

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of Submissions and Further Submissions on
the Proposed Wellington City District Plan

Minute 26:

Hearing Stream 4 Follow-up

Introduction

1. The purpose of this Minute is to record the direction of the Hearing Panel for Hearing Stream 4 in relation to information we are seeking following the conclusion of that hearing on 5 July 2023.

Council Reply

2. We have identified a number of points on which the Hearing Panel would be assisted by further input as part of the Council Reply. The Council is, of course, free to reply on any matters it wishes arising out of the hearing, but we request that, at the least, the following matters are addressed:
 - i. Whether the rules requiring resource consent for 'minor alterations and additions' (for example, CCZ-R19) could be provided with greater level of certainty to avoid capturing minor changes that have little or no adverse effect? In particular, could some metrics be applied to differentiate the scale of alterations and additions that alter the external appearance of buildings (we were referred to the Auckland Unitary Plan's approach to 'cosmetic' changes)?
 - ii. Should there be a 'carve out' for minor additions/alterations to acknowledge differences in the scale and quality of building stock within Kilbirnie and Johnsonville compared with the Central City (such as in relation to rule MCZ-R20).
 - iii. Can you please comment on the evidence of Mr Guy Marriage (Submission 407); in particular, his evidence in regard to access to sunlight and daylight to residential units within the lower levels of High Density Residential development in narrow streets. On this matter, can a copy of the stepped street edge height setbacks for narrow streets that were initially considered in the Draft Plan be provided along with the reasons for discounting it?
 - iv. Provision of the information from the Council's open space assessment that we were informed had occurred when deciding on Zones, including the identification, description and information (including timing) of the provision of open space within the City Centre.
 - v. In regard to wind assessment requirements of the PDP, is there scope for introducing the two tier trigger through the s42A report on this topic as questioned in the legal submission of Mr Ballinger on behalf of the Wellington Character Charitable Trust (paragraphs 45-54)?
 - vi. In regard to wind assessments, can an applicant provide a quantitative assessment even though they are only triggering a qualitative assessment requirement: that is, can or should the lower height level trigger a requirement to provide either a quantitative or qualitative wind assessment?
 - vii. Please provide an update on the development of the Urban Design Panel. Can further information be provided on the proposed mechanics of the Design Panel – in particular, how would the Council decide what is considered to be a 'significant' resource consent? Should metrics or some form of description be provided to provide greater clarity and certainty in the PDP over the nature of

‘significant’ proposals? How would the Panel work? How would disagreements among the Panel be reconciled? Would it be a consistent Panel or vary in composition from proposal to proposal? At what point in the consenting process would the Panel have a role?

- viii. While the Panel understands that the establishment and operation of an Urban Design Panel is a method for implementing the provisions of the PDP, should there be more explicit provisions in the PDP on the Urban Design Panel, particularly if the Panel were to have a function for implementing specified consenting processes?
- ix. What is the reasoning for the lower height limit for block of land bounded by Tasman/Sussex/Buckle/Rugby Streets (compared with CCZ zoned land to the north and south)?
- x. In regard to rule CCZ-R14, Car Parking Activities, what (if any) consideration was given to this rule in relation to its applicability along active frontages? In addition, what was the rationale for permitted activity status for ground floor carparking specifically constructed for carparking purposes as it is an exclusion and there is no reference to CCZ-S8.
- xi. Can definitions of ‘parliamentary activities’, ‘civic activities’, and ‘government activities’ as recommended in the relevant s42A report, be provided?
- xii. In regard to the Te Ngākau Civic Precinct, under CCZ-PREC-O1, should a purpose of the Precinct be ‘redevelopment’?
- xiii. Could further advice be provided on how “where possible” could be applied in the recommended changes to CCZ-PREC-O2?
- xiv. Please provide a written description as to how the recommended outlook space, building separation and building depth standards work together, together with any supporting diagrams. On this matter, please comment on whether a blend of the PDP standards for outlook space, building separation and building depth could work together with the recommended alternative outlook standards proposed by Kāinga Ora? In addition, what is the extent of any differentiation on the above if a building was completely non-residential in form.
- xv. Should the Local Centre at Miramar be subject to active frontages and verandah requirements?
- xvi. What were the criteria or principles used to determine whether an area be zoned Mixed Use or some other form of Centres zoning? In particular, what were the reasons for zoning the area on Tauhinu Street, Miramar, as MUZ rather than LCZ or other zoning? Further, can an explanation for the height limit of 12m for this area of MUZ be given in comparison with the proposed height limit of 18m for the MUZ between Maupuia and Shelly Bay Roads?
- xvii. Does the proposed MUZ zoning of Shelly Bay match, spatially, the area for which its redevelopment has been consented?
- xviii. What are the final recommendations on the proposed height limits in the LCZ and NCZ (if changed from the notified PDP)?

- xix. Could a schedule be prepared showing where WCC officers agree/disagree with the final submissions of Kainga Ora in regard to their recommendations for Centres Zones mapping: in particular, the re-zoning, height, active frontages, and verandah extensions now sought by Kāinga Ora.
- xx. What is the recommended standard (if any) for maximum gross floor areas for supermarket floor area in the CCZ and the MUZ? Can some examples of the GFA of existing supermarkets be provided for comparison?
- xxi. In regard to Standard MUZ-S3, should a reference to Sites and Areas of Significance to Māori be added in relation to those circumstances where the height in relation to boundary control should apply?
- xxii. Through the s42A report on the General Industrial Zone, it was recommended to combine GIZ-O2 with GIZ-O3: would this conflate two quite separate issues: the management of reverse sensitivity with that of avoiding commercial activities displacing industrial activities, particularly if they undermine the hierarchy of centres? The recommended rewording of GIZ-O3 would appear to indicate that only commercial activities would create reverse sensitivity effects.
- xxiii. Does the definition for 'service retail' need to be revisited in light of the NPS-UD and the objectives and policies for the GIZ? In particular, should the GIZ permit potentially large footprint takeaway outlets?
- xxiv. The s42A report for Hearing Stream 2 deferred addressing all submissions on the application of the City Outcomes Contributions to residential zones to Hearing Stream 4,¹ but some submitters have commented that their submission on this matter had not been addressed (for example, Johnsonville Community Association, Submitter 429); where has this matter been addressed?
- xxv. Could Council provide some development scenarios for the restricted discretionary activity rules in relation to City Outcomes Contributions?
- xxvi. In regard to City Outcomes Contributions, what would happen if a developer wanted to provide a benefit that was not on the list of contributions? How or should the matters of discretion be framed to allow for other positive effects/benefits (that is, s104(1)(ab) measures)?
- xxvii. The officers suggested a guidance document for the City Outcomes Contributions to provide more clarity and certainty for developers. Has this been developed, and, if so, can this please be provided?
- xxviii. Could the Council comment on whether the outcomes sought by the City Outcomes Contributions process could be encouraged to be provided through the general design consent process for new buildings, as suggested by a number of submitters, particularly for 'significant' proposed developments (refer to our question (vii) above) or, on a more limited basis, to under or over height buildings? If so, could Council provide provisions that would be

¹ See s42A report on HS2 High Density Residential Zone, paragraph 299

potentially required under this alternative approach, including policy and rule provisions, and provide a comparative evaluation?

- xxix. Can Council comment on the changes to the City Outcomes Contributions provisions recommended by Kāinga Ora in its tracked changes version of the Centres provisions as circulated on 7 July 2023?
 - xxx. Could Council please comment on whether mandatory public notification for a under or over height building proposal that did not seek to provide the outcomes under the City Outcomes Contributions mechanism is appropriate for a restricted discretionary activity?
 - xxxi. In regard to active frontages (for example, CCZ-S8), officers referred to that they can be 'otherwise enhanced'. What tools are available to 'otherwise enhance'?
 - xxxii. Can Dr Lees please provide comment on the employment data provided in section 6 of the evidence of Mr Cullen for Kāinga Ora, particularly in regard to the Miramar, Newtown and Tawa centres.
 - xxxiii. Can Council provide further comment on whether the COMZ is the most appropriate zoning for the Curtis Street development site, given the development aspirations of the owner, or whether the site should be more appropriately incorporated into another zone, such as the MUZ, possibly with bespoke provisions relating to the Curtis Street site?
3. The Hearing Panel is conscious that many of these matters may require time to consider and prepare a response, beyond the two weeks' turnaround that was anticipated at the start of the hearings process. We therefore direct that the Council reply to Hearing Stream 4 be circulated by COB on Friday 4 August 2023.

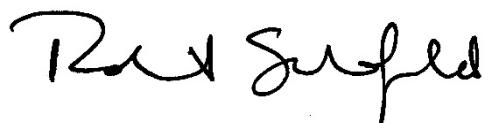
KiwiRail – Setback from the Rail Corridor

4. KiwiRail agreed at the hearing to provide information on the policy support in the PDP for the 5m building setback from the rail corridor it is seeking. This information is to be provided by CoB on Monday 17th July 2023.

Wellington Civic Trust – Te Ngākau Civic Precinct and Waterfront Zone

5. The Wellington Civic Trust agreed at the hearing to provide a written record of its oral presentation to the Hearing made in support of its submissions on the provisions relating to the Te Ngākau Civic Precinct and the Waterfront [Special Purpose] Zone. This information is to be provided by CoB on Monday 17th July 2023.
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6. If you have any questions or concerns relating to this hearing, please contact our Hearings Co-ordinator at jaskirat.kaur@wcc.govt.nz.



Robert Schofield
Chair for Hearing Stream 4
For the Wellington City Proposed District Plan Hearings Panel

Dated: 10 July 2023