule 1 process we therefore recommend rejecting this amendment. We accept the renumbering as a minor correction.
216. Cameron de Leijer²⁰² addressed three matters at the hearing in relation to the DEV1. Firstly, he proposed an increase in height to 40 metres. We address this under our assessment of MCZ-S1 above at paragraphs 145-147, where we accept an increase in height from 27 metres as notified to 35 metres. Secondly, and related to the first, he noted that the factors that surround the notification status rely on the noncompliance with maximum and minimum building heights, height in relation to boundaries, verandah control and active frontages. And finally, he sought clarification for MCZ-S3. He considered that it is unclear whether the 4 metre ground floor height is above the ground level or an RL of 4 metres.
217. Ms Hayes responded in her supplementary statement of evidence. In relation to height limits being exceeded, she noted the requirement to provide a City Outcomes Contribution. As mentioned, we address this matter in Report 4A. As regards MCZ-S3, she noted that, unless specified in the District Plan, heights are measured at the existing ground level; that being the ground level at the time that a resource consent application is lodged²⁰³.
218. At this point, we address those submission points on Appendix 11 (Bus Barns) that were addressed outside the hearing. Following the hearings, the Panel was advised by the City Council’s District Plan Advisor (in a memorandum dated 2 October 2023), drawing our attention to a number of submission points that were

201 HS4 Section 42A Report MCZ Lisa Hayes paragraph 393

202 HS4 EIC Cameron Peter de Leijer 8 June 2023 paragraph 13

203 HS4 Statement of Supplementary Planning Evidence Lisa Hayes WCC 19 June 2023 paragraph 83

inadvertently omitted from being addressed in the s42A report for Commercial and Mixed Use Zones as part of PDP Hearing Stream 4. These submission points were in relation to Appendix 11 Kilbirnie Bus Barns Development Plan.

219. Through the memorandum, the reporting officer on this topic provided a commentary on the submission points, as well as recommendations on the decisions requested by the submitters: this was provided in Table 1 – Recommendations on submissions – Appendix 11 Kilbirnie Bus Barns Development Plan, attached to the Memorandum.
220. The Hearing Panel decided to consider these submission points ‘on the papers’, as there was insufficient time to schedule a hearing to enable the Panel to meet the already extended deadline for its IPI recommendations.
221. Through Minute 37, the Panel granted leave to the following submitters to respond in writing to the reporting officer’s commentary:
 - Claire Nolan, James Fraser, Bidy Bunzl, Margaret Franken, Michelle Wolland, and Lee Muir [submission point 275.45]
 - Waka Kotahi [submission points 370.453, 370.454]
 - Bus Barn Limited (further submission points FS95.1, FS95.2, FS95.3)
222. No responses were received, and we therefore accept the commentary and recommendations of the reporting officer:
 - a. To amend the Bus Barns Concept Plan to reflect the recommended increase in the height limit in MCZ-S1 to 35m; and
 - b. To retain the acknowledgement in DEV1-APP-R7 that the final design and layout may not be possible to provide ‘active edges’ strictly in accordance with District Plan definition along the full length of the internal road.

2.7 Minor and Inconsequential Amendments

223. Ms Hayes²⁰⁴ acknowledged that minor and consequential amendments have been made 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. We accept these amendments.
224. Ms Hayes also notes that in a number of instances the changes result from similar changes recommended across the CMUZ chapters. These changes are

204 HS4 Section 42A Report MCZ Lisa Hayes paragraphs 400-402

recommended so the District Plan reads in an integrated manner. We also accept such changes.

225. In a memorandum from Council Officers on 24 January 2024, a number of minor and inconsequential changes were recommended to remedy minor inconsistencies between provisions in the MCZ, LCZ, and NCZ chapters. For example, such inconsistencies include referring to defined terms as both “activity” and “activities” throughout the chapters, and missing activity cascade in the MCZ chapter compared to the equivalent rule in the NCZ and LCZ chapters. We also accept such amendments, which are outlined below:

Table 1: Proposed amendments to MCZ provisions for consistency between MCZ, LCZ, and NCZ chapters

| Provision | Discussion | Officer recommendation | Scope for change |
|-------------------------------------|--|--|------------------------------------|
| Definition of 'recreation activity' | Use of the terms 'recreational activities', 'recreation activities', 'recreational facilities' varies within the MCZ, LCZ, and NCZ chapters. The defined term is 'recreation activity'. | That the 'enabled activities' policies and related rules in all centres chapters be made consistent with the defined term. | CI16 Schedule 1 RMA (minor error). |
| MCZ-R23 Outdoor storage areas | There is a missing Restricted Discretionary activity cascade in the MCZ chapter, which was in the s42A recommended version. There is a missing 'and' between clause 1(a) and (b) in MCZ, NCZ, LCZ chapters. | That both errors be corrected. | Version error. |

3. LOCAL CENTRE ZONE

3.1 Introduction

226. This Recommendation Report addresses the Section 42A Report that deals with the Local Centre Zone (LCZ) provisions. The Reporting Officer was Ms Lisa Hayes. The LCZ provisions are subject to both the ISPP and Part 1 Schedule 1 processes.

227. Strategic Objective CEKP-O2²⁰⁵ identifies that LCZ sits third in the hierarchy of centres, under the CCZ and MCZ and describes the role and function of the LCZ as:

“[t]hese centres service the surrounding residential catchment and neighbouring suburbs. Local Centres contain a range of commercial, community, recreational and entertainment activities. Local Centres are well-connected to the City’s public transport network and active transport modes are also provided for. Local Centres will play a role in accommodating and servicing the needs of the existing and forecast population growth that is complementary to the City Centre and Metropolitan Centre Zones. This intensification is due to the capacity of the area to absorb more housing with enablers of growth such as walkable access to public transport, and community facilities and services”.

228. This report generally follows the same format as the Section 42A Report, starting with general points relating to the LCZ, then requests for zone changes, submissions relating to specific provisions in the LCZ chapter, and finally proposed additional LCZ provisions.

229. Ms Hayes identified that including primary and further submission points, and mapping submission points, there were approximately 419 submission points in relation to the LCZ.

230. There were no submissions in relation to LCZ-R2 or LCZ-R15, and as they are beyond challenge, they have not been assessed.

231. The following provisions had submissions in support that sought the provision be retained as notified, and no submission in opposition. They have therefore also not been assessed further:

- a. LCZ Policies
- b. LCZ-P2

²⁰⁵ Note that in the Section 42A Report for LCZ it is listed as CEKP-O1 at paragraph 2 which is incorrect.

- c. Rules: LCZ-R1 to LCZ-R9, LCZ-R16 and LCZ-R20

3.2 General Submissions

General Submission Points in Support of the Local Centre Zone

232. General submission points in support of the LCZ were summarised by Ms Hayes at her paragraphs 16-21 in her Section 42A Report. We adopt that summary here and acknowledge those submission points.
233. Ms Hayes notes that the Ryman submission²⁰⁶ was addressed in the Overview and General Matters section of her report so no further assessment was required.

Town Centre Zone

234. Kāinga Ora²⁰⁷ supported the general intent of the proposed LCZ. However, it requested that a new Town Centre Zone (TCZ) be incorporated into the PDP Centres hierarchy and that Miramar, Newtown and Tawa be rezoned from LCZ to TCZ. Kāinga Ora²⁰⁸ also sought that the spatial extents of those Centres are expanded to support additional District Plan enabled residential intensification around them, and to support well-functioning urban environments. Maps showing the requested changes were provided with the submission.
235. ORCA and GWRC²⁰⁹ opposed the inclusion of a TCZ. GWRC²¹⁰ also opposed expansion of the Centres' boundaries.
236. Ms Hayes recommended that the submission points of Kāinga Ora in relation to the TCZ be rejected and we agree. We address the matter of TCZ in our Reports 1B and 4A where we recommend rejection of a TCZ in the Centres hierarchy of the Plan. It follows that we accept the submission points that opposed the Kāinga Ora submissions.
237. The rezoning requests of Kāinga Ora are addressed within the respective zone Reports. Ms Hayes stated that, while she recommended rezoning in some cases, she did not consider that a blanket extension to the spatial extent of the LCZ is required, as sufficient development potential is enabled within the existing Centre

²⁰⁶ Submission #346.3

²⁰⁷ Submissions #391.15, #391.26 - #391.28 and #391.588 – #391.560

²⁰⁸ Submissions #391.14 and #391.15

²⁰⁹ Submissions #FS80.11 and #FS80.12, and #FS84.24, #FS84.25, #FS84.39, #FS80.40 and #FS84.41 respectively

²¹⁰ Submission #FS84.19

boundaries²¹¹. We concur with Ms Hayes and agree that a blanket extension to the spatial extent of the LCZ is not warranted.

Alignment with other zones

238. Willis Bond²¹² sought that the Council consider the relationship between 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 permissive²¹³.
239. The Reporting Officer noted that the PDP is drafted to ensure that the Centres enable greater development potential than the surrounding residential zones and that, from her review of the LCZ, she was confident that this is the case with respect to all LCZ. She concluded that no changes to the LCZ provisions are necessary as a result of the Willis Bond submission. We concur²¹⁴.

3.3 Requests for Rezoning

240. Submissions relating to changes to Local Centre zoning are summarised in Ms Hayes Section 42A Report at paragraphs 35-45, and further summarised by the Panel as follows.
241. David Stephen, Ian Law, Julie Patricia Ward, Brian McKenna, Pam Wilson, Janice Young, David Stevens, Emma Baines, WCCT, ORCA and Wilma Shermin²¹⁵ requested that the Khandallah Local Centre Zone be rezoned as NCZ. Associated submission points from these submitters, along with the Friends of Khandallah, related to the zoning²¹⁶ and heights²¹⁷ depicted in the PDP mapping.
242. Julie Patricia Ward, David Stevens, Emma Baines, WCCT and ORCA²¹⁸ requested that the LCZ comprising the corner of Station Road and Baroda Street be rezoned as NCZ. Associated submission points relate to the zoning²¹⁹ depicted in the PDP mapping. In addition to these submission points, David Stevens²²⁰ considered that this site was zoned LCZ in error and sought that it be rezoned to MRZ, with an 11 metre (MDRS) height limit.

²¹¹ HS4 Section 42A Report LCZ Lisa Hayes paragraph 28

²¹² Submission #416.94

²¹³ HS4 Section 42A Report LCZ Lisa Hayes paragraph 31

²¹⁴ We note that this submission point is addressed in each of our zone Reports

²¹⁵ Submissions #82.7, #101.6, #103.7, #113.3, #120.7, #140.7, #151.15, #185.6, #233.20, #283.13 and #306.9

²¹⁶ Submissions #82.1, #101.1, #103.1, #113.1, #120.1, #140.3, #151.3, #185.1, #233.5, #283.3 and #306.1

²¹⁷ Submissions #252.2 and #283.2

²¹⁸ Submissions #103.8, #151.17, #185.7, #233.21 and #283.14

²¹⁹ Submissions #103.2, #185.2, #233.6 and #283.4

²²⁰ Submission #151.5

243. Brian Sheppard²²¹ requested that the Churton Park LCZ is rezoned as NCZ.
244. David Stevens²²² sought that the Crofton Downs LCZ be rezoned as NCZ.
245. Gabriela Roque-Worcel²²³ sought that the Brooklyn LCZ be rezoned to MUZ, and that the Kingston, Vogeltown and Mornington LCZs be expanded to enable intensification and additional activities within these parts of Wellington.
246. Simon Ross²²⁴ submitted that all 'mixed use zones' (LCZ) along Karori Road should be extended along the full length of Karori Road between Marsden Village and the western end of Karori Village, and/or between Morley Street and Tringham Street.
247. James Coyle²²⁵ considered that the zone boundary in Newtown is inadequate and should be re-designed by independent professionals to take topography, daylight and existing amenities into account.
248. Kāinga Ora's submissions were helpfully accompanied by Maps visually detailing its requests²²⁶. It requested the following changes:
- a. Connecting the two centres zoning in Tawa²²⁷, rezone land between Tawa Centre North (zoned LCZ) and Tawa South (zoned NCZ) along Oxford Street, the rezoning of Tawa South from NCZ to TCZ, and the rezoning of the HRZ parcel of land to the south of Tawa South as TCZ along both sides of Main Road.
 - b. In Karori²²⁸, extend the LCZ east on both sides of Karori Road to take in the Marsden Village and Standen Street NCZs. This change would also involve rezoning the Marsden Village and Standen Streets NCZs as LCZ.
 - c. As well as seeking rezoning of the Newtown²²⁹ LCZ to TCZ, it sought an expansion of the Newtown LCZ towards the north, to abut the CCZ.
 - d. In addition to seeking that the Miramar²³⁰ LCZ is rezoned as TCZ, it sought extensions to Miramar North and Miramar South.

²²¹ Submission #169.1 and 169.2

²²² Submission #151.16, 151.4

²²³ Submission #234.1-#234.4

²²⁴ Submission #37.6

²²⁵ Submission #307.1

²²⁶ We note that some of these Maps were further refined as the hearings process progressed.

²²⁷ Submission #391.15

²²⁸ Submission #391.15

²²⁹ Submission #391.15

²³⁰ Submission #391.15

249. Ms Hayes provided her assessment of these submissions at paragraphs 46-108 of her Section 42A Report. She also provided further commentary in her Supplementary Statement of Evidence and her Reply for some of the above said submissions. We address each of these submissions in turn below.

Khandallah Centre

250. In response to the request to rezone Khandallah to NCZ, Ms Hayes recommended rejection of the submissions for reasons set out in paragraphs 49-59 of her Section 42A Report. She did, however, acknowledge that the characteristics of Khandallah LCZ differs from the larger LCZs (such as Newtown, Tawa and Miramar) and that there is merit in reconsidering the height control limit for this centre. We turn to that matter later in our Report.

251. We heard from Mr Stuart Niven and Ms Julie Ward on behalf of ORCA at the hearing. Mr Niven gave expert urban design evidence, and advised us that “density” and how you achieve it – in design and massing terms – means much more than just height. In his opinion, Khandallah ‘village’ is typified in building scale terms by a generally dispersed, as opposed to highly concentrated pattern of development with a prevalence of 1 to 2-storeyed buildings. In his view, the proposed height of 22 metres would be out of character. He was of the opinion that Khandallah should be reclassified as a Neighbourhood Centre Zone²³¹.

252. Ms Ward considered that the definition of LCZ is difficult to match easily with ‘lived reality’. In her opinion, it seemed to fit better into the NCZ definition for three reasons²³²:

- The Centre is small relative to other Local Centres;
- There are a small number of businesses in the Centre and they are predominantly food related retail and personal services, which provided limited employment opportunities in terms of the quantity, and in many cases, the quality of jobs available; and
- The Centre does not serve any neighbouring suburbs.

253. In Ms Ward’s opinion, access to Khandallah has similar issues to Karori, which Mr Patterson, the reporting officer in Hearing Stream 2, identified as an issue. She discussed the public transport available and current mode use of Khandallah

²³¹ HS4 EIC Stuart Niven 12 June 2023 paragraph 15-17

²³² HS4 Speaking Notes Julie Ward undated paragraph 7

residents, concluding that public transport was inadequate, and this was an important factor in her consideration that Khandallah be designated as a Neighbourhood Centre²³³.

254. Ms Ward provided tables to support her opinion that Khandallah is one of the smaller Local Centres in terms of centre size and the population it serves. It is also the smallest of the City Council's Business Improvement Districts. She discussed the Khandallah Centre retail sales and catchment and identified that there are 18 businesses in the Khandallah Centre providing fewer than 200 FTE jobs for a population of 7,000²³⁴. Furthermore, in her opinion, there is access to a limited range of services within a half an hour's walk when compared with other Centres. She noted also the two heritage buildings in the Centre and the high winds that can occur in Khandallah.
255. Ms Ward considered that classifying Khandallah as LCZ seemed to overweight the presence of a limited number of shops and services, while failing to take into account other factors, including walkability to work and to public transport, as well as access to public transport more generally. She was of the view that a Neighbourhood Centre is the appropriate level of densification, commensurate with the level of commercial activity and community services within the Centre²³⁵.
256. In her Reply²³⁶, Ms Hayes acknowledged the submitters' localised knowledge with respect to the use of the Centre and the reliance of residents on private vehicles. Ms Hayes, however, disagreed that Khandallah should be rezoned as NCZ. In her opinion, the characteristics of this Centre are best aligned with the LCZ and she recommended that this zoning is retained. While acknowledging the localised experiences that were put before us, we accept the reasons set out in Ms Hayes' Section 42A Report²³⁷.
257. On our site visits, we looked through various lenses when appreciating a location, in relation to the issues arising. We found in Khandallah, although a smaller LCZ, was more aligned to the description of a LCZ, serving a wider catchment than just the immediate neighbourhood when compared with the other centres we visited (for example, the centre which we discuss below). It also contains the only supermarket for Khandallah, with the next nearest being in Crofton Downs and Johnsonville. These 'centres', when comparing Box Hill and Baroda Street with Khandallah, have

²³³ HS4 Speaking Notes Julie Ward undated paragraphs 11-15

²³⁴ HS4 Speaking Notes Julie Ward undated paragraphs 19-23

²³⁵ HS4 Speaking Notes Julie Ward undated paragraph 35

²³⁶ HS4 Reply LCZ Lisa Hayes 4 August 2023 paragraph 64

²³⁷ HS4 Section 42A Report LCZ Lisa Hayes paragraph 49-59

a very limited range of activities and are comparatively small in extent, and do not warrant the inclusion in the LCZ.

258. We also observed that Linden, which is zoned LCZ, is more aligned with the description of the NCZ than the LCZ and so on this basis we have recommended an out-of-scope recommendation to rezone Linden from LCZ to NCZ for the reasons stated in paragraph 8 of this report.
259. In summary, we acknowledge that there are differences in the characteristics of LCZs (and indeed NCZs) but this is to be expected as they service different respective communities and provide for their individual characteristics. We are comfortable with the other allocated zonings, including Khandallah Centre as LCZ.

Burma Road/Box Hill and Baroda Street Centre

260. Ms Hayes assessed the proposed LCZ at the corner of Box Hill and Baroda Street at paragraphs 60-66 of her Section 42A Report, noting that in the ODP it is a Neighbourhood Centre and subject to secondary frontage provisions. As a result of her assessment, Ms Hayes changed her position and accepted the submissions requesting that it be rezoned as NCZ²³⁸.
261. Consistent with her recommendation to reduce the height in Khandallah Centre (which we address below) Ms Hayes recommended assigning NCZ-S1 Height Control Area 1, with a 12 metre height limit for the Box Hill and Baroda Street site. However, she disagreed with David Stevens²³⁹ request that it be rezoned as MRZ. We did not hear any further evidence that would cause us to recommend otherwise. We therefore support the recommendations of Ms Hayes for the reasons set out in her Section 42A Report. We consider that the amended zoning is commensurate with the size of this small centre.

Churton Park Centre

262. In response to the submission from Brian Sheppard²⁴⁰, Ms Hayes recommended his request that Churton Park Centre is rezoned as NCZ be rejected for reasons set out in paragraphs 67-75 of her Section 42A Report.
263. We did not hear from Mr Sheppard or receive any further evidence to cause us to disagree with Ms Hayes, and so we accept her reasons why Churton Park should retain its Local Centre zoning. We observe, as Ms Hayes did, that Churton Park

²³⁸ Submissions #103.8, #151.17, #185.7, #233.21, #283.14

²³⁹ Submission #151.5

²⁴⁰ Submission #169.1 and #169.2

Centre is a relatively new purpose-built Centre, on a large parcel of land, contains a supermarket and is intended to meet the needs of the growing Churton Park suburb.

Crofton Downs Centre

264. In her assessment of Mr Stevens' submission seeking rezoning of the Crofton Downs Centre from LCZ to NCZ,²⁴¹ Ms Hayes noted, among other things, that this Centre is on a well-serviced bus route and accessible via the Johnsonville train line. MRZ zoning around it permits a building height of 11 metres in line with the MDRS, and LCZ will not automatically increase the height limit available to the residentially zoned land around the Centre. Ms Hayes acknowledged though there will be increased development potential within the LCZ from the ODP, which in her view is consistent with the NPSUD.
265. We did not hear from Mr Stevens,²⁴² at the hearing, or anyone else regarding Crofton Downs Centre, and we accept Ms Hayes' reasons as to why the submission should be rejected.

Brooklyn, Kingston, Vogeltown and Mornington Centres

266. Ms Hayes' assessment²⁴³ determined that rezoning Brooklyn Centre from LCZ to MUZ would not achieve the outcome sought by Ms Roque-Worcel²⁴⁴. We agree, and recommend her submission be rejected.
267. Ms Hayes acknowledged the submitter's request for additional mixed-use activities, particularly within Kingston, Vogeltown and Mornington. However, she was satisfied that the notified zonings provide for a wide range of activities and therefore recommended rejecting the submissions²⁴⁵. We agree with her recommendation.

Karori Road – Karori Village Centre and Marsden Village Centre

268. Ms Hayes discussed submissions from Simon Ross and Kāinga Ora²⁴⁶ at paragraphs 86-92, setting out reasons as to why she recommended rejecting the relief sought.

²⁴¹ HS4 Section 42A Report LCZ Lisa Hayes paragraphs 76-81

²⁴² Submission #151.16 and #151.4

²⁴³ HS4 Section 42A Report LCZ Lisa Hayes paragraphs 82-85

²⁴⁴ Submission #234.1

²⁴⁵ Submission #234.1-#234.4

²⁴⁶ Submissions #37.6 and #391.15 (Maps 11 & 12)

269. In summary, Kāinga Ora had originally sought the existing LCZ extend to the east to include Marsden Village and Standen Street NCZs. Through his evidence to the hearing, Mr Nick Rae, Urban Designer for Kāinga Ora, recommended a substantial reduction from that position following extensive site visits. The revised position of Kāinga Ora sought to have Karori Village, Marsden Village and Standen Street shops retain their individual Centres without connection. As Mr Rae pointed out to us at the hearing, there are limited opportunities for expansion of these Centres due to the existing schools, land occupied by churches, and topographical level changes, particularly at the top of the hill where the road is in a cutting. Furthermore, he was of the view that the Marsden Centre and the Karori Centre operate independently and have a very different character. Trying to connect the two with street-fronting commercial activities therefore is unlikely to be successful²⁴⁷.
270. As a result, Mr Rae recommended amendments to the submission for Marsden and Karori Centres²⁴⁸. For Marsden, he recommended a small expansion to the west to include the three residential zoned lots on the southern side of Karori Road west of the Baptist Church, and the two residential lots west of Halton Street on the northern side of Karori Road. He also recommended that the centre expands east to Lancaster Street and east on the northern side of Karori Road at the end of Lancaster Street. For Karori, he recommended a small expansion to the east to include three lots east of Campbell Street and to include the front part of the Karori United Tennis Club within the centre. In her supplementary evidence, Ms Hayes maintained her position that no amendment was required to the notified LCZ for these centres.
271. We did not hear from Mr Ross at the hearing, but we spent some considerable time questioning Mr Rae on his revised position for Karori. We also physically observed the situation in Karori on our site visit. In conclusion, the Panel agrees with Ms Hayes' assessment and accepts her reasons for recommending rejection of the submissions of both Mr Ross and Kāinga Ora for expansion of the LCZ in Karori (and Marsden Village). Of specific note to the Panel is that this area is recognised for having 'insufficient' infrastructure. Principally the issue is three waters capacity, but access is also a significant limiting factor.

²⁴⁷ HS4 EIC Mr Nick Rae for Kāinga Ora paragraphs 6.79-6.80

²⁴⁸ HS4 EIC Mr Nick Rae for Kāinga Ora paragraphs 6.82-6.84

Newtown Centre

272. In her Section 42A Report, Ms Hayes recommended rejection of the submissions of James Coyle and Kāinga Ora²⁴⁹ for the reasons set out in paragraphs 93-97. She acknowledged that the characteristics of the Newtown LCZ differ from those of smaller Centres and recommended amendments to height limits which we turn to below.
273. The submission of Kāinga Ora requested that Newtown become TCZ. We addressed this in Report 4A, where we recommended rejection of that relief.
274. Mr Rae noted in his evidence that there was an error in his Map 18 for an area at the intersection of Adelaide Road and Riddiford Street which he identified as a zone expansion area. However, this is already zoned LCZ in the PDP²⁵⁰. Kāinga Ora sought to change the zone to TCZ along with the rest of the Newtown commercial centre zone as mentioned above.
275. We agree with Ms Hayes that the submissions should be rejected, and accept the reasons set out in her Section 42A Report. We note that the LCZ boundary for Newtown takes into account the ODP zoning, along with the established patterns of land use, NPSUD requirements to enable development in and around Centres, and the heritage context. Walkable catchments are not relevant to LCZs, and we have recommending the CCZ walkable catchment to end at John Street.

Miramar Centre

276. Responding to the submission of Kāinga Ora seeking that Miramar be zoned as TCZ, Ms Hayes disagreed for reasons set out in paragraphs 98-101 of her Section 42A Report. We have addressed this matter in our Report 4A as mentioned. We observe also that Mr Heale²⁵¹, relying on Mr Cullen's evidence, considered that in Miramar there is a much greater level of commercial and community services than other LCZs and that this is sufficient to justify a TCZ.
277. As regards the extensions to the LCZ in Miramar requested by Kāinga Ora in its Maps 23 and 24, Ms Hayes recommended they be rejected. In summary, Ms Hayes' reasons for rejecting the submission included that there is significant unrealised development potential in the existing Centre as well as large areas of MUZ land available for commercial intensification. The extensions to the LCZ requested by Kāinga Ora are currently largely used for established residential

²⁴⁹ Submissions #37.1 and #391.15 (Maps 15, 17, 18)

²⁵⁰ Ms Hayes made this observation in her Section 42A Report at paragraph 96

²⁵¹ HS4 Evidence of Mr Heale for Kāinga Ora para 9.4(b)

activities. She also noted that Miramar will be subject to the Natural Hazards Overlay and WIAL1 Designation.

278. In Stream 2, Dr Zamani gave evidence²⁵² that Miramar had a lack of access to the CCZ and major Centres and amenities, and limited access to green space within the suburb. Mr Rae²⁵³ took issue on the adequacy of access, contending that the Centre at Miramar is supported by bus services and cycleways. He considered that the Centre's relationship to the airport is an opportunity for Miramar. He also stated that there were public and council owned sporting facilities of sorts, but agreed that access to the two significant sports parks could be enhanced through redevelopment of areas around them. Mr Rae concluded that his was a long-term view, intended to assist with enabling opportunities rather than forgoing them.
279. In Reply, Ms Hayes did not change her recommendation. We agree with Ms Hayes. We adopt Ms Hayes' reasons, as summarised above, for rejecting the changes shown on Maps 23 and 24 of Kāinga Ora's submission.

Tawa Centre

280. Kāinga Ora²⁵⁴ sought the following amendments to the zoning of the Tawa Centre as depicted in its Map 2:
- a. Rezoning of the Tawa LCZ as TCZ
 - b. Extending 'Tawa North' (currently zoned LCZ) towards 'Tawa South' (Zoned NCZ)
 - c. Rezoning of Tawa South from NCZ to TCZ, and
 - d. Rezoning of the land to the south of Tawa South as TCZ
281. In relation to a) above, we have recommended rejecting the incorporation of TCZ into the Centres framework as discussed in Report 4A.
282. As regards b) above, Ms Hayes provided her assessment at paragraph 107(ii) in her Section 42A Report. Ms Hayes saw some logic in rezoning the land along the western side of Main Road between the two centres as either LCZ or NCZ, and identified two options for evaluation. Ultimately she recommended Option One as being the most appropriate. This option included extending the LCZ boundary to

²⁵² EIC Nic Rae for Kāinga Ora 12 June 2023 paragraphs 6.124-128

²⁵³ Dr Zamani SOE paragraph 29 in appendix 3 of Mr Patterson's right of reply.

²⁵⁴ Submission #391.15 Map 2

Elena Place, thereby incorporating one HRZ site; and extending the NCZ north to Elena Place. She provided a map illustrating this change²⁵⁵.

283. The Panel visited this area during our site visit. We disagree with both Kāinga Ora and Ms Hayes that these two Centres should be expanded. The properties in the area that Ms Hayes has recommended be rezoned are predominantly residential, and they would be 'unaware' of the change as it was not as part of the notified PDP. The owners of these sites have not had an effective opportunity to comment on the expansion, and we find that issues of fairness and natural justice come into play. We therefore recommend these properties remain in the HRZ as notified.
284. Ms Hayes acknowledged the request to rezone Tawa South from NCZ to LCZ (c above) and noted that other submitters²⁵⁶ requested that this land²⁵⁷ be rezoned from NCZ to HRZ. For reasons set out in paragraphs 40-45 of Part 4 Neighbourhood Centre Zone Section 42A Report, Ms Hayes recommended rezoning this land as HRZ and not LCZ/TCZ, noting that they are established residential properties, and the amendment would also address the split-zoning of Lot 1 DP77721. We agree with Ms Hayes, and do not recommend these properties be zoned LCZ (or TCZ for that matter) and agree with Ms Hayes that these properties, comprising 105,107, 109, 111, 113 and 115 Main Road Tawa, be rezoned HRZ, with a 22m height limit.
285. Regarding d) above, this matter was addressed in Mr Patterson's Stream 2 Section 42A Report, and Reply where he recommended that the submission be rejected. Ms Hayes agreed with that recommendation, and so do we.
286. In summary, we recommend the requests for zoning amendments of the Tawa Centre as depicted in Kāinga Ora's Map 2 are rejected for the reasons outlined above.
287. Two other submissions were allocated to Mr Patterson's Stream 2 Section 42A. However, it is appropriate that we deal with them here. The first is that of the Ciampa Family Trust²⁵⁸ which sought that 50 Cleveland Street, Brooklyn be rezoned from MRZ to LCZ so that the site does not have split zoning. The second is a submission from Foodstuffs²⁵⁹ which sought that 3 Dekka Street and 31-33 Nicholson Road be rezoned LCZ as these three properties are all owned by

²⁵⁵ HS4 Section 42A Report LCZ Lisa Hayes Appendix 1 page 109

²⁵⁶ Submissions #294.6 and #294.16

²⁵⁷ Comprising of 105, 107, 109, 111, 113 and 115 Main Road

²⁵⁸ Submission #165.1

²⁵⁹ Submission #476.80

Foodstuffs and (at the time of the Section 42A Report) a resource consent application was being considered by the Council²⁶⁰.

288. In response to the Ciampa Family Trust, Mr Patterson²⁶¹ considered that the split zoning is appropriate in this situation as it reflects the existing activities on site. We agree.
289. Mr Patterson disagreed with the request from Foodstuffs to rezone 3 Dekka Street. He acknowledged the resource consent application, but noted that there is a possibility that this may not be acted upon. In addition, the submitter did not provide a Section 32 evaluation as to why the site should be rezoned²⁶².
290. Ms Key, planner for Foodstuffs, considered that rezoning the sites to LCZ would ensure that any future supermarket development on 3 Dekka Street and 31-33 Nicholson Road is able to be appropriately considered at the resource consent stage to ensure that quality design outcomes are achieved, while appropriately managing any adverse effects on adjacent sites, the transport network, and pedestrian linkages²⁶³.
291. The Panel agrees with Mr Patterson's reasons and consider that it is not appropriate to rezone the land at present.

3.4 Submissions Relating to Specific Provisions

292. The following section addresses submissions relating to specific provisions for the LCZ.

LCZ Introduction

293. Kāinga Ora²⁶⁴ requested four amendments to the text of the Introduction to the LCZ chapter.
- a. Change 1: *These centres service the needs of the surrounding residential catchment and neighbouring suburbs.* Ms Hayes acknowledged that the reference to "*and neighbouring suburbs*" could be deleted. However, in her opinion, the retention of this reference sets a clear message that Local Centres serve a wider catchment than their immediate suburb, and so recommended that the wording remains as notified. We concur. For example,

²⁶⁰ Resource consent reference number SR 517439

²⁶¹ HS2 Section 42A Report Josh Patterson paragraph 197

²⁶² HS2 Section 42A Report Josh Patterson paragraph 204

²⁶³ EIC Evita Key for Foodstuffs North Island Ltd 12 June 2023 paragraph 12.3

²⁶⁴ Submission #391.560

we note that the Miramar LCZ services all of the neighbouring suburbs on the Te Motu Kairangi / Miramar Peninsula.

- b. Change 2: *The Medium Density and High Density Residential Zone surrounds most local centres*. Ms Hayes agreed with this change, and so do we, as both MRZ and HRZ can be found in close proximity to the LCZ.
- c. Change 3: *... and address amenity issues that are not anticipated in the Zone*. Ms Hayes disagreed with this wording as it sets an expectation of a 'permitted baseline'²⁶⁵. We concur.
- d. Change 4: Accordingly, most building activities will require a resource consent and an assessment against the Centres and Mixed Use Design Guide. Ms Hayes notes Council's wish to retain the Design Guide approach, and hence disagreed with this change²⁶⁶. The Panel has addressed the general approach to Design Guides in Report 2A, and the Centres and Mixed Use Design Guide in particular in Report 4A and recommends retention of the Residential Design Guide and the Centres and Mixed Use Design Guide (albeit amended) in the Plan. It follows that we do not recommend this submission point be accepted.

LCZ Objectives

LCZ-O1 – Purpose

- 294. Ms Hayes summarised the submissions on this objective in paragraphs 129-133 of her Section 42A Report, which we adopt.
- 295. In relation to Woolworths²⁶⁷, Ms Hayes acknowledged its submission point and agreed that not all people who use the LCZ will live local to the Centre. However, she considered that by including the words "*and passers-by*" in the objective would reduce its clarity. We agree.
- 296. As regards WCC Environmental Reference Group and further submitter Waka Kotahi²⁶⁸, she considered that the addition of reference to 'sustainable transport' within the objective is an unnecessary change. We agree. The suggested change would also reduce the clarity of the objective.

²⁶⁵ HS4 Section 42A Report LCZ Lisa Hayes paragraph 124

²⁶⁶ HS4 Section 42A Report LCZ Lisa Hayes paragraph 125

²⁶⁷ Submission #359.60

²⁶⁸ Submissions #377.449 and #FS103.28

297. For the reasons set out in our Report 4A, and summarised in paragraphs 234 to 237 above, we disagree with the submission of Kāinga Ora²⁶⁹.

LCZ-O2 – Accommodating Growth

298. Restaurant Brands, Z Energy, WCC Environmental Reference Group and Kāinga Ora²⁷⁰ supported LCZ-O2 and sought that it be retained as notified.
299. MoE²⁷¹ supported LCZ-O2 in part and sought that the words “*and additional infrastructure*” be added to explicitly recognise and provide for educational activities in the LCZ. In the Ministry’s view, this is necessary to accommodate growth.
300. Consistent with her recommendations on submissions to the MCZ, Ms Hayes recommended that the submission be accepted. We agree. We consider the LCZ is a suitable location for additional infrastructure, as defined in the PDP.

LCZ-O3 – Amenity and Design

301. We acknowledge the support as notified for this objective from Restaurant Brands, Z Energy and WCC Environmental Reference Group²⁷².
302. Kāinga Ora²⁷³ supported the objective in part, but sought “*high*” density be recognised as part of the range of housing densities potentially enabled in the LCZ. Ms Hayes agreed with Kāinga Ora, as we do also. We adopt her reasons as set out in paragraph 146 of her Section 42A Report. It is intended that the LCZ accommodate both medium and high density mixed use development.
303. As we note for the MCZ and the NCZ in this Report, and in Report 2A, the Hearing Panel accepted RVA’s submission seeking to delete the word ‘positively’ from MRZ-O2 on the basis that it would allow for a ‘neutral’ contribution and therefore better align with the NPSUD, especially Policy 1. To be consistent across the Plan we recommend this amendment here also.

LCZ-O4 – Activities

304. Restaurant Brands, Z Energy and Kāinga Ora²⁷⁴ supported LCZ-O4 and sought that it be retained as notified.

²⁶⁹ Submission #391.560

²⁷⁰ Submissions #349.83, #361.22, #377.450 and #391.564 respectively

²⁷¹ Submission #400.127 and #400.128

²⁷² Submissions #349.84, #361.23 and #377.451 respectively

²⁷³ Submission #359.565 and #359.566

²⁷⁴ Submissions #349.85, #361.24 and #391.567 respectively

305. WCC Environmental Reference Group²⁷⁵ supported LCZ-O4 in part. It sought an amendment to capture the message that the activities provided for in the zone should provide choices that support walkable neighbourhoods. This submission was supported by Waka Kotahi²⁷⁶ as it aligns with its strategic direction around mode choice.
306. Ms Hayes supported this change and recommended that the submission points be accepted as we do also. We agree that walkable access to Centres, and accessibility in general, should be encouraged through the planning framework. We therefore adopt her Section 32AA evaluation.

LCZ Policies

LCZ-P1 – Accommodating Growth (ISPP)

307. Restaurant Brands, the RVA and WCC Environmental Reference Group²⁷⁷ supported LCZ-P1 and sought that it be retained as notified. This is acknowledged.
308. McDonald's and Foodstuffs²⁷⁸ requested an amendment to LCZ-P1.1 to remove references to undermining the ongoing viability, vibrancy and primacy of the other Centre zones. Kāinga Ora²⁷⁹ opposed this change.
309. Z Energy²⁸⁰ sought an expansion to the policy to enable a broad range of commercial activities that support the medium density business and residential intensification sought by the PDP.
310. Kāinga Ora²⁸¹ sought three amendments to the policy. We adopt Ms Hayes' summary of its submission at paragraphs 161-162 of her Section 42A Report.
311. Brian Sheppard²⁸² did not specify whether he supported or opposed LCZ-P1, but sought that it be amended to include adequate provision for the use of open space in Churton Park.
312. Commenting on the submission points relating to **LCZ-P1.1**²⁸³, Ms Hayes noted that while she had recommended that the requirement to consider the vitality and vibrancy of the CCZ be removed from MCZ-P1.1, she considered that it is

²⁷⁵ Submission #377.452

²⁷⁶ Submission #FS103.29

²⁷⁷ Submissions #349.86, #350.235 and #377.453 respectively (opposed by Foodstuffs #FS23.41)

²⁷⁸ Submissions #274.21 and #274.22, and #476.23 respectively

²⁷⁹ Submission #FS89.58 and #89.83

²⁸⁰ Submission #361.25, 361.26

²⁸¹ Submission #391.568 and #391.569

²⁸² Submission #169.3

²⁸³ Submissions #274.21 and #274.22, #476.23 (opposed by #FS89.58, 89.83), and #391.568 and #391.569

appropriate for the LCZ to refer to higher order Centres, given that development should take into account the place of the LCZ within the Centres hierarchy. She did recommend that the reference to viability be removed (consistent with MCZ), but that the reference to tenures and affordability is retained²⁸⁴. We agree with Ms Hayes and accept her reasons. It follows that we adopt her Section 32AA evaluation²⁸⁵.

313. In response to Kāinga Ora's²⁸⁶ request to add "*to high*" to **LCZ-P1.2**, Ms Hayes agreed. We agree also, as high density development will generally be enabled in the LCZ, particularly in areas where a 22 metre (or higher) height limit applies. It follows that we adopt her Section 32AA evaluation²⁸⁷ also.
314. In relation to **LCZ-P1.3**, where Kāinga Ora²⁸⁸ requested that "*convenient*" be removed, Ms Hayes did not see the need for this change. We concur and adopt her reasons²⁸⁹.
315. In response to Z Energy's request to amend **LCZ-P1.5** to include reference to "*commercial services*", we note that this matter has been addressed in the MCZ section, where we recommend rejection of the submission. We have the same response in this context.

LCZ-P4 – Potentially incompatible activities

316. We acknowledge the support from Restaurant Brands and Kāinga Ora²⁹⁰ for LCZ-P4 as notified.
317. Woolworths²⁹¹ considered that the policy is unclear and should be amended to clarify why matters 1-4 are included. Furthermore, it sought that these clauses be deleted from the policy on the basis that potentially incompatible activities (being activities not contemplated by the zone, or ones that infringe the zone standards) should be able to be accommodated in the zone if there is a functional and operational need for them and effects on the Centre are managed. This was opposed by Waka Kotahi²⁹².

²⁸⁴ HS4 Section 42A Report LCZ Lisa Hayes paragraph 164-165

²⁸⁵ HS4 Section 42A Report LCZ Lisa Hayes paragraph 171-172

²⁸⁶ Submissions #391.568 and #391.569

²⁸⁷ HS4 Section 42A Report LCZ Lisa Hayes paragraph 171-172

²⁸⁸ Submissions #391.568 and #391.569

²⁸⁹ HS4 Section 42A Report LCZ Lisa Hayes paragraph 167

²⁹⁰ Submissions #349.89 and #391.572 respectively

²⁹¹ Submission #359.61

²⁹² Submission #FS103.30

318. Z Energy²⁹³ supported LCZ-P4 in part. It considered that the policy is too specific and would impact on the continued operation, maintenance and upgrade of a range of existing activities, because some yard-based activities, like service stations, play a key role in providing essential services to enable a well-functioning urban environment.
319. WCC Environmental Reference Group²⁹⁴ also considered that the policy is unduly restrictive and considered that allowing a wider range of activities (such as yard-based activities) is fundamental to limiting car use and creating walkable neighbourhoods.
320. Ms Hayes recommended the submission of Woolworths be rejected as she considered the words “*demonstrate an operational or functional need to locate within the zone*” to be unnecessary as such issues would be considered at the resource consent stage. She also disagreed with the deletion of the four matters under the policy as she considered that they provide clarity as to what matters are unacceptable within the zone²⁹⁵. We agree.
321. Ms Hayes also disagreed with Z Energy and WCC Environmental Reference Group that the addition of the word ‘new’ is required, as the policy will only apply to new buildings and activities. We agree with her on that point also, and accept her reasons²⁹⁶.

LCZ-P5 – Heavy industrial activities

322. We acknowledge Restaurant Brands, Z Energy and Kāinga Ora’s²⁹⁷ support for LCZ-P5. They sought it be retained as notified.
323. WCC Environmental Reference Group²⁹⁸ sought that the policy be amended on the basis that the use of ‘avoid’ is too strong/prohibitive and there are some activities, such as small-scale waste collection, that would fit within the category of heavy industrial activities, but which would be suitable in the LCZ.
324. Ms Hayes recommended the submission of WCC Environmental Reference Group be rejected for reasons set out in her Section 42A Report²⁹⁹. We agree with her. In particular, Ms Hayes noted that a small-scale waste collection activity that was

²⁹³ Submission #361.29 and #361.30

²⁹⁴ Submission #377.456

²⁹⁵ HS4 Section 42A Report LCZ Lisa Hayes paragraph 184

²⁹⁶ HS4 Section 42A Report LCZ Lisa Hayes paragraph 185

²⁹⁷ Submissions #349.90, #361.31 and #391.573 respectively

²⁹⁸ Submission #377.457

²⁹⁹ HS4 Section 42A Report LCZ Lisa Hayes paragraph 190

determined to be an industrial activity, and not a heavy industrial activity, could occur within the LCZ. We observe that the purpose of LCZ-P5 is to prevent larger scale activities where these create: “*offensive and objectionable noise, dust or odour, significant volumes of heavy vehicle movements, or elevated risks to people’s health and safety*”. We consider this an appropriate policy for the LCZ.

LCZ-P6 – Housing choice (ISPP)

325. Restaurant Brands, Z Energy and WCC Environmental Reference Group³⁰⁰ supported LCZ-P6 and sought that it be retained as notified.
326. RVA³⁰¹ generally supported LCZ-P6 and its enablement of medium density residential development, but sought an amendment to acknowledge that each individual development will not offer the range of those matters listed in LCZ-P6.2.
327. Kāinga Ora³⁰² sought that the policy be 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 Local Centre; and
 - e. Clarify that the intent of the LCZ is to enable significant intensification and height, and therefore medium to high-density housing is the appropriate scale of development to encourage within the Local Centre, and high-density residential development can provide for a range of housing choices in itself³⁰³.
328. In response to RVA, Ms Hayes considered that “*Offers*” in LCZ-P6.2 could be changed to “*Contributes to*” as in her opinion, they could be used interchangeably. We agree with RVA that “*Contributes to*” would provide clarity that an individual development is not compelled to offer the range listed.
329. As regards Kāinga Ora, Ms Hayes recommended the submission points be rejected. We agree, and accept her reasons. There is no reason why a range of tenures should not be available in the LCZ.

³⁰⁰ Submissions #349.91, #361.32 and #377.458 respectively

³⁰¹ Submissions #350.236 and #350.237

³⁰² Submission #391.574 and #391.575

³⁰³ HS4 Section 42A Report LCZ Lisa Hayes paragraph 195

LCZ-P7 – Quality design – neighbourhood and townscape outcomes

330. Restaurant Brands, RVA, WCC Environmental Reference Group and WHP³⁰⁴ supported LCZ-P7 and sought that it be retained as notified.
331. Foodstuffs³⁰⁵ opposed LCZ-P7 being retained as notified on the basis that it sought an amendment to the policy to recognise the functional and operational requirements of activities and development.
332. FENZ³⁰⁶ supported the policy in part, but sought that it be amended to include access for emergency service vehicles as an additional consideration in the design and layout of new developments.
333. McDonalds and Foodstuffs³⁰⁷ sought that functional and operational needs are referenced as an additional clause on the basis that they appear in some assessment criteria, but not in the policy framework.
334. Z Energy³⁰⁸ considered that LCZ-P7 should be amended to recognise that alternative design responses are necessary for the functional requirements of a range of activities, including existing service stations.
335. Kāinga Ora³⁰⁹ supported LCZ-P7 in part, but sought the following amendments:
- f. A change to the name of the policy to better reflect the intent of the policy and the subsequent wording, which seeks to manage the contribution of new developments to the neighbourhood and townscape; and
 - g. A change to the policy wording to better recognise the LCZ rule setting and the intent of the NPSUD (particularly Policy 6) that recognises the planned urban built form, and that change to existing amenity is not in itself an adverse effect; and to simplify and clarify the neighbourhood and townscape outcomes that the District Plan is seeking to manage.
336. Ms Hayes agreed with FENZ, as do we. Sites should be accessible for emergency service vehicles.
337. We recommend that the submissions from McDonalds and Foodstuffs are rejected for the reasons set out in our report relating to the equivalent provision in the MCZ.

³⁰⁴ Submissions #349.92, #350.238, #377.459 and #412.78

³⁰⁵ Submission #FS23.41

³⁰⁶ Submission #273.265 and #273.266

³⁰⁷ Submission #274.23 and #274.24, #476.24 and #476.25 respectively

³⁰⁸ Submission #361.33 and #361.34

³⁰⁹ Submission #391.574 and #391.575

338. Ms Hayes recommended rejecting the submission points from Z Energy as its relief will be addressed through the inclusion of a new LCZ-P7.3. We agree.
339. We adopt Ms Hayes' reasons for accepting and rejecting the submission points of Kāinga Ora, as set out in her paragraphs 213-215 of her Section 42A Report. It follows that we adopt her Section 32AA evaluation at paragraphs 219-220 of that same Report.
340. As we discuss below, and more fully in our Report 4A, we have concluded that COC is inappropriate for the LCZ and as such we have recommended amendments to Policy LCZ-P7 in line with our recommendations in that report. In our view the more intrinsic quality design attributes of the COC are more appropriate as elements of the policy on promoting quality development outcomes across the LCZ. These elements relate to promoting higher standards of resilience, sustainability, and accessibility in building design so that these elements are explicitly considered as part of the resource consent process across all development.
341. Policy LCZ-P7 also includes an element that focuses on whether a proposal positively contributes to the sense of place and distinctive form of the Centre where the site or proposal will be prominent. The design assessment process is well established and well understood, and while the intrinsic design aspects cannot be mandatorily imposed on development, having these aspects clearly articulated in policy will ensure that applicants address their responses to these matters as part of the design evaluation.

LCZ-P8 – On-site residential amenity (ISPP)

342. We acknowledge the support of LCZ-P8 from Restaurant Brands, Z Energy and WCC Environmental Reference Group³¹⁰.
343. Kāinga Ora³¹¹ supported the policy in part, but sought amendments to clarify the extent of on-site amenity requirements. It commented that open space can be private or communal, and does not need to be specified in the policy. It also considered that outlook requirements should not be mandatory in a higher density living situation.
344. Ms Hayes considered that the current wording of the policy could be improved and recommended amending the policy. She recommended that LCZ-P8 is amended to reference the RDG insofar as this seeks to encourage high quality on-site amenity

³¹⁰ Submissions #349.93, #361.35 and #377.460 respectively

³¹¹ Submissions #391.578 and #391.579

for residential activities. This was a consequential change of amending LCZ-R18 (which we address below). It would allow for the removal of references to the RDG from LCZ-R18, noting that an assessment against the policy would be required as a matter of discretion³¹². We accept her reasons and adopt her Section 32AA evaluation³¹³. We observe that this is consistent with our recommendations for MCZ-P8.

LCZ-P9 – Managing adverse effects

345. We note that Restaurant Brands, Z Energy and WCC Environmental Reference Group³¹⁴ supported LCZ-P9 and sought it be retained as notified.
346. RVA³¹⁵ opposed LCZ-P9 in part. It agreed that shading, privacy, bulk and dominance effects on adjacent sites require management, but considered that the level of management needs to be informed by the development expectations for the zone. It requested that the policy is amended to reflect this, and that a 'Role of Density Standards' policy be added.
347. Kāinga Ora³¹⁶ considered that an amendment is required to LCZ-P9 to specify that the adverse effects that need consideration are only those beyond what is anticipated in the zone.
348. In response to RVA, the Reporting Officer considered that the change was unnecessary given the notification clauses under LCZ-R18. We concur.
349. The Reporting Officer disagreed with Kāinga Ora. We agree. The relief sought would effectively build a permitted baseline test into the policy, which in our view should remain at the discretion of the decision-maker on a resource consent application.

LCZ-P10 – City Outcomes Contribution

350. WCC Environmental Reference Group³¹⁷ supported LCZ-P10 and sought that it be retained as notified. Conversely, McDonald's, RVA, Investore, Fabric Property Ltd and Foodstuffs³¹⁸ opposed the policy and sought its deletion.

³¹² HS4 Section 42A Report LCZ Lisa Hayes paragraph 225

³¹³ HS4 Section 42A Report LCZ Lisa Hayes paragraphs 223-230

³¹⁴ Submissions #349.94, #361.36 and #377.461

³¹⁵ Submission #350.239

³¹⁶ Submissions #391.580, #391.581

³¹⁷ Submission #377.462

³¹⁸ Submissions #274.25, #350.241, #405.66, #425.52 and #476.26 respectively

351. An additional eight submission points from Property Council³¹⁹, Restaurant Brands³²⁰, Woolworths³²¹, Z Energy³²², Kāinga Ora³²³, and VicLabour³²⁴ sought that the policy is retained with amendments.
352. Ms Hayes also noted that Woolworths³²⁵ has identified that LCZ-P10 incorrectly refers to guideline G107, whereas the correct reference is G97. Ms Hayes agreed that this should be amended.
353. We address the City Outcomes Contribution policy in Report 4A. We recommend consequential changes to the policies for LCZ, namely LCZ-P7 and LCZ-P10. In summary we concluded that the COC would be inappropriate to apply to the LCZ as the proposed building heights and densities provide for an anticipated urban form that would be commensurate with the level of commercial activity and community services for this Centre.
354. The Panel concluded that this policy should be reframed such that the policy seeks to ‘encourage’ rather than require the provision of outcomes contribute positively to the amenity of the Centre and its sense of place. This policy would encourage applicants of over height development proposals to provide offset or compensation for adverse effects that these forms of development can create. We note that we address ‘under height’ development (LCZ-S2) below.
355. This approach aligns with Section 104(1)(ab) RMA which requires consenting authorities, in considering resource consent applications, to have regard to “any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity”. While the amended policy would identify those wider public environmental outcomes listed in the COC policy, it would not be confined to those outcomes and therefore an applicant could propose other forms of contributions that would be assessed on a case-by-case basis.
356. The recommended public outcomes for this revised policy would include:

³¹⁹ Submission #338.15 (opposed by the RVA and Ryman #FS126.206 and #FS128.206)

³²⁰ Submission #349.95 (opposed by Foodstuffs #FS23.43)

³²¹ Submission #359.62 (opposed by Foodstuffs #FS23.9),

³²² Submissions #361.37 and #361.38

³²³ Submission #391.582 (opposed in part by RVA and Ryman #FS126.154 and #FS128.154), and #391.583 (opposed in part by RVA and Ryman #FS126.155 and #FS128.155)

³²⁴ Submission #414.37

³²⁵ Submission #359.62

- a. Positively contributing to public space provision and the amenity of the site and surrounding area, particularly in areas of deficit public space;
- b. Positively contributing to public accessibility and connections;
- c. Restoring and reusing heritage buildings and structures;
- d. Recognising and responding to adjacent sites and areas of heritage or sites and areas of significance to Māori; and
- e. Incorporating assisted housing into the development; where this is provided, legal instruments are required to ensure that it remains assisted housing for at least 25 years.

LCZ Rules

LCZ-R10 – Residential activities

- 357. Department of Corrections and WCC Environmental Reference Group³²⁶ supported LCZ-R10 and sought that it be retained as notified.
- 358. Friends of Khandallah³²⁷ sought that the rule be amended so that the entire ground floor of a building must be non-residential.
- 359. RVA³²⁸ opposed LCZ-R10 with respect to the limitations on ground level activities, and sought that the rule be amended. Waka Kotahi³²⁹ supported the restriction on ground level activities, and opposed that part of the RVA submission.
- 360. Kāinga Ora³³⁰ supported LCZ-R10 in part, but sought that it be amended as follows:

LCZ-R10 (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;
 - iii. At ground floor level along any street edge not identified as a non-residential activity frontage.;

³²⁶ Submissions #240.35 and #377.472

³²⁷ Submission #252.3 (opposed by RVA #FS126.51 and Ryman #FS128.51)

³²⁸ Submission #350.242 and #350.243

³²⁹ Submission #FS103.31

³³⁰ Submissions #391.584 and #391.585

- 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.

2. Activity status: Restricted Discretionary

Where:

- a. Compliance with the requirements of LCZ-R10.1.a cannot be achieved.

Matters of discretion are restricted to:

- 1. The matters in LCZ-P7 and LCZ-P8.

Notification status: An application for resource consent made in respect of rule LCZ-R10.2.a is precluded from being limited and publicly notified.

361. In response to Friends of Khandallah³³¹, Ms Hayes explained that the purpose of this rule is to ensure that commercial buildings along identified frontages create and maintain a positive interaction with the public environment. However, there will be streets within the LCZ where no such interaction is necessary, and residential development at ground level will be acceptable. Accordingly, she recommended that this submission point is rejected. We agree with that outcome, and observe that LCZ-R10 is generally permissive of residential activities, except where they are incorporated into the ground level of buildings identified as having an active or non-residential frontage, where a verandah is required, or if the site is subject to the Natural Hazards Overlay.
362. In her Section 42A Report³³², Ms Hayes disagreed with Kāinga Ora that the deletion of clause iv. was necessary, but recommended that clause v. be deleted to be consistent with the Section 42A Report recommendations for the MCZ provisions. She also disagreed that the activity status should change to Restricted Discretionary, as Discretionary Activity status signifies that residential activities are discouraged along active or non-residential frontages. She was supportive of amending the notification clause, noting that under LCZ-R18 buildings that generate adverse effects on adjoining sites may still be limited notified if they generate adverse effects that exceed those provided for under the building standards. In her Reply, the reporting officer for the CCZ, Ms Stevens³³³ recommended amendments to the equivalent rule in the CCZ to provide for a Restricted Discretionary pathway rather than Discretionary. As a consequential amendment, and for Plan

³³¹ HS4 Section 42A Report LCZ Lisa Hayes paragraph 275

³³² HS4 Section 42A Report LCZ Lisa Hayes paragraph 277

³³³ HS4 Written Reply CCZ Anna Stevens 4 August 2023 paragraphs 157-159

consistency, we prefer Ms Stevens' recommendation in this context over Ms Hayes, and adopt her Section 32AA evaluation.

LCZ-R11 – Integrated retail activities

363. We acknowledge support for LCZ-R11 as notified from WCC Environmental Reference Group³³⁴.
364. JCA³³⁵ opposed the rule on the basis that it is too restrictive, in particular with respect to the development of Johnsonville Mall, and sought that it be deleted in its entirety.
365. Kāinga Ora³³⁶ supported LCZ-R11 in part, but considered that the gross floor area of 20,000m² does not appropriately reflect the scale of the Centres hierarchy anticipated by the NPSUD, and suggested this should be reduced to 10,000m² for the LCZ.
366. Ms Hayes recommended that the request of Kāinga Ora be rejected as she considered that LCZ is the third in the Centres hierarchy and 20,000m² is an acceptable GFA within this zone³³⁷. This was endorsed by Dr Lees who noted that it will likely improve the “*push and pull factors of Wellington City*”³³⁸. We agree and adopt the reasons outlined.
367. In response to JCA, Ms Hayes also recommended that the submission be rejected³³⁹. She considered that a large-scale integrated retail activity is appropriate in the LCZ. However, she also considered that the permitted GFA for such activities should relate to the zone hierarchy. This was reflected in her recommendation that the GFA limit be removed entirely in the MCZ, and retained at 10,000m² in the NCZ. We have accepted her reasons and agreed with those recommendations. We observe also that the removal of the GFA limit in the MCZ may in fact address the submission point from JCA and so we recommend accepting in part of that submission.
368. Further, Ms Hayes recommended that the statement that “*Council will not apply a permitted baseline ...*” should be deleted from LCZ-R11.2, as in her opinion, this statement is unnecessarily constraining and that it should be up to the resource consent planner assessing an application to determine whether or not a permitted

³³⁴ Submission 377.473 (opposed by JCA #FS114.44)

³³⁵ Submission #429.39

³³⁶ Submissions #391.586, #391.587 and #391.588 (opposed by the JCA #FS114.37, #FS114.38 and #FS114.39)

³³⁷ HS4 Section 42A Report LCZ Lisa Hayes paragraph 283

³³⁸ HS4 EIC Dr Kirdan Lees, paragraph 50.

³³⁹ HS4 Section 42A Report LCZ Lisa Hayes paragraph 285

baseline should be applied at their discretion. For consistency, and for the same reasons, she recommended that this be deleted from LCZ-R18 and MUZ-R11. Our recommendations align with those of Ms Hayes with regard to the size of the GFA. It follows that we adopt her Section 32AA evaluation also³⁴⁰.

369. Considering the deletion of the permitted baseline clause, while we agree with the point made by Ms Hayes, we note that we have not received any submissions to that effect, and, as these are P1 Sch 1 matters, therefore there is no scope to remove this clause and it should remain as notified.

LCZ-R12 – Industrial activities

370. WCC Environmental Reference Group³⁴¹ sought that LCZ-R12 be amended on the basis that it is too restrictive and could be a major roadblock for community waste management, small scale composting or niche recycling activities. It sought that it be a Discretionary Activity and that the notification status clause be deleted.
371. Ms Hayes explained that industrial activities are enabled at LCZ-P2 and are a Permitted Activity under LCZ-R12.1. A small-scale waste collection activity that was determined to be an industrial activity, and not a heavy industrial activity, is therefore enabled within the LCZ, whereas the policy framework seeks to avoid larger scale industrial activities. She therefore considered it is appropriate to retain the activity status and notification clause as notified³⁴². We concur.

LCZ-R13 – Carparking activities

372. We acknowledge the general support for this rule from Kāinga Ora³⁴³.
373. McDonald's and Foodstuffs³⁴⁴ opposed the Discretionary Activity status under the rule and sought that this be changed to Restricted Discretionary. Woolworths³⁴⁵ also sought this change and recommended a number of matters of discretion to sit under the rule.
374. Foodstuffs³⁴⁶ supported the requested change, whereas GWRC and Waka Kotahi³⁴⁷ opposed the submission and sought that the rule be retained as notified.

³⁴⁰ HS4 Section 42A Report LCZ Lisa Hayes paragraph 286-290

³⁴¹ Submission #377.474

³⁴² HS4 Section 42A Report LCZ Lisa Hayes paragraph 292

³⁴³ Submission #391.589

³⁴⁴ Submissions #274.26 and #274.57, and #476.27 and #476.28 respectively

³⁴⁵ Submission #359.63

³⁴⁶ Submission #FS23.10

³⁴⁷ Submission #FS84.104 and #FS84.107, and #FS103.32 respectively

375. Consistent with her assessment on equivalent submissions in relation to the MCZ, Ms Hayes recommended rejection of the submission points³⁴⁸. We agree and refer the reader to our recommendations in the MCZ section of our report (paragraphs 98 to 102).

LCZ-R14 – Yard-based retailing activities

376. Z Energy and the Oil Companies³⁴⁹ supported LCZ-R14 in part, but sought an amendment to the notification clause under the rule.
377. WCC Environmental Reference Group³⁵⁰ was concerned that the Discretionary Activity status will be unduly restrictive of activities such as small garden centres, and hinder walkable neighbourhoods. It sought amendments or a tiered approach, whereby some yard-based activities are permitted.
378. Ms Hayes recommended acceptance in part of the submissions of Z Energy and the Oil Companies for the same reasons as in relation to the MCZ, which we have recommended being accepted. We agree with that position in this context also and adopt her Section 32AA evaluation³⁵¹.
379. As regards the submission of WCC Environmental Reference Group, Ms Hayes disagreed that the activity status should be amended³⁵². She observed that elsewhere in the Plan where an activity is potentially incompatible with the underlying zone, a Discretionary Activity status prevails, and conversely, yard-based activities are enabled in the MUZ and GIZ. We agree with her reasoning.

LCZ-R17 (now LCZ-R18) – Demolition of buildings and structures

380. We acknowledge the support for this rule from FENZ and Restaurant Brands³⁵³.
381. GWRC³⁵⁴ supported the rule, but sought that LCZ-17.1 be amended to require that all demolition material is disposed of at an approved facility to achieve the Permitted activity status. We have addressed this matter in relation to the MCZ (paragraphs 107 to 113). For the same reasons, we recommend the submission be rejection³⁵⁵.

³⁴⁸ HS4 Section 42A Report MCZ Lisa Hayes paragraphs 198-199

³⁴⁹ Submissions #361.39 and #361.40, and #372.149 and #372.150 respectively

³⁵⁰ Submission #377.475

³⁵¹ HS4 Section 42A Report MCZ Lisa Hayes paragraphs 205-210

³⁵² HS4 Section 42A Report LCZ Lisa Hayes paragraph 305

³⁵³ Submissions #273.269 and #349.98 respectively

³⁵⁴ Submissions #351.270 and #351.271

³⁵⁵ This is consistent with our recommendations for other zones also

382. Kāinga Ora³⁵⁶ supported the rule, but sought that LCZ-17.1 be amended so that it only applies to active and non-residential activity frontages.
383. Investore³⁵⁷ supported the intention of the rule, and supported the preclusion of public and limited notification, but had concerns that as framed it may constrain staged developments that require demolition and clearing of a larger site to enable development. It sought that the rule be amended to have a Restricted Discretionary Activity status with a notification preclusion, on the basis that this would provide greater certainty for development, while ensuring that Council still retains appropriate discretion to ensure quality design outcomes.
384. Consistent with Ms Hayes and our recommendations on the MCZ, we recommend the submissions of Investore and Kāinga Ora be rejected for the reasons set out above. We agree with Ms Hayes' observation that Discretionary Activity status assists in deterring the creation of vacant land, which can prevent development potential from being realised and adversely affect the vitality of a Centre³⁵⁸.

LCZ-R18 (now LCZ-R19) – Construction of, or additions and alterations to, buildings and structures

385. FENZ³⁵⁹ supported LCZ-R18 and sought that it be retained as notified.
386. Council³⁶⁰ was supportive of the rule, but noted that a notification clause was omitted in the drafting, and sought that this be added to the rule.
387. McDonalds³⁶¹ opposed 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. It considered that these works should be a Permitted Activity where compliance with relevant standards is achieved. In its opinion, the rule as notified could result in a perverse outcome, whereby works to upgrade existing façades are not undertaken as consent is required. As such, it sought that LCZ-R18.1 be amended.
388. Woolworths³⁶² sought changes to the rule to provide for supermarket activities. RVA³⁶³ sought changes to provide for retirement village activities.

³⁵⁶ Submissions #391.591 and #391.592

³⁵⁷ Submissions #405.67 and #405.68

³⁵⁸ HS4 Section 42A Report MCZ Lisa Hayes paragraph 319

³⁵⁹ Submission #273.270

³⁶⁰ Submission #266.155 (supported by the RVA #FS126.43 and Ryman #FS128.43)

³⁶¹ Submissions #274.28 and #274.29

³⁶² Submissions #359.64 and #359.65

³⁶³ Submissions #350.244 and #350.245

389. Kāinga Ora³⁶⁴ supported the rule in part, and in particular the notification clauses, but sought the removal of reference to residential activities in LCZ-R18.1 (as these are covered by the activity rules), and to the Design Guides. Investore³⁶⁵ also sought the removal of references to the Design Guides in the rule framework.
390. Fabric Property Ltd and Restaurant Brands³⁶⁶ sought the deletion of LCZ-R18.2.3, which references the City Outcomes Contribution.
391. Ms Hayes accepted that there was a drafting error, and recommended that the non-notification clause be added to the rule, which we agree also for the reasons set out in paragraph 331 of the Section 42A Report.
392. Consistent with our recommendations on the MCZ, we recommend the submissions from McDonald's and Woolworths be rejected.
393. In response to Kāinga Ora, and consistent with our recommendations for the MCZ, we concur with Ms Hayes' recommendation to accept in part its submission points, and associated further submission points from RVA/Ryman. This also addresses Restaurant Brands, Investore and Fabric Property Ltd's submissions insofar as direct references to Design Guides would be removed from LCZ-R18.
394. We also note that we have recommended other amendments to this rule in response to our recommendations on the City Outcomes Contribution. These amendments are discussed in our report 4A.

LCZ-R19 (now LCZ-R20) – Conversion of buildings, or parts of buildings, for residential activities

395. FENZ³⁶⁷ supported the rule in part, but sought that it be amended to include the necessity to connect to three waters infrastructure for firefighting purposes.
396. Kāinga Ora³⁶⁸ supported the rule in part and sought that it be amended to remove direct references to the Residential Design Guide, on the basis that the matters in the relevant policies include those matters articulated through the Design Guide. Investore³⁶⁹ also sought this change on the basis that it considered the Design Guides should sit outside of the District Plan as reference documents, and that the

³⁶⁴ Submissions 391.593 and #391.594 (supported by RVA #FS126.43] and Ryman #FS128.43 with respect to removing the Design Guides from the rule framework)

³⁶⁵ Submissions #405.69 and #405.70 (supported by RVA #FS126.87 and #FS126.88 and Ryman #FS128.87 and #FS128.88 with respect to removing the Design Guides from the rule framework)

³⁶⁶ Submissions #425.53 and #349.99 respectively

³⁶⁷ Submissions #273.271 and #273.272

³⁶⁸ Submissions #391.595 and #391.596

³⁶⁹ Submissions #405.71 and #405.72 (supported in part by RVA #FS126.89 and #FS126.90 and Ryman #FS126.89 and #FS126.90)

reference to the Residential Design Guide should be replaced with matters of discretion that specify the design outcomes sought.

397. Ms Hayes disagreed with FENZ, as do we, because fire-fighting servicing is provided for under the Building Code³⁷⁰.
398. In response to Kāinga Ora and Investore, the Reporting Officer agreed with the request to remove the reference to the RDG from LCZ-R19 in part. As discussed above, Ms Hayes was of the opinion that reference to the RDG should rightly sit within LCZ-P8, as in her view this would avoid unnecessary duplication given there is already a requirement to consider LCZ-P8 as a matter of discretion. We observe also that we recommend that the CMUDG is referenced not the RDG as the latter does not apply to the Commercial and Mixed Use Zones.
399. We heard no further evidence at the hearing from submitters to determine otherwise, and so the Panel agrees with Ms Hayes, and accepts her reasons for the amendments to LCZ-R19. It follows that we also adopt her Section 32AA assessment at paragraph 349-350 of her Section 42A Report. As previously mentioned, we address the approach to Design Guides as a whole in our Decision Report 2A.

LCZ-R20 (now LCZ-R21) – Outdoor storage areas

400. WCC Environmental Reference Group³⁷¹ supported LCZ-R20 and sought that it be retained as notified.
401. FENZ³⁷² supported the rule in part, but sought that it be amended to ensure that screening will not obscure safety signage or obstruct access to emergency panels, hydrants, shut-off valves or other emergency response facilities.
402. Ms Hayes accepted the submission of FENZ³⁷³ as do we also. Screening of outdoor storage areas should not obscure emergency or safety signage, or obstruct access to emergency facilities.

³⁷⁰ HS4 Section 42A Report MCZ Lisa Hayes paragraph 345

³⁷¹ Submission #377.475

³⁷² Submissions #273.273 and #273.274

³⁷³ HS4 Section 42A Report MCZ Lisa Hayes paragraph 353

LCZ Standards

LCZ-S1 – Maximum height

403. We acknowledge the support for this standard as notified by James Coyle, Restaurant Brands and Investore submitters³⁷⁴.
404. Rachel Underwood³⁷⁵ opposed six storey development in the LCZ as she considered it would result in cold, sunless wind canyons. She sought that buildings are restricted to low rise or one level adjacent to the roadside, with three storey (or six storey) buildings set back.
405. FENZ³⁷⁶ supported the standard in part, but sought an exemption for hose drying towers associated with emergency service facilities in order to appropriately provide for the operational requirements of FENZ. As these structures can be 12 to 15 metres in height, they would potentially exceed the height limits in LCZ Height Control Area 1 and Height Control Area 2.
406. Kāinga Ora³⁷⁷ supported the standard in part, particularly as it enables six storey development in a number of centres, but sought that Miramar, Newtown and Tawa are removed from Height Control Area 3 under LCZ-S1 and reassigned as Town Centre Zone.
407. Additionally, Kāinga Ora³⁷⁸ sought that the standard be amended to reflect their universal request for 22 metres and that fences and standalone walls must not exceed a maximum height of 2 metres rather than the notified 1.8 metres.
408. The following submissions on LCZ-S1 sought amendments to the height limits attributed to specific Centres, as summarised in Ms Hayes Section 42A Report³⁷⁹:
- The Urban Activation Lab of Red Design Architects³⁸⁰ considered that Newtown suburban centre area is suitable for intensification and that there are opportunities for heights in this zone to be increased, subject to a community-led masterplan being developed for Newtown. HPW³⁸¹ supported this submission point on the basis that It supported “*the implementation of a sensible plan for revitalisation in*

³⁷⁴ Submissions #307.22, #349.100, #405.73 respectively

³⁷⁵ Submission #458.10

³⁷⁶ Submission #273.275 and #273.276

³⁷⁷ Submission #391.597 (opposed by WCCT #FS82.105 and GWRC #FS84.42)

³⁷⁸ Submission #391.598 (opposed by WCCT, GWRC, LIVE WELLington and Roland Sapsford #FS82.106, #FS84.43, #FS96.36 and #FS117.35 respectively)

³⁷⁹ HS4 Section 42A Report MCZ Lisa Hayes paragraph 361

³⁸⁰ Submission #420.13

³⁸¹ Submission #FS111.60

Newtown heritage shopping area including provision of additional housing at scale, while also protecting the heritage shop frontages”.

- Steve Dunn³⁸² considered that Newtown is suited to 3-4 storey housing along its transport spine, and sought that the LCZ provides for this.
- Ben Barrett³⁸³ considered that Constable Street is not a major transport route, and that appropriate building planning is required along Constable Street, varying in height, with building heights reducing as the elevation of the road rises.
- David Stephen, Ian Law, Julie Patricia Ward, Brian McKenna, Pam Wilson, WCCT, Friends of Khandallah and Wilma Sherwin³⁸⁴ sought that the maximum height limit in the Khandallah LCZ be reduced from 22 metres (i.e. Height Control Area 3), generally to 14 metres, although the Friends of Khandallah³⁸⁵ requested an 8 metre limit (in both the PDP and ODP).
- John L Morrison³⁸⁶ sought to remove Churton Park from Height Control Area 3.
- Catherine Underwood³⁸⁷ opposed the 22 metre height limit in Brooklyn. She sought that 2 and 5 Todman Street and 28 Cleveland Street be removed from Height Control Area 3, and that the height limit be reduced to 14 metres on the south side of the road and 11 metres on the north side.
- The Greater Brooklyn Residents’ Association Inc³⁸⁸ also considered that the 22 metre height limit is inappropriate for the Brooklyn LCZ and for the sites at 2 and 5 Todman Street, and sought a reduction. It sought that the height limit in Brooklyn be reduced to 14 metres on the southern side of Cleveland Street, and 11 metres on the northern side of Cleveland Street. It sought also that the heights at 2 and 5 Todman Street revert to the ODP 12 metre height limit.
- The Greater Brooklyn Residents’ Association Incorporated³⁸⁹ also considered that the 22 metre height limit is inappropriate for the Kingston LCZ, but did not request a specific alternative height.

³⁸² Submission #288.9

³⁸³ Submission #479.22

³⁸⁴ Submissions #82.8, #101.7, #103.9, #113.4, #120.8, #233.1, #233.2, #233.22, #233.23, #252.4, #252.5, #306.10 and #306.11 respectively

³⁸⁵ Submissions #252.1 and #252.5

³⁸⁶ Submission #28.1

³⁸⁷ Submissions #481.15, #481.28 and #481.29

³⁸⁸ Submissions #459.4 and #459.5

³⁸⁹ Submission #459.5

- Catherine Underwood³⁹⁰ sought that the height limit along Upland Road, Kelburn be reduced to 14 metres on the south side, and 11 metres on the north side.
- Catherine Underwood³⁹¹ also sought that the maximum height limit of 18 metres in Karori is increased to 22 metres. She was concerned that the 22 metre height limits in Brooklyn, Aro Village and Kelburn Village will increase development in these Centres, whereas Karori is better suited to this, and that there will be an adverse effect on these other Centres as a consequence. She requested that, if the height in Karori is not increased to 22 metres, the height limits for these other Centres are decreased to 18 metres.
- Geoff Upton³⁹² considered that there is an inconsistent approach to the height limits in Miramar, north of Miramar Avenue, and sought that the same height area is applied to areas the same distance from the Centre.

409. Ms Hayes provided her assessment of the submissions for LCZ-S1, and reasons for accepting / rejecting them in paragraphs 362-375 of her Section 42A Report.

410. In summary, she considered that Policy 3(d) of the NPSUD provides the scope to consider whether a blanket application of the 22 metre height limit is appropriate for Wellington's LCZ. Policy 3(d) requires Tier 1 authorities to enable within and adjacent to LCZs building heights and densities of urban form commensurate with the level of commercial activity and community services. Ms Hayes acknowledged that there is considerable difference in the scale of the different LCZs across the city.

411. In response to Kāinga Ora request for TCZ, we address that in our Report 4A, recommending it be rejected.

412. Ms Hayes considered that given the LCZ (and NCZ) are generally permissive of the same activities, concerns raised in relation to the scale of the different LCZ could be addressed through amendments to LCZ-S1. In this respect, she recommended Kāinga Ora's request for a blanket 22 metre height limit be rejected, and that consideration be given to reducing the height limit in the smaller LCZs and/or increasing the height limits in the larger Centres which we find is more appropriate than lowering height limits.

³⁹⁰ Submission #481.30

³⁹¹ Submissions #481.17 and #481.31

³⁹² Submission #116.1

413. Ms Hayes acknowledged that the characteristics of Newtown and Tawa Centres differ from those of smaller Centres, and she therefore recommended a new Height Control Area 4 be added to LCZ-S1 to provide further differentiation between the heights in different LCZs³⁹³. We agree with Ms Hayes that the inclusion of a new Height Control Area 4 is appropriate for the reasons set out above, and in her Section 42A Report³⁹⁴.
414. Regarding the height limits attributed to the smaller LCZs which are listed within Height Control Area 3³⁹⁵ of LCZ-S1, Ms Hayes noted that they had a considerably lower 'level of service' than the larger Newtown, Miramar and Tawa Centres, although she pointed out that they are on well-serviced public transport routes.
415. To acknowledge these differences, and noting that NPSUD policy 3(d) only requires intensification around LCZ that is "*commensurate with the level of commercial activities and community services*", Ms Hayes recommended that the height limits of Khandallah and Kelburn Centres should be assigned to Height Control Area 2, with an 18 metre height limit. In her view, this would increase the development potential of the respective Centres, while assisting maintenance of their existing scale and character. She acknowledged that some submitters requested lower heights, such as 14 metres or the ODP height limits. However, the NPSUD directs that the scale and nature of the existing Centres, and the level of amenity available within these Centres, will change to accommodate growth. She considered that 18 metres provides a suitable balance between encouraging intensification in established Centres and maintaining their existing scale³⁹⁶. We concur.
416. Ms Hayes recommended that the height limit for Brooklyn and Aro Street Centres remains at 22 metres height, and we agree. She noted that Brooklyn LCZ is on two well-serviced bus routes (no.7 and no.17) and is within walking distance of the CBD. She gave consideration to reducing the heights available to 2 and 5 Todman Street and 28 Cleveland Street to provide for a transition to the adjacent MRZ. However, she considered that they are appropriate for taller buildings, and therefore recommended rejection of the submission points³⁹⁷.

³⁹³ HS4 Section 42A Report MCZ Lisa Hayes paragraphs 364-366

³⁹⁴ HS4 Section 42A Report MCZ Lisa Hayes paragraphs 366

³⁹⁵ Khandallah, Churton Park, Ngaio and Kelburn (and others)

³⁹⁶ HS4 Section 42A Report MCZ Lisa Hayes paragraphs 368-369 addressing Submissions # 288.9, 391.597, 420.13, 28.1, 82.8, 101.7, 103.9, 113.4, 120.8, 233.1, 233.2, 233.22, 233.23, 252.1, 252.4, 252.5, 306.10, 306.11, 458.10, 458.10, 481.30.

³⁹⁷ HS4 Section 42A Report MCZ Lisa Hayes paragraph 370

417. After considering the accessibility, existing scale and level of services provided, Ms Hayes recommended that the 22 metre height limit applying to the Newlands and Island Bay Centres be retained (albeit outside of the Island Bay Village Heritage Area)³⁹⁸. We agree with that recommendation.
418. Ms Hayes disagreed with Ben Barrett that Constable Street is not a major transport route, but regardless, considered that this street currently provides for a range of building heights and so, does not recommend any changes as a result of this submission³⁹⁹. We agree with this outcome.
419. As regards the Greater Brooklyn Residents Association Inc submission, Ms Hayes disagreed. We observe that Kingston is zoned NCZ, and was addressed in the requests for zoning changes above⁴⁰⁰.
420. Responding to Catherine Underwood's submission regarding Karori, Ms Hayes noted that the Karori LCZ has been assigned an 18 metre height limit as development is restricted by underlying infrastructure issues⁴⁰¹. Those considerations do not apply to other Centres, or not to the same extent. We therefore consider that height limit should not be increased, and that underlying infrastructure issues is not a basis to alter height limits in the other Centres.
421. As regards Geoff Upton, this submission point relates to the MRZ land around the LCZ which was considered as part of Hearing Stream 2, and addressed in our recommendation Report 2A.
422. In line with Mr McCutcheon's recommendation in relation to Hearing Stream 3 (Historic Heritage), Ms Hayes recommended that the height limit of the Newtown LCZ Heritage Area be increased to 18 metres for the reasons provided in Mr McCutcheon's report⁴⁰². We note that in our Report 3A Section 2.12 we do not accept Mr McCutcheon's recommendation, and recommend retention of the notified height of 12 metres. We considered the possibility of interface issues between Newtown Shopping Centre Heritage Area and the balance of the LCZ. However, we had insufficient evidence (and no statutory evaluation under Section 77J) and so, we must rely on LCZ-S4 Height in Relation to Boundary together with the policy direction for this zone to address such issues. We agree with Ms Hayes that the

³⁹⁸ HS4 Section 42A Report MCZ Lisa Hayes paragraph 371

³⁹⁹ HS4 Section 42A Report MCZ Lisa Hayes paragraph 372(a)

⁴⁰⁰ HS4 Section 42A Report MCZ Lisa Hayes paragraph 372(b)

⁴⁰¹ HS4 Section 42A Report MCZ Lisa Hayes paragraph 372(c)

⁴⁰² HS3 Section 42A Report Historic Heritage, Sites and Areas of Significance and Notable Trees paragraphs 565-568

remaining part of the Newtown LCZ, outside the Heritage Area, should have a height limit of 27m.

423. Responding to the submission of FENZ, Ms Hayes⁴⁰³ noted that the hose drying towers would only not be a permitted activity under LCZ-S1 if located in Height Control Area 1, which sets a height limit of 12 metres in parts of the Newtown, Hataitai and Island Bay LCZ within the scheduled Heritage Areas. Given the heritage significance of these areas, she considered that a resource consent is appropriate for structures that do not meet the height limit. We agree with Ms Hayes. The fact that the standard will only apply in limited circumstances means that we do not consider it to be unduly onerous on the submitter.
424. Consistent with our recommendations for MCZ, we recommend the request from Kāinga Ora to increase the height of a fence/standalone wall is rejected.
425. In summary, we accept the reasons for accepting/rejecting the above submissions as set out in Ms Hayes Section 42A Report paragraphs 362-377. It follows that we adopt her Section 32AA evaluation as set out in her paragraphs 378-379.

LCZ-S2 – Minimum building height

426. Kāinga Ora⁴⁰⁴ supported LCZ-S2 and sought that it be retained as notified.
427. The Ciampa Family Trust⁴⁰⁵ sought that the standard be amended to clarify whether it applies to all buildings, or only those adjoining/addressing the street, but did not suggest any specific wording changes.
428. McDonald's, Restaurant Brands, Woolworths and Foodstuffs⁴⁰⁶ opposed the standard, and sought that it be deleted in its entirety.
429. Ms Hayes acknowledged the submissions in opposition, but considered that the standard is appropriate as it encourages the realization of additional development potential within the zone, in line with Policy 3(d) of the NPSUD. We concur.
430. In response to the Ciampa Family Trust, Ms Hayes noted that the standard applies to all buildings within the LCZ as the purpose of the standard is to ensure that suitable development potential within the zone is realised and did not recommend any changes as a result of this submission.

⁴⁰³ HS4 Section 42A Report MCZ Lisa Hayes paragraph 374

⁴⁰⁴ Submission #391.599 (opposed by ORCA #FS80.11 and GWRC #FS84.40)

⁴⁰⁵ Submission #165.2

⁴⁰⁶ Submissions #274.30, #349.101, #359.66, #476.29 (supported by Foodstuffs #FS23.44 and # FS23.11)

431. For these reasons summarized above, Ms Hayes recommended acceptance of the submission of Kāinga Ora and rejection of the others.
432. Mr Arbuthnot, planner for Restaurant Brands⁴⁰⁷, did not agree with the Reporting Officer. In his opinion, the minimum height standard should be deleted as:
- a. other reasonably practicable methods exist to achieve the Council's objective of incentivising maximisation of floor space, including through calculating rates on a land basis rather than a capital basis;
 - b. it is not an efficient or effective provision to achieve the objective of preventing inefficient/non-strategic use of available City Centre development capacity; and
 - c. it has the potential to reduce economic growth and employment opportunities, to the detriment of the economic wellbeing of the community, and contrary to the objective of the NPSUD to achieve a well-functioning urban environment.
433. Ms Hayes recommended a change to MCZ-S2 to clarify that the standard does not apply to accessory buildings and any building or structure that is unable to be occupied by people. For Plan consistency, this change is recommended to flow over to LCZ-S2.
434. We agree with Mr Arbuthnot that the standard is not necessary in the LCZ, and that it should be deleted. We accept his reasons as set out in his evidence⁴⁰⁸, and we adopt his Section 32AA evaluation⁴⁰⁹.

LCZ-S3 (now LCZ-S2) – Minimum ground floor height

435. Kāinga Ora⁴¹⁰ supported LCZ-S3 and sought that it be retained as notified.
436. The Ciampa Family Trust⁴¹¹ sought that the standard be amended to clarify that the standard only applies to buildings adjoining/addressing the street as it would not be necessary for rear buildings but did not request any specific wording.
437. McDonald's, Restaurant Brands and Foodstuffs⁴¹² opposed the standard and sought that it be deleted in its entirety.

⁴⁰⁷ HS4 EIC Mark Nicholas Arbuthnot for Restaurant Brands Ltd 12 June 2023 paragraph 5.28

⁴⁰⁸ HS4 EIC Mark Nicholas Arbuthnot for Restaurant Brands Ltd 12 June 2023 paragraphs 5.4-5.29

⁴⁰⁹ HS4 EIC Mark Nicholas Arbuthnot for Restaurant Brands Ltd 12 June 2023 paragraph 6.20

⁴¹⁰ Submission #391.600

⁴¹¹ Submission #165.2

⁴¹² Submissions #274.31 and #349.102 (supported by Foodstuffs #FS23.45) and #476.30 respectively

438. Ms Hayes recommended the submissions of McDonald's, Restaurant Brands and Foodstuffs be rejected. In her view, the purpose of LCZ-S3 is to ensure that the development potential of sites in the LCZ is realised, noting that the NPSUD directs the Council to enable intensification in the zone. She considered that the standard is appropriate as it prevents underdevelopment of sites and facilitates high quality design outcomes⁴¹³.
439. In the hearing, Mr Arbuthnot suggested that it is not appropriate to require every building within the Commercial and Mixed Use Zones to be adaptable to a wide variety of uses over time, as such an outcome would not provide for those activities that require a specific building design. He considered that the minimum ground floor standard has the potential to increase construction costs, result in inefficient building design, and result in businesses to seeking locations outside of the district. While adaptability might be a long-term advantage, he considered that it could disincentivise specific types of development if the extra height is not required. In his opinion, the standard should more appropriately focus on the need to provide adaptable buildings within those parts of the District where it is likely that there will be a higher turnover of activities within the ground floor of buildings; namely the streets subject to active frontage and/or verandah coverage requirements⁴¹⁴. Ms Hayes did not address this matter further in Reply, and maintained her position as stated in her Section 42A Report.
440. With respect to the submission from the Ciampa Family Trust, Ms Hayes noted that LCZ-S3 applies to the ground floor of all buildings within the zone. The intent of the standard is to ensure that buildings are adaptable for different uses over time. As such, she did not recommend any changes in relation to this submission point, and we agree.
441. In summary, we agree with Ms Hayes and accept her reasons as outlined above.

LCZ-S4 (now LCZ-S3) – Height in relation to boundary

442. Restaurant Brands⁴¹⁵ supported LCZ-S4 and sought that it be retained as notified.
443. FENZ⁴¹⁶ supported the standard in part, but sought that it be amended to provide an exemption for emergency facilities and associated hose-drying towers.

⁴¹³ HS4 Section 42A Report MCZ Lisa Hayes paragraph 394

⁴¹⁴ HS4 EIC Mark Nicholas Arbuthnot for Restaurant Brands Ltd 12 June 2023 paragraphs 6.7-6.8

⁴¹⁵ Submission #349.103

⁴¹⁶ Submission #273.277 and #273.278

444. Steve Dunn and Cheryl Robilliard⁴¹⁷ considered that the building height at 42A Riddiford Street should be consistent with the ODP, and sought that either the height in relation to boundary calculation at this site be taken at the street frontage or a building be allowed at the frontage only.
445. Kāinga Ora⁴¹⁸ supported LCZ-S4 in part, but considered that amendments were needed to align with the changes it had sought in relation to LCZ-S1.
446. Given the generous building heights in the LCZ, Ms Hayes considered that LCZ-S4 should be retained as notified to ensure ongoing access to sunlight/daylight to sites within adjoining zones and the Panel agrees.
447. For the same reasons as detailed for LCZ-S1, we recommend the submission of FENZ be rejected.
448. In response to Steve Dunn and Cheryl Robillard, Ms Hayes noted that the site is not located within the LCZ and suggested that it would be incongruous to provide a lower building height in this location. She did not agree with the submissions. We likewise recommend they be rejected.
449. Kāinga Ora requested a blanket 22 metre height apply across all LCZs at LCZ-S1. It sought that LCZ-S4 be amended to reflect this change. The nature of these amendments was not clearly outlined, nor have compelling reasons for the change, or a supporting Section 32AA evaluation been supplied. Noting that she had recommended that the LCZ heights at LCZ-S1 are generally retained as notified, with no blanket height applied, Ms Hayes disagreed with the relief sought by Kāinga Ora in relation to LCZ-S4⁴¹⁹. Consistent with our recommendation on LCZ-S1, we agree with that outcome.

LCZ-S5 (now LCZ-S4) – Verandah control

450. We acknowledge Restaurant Brands⁴²⁰ support for LCZ-S5 and that it sought its retention as notified.
451. McDonald's⁴²¹ opposed the standard in part. It sought an exemption for the site at 190 Riddiford Street, Newtown from the requirement to provide a verandah.

⁴¹⁷ Submissions #288.11 and #409.6 respectively

⁴¹⁸ Submissions #391.601 and #391.602

⁴¹⁹ HS4 Section 42A Report MCZ Lisa Hayes paragraph 405

⁴²⁰ Submission #349.104

⁴²¹ Submission #274.32

452. Z Energy⁴²² supported the standard in part and sought that it be amended so that sites with operational and functional needs that prevent the installation of verandahs (e.g. service stations) are exempt from this requirement. It provided wording options (three) to that effect.
453. In response to McDonald's, Ms Hayes noted that its existing restaurant at 190 Riddiford Street Newtown does not provide a verandah, and nor is it required to do so as it retains existing use rights under Section 10 of the RMA. In her view, providing a verandah is potentially appropriate for the benefits this provides to the public environment and the owner of the site should be subject to a resource consent process if they choose not to do so. Additionally, she cautioned against allowing exemptions to the standard on a site-by-site basis and recommended rejection of the submission⁴²³. We agree with the Reporting Officer and accept her reasoning why this submission should be rejected.
454. Ms Hayes accepted the submission from Z Energy, as do we also. We note 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. As regards its wording options, Ms Hayes considered that 'Option B', which provided for an exemption for service stations, was acceptable given that the nature of service stations is to have a building set back from the road (and sometimes in fact, no building), with an open forecourt⁴²⁴. It follows that we adopt the Reporting Officer's Section 32AA evaluation also.

LCZ-S6 – Active frontage and non-residential activity frontage controls

455. Restaurant Brands⁴²⁵ supported LCZ-S6 and sought that it be retained as notified. This is acknowledged.
456. Kāinga Ora⁴²⁶ considered that LCZ-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.
457. Z Energy⁴²⁷ supported the standard in part for its intent, but sought an amendment to recognise situations where functional requirements which necessitate site design

⁴²² Submissions #361.41, #361.42, #361.43 and #361.44

⁴²³ HS4 Section 42A Report MCZ Lisa Hayes paragraph 411-412

⁴²⁴ HS4 Section 42A Report MCZ Lisa Hayes paragraph 413-414

⁴²⁵ Submission #349.105 (opposed by Foodstuffs #FS23.46)

⁴²⁶ Submission #391.603

⁴²⁷ Submissions #361.45 and #361.46

where verandahs and buildings on boundaries cannot be achieved, such as service stations.

458. Investore⁴²⁸ also supported the intent of the standard, but considered that it provided insufficient exceptions for functional requirements such as vehicle entrances.
459. Woolworths⁴²⁹ supported Restricted Discretionary Activity status where the active frontage standards of MCZ-S6, NCZ-S6 and LCZ-S6 are infringed, but noted that supermarkets are unlikely to comply with these standards in any circumstance. While Woolworths acknowledged that the assessment criteria associated with the standard enable the consideration of those operational and functional needs, it noted that the standard represents another circumstance whereby consents would always be required for supermarkets, despite supposedly being encouraged within the relevant CMUZ.
460. Foodstuffs⁴³⁰ opposed LCZ-S6 in part, seeking changes to the standard set out in paragraph 424 of the Section 42A Report.
461. McDonald's⁴³¹ opposed the standard in part, and sought amendments as set out in paragraph 425 of the Section 42A Report to reflect that Centres and commercial areas have a mixture of typologies.
462. In response to Z Energy, Ms Hayes agreed that there will be functional and operational requirements where buildings will need to be set back from the street, particularly for service stations.
463. Ms Stevens, reporting officer for the CCZ, addressed active frontage control for all CMUZ. In her Rebuttal, she agreed with Ms Panther Knight, planner for Woolworths, who sought that in the MCZ, LCZ and NCZ, the active frontage and non-residential activity frontage controls be amended so that they only apply to the part of the building that is also required to meet the minimum height standard (MCZ-S2, LCZ-S2, NCZ-S2). We note that we have deleted LCZ-S2. In Ms Stevens' opinion the requested change would provide for design flexibility, for example for podium and tower style design, whilst maintaining the uniformity of setback and scale for the first seven metres vertically at the street edge⁴³². She also considered

⁴²⁸ Submissions #405.74 and #405.75

⁴²⁹ Submissions #359.67 and #359.68 (opposed in part by Foodstuffs #FS23.12 and #FS23.13)

⁴³⁰ Submissions #476.31 and #476.32 (opposed by RVA #FS126.45 and #FS128.46 and Ryman #FS128.45 and #FS128.46)

⁴³¹ Submission #274.33 and #274.34 (opposed by RVA #FS126.179 and Ryman #FS128.179)

⁴³² HS4 Statement of Supplementary Evidence Anna Stevens 19 June 2023 paragraphs 213-214

that the wording “at ground level” addresses concerns around the requirement to build out to the boundaries, making it clear that it only applies to the ground floor level. Ms Stevens considered that the above amendments also gave effect to some of the relief sought by Kāinga Ora⁴³³. We concur both with her reasoning and with her recommendations.

464. In relation to submission of Investore, Dr Zamani⁴³⁴ agreed that the standard should only apply to a threshold of 90% of the street frontage to which it applies. We agree with this insertion into the standard also.

LCZ-S7 (now LCZ-S6) – Minimum residential unit size

465. Kāinga Ora⁴³⁵ supported LCZ-S7 in part, but sought that it be 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.
466. We refer to our recommendation for the equivalent standard in the MCZ, where we have recommended rejection of the same relief, and that the minimum residential unit sizes are retained as notified for reasons set out there. We have the same view in this context.

LCZ-S8 (now LCZ-S7) – Residential – outdoor living space

467. RVA⁴³⁶ opposed LCZ-S8 in part, and sought an exemption for retirement villages.
468. Kāinga Ora⁴³⁷ supported the standard in part, but was opposed to requiring communal outdoor living space in addition to private outdoor living space. In its 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. It sought that the standard be amended, and provided two wording options.
469. Ms Hayes disagreed with RVA in relation to an exemption for retirement villages. In her opinion, the standard would contribute to ensuring high quality amenity for the villages’ occupants⁴³⁸. We agree.
470. With respect to Kāinga Ora, Ms Hayes clarified that either private or communal space or a combination of the two is available to a developer. To make that clear, she recommended a number of changes as to how the standard applies. Further

⁴³³ HS4 Statement of Supplementary Evidence Anna Stevens 19 June 2023 paragraphs 215-216

⁴³⁴ HS4 Statement of Supplementary Evidence Dr Zamani paragraph 47

⁴³⁵ Submissions #391.604 and #391.605

⁴³⁶ Submission #350.246 and #350.247

⁴³⁷ Submission #391.606 and #391.607

⁴³⁸ HS4 Section 42A Report MCZ Lisa Hayes paragraph 440

amendments to the standard were suggested to align with the recommended changes to the residential (HRZ and MRZ) open space provisions and the MCZ. We agree with these amendments for the reasons detailed and accordingly adopt Ms Hayes' Section 32AA evaluation⁴³⁹.

LCZ-S9 (now LCZ-S8) – Minimum outlook space for multi-unit housing

471. Kāinga Ora⁴⁴⁰ opposed LCZ-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. It sought that the standard be deleted in its entirety.
472. For reasons set out in relation to the equivalent standard in our MCZ recommendations, we also disagree that this standard should be deleted.

LCZ-S10 (now LCZ-S9) – Minimum building separation distance

473. RVA⁴⁴¹ opposed LCZ-S10 as notified and sought that it be amended to include an exemption for retirement villages.
474. Kāinga Ora⁴⁴² opposed the standard on the basis that it would constrain design flexibility, and sought that it be deleted in its entirety.
475. For the reasons set out in our recommendations on the MCZ, we recommend rejection of the submissions from RVA and Kāinga Ora, and recommend amendments, for Plan consistency, to MCZ-S10.

LCZ-S11 (now LCZ-S10) – Maximum building depth

476. Restaurant Brands⁴⁴³ supported LCZ-S11, and sought that it be retained as notified. This is acknowledged.
477. Foodstuffs and Kāinga Ora⁴⁴⁴ sought that LCZ-S11 is deleted in its entirety. Both submitters considered that the standard will impose unnecessary development constraints.
478. RVA⁴⁴⁵ opposed LCZ-S11 as notified, and sought that it be amended to include an exemption for retirement villages.

⁴³⁹ HS4 Section 42A Report MCZ Lisa Hayes paragraph 448-449

⁴⁴⁰ Submission #391.608

⁴⁴¹ Submissions #350.248 and #350.249

⁴⁴² Submission #390.609

⁴⁴³ Submission #349.106 (opposed by Foodstuffs #FS23.74)

⁴⁴⁴ Submissions #496.93 and #391.610

⁴⁴⁵ Submissions #350.250 and #350.251

479. Woolworths⁴⁴⁶ considered that the standard should be amended on the basis that buildings exceeding the maximum depth standard may be required to meet operational and functional requirements.
480. For the reasons set out in relation to the equivalent standard in the MCZ, we recommend rejection of RVA's submission.
481. In response to Foodstuffs and Kāinga Ora, Ms Hayes disagreed that the standard should be deleted. She observed that the building depth standard is intended to work in conjunction with the building separation standard to provide privacy for residential occupants of a LCZ site. However, whereas the separation standard was intended to apply 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 LCZ. She considered that was an error in the PDP and that the standard should be amended to clarify that it only applies to residential development. We agree with this correction. Effectively therefore, Foodstuffs and Kāinga Ora's submissions are recommended to be accepted in part.
482. As mentioned, there were consequential amendments to this standard from our recommendations for the MCZ. To address this matter and provide clarity, the words "for residential activities" are recommended to be added to its title. In Ms Hayes' opinion this will address the submission from Woolworths also. We agree with Ms Hayes and adopt her Section 32AA evaluation at paragraphs 469 and 470 of her Section 42A Report.

3.5 Proposed Additional Provisions

483. Ryman⁴⁴⁷ sought a 'fit-for-purpose' retirement village framework that recognises the unique needs of retirement villages, compared to other residential typologies.
484. RVA sought a new policy and rule for the LCZ to provide for retirement activities summarized as follows:
- a. A new policy that supported retirement villages within the LCZ⁴⁴⁸;
 - b. RVA⁴⁴⁹ acknowledged that shading, privacy, bulk and dominance effects on LCZ sites adjacent to residential zones require management, but sought policy

⁴⁴⁶ Submissions #359.69

⁴⁴⁷ Submission #346.3

⁴⁴⁸ Submissions #350.229 - #350.232

⁴⁴⁹ Submission #350.240

direction that specifies that the level of management is informed by the development expectations for the zone.

- c. RVA⁴⁵⁰ sought a new rule that enables retirement villages as a permitted activity within the LCZ. In addition, it opposed limitations on residential activities at ground floor level within the LCZ⁴⁵¹.
485. Kāinga Ora⁴⁵² sought a new rule to allow for the conversion of buildings, or parts of buildings, for residential activities as a Permitted Activity in the LCZ on the basis that residential activities are an appropriate activity within this zone, and the effects can be controlled through the LCZ standards.
486. Similarly, RVA⁴⁵³ opposed any limitations on ground level residential activities within the LCZ. As noted above, it sought a separate rule specific to retirement villages.
487. KiwiRail⁴⁵⁴ considered that building setbacks are essential to address significant safety hazards associated with the operational rail corridor and requested both a 5m boundary setback from the rail corridor for all buildings and structures in the LCZ, and that the rail corridor be recognised as a qualifying matter in relevant non-residential zones in accordance with section 77O of the RMA. It provided potential rule wording.
488. Kāinga Ora⁴⁵⁵ opposed KiwiRail's request on the basis that a considerably reduced setback would provide adequate space for maintenance activities, thereby achieving the requirements of KiwiRail, while balancing the cost to landowners.
489. Consistent with our recommendations (and the Reporting Officer's recommendation) for other zones, we recommend rejection of the request from KiwiRail for 5 metre building setbacks. An alternative 1.5 metre setback is recommended by the Reporting Officers, along with a corresponding matter of discretion at LCZ-R18, which we accept. Accordingly, we adopt Ms Hayes Section 32AA evaluation at paragraph 486-486 of her Section 42A Report.
490. In response to RVA seeking specific provision for retirement villages in the LCZ, Ms Hayes reiterated her general view that retirement villages are considered to be residential activities and hence no policy or rule framework is required to enable their development. However, in line with the recommendations made for the HRZ,

⁴⁵⁰ Submissions #350.233 – #350.234

⁴⁵¹ Submission #350.243

⁴⁵² Submission #391.561

⁴⁵³ Submission #350.243

⁴⁵⁴ Submission #408.126

⁴⁵⁵ Submission #FS89.37

Ms Hayes recommended specific provisions for retirement villages be incorporated into the CCZ, MCZ, LCZ and NCZ to enable this activity. She did, however, note that “the rule approach between the Centres Zones should be different to that in COMZ and MUZ given the differing zone purposes, environments and anticipated activities across these zones”. We agree, and consider there is good reason to provide specifically for retirement villages in the LCZ context. We therefore recommend a specific policy to enable retirement villages in the LCZ, and ensure the design and servicing elements of proposed retirement villages are fully assessed.

491. We also agree with the reporting officer that the rule approach for enabling retirement villages in the LCZ should be different to the CCZ and HRZ. The areas zoned Local Centre in the City are generally not large. Under the National Planning Standards, LCZ are areas used predominantly for a range of commercial and community activities that service the needs of their residential catchments. Retirement villages could occupy a lot of valuable LCZ land and thus may have a significant effect on the functioning and capacity of an LCZ. Accordingly, we recommend that retirement villages are enabled as a discretionary activity in the LCZ to ensure they are sited and designed in a manner that is consistent with the objectives and policies of the Zone. This recommendation is made pursuant to clause 99(2)(b) of Schedule 1.

3.6 Minor and Inconsequential Amendments

492. Ms Hayes made various amendments pursuant to Schedule 1, clause 16(2) of the RMA. We agree that those amendments are of minor effect and correct minor errors.
493. Within the Section 42A Report, minor and consequential amendments were identified under the provisions that they related to. For example, within specific provisions, renumbering may have been required with respect matters of discretion, assessment criteria, and the like.
494. We observe in particular that in a number of instances the changes resulted from similar changes recommended across the CMUZ chapters. We note that these changes are recommended so the District Plan reads in an integrated manner.
495. In a memorandum from Council Officers on 24 January 2024, a number of minor and inconsequential changes were recommended to remedy minor inconsistencies between provisions in the MCZ, LCZ, and NCZ chapters. For example, such

inconsistencies include referring to defined terms as both “activity” and “activities” throughout the chapters, and a differently worded policy in the LCZ chapter compared to the equivalent policy in the MCZ and NCZ chapters. We also accept such amendments, which are outlined below:

Table 2: Proposed amendments to LCZ provisions for consistency between MCZ, LCZ, and NCZ chapters

| Provision | Discussion | Officer recommendation | Scope for change |
|-------------------------------------|--|--|------------------------------------|
| Definition of ‘recreation activity’ | Use of the terms ‘recreational activities’, ‘recreation activities’, ‘recreational facilities’ varies within the MCZ, LCZ, and NCZ chapters. The defined term is ‘recreation activity’. | That the ‘enabled activities’ policies and related rules in all centres chapters be made consistent with the defined term. | CI16 Schedule 1 RMA (minor error). |
| LCZ-P1 Accommodating growth | The policy contains the text ‘Forms of medium...’. The equivalent policies in MCZ and NCZ use the words ‘a mix of...’. | That the wording of the LCZ objective be amended to ‘a mix of’. | CI16 Schedule 1 RMA (minor error). |
| LCZ-R21 Outdoor storage areas | There is a missing ‘and’ between clause 1(a) and (b) in MCZ, NCZ, LCZ chapters. | That the error be corrected. | Version error. |

4. NEIGHBOURHOOD CENTRE ZONE

4.1 Introduction and Overview

496. The Section 42A Report that dealt with the Neighbourhood Centre Zone (NCZ) was contained within Part 3 – Commercial and Mixed Use Zones (**CMUZ**). Ms Lisa Hayes was the Reporting Officer.

497. There are over two dozen NCZs within Wellington City, ranging from single properties (predominantly on street corners) to road frontages of up to two blocks, that form small commercial centres generally servicing the needs of the local community.

498. PDP Strategic Objective CEKP-O2 describes the role and function of the NCZ as follows:

“... these centres service the immediate residential neighbourhood and offer small-scale convenience-based retail for day-to-day needs. These centres are generally for small commercial clusters and community services. Neighbourhood Centres are accessible by public transport and active transport modes.”

499. Ms Hayes noted that there were no submissions with regards to NCZ-R15.

500. A number of provisions were supported in submissions that sought to retain the provisions as notified, and were not opposed. They included NCZ-O4, NCZ-P2, NCZ-P3, NCZ-R1 to NCZ-R9, NCZ-R16. Unless otherwise noted elsewhere in this report, no changes to these provisions are recommended.

4.2 General Submissions

501. There were several general submission points in support of the NCZ.

502. Submissions sought amendments to definitions⁴⁵⁶, consideration of relationships between the zones⁴⁵⁷, and support of Ngaio Centre as an NCZ⁴⁵⁸. These submissions were acknowledged, and in part addressed in the Overview and General Matter Section of the Section 42A Report. We do not address them further in this report.

⁴⁵⁶ Submission #370.400

⁴⁵⁷ Submission #416.193

⁴⁵⁸ Submission #151.12

503. Kāinga Ora sought that all standards in the PDP be reviewed as to their activity status. Ms Hayes confirmed that she accepted this point and that she had reviewed the provisions in her report.
504. The Tawa Community Board⁴⁵⁹ sought that a structure plan be prepared for Tawa, as a key tool to encourage larger footprint development. Ms Hayes noted that Tawa was identified as a growth area and that the matters the Board referred to are addressed in the Strategic Direction chapter of the PDP. Ms Hayes did not agree that a structure plan is appropriate for Tawa at this time.
505. Nico Maiden⁴⁶⁰ sought that more MRZ land be rezoned as NCZ to allow for better services within the MRZ. Based on the zoning assessment Council undertook for the PDP, Ms Hayes disagreed that more land should be zoned NCZ. She also noted that Mr Maiden did not provide any specific locations, and in her view, blanket rezoning is not appropriate.
506. The Panel agrees with the points made by Ms Hayes and with her recommendations. As a result, there are no changes required to the PDP based on these submission points.

4.3 Requests for Rezoning

105, 107, 109, 111, 113, and 115 Main Road in Tawa

507. Tawa Business Group and Tawa Community Board⁴⁶¹ sought that 105, 107, 109, 111, 113, and 115 Main Road in Tawa be rezoned to HRZ. Ms Hayes noted that the zoning was a roll-over from the ODP, and given that these sites are clearly an established residential use, she was unsure when and why the decision to zone them NCZ was made.
508. She acknowledged that the zoning as NCZ would allow for mixed use development that would align with the expectations of the NPSUD. However, she considered that a rezoning to HRZ would be appropriate. She noted that the height for the NCZ is 1m higher than that of the HRZ in this area. Ms Hayes also observed that one of the sites currently has a split-zoning (NCZ and HRZ) and the rezoning would eliminate this, in addition of providing the opportunity for additional residential use on the ground floor.

⁴⁵⁹ Submission #294.1

⁴⁶⁰ Submission #77.1

⁴⁶¹ Submissions #107.5, #107.10, #294.6, #294.16

509. Ms Hayes assessed that due to the minimal height difference between the two zones, neighbouring properties would not be unduly disadvantaged through this change. We note that in Report 2A the Hearing Panel has recommended that the HRZ height limit be 22m, removing any difference in that regard. During our site visits, the Panel had the opportunity to ground-truth the location, and we agree with Ms Hayes. We recommend that the six properties in question be rezoned from NCZ to HRZ.

Aro Street

510. Mr Sapsford⁴⁶² disagreed that the site to the west of Aro Park should be zoned NCZ. In his view, this allows buildings of up to 8 storeys, which will have adverse effects on the sunlight to the park.
511. A number of submitters, supported by others⁴⁶³, sought variously⁴⁶⁴ that 68 to 84 Aro Street be rezoned from NCZ to MRZ. They reasoned that these properties are residential in nature, and while the zoning was changed to NCZ many years ago (on the request of a single landowner), there is no underlying resource management reason to have this zoned as a Centre. In Mr Sapsford's view, there is no policy reason to not consider negative effects of height, due to the excess of capacity. In addition, he pointed out that the properties have a height of 22m that does not align with the height of the remainder of the NCZ on Aro Street (12m). Generation Zero⁴⁶⁵ opposed the submission, noting that the NCZ enables additional housing supply.
512. Ms Hayes conceded that this increased height in the NCZ will generate effects such as shading. However, in her view, the NPSUD requires Council to provide for business and residential intensification. Ms Hayes agreed with Generation Zero, that the NCZ enables additional housing supply, and asserted that the loss of sunlight at the park is acceptable. Therefore, she recommended retaining these properties at Aro Street within the NCZ and at the notified height limit of 22m.
513. We note that the relief sought by Mr Sapsford is twofold. In his view, to achieve a better outcome with regard to a well-functioning urban environment, and in light of the overcapacity that has been assessed by Council, either the properties should be

⁴⁶² Submission #305.63

⁴⁶³ Further Submissions #82.267, #96.112, #111.157

⁴⁶⁴ Submissions #305.24, #87.42,

⁴⁶⁵ Further Submission #54.46

rezoned, or the height limits should be aligned with the remainder of the NCZ zoned properties and be reduced to 12m.

514. We believe Mr Sapsford has a point. Firstly, he presented us with photographs of the properties, which are of one and two storeys in height. We also note the topography in this location with regards to the siting of the buildings and their presence to the street. While we acknowledge Ms Hayes' position that the NPSUD requires intensification, we think that Mr Sapsford accepts this as well, noting that an outcome would be acceptable where the zoning is retained, but with the height limit aligned with the rest of the NCZ.
515. Overall, we prefer Mr Sapsford's suggested resolution. In our view, keeping the zoning as NCZ provides for intensification and for use for commercial activities in the future to satisfy the requirements of the NPSUD, while reducing the height to 12m will allow for better amenities, particularly at the park, and at the same time aligning more readily with the 12m proposed for the remainder of the NCZ and ensuring the NCZ can be read as one. Accordingly, we recommend retaining the NCZ and reducing the height to 12m.

Berhampore

516. Newtown Residents' Association, supported by WCCT⁴⁶⁶, sought to rezone the proposed NCZ in Berhampore to MRZ, they voiced concerns about the 22m height of the NCZ.
517. The submissions from Kāinga Ora⁴⁶⁷ included rezoning Luxford Street (between the existing Berhampore shops and Rintoul Street) from HRZ to NCZ. It also sought to rezone Tawa South from NCZ to TCZ.
518. With regards to Tawa South, we note that our recommendations relating to the inclusion of TCZs in general are discussed in Reports 1B and 4A. Suffice it to say we do not recommend including TCZs in the Plan.
519. In relation to the Berhampore submissions, it was Ms Hayes' view that the rezoning of an established Neighbourhood Centre to residential use will not serve the neighbourhood that relies on those amenities in the long run. While we agree that a rezoning should not occur to ensure the amenities for the neighbourhood are retained, we note that with regards to the proposed height of 22m, we agree with

⁴⁶⁶ Submissions #440.7, #440.27, Further Submission #82.267

⁴⁶⁷ Submission #391.15

Newtown Residents' Association that this will be considerably higher than its surrounds, at least as notified to the west and south of the NCZ.

520. This is even more so the case, because in our Report 2B we recommend to extent the Character Precinct in this area along Luxford Street, between the NCZ and Rintoul Street. This will result in an 11m height to the east of the NCZ, and as notified, a 14m height to the remainder of the surrounds.
521. This has, consequently, also an effect on Kāinga Ora's submission for Luxford Street. We accept Ms Hayes' opinion that the area has a long established residential use, and note also that Mr Rae did not support this relief in his urban design evidence for Kāinga Ora.
522. We recommend Kāinga Ora's submission be rejected based on the established residential use, and because we recommended this area to be included in the Character Precinct. Accordingly, we recommend that:
- a. The Berhampore shops remain NCZ as notified but with an 18m height limit; and
 - b. As notified, the Luxford Street shops remain zoned NCZ but, as a Heritage Area, with a 12m height limit.

4.4 Submissions Relating to NCZ Provisions

NCZ Introduction

523. Kāinga Ora⁴⁶⁸ sought amendments to the **Introduction**, replacing '*amenity*' with '*issues that are not anticipated in the zone*'. It also requested replacing reference to "*Centres and Mixed Use Design Guides*", with "*key design criteria*" on the basis that it sought removal of the Design Guides from the PDP.,
524. Ms Hayes considered that while the phrase "*address amenity issues*" could have a number of interpretations, she was comfortable that in the context of the policies and rules in the chapter, there is sufficient clarity. Regarding the Design Guides, we note that our recommendation is, similar to the Council Officers, to retain the Design Guides within the PDP, which we discuss in detail in Report 2A. We therefore agree with Ms Hayes that the wording should be retained as notified, and recommend Kāinga Ora's submission points be rejected.

⁴⁶⁸ Submissions #391.507, #391.508

525. A wide range of provisions were supported in submissions⁴⁶⁹, which we acknowledge.

NCZ Objectives

NCZ-O1 – Purpose

526. For NCZ-O1, Woolworths⁴⁷⁰ sought to amend the objective to refer to ‘passers-by’. We refer to our discussion of this matter in this Report for the LCZ (at paragraph 295), where we recommend Woolworths’ submission point be rejected. We take the same position in this context.

NCZ-O2 – Accommodating Growth

527. MoE partially supported NCZ-O2, but sought to provide for educational activities in the NCZ. We discuss the same submission for MCZ-O2 in Report 4B and recommend here, for consistency, inclusion of reference to “*additional infrastructure*”, thereby effectively accepting MoE’s submission.

NCZ-O3 – Amenity and Design

528. RVA and Kāinga Ora⁴⁷¹ supported NCZ-O3 in part, while RVA sought to delete the word “*positively*” since it considered it is inconsistent with Objectives 1 and 2 of the MDRS. Kāinga Ora sought to include the wording “*to high*” to the mention of medium density, to recognise the various housing options enabled in the NCZ.
529. Regarding the RVA submission, Ms Hayes noted that good quality development is encouraged, and the word ‘positively’ conveys this expectation. Therefore, she recommended rejecting this submission point.
530. As we note for the MCZ and the LCZ in this Report, and in Report 2A, the Hearing Panel accepted RVA’s submission seeking to delete the word ‘positively’ from MRZ-O2 on the basis that it would allow for a ‘neutral’ contribution and therefore better align with the NPSUD, especially Policy 1. To be consistent across the Plan we accept this submission here also.
531. With regard to Kāinga Ora, Ms Hayes agreed that reference to high density should be included in the NCZ, as enabled through our recommended 18m height limit for Height Control Area 2 (now 3)(refer to paragraph 593). She recommended

⁴⁶⁹ Submissions #182.30, #240.31, #273.247, #273.253-254, #307.21, #349.57-61, #349.63-69, #349.73, #349.75, #349.78, #349.80-81, #350.212, #377.425-428, #377.444-445, #377.431-434, #391.510-511, #391.514, #391.518-520, #391.535-537, #391.547-549, #391.554, #412.77

⁴⁷⁰ Submission #359.48

⁴⁷¹ Submissions #350.210-211, #391.512-513

including “*Medium to high density*” in the objective. The Panel concurs with Ms Hayes’ reasoning and recommendation.

NCZ Policies

NCZ-P1 – Accommodating Growth

532. McDonalds and Foodstuffs, opposed by Kāinga Ora⁴⁷², sought to delete the reference to undermining the ongoing primacy, viability and vibrancy of other Centre Zones from NCZ-P1. Ms Hayes noted that while she had recommended the removal of this reference for the MCZ and LCZ, she considered that the NCZ has a different purpose, which relates to smaller Centres that merely serve the neighbourhood, and therefore should consider these characteristics. Her recommendation was to retain the wording in NCZ-P1.
533. We note here, that while we generally agree with Ms Hayes’ reasoning and recommendation to retain the wording, we recommend removal of the word ‘viability’ from all CMUZ provisions for the reasons discussed in Report 4B.
534. Kāinga Ora⁴⁷³ sought, as it did for other zones, to 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 Plan. Ms Hayes considered that NCZ will enable additional commercial and residential development within existing Neighbourhood Centres. For the same reasons as are discussed in relation to the MCZ (at paragraphs 39 to 45), Ms Hayes recommended retention of “*tenures, affordability*” in NCZ-P1.1, and it followed from her recommendation for NCZ-O3 that reference to medium to high density be included in NCZ-P1.2. We concur with Ms Hayes.

NCZ-P4 – Potentially incompatible activities

535. Woolworths⁴⁷⁴ sought to amend NCZ-P4 to include reference to operational and functional needs, as well as deleting clauses 1 to 4 of the policy due to lack of clarity, and potential incompatibility. WCC Environmental Reference Group also sought the deletion of clause 4, noting that yard-based retail activities should be permitted in order to enable walkable neighbourhoods.

⁴⁷² Submissions #274.10-11, #476.12, Further Submissions #89.82, #89.57

⁴⁷³ Submission #391.515-516

⁴⁷⁴ Submission #359.50

536. Waka Kotahi⁴⁷⁵ opposed Kāinga Ora's submission, as in its view, the policy clarifies the types of activities that may not be compatible with the NCZ. We note that we did not hear from Waka Kotahi at the hearing.

537. However, Ms Hayes considered that this is correct, and that the deletion of these clauses is not appropriate, since they provide clear direction as to what activities are discouraged in the NCZ. We agree with Ms Hayes that the submission points from Kāinga Ora and WCC Environmental Reference Group should be rejected.

NCZ-P5 – Heavy industrial activities

538. For NCZ-P5, WCC Environmental Reference Group sought to amend the policy. In its view, the word 'avoid' has too strong a connotation, and heavy industrial activities should be permitted if they have no adverse effect. Ms Hayes noted that industrial activities are already permitted, but they need to be of a smaller scale (NCZ-P2 and NCZ-R12.1). The purpose of the NCZ is to prevent large-scale industrial activity, and therefore, she recommended this submission be rejected. We agree with her recommendation, noting that the GIZ provides for large-scale industrial activity, with the appropriate provisions in place to control and manage such activity.

NCZ-P6 – Housing choice

539. RVA⁴⁷⁶ supported NCZ-P6, but sought to amend the policy to replace the word 'offers' with 'contributes to'. It considered that not all development will offer the range of housing stated in the policy. Ms Hayes was of the view that these words can be used interchangeably in this context, and therefore no change is needed. While we agree that the terms could be used interchangeably, we consider that 'contributes to' is more appropriate in this situation and so accept that part of the RVA submission. In particular, that would make clear that each individual development will not always offer a range of housing price, type, size and tenure that is accessible to people of all ages, lifestyles, cultures and abilities. We recommend RVA's submission be accepted.

540. As for Kāinga Ora's⁴⁷⁷ submissions, it sought to make similar changes as in relation to NCZ-P1. Consistent with our recommendations there, we accept Kāinga Ora's submission regarding the inclusion of wording relating to high density, but recommend that the word 'tenure' be retained.

⁴⁷⁵ Further Submission #103.33

⁴⁷⁶ Submission #349.66

⁴⁷⁷ Submissions #391.521-522

NCZ-P7 – Quality Design – neighbourhood and townscape outcomes

541. FENZ⁴⁷⁸ supported NCZ-P7 in part, and sought amendment to include a statement that access for emergency service vehicles is a consideration of the design and layout of new developments.
542. McDonalds and Foodstuffs⁴⁷⁹ sought an amendment to include recognition of functional and operational needs in the policy.
543. Ms Hayes agreed that, for safety purposes, sites should be accessible for emergency service vehicles and accepted FENZ's submission. We agree. We also agree with her recommended rejection of McDonalds and Foodstuffs' submissions, and adopt her reasons⁴⁸⁰. In particular, we consider that including the requested changes would elevate the importance of operational and/or functional needs, and may result in outcomes that are inconsistent with the purpose of the NCZs providing for small scale commercial and community activities.
544. Kāinga Ora⁴⁸¹ sought amendments that can be summarised as changing the name of the policy to reflect its intent, better recognise the NCZ rule setting and the intent of the NPSUD, and to simplify and clarify the outcomes the policy seeks to manage.
545. In response to Kāinga Ora's submission regarding the policy title, Ms Hayes did not agree with the wording proposed. She wanted to retain the design focus. However, she did suggest a change to 'Quality Design Outcomes' in alignment with other Centre Zones. We agree with her recommendation.
546. Ms Hayes agreed with the wording change proposed in NCZ-P7.1.a and b, noting that this is an improvement, with the deletion appropriate in the NCZ, since a developer is still required to maximise development capacity on their land. However, she rejected the deletion of the words 'where relevant' in NCZ-P7.3. Our recommendations here align with those of Ms Hayes'.

NCZ-P8 – On-site residential amenity

547. Regarding NCZ-P8, Kāinga Ora⁴⁸² sought deletion of on-site amenity requirements for private or shared communal areas.

⁴⁷⁸ Submissions #273.249-250

⁴⁷⁹ Submissions #274.12-13, #476.13-14

⁴⁸⁰ HS4 Section 42A Report Ms Hayes' paragraph 133 and 134

⁴⁸¹ Submissions #391.523-524

⁴⁸² Submission #391.525-526

548. Ms Hayes considered that both policies provide guidance, but she accepted that NCZ-P8.2 could be worded more clearly. She recommended improved wording that we agree with, as follows:

‘2. Ensuring convenient access to private and/or communal areas of outdoor space.’

549. In addition, Ms Hayes recommended inclusion of reference to the CMUDG so that this can be assessed when a development includes a residential component, and thereby ensure high quality amenity for the building’s occupants. She noted that this change is consequential on amendments to NCZ-R18, where the Design Guide is a matter of discretion.

550. We heard no further evidence at the hearing from submitters to determine otherwise, and so the Panel agrees with Ms Hayes’ reasons for her amendments to NCZ-P8.

NCZ-P9 – Managing adverse effects

551. RVA⁴⁸³ agreed, as set out in NCZ-P9, that shading, privacy, bulk and dominance effects on adjacent sites require management, but considered that the policy requires amendment to state that the level of management needs to be informed by the development expectations for the zone. It did not provide the suggested changes to the wording. Ms Hayes disagreed with RVA’s request, noting that this is unnecessary based on the notification clauses in NCZ-R18.

552. Kāinga Ora⁴⁸⁴ sought that the policy should only allow for consideration of effects “*beyond what is anticipated in the zone*”. Ms Hayes referred to her view of the use of the word ‘anticipated’ in relation to the LCZ, and disagreed with the Kainga Ora submission in this respect.

553. Ms Hayes noted that the changes she recommends to the policies that manage adverse effects within the CMUZs (including NCZ-P9) are consistent for all zones, as set out in Appendix B of her Reply. We concur with the need for consistency in the Plan provisions and accept Ms Hayes’ recommendations accordingly.

NCZ-P10 – City Outcomes Contributions

554. As the COC applies to a number of zones, we discuss this matter separately in Report 4A, Section 3.4. The final recommendations of the Reporting Officer for the

⁴⁸³ Submission #350.216

⁴⁸⁴ Submissions #391.580-581

City Outcomes Contributions included the exclusion of the LCZ and NCZ. However, as the Panel finally determined to recommend removing City Outcomes Contributions, the issue for NCZ is somewhat redundant.

555. For the reasons set out in Panel Report 4A, the following worded is recommended to be added to Policy NCZ-P7:

4. *Recognising the benefits of well-designed accessible, resilient and sustainable development, including the extent to which the development:*
 - a. *Enables universal accessibility within buildings, ease of access for people of all ages and mobility/disability; and*
 - b. *Incorporates a level of building performance that leads to reduced carbon emissions and increased climate change and earthquake resilience; and*
 - c. *Incorporates construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs.*

NCZ Rules

NCZ-R10 – Residential activities

556. RVA⁴⁸⁵ opposed NCZ-R10 with respect to the limitations on ground level activities. It requested an amendment to the rule, However, it did not provide any alternative wording. Ms Hayes commented that the core function of the NCZ is to provide for commercial and retail activities, and additional residential activity at ground level will not create a positive environment for its residents. She recommended RVA's submission point be rejected, and we agree.

557. Kāinga Ora⁴⁸⁶ supported the rule in part. It sought amendments to remove references to verandah control and natural hazards as it considered that they are either not relevant to the location of residential activities, or are addressed in other parts of the Plan. Waka Kotahi opposed the submission.⁴⁸⁷

558. Consistent with other commercial zones such as MCZ-R12, Ms Hayes disagreed that the deletion of NCZ-R10.1.iv is necessary, but recommended that NCZ-R10.1.v be deleted. She also disagreed that the activity status under NCZ-R10 should change to Restricted Discretionary.

⁴⁸⁵ Submission #350.219

⁴⁸⁶ Submission #391.531-532

⁴⁸⁷ Further Submission #103.34

559. As we discuss in paragraphs 92 to 95 for MCZ-R12, we agree with the change to Restricted Discretionary Activity on the basis of Ms Stevens' Reply⁴⁸⁸ (Ms Stevens was the Reporting Officer for CCZ). Plan consistency suggests the same outcome in this context.
560. Regarding the deletions sought by Kainga Ora, we agree with Ms Hayes' recommendations and reasoning.

NCZ-R11 – Integrated Retail Activities

561. Kāinga Ora⁴⁸⁹ opposed rule NCZ-R11. It considered that a GFA of 20,000m² does not reflect the scale of NCZs in the Centres hierarchy, and the GFA should be reduced for the NCZ to 10,000m². Mr Heale told us in the hearing that it needs to be ensured that the scale of integrated retail activities is relative to the scale of the centre in the Centres hierarchy.
562. Ms Hayes agreed 10,000m² was an appropriate size for the NCZ, noting that there are not many sites that could accommodate a larger building on a single level in any case. She also noted that in line with her recommendation to LCZ-R11 to delete the clause related to permitted baseline, it also should be deleted from NCZ-R11. Our recommendations align with those of Ms Hayes with regard to the size of the GFA. However, in relation to the permitted baseline clause, as no submission sought its deletion and the rule is not an IPI provision, we are unable to recommend its deletion.

NCZ-R12 – Industrial activities

563. WCC Environmental Reference Group⁴⁹⁰ sought to amend NCZ-R12 from a Non-Complying to a Discretionary Activity, and to remove reference to public notification, based on its view that Non-Complying status is too restrictive, and could be a major roadblock for community waste management, small scale composting or niche recycling activities.
564. We refer to our discussion of NCZ-P5 above. In that context, Ms Hayes had already explained that certain industrial activities are permitted, including small-scale waste collection. We recommend the submission be rejected.

⁴⁸⁸ HS4 Reply CCZ Ms Stevens paragraphs 157-159

⁴⁸⁹ Submission #391.533

⁴⁹⁰ Submission #377.446

NCZ-R13 – Carparking activities

565. For NCZ-R13, McDonalds, Foodstuffs and Woolworths⁴⁹¹ (supported by Foodstuffs, opposed by GWRC and Waka Kotahi⁴⁹²) opposed Discretionary Activity status and sought a change to Restricted Discretionary. Woolworths also recommended a number of matters of discretion to sit under the rule.
566. Ms Hayes agreed with Kāinga Ora's submission supporting the rule as notified and referred to her recommendation regarding the equivalent MCZ rule as to why car-parking provisions should be a Discretionary Activity, and why no exemption for supermarkets is required.
567. As noted in our discussion of MCZ-R15 in this Report, ground floor parking was widely canvassed at the hearing. Ms Stevens, Reporting Officer for the CCZ, addressed car parking in her Rebuttal⁴⁹³ and her Reply⁴⁹⁴ in response to questions from the Panel. Ms Hayes adopted Ms Stevens assessment⁴⁹⁵ in relation to both the MCZ, LCZ and NCZ, and recommended including an additional clause allowing, the provision of carparks on the road. The Panel agrees with the Reporting Officers for the reasons set out in their respective reports.

NCZ-R14 – Yard-based retailing activities

568. Oil Companies⁴⁹⁶ supported NCZ-R14 in part, and sought exceptions be included to the requirement for public notification.
569. Ms Hayes referred to her reasoning and recommendation in relation to MCZ-R16 on that matter. There, she considered 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. However, she rejected any exemption from notification where a yard-based activity is located at the periphery of the MCZ adjacent to a different zone due to potential interface issues. She considered the same reasoning was applicable in the NCZ context. We agree and accept Ms Hayes' recommendations.
570. WCC Environmental Reference Group⁴⁹⁷ saw the rule as unduly restrictive and sought to amend the rule status to Restricted Discretionary Activity. It provided a

⁴⁹¹ Submissions #274.15-16, #359.52, #476.16-17

⁴⁹² Further Submission #23.4, #84.105-106, #103.36

⁴⁹³ HS4 Statement of Supplementary Evidence Anna Stevens 19 June 2023 paragraphs 68-75

⁴⁹⁴ HS4 Reply Anna Stevens 4 August 2023 paragraphs 92-95

⁴⁹⁵ HS4 Statement of Supplementary Planning Evidence Lisa Hayes WCC 19 June 2023 paragraph 66

⁴⁹⁶ Submissions #372.147-148

⁴⁹⁷ Submission #377.447

list of matters of discretion, and also sought deletion of the requirement for public notification.

571. Ms Hayes noted that under NCZ-P4, yard-based activities are ‘potentially incompatible’ within the NCZ. She considered that where an activity is potentially incompatible with the underlying zone, a Discretionary Activity status is appropriate, subject to the exception above for existing activities, as it will allow the Council to retain full discretion when considering the potentially wide-ranging effects of a yard-based retail activity. The Panel agrees with this reasoning and recommendation.

NCZ-R17 – Demolition or removal of buildings and structures (now NCZ-R18)

572. Kāinga Ora⁴⁹⁸ supported NCZ-R17, but sought that NCZ-17.1 is amended to only apply to active and non-residential activity frontages.
573. In Ms Hayes’ view, it is possible for a vacant site to prevent development potential from being realised. Therefore, she recommended Kāinga Ora’s submission be rejected, and we agree with her on that point.

NCZ-R18 – Construction of, or additions and alterations to, buildings and structures (now NCZ-R19)

574. While Council⁴⁹⁹ was supportive of NCZ-R18, it noted that a notification clause was omitted and sought its inclusion. Ms Hayes accepted this omission and recommended to include the notification clause. We agree with her recommendation.
575. Woolworths⁵⁰⁰ sought amendments to the rule to provide for supermarket activities. We discuss this matter in relation to MCZ-R20 in paragraphs 114 to 2.4126. Our reasoning and recommendations are the same here, namely that supermarket buildings should not be exempt from the requirement to provide high quality design outcomes that enhance the quality of the Centre.
576. RVA⁵⁰¹ sought amendments to the rule to provide for retirement villages, including the inapplicability of the rules to retirement villages and adding a set of specific rules for retirement villages.
577. Ms Hayes recommended rejection of that relief, based on the changes recommended in the Overview and General Matters section that align the CMUZ

⁴⁹⁸ Submissions #391.539-40

⁴⁹⁹ Submission #266.153

⁵⁰⁰ Submissions #359.53-54

⁵⁰¹ Submissions #350.221-222

provisions for retirement villages with those of the HRZ. We agree with Ms Hayes for consistency in the Plan, and recommend rejecting RVA's submission point also.

578. Kāinga Ora supported the rule in part, but sought the removal of reference to the Design Guides and the COC. Fabric Property and Restaurant Brands⁵⁰² also sought the deletion of the COC.
579. Investore, supported by RVA⁵⁰³, also sought the removal of references to the Design Guides and recommended that these be replaced with design outcomes that are sought.
580. With regard to Design Guide references, Ms Hayes noted that for consistency within the Plan, her reasoning and recommendations made in relation to the MCZ and LCZ apply equally to the NCZ. In line with the recommendations of the reporting officer for the wrap-up and integration hearing, Ms Hayes recommended removal of specific references to Design Guides in the rules, but rather have the rules' reference relevant policies (specifically Policy NCZ-P7) in assessing resource consent applications, through which the Design Guides would be applied: Policy NCZ-P7.1 would state "Fulfilling the intent of the Centres and Mixed Use Design Guide".
581. As part of our broader recommendations on the Design Guides (refer to Panel Report 2A), we agree with this approach.
582. With regard to the City Outcomes Contributions, one of the Reporting Officer's recommendations on this matter was to remove the NCZ from the application of that policy, through the deletion of Policy NCZ-P10, and subsequent rule changes. We agree that the application of the COC to neighbourhood shopping centres was always somewhat incongruous and so agree in principle in the removal of its application to the NCZ. Ultimately, however, as we discuss in Report 4A, we have recommended the removal of the COC from the PDP in its notified form, including the NCZ. Any proposed development that would exceed the height limits in NCZ-S1 would be assessed against the relevant policies; in particular, policy NCZ-P7, Quality Development Outcomes.

⁵⁰² Submissions # 391.541-542, #425.51, #349.74

⁵⁰³ Submissions #405.62-63, Further Submissions # 126.83-84, # FS128.83-84

NCZ-R19 – Conversion of buildings, or parts of buildings, for residential activities (now NCZ-R20)

583. FENZ⁵⁰⁴ supported NCZ-R19 in part, but sought amendment to include the necessity to connect to three waters infrastructure for firefighting purposes. Ms Hayes recommended rejection of this submission, on the basis that matters relating to fire-fighting servicing are provided for under the Building Code. We agree with the rejection and note that these matters do not need to be duplicated in the Plan.
584. Here again, Kāinga Ora supported the rule in part and sought deletion of the reference to the Residential Design Guide. Investore, supported in part by the RVA and Ryman and Ryman⁵⁰⁵ also sought this change.
585. As noted earlier, Ms Hayes recommended to delete all direct references to the Design Guides within the rules, and instead include a reference in Policy NCZ-P8 that refers to “fulfilling the intent of the Centres and Mixed Use Design Guide”. We agree with this recommendation, which is line with our overall recommendations on the Design Guides (refer to Panel Report 2A). We observe also that the policy references the CMUDG, not the RDG, as the latter would not apply to the CMUZ as an outcome of the Design Guide review.

NCZ-R20 – Outdoor storage areas

586. FENZ⁵⁰⁶ supported NCZ-R20 in part, but sought an amendment to ensure that screening not obscure safety signage or obstruct access to emergency panels, hydrants, shut-off valves or other emergency response facilities. Ms Hayes agreed with the submission, and so do we, for safety reasons.

NCZ Standards

NCZ-S1 – Maximum height

587. For NCZ-S1, Rachel Underwood⁵⁰⁷ opposed six storey development as she considered this will result in cold, sunless wind canyons. She sought that buildings are restricted to low rise or one level adjacent to the roadside, with three storey (or six storey) buildings set back. Ms Hayes disagreed with Ms Underwood, for the reason that Centres are critical in maximising the development potential required

⁵⁰⁴ Submissions #273.255-256

⁵⁰⁵ Submissions #391.543-544, #405.64, #126.85-86, #128.85-86

⁵⁰⁶ Submissions#273.257-258

⁵⁰⁷ Submission #458.9

under the NPSUD. We agree on a general level with Ms Hayes' recommendation to reject this submission.

588. FENZ⁵⁰⁸ supported the standard in part, but sought an exemption for hose drying towers to appropriately provide for the operational requirements of FENZ. As for other Centre Zones, we recommend FENZ's submission be rejected on the basis that the standard will only apply in limited circumstances, and it will not be unduly onerous on the submitter to apply for a resource consent.
589. Kāinga Ora⁵⁰⁹ supported the standard in part, but sought that the permitted fence height is increased to 2 metres to align with the Building Act. The Reporting Officer disagreed with Kāinga Ora's request. She considered that the 1.8 metre fence height standard is applied across all zones, and is a suitable height to achieve both 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. We agree with her reasoning.
590. David Stephen⁵¹⁰ considered that the 22m height limit for Height Control Area 2 of the NCZ should be reduced. Ms Hayes pointed out that no planning evidence was received from Mr Stephen to justify the reduction in height. She also noted that this height limit applies to walkable catchments and responds to the requirements of the NPSUD.
591. We note that Ms Hayes' reasoning for a height of 22m only applies if the NCZ is in the vicinity of a Rapid Transport Stop. Otherwise, NCZ falls under Policy 3(d), where development is to be commensurate with the level of services.
592. Compared to the recommendation of Ms Hayes for the height limits in the LCZ, where she agreed that the centres are often quite different in their characteristics, and a more fine-grained approach for height limits is required, we find here that this approach has not been consistent for the NCZ.
593. We did not heard from Mr Stephen during the hearing, nor from Ms Underwood, but comparing the heights to the LCZ, which is a step up in the centres hierarchy from the NCZ, has 22m height for most of the centres in that zone, and proposes 18m for smaller LCZ such as Karori and Kelburn, we find a maximum height of 18m more appropriate for the again smaller NCZs, that include predominantly the small-scale convenience-based retail for day-to-day needs, and the corner diary. The exception

⁵⁰⁸ Submissions #273.259-260

⁵⁰⁹ Submission #391.545-546

⁵¹⁰ Submission #86.2

is where the NCZ is in a residential neighbourhood where the surrounding height limits are 22m, like Tawa South (Oxford Street).

594. We therefore accept in part the submissions that requested a reduction of the height in the NCZ and we recommend that for Height Control Area 2 (now 3) to limit height at 18m.
595. There was a range of submissions that sought to amend height limits for specific Centres as follows:
- a. David Stephen⁵¹¹ considered that the height of the Ngaio NCZ should be reduced to 11m. Ms Hayes recommended a reduced height in Ngaio to 18m. We are unsure on what basis Ms Hayes made this recommendation, noting that the context of the Ngaio centre is consistently MRZ with a height limit of 11m. While we agree that centres can be more dominant than the surrounding residential context, we recommend that 14m height is more appropriate for Ngaio.
 - b. We recommend rejecting Mr Stephen's submission in part, and move Ngaio into Height Control Area 2.
 - c. David Stephen⁵¹² considered that the height of the Khandallah Centre, which he sought to rezone to NCZ, should be reduced to 11m. We discuss height limits in the Khandallah LCZ at paragraph 415 above.
 - d. Council⁵¹³ considered that the height of the NCZ on the corner of Mersey Street/Island Bay should be increased from 12m to 14m on the basis that the maximum height of the adjoining MRZ land is 14 metres. This change would be consistent with other NCZ. Ms Hayes agreed with that change, as we do.
 - e. ORCA⁵¹⁴ considered that 22m is too high for the Khandallah Centre, which it also sought be rezoned to NCZ, and requested an 11m height limit. As we note above, we discuss the height limits for the Khandallah LCZ in paragraph 415 above.
 - f. Janice Young⁵¹⁵ sought that the ePlan maps should be amended to reduce the heights in Centre zones from 22m. While Ms Hayes considered this to be a

⁵¹¹ Submission #151.13

⁵¹² Submission #151.14

⁵¹³ Submissions #266.154, #266.16

⁵¹⁴ Submissions #283.11-12

⁵¹⁵ Submission #140.2

very generalised submission, she referred to the various changes to height limits which provide partial relief to Ms Young's submission.

NCZ-S2 – Minimum building height

596. McDonalds, Restaurant Brands, supported by Foodstuffs, and Woolworths (which is also supported by Foodstuffs⁵¹⁶), and Foodstuffs⁵¹⁷ opposed **NCZ-S2** and sought that it is deleted in its entirety. Ms Hayes considered that a minimum height standard is justified to achieve the intent of policy 3(d) of the NPSUD. In addition, she considered a consequential change to NCZ-S2 that clarifies where the standard does not apply, on the basis that she had recommended that change to MCZ-S2.
597. Mr Arbuthnot, planner for Restaurant Brands⁵¹⁸, did not agree with the Reporting Officer. In his opinion, the minimum height standard should be deleted. We agree with Mr Arbuthnot that the standard is not necessary in the NCZ, and that it should be deleted. We accept his reasons as set out in his evidence⁵¹⁹, and we adopt his Section 32AA evaluation⁵²⁰. We also note the consequential renumbering of the following standards is required and recommend this change.

NCZ-S3 – Minimum ground floor height (now NCZ-S2)

598. McDonalds, Restaurant Brands, supported by Foodstuffs, and Foodstuffs⁵²¹ opposed standard NCZ-S3, and sought that it be deleted in its entirety.
599. Ms Hayes considered that this standard is appropriate as it ensures that the development potential of sites in the NCZ is realised, and therefore recommended rejection of these submission points. We agree with this outcome, and note that we heard from several Council Officers that the 4m height at ground floor level both enables a variety of commercial uses and provides flexibility for the user.

NCZ-S4 – Height in relation to boundary (now NCZ-S3)

600. FENZ⁵²² supported NCZ-S4 in part, but sought that this is amended to provide an exemption for emergency facilities and associated hose-drying towers. We recommended rejection of this submission in relation to NCZ-S1 and we are of the same view in this context.

⁵¹⁶ Submissions #274.17, #349.76, Further Submissions #23.38, #359.55, #23.5

⁵¹⁷ Submission #476.18

⁵¹⁸ HS4, Statement of Evidence Mark Nicholas Arbuthnot for Restaurant Brands Ltd, paragraph 5.28

⁵¹⁹ HS4 EIC Mark Nicholas Arbuthnot for Restaurant Brands Ltd 12 June 2023 paragraphs 5.4-5.29

⁵²⁰ HS4 EIC Mark Nicholas Arbuthnot for Restaurant Brands Ltd 12 June 2023 paragraph 6.20

⁵²¹ Submissions #274.18, #349.77, #476.19, Further Submission #23.39

⁵²² Submissions #273.261-262

NCZ-S5 – Verandah control (now NCZ-S4)

601. While there was no submission received with specific regard to NCZ-S5, we note that for the other centre zones we recommend including service stations as exceptions to this Standard on the basis of a submission from Z Energy. There was no submission that sought this relief for the NCZ, however it found its way into the provisions that Ms Hayes provided. We recommend deleting this exception on the basis of lack of submissions and because we do not think that it is appropriate to provide for service stations in the comparatively small NCZs.

NCZ-S6 – Active frontage and non-residential activity frontage control (now NCZ-S5)

602. Kāinga Ora⁵²³ generally supported NCZ-S6, but sought that it is amended so that active frontage controls only apply where necessary, such as along principal/arterial roads or along street edges. While Ms Hayes accepted Kāinga Ora's submission, she noted that it is already made clear where it applies, and therefore does not need further amendment. We agree. If Kainga Ora's point is that active frontage controls have been adopted in inappropriate locations, that is a mapping issue.
603. Woolworths, supported in part by Foodstuffs⁵²⁴, supported Restricted Discretionary Activity status where the active frontage standards of MCZ-S6, LCZ-S6 and NCZ-S6 are infringed, which we acknowledge, but noted that supermarkets are unlikely to comply with these standards in any circumstances.
604. Woolworths, supported in part by Foodstuffs⁵²⁵, also opposed NCZ-S6 in part. While it acknowledged that operational and functional needs are enabled, it noted that consents would always be required for supermarkets. We refer to our recommendation for MCZ-S6 in paragraph 170 above, and note our agreement that new supermarkets in the NCZ will require a resource consent.
605. Foodstuffs, opposed by RVA and Ryman⁵²⁶, opposed NCZ-S6 in part and sought amendments. McDonalds, opposed by RVA and Ryman⁵²⁷, opposed the standard in part, and also sought similar amendments. Ms Hayes considered that no compelling reasons for those changes had been provided, and in accordance with her reasoning for MCZ-S6, she likewise recommended the submissions be rejected here. We agree with her reasoning.

⁵²³ Submissions #391.550-551

⁵²⁴ Submission #359.56, Further Submission #23.12

⁵²⁵ Submissions #359.57-58, Further Submissions #23.7-8

⁵²⁶ Submission #476.20-21, Further Submissions #126.43-44, #128.43-44

⁵²⁷ Submissions #274.19-20, Further Submissions #126.178, #128.178

NCZ-S7 – Minimum residential unit size (now NCZ-S6)

606. Kāinga Ora⁵²⁸ supported NCZ-S7 in part, but sought amendments to remove the minimum standard for 2+ bedroom units. As with our recommendations for MCZ-S7, and for the same reasons, we disagree with Kāinga Ora and recommend the submission be rejected.

NCZ-S8 – Residential – outdoor living space (now NCZ-S7)

607. RVA⁵²⁹ opposed NCZ-S8 in part, and sought an exclusion for retirement villages. Ms Hayes disagreed with RVA, and noted that in retirement villages' outdoor living space will also ensure a high-quality amenity, and a resource consent process can assess the outcomes should the standard not be met. We agree with her reasoning.

NCZ-S9 – Minimum outlook space for multi-unit housing (now NCZ-S8)

608. Kāinga Ora⁵³⁰ opposed NCZ-S9 on the basis that it sets a standard that may not be possible to be met and sought that its deletion. We discuss this matter in detail for MCZ-S9 in this Report and refer the reader to this section for our reasoning and recommendation. For the same reasons, we recommend that the provisions should be amended to reflect Mr Zamani's advice that a minimum outlook space associated with the principal living space of 4m by 4m, in combination with allied building depth and separation standards, ensures a quality living environment for the occupants of the new developments and the neighbouring sites.

NCZ-S10 – Minimum building separation distance

609. RVA⁵³¹ opposed NCZ-S10 as notified, and sought it be amended to include an exemption for retirement villages. Ms Hayes disagreed with RVA for reasons set out in paragraph 355 of her Section 42A Report for the MCZ, which also apply to the NCZ. We concur.
610. Kāinga Ora⁵³² opposed NCZ-S10 on the basis that it will constrain design flexibility, and sought that it is deleted in its entirety. Ms Hayes disagreed with Kāinga Ora for reasons set out in paragraph 356 of her Section 42A Report for the MCZ. We agree

⁵²⁸ Submissions #391.552-553

⁵²⁹ Submissions #350.223-224

⁵³⁰ Submission #391.555

⁵³¹ Submissions #350.225-226

⁵³² Submission #390.556

with those reasons in relation to the MCZ. As it applies to the NCZ, we agree here as well.

NCZ-S11 – Maximum building depth

611. RVA⁵³³ opposed NCZ-S11 as notified and sought to include an exemption for retirement villages. Ms Hayes recommended rejection of the submission of RVA on the basis that quality on-site amenity should be available for occupants of retirement villages. We concur.
612. Foodstuffs and Kāinga Ora⁵³⁴ sought that NCZ-S11 be deleted on the basis that the standard will constrain development. Ms Hayes considered that the building depth standard is intended to work in conjunction with the building separation standard to provide privacy for residential occupants of a NCZ site. She also noted that the standard as written includes an error, and that it should be amended to clarify that it only applies to residential development. We recommend the standard be retained with this clarification, for the reasons set out by Ms Hayes.
613. Woolworths⁵³⁵ considered that the standard should also be amended to include reference to functional and operational needs. Ms Hayes notes that the clarification that it only applies to residential buildings eliminates the need for the relief sought by Woolworths, and we agree.
614. We discuss Foodstuffs, Kāinga Ora, and Woolworths' submissions in detail for MCZ-S10 in this Report and refer the reader to this section for our reasoning.

4.5 Additional NCZ Provisions

615. RVA⁵³⁶ sought a new policy to support retirement villages within the NCZ. It also sought a policy direction that specifies that the level of management of shading, privacy, bulk, and dominance effects on the NCZ sites adjacent to residential zones is informed by the development expectations for the zone.
616. In addition, RVA⁵³⁷ sought a new rule that enables retirement villages within the NCZ as a permitted activity, and opposed limitations on residential activities at ground floor level within the NCZ.

⁵³³ Submissions #350.227-228

⁵³⁴ Submissions#496.83, #391.557

⁵³⁵ Submission #359.59

⁵³⁶ Submissions #350.204-207, #350.217

⁵³⁷ Submissions #350.208-209, #350.220

617. With regards to the RVA submissions Ms Hayes noted that retirement villages are considered residential activities, a matter that we heard about repeatedly from RVA during the hearings, and agree with. Ms Hayes' view was therefore that they do not require a specific rule framework to be enabled. However, she recommended that specific provision should be made for retirement villages in the NCZ to align with the approach recommended for the HRZ, as has also been recommended for the CCZ, MCZ and LCZ. She did, however, note that "the rule approach between the Centres Zones should be different to that in COMZ and MUZ given the differing zone purposes, environments and anticipated activities across these zones".
618. We agree, and consider there is good reason to provide specifically for retirement villages in the NCZ context in a manner that recognises the specific context of this zone within the City. We therefore recommend a specific policy to enable retirement villages in the LCZ, and ensure the design and servicing elements of proposed retirement villages are fully assessed.
619. We also agree with the reporting officer that the rule approach for enabling retirement villages in the NCZ should be different to the CCZ and HRZ. The City's neighbourhood centres are generally small and often only one property deep along a main road. Under the National Planning Standards, NCZ are areas used predominantly for small-scale commercial and community activities that service the needs of the immediate residential neighbourhood. Retirement villages could occupy a lot of valuable NCZ land and thus may have a significant effect on their functioning and capacity. Accordingly, we recommend that retirement villages are enabled as a discretionary activity in the NCZ to ensure they are sited and designed in a manner that is consistent with the objectives and policies of the Zone. This recommendation is made pursuant to clause 99(2)(b) of Schedule 1.
620. Kāinga Ora, opposed by Waka Kotahi⁵³⁸, sought a new rule to allow for the construction of, or additions and alterations to, residential buildings as a Permitted Activity in the NCZ as NCZ-R18 does not adequately provide for residential buildings.
621. Ms Hayes disagreed with Kāinga Ora for reasons set out in paragraph 377 of her Section 42A Report for the NCZ, and we concur.

⁵³⁸ Submission#391.509, Further Submission #103.35

4.6 Minor and Inconsequential Amendments

622. Ms Hayes⁵³⁹ acknowledged that minor and consequential amendments have been made under the provisions that they relate to. For example, within specific provisions renumbering may be required with respect to matters of discretion, assessment criteria and the like. We accept these amendments.
623. Ms Hayes also noted that in a number of instances the changes result from similar changes recommended across the Centres chapters. These changes are recommended so the District Plan reads in an integrated manner. We also accept these recommendations.
624. In a memorandum from Council Officers on 24 January 2024, a number of minor and inconsequential changes were recommended to remedy minor inconsistencies between provisions in the MCZ, LCZ, and NCZ chapters. For example, such inconsistencies include referring to defined terms as both “activity” and “activities” throughout the three chapters, and differently worded notification statements in the NCZ chapter compared to the MCZ and LCZ chapters. We also accept such amendments as minor and inconsequential, which are outlined below:

Table 3: Proposed amendments to NCZ provisions for consistency between MCZ, LCZ, and NCZ chapters

| Provision | Discussion | Officer recommendation | Scope for change |
|--|--|--|------------------------------------|
| Definition of 'recreation activity' | Use of the terms 'recreational activities', 'recreation activities', 'recreational facilities' varies within the MCZ, LCZ, and NCZ chapters. The defined term is 'recreation activity'. | That the 'enabled activities' policies and related rules in all centres chapters be made consistent with the defined term. | CI16 Schedule 1 RMA (minor error). |
| NCZ-R14 Yard based retailing activities | The rule contains an outdated notification statement, which should be the same as MCZ and LCZ. | That the NCZ notification statement be changed for consistency. | CI16 Schedule 1 RMA (minor error). |
| NCZ-R21 Outdoor storage areas | There is a missing 'and' between clause 1(a) and (b) in MCZ, NCZ, LCZ chapters. | That the error be corrected. | Version error. |

⁵³⁹ HS4 Section 42A Report NCZ Lisa Hayes paragraphs 379-381

625. In addition to this, the Panel recommends the correction of a minor typographical error in standard NCZ-S8.2 (now standard NCZ-S7.2).

5. CONCLUSIONS

626. We have sought to address all material issues of the parties who have appeared before us put in contention in relation to the Metropolitan, Local and Neighbourhood Centre Zones.
627. To the extent that we have not discussed submissions on this topic, we agree with and adopt the reasoning of the Section 42A Reports prepared by Ms Hayes, as amended in her written Reply.
628. **Appendix 1** sets out the amendments we recommend should be made to the PDP as a result.
629. To the extent that the Section 42A Reporting Officer has recommended amendments to the Plan requiring evaluation in terms of Section 32AA, we adopt her evaluation for this purpose.
630. Where we have discussed amendments, in particular where we have identified that further amendments should be made, our reasons in terms of Section 32AA of the Act are set out in the body of our Report.
631. **Appendix 2** sets out in tabular form our recommendations on the submissions allocated to Hearing Stream 4 topics. Our recommendations on relevant Further Submissions reflect our decisions on the primary submission to which they relate.

For the Hearing Panel



Robert Schofield
Chair, Hearing Stream 4

Dated: 2 February 2024