

**BEFORE A PANEL OF INDEPENDENT HEARING COMMISSIONERS  
AT WELLINGTON**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHEKE WHANGANUI-A-TARA**

**UNDER** the Resource Management Act 1991 (**RMA**)

**IN THE MATTER** of the allocation of topics to ISPP and Schedule 1 of the  
RMA in relation to the Proposed Wellington District Plan

---

**MEMORANDUM OF COUNSEL FOR KĀINGA ORA – HOMES AND  
COMMUNITIES (SUBMITTER 391; FURTHER SUBMITTER 89)**

**Dated: 1 February 2023**

---

**BUDDLE FINDLAY**

Barristers and Solicitors  
Auckland

Solicitor Acting: **Jennifer Caldwell / Natalie Summerfield**  
Email: [jennifer.caldwell@buddlefindlay.com](mailto:jennifer.caldwell@buddlefindlay.com) / [natalie.summerfield@buddlefindlay.com](mailto:natalie.summerfield@buddlefindlay.com)  
Tel 64 9 358 2555 Fax 64 9 358 2055 PO Box 1433 DX CP24024 Auckland 1010

## **MAY IT PLEASE THE COMMISSIONERS**

### **1. INTRODUCTION**

- 1.1 Counsel refers to Minute 1 from the Hearings Panel dated 9 December 2022, inviting submitters to query the allocation of topics to the Intensification Streamlined Planning Process (**ISPP**) or Schedule 1 of the RMA for the Proposed Wellington City District Plan.
- 1.2 Kāinga Ora – Homes and Communities (**Kāinga Ora**) respectfully seeks a number of provisions in the Proposed Plan to be reallocated from the traditional Schedule 1 RMA hearing process to the ISPP process, for the reasons set out below.

### **2. REALLOCATION OF HEARING PROCESS**

#### ***Introduction sections***

- 2.1 Kāinga Ora respectfully seeks the Introduction sections for the following zone to be reallocated to the ISPP hearing process, on the basis that the Introduction sections provide an interpretation tool for any issues that may arise when applying the objectives, policies, rules and development standards that have been separately allocated to the ISPP hearing streams:
- (a) Medium Density Residential Zone;
  - (b) High Density Residential Zone;
  - (c) City Centre Zone;
  - (d) Metropolitan Centre Zone;
  - (e) Local Centre Zone;
  - (f) Neighbourhood Centre Zone.

#### ***Character Precinct; Mt Victoria North Townscape Precinct; Oriental Bay Height Precinct***

- 2.2 Kāinga Ora respectfully seeks the provisions of the Character Precincts; Mt Victoria North Townscape Precinct and the Oriental Bay Height Precinct should all be allocated to the ISPP hearing process on the basis that the Precincts are included in the Medium Density Residential

Chapter and all other policies and the majority of the rules for these Precincts have been allocated to the ISPP workstream.

2.3 Further, Kāinga Ora considers the Thorndon, Mount Victoria, Mount Cook, Newtown, Aro Valley Character Precincts, Mt Victoria North Townscape Precinct and the Oriental Bay Height Precinct are within a walkable catchment of the edge of the City Centre Zone and therefore Policy 3(c)(ii) of the NPS-UD applies:

- (a) introduction to the Character Precincts (MRZ-PREC01);
- (b) Policy MRZ-PREC01 – Policy 4 *On-going use and repair and maintenance*;
- (c) introduction to the Mt Victoria North Townscape Precinct (MRZ-PREC02);
- (d) Policy MRZ-PREC02 – Policy 1 *Maintenance of township values* and Policy MRZ-PREC03-Policy 1 *Managing development*;
- (e) introduction to the Oriental Bay Height Precinct (MRZ-PREC03);  
and
- (f) MRZ-PREC03 - Policy 1 *Managing development*.

***Medium Density Residential Zone and High Density Residential Zone – Objective 3***

2.4 Kāinga Ora respectfully seeks that the following Objectives should be reallocated to the ISPP process on the basis that these principles should apply to all residential developments;

- (a) MRZ-O3 – Objective 3; and
- (b) HRZ-O3 Objective 3.

***Residential rules in the City Centre Zone, Metropolitan Centre Zone, Local Centre Zone and the Neighbourhood Centre Zone***

2.5 The following rules, on the basis that the development standards for residential activities in the applicable zones have been allocated to the ISPP stream, so the rules to allow for the development to occur need to be allocated to the same stream

- (a) CCZ-R12 *Residential activities in the CCZ*;

- (b) CCZ-R21 *Conversion of buildings or part of buildings for residential activities;*
- (c) MCZ-R12 *Residential activities in the MCZ;*
- (d) MCZ-R21 *Conversion of buildings or part of buildings for residential activities;*
- (e) LCZ-R10 *Residential activities in the LCZ;*
- (f) LCZ-R19 *Conversion of buildings or part of buildings for residential activities;*
- (g) NCZ-R10 *Residential activities in the NCZ;* and
- (h) NCZ-R19 *Conversion of buildings or part of buildings for residential activities.*

***Mixed Use Zone and Commercial Zone***

2.6 Kāinga Ora respectfully seeks the reallocation of the Mixed Use Zone and the Commercial Zone within the Schedule 1 workstream to a mixture of both the ISPP and the Schedule 1 processes on the basis that the Mixed Use Zone provides for both residential activities and commercial activities that support residential growth within and adjacent to the zone. For example, the following provisions should be allocated to the ISPP workstream:

- (a) MUZ-O1;
- (b) MUZ-O2;
- (c) MUZ-P1;
- (d) MUZ-P2;
- (e) MUZ-P5;
- (f) MUZ-P7;
- (g) MUZ-R10;
- (h) MUZ-R16;
- (i) MUZ-R17;
- (j) COMZ-O3;

- (k) COMZ-P1;
- (l) COMZ-P6;
- (m) COMZ-R2;
- (n) COMZ-S5;
- (o) COMZ-S6; and
- (p) COMZ-S7.

Dated 1 February 2023

A handwritten signature in blue ink, appearing to be 'JAC', with a horizontal line extending to the right from the end of the signature.

---

**Jennifer Caldwell / Natalie Summerfield**  
Counsel for Kāinga Ora – Homes and  
Communities