

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

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

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

IN THE MATTER of the hearing of submissions on Te Mahere ā-Rohei
Tūtohua the Wellington City Proposed District Plan

HEARING TOPIC **Stream 4 – Centres**

**LEGAL SUBMISSIONS ON BEHALF OF KĀINGA ORA - HOMES
AND COMMUNITIES**

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MAY IT PLEASE THE COMMISSIONERS

1. INTRODUCTION

- 1.1 These submissions and the evidence to be called are presented on behalf of Kāinga Ora - Homes and Communities (**Kāinga Ora**) in relation to Te Mahere ā-Rohe i Tūtohua the Wellington City Proposed District Plan (**PDP**) for Hearing Stream 4 – Centres.
- 1.2 These submissions should be read together with the legal submissions presented on behalf of Kāinga Ora for:
- (a) Hearing Stream 1: Strategic Overview, which set out the Kāinga Ora statutory mandate and provided initial comments on the statutory assessment framework; and
 - (b) Hearing Stream 2: Residential, which provide more detailed comments on the statutory context that the PDP must give effect to, and which set out the Kāinga Ora position on the extent of the residential zoning maps.
- 1.3 These legal submissions will:
- (a) confirm any submission points that have been resolved to the satisfaction of Kāinga Ora by recommendations made in the section 42A report;
 - (b) identify and discuss issues arising from Kāinga Ora submission points that remain in contention following the Council's section 42A report, including specific legal commentary on those issues; and
 - (c) introduce the Kāinga Ora witnesses for Hearing Stream 4.

2. SUBMISSIONS POINTS RESOLVED AND KĀINGA ORA CHANGES IN POSITION

- 2.1 A summary table of the Kāinga Ora submissions relevant to Hearing Stream 4 and the final Kāinga Ora position on those submission points is attached at **Appendix A**.
- 2.2 Kāinga Ora considers the following matters to be resolved following consideration of the section 42A reports recommendations for Hearing Stream 4:

- (a) Application of wind controls;
 - (b) Removal of maximum height controls from the City Centre zone (**CCZ**);
 - (c) Confirmation that high density development is a key focus in the CCZ and medium to high density development is to occur in the Local Centre Zone (**LCZ**) and the Neighbourhood Centre Zone (**NCZ**);
 - (d) No proposed centre expansion at Berhampore; and
 - (e) A discretionary activity classification for under development within the Centre Zones.
- 2.3 Mr Heale supports a number of amendments proposed to the Centres provisions which are outlined in Appendix 1 of his evidence.

3. KĀINGA ORA SUBMISSION POINTS IN CONTENTION

- 3.1 Following review of the Council's section 42A reports and the evidence lodged by other submitters, Kāinga Ora considers the following key submission points remain unresolved from its perspective, and these will be the focus of the evidence that follows:
- (a) The need for alignment with National Direction and regional consistency with this approach;
 - (b) The introduction of a Town Centre zone (**TCZ**) with appropriate provisions, and the rezoning of Tawa, Newtown and Kilbirnie centre areas from Local Centre Zones (**LCZ**) to TCZ;
 - (c) The application of the City Outcomes Contributions provisions;
 - (d) The spatial extent of Centres; and
 - (e) Amendments to development standards and provisions to assist with greater intensification and density.

4. THE NEED FOR ALIGNMENT WITH NATIONAL DIRECTION AND REGIONAL CONSISTENCY

- 4.1 The need for aligning the PDP with National Direction and ensuring regional consistency in the planning framework on the application of National Direction is at the core of the Kāinga Ora submissions on the PDP.

4.2 Mr Heale discusses the cornerstones of the National Direction in his evidence, which will be well known to the Panel:¹

- (a) Any national policy statement,² such as the National Policy Statement on Urban Development 2020 (**NPS-UD**);
- (b) The National Planning Standards;³
- (c) Any regional policy statement;⁴ and
- (d) The recent amendments to the RMA by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021).

4.3 Fundamentally, and as outlined in Hearing Stream 2, the NPS-UD is directive. In particular, Policy 3 clearly requires district plans to enable building heights and density of urban form:

- (a) **As much as possible** in city centre zones to maximise the benefits of intensification;
- (b) **In all cases at least** six storeys and otherwise reflecting demand in metropolitan centre zones;
- (c) **At least** six storeys within **at least** a walkable catchment of rapid transit stops, and the edge of city and metropolitan centre zones;
- (d) That are **commensurate with the level of commercial activity and community services** within and adjacent to neighbourhood centre zones, local centre zones and town centre zones.

4.4 Despite these clear directives, it appears most territorial authorities (including Wellington City) have taken a conservative approach and limited enabled intensification. The PDP only imposes the minimum building height requirement required by Policy 3, and only imposes this requirement within the assessed walkable catchments, with no consideration of whether intensification could be enabled beyond these bottom lines.

¹ Statement of evidence for Matt Heale, 12 June 2023, section 6.

² Section 75(3)(a) of the RMA.

³ Section 75(3)(ba) of the RMA.

⁴ Section 75(3)(c) of the RMA.

4.5 Policy 6 of the NPS-UD also plays a significant role by expressly addressing the change in mindset required of all decision makers:

Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters: [...]

(b) *that the planned urban built form in those RMA planning documents may have involved significant changes to an area, and those changes:*

(i) *may detract from amenity values appreciated by some people but improved amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types;*

(ii) *are not, of themselves, an adverse effect.*

4.6 Established case law reminds us that the requirement to have particular regard to a matter "is an injunction to take the matter into account, recognising it as something important to the particular decision and therefore to be considered and carefully weighed in coming to a conclusion".⁵ Therefore, Policy 6, together with the broader Objective 4, gives significant scope to decision-makers to prioritise the amenity values to be appreciated by communities that do not currently experience those values and by future generations, over existing levels of amenity.

4.7 The NPS-UD clearly instructs decision makers (such as this Panel) to pay close attention to the inevitable change in amenity values over time. The amenity values from the past will be overtaken by the amenity values of the planned, enabled and anticipated built urban form. This is a challenging perspective, but it must be integrated fairly into the hearing process notwithstanding the immediacy and volume of submitter advocacy in support of the status quo.

4.8 The High Court has recently confirmed that councils must give effect to all objectives and policies of the NPS-UD as soon as practicable, and

⁵ *Marlborough District Council v Southern Ocean Seafoods Ltd* [1995] NZRMA 220 at 228; approved in *New Zealand Transport Agency v Architectural Centre Inc* [2015] NZHC 1991 at [67]-[68].

cannot choose to exclude those not requiring immediate planning decisions.⁶

- 4.9 As outlined by Mr Liggett,⁷ Kāinga Ora has submitted on all PDP, proposed plan changes and plan variations in relation to the NPS-UD and Amendment Act through the Intensification Streamlined Planning Process across the Wellington region with the intent of establishing a regionally consistent planning framework that responds to the regional growth projections. The approach is consistent with Policy 1 of the NPS-UD, which requires Tier 1 councils that share jurisdictions to work together when implementing the NPS-UD.⁸
- 4.10 From a Centres perspective, Kāinga Ora seeks to ensure there is a regionally consistent approach to the Centres hierarchy with an overall planning framework that enables development at a scale that is appropriate for the role and function of a particular centre zone. This need for consistency supports the need for the inclusion of a Town Centre zone, as set out in more detail below.

5. THE INTRODUCTION OF A TOWN CENTRE ZONE INTO THE CENTRES HIERARCHY

- 5.1 The need for the inclusion of a Town Centre Zone into the Centres hierarchy was flagged as a key issue for Kāinga Ora in the evidence and Legal Submissions in Hearing Stream 1.⁹ This section of legal submission is based on the position outlined in Hearing Stream 1, and includes further information following a more detailed analysis of the need for a Town Centre zone in the PDP by the Kāinga Ora experts.
- 5.2 As the Panel will be aware, the notified version of the PDP did not include a Town Centres zone in the Centres hierarchy,¹⁰ representing a shift from the Operative District Plan.¹¹
- 5.3 Kāinga Ora seeks the inclusion of a Town Centre Zone into the Centres hierarchy in the PDP.¹² In addition to providing a proposed Town

⁶ *Southern Cross Healthcare Ltd v Eden Epsom Residential Protection Society Inc* [2023] NZHC 948 at [88].

⁷ Statement of evidence for Brendon Liggett, 12 June 2023, paragraph 3.3.

⁸ Statement of evidence for Matt Heale, 12 June 2023, paragraph 6.13.

⁹ Legal submissions for Hearing Stream 1, 16 February 2023, paragraphs 6.2 to 6.13.

¹⁰ The PDP proposes the following centres hierarchy: City Centre; Metropolitan; Local Centes; and Neighbourhood Centres.

¹¹ The Operative District Plan included the following centres hierarchy: City Centre; Regionally Significant Centres – Suburban Centres; Town Centres; District Centres; and Neighbourhood Centres.

¹² Submission 391.52 and 391.53.

Centre Zone chapter with its submission,¹³ Kāinga Ora considers a number of amendments to the PDP are required to include the Town Centre zone in the Centres hierarchy:

- (a) As addressed in Hearing Stream 1, Kāinga Ora sought the following:
 - (i) Amendments to the Strategic Objective CEKP-O2, which sets out the City's Centres hierarchy, to:
 - (1) detail the role and functions of Town Centres; and
 - (2) change the role and functions of Local Centres to recognise the key distinctions between the two zones;¹⁴
 - (ii) Inclusion of walkable catchments for the areas zoned as Town Centres;
- (b) As part of Hearing Stream 4, Kāinga Ora continues to seek the inclusion of the Town Centre zone into the PDP, and an updated set of provisions for this proposed zoning has been provided in Appendix 1 of Mr Heale's evidence.¹⁵

5.4 The reporting officers for both Hearing Stream 1 and 4 opposed the inclusion of the Town Centre Zone in the centres hierarchy on the basis that the Council has applied a 'simplified hierarchy' where a hybrid of the Local Centre and Town Centre Zone has been applied, stating that "an additional zone would result in unnecessary duplication of content".^{16,17}

5.5 In Hearing Stream 1, the reporting officer also opposed the Kāinga Ora proposed amendments to objective CEKP-O2, and the inclusion of the walkable catchments for the Town Centre areas that Kāinga Ora considers to be necessary.

5.6 In Hearing Stream 4, the reporting officer opposed the inclusion of the Town Centre zone chapter, noting the Kāinga Ora proposed provisions were inconsistent with the PDP structure and defined terms.¹⁸ As noted

¹³ See Appendix 2 of the Kāinga Ora primary submission.

¹⁴ For detail on the proposed amendments to CEKP-O2, see Appendix A of these submissions, or paragraph 4.41 of Mr Heale's evidence.

¹⁵ Statement of evidence for Matt Heale, 12 June 2023, Appendix 1, pages 50 to 59.

¹⁶ See paragraph 874 of the section 42A report.

¹⁷ Section 42A report: Commercial and Mixed Use Zones – Overview and General Matters, 26 May 2023, paragraphs 102 to 111.

¹⁸ See section 42A report: Commercial and Mixed Use Zones – Overview and General Matters, 26 May 2023, paragraph 102.

by Mr Heale, the Kāinga Ora submission included the wrong set of provisions out of error. The correct version has been included with his evidence.

- 5.7 Kāinga Ora considers that this simplified approach by the Council is not appropriate for Wellington given the clear national direction, particularly in light of the National Planning Standards and need for regional consistency.

The need for a Town Centre zone for Wellington

- 5.8 As a starting point, Kāinga Ora strongly disagrees with the reporting officers' positions that there is little to no difference between the Town Centre zone and the Local Centre zone to justify separate zones within the centres hierarchy.
- 5.9 There are clear distinctions between the functionality of the Town Centre zone when compared to those of the Local Centres zone. The inclusion of both zones into the Wellington centre's hierarchy can be justified. As clearly outlined by Mr Heale in Hearing Stream 1,¹⁹ these differences include the types of activities enabled and provided for, the catchment that the zone serves, the nature of the transportation accessibility and consequentially the nature of the residential density supported.
- 5.10 In short, a Town Centre provides more activities, to a wider catchment, with greater accessibility, therefore supporting greater residential density and growth.
- 5.11 The Kāinga Ora experts have clearly established the need for a Town Centre zone within the Wellington Centres hierarchy, as the inclusion of the zone will:
- (a) Create a more sustainable hierarchy for all centres in Wellington;²⁰ which in turn
 - (b) Provides a greater opportunity for residential intensification, employment and services to support the residential growth opportunities around the Town Centre area.²¹

¹⁹ See statement of evidence for Matt Heale, 7 February 2023, Table 2, page 22.

²⁰ See statement of evidence for Mike Cullen, 7 February 2023, paragraph 6.5.

²¹ See statement of evidence for Nick Rae, 7 February 2023, paragraph 4.1.

- 5.12 Mr Cullen has outlined the gap in economic performance between the Metropolitan Centres and Local Centres in the Wellington Centres hierarchy to such an extent that he considers justifies a middle centre category is appropriate and desirable. Mr Cullen considers a Town Centre zone would address this gap.²²
- 5.13 The Kāinga Ora evidence establishes that there are clear benefits for providing a Town Centre zone in the PDP to help support the anticipated residential growth from applying the NPS-UD and the MDRS across Wellington. However, the inclusion of a Town Centre zone in the centres hierarchy will also ensure that the PDP:
- (a) Is consistent with national and regional policy and planning frameworks;²³ and
 - (b) Appropriately considers the application of the technical reports and other data that helped shape the PDP, particularly in relation to the application of the Town Centre zone to the Tawa, Miramar and Newtown centre areas.
- 5.14 There is a real question to be determined about whether the notified version of the PDP meets the requirements of section 75(3) of the RMA. As outlined by Mr Heale, without the inclusion of the Town Centre zone in the Centres hierarchy, the PDP:
- (a) Will not give effect to the NPS-UD, as it will fail to implement the overall objective of providing for well-functioning urban environments, and as a result will not achieve Objectives 1, 2, and 3, Policies 1, 2 and 3;
 - (b) Will not give effect to the National Planning Standards as the hybrid Local Centre zone proposed by the Council is inconsistent with the zone descriptions provided by Standards 8, leading to confusion for plan users;²⁴ and
 - (c) Will not give effect to the Wellington Regional Policy Statement, particularly given Plan Change 1 to the RPS which introduces a number of changes to Objective 22 and policies such as Policies

²² Statement of evidence for Mike Cullen, 12 June 2023, paragraph 6.3.

²³ See statement of evidence for Matt Heale, 7 February 2023, paragraphs 4.45 to 4.61.

²⁴ Statement of evidence for Matt Heale, 7 February 2023, paras 4.51 to 4.54.

30 and 31 which provide a more directive framework for achieving a well-functioning urban environment.²⁵

5.15 Further, it does not appear that the Council considered the inclusion of the Town Centre zone in its section 32 assessment and instead focussed its assessment on the CCZ, MCZ, LCZ and NCZ only.²⁶

5.16 The inclusion of the Town Centre zone into the centres hierarchy will ensure the PDP gives effect to its higher order documents, and provide for a planning framework that enables a range of building heights and density for the future.

Town Centres in the Wellington centres hierarchy is widely supported - Miramar, Tawa and Newtown

5.17 In addition to seeking the inclusion of a Town Centres zone, Kāinga Ora considers the new zone should apply to the notified Local Centres of Miramar, Tawa and Newtown for their role and function within the Wellington City.²⁷

5.18 It is clear from the Kāinga Ora experts that the functionality of Miramar, Tawa and Newtown are distinct from the other areas zoned as Local Centres in the PDP for the following reasons:

(a) Retail spending data demonstrates the three centres support a broader residential catchment than just the local residential area;²⁸

(b) The three centres have more commercial and community assets than the other notified Local Centre zoned areas, and a more diverse employment base;²⁹

(c) Miramar, Newtown and Tawa have a more suburban than residential catchment when compared to other smaller local centres such as Karori;³⁰

(d) Miramar, Newtown and Tawa all outperform the existing Metropolitan Centres from an employment density perspective. For example, based on a per hectare area:

²⁵ Statement of evidence for Matt Heale, 7 February 2023, para 4.55 to 4.58.

²⁶ Section 32 Evaluation Report, Part 2: Centres, Commercial, Mixed Use and Industrial Zones,

²⁷ It is noted that Kāinga Ora considers the extent of the Miramar, Tawa and Newtown Town Centre zoned area should also be extended, which will be addressed at Hearing Stream 4.

²⁸ Statement of evidence for Mike Cullen, 7 February 2023, paragraph 5.4(a).

²⁹ Statement of evidence for Mike Cullen, 7 February 2023, paragraph 5.4(b) and (c).

³⁰ Statement of evidence for Matt Heale, 7 February 2023, para 4.64.

- (i) Local Centres average 347 jobs;
 - (ii) Proposed Town Centres average 995 jobs (or an average of 535 jobs if the hospital employment is removed from Newtown); and
 - (iii) Metropolitan Centres average 203 jobs;³¹
- (e) Employment growth figures over the last 22 years highlight that the proposed Town Centre areas also outperforming the existing Metropolitan zones:
- (i) Local Centres added 2,500 new jobs;³²
 - (ii) Proposed Town Centres added 4,000 new jobs; and
 - (iii) Metropolitan Centres added 500 new jobs;³³
- (f) The density enablers for Tawa and Miramar support a Town Centre zoning, including: ³⁴
- (i) good existing centres;
 - (ii) strong supermarkets, employment centres, primary and intermediate schools; and
 - (iii) strong to good transport solutions including strong rail stations for Tawa; strong arterial with high frequency transit for Miramar and good bus networks for both areas.
- (g) The three suburbs have been traditionally identified and treated as Town Centres, including in the Operative District Plan. The 'demotion' of zoning to Local Centres in the PDP does not support a sustainable Centres hierarchy;
- (h) The scale and function of Miramar, Newtown and Tawa support the Town Centre zoning, which in turn will appropriately respond to the policy direction in the NPS-UD to develop compact, well-functioning urban environments, and to explicitly give effect to Objective 3 of the NPS-UD. ³⁵

³¹ Statement of evidence for Mike Cullen, 12 June 2023, paragraphs 6.7 to 6.17.

³² Excluding the proposed Town Centre zones.

³³ Statement of evidence for Mike Cullen, 12 June 2023, paragraphs 6.21 to 6.22.

³⁴ For more information see the Wellington Outer Suburbs Assessment and Evaluation, March 2020, [introduction.pdf \(wellington.govt.nz\)](#).

³⁵ Statement of evidence for Nick Rae, 7 February 2023, para 4.2.

6. THE APPLICATION OF THE CITY OUTCOMES CONTRIBUTION

- 6.1 As the Panel will be aware, the notified version of the PDP introduced the use of a City Outcomes Contribution (**Outcomes Policy**) scheme through particular design guides.³⁶ Building on a policy framework used in the Operative District Plan, it appears the intent of the Outcomes Policy is to encourage high quality design outcomes in the Centres zones (CCZ, MCZ, NCZ and LCZ) and the High Density Residential Zone (**HRZ**).³⁷ The trigger for the application of the policy, as currently proposed by the reporting officer, is tied to over-height and under-height buildings in the CCZ and over-height buildings in the other Centres zones and the HRZ.
- 6.2 Following the submissions process, the reporting officers proposes to move the Outcomes Policy from the applicable design guides into a new Appendix 16 of the PDP. Overall, Kāinga Ora supports the intent of an Outcomes Policy (i.e. to ensure 'density is done well'³⁸). and if retained, Kāinga Ora seeks for the Outcomes Policy to sit outside of the PDP.
- 6.3 However, Kāinga Ora is concerned that the policy framework will not result in design excellence across the Centres and HRZ zones. The Kāinga Ora evidence has identified a number of issues with the current Outcomes Policy structure and approach and considers further work is required to ensure meaningful design outcomes are achieved:
- (a) The proposed structure and assessment requirements of the Outcomes Policy creates a more complicated, subjective planning framework.³⁹ This seems contrary to the Council's approach for other aspects of the PDP. For example, ensuring a simplified planning framework is one of the Council's key reasons for not supporting the inclusion of the Town Centres zone into the Centres hierarchy.
 - (b) Most of the matters assessed in the Outcomes Policy do not relate to the effects arising from the height of a building. Many of the benefits are instead focussed on how a building will be used

³⁶ See statement of evidence for Dr Farzad Zamani, 26 May 2023, paragraph 20.

³⁷ Section 42A report, Part 1, 26 May 2023, paragraph 174.

³⁸ Section 42A report, Part 1, 26 May 2023, paragraph 183.

³⁹ Statement of evidence for Matt Heale, 12 June 2023, paragraph 13.6.

and perform, the impacts the building will have on other matters such as public space,⁴⁰ or public use of the site at ground level.⁴¹

- (c) The Outcomes Policy contains a number of drafting errors, which relate to them originally being embedded within design guides rather than within the PDP. These should be amended if the Panel is minded to retain the policy framework.⁴²
- (d) A number of the Outcomes Policy matters duplicate other assessment processes or building control standards that are already required to be assessed within the RMA effects-based context set out elsewhere within the PDP planning framework.⁴³ For example, Mr Heale⁴⁴ outlines that in the CCZ, this includes a duplication of assessment for the following:
 - (i) Open space;
 - (ii) Pedestrian access and accessibility;
 - (iii) Heritage; and
 - (iv) Natural hazard resilience and climate change.
- (e) The Outcomes Policy requires a level of detail for some components that would not ordinarily be required to complete an effects-based assessment of a proposal. For example, Mr Rae outlines that including the universal accessibility scores with Lifemark (a home rating system⁴⁵) into the policy framework will require a proposal to include significant interior design details (such as the type of tapware to be used in a kitchen, accessibility pathway design, dwelling layouts etc) in order to gain assessment points.⁴⁶ All of these matters sit outside of an ordinary, effects-based resource consent assessment process. It is difficult to understand how these types of considerations would help the PDP achieve Part 2 of the RMA.

⁴⁰ Statement of evidence for Matt Heale, 12 June 2023, paragraph 13.7.

⁴¹ Statement of evidence for Nick Rae, 12 June 2023, paragraph 11.2(a).

⁴² Statement of evidence for Nick Rae, 12 June 20223, paragraph 11.3.

⁴³ Statement of evidence for Matt Heale, 12 June 2023, paragraphs 13.8 to 13.10.

⁴⁴ Statement of evidence for Matt Heale, 12 June 2023, paragraph 13.8.

⁴⁵ [Home | Lifemark](#).

⁴⁶ Statement of evidence for Nick Rae, 12 June 2023, paragraph 11.17.

- (f) The Outcomes Policy includes matters that sit outside of the scope of the District Plan by duplicating processes already sufficiently provided for under the Building Act 2004, including the consideration of long-term maintenance, assessment of construction methods, materials and product specifications. Again, these matters sit outside of an ordinary effects-based resource consent assessment process, and will require developers to undertake a significant level of detailed design in order to benefit from these particular points.
- 6.4 Overall, Kāinga Ora does not consider it appropriate for the Outcomes Policy to include matters that sit outside of the RMA process. In relation to the duplication between with Building Act requirements, it is well established that the Building Act 1991 and the RMA have different overarching purposes.⁴⁷ The High Court found that the Building Act controlled building work in the interest of safety and integrity of structure, while the RMA imposed controls on the activity to be carried out in the structure and its effects. Tipping J further stated that a council could not impose requirements affecting structure unless it was necessary for resource management purposes.⁴⁸ These principles are still applicable in the context of the Building Act 2004, which shares a similar overarching purpose section with the earlier Act.
- 6.5 The High Court also discussed the role of the Building Act in RMA processes in a later case.⁴⁹ The Court found that there can be commonality in the purposes of the two Acts, and that where there are immediate public safety concerns, RMA matters need to be considered in the context of Building Act implications.⁵⁰ However, the matters included in the Outcomes Policy do not relate to safety matters and are instead focussed on design outcomes. On this basis, the duplication between the two processes is inappropriate.
- 6.6 Kāinga Ora considers that the circumstances under which these cases contemplate consideration of functional requirements are very different to Outcomes Policy. Where there are issues of public safety, functional

⁴⁷ *Christchurch International Airport Ltd v Christchurch City Council* [1997] 1 NZLR 573 at 576.

⁴⁸ *Ibid.*

⁴⁹ *Lambton Quay Properties Nominee Ltd v Wellington City Council* [2014] NZRMA 257; [2014] NZHC 878 at [88].

⁵⁰ *Ibid.*

requirements can be addressed in the District Plan or when resource consent decisions are being made.

- 6.7 However, the functional restrictions proposed in the Outcomes Policy are overly specific and context-dependent to an untenable degree. This makes them difficult to implement and difficult to comply with. Resource consents are commonly granted with general land-use restrictions and often include conditions that certain issues will be addressed during detailed design. This detailed design normally occurs when at the building consent stage. The Outcomes Policy essentially open the floodgates for the volume of technical information required in a resource consent, and, to an extent, renders building consents unnecessary. There is no value in having the two separate processes if an applicant must provide the same level of design detail for both.
- 6.8 Kāinga Ora considers the currently drafted Outcomes Policy to be inappropriate for a District Plan framework. It is overly complicated and will disincentivise intensification in locations where it may otherwise be appropriate.⁵¹ Kāinga Ora seeks to amend the Outcomes Policy to ensure the policy framework encourages positive city outcomes for development, rather than requiring arbitrary assessment of matters that are not linked to the effects of a proposal.⁵²

7. THE EXPANSION OF CENTRES

- 7.1 As the Panel will be aware, Kāinga Ora considers the expansion of the spatial extent of the following centres is required:
- (a) Miramar;
 - (b) Newtown;
 - (c) Tawa;
 - (d) Johnsonville;
 - (e) Kilbirnie;
 - (f) Karori; and
 - (g) Berhampore.

⁵¹ Statement of evidence for Brendon Liggett, 12 June 2023, paragraph 7.6.

⁵² Statement of evidence for Brendon Liggett, 12 June 2023, paragraph 7.7.

- 7.2 The reporting officer has rejected all proposed centre expansions sought by Kāinga Ora.
- 7.3 Mr Cullen has set out the key principles for establishing the spatial extent of centres,⁵³ while Mr Rae has set out the methodology he has applied for considering the spatial extent of each centre.⁵⁴ Mr Rae includes a new set of proposed maps at Attachment C of his evidence.
- 7.4 Following further consideration of the spatial extent of these centres, Kāinga Ora no longer seeks the spatial extent of Berhampore to be expanded. In other locations, the spatial extent may differ from what has been previously proposed by Kāinga Ora (i.e. from the maps produced at Hearing Stream 2, or in the primary submission lodged by Kāinga Ora).
- 7.5 To avoid any confusion, the maps included at Attachment C of Mr Rae's Hearing Stream 4 evidence should be treated as the final Kāinga Ora position on the PDP maps as a whole (i.e. for the spatial extent of both the Centres and Residential zones).

8. AMENDMENTS TO DEVELOPMENT STANDARDS AND PROVISIONS TO ASSIST WITH GREATER INTENSIFICATION AND DENSITY

8.1 Kāinga Ora seeks a number of changes to the Centres planning provisions to assist with greater intensification and density across the City, as outlined by Mr Heale with the support of Mr Rae and Mr Cullen. These amendments are considered to be necessary in order to ensure the PDP has greater alignment with the NPS-UD and the RMA.

8.2 The proposed amendments include:

Integrated retail activities

- (a) Kāinga Ora seeks a reduced level of integrated retail activities to correspond to the scale of lower order centres. In response to submissions, the reporting officer has amended the proposed thresholds, with the removal of a threshold in the MCZ, a 20,000m² threshold in the LCZ and a 10,000m² threshold in the NCZ.

⁵³ Statement of evidence for Michael Cullen, 12 June 2023, section 7.

⁵⁴ Statement of evidence for Nick Rae, 12 June 2023, section

- (b) Mr Cullen⁵⁵ and Mr Heale⁵⁶ do not consider the Council has completed adequate assessment to understand the full impact that the proposed thresholds may have on lower order centres. They have concerns that the proposed thresholds may result in Centres being dominated by retail activities only, affecting residential growth within a centre,⁵⁷ adversely affecting the urban amenity of centres; and reducing employment diversity.⁵⁸
- (c) However, given the lack of adequate assessment, Mr Heale and Mr Cullen are not able to provide alternative thresholds. Kāinga Ora considers Council should be directed to undertake further assessment before determining the appropriate threshold measures for integrated retail activities.

Effects beyond those anticipated in the zone

- (d) Kāinga Ora seeks amendments to various PDP provisions to ensure that only effects beyond those anticipated in the plan are considered at the resource consent stage.
- (e) To ensure this occurs, Kāinga Ora seeks to include the phrase "beyond those anticipated within the zone" in a number of provisions.⁵⁹ The reporting officer opposed the inclusion of the phrase on the basis that the term "anticipated" can be read as "permitted"⁶⁰ and would form part of the permitted baseline where such effects would be disregarded at the consenting stage.
- (f) Kāinga Ora agrees with the reporting planner that the effect of this inclusion would influence the permitted baseline as this is the intent of the submission. However, Kāinga Ora considers the proposed amendments are necessary in order for the PDP to give effect to Policy 6 of the NPS-UD.

8.3 Further amendments are set out in Mr Heale's⁶¹ and Mr Rae's⁶² evidence. While the amendments to the development standards above

⁵⁵ Statement of evidence for Michael Cullen, 12 June 2023, paragraph 9.3.

⁵⁶ Statement of evidence for Matt Heale, 12 June 2023, paragraph 12.8

⁵⁷ Statement of evidence for Matt Heale, 12 June 2023, paragraph 12.8(a).

⁵⁸ Statement of evidence for Michael Cullen, 12 June 2023, paragraph 9.3.

⁵⁹ Including for example, Policy MCZ-P9 (Managing adverse effects).

⁶⁰ See *Sydney Street Substation Ltd v Wellington City Council* CIV 2017-485-11 [2017] 2489.

⁶¹ Statement of evidence for Matt Heale, 12 June 2023, sections 15 to 19.

⁶² Statement of evidence for Nick Rae, 12 June 2023, sections 8, 9, 10, 12, and 13.

are largely planning and design matters, these provisions do affect whether the PDP is able to adequately give effect to the NPS-UD and the Amendment Act.

9. EVIDENCE

9.1 Evidence by the following witnesses has been exchanged in support of submissions by Kāinga Ora for this hearing topic:

- (a) Brendon Liggett – Corporate evidence and Kāinga Ora representative;
- (b) Nick Rae – urban design;
- (c) Michael Cullen – economics; and
- (d) Matt Heale – planning.

Dated

2023

Jennifer Caldwell
Counsel for Kāinga Ora – Homes
and Communities

Appendix A – Kāinga Ora position on Hearing Stream 4 submissions

Submission Number	Plan Provision	Submission summary	Section 42A report position	Kāinga Ora position following section 42A report
Overview and General Matters				
391.501 & 391.502	Commercial and mixed use Zones / General point on Commercial and mixed use Zones / General point on Commercial and mixed use Zones	Oppose. Kāinga Ora considers that the centres hierarchy should be reviewed to improve national and regional consistency and increase density and heights across the board.	Section 42A report rejects the submission and notes that Council elected not to take this approach and instead to apply a more simplified hierarchy that does not include a TCZ. While the TCZ is an option, there is no requirement for the Council to include this zone in the District Plan centres hierarchy. Section 42A report notes that the CMUZ provisions have been reviewed in their totality and amendments considered.	Kāinga Ora seeks that the intensification provisions in the Commercial (Centres) and Mixed-Use Zones are reviewed to improve national and regional consistency and increase density and heights across the board.
391.503	Commercial and mixed use Zones / General point on Commercial and mixed use Zones / General point on Commercial and mixed use Zones	Oppose. Kāinga Ora sought that a Town Chapter is added to the Commercial and Mixed Use Zones classification.	Section 42A report rejects the submission and notes that the additional development potential available to each of these centres is limited (hazards; heritage etc) and the submission does not include any planning evaluation, technical, economic or urban design assessments.	Kāinga Ora seeks that a Town Centre chapter is added to the Commercial and Mixed Use Zones classification.
391.505	Commercial and mixed use Zones / General point on Commercial and mixed use Zones / General point on Commercial and mixed use Zones	Support in part. Kāinga Ora sought amendment so active frontage controls only apply where necessary, such as along principal roads/arterials and not necessarily along connecting streets.	Section 42A report accepts in part and notes that some matters will be addressed further in the zone-specific sections of the S42A report.	
391.506	Commercial and mixed use Zones / General point on Commercial and mixed use Zones / General point on Commercial and mixed use Zone	Support in part. Kāinga Ora sought amendment to the gross floor area in the LCZ and NCZ because the Integrated Retail Activity gross floor areas of 20,000m ² do not reflect the scale of the Centres hierarchy anticipated in the NPSUD and the National Planning Standards.	Section 42A report accepts in part and assess these changes in the LCZ and NCZ reports.	
391.20	Other / Other / Other	Support. Kāinga Ora sought addition of a new Town Centre Zone Chapter to include Miramar, Tawa, and Newtown because these centres provide a range of commercial, community, recreational and residential activities that service the needs of the immediate and neighbouring suburbs.	Section 42A report rejects the submission and does not recommend a new Town Centre Zone be added to the District Plan hierarchy of centres.	Kāinga Ora seeks that a Town Centre Chapter is added to the Proposed District Plan with: <ol style="list-style-type: none"> 1. Town Centre Zone provisions in Appendix 2 of the submission 2. The Miramar commercial centre is zoned as a Town Centre Zone as sought in this submission and on the planning maps in Appendix 4 3. The Tawa commercial centre is zoned as a Town Centre Zone as sought in this submission and on the planning maps in Appendix 4 4. The Newtown commercial centre is zoned as a Town Centre Zone as sought in this submission and on the planning maps in Appendix 4 5. Any consequential updates to the Plan to account for the introduction of a Town Centre Zone. 6. Amendments to planning maps are made as shown in Appendix 4 of this submission 7. Any consequential updates to maps
391.30	Other / Other / Other	Support. Kāinga Ora sought addition of a new Town Centre Zone Chapter to include Miramar, Tawa, and Newtown because these centres provide a range of commercial, community, recreational and residential activities that service the needs of the immediate and neighbouring suburbs.	Section 42A report rejects the submission and does not recommend a new Town Centre Zone be added to the District Plan hierarchy of centres.	Kāinga Ora seeks that a Town Centre Chapter is added to the Proposed District Plan with: <ol style="list-style-type: none"> 1. Town Centre Zone provisions in Appendix 2 of the submission

				<p>2. The Miramar commercial centre is zoned as a Town Centre Zone as sought in this submission and on the planning maps in Appendix 4</p> <p>3. The Tawa commercial centre is zoned as a Town Centre Zone as sought in this submission and on the planning maps in Appendix 4</p> <p>4. The Newtown commercial centre is zoned as a Town Centre Zone as sought in this submission and on the planning maps in Appendix 4</p> <p>5. Any consequential updates to the Plan to account for the introduction of a Town Centre Zone.</p> <p>6. Amendments to planning maps are made as shown in Appendix 4 of this submission</p> <p>7. Any consequential updates to maps</p>
391.15	Mapping / Mapping General / Mapping General	Kāinga Ora sought that zoning in the Proposed District Plan be amended according to the mapping proposed in Appendix 4.	Section 42A report rejects in part and notes that the retention of the notified zone boundaries will encourage the centres activities to occur within a more condensed area thereby establishing and maintaining more cohesive, accessible and viable centres. Section 42A report accepted some minor changes to boundaries in LCZ S42A (Part 3).	
391.27 & 391.28	Mapping / Rezone / Rezone	Support. Kāinga Ora sought addition of a new Town Centre Zone Chapter to include Miramar, Tawa, and Newtown because these centres provide a range of commercial, community, recreational and residential activities that service the needs of the immediate and neighbouring suburbs.	Section 42A report rejects the submission and does not recommend a new Town Centre Zone be added to the District Plan hierarchy of centres	<p>Kāinga Ora seeks that a Town Centre Chapter is added to the Proposed District Plan with:</p> <p>1. Town Centre Zone provisions in Appendix 2 of the submission</p> <p>2. The Miramar commercial centre is zoned as a Town Centre Zone as sought in this submission and on the planning maps in Appendix 4</p> <p>3. The Tawa commercial centre is zoned as a Town Centre Zone as sought in this submission and on the planning maps in Appendix 4</p> <p>4. The Newtown commercial centre is zoned as a Town Centre Zone as sought in this submission and on the planning maps in Appendix 4</p> <p>5. Any consequential updates to the Plan to account for the introduction of a Town Centre Zone.</p> <p>6. Amendments to planning maps are made as shown in Appendix 4 of this submission</p> <p>7. Any consequential updates to maps</p>

391.665 & 391.666	Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-P10	Support in part. Kāinga Ora sought amendment because MCZ-P10 is inconsistent with the current legislative framework; over height development should be assessed based on the potential or actual effects or the proposed infringement and all of these activities are anticipated by the zone.	Section 42A report rejects the submission.	Kāinga Ora supports the approach taken in the section 42A report.
391.529 & 391.530	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-P10	Oppose in part. Kāinga Ora opposed the requiring 'City Outcomes Contribution' in NCZ-P10 because it is inconsistent with the current legislative framework; over height development should be assessed based on the potential or actual effects or the proposed infringement, as provided for by the rule framework; and all of these activities are anticipated by the zone.	Section 42A report rejects the submission.	Kāinga Ora supports the approach taken in the section 42A report.
City Centre Zone				
391.688 & 391.689	Commercial and mixed use Zones / City Centre Zone / General CCZ	Support in part. Kāinga Ora sought an amendment to change height controls to ensure that intensification is enabled in areas of high accessibility to commercial activity community services and public transport, and that height controls enable a transition of height and density within the urban built form from higher heights and densities in centres.	Section 42A report rejects the amendment and considers it inappropriate to add standards to CCZ-S1 that control heights within walking catchments of the City Centre Zone. This is because the appropriate place for height limits in these areas is within the relevant zone standards, not in the CCZ provision. Section 42A report supports the findings from HS1 and HS2 about the effect of the CCZ walkable catchment on those limits.	Kāinga Ora seeks amendment to City Centre Zone to add a height control of: i. 43m within a 400m walkable catchment of a City Centre Zone ii. 36m within a 400-1500m walkable catchment of a City Centre Zone
391.690 & 391.691	Commercial and mixed use Zones / City Centre Zone / General CCZ	Support in part. Kāinga Ora sought an amendment to delete "comprehensive development" from the introduction as there are no rules to implement this approach.	Section 42A report rejects the amendment and notes that while there is no associated standard for the term "comprehensive development", there are two policy links to CCZ-P9 and CCZ-P11.	Kāinga Ora seeks amendment to the introduction of City Centre Zones: In locations where rapid transit investment has been signalled measures have been included to enable opportunities for more intensive, comprehensive development to occur, particularly in areas within a walkable distance of planned rapid transit stops
FS89.40	Part 3 / Commercial and Mixed Use Zones / City Centre Zone / New CCZ	Opposes the submission to add a setback of 5m from the rail corridor because a considerably reduced set back would provide adequate space for maintenance activities within sites adjacent to the rail network.	Section 42A report accepts in part the submission to ? [need to go through the documents for this??]	
391.692	Commercial and mixed use Zones / City Centre Zone / CCZ-O1	Supportive of CCZ-O1. Kāinga Ora sought for CCZ-O1 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.693 & 391.694	Commercial and mixed use Zones / City Centre Zone / CCZ-O2	Support in part. Kāinga Ora sought amendment to clarify that the Central City Zone contains high density residential living rather than medium density housing.	Section 42A report accepts in part and notes that medium density in the CCZ is inefficient and that high density is the preference for the City's most intensified zone.	Kāinga Ora supports the approach taken in the section 42A report.
391.695	Commercial and mixed use Zones / City Centre Zone / CCZ-O3	Supportive of CCZ-O3. Kāinga Ora sought for CCZ-O3 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.696	Commercial and mixed use Zones / City Centre Zone / CCZ-O4	Supportive of CCZ-O4. Kāinga Ora sought for CCZ-O4 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.697 & 391.698	Commercial and mixed use Zones / City Centre Zone / CCZ-O5	Support in part. Kāinga Ora sought amendment to balance the need to contribute to the amenity of neighbouring residential areas while achieving anticipated built form in accordance with the NPS-UD.	Section 42A report accepts in part and believes that there still needs to be a balanced approach in the CCZ in enabling development capacity but also providing for on-site, adjacent, and public amenity as far as practicable.	Kāinga Ora supports the approach taken in the section 42A report.

391.699	Commercial and mixed use Zones / City Centre Zone / CCZ-O6	Supportive of CCZ-O6. Kāinga Ora sought for CCZ-O6 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.700 & 391.701	Commercial and mixed use Zones / City Centre Zone / CCZ-O7	Support in part. Kāinga Ora sought amendment to recognise that adverse effects do not include significant changes to an area anticipated by the planned urban built form in accordance with the NPS-UD.	Section 42A report rejects the amendment and considers that this change is inappropriate as it would effectively build a permitted baseline test into the policy, which arguably should remain at the discretion of the resource consent planner. I consider that this phrasing should not be used in the CCZ (or other zones) planning framework.	Kāinga Ora seeks amendment to CCZ-O7: Adverse effects of activities and development beyond the planned urban built form anticipated in the City Centre Zone are managed effectively both:
391.702 & 391.703	Commercial and mixed use Zones / City Centre Zone / CCZ-P1	Support in part. Kāinga Ora sought amendment to recognise that residential activities are generally enabled and considers that Policy CCZ-P2 provides the specifics about activities that should be restricted, noting that this is residential activities at ground floor in areas of identified natural hazard risk.	Section 42A report accepts in part and agrees that the exception for natural hazard risk should be removed from CCZ-P1 as this is sufficiently provided for within the Natural Hazard and Coastal Hazard chapter's rule frameworks. However, section 42A report does not agree that the exception for active frontages and verandahs should be removed from CCZ-P1 and considers it is clearer that the exceptions to the enabled activities are outlined in CCZ-P1 as well as being listed as potentially incompatible activities in CCZ-P2.	Kāinga Ora supports the approach taken in the section 42A report.
391.704 & 391.705	Commercial and mixed use Zones / City Centre Zone / CCZ-P2	Support in part. Kāinga Ora sought amendment to provide for ground floor residential activities that are not visible from streets and notes that identified hazard risk is addressed in the natural hazards chapter so does not need to be referenced here.	Section 42A report rejects the amendment and notes that the exclusions in CCZ-P1, CCZ-P2 and CCZ-R14 for residential activities which are incompatible are not just about visibility on the street edge. Section 42A report considers that there is sufficient alternative areas of the CCZ where residential activity at ground floor has been enabled and considered appropriate.	Kāinga Ora seeks amendment to CCZ-P2: Only allow activities that are potentially incompatible with the purpose of the City Centre Zone, where they will not have an adverse effect on its vitality, vibrancy and amenity. Potentially incompatible activities include: ... 5. Ground floor residential activities that are visible on streets identified as requiring either an active frontage or verandah coverage and sites subject to an identified hazard risk
391.706	Commercial and mixed use Zones / City Centre Zone / CCZ-P3	Supportive of CCZ-P3. Kāinga Ora sought for CCZ-P3 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.707 & 391.708	Commercial and mixed use Zones / City Centre Zone / CCZ-P4	Support in part. Kāinga Ora sought amendment to recognise that tenures should not be managed through the District Plan and considers the focus should be on providing for the level of the activity and building form that is appropriate for a City Centre.	Section 42A report rejects the amendment and notes that CCZ-P4 seeks that a range of housing is supplied in the CCZ but is not prescriptive in that there is no implicit requirement to provide this range within each development. Section 42A report sees no reason why a range of tenures should not be available within the CCZ and notes that tenure has been included to ensure that the policy also focuses on a range of housing types and sizes for renters, giving renters sufficient choice rather than just those seeking to buy.	Kāinga Ora seeks amendment to CCZ-P4: Housing choice Enable high density, good quality residential development that: 1. Contributes towards accommodating anticipated growth in the city; and 2. Offers Contributes to a range of housing price, type, and size and tenure that is accessible to people of all ages, lifestyles, cultures, impairments and abilities
391.709	Commercial and mixed use Zones / City Centre Zone / CCZ-P5	Supportive of CCZ-P5. Kāinga Ora sought for CCZ-P5 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.710 & 391.711	Commercial and mixed use Zones / City Centre Zone / CCZ-P6	Support in part. Kāinga Ora sought amendment to recognise that ground floor residential activities may be appropriate where they are located at ground floor level but not fronting active streets. Considers not all hazards would restrict residential activities from locating at ground floor. In addition, considers the Natural Hazards chapter manages this issue.	Section 42A report accepts in part but does not consider the change to 'frontage' is appropriate as there is no definition of 'frontage' and it could create ambiguity with implementation at the resource consent stage. Section 42A report notes that this policy is about enabling residential activity where these controls apply, as opposed to CCZ-P2 which notes residential activity along streets where these specific controls apply is considered potentially incompatible. An applicant can apply for a resource consent to do residential activity within these controls and the effects and risks of	Kāinga Ora seeks amendment to CCZ-P5: Adaptive use Encourage new development and redevelopment in the City Centre Zone that is sustainable, resilient and adaptable to change in use over time, including enabling: 1. Sufficient flexibility for ground floor space to be used and converted for a range of activities; and 2. Residential activities at ground floor level along fronting streets that are not subject to active frontage and/or

			doing so gets assessed through the resource consent process. Section 42A report agrees to remove the text regarding the sites being free of any identified natural hazards.	verandah coverage requirements and sites free of any identified natural hazard risk.
391.712	Commercial and mixed use Zones / City Centre Zone / CCZ-P7	Supportive of CCZ-P7. Kāinga Ora sought for CCZ-P7 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.713	Commercial and mixed use Zones / City Centre Zone / CCZ-P8	Supportive of CCZ-P8. Kāinga Ora sought for CCZ-P8 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.714 & 391.715	Commercial and mixed use Zones / City Centre Zone / CCZ-P9	Support in part. Kāinga Ora sought amendment to: (a) The policy name to better reflect the intent of the policy and the subsequent wording, which seeks to manage new developments contribution to the city centre and streetscape; and (b) The policy wording to better recognise the CCZ rule setting and 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; and to simplify and clarify the neighbourhood and townscape outcomes that plan is seeking to manage	Section 42A report accepts in part and does not consider a change to the name of the policy is required. The existing title makes it clear that this policy is design focused, whereas the requested change does not. The proposed change in creates ambiguity, as it does not reference or allude to the intent of CCZ-P9 and reads more as a policy relating to the purpose of the zone than design outcomes. Section 42A report believes it is inappropriate to remove the reference to amenity and to remove the reference to "acts as catalyst for future change by reflecting". Section 42A report considers it appropriate to remove reference to "and sites free of any identified natural hazard risk".	Kāinga Ora seeks amendment to CCZ-P9: Quality design outcomes Require <u>significant</u> new development, and alterations and additions to existing development, at a site scale to positively contribute to the sense of place and distinctive form, quality and <u>amenity planned urban built form and function</u> of the City Centre Zone by: 1. Meeting the requirements of the Centres and Mixed Use Design Guide <u>1.</u> Recognising the benefits of well-designed, <u>comprehensive intensive</u> development, including the extent to which the development: a. Acts as a catalyst for future change by reflecting <u>Reflects</u> the nature and scale of the development proposed enabled within the zone and in the vicinity and responds to the evolving, more intensive identity of the <u>neighbourhood-City Centre</u> ; b. Optimises the development capacity of the land, particularly sites that are: <u>i. Large; or</u> <u>ii. Narrow; or</u> <u>iii. Vacant; or</u> <u>iv. Ground level parking areas; ...</u> 2. Ensuring that development, where relevant: a. Responds to the site context, particularly where it is located adjacent to: i. A scheduled site of significance to Māori; ii. A heritage building, heritage structure or heritage area; <u>iii. An identified character precinct; ...</u> iv. A listed public space; v. Identified pedestrian streets;
391.716 & 391.717	Commercial and mixed use Zones / City Centre Zone / CCZ-P10	Support in part. Kāinga Ora sought amendment to clarify the extent of on-site amenity requirements and to remove communal outdoor space requirements as this is already covered by reference to outdoor space generally.	Section 42A report accepts in part to clarify the wording but does not recommend removing the reference to private or shared communal areas as this is a necessary policy hook back to CCZ-S10.	Kāinga Ora seeks amendments to CCZ-P10: Achieve a high standard of amenity for residential activities that reflects and responds to the evolving, higher density scale of development anticipated in the City Centre Zone, including: 1. Providing residents with access to an adequate outlook; <u>and</u>

				<p>2. Ensuring <u>convenient</u> access to convenient outdoor space, including private and/or shared communal areas of outdoor space;.</p> <p>3. Meeting the requirements of the Residential Design Guide, as relevant; and</p> <p>4. Providing residents with adequate internal living space.</p>
391.718 & 391.719	Commercial and mixed use Zones / City Centre Zone / CCZ-P11	Oppose in part. Kāinga Ora sought amendment to remove reference to "City Outcomes Contribution" because height development should be assessed based on the potential or actual effects or the proposed infringement, and all of these activities are anticipated by the zone.	Section 42A report accepts on part and notes that district plans are not bound only to consider the adverse effects of infringing particular rules. District plans are to include methods, other than rules, for implementing the policies for the district, which in turn implement the objectives for the district.	<p>Kāinga Ora seeks amendment to CCZ-P11:</p> <p>City outcomes contribution</p> <p>Require Encourage <u>over height, large-scale residential, non-residential and comprehensive developments over CCZ-S4 height thresholds and under CCZ-S4 minimum building heights in the City Centre Zone to deliver City Outcomes Contributions as detailed and scored in Appendix 16 the Centres and Mixed Used Design guideline G107, including through either that contribute to positive outcomes including by:</u></p> <p>4 <u>Positively</u> contributing to public space provision and the amenity of the site and surrounding area; and/or</p> <p><u>2. Enabling ease of access for people of all ages and mobility/disability</u></p> <p>2.3. <u>Incorporating a level of building performance that leads to reduced carbon emissions and increased climate change earthquake resilience; and/or</u></p> <p>3. Incorporating construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs; and/or</p> <p>4. Incorporating assisted housing into the development; and where this is provided legal instruments are required to ensure that it remains assisted housing for at least 25 years; and/or</p> <p>5. Enabling ease of access for people of all ages and mobility</p>
391.720 & 391.721	Commercial and mixed use Zones / City Centre Zone / CCZ-P12	Support in part. Kāinga Ora sought amendment that reflect NPS-UD Policy 6.	Section 42A rejects the amendment and does not consider the change to be appropriate as this would effectively build a permitted baseline test into the policy, which arguably should remain at the discretion of a reporting resource consent planner.	<p>Kāinga Ora seeks amendment to CCZ-P12:</p> <p>Recognise the evolving, higher density development context anticipated in the City Centre Zone, while managing any associated adverse effects <u>beyond those anticipated within the zone</u> including:</p>
	Commercial and mixed use Zones / City Centre Zone / CCZ-PX			<p>Kāinga Ora seeks amendment to CCZ-PX:</p> <p><u>Retirement village</u></p> <p><u>Provide for retirement villages where it can be demonstrated that the development:</u></p> <p>1. Meeting the requirements of the Residential Design Guide, as relevant;</p> <p><u>2. Includes outdoor space that is sufficient to cater for the needs of the residents of the village;</u></p> <p><u>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;</u></p>

				<p>4. Is able to be adequately serviced by three waters infrastructure or can address any constraints on the site; and</p> <p>5. Is of an intensity, scale and design that is consistent with the amenity values anticipated for the Zone.</p>
391.722 & 391.723	Commercial and mixed use Zones / City Centre Zone / CCZ-R12	Support in part. Kāinga Ora sought amendment so active frontages are only applied to key roads; considers it is unclear why verandah coverage is an issue for residential development particularly when ground floor development is controlled on active frontages and non-residential activity frontages in accordance with LCZ-P4; reference to natural hazards is removed as it is considered these matters are controlled by Natural Hazard rules and the proposed wording is inconsistent with this approach as this encourages residential development in hazard overlay areas.	Section 42A report accepts in part and agrees to remove clause (iv) regarding residential activity at ground floor on any site contained within a Natural Hazard Overlay. Section 42A report disagrees that CCZ-R12 will apply in instances where verandah cover is required but the site is not an active frontage, and signifies that the District Plan seeks to enhance the vitality and vibrancy of centres by preventing residential activities in these locations	<p>Kāinga Ora seeks amendment to CCZ-R12: Residential activities and Retirement Villages</p> <p>1. Activity status: Permitted</p> <p>2. where:</p> <p>a. The activity is located:</p> <p>i. Above ground floor level; or</p> <p>ii. At ground floor level along any street edge not identified as an active frontage.; or</p> <p>iii. At ground level along any street not identified as requiring verandah coverage;or</p> <p>iv. At ground level on any site contained within a Natural Hazard Overlay. ...</p>
391.724 & 391.725	Commercial and mixed use Zones / City Centre Zone / CCZ-R12	Support in part. Kāinga Ora sought amendment so the activity status for non-compliance is amended to Restricted Discretionary and appropriate matters of discretion are restricted to Policy 7 and 8 matters.	Section 42A report rejects the amendment and considers that Discretionary provides for sufficient consideration through the consent process to ensure that enabling residential activities where one or more of those controls applies is appropriate or note.	<p>Kāinga Ora seeks amendment to CCZ-R12:</p> <p>2. Activity status: Discretionary Restricted Discretionary where:</p> <p>a. Compliance with the requirements of CCZR12.1.a cannot be achieved.</p> <p>Matters of Discretion are restricted to:</p> <p>1. The matters in CCZ-PXX, CCZ-P9 and CCZ-P10</p> <p>b. Notification status: An application for resource consent made in respect of rule CCZ-R12.2.a is precluded from being either publicly or limited notified</p>
391.726	Commercial and mixed use Zones / City Centre Zone / CCZ-R18	Support in part. Kāinga Ora sought amendment to ensure that this rule will not have an unintended consequence of constraining staged developments.	Section 42A report rejects the amendment and does not recommend any changes to avoid potential unintended consequences of constraining staged development.	Kāinga Ora seeks amendment to CCZ-R18 as necessary to avoid potential unintended consequence of constraining staged development.
391.727 & 391.728	Commercial and mixed use Zones / City Centre Zone / CCZ-R19	Support in part. Kāinga Ora sought amendment to remove direct reference to the design guide and to instead articulate the urban design outcomes that are sought, and to remove reference to the “City Outcomes Contribution”.	Section 42A report rejects the amendment and considers it would only be appropriate for the Centres and Mixed-Use Design Guide be removed if it was referenced in the necessary policies to ensure the rules hook back to the design guides through the policies. Section 42A report considers it inappropriate to remove reference to CCZ-S10, CCZ-S11 and CCZ-S12 as resource consent applications for additions and alterations still need to provide for these mechanisms.	<p>Kāinga Ora seeks amendment to CCZ-R19:</p> <p>1. Activity status: Permitted</p> <p>where: ...</p> <p>iii. Do not result in the creation of new residential units; and</p> <p>1. Activity status: Restricted Discretionary</p> <p>Matters of discretion are:</p> <p>1. The matters in CCZ-P4, CCZ-P5, CCZ-P6, CCZ P7, CCZ-P8 CCZ-P9, CCZ-P10, CCZ-P14 and CCZ-P12;</p> <p>2. The extent and effect of non-compliance with CCZ-S4, CCZ-S2, CCZ-S3, CCZ-S4, CCZ-S5, CCZ-S6, CCZ-S7, CCZ-S8, CCZ-S9, CCZ-S10, CCZ-S11, CCZ-S12 and CCZ-S13, CCZ-SX (Fences and standalone walls), CCZ-SX Page 18 (Boundary setback from a rail corridor) and CCZ-SX (Sites adjoining residential zones);</p> <p>3. Construction impacts on the transport network and;</p> <p>4. The Centres and Mixed-Use Design Guide, including guideline G107</p>

				<p>5. City Outcomes Contribution for any building that exceeds the maximum height requirement and either comprises 50 or more residential units or is a non-residential building; and</p> <p>6. The Residential Design Guide</p>
391.729 & 391.730	Commercial and mixed use Zones / City Centre Zone / CCZ-R20	Support in part. Kāinga Ora sought amendment to remove direct reference to the design guide and to instead articulate the urban design outcomes that are sought, and to remove reference to the “City Outcomes Contribution”	Section 42A report rejects the amendment and considers it would only be appropriate for the Centres and Mixed-Use Design Guide be removed if it was referenced in the necessary policies to ensure the rules hook back to the design guides through the policies. Section 42A report considers it inappropriate to remove reference to CCZ-S10, CCZ-S11 and CCZ-S12 as resource consent applications for additions and alterations still need to provide for these mechanisms.	<p>Kāinga Ora seeks amendment to CCZ-R20:</p> <p>1. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>1. Compliance with any of the requirements of CCZ-R20.1, excluding CCZ-S4, cannot be achieved.</p> <p>Matters of discretion are:</p> <p>1. The matters in CCZ-P4, CCZ-P5, CCZ-P6, CCZ-P7, CCZ-P8, CCZ-P9, CCZ-P10, CCZ-P11 and CCZ-P12;</p> <p>2. The extent and effect of non-compliance with CCZ S1, CCZ-S2, CCZ-S3, CCZ-S5, CCZ-S6, CCZ-S7, CCZ S8, CCZ-S9, CCZ-S10, CCZ-S11, CCZ-S12 and CCZ-S13, CCZ-SX (Fences and standalone walls), CCZ-SX (Boundary setback from a rail corridor) and CCZ-SX (Sites adjoining residential zones);</p> <p>3. The Centres and Mixed-Use Design Guide, including guideline G107</p> <p>4. City Outcomes Contribution for any building that exceeds the maximum height requirement and either comprises 50 or more residential units or is a non-residential building;</p> <p>5. The Residential Design Guide</p> <p>5. The extent and effect of any identifiable site constraints;</p> <p>6. The impacts of related construction activities on the transport network; and</p> <p>7. The availability and connection to existing or planned three waters infrastructure.</p>
391.731 & 391.732	Commercial and mixed use Zones / City Centre Zone / CCZ-R21	Support in part. Kāinga Ora sought amendment to remove direct reference to the design guide and to instead articulate the urban design outcomes that are sought.	Section 42A report accepts in part and is of the opinion that reference to the RDG should rightly sit within CCZ-P10 instead of the rule framework. Section 42A report disagrees with the amendment to remove reference to CCZ-S10 and CCZ-SR2 because it is important that consideration is provided for providing adequate private or communal outdoor living space given the rule relates to conversion of a building for residential activities.	<p>Kāinga Ora seeks amendment to CCZ-R21:</p> <p>1. Activity status: Restricted Discretionary</p> <p>Matters of discretion are:</p> <p>1. The matters in CCZ-P1, CCZ-P4 and CCZ-P10;</p> <p>2. The extent of compliance with standards CCZ-S9, CCZ-S10 and CCZ-S13 and satisfaction of associated assessment criteria;</p> <p>3. The relevant guidance contained within the Residential Design Guide;</p> <p>4. The availability and connection to existing or planned three waters infrastructure.</p> <p>Notification status: An application for resource consent made in respect of rule CCZ-R21.1 is precluded from being either publicly or limited notified</p>
391.733 & 391.734	Commercial and mixed use Zones / City Centre Zone / CCZ-S1	Oppose in part. Kāinga Ora sought amendment so the building heights are simplified and considers the Central Wellington City and the City Centre Zone should provide for unlimited building heights to encourage intensification and development.	Section 42A report accepts in part and recommends an unlimited height in CCZ, but heights above identified threshold of City Outcomes Contribution must be complied with. Section 42A introduces 1.8m fence height standard.	Kāinga Ora supports the approach taken in the section 42A report.

391.735	Commercial and mixed use Zones / City Centre Zone / CCZ-S8	Kāinga Ora sought amendment so active frontage controls only apply where necessary, along principal roads/arterials and along any street edge rather than buildings on the whole site where an active frontage applies, and considers active frontage controls on streets and buildings where these matters do not apply should be deleted.	Section 42A report rejects the amendment but agrees that CCZ-S8 active frontage control should only apply where necessary. Section 42A report is of htre view that the mapped extent and wording of CCZ-S8 make it clear where the CCZ provision applies.	<p>Kāinga Ora seeks amendments to CCZ-S8:</p> <ol style="list-style-type: none"> 1. Any new building or addition to an existing building adjoining an identified street with an active frontage control must: <ol style="list-style-type: none"> a. Be built up to the street edge on all street boundaries <u>with an identified active frontage control</u> and along the full width of the site bordering any the street boundary, <u>excluding vehicle and pedestrian access</u>; b. Provide a minimum of 60% of continuous display windows or transparent glazing along the width of the ground floor building frontage; and c. Locate the principal public entrance on the front boundary. Except that: This does not apply to any heritage building identified in SCHED1-heritage buildings or service stations; and 2. Any ground level <u>façade of new building</u> or addition to, or alteration of, a building or structure facing a public space must not result in a featureless façade that: <ol style="list-style-type: none"> a. Is more than 4 metres wide; b. Extends from a height of 1m above ground level to a maximum height of 2.5m; and c. Any roller shutter doors (<u>except to car parking and service areas</u>), security grilles, screens or similar structures fitted to the facade of any building must be at least 50% visually transparent. <p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. The extent to which: <ol style="list-style-type: none"> a. Any non-compliance is required for on-site functional needs or operational needs; b. The building frontage is designed and located to create a strong visual alignment with adjoining buildings or otherwise enhances the streetscape; and c. An acceptable level of pPassive surveillance is maintained between the interior of the building and the street <u>is provided</u>.
391.736 & 391.737	Commercial and mixed use Zones / City Centre Zone / CCZ-S9	Support in part. Kāinga Ora sought amendment to remove the minimum standard for 2+ bedroom units to enable greater design flexibility.	Section 42A report rejects the amendment and does not consider that compelling evidence or s32AA assessment has been provided by the submitter for a reduction in minimum unit sizes.	Kāinga Ora supports the approach taken in the section 42A report.
391.738	Commercial and mixed use Zones / City Centre Zone / CCZ-S10	Oppose. Kāinga Ora sought the deletion of CCZ-S10 in its entirety and considers the City Centre to be a zone where it may be appropriate to develop residential units without outdoor living space given the access to public spaces and facilities.	Section 42A report rejects the amendment and notes that half of the apartments had only a single aspect; most apartments do not have private outdoor space and; for those that do have private outdoor spaces, this space is usually less than 10m2.	Kāinga Ora supports the approach taken in the section 42A report.
391.739	Commercial and mixed use Zones / City Centre Zone / CCZ-S11	Oppose. Kāinga Ora sought the deletion of CCZ-S11 in its entirety and considers it a constraint on design flexibility.	Section 42A report rejects the amendment and notes that testing of sites demonstrates that these rules along with the building depth and building separation rules, effectively allow the development to achieve the privacy separation requirements. The intent of the standard is to enhance solar	Kāinga Ora seeks the deletion of CCZ-S11 (Minimum building separation distance) in its entirety.

			access and the potential for outlook/privacy to be created for residents on-site and those in adjacent developments.	
391.740	Commercial and mixed use Zones / City Centre Zone / CCZ-S12	Oppose. Kāinga Ora sought the deletion of CCZ-S12 in its entirety and considers it a constraint on design flexibility.	Section 42A report rejects the amendment and notes that maximum building depth will encourage buildings to be placed at the front of sites and prevent long buildings into the site and facing adjoining properties	Kāinga Ora seeks the deletion of CCZ-S12 (Minimum building separation distance) in its entirety.
391.741	Commercial and mixed use Zones / City Centre Zone / CCZ-S13	Oppose. Kāinga Ora sought the deletion of CCZ-S13 in its entirety and considers it sets a standard that may not be possible to meet for dwellings that would otherwise provide a decent standard of living.	Section 42A report rejects the amendment and considers CCZ-S13 fundamental to allow for outlook space for residents.	Kāinga Ora seeks the deletion of CCZ-S13 (Minimum building separation distance) in its entirety.
391.33	Interpretation Subpart / Definitions / COMPREHENSIVE DEVELOPMENT	Oppose. Kāinga Ora sought the deletion of the definition provided for "Comprehensive Development."	Section 42A report rejects the amendment and considers there is merit in retaining the definition because it is referenced in the introduction to CCZ; CCZ-P9; CCZ-P11 and across CMUZ and Three Waters chapter.	Kāinga Ora seeks to delete the definition of 'Comprehensive Development'.
391.11	Whole PDP / Whole PDP / Whole PDP	Oppose. Kāinga Ora sought the deletion of references to "Comprehensive Development" throughout the PDP.	Section 42A report rejects the amendment and considers there is merit in retaining the definition because it is referenced in the introduction to CCZ; CCZ-P9; CCZ-P11 and across CMUZ and Three Waters chapter.	Kāinga Ora seeks to delete the references to 'Comprehensive Development' throughout the PDP.
391.25	Mapping / Mapping General / Mapping General	Oppose. Kāinga Ora sought to delete any mapping references to height limits in the CCZ and considers the Central Wellington City and the City Centre Zone should provide for unlimited building heights to encourage intensification and development and height should not be limited in the City Centre.	Section 42A report rejects the amendment and considers it inappropriate to add standards to CCZ-S1 that control height limits within walking catchments because this is directing a height limit for other zones outside the CCZ. The appropriate place for height limits in these areas is within the relevant zone standards, not in the CCZ provisions.	Kāinga Ora seeks to delete any mapping references to height limits in the CCZ.
FS89.96	General / Mapping / Rezone / Rezone	Oppose. Kāinga Ora opposed the submission from Mt Victoria Historical Society to rezone the CCZ east of Cambridge Terrace to MRZ.	Section 42A report accepts the further submission because the CCZ boundary has not changed from the Operative Plan. Section 42A report does not consider that compelling evidence or s32AA assessment has been provided by submitters to support any change in zoning.	Kāinga Ora supports the approach taken in the section 42A report.
391.457 & 391.458	Residential Zones / High Density Residential Zone / HRZ-P13	Oppose. Kāinga Ora sought amendment to encourage positive outcomes for development in the HRZ.	Section 42A report rejects the amendment and considers that the changes are simply moving the City Outcomes Contribution method from the Design Guides to CCZ-S1 and the recommended Appendix 16. Section 42A report notes that HRZ-P13 control is a variation to an existing ODP control design excellence and needs to be retained as it provides a method to ensure density is done well.	Kāinga Ora seeks amendment to HRZ-P13: Require over height, large-scale residential Encourage development in the High Density Residential Zone to contribute to positive outcomes deliver City Outcomes Contributions as detailed and scored in the Residential Design Guide , including through either: 1. Positively contributing to public space provision and the amenity of the site and surrounding area; and/or 2. Incorporating a level of building performance that leads to reduced carbon emissions and increased climate change resilience; and/or 3. Incorporating construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs; and/or 4. Incorporating assisted housing into the development, and where this is provided legal instruments are required to ensure that it remains assisted housing for at least 25 years; and/or 54. Enabling ease of access for people of all ages and mobility

DEV1 - Kilbirnie Bus Barns				
391.743 & 391.744	Development Area / Development Area Kilbirnie Bus Barns / General DEV1	Support in part. Kāinga Ora sought amendments to rezone Medium Density Residential Zone to High Density Residential Development to align our outcomes sought in the overarching submission.	Section 42A report rejects the submission and does not recommend changes to underlying zones.	Seeks consequential amendments for all rules to reflect the High Density Residential Development rules.
FS89.50	Development Area / Development Area Kilbirnie Bus Barns / DEV1-R1	Support in part. Kāinga Ora supported the submission from Bus Barn Limited to amend DEV-R1 so references to "are not visible from public space" are deleted from the policy.	Section 42A report rejects the further submission.	
Metropolitan City Centres				
391.646 & 391.647	Commercial and mixed use Zones / Metropolitan Centre Zone / General MCZ	Support in part. Kāinga Ora sought amendment to the Metropolitan Centre Zone chapter to add a height control of 29m within 400m walkable catchment of a Metropolitan Centre Zone to ensure that the NPS-UD and Housing Supply Act are effectively and efficiently implemented.	Section 42A report accepts in part but rejects the height control.	Addressed in HS2.
391.648 & 391.649	Commercial and mixed use Zones / Metropolitan Centre Zone / General MCZ	Support in part. Kāinga Ora sought amendment to the introduction text in the Metropolitan Centre Zone to better reflect density and design outcomes anticipated in the NPS-UD.	Section 42A report accepts in part but rejects the recommended amendment to substantial height limits, high quality building design and amenity values and design in the centres.	Kāinga Ora supports the approach taken in the section 42A report.
FS89.39	Part 3 / Commercial and Mixed Use Zones / Metropolitan Zone / New MCZ	Oppose. Kāinga Ora opposed the submission from KiwiRail to add a new standard to boundary setback of 5m from the rail corridor for all buildings and structures.	Section 42A report accepts the further submission to oppose the relief sought by KiwiRail.	
391.650	Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-O1	Supportive of MCZ-O1. Kāinga Ora sought for MCZ-O1 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.651	Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-O2	Supportive of MCZ-O2. Kāinga Ora sought for MCZ-O2 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.652	Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-O3	Support in part. Kāinga Ora sought amendment to better reflect the density and design outcomes necessary to reflect the centre's location in the Centres hierarchy and the NPS-UD.	Section 42A report rejects the amendment and disagrees with the relief sought because the District Plan should enable a mix of housing options to suit the needs of different residents. Section 42A report notes that while it is important to create high quality streetscape/townscape environments, the centre as a whole should provide a high level of amenity for people who live, work and recreate within it	Kāinga Ora seeks amendment to MCZ-O3: Medium and h High density mixed-use development is achieved that positively contributes to a good quality, well-functioning urban environment that reflects the changing urban form supporting high and amenity values of <u>streets and public places in</u> the Metropolitan Centres Zone
391.653	Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-O4	Support in part. Kāinga Ora sought amendment to better reflect the centre's location in the Centres hierarchy and NPS-UD outcomes.	Section 42A report rejects the amendment and considers it unnecessary given the existing wording of the objective already articulates the purpose of the zone.	Kāinga Ora supports the approach taken in the section 42A report.
FS89.84	Part 3 / Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-P1	Oppose. Kāinga Ora opposed the relief sought by McDonalds to delete " that does not undermine the ongoing viability and vibrancy of the Local Centre Zone and Metropolitan Centre Zone and primacy of the City Centre Zone" from MCZ-P11.	Section 42A report rejects the further submission and accepts the original submission from McDonalds.	
391.654	Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-P1	Support in part. Kāinga Ora sought amendment to recognise the range of housing densities enabled in the zone and to clarify the intent of the metropolitan zone is to enable significant intensification and height.	Section 42A report rejects the amendment and notes that medium density development is an acceptable and anticipated form of development in the MCZ.	Kāinga Ora seeks amendment to MCZ-P1: Provide for the use and development of the Metropolitan Centre Zone to meet the City's needs for housing, business activities and community facilities, including: 1. A variety of building types, sizes, tenures, affordability and distribution of a scale and intensity that does not undermine

				<p>the ongoing viability, vibrancy and primacy of the City Centre Zone supports the purpose of the zone;</p> <p>2. A mix of medium and high-density housing;</p>
FS89.59	Part 3 / Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-P1	Oppose. Kāinga Ora opposed the amendment from Foodstuffs to delete "does not undermine the ongoing viability, vibrancy and primacy of the City Centre Zone" from MCZ-P1.1.	Section 42A report rejects the further submission and accepts the original submission from Foodstuffs.	
391.655	Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-P2	Supportive of MCZ-P2. Kāinga Ora sought for MCZ-P2 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.656	Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-P5	Supportive of MCZ-P5. Kāinga Ora sought for MCZ-P5 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.657 & 391.658	Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-P6	Support in part. Kāinga Ora sought amendment to recognise the range of housing densities potentially enabled in the zone and to clarify the intent of the metropolitan zone is to enable significant intensification and height.	Section 42A report rejects the amendment and notes that no planning or section 32AA evaluations have been provided in support of this submission. Section 42A report notes that the District Plan zoning framework is designed to provide different housing typologies in different locations throughout the city.	<p>Kāinga Ora seeks amendment to MCZ-P6:</p> <p>Enable medium and high-density residential development that:</p> <ol style="list-style-type: none"> 1. Contributes towards accommodating anticipated growth in the City; and 2. Offers a range of housing price, type, and size and tenure that is accessible to people of all ages, lifestyles, cultures, impairments and abilities.
391.659 & 391.660	Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-P7	Support in part. Kāinga Ora sought amendment to better reflect the intent of the policy and to better recognise the MCZ rule setting and the intent of the NPS-UD that recognises the planned urban built form that change to existing amenity is not in itself an adverse effect.	Section 42A report accepts in part and notes that changes to MCZ-P7.1.a are an improvement on the current wording. Section 42A report rejects changes to the name of the policy as the existing title signifies that this policy is designed focused and does not support the requested changes to MCZ-P7.1.b. because the purpose of listing the specific types of sites is to enable comprehensive development within the zone.	<p>Kāinga Ora seeks amendment to MCZ-P7:</p> <p>Quality design outcomes—neighbourhood and townscape Centres outcomes</p> <p>Require new development, and alterations and additions to existing development at a site scale, to positively contribute to the sense of place, quality and planned urban built form and function amenity of the Metropolitan Centre Zone by:</p> <ol style="list-style-type: none"> 1. Meeting the requirements of the Centres and Mixed Use Design Guide as relevant; 2. Recognising the benefits of well-designed, comprehensive, development, including the extent to which the development: <ol style="list-style-type: none"> a. Acts as a positive catalyst for future change by reflecting Reflects the nature and scale of the development proposed enabled within the zone and in the vicinity, and responds to the evolving, more intensive identity of the centre; b. Optimises the development capacity of land, particularly sites that are: i. Large; or ii. Narrow; or iii. Vacant; or iv. Ground level parking areas;
391.661 & 391.662	Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-P8	Support in part. Kāinga Ora sought amendment to clarify the extent of on-site amenity requirements.	Section 42A report accepts in part and notes that further amendment would clarify that there is no requirement to provide both private and communal outdoor space, rather communal outdoor space is to be provided if private space is not.	<p>Kāinga Ora seeks amendments to MCZ-P8:</p> <p>Achieve a good standard of amenity for residential activities in the Metropolitan Centre Zone by:</p> <ol style="list-style-type: none"> 1. Providing residents with access to adequate outlook; and 2. Ensuring convineint convenient access to convenient outdoor space, including private and/or shared communal areas of outdoor space;. <ol style="list-style-type: none"> 3. Meeting the requirements of the Residential Design Guide, as relevant; and 4. Providing residents with adequate internal living space

391.663 & 391.664	Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-P9	Support in part. Kāinga Ora sought amendment to specify “adjoining properties” for the minimisation of adverse effects and clarifying that effects are those beyond those anticipated in the plan in accordance with Policy 6 NPSUD.	Section 42A report accepts in part and disagrees that the policy should only allow for consideration of effects 'beyond what is anticipated in the zone'. Caselaw has established that the word 'anticipated' can be taken to mean 'permitted' and recommends against adding this phrase into the PDP planning framework as sets an expectation of a 'permitted baseline'.	Kāinga Ora seeks amendment to MCZ-P9: Recognise the evolving, higher density development context anticipated in the Metropolitan Centre Zone, while managing any associated adverse effects <u>beyond those anticipated within the zone</u> , include 1. Shading, privacy, bulk and dominance effects on adjacent sites; and 2. The impact of construction on the transport network <u>and pedestrian linkages</u> .
391.665 & 391.666	Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-P10	Support in part. Kāinga Ora sought amendment to remove reference to 'City Outcomes Contribution' because it is inconsistent with the current legislative framework; over height development should be assessed based on the potential or actual effects or the proposed infringement as provided for by the rule framework and all these activities are anticipated by the zone, and this policy has the potential to disincentivise intensified development.	Section 42A report rejects the submission and notes that the City Outcomes Contribution needs to be retained as it provides a method which aims to ensure 'density is done well'. It ensures that tall buildings and buildings under the City Centre Zone minimum building height provide beneficial public and private outcomes to contribute to well-functioning urban environments.	Kāinga Ora seeks amendment to MCZ-P10: <u>Require Encourage</u> over height, large-scale residential, non-residential and comprehensive development in the Metropolitan Centre Zone <u>that contribute to positive outcomes including by to deliver City Outcomes Contributions as detailed and scored in Appendix 16 the Centres and Mixed Use Design Guide guideline G107, including through either:</u> 1. <u>Positively</u> Ce contributing to public space provision and the amenity of the site and surrounding area; and/or <u>2. Enabling ease of access for people of all ages and mobility; and/or</u> <u>2. 3.</u> Incorporating a level of building performance that leads to reduced carbon emissions and increased climate change resilience; and/or <u>3. 4.</u> Incorporating construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs; and/or 5. 4-5. Incorporating assisted housing into the development; where this is provided, legal instruments are required to ensure that it remains assisted housing for at least 25 years; and/or. <u>6. Enabling ease of access for people of all ages and mobility</u>
391.667 & 391.668	Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-R12	Support in part. Kāinga Ora sought amendment to delete reference to verandah control and natural hazards as these matters are not relevant to the location of residential activities or addressed in other rules.	Section 42A report accepts in part and agrees with the deletion of MCZ-R12.1.v. Section 42A report disagrees that deletion of MCZ-R12.1.iv. is necessary because it will apply in instances where verandah cover is required but the site is not otherwise an active or non-residential frontage, and signifies that the District Plan seeks to enhance the vitality and vibrancy of centres by preventing residential activities in these locations.	Kāinga Ora seeks amendment to MCZ-R12: 1. Activity status: Permitted Where: a. The activity is located: i. Above ground floor level; ii. At ground floor level along any street edge not identified as an active frontage; iii. At ground floor level along any street edge not identified as a non-residential activity frontage; iv. At ground level along any street not identified as requiring verandah coverage; or v. At ground level on any site contained within a Natural Hazard Overlay 2. Activity status: <u>Restricted</u> Discretionary Where: a. Compliance with the requirements of MCZ-R12.1 cannot be achieved. <u>Matters of Discretion are restricted to:</u>

				<p><u>1. The matters in MCZ-PXX, MCZ-P7 and MCZ – P8</u> Notification status: An application for resource consent made in respect of rule MCZ-R12.2.a is precluded from being <u>limited and</u> publicly notified.</p>
	Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-R13			<p>Kāinga Ora seeks amendment to MCZ-R13: <u>1. Activity status: Permitted Where:</u> a. <u>The total gross floor area does not exceed XX,000m2 .</u> <u>Activity status: Restricted Discretionary Where:</u> a. <u>Compliance with the requirements of MCZ-R13.1 cannot be achieved.</u> <u>Matters of discretion are:</u> 1. <u>The matters in MCZ-P1, MCZ-P2, MCZ-P3, and MCZ-P4;</u> 2. <u>The cumulative effect of the development on:</u> a. <u>The ongoing viability and vibrancy of the City Centre Zone and Golden Mile;</u> b. a. <u>The safety and efficiency of the transport network, including providing for a range of transport modes;</u> c. b. <u>The hierarchy of roads, travel demand or vehicle use;</u> <u>and</u> 3. <u>The compatibility with other activities provided for in the Zone.</u> <u>Council will not apply a permitted baseline assessment when considering the effects of integrated retail activities that cannot comply with MCZ-R13.1.a.</u></p>
391.699	Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-R18	Supportive of MCZ-R18. Kāinga Ora sought for MCZ-R18 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.670 & 391.671	Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-R19	Support in part. Kāinga Ora sought amendment to ensure that this rule will not have unintended consequences of constraining staged developments.	Section 42A report rejects the amendment and disagrees that the Discretionary activity status would have the unintended consequence of constraining staged development. Section 42A report notes that the rule seeks to prevent demolition that results in land being retained in an undeveloped state, and if staged development is desired, it can be addressed under MCZ-R20.	Kāinga Ora supports the approach taken in the section 42A report.
391.672 & 391.673	Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-R20	Support in part. Kāinga Ora sought amendment to remove direct reference to the design guide and to "City Outcomes Contribution". Kāinga Ora also sought amendment to remove residential units from the rule.	Section 42A accepts in part and agrees to remove references to the design guide to avoid unnecessary repetition but disagrees with the inclusion of design outcomes. Section 42A report disagrees that residential activities should be removed from the rule because it provides an opportunity for the Council to assess the effects of any building constructed for residential purposes.	<p>Kāinga Ora seeks to amend MCZ-R20.2: 1. Activity status: Permitted Where: a. Any alterations or additions to a building or structure that: i. Do not alter the external appearance of the building or structure; or ii. Relate to a building frontage below verandah level, including entranceways and glazing and compliance with MCZ-S5 is achieved; or iii. Do not result in the creation of new residential units; and iv. Are not visible from public spaces; and v. Comply with standards MCZ-S1, MCZ-S2, MCZ-S3, MCZ-S4, MCZ-S5, and MCZ-S6 and MCZ-SX (Boundary setback from rail corridor); and ...</p>

				<p>2. Activity status: Restricted Discretionary where:</p> <p>a. compliance with any of the requirements of MCZ-R19.1 MCZ-R20.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in MCZ-P6, MCZ-P7, MCZ-P8 and MCZ-P9 and MCZ-P10; 2. The extent and effect of non-compliance with MCZ-S1, MCZ-S2, MCZ-S3, MCZ-S4, MCZ-S5, MCZ-S6, MCZ-S7, MCZ-S8, MCZ-S9, MCZ-S10 and MCZ-S11 and MCZ-SX (boundary setback from rail corridor) 3. The Centres and Mixed-Use Design Guide, including guideline G107 – City Outcomes Contribution for any building that exceeds the maximum height requirement and either comprises 25 or more residential units or is a non-residential building; 4. The Residential Design Guide; 54. The extent and effect of any identifiable site constraints; 65. Construction impacts on the transport network; and 76. The availability and connection to existing or planned three waters infrastructure <p>An application for resource consent made in respect of rule MCZ-R20.2.a that complies with all standards is precluded from being either publicly or limited notified</p>
391.674 & 391.675	Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-R21	Supports in part. Kāinga Ora sought amendment to remove direct reference to the design guide and to instead articulate urban design outcomes that are sought.	Section 42A report accepts in part and agrees with removing reference to the residential design guide but disagrees with the addition of specific design outcomes to the rule as these do not relate to residential amenity, which is the purpose of matter of discretion in MCZ-R20.	Kāinga Ora seeks deletion of MCZ-R21 in its entirety.
391.676 & 391.677	Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-S1	Oppose. Kāinga Ora sought amendment to provide for building heights of 15 storeys (55 metres) to enable greater development capacity and is appropriate given the identification of the Metropolitan Centres as significant subregional centres. Kāinga Ora considered that amendments are required to enable fence heights of up to 2 metres.	Section 42A report rejects the amendment and disagrees with the request for a 55 metre height maximum because the PDP enables more than enough realisable housing and business capacity in Wellington to meet demand. Section 42A report notes that 1.8m fence height standard is applied across all zones and is considered a suitable height to achieve security and privacy while preventing an expanse of blank walls when viewed from the street.	<p>Kāinga Ora seeks amendments to MCZ-S1:</p> <ol style="list-style-type: none"> 1. The following maximum height limits above ground level must be complied with: <ul style="list-style-type: none"> Buildings and structures must not exceed a maximum height of 55m above ground level. Location Limit Height control area 1 Johnsonville 35m Height control 2 Kilbirnie (except as below) 27m Height control area 3 Kilbirnie, north of Rongotai Road 15m 2. Fences and standalone walls must not exceed a maximum height of 1.8 metres (measured above ground level) on front boundaries and 2.0m on side and rear boundaries.
391.678 & 391.679	Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-S4	Support in part. Kāinga Ora sought amendment to achieve consistency with any recommended changes to the height in relation to boundary rules and height for the residential zones.	Section 42A report rejects the amendment and notes that the nature of these amendments has not been clearly	Kāinga Ora seeks amendments to MCZ-S4 to align with changes sought to MCZ-S1 and MCZ-S2.

			outlined, and there are no compelling reasons for the change.	No part of any building or structure may project beyond the relevant recession plane <u>standards of an adjoining boundary in the MRZ, HRZ or Open Space Zone shown below:</u>
391.680	Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-S6	Support in part. Kāinga Ora sought amendment so that active frontage controls only apply where necessary such as along principal roads or street edge buildings.	Section 42A report accepts the submission and agrees that active frontage controls should only apply where necessary as reflected in the name of the standard which only applies to an "identified street with an active frontage".	<p>Kāinga Ora seeks amendments to MCZ-S6:</p> <ol style="list-style-type: none"> 1. Any new building or addition to an existing building adjoining an identified street with an active frontage must: <ol style="list-style-type: none"> a. Be built up to the street edge on all street boundaries <u>with an identified active frontage control</u> and along the full width of the site bordering any street boundary, <u>excluding vehicle and pedestrian access;</u> b. Provide a minimum of 60% of continuous display windows or transparent glazing along the width of the ground floor building frontage; and c. Locate the principal public entrance on the front boundary; Except that this does not apply to service stations. 2. Any ground level <u>façade of a new building</u> addition to, or alteration of, a building or structure facing a public space must not result in a featureless façade that: <ol style="list-style-type: none"> a. Is more than 3 metres wide; and b. Extends from a height of 1m above ground level to a maximum height of 2.5m; 3. Any roller shutter doors (except to car parking and service areas), security grilles, screens or similar structures fitted to the facade of any building must be at least 50% visually transparent; and 4. Any new building or addition to an existing building on a site with a non-residential activity frontage control must: <ol style="list-style-type: none"> a. Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary; and b. Locate the principal public entrance on the front boundary. <p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. The extent to which: <ol style="list-style-type: none"> a. Any non-compliance is required for on-site functional needs or operational needs; b. The building frontage is designed and located to create a strong visual alignment with adjoining buildings <u>or otherwise enhances the streetscape;</u> and c. An acceptable level of pP <u>passive surveillance is maintained</u> between the interior of the building and the street <u>is provided.</u>
391.681 & 391.682	Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-S7	Support in part. Kāinga Ora sought amendment to remove the minimum standard for 2+ bedroom units to enable greater design flexibility.	Section 42A report rejects the amendment and relies on evidence from Dr Zamani who notes that minimum unit size standards are necessary to ensure that high density residential environment is designed to a high quality.	Kāinga Ora supports the approach taken in the section 42A report.
391.683 & 391.684	Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-S8	Support in part. Kāinga Ora sought amendment to clarify that communal outdoor living space is not required but can be provided as an alternative to private outdoor living space or to	Section 42A report accepts in part and agrees that changes can be made for clarity. Section 42A report notes that the intent is that either of these options is available to a developer or a combination of the two.	Kāinga Ora supports the approach taken in the section 42A report.

		remove the requirement to provide communal outdoor living space.		
391.685	Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-S9	Oppose. Kāinga Ora sought deletion of MCZ-S9 because it sets a standard that may not be possible to meet for dwellings that would otherwise provide a decent standard of living.	Section 42A report rejects the submission and notes that G7 of the Building Code requires "habitable spaces to have adequate windows for natural light and visual awareness of the outside environment to safeguard against illness, and loss of amenity due to isolation".	Kāinga Ora seeks deletion of MCZ-S9 in its entirety.
391.686 & 391.687	Commercial and mixed use Zones / Metropolitan Centre Zone / MCZ-S10	Oppose. Kāinga Ora sought deletion of MCZ-S10 because it constrains design flexibility and it is not clear what positive outcome it achieves.	Section 42A report rejects the submission and notes that the primary purpose of the standard is to provide a level privacy to occupants of buildings within a site. Section 42A accepts that there may be alternative design options available to achieve the outcomes sought by this standard but these can be assessed on their merits through the resource consent application process.	Kāinga Ora seeks deletion of MCZ-S10 in its entirety.
Local Centre Zone				
391.558	Commercial and mixed use Zones / Local Centre Zone / General LCZ	Support in part. Kāinga Ora sought amendment to classify Miramar, Tawa and Newtown Local Centre Zones as Town Centre Zones.	Section 42A report rejects the submission.	Kāinga Ora seeks classification of Miramar, Tawa and Newtown Local Centre Zones to Town Centre Zones.
391.559 & 391.560	Commercial and mixed use Zones / Local Centre Zone / General LCZ	Support in part. Kāinga Ora sought amendment to include a Town Centre category to the hierarchy of Centres to include Karori, Miramar, Tawa and Newtown and considered that it is unclear why the High Density Residential Zone only applies to "most" centres so this should be amended to include all local centres to help support their core functions.	Section 42A report rejects the submission and recommends the existing CMUZ hierarchy is retained in the District Plan without the addition of a new TCZ.	Kāinga Ora supports the approach taken in the section 42A report.
391.561	Commercial and mixed use Zones / Local Centre Zone / New LCZ	Kāinga Ora sought inclusion of a new rule to allow for the conversion of buildings, or parts of buildings for residential activities as a permitted activity.	Section 42A report rejects the submission for the reasons stated in the MCZ report.	Kāinga Ora seeks amendment to Local Centres Zone chapter: 1. Activity status: Permitted where: a. The conversion of Buildings, or parts of buildings for Residential activities: i. Do not alter the external appearance of the building or structure; and ii. Complies with LCZ-S7, LCZ-S8 and LCZ-S9.
FS89.37	Part 3 / Commercial and Mixed Use Zones / Local Centre Zone / New LCZ	Kāinga Ora opposed the original submission from KiwiRail Holdings to add a new standard for a 5m setback from a rail corridor boundary.	Section 42A report accepts in part the original submission and rejects Kāinga Ora further submission.	
391.562 & 391.563	Commercial and mixed use Zones / Local Centre Zone / LCZ-O1	Support in part. Kāinga Ora sought amendment to reflect the place of Local Centres under Town Centres in the Centres hierarchy.	Section 42 A report rejects the submission.	Kāinga Ora seeks amendment to LCZ-O1: The Local Centre Zone meets the needs of communities, businesses and residents in the surrounding residential catchment and neighbouring suburbs in a manner that supports the City's compact urban growth objectives and its role and function in the City's hierarchy of centres
391.564	Commercial and mixed use Zones / Local Centre Zone / LCZ-O2	Supportive of LCZ-O2. Kāinga Ora sought for LCZ-O2 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.565 & 391.566	Commercial and mixed use Zones / Local Centre Zone / LCZ-O3	Support in part. Kāinga Ora sought amendment to recognise the range of housing densities potentially enabled in the zone.	Section 42A report accepts the amendment and agrees that the PDP intends for the LCZ to accommodate both medium and high density mixed use development, and encourages higher density.	Kāinga Ora supports the approach taken in the section 42A report.

391.567	Commercial and mixed use Zones / Local Centre Zone / LCZ-O4	Supportive of LCZ-O4. Kāinga Ora sought for LCZ-O4 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
FS89.83	Part 3 / Commercial and mixed use Zones / Local Centre Zone / LCZP1	Oppose. Kāinga Ora opposed the submission from McDonalds to amend LCZ-P1.1 because the scale and primacy of centres is critical in achieving a well-functioning urban environment and intensification outcomes.	Section 42A report rejects the original submission and accepts in part Kāinga Ora further submission.	
391.568 & 391.569	Commercial and mixed use Zones / Local Centre Zone / LCZ-P1	Support in part. Kāinga Ora sought amendment to recognise the range of housing densities potentially enabled in the zone; to clarify that intent of the Local Centre Zone is to enable significant intensification and height and recognise the place of Local Centres under Town Centres in the Centres hierarchy.	Section 42A report accepts in part and agrees that 'to high' is added because high density development will generally be enabled in the LCZ particularly where a 22 metre height limit applies. Section 42A report does not see the need to remove 'convenient' from the policy because all PDP centres zoned LCZ are considered to have convenient access to public and other transport options.	Kāinga Ora seeks amendment to LCZ-P1: Provide for the use and development of the Local Centre Zone to meet the City's needs for housing, business activities and community facilities, including: 1. A variety of building types, sizes, tenures, affordability and distribution of a scale and intensity that does not undermine the viability and vibrancy of the Town Centre Zone , the Metropolitan Centre Zone and the primacy of the City Centre Zone; 2. Forms of medium to high density housing; 3. Convenient access to active, public transport and rapid transit options; 4. Efficient, well integrated and strategic use of available development sites; and 5. Convenient access to a range of open spaces.
FS89.58	Part 3 / Commercial and mixed use Zones / Local Centre Zone / LCZP1	Oppose. Kāinga Ora opposes the original submission from Foodstuffs to remove 'does not undermine the viability and vibrancy of the Metropolitan Centre Zone and the primacy of the City Centre Zone' from LCZ-P1 and considered that the scale and primacy of Centres is critical in achieving a well-functioning urban environment and intensification outcomes.	Section 42A report rejects the original submission and accepts in part Kāinga Ora further submission.	
391.570	Commercial and mixed use Zones / Local Centre Zone / LCZ-P2	Supportive of LCZ-P2. Kāinga Ora sought for LCZ-P2 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.571	Commercial and mixed use Zones / Local Centre Zone / LCZ-P3	Supportive of LCZ-P3. Kāinga Ora sought for LCZ-P3 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.572	Commercial and mixed use Zones / Local Centre Zone / LCZ-P4	Supportive of LCZ-P4. Kāinga Ora sought for LCZ-P4 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.573	Commercial and mixed use Zones / Local Centre Zone / LCZ-P5	Supportive of LCZ-P5. Kāinga Ora sought for LCZ-P5 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.574 & 391.575	Commercial and mixed use Zones / Local Centre Zone / LCZ-P6	Support in part. Kāinga Ora sought amendment to recognise the range of housing densities potentially enabled in the zone and to clarify that intent of the Local Centre Zone is to enable significant intensification and height and therefore medium to high density housing is the appropriate scale of development to encourage within the Local Centre.	Section 42A report rejects the submission and notes that medium density housing is appropriate in the LCZ.	Kāinga Ora seeks amendment of LCZ-P6: Enable medium to high density residential development that: 1. Contributes towards accommodating anticipated growth in the City; and 2. Offers a range of housing price, type, and size and tenure that is accessible to people of all ages, lifestyles, cultures and abilities
391.576 & 391.577	Commercial and mixed use Zones / Local Centre Zone / LCZ-P7	Support in part. Kāinga Ora sought amendment to the policy name to better reflect the intent of the policy and the policy wording to better recognise the MCZ rule setting and the intent of the NPS-UD that recognises the planned urban built form.	Section 42A report accepts in part and agrees that wording in LCZ-P7.a. can be clarified. Section 42A report does not consider that a change to the name of the policy is required because the existing title signifies that this policy is designed focused whereas the requested change does not.	Kāinga Ora seeks amendment of LCZ-P7: Require new development, and alterations and additions to existing development at a site scale, to positively contribute to the sense of place, quality and planned urban built form and function amenity of the Local Centre Zone by:

				<p>1. Meeting the requirements of the Centres and Mixed Use Design Guide as relevant;</p> <p>2. Recognising the benefits of well-designed, comprehensive development, including the extent to which the development:</p> <p>a. Acts as a positive catalyst for future change by reflectingReflects the nature and scale of the development proposed-enabled within the zone and in the vicinity and responds to the evolving, more intensive identity of the neighbourhood centre;</p> <p>b. Optimises the development capacity of land., particularly sites that are: i. Large; or ii. Narrow; or iii. Vacant; or iv. Ground level parking areas;</p> <p>c. Provides for the increased levels of residential accommodation enabled in this zone; and</p> <p>d. Provides for a range of supporting business, open space and community facilities; and</p> <p><u>e. Is accessible for emergency service vehicles.</u></p> <p>3. Ensuring that the development, where relevant:</p> <p>f. Responds to the site context, particularly where it is located adjacent to:</p> <p>i. A scheduled site of significance to tangata whenua or other Māori;</p> <p>ii. Heritage buildings, heritage structures and heritage areas;</p> <p>iii. An identified character precinct;</p> <p>iv. Residential zoned areas;</p> <p>v. Open space zoned areas;</p> <p>g. Provides a safe and comfortable pedestrian environment;</p> <p>h. Enhances the quality of the streetscape and public / private interface;</p> <p>i. Integrates with existing and planned active and public transport movement networks, including planned rapid transit stops; and</p> <p>j. Allows sufficient flexibility for ground floor space to be converted for a range of activities, including residential</p>
391.578 & 391.579	Commercial and mixed use Zones / Local Centre Zone / LCZ-P8	Support in part. Kāinga Ora sought amendment to clarify the extent of on-site amenity requirements and to remove communal outdoor space and outlook requirements as this is already covered by reference to outdoor space generally.	Section 42A report accepts in part and removes reference to outdoor space but retains reference to outlook requirements.	<p>Kāinga Ora seeks amendment of LCZ-P8:</p> <p>Achieve a good standard of amenity for residential activities in the Local Centre Zone by <u>ensuring access to convenient outdoor space:</u></p> <p>1. Providing residents with access to adequate outlook; and</p> <p>2. Ensuring convenient access to convenient outdoor space, including private and/or shared communal areas of outdoor space;</p> <p>3. Meeting the requirements of the Residential Design Guide as relevant; and</p> <p>4. Providing residents with adequate internal living space.</p>
391.580 & 391.581	Commercial and mixed use Zones / Local Centre Zone / LCZ-P9	Support in part. Kāinga Ora sought amendment to specify that adverse effects that need consideration are those beyond	Section 42A report rejects the submission and disagrees that the policy should only allow for consideration of effects	<p>Kāinga Ora seeks amendment of LCZ-P9:</p> <p>Recognise the evolving, higher density development context enabled in the Local Centres Zone, while managing any</p>

		what is anticipated in the zone, consistent with the proposed zone framework and in accordance with NPS-UD.	'beyond what is anticipated in the zone' as this would effectively build a permitted baseline test into the policy.	associated adverse effects <u>beyond those anticipated within the zone</u> , including: 1. Shading, privacy, bulk and dominance effects on adjacent sites; and 2. The impact of construction on the transport network <u>and pedestrian linkages</u> .
391.582 & 391.583	Commercial and mixed use Zones / Local Centre Zone / LCZ-P10	Oppose. Kāinga Ora sought deletion of 'City Outcomes Contribution' because all of these activities are anticipated by the zone and this policy has the potential to disincentivise intensified development; over height development should be assessed on the potential or actual effects as provided by the rule framework and there is no definition of large-scale residential which creates ambiguity within the plan.	Section 42A report rejects the submission and disagrees with the submission to remove the City Outcomes Contribution mechanism because this control is a variation to an existing ODP control 'design excellence'.	Kāinga Ora seeks amendment of LCZ-P10: Require over height, large-scale residential, non-residential and comprehensive Encourage development in the Local Centre Zone to <u>contribute to positive outcomes by deliver City Outcomes Contributions as detailed and scored in the Centres and Mixed Use Design Guide guideline G107, including through either:</u> 1. <u>Positively</u> contributing to public space provision and the amenity of the site and surrounding area; and/or 2. <u>Enabling ease of access for people of all ages and mobility and/or</u> 3. Incorporating a level of building performance that leads to reduced carbon emissions and increased climate change resilience; and/or 4. Incorporating construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs; and/or 4. Incorporating assisted housing into the development; where this is provided, legal instruments are required to ensure that it remains assisted housing for at least 25 years; and/or 54. Enabling ease of access for people of all ages and mobility
391.584 & 391.585	Commercial and mixed use Zones / Local Centre Zone / LCZ-R1	Support in part. Kāinga Ora sought amendment to change the activity status from discretionary to restricted discretionary for non-compliance activities and rules related to verandah coverage are removed as it is considered that residential activities should be provided for where verandah coverage is required.	Section 42A report accepts in part to amend the notification clause as it relates to the activity, noting that the PDPO seeks to enable residential activity within the LCZ. Section 42A report disagrees with the amendments to delete LCZ-R10.1.iv and to amend the activity status from discretionary to restricted discretionary. This is because the discretionary activity status signifies that residential activities are discouraged along active or non-residential frontages and encourages developers to design for the CMUZ context.	Kāinga Ora supports the approach taken in the section 42A report.
391.586	Commercial and mixed use Zones / Local Centre Zone / LCZ-R11	Support in part. Kāinga Ora sought amendment to reduce the integrated retail activity gross floor area in LCZ-R11 to better reflect their lower order of Local Centres in the Centres hierarchy.	Section 42A report rejects the submission and considers the 20,000m2 provided under the notified rule will enable a significantly sized integrated retail activity.	Kāinga Ora seeks to reduce the Integrated Retail Activity Gross Floor Area in LCZ-R11.
391.587 & 391.588	Commercial and mixed use Zones / Local Centre Zone / LCZ-R11	Support in part. Kāinga Ora sought review of integrated retail activity to provide an appropriate retail hierarchy to match the Centres hierarchy.	Section 42A report rejects the submission and notes it would be unlikely to have individual sites with an area of 20,000m2 in most LCZ and as such, any such activities would likely be in a multi-level building.	Kāinga Ora seeks amendment to LCZ-R11: 1. Activity status: Permitted where: a. The total gross floor area does not exceed 2XX 0,000m2.
391.589	Commercial and mixed use Zones / Local Centre Zone / LCZ-R13	Supportive of LCZ-R13. Kāinga Ora sought for LCZ-R13 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.590	Commercial and mixed use Zones / Local Centre Zone / LCZ-R16	Supportive of LCZ-R16. Kāinga Ora sought for LCZ-R16 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.

391.591 & 391.592	Commercial and mixed use Zones / Local Centre Zone / LCZ-R17	Support in part. Kāinga Ora sought amendment to ensure the rule only applies to active and non-residential activity frontages.	Section 42A report rejects the submission and disagrees that the discretionary activity status would have unintended consequence of constraining staged development.	Kāinga Ora supports the approach taken in the section 42A report.
391.593 & 391.594	Commercial and mixed use Zones / Local Centre Zone / LCZ-R18	Support in part. Kāinga Ora sought amendment to remove direct reference to the design guides and to instead rely on the urban designs; to remove reference to the 'City Outcomes Contribution'	Section 42A report accepts in part and relies on the same reasoning from MCZ section 42A report.	<p>Kāinga Ora seeks amendment of LCZ-R18</p> <p>Activity status: Permitted Where:</p> <p>a. Any alterations or additions to a building or structure:</p> <p>i. Do not alter the external appearance of the building or structure; or</p> <p>ii. Relate to a building frontage below verandah level, including entranceways and glazing and compliance with LCZ-S5; or</p> <p>iii. Do not result in the creation of new residential units; and</p> <p>iv. Are not visible from public spaces; and v. Comply with effects standards LCZ-S1, LCZ-S2, LCZ-S3, LCZ-S4, LCZ-S5, and LCZ-S6., <u>and LCZ-SX (Boundary setback from a rail corridor).</u></p> <p>Activity status: Restricted Discretionary Where:</p> <p>a. Compliance with any of the requirements of LCZ-R18.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <p>1. The matters in LCZ-P6, LCZ-P7, LCZ-P8, LCZ-P9 and LCZ-P10;</p> <p>2. The extent and effect of non-compliance with LCZ-S1, LCZ-S2, LCZ-S3, LCZ-S4, LCZ-S5, LCZ-S6, LCZ-S7, LCZ-S8, LCZ-S9, LCZ-S10, and LCZ-S11 <u>and LCZ-SX (Boundary setback from a rail corridor);</u></p> <p>3. City Outcomes Contribution as required in Appendix 16 The Centres and Mixed-Use Design Guide, including guideline G107 – City Outcomes Contribution for any building that exceeds the maximum height requirement and either comprises 25 or more residential units or is a non-residential building;</p> <p>4. The Residential Design Guide;</p> <p>4. 3. The extent and effect of any identifiable site constraints;</p> <p>5. 4. Construction impacts on the transport network; and</p>
391.595 & 391.596	Commercial and mixed use Zones / Local Centre Zone / LCZ-R19	Support in part. Kāinga Ora sought amendment to remove direct reference to the design guide as the matters in the relevant policies include those matters articulated through the design guides.	Section 42A report accepts in part and agrees to remove the reference to design guidelines from the rule, but does not consider it necessary to include design outcomes as a matter of discretion to be considered.	Kāinga Ora seeks deletion of LCZ-R19 in its entirety.
391.597 & 391.598	Commercial and mixed use Zones / Local Centre Zone / LCZ-S1	Support in part. Kāinga Ora sought amendment to enable six storey development in local centres noting that Newtown, Miramar and Tawa should be reclassified as Town Centres.	<p>Section 42A report accepts in part and recommends a new Height Control Area 4 is added at LCZ-S1 to provide further differentiation between the heights at different LCZ but does not recommend to rezone Newtown, Miramar and Tawa.</p> <p>HC Area 1 (Island Bay, Hataitai) 12m</p> <p>HC Area 2 (Karori, Kelburn, Khandallah, Newtown Local Centre Heritage Area) 18m</p> <p>HC Area 3 (Brooklyn, Churton Park) 22m</p>	<p>Kāinga Ora seeks amendment to LCZ-S1:</p> <p>1. The following maximum height limits above ground level must be complied with:</p> <p><u>Buildings and structures must not exceed a maximum height of 22m above ground level.</u></p> <p>Location Limit</p> <p>Height Control Area 4</p>

			HC Area 4 (Newtown, Tawa) 27m	<p>Newtown Local Centre Heritage Area Island Bay Local Centre Heritage Area 12 metres Local Centre Heritage Area</p> <p>Height Control Area 2 Karori 18 metres</p> <p>Height Control Area 3 Brooklyn Churton Park Crofton Downs Island Bay Kelburn Khandallah 22 metres Linden Miramar Newlands Hataitai Newtown Tawa</p> <p>2. Fences and standalone walls must not exceed a maximum height of 1.8 metres (measured above ground level) <u>on front boundaries and 2.0m on rear and side boundaries</u></p>
391.599	Commercial and mixed use Zones / Local Centre Zone / LCZ-S2	Supportive of LCZ-S2. Kāinga Ora sought for LCZ-S2 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.600	Commercial and mixed use Zones / Local Centre Zone / LCZ-S3	Supportive of LCZ-S3. Kāinga Ora sought for LCZ-S3 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.601 & 391.602	Commercial and mixed use Zones / Local Centre Zone / LCZ-S4	Support in part. Kāinga Ora sought amendment to achieve consistency with any recommended changes to the height in relation to boundary rules and height for the residential zones.	Section 42A report rejects the submission and notes that the nature of these amendments has not been outlined in their submission and there are no compelling reasons for the change.	Kāinga Ora seeks amendment to LCZ-S4: No part of any building or structure may project beyond the relevant recession plane shown below: <u>standards of an adjoining boundary in the MRZ, HRZ or Open Space Zone</u>
391.603	Commercial and mixed use Zones / Local Centre Zone / LCZ-S6	Support in part. Kāinga Ora sought amendment so that active frontage controls only apply where necessary, such as along principal roads and street edge buildings.	Section 42A report rejects the submission and notes that active frontage controls only applies to 'an identified street with an active frontage' and/or a 'non-residential frontage' so no change is required.	Kāinga Ora seeks amendment to LCZ-S6: Any new building or addition to an existing building adjoining an identified street with an active frontage must: a. Be built up to the street edge on all street boundaries <u>with an identified active frontage control</u> and along the full width of the site bordering any street boundary, <u>excluding vehicle and pedestrian access;</u> b. Provide a minimum of 60% of continuous display windows or transparent glazing along the width of the ground floor building frontage; and c. Locate the principal public entrance on the front boundary. 2. Any ground level <u>façade of a new building or</u> addition to, or alteration of, a building or structure facing a public space must not result in a featureless façade that:

				<p>a. Is more than 3 metres wide; and</p> <p>b. Extends from a height of 1m above ground level to a maximum height of 2.5m;</p> <p>3. Any roller shutter doors (<u>except to car parking and service areas</u>), security grilles, screens or similar structures fitted to the facade of any building must be at least 50% visually transparent; and</p> <p>4. Any new building or addition to an existing building on a site with a non-residential activity frontage control must:</p> <p>a. Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary; and</p> <p>b. Locate the principal public entrance on the front boundary.</p> <p>Assessment criteria where the standard is infringed:</p> <p>1. The extent to which:</p> <p>a. Any non-compliance is required for on-site functional needs or operational needs;</p> <p>b. The building frontage is designed and located to create a strong visual alignment with adjoining buildings <u>or otherwise enhances the streetscape</u>; and</p> <p>c. <u>An acceptable level of pPassive surveillance is maintained</u> between the interior of the building and the street <u>is provided</u></p>
391.604 & 391.605	Commercial and mixed use Zones / Local Centre Zone / LCZ-S7	Support in part. Kāinga Ora sought amendment to remove the minimum standard for 2+ bedroom units to enable greater design flexibility and decrease the minimum floor area for studio units.	Section 42A report rejects the amendment for the same reasons as noted in MCZ report.	Kāinga Ora supports the approach taken in the section 42A report.
391.606 & 391.607	Commercial and mixed use Zones / Local Centre Zone / LCZ-S8	Support in part. Kāinga Ora sought amendment to clarify that communal outdoor living space is not required but can be provided as an alternative to private outdoor living space or to remove the requirement to provide communal outdoor living space.	Section 42A report rejects the amendment for the same reasons noted in MCZ report.	Kāinga Ora supports the approach taken in the section 42A report.
391.608	Commercial and mixed use Zones / Local Centre Zone / LCZ-S9	Oppose. Kāinga Ora sought deletion of LCZ-S9 as it sets a standard that may not be possible to meet for dwellings that would otherwise provide a decent standard of living.	Section 42A report rejects the submission for the same reasons noted in the MCZ report.	Kāinga Ora seeks deletion of LCZ-S9 in its entirety.
391.609	Commercial and mixed use Zones / Local Centre Zone / LCZ-S10	Oppose. Kāinga Ora sought deletion of LCZ-S10 as it constrains design flexibility, and it is not clear what positive outcome it achieves.	Section 42A report rejects the submission for the same reasons noted in the MCZ report.	Kāinga Ora seeks deletion of LCZ-S10 in its entirety.
391.610	Commercial and mixed use Zones / Local Centre Zone / LCZ-S11	Oppose. Kāinga Ora sought deletion of LCZ-S11 as it constrains design flexibility, and it is not clear what positive outcome it achieves.	Section 42A report rejects the submission for the same reasons noted in the MCZ report.	Kāinga Ora seeks deletion of LCZ-S11 in its entirety.
391.14	Mapping / Mapping General / Mapping General	Support in part. Kāinga Ora sought amendment to expand the spatial extent of Local Centres in Miramar, Tawa and Newtown and other Centre Zones to support the plan-enabled residential intensification surrounding them and to support a well-functioning urban environment.	Section 42A report rejects the submission and does not consider that a blanket extension to the spatial extent of the LCZ is required as sufficient development potential is enabled within the existing centre boundaries.	

391.26	Mapping / Rezone / Rezone	Support in part. Kāinga Ora sought amendment to classify Local Centres in Miramar, Tawa and Newtown as Town Centre Zones for their role and function within Wellington City.	Section 42A report rejects the submission and recommends that the existing CMUZ hierarchy is retained in the District Plan, without the addition of a new TCZ.	
FS89.60 & FS89.61	General / Mapping / Mapping General / Mapping General	Oppose. Kāinga Ora sought to align with its primary submission which requests that Newtown is classified as a Town Centre.	Section 42A report rejects the submission.	
Neighbourhood Centre Zone				
391.507 & 391.508	Commercial and mixed use Zones / Neighbourhood Centre Zone / General NCZ	Support in part. Kāinga Ora sought amendment to remove references to Design Guides as they are too broad to be used as an assessment matter.	Section 42A report rejects the submission and disagrees that the phrase 'issues that are not anticipated in the zone' implies a permitted baseline that may or may not be included in the rule framework. Section 42A notes that the Council will seek to retain the Design Guides in some form so the reference to the CMUDG is appropriate.	Kāinga Ora seeks amendment to the Introduction of the Neighbourhood Centre Zone Chapter: High quality building design is a focus for the Neighbourhood Centres Zone. The transition to more intensive use in some neighbourhood centres will result in changes to existing amenity values in the centres and their surrounds. Consequently, redevelopment will be supported by a range of measures to promote good design and environmental outcomes, and address amenity issues that are not anticipated in the zone . Accordingly, most building activities will require a resource consent and an assessment against the Centres and Mixed-Use Design Guide key design criteria . To enable intensification around existing neighbourhood centres, some of these will have increased building heights.
391.509	Commercial and mixed use Zones / Neighbourhood Centre Zone / New NCZ	Kāinga Ora sought to introduce a new rule to allow for the construction of, or additions and alterations to residential buildings and structures as a permitted activity.	Section 42A report rejects the submission and notes that NCZ-R10 relates to residential activities whereas NCZ-R18 relates to buildings. Where the residential activity is above ground floor it is permitted within the building.	Kāinga Ora supports the approach taken in the section 42A report.
391.510	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ- O1	Supportive of NCZ-O1. Kāinga Ora sought for NCZ-O1 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.511	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ- O2	Supportive of NCZ-O2. Kāinga Ora sought for NCZ-O2 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.512 & 391.513	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ- O3	Support in part. Kāinga Ora sought amendment to recognise the range of housing densities potentially enabled in the zone.	Section 42A report accepts the amendment.	Kāinga Ora supports the approach taken in the section 42A report.
391.514	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ- O4	Supportive of NCZ-O4. Kāinga Ora sought for NCZ-O4 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
FS89.82	Part 3 / Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-P1	Oppose. Kāinga Ora opposed the original submission from McDonalds to remove "that does not undermine the ongoing viability and vibrancy of the Local Centre Zone and Metropolitan Centre Zone and primacy of the City Centre Zone" from NCZ-P1.	Section 42A report rejects the original submission and accepts the further submission.	
391.515 & 391.516	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ- P1	Support in part. Kāinga Ora sought amendment to recognise that tenures and affordability cannot and should not be managed through the District Plan	Section 42A report accepts in part to include 'to high density housing' but rejects amendment to remove 'tenures, affordability' from NCZ-P1.	Kāinga Ora seeks amendment to NCZ-P1: 1. A variety of building types, sizes, tenures, affordability and distribution of a scale and intensity that does not undermine the ongoing viability and vibrancy of the Local Centre Zone and Metropolitan Centre Zone and primacy of the City Centre Zone;

				<p>2. A mix of medium to high density housing;</p> <p>3. Convenient access to active, public transport and rapid transit options;</p> <p>4. Efficient, well integrated and strategic use of available development sites; and</p> <p>5. Convenient access to a range of open spaces.</p>
FS89.57	Part 3 / Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-P1	Oppose. Kāinga Ora opposed the original submission from Foodstuffs to delete 'does not undermine the ongoing viability and vibrancy of the Local Centre Zone and Metropolitan Centre Zone and primacy of the City Centre Zone' from NCZ-P1.	Section 42A report rejects the original submission and accepts the further submission.	
391.517	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-P2	Supportive of NCZ-P2. Kāinga Ora sought for NCZ-P2 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.518	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-P3	Supportive of NCZ-P3. Kāinga Ora sought for NCZ-P3 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.519	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-P4	Supportive of NCZ-P4. Kāinga Ora sought for NCZ-P4 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.520	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-P5	Supportive of NCZ-P5. Kāinga Ora sought for NCZ-P5 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.521 & 391.522	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-P6	Support in part. Kāinga Ora sought amendment to recognise the range of housing densities potentially enabled in the zone and to recognise that tenures and affordability cannot and should not be managed through the District Plan and to clarify that intent of the Neighbourhood Centre Zone is to enable intensification and height therefore medium to high density is the appropriate scale of development to encourage.	Section 42A report accepts in part and agrees that high density housing is appropriate in the NCZ, particularly in centres with a 22 metre building height. Section 42A report does not see why a range of tenures should not be available within the NCZ.	<p>Kāinga Ora seeks amendment to NCZ-P6:</p> <p>Enable medium to high density residential development that:</p> <ol style="list-style-type: none"> 1. Contributes towards accommodating anticipated growth in the City; and 2. Offers a range of housing price, type, and size and tenure that is accessible to people of all ages, lifestyles, cultures, impairments and abilities.
391.523 & 391.524	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-P7	Support in part. Kāinga Ora sought amendment to the policy name to better reflect the intent of the policy and to the policy wording to better recognise the NCZ rule setting and the intent of the NPS-UD that recognises the planned urban built form.	Section 42A report accepts in part and agrees that the wording of LCZ-P7.1.a. and LCZP7.1.b can be improved. Section 42A report rejects the change in name.	<p>Kāinga Ora seeks amendment to NCZ-P7:</p> <p>Require new development, and alterations and additions to existing development at a site scale, to positively contribute to the sense of place, quality and planned urban built form amenity of the Neighbourhood Centre Zone by:</p> <p>1. Meeting the requirements of the Centres and Mixed Use Design Guide as relevant;</p> <p>2. 1. Recognising the benefits of well-designed, comprehensive development, including the extent to which the development:</p> <ol style="list-style-type: none"> a. Acts as a positive catalyst for future change by reflecting Reflects the nature and scale of the development proposed enabled within the zone and in the vicinity, and responds to the evolving, more intensive identity of the neighbourhood; b. Optimises the development capacity of land, particularly sites that are: i. Large; or ii. Narrow; or iii. Vacant; or iv. Ground level parking areas; c. Provides for the increased levels of residential accommodation enabled in this zone; and

				<p>d. Provides for a range of supporting business, open space and community facilities;</p> <p><u>e. Is accessible for emergency service vehicles.</u></p> <p>3. 2. Ensuring that the development, where relevant: a. Responds to the site context, particularly where it is located adjacent to:</p> <p>i. A scheduled site of significance to tangata whenua or other Māori; or</p> <p>ii. Heritage buildings, heritage structures and heritage areas; or</p> <p>i. An identified character precinct; or</p> <p>ii. Residential zoned areas; or</p> <p>iii. Open space and recreation zoned areas;</p> <p>k. Provides a safe and comfortable pedestrian environment;</p> <p>l. Enhances the quality of the streetscape and public / private interface;</p> <p>m. Integrates with existing and planned active and public transport movement networks, including planned rapid transit stops; and</p> <p>n. Allows sufficient flexibility for ground floor space to be converted for a range of activities, including residential.</p>
391.525 & 391.526	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-P8	Support in part. Kāinga Ora sought amendment to clarify the extent of on-site amenity requirements and to remove communal outdoor space requirements as this is already covered by reference to outdoor space generally.	Section 42A report accepts in part and proposes changes to the wording to improve clarity. Section 42A report notes that there is no requirement to provide both private and communal outdoor space, rather communal outdoor space should be provided is private space is not.	<p>Kāinga Ora seeks amendment to NCZ-P8:</p> <p>Achieve a good standard of amenity for residential activities in the Neighbourhood Centre Zone by ensuring access to convenient outdoor space:</p> <p>1. Providing residents with access to adequate outlook; and</p> <p>2. Ensuring convenient access to convenient outdoor space, including private and/or shared communal areas of outdoor space;</p> <p>3. Meeting the requirements of the Residential Design Guide as relevant; and</p> <p>4. Providing residents with adequate internal living space</p>
391.527 & 391.528	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-P9	Support in part. Kāinga Ora sought amendment to specify that adverse effects that need consideration are those beyond what is anticipated in the zone, consistent with the proposed zone framework and in accordance with Policy 6 of the NPS-UD.	Section 42A report rejects the submission and disagrees that the policy should only allow for consideration of effects 'beyond what is anticipated in the zone' as this would effectively build a permitted baseline test into the policy.	<p>Kāinga Ora seeks amendment to NCZ-P9:</p> <p>Recognise the evolving, higher density development context enabled in the Neighbourhood Centres Zone, while managing any associated adverse effects <u>beyond those anticipated within the zone</u>, including:</p> <p>1. Shading, privacy, bulk and dominance effects on adjacent sites; and</p> <p>2. The impact of construction on the transport network <u>and pedestrian linkages.</u></p>
391.529 & 391.530	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-P10	Support in part. Kāinga Ora sought amendment xx.	Section 42A report rejects the submission and recommends that changes to the City Outcomes Contribution policy are carried down to NCZ-P10.	<p>Require Encourage over height, large-scale residential, non-residential and comprehensive development in the Neighbourhood Centre Zone <u>that contribute to positive outcomes including by to deliver City Outcomes Contributions as detailed and scored in Appendix 16 the Centres and Mixed Use Design Guide guideline G107, including through either:</u></p>

				<p>1. Positively contributing to public space provision and the amenity of the site and surrounding area; and/or</p> <p><u>2. Enabling ease of access for people of all ages and mobility; and/or</u></p> <p>3. 2. Incorporating a level of building performance that leads to reduced carbon emissions and increased climate change resilience; and/or</p> <p>4. 3. Incorporating construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs; and/or</p> <p>5. 4. Incorporating assisted housing into the development; where this is provided, legal instruments are required to ensure that it remains assisted housing for at least 25 years.; and/or</p> <p>6. Enabling ease of access for people of all ages and mobility.</p>
391.531 & 391.532	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-R10	Support in part. Kāinga Ora sought amendment so the activity status for non-compliance is amended to restricted discretionary with preclusion for limited notification and appropriate matters of discretion are restricted to Policy 7 and 8 matters; rules related to verandah coverage are removed and reference to natural hazards are removed as these matters are controlled by Natural Hazard rules	Section 42A report accepts in part and has no concerns with amending the notification clause as it relates to the activity and with deletion of NCZ-R10.1.v. Section 42A report disagrees with the deletion of NCZ-R10.1.iv and disagrees that the activity status should change to restricted discretionary as the discretionary activity status signifies that residential activities are discouraged along active or non-residential.	<p>Kāinga Ora seeks amendment to NCZ-R10: Residential activities <u>and Retirement Villages</u></p> <p>1. Activity status: Permitted where:</p> <p>a. The activity is located:</p> <p>i. Above ground floor level; ii. At ground floor level along any street edge not identified as an active frontage; or</p> <p>iii. At ground floor level along any street edge not identified as a non-residential activity frontage; or</p> <p>iv. At ground level along any street not identified as requiring verandah coverage; or</p> <p>v. At ground level on any site contained within a Natural Hazard Overlay.</p> <p>2. Activity status: <u>Restricted</u> Discretionary where:</p> <p>a. Compliance with the requirements of NCZ-R10.1 cannot be achieved.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters in <u>NCZ-PXX, NZC-P7 and</u> NCZ-P8.</p> <p>Notification status: An application for resource consent made in respect of rule NCZ-R10.2.a is precluded from being <u>limited and</u> publicly notified</p>
391.533 & 391.534	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-R11	Support in part. Kāinga Ora sought amendment to reduce the Integrated Retail Activity Gross Floor Area to better reflect the lower order of Neighbourhood Centres in the Centres hierarchy.	Section 42A report accepts the amendment and notes that 20,000m2 provided for under the notified rule will enable a significantly sized integrated retail activity. The NCZ is the lowest ranking centre in the hierarchy of centres and section 42A report consider that 10,000m2 is an appropriate GFA.	<p>Kāinga Ora seeks amendment to NCZ-R11:</p> <p>1. Activity status: Permitted Where:</p> <p>a. The total gross floor area does not exceed 21XX0,000m2</p> <p>2. Activity status: Restricted Discretionary Where:</p> <p>a. Compliance with the requirements of NCZ-R11.1.a cannot be achieved.</p> <p>Matters of discretion are:</p> <p>1. The matters in NCZ-P1, NCZ-P2, NCZ-P3, and NCZ-P4;</p> <p>2. The cumulative effect of the development on:</p>

				<p>a. The ongoing viability and vitalitybrancy of the City Centre Zone and Golden Mile;</p> <p>b. The safety and efficiency of the transport network, including providing for a range of transport modes;</p> <p>c. The hierarchy of roads, travel demand or vehicle use; and</p> <p>3. The compatibility with other activities provided for in the zone.</p> <p>Council will not apply a permitted baseline assessment when considering the effects of integrated retail activities that cannot comply with NCZ-R11.1.a</p>
391.535	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-R13	Supportive of NCZ-R13. Kāinga Ora sought for NCZ-R13 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.536	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-R14	Supportive of NCZ-R14. Kāinga Ora sought for NCZ-R14 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.537	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-R15	Supportive of NCZ-R15. Kāinga Ora sought for NCZ-R15 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.538	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-R16	Supportive of NCZ-R16. Kāinga Ora sought for NCZ-R16 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.539 & 391.540	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-R17	Support in part. Kāinga Ora sought amendment to ensure the rule only applies to active and non-residential activity frontages.	Section 42A report rejects the submission and disagrees that the rule should only be applied to sites in the NCZ that have an active frontage or non-residential frontage. Any vacant site within a NCZ has the potential to prevent development potential from being realised and adversely affect the vitality of a centre	Kāinga Ora supports the approach taken in the section 42A report.
391.541 & 391.542	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-R18	Support in part. Kāinga Ora sought amendment to remove direct reference to the design guide and to instead rely on the urban design outcomes that are outlined by the policy references and to remove reference to the 'City Outcomes Contribution' as this will unduly limit intensive development.	Section 42A report accepts in part for the same reasons noted in MCZ report.	<p>Kāinga Ora seeks amendment to NCZ-R18:</p> <p>1. Activity status: Permitted where:</p> <p>a. Alterations or additions to a building or structure: ...</p> <p>iii. Do not result in the creation of new residential units; and</p> <p>...</p> <p>2. Activity status: Restricted Discretionary Where:</p> <p>a. Compliance with any of the requirements of NCZ-R18.1 cannot be achieved. Matters of discretion are:</p> <p>1. The matters in NCZ-P6, NCZ-P7, NCZ-P8, <u>and</u> NCZ-P9 and NCZ-P10.</p> <p>2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard;</p> <p>3. City Outcomes Contribution as required in Appendix 16 for The Centres and Mixed-Use Design Guide, including guideline G107 - City Outcomes Contribution for any building that exceeds the maximum height requirement at Ngaio, Berhampore and Aro Valley centres; and either comprises 25 or more residential units or is a non-residential building;</p> <p><u>4. The Residential Design Guide;</u></p>

				<p>5. The extent and effect of any identifiable site constraints;</p> <p>6. Construction impacts on the transport network; and</p> <p>7. The availability and connection to existing or planned three waters infrastructure. Notification status:</p> <p><u>An application for resource consent made in respect of rule NCZ-R18.2.a that complies with all standards is precluded from being either publicly or limited notified.</u></p> <p>An application for resource consent made in respect of rule NCZ-R18.2.a that complies with both NCZ-S3, NCZ-S7, NCZ-S8, NCZ-S9, NCZ-S10 and NCZ-S11 is precluded from being either publicly or limited notified</p>
391.543 & 391.544	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-R19	Support in part. Kāinga Ora sought amendment to remove direct reference to the design guide as the matters in the relevant policies include those matters articulated through the design guides.	Section 42A report accepts in part to remove the reference to the RDG from NCZ-R19. Section 42A recommends that NCZ-P8 is amended to refer to the RDG and that this is not explicitly referenced within the rule framework. This avoids duplication, given there is already a requirement to consider NCZ-P8 as a matter of discretion.	Kāinga Ora seeks deletion of NCZ-R19 in its entirety.
391.545 & 391.546	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-S1	Support in part. Kāinga Ora sought amendment to enable fence heights up to 2 metres to align with the Building Act.	Section 42A report rejects the submission for the same reasons noted in MCZ report.	<p>Kāinga Ora seeks amendment to NCZ-S1:</p> <p><u>Height control area 2</u></p> <p><u>Mersey Street, Island Bay</u> <u>14 Metres</u></p> <p>2. Fences and standalone walls must not exceed a maximum height of 1.8metres (measured above ground level) <u>on the front boundary and 2.0m on side and rear boundaries.</u></p>
391.547	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-S2	Supportive of NCZ-S2. Kāinga Ora sought for NCZ-S2 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.548	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-S3	Supportive of NCZ-S3. Kāinga Ora sought for NCZ-S3 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.549	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-S4	Supportive of NCZ-S4. Kāinga Ora sought for NCZ-S4 to be retained as notified.	Retain as notified - no changes made in section 42A report.	<p>Kāinga Ora seeks amendment to NCZ-S4:</p> <p>No part of any building or structure may project beyond the relevant recession plane <u>standards of an adjoining boundary in the MRZ, HRZ or Open Space Zone shown below:</u></p>
391.550 & 391.551	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-S6	Support in part. Kāinga Ora sought amendment so that active frontage controls only apply where necessary, such as along principal/arterial roads or along the street edge, and that active frontage controls on streets and buildings where these matters do not apply should be deleted.	Section 42A report accepts in part and agrees that active frontage controls only apply where necessary and this is reflected in the name of the standard which only applies to 'an identified street with an active frontage'	<p>Kāinga Ora seeks amendment to NCZ-S6:</p> <p>Any new building or addition to an existing building on an identified street with an active frontage must:</p> <p>a. Be built up to the street edge on all street boundaries <u>with an identified active frontage control</u> and along the full width of the site bordering any street boundary, <u>excluding vehicle and pedestrian access;</u></p> <p>b. Provide a minimum of 60% of <u>continuous</u> display windows or transparent glazing along the width of the ground floor building frontage; and</p> <p>c. Locate the principal public entrance on the front boundary; <u>Except that this standard does not apply to service stations.</u></p>

				<p>2. Any ground level <u>façade of a new building</u> or addition to, or alteration of, a building or structure facing a public space must not result in a featureless façade that:</p> <p>a. Is more than 3 metres wide; and</p> <p>b. Extends from a height of 1m above ground level to a maximum height of 2.5m;</p> <p>3. Any roller shutter doors (<u>except to car parking and service areas</u>), security grilles, screens or similar structures fitted to the facade of any building must be at least 50% visually transparent; and</p> <p>4. Any new building or addition to an existing building on a site with a non-residential activity frontage control must:</p> <p>a. Be built up to the street edge on all street boundaries and along the full width of the site bordering any street boundary; and</p> <p>b. Locate the principal public entrance on the front boundary.</p> <p>Assessment criteria where the standard is infringed:</p> <p>1. The extent to which:</p> <p>a. Any non-compliance is required for on-site functional or operational needs;</p> <p>b. The building frontage is designed and located to create a strong visual alignment with adjoining buildings <u>or otherwise enhances the streetscape</u>; and</p> <p>c. An acceptable level of passive surveillance is maintained between the interior of the building and the street <u>is provided</u>.</p>
391.552 & 391.553	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-S7	Support in part. Kāinga Ora sought amendment to remove the minimum standard for 2+ bedroom units to enable greater design flexibility.	Section 42A report accepts in part for the same reasons noted in MCZ and LCZ report.	Kāinga Ora supports the approach taken in the section 42A report.
391.554	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-S8	Supportive of NCZ-S8. Kāinga Ora sought for NCZ-S8 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.555	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-S9	Oppose. Kāinga Ora sought deletion of NCZ-S9 as it sets a standard that may not be possible to meet for dwellings that would otherwise provide a decent standard of living and is inconsistent with the scale of height density development.	Section 42A report rejects the submission for the same reasons noted in MCZ report.	Kāinga Ora seeks deletion of NCZ-S9 in its entirety.
391.556	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-S10	Oppose. Kāinga Ora sought deletion of NCZ-S10 as it constrains design flexibility and it is not clear what positive outcome it achieves.	Section 42A report rejects the submission for the same reasons noted in MCZ report.	Kāinga Ora seeks deletion of NCZ-S10 in its entirety.
391.557	Commercial and mixed use Zones / Neighbourhood Centre Zone / NCZ-S11	Oppose. Kāinga Ora sought deletion of NCZ-S11 as it constrains design flexibility and it is not clear what positive outcome it achieves.	Section 42A report rejects the submission for the same reasons noted in MCZ report.	Kāinga Ora seeks deletion of NCZ-S11 in its entirety.
391.5	Whole PDP / Whole PDP / Whole PDP	Kāinga Ora sought that all standards are ensured to have an appropriate activity status and/or are referenced in the building and structure activity rules.	Section 42A report accepts in part in accordance with the PDP provisions in the report. No specific changes to the PDP are required in respect to this submission point.	
Mixed Use Zone				
391.611 & 391.612	Commercial and mixed use Zones / Mixed Use Zone / General MUZ	Support in part. Kāinga Ora sought amendment to acknowledge that the context and activities in the vicinity of	Section 42A report rejects the submission and notes that caselaw has established that the word 'anticipated' can be	Kāinga Ora supports the approach taken in the section 42A report.

		Mixed Use Zones may change in the future due to the proposed plan provision and to acknowledge NPS-UD Policy 6.	taken to mean 'permitted' so the addition of the phrase would set an expectation of a 'permitted baseline'. The addition of 'and anticipated future' sets an expectation that effects of a building or activity will not be taken into account before they have been through a resource consent process.	
391.613	Commercial and mixed use Zones / Mixed Use Zone / New MUZ	Kāinga Ora sought to introduce a new rule permitted industrial activities except heavy industrial activities which should require resource consent as a non-complying activity to give effect to MUZ-P2 and MUZ-P4.	Section 42A report accepts in part and recommends that this rule be added but does not accept the requirement for default notification.	Kāinga Ora supports the approach taken in the section 42A report.
FS89.38	Part 3 / Commercial and Mixed Use Zones / Mixed Use Zone / New MUZ	Oppose. Kāinga Ora opposed the original submission from KiwiRail to add 5m boundary setbacks from a rail corridor boundary.	Section 42A report accepts in part the original submission and rejects the further submission. Section 42A report recommends a new standard requiring a 1.5 metre setback from the rail corridor for all buildings and structures in the MCZ.	
391.614	Commercial and mixed use Zones / Mixed Use Zone / MUZ-O1	Supportive of MUZ-O1. Kāinga Ora sought for MUZ-O1 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.615	Commercial and mixed use Zones / Mixed Use Zone / MUZ-O2	Supportive of MUZ-O2. Kāinga Ora sought for MUZ-O2 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.616	Commercial and mixed use Zones / Mixed Use Zone / MUZ-O3	Supportive of MUZ-O3. Kāinga Ora sought for MUZ-O3 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.617	Commercial and mixed use Zones / Mixed Use Zone / MUZ-O4	Supportive of MUZ-O4. Kāinga Ora sought for MUZ-O4 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.618	Commercial and mixed use Zones / Mixed Use Zone / MUZ-O5	Supportive of MUZ-O5. Kāinga Ora sought for MUZ-O5 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.619 & 391.620	Commercial and mixed use Zones / Mixed Use Zone / MUZ-P1	Support in part. Kāinga Ora sought amendment to recognise that the purpose of the Mixed Use Zone is to allow for compatible activities to co-locate and that affordability and distribution cannot be managed through the District Plan.	Section 42A report accepts in part and agrees that 'choice' should be amended to 'variety'. Section 42A report considers that it is appropriate for the policy to refer to affordability and distribution because the District Plan zoning framework is designed to provide different housing typologies, which has a direct impact on affordability and distribution.	Kāinga Ora seeks amendment to MUZ-P1: Provide for the use and development of the Mixed Use Zone to meet the City's needs for business activities and to a lesser extent housing residential activities co-located, including: 1. A choice variety of building type, size, affordability and distribution, including forms of medium and high density housing; 2. Efficient, well integrated and strategic use of available development sites; and 3. Convenient to state highways and key transport routes and public transport
391.621 & 391.622	Commercial and mixed use Zones / Mixed Use Zone / MUZ-P2	Support in part. Kāinga Ora sought amendment to correct 'community correction facility' to 'community correction activity' and to provide for residential activities which are also located to the rear of buildings.	Section 42A report accepts in part and agrees that 'community correction activity' should be used. Section 42A report rejects the suggestion to add residential activities because the purpose of only enabling residential activities above the ground floor in the MUZ is to ensure the supply of business land is sufficient to meet the City's needs and this may include land that is not on a road frontage.	Kāinga Ora supports the approach taken in the section 42A report.
391.623	Commercial and mixed use Zones / Mixed Use Zone / MUZ-P3	Supportive of MUZ-P3. Kāinga Ora sought for MUZ-P3 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.624	Commercial and mixed use Zones / Mixed Use Zone / MUZ-P4	Supportive of MUZ-P4. Kāinga Ora sought for MUZ-P4 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.

391.625 & 391.626	Commercial and mixed use Zones / Mixed Use Zone / MUZ-P5	Support in part. Kāinga Ora sought amendment to enable ground floor residential at the rear of properties and to remove reference to 'reverse sensitivity' because the purpose of the Mixed Use Zone is to enable compatible activities to co-locate.	Section 42A report rejects the submission and does not agree that residential activities should be allowed as the policy intent is to discourage residential activities on the ground floor to ensure that there is suitable capacity for commercial/publicly accessible activities within the MUZ. Section 42A report does not agree with the request to remove reverse sensitivity effects as residential activities will need to be designed and constructed in a manner that does not undermine use of the zone for a wider range of non-residential activities. Noting that the MUZ is one of the few zones where light industrial and yard-based activities are considered appropriate, it is important that the potential for reverse-sensitivity effects is taken into account.	Kāinga Ora seeks amendment to MUZ-P5: Ensure the ongoing functional use of the Mixed Use Zone for a range of business uses by: 1. Restricting residential activities being established at the ground floor level of buildings and 2. Ensuring residential activities are designed and constructed to provide good on-site amenity and to avoid reverse sensitivity effects on non-residential activities within the zone <u>and</u> ; 3. Meeting the requirements of the Residential Design Guide as relevant.
391.627	Commercial and mixed use Zones / Mixed Use Zone / MUZ-P6	Supportive of MUZ-P6. Kāinga Ora sought for MUZ-P6 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.628	Commercial and mixed use Zones / Mixed Use Zone / MUZ-P7	Supportive of MUZ-P7. Kāinga Ora sought for MUZ-P7 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
391.629 & 391.630	Commercial and mixed use Zones / Mixed Use Zone / MUZ-R10	Support in part. Kāinga Ora sought amendment to enable residential activities at ground floor where they are to the rear or a non-residential building.	Section 42A report rejects the submission and notes that the policy intent is to ensure there is sufficient supply of business/commercial land.	Kāinga Ora supports the approach taken in the section 42A report.
391.631 & 391.632	Commercial and mixed use Zones / Mixed Use Zone / MUZ-R16	Support in part. Kāinga Ora sought amendment to remove direct reference to the design guides and to instead articulate the urban design outcomes that are sought.	Section 42A report accepts in part for the same reasons noted in the MCZ report.	Kāinga Ora supports the approach taken in the section 42A report.
391.633 & 391.634	Commercial and mixed use Zones / Mixed Use Zone / MUZ-R17	Support in part. Kāinga Ora sought amendment to remove direct reference to the design guide and to instead articulate the urban design outcomes that are sought.	Section 42A report accepts in part for the same reasons noted in the MCZ report.	Kāinga Ora supports the approach taken in the section 42A report.
631.635 & 391.636	Commercial and mixed use Zones / Mixed Use Zone / MUZ-S1	Support in part. Kāinga Ora sought amendment to provide for building heights of at least 22 m in all Mixed Use Zone Areas to provide for appropriate levels of density and considered that the fence height should be enabled up to 2m.	Section 42A report rejects the submission and notes that the heights in the Height Control Areas have been applied on a site-specific basis to take into account the specific context of the site. A blanket 22 metre height limit is not considered necessary, and additional building height is available under MUZ-S2.	Kāinga Ora seeks amendment to MUZ-S1: The following maximum height limits above ground level must be complied with: <u>22m a</u> Location Limit Height control area 1-Newton-South Greta Point Tawa South Takapu Island Tauhinu Road 12 metres Rongotai South Mixed Use Zone Height Control A Rongotai South Mixed Use Zone Height Control B Shelly Bay 2. Fences and standalone walls must not exceed a maximum height of 1.8 metres (measured above ground level) <u>on front boundaries and 2.0m on side and rear boundaries.</u> Assessment criteria where the standard is infringed: 1. Streetscape and visual amenity effects; 2. Dominance, privacy and shading effects on adjoining sites; and 3. The extent to which taller buildings would contribute to a substantial increase in residential accommodation, the increased building height would provide for additional

				<u>development potential which is consistent with the purpose of the zone.</u>
391.637	Commercial and mixed use Zones / Mixed Use Zone / MUZ-S2	Oppose. Kāinga Ora sought deletion of MUZ-S2 and for single maximum height standard to apply to the zone.	Section 42A report rejects the submission and notes that because the blanket height requested by Kāinga Ora was rejected, MUZ-S2 enables the additional building height Kāinga Ora seeks to achieve.	Kāinga Ora seeks amendment to MUZ-S2:
391.638 & 391.639	Commercial and mixed use Zones / Mixed Use Zone / MUZ-S3	Support in part. Kāinga Ora sought amendment to achieve consistency with any changes sought to MUZ-S1 and MUZ-S2.	Section 42A report rejects the submission and notes that the changes to MUZ-S1 and MUZ-S2 have been rejected, so there is no need for consequential changes to MUZ-S3.	<p>Kāinga Ora seeks amendment to MUZ-S3:</p> <p>No part of any building or structure may project beyond the relevant recession plane <u>standards of an adjoining boundary in the MRZ, HRZ or Open Space Zone shown below</u></p> <p>Location Recession plane Boundary adjoining any site within the MRZ with a height limit of 11m identified on the District Plan Maps</p> <p>60° measured from a height of 4m vertically above ground level</p> <p>Boundary adjoining any site within the MRZ with a height limit of 14m identified on the District Plan Maps</p> <p>60° measured from a height of 5m vertically above ground level</p> <p>Boundary adjoining any site within the HRZ</p> <p>60° measured from a height of 8m vertically above ground level</p> <p>Boundary adjoining any site within an Open Space Zone</p> <p>60° measured from a height of 5m vertically above ground level</p> <p>Boundary adjoining any site containing a scheduled heritage building</p> <p>60° measured from a height of 5m vertically above ground level</p> <p>Assessment criteria criteria where the standard is infringed:</p> <p>1. The extent to which any infringement is necessary to provide for functional needs or operational needs of the activities on the site;</p> <p>2. Dominance, privacy and shading effects on adjoining sites;</p> <p>3. Whether topographical or other site constraints make compliance with the standard impracticable;</p> <p>4. Whether an increase in height in relation to boundary results from a response to natural hazard mitigation;</p> <p>5. The extent to which an increase in height in relation to boundary would contribute to a substantial increase in residential accommodation; and</p> <p>6. The effect on the function and associated amenity values of any adjacent open space zone.</p> <p>These standards do not apply to:</p> <p>a. A boundary with a road;</p> <p>b. Internal boundaries;</p>

				<p>c. Solar power or heating components provided these do not exceed the height in relation to boundary by more than 500mm measured vertically;</p> <p>d. 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 in relation to boundary by more than 3m measured vertically; and</p> <p>e. Lift overruns, provided these do not exceed the height in relation to boundary by more than 1m measured vertically</p>
391.640 & 391.641	Commercial and mixed use Zones / Mixed Use Zone / MUZ-S5	Support in part. Kāinga Ora sought amendment to exclude the provisions from applying to windows in residential units in the MUZ as the effects are comparable to those experienced between residential units in residential zones.	Section 42A report accepts in part and agrees there should be an exemption for residential units as the effects between residential units located adjacent to one another are the same regardless of the zone they are in.	Kāinga Ora supports the approach taken in the section 42A report.
391.642	Commercial and mixed use Zones / Mixed Use Zone / MUZ-S6	Oppose. Kāinga Ora sought deletion of MUZ-S6 as it constrains development and design flexibility, and it is not clear what positive outcome it achieves	Section 42A report rejects the submission and notes that MRZ-S6 is necessary to ensure that there is a mix of densities within the MUZ and that very large buildings do not dominate the zone but rather a mixture of densities is achieved. Section 42A notes that the standard does not prevent larger floor area buildings from occurring within the MUZ. Larger floor areas can be achieved with resource consent	Kāinga Ora seeks deletion of MUZ-S6 in its entirety.
391.643 & 391.644	Commercial and mixed use Zones / Mixed Use Zone / MUZ-S8	Support in part. Kāinga Ora sought amendment to remove the minimum standard for 2+ bedroom units to enable greater design flexibility and a smaller studio unit.	Section 42A report rejects the submission for the same reasons provided in the MCZ report.	Kāinga Ora supports the approach taken in the section 42A report.
391.645	Commercial and mixed use Zones / Mixed Use Zone / MUZ-S9	Supportive of MUZ-S9. Kāinga Ora sought for MUZ-S9 to be retained as notified.	Retain as notified - no changes made in section 42A report.	Kāinga Ora supports the approach taken in the section 42A report.
General Industrial Zone				
FS89.41	Part 3 / Industrial Zones / General Industrial Zone / New GIZ	Oppose. Kāinga Ora opposed the original submission from KiwiRail to include a boundary setback of 5m and considered that a reduced setback would provide adequate space for maintenance activities within sites adjacent to the rail network.	Section 42A report accepts in part and considers that a reduced setback would be appropriate to protect rail infrastructure and balance the cost on landowners. Section 42A report recommends an amended setback of 1.5m from any railway corridor.	
Wind Chapter				
391.304 & 391.305	General District wide Matters / Wind / General WIND	Support in part. Kāinga Ora sought amendment so they apply to the MDRS and HDRS where buildings go over 20m in height.	Section 42A report accepts the amendment and agrees to apply the wind rules to the HRZ but not the MRZ. Section 42A report recommends a trigger height of 20m be used for provision of a qualitative wind assessment in the City Centre, Waterfront, Metropolitan Centre, Port Zone, Inner Harbour Port Precinct and Ferry Precinct. Section 42A report recommends heights of 15m for qualitative assessment in the Local Centre, Neighbourhood Centre Zone, High Density Residential Zone, Tertiary Education Zone and Hospital Zones with quantitative assessments beyond 25m.	Not pursued
391.306 & 391.307	General District wide Matters / Wind / WIND-R1	Support in part. Kāinga Ora sought amendment to align with proposed Centre heights.	Section 42A report accepts the amendment and agrees that consideration should be given to whether some of the Centre wind trigger heights need to have a more tailored approach based on the density anticipated within the zones.	Not pursued

