

Wellington City Proposed District Plan

Stream 2 – Part 3, Residential Zones – Part 3: Medium Density Residential Zone

Section 42A of the Resource Management Act

Part 3 – Medium Density Residential Zone

1.0 Overview

1. This section of the S42A report for the Part 3 – Residential Zones addresses the Medium Density Residential Zone (MRZ) provisions, including those relating to the Oriental Bay Height Precinct (MRZ-PREC03). Provisions relating to Character Precincts (MRZ-PREC01) and the Mt Victoria North Townscape Precinct (MRZ-PREC02) are addressed separately in Part 4 of the S42A report.
2. There were 286 submitters who collectively made 1344 submission points in relation to the MRZ.
3. There were 10 further submitters who collectively made 449 further submission points.
4. Overall, there were 296 submitters and 2,292 submission points.
5. These submissions are categorised and assessed as follows:
 - i. General submissions on the Medium Density Residential Zone
 - ii. Chapter-wide submissions on the Medium Density Residential Zone
 - iii. General submissions on the Oriental Bay Height Precinct (MRZ-PREC03)
 - iv. General concerns and amendments
 - v. Requests for new provisions
 - vi. Requests for zone changes / Changes to PDP mapping
 - vii. Submissions relating to specific provisions in the MRZ chapter
6. This report should be read in conjunction with the information in the following appendices:
 - a. Appendix A - Recommended Amendments to the Residential Chapters
 - b. Appendix B – Recommended Responses to Submissions and Further Submissions on the Residential Chapters.

2.0 Format for Consideration of Submissions

7. For each identified topic, the consideration of submissions has been undertaken in the following format:
 - Matters raised by submitters;
 - Assessment; and
 - Summary of recommendations.
8. As noted above, the recommended amendments to the relevant parts of the PDP are set out in Appendix A of this report where all text changes are shown in a consolidated manner.
9. Where necessary, for example where I have recommended a significant departure from the notified PDP provisions, I have undertaken a s32AA evaluation in respect to the recommended amendments in my assessment.

3.0 General Submissions on the Medium Density Residential Zone

3.1 General Support for the Medium Density Residential Zone

Matters raised by submitters

10. The Wellington City Youth Council [201.29] supports the MRZ and seeks it is retained as notified.
11. Greater Wellington Regional Council [351.248] seeks to retain the chapter and the intensification proposed in the MRZ (MRZ).
12. Chris Howard [192.8] supports three residential units on all MRZ sites.
13. Michelle Rush [436.13 & 436.14] seeks that Policies in the MRZ chapter are retained as notified.
14. Johnsonville Community Association [429.31] and Willis Bond and Company Limited [416.68] supports medium density residential standards as they allow 3 dwellings up to 3 storeys in height in all residential zones.
15. Michael O'Rourke [194.5 and 194.6] supports the MRZ's attempts to make new builds more liveable with regard to required outdoor space and the attempts to mitigate the impact of higher buildings on neighbouring properties.
16. Living Streets Aotearoa [482.53] supports in part the chapter but expresses the importance of the design rules to provide quality private and public spaces. This is supported by Thorndon Residents' Association Inc [FS69.98].
17. Peter Nunns [196.10], Khoi Phan [326.4 & 326.5] and Priscilla Williams [293.5] support the zoning of the MRZ. Roland Sapsford [305.32] supports in part zoning of the MRZ.
18. Several submitters, including Alicia Hall on behalf of Parents for Climate Aotearoa [472.13], Amos Mann [172.19], Andrew Flanagan [198.5], Anne Lian [132.9], Braydon White [146.16], David Cadman [398.11], Gabriela Roque-Worcel [234.8], Grant Buchan [143.15], Henry Bartholomew Nankivell Zwart [378.13], Ingo Schommer [133.9], James Harris [180.6], Jill Ford [163.11], Matthew Tamati Reweti [394.12], Olivier Reuland [134.11], Patrick Wilkes [173.17], Pete Grant [179.12], Peter Nunns [196.13], Richard W Keller [232.9] and Zoe Ogilvie-Burns [131.8] request that the number of permitted activities in the MRZ chapter is amended to be increased. This is supported by Generation Zero [FS54.2].
19. Waka Kotahi [370.264] seeks that all boundary setbacks should have immediate legal effect.
20. Z Energy Limited [361.16] seeks that the MRZ chapter is retained with amendments, as detailed in their submission points on specific provisions throughout this report. Further

submission from Kāinga Ora – Homes and Communities [FS89.153] opposes 361.16 and seeks that the original submission is disallowed.

21. Kilmarston Developments Limited and Kilmarston Properties Limited [290.1] generally support the MRZ as it provides an appropriate open space and residential outcome. Grant Henderson [FS5.1] notes that housing and open space are needed.

Assessment

22. I note Living Streets Aotearoa's submission point [482.53] and consider that the MRZ, in conjunction with the Residential Design Guide, will provide quality private and public spaces.
23. In response to those submitters, including Peter Nunns [196.10], Khoi Phan [326.4 & 326.5], and Priscilla Williams [293.5], seeking that the number of permitted activities in the MRZ is increased, I disagree. I am comfortable with the activity status of every rule in the MRZ as I consider it provides a good balance of being enabling, whilst also ensuring that the activities that potentially generate additional adverse effects will be able to be assessed in detail.
24. In response to Z Energy Limited's submission point [361.16], as I understand their submission, they are referring to the entire MRZ chapter and their comments on every provision. As detailed in this report, I do not agree with all of their comments so I note that retaining the MRZ with their amendments is not supported.

Summary of Recommendations

25. HS2-P3-Rec1: No amendments are recommended in response to the submission themes outlined under 'General Support for the MRZ' above.
26. HS2-P3-Rec2: That submission points relating to 'General Support for the MRZ' are accepted/rejected as detailed in Appendix B.

4.0 Chapter Wide Submissions on the Medium Density Residential Zone

Matters raised by submitters

27. Several submitters request that the MRZ is amended to include the 'Coalition for More Homes' alternative medium density residential standards recommendations for outdoor living space, green space, building height limits, recession planes and setbacks.
28. Roland Sapsford [305.33 & 305.34] seeks that the chapter be amended to provide greater considerations towards amenities such as light, shading, wind, privacy, design quality, retention of green areas, character and heritage.
29. Ara Poutama Aotearoa the Department of Corrections [240.11] opposes reference to "supported residential care activity" and seeks that it is removed from the chapter.

30. Prime Property Group [256.3] seeks amendment of the chapter with the removal of all references to Spenmoor Street Area.
31. Roland Sapsford [305.31] seeks that the District Plan is amended to identify and protect green spaces in the MRZ.
32. Chris Howard [192.9 & 192.10] seeks that medium density housing is applied to sites with wide street frontages only.
33. Dinah Priestly [495.1 & 495.2] opposes the chapter and its associated Design Guides and seeks amendment to achieve intensification whilst maintaining and enhancing the existing valued housing stock. This is supported by Thorndon Residents' Association Inc [FS69.62 & FS69.63].
34. Guy Marriage [407.3] and Jane Szentivanyi and Ben Briggs [369.15] expresses concern about the adoption of medium density residential standards and their effect on design standards.
35. Willis Bond and Company Limited [416.69] seeks amendment to the chapter to consider that MRZ has more permissive standards than other zones which anticipate higher density.
36. Robert and Chris Gray [46.6] considers that the growth estimates used by the plan needs to allow for primary schools and day centres in Mount Victoria.
37. Several submitters oppose the zoning of the MRZ and seek amendments to adopt an alternative zone. This is opposed by Kāinga Ora – Homes and Communities [FS89.90], Laurence Harger & Ingrid Kölle [FS2.29], Enterprise Miramar Peninsular Inc [FS26.14], Mary Varnham and Paul O'Regan [FS40.29], Buy Back the Bay [FS79.34] and Lance Jones [FS81.19].
38. Michelle Rush [436.12] seeks amendments to the chapter so that the density of the zone reflects the walking catchments of the Johnsonville Line as a Rapid Transit Line. Grant Buchan [143.11] seeks amendments to the chapter so that all NPS-UD (National Policy Statement on Urban Development) recommendations are adhered to in the MRZs. Ellan Patterson [138.4], Svend Heeselholt and Henne Hansen [308.6 & 308.7] and Daniel Christopher and Murray Gratham [468.4] seek amendments to the chapter insofar that height limits are increased within the 15-minute walking catchments of rail stations.
39. Several submitters, including Heidi Snelson, Aman Hunt, Chia Hunt, Ela Hunt [276.33] and Johanna Carter [296.5] oppose the MRZ either entirely or at specific locations.
40. Wellington Brach NZIA [301.5] seeks an amendment to require a Design Panel Review be adopted for all 3x3 MRZ developments. This is opposed by the Retirement Villages of New Zealand Incorporated [FS126.222] and Ryman Healthcare Limited [FS128.222].
41. Roland Sapsford [305.43] seeks amendment to the chapter to identify community-based planning be identified prior to infrastructure investments.

42. Yvonne Weeber [340.104] and Guardians of the Bays [452.61] seeks that the rules in MRZ be amended to include cross references to qualifying matters in the rules.
43. Mt Cook Mobilised [331.11] seeks amendment to the chapter to provide provisions that encourage environmental and sustainable living provisions.
44. Jane Szentivanyi and Ben Briggs [369.14] seeks that the objectives of the chapter are amended to allow for public and private collaborations and inducements, as an opportunity to increased housing choices.
45. Richard Herbert [360.3] seeks amendment to the chapter to reinstate Significant Natural Areas in the MRZ.
46. Greater Wellington Regional Council [351.249] seeks amendment to the chapter to give effect to Objective 22 of the Proposed RPS Change 1. This is supported by the Wellington City Council Environmental Reference Group [FS112.22].

Assessment

47. In response to those submitters seeking that the MRZ Chapter is re-drafted to align with the Coalition for more Homes standards, I disagree. The MRZ Chapter has been drafted to give effect to the NPS-UD and the MDRS.
48. In response to Roland Sapsford [305.33 & 305.34], the submitter has not provided any evidence in the form of a Section 32 evaluation as to why the chapter should be amended, neither have they specified how they would like it to be amended. The proposed provisions give effect to the NPS-UD and the MDRS.
49. In response to Ara Poutama Aotearoa the Department of Corrections [240.11], in paragraph 685 of the *Hearing Stream 1 – Section 42A Report – Part 1 Plan Wide Matters and Strategic Direction*, Mr McCutcheon recommended that the definition is retained, with a small amendment.
50. In response to the Prime Property Group [256.3], I do not support removal of the Spenmoor Street Area from the MRZ. I have recommended that MRZ-P12 is retained as notified in paragraph 374. My reasons for this recommendation are the same reasons that I recommend the Spenmoor Street Area is not removed.
51. In response to Roland Sapsford [305.31], the submitter has not provided the mechanism they seek for additional protection of green spaces. I note that the provisions require landscaped areas on sites. I also note that green spaces are protected throughout the city through the Significant Natural Area overlay and related environmental overlays, and the open space zoning. I therefore recommend the submission point be rejected.

52. In response to Chris Howard [192.9 & 192.10], the requested amendment would be inconsistent with the NPS-UD and MDRS.
53. In response to Dinah Priestly [495.1 & 495.2] and the further submitters [FS69.62 & FS69.63], I consider the PDP achieves a good balance of ensuring the amenity of existing homes is not significantly affected whilst providing for more housing, as required under the NPS-UD and MDRS. I also consider this is inconsistent with policy 6(b) of the NPS-UD.
54. In response to Guy Marriage [407.3] and Jane Szentivanyi and Ben Briggs [369.15], the MDRS are a requirement of Schedule 3A of the RMA.
55. In response to Willis Bond and Company Limited [416.69], the submitter has not provided adequate detail to understand how the standards in the MRZ compare unfavourably (in its view) to those in other zones.
56. In response to Robert and Chris Gray [46.6], growth estimates are addressed in Hearing Stream 1.
57. I disagree with the submitters who oppose the zoning of the MRZ and seek amendments to adopt an alternative zone. The MRZ has been informed by the NPS-UD and MDRS and the zoning determined by existing residential zones and the walking catchment analysis which was detailed in Hearing Stream 1.
58. In response to Michelle Rush [436.12] and other submitters seeking intensification around the Johnsonville Train Line; this is addressed in Hearing Stream 1. If the hearing panel is of a mind to amend the classification of the Johnsonville Train Line to Rapid Transit, then I recommend the zoning is changed to reflect this. If not, then I recommend the zoning is retained.
59. In response to those submitters, including Heidi Snelson, Aman Hunt, Chia Hunt, Ela Hunt [276.33] and Johanna Carter [296.5], who oppose the MRZ, I disagree. The MRZ is the appropriate zone for most residential areas and is the zone with the lowest density that can be applied under the NPS-UD and MDRS.
60. In response to Wellington Brach NZIA [301.5], I do not consider that a design panel for all multi-unit developments is necessary. I am confident that the PDP provisions and the Residential Design Guide will ensure quality developments.
61. Roland Sapsford [305.43] has not provided any detail on how they envisage community-based planning be identified prior to infrastructure investments.
62. In response to Yvonne Weeber [340.104] and Guardians of the Bays [452.61], I do not consider it necessary to cross reference to QFM in the rules. The MRZ directs the plan user to QFM and states that the QFM provisions need to be read alongside the MRZ provisions.

- 63. Mt Cook Mobilised [331.11] have not provided examples of amendments to encourage environmental and sustainable living provisions. I therefore recommend the submission point is rejected.
- 64. The submission point by Richard Herbert [360.3] will be addressed in Hearing Stream 8.
- 65. In response to the Greater Wellington Regional Council [351.249] and the WCC Environmental Reference Group [FS112.22], I do not see how the MRZ does not give effect to Objective 22 of Plan Change 1 to the RPS.

Summary of Recommendations

- 66. HS2-P3-Rec3: No amendments are recommended in response to the submission themes outlined in Section 1.1.2.1 of this report.
- 67. HS2-P3-Rec4: That submission points relating to 'Chapter Wide Submissions' are accepted/rejected as detailed in Appendix B.

5.0 General Submissions on the Oriental Bay Height Precinct (MRZ-PREC03)

Matters raised by submitters

- 68. Several submitters [392.2, 245.2, 237.4, 171.2, 170.2, 147.2, 147.3, 128.3, 81.4, 19.3 and 18.3] seek that MRZ-PREC03 (Oriental Bay Precinct) is retained as notified.
- 69. Kāinga Ora Homes and Communities [391.321] seeks that MRZ-PREC-03 (Oriental Bay Height Precinct) is deleted in its entirety.
- 70. Kāinga Ora Homes and Communities [391.320] seeks that MRZ-PREC03 (Oriental Bay Height Precinct) is reviewed, so that the Council's adopted methods to manage the identified townscape values in the proposed Oriental Bay Height Precinct are reconsidered.
- 71. Several further submitters [FS3.3, FS8.3, FS10.3, FS13.3, FS18.5, FS19.3, FS37.10, FS38.4, FS53.3, FS82.101 and FS94.10] oppose 391.320, and seek that the original submission be disallowed.
- 72. Several further submitters [FS3.4, FS8.4, FS10.4, FS13.4, FS18.6, FS19.4, FS53.4, FS62.4, FS82.102, FS96.21 and FS117.20] oppose 391.321 and seek that the original submission be disallowed.
- 73. Waka Kotahi [370.262] seeks amendment to the chapter to turn the Oriental Bay Height Precinct into an overlay.

Assessment

- 74. In response to Kāinga Ora Homes and Communities [391.320 & 391.321], I disagree with deleting or reconsidering the Oriental Bay Height Precinct. The Oriental Bay Height Area Precinct is generally supported by the community and contains height limits which are higher

than the limits in the wider MRZ. There is sufficient evidence that the Oriental Bay Height Precinct has unique qualities and development opportunities that are distinct from the other residential areas of the city, and a more specific approach is required to address the outcomes sought for this area. The 1998 Environment Court Decision W73/98 confirmed that *“Oriental Bay is a unique area of Wellington with a special character and high land and amenity value. The public significance of the area, as well as the special character of its residential environment needs very special consideration”*. Kāinga Ora have made this point repeatedly in their feedback on the Medium Density Residential Oriental Bay Height Precinct.

75. I disagree with Waka Kotahi [370.262]; the Oriental Bay Height Precinct is similar to other character precincts and should remain a precinct for consistency in the plan. Additionally, it is unclear why Waka Kotahi consider it should be an overlay.

Summary of Recommendations

76. HS2-P3-Rec5: No amendments are recommended in response to the submission themes outlined in Section 1.1.3.1 of this report.
77. HS2-P3-Rec6: That submission points relating to ‘General Submissions on the Oriental Bay Height Precinct’ are accepted/rejected as detailed in Appendix B.

6.0 General Concerns and Amendments

Matters raised by submitters

Height

78. Ros Bignell [186.7] and Newtown Residents’ Association [440.16] seek the reduction of heights from 14m to 11m in MRZs (specifically Newtown and Berhampore). This is supported by submitters Claire Nolan, James Fraser, Margaret Franken, Bidy Bunzel, Michelle Wooland, and Lee Muir [FS68.25]. Trace Quinn [54.1] seeks that heights at 369 Adelaide Rd, Newtown are amended to increase from 14m to 21m.
79. Judith Graykowski [80.3] seeks the reduction of heights to either 14m or 11m in Mount Victoria.
80. Jill Ford [163.9] seeks that there is consistency in where taller buildings are located and is concerned about sporadic six storey buildings beside small older homes.
81. Catharine Underwood [481.22] opposes the zoning of the MRZ and seeks amendments of requiring a character/heritage assessment has been completed for the Brooklyn Area.
82. Kāinga Ora – Homes and Communities [391.311 & 391.312] seeks that the MRZ heights be increased by up to 5 storeys within 5 min/400m walkable catchments of Local Centre Zones. This is opposed by submitters Claire Nolan, James Fraser, Margaret Franken, Bidy Bunzel, Michelle Wooland, and Lee Muir [FS68.4], Onslow Residents Community Association

[FS80.13], Wellington's Character Charitable Trust [FS82.64], Greater Wellington Regional Council [FS84.30 & FS84.31], LIVE WELLington [FS96.17], and Roland Sapsford [FS117.16].

83. David Stevens [151.8] seeks that four storey buildings throughout the area from Broadmeadows to Crofton Downs should only be considered on a case-by-case basis via notifiable resource consent applications.
84. Antony Kitchener and Simin Littschwager [199.10] opposes the increased density to six storeys in Khandallah. Emma Baines [185.5] seeks to retain the proposed heights for Cockayne Road, Khandallah.
85. Anita Gude and Simon Terry [461.17] seek that a height limit of 8m is applied to all properties bordering the town belt.

Shading

86. Robert and Chris Gray [46.7 & 46.8] seek clarification on how the effect of shading from adjacent higher density buildings on buildings with solar panels will be addressed, and whether reimbursement will occur for shaded solar panels.
87. Greg Coyle [39.1] seeks that the chapter is amended to require developments adjacent to buildings with solar panels to received neighbours' approval.
88. Several submitters, Anne Lian [132.8], Olivier Reuland [134.10], Grant Buchan [143.14], Cameron Vanisselroy [157.7], Patrick Wilkes [173.16], Pete Gent [179.11], Richard W Keller [232.10], Gabriela Roque-Worcel [234.7], Henry Bartholomew Nankivell Zwart [378.14], Matthew Tamati Reweti [394.13], David Cadman [398.12], Luke Stewart [422.9] and Alicia Hall on behalf of Parents for Climate Aotearoa [472.14], seek that the chapter is amended to reduce the extent of shading as a qualifying matter. This is opposed by Stephen Minto [FS100.14, FS100.15, FS100.16, FS100.18, FS100.19, FS100.20 & FS100.21], LIVE WELLington [FS96.51], Thorndon Residents' Association Inc [FS69.28].
89. Karen Serjeantson [43.1] and Michael Hamilton [53.1] seek amendments to the MRZ to recognise that single storey dwellings throughout the zone rely on passive-heating. They consider that the increased density will erode this.
90. Jill Ford [163.10], James Harris [180.7], Roland Sapsford [305.40], and Kay Larsen [447.13] seek amendment to the chapter to include sunlight protections for existing neighbourhood properties.
91. Wellington Branch NZIA [301.4] seeks amendment to the Design Guides to address sunlight/daylight access within MRZ. This is opposed by The Retirement Villages Association of New Zealand Incorporated [FS126.221] and Ryman Healthcare Limited [FS128.221].

Transport

92. Paihikara Ki Pōneke Cycle Wellington [302.36 & 302.37] opposes the current standards of the chapter and seeks an amendment to require cycle and micro mobility parking and charging for residents. The Retirement Villages Association of New Zealand Incorporated [FS126.198 & 128.199] and Ryman Healthcare Limited [FS128.198 & FS128.199] supports this but with the amendment that retirement villages are excluded from the application of these new provisions.
93. Susan Rotto [63.3 & 63.4] opposes current standards of the chapter and seeks the chapter is amended to require a minimum of one off-streetcar park for residential and non-residential purposes. Johanna Carter [296.6 & 296.7] seeks amendment to the chapter to require on-site parking when there is insufficient street parking, to assist those who have disabilities and reduce negative on-street effects. James Coyle [307.10 & 307.11] seeks that the chapter is amended to minimise carparking and prioritises tree canopy and soil over concrete car parks.

General – Standards

94. Johanna Carter [296.8] seeks amendment to the chapter for further assessment of the outlook standards of multi-unit developments.
95. BP Oil New Zealand, Mobil Oil New Zealand Limited and Z Energy Limited (the Fuel Companies) [372.108] consider these greater residential densities and more permissive building standards are likely to generate greater potential for reverse sensitivity effects. Further submission from Kāinga Ora – Homes and Communities [FS89.47] opposes 372.108 and seeks that the original submission is disallowed.

General - Other

96. Roland Sapsford [305.41 & 305.42] seeks that the chapter be amended to identify underutilised sites in Aro Valley which do not create adverse effects on sunlight, privacy, heritage, and local character and are more suitable for intensification.
97. Roland Sapsford [305.36] seeks amendment to the chapter to require site by site consideration for new developments in Aro Valley to ensure most developments trigger the need for a resource consent.
98. Roland Sapsford [305.37] seeks amendment to the chapter to include location specific Design Guides and standards to enable a more granular approach to local character.
99. Roland Sapsford [305.38 & 305.39] seeks amendment to the MRZ standards to require resource consent when new developments have a more than minor impact on local character, sunlight, privacy, shading and outdoor recreation space.
100. Jane Szentivanyi and Ben Briggs [369.14] seek that MRZ (MRZ) objectives relating to housing supply allow for public and private collaborations and inducements.
101. Rachel Marr [89.2] seeks that all multi-units can be notified.

102. Cameron Vannisselroy [157.6] seeks that 5 units are a permitted activity. Wellington's Character Charitable Trust [FS82.53] and LIVE WELLington [FS96.87] oppose this and seek that the submission point is disallowed on the basis that the amendment would be inconsistent with the MDRS and NPS-UD.
103. Shailesh Kumar Patel [49.3] seeks that the provisions restricting development in the air noise boundary are relaxed to the extent that sites within the boundaries can be developed in accordance with the MDRS.
104. Christina Mackay [478.9] supports the overall concept of Character Precincts and rules, but rules appear too loose. The submitter recommends the guidance and direction of an Urban Design panel.
105. Several submitters seek amendment to include a transitional zone between MRZ and the City Centre Zone.
106. Hugh Good [90.4] seeks that three waters is not a qualifying matter.
107. Jill Ford [163.9] is concerned about sporadic higher density housing and seeks that multi-storey buildings are developed in a consistent way.

Assessment

Height

108. In response to submission points which seek that height limits are either decreased or increased across the city, or in specific areas, I disagree that heights need to be changed. See my responses under MRZ-S1 and MRZ-S2 for further assessment. However, I am confident that the height limits are appropriate as they have been determined by the walking catchment analysis and relevant legislation, including the NPS-UD and the MDRS under Schedule 3A of the RMA.
109. While greater height limits than the MDRS can be enabled, I do not it necessary to go any further than what is currently in the PDP, noting that MRZ-S2 provides 'Height Area 2', which enables 14m. In paragraph 4.2 of Mr Osborne's evidence (Statement of Evidence of Philip Osborne on behalf of Wellington City), presented in Hearing Stream 1, he outlines that Wellington City requires 35,928 new homes to 2051. Mr Osborne then outlines that the PDP provides approximately 50,000 dwellings, which is more than sufficient to meet demand.
110. Based on the points above I disagree that any amendments to the height limits are required.

Shading

111. In response to submission points that express concern about shading, and the impact of shading on solar panels, I disagree that any amendments are required based on the general points received. I am confident that the height in relation to boundary controls will ensure

that adjacent properties are not significantly impacted by loss of sunlight. In addition, the restricted discretionary status of developments which breach the standards will mean that the effects of shading can be looked at closer, shading diagrams may be required.

Transport

112. In response to Paihikara Ki Pōneke Cycle Wellington [302.36 & 302.37], the Retirement Villages Association of New Zealand Incorporated [FS126.198 & 128.199], and Ryman Healthcare Limited [FS128.198 & FS128.199], I consider that the transport chapter adequately addresses these matters.
113. In response to those submitters requesting that provision of car parks is a requirement in the PDP, the NPS-UD requires that District Plans do not include any requirement for car parks in relation to residential developments.

General – Standards

114. In response to Johanna Carter [296.8], the outlook standards have been drafted to be consistent with the MDRS in accordance with Schedule 3A of the RMA.
115. In response to the Fuel Companies [372.108], I consider that reverse sensitivity effects will be appropriately managed by the noise and other related chapters. I do not consider that any activity meeting the permitted activity standards will generate excessive reverse sensitivity effects which require reverse sensitivity provisions in the MRZ.

General - Other

116. In response to Roland Sapsford [305.36, 305.41 & 305.42], it is not the District Plan's role to identify specific underutilised sites in Aro Valley. In addition, doing this may result in instances of spot zoning which are not recommended due to the effects that this could have on the immediate environment.
117. In response to Roland Sapsford [305.37], the District Plan provides design guidance in the form of the Residential Design Guide which applies to the entire city. Any developments which breach the permitted standards can be considered in relation to their immediate environment.
118. In response to Roland Sapsford [305.38 & 305.39], I consider the PDP already does this through the Restricted Discretionary Activity provisions.
119. In response to Jane Szentivanyi and Ben Briggs [369.14], the MRZ has been drafted to be consistent with the NPS-UD and MDRS.
120. In response to Rachel Marr [89.2], I note that multi-units can be notified. However, there are exclusions to notification which are appropriate and give effect to Clause 5 of Schedule 3A of the RMA.

- 121. In response to Cameron Vannisselroy [157.6], up to three units are provided for as a permitted activity which is in keeping with Clause 10 of Schedule 3A of the RMA.
- 122. In response to Shailesh Kumar Patel [49.3], the air noise boundary will be addressed in Hearing Stream 6.
- 123. In response to those submitters seeking a transition zone between character areas and the MRZ, I do not consider this necessary as the existing provisions will be sufficient to protect character, and additional provisions are therefore not required. I also note that if the relief were granted, the residential capacity numbers would be impacted
- 124. In response to Hugh Good [90.4], three waters are not a qualifying matter.
- 125. In response to Jill Ford [163.9], the District Plan provides the mechanism for housing to be developed but does not specify where individual developments can or should occur.

Summary of Recommendations

- 126. HS2-P3-Rec7: No amendments are recommended in response to the submission themes outlined in Section 1.1.4.1 of this report.
- 127. HS2-P3-Rec8: That submission points relating to ‘General Concerns and Amendments’ are accepted/rejected as detailed in Appendix B.

7.0 Requests for New Provisions

Matters raised by submitters

General

- 128. Lucy Harper and Roger Pemberton [401.47] seek new provisions to provide for buffer areas between residential zones and heritage/character areas.

New Objectives

- 129. The Retirement Villages Association of New Zealand Incorporated [350.103] seeks a new ‘well-functioning urban environment’ objective, to give effect to Objective 1 of Schedule 3A of the RMA.
- 130. Kainga Ora Homes and Communities [391.322] seek a new objective to provisionally provide for additional height and density in areas with high accessibility to public transport, commercial amenity and community services. Mt Victoria Historical Society [FS39.6], Wellington’s Character Charitable Trust [FS82.109], LIVE WELLington [FS96.22] and Roland Sapsford [FS117.21] all oppose the requested objective.
- 131. The Ministry of Education [400.93] seek a new objective for non-residential activities where they are in keeping with the amenity values of the zone. Onslow Residents Community Association [FS80.8] oppose.

132. Metlifecare Limited [413.10] seek a new objective stating that land is used efficiently for residential development, and more intensive development is enabled on larger sites.

New Policies

133. Several submitters, including Anne Lian [132.10], Olivier Reuland [134.12], Cameron Vannisselroy [157.9], Patrick Wilkies [173.18], Alan Fairless [242.19], and Alicia Hall (on behalf of Parents for Climate Aotearoa) [472.15] seek a new policy providing for pop-up public realm for houses that are shaded by new development. Stephen Minto [FS100.7, FS100.11, FS100.13, FS100.12 & FS100.6] opposes the proposed new policy and seeks that it is disallowed.
134. Historic Places Wellington [182.27] and Wellington Heritage Professionals [412.74] seek a new policy with equivalent wording to NCZ-P7 (Quality design – neighbourhood and townscape outcomes).
135. The Retirement Villages Association of New Zealand Incorporated [350.104 and 350.105] and Metlifecare Limited [413.11] seek two new policies. One for development on larger sites that recognises amenity values will change and one specifying the role of density standards.
136. Metlifecare Limited [413.12] seek a new policy to recognise the needs of an aging population.

New Rules

137. Scots College Incorporated [117.7] requests a new permitted activity rule (MRZ-R18) for identified educational precincts for the construction of, or additions and alterations to, buildings on identified school campuses. The submitter seeks that the rule precludes public notification.
138. Fire and Emergency New Zealand [273.167] seek a new permitted activity rule for emergency service facilities.
139. Phillippa O'Connor [289.15] seeks a new restricted discretionary rule (MRZ-R11) for dairies, cafes and restaurants.
140. Kainga Ora Homes and Communities [391.324] seeks a new non-complying rule for industrial activities.

New Standards

141. James Harris [180.9] seeks two new standards. One requiring development adequately accommodate active travel. Another requiring development to provide universal accessibility.
142. Alan Fairless [242.19] seeks a new sunlight standard. The Retirement Villages Association of New Zealand Incorporated [FS126.2] and Ryman Healthcare Limited [FS128.2] oppose this.

143. Johanna Carter [269.9 and 269.10] seeks a new privacy standard where development overlooks other properties and new standards for solar panels.
144. Envirowaste Services Ltd [373.9] seek a new standard for appropriate rubbish and recycling storage of a minimum standard.

Assessment

General

145. In response to Lucy Harper and Roger Pemberton [401.47], I disagree that this is required. I consider the proposed MRZ provisions will sufficiently control the effects of development on character and heritage, alongside the character and heritage provisions. This matter has been addressed by Mr Lewandowski.

New Objectives

146. In response to The Retirement Villages Association of New Zealand Incorporated [350.103], MRZ-O2 already gives effect to Objective 1 of Schedule 3A of the RMA.
147. In response to Kainga Ora Homes and Communities [391.322], I consider that the residential zones already have accounted for higher density development in areas close to services such as public transport. This gives effect to the NPS-UD. I therefore consider the requested new policy is not needed.
148. In response to the Ministry of Education [400.93], I consider that MRZ-O2 already encompasses the requested objective, under the definition of 'well-functioning urban environment', which includes: 'has or enables a variety of sites that are suitable for different business sectors in terms of location and site size' and 'has good accessibility for all people between housing, jobs, community services'.
149. In response to Metlifecare Limited [413.10], I disagree that a new objective is needed, and the request has not been supported by a section 32AA analysis to explain why a new objective would enhance the plan.

New Policies

150. In response to those submitters seeking a popup public realm, I do not agree with the requested policy. I argue that the policy would have a detrimental effect on residential development capacity, for little gain. I also struggle to understand how the policy would be implemented through the rules and no suggested rule has been provided.
151. In response to Historic Places Wellington [182.27] and Wellington Heritage Professionals [412.74], I disagree the requested policy is needed as the permitted activity standards and the Residential Design Guide will assist in ensuring quality development.
152. In response to the Retirement Villages Association of New Zealand Incorporated [350.104 and 350.105] and Metlifecare Limited [413.11], the requested policies are not required. Generally,

larger sites have been zoned LLRZ or Rural. In addition, the submitter has not provided a definition for what a larger site could be. I argue that the PDP provisions already recognise that amenity can change, this is evident by the higher density that is allowed. Therefore, I am of the opinion that the requested policy is not required.

153. In response to Metlifecare Limited [413.10], I disagree with the requested policy. The drafted provisions provide for retirement villages and I do not believe a separate policy for this is required given MRZ-P7 for retirement villages.

New Rules

154. In response to Scots College Incorporated [117.7], I disagree that the requested rule is required as MRZ-R9 already provides for educational facilities as a restricted discretionary activity. This activity status is most appropriate given the unknown effects that educational facilities could have on the residential environment. Additionally, a restricted discretionary activity status does not preclude educational facilities.

155. In response to Fire and Emergency New Zealand [273.167], emergency facilities are already provided for under MRZ-R9 as a restricted discretionary activity. This activity status is most appropriate given the unknown effects that emergency facilities could have on the residential environment. Additionally, a restricted discretionary activity status does not preclude emergency facilities.

156. In response to Phillippa O'Connor [289.15], I consider that a bespoke rule for dairies and cafes is not required. These can be applied for under MRZ-R10 which means wider effects can be considered. However, if the panel were of a mind to grant relief, I would recommend the below addition, which is consistent with the submitters request:

MRZ-Rxx – Dairies, cafes and restaurants

1. Activity status: Restricted Discretionary

Where:

a. The maximum GFA is 100m²

Matters of discretion are:

1. Infrastructure and servicing

2. Effects on neighbourhood character, residential amenity, safety and the surrounding residential area from building scale, form and appearance; traffic; noise; lighting; and hours of operation

157. In response to Kāinga Ora Homes and Communities [391.324], a non-complying activity status for industrial activities is not required. I consider that the objectives and policies provide sufficient direction for any industrial activity that is applied for as a discretionary activity under MRZ-R10. I consider the suite of provisions will ensure that incompatible industrial activities will either not be granted, or managed so that the effects on the residential environment are less than minor.

New Standards

158. In response to James Harris [180.9], I consider the transport chapter adequately addresses active travel.
159. In response to Alan Fairless [242.19], I consider the height in relation to boundary controls in the proposed MRZ (MRZ-3) adequately protects sunlight on adjoining properties. I do not consider a new standard is required.
160. In response to Johanna Carter [269.9 and 269.10], I consider that the proposed MRZ provisions, particularly the standards, already provide sufficient controls to protect privacy and already provide for solar panels. For example, under MRZ-S2.
161. In response to Envirowaste Services Ltd [373.9] the management of waste is already considered in the standards, particularly under MRZ-P6 and MRZ-P14. I am of the opinion that this provides sufficient direction for processing planners to consider waste on larger developments. I consider smaller developments do not require specific standards for waste minimisation.

Summary of Recommendations

162. HS2-P3-Rec9: No amendments are recommended in response to requests for new provisions.
163. HS2-P3-Rec10: That submission points relating to 'Requests for New Provisions' are accepted/rejected as detailed in Appendix B.

8.0 Requests for Zone Changes / Changes to PDP Mapping

164. In addition to the assessments provided below, I note that no submitter has provided a section 32A assessment to demonstrate that the requested re-zonings are the best option. I ask the panel to consider this as they are considering the submissions for re-zonings. I note that there is an opportunity for submitters to present their case in the lead up to, and at, the hearing.

Matters raised by submitters

165. Several submitters seek that the MRZ on a specific property is retained as notified.
166. Several submitters and further submitters seek that there is a transition zone between MRZ properties and character/heritage areas. This includes from Jonothan and Tricia Briscoe [190.6 – 190.10] and the Mount Victoria Historical Society [214.2].
167. Kāinga Ora Homes and Communities [FS89.95] disagrees with the requests for transition zones on the basis that it will impact on the supply of housing.
168. Ros Bignell [186.5] seeks that the maps are amended so that 11m, not 14m, applies in Lawrence Street, Newtown.

169. Claire Nolan, et al [FS68.23] support the submission point by Ros Bignell [186.5] and seek that it is allowed.
170. Prime Property Group [256.1] opposes the Spenmoor Street Area mapping and seeks that it is deleted from the maps.
171. Rod Halliday [25.15] seeks that Lot 5 (DP524106) at 35 Bickerton Rise is rezoned to Natural Open Space from Medium Density. This is on the basis that the land has recently been transferred to WCC as reserve.
172. Vik Holdings Ltd [31.1] seeks that 15 Brougham Street is rezoned from MRZ to HRZ. The submitter notes that 15 Brougham Street is a multi-flat dwelling associated with the adjoining owners of 13 and 11 Brougham Street which are classified as HRZ. Together these three sites are approximately 2283m² and would be suitable for total redevelopment.
173. Mt Victoria Historical Society Inc [FS39.22] and Wellington's Character Charitable Trust [FS82.115] both disagree with the original submission point from Vik Holdings Ltd [31.1] and seeks that it is disallowed based on the impacts on character and that the amendment would be more enabling than the MDRS and NPS-UD.
174. 292 Main Road Limited [105.1] seeks that 292 Main Road, Tawa is rezoned as HRZ.
175. The Tawa Business Group [107.2, 107.3, and 107.4] and Parsons Green Trust [291.1] seek that 1 Redwood Avenue, 3 Redwood Avenue, and 85 Main Road (all in Tawa) are rezoned to mixed use as the sites are currently used for a preschool and the Rezoning would match the MUZ of the property at 89 Main Road, and, being situated on a corner site, would not result in an inconsistent pattern of development.
176. The Ciampa Family Trust [165.1] seeks that 50 Cleveland Street, Brooklyn, is rezoned from MRZ to LCZ so that the site does not have split zoning and the northern part could be developed for non-residential purposes as a permitted activity.
177. The Historic Places Wellington [182.5] seeks that the inner residential suburbs are rezoned to MRZ.
178. The Thorndon Residents Association [FS69.101] agrees with the above request by the Historic Places Wellington [182.5] and seeks that it is allowed.
179. Kāinga Ora Homes and Communities [FS89.76] disagrees with the request from Historic Places Wellington [182.5] and seeks that it is disallowed, as it would result in potential loss of intensification.
180. Heidi Snelson, Aman Hunt, Chia Hunt, Ela Hunt [276.5] seeks that the MRZ within the Upper Stebbings and Glenside West development should be zoned LLRZ.

181. Tapu-te-Ranga Trust [297.3] Seeks that land at 44 Rhine Street, Island Bay that has been rezoned MRZ from Natural Open Space Zone, be rezoned back to Natural Open Space Zone in the mapping.
182. Paul Blaschke [FS129.2] seeks that the submission point by Tapu-te-Ranga Trust [297.3] is allowed as the request reflects the historical understanding reached between the Trust and the Manawa Karioi Society, which retains and protects the Open Space reserve nature of the bush areas, at the same time as identifying land within the 44 Rhine Street lot that could be developed to support the aspirations of the Trust and of the wider Māori and city populations.
183. Kāinga Ora Homes and Communities [391.29] seeks that the Kilbirnie Bus Barns are re-zoned from MRZ to the High-Density Residential Zone. Bus Barn Ltd [FS95.5] agrees with the request and seeks that it is allowed.
184. Investore Property Limited [405.14] seeks that the Johnsonville Line is recognised as rapid transit and appropriate amendments are made to the residential zones to reflect this.
185. Willis Bond and Company Limited [416.9] seek those areas surrounding the Kilbirnie Metropolitan Centre Zone be rezoned as High-Density Residential Zone (in a similar way to the inclusion of areas surrounding the Johnsonville Metropolitan Centre Zone and within Newtown).
186. Foodstuffs North Island [476.80] seek that 3 Dekka Street and 31-33 Nicholson Road should be rezoned as LCZ as these three properties are all owned by Food Stuffs and a resource consent application is currently being considered by Council (Ref. SR 517439) to extend the supermarket activity.
187. Adam King [246.2] seeks that the Operative District Plan zoning of the Inner Residential Zone for 12a Parliament Street is retained.
188. Jonathan Markwick [490.6] seeks that the mapping is amended to allow six storey high density residential buildings in all Oriental Bay including Hay Street and Grass Street. Several submitters, including Ann Mallinson [FS3.5], Denis Foot [FS10.5], Oriental Bay Residents Association [FS13.5 and Ruapapa Limited [FS18.7] opposes greater intensification in the Oriental Bay Height Precinct and seek the submission point is disallowed for several reasons including that the heights in the Oriental Bay Height Area were previously determined by the Environment Court.
189. Coronation Real Estate Limited [62.3 & 62.4] seeks that if the entirety of the site at 9 Comber Place is not zoned Medium Density Residential Zone, then the zoning should be split Medium Density Residential Zone/Natural Open Space Zone with the zone boundary across the centre of the site.

190. The Mt Victoria Historical Society [FS39.26 – FS39.28] seeks that 22 Alexandra Road remains within the identified Mount Victoria Ridgeline as it is in the ODP.

Assessment

191. In response to the submitters, including Jonothan and Tricia Briscoe [190.6 – 190.10] and the Mount Victoria Historical Society [214.2], who seek a transition zone between MRZ properties and character/heritage areas. I disagree that this is required. I consider the proposed MRZ provisions will sufficiently control the effects of development on character and heritage, alongside the character and heritage provisions. This matter has been addressed by Mr Lewandowski. In addition, I agree with Kāinga Ora Homes and Communities [FS89.95] that the proposed amendment will have an impact on development capacity.
192. I disagree with Ros Bignell [186.5]. The height areas have been determined based on walking catchment analysis, covered in Hearing Stream 1, and the NPS-UD.
193. In response to Prime Property Group [256.1], I disagree with removing the Spenmoor Street Area mapping. In paragraph 374, I have recommended that MRZ-P12 is retained as notified. My reasons for this recommendation are the same reasons that I recommend the Spenmoor Street Area is not removed from the mapping.
194. In response to Rod Halliday [25.15], I disagree with the proposed rezoning of 35 Bickerton Rise. The submitter has not provided sufficient evidence as to reasoning for the rezoning. The MRZ reflects the level of development which is expected in Bickerton Rise. Ownership of land is not a valid reason to rezone in my opinion.
195. In response to Vik Holdings Ltd [31.1], I disagree that 15 Brougham Street is rezoned HRZ, to be consistent with the properties to the northeast. 15 Brougham Street is within the Mount Victoria Character Precinct and should therefore remain as MRZ.
196. In response to Mt Victoria Historical Society Inc [FS39.22] and Wellington’s Character Charitable Trust [FS82.115], I have not recommended that 15 Brougham Street be rezoned.
197. I disagree with 292 Main Road Limited [105.1]. The amendment requested would essentially result in a spot zone which I do not recommend as an outcome of a full District Plan Review. I note that the submitter can apply for resource consent as a restricted discretionary activity if they want to develop to a greater level than is permitted.
198. In response to the Tawa Business Group [107.2, 107.3, and 107.4] and Parsons Green Trust [291.1], I disagree with the requested rezoning. The properties requested for rezoning are on the side of the street which is characterised by residential properties. The proposed provisions provide for childcare services to a permitted level and restricted discretionary where the permitted level is breached. Regardless, the properties have existing use rights meaning the childcare activities can continue regardless of the zoning. If the childcare services were to stop operating in the future the MRZ provides an opportunity for residential development to occur.

199. I disagree with the Ciampa Family Trust [165.1]. I consider that the split zoning on 50 Cleveland Street is appropriate as it reflects the commercial use at the southern part of the site and the residential use at the northern. Rezoning the entire site to LCZ does not appear to make sense given the northern portion is fully separated from the southern portion, which fronts Cleveland Street in the area of the Brooklyn shops. I am comfortable with the split zone.
200. In response to the Historic Places Wellington [182.5], while some properties in the inner-city suburbs are zoned MRZ, some are zoned HRZ. I consider this entirely appropriate given the proximity to the city centre and public transport. I also note the zonings were determined by the walking catchment analysis, covered in Hearing Stream 1, and the NPS-UD. I recommend that the submission point is rejected. For the same reason, I also disagree with the further submission in support from the Thorndon Residents Association [FS69.101]. However, I agree with the further submission from Kāinga Ora Homes and Communities [FS89.76], who seek the original submission point is disallowed on the basis that it would affect development capacity.
201. I disagree with Heidi Snelson, Aman Hunt, Chia Hunt, and Ela Hunt [276.5]. The MRZ in the Upper Stebbings and Glenside area is appropriate as it recognises the existing pattern of residential development. The LLRZ would be inappropriate as it is intended for properties on the rural/urban fringe and is characterised by lifestyle living, which I do not consider the Upper Stebbings or Glenside area to be.
202. In response to Tapu-te-Ranga Trust [297.3], I disagree with the rezoning request to change 44 Rhine Street, Island Bay to the Natural Open Space Zone. I acknowledge that the submitter states they do not currently have the resources to address the development of the site. However, I note that there are no advantages to the submitter if the site is rezoned to Natural Open Space. I consider that the MRZ future proofs the site if the submitter finds the resources in the future. I also note that the site would likely not meet the required standard of a Natural Open Space Zone as the site is largely cleared and it appears extensive landscaping has occurred. In addition, there is no Natural Open Space Zoning, or any open space zoning, in proximity to the site. I recommend the submission point is rejected and 44 Rhine Street keeps the proposed zoning of MRZ. For the same reasons, I disagree with the further submission from Paul Blaschke [FS129.2] which seeks that the original submission is allowed.
203. In response to Kāinga Ora Homes and Communities [391.29] and the further submission from Bus Barn Ltd [FS95.5], the issue of High-Density Residential Zoning around Kilbirnie has been addressed in Hearing Stream 1. If the Panel are of a mind to accept the recommendation in Hearing Stream 1, then I recommend the Bus Barn site is rezoned in accordance with this decision. However, if the panel do not accept the recommendation in Hearing Stream 1, I recommend the Panel retain the MRZ.
204. In response to Investore Property Limited [405.14], the Johnsonville train line rapid transit issue has been addressed in Hearing Stream 1. I do not expand on that here.

205. In response to Willis Bond and Company Limited [416.9], the issue of High-Density Residential Zoning around Kilbirnie has been addressed in Hearing Stream 1. If the Panel are of a mind to accept the recommendation in Hearing Stream 1, then I recommend the areas around Kilbirnie are rezoned in accordance with this decision. However, if the panel do not accept the recommendation in Hearing Stream 1, I recommend the Panel retain the MRZ.
206. In response to Foodstuffs North Island [476.80], I disagree with the request to rezone 3 Dekka Street. I acknowledge that a resource consent has been applied for to expand the supermarket operation into the site. However, I note the possibility that the resource consent is not acted upon. In addition, the submitter has not provided a Section 32 assessment as to why the site should be rezoned.
207. In response to Adam King [246.2], the inner residential area no longer exists in the PDP. The MRZ is like the Inner Residential Area Zoning that exists in the ODP.
208. In response to Jonathan Markwick [490.6], in this report I recommend that the Oriental Bay Height Area remains. The heights within the area have been informed by a prior Environment Court decision and I recommend they, and the area, are retained. The Oriental Bay Height Area proposes several height limits, some which would allow six storeys and above.
209. In response to Mt Victoria Historical Society [FS39.26 – FS39.28] I agree with their submission point to the extent that I do consider 22 Alexandra Road should be rezoned. I consider that the appropriate zone is Open Space because the site is presently used as a recreational site and has been proposed MRZ in the PDP due to the planning processes and walking catchment analysis that was carried out at the time of drafting the PDP.

Summary of recommendations

210. HS2-P3-Rec11: That 22 Alexandra Road, Roseneath, be rezoned to Open Space from MRZ.
211. HS2-P3-Rec12: That the planning maps are amended as follows:



Figure 1- Proposed District Plan as Notified.



Figure 2 - Recommended Rezoning
Proposed Wellington City District Plan

212. HS2-P3-Rec13: That submission points relating to ‘Mapping’ are accepted/rejected as detailed in Appendix B.

9.0 Provision Specific Submissions on MRZ

Introduction (P1 Sch1)

Matters raised by submitters

213. Tapu-te-Ranga [297.26] and Metlifecare Limited [413.8] seeks that the introduction of the chapter is retained as notified.
214. The Wellington City Council [266.131] seeks amendment to paragraph 6 of the MRZ chapter, with the below suggestion:

...

There are parts of the Medium Density Residential Zone where the permitted development height or density directed by the NPS-UD may be modified by qualifying matters. These include the following:

- ...
- “Stream corridors, ~~and~~ overland flow paths and inundation areas (refer to Natural Hazards Chapter).
- ...

215. Kāinga Ora – Homes and Communities [FS89.105] opposes this amendment as inundation areas are managed by other rules and therefore are not necessary to be included as a qualifying matter.

216. Metlifecare Limited [413.9] seeks amendment to the introduction, with the below request:

...

“The Medium Density Residential Zone adopts the medium density residential standards from the RMA which allow for three residential units of up to three storeys on a site. Multi-unit housing of four or more units is also anticipated through a resource consent process subject to standards and design guidance. Retirement village development is also enabled, and the provisions recognise the functional and operational needs of this type of housing.”

...

217. KiwiRail Holdings Limited [408.116] seeks amendment to the qualifying matters list in the introduction to add “Railway corridor (building setback from rail boundary); (refer to MRZ-S4).”. This is opposed by Kāinga Ora – Homes and Communities [FS89.27].

218. Transpower New Zealand Limited [315.178 & 315.179] seek the following amendment to the Introduction:

“There are parts of the Medium Density Residential Zone where the permitted development, height or density directed by the NPS-UD may be modified and/or limited by qualifying matters. Each activity shall comply with the relevant qualifying matter area provisions and permitted activity standards of the Plan as listed below. ~~These include the following:~~

- Character Precincts and the Mt Victoria North Townscape Precinct (refer to MRZ-PREC01 and MRZ-PREC02).
-
- The National Grid Yard and National Grid Subdivision Corridor provisions.
- ...

219. Kāinga Ora – Homes and Communities [391.313] supports the introduction in general and seeks that the Character Overlay is moved into District-wide matters. This is opposed by Thorndon Residents’ Association Inc [FS69.12].

220. Kāinga Ora - Homes and Communities [391.314] seeks that the introduction of the MRZ chapter is amended to clarify the stance towards multi-units consisting of four plus units, and that reference to Character Precincts, (namely the Mt Victoria North Townscape Precinct and Oriental Bay Precincts) is removed. This is opposed by Ann Mallinson [FS3.1], Jackie Pope [FS8.1], Denis Foot [FS10.1], Oriental Bay Residents Association [FS13.1], Ruapapa Limited [FS18.3], Scott Galloway and Carolyn McLean [FS19.1], Pukuepuke Pari Residents Incorporated [FS37.7], Gareth and Joanne Morgan [FS38.24], Mt Victoria Historical Society Inc [FS39.3], Jenny Gyles [FS53.1], Helen Foot [FS62.1], Thorndon Residents’ Association Inc [FS69.13], Wellington’s Character Charitable Trust [FS82.132] and Don MacKay [FS94.7].

221. The Retirement Villages Association of New Zealand Incorporated [350.97-350.100] seeks the following amendments to the Introduction:

The Medium Density Residential Zone comprises predominantly residential activities that enable more intensive development including medium density development that typically comprises with a moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities.

...

It is anticipated that the form, appearance and amenity of neighbourhoods within the Medium Density Residential Zone will change over time to enable a variety of housing types with a mix of densities.

...

Assessment

222. In response to the Wellington City Council [266.131]. The *Hearing Stream 1 – Section 42A Report – Part 1 Plan Wide Matters and Strategic Direction* (pg. 149), recommends that the plan include a definition of ‘Qualifying Matter’ taken directly from the Act. If the hearing Panel accepts this recommendation, then I recommend that the list of qualifying matters is deleted from the introduction to ensure alignment throughout the plan. If the hearing panel does not accept this recommendation, I agree with the submission point [266.131] as it clarifies that

inundation areas are also to be treated as a qualifying matter. In response to Kāinga Ora Homes and Communities who oppose this submission point, I note that the Natural Hazards Chapter lists the inundation areas as a natural hazard and natural hazards are legitimate qualifying matters, as specified under Section 770 of the RMA.

223. In response to Metlifecare Limited [413.9], I do not consider it necessary to add the requested amendment. I consider the introduction already states that ‘other compatible activities’ are provided for, and I consider this statement to be encompassing of retirement villages.
224. In response to KiwiRail Holdings Limited [408.116], I do not agree with adding the railway corridor to the list of qualifying matters in the MRZ introduction. This is in keeping with my recommendation to align with the recommendation in Hearing Stream 1 to define qualifying matters and remove the list from the introduction.
225. In response to Transpower New Zealand Limited [315.178 & 315.179], the MRZ introduction already states that qualifying matters may modify the permitted height or density. I do not consider the requested amendment to be necessary.
226. In response to Kāinga Ora – Homes and Communities [391.313 & 391.314], if the panel accepts the recommendation in Hearing Stream 1 to add a definition of qualifying matter, then I recommend the list of qualifying matters in the MRZ chapter introduction is removed to ensure alignment throughout the plan. However, if the panel does not accept this recommendation, then I recommend that ‘character precincts’ remain in the list as these are being used as qualifying matters under the PDP to alter the application of the MDRS and Policy 3, under Schedule 3A of the RMA.
227. In response to Kāinga Ora – Homes and Communities [391.314], it is not necessary to explain that multi-units are considered developments resulting in four or more residential units on a site, as this is explained in the definition of ‘multi-unit housing’ in the PDP.
228. I agree in part with the Retirement Villages Association of New Zealand Incorporated [350.97-350.100]. I agree with their requested amendment to paragraph 5 of the introduction as I consider this to be a sensible addition which signals the direction of the MRZ. However, I disagree with the requested amendment to paragraph 1 of the introduction, I consider that paragraph 1 was written to balance the expectations of the MRZ vs. the HRZ.

Summary of Recommendations

229. HS2-P3-Rec14: That submission points relating to the MRZ-Introduction are accepted/rejected as detailed in Appendix B.
230. HS2-P3-Rec15: That the MRZ-Introduction be amended as set out below and detailed in Appendix A.

Introduction

(Para 1)...

...

(Para 4)...

It is anticipated that the form, appearance and amenity of neighbourhoods within the Medium Density Residential Zone will change over time to enable a variety of housing types with a mix of densities.

(Para 6)...

...

Objective – MRZ-O1: Purpose (ISPP)

Matters raised by submitters

231. Several submitters, including Oranga Tamariki [83.6], Kilmarnston Developments Limited and Kilmarnston Properties Limited [290.48], and the WCC Environmental Reference Group [377.319] seeks that MRZ-O1 is retained as notified.
232. Khoi Phan [326.11] seeks that MRZ-O1 is amended to allow up to six storey dwellings.
233. The Retirement Villages Association of New Zealand Incorporated [350.107] and Metlifecare Limited [413.13] seeks that MRZ-O1 is retained but seeks an amendment to ensure that the objectives specified in the Medium Density Residential Standards (MDRS) as specified under the Enabling Act are incorporated. The Retirement Villages Association makes the below suggestion:

MRZ-O1 **Purpose Residential density**

The Medium Density Residential Zone provides for ~~predominantly residential activities and a~~ variety of housing types and sizes that respond to:

1. ...

234. Kāinga Ora Homes and Communities [391.326] seeks that MRZ-O1 is amended to provide for additional height and density in areas with high accessibility to public transport, commercial amenity and community services. Further submissions in opposition to this submission point were received, with;
 - a. Greater Wellington Regional Council [FS84.32] seeking that it is disallowed on the basis that there needs to be necessary controls to manage the potential effects on water bodies and freshwater ecosystems, if further intensification were to occur, and
 - b. LIVE WELLington [FS96.24] and Roland Sapsford [FS117.23] seeking that it is disallowed on the basis that it is more appropriate to require notification for additional height increases.
235. Leeanne Templer [206.1] seeks that Rama Crescent and streets above Rama Crescent are exempt from the building height increases and intensification in the MRZ, and considers that MRZ-O1 does not respond to Rama Crescent’s planned urban built environment.

Assessment

236. In addressing Khoi Phan’s submission [326.11], as an objective, MRZ-O1 is not the appropriate mechanism to specify the height of dwellings within the zone. Instead, the purpose of the objective, as notified, is to identify the predominant built character anticipated in the zone. While the MRZ provides for a maximum height of 14m in Height Area 2, which can accommodate greater than 3 storeys, the predominant height limit is 11m across the zone. Furthermore, a 14m dwelling is unlikely to be able to accommodate 6 storeys. In addition, as the Council is required to include this objective in the District Plan under Clause 6 of Schedule 3A of the RMA, I do not consider it appropriate to include a 6-storey reference in MRZ-O1.
237. In response to the submission by the Retirement Villages Association of New Zealand Incorporated [350.17] and by Metlifecare Limited [413.13], I do not consider it appropriate to amend MRZ-O1 as sought. I am instead of the view that the objective as drafted gives effect to the ‘Objective 2’ objective which Councils must include in District Plans under Clause 6 of Schedule 3A of the RMA, whilst clarifying the zone is predominantly for residential activities.
238. In response to Kāinga Ora’s submission point [391.326] and the further submission points in opposition [FS96.24 and FS117.23], I do not consider it appropriate to amend MRZ-O1 as requested by the submitter and agree with the further submitters that the submission point be disallowed. My reasoning for this is that a mapping exercise has already been completed which identified areas suitable for increases in height limits based on factors such as accessibility to public transport and centres. This is reflected in the Height Area 2. I also note that the submitter has not provided a section 32 analysis to support their position.
239. Leeanne Templer’s request to exempt Rama Crescent, and streets above Rama Crescent, from the 11m height limit is not considered appropriate as the 11m height limit complies with the minimum height limit required under clause 11 of the MDRS in Schedule 3A of the RMA. Leeanne Templer repeats this request for several of the provisions in the MRZ, and I will refer to this reasoning throughout in responding to the request.

Summary of recommendations

240. HS2-P3-Rec16: That submission points relating to MRZ-O1 are accepted/rejected as detailed in Appendix B.
241. HS2-P3-Rec17: That MRZ-O1 be confirmed as notified.

Objective – MRZ-O2: Efficient use of land (ISPP)

Matters raised by submitters

242. Several submitters including Kilmarston Developments Limited and Kilmarston Properties Limited [290.49] and Kāinga Ora Homes and Communities [391.327] seek that MRZ-O2 is retained as notified.
243. Metlifecare Limited [413.15] seeks that MRZ-O2 is amended to include Objective 2, which Councils must include in District Plans under the MDRS in the Enabling Act.

244. Toka Tū Ake (EQC) [282.15] seeks that MRZ-O2 is amended to include text stating that development does not increase exposure to natural hazard risk within areas of high natural hazard risk. Pukepuke Pari Residents Incorporated [FS37.26] support the submission point and seek that it is allowed.
245. LEEANNE TEMPLER [206.2] seeks that Rama Crescent and streets above Rama Crescent are exempt from the building height increases and intensification in the MRZ, and considers that MRZ-O2 does not respond to Rama Crescent’s planned urban built environment.
246. Transpower New Zealand Limited [315.182] supports the directive of the objective but seeks that reference to qualifying matters as they directly influence the capacity for intensification and residential development is added to the objective. Specifically, the submitter requests the following amendment:

Land within the Medium Density Residential Zone is used efficiently for residential development that:

- Increases housing supply and choice; and
- Contributes positively to a changing and well-functioning urban environment; while avoiding inappropriate locations, heights and densities of buildings and development within qualifying matter areas as specified by the relevant qualifying matter area provisions.

247. Kāinga Ora Homes and Communities [FS89.25] made a further submission opposing Transpower’s submission point above [315.182] and seeks that it is disallowed, on the basis that the amendment seeks to introduce ‘avoid’ into an objective that seeks to enable urban development.
248. The Retirement Villages Association of New Zealand Incorporated [350.108] considers that the current drafting of MRZ-O2 is inconsistent with Objectives 1 and 2 of the MDRS, and requests that Objectives 1 and 2 of the Act should be included in the Proposed Plan verbatim to their drafting in the MDRS. Additionally, it seeks to remove ‘positively’ from the objective as a ‘well-functioning urban environment’ as these can only be met by positive means.

Assessment

249. In response to Metlifecare Limited [413.15] and the Retirement Villages Association of New Zealand Incorporated [350.108], I do not consider it necessary to amend MRZ-O2 as requested. Objective 2 of the MDRS, in Schedule 3A of the RMA, is already incorporated into MRZ-O1 and would create interpretive confusion and unnecessary duplication.
250. In response to Toka Tū Ake (EQC) [282.15], I do not consider it necessary to amend MRZ-O2 to include text stating that development does not increase exposure to natural hazard risk. This is because the Natural Hazards Chapter includes an objective to this effect (NH-O1) and the Natural Hazards chapter adequately addresses the risk from natural hazards through the risk-based approach outlined in the chapter. Also of note is that any development within a

hazard area will have to also demonstrate that it complies with the provisions in the Natural Hazard Chapter.

251. My response to Leeanne Templer under MRZ-O1 also applies to the submission point on MRZ-O2.
252. In response to Transpower New Zealand Limited [315.182], I do not consider it appropriate to amend MRZ-O2 as requested. I do not consider there is a need to add the requested avoidance note as all qualifying matters are identified in the PDP Maps, with this acting to alert plan users to the requirements under the qualifying matter and what this means for development of the site. I agree with Kāinga Ora's further submission point [FS89.25] that adding an 'avoid' into an enabling objective is inappropriate as avoid is typically used to align with a discretionary activity status, or higher, which MRZ-O2 is not intended to align with.

Summary of recommendations

253. HS2-P3-Rec18: That submission points relating to MRZ-O2 are accepted/rejected as detailed in Appendix B.
254. HS2-P3-Rec19: That MRZ-O2 be confirmed as notified.

Objective – MRZ-O3: Healthy, safe, accessible and attractive environments (P1 Sch1)

Matters raised by submitters

255. Most of the submissions on MRZ-O3, including from Fire and Emergency New Zealand [273.168] and Kāinga Ora Homes and Communities [391.328], seek that the Objective is retained as notified.
256. Retirement Villages Association of New Zealand Incorporated [350.109] seeks that MRZ-O3 is amended to delete the reference to “accessible living environments” as retirement village operators are best placed to understand the accessibility requirements of their residents and access is addressed by the Building Act. The submitter also considers that the current drafting of MRZ-O3 is inconsistent with Objective 1 and Policy 3 of the MDRS.

Assessment

257. I disagree with the Retirement Villages Association of New Zealand Incorporated [350.109] submission point that MRZ-O3 is inconsistent with Objective 1 and Policy 3 of the MDRS. MRZ-O3 provides an additional objective outside of the MDRS which seeks to encourage environments which are safe and pleasant for communities. I do not see how it is inconsistent with Objective 1 and Policy 3 of the MDRS and the submitter has not provided any information to expand on this. I also disagree with removing “accessible living environments” as this term was not intended for retirement villages only and refers to all residential development in the MRZ.

Summary of recommendations

258. HS2-P3-Rec20: That submission points relating to MRZ-O3 are accepted/rejected as detailed in Appendix B.

259. HS2-P3-Rec21: That MRZ-O3 be confirmed as notified.

Objective – MRZ-PREC03-O1 (Oriental Bay Height Precinct): Purpose (ISPP)

Matters raised by submitters

260. Lucy Harper and Roger Pemberton [401.53] seek that MRZ-PREC3-O1 is retained as notified while Waka Kotahi [370.270] indicated a neutral position on this objective.

261. Kāinga Ora Homes and Communities [391.331] seeks that MRZ-PREC03-O1 is deleted in its entirety. LIVE WELLington [FS96.27] and Roland Sapsford [FS117.26] seek that the submission is disallowed, due to character precincts being an important means of protecting character.

Assessment

262. I disagree with Kāinga Ora’s submission point [370.270] opposing the Oriental Bay Height Area Precinct and MRZ-PREC03-O1. The Oriental Bay Height Area Precinct is generally supported by the community and contains height limits which are higher than the limits in the wider Medium Density Residential Zone. This is reflective of the fact that the Oriental Bay Height Precinct has unique qualities and development opportunities that are distinct from the other residential areas of the city, and which require a more specific approach to address the outcomes sought for this area. It also aligns with the 1998 Environment Court Decision W73/98 which confirmed that *“Oriental Bay is a unique area of Wellington with a special character and high land and amenity value. The public significance of the area, as well as the special character of its residential environment needs very special consideration”*. Kāinga Ora have made this point repeatedly in their feedback on the Medium Density Residential Oriental Bay Height Precinct. I will reference back to this response when it is raised below.

Summary of recommendations

263. HS2-P3-Rec22: That submission points relating to MRZ-PREC-03-O1 are accepted/rejected as detailed in Appendix B.

264. HS2-P3-Rec23: That MRZ-PREC-03-O1 be confirmed as notified.

Policy – MRZ-P1: Enabled Activities (P1 Sch1)

Matters raised by submitters

265. Several submitters, including Oranga Tamariki [83.7] and Ara Poutama Aotearoa (Department of Corrections) [240.12 & 240.13], seek that MRZ-P1 is retained as notified. Ara Poutama Aotearoa seeks that MRZ-P1 is only retained if the “Supported Residential Care Activity” definition and references to the term are retained.

266. Retirement Villages Association of New Zealand Incorporated [350.110] seeks that MRZ-P1 is deleted in its entirety. This is because the submitter considers that the Policy is repetitive of other Policies in the Chapter and considers that MRZ-P6 could accommodate an addition of Retirement Villages.
267. Fire and Emergency New Zealand [273.169 & 273.170] support MRZ-P1 and would like an amendment to include “Emergency Service Facilities” to the list of residential and other activities.
268. Phillippa O’Connor [289.16 & 289.17] seeks that MRZ-P1 is retained with an amendment to remove the list of residential and other activities from the policy. This is because the submitter does not believe the policy aligns with the rule framework.
269. Khoi Phan [326.12] seeks that MRZ-P1 is amended to add “Commercial Activities” to the list of residential and other activities.
270. Kāinga Ora Homes and Communities [391.332 & 391.333] seeks that MRZ-P1 is amended as follows:

Enable residential activities and other activities that are compatible with the purpose of the Medium Density Residential Zone, while ensuring their scale and intensity is consistent with the ~~amenity values~~ anticipated and planned built form of ~~for~~ the Zone, including: ...

271. Metlifecare Limited [413.16 & 413.17] seeks that the policy is either removed or is amended as follows:

Enable ~~residential activities and~~ other activities that are compatible with the purpose of the Medium Density Residential Zone, while ensuring their scale and intensity is consistent with the ~~amenity values~~ anticipated and planned built form of ~~for~~ the Zone, including:

1. Home Business;
2. ~~Boarding Houses;~~
3. ~~Visitor Accommodation;~~
4. ~~Supported Residential Care;~~
5. Childcare Services; and
6. Community Gardens.

272. Scots College Incorporated [117.8] seeks that MRZ-P1 is amended to add the following text to the list in the proposed policy: “7. Educational activities on school campuses identified in the District Plan Maps”. This is to support their position that educational activities on the Scots College, Samuel Marsden College, Queen Margaret College, and St Marks Church School should be provided for as permitted activities.
273. Avryl Bramley [202.37] considers that MRZ-P1 allows commercialisation into residential areas and therefore seeks that MRZ-P1 is amended as follows:

Enable residential activities and other activities that are compatible with the purpose of the Medium Density Residential Zone, while ensuring their scale and intensity is consistent with the amenity values anticipated for the Zone, including

7. Home Business;
8. Boarding Houses;
9. ~~Visitor Accommodation;~~
10. ~~Supported Residential Care;~~
11. ~~Childcare Services;~~ and
12. Community Gardens.

Assessment

274. In response to Retirement Villages Association of New Zealand Incorporated [350.110], I disagree that MRZ-P1 should be deleted. I do not consider that MRZ-P1 is repetitive of other policies in the chapter as the policy identifies other activities which can be specifically accommodated in some way in the MRZ. Although the zone is primarily residentially focused, certain non-residential activities are also considered appropriate as a well-functioning urban environment encompasses all those services and facilities which are needed, or wanted, by the community.
275. In response to Fire and Emergency New Zealand's submission point [273.169 & 273.170] I disagree that it is appropriate to include 'Emergency Service Facilities' in the list of enabled activities in MRZ-P1. This is because emergency facilities are provided for as a Restricted Discretionary Activity under MRZ-R9. I consider this appropriate given emergency facilities can vary in scale to very large buildings and operations, with significant effects on the residential environment.
276. In response to Phillippa O' Connor's submission point [289.16 & 289.17] I do not agree that the policy does not align with the rule framework and should be deleted. Although the activities listed in MRZ-P1 are not intended to represent an exhaustive range of the non-residential activities that may be appropriate in the MRZ, they reflect those non-residential activities that have a known level of compatibility (see the list in MRZ-P1) that justifies a permitted activity status in a residential environment.
277. I disagree with Khoi Phan's submission point [326.12] as commercial activities are broad in scope and could include activities which are not appropriate in the MRZ, due to their scale being out of proportion with the residential environment. Consequently, the approach adopted to the proposed zone was to identify specific commercial and other activities which were considered appropriately compatible to the purpose of the MRZ, with all 'other activities' treated as a Discretionary Activity under Rule MRZ-R10.
278. In response to Kāinga Ora [391.332 and 391.333] who seek removal of reference to amenity values and inclusion of reference to 'planned built form', I agree in part. I consider it appropriate to consider both future amenity values and the planned built form for the zone when managing and providing for non-residential activities in a residential environment, as

this does not limit the type of development to the type in the surrounding environment. However, the reference to amenity values is not intended to provide any policy basis for consideration of existing amenity values present in the zone. I therefore disagree with the relief sought by this submitter.

279. I disagree with Metlifecare Limited’s submission point [413.16 and 413.17] for the same reasons listed under my response in paragraph 278. Additionally, I consider it inappropriate to remove the items listed as the policy identifies activities which have a corresponding permitted activity status in the rule framework. For the same reason, I also disagree with Avryl Bramley’s submission point [202.37].
280. I disagree with Scot’s college Incorporated submission point [117.8] seeking to add educational activities to the list under MRZ-P1. I note that MRZ-P15 provides scope for non-residential buildings such as educational facilities within the zone, with the rule framework allowing for buildings on relevant school grounds (where no designation is provided) to be constructed as Restricted Discretionary Activities. In my opinion this is an appropriate approach as it provides a balance between enabling school buildings to be built (outside of designations) whilst providing scope to consider the effects of the development on the immediate and surrounding environment.

Summary of recommendations

281. HS2-P3-Rec24: That submission points relating to MRZ-P1 are accepted/rejected as detailed in Appendix B.
282. HS2-P3-Rec25: That MRZ-P1 be confirmed as notified.

Policy – MRZ-P2: Housing Supply and Choice (ISPP)

Matters raised by submitters

283. Several submitters seek that MRZ-P2 is retained as notified. This includes the Retirement Villages Association of New Zealand [350.111], Tapu-te-Ranga Trust [297.27], and Kilmarston Developments Limited and Kilmarston Properties Limited [290.52].
284. Kāinga Ora Homes and Communities [391.335] seeks that MRZ-P2 is amended as follows:

Enable a variety of housing typologies with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments <u>up to 5 storeys in areas of high accessibility to public transport, commercial amenity and community services.</u>

Assessment

285. I disagree with Kāinga Ora’s submission point [391.335] as the policy already signals the predominant scale of development anticipated across the zone. This aligns with the MDRS and is further supported by an extensive mapping exercise undertaken to provide an evidential basis to determine where heights can be increased, based on access to public transport and centres etc. This exercise is explained in further detail in Hearing Stream 1, particularly in Ms

Hammond's evidence. Therefore, I consider it unwarranted and unnecessary to amend MRZ-P2 as requested.

Summary of recommendations

286. HS2-P3-Rec26: That submission points relating to MRZ-P2 are accepted/rejected as detailed in Appendix B.
287. HS2-P3-Rec27: That MRZ-P2 be confirmed as notified.

Policy – MRZ-P3: Housing Needs (ISPP)

Matters raised by submitters

288. Several submitters seek that MRZ-P3 is retained as notified. This includes Tapu-te-Ranga Trust [297.28], Kilmarston Developments Limited and Kilmarston Properties Limited [290.53], and BP Oil New Zealand, Mobil Oil New Zealand Limited, and Z Energy Limited [372.114].
289. Disabled Persons Assembly New Zealand Incorporated [343.4] seeks that MRZ-P3 is amended to remove reference to 'abilities' and replace with 'impairments' due to the word being regarded as a euphemistic term within the disabled community.
290. Retirement Villages Association of New Zealand Incorporated [350.113] seeks that MRZ-P3 is amended as follows:

Enable housing to be designed to meet the day-to-day needs of residents, ~~and encourage a variety of housing types, sizes and tenures to cater for people of all ages, lifestyles and abilities.~~

291. Kāinga Ora Homes and Communities [391.337] seeks that MRZ-P3 is amended as follows:

Enable housing to be designed to meet the day-to-day needs of residents, and encourage a variety of housing types, and sizes ~~and tenures~~ to cater for people of all ages, lifestyles and abilities.

292. Metlifecare Limited [413.20] seeks that MRZ-P3 is amended as follows:

Enable housing to be designed to meet the day-to-day needs of residents, including by ~~and encouraging~~ a variety of housing types, sizes and tenures to cater for people of all ages, lifestyles and abilities.

Assessment

293. In response to Disabled Person Assembly New Zealand Incorporated [343.4] I rely on their relevant knowledge and expertise and recommend the wording change sought.
294. In response to RVANZ [350.113], I agree that MRZ-P3 duplicates MRZ-P2 regarding reference to the term 'housing types' and recommend that this reference be removed. However, I

disagree with the other amendments to MRZ-P3 sought by the submitter as I consider the text proposed to be removed is not referenced elsewhere in other policies.

295. I disagree with Kāinga Ora [391.337] that the reference to tenure should be removed from MRZ-P3. The policy encourages, and does not require, a variety of tenures. The provision for papakāinga (noting the plans deficiencies as highlighted by submitters) and supported residential care facilities are aspects the plan relevant to the tenure reference in MRZ-P3.
296. I agree with the changes requested by Metlifecare Limited [413.20] as the change to the wording opens the policy to other methods of enabling housing to meet the day to day needs of residents.

Summary of recommendations

297. HS2-P3-Rec28: That submission points relating to MRZ-P3 are accepted/rejected as detailed in Appendix B.
298. HS2-P3-Rec29: That MRZ-P3 be amended as set out below and detailed in Appendix A.

Enable housing to be designed to meet the day-to-day needs of residents, including by ~~and~~ encouraging a variety of housing ~~types,~~ sizes and tenures to cater for people of all ages, lifestyles and ~~abilities-~~ impairments.

S32AA Evaluation

299. In my opinion, the amendment to the MRZ-P3 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:
- a. The change removes an unnecessary duplication from MRZ-P3 with MRZ-P2. In addition, the change removes a word that could offend the disabled community by replacing ‘ability’ with ‘impairment’. The change is more efficient and effective than the notified provisions in achieving the objectives of the plan.
 - b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

Policy – MRZ-P4: Medium Density Residential Standards (ISPP)

Matters raised by submitters

300. Several submitters seek that MRZ-P4 is retained as notified. This includes Tapu-te-Ranga Trust [297.29], Kilmarston Developments Limited and Kilmarston Properties Limited [290.54], and BP Oil New Zealand, Mobil Oil New Zealand Limited, and Z Energy Limited [372.115], Kāinga Ora Homes and Communities [391.338], and Metlifecare Limited [413.21].
301. Leeanne Templer [206.3] seeks that MRZ-P4 is amended to exclude Rama Crescent and “streets above it” from the application of MRZ-P4.

302. Retirement Villages Association of New Zealand Incorporated [350.114] considers that areas subject to qualifying matters have not been zoned MRZ so the policy does not need to state an exclusion to qualifying matters. Therefore, an amendment is sought to MRZ-P4 as follows:

Apply the medium density residential standards across the Medium Density Residential Zone ~~except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).~~

Assessment

303. In response to Leeanne Templer [206.3], I disagree with the relief sought for the reasons outlined in my response in paragraph 239.
304. In response to the Retirement Villages Association of New Zealand Incorporated submission point [350.114], I disagree with the amendment as the MRZ zoning is not impacted by the qualifying matter, unlike the provisions themselves. For example, heritage is a qualifying matter, but this does not mean that all sites with a heritage building on them have not been zoned MRZ. For a direct example of this, look at 15 Truscott Avenue, Johnsonville in the PDP maps. Therefore, I consider that clarifying in the policy that qualifying matters are excluded is relevant as it ensures the plan reader is aware there are other matters that need to be considered.

Summary of recommendations

305. HS2-P3-Rec30: That submission points relating to MRZ-P4 are accepted/rejected as detailed in Appendix B.
306. HS2-P3-Rec31: That MRZ-P4 be confirmed as notified.

Policy – MRZ-P5: Developments Not Meeting Permitted Activity Status (ISPP)

Matters raised by submitters

307. Several submitters seek that MRZ-P5 is retained as notified. This includes Tapu-te-Ranga Trust [297.30], Kilmarston Developments Limited and Kilmarston Properties Limited [290.55], and BP Oil New Zealand, Mobil Oil New Zealand Limited, and Z Energy Limited [372.116], Kāinga Ora Homes and Communities [391.339], and Metlifecare Limited [413.22].
308. Survey & Spatial New Zealand Wellington Branch (SSNZ) [439.36] considers that the Council's scope is too broad under MRZ-P5 and seeks an amendment as follows:

Provide for developments not meeting permitted activity status, while encouraging high-quality ~~developments-buildings.~~

Assessment

309. I disagree with SSNZ [439.36] that MRZ-P5 should be amended to apply to buildings rather than developments. The intent of the policy is wider than the buildings themselves and applies equally to matters such as outdoor living space and landscaping.

Summary of recommendations

310. HS2-P3-Rec32: That submission points relating to MRZ-P5 are accepted/rejected as detailed in Appendix B.
311. HS2-P3-Rec33: That MRZ-P5 be confirmed as notified.

Policy – MRZ-P6: Multi-Unit Housing (ISPP)

Matters raised by submitters

312. Several submitters seek that MRZ-P6 is retained as notified. This includes Fire and Emergency New Zealand [273.171] and Te Rūnanga o Toa Rangatira [488.74].
313. Several submitters seek changes to MRZ-P6:
- Several submitters have requested that matter 1 ('fulfils the intent of the residential design guide') is removed from the policy. The main reason given for this is that elevating the residential Design Guides to a statutory requirement is not considered appropriate.
 - Kāinga Ora Homes and Communities [391.341] seeks that reference to the design guide should be removed from the PDP and sit outside of the statutory environment of the District Plan. In addition, it seeks that the words 'multi-unit housing' be removed from the policy due to the restriction this creates to the policy only applying to multi-unit housing. Kāinga Ora have requested the following amendment:

Multi-unit housing Higher density residential development

Provide for multi-unit housing more than three residential units per site where it can be demonstrated that the development:

- Fulfils the intent of the Residential Design Guide; Achieves the following urban design outcomes:
 - Provides an effective public private interface;
 - The scale, form, and appearance of the development is compatible with the planned urban built form of the neighbourhood;
 - Provides high quality buildings;
 - Responds to the natural environment.
- Provides a minimum area of private or shared outdoor living space that is sufficient to cater for the needs of future occupants;
- Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development; and
- Is adequately able to be serviced by three waters infrastructure or can address any constraints on the site.

- c. There are three further submissions which oppose Kāinga Ora’s submission:
 - i. One by Wellington’s Character Charitable Trust [FS82.133] which considers the policy would be more enabling than MDRS requirements, without justification.
 - ii. Two by LIVE WELLington [FS96.28] and Roland Sapsford [FS117.27] This is because the submitters consider multi-unit housing requires special scrutiny.
- d. Stratum Management Limited [249.17] and Envirowaste Services Ltd [373.11] seeks that waste storage and collection is considered in MRZ-P6.
- e. Paihikara ki Poneke Cycle Wellington [302.39] and WCC Environmental Reference Group [377.323] both request that active transport and the reduction of the reliance on private motor vehicle travel is addressed in the Policy. Amendments are sought to MRZ-P6 to provide cycle parking and facilities.
- f. Willis Bond and Company Limited [416.70] also consider that the Residential Design Guide should be non-statutory. In addition, they consider that lack of infrastructure should not limit housing development. The Retirement Villages Association of New Zealand [FS126.253] and Ryman Healthcare Limited [FS128.253] support this submission point. The following amendment to MRZ-P6 is sought:

Multi-unit housing

Provide for multi-unit housing where it can be demonstrated that the development:

- ~~e. Fulfils the intent of the Residential Design Guide;~~
- f. Provides a minimum area of private or shared outdoor living space that is sufficient to cater for the needs of future occupants;
- g. Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development; and
- ~~h. Is adequately serviced by three waters infrastructure or can address any constraints on the site.~~

- g. Several submitters, including BP Oil New Zealand, Mobil Oil New Zealand Limited, and Z Energy Limited [372.118] and Waka Kotahi [370.272] have requested that reverse sensitivity effects be included in the list of matters. There are four further submissions opposing this from Kāinga Ora Homes and Communities [FS89.48], The Retirement Villages Association of New Zealand [FS126.15], and Ryman Healthcare Limited [FS128.15] on the basis that the consideration would limit residential intensification.

Assessment

- 314. In response to and Paihikara Ki Pōneke Cycle Wellington [302.39] and the WCC Environmental Reference Group [377.323], although I agree on the importance of reducing reliance on private motor vehicles and the need for residential developments to support active modes of transport, I do not consider there is a need to include either of these matters in MRZ-P6. Firstly, the MRZ inherently supports a reduction in the reliance on private vehicles due to the matters that have informed the spatial extent of the zone, and enabling greater intensity in areas that are a walkable distance to rapid transit stops and higher order centres. Secondly, multi-unit housing is required to address relevant matters of the transport chapter, most

relevantly TR-S2, TR-S3 and Table 7 that specify bicycle and micromobility parking and design in multi-housing developments. Although I am of the opinion that an amendment to MRZ-P6 is not necessary, if the hearing panel was of a mind to grant this relief, I suggest that an additional matter, 'Provides an adequate and appropriately located area on site for cycle and micromobility parking and charging', would suffice.

315. I disagree with the submitters who request that reference to the Design Guides is removed from the PDP, including MRZ-P6. These submissions come from Kāinga Ora Homes and Communities [391.341], Phillippa O'Connor [289.19] and Willis Bond Company and Limited [416.70]. I am of the view that to have a positive impact on the design of buildings the Design Guides must be something that developers consider as part of the consent process. I understand Kāinga Ora's and other submitter reasons for seeking that they are removed from the provisions and made a non-statutory tool, especially as this relates to providing for housing. However, I consider that the Design Guides weighting will be significantly reduced if they sit outside of the District Plan as a non-statutory tool. This is because without direct application through the plan many applicants will not have regard to it. It is important that the District Plan has robust mechanisms for ensuring good design outcomes as the built density increases.
316. In response to Kāinga Ora Homes and Communities additional submission points [391.341], I do not agree with replacing 'multi-unit housing' with 'higher density housing' as the policy intent is to provide direction for multi-unit housing and any higher density housing will fall into the multi-unit housing definition by default.
317. I agree in part with Kāinga Ora's [391.341] suggested amendment in relation to infrastructure and consider that 'is able to be adequately serviced' is the appropriate wording for this policy as this recognises that infrastructure may not always be in place before developments are considered.
318. In response to Stratum Management Limited [249.17] and Envirowaste Services Ltd [373.11] submission points to consider waste collection in MRZ-P6, I disagree that further direction is needed as the Policy already provides for this under MRZ-P6.3.
319. I disagree with Willis Bond and Company's submission point [416.70] seeking that point 4 relating to infrastructure is deleted from the policy. Infrastructure is an important consideration as it is a necessity for development and any constraints associated with infrastructure should be considered. However, I am of the opinion that the further minor amendment, recommended under paragraph 316, to MRZ-P6.4 that recognises that infrastructure may not be available at the time of consideration of a development would assist in addressing the submitters concerns.
320. BP Oil New Zealand, Mobil Oil New Zealand Limited, and Z Energy Limited [372.118] and Waka Kotahi [370.272] who seek that the management of reverse sensitivity effects on existing non-residential activities be included in MRZ-P6. I do not agree that reverse sensitivity should be a

matter included in MRZ-P6 as it could unintentionally and unnecessarily limit development potential and consider that reverse sensitivity is a more appropriate consideration as part of the consenting process if the context necessitates this. I'm also not convinced that existing service stations generate compliant lighting or noise effects that would be considered offensive or objectionable to a point where limitations on operation of the service station would be justified.

Summary of recommendations

321. HS2-P3-Rec34: That submission points relating to MRZ-P6 are accepted/rejected as detailed in Appendix B.

322. HS2-P3-Rec35: That MRZ-P6 be amended as set out below and detailed in Appendix A.

MRZ-P6: Multi-unit housing

Provide for multi-unit housing where it can be demonstrated that the development:

1. Fulfils the intent of the Residential Design Guide;
2. Provides a minimum area of private or shared outdoor living space that is sufficient to cater for the needs of future occupants;
3. Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development; and
4. Is able to be adequately serviced by three waters infrastructure or can address any constraints on the site.

Policy – MRZ-P7: Retirement Villages (P1 Sch1)

Matters raised by submitters

323. Several submitters seek that MRZ-P7 is retained as notified. This includes Fire and Emergency New Zealand [273.172] and Kilmarston Developments Limited and Kilmarston Properties Limited [290.57].

324. The Retirement Villages Association of New Zealand Incorporated [350.117] and Metlifecare Limited [413.24] support the inclusion of a retirement village specific policy in the PDP. However, both submitters are opposed to the inclusion of the Residential Design Guide in MRZ-P7. Additionally, The Retirement Villages Association identifies that MRZ-P7 is subject to additional clauses over multi-unit housing, notes that as Retirement Villages are often at the same scales as multi-unit housing that retirement villages should not be subject to additional clauses over multi-unit housing. The Retirement Villages Association of New Zealand Incorporated seeks the following amendment to MRZ-P7:

Provide for retirement villages where it can be demonstrated that the development:

- ~~1. Fulfils the intent of the Residential Design Guide;~~
- ~~2. Includes outdoor space that is sufficient to cater for the needs of the residents of the village;~~
- ~~3. Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development;~~
- ~~4. is adequately serviced by three waters infrastructure or can address any constraints on the site; and~~
- ~~5. Is of an intensity, scale and design that is consistent with the amenity values anticipated for the Zone.~~
 - i. Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons in [add] zone, such as retirement villages.
 - j. Recognise the functional and operational needs of retirement villages, including that they:
 1. May require greater density than the planned urban built character to enable efficient provision of services.

325. Metlifecare Limited seeks the following amendment to MRZ-P7:

Retirement villages

Provide for retirement villages where it can be demonstrated that the development:

- ~~a. Fulfils the intent of the Residential Design Guide;~~
- b. Includes outdoor space that is sufficient to cater for the needs of the residents of the village;
- c. Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development;
- d. Is adequately serviced by three waters infrastructure or can address any constraints on the site; and
- e. ~~Is of an intensity, scale and design that is consistent~~ in keeping with the amenity values anticipated for the Zone.
- f. Recognise the functional and operational needs of retirement villages, including that they:
 1. May require greater density than the planned urban built character to enable efficient provision of services.
 2. Have unique layout and internal amenity needs to cater for the requirements of residents as they age.

326. Waka Kotahi [370.274] seeks that MRZ-P7 is amended so that retirement villages will be insulated from noise and vibration where they are located adjacent to state highways and seeks that retirement villages are not car-centric developments. The Retirement Villages Association of New Zealand [FS126.214] and Ryman Healthcare Limited [FS128.214] oppose the requested relief sought by Waka Kotahi due to retirement villages having unique functional and operational needs. The following amendments are sought:

Provide for retirement villages where it can be demonstrated that the development:

...

5. Is of an intensity, scale and design that is consistent with the amenity values anticipated for the Zone.;
and

6. Is suitably located and designed to enable multimodal connectivity; and

7. Where located in proximity to legally established activities that emit noise (such as State Highways), buildings for noise sensitive activities are designed to mitigate noise and vibration effects to occupants.

327. Envirowaste Services Limited [373.13] seeks that MRZ-P7 is amended to ensure specific consideration for waste collection by collection trucks.

328. Kāinga Ora Homes and Communities [391.343] seeks that direct reference to the Residential Design Guide is removed from the PDP and instead is treated as a non-statutory tool outside of the District Plan. It requests the following amendment:

Provide for retirement villages where it can be demonstrated that the development:

1. ~~Fulfils the intent of the Residential Design Guide;~~ Achieves the following urban design outcomes:
 - a. Provides an effective public private interface;
 - b. The scale, form, and appearance of the development is compatible with the planned urban built form of the neighbourhood;
 - c. Provides high quality buildings.
 - d. Responds to the natural environment.
2. Includes outdoor space that is sufficient to cater for the needs of the residents of the village;
3. Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development;
4. ~~Is adequately able to be~~ serviced by three waters infrastructure or can address any constraints on the site; and
5. Is of an intensity, scale and design that is consistent with the amenity values anticipated and planned built form for the Zone.

Note: Best practice urban design guidance is contained within Council's Design Guidelines.

329. There are three further submissions on Kāinga Ora's submission [391.343]:

- a. One from Onslow Residents Community Association [FS80.25], in which the submitter seeks that the submission is disallowed.
- b. The other two are from The Retirement Villages Association of New Zealand [FS126.134] and Ryman Healthcare Limited [FS128.134] who agree with the removal of reference to the design guide but do not support the urban design outcomes proposed due to it not being clear what 'responds to the natural environment' entails.

Assessment

330. In response to the Retirement Villages Association of New Zealand Incorporated [350.117] and Metlifecare Limited [413.24], I acknowledge that retirement villages in many respects operate differently to a multi-housing unit development. The PDP recognises this by having

specific definitions and a specific policy in the MRZ for retirement villages. However, I do not support the proposed amendments sought by RVANZ as they represent a major shift from an effects management approach that covers relevant matters to ensure retirement villages in the MRZ are of a high-quality design that are integrated and compatible with the built form anticipated for the zone, to a policy approach framed in a way that elevates the needs of a retirement village above achieving the outcomes sought for the zone.

331. In response to Kāinga Ora Homes and Communities [391.343] submission point to remove reference to the Design Guides from the policy, I disagree with removing the reference to the Design Guides from MRZ-P7 for the same reasons as noted under MRZ-P6.
332. I agree with Kāinga Ora Homes and Communities submission point [391.343] which seeks to replace 'adequately' with 'able to' in MRZ-P6.4 as this recognises that infrastructure may not always be in place before developments are considered.
333. I disagree with Kāinga Ora Homes and Communities submission point [391.343] which seeks to add 'planned built form' to point 5. I understand the submitters reason for the request. However, I consider that the amenity signalled by the Proposed District Plan reflects that of a higher density and a significant change from the status quo under the ODP. I also note that the policy talks about the anticipated amenity values, not existing amenity values, and does not signal that a change to the existing amenity is an adverse effect. I recommend this part of the submission point is rejected.
334. In response to Waka Kotahi's submission point [370.274], who seek to address the reduction of reliance on private motor vehicles, I do not consider this necessary for the reasons outlined in paragraph 314.
335. In response to Envirowaste Services Limited [373.13], I disagree with the amendments sought, for the same reasons as outlined under paragraph 318.

Summary of recommendations

336. HS2-P3-Rec36: That submission points relating to MRZ-P7 are accepted/rejected as detailed in Appendix B.
337. HS2-P3-Rec37: That MRZ-P7 be amended as set out below and detailed in Appendix A.

MRZ-P7: Retirement Villages

Provide for retirement villages where it can be demonstrated that the development:

1. Fulfils the intent of the Residential Design Guide;
2. Includes outdoor space that is sufficient to cater for the needs of the residents of the village;
3. Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development;
4. Is able to be adequately serviced by three waters infrastructure or can address any constraints on the site; and
5. Is of an intensity, scale and design that is consistent with the amenity values anticipated for the Zone.

Policy – MRZ-P8: Residential Buildings and Structures (ISPP)

Matters raised by submitters

338. Several submitters seek that MRZ-P8 is retained as notified. This includes Kāinga Ora Homes and Communities [391.344], Fire and Emergency New Zealand [273.173], and Kilmarston Developments Limited and Kilmarston Properties Limited [290.58].
339. Leeanne Templer [206.4] seeks that MRZ-P8 is amended to exclude Rama Crescent and streets above Rama Crescent from building height increases and intensification due to several reasons, including that the infrastructure is not capable of handling further intensification.
340. The Retirement Villages Association of New Zealand [350.119] seeks that MRZ-P8 is amended to clarify that it does not apply to retirement villages.
341. WCC Environmental Reference Group [377.324] seeks that MRZ-P8 is amended to add an additional point: “Reduce reliance on travel by private motor vehicle”.

Assessment

342. I disagree with Leeanne Templer’s submission point [206.4] for the same reasons as outlined in paragraph 239.
343. I disagree with the WCC Environmental Reference Group’s submission point [377.324] for the same reasons as outlined in paragraph 314.
344. I disagree with the Retirement Villages Association of New Zealand [350.119] as I am of the view that MRZ-P8 should apply to retirement villages. While MRZ-P7 is specific to retirement villages, it does not cover aspects of MRZ-P8 that I consider are important and should also apply to retirement villages. This includes to contribute positively to a changing urban environment and achieving attractive and safe streets.

Summary of recommendations

345. HS2-P3-Rec38: That submission points relating to MRZ-P8 are accepted/rejected as detailed in Appendix B.

346. HS2-P3-Rec39: That MRZ-P8 be confirmed as notified.

Policy – MRZ-P9: Permeable Surface (ISPP)

Matters raised by submitters

347. Several submitters seek that MRZ-P9 is retained as notified. This includes the WCC Environmental Reference Group, Kilmarston Developments Limited and Kilmarston Properties Limited, and BP Oil New Zealand, Mobil Oil New Zealand Limited, and Z Energy Limited.
348. Wellington City Council [266.132] seeks that MRZ-P9 is deleted in its entirety as the provision is more logically placed in the Three Waters Chapter.
349. Kāinga Ora Homes and Communities [391.346] seeks that MRZ-P9 is amended to relate to a sufficient level of permeable surface, not a minimum.
350. The Greater Wellington Regional Council [FS84.88] made a further submission in opposition to Kāinga Ora’s submission seeking that their submission is disallowed and MRZ-P9 is retained as notified.
351. Trelissick Park Group [168.23] and Tyers Stream Group [221.72] seek amendments to MRZ-P9 to require greater permeability on sites.

Assessment

352. I agree with WCC [266.132] that permeable surface provisions are best located in the three waters chapter of the plan, as this is in line with the direction provided by the National Planning Standards.
353. Based on this recommendation, I have not considered the submission points seeking amendments to the policy as I am of the view that it would be more appropriate for these to be considered in the context of the three waters chapter.

Summary of recommendations

354. HS2-P3-Rec40: That submission points relating to MRZ-P9 are accepted/rejected as detailed in Appendix B.
355. HS2-P3-Rec41: That MRZ-P9 be deleted from the MRZ chapter and relocated to the three waters chapter. Consequential renumbering changes are needed.

S32AA Evaluation

356. In my opinion, the amendment to MRZ-P9 to relocate MRZ-P9 to the Three Waters chapter is more appropriate in achieving the objectives of the plan than the notified provisions. This is because the Council have included a three waters chapter under the Energy, Infrastructure and Transport heading, in keeping with the National Planning Standards. The change will help with plan useability as it as it ensures provisions are located in relevant plan chapters, thereby providing a single point of reference. I further consider that:

- a. The change is more efficient and effective than the notified provisions in achieving the objectives of the plan.
- b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

Policy – MRZ-P10: Vegetation and Landscaping (ISPP)

Matters raised by submitters

357. Several submitters seek that MRZ-P10 is retained as notified. This includes the WCC Environmental Reference Group [377.326] and the Director General of Conservation [385.81].
358. Kāinga Ora Homes and Communities [391.347] and Metlifecare Limited [413.25] seek that MRZ-P10 is deleted, due to the provision having the effects of applying blanket protections to non-indigenous vegetation and the likelihood of the policy countering the NPS-UD’s goal of enabling intensification.
359. The Retirement Villages Association of New Zealand [350.120] opposes MRZ-P10 but seeks an amendment to encourage new landscaping and deletion of “equal or better quality”.
360. Fire and Emergency New Zealand [273.175] seek an amendment to MRZ-P10 to recognise that vegetation may need to be trimmed as a preventative mitigation for fire risk to property or life.
361. Tyers Stream Group [221.73] and Hilary Watson [321.15] both seek minor amendments to the wording of MRZ-P10.

Assessment

362. I disagree with Kāinga Ora Homes and Communities [391.347] and Metlifecare Limited [413.25] that MRZ-P10 should be deleted. I note that the Policy is not a requirement for vegetation protection and will not have the effect of imposing blanket vegetation protection as suggested as there are no associated rules or standards requiring vegetation protection in the MRZ chapter. MRZ-P10 only seeks to encourage the retention of vegetation. In addition, the landscaping aspect of the policy provides direction to inform implementation of the landscaping provisions in the MRZ.
363. I disagree with the Retirement Villages Association of New Zealand submission point [350.120] as providing equal or better-quality landscaping is not a requirement. MRZ-P10 states that it should only be sought where vegetation is proposed to be removed. Consequently, I am of the view that this is an appropriate wording for the policy as it seeks to mitigate the effects of hard landscaping and bulk of buildings associated with any new development.
364. In response to the amendment sought by Fire and Emergency New Zealand [273.175], I disagree with the relief sought as I consider it unnecessary given there is no rule or standard in the MRZ which would stop vegetation being trimmed as a preventative mitigation for fire risk to property or life.

365. I disagree with the Tyers Stream Group submission point [221.73] which seeks to replace 'seek' with 'require'. I am of the view that making the policy a requirement would run the risk of equating to blanket vegetation protection and given there are no rules in the MRZ to prevent vegetation clearance, the word 'require' would not hold any weight.
366. I disagree with Hilary Watson's submission point [321.15] as the suggested addition makes no material difference to the policy.

Summary of recommendations

367. HS2-P3-Rec42: That submission points relating to MRZ-P10 are accepted/rejected as detailed in Appendix B.
368. HS2-P3-Rec43: That MRZ-P10 be confirmed as notified.

Policy – MRZ-P11: Attractive and Safe Streets and Public Open Spaces (ISPP)

Matters raised by submitters

369. Several submitters seek that MRZ-P11 is retained as notified. This includes the WCC Environmental Group [377.327] and Waka Kotahi [370.275].

Assessment

370. No further assessment is required.

Summary of recommendations

371. HS2-P3-Rec44: That submission points relating to MRZ-P11 are accepted as detailed in Appendix B.
372. HS2-P3-Rec45: That MRZ-P11 be confirmed as notified.

Policy – MRZ-P12: Roading Capacity in the Spenmoor Street Area (P1 Sch1)

Matters raised by submitters

373. Several submitters seek that MRZ-P12 is retained as notified. This includes Waka Kotahi [370.276], BP Oil New Zealand, Mobil Oil New Zealand Limited, and Z Energy Limited [372.124]. Rongotai Investments Ltd [FS93.2] and Prime Property Group [FS93.2, FS93.3 and FS93.4] made a further submission on these submission points seeking they be disallowed, and the Spenmoor Street provision is deleted.
374. Prime Property Group [256.4] seek that MRZ-P12 is deleted in its entirety. This is because the submitter considers that Spenmoor Street is no worse than any other street in Newlands and that works are scheduled which negate the need for the policy and further assessment of traffic effects.
375. Kāinga Ora Homes and Communities [391.349] seeks that MRZ-P12 is amended to remove 'multi-unit housing' and replace with 'more than three residential units per site'. Prime

Property Group [FS93.2, FS93.3, FS93.4] seeks this submission point is disallowed, and the Spenmoor Street provision is deleted.

Assessment

376. I disagree with the submitter points from Prime Property Group [256.4] and Rongotai Investments Ltd [FS93.2], which seek to delete MRZ-P12. Plan Change 67 specified a 120 dwelling maximum when the land was re-zoned from rural to residential, due to issues relating to the roading network (as detailed in Plan Change 67). This housing limit has since been exceeded and any resource consent for new dwellings is required to address roading capacity constraints and mitigate the effects. I consider that MRZ-P12 is a necessary policy which signals to plan users that any multi-unit development in the Spenmoor Street area will have to consider the roading network by default. In addition, MRZ-P12 only applies to multi-unit housing and not to any development that results in three or less houses. Regardless, it is noted that developments resulting in three or less houses will likely be required to consider the roading network due to consent notices over the land.
377. I disagree with the submission point from Kāinga Ora Homes and Communities [391.349] as I consider that multi-unit housing is the appropriate term to use rather than ‘more than three residential units per site’. Multi-unit housing is defined in the PDP to mean ‘any development that will result in four or more residential units on a site’. Therefore, the two terms effectively say the same thing. Regardless, I am of that opinion that the term ‘Multi-Unit Housing’ should be retained as it is a term that is clearly defined in the PDP and is an existing term that plan users are already familiar with.

Summary of recommendations

378. HS2-P3-Rec46: That submission points relating to MRZ-P11 are accepted/rejected as detailed in Appendix B.
379. HS2-P3-Rec47: That MRZ-P12 be confirmed as notified.

Policy – MRZ-P13: Tapu Te Ranga (ISPP)

Matters raised by submitters

380. BP Oil New Zealand, Mobil Oil New Zealand Limited, Z Energy Limited [372.125] and Te Rūnanga o Toa Rangatira [488.75] seek that MRZ-P13 is retained as notified.
381. Tapu-te-Ranga Trust [297.33] seeks that MRZ-P13 is amended to be more enabling for the anticipated use of the land. The following amendment is sought:

~~Facilitate~~ Enable the integrated development of the Tapu Te Ranga land in a manner that:

1. Identifies and appropriately addresses any geo-technical and contamination issues;
2. Incorporates planting and landscaping to provide visual screening and integrate development into the surrounding environment; and
3. Fulfils the intent of the Residential Design Guide and Papakāinga Design Guide where relevant and applicable; and.
4. Supports the long-term development aspirations for the site including Nohokāinga/Papakāinga, Marae, Urupā extension, Kāinga, and community buildings.

382. Taranaki Whānui ki te Upoko o te Ika [389.93] seeks clarification of the use of papakāinga.
383. Kāinga Ora Homes and Communities [391.351] seeks that reference to the Residential Design Guide and Papakāinga Design Guide is deleted and replaced with the key design principles from these guides. Te Rūnanga o Toa Rangatira [FS138.82] seeks this is disallowed because the Design Guides developed by tangata whenua are key mechanisms to give effect to cultural values, visions and tikanga.

Assessment

384. I agree in part with the amendment requested by Tapu-Te-Ranga Trust [297.33]. In particular, I concur with the requested amendment to add an additional point (4) to MRZ-P13 as I consider this to be a reasonable addition to the policy as it assists with clarifying the specific aspirations sought for the Tapu Te Ranga Land.
385. However, I disagree with Tapu-Te-Ranga Trust's request [297.33] to change 'facilitate' to 'enable'. Enable implies application of permitted activity status to future development of the Tapu Te Ranga land and I am of the opinion that there is currently insufficient information available to support this position. This is mainly because we do not know what Papakāinga entails, and the term is not defined in the PDP. Hearing Stream 1 recommended that the Council and mana whenua work together to develop options for addressing Papakāinga in the plan and introduce provisions by way of a plan change (HS1-Rec25). In Paragraph 715 of the Hearing Stream 1 Section 42A Report, Mr McCutcheon also recommended that a definition of 'papakāinga' be developed with both mana whenua partners as part of work developing a suite of papakāinga provisions and added to the Proposed District Plan by way of a plan change (HS1-Rec109). These points are also relevant in terms of my position and response to the relief sought by Taranaki Whānui ki te Upoko o te Ika [389.93].
386. I disagree with Kāinga Ora Homes and Communities [391.351] for the reasons stated in paragraph 315, noting that this submission point is consistent with their wider view that the Design Guides should sit outside the PDP.

Summary of recommendations

387. HS2-P3-Rec48: That submission points relating to MRZ-P13 are accepted/rejected as detailed in Appendix B.

388. HS2-P3-Rec49: That MRZ-P13 be amended as set out below and detailed in Appendix A.

MRZ-P13: Tapu Te Ranga

Facilitate the integrated development of the Tapu Te Ranga land in a manner that:

1. Identifies and appropriately addresses any geo-technical and contamination issues;
2. Incorporates planting and landscaping to provide visual screening and integrate development into the surrounding environment; ~~and~~
3. Fulfils the intent of the Residential Design Guide and Papakāinga Design Guide where relevant and applicable; and
4. Supports the long-term development aspirations for the site including Nohokāinga/Papakāinga, Marae, Urupā extension, Kāinga, and community buildings.

S32AA Evaluation

389. In my opinion, the amendment to MRZ-P13 is more appropriate in achieving the objectives of the plan than the notified provisions. This is because the change provides greater detail to the policy regarding the anticipated aspirations for the Tapu-Te-Ranga land. I consider this makes the policy clearer for plan users and those who wish to apply or process under it. I further consider that:

- a. The change is more efficient and effective than the notified provisions in achieving the objectives of the plan.
- b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

Policy – MRZ-P14: Community Gardens, Urban Agriculture, and Waste Minimisation (P1 Sch1)

Matters raised by submitters

390. All submissions on MRZ-P14 seek that the policy is retained as notified.

Assessment

391. No further assessment is required.

Summary of recommendations

392. HS2-P3-Rec50: That submission points relating to MRZ-P14 are accepted as detailed in Appendix B.

393. HS2-P3-Rec51: That MRZ-P14 be confirmed as notified.

Policy – MRZ-P15: Non-Residential Activities and Buildings (P1 Sch1)

Matters raised by submitters

394. Several submitters, including Fire and Emergency New Zealand [273.176] and Kilmarston Developments Limited and Kilmarston Properties Limited [290.62] seek that MRZ-P15 is retained as notified.

395. Avryl Bramley [202.38] seeks that MRZ-P15 is deleted as the submitter considers the policy is too wide and allows commercial use creep.
396. Paihikara Ki Pōneke Cycle Wellington [302.41] considers that as non-residential activities in the residential zones are not required to provide car parking, developments should provide adequate and appropriately located cycle and micromobility parking. The following amendment is sought:

Only allow non-residential activities and buildings that:

...

1. Are adequately serviced by three waters infrastructure or can address any constraints on the site.
2. Provides an adequate and appropriately located area on site for cycle and micromobility parking and charging;
3. Adequate cycle facilities are accessible, secure, and covered (protected from weather) by three waters infrastructure or can address any constraints on the site.

397. Woolworths New Zealand [359.41] seeks that MRZ-P15 is amended to clarify wording relative to the discretionary activity status for various non-residential activities, and buildings provided for as a restricted discretionary activity. The submitter additionally requests that an extra point is added to the policy as follows, '7. Can demonstrate an operational or functional need to locate within the zone.'
398. Waka Kotahi [370.278] considers that mixed-use activities should be encouraged within MRZ-P15 and therefore seeks that an additional matter is added to the policy which specifies that non-residential activities are integrated into residential developments where possible.
399. Kāinga Ora Homes and Communities [391.354] considers that MRZ-P15 should be amended to clarify that servicing may change because of development. Changes are also sought to better recognise the intent of the NPS-UD (particularly Policy 6) that recognises the planned urban built form and that change to existing amenity is not in itself an adverse effect.
400. The Ministry of Education [400.95] seeks that MRZ-P15 is amended to ensure additional infrastructure, including educational facilities, are explicitly recognised and provided for. It also requests an additional matter to be added to the policy: '7. Provides additional infrastructure to support the needs of the community'.

Assessment

401. In response to Avryl Bramley [202.38], I disagree with the request to delete MRZ-P15 as it will facilitate commercial use creep. I consider that commercial use in the residential zones is acceptable where the effects in relation to neighbouring residential activities can be managed. MRZ-P15 has been specifically drafted to ensure that any non-residential activities and buildings will not have a detrimental effect on the MRZ. The wording 'only allow' provides a strong directive and the matters listed will ensure that any non-residential activity is appropriate to the MRZ. This is further supported by the policy making provision for any non-

residential activities that are not specifically identified in the rule framework to be assessed as a Discretionary Activity.

402. In response to Paihikara Ki Pōneke Cycle Wellington [302.41] I do not support the proposed additions for the same reasons I have not recommended similar amendments sought to other policies – that the transport chapter provisions already adequately address bicycle and micromobility storage. Additionally, I consider that the submitter’s concerns are also addressed in part by MRZ-P15.4 and MRZ-P15.5 given their focus on reducing reliance on private motor vehicle travel and maintaining a safe and efficient transport network.
403. In response to Woolworths New Zealand [359.41] I do not agree that introducing an operational or functional need consideration is necessary as the current matters in MRZ-P15 set an appropriate starting point for the consideration of non-residential activities in the MRZ. I agree with the part of the submission point seeking to remove ‘only allow’ and replace with ‘allow’. I consider this to broaden the scope of the policy and allow consideration for a wider assessment.
404. I agree with Waka Kotahi [370.278] and support policy direction that encourages future non-residential activities, particularly commercial activities, to be incorporated into residential developments where appropriate. This outcome reflects an optimal outcome of providing for non-residential activities in the MRZ without completely compromising the housing supply potential of individual sites.
405. I disagree with Kāinga Ora Homes and Communities submission point [391.354] which seeks to replace ‘amenity values’ with ‘planned built form’. I understand the submitters reason for the request but consider that the amenity considerations signalled by the PDP recognise and reflect the higher density anticipated in the MRZ and that this represents a significant change in built form from the status quo under the ODP. I also note that the policy talks about the anticipated amenity values, not existing amenity values, and does not signal that a change to the existing amenity is an adverse effect.
406. I agree with Kāinga Ora Homes and Communities submission point [391.354] which seeks to replace ‘adequately’ with ‘able to’ under point 6. This recognises that infrastructure may not always be in place before developments are considered.
407. I do not agree with Ministry of Education [400.95] as I consider that community infrastructure such as educational facilities is already adequately covered by MRZ-P15.1 through the listed matters.

Summary of recommendations

408. HS2-P3-Rec52: That submission points relating to MRZ-P15 are accepted/rejected as detailed in Appendix B.
409. HS2-P3-Rec53: That MRZ-P15 be amended as set out below and detailed in Appendix A.

MRZ-P15: Non-residential activities and buildings

~~Only~~ Allow non-residential activities and buildings that:

- i. Support the needs of local communities;
- ii. Are of an intensity, scale and design that is consistent with the amenity values anticipated for the Zone;
- iii. Contribute positively to the urban environment and achieve attractive and safe streets;
- iv. Reduce reliance on travel by private motor vehicle;
- v. Maintain the safety and efficiency of the transport network; ~~and~~
- vi. Are able to be adequately serviced by three waters infrastructure or can address any constraints on the site; and
- vii. Are integrated into residential developments where possible.

S32AA Evaluation

410. In my opinion, the amendment to the MRZ-P15 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:
- a. The change to point 6 makes recognises that infrastructure is not always available at the time that developments are considered.
 - b. The addition of point 7 encourages non-residential activities to be integrated into residential developments, which would provide a range of positive outcomes for the MRZ including improving the amenity of the area and assisting with the provision of additional housing, ensuring that developments are designed to make space for both residential and non-residential housing.
 - c. The changes to MRZ-P15 are therefore more efficient and effective than the notified provisions in achieving the objectives of the plan.
 - d. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

Policy – MRZ-PREC03-P1: Oriental Bay Height Precinct Managing Development (P1 Sch1)

Matters raised by submitters

411. Lucy Harper and Roger Pemberton [401.61] seek that MRZ-PREC03-P1 is retained as notified.
412. Waka Kotahi [370.284] seek that MRZ-PREC03-P1 is retained subject to a further evaluation and weighting exercise to determine the extent of protection required on balance with achieving the outcomes of the NPS-UD.
413. Kāinga Ora Homes and Communities [391.361] is opposed to the Oriental Bay Height Precinct, and as such requests that MRZ-PREC-03-P1 is deleted. Wellington’s Character Charitable Trust [FS82.72] seeks this submission point is disallowed.

Assessment

414. I disagree with Waka Kotahi’s submission point [370.284] which seeks that a further evaluation and weighting exercise is completed to determine the extent of protection required on balance with achieving the outcomes of the NPS-UD. This assessment has already

been undertaken. The entire city, including the Oriental Bay Height Precinct, has been through a rigorous residential capacity modelling exercise to determine if the PDP enables enough feasible and realisable housing to meet demand projections. The assessment found that the PDP provides sufficient capacity to meet demand, and this was covered in detail in Hearing Stream 1. Therefore, I do not consider that a further weighting exercise is warranted or that the policy direction in MRZ-PREC03-P1 will seriously undermine the outcomes sought by the NPS-UD.

415. I disagree with Kāinga Ora Homes and Communities [391.361] for the reasons stated under MRZ-PREC03-O1.

Summary of recommendations

416. HS2-P3-Rec54: That submission points relating to MRZ-PREC-03-P1 are accepted/rejected as detailed in Appendix B.
417. HS2-P3-Rec55: That MRZ-PREC-03-P1 be confirmed as notified.

Rule – MRZ-R1: Community Gardens (p1 Sch1)

Matters raised by submitters

418. WCC Environmental Reference Group [377.336] and VicLabour [414.31] seek that MRZ-R1 is retained as notified.

Assessment

419. No further assessment is required.

Summary of recommendations

420. HS2-P3-Rec56: That submission points relating to MRZ-R1 are accepted as detailed in Appendix B.
421. HS2-P3-Rec57: That MRZ-R1 be confirmed as notified.

Rule – MRZ-R2: Residential activities, excluding retirement villages, supported residential care activities and boarding houses (ISPP)

Matters raised by submitters

422. Several submitters including Tapu-te-Ranga Trust [297.34], Waka Kotahi [370.285], and Ara Poutama Aotearoa the Department of Corrections [240.14] seek that MRZ-R2 is retained as notified.
423. Transpower New Zealand Limited [315.185] seeks that a note is included in the rule to clarify that activities subject to MRZ-R2 shall comply with, and are subject to, the relevant provisions for qualifying matter areas.
424. Khoi Phan [326.16] seeks that MRZ-R2 is amended to make six residential units per site permitted.

425. Kāinga Ora Homes and Communities [391.363, 391.364, and 391.365] seeks that MRZ-R2 is amended to provide better clarity regarding the intention of the rule and notification preclusions. Kāinga Ora seek that the rule is re-written, as follows:

1. Activity status: Permitted

where:

- a. No more than three residential units occupy the site; and ~~except in MRZ-PREC03 where there is no limit.~~
- b. Compliance with the following standards is achieved:
 - i. MRZ-S1;
 - ii. MRZ-S3;
 - iii. MRZ-S4 only in relation to the rear/side yard boundary setback;
 - iv. MRZ-S5;
 - v. MRZ-S7.

2. Activity Status: Restricted Discretionary

where compliance with MRZ-R1.a. cannot be achieved.

Matters of discretion are:

- i. The scale, form, and appearance of the development is compatible with the planned urban built form of the neighbourhood;
- ii. The development contributes to a safe and attractive public realm and streetscape;
- iii. The extent and effects on the three waters infrastructure, achieved by demonstrating that at the point of connection the infrastructure has the capacity to service the development.
- iv. The degree to which development delivers quality on-site amenity and occupant privacy that is appropriate for its scale; and
- v. Where compliance with MRZ-R1.b. cannot be achieved, the extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard.

Notification status:

1. An application for resource consent which complies with MRZ-R1.a. but does not comply with MRZR1.b. is precluded from being publicly notified.
2. An application for resource consent made which does not comply with MRZ-R1.a. but complies with MRZ-R1.b. is precluded from being either publicly or limited notified.
3. An application for resource consent made which does not comply with MRZ-R1.a. and MRZ-R1.b. but complies with MRZ-S1 and MRZ-S5 is precluded from being either publicly notified.

426. Anita Gude and Simon Terry [461.29] and Craig Palmer [492.2] also sought that that limited notification is added to MRZ-P2 and that Restricted Discretionary provisions are only available in the Townscape Precinct.

Assessment

427. In response to Transpower New Zealand Limited [315.185], I disagree that a note regarding compliance with qualifying matters is required in MRZ-R2. The introduction to the MRZ

Chapter specifies that there are parts of the MRZ where development may be modified by qualifying matters and therefore, I consider it unnecessary to include a similar statement in MRZ-R2.

428. In response to Khoi Phan [326.16], I do not support making six residential units a permitted activity. Residential capacity modelling has been carried out across the city which found that the PDP enables sufficient housing to meet projected future demand. In light of this I consider enabling six residential units per site would constitute unnecessary overreach. Further, I note that the PDP includes provision for six residential units to be applied for as a restricted discretionary activity, with this being a more appropriate avenue in my view to address this level of onsite development and any potential effects on the surrounding environment that are likely to arise.
429. In response to Kāinga Ora Homes and Communities [391.363, 391.364, and 391.365] who seek MRZ-R2 is re-written as detailed above, I disagree with the proposed amendments. I consider that the proposed amendment achieves the same outcome as the wording currently proposed. The main difference between MRZ-R2 and the proposed amendment largely relates to a preference in drafting style. I am comfortable with the matters of discretion in MRZ-R2 pointing to the relevant policies which cover off all the matters of discretion Kāinga Ora have proposed in the amendment – it also aligns with contemporary drafting practice applied in other recent plans including the Proposed Porirua and New Plymouth District Plans. This is equally the case in terms of referencing in the rule compliance with specified standards.
430. In response to Kāinga Ora [391.363, 391.364, and 391.365] and other submitters who seek that the notification preclusion in MRZ-R2 is amended to allow reflect the various scenarios where limited notification and public notification exclusions apply. I do not consider these changes necessary as the PDP version of MRZ-R2 simply excludes public and limited notification for any application for resource consent made in respect of rule MRZ-R2.2.a is precluded under MRZ-R2. I consider that since the MRZ is primarily a residential zone, residential activities can be reasonably expected to predominate within the zone and there is no compelling reason for these to be either limited or publicly notified.
431. In response to Anita Gude and Simon Terry [461.29] and Craig Palmer [492.2], I disagree with adding limited notification to MRZ-R2 for the same reason as detailed above. I also disagree with having restricted discretionary activities only within the Townscape Precinct.

Summary of recommendations

432. HS2-P3-Rec58: That submission points relating to MRZ-R2 are accepted/rejected as detailed in Appendix B.
433. HS2-P3-Rec59: That MRZ-R2 be confirmed as notified.

Rule – MRZ-R3: Home Business (P1 Sch1)

Matters raised by submitters

434. WCC Environmental Reference Group [377.338] seeks that MRZ-R3 is retained as notified.

435. Kāinga Ora Homes and Communities [391.367] seeks that MRZ-R3 is amended to recognise changing urban environments and amenity in accordance with the NPS-UD. A change is requested to the first matter of discretion to replace ‘amenity values’ with ‘planned urban built form’. Onslow Residents Community Association [FS80.30] seek that the submission point is disallowed on the basis that amenity is important and must be retained.
436. Craig Palmer [492.3 – 492.8] has made several submission points on MRZ-R3, including:
- a. Opposing the preclusion of limited notification and including an amendment to enable limited notification.
 - b. Amending the number of people permitted to work from or on site associated with a home business at any one time to better reflect the scale of home-based business, restricting this to no more than three people directly involved in the home business at any one time, with the maximum number of people on site associated with the home business not exceeding 6 people at any one time.
 - c. Including mandatory notification and consultation provisions of the Prostitution Reform Act 2003.
 - d. Amending the Matters of Discretion to include the potential loss of tenancies for commercial property owners paying higher rates.

Assessment

437. In response to Kāinga Ora Homes and Communities [391.367], I disagree with the submission point for reasons stated in paragraph 405.
438. In response to Craig Palmer’s submission points [492.3-492.8], I address these below:
- a. MRZ-R3 does not propose to preclude limited notification, although public notification is proposed to be precluded.
 - b. I disagree that the proposed numbers working on site and those visiting is out of proportion to a home-based business. I consider that four employees is a reasonable threshold as it is of a size that enables potential effects on the neighbouring residential environment to be appropriately managed while offering scope for sufficient resource to be employed to make a home business viable. I also consider that allowing up to 10 people associated with the home business on site at any one time is appropriate as this provides for visiting customers and other offsite contributors, noting that this number will vary throughout a day.
 - c. I do not consider it necessary to include the mandatory public notification and consultation provisions of the Prostitution Reform Act 2003 in MRZ-R3 as these are already a statutory consideration if an activity like this is proposed in the MRZ and would be contrary to the procedural principles in section 18A of the RMA.
 - d. The matter raised in relation to rates is out of scope and more appropriately addressed outside of the District Plan.

Summary of recommendations

439. HS2-P3-Rec60: That submission points relating to MRZ-R3 are accepted/rejected as detailed in Appendix B.

440. HS2-P3-Rec61: That MRZ-R3 be confirmed as notified.

Rule – MRZ-R4: Supported Residential Care Activities (P1 Sch1)

Matters raised by submitters

441. WCC Environmental Reference Group [377.339] and Oranga Tamariki [83.9] seeks that MRZ-R4 is retained as notified.

442. Ara Poutama Aotearoa the Department of Corrections requests that if the definition ‘supported residential care activity’ is retained then the rule should be retained as notified.

443. Khoi Phan [326.17] seeks that MRZ-R4 is amended to make supported residential care activities permitted where the maximum occupancy does not exceed 20 residents.

444. Kāinga Ora Homes and Communities [391.369] requests that MRZ-R4 is amended to remove reference to amenity values and replaced with ‘planned urban built form’, to show recognition of changing urban environments and amenity. Kāinga Ora also requests that both public and limited notification is precluded as the activity is residential in nature and anticipated within the zone. LIVE WELLington [FS96.30] and Roland Sapsford oppose the submission point to remove reference to ‘amenity’, and seek that it is disallowed.

445. Craig Palmer [492.9] requests that limited notification is allowed in MRZ-R4.

Assessment

446. In response to Ara Poutama Aotearoa the Department of Corrections [240.15], I note that the proposed ‘supported residential care activity’ definition is recommended to be retained in Hearing Stream 1.

447. In response to Khoi Phan’s submission point [326.17], I disagree that permitting 20 residents is appropriate in the residential zone as no compelling reason/s or section 32AA evaluation has been provided to support an increase the permitted maximum occupancy for supported residential care activity.

448. In response to Kāinga Ora Homes and Communities [391.369], I disagree with removing reference to ‘amenity values’ and replacing with ‘planned urban built form’ for the reasons stated in paragraph 405.

449. In response to Kāinga Ora Homes and Communities [391.369], I disagree with precluding limited notification. In particular, I consider that it is appropriate for a limited notification test to be carried out at the time of resource consent as supported residential care activities and associated facilities can potentially be large in scale and have significant effects on the

immediate environment. Consequently, precluding limited notification would not be a sensible outcome in my view.

450. In response to Craig Palmer's submission point [492.9], I note that MRZ-R4 does not propose to preclude limited notification, although public notification is proposed to be precluded.

Summary of recommendations

451. HS2-P3-Rec62: That submission points relating to MRZ-R4 are accepted/rejected as detailed in Appendix B.
452. HS2-P3-Rec63: That MRZ-R4 be confirmed as notified.

Rule – MRZ-R5: Boarding Houses (P1 Sch1)

Matters raised by submitters

453. WCC Environmental Reference Group [377.340] seeks that MRZ-R5 is retained as notified.
454. Khoi Phan [326.18] seeks that MRZ-R5 is amended so boarding houses are permitted where the maximum occupancy does not exceed 20 guests per night.
455. Kāinga Ora Homes and Communities [391.371] requests that MRZ-R5 is amended to remove reference to amenity values and replace with 'planned urban built form', to show recognition of changing urban environments and amenity. Kāinga Ora also requests that both public and limited notification is precluded as the activity is residential in nature and anticipated within the zone.
456. Craig Palmer [492.10] requests that limited notification is allowed in MRZ-R5.

Assessment

457. In response to Khoi Phan's submission point [326.18], I disagree with the requested amendment as no compelling reason/s or section 32AA evaluation has been provided to support an increase the permitted maximum occupancy for boarding houses.
458. In response to Kāinga Ora Homes and Communities [391.371], I disagree with removing reference to 'amenity values' and replacing with 'planned urban built form' for the reasons stated in paragraph 405.
459. In response to Kāinga Ora Homes and Communities [391.371], I disagree with precluding limited notification for the same reasons as stated above under MRZ-R4.
460. In response to Craig Palmer's submission point [492.10], I note that MRZ-R5 does not propose to preclude limited notification, although public notification is proposed to be precluded.

Summary of recommendations

461. HS2-P3-Rec64: That submission points relating to MRZ-R5 are accepted/rejected as detailed in Appendix B.

462. HS2-P3-Rec65: That MRZ-R5 be confirmed as notified.

Rule – MRZ-R6: Visitor Accommodation (P1 Sch1)

Matters raised by submitters

463. Airbnb [126.7] seeks that MRZ-R6 is retained as notified.

464. Khoi Phan [326.19] seeks that MRZ-R6 is amended so visitor accommodation is permitted where the maximum occupancy does not exceed 20 guests per night.

465. Kāinga Ora Homes and Communities [391.372] requests that MRZ-R6 is amended to remove reference to amenity values and replace with 'planned urban built form', to show recognition of changing urban environments and amenity.

466. Craig Palmer [492.11] requests that limited notification is allowed in MRZ-R6.

Assessment

467. In response to Khoi Phan's submission point [326.19], I disagree with the requested amendment as no compelling reason/s or section 32AA evaluation has been provided to support an increase the permitted maximum occupancy for visitor accommodation.

468. In response to Kāinga Ora Homes and Communities [391.372], I disagree with removing reference to 'amenity values' and replacing with 'planned urban built form' for the reasons stated in paragraph 405.

469. In response to Craig Palmer's submission point [492.11], I note that MRZ-R6 does not propose to preclude limited notification, although public notification is proposed to be precluded.

Summary of recommendations

470. HS2-P3-Rec66: That submission points relating to MRZ-R6 are accepted/rejected as detailed in Appendix B.

471. HS2-P3-Rec67: That MRZ-R6 be confirmed as notified.

Rule – MRZ-R7: Childcare Services (P1 Sch1)

Matters raised by submitters

472. The Ministry for Education [400.96] and WCC Environmental Reference Group [377.341] requests that MRZ-R7 is retained as notified.

473. Waka Kotahi [370.289] considers that traffic effects should be added as a matter of discretion as they can generate high volumes of traffic. Additionally, Waka Kotahi requests that childcare services should be designed and located in densely populated areas with good walking connections and a new matter of discretion for including childcare facilities in residential developments.
474. Kāinga Ora Homes and Communities [391.375] requests that MRZ-R7 is amended to remove reference to amenity values and replaced with ‘planned urban built form’, to show recognition of changing urban environments and amenity.
475. Craig Palmer [492.12] requests that limited notification is allowed in MRZ-R7.

Assessment

476. In response to Waka Kotahi [370.289] I agree with the part of the submission point which seeks a new matter of discretion as follows: ‘2. The extent to which childcare facilities are integrated into residential development’. I consider this to be a sensible addition given the residential zoning, noting that it also gives effect to the recommended amendment to MRZ-P15. However, I disagree with the submission point seeking two additional traffic related matters of discretion as I consider that the traffic effects are suitably managed within the Transport Chapter and will apply to any activity lodged under MRZ-R7.
477. In response to Kāinga Ora Homes and Communities [391.375], I disagree with removing reference to ‘amenity values’ and replacing with ‘planned urban built form’ for the reasons stated under MRZ-P6 paragraph 278.
478. In response to Craig Palmer’s submission point [492.12], I note that MRZ-R7 does not propose to preclude limited notification, although public notification is proposed to be precluded.

Summary of recommendations

479. HS2-P3-Rec68: That submission points relating to MRZ-R7 are accepted/rejected as detailed in Appendix B.
480. HS2-P3-Rec69: That MRZ-R7 be amended as set out below and detailed in Appendix A.

MRZ-R7: Childcare Services

- a. Activity status: Permitted

Where:

1. The maximum number of children who are not normally resident on the site does not exceed 10; and
2. The hours of operation are between 7.00am and 7.00pm, Monday to Friday.

- b. Activity status: Restricted Discretionary

Where:

- a. Compliance with MRZ-R7.1.a or MRZ-R7.1.b cannot be achieved.

Matters of discretion are:

1. The extent to which the intensity and scale of the activity may adversely impact on the amenity values of nearby residential properties and the surrounding neighbourhood.
2. The extent to which childcare facilities are integrated into residential development.

Notification status: An application for resource consent made in respect of rule MRZ-R7.2.a is precluded from being publicly notified.

S32AA Evaluation

481. In my opinion, the amendment to the MRZ-R7 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:
- a. The additional matter of discretion recognises that the MRZ is primarily for residential development and that any non-residential activities should be encouraged to be integrated into residential development where possible. This change also gives effect to the recommended amendment to MRZ-P15.
 - b. The changes to MRZ-R7 are therefore more efficient and effective than the notified provisions in achieving the objectives of the plan.
 - c. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

Rule – MRZ-R8: Retirement Village (P1 Sch1)

Matters raised by submitters

482. The WCC Environmental Reference Group [377.342] and Kāinga Ora Homes and Communities [391.376] request that MRZ-R8 is retained as notified.
483. Waka Kotahi [370.291] seeks that MRZ-R8 is retained as notified, provided an earlier change specified in their submission point on MRZ-P7 is made.
484. Retirement Villages Association of New Zealand Incorporated [350.124 & 350.126] and Metlifecare Limited [413.27] support the inclusion of a retirement village specific rule, and for

applications under the rule being precluded from public notification. However, the submitter seeks that MRZ-R8 is a permitted activity, with the construction of retirement villages being a restricted discretionary activity.

485. Craig Palmer [492.13] requests that limited notification is allowed in MRZ-R8. The Retirement Villages Association of New Zealand Incorporated [FS126.17] and Ryman Healthcare Limited [FS128.17] oppose the submission point on the basis that it would slow down the provision of housing for the elderly.

Assessment

486. In response to Waka Kotahi [370.291], I do not support their proposed amendments to MRZ-P7, for the same reasons as specified in paragraph 334. I note that this means the submitter no longer seeks that MRZ-R8 is retained as notified.
487. In response to the Retirement Villages Association of New Zealand Incorporated [350.124 & 350.126] and Metlifecare Limited [413.27], I note their support of MRZ-R8 but disagree with their requested amendments. I do not consider that Retirement Villages should be a Permitted Activity as they can potentially be of a large scale and accommodate many residents and support staff – a point at which the effects on the surrounding residential environment may be significant. By contrast, I am comfortable with the restricted discretionary activity status which allows each application to be assessed based on the merits of what is specifically being proposed, noting that a restricted discretionary status does not mean Retirement Villages are not supported in the zone. I further note that changing the activity status of retirement villages would also create a misalignment with MRZ-R4 as this rule only permits supported residential care activities to a maximum of 10 residents.
488. In response to Craig Palmer’s submission point [492.13] I note that MRZ-R8 does not propose to preclude limited notification, although public notification is proposed to be precluded.

Summary of recommendations

489. HS2-P3-Rec70: That submission points relating to MRZ-R8 are accepted/rejected as detailed in Appendix B.
490. HS2-P3-Rec71: That MRZ-R8 be confirmed as notified.

MRZ-R9: Community facility, health care facility, emergency facility, education facility (excluding childcare services) (P1 Sch1)

Matters raised by submitters

491. The WCC Environmental Reference Group [377.343] and Kāinga Ora Homes and Communities [391.377] request that MRZ-R9 is retained as notified.
492. Waka Kotahi [370.293] seeks that MRZ-R9 is amended to provide for commercial activities as a restricted discretionary activity as it considers that access to appropriately located and scaled commercial activities improves amenity for residents.

493. The Ministry of Education [400.98] seeks that MRZ-R9 is amended to replace ‘education facilities’ with ‘educational facilities’ to keep definitions consistent through the plan.
494. Craig Palmer [492.14] requests that limited notification is allowed in MRZ-R9.

Assessment

495. In response to submitter requests to provide for commercial activities within the MRZ, under MRZ-R9, I consider that commercial activities are already appropriately provided for in MRZ as notified under MRZ-R10. I do not consider that commercial activities, including those of a smaller scale, should be treated in the same manner as the other activities listed in MRZ-R9.
496. In my view commercial activities are adequately managed under MRZ-R10 as a discretionary activity. This activity status allows for an appropriate level of discretion as each proposal will differ as will the context and location. Matters such as ensuring the viability of commercial centres and the existing activities within each centre will need to also be considered for proposals for commercial activities outside of centres zones.
497. There may be unanticipated incompatibility of certain commercial activities even of a small-scale and it is impractical to include an exhaustive list of acceptable commercial activities to be treated as restricted discretionary activities.
498. In response to the Ministry of Education [400.98], I note that the Hearing Stream 1 s42A reporting officer recommends deletion of definition of ‘Education Facility’. This proposed amendment aligns with this recommendation, and I support this minor change.
499. In response to Craig Palmer’s submission point [492.14], I note that MRZ-R9 does not propose to preclude limited notification, although public notification is proposed to be precluded.

Summary of recommendations

500. HS2-P3-Rec72: That submission points relating to MRZ-R9 are accepted/rejected as detailed in Appendix B.
501. HS2-P3-Rec73: That MRZ-R9 be amended as set out below and detailed in Appendix A.

MRZ-R9: Community facility, health care facility, emergency facility, educational facility (excluding child care services)

- a. Activity status: Restricted Discretionary

Matters of discretion are:

- i. The matters in MRZ-P15.

Notification status: An application for resource consent made in respect of rule MRZ-R9.1 is precluded from being publicly notified.

MRZ-R10: All Other Activities (P1 Sch1)

Matters raised by submitters

502. Woolworths New Zealand [359.42] and Waka Kotahi [370.294] seek that MRZ-R10 is retained as notified.
503. Several submitters, including Anne Lian [132.11], Grant Buchan [143.18], Peter Nunns [196.15], and Richard W Keller [232.12] consider that a small-scale commercial activity should not be treated as a discretionary activity and seek a change in status from discretionary to either permitted, controlled, or restricted discretionary.
504. Craig Palmer [492.15] opposes the preclusion of limited notification and seeks that MRZ-R10 be amended to allow for limited notification.

Assessment

505. In response to the submitters seeking that a small-scale commercial activity should not be a discretionary activity, including Anne Lian [132.11], Grant Buchan [143.18], Peter Nunns [196.15], and Richard W Keller [232.12], I disagree for the reasons outlined in paragraph 495.
506. In response to Craig Palmer's submission point [492.15], I note that MRZ-R10 does not propose to preclude limited notification or public notification.

Summary of recommendations

507. HS2-P3-Rec74: That submission points relating to MRZ-R10 are accepted/rejected as detailed in Appendix B.
508. HS2-P3-Rec75: That MRZ-R10 be confirmed as notified.

MRZ-R11: Maintenance and Repair of Buildings and Structures (ISPP)

Matters raised by submitters

509. Fire and Emergency New Zealand [273.117] and Kāinga Ora Homes and Communities [391.378] seeks that MRZ-R11 is retained as notified.
510. Craig Palmer [492.16] opposes the preclusion of limited notification and seeks that MRZ-11 be amended to allow for limited notification. The Retirement Villages Association of New Zealand [FS126.18] and Ryman Healthcare Limited [FS128.18] oppose the submission point and seek that it is disallowed on the basis it would slow down the provision of housing for elderly.

Assessment

511. In response to Craig Palmer's submission point [492.16] I note that MRZ-R11 does not propose to preclude limited notification or public notification.

Summary of recommendations

512. HS2-P3-Rec76: That submission points relating to MRZ-R11 are accepted/rejected as detailed in Appendix B.
513. HS2-P3-Rec77: That MRZ-R11 be confirmed as notified.

MRZ-R12: Demolition or Removal of Buildings and Structures (ISPP)

Matters raised by submitters

514. Fire and Emergency New Zealand [273.178] and Kāinga Ora Homes and Communities [391.379] seeks that MRZ-R12 is retained as notified.
515. Greater Wellington Regional Council [351.251] seeks that MRZ-R12 is amended to ensure building waste is properly disposed of, through the inclusion of a rule requirement that permitted activity status is subject to building and demolition waste being disposed of at an approved facility.
516. Craig Palmer [492.17] opposes the preclusion of limited notification and seeks that MRZ-12 be amended to allow for limited notification. The Retirement Villages Association of New Zealand [FS126.19] and Ryman Healthcare Limited [FS128.19] oppose the submission point and seek that it is disallowed on the basis it would slow down the provision of housing for elderly.

Assessment

517. In response to the Greater Wellington Regional Council's submission point [351.251], I disagree with an amendment relating to the disposal of building waste at approved facilities. My reason for this is that it would be an impractical requirement to enforce given the difficulties of tracking waste from the many demolition projects that occur across the city. In addition, the Solid Waste Management and Minimisation Bylaw 2020 deals with construction waste and all persons undertaking demolition are required to comply with this.
518. In response to Craig Palmer's submission point [492.17] I note that MRZ-R12 does not propose to preclude limited notification or public notification.

Summary of recommendations

519. HS2-P3-Rec78: That submission points relating to MRZ-R12 are accepted/rejected as detailed in Appendix B.
520. HS2-P3-Rec79: That MRZ-R12 be confirmed as notified.

MRZ-R13: Construction, addition or alteration of buildings and structures where no more than three residential units occupy the site (ISPP)

Matters raised by submitters

521. Monique Zorn [205.1 & 205.2] opposes that front and side yards are not required and seeks an amendment so that front and side yards are a requirement for a permitted activity. The submitter considers that the exclusion of front and side yards from the rule will result in undermined street amenity, neighbour amenity, and safety issues.
522. Leeanne Templer [206.5] seeks to exclude Rama Crescent and the streets above it from the application of MRZ-R13 due to the following reasons:
- a. The infrastructure in Rama Crescent cannot handle further intensification.
 - b. Existing covenants on properties in Rama Crescent which protect views need to be retained.
 - c. As walking is tough in Rama Crescent and public transport cannot enter Rama Crescent, considers that onsite parking needs to be a requirement.
 - d. Considers that further intensification on Rama Crescent would undermine the privacy of ambassadorial residences.
523. Transpower New Zealand Limited [315.186] considers that as the national grid is a qualifying matter, MRZ-R13 should be amended to clarify that activities subject to the rule are subject to the qualifying matter provisions.
524. Khoi Phan [326.20] considers that apartment buildings should be permitted up to 15 units per site, instead of three in the PDP.
525. Bruce Rae [334.4] considers that MRZ-R13 should be amended to include a minimum site size and to take into account the effects of topography on shading. The submitter requests MRZ-R13 is amended as follows:

1. Activity status: Permitted

Where:

1. The site is of a minimum area of 400m²; and
2. The site does not have a south-facing slope of steeper than 15°; and

Compliance with the following standards is achieved:

...

526. The WCC Environmental Reference Group [377.344] considers that the Residential Design Guide should apply to all residential buildings and therefore should be added as a matter of discretion to MRZ-R13.
527. Kāinga Ora Homes and Communities [391.381] considers that MRZ-R13 should be amended as follows:

Construction, addition or alteration of buildings and structures where no more than three residential units occupy the site

- vi. Activity Status: Permitted
where:
 - a. There are no more than three residential units on a site; and
 - b. Compliance with the following standards is achieved:
...
- vii. Activity status Restricted Discretionary
where:
 - a. Compliance with any of the requirements of MRZ-R13.1.a and MRZ-R13.1.b ~~cannot be~~ are not achieved.

Matters of discretion are:

- i. ...
- ii. The matters in MRZ-P2, MRZ-P3, MRZ-P4, MRZ-P5, MRZ-P8, MRZ-P9, ~~MRZ-P10~~ and MRZ-P11; and
- iii. where compliance with MRZ-R13.1.a is not achieved, the matters in MRZ-P6.

528. Kiwirail Holdings Limited [408.117] requests that an amendment is made to MRZ-R13 to ensure compliance with a later requested rail corridor boundary setback (MRZ-S4). The following amendment is requested:

Construction, addition or alteration of buildings and structures where no more than three residential units occupy the site

1. Activity status: Permitted

Where:

- 4. Compliance with the following standards is achieved:
 - 1. MRZ-S1;
 - 2. MRZ-S3;
 - 3. MRZ-S4 only in relation to the rear yard and rail corridor boundary setbacks;
 - 4. ...
 - ...

529. Kiwirail Holdings Limited [408.118] requests that an amendment is made is MRZ-R13 to add a new matter of discretion where the requested yard setback from the railway corridor of 5m is breached. The requested matter of discretion is as follows 'The location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor'. Kāinga Ora Homes and Communities [FS89.32] oppose the submission point and seek that it is disallowed on the basis that an increased setback is not necessary given that a reduced setback would provide adequate space for maintenance activities adjacent to the rail corridor.

530. Rachel Underwood [458.6] considers it inappropriate to apply setbacks and side yards when implementing MRZ-R13 and therefore seeks MRZ-S4 is removed from MRZ-R13.

531. Craig Palmer [492.18] opposes the preclusion of limited notification and seeks that MRZ-R13 be amended to allow for limited notification.

Assessment

532. In response to the submission point from Monique Zorn [205.1 & 205.2], I agree with the submitter that the exclusion for side and front yards is not appropriate, noting that the current situation reflects a Council decision to exclude front and side yards from having immediate legal effect contrary to the direction in the MDRS. The removal of the exclusion for side and front yards will realign MRZ-R13 with the MDRS.
533. In response to LEEANNE TEMPLER [206.5], the reasons set out in my response in paragraph 239 also applies to the submission point on MRZ-R13.
534. In response to Transpower New Zealand Limited [315.186], I disagree that a note regarding compliance with qualifying matters is required in MRZ-R13. As the introduction to the MRZ Chapter specifies that there are parts of the MRZ where development may be modified by qualifying matters, I consider that the request sought would introduce unnecessary repetition into MRZ-R13.
535. In response to Khoi Phan [326.20], I disagree with the request as no compelling reason/s or section 32AA evaluation has been provided to support permitting up to 15 units per site.
536. In response to Bruce Rae [334.4], I disagree with the requested amendment as the changes sought would be contrary the NPS-UD and the MDRS under Schedule 3A of the RMA.
537. In response to the WCC Environmental Reference Group [377.344], I consider that it is not necessary for the residential design guide to apply to buildings which are not a multi-unit development, as defined by the PDP. The matters of discretion refer to the assessment criteria under the relevant standards, and I consider that these will have an influential effect on the eventual form, massing and design of buildings when applicable.
538. I disagree with the amendment requested by Kāinga Ora Homes and Communities [391.381] as I do not consider that the amendments are necessary for the following reasons:
- a. There is no need to repeat 'where no more than three residential units occupy the site' as this statement is explicitly included in the title of the rule.
 - b. Replacing 'cannot be' with 'are not' is not necessary. Noting that 'cannot be' has been used throughout the entire PDP.
 - c. MRZ-P6 relates to multi-unit developments only, with these addressed under MRZ-R14.
539. I agree in part with Kiwirail Holdings Ltd [408.117]. As discussed later in this report, under MRZ-S4, I agree that a setback of 1.5m from the rail corridor is acceptable. However, I do not agree that a note is needed in Rule MRZ-R13 as I consider that stating compliance with the

standard covers this. I agree with Kiwirail Holdings Ltd [408.118] to add a new matter of discretion, as outlined above. This is recommended only if the panel accept my recommendation under MRZ-S4 to apply a 1.5m setback from the rail corridor.

540. I disagree with Rachel Underwood’s submission point [458.6] that the standards for setbacks are inappropriate to apply to MRZ-R13 as I consider that the setback standards are necessary to ensure space between adjoining houses. In addition, I note that the proposed metrics are the minimum required under the MDRS.
541. In response to Craig Palmer’s submission point [492.18], I note that MRZ-R13 does not propose to preclude limited notification entirely. Although it proposes to exclude limited notification from certain standards, I consider this appropriate as the standards that are precluded from limited notification would result in effects that are only internally discernible to a site and will not have significant effects on surrounding properties. In addition, as this rule only applies to developments where three or less dwellings are proposed, I consider that the effects generated from a development of this type will be less than those generated from a multi-unit development, for which limited notification is not precluded in any circumstance.

Summary of recommendations

542. HS2-P3-Rec80: That submission points relating to MRZ-R13 are accepted/rejected as detailed in Appendix B.
543. HS2-P3-Rec81: That MRZ-R13 be amended as set out below and detailed in Appendix A.

MRZ-R13: Construction, addition or alteration of buildings and structures where no more than three residential units occupy the site.

- c. Activity status: Permitted

Where:

3. Compliance with the following standards is achieved:

1. MRZ-S1;
2. MRZ-S3;
3. MRZ-S4 ~~only in relation to the rear yard boundary setback;~~
4. MRZ-S5;
5. MRZ-S6;
6. MRZ-S7;
7. MRZ-S8;
8. MRZ-S9; and
9. MRZ-S10.

- d. Activity status: **Restricted Discretionary**

Where:

5. Compliance with any of the requirements of MRZ-R13.1.a cannot be achieved.

Matters of discretion are:

- viii. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard; ~~and~~
- ix. The matters in MRZ-P2, MRZ-P3, MRZ-P4, MRZ-P5, MRZ-P8, MRZ-P9, MRZ-P10 and MRZ-P11; and
- x. The location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.

...

S32AA Evaluation

544. In my opinion, the amendments to the MRZ-R13 are more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:

- a. The deletion of the front and side yard exclusion aligns MRZ-R13 with Clause 13 of Schedule 3A of the RMA.
- b. The addition of the matter of discretion in relation to the rail corridor aligns with a later recommendation to include a 1.5m setback from the rail corridor boundary in MRZ-S4. In addition, this matter allows processing planners to consider access and maintenance to buildings when they adjoin a rail corridor.
- c. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

MRZ-R14: Construction of buildings or structures for multi-unit housing or a retirement village (ISPP)

Matters raised by submitters

545. Stratum Management Limited [249.18] considers that given any multi-unit development is subject to MRZ-R14, and the rule specifies several standards that apply to multi-unit development, any multi-unit development which meets these standards should be processed on a non-notified basis. The submitter requests the following statement be added to the rule: ‘an application for resource consent made in respect of rule MRZ-R14.1 that meets the standards specified is precluded from being either publicly or limited notified’. The Retirement Villages Association of New Zealand [FS126.209] and Ryman Healthcare Limited [FS128.209] support the submission point and seek that it is allowed.
546. Wellington City Council [266.133] considers that the notification clauses for four or more household units needs to align with Schedule 3A, cl 5 of the RMA. The Retirement Villages Association of New Zealand [FS126.241] and Ryman Healthcare Limited [FS128.241] support the submission point and seek that it is allowed. However, Kāinga Ora Homes and Communities [FS89.107] oppose the point and seek that it is disallowed on the basis that standards 7 to 11 largely relate to impacts internal to sites and should also be considered for notification preclusion. The following change to the notification status of the rule is sought by Wellington City Council [266.133]:

Notification status: ~~An application for resource consent made in respect of rule MRZ-R14.1 is precluded from being publicly notified.~~

An application for resource consent made in respect of rule MRZ-R14.1 which results from non-compliance with MRZ-S2, MRZ-S3, MRZ-S4 or MRZ-S5, is precluded from being publicly notified.

An application for resource consent made in respect of rule MRZ-R14.1 which results from non-compliance with MRZ-S12, MRZ-S13 or MRZ-S14, is precluded from being either publicly or limited notified.

547. Khoi Phan [326.21] seeks that MRZ-R14 is permitted.
548. The Retirement Villages Association of New Zealand Incorporated [350.127 – 350.129] considers that the Matters of Discretion in MRZ-R14 are not appropriate for retirement villages. Requests that specific matters of discretion are added to MRZ-R14 which acknowledge the positive effects provided by retirement villages, the functional and operational needs of retirement villages, and the need to provide for efficient use of larger sites. In addition, the submitter requests that retirement villages are also precluded from limited notification. The specific request is as follows:

1. Activity status: Restricted Discretionary

Matters of discretion are restricted to:

- vi. The extent and effect of non-compliance with any of the following standards as specified in the associated assessment criteria for any infringed standard:
 - a. MRZ-S2;
 - b. MRZ-S3;
 - c. MRZ-S4;
 - d. MRZ-S5;
 - e. MRZ-S12 for multi-unit housing only;
 - f. MRZ-S13 for multi-unit housing only; and
 - g. MRZ-S14 for multi-unit housing only; and
- vii. For multi-unit housing, the matters in MRZ-P2, MRZ-P3, MRZ-P5, MRZ-P6, MRZ-P7, MRZ-P8, MRZ-P10 and MRZ-P11.
- viii. For retirement villages:
 - a. The effects of the retirement village on the safety of adjacent streets or public open spaces;
 - b. The extent to which articulation, modulation and materiality addresses adverse visual dominance effects associated with building length;
 - c. The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;
 - d. When assessing the matters in 1(i) – (iv), and 3(i) – (iii), consider:
 - i. The need to provide for efficient use of larger sites; and
 - ii. The functional and operational needs of the retirement village.
 - e. The positive effects of the construction, development and use of the retirement village.

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

Notification status: An application for resource consent made in respect of rule MRZ-R14.1 is precluded from being publicly notified.

An application for resource consent for a retirement village where compliance is achieved with MRZ-S2, MRZ-S3, MRZ-S4 and MRZ-S5 is precluded from being limited notified.

549. Waka Kotahi [370.298] supports the restricted discretionary status for multi-unit housing and retirement villages, but only on the basis that their submission points relating to the standards (covered below) are accepted and suggested changes are made.

550. Kāinga Ora Homes and Communities [391.383], supported by the Retirement Villages Association of New Zealand [FS126.135] and Ryman Healthcare Limited [FS128.135], considers that MRZ-R14 should be amended to preclude limited notification for developments that comply with the relevant standards. The inclusion of multi-unit housing is opposed, as this can be managed through MRZ-R13 in accordance with the amendments sought to that rule. The submitter requests the following changes to MRZ-R14:

MRZ-R14 Construction of buildings for ~~multi-unit housing~~ or a retirement village

1. Activity status: Restricted Discretionary

Matters of discretion are restricted to:

- c. The extent and effect of non-compliance with any of the follow standards as specified in the associated assessment criteria for any infringed standard:
 - a. MRZ-S2;
 - b. MRZ-S3;
 - c. MRZ-S4;
 - d. MRZ-S5;
 - e. MRZ-S12 ~~for multi-unit housing only;~~
 - f. ~~MRZ-S13 for multi-unit housing only;~~
 - g. ~~MRZ-S14 for multi-unit housing only;~~
- d. The matters in MRZ-P2, MRZ-P3, MRZ-P5, ~~MRZ-P6~~, MRZ-P7, MRZ-P8, ~~MRZ-P10~~ and MRZ-P11

Notification status:

An application for resource consent made in respect of rule MRZ-R14 is precluded from being publicly notified.

An application for resource consent made in respect of rule MRZ-R14 that complies with the relevant standards is precluded from public and limited notification.

551. Metlifecare Limited [413.29] supports the construction of retirement villages as a restricted discretionary activity because it recognises that retirement village development is compatible with residential environments. The submitter seeks the following changes to MRZ-R14:

Matters of discretion are restricted to:

1. The extent and effect of non-compliance with any of the following standards as specified in the associated assessment criteria for any infringed standard:
 - a. MRZ-S2;
 - b. MRZ-S3;
 - c. MRZ-S4;
 - d. MRZ-S5;
- ...
2. The matters in MRZ-P2, MRZ-P3, MRZ-P5, MRZ-P6 (for multi-unit housing only), MRZ-P7 (for retirement villages only), MRZ-P8 (for multi-unit housing only), MRZ-P10, and MRZ-P11, MRZ-P[X], and MRZ-P[Y] (for retirement villages only).

552. The Survey and Spatial New Zealand Wellington Branch [439.37 and 439.38] considers that the scope in the Matters of Discretion is too broad. The submitter seeks that MRZ-P8 and MRZ-P11 are excluded from the list of Matters of Discretion. In addition, the submitter also considers that MRZ-R14 does not comply with Clause 5(2) of Schedule 3A, which requires both limited and public notification to be excluded for any developments that are 4+ units and comply with the MDRS. The following text is requested to be added to MRZ-R14:

Notification status:

An application for resource consent made in respect of rule MRZ-R14.1 is precluded from being publicly notified.

An application for resource consent made in respect of rule MRZ-R14.1 is precluded from being limited notified where the proposal complies with MRZ-S2 to MRZ-S9.

An application for resource consent made in respect of rule MRZ-R14.1 is precluded from being limited notified where the proposal complies with MRZ-S2 to MRZ-S5 and MRZ-S12 to MRZ-S14.

553. The Retirement Villages Association of New Zealand [FS126.211] and Ryman Healthcare Limited [FS128.211] made further submissions in support of the Survey and Spatial New Zealand Wellington Branch above submission point and seeks that the submission is allowed.
554. Craig Palmer [492.19] opposes the preclusion of limited notification and seeks that MRZ-R14 be amended to allow for limited notification. The Retirement Villages Association of New Zealand [FS126.20] and Ryman Healthcare Limited [FS128.20] oppose the submission point and seek that it is disallowed on the basis it would slow down the provision of housing for elderly.

Assessment

555. In response to Stratum Management Limited [249.18], The Retirement Villages Association of New Zealand [350.127-350.129, FS126.209, FS126.211, FS126.135 and FS126.241], Ryman Healthcare Limited [FS128.209, FS128.211, FS128.135 and FS128.241], WCC [266.133], Kāinga Ora Homes and Communities [391.383 and FS89.107], The Survey and Spatial New Zealand Wellington Branch [439.37 and 439.38] who are all seeking amendments to the notification provisions for multi-unit housing, I agree that amendments are required to better reflect the MDRS as set out in the recommendation section below.
556. I recommend amendments in response to various aspects of the relief sought by submitters regarding notification exclusions. My recommended amendments reflect my interpretation of the notification exclusions required to comply with the Act and recognise the additional notification exclusions sought by WCC [266.133]. These additional exclusions from limited notification apply to the standards where an application for multi-unit housing infringes standards that manage potential effects internal to sites.
557. I disagree with Khoi Phan [326.21] as I consider that the restricted discretionary activity status is appropriate given the potential large-scale effects that can result from multi-unit housing or retirement villages with these, in my view, requiring an individualised assessment based on the merits of what is specifically being proposed.
558. I disagree with the Retirement Villages Association of New Zealand Incorporated [350.127 – 350.129], who consider that the Matters of Discretion in MRZ-R14 are not appropriate for retirement villages. I consider that the matters in the Transport Chapter, the Residential Design Guides, and in MRZ-P7 adequately address the requested matters of discretion and

that there are no benefits to listing specific matters in MRZ-R14. Further, I consider the proposed matters of discretion allow reasonable scope for a processing planner to determine the level of adverse effects that are acceptable.

559. In response to Waka Kotahi [370.298], although I acknowledge the conditional support for MRZ-R14 on the basis that amendments relating to the standards are accepted I note that no specific amendments to the rule have been proposed.
560. In response to Kāinga Ora Homes and Communities [391.383] who consider that MRZ-R14 can be deleted and be included within MRZ-R13, I disagree. I consider that the two separate rules make the plan easier to interpret as it provides a clear distinction between the two development types. Based on this I am comfortable with the restricted discretionary activity status of MRZ-R14 as this recognises that effects resulting from multi-unit and retirement village proposals warrant specific assessment.
561. I agree with Metlifecare Limited [413.29] as the amendments make it clear which policies apply to which development type.
562. I disagree with the Survey and Spatial New Zealand Wellington Branch [439.37 and 439.38], who consider councils scope in the matters of discretion is too broad. I am of the opinion that the matters of discretion proposed are appropriate as they provide scope for Council to consider the varied applications anticipated under MRZ-R14 and are relevant considerations given the nature of the activity.
563. I disagree with Craig Palmer [492.19], who opposes the preclusion of limited notification, noting that preclusion of public notification is required under Clause 5 of Schedule 3A of the RMA.

Summary of recommendations

564. HS2-P3-Rec82: That submission points relating to MRZ-R14 are accepted/rejected as detailed in Appendix B.
565. HS2-P3-Rec83: That MRZ-R14 be amended as set out below and detailed in Appendix A.

MRZ-R14: Construction of buildings or structures for multi-unit housing or a retirement village

- a. Activity status: Restricted Discretionary

Matters of discretion are restricted to:

1. The extent and effect of non-compliance with any of the follow standards as specified in the associated assessment criteria for any infringed standard:
 1. MRZ-S2;
 2. MRZ-S3;
 3. MRZ-S4;
 4. ~~MRZ-S5;~~
 5. MRZ-S12 for multi-unit housing only;
 6. MRZ-S13 for multi-unit housing only; and
 7. MRZ-S14 for multi-unit housing only; and
2. The matters in MRZ-P2, MRZ-P3, MRZ-P5, MRZ-P6 (for multi-unit housing only), MRZ-P7 (for retirement villages only), MRZ-P8, MRZ-P10 and MRZ-P11.

Notification status:

An application for resource consent made in respect of rule MRZ-R14.1 is precluded from being publicly notified.

An application for resource consent made in respect of rule MRZ-R14.1 that complies with all relevant standards is also precluded from being limited notified.

An application for resource consent made in respect of rule MRZ-R14.1 that complies with MRZ-S2, MRZ-S3, MRZ-S4, and MRZ-S5, but does not comply with one or more of the other relevant standards is also precluded from being limited notified.

S32AA Evaluation

566. In my opinion, the amendment to the MRZ-R14 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:
- a. The preclusion of limited and public notification aligns the PDP with the requirements under Clause 5 of Schedule 3A of the RMA. The changes are therefore more efficient and effective than the notified provisions in achieving the objectives of the plan.
 - b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

MRZ-R15: Fences and Standalone Walls (ISPP)

Matters raised by submitters

567. Craig Palmer [492.20] opposes the preclusion of limited notification and seeks that MRZ-R15 be amended to allow for limited notification. The Retirement Villages Association of New Zealand [FS126.21] and Ryman Healthcare Limited [FS128.21] oppose the submission point and seek that it is disallowed on the basis it would slow down the provision of housing for elderly.

Assessment

568. In response to Craig Palmer’s submission point [492.20], I note that MRZ-R15 does not propose to preclude limited notification.

Summary of recommendations

569. HS2-P3-Rec84: That submission points relating to MRZ-R15 are accepted/rejected as detailed in Appendix B.

570. HS2-P3-Rec85: That MRZ-R15 be confirmed as notified.

MRZ-R16: Buildings and Structures on or over a Legal Road (P1 Sch1)

Matters raised by submitters

571. Kāinga Ora Homes and Communities [391.384] seeks that MRZ-R16 is retained as notified.

572. The Wellington City Council [266.134] considers that the proposed amendment will provide for small structures on legal road (up to 1.5m high) as a Permitted Activity as this will reduce consenting requirements. It notes that structures on legal road are covered by the encroachment licence process and considers there is need for a consequential amendment to update the Restricted Discretionary rule. The Wellington City Council requests the following amendment to MRZ-R16:

1. Activity status: Permitted

Where:

a. It is a retaining wall of less than 1.5m in height above ground level.

~~1.2.~~ Activity Status: Restricted Discretionary

Where:

1. Compliance with any of the requirements of MRZ-R16.1.a cannot be achieved.

(...)

573. Fire and Emergency New Zealand [273.180] considers that it is critical that buildings and structures on legal roads do not hinder the ability for FENZ to respond to emergency call outs effectively and efficiently for firefighting and other rescue operations. A further matter of discretion is therefore sought: ‘5. Maintaining the ability for emergency services, including fire appliances, to access the property for firefighting purposes’. The Retirement Villages Association of New Zealand [FS126.38] and Ryman Healthcare Limited [FS128.38] oppose the submission point and seek that it is disallowed on the basis that matters relating to fire-fighting servicing are already provided for under the Building Act and it is inappropriate to duplicate controls under the Proposed Plan.

574. Waka Kotahi [370.300] considers that MRZ-R16 should be amended to ensure visibility over the road corridor by way of adding, as a further Restricted Discretionary Activity condition,

that where legal road is controlled by Waka Kotahi written approval has been provided by it authorising the building or structure.

575. Craig Palmer [492.21] opposes the preclusion of limited notification and seeks that MRZ-R16 be amended to allow for limited notification. The Retirement Villages Association of New Zealand [FS126.22] and Ryman Healthcare Limited [FS128.22] oppose the submission point and seek that it is disallowed on the basis it would slow down the provision of housing for elderly.

Assessment

576. I agree with the relief sought by Wellington City Council [266.134] as I consider the requested amendment will reduce consenting requirements when retaining walls less than 1.5m in height are proposed on or over a legal road. I also concur with WCC that structures on legal road are also currently covered by the encroachment licencing process.
577. I support the additional matter of discretion sought by FENZ [273.180] due to the importance of maintaining access and efficient operation of emergency services to provide for public safety. I note that further submitters [FS126.38 and FS128.38] have raised that the Building Act adequately manages this issue but am of the view that the potential for minor duplication in this instance is acceptable given the importance of this issue.
578. I do not agree with Waka Kotahi [370.300] that inclusion of a requirement for it to provide written approval authorising any building or structure proposed to be located on legal road they control is necessary. In any situation where a resource consent holder that is not the owner of the land the consent relates to, the consent holder would require approval from the landowner prior to giving effect to the consent. A similar matter arises when WCC is both the consenting authority and asset owner of legal road, where an approved resource consent does not constitute landowner approval from WCC.
579. In response to Craig Palmer's submission point [492.21], I note that MRZ-R16 does not propose to preclude limited notification.

Summary of recommendations

580. HS2-P3-Rec86: That submission points relating to MRZ-R16 are accepted/rejected as detailed in Appendix B.
581. HS2-P3-Rec87: That MRZ-R16 be amended as set out below and detailed in Appendix A.

MRZ-R16: Buildings and structures on or over a legal road

1. Activity status: Permitted

Where:

- a. It is a retaining wall of 1.5m in height, or less, above ground level.

2. Activity status: Restricted Discretionary

Where:

1. Compliance with the requirement of MRZ-R16.1.a cannot be achieved.

Matters of discretion are:

1. Streetscape and visual amenity effects;
2. Dominance, privacy and shading effects on adjoining properties;
3. Maintaining safe access and safety for road users, including pedestrians; ~~and~~
4. The matters in MRZ-P8, MRZ-P10 and MRZ-P11; and
5. Maintaining the ability for emergency services, including fire appliances, to access the property for firefighting purposes.

Notification status: An application for resource consent made in respect of rule MRZ-R16.1 is precluded from being publicly notified.

S32AA Evaluation

582. In my opinion, the amendment to the MRZ-R14 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:
- a. The proposed additions will:
 - i. Reduce unnecessary resource consenting costs while not increasing adverse effects.
 - ii. Ensure emergency services will not be constrained from accessing property, thereby ensuring the safety of the public.
 - b. The changes are therefore more efficient and effective than the notified provisions in achieving the objectives of the plan.
 - c. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

MRZ-R17: Construction of any other building or structure, including additions and alterations (P1 Sch1)

Matters raised by submitters

583. Fire and Emergency New Zealand [273.181] and Metlifecare Limited [413.30] seek that MRZ-R17 is retained as notified.
584. The Retirement Villages Association of New Zealand Incorporated [350.131] supports additions and alterations to retirement villages being provided for as a permitted or restricted discretionary activity under MRZ-R17. They consider the matters of discretion need to align

with those for new retirement villages. They also support MRZ-R17.2a being precluded from being publicly notified, but in accordance with Schedule 3A(5)(s) of the Act Considers that alterations and additions to retirement villages that are compliant with MRZ-S2 – MRZ-S5 should also be precluded from limited notification. They request an amendment to MRZ-R17 as follows:

1. Activity status: Permitted

Where:

...

- a. MRZ-S12 for multi-unit housing;
- b. MRZ-S13 for multi-unit housing; and
- c. MRZ-S14 for multi-unit housing.

2. Activity status: Restricted Discretionary

...

- 1. The matters in MRZ-P9, MRZ-P10, MRZ-P11 and MRZ-P15 (this clause is not applicable to retirement villages); ~~and~~
- 2. The matters in MRZ-P6, MRZ-P7 and MRZ-P8 for additions and alterations to multi-unit housing ~~or a retirement village.~~; and
- 3. For additions and alterations to retirement villages:
 - 1. The effects of the retirement village on the safety of adjacent streets or public open spaces;
 - 2. The extent to which articulation, modulation and materiality addresses adverse visual dominance effects associated with building length;
 - 3. The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces.

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

Notification status: An application for resource consent made in respect of rule MRZ-R17.2a is precluded from being publicly notified.

An application for resource consent for additions and alterations to a retirement village where compliance is achieved with MRZ-S2, MRZ-S3, MRZ-S4 and MRZ-S5 is precluded from being limited notified.

585. The WCC Environmental Reference Group [377.345] requests that the Residential Design Guide be added to MRZ-R17 as a Matter of Discretion. The Retirement Villages Association of New Zealand [FS126.220] and Ryman Healthcare Limited [FS128.220] oppose this submission point and seek that it be disallowed.

586. Kāinga Ora Homes and Communities [391.386] consider that MRZ-R17 should be amended to remove reference to policies which it opposes and reference to multi-unit housing. The submitter also notes that there is an incorrect reference to HRZ-P8 and seeks the following amendments:

3. Activity status: Permitted

Where:

Compliance with the following standards is achieved:

- d. MRZ-S2;
- e. MRZ-S3;
- f. MRZ-S4;
- g. MRZ-S5;
- h. MRZ-S6; and
- i. MRZ-S12.;
- j. ~~MRZ-S13; and~~
- k. ~~MRZ-S14.~~

4. Activity Status: Restricted Discretionary

Where:

- a. Compliance is not achieved with any of the requirements of MRZ-R17.1.a ~~cannot be achieved.~~

Matters of Discretion are:

- 4. The extent and effect on non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard;
- 5. The matters in MRZ-P9, ~~MRZ-P10~~; MRZ-P11 and MRZ-P15; and
- 6. The matters in MRZ-P6, MRZ-P7 and ~~MRZ-P8~~ for additions and alterations to ~~multi-unit housing or a retirement village.~~

587. Craig Palmer [492.22] opposes the preclusion of limited notification and seeks that MRZ-R17 be amended to allow for limited notification.

Assessment

588. I disagree with the Retirement Villages Association of New Zealand Incorporated [350.131], who request specific matters of discretion for retirement villages for the reasons stated in paragraph 558.

589. I agree in part with Retirement Villages Association of New Zealand Incorporated [350.131] regarding the point on limited notification preclusions. However, I consider this relates to all activities under MRZ-R17, not just retirement villages. Therefore, I recommend that the notification preclusion is amended so that any activity under MRZ-R17 which complies with standards MRZ-S2 – MRZ-S3, is precluded from limited notification and public notification as this change better aligns with Clause 5 of Schedule 3A of the RMA.

590. I do not consider the change requested by The WCC Environmental Reference Group [377.345] to be necessary as the matters of discretion refer to MRZ-P7 which, in turn, requires that proposals for retirement villages fulfil the intent of the Residential Design Guide.

591. I disagree with Kāinga Ora Homes and Communities [391.386] regarding referencing of multi-unit housing standards in MRZ-R17. I consider that inclusion of this reference is necessary as MRZ-R14 only applies to construction of new multi-unit housing and retirement villages while MRZ-R17 applies more broadly to any other construction including additions and alterations. I also acknowledge that MRZ-R17 incorrectly references HRZ-P8 and that this should instead reference MRZ-P8. I also consider that replacing 'cannot be' with 'are not' is not necessary, noting that 'cannot be' has been used throughout the entire PDP.

Summary of recommendations

592. HS2-P3-Rec88: That submission points relating to MRZ-R17 are accepted/rejected as detailed in Appendix B.
593. HS2-P3-Rec89: That MRZ-R17 be amended as set out below and detailed in Appendix A.

MRZ-R17: Construction of any other building or structure, including additions and alterations

3. Activity status: Permitted

Where:

3. Compliance with the following standards is achieved:

- i. MRZ-S2;
- ii. MRZ-S3;
- iii. MRZ-S4;
- iv. MRZ-S5;
- v. MRZ-S6;
- vi. MRZ-S12;
- vii. MRZ-S13; and
- viii. MRZ-S14.

4. Activity status: Restricted Discretionary

Where:

- a. Compliance is not achieved with any of the requirements of MRZ-R17.1.a cannot be achieved.

Matters of discretion are:

- 6. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard;
- 7. The matters in MRZ-P9, MRZ-P10; MRZ-P11 and MRZ-P15; and
- 8. The matters in MRZ-P6, MRZ-P7 and MRZ-P8 for additions and alterations to multi-unit-housing or a retirement village.

Notification status:

An application for resource consent made in respect of rule MRZ-R17.2.a is precluded from being publicly notified.

An application for resource consent made in respect of rule MRZ-R17.2.a and complies with standards MRZ-S2 and MRZ-S3 is precluded from being limited or publicly notified.

MRZ-PREC-03-R1: Maintenance and Repair of Buildings and Structures (ISPP)

Matters raised by submitters

594. Lucy Harper and Roger Pemberton [401.74] seek that MRZ-PREC-03-R1 is retained as notified.

595. Kāinga Ora Homes and Communities [391.399] opposes MRZ-PREC-03-R1 and seeks that it is deleted in its entirety. Wellington's Character Charitable Trust [FS82.85] oppose the submission point above and seek that it is disallowed as the precinct protects important character values.

Assessment

596. I disagree with Kāinga Ora Homes and Communities [391.399] for the reasons detailed above in paragraph 262.

Summary of recommendations

597. HS2-P3-Rec90: That submission points relating to MRZ-PREC-03-R1 are accepted/rejected as detailed in Appendix B.

598. HS2-P3-Rec91: That MRZ-PREC-03-R1 be confirmed as notified.

MRZ-PREC-03-R2: Demolition or Removal of Buildings and Structures (ISPP)

Matters raised by submitters

599. Lucy Harper and Roger Pemberton [401.75] seek that MRZ-PREC-03-R2 is retained as notified.

600. Kāinga Ora Homes and Communities [391.400] opposes MRZ-PREC-03-R2 and seeks that it is deleted in its entirety. Wellington's Character Charitable Trust [FS82.86] and Thorndon Residents Association Inc [FS69.22] oppose the submission point and seek that it is disallowed.

Assessment

601. I disagree with Kāinga Ora Homes and Communities [391.400] for the reasons as detailed above under MRZ-PREC-03-O1, paragraph 262.

Summary of recommendations

602. HS2-P3-Rec92: That submission points relating to MRZ-PREC-03-R2 are accepted/rejected as detailed in Appendix B.

603. HS2-P3-Rec93: That MRZ-PREC-03-R2 be confirmed as notified.

MRZ-PREC-03-R3: Additions or Alterations to Existing Buildings, Structures or Accessory Buildings (ISPP)

Matters raised by submitters

604. Lucy Harper and Roger Pemberton [401.76] seek that MRZ-PREC-03-R3 is retained as notified.

605. Kāinga Ora Homes and Communities [391.401] opposes MRZ-PREC-03-R3 and seeks that it is deleted in its entirety. Wellington's Character Charitable Trust [FS82.87] oppose the submission point and seek that it is disallowed as the precinct protects important character values.

Assessment

606. I disagree with Kāinga Ora Homes and Communities [391.401] for the reasons detailed above under MRZ-PREC03-O1, paragraph 262.

Summary of recommendations

607. HS2-P3-Rec94: That submission points relating to MRZ-PREC-03-R3 are accepted/rejected as detailed in Appendix B.
608. HS2-P3-Rec95: That MRZ-PREC-03-R3 be confirmed as notified.

MRZ-PREC-03-R4: Construction, alteration or addition to buildings, structures or accessory buildings that are not permitted activities (ISPP)

Matters raised by submitters

609. Lucy Harper and Roger Pemberton [401.77] seek that MRZ-PREC03-R4 is retained as notified.
610. Kāinga Ora Homes and Communities [391.402] opposes MRZ-PREC03-R4 and seeks that it is deleted in its entirety. Wellington's Character Charitable Trust [FS82.88] oppose and seeks that it is disallowed on the basis that the precinct protects character.
611. Waka Kotahi [370.307] maintains a neutral position on MRZ-PREC03-R4 and considers that a further weighting exercise is required to justify the inclusion of provisions relating to character.
612. Investore Property Limited [405.51] seeks that MRZ-PREC03-R1 is amended to remove the Design Guide as a matter of discretion and replace it with the specific design outcomes sought. The Retirement Villages Association of New Zealand [FS126.82] and Ryman Healthcare Limited [FS128.82] support the submission point and request that it is allowed.

Assessment

613. I disagree with Kāinga Ora Homes and Communities [391.402] for the reasons detailed above under MRZ-PREC03-O1, paragraph 262.
614. I note Waka Kotahi's [370.307] neutral position on MRZ-PREC-03-R1. However, I disagree that a further weighting exercise to justify character protections is necessary for the reasons detailed under MRZ-PREC-03-P1, paragraph 262.
615. I disagree with Investore Property Limited [405.51] for the reasons detailed under MRZ-P6, paragraph 315.

Summary of recommendations

616. HS2-P3-Rec96: That submission points relating to MRZ-PREC-03-R4 are accepted/rejected as detailed in Appendix B.
617. HS2-P3-Rec97: That MRZ-PREC-03-R4 be confirmed as notified.

MRZ-PREC-03-R5: Fences and Standalone Walls (ISPP)

Matters raised by submitters

618. Lucy Harper and Roger Pemberton [401.78] seek that MRZ-PREC-03-R5 is retained as notified.
619. Kāinga Ora Homes and Communities [391.403] opposes MRZ-PREC-03-R5 and seeks that it is deleted in its entirety. Wellington’s Character Charitable Trust [FS82.89] oppose the submission point and seek that it is disallowed as the precinct protects important character values.
620. Wellington City Council [266.136] considers that there is an error in the rule and seeks an amendment as follows:

(...)

Where:

1. Compliance with MRZ-PREC-03-S6 ~~MRZ-OBPH-S6~~ is achieved.

Assessment

621. I disagree with Kāinga Ora Homes and Communities [391.403] for the reasons detailed above under MRZ-PREC-03-O1 paragraph 262.
622. I acknowledge that there is a minor error in MRZ-PREC-03-R5 as noted above and suggest that this be rectified as outlined below.

Summary of recommendations

623. HS2-P3-Rec98: That submission points relating to MRZ-PREC-03-R5 are accepted/rejected as detailed in Appendix B.
624. HS2-P3-Rec99: That MRZ-PREC-03-R5 be amended as set out below and detailed in Appendix A.

MRZ-PREC03-R5: Fences and standalone walls.

- b. Activity status: Permitted

(...)

- c. Activity status: Restricted Discretionary

Where:

2. Compliance with MRZ-PREC-03-S6 ~~MRZ-OBPH-S6~~ is achieved.

(...)

MRZ-PREC-03-R6: Buildings and Structures on or over a Legal Road (P1 Sch1)

Matters raised by submitters

625. Lucy Harper and Roger Pemberton [401.79] seek that MRZ-PREC-03-R6 is retained as notified.
626. Kāinga Ora Homes and Communities [391.404] opposes MRZ-PREC03-R6 and seeks that it is deleted in its entirety. Wellington’s Character Charitable Trust [FS82.90] oppose the submission point and seek that it is disallowed as the precinct protects important character values.
627. Waka Kotahi [370.309] holds a neutral position on MRZ-PREC03-R6 but requests that the rule is amended by way of a Restricted Discretionary Activity condition, requiring written approval from Waka Kotahi authorising any building or structure on or over any legal road it controls to ensure visibility over the road corridor.

Assessment

628. I disagree with Kāinga Ora Homes and Communities [391.404] for the same reasons as detailed above under MRZ-PREC-03-O1, paragraph 262.
629. I disagree in part with Waka Kotahi [370.309] that inclusion of a requirement to provide written approval from Waka Kotahi authorising any building or structure proposed to be located on legal road controlled by Waka Kotahi is necessary. There are no state highways on, or near, Oriental Parade.
630. I note that there is a minor error in MRZ-PREC-03-R6 and that the term ‘Where’ should be replaced with ‘matters of discretion’. Given the inconsequential nature of this error I would suggest a change is made under Clause 16 of Schedule 1 of the RMA as outlined below.

Summary of recommendations

631. HS2-P3-Rec100: That submission points relating to MRZ-PREC-03-R6 are accepted/rejected as detailed in Appendix B.
632. HS2-P3-Rec101: That MRZ-PREC-03-R6 be amended as set out below and detailed in Appendix A.

MRZ-PREC03-R6: Buildings and structures on or over legal road

1. Activity status: Restricted Discretionary

Where: Matters of discretion are:

- a. Streetscape and visual amenity effects;
- b. Dominance, privacy and shading effects on adjoining properties;
- c. Maintaining safe access and safety for road users, including pedestrians; and
- d. The matters in MRZ-P8, MRZ-P10, MRZ-P11 and MRZ-PREC03-P1.

Notification status: An application for resource consent made in respect of rule MRZ-PREC03-R6.1 is precluded from being publicly notified.

MRZ-S1: Building Height Control 1 (ISPP)

Matters raised by submitters

633. Jonathan Markwick and Waka Kotahi seek that MRZ-S1 is retained as notified.

634. David Stevens [151.9 and 151.10] seeks that several specific areas have an 11m height limit for reasons including that the areas do not have an overwhelming demand for housing and public transport is limited. The specific areas include:
 - e. Surrounding area of Khandallah.
 - f. The corridor from Broadmeadows to Crofton Downs.
 - g. Khandallah and Ngaio centres.

635. Cameron Vannisselroy [157.11] and Richard W Keller [232.12] seek that MRZ-S1 is amended to be consistent with the Coalition for More Homes' alternative medium density residential standards.

636. Leeanne Templer [206.6] opposes the 11m height limit in Rama Crescent, for reasons previously discussed in this report. The submitter seeks that MRZ-S1 is amended so that Rama Crescent and streets around Rama Crescent are exempt.

637. The Wellington City Council [266.137] considers that there is a need to amend exemptions to MRZ-S1, as follows:

(...)

This standard does not apply to:

- a. Fences or standalone walls. ;
- b. Solar panel and heating components attached to a building provided these do not exceed the height by more than 500mm; and
- c. Satellite dishes, antennas, aerials, chimneys, flues, architectural or decorative features (e.g. finials, spires) provided that none of these exceed 1m in diameter and do not exceed the height by more than 1m measured vertically.

638. Everard Aspell [270.7] considers that allowing building heights of 11-21 metres in the inner-city suburbs of Mount Victoria, Mount Cook, Thorndon, Berhampore, Newtown and Aro Valley will create shading, privacy issues, loss of green areas, reduced property values and will forever change the streetscape and will not reflect the character of the area. She seeks that intensification is restricted to brownfield sites. Thorndon Residents Association Inc [FS69.106] support the submission point and seek that it is allowed.
639. Fire and Emergency New Zealand [273.183] seek that an exemption is made in MRZ-S1 for hose drying towers up to 15m in height.
640. Phillippa O'Connor [289.22 and 289.23] considers that the western side of Kelburn Parade should have the building height increased to 21m due to its proximity to the university and transport networks. The submitter also requests that MRZ-S1 and MRZ-S2 are combined for simplicity.
641. Khoi Phan [326.24] considers that MRZ-S1 should be amended so that structures do not exceed 16 metres in height and the 15-degree slope are removed.
642. Kāinga Ora Homes and Communities [391.406] seeks that MRZ-S1 is amended to apply to all residential units regardless of how many are on a site and to be more enabling for residential units located within close proximity to train stations and local centres. The following amendments are sought:

Building height control 1:

- ~~1. where no more than three residential units occupy the site; or~~
- ~~2. For the construction, addition or alteration of any buildings or structures in a Character Precinct or Mount Victoria North Townscape Precinct.~~

1. ...

Except where:

2. In areas identified as having a height control of 18m in the planning maps, the height must not exceed 18 metres above ground level except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed the heights above by 1 metre, where the entire roof slopes 15° or more, as shown in Diagram 1 below:

...

643. Catharine Underwood [481.7 and 481.8] seeks that MRZ-S1 is removed in Brooklyn and the ODP rules reinstated until a character/heritage assessment is complete.
644. Johanna Carter [269.11] seeks that MRZ-S1 is amended to adequately control the adverse impacts that will result from higher density development.
645. Richard Benge [327.3] seeks that MRZ-S1 is amended to reinstate Height Control Area 3 (21m).

646. Donna Yule [421.2] opposes MRZ-S1 on the basis that the height limits are too high.

Assessment

647. In response to David Stevens [151.9 and 151.10], I do not support decreasing height limits where they are greater than 11m in the areas specified. The submitter has not provided sufficient evidence to back up the claims that the areas 'do not have an overwhelming demand for housing and public transport is limited'. The height limits proposed throughout the areas described, and throughout the entire city, have been informed by several factors including the NPS-UD, the Housing and Business Capacity Assessments and the walking catchment analysis that was detailed in Hearing Stream 1. To summarise, the areas where greater height limits are proposed are in locations where they are within walking distance of amenities such as public transport, shopping centres and business districts.
648. In response to Cameron Vannisselroy [157.11] and Richard W Keller [232.12], MRZ-S1 has been informed by the MDRS directive in clause 11 of Schedule 3A of the RMA.
649. In response to Leeanne Templer [206.6], the reasons detailed under MRZ-O1 paragraph 239 also apply to this submission point on MRZ-S1.
650. I support the requested amendments by the Wellington City Council [266.137]. The proposed exclusions will not result in additional unacceptable adverse effects and will reduce unnecessary resource consenting costs. The proposed amendments also clarify that the standard does not apply to multi-housing units or retirement villages.
651. I disagree with Everard Aspell [270.7] as the proposed provisions, including MRZ-S1, reflect various statutory requirements including Clause 5 of Schedule 3A of the RMA, and the directives in Policies 2 and 3 of the NPS-UD. Granting the relief sought would be contrary to these requirements.
652. I disagree with FENZ [273.183] that a height exemption for hose drying towers associated with a fire station is necessary. Over-height structures may have adverse effects that should be considered through a consenting process. I also do not anticipate that consents for hose drying towers will be frequently needed so will not result in a significant cost or delay to FENZ.
653. I disagree with Phillippa O'Connor [289.22 and 289.23] to increase the height limit on the western side of Kelburn Parade from 14m to a comparable HRZ height limit of 21m. In particular, given the lower density residential character of the Kelburn Parade area and its proximity to key centres being further than that of sites zoned HRZ, I am of the opinion that the suggested increase would not be appropriate. I also disagree with combining MRZ-S1 and MRZ-S2 as I consider that the two standards aid interpretation of the plan, creating a clear distinction between height controls for multi-unit housing and retirement villages and lower density housing.

654. I disagree with Khoi Phan [326.24]. The 11m height limit complies with the statutory requirement in Clause 5 of Schedule 3A of the RMA and provides sufficient housing to meet demand, as required under Policy 2 of the NPS-UD, while balancing residential amenity effects.
655. In response to Kāinga Ora Homes and Communities [391.406], it is unnecessary, in my view, for MRZ-S1 to apply to all buildings as the height control areas provide a clear distinction between height limits for multi-units and retirement villages, and other lower density buildings. As described above, I support this approach. I also consider that the height limits have been informed by access to services such as public transport so there is no need to provide for this in MRZ-S1.
656. I disagree with Catharine Underwood [481.7 and 481.8]. Issues to do with character are extensively addressed in the Character Section of this Report.
657. I disagree with Johanna Carter [269.11] as I consider the MRZ already adequately controls the adverse impacts that will result from higher density development, through the proposed provisions, including bulk and location standards.
658. I disagree with Richard Benge [327.3] as in my view the height limits in the PDP satisfy the directive in Policy 2 of the NPS-UD to provide at least sufficient housing to meet expected demand while also balancing potential impacts on residential amenity.
659. I disagree with Donna Yule [421.2] as the height limits are informed by and comply with the relevant statutory requirement in Clause 5 of Schedule 3A of the RMA, and the directives in Policies 2 and 3 of the NPS-UD.

Summary of recommendations

660. HS2-P3-Rec102: That submission points relating to MRZ-S1 are accepted/rejected as detailed in Appendix B.
661. HS2-P3-Rec103: That MRZ-S1 be amended as set out below and detailed in Appendix A.

MRZ-S1: Building Height Control 1:

- a. Where no more than three residential units occupy the site; or**
 - b. For the construction, addition or alteration of any buildings or structures in a Character Precinct or Mount Victoria North Townscape Precinct.**
- i. Buildings and structures must not exceed 11 metres in height above ground level, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed the heights above by 1 metre, where the entire roof slopes 15° or more, as shown in Diagram 1 below:

(...)

This standard does not apply to:

- ii. Fences or standalone walls.
- iii. Solar panel and heating components attached to a building provided these do not exceed the height by more than 500mm; and
- iv. Satellite dishes, antennas, aerials, chimneys, flues, architectural or decorative features (e.g. finials, spires) provided that none of these exceed 1m in diameter and do not exceed the height by more than 1m measured vertically.

S32AA Evaluation

662. In my opinion, the amendment to the MRZ-S1 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:
- a. The proposed exclusions will not result in additional unacceptable adverse effects and will reduce unnecessary resource consenting costs. The proposed amendments also clarify that the standard does not apply to multi-housing units or retirement villages. The changes are therefore more efficient and effective than the notified provisions in achieving the objectives of the plan.
 - b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

MRZ-S2: Building Height Control 2 (ISPP)

Matters raised by submitters

663. Several submitters including Lillias Bell [50.2], Ruapapa Limited [225.4] and Pukepuke Pari Residents Incorporated [237.5] seek that MRZ-S2 is retained as notified.
664. Escape Investments Limited made further submissions opposing some of the above requests.
665. The Wellington Tenths Trust [363.3] seek that MRZ-S2 is amended at 557 Adelaide Road to heights advised by the Trust.
666. David Stephen [82.4] and Ian Law [101.4] seek that MRZ-S2 is amended to remove Height Area 2.

667. Several submitters, including Julie Patricia Ward [103.4 - 103.5] seeks that the maximum height in the walkable catchment around the Khandallah Local Centre Zone is amended to 11m, or requests that the height limit is amended to 11m throughout the Khandallah Medium Density Zone. The Retirement Villages Association of New Zealand [FS126.251] and Ryman Healthcare Limited [FS128.251] oppose some of the submissions referenced above requesting changes to the height limit in Khandallah. The submitter seeks that the amendments are disallowed. This is on the grounds that the submissions are inconsistent with Schedule 3A of the RMA and the NPS-UD.
668. 292 Main Road Limited [105.4] seeks that MRZ-S2 is amended at 292 Main Road, Tawa only, to a height which allows 6 storeys.
669. Leeanne Templer [206.7] opposes the 11m height limit in Rama Crescent, for reasons previously discussed in this report. The submitter seeks that MRZ-S2 is amended so that Rama Crescent and streets around Rama Crescent are exempt.
670. Catharine Underwood [481.9 and 481.10] seeks that MRZ-S2 is removed in Brooklyn and the Operative District Plan Rules reinstated until a character/heritage assessment is complete.
671. The Newtown Residents Association [440.4, 440.5, 440.21, 440.22, and 440.23] opposes the 21m and 14m height limit in Newtown.
672. Everard Aspell [270.8] considers that allowing building heights of 11-21 metres in the inner-city suburbs of Mount Victoria, Mount Cook, Thorndon, Berhampore, Newtown and Aro Valley will create shading, privacy issues, loss of green areas, reduced property values and will forever change the streetscape and will not reflect the character of the area. The submitter seeks restriction of intensification to brownfield sites. Thorndon Residents Association Inc [FS69.110] support the submission point and seek that it is allowed.
673. Fire and Emergency New Zealand [273.185] seek that an exemption is made in MRZ-S2 for hose drying towers up to 15m in height.
674. Geoff Upton [116.2] seeks that the height limit for the block of properties between Park Road and Tauhinu Road, Rex Street and Brussels Street is amended from 14m to 11m on the basis that the height limits are inconsistent across Miramar.
675. Scots College Incorporated [117.9] considers that due to the large size of the Scots College Campus, the site can accommodate building heights up to 16m and requests a new height area of 16m for the Campus.
676. Pam Wilson [120.5] seeks that MRZ-S2 is amended to remove the 14m height limit.
677. Kim McGuinness, et al., [204.10 and 204.11] consider that 14m is too high and will erode the character of the area between Adelaide Road, Stoke Street, and Kenwyn Terrace and seeks

the height limit for this area is reduced to 11m from 14m. Claire Nolan, et al., [FS68.14 and FS68.15] support the submission point.

678. Phillippa O'Connor [289.24 and 289.25] considers that the western side of Kelburn Parade should have the building height increased to 21m due to its proximity to the university and transport networks. The submitter also requests that MRZ-S1 and MRZ-S2 are combined for simplicity. Kāinga Ora Homes and Communities [391.407] also request that MRZ-S1 and MRZ-S2 are combined. The Retirement Villages Association of New Zealand [FS126.136] and Ryman Healthcare Limited [FS128.136] support the submission point. The Thorndon Residents' Association Inc [FS69.24] oppose on the basis that excessive ratios of height to boundary will have detrimental impacts.
679. Johanna Carter [296.12] seeks that MRZ-S2 is amended to adequately control the adverse impacts that will result from higher density development.
680. The Retirement Villages Association of New Zealand [350.133] notes that the standard fails to provide for roof variation height in line with the MDRS and seeks an amendment to rectify.
681. Metlifecare Limited [413.33] seek that MRZ-S2 is amended to take into account pitched roof types. The submitter requests MRZ-S2 is amended as follows:

Height Area 1: 11m above ground level, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed the heights above by 1 meter, where the entire roof slopes 15° or more.

Assessment

682. I disagree with the Wellington Tenth Trust [363.3] who have sought specific height limits as the Trust has not provided compelling reason/s or section 32AA evaluation to support the specific height limits requested.
683. I disagree with David Stephen [82.4] and Ian Law [101.4] as Height Area 2 is based on an analysis of walking catchments, including the proximity to public transport and centres. This assessment is in keeping with the statutory requirements, particularly the directives in Policy 3 of the NPS-UD and the MDRS requirement in Clause 5, Schedule 3A of the RMA.
684. In response to those submitters seeking height reductions in and around Khandallah, I do not support decreasing height limits where they are greater than 11m. In particular, I note that the submitters have not provided any compelling reason/s or section 32AA evaluation to support their requests. The height limits proposed throughout the areas described, and throughout the entire city, have been informed by several factors including Clause 5 of Schedule 3A of the RMA, Policy 3 of the NPS-UD, the Housing and Business Capacity Assessments and the walking catchment analysis detailed in Hearing Stream 1. To summarise, the areas where greater height limits are proposed are in locations where they are within

walking distance of services and amenities such as public transport, shopping centres and business districts.

685. I disagree with 292 Main Road Limited [105.4] as the amendment requested would essentially result in an unjustifiable 'spot zone' which would enable a scale of development out of character with the surrounding residential environment, noting that the 11m height limit reflects the sites' location to services and amenities.
686. In response to Leeanne Templer [206.7], I disagree with the relief sought for the reasons detailed under MRZ-O1, paragraph 239.
687. In response to Catharine Underwood [481.9 and 481.10], I disagree with the relief sought for the reasons detailed under MRZ-S1, paragraph 656.
688. I disagree with Everard Aspell [270.8] and Thorndon Residents Association Inc [FS69.110] for the reasons detailed under MRZ-S1, paragraph 651.
689. I disagree with FENZ [273.185] for the reasons detailed under MRZ-S1, paragraph 652.
690. In response to Geoff Upton [116.2], I do not support the requested height amendments in Miramar as the proposed height limits reflect an analysis that was completed to determine access to amenities and services such as public transport and centres.
691. Although I agree with Scots College Incorporated [117.9] that the schools in question are on large sites, I do not agree that this is a justifiable reason to allow greater height limits as large buildings could potentially be built on the boundaries of residential properties under this proposed change irrespective of the size of the site. I note that there is the ability for a resource consent to be sought and obtained for any breaches including of the height limit.
692. In response to submitters who consider that 14m is too high, including from Pam Wilson [120.5] and Kim McGuiness, et al., [204.10 and 204.11], and the Newtown Residents Association [440.4, 440.5, 440.21, 440.22, and 440.23], I disagree. The height limits have been determined based on several factors including Clause 5 of Schedule 3A of the RMA, Policy 3 of the NPS-UD, the Housing and Business Capacity Assessments and the walking catchment analysis detailed in Hearing Stream 1 and granting the relief sought would in my view to lower height limits would be contrary to the relevant statutory requirements.
693. In response to Phillippa O'Connor [289.24 and 289.25] and Kāinga Ora Homes and Communities [391.407] I disagree with the relief sought for the reasons detailed under MRZ-S1, paragraph 653.
694. In response to Johanna Carter [296.12] I disagree with the relief sought for the reasons detailed under MRZ-S1, paragraph 657.

695. I agree with the Retirement Villages Association of New Zealand [350.133] and Metlifecare Limited [413.33] who note that the standard fails to provide for roof variation height in line with the MDRS and note that the standard as proposed does not give full effects to the MDRS. In response I support the relief sought in relation to the 11m height limit (Height Area 1).

Summary of recommendations

696. HS2-P3-Rec104: That submission points relating to MRZ-S2 are accepted/rejected as detailed in Appendix B.

697. HS2-P3-Rec105: That MRZ-S2 be amended as set out below and detailed in Appendix A.

MRZ-S1: Building Height Control 2:	
<ol style="list-style-type: none"> 1. For multi-unit housing or a retirement village; or 2. Other buildings and structures. <ol style="list-style-type: none"> 1. Buildings and structures must not exceed the following heights above ground level as identified on the District Plan maps: Buildings and structures must not exceed the following heights above ground level as identified on the District Plan maps: 	
Location	Limit
a. Height Area 1	11m, <u>except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more.</u>
b. Height Area 2	14m
(...)	

S32AA Evaluation

698. In my opinion, the amendment to the MRZ-S2 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:

- a. The proposed exclusions will not result in additional unacceptable adverse effects and will reduce unnecessary resource consenting costs. The changes are therefore more efficient and effective than the notified provisions in achieving the objectives of the plan.
- b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

MRZ-S3: Height in relation to boundary (ISPP)

Matters raised by submitters

699. Several submitters including the WCC Environmental Reference Group [377.353] seek that MRZ-S3 is retained as notified.

700. James Barber [56.3] considers that there should be no height in relation to boundary controls on low to medium density housing. The Interprofessional Trust and Khoi Phan also seek that MRZ-S3 is deleted in its entirety.
701. Cameron Vannisselroy [157.12] and Richard W Keller [232.14] seek that MRZ-S3 is amended to be consistent with the Coalition for More Homes' alternative medium density residential standards.
702. Ann Mallinson [81.5] considers that developers should not be permitted to build into sunlight recession planes as the extra heating required from neighbouring properties will affect carbon emissions.
703. The Wellington City Council [266.138] considers that the following changes should be made to MRZ-S3 to amend exemptions:

This standard does not apply to:

- d. (...);
- e. Solar panel and heating components attached to a building provided these do not exceed the height by more than 500mm; and
- f. Satellite dishes, antennas, aerials, chimneys, flues, architectural or decorative features (e.g. finials, spires) provided that none of these exceed 1m in diameter and do not exceed the height by more than 1m measured vertically.

704. Fire and Emergency New Zealand [273.187] seek that an exemption is made to MRZ-S3 for hose drying towers up to 15m in height.
705. Johanna Carter [296.13] seeks that MRZ-S3 is amended to take into account boundary orientation to adequately control the adverse impacts that will result from higher density development.
706. The Retirement Villages Association of New Zealand [350.134] seeks to amend MRZ-S3 so the standard does not apply to boundaries adjoining open space and recreation zones, commercial and mixed-use zones, and special purpose zones.
707. Kāinga Ora Homes and Communities [391.409] seeks amendments to align with requested changes to MRZ-S1 and MRZ-S2.
708. Kirsty Woods [437.7] considers that MRZ-S3 does not adequately address the loss of sunlight effects and seeks the following amendments:

3. For any site where MRZ-S1 or MRZ-S2.1.a applies: no part of any building or structure may project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along ~~all boundaries, as shown in Diagram 2 below~~ its northern boundary, and 2 metres vertically above ground level along its southern, eastern and western boundaries;
[amendment to diagram will be required]
4. For any site where MRZ-S2.1.b applies: no part of any building or structure may project beyond a 60° recession plane measured from a point 5 metres vertically above ~~ground level along all boundaries~~ its northern boundary, and 2 metres vertically along its eastern, western and southern boundaries; and

709. The Newtown Residents Association [440.24] considers that MRZ-S3 is too limited and does not provide enough protection from shade. The submitter seeks the following amendments to MRZ-S3:

- ...
5. Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.
6. 4. For any site where MRZ-S1, MRZ-S2.1.a or MRZ-S2.1.b applies that is located within 60m of a site in the Natural Open Space Zone, Open Space Zone, or Sport and Active Recreation Zone: all buildings and structures must be designed and located to maintain sunlight access to a minimum of 70% of the open space site area during 10am to 4.30pm at either of the equinoxes (i.e. 21 March or 23 September) and at midwinter i.e. 23 June.
- ...

710. Jonathan Markwick [490.20] considers that MRZ-S3 should be removed for sites that have a street frontage of 15m or less, to ensure development can occur on small sites.

Assessment

711. I disagree with James Barber [56.3], and other submitters who consider that MRZ-S3 is not necessary for low-medium density housing as the standard directly implements the statutory requirement in clause 12 of Schedule 3A of the RMA. Additionally, I consider that height in relation to boundary controls are important to ensure that adjoining properties receive adequate access to sunlight. Further, I note that no compelling reason/s or section 32AA evaluation has been provided to support the relief sought.

712. In response to Cameron Vannisselroy [157.12] and Richard W Keller [232.14], I disagree and note that MRZ-S3 has been informed by and complies with the statutory requirement in clause 12 of Schedule 3A of the RMA.

713. In response to Ann Mallinson [81.5], I disagree and note that MRZ-S3 has been proposed as it aligns with the statutory requirements of Schedule 3A, Clause 12 of the RMA.

714. I support the requested amendments by the Wellington City Council [266.138] as the proposed exclusions address an apparent drafting oversight and will not result in additional unacceptable adverse effects and will reduce unnecessary resource consenting costs.

715. I disagree with FENZ [273.187] that an exemption for hose drying towers associated with a fire station is necessary for the reasons detailed under MRZ-S1, paragraph 652.
716. In response to Johanna Carter [296.13], the submitter does not provide any specific examples of the relief they are seeking. I do not support this submission point and consider that the height in relation to boundary controls are adequate to address sunlight concerns. I also argue that any amendment to lower the height or angle of the control will contravene the MDRS, as required by Clause 12 of Schedule 3A of the RMA.
717. I disagree with the Retirement Villages Association of New Zealand [350.134] as I consider that MRZ-S3 should apply to all boundaries, regardless of zoning, because the boundary setbacks contribute to protecting amenity. This is particularly relevant to open spaces and reserves which can be significantly impacted by excessive shading.
718. In response to Kāinga Ora Homes and Communities [391.409], I do not support the relief sought for the reasons stated under MRZ-S1, paragraph 655.
719. In response to Kirsty Woods [437.7], I note that the requested amendments do not align with the statutory directive in Clause 12 of Schedule 3A of the RMA.
720. I do not support the requested relief from the Newtown Residents Association [440.24] as I consider this to be an impractical addition to the standard which would add unnecessary complexity and cost to applications. I consider that MRZ-S3 adequately controls the effects of shading on all adjoining properties. In addition, granting the relief would not comply with the statutory directive in Clause 12 of Schedule 3A of the RMA.
721. I disagree with Jonathan Markwick [490.20]. I consider that development on smaller sites can still impact on the shading of adjoining properties and, as a result, am of the view that granting the relief sought would create an undesirable and inequitable amenity outcome.

Summary of recommendations

722. HS2-P3-Rec106: That submission points relating to MRZ-S3 are accepted/rejected as detailed in Appendix B.
723. HS2-P3-Rec107: That MRZ-S3 be amended as set out below and detailed in Appendix A.

MRZ-S3: Height in Relation to Boundary

1. For any site where MRZ-S1 or MRZ-S2.1.a applies: no part of any building or structure may project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along all boundaries, as shown in Diagram 2 below
(...)
2. For any site where MRZ-S2.1.b applies: no part of any building or structure may project beyond a 60° recession plane measured from a point 5 metres vertically above ground level along all boundaries; and
3. Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.

This standard does not apply to:

- c. A boundary with a road;
- d. Existing or proposed internal boundaries within a site; and
- e. Site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.
- f. Solar panel and heating components attached to a building provided these do not exceed the height by more than 500mm; and
- g. Satellite dishes, antennas, aerials, chimneys, flues, architectural or decorative features (e.g. finials, spires) provided that none of these exceed 1m in diameter and do not exceed the height by more than 1m measured vertically.

S32AA Evaluation

724. In my opinion, the amendment to the MRZ-S2 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:
- a. The proposed exclusions will not result in additional unacceptable adverse effects and will reduce unnecessary resource consenting costs. The changes are therefore more efficient and effective than the notified provisions in achieving the objectives of the plan.
 - b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

MRZ-S4: Boundary Setbacks (ISPP)

Matters raised by submitters

725. Several submitters including Nico Maiden [77.3], David Stephen [82.5] and Ian Law [101.5] seek that MRZ-S4 is retained as notified.
726. James Barber [56.4 and 56.5] considers that there should be no setback requirements for low to medium density housing and seeks that MRZ-S4 is deleted in its entirety.
727. Zaffa Christian [174.4] and Jon Gaupset [175.4] oppose MRZ-S4 in relation to developments of 1-3 household units not requiring side and front yard setbacks, due to earthquake damage risk. Kiwirail Holdings Limited [FS72.85 and FS72.86] oppose the submission point on the basis

that yard setbacks are required along rail corridors to ensure people can use and maintain their land and buildings safely.

728. Karen Serjeantson [43.3] seeks that one side boundary of 5-6m is provided, to provide breathing space.
729. Tim Bright [75.9], Janice Young [140.6], Meredith Robertshawe [444.4] and Monique Zorn [205.3] seek that MRZ-S4 is amended so boundary setbacks are reinstated for developments of 1 to 3 units. Victoria Stace [235.4], Paul Ridley-Smith [245.5], Onslow Residents Community Association [283.10] and the Johnsonville Community Association [429.32] also seek that MRZ-S4 is amended to reinstate boundary setbacks for developments of 1 to 3 units but provide specific setback requests being 1.5m from the front yard and 1m from side yards.
730. Nico Maiden [77.3] considers that requiring a smaller front yard will lead to larger back yards and requests that the front yard requirement is reduced to 1m.
731. Hugh Good [90.5] seeks that the requirement for front and side yards is removed.
732. Adamson Shaw [137.9 and 137.10] seeks that the front boundary setback is changed to '1.5m, or 10m less half the width of the road, whichever is lesser'. The submitter also seeks that there is no side or rear yard setback requirement, except that, a minimum width of 1m must be maintained between buildings where a residential building on an adjoining site is located less than 1m from the boundary. The submitter requests these changes as they consider that the current yard setbacks in the ODP are more permissive than the PDP.
733. Vivienne Morrell [155.11] seeks a greater yard setback than 1m for properties adjoining character or heritage areas.
734. Cameron Vannisselroy [157.13] and Richard W Keller [232.15] seek that MRZ-S4 is amended to be consistent with the Coalition for More Homes' alternative medium density residential standards.
735. Russell Taylor [224.2] seeks that MRZ-S4 is amended to not apply to multi-unit developments.
736. The Wellington City Council [266.139] seeks the following changes to MRZ-S4:

...

This standard does not apply to:

- a. Developments of 1-3 household units with respect to the front and side yard set-back requirements;
- b. Site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed; and
- c. Fences or standalone walls;
- d. Uncovered decks and uncovered structures no more than 500mm in height above ground level;
- e. Eaves up to 600mm in width;
- f. Multi-unit housing; and
- g. Retirement villages.

737. Rimu Architects Limited [318.25] also seek that the amendments under (d) and (e) above are made to MRZ-S4. Kiwirail Holdings Limited [FS72.87] oppose on the basis that exempting 1-3 dwellings from complying with yard setback standards could result in buildings being built on the boundary of rail corridors, which would undermine the ability of people to use land or maintain buildings safely.
738. Kiwirail Holdings Limited [408.119] seeks 5m yard setbacks from rail corridors. This would enable maintenance of buildings to be undertaken safely, without the risk of machinery, equipment or materials protruding into the rail corridor. Kāinga Ora Homes and Communities [FS89.33] oppose on the basis that a considerably reduced setback, from their proposed 5m, would provide adequate space for maintenance of buildings.
739. Johanna Carter [296.14] seeks that MRZ-S4 is amended so that the setback is increased to improve privacy between homes.
740. James Coyle [307.14 and 307.15] seeks that a maximum yard limit is applied, being 4m.
741. Khoi Phan [326.26] seeks that the yard setbacks are amended to 1m from the front yard and 0.5m for side and rear yards.
742. Mt Cook Mobilised [331.13] seeks that MRZ-S4 is amended to allow a 1m wide emergency water tank to be stored in a side yard.
743. Waka Kotahi [370.314] seeks that MRZ-S4 has immediate legal effect.
744. The WCC Environmental Reference Group [377.354] considers that the boundary setbacks do not provide for efficient use of land, and will continue to perpetuate the poor land use practice of infill without regard to long term liveability. The submitter seeks:
- a. Removal of the front yard requirement.
 - b. Removal of the side yard requirement for the first 20m from the street frontage to the back.
 - c. An increase to the rear yard requirement to 8m.

- 745. Donna Yule [421.3] seeks that the minimum boundary setbacks require at least 1m from any boundary to protect sunlight and privacy.
- 746. Meredith Robertshawe [444.5] seeks that the exemptions applying to common wall buildings and fences is removed to ensure space between separate buildings will be retained.
- 747. The Greater Brooklyn Residents Association [459.8] seeks that the front yard setback is increased to 2m.
- 748. Catharine Underwood [481.1 and 481.23] seeks that a minimum boundary of 2m is applied to ensure space around houses for green areas and rubbish bins, etc.
- 749. Tim Bright [75.4] considers that a boundary setback of 1m should be required between MRZ sites and heritage areas and character precincts.
- 750. The Thorndon Residents Association [333.7] seeks that adequate boundary setbacks are required in every residential zone, 1.5m from the front and 1m from the side being the minimums.

Assessment

- 751. In response to those submitters who seek that MRZ-S4 is amended so boundary setbacks are reinstated for developments of 1 to 3 units, I have addressed this under MRZ-R13, paragraph 530, noting further that I have recommended that the exclusion under MRZ-R13, which excluded developments resulting in 1-3 residential units from the side and front yards, be removed.
- 752. In response to those submitters who seek that MRZ-S4 is removed, including James Barber [56.4 and 56.5] and Hugh Good [90.5], I note that the boundary setbacks have been informed by and comply with the statutory requirement in Clause 13 of Schedule 3A of the RMA.
- 753. In response to those submitters who seek greater yard setbacks than what is proposed, I note that granting the relief sought would result in non-compliance with the statutory directive in Clause 13 of Schedule 3A of the RMA.
- 754. In response to Adamson Shaw [137.9 and 137.10], I note that MRZ-S4 has been informed by and complies with the statutory requirement in Clause 13 of Schedule 3A of the RMA. I also consider that the increased level of development anticipated under the PDP, as opposed to the ODP, warrants the boundary setbacks that are proposed as they will help to ensure better amenity and liveability outcomes.
- 755. In response to Vivienne Morrell [155.11] and Tim Bright [75.4], a greater yard setback would be contrary to Clause 13 of Schedule 3A of the RMA.

756. In response to Cameron Vannisselroy [157.13] and Richard W Keller [232.15], I note that MRZ-S4 has been informed by and complies with the statutory requirement in Clause 13 of Schedule 3A of the RMA.
757. I disagree with Russell Taylor [224.2] as I consider it important that the boundary setbacks apply to multi-unit development, given the higher density of multi-unit developments and the impact on neighbouring properties, and note that it is a statutory requirement under Clause 13 of Schedule 3A of the RMA. I also note that the standard does not apply to Site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.
758. I disagree with that part of the Wellington City Council submission point [266.139] which seeks that Developments of 1-3 household units are excluded from the front and side setbacks as I consider this to be an inappropriate outcome which does not align with the statutory requirement in Clause 13 of Schedule 3A of the RMA.
759. I also disagree with that part of the Wellington City Council submission point [266.139] which seeks exclusions for multi-unit housing and retirement villages as there are no standards proposed which address these developments and I consider that boundary setbacks in relation to these development types are important and necessary to ensure better amenity and liveability outcomes. I note that the standard does not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.
760. I agree with the part of the Wellington City Council submission point [266.139] which seeks exclusions for uncovered decks and eaves. I note that Rimu Architects Ltd [318.25] also seek this and I also agree. I consider this to be a sensible addition which will reduce consenting costs and not result in any greater adverse effects.
761. In response to Kiwirail Holdings Limited [408.119], I agree with the submitter that requiring a setback from a railway corridor is a sensible outcome to ensure that buildings and structures can be accessed and maintained without needing to access or use the railway corridor. This is consistent with the RPS Policy 8 which includes a requirement for district plans to include rules that protect regionally significant infrastructure from incompatible new subdivision, use and development occurring under, over, or adjacent to the infrastructure. However, I disagree that a 5m setback is required and would instead suggest that MRZ-S4 is amended to require a 1.5m setback from the railway corridor as I consider that this should enable sufficient space to access and maintain buildings safely. I note that the submitter has not provided compelling evidence of why a 5m setback is required.
762. I disagree with Khoi Phan [326.26], noting that MRZ-S4 has been informed by and complies with the statutory requirement in Clause 13 of Schedule 3A of the RMA.

763. I disagree with the WCC Environmental Reference Group [377.354], noting that MRZ-S4 has been informed by and complies with the statutory requirement in Clause 13 of Schedule 3A of the RMA.
764. I disagree with Meredith Robertshawe [444.5] as I am of the view that removing the exclusion for common wall buildings will result in reduced development capacity, with no compelling evidence provided to justify why the exclusion should be removed. I consider the exclusion is a practical provision as it caters for those circumstances where buildings share a common wall. I also note that any such development will also need to satisfy the intent of the Residential Design Guide.
765. In response to the Thorndon Residents Association [333.7], I note that MRZ-S4 already proposes a boundary setback of 1.5m from the front and 1m from the side.

Summary of recommendations

766. HS2-P3-Rec108: That submission points relating to MRZ-S4 are accepted/rejected as detailed in Appendix B.
767. HS2-P3-Rec109: That MRZ-S4 be amended as set out below and detailed in Appendix A.

MRZ-S4: Boundary setbacks											
vi.	Buildings and structures must be set back from the relevant boundary by the minimum depth listed in the yards table below:										
	<table border="1"> <thead> <tr> <th>Yard</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Front</td> <td>1.5 metres</td> </tr> <tr> <td>Side</td> <td>1 metre</td> </tr> <tr> <td>Rear</td> <td>1 metre (excluded on corner sites)</td> </tr> <tr> <td><u>Rail corridor boundary</u></td> <td><u>1.5m</u></td> </tr> </tbody> </table>	Yard	Minimum depth	Front	1.5 metres	Side	1 metre	Rear	1 metre (excluded on corner sites)	<u>Rail corridor boundary</u>	<u>1.5m</u>
Yard	Minimum depth										
Front	1.5 metres										
Side	1 metre										
Rear	1 metre (excluded on corner sites)										
<u>Rail corridor boundary</u>	<u>1.5m</u>										
	This standard does not apply to:										
ii.	Site boundaries where there is an existing common wall between 2 https://eplan.wellington.govt.nz/proposed/rules/0/182/0/0/0/31 buildings on adjacent sites or where a common wall is proposed; and										
iii.	Fences or standalone walls;										
iv.	<u>Uncovered decks and uncovered structures no more than 500mm in height above ground level;</u> <u>and</u>										
v.	<u>Eaves up to 600mm in width.</u>										

S32AA Evaluation

768. In my opinion, the amendment to MRZ-S4 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:
- a. The proposed exclusions will not result in additional unacceptable adverse effects and will reduce unnecessary resource consenting costs.

- b. The changes are therefore more efficient and effective than the notified provisions in achieving the objectives of the plan.
- c. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

MRZ-S5: Building Coverage (ISPP)

Matters raised by submitters

769. Several submitters including Waka Kotahi [370.315] and Kāinga Ora Homes and Communities [391.411] seek that MRZ-S5 is retained as notified.
770. The Wellington City Council [266.140] seeks that MRZ-S5 is amended to add exemptions. Adamson Shaw Limited [FS1.1] request that the requested exemption for uncovered decks and structures applies to decks and structures no more than 1m in height and the exemption for eaves applies to eaves up to 1m in width. This is to take into account the topography of Wellington and to be in line with the current ODP. The amendment sought by Wellington City Council [266.140] is as below:

...

This standard does not apply to:

1. Uncovered decks and uncovered structures no more than 500mm in height above ground level;
2. Eaves up to 600mm in width;
3. Multi-unit housing; and
4. Retirement villages.

771. Johanna Carter [296.15] considers that the building coverage requirement going from 35% to 50% is a significant increase and will have a big impact of the feeling of openness in the area. The submitter seeks that MRZ-S5 is amended from 50% to 35% with an additional 15% for decks.

Assessment

772. I support the requested amendments by the Wellington City Council [266.140]. In my view the proposed exclusions will not result in additional unacceptable adverse effects, particularly in relation to privacy as MRZ-S4 will still apply and will reduce unnecessary administrative and resource consenting costs. I note that a consequential amendment to MRZ-R14 is required to remove MRZ-S5 from the matters of discretion if this recommendation is accepted by the Hearings Panel.
773. I also agree with Adamson Shaw's further submission [FS1.1] which seeks an amendment to increase the height of uncovered decks and uncovered structures to 1m in height and eaves to 1m in width. I am of the opinion that the requested amendment will not result in any significant adverse effects beyond the effects that would be generated by the amendment requested by WCC and aligns the PDP with the current situation under the ODP.

774. I disagree with Johanna Carter [296.15] as the requested amendment would be contrary to the statutory requirement in Clause 14 of Schedule 3A of the RMA.

Summary of recommendations

775. HS2-P3-Rec110: That submission points relating to MRZ-S5 are accepted/rejected as detailed in Appendix B.

776. HS2-P3-Rec111: That MRZ-S5 be amended as set out below and detailed in Appendix A.

MRZ-S5: Building Coverage

- c. Maximum building coverage must not exceed 50% of the net site area.

This standard does not apply to:

- 5. Uncovered decks and uncovered structures no more than 1m in height above ground level;
- 6. Eaves up to 1m in width;
- 7. Multi-unit housing; and
- 8. Retirement villages.

S32AA Evaluation

777. In my opinion, the amendment to MRZ-S5 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:

- a. The proposed exclusions will not result in additional unacceptable adverse effects and will reduce unnecessary resource consenting costs.
- b. The changes are therefore more efficient and effective than the notified provisions in achieving the objectives of the plan.
- c. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

MRZ-S6: Outdoor Living Space (Per Unit) (ISPP)

Matters raised by submitters

778. Several submitters including the Retirement Villages Association of New Zealand [350.137] and the WCC Environmental Reference Group [377.355] seeks that MRZ-S6 is retained as notified.

779. Although the Retirement Villages Association of New Zealand seeks retention of MRZ-S6 as notified, it notes that if MRZ-S5 is amended to include retirement villages then they seek that MRZ-S6 is amended as follows:

...

For retirement units, clause 1 and 2 apply with the following modifications:

- b. the outdoor living space may be in whole or in part grouped cumulatively in 1 or more communally accessible location(s) and/or located directly adjacent to each retirement unit; and
- c. a retirement village may provide indoor living spaces in one or more communally accessible locations in lieu of up to 50% of the required outdoor living space.

780. Richard W Keller [232.16] seeks that MRZ-S6 is amended to be consistent with the Coalition for More Homes' alternative medium density residential standards.
781. Johanna Carter [296.16] seeks that MRZ-S6 is amended to adequately control the adverse impacts that will result from higher density development as the submitter considers the MRZ one size fits approach does not adequately achieve this.
782. Envirowaste Services Ltd [373.16] seeks that bin storage should have a specific and acknowledged on site location outside of an outdoor living space.
783. Kāinga Ora Homes and Communities [391.413] seek that MRZ-S6 is replaced with MRZ-S13 which they consider to be more enabling and appropriate for all residential units. LIVE WELLington [FS96.31] and Roland Sapsford [FS117.30] oppose, on the basis that the current proposed standard (MRZ-S6) provides a better outcome for residents. However, the Retirement Villages Association of New Zealand [FS126.137] and Ryman Healthcare Limited [FS128.137] support.

Assessment

784. In response to the Retirement Villages Association of New Zealand [350.138], I disagreed with this request under MRZ-S5. As the relief sought in relation to MRZ-S6 is contingent on this outcome I am of the opinion that no further assessment is required.
785. In response to Richard W Keller [232.16], I note that MRZ-S6 has been informed by and complies with the statutory requirement in clause 15 of Schedule 3A of the RMA.
786. In response to Johanna Carter [296.16], I note that the submitter has not provided any specific examples of, or justification to support, the relief sought. I do not support this submission point as I consider that MRZ-S6 is an appropriate control for the development expected under the relevant legislation and the PDP, noting the statutory requirement in clause 15 of Schedule 3A of the RMA.
787. In response to Envirowaste Services Limited [373.16] I disagree with the relief sought as I consider that MRZ-S6 already specifies that the outdoor living space should be free of servicing areas, which includes areas for bin storage, under MRZ-S6.1.e. In addition, MRZ-S6 is consistent with Clause 15 of Schedule 3A of the RMA.

788. I disagree with Kāinga Ora Homes and Communities [391.413] as I consider it is appropriate to have two separate standards for multi-units and developments that result in 3 or less dwellings, particularly as the effects that could be expected from each are different and warrant separate standards. In addition, MRZ-S6 is consistent with Clause 15 of Schedule 3A of the RMA.

Summary of recommendations

789. HS2-P3-Rec112: That submission points relating to MRZ-S6 are accepted/rejected as detailed in Appendix B.
790. HS2-P3-Rec113: That MRZ-S6 be confirmed as notified.

MRZ-S7: Outlook Space (Per Unit) (ISPP)

Matters raised by submitters

791. Several submitters including Metlifecare Limited [413.36] and the WCC Environmental Reference Group [377.356] seek that MRZ-S7 is retained as notified.
792. Adamson Shaw [137.11] consider that a 4m deep outlook space is too restrictive on intensification and seeks that it is reduced to 3m.
793. Johanna Carter [296.17] seeks that MRZ-S7 is amended to adequately control the adverse impacts that will result from higher density development as the submitter considers the MRZ one size fits approach does not achieve this.
794. The Retirement Villages Association of New Zealand [350.140] supports the exclusion of retirement villages from MRZ-S7 but notes that if the standard is amended to not exclude retirement villages, then it seeks that clauses 1-9 of the standard apply but with a 1m x 1m dimension.
795. Kāinga Ora Homes and Communities [391.415] considers that MRZ-S7 should be more enabling and replaced with MRZ-S14 which is considered appropriate for all residential units regardless of the number on site.
796. Craig Palmer [492.23 and 492.24] seeks that provision is made to ensure the principal living room has a minimum of two hours of direct sunlight from June to August. This is to mitigate the small outdoor living spaces that are required.

Assessment

797. In response to Adamson Shaw [137.11], I note that MRZ-S7 has been informed by and complies with the statutory requirement in Clause 16 of Schedule 3A of the RMA.
798. In response to Johanna Carter [296.17], I note that the submitter has not provided any specific examples of, or justification to support, the relief sought. I do not support this submission point as I consider that MRZ-S7 is an appropriate control for the development expected under

the relevant legislation and the PDP, noting the statutory requirement in clause 16 of Schedule 3A of the RMA.

799. In response to the Retirement Villages Association of New Zealand [350.140], I note that there is neither a relevant submission point nor any compelling reason to amend MRZ-S7 to apply to retirement villages. Consequently, as the relief sought in relation to the standard is contingent on this outcome, I consider that no further assessment is required.
800. I disagree with Kāinga Ora Homes and Communities [391.415] as I consider it appropriate to have two separate standards for multi-units and developments that result in 3 or less dwellings, particularly as the effects that could be expected from each are different and warrant separate standards. In addition, MRZ-S7 is consistent with Clause 16 of Schedule 3A of the RMA.
801. I disagree with Craig Palmer [492.23 and 492.24] as I consider that the height in relation to boundary controls adequately address issues to do with sunlight by ensuring building heights are controlled near boundaries. Additionally, I note that no compelling reason/s or section 32AA evaluation has been provided to support the relief sought.

Summary of recommendations

802. HS2-P3-Rec114: That submission points relating to MRZ-S7 are accepted/rejected as detailed in Appendix B.
803. HS2-P3-Rec115: That MRZ-S7 be confirmed as notified.

MRZ-S8: Windows to Street (ISPP)

Matters raised by submitters

804. Several submitters including Metlifecare Limited [413.37] and the WCC Environmental Reference Group [377.357] seek that MRZ-S8 is retained as notified.
805. The Retirement Villages Association of New Zealand [350.142] notes that if MRZ-S8 is amended to apply to retirement villages then they would seek that MRZ-S8 is amended for retirement villages to only require windows on villages that face a public street.
806. Interprofessional Trust [96.7] considers that the 20% glazing standard has no support in science and that glass is not an insulating cladding and seeks that the 20% glazing standard is amended to 15-50% glass when oriented 90° of north and 20% max for other orientations, excluding shopfronts.

Assessment

807. In response to the Retirement Villages Association of New Zealand [350.142], I note that there is neither a relevant submission point nor any compelling reason to amend MRZ-S8 to apply to retirement villages. Consequently, as the relief sought in relation to the standard is contingent on this outcome, I consider that no further assessment is required.

808. In response to the Interprofessional Trust [96.7], I note that MRZ-S8 has been informed by and complies with the statutory requirement in Clause 17 of Schedule 3A of the RMA.

Summary of recommendations

809. HS2-P3-Rec116: That submission points relating to MRZ-S8 are accepted/rejected as detailed in Appendix B.

810. HS2-P3-Rec117: That MRZ-S8 be confirmed as notified.

MRZ-S9: Landscaped Area (ISPP)

Matters raised by submitters

811. Several submitters including Metlifecare Limited [413.38] and the WCC Environmental Reference Group [377.358] seek that MRZ-S9 is retained as notified.

812. Richard W Keller [232.17] seeks that MRZ-S9 is amended to be consistent with the Coalition for More Homes' alternative medium density residential standards.

813. Phillippa O'Connor considers that MRZ-S9 would benefit from having 'landscaped area' defined.

814. Johanna Carter [296.18] seeks that MRZ-S9 is amended to adequately control the adverse impacts that will result from higher density development as the submitter considers the MRZ one size fits approach does not achieve this.

815. The Retirement Villages Association of New Zealand [350.144] seeks that if MRZ-S9 is amended to apply to retirement villages following notification then the standard applies to retirement villages.

Assessment

816. In response to Richard W Keller [232.17], MRZ-S6 has been informed by and complies with the statutory requirement in clause 18 of Schedule 3A of the RMA.

817. In response to Phillippa O'Connor, I do not consider a definition for 'landscaped area' is required as the standard adequately explains what is meant by the term as follows: "...with grass or plants, and can include the canopy of trees regardless of the ground treatment below them".

818. In response to Johanna Carter [296.17], I note that the submitter does not provide any specific examples of, or justification to support, the relief sought. I do not support this submission point as I consider that MRZ-S9 is an appropriate control for the development expected under the relevant legislation and the PDP, noting the statutory requirement in clause 18 of Schedule 3A of the RMA.

819. In response to the Retirement Villages Association of New Zealand [350.144], I note that there is neither a relevant submission point nor any compelling reason to amend MRZ-S9 to apply to retirement villages. Consequently, as the relief sought in relation to the standard is contingent on this outcome, I consider that no further assessment is required.

Summary of recommendations

820. HS2-P3-Rec118: That submission points relating to MRZ-S9 are accepted/rejected as detailed in Appendix B.
821. HS2-P3-Rec119: That MRZ-S9 be confirmed as notified.

MRZ-S10: Permeable Surface Area (ISPP)

Matters raised by submitters

822. The WCC Environmental Reference Group [377.359], Metlifecare Limited [413.39] and the Retirement Villages Association of New Zealand [350.145] seek that MRZ-S10 is retained as notified.
823. Several submitters including Anne Lian [132.12], Peter Nunns [196.16] and Alicia Hall on behalf of Parents for Climate Aotearoa [472.17] seek that the permeable area is set at 30%-40% including permeable pavers/gravel.
824. Rod Halliday [25.31] considers that 30% permeable surface is too high, seeks that it is reduced to 20% of net surface area is permeable.
825. The Glenside Progressive Association [FS4.7] made a further submission in opposition to Rod Halliday's submission point above and seeks to retain MRZ-S10 at 30%. This is to reduce any increase in flooding or risks of slips.
826. Heidi Snelson [FS24.9] also made a further submission in opposition to Rod Halliday's submission point above. Heidi Snelson seeks that the submission point is disallowed to ensure strict adherence to hydraulic neutrality in Glenside West Development Area, and Stebbings Valley / Reedy Block Development Area.
827. Kāinga Ora Homes and Communities seeks [391.419] that the exemption for multi-unit housing in MRZ-S10 is deleted.
828. Phillippa O'Connor [289.27] seeks clarity on whether the permeable surface area is inclusive of landscaped area.
829. Johanna Carter [296.19] seeks that MRZ-S10 is amended to adequately control the adverse impacts that will result from higher density development as the submitter considers the MRZ one size fits approach does not do this.

830. The Wellington City Council [266.141] considers that MRZ-S10 is not a building provision, but a three waters/infrastructure provision and that it is more logical for the standard to be in the THW chapter. It therefore seeks that MRZ-S10 is deleted in its entirety.

Assessment

831. I agree with WCC [266.150] that permeable surface provisions are best located in the three waters chapter of the plan.
832. Based on this recommendation, I have considered the submission points seeking amendments to the standard but have not made recommendations as I consider it more appropriate that any changes are considered in the context of the three waters chapter.
833. In response to Phillippa O'Connor [289.38] I do not think any additional clarity is required. The permeable surface can comprise of landscaped area required by MRZ-S9 subject to the landscaped area being permeable, which is not a requirement of MRZ-S9, for example tree canopy can be treated as landscaped area regardless of whether the surface underneath the tree canopy is permeable.
834. I do not support Kāinga Ora's [391.489] proposed amendments to replace the exemption for multi-unit housing with an exemption for where there are more than six residential units, as already addressed both in this report and in Stream 1.

Summary of recommendations

835. HS2-P3-Rec120: That MRZ-S10 be deleted from MRZ and relocated to the three waters chapter.
836. HS2-P3-Rec121: That references to MRZ-S10 be deleted from MRZ as a consequential amendment.
837. HS2-P3-Rec122: That all other submission points on MRZ-S10 be considered in the Three Waters s42A in Hearing Stream 5.

S32AA Evaluation

838. In my opinion, the amendment to MRZ-S10 to relocate the standard to the Three Waters chapter is more appropriate in achieving the objectives of the plan than the notified provisions. This is because the Council have included a three waters chapter under the Energy, Infrastructure and Transport heading, in keeping with the National Planning Standards. The change will help with plan useability as it ensures provisions are located in relevant plan chapters, thereby providing a single point of reference. I further consider that:
- a. The change is more efficient and effective than the notified provisions in achieving the objectives of the plan.
 - b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

MRZ-S11: Fences and Standalone Walls (ISPP)

Matters raised by submitters

839. Rod Halliday [25.32 and 25.33] seeks that MRZ-S11.2.b be amended to allow fences to be 1.5m before the 50% visually transparent requirement applies. In addition, the submitter seeks that retaining walls are excluded from the standard.
840. Fire and Emergency New Zealand [273.189] seeks an amendment to ensure that fences and walls will not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities. The submitter specifically requests the following amendment:

1. Any fence or standalone wall, or combination of these structures, must not ~~exceed~~:
 - a. Exceed a maximum height of 2m above ground level where within 1m of any side or rear boundary;
 - b. Obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut off valves, or other emergency response facilities.
2. On a front boundary or in a front boundary setback any fence or standalone wall, or combination of these structures, must not ~~exceed~~:
 - a. Exceed a maximum height of 2m above ground level; and
 - b. Any part of a fence or standalone wall above 1.2m in height must be 50% visually transparent for its entire length, as shown in Diagram 4 below.
 - c. Obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.

841. Johanna Carter [296.20 and 296.21] seeks that MRZ-S11 is amended to adequately control the adverse impacts that will result from higher density development and seeks provision for close-board fences along busy roads.
842. The Retirement Villages Association of New Zealand [377.361] supports the 2m height standard for fences and walls but considers that an exemption is required for temporary fences and walls, particularly for noise mitigation during construction.
843. The WCC Environmental Reference Group [377.360 and 377.361] seeks that MRZ-S11 is amended to require fences on the front boundary are no greater than 1.2m in height and for fences abutting a public walkway to be no more than 2m in height and the area above 1.2m to be 50% visually transparent. Similarly, Living Streets Aotearoa [482.56] seeks that fences up to 1m can be built with any material and anything above 1m must be of a material that is visually permeable for pedestrian safety reasons.

Assessment

844. I disagree with Rod Halliday [25.32 and 25.33] and concur with advice on this matter provided by Dr Zamani in paragraph 37 of his evidence, which indicates that increasing the height of fences to 1.5m and requiring visual transparency to 2m would have an impact on CPTED/safety and result in a lack of connection between private and public space.

Additionally, the advice provided also notes that this would have an impact on the risk of accidents and clashes between pedestrians and vehicles, particularly around driveways.

845. In response to FENZ [273.189] I agree that an amendment to ensure walls and structures do not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities is appropriate. This is to ensure the safety of the public.
846. In response to Johanna Carter [296.20 and 296.21], I disagree with having close boarded fences along busy roads for the same reasons as discussed in response to Rod Holliday's submission points [25.32 and 25.33] in paragraph 839.
847. In response to The Retirement Villages Association of New Zealand [377.361], I consider that a 2m height for fences is appropriate, even for temporary fences, as this provides sufficient height to mitigate the noise related effects of construction raised by the submitter.
848. In response to WCC Environmental Reference Group [377.360 and 377.361] and Living Streets Aotearoa [482.56], I broadly agree that fences on side or rear boundaries with a public space should have a visual permeability requirement to provide for passive surveillance of public spaces whilst still providing for on-site privacy and safety. However, I disagree with the requested heights of 1m and 1.2m and I propose a height of 1.5m on boundaries adjoining open space zones and public spaces.

Summary of recommendations

849. HS2-P3-Rec123: That submission points relating to MRZ-S11 are accepted/rejected as detailed in Appendix B.
850. HS2-P3-Rec124: That MRZ-S11 be amended as set out below and detailed in Appendix A.

MRZ-S11: Fences and standalone walls

- j. Any fence or standalone wall, or combination of these structures, must not: ~~exceed~~:
 - a. Exceed a maximum height of 2m above ground level where within 1m of any side or rear boundary;
 - b. Obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut off valves, or other emergency response facilities.
- k. On a front boundary or in a front boundary setback any fence or standalone wall, or combination of these structures, must not: ~~exceed~~:
 - a. Exceed a maximum height of 2m above ground level; and
 - b. Any part of a fence or standalone wall above 1.2m in height must be 50% visually transparent for its entire length, as shown in Diagram 4 below.
(...)
 - c. Obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.
- l. On a boundary with a site zoned open space or a boundary adjoining public space, including public accessways, or within 1m of either of these boundaries, any fence or standalone wall, or combination of these structures, must not:
 - a. Exceed a maximum height of 2m above ground level; and
 - b. Any part of a fence or standalone wall above 1.5m in height must be 50% visually transparent for its entire length.
 - c. Obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.

MRZ-S11.2 does not apply to a State Highway.

MRZ-S11.3 does not apply to a front boundary or State Highways.

S32AA Evaluation

851. In my opinion, the amendment to MRZ-S11 to include a statement regarding ensuring a fence or standalone wall does not obscure emergency or safety signage is more appropriate than the notified provisions as the change will ensure that no critical signs are obscured which could present a safety risk to the public. The addition of point 3 to the standard will ensure that fences along public spaces are visually transparent which will improve the safety situation and the urban design of new developments. I further consider that:

- a. The change is more efficient and effective than the notified provisions in achieving the objectives of the plan.
- b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

MRZ-S12: Minimum residential unit size for multi-unit housing (ISPP)

Matters raised by submitters

852. Metlifecare Limited [413.40] seek that MRZ-S12 is retained as notified.

853. Willis Bond and Company Limited [416.71] opposes MRZ-S12 and seeks that it is deleted in its entirety for the several reasons, including, but not limited to:

- a. Minimum residential unit sizes restrict the ability for developers to provide affordable housing choices and a diverse range of housing.
- b. Occupiers are well-equipped to make their own decisions as to the type and size of dwelling.
- c. Health, fire egress and overcrowding issues that arise from small sized dwellings are best dealt with by other legislation (e.g. Building Act 2004, Housing Improvement Regulations 1947, Residential Tenancies Act 1986).

854. The Property Council New Zealand [338.11] considers that minimum unit sizes, coupled with increased height density, run the risk of buildings that are smaller in floor space but greater in height. The submitter seeks that the overall design outcome should be considered so that adverse design outcomes for small, skinny buildings with less total floor space be avoided.

855. Kāinga Ora Homes and Communities [391.421] seeks that MRZ-S12 is amended as follows:

...

Residential Unit Type	Minimum Net Floor Area
a. Studio unit	35m ² 30m ²
b. 1 or more bedroom unit	40m ²
c. 2+ bedroom unit	55m ²

Assessment

856. In response to Willis Bond and Company Limited [416.71], I disagree and recommend that MRZ-S12 is retained for the following reasons:

- a. Based Dr Zamani’s evidence in paragraph 38 of his evidence, I am of the view that the minimum unit sizes are necessary as they provide a mechanism for ensuring that residential units are liveable and useable.
- b. The submitter states that occupiers are equipped to make their own decisions as to the type and size of the dwelling. Although I agree that occupiers are well equipped to make these decisions, I note that it is not always the case that occupiers have multiple dwellings/units available to choose from, particularly renters.
- c. I note that the standard is not intended to address health, fire egress and overcrowding issues.

857. In response to Kāinga Ora Homes and Communities [391.421], I disagree that amendments to the minimum unit sizes in the PDP are required. My reasons for this are informed by advice provided by Dr Zamani’s evidence in paragraph 38 of his evidence, and are as follows:

- a. Regarding studio units, the 35m² minimum was based on the combined area for living (9m²), dining (4m²), kitchen (4m²), and sleeping (9m²), with an additional room for bathroom, laundry, and storage (7m²). These areas add up to 33m². If you then consider that applicants will likely push for smaller units through a resource consent process, then 35m² is an appropriate figure, which is only a 2m² difference between what is considered the minimum liveable area by the Council’s Urban Design Team.

- b. Regarding the minimum size for 2 or more-bedroom units, I consider this is necessary as without it the result could be two or more bedroom units at only 40m² which, based on the above calculations, is not considered liveable or useable.
858. In response to the Property Council New Zealand [338.11], I note that the submitter has provided no compelling reason/s or section 32AA evaluation to support the relief sought and am comfortable that the Residential Urban Design Guide will ensure that the adverse design outcomes alluded to are unlikely to eventuate.
859. In response to the Property Council New Zealand [338.11], I note that the submitter has provided no compelling reason/s or section 32AA evaluation to support the relief sought and am comfortable that the Residential Urban Design Guide will ensure that the adverse design outcomes alluded to are unlikely to eventuate.

Summary of recommendations

860. HS2-P3-Rec125: That submission points relating to MRZ-S12 are accepted/rejected as detailed in Appendix B.
861. HS2-P3-Rec126: That MRZ-S12 be confirmed as notified.

MRZ-S13: Outdoor living space for multi-unit housing (ISPP)

Matters raised by submitters

862. The WCC Environmental Reference Group [377.362] and Metlifecare Limited [413.41] seek that MRZ-S13 is retained as notified.
863. Rod Halliday [25.34] seeks that MRZ-S13 is amended to add a clarification note relating to communal open space minimum area and dimensions. As it stands, the submitter interprets the standard as follows: that the minimum area of 10m² is cumulative, but that the minimum dimensions remain 8m.
864. Similarly, the Design Network Architecture Limited [259.2] seeks that MRZ-S13 is amended to clarify the minimum dimension. The submitter [259.3] also seeks an amendment to allow 10m² minimum area with dimensions of 5m x 2m or 3.2m x 3.2m.
865. Kāinga Ora Homes and Communities [391.422] seeks that MRZ-S13 replaces and becomes the new MRZ-S6 and that MRZ-S13 is consequentially deleted.
866. Johanna Carter [296.22] seeks that MRZ-S13 is amended to adequately control the adverse impacts that will result from higher density development.
867. Rimu Architects Limited [318.26] raise a potential misalignment between the individual private outdoor living space and the communal outdoor living space minimum requirements for multi-unit housing and seek amendments to better align these provisions. The submitter

also raises that there are sites within MRZ that have a site width of less than 8 metres. The submitter seeks the following amendments:

Living Space Type

...

9. Communal

a. For every ~~5 units~~ unit

Minimum area - ~~10m²~~ 5m²

Minimum dimension - 8m except where site width is less than 8m. In that situation an area the full width of the site and 8m deep is acceptable.

Assessment

868. Broadly, submitter views on the inadequacy of the minimum outdoor living area requirements are not supported by compelling reason/s or section 32AA evaluation to support any specific increase in minimum area requirement. However, the various submissions received on this standard do highlight that the standard requires amendments to improve clarity, particularly for communal outdoor living spaces.
869. After considering the standard as notified, I do not consider that the minimum area for a communal living space was intended to be 10m² with one dimension of 8m as this would not result in a functional space. My view is that the 8m dimension applies to all dimensions, which would result in a minimum 64m² communal living space which I consider is appropriate.
870. This is further supported by advice provided by Dr Zamani in paragraph 35 of his evidence, which confirms that an area of 64m² space is an appropriate minimum to provide a functional communal outdoor living space.
871. It is important to note that the provision of communal living spaces is not a requirement. The standard provides the option to provide a communal space in lieu of, or in combination with, the provision of private outdoor living space as part of a multi-unit residential development.
872. In response Rimu Architects Limited [318.26], I agree that the standard requires amendment to provide clearer alignment with the minimum private outdoor living space ratios. The standard as notified includes a ratio of 10m² for every 5 units, which equates to 2m² per unit. Consequently, I recommend amendments to the standard to clarify where an increased area of communal space is required over and above the minimum 64m² that any additional area is based on this ratio. However, I am unconvinced that the standard needs an exception for sites with a width narrower than 8m, as any non-compliance can be considered as part of a resource consent application.

873. In response to Kāinga Ora [391.422] I do not agree that MRZ-S13 should apply to residential developments of any number of units, noting the statutory requirement in clause 15 of Schedule 3A of the RMA relating to residential development of up to 3 units.

Summary of recommendations

874. HS2-P3-Rec127: That submission points relating to MRZ-S13 are accepted/rejected as detailed in Appendix B.

875. HS2-P3-Rec128: That MRZ-S13 be amended as set out below and detailed in Appendix A.

MRZ-S13: Outdoor living space for multi-unit housing

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

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

S32AA Evaluation

876. In my opinion, the amendment to MRZ-S13 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:
- a. The proposed amendments assist in clarification around how MRZ-S13 is applied. In addition, the 2m² requirement will ensure that an appropriate level of outdoor space is provided whilst not significantly increasing costs to applicants.
 - b. The changes are therefore more efficient and effective than the notified provisions in achieving the objectives of the plan.

- c. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

MRZ-S14: Outlook space for multi-unit housing (ISPP)

Matters raised by submitters

- 877. The WCC Environmental Reference Group [377.363] and Metlifecare Limited [413.42] seek that MRZ-S14 is retained as notified.
- 878. Johanna Carter [296.23] seeks that MRZ-S14 is amended to adequately control the adverse impacts that will result from higher density development.
- 879. Kāinga Ora Homes and Communities [391.423] seeks that MRZ-S14 replaces and becomes the new MRZ-S7 as it considers that this standard is appropriate for all sites and that MRZ-S14 is consequentially deleted.

Assessment

- 880. In response to Johanna Carter [296.23], I note that the submitter does not provide any specific examples of, or justification to support, the relief sought. I do not support this submission point as I consider that MRZ-S14 is an appropriate control for the development expected under the relevant legislation and the PDP.
- 881. I do not agree with Kāinga Ora Homes and Communities [391.423] to replace MRZ-S14 for the reasons detailed under MRZ-S7 paragraph 800.

Summary of recommendations

- 882. HS2-P3-Rec129: That submission points relating to MRZ-S14 are accepted/rejected as detailed in Appendix B.
- 883. HS2-P3-Rec130: That MRZ-S14 be confirmed as notified.

MRZ-PREC-03-S1 – MRZ-PREC-03-S5 (ISPP)

Matters raised by submitters

- 884. Several submitters including Waka Kotahi [370.318, 370.320, 370.322] and Lucy Harper and Roger Pemberton [401.82 – 401.86] seek that MRZ-PREC-03-S1 – MRZ-PREC-03-S5 is retained as notified.
- 885. Kāinga Ora Homes and Communities [391.426 - 391.430] opposes the Oriental Bay Height Precinct and therefore seeks that MRZ-PREC-03-S1 – MRZ-PREC-03-S5 is deleted in its entirety.
- 886. Gareth and Joanne Morgan [FS38.6 – FS38.10 and FS38.28 – FS38.32] made a further submission in opposition to Kāinga Ora Homes and Communities submission point [391.426 – 391.430] and seeks that it is disallowed.

Assessment

887. I disagree with Kāinga Ora Homes and Communities [391.426-391.430] for the same reasons as detailed above under MRZ-PREC-03-O1.

Summary of recommendations

888. HS2-P3-Rec131: That submission points relating to MRZ-PREC-03-S1 - MRZ-PREC-03-S5 are accepted/rejected as detailed in Appendix B.

889. HS2-P3-Rec132: That MRZ-PREC-03-S1 - MRZ-PREC-03-S5 be confirmed as notified.

MRZ-PREC-03-S6: Outlook Space (ISPP)

Matters raised by submitters

890. Lucy Harper and Roger Pemberton [401.87] seek that MRZ-PREC03-S6 is retained as notified.

891. Kāinga Ora Homes and Communities [391.431] opposes the Oriental Bay Height Precinct and therefore seeks that MRZ-PREC03-S6 is deleted in its entirety.

892. Gareth and Joanne Morgan [FS38.11 and FS38.33] made a further submission in opposition to Kāinga Ora Homes and Communities submission point [391.431] and seeks that it is disallowed.

893. The WCC Environmental Reference Group [377.364 and 377.365] seeks that MRZ-PREC03-S6 is amended to require fences on the front boundary are no greater than 1.2m in height and for fences abutting a public walkway to be no more than 2m in height and the area above 1.2m to be 50% visually transparent.

Assessment

894. I disagree with Kāinga Ora Homes and Communities [391.431] for the same reasons as detailed above under MRZ-PREC-03-O1.

895. In response to WCC Environmental Reference Group [377.364 and 377.365], I broadly agree that fences on side or rear boundaries with public space should have a visual permeability requirement to provide for passive surveillance of public spaces whilst still providing for on-site privacy and safety. However, I disagree with the requested heights 1.2m and I propose a height of 1.5m on boundaries adjoining open space zones and public spaces.

Summary of recommendations

896. HS2-P3-Rec133: That submission points relating to MRZ-PREC-03-S6 are accepted/rejected as detailed in Appendix B.

897. HS2-P3-Rec134: That MRZ-PREC-03-S6 be amended as set out below and detailed in Appendix A.

MRZ-PREC-03-S6: Fences and standalone walls

1. Any fence or standalone wall, or combination of these structures, must not exceed a maximum height of 2m above ground level where within 1m of any side or rear boundary; and
2. On a road boundary: any fence or standalone wall, or combination of these structures, must not exceed:
 - a. A maximum height of 2m above ground level; and
 - b. Any part of a fence or standalone wall above 1.2m in height must be 50% visually transparent for its entire length.
3. On a boundary with a site zoned open space or a boundary adjoining public space, including public accessways, or within 1m of either of these boundaries, any fence or standalone wall, or combination of these structures, must not:
 - a. Exceed a maximum height of 2m above ground level; and
 - b. Any part of a fence or standalone wall above 1.5m in height must be 50% visually transparent for its entire length.

S32AA Evaluation

898. In my opinion, the amendment to MRZ-PREC-03-S6 for the addition of point 3 to the standard will ensure that fences along public spaces are visually transparent which will improve the safety situation and the urban design of new developments. I further consider that:
- a. The change is more efficient and effective than the notified provisions in achieving the objectives of the plan.
 - b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

10.0 Consequential amendments following Stream 1 Hearing

Definitions – Qualifying Matters

899. The Hearing Stream 1 – Part 1, plan wide matters and strategic direction Section 42A report (pg. 149), in response to submissions relating to qualifying matters, recommends that the plan include a definition of ‘Qualifying Matter’ taken directly from the Act.
900. As consequential amendment following this recommendation, I recommend that the introduction sections for the MRZ and HRZ chapters are both amended to ensure alignment throughout the plan.

MRZ-Introduction

There are parts of the Medium Density Residential Zone where the permitted development, height or density directed by the NPS-UD may be modified by qualifying matters. ~~These include the following:~~

- ~~1. Character Precincts and the Mt Victoria North Townscape Precinct (refer to MRZ-PREC01 and MRZ-PREC02).~~
- ~~2. Wellington Fault (refer to Natural Hazards Chapter).~~
- ~~3. Stream corridors and overland flow paths (refer to Natural Hazards Chapter).~~
- ~~4. Medium and high coastal hazards (refer to Coastal Environment Chapter).~~
- ~~5. Very high and high coastal natural character areas (refer to Coastal Environment Chapter).~~
- ~~6. Coastal margins and riparian margins (refer to Coastal Environment and Natural Character Chapters).~~
- ~~7. Air noise overlay (refer to Noise Chapter).~~
- ~~8. Heritage buildings, heritage structures and heritage areas (refer to Historic Heritage Chapter).~~
- ~~9. Notable trees (refer to Notable Trees Chapter).~~
- ~~10. Sites and areas of significance to Māori (refer to Sites and Areas of Significance to Māori Chapter).~~

11.0 Minor and inconsequential amendments

901. Pursuant to Schedule 1, clause 16 (2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.
902. Any minor and consequential amendments to the MRZ provisions are captured in the tracked changes version of the chapter provided at Appendix A. They relate to consequential re-numbering changes only.

12.0 Conclusion

903. Submissions have been received in support and opposition to the Medium Density Residential Zone provisions of the PDP.
904. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that PDP should be amended as set out in Appendix A of this report.
905. For the reasons set out in the Section 32AA evaluation attached at Appendix X AND/OR included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
 - a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
 - b. Achieve the relevant objectives of the PDP, in respect to the proposed provisions.

13.0 Recommendations

I recommend that:

906. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
907. The PDP is amended in accordance with the changes recommended in Appendix A of this report.