

14 March 2023

Wellington City Council

PO Box 2199

Wellington 6140

Via email: jaskirat.kaur@wcc.govt.nz and District.Plan@wcc.govt.nz

Attention: Jaskirat Kaur

Dear Jaskirat

**WELLINGTON PROPOSED DISTRICT PLAN: HEARING STREAM 2 – RESIDENTIAL: STATEMENT TABLED
RE. SUBMISSION 289**

Thank you for the opportunity to provide a submission on the Wellington Proposed District Plan (PDP) and for the opportunity to participate in the hearings process thereafter.

We write with respect to our primary submission (ref 289). We have reviewed the Council's s42A report (s42A) prepared with respect to Hearing Stream 2 – Residential.

At the outset, we do not consider that the matters raised in our submission have been adequately addressed in the s42A.

Our submission focused largely on the potential for the site 64 Kelburn Parade, and more broadly the western side of Kelburn Parade opposite the Victoria University Kelburn Campus, to accommodate a greater density in accordance with the stated objectives of the PDP and its requirement to deliver the national policy directive in the National Policy Statement on Urban Development (NPS-UD). The crux of our submission is that the land in question should be zoned High Density Residential zone (HRZ) on account of its proximity to the transport network, employment opportunities and social infrastructure.

Failing that relief, we suggested a bespoke 21m Height Control Area over the top of the Medium Density Residential zone (MRZ) should be enabled, noting this was proposed by Council in the Draft District Plan prior to notification of the PDP, and rightly so in our opinion.

For the benefit of the Panel, the key points of our original submission are included verbatim below:

- 14. In addition, the submitter considers that the enabled height under the HRZ (21m) is more appropriate along the western side of Kelburn Parade relative to the surrounding environment and heights enabled on the eastern side of Kelburn Parade as part of the Special Purpose*

Tertiary Education zone (50.5m directly across from the submitter's property at 64 Kelburn Parade, falling to 34m on the eastern side of the campus). From an urban form and scale perspective, having heights of 50.5m enabled opposite a zone which only enables a maximum height of 14m appears mismatched.

- 15. The submitter understands that the HRZ encompasses areas of the city located near to the City Centre zone, Johnsonville Metropolitan Centre zone, and Kenepuru and Tawa railway stations and that these locations have been determined via the NPS-UD 10 minute 'walkable catchment' criteria. The University campus appears to be the 'outer edge' of this catchment and to the east of the site, beyond the buffer formed by the campus, land has been zoned High Density Residential zone with a height enabled of up to 21m.*
- 16. It is noted that the NPS-UD does not fetter the requirement to enable buildings heights of up to six storeys (21m) to only those zones and catchments identified in Policy 3. Rather, Policy 3(c) requires "building heights of at least 6 storeys within at least a walkable catchment of...". In addition, Policy 1 directs urban environments to have or enable a variety of homes that meet the needs, in terms of type, price, and location, of different households.*
- 17. The submitter considers that the site, and the western side of Kelburn Parade, presents a unique opportunity to respond to the adjoining University Campus – both in terms of height and scale from an urban form perspective but also from the perspective of an enabling appropriate housing to be located at these sites which will serve the needs in terms of type, price and location of those utilising the University.*
- 18. In this regard, the submitter notes that the previously notified Draft Proposed District Plan maps indicated that the site at 64 Kelburn Parade would be subject to a 21m Height Control Area (refer Appendix 2) and as such it is considered that Council have contemplated the western side of Kelburn Parade as a location where additional height could be realised. The submitter seeks clarity on why this Height Control Area was removed from the PDP as notified.*
- 19. As such, the submitter seeks that either the site is rezoned HRZ, or that the 21m Height Control Area as indicated on the Draft Proposed District Plan maps is reinstated.*

As per Appendix 1 to this letter, we understand Council has summarised the above points in to a general submission point numbered point 289.2. We note that Council has recommended rejecting submission point 289.2, on page 119 of the s42A (*Part 3: Medium Density Residential zone - Appendix B – Recommended Responses to Submissions and Further Submissions*). However, the rationale for rejecting this is not specified within the s42A (while all other submission points for 'upzoning' and 'downzoning' have been specifically addressed in either section 4 of *Part 2 – High Density Residential zone* or section 8 of *Part 3 – Medium Density Residential zone*).

In the absence of evidence from Council, we request that the Panel directly and carefully consider submission point 289.2 (noting the additional rationale provided within the original submission) to re-zone 64 Kelburn Parade, and more broadly the western side of Kelburn Parade opposite the Victoria University Kelburn Campus to HRZ.

We consider the benefits and rationale for the re-zoning sought are clearly set out in the submission and conform wholly to the expectations of the NPS-UD such that we do not consider it is beholden on ourselves as submitters to call further evidence and expend further cost in expert witnesses and hearing attendance, particularly when Council has not fulsomely considered our submission in the s42A.

We also note that the Council has provided a response to submission points 289.22 and 289.23 that requested a bespoke 21m height control (noting this was alternative relief to the more appropriate re-zoning of HRZ in our view). As per point 651 of the s42A (*Part 3 – Medium Density Residential zone*) Council has noted *“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”*. Given the presence of significant development at the University on the eastern side of Kelburn Parade, as illustrated in Figure 1 below, we are of the opinion that the Council’s categorisation of character of Kelburn Parade is flawed and it is not wholly ‘low density residential character’.

Figure 1 – Development on eastern side of Kelburn Parade





Again, we request that the Panel directly and carefully consider this submission point, therefore.

As per point 467 of the s42A (*Part 2 –High Density Residential zone*), Council has advised that *“the extent of the HRZ and throughout the entire city has 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 walkable catchment analysis detailed in Hearing Stream 1”*. With respect to Policy 3 of the NPSUD informing the extent of HRZ, we reiterate our original submission point quoted above that the NPS-UD does not fetter the Council’s ability to enable greater intensity of development beyond that envisaged in Policy 3, i.e. it is not a target but a minimum.

As per point 85 of the report (*Part 2 –High Density Residential zone*), *“the intent of the NPS-UD is that the supply of plan-enabled land should exceed market demand to encourage competitive land and development markets and contribute positively to housing affordability”*. We consider that the western side of Kelburn Parade, given its proximity to the University campus, presents a unique opportunity for the HRZ to be implemented.

We reiterate our position that the original submission, its relief sought and above statement in response to Council’s limited consideration of our submission is straightforward and therefore we do not consider it necessary to seek evidence in support. We very much wish to confirm our intent to continue to support our submission and the matters raised and we seek for the Panel to carefully consider the content of this statement (to be tabled) and our primary submission in lieu of any evidence and attendance at the hearing.

Thank you for the opportunity to provide the enclosed. Please confirm receipt and that this statement will be tabled for the Hearing Panel's consideration. Please do not hesitate to contact the undersigned if you have any questions regarding this letter.

Yours Sincerely,

Phillippa O'Connor

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