

20 June 2023

To: Hearing Panel,  
for the WCC's Proposed District Plan.

## **JCA Submission for Stream 4**

### **Introduction**

The following is the Submission of the Johnsonville Community Association Incorporated (JCA) to the Hearing Panel on the Proposed District Plan (PDP) for 2024-2034.

Despite the WCC classifying Johnsonville as a metropolitan centre, over past years WCC management have refused to:

- Fund and resource Johnsonville as a metropolitan centre, and
- Agree to an update of the Johnsonville 2008 Town Centre Plan.

The WCC has prioritised Johnsonville for population growth of an additional 6,000 people (+60%) and has zoned it with the largest High-Density Residential Zone in the City. It is fundamental to the future of Johnsonville that both of these requests should be agreed to. The urban planning environment for Johnsonville in 2023 is significantly different to its urban planning environment in 2008.

### **Metropolitan Centre Overview**

Johnsonville has been classified as a metropolitan centre in the Wellington City Council's (WCC) spatial plan, draft district plan and proposed district plan.

Despite the WCC classifying Johnsonville as a metropolitan centre, WCC management have refused to:

- Fund and resource Johnsonville as a metropolitan centre, and
- Agree to an update of the Johnsonville 2008 Town Centre Plan.

Given the significant changes that the WCC intends for the centre of Johnsonville, it is fundamental to the future of Johnsonville and its residents that both of these requests should be agreed to. The urban planning environment for Johnsonville in 2023 is significantly different to its urban planning environment in 2008.

According to the WCC's PDP metropolitan centres are described as:

*"contain(ing) a wide range of commercial, civic and government services, employment, office, community, recreational, entertainment and residential*

*activities. Metropolitan Centres are major transport hubs for the City and are easily accessible by a range of transport modes, including rapid transit”.*

On page 11 of JCA’s submission to the Commission in Stream 1 the JCA reported that the metropolitan centre of Johnsonville:

*“is not great. The metropolitan centre is run down, the mall re-development has been stalled for years, key anchor clients have been lost from the mall, and there has been a reduction in banking services”.*

Outlined below is a list of what Johnsonville **doesn’t have** as a metropolitan centre:

- A rapid transit service for commuters.
- A wide range of banking services. ANZ and ASB and Postbank have closed and BNZ and Westpac run on reduced days.
- A wide range of government services. For example, there is only a Work and Income office in the centre of Johnsonville.
- A wide range of clothing shops, e.g. Hallensteins have left.
- A wide range of other shops e.g. The Warehouse, Warehouse Stationary, T&T Childrenswear, Commonsense Organics, Pacific Jewellers, Michael Hill Jeweller, Paper Plus, Trends, etc. have left
- There isn’t computer, computer accessory or computer repair shops present in Johnsonville.

The majority of shops on the main road are takeaways and a few restaurants, together with a number of petrol stations. There are a range of service shops off from the main road.

The centre has been allowed to run itself down and is stagnating. The decision on the Johnsonville mall’s future has been a significant contributing factor to this. It is very clear that for Johnsonville to be a thriving and fully-fledged metropolitan centre with a wide range of facilities, a massive improvement in the centre is going to be needed. Currently, to the JCA, Johnsonville does not have the feel of a metropolitan centre.

Given the above facts and assessment, the JCA supports the WCC recommendation to reject Kainga Ora’s recommendation to expand the size of the Johnsonville metropolitan centre.

The JCA considers that Johnsonville has already lost many facilities and wants to ensure that the urban planning for the Johnsonville metropolitan centre prevents further such loss of facilities. If this decline continues, it will further accelerate the need for residents from Johnsonville and the areas around Johnsonville to go elsewhere to find the services and goods they need.

Accordingly, the JCA supports the WCC recommendation that there should be a mix of medium and high-density developments in Johnsonville's metropolitan centre. The JCA strongly disagrees with Kainga Ora's recommendation that there should only be high density developments in Johnsonville's metropolitan centre. Allowing high density developments only would impose unreasonable and uneconomic conditions on some businesses, particularly if they did not find it economic to include residential as part of their development and result in restrictions on trade and further reduce the potential for a wide range of facilities and activities that might otherwise locate in Johnsonville to take advantage of a revitalised central area.

Accordingly, JCA considers the following to be important when decisions are being made about the future of the Johnsonville metropolitan centre:

- The planning rules **should permit but must not require residential development**. Requiring the assessment of a MCZ to include whether a development "Provides for the increased levels of residential accommodation" as criteria as to whether it will "*positively contribute to the sense of place, quality and amenity of the Metropolitan Centre Zone*" (as outlined under MCZ-P7 1. c.) creates a business risk to business developments that would otherwise proceed or encourages investment that is or could be uneconomic,
- The planning rules consequentially should have the flexibility to allow a wide range of developments at different heights and focus within the centre,
- The planning rules for the centre need to consider security, privacy and noise issues. For example, is it wise urban planning from a security viewpoint to place residential accommodation above a bank or a security firm or an entertainment complex's premises?

#### **Recommendations:**

- **The JCA requests the Commission to support JCA's recommendations to the WCC that:**
  - **Johnsonville be immediately funded and resourced as a metropolitan centre, and**
  - **the Johnsonville 2008 Town Centre Plan be updated either immediately or by 30 June 2024 at the latest, and**
  - **the Johnsonville 2008 Town Centre Plan be updated by the WCC in consensus with Johnsonville based organisations including the Johnsonville Metropolitan Centre.**
- **The JCA requests the Commission support the following JCA recommendations to the WCC:**

- **The planning rules should permit but must not require residential development where this hampers developments that would otherwise proceed or encourages investment that is or could be uneconomic and so rule MCZ-P7 1. c. and other equivalent rules should be removed, and**
- **The planning rules consequentially should have the flexibility to allow a wide range of developments at different heights and focus within the centre, and**
- **The planning rules for the centre need to consider security, privacy and noise issues.**

### **Primary Purpose of the Johnsonville Centre**

The Council's planning for Johnsonville contained in the PDP raises a question about what is going to be the fundamental purpose of the Johnsonville Metropolitan Centre going forward?

Is it going to be a metropolitan centre as defined by the WCC in its PDP? i.e. *“contain(ing) a wide range of commercial, civic and government services, employment, office, community, recreational, entertainment and residential activities. Metropolitan Centres are major transport hubs for the City and are easily accessible by a range of transport modes, including rapid transit”*.

Or is it going to be primarily going to be a metropolitan centre for residential housing?

If this is the case then the Johnsonville Centre won't qualify as a metropolitan centre because it won't meet the above definition of a metropolitan centre containing a wide range of commercial, civic and government services, employment, office, community, recreational, entertainment and residential activities.

The JCA has real concerns that the WCC has not got the balance correct between:

- a wide range of commercial, civic and government services, employment, office, community, recreational and entertainment activities
- versus
- residential activities

for the Johnsonville metropolitan centre.

The strong presence of Kainga Ora in the submitters' recommendations about the future of Johnsonville and its metropolitan centre simply reinforces the validity of JCA's concerns about this issue. It is pertinent to emphasise the

point that Johnsonville is a suburb with a strong family feel to it and that this is important and worth preserving going forward.

The JCA was sufficiently concerned about this issue that in its submission to the WCC on its PDP in September 2022, the following was stated in relation to the above issue:

**The JCA opposes the statement that residential development is to be a key focus of Metropolitan Centre and requests that such statement in the PDP be reduced to:**

**Residential Developments can also be supported as long as they do not compromise the core purpose of the centre as outlined by the current District Plan.**

The current role and function of Centres is defined in the current or Operative District Plan (as outlined in DPC72):

*OBJECTIVE – ROLE AND FUNCTION OF CENTRES*

*6.2.1 To provide a network of accessible and appropriately serviced Centres throughout the City that are capable of providing goods, services and facilities to meet the day to day needs of local communities, residents and businesses, and of accommodating anticipated population growth and associated development whilst maintaining Wellington’s compact urban form.*

...

*Regionally Significant Centres*

*Services a significant part of the City and/or region and provides a significant retail offer. These centres are based around a main street and contain one or more large supermarkets and department stores. A wide range of retail goods with some specialist stores is available. A range of civic and government services, employment, office, community, recreational, entertainment, residential activities can be found which are supported by a sub-regional transport hub. These centres have high levels of pedestrian activity, together with significant on-street and off-street parking facilities. These two Centres are recognised as Regionally Significant Centres in the proposed Regional Policy Statement.*

The 2021 WCC Spatial Plan identified Johnsonville Centre as an Opportunity Site stating:

*These are sites with significant potential to be part of comprehensive new development, infrastructure improvement, or redevelopment of existing urban areas.*

...

*We'll work closely with external partners to plan and invest in these areas and maximise the benefits to the city.*

In the PDP, Johnsonville is more than a normal suburb because the Johnsonville Town Centre is designated as a Metropolitan Centre. As outlined in the PDP:

*The purpose of the Metropolitan Centre Zone is to provide predominantly for a broad range of commercial, community, recreational and residential activities. The zone is a focal point for sub-regional urban catchments and provides significant support to the City Centre Zone by offering key services to the outer suburbs of Wellington City and the wider region. This is identified in the Wellington Regional Policy Statement.*

...

*Metropolitan Centres contain a wide range of commercial, civic and government services, office, community, recreational, entertainment and residential activities and have excellent access to public transport, including existing and planned rapid transit. Residential activity is a key focus of Metropolitan Centres, and is enabled above ground floor.*

The JCA also notes the following PDP statement about Metropolitan Centres:

*Residential activity is a key focus of Metropolitan Centres, and is enabled above ground floor.*

And the JCA is aware of a proposal, by Johnsonville Centre owners, Stride Properties, to include very high apartment towers as part of any redevelopment. While the JCA is a strong long term supporter of redeveloping the Johnsonville Shopping Centre, it is very concerned of any development that is out of scale to the Johnsonville Suburban Centre. The JCA's primary focus is to represent the interest of the Johnsonville suburban community to ensure Johnsonville is a great place to live where everyone can thrive.

The key purpose of the Johnsonville Metropolitan Centre is to provide a wide or broad range of retail and services required to support surrounding residential areas. The JCA is concerned the WCC emphasis on building residential development within the Johnsonville Shopping Centre will compromise the focus of the centre and, possibly, further delay redevelopment of the Johnsonville Mall.

### **Recommendations:**

- **The JCA requests that the Commission support the following recommendations:**
  - **The Commission to note that there is a consensus between the Operative District Plan and the Proposed District Plan that the purpose of a metropolitan centre is to be provide for a broad or wide range of commercial, community, recreational and residential activities.**
  - **The Commission to note that if there is a key focus on one activity, such as residential development for the centre of Johnsonville, this may or will compromise the overall purpose of Johnsonville as it may be uneconomic or unrealistic to provide residential development as part of all of the broad range of activities that should be present in a metropolitan centre.**
  - **The Commission support the JCA’s opposition to the statement in the Proposed District Plan that:**
    - **“residential development is to be a key focus of (Johnsonville) Metropolitan Centre”**  
and requests that such statement in the Proposed District Plan be reduced to:  
**“Residential developments can also be supported as long as they do not compromise the core purpose of the centre as outlined by the current District Plan”.**

### **Council Restriction on the Johnsonville Mall to be Removed**

In 2006, the WCC imposed a restriction on large retail developments outside of the CBD under its “Integrated retail activity” rule as follows:

#### ***LCZ-R11 Integrated retail activity***

##### ***1. Activity status: Permitted***

*Where:*

- a. The total gross floor area does not exceed 20,000m<sup>2</sup>*

##### ***2. Activity status: Restricted Discretionary***

*Where:*

*a. Compliance with the requirements of LCZ-R11.1 cannot be achieved.*

*Matters of discretion are restricted to:*

- 1. The matters in LCZ-P1, LCZ-P2, LCZ-P3, and LCZ-P4.*
- 2. The cumulative effect of the development on:
  - i. The viability and vitality of the City Centre Zone and Golden Mile*
  - ii. The safety and efficiency of the roading network, including providing for a range of transport modes*
  - iii. The hierarchy of roads travel demand or vehicle use; and**
- 3. The compatibility with other activities provided for in the zone.*

*Council will not apply a permitted baseline assessment when considering the effects of integrated retail developments that cannot comply with LCZ-R11.1.a.*

The purpose of this WCC rule was to protect retailers on the Golden Mile in the CBD and block the original Johnsonville Mall development. The rule was incorporated in to the DPC73.

The JCA has repeatedly objected to this rule and requested the WCC to remove the rule since 2007.

In JCA's submission to the WCC on its PDP in September 2022, the following comment was made by JCA advising the WCC that the Council was in breach of trade competition requirements:

The incorporation of the rules specifically protecting retailers on the Golden Mile from competition is not only specifically part of the strategy of the WCC, it is even specifically prohibited under the Resource Management Act!

*(3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.*

Resource Management Act 1991 (as at 15 November 2021), Part 5, Section 74

It is also noted that, while the Golden Mile is the only retail area with specific protection under the proposed policies and rules, there is no supporting justification for why this huge retail area needs such protection under the district plan.



The continued presence of this economic protection rule is a significant reason why the Johnsonville Mall has not been developed. The continued inclusion of this rule in the PDP essentially ensures any future Johnsonville retail development is restricted or even blocked when such development would make a major positive contribution to North Wellington and the city in general.

The PDP has retained these provisions from the Draft District Plan and so the JCA objection to them remains.

On page 18 of i's submission on the PDP to WCC in September 2022, the JCA then made the following recommendation:

"The JCA requests rule LCZ-R11 Integrated retail activity be removed from the PDP".

The JCA had also made the same comments and recommendation, regarding this rule, to the WCC in its 2021 submission.

The WCC completely ignored the JCA's 2021 and 2022 submission comments and recommendations and took no action to remove the rule.

In relation to the above inappropriate and unfair rule, the Commission is asked to note the following:

- The Council officer's Section 42A report for Stream 4 has incorrectly advised the Commission that there are no trade competition issues in relation to the metropolitan centres, and
- The Council officer's Section 42A report for Stream 4 and its supporting Appendix with its spreadsheet description of each submitters comments does not mention JCA's comments that the rule was a breach of trade competition requirements and JCA's recommendation that the rule should be removed from the PDP.
- The Council officer's Section 42A Report for Stream 1 has also incorrectly advised the Commission on that there are no trade competition issues in relation to the city.
- The Council officer's Section 42A Report for Stream 1 also did not advise the Commission of the very relevant fact that the Environment Court in 2013 had ruled in its judgement that Areas A and B should not be included in Johnsonville's walkable catchment.
- It is very concerning to the JCA that matters of significant consequence for Johnsonville have been deliberately not brought to the attention of

the Commission by Council officers when providing their Section 42A reports to the Commission.

Finally, after 15 years of refusing the JCA's request to remove this inappropriate and unfair rule, the WCC has decided to remove this rule.

In an email dated 5 June 2023 to Wellington City Councillors, Liam Hodgetts (Chief Planning Officer) has advised that Council officers are recommending the removal of the limit on the size of integrated retail development (shopping malls) in Metropolitan Centres. The JCA supports this long over-due decision from the Council.

The Commission should also note that Mr. Hodgetts's email is incorrect when it states that the rule has been in place since 2014. Mr. Hodgetts is referring to the rule contained in DPC73 which was issued in 2014. This ignores the fact that the rule was originally put in place in 2006 under DPC52.

**Recommendation:**

- **The Commission to support the JCA's request and the Council's decision that the rule - LCZ-R11 Integrated retail activity - be removed from the Proposed District Plan as it unfairly restricts the ability for Johnsonville to get a high-quality mall.**

## **Car Parking Arrangements for the Johnsonville Metropolitan Centre**

The PDP states that there are to be no "visible" car parks in the MCZ.

Woolworths, who own the Countdown supermarkets in Johnsonville and own the car park for the eastern Countdown store, want to retain their "visible" car parks.

If the "visible" car parks are required to be removed this will require either a car parking building or car parking floors in another building. The PDP is silent on who has to pay for this building. If shoppers have to pay for the cost of this building then the cost of shopping at the supermarket will increase for shoppers in Johnsonville. Currently shoppers are not separately charged for car parking at the two Countdown supermarkets in Johnsonville. It is fairly clear that if shoppers were currently separately charged, that cost would be a fraction of the cost charged to shoppers under a "non-visible" car park model.

Wellington's earthquake history with car parking buildings is salutary. During earthquakes, the car parking building opposite the Michael Fowler Centre and the car parking building in the Reading Cinema complex in Courtenay Place were seriously damaged and closed. The car parking building in the Queensgate Mall in Lower Hutt was also seriously damaged and closed. To any observer, this strongly suggests that the engineering standards for these car parking buildings were completely inappropriate and didn't pay sufficient regard to public safety. Pancaking concrete floors in a car parking building are not very forgiving to people beneath them.

If "non-visible" car parking buildings are to become the new norm in the centre of Johnsonville, then it will be vital from a public safety perspective that they are earthquake strengthened to the very highest engineering standards. Perhaps the WCC could learn from Christchurch's earthquake experiences and build an earthquake strengthened car parking building like The Crossing which is wrapped in braced steel girders on every floor.

Of course, all of this "non-visible" car parking will increase the cost of shopping for shoppers. It may also deter (re)-development that might otherwise occur because of the cost and issues involved, or may in fact result in supermarkets relocating out of central Johnsonville because of the difficulties with development.

#### **Recommendations:**

- **The Commission to note the JCA's assessment that "non-visible" car parking will impose additional costs on shoppers in Johnsonville.**
- **That the following rules be changed:**
  - **Remove: MCZ-P4 1. "Carparking visible at street edge along an active frontage or non-residential activity frontage;"**
  - **Modify by removing the condition that car parks are permitted if they are "not visible at street edge along an active frontage or non-residential activity frontage;" from: MCZ-R15 1. A. i.**
- **The Commission to support the JCA's request that if any car parking building or car parking floors are built in Johnsonville they are to be earthquake strengthened to the very highest engineering standards identical to that used for The Crossing car parking building in Christchurch.**

## **Fire Emergency New Zealand Supports a 25 Metres Maximum Building Height**

The Council's Appendix B – Part 2 – MCZ report states that Fire Emergency New Zealand (FENZ) have indicated that they can provide fire emergency support services for buildings up to a maximum height of 25 metres in the MCZ.

WCC have recommended a maximum height of 35 metres for Johnsonville's MCZ. WCC has also indicated that the maximum height of 35 metres can be exceeded significantly via the WCC's City Outcomes Contribution proposal. For example, just by complying with the WCC's Design Guide a property owner can simply obtain a 25% increase in building height. So, a property owner can build a building up to 43.75 metres in height in the Johnsonville MCZ. The WCC's City Outcomes Contribution proposal can also allow increases of up to 50% in height (i.e. 52.5 metres) which is very close to the maximum height of 55 metres sought by Stride Properties, the owner of the Johnsonville Mall.

It would appear that the City Outcomes Contribution proposal conflicts significantly with FENZ's fire emergency servicing support capabilities and/or requirements as well as public safety requirements. It is uncertain whether, in an emergency, FENZ would be able to provide fire emergency support for buildings above 25 metres in Johnsonville's MCZ (or indeed elsewhere in Johnsonville). Obviously, this is of considerable concern to the JCA.

Given this reality, the JCA wants, in recognition of this issue to support FENZ in meeting its fire emergency service support requirements for the Johnsonville MCZ. Accordingly, the JCA has decided that it wants to change its support of the maximum height for buildings in Johnsonville's MCZ taking into account both the fire emergency service support requirements as well as the impact of the WCC's City Outcomes Contribution proposal. The JCA has decided to lower its support from a maximum height of 8 storeys (27 metres) to 7 storeys (25 metres) for the Johnsonville MCZ. The JCA notes that 7 storeys will still meet the "at least 6 storeys" requirement set out in the NPS-UD.

To further reinforce the importance of this issue outlined below are the comments from a Stuff article dated 19 June 2023 on how the Auckland fire emergency services support capability has been seriously compromised:

*Firefighters have warned Auckland Council the city's rapid growth means they sometimes run low on water to put out fires.*

*They also cannot get their trucks close to burning houses in high-density projects where buildings are packed close together.*

*Documents show Fire and Emergency has made multiple pleas to councils for help, saying behind closed doors that the government has overlooked the growing and serious problems.*

*"Demands on water to accommodate growth means there is not always sufficient water for firefighting," FENZ told Auckland Council in a recent presentation.*

*Recent intensification had resulted in "inadequate reticulated water supply with insufficient pressure for firefighting to serve development".*

*Carparking was filling streets and blocking fire trucks, or some roads left less than 4m of width to set up a fire truck - too narrow - and gaps of just 2 - 3m between houses was pushing up the level of destruction.*

*"Construction across our region is increasing the risk of fire," FENZ said.*

*"Intensification and infill housing is challenging traditional access."*

*Many recent developments were non-compliant but got consent anyway, FENZ said last September.*

*Or they were compliant, pointing to problems with the Building Code or the Act.*

*"Recent government changes to support growth", such as 2022's housing intensification laws, "do not consider the needs of emergency response in their objectives or outcomes", FENZ added.*

*Water supply was vital, but the guidelines on making sure there was enough remained voluntary.*

#### **Recommendations:**

- **The Commission to note that Fire Emergency New Zealand (FENZ) have indicated that they can provide fire emergency services support for buildings up to a maximum height of 25 metres in the MCZ (and the JCA presumes the same for elsewhere such as for the Johnsonville's HRZ), and**
- **The Commission to note that the WCC's maximum building height of 35 metres for the Johnsonville metropolitan centre zone can be increased via the WCC's City Outcomes Contribution proposal to 52.5 metres, and**
- **The Commission to note that WCC's proposed building heights of 35 metres and up to 52.5 metres for the Johnsonville metropolitan centre zone exceed the maximum height of 25 metres that the Fire Emergency**

**New Zealand (FENZ) have indicated that they can provide fire emergency services support, and**

- **The Commission to note that the WCC's building height proposals for the Johnsonville metropolitan centre zone are contrary to public safety requirements, and**
- **The Commission to note that JCA's recommendation to the WCC is now that the maximum building height for the Johnsonville metropolitan centre zone should not exceed 25 metres (7 storeys).**

### **Maximum Height for the Johnsonville Metropolitan Centre Zone**

On page 19 of JCA's submission on the WCC's PDP in September 2022, the following statements were made about the height issue for the Johnsonville MCZ:

And the JCA is aware of a proposal, by Johnsonville Centre owners, Stride Properties, to include very high apartment towers as part of any redevelopment. While the JCA is a strong long-term supporter of redeveloping the Johnsonville Shopping Centre, it is very concerned about any development that is out of scale to the Johnsonville Suburban Centre.

The key purpose of the Johnsonville Shopping Centre is to provide a wide range of retail and other services and facilities required to support surrounding residential areas. The JCA is concerned the WCC emphasis on building residential development within the Johnsonville Shopping Centre will compromise the focus of the centre and possibly further delay redevelopment of the Johnsonville Mall.

On page 20 of JCA's submission, the following recommendation was made:

The JCA opposes the change of the Johnsonville Metropolitan Centre height limit from 8 storeys to 10 storeys. The JCA requests this height be restored to the previous Metropolitan Centre maximum height limit of 8 storeys.

In the previous section of this submission concerning fire emergency services support for buildings up to a maximum height of 25 metres in the Johnsonville MCZ, the JCA indicated that it now supports a maximum building height for the Johnsonville metropolitan centre zone that should not exceed 25 metres (7 storeys).

In summary then:

- The JCA is recommending a maximum height of 25 metres (7 storeys) for the Johnsonville MCZ and completely rejects the City Outcomes Contributions proposal from the Council which would allow significant additional increase in height above the 25 metres, whereas

- The WCC is recommending a maximum height of 35 metres (10 storeys) for the Johnsonville MCZ plus extra height from the Council’s City Outcomes Contributions proposal which would allow significant additional increase in height above the 35 metres and which could range up to 52.5 metres.

The Section 42A report states that the JCA has not justified it’s request for a maximum of 8 storeys which the JCA has changed, for reasons set out earlier in this submission, to 7 storeys (25 metres). Justification is set out below as follows:

- The building height maximum in the current or Operative District Plan is 28 metres (8 storeys).
- In paragraphs 249 and 282 in the Appendix B Part 2 Metropolitan Centre Zone report, Fire Emergency New Zealand (FENZ) have indicated support for maximum building heights of up to 25 metres in the MCZ. Given this fact the JCA has lowered its support of a maximum height of 8 storeys (28 metres) to now supporting only 7 storeys (25 metres) for the maximum building height in Johnsonville’s MCZ.
- When Stride Properties purchased the Johnsonville Mall in 2008, the maximum height for the mall at that stage was 1 storey. Stride Properties made their mall investment decision with full knowledge of these building height limits at that time.
- Stride benefited under the WCC’s current or Operative District Plan (ODP) implemented in 2014 because the WCC increased the maximum height from 1 storey in 2008 to 8 storeys in 2014 when that ODP was issued.
- Tellingly, the ODP in 2014 allowed for population growth in the centres, such as Johnsonville, as set out on page 19 of JCA’s submission on the PDP to the WCC in September 2022 as follows:

The current role and function of Centres is defined in the current District Plan (as outlined in DPC72):

**OBJECTIVE – ROLE AND FUNCTION OF CENTRES**

*6.2.1 To provide a network of accessible and appropriately serviced Centres throughout the City that are capable of providing goods, services and facilities to meet the **day to day needs of local communities, residents and businesses**, and of **accommodating anticipated population growth and associated development** whilst maintaining Wellington’s compact urban form.*

...

**Regionally Significant Centres**

*Services a significant part of the City and/or region and provides a significant retail offer. These centres are based around a main*

*street and contain one or more large supermarkets and department stores. A wide range of retail goods with some specialist stores is available. A range of civic and government services, employment, office, community, recreational, entertainment, **residential activities** can be found which are **supported by a sub-regional transport hub**. These centres have high levels of pedestrian activity, together with significant on-street and off-street parking facilities. These two Centres are recognised as Regionally Significant Centres in the proposed Regional Policy Statement.*

So, the current ODP already allowed for future population growth for Johnsonville.

- At 7 storeys high, Johnsonville will have the tallest mall facility in the greater Wellington region. Even at 7 storeys high, the Johnsonville mall will be double the height of the city malls in Porirua (K Mart), Lower Hutt (Queensgate), Upper Hutt (Mall Upper Hutt) and most, if not all, of Wellington City malls. Unless the WCC's plan is to turn Johnsonville into a city in its own right, these facts strongly suggest the height limits above 7 storeys are completely out of scale for Johnsonville as a metropolitan centre.
- To put this further into perspective, the building heights for the Johnsonville MCZ are driven by requirements in the NPS-UD which permits a minimum building height of "at least 6 storeys" for a MCZ. Given that the NPS-UD is a national policy statement it has allowed for a maximum situation requirement when dealing with minimum building heights in MCZs. That maximum requirement in New Zealand occurs in Auckland. Auckland's population in 2022 was 1.695 million people. Wellington's population was 0.213 million people representing 1/8<sup>th</sup> of Auckland's **current** population level. This means the following:
  - At the WCC's maximum projected population growth rate for Wellington of 80,000 persons over the next 30 years, it will take Wellington's population 18.5 centuries to catch up to Auckland's CURRENT population level, and
  - At the WCC's minimum projected population growth rate for Wellington of 50,000 persons over the next 30 years, it will take Wellington's population 29.5 centuries to catch up to Auckland's CURRENT population level.

These facts about projected population growth reinforce the importance of keeping scale firmly in mind when setting the maximum building height limit for the Johnsonville metropolitan centre.



## Recommendations:

- The Commission to note that Fire Emergency New Zealand only support a maximum building height of 25 metres (7 storeys) in Johnsonville’s metropolitan centre zone.
- The Commission to note that Stride Properties have already received a significant benefit for the Johnsonville Mall from the WCC when the maximum height limit for the mall was increased from 1 to 8 storeys when the current Operative District Plan was issued by WCC in 2014.
- The Commission to note that the JCA considers that a maximum height above 7 storeys (25 metres) is out of scale for Johnsonville’s metropolitan centre zone.
- The Commission to support JCA’s recommendation to the WCC that the maximum building height for the Johnsonville metropolitan centre zone should not exceed 25 metres (7 storeys).

## The Changing of the HRZ Maximum Height after Public Consultation

Before commencing the discussion on the City Outcomes Contribution rules, the JCA must highlight a major change to the HRZ (High-Density Residential Zone) Height Rules.

The NPS-UD includes the requirement to enable 6-Storey High-Density Residential Zones near City and Metropolitan Centres as well as Rapid Transit Stops. During all public consultation on the Draft District Plan and the Proposed District Plan, the WCC reflected that the maximum development height in the High-Density Residential Zone was to be 21 metres (or 6-storeys). Public statements included the following (key statements **highlighted**):

*HRZ-P2*

*Housing supply and choice*

*Enable a variety of housing typologies with a mix of densities within the zone, including 3-storey attached and detached dwellings, low-rise apartments, and **residential buildings of up to 6-storeys in height.***

*HRZ-S2*

*Building height control 2 for multi-unit housing or a retirement village*

***Buildings and structures must not exceed 21 metres in height above ground level.***

There is **no mention** that HDZ Heights of over 21 metres or 6-storeys were to be permitted. This was repeated in all other PDP documents during the public consultation phase including “Understanding Our District Plan” (page 24):

What are we proposing?																	
	<table border="1"> <thead> <tr> <th colspan="2">Proposed District Plan</th> </tr> <tr> <th colspan="2">MEDIUM DENSITY RESIDENTIAL ZONE</th> </tr> </thead> <tbody> <tr> <td>Maximum height</td> <td>Height Area 1: 11m Height Area 2: 14m</td> </tr> <tr> <td>Yard setback from site boundary</td> <td>1.5m front yard 1m sides and rear</td> </tr> <tr> <td>Recession plane</td> <td> </td> </tr> <tr> <td>Multi-unit</td> <td>4+ houses require consent as multi-unit housing</td> </tr> <tr> <td>Outdoor living space</td> <td>20m<sup>2</sup> for a ground floor unit 8m<sup>2</sup> for an above ground floor unit</td> </tr> <tr> <td>Building coverage (the percentage of the site covered by buildings)</td> <td>50%</td> </tr> </tbody> </table>	Proposed District Plan		MEDIUM DENSITY RESIDENTIAL ZONE		Maximum height	Height Area 1: 11m Height Area 2: 14m	Yard setback from site boundary	1.5m front yard 1m sides and rear	Recession plane		Multi-unit	4+ houses require consent as multi-unit housing	Outdoor living space	20m <sup>2</sup> for a ground floor unit 8m <sup>2</sup> for an above ground floor unit	Building coverage (the percentage of the site covered by buildings)	50%
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However, in the “Section 42A Report: Part 3 – Residential Zones - Part 2: High Density Residential Zone” to the Commission Hearings, the officer advice has changed the HRZ Maximum Height rule to “At Least 6-Storeys” with the following stated (key statements **highlighted**):

### Assessment

18. In a general sense, the HRZ appropriately incorporates the NPS-UD and MDRS as required by the RMA **by enabling building heights of at least 6-storeys** and incorporating the MDRS and targeted standards provided for proposals of more than four residential units. I am of the opinion that the objectives, policy, rules and standards provides for ‘at least’ 6-Storey buildings. **Specifically, the 21m height limit for four or more residential units is not an inflexible maximum height, with height infringements and associated effects able to be considered as part of the consenting process.** I also note that in subsequent sections of this report, I recommend amendments that provide additional height exclusions to encourage and enable variations in roof / building design whilst still enabling at least 6-storeys to be achieved, and also a greater permitted height of 14m for 1-3 residential unit developments in the HRZ.

The WCC changed the HRZ maximum height rule to ‘at least 6-Storeys’ **after** literally years of stating the rule would be a maximum of 21 metres or 6-Storeys. This major change in this important rule is a breach of natural justice for everyone who submitted on it.

**The JCA reiterates its request to return the maximum height for HRZ developments to be up to 21 metres or 6-Storeys in the interests of fairness and natural justice**

Note that this rule change also permits the implementation of the City Outcomes Contribution rules into the HRZ.

**Recommendations:**

- **The Commission to note that the change to the HRZ maximum height rule to “at least 6 storeys” is a fundamental change from what the WCC had previously committed itself publicly to i.e. “up to 6 storeys”.**
- **The Commission to note that any intention to allow the City Outcomes Contribution rules to operate within the HRZ will magnify considerably the height levels that will be obtainable in the HRZ.**
- **The Commission support the JCA’s recommendation that the maximum height for HRZ developments to be up to 21 metres or 6-Storeys in the interests of fairness and natural justice.**

**Effect of the City Outcomes Contribution in the Johnsonville Metropolitan Centre Zone**

The PDP proposes a “City Outcomes Contribution”. To date, what the City Outcomes Contribution provisions means and the impact of City Outcomes Contribution rules on the PDP have not been closely examined.

The City Outcomes Contribution proposal was mentioned in the Stream 1 “Section 42A Report: Part 1, plan wide matters and strategic direction” report in relation to a definition change (key statement **highlighted**):

**5.1.2 Assessment**

*521. The City Outcomes Contributions provisions apply to over-height residential and non-residential buildings in High Density Residential Zone, the City Centre Zone, and other Centres. **This policy, rule, and design guide approach incentivises the provision of assisted housing, open space, resilient and sustainable buildings, and accessible housing etc in ‘exchange’ for allowing additional building height or density.***

*522. The definition of assisted housing has been developed very specifically to address housing needs in the housing continuum in between social housing and private ownership/rental. These include low-cost homes controlled at a defined ‘affordable’ price, assisted rental*

*products, and assisted home ownership products such as rent-to-buy, shared equity and leasehold arrangements.*

Submitters raised issue with the City Outcomes Contribution rule HRZ-S13 for the HDZ as part of Stream 2 Hearings but no recommendations were made because:

*300. No recommendations in relation to HRZ-S13 are included in this report as it is considered more efficient to address these matters comprehensively in hearing stream 4.*

Now, in Stream 4, there is still very little information about the City Outcomes Contribution rules across residential and centre zones. Section 8.10 of the “Section 42A Report - Commercial and Mixed-Use Zones - Overview and General Matters” report provides various statements in relation to the purpose and approach to the “City Outcomes Contribution” (key statements are **highlighted below**):

*174. City Outcomes Contribution expanded upon an existing ODP tool aimed at securing benefits for the city.*

*176. ... This control is a variation to an existing ODP control ‘design excellence’. Policy 12.2.5.5 was introduced to the ODP via Plan Change 48 in 2007 and requires buildings that exceed the maximum height limit specified for the site or are “very tall in relation to the surrounding properties” to achieve ‘design excellence’<sup>19</sup>. The policy was introduced along with new height and mass standards in response to inadequacies identified in the existing provisions, as a mechanism to ensure that buildings that are noticeably tall within the Central Area made a positive contribution to the townscape.*

*177. The policy explanation provides guidance for applicants as to when and where it may be appropriate to develop a significant over-height ‘landmark’ building. The Council requires design excellence for buildings proposed to be exceptionally tall, with developers expected to produce to a high urban design and amenity standard.*

*180. Through the District Plan Review process, the Council sought to retain the purpose and public benefit that design excellence provided. It is noted that the tool is useful to improve the quality of design for projects that have a significant impact on the quality and functionality of the city. It is also worth noting that there is a directive from the NPS-UD*

*for well-functioning urban environments which is to be balanced with enhanced development capacity. In the view of this section 42A report author, it is important that with the anticipated growth in Wellington's population, development is of a high quality both in terms of the appearance of the building and the on-site amenity it provides. **The City Outcomes Contribution is seen as a collective method for improving urban outcomes and the lived environment.***

*181. The City Outcomes Contribution was introduced in the PDP as a new approach to design excellence, with the intent to provide more certainty for the public, District Plan users, the development community as well as the Council's resource consent planners. **The concept significantly broadens that of the design excellence, as it:***

- **Applies to not only to CCZ (like the ODP does) but also to MCZ, LCZ, NCZ and HRZ;***
- **Has hooks in the policies and rule frameworks for each zone and associated design guidance in the CMUDG and RDG;***
- **It applies to large scale commercial, residential and mixed-use development;***
- **Has two hooks – over-height development that exceeds the maximum heights in the MCZ, NCZ, LCZ and NCZ and the height thresholds in the CCZ (CCZ-S1) and under-height development in the CCZ (below the CCZ-S4 minimum building height);***
- **Introduces four categories of outcomes that are considered important in terms enhancing the quality of built projects being provisions of public space, accessibility, sustainability and affordability;***
- **Introduces a point system and identifies a range of beneficial outcomes that could be provided through developments; and***
- **Introduces a matrix table with criteria related to the outcomes to assess developments against and allocate points, along with specifying how many points are required for projects to achieve City Outcomes Contribution.***

The JCA would highlight many issues with the City Outcomes Contribution approach as applied in the PDP.

Firstly, most importantly, City Outcomes Contribution provisions permits buildings to exceed zone height limits if the development meets certain criteria. To combine two key statements about the City Outcomes Contribution together:

***The City Outcomes Contribution is seen as a collective method for improving urban outcomes and the lived environment which incentivises the provision of assisted housing, open space, resilient and sustainable buildings, and accessible housing etc in ‘exchange’ for allowing additional building height or density.***

A) It is critical to understand that the points system allows additional building height as a percentage of the zone maximum height with the City Outcome Contribution levels of height exceedance being:

- 1) 0 – 25% above the zone maximum
- 2) 25 – 50% above the zone maximum
- 3) +50% above the zone maximum

The City Outcomes Contribution percentage system makes a mockery of the effort to establish zone height restrictions. **Any development that achieves enough points to meet 3) can literally be built as high as the site set-back rule permits!**

**The JCA requests the City Outcomes Contribution rule that permits over-height buildings to exceed maximum height limits by more than 50% to be removed from all zones on the basis that it imposes an unreasonable impact on neighbouring properties, their amenity and values in the name of a wider community benefit.**

B) WCC Officers have chosen to reward “good” developments by permitting building above the zone maximum height limits. They have not considered alternative rewards such as rates rebates, waiving development contributions or other measures that would provide incentives to “good” development that did not directly impact on neighbouring properties and people.

**There is no evidence from Council officers on why it is acceptable to the immediate neighbours to bear the impact of over-height buildings that possibly provides a collective community outcome.** This is particularly important in the HDZ which is predominantly residential with the expectation of 6-storey adjacent maximum height limits being applied.

As noted in the JCA PDP Submission: *“Having a 6-storey development under HRZ zone rules occurring next door will have a major impact on neighbouring home owners and having a 7, 8 or higher development under City Outcome Contribution Rules will only have a greater adverse local impact.”*

**The JCA requests the City Outcomes Contribution rules be removed from all zones except the City Centre Zone on the basis that it imposes an unreasonable impact on neighbouring properties, their amenity and values in the name of a wider community benefit.**

**Alternatively, the JCA asks that Council officers add the justification on why immediate neighbours are to suffer the impact of over-height buildings in order to incentivise developers to provide better designed and/or community benefits under the PDP?**

C) Many of the issues associated with the City Outcomes Contribution will have the greatest impact with developments within the HRZ. Yet, while the application of City Outcomes Contribution to HRZ has been transferred from Stream 2 to Stream 4, there no section within the Stream 4 Section 42A report on the Submissions on the City Outcomes application to the HRZ. It is as if the JCA and other submissions on HRZ City Outcomes Contribution in Stream 2 have been completely ignored by the Commission's Hearing Process.

**The JCA Requests that City Outcomes Contribution be removed from the HRZ as there is no evidence to support it and no assessment or recommendations from Council officers on submissions to this.**

D) The PDP expands the previous design tool beyond the Centre City Zone. Yet officers have not provided any evidence on why the City Outcomes Contribution, based on a design tool previously only used in the central city zone should be applied to, or will provide the predicted outcomes in, the residential HDZ or in much smaller centre zones. Noting that the City Outcomes Contribution points system would permit developments of unlimited height (i.e. 50%+) in High Density Residential and local centre zones when other Section 42A reports have determined that maximum heights should be applied.

The Centre City Zone is the one area of Wellington City where high buildings are already present in numbers and where residents would expect to be near such high buildings.

The HRZ, LCZ and MCZ areas of Wellington have few buildings even as high as their proposed maximum heights let alone buildings that exceed these maximum heights. Permitting over-height buildings in zones that are yet to be significantly densified cannot be excellent design practice nor urban planning excellence and is not justified in the officer's evidence.

It is also critical to note the fire emergency safety issue raised above has a direct impact on over-height developments especially outside the city centre zone. The risk of injury or death from a fire in a large-scale over-height is likely to be significantly greater when that building is located many kilometres from the central city fire service. There is no evidence from Council officers that this has been considered in their recommendations for the City Outcomes Contribution to be applied outside of the city centre zone.

**The JCA requests the City Outcomes Contribution rules be removed from all zones except the City Centre Zone on the basis that the PDP has failed to explain the justification for imposing City Outcomes Contributions for zones outside the Centre City Zone.**

E) In MCZ, NCZ, LCZ, and HRZ, developments that do **not** provide any of the City Outcome Contribution benefits can still exceed the maximum zone height by up to 25% by simply complying with the Design Guide. Given the Design Guide is simply good design practice, this rule effectively increases the maximum height for most buildings by one or more storeys.

**The JCA strongly opposes implementation of the City Outcomes Contribution for developments in the zones other than the City Centre Zone. However, if Commissioners insist on the City Outcomes Contribution being included, the JCA requests that the 25% height bonus for HDZ developments be removed and only developments that meet the Design Guide AND provide design or community outcomes are permitted to go over-height.**

F) The JCA is especially concerned that developments heights exceeding 50% should not be permitted.

While officers have defended submissions wishing to increase the “maximum height limits” for different zones, they have failed to provide any justification for some developments being permitted to massively exceed these limits. Obviously, any building that exceeds zone height restrictions by more than 50% will more than dominate the surrounding community. It will also have a massive impact on sunlight, light, privacy and value of neighbouring properties.

**The JCA strongly opposes implementation of the City Outcomes Contribution for developments in the zones other than the City Centre Zone. However, if Commissioners insist on it being included, the JCA requests that City Outcome Contribution heights are limited to 50%.**



G) The interaction between City Outcome Contribution over-height developments and other PDP rules is unclear. There has already been a comprehensive discussion and debate on the correct combination of rules for HRZ within Stream 2. However, this was all done on the basis that the maximum permitted development height was to be 6-Storeys and covered areas such as:

- Maximising sunlight
- Minimising shading
- Using viewshafts
- Using stepped setbacks and recession planes to achieve improved amenity in a high-density environment as well as supporting the government's goal of ensuring that all housing is kept warm and dry.

Under City Outcomes Contribution, developments will be permitted to be almost any height in any of the zones to which City Outcomes is to be applied. How such obviously large developments are to be properly assessed under the myriad of other zone rules unclear and the Section 42A report gives little guidance on this, especially with respect to HRZ over-height developments

**The JCA requests the City Outcomes Contribution rules be removed from all zones except the City Centre Zone on the basis that the PDP has failed to explain how the zone rules will be applied to major, over-height developments in zones outside the Centre City Zone.**

H) The PDP recommends that the Johnsonville MCZ should have a maximum height of 10-storeys even though it was consulted on the basis that the maximum height was to be 8-storeys.

More importantly, the increase in the maximum height to 10-storeys essentially permits higher buildings that **do not comply with the Design Guide** to be built in the Johnsonville MCZ. Under the City Outcomes Contribution approach, this means that buildings can be built that are higher than 10 storeys if they meet the points criteria. Under the PDP recommended by officers:

- Developments that only meet Design Guidelines are permitted up to 12-storeys
- Developments that obtain 20 points (e.g. Lifemark 5-Star or equivalent or higher plus Green Star 6 or Home Star 9 or equivalent or higher) are permitted up to 15 storeys.
- Developments that obtain 25 points (e.g. above plus 5% Affordable Housing) are permitted above 15 storeys (no specific upper limit, refer to E) above).

Submissions the request maximum height increase for Johnsonville above 10-stores have already been rejected by Council officers and yet are still permitted under the City Outcomes Contributions provisions. Permitting such large-scale over-height developments in the Johnsonville Town Centre will not achieve urban planning excellence outcomes and should not be permitted by any PDP.

**The JCA strongly opposes implementation of the City Outcomes Contributions for developments in the zones other than the City Centre Zone. However, if Commissioners insist on City Outcomes Contributions being included, the JCA requests that the 10-Storey Maximum Height for the Johnsonville MCZ be reduced to 7-stores so that any development above this height is subject to the requirements of the City Outcomes Contribution Rules (also refer to D) above).**

I) Officers have also failed to properly justify the City Outcomes Contributions point system in their supporting evidence. Some areas such as Contribution to Public Space & Amenity and Universal Access do have obvious benefits to the community and vulnerable people. Notably, there are no points for:

- Maximising sunlight
- Minimising shading
- Using viewshafts
- Minimising wind effects
- Using stepped setbacks and recession planes to achieve improved amenity in a high-density environment as well as supporting the government's goal of ensuring that all housing is kept warm and dry.

However, other areas seem to support other benefits. For example, points gained under most categories of Sustainability and Resilience do **not** provide direct benefits to either the surrounding community or to vulnerable people. Under the proposed City Outcomes Contributions approach, the points rule is:

#### **Sustainability and Resilience**

Green Star 6 or Home Star 9 or equivalent or higher = 10 points

Reduction in embodied carbon in buildings compared to an equivalent standard construction = 1-10 Points

Seismic resilience measures Additional to 100% New Building Standard, including such as base isolations, seismic dampers, etc. = 1-5 Points

It is likely that only more expensive housing will deliver the maximum points under some of the above benefits. It seems that the points system is

incentivising the building of expensive apartments to gain the above benefits and so also permit such buildings to go significantly over-height.

The JCA understands that having highly concentrated areas of social housing is **not** a good idea for either the residents or the surrounding communities. Certainly there is no information on why officers have chosen to have the City Outcomes Contributions points system incentivise having affordable housing in over-height buildings.

**The JCA strongly opposes implementation of the City Outcomes Contributions for developments in the zones other than the City Centre Zone. However, if Commissioners insist on City Outcomes Contributions being included, the JCA requests that the City Outcomes Points System be reviewed and for it to concentrate on supporting developments that either benefit the wider community or benefit people who are accessibility challenged.**

J) Officers have also failed to properly justify the City Outcomes Contributions point system for Affordable Housing in their supporting evidence. Under the proposed City Outcomes Contributions approach, the points rule is:

**Assisted Housing**

For every 1% of the net floor area in the development that is new assisted housing = 1 Point

Because between 15 – 40 points are required to permit developments to exceed maximum heights by over 50% (i.e. can be any height), this means that developments that are totally or mainly affordable housing can build to any height. However, there is no information on why the city wishes to incentivise developers to build large-scale over-height affordable housing at any place in the city.

The JCA understands that having highly concentrated areas of social housing is **not** a good idea for either the residents or the surrounding communities. Certainly there is no information on why officers have chosen to have the City Outcomes Contributions points system incentivise having affordable housing in over-height buildings.

**The JCA strongly opposes implementation of the City Outcomes Contributions for developments in the zones other than the City Centre Zone. However, if Commissioners insist on City Outcomes Contributions being included, the JCA requests that the City Outcomes Points System be reviewed**

**and for it to concentrate on supporting developments that either benefit the wider community or benefit people who are accessibility challenged.**

K) The JCA supports the Design Panel but with one important caveat which is the lack of community representation as part of the Design Panel process. The JCA believes that different suburbs have different urban characteristics and priorities and these need to be reflected in local development especially large scale developments. The thrust must promote urban planning excellence and not just focus on design excellence.

- **The JCA recommends the Urban Design Panel rules be updated to include local community input to the urban planning process. This could be by representation on the Urban Design Panel or an equivalent measure such as a Council planner separately representing local communities.**
- **The JCA also recommends the scope of the Urban Design Panel be expanded beyond design excellence to include the promotion of urban planning excellence.**

#### **Recommendations:**

- **Overall the JCA strongly opposes:**
  - **The implementation of the City Outcomes Contributions for developments in the zones other than the City Centre Zone, and**
  - **The implementation of the City Outcomes Contributions rules that permit developments of more than 50% above the maximum zone height limits.**
- **See above for JCA's more specific recommendations on different issues in relation to the City Outcomes Contribution proposal.**

#### **Planning Rules for the Johnsonville**

In Stream 2, the JCA made the following recommendations in relation to the planning rules for:

- the interface between the Johnsonville medium density residential zone and the Johnsonville high density residential zone, and
- the Johnsonville high-density residential zone which is currently planned to surround the Johnsonville metropolitan centre zone, and
- the interface between the Johnsonville high-density residential zone and the Johnsonville metropolitan centre zone, and
- within the Johnsonville metropolitan centre zone itself.
  - The JCA strongly recommends to the Commission that it recognises that most of the planning rules represent the

permitted starting point for developers and these can be exceeded by way of non-notified resource consent.

- To get this problem under control, the JCA has the following recommendations:
  - A. The height rules are the maximum end point and NOT the minimum starting point for the building heights for all new buildings and high density housing, and
  - B. Any proposal that breaches the building height rules must be publicly notified and subject to consultation with the public and, particularly, affected neighbouring homeowners before any resource / building consent is issued, and
  - C. Consider whether the principles, set out in the latter two recommendations, should also be applied to other planning rules which would likely be breached in a high density implementation planning environment.
- There needs to be a clear understanding about the planning rules for stepped setbacks between the high-density residential zone (HDRZ) and the Johnsonville metropolitan centre zone (MCZ).
- There also needs to be a clear understanding regarding the planning rules within the Johnsonville metropolitan centre zone in relation to height, viewshafts, stepped setbacks and maximising sunlight for users of and residents located within the Johnsonville metropolitan centre zone.

The JCA's comments and recommendations to the Commission in the preceding three sections of this submission titled:

- Fire Emergency New Zealand supports a 25 metres maximum building height, and
- Maximum height for the Johnsonville metropolitan centre zone, and
- Effect of the City Outcomes Contribution in the Johnsonville metropolitan centre zone

emphasise the absolute importance of ensuring greater control over the height rules in the planning rules for Johnsonville. The JCA's recommendations A, B and C above are just as applicable to the Johnsonville metropolitan centre zone as they are to the Johnsonville high-density residential zone.

Further to the latter, the JCA would like to strengthen recommendation B mentioned above as follows with the amendment highlighted in bold:

- B. Any proposal that breaches the building height rules must be publicly notified and subject to consultation with ~~the public and, particularly, affected~~ neighbouring homeowners **and relevant public safety authorities e.g. FENZ and wind**

**authorities** before any resource / building consent is issued, (the strikethrough reflects JCA agreement with the Commissioners during the question and answer session following JCA's presentation to the Commission during Stream 2).

The JCA would also like to add a new recommendation D planning rule for the Johnsonville metropolitan centre as follows:

D. In relation to the metropolitan centre zone and interfaces to neighbouring zones, stepped setbacks and astutely set recession planes are to be used to both maximise sunlight (and therefore viewshafts) whilst shading is to be minimised when planning to meet the core purposes of the Johnsonville metropolitan centre. The measurements for maximising sunlight are to be made at the time of the winter solstice when the sun sits low on the horizon in Johnsonville. Sunlight maximisation diagrams and shading diagrams are to be publicly notified for all proposed new developments in the Johnsonville metropolitan centre zone that are 4 storeys or more in height.

From the Environment Court judgement in 2013 concerning Johnsonville's walkable catchment area, the JCA notes that the Environment Court Judge and the two supporting Environment Commissioners thought that there would be considerable merit in there being a separate Design Guide for the Johnsonville MDRA (Medium Density Residential Area). Their comments on this issue from pages 15 to 17 of the judgement are attached to the end of this submission. The Environment Court comments reinforce the importance of a separate Design Guide for Johnsonville particularly given that it is to be a metropolitan centre going forward.

#### **Recommendations:**

- **The Commission to note the absolute importance of ensuring greater control over the height rules in the planning rules for Johnsonville.**
- **The JCA strongly recommends to the Commission that it recognises that most of these planning rules represent the permitted starting point for developers and these can be exceeded by way of non-notified resource consent. To get this problem under control, the JCA has the following recommendations:**
  - A. The height rules are the maximum end point and NOT the minimum starting point for the building heights for all new buildings and high-density housing, and**

- B. Any proposal that breaches the building height rules must be publicly notified and subject to consultation with affected neighbouring homeowners and relevant public safety authorities, e.g. FENZ and wind authorities, before any resource / building consent is issued, and**
- C. Consider whether the principles, set out in the latter two recommendations, should also be applied to other planning rules which would likely be breached in a high-density implementation planning environment, and**
- D. In relation to the metropolitan centre zone and interfaces to neighbouring zones, stepped setbacks and astutely set recession planes are to be used to both maximise sunlight (and therefore viewshafts) whilst shading is to be minimised when planning to meet the core purposes of the Johnsonville metropolitan centre. The measurements for maximising sunlight are to be made at the time of the winter solstice when the sun sits low on the horizon in Johnsonville. Sunlight maximisation diagrams and shading diagrams are to be publicly notified for all proposed new developments in the Johnsonville metropolitan centre zone that are 4 storeys or more in height.**
- **The Commission to consider whether the Environment Court’s judgement that Johnsonville, which at the time of the judgement was a MDRA (Medium Density Residential Area) and is now a metropolitan centre, should have its own separate Design Guide:**
  - **is correct, and**
  - **should be supported by the Commission, and**
  - **supports a JCA recommendation to the WCC that Johnsonville should have its own separate Design Guide.**

### **Maximising Sunlight / Viewshafts**

Further to the previous section, the sun sits low on the horizon in winter in the Johnsonville metropolitan centre and high-density residential zones because the zones are in a valley surrounded by hills. This reinforces the importance of getting the planning rules correct for Johnsonville otherwise its winters will be made less warm and dry. Getting the planning rules correct for Johnsonville is going to be very important to meet the government’s goal of having warm and dry healthy homes for all.

This also reinforces the absolute importance of all homes and residential units having northern facing walls as they will receive the late morning and afternoon sun in winter. Thus, benefiting homes and residential units most from the warming and drying effect of the sun when it is at its warmest.

Given these facts, ideally the northern wall of one residential unit should not also be the southern wall of the next residential unit. This has occurred at 15 and 30 Rotoiti Street in Johnsonville and are examples of:

- bad planning rules allowing this situation to occur, and
- substandard developments being allowed to proceed, and
- bad urban planning from WCC.

These situations occur when the planning rules forsake quality over quantity when considering a new development. Do the poor and the lower paid not have a right to enjoy the benefits of keeping their home or residential unit sunny, warm and dry too?

Paragraphs 61 and 62 of Kirdan Ross-Lees report shows that sunlight is important and very valuable to residents as follows:

*“61. But building up can come with costs – chiefly reduced sunlight and reduced views from the shading that taller buildings generally provides. Wind tunnelling can also matter.*

*62. Few researchers have documented the cost of lost sunshine. But local researchers reveal an extra hour of sunlight exposure, on average, every day, is associated with a 2.6% increase in house prices.”*

If sunlight in winter is maximised then, then viewshafts in winter will also be maximised. This approach is intended to have a minimising effect on shading across the metropolitan centre zone and also across the high-density residential zone in winter in Johnsonville.

There were no shading diagrams in the WCC’s Section 42A reports to the Commission in relation to the building heights being recommended for the Johnsonville metropolitan centre zone. The JCA considers this to be a fundamental omission from the Section 42A reports. The JCA wants the WCC to provide shading diagrams for the Johnsonville metropolitan centre to the Commission using sunlight based on the winter solstice for the following scenarios:

- Base case – Johnsonville centre as of now status quo position, and
- Scenario 1 – Johnsonville with the usage of building heights up to the JCA’s recommended building height maximum of 7 storeys (25 metres), and
- Scenario 2 – Johnsonville with the usage of building heights up to the Council’s recommended building height maximum of 10 storeys (35 metres), and



- Scenario 3 – Johnsonville with the usage of building heights up to the Council’s recommended building height maximum of 10 storeys plus 50% for the City Outcomes Contribution proposal (52.5 metres), and
- Scenario 4 – Johnsonville with the usage of building heights up to the Stride Properties building height maximum of 55 metres, and
- Scenario 5 – Scenario 1 with stepped setbacks and astutely set recession planes used to both maximise sunlight (and therefore viewshafts) whilst shading is to be minimised, and
- Scenario 6 – Scenario 2 with stepped setbacks and astutely set recession planes used to both maximise sunlight (and therefore viewshafts) whilst shading is to be minimised, and
- Scenario 7 – Scenario 3 with stepped setbacks and astutely set recession planes used to both maximise sunlight (and therefore viewshafts) whilst shading is to be minimised, and
- Scenario 8 – Scenario 4 with stepped setbacks and astutely set recession planes used to both maximise sunlight (and therefore viewshafts) whilst shading is to be minimised,

and to report the loss of sunshine hours under each scenario compared to the base case scenario. This information will inform the Commission and the WCC on the adverse effects of building heights on maximising sunlight and viewshafts for those:

- living in, or
- living adjacent to, or
- visiting

the Johnsonville metropolitan centre zone in the future. A careful assessment of those scenario outcomes should help to inform an astutely set maximum building height limit for the metropolitan centre zone in Johnsonville.

#### **Recommendations:**

- **The Commission to note that the sun sits low on the horizon in winter in the Johnsonville metropolitan centre and the Johnsonville high-density residential zone because the centre is in a valley surrounded by hills.**
- **The Commission to note that getting the planning rules correct for Johnsonville is going to be very important to meet the government’s goal of having warm and dry healthy homes.**
- **The Commission to note that warm and dry healthy homes or residential units will be maximised if the homes or residential units are required to face north and thereby actually receive sunlight when the sun is at its warmest.**
- **The Commission to note that sunlight is beneficial to residents as per the comments in the Kirdan Ross-Lees report.**

- **The Commission to note that if sunlight is maximised then the viewshafts are also going to be maximised.**
- **The Commission to note that shading diagrams were not provided in the Section 42A reports provided to the Commission for the Johnsonville metropolitan centre zone.**
- **The Commission to consider whether it would be beneficial for the Commission to have shading diagrams for the Johnsonville metropolitan centre zone provided to them prior to finalising the maximum building height for the zone.**
- **If the previous recommendation is accepted, the Commission to consider whether shading diagrams, using the scenarios set out earlier in this section of the submission, would be helpful in assisting the Commission to finalize the maximum building height for the Johnsonville metropolitan centre zone.**

## **Wind**

Johnsonville is a windy place. The biggest wind gust in New Zealand's recorded wind history reached 202kph occurring on nearby Mount Kaukau in June 2013.

Unless the planning rules for Johnsonville are appropriate to mitigate the effect of wind tunnels occurring in Johnsonville, urban living in both the Johnsonville metropolitan centre zone and the Johnsonville high density residential zone could become very unpleasant for residents, in particular, and visitors in the future.

Residents already find waiting at the Johnsonville train station and the Johnsonville bus hub on Moorefield Road an unpleasant experience. It is exposed, windy cold, and unsheltered. That is why the JCA has been stressing to the WCC and LGWM (Let's Get Wellington Moving) that Johnsonville needs a fully covered integrated public transport hub with the bus hub located next to the train station under a fully covered facility.

Quite obviously, it might prove catastrophic if fire were to break out in a situation where wind tunnel effects were not adequately mitigated. Also, in a wind tunnel situation, would it be safe for firemen to be up on ladders fighting a fire?

Given these realities there could be considerable merit in requiring wind tunnel effects to be modelled before resource consent approvals are provided for high density buildings in both the Johnsonville metropolitan centre and the Johnsonville high density residential zone. Somewhat ironically, it may prove to be more important to do this for the Johnsonville high density residential zone

because within that zone there are many homes that are built of wood. That zone in future will have a mixture of tall buildings with smaller wooden buildings.

Of direct relevance to the comment in the last sentence of the previous paragraph is the expert advice from Nick Locke who advises, in paragraphs 17 to 19 of his report to the Commission, that where there is a mixture of tall buildings with smaller buildings the wind tunnel effects are escalated. In a fire situation, this could prove to be catastrophic and something therefore to be avoided.

Paragraph 18.12 of Dr. Michael Donn's report to the Commission emphasises the importance of ensuring that wind assessments, including modelling, must include the effect on neighbouring properties.

#### **Recommendations:**

- **The Commission to note that the potential for wind tunnel effects in Johnsonville given its physical location on the Wellington landscape.**
- **The Commission to note that fire in the presence of wind tunnels could prove catastrophic.**
- **The Commission to note that wind tunnels and fire in the Johnsonville high density residential zone could be most catastrophic because within that zone there are many homes that are built of wood.**
- **The Commission support that wind tunnel effects must be modelled before resource consent approvals are provided for high density buildings in both the Johnsonville metropolitan centre and the Johnsonville high density residential zone.**
- **The Commission support that wind assessments, including modelling, must include the effect on neighbouring properties.**

#### **Links to Other Streams:**

#### **Infrastructure Shortfalls Need to be Rectified Before Intensification**

##### **– General**

The JCA notes that the Greater Wellington Regional Council (GWRC) have indicated in their comments on the metropolitan centre zones that they support infrastructure upgrades being completed before high-density housing intensification. The JCA supports the GWRC position on this issue and it simply reinforces the JCA's position on this issue as reported to the Commission in JCA's submission to the Commission during Stream 2.

Given that the Johnsonville metropolitan centre zone is earmarked for the highest level of intensification, the JCA wants to reinforce the absolute importance of infrastructure shortfalls needing to be rectified before intensification for the following areas:

- Public transport infrastructure shortfalls, and
- Three Waters infrastructure shortfalls, and
- Permeability effects assessed, and SEE MY EARLIER COMMENTS
- Green spaces infrastructure shortfalls.

In short, the JCA supports the best practice of infrastructure shortfalls being upgraded before high density buildings are implemented in the metropolitan centre zone and the high-density residential zone.

### **Public Transport Infrastructure Shortfalls Need to be Rectified Before Intensification**

The JCA considers the **Johnsonville Rail Line** service is currently not a rapid mass transit service. This results not only from the frequency of service and travel times involved, but also because this is a single-track service with a number of passing lanes so does not even provide a dedicated route in either direction of travel. This viewpoint is also reinforced by the evidence given to the Commission in Stream 1 by Waka Katohi that the Johnsonville Rail Line service was “*currently not a rapid transit service*”. Waka Katohi has indicated that the Line could be upgraded to a rapid transit service at some point in the future provided funding provision is made for this. If this is not done, public transport planning will not be fully integrated with high-density housing and buildings in the urban plan for Johnsonville. This outcome would not be internationally accepted best practice.

The JCA’s view is that the Johnsonville Rail Line needs to be **actually upgraded**, so that is it in fact a rapid mass transit service, **BEFORE high density housing is implemented in Johnsonville and along the rail corridor.**

The JCA considers a rapid mass transit service to be a **PRE-REQUISITE ENABLER** for residents to travel successfully to and from a high-density accommodation environment located in Johnsonville.

The direction contained in the government’s NPS-UD regulation clearly indicates that high density accommodation should be placed alongside a rail corridor if it is a rapid transit service. For those who disagree with this assessment, the question needs to be asked why did the NPS-UD include reference to a rapid transit service requirement if only the mere existence of a rail corridor was required at a location for high density accommodation and buildings to be constructed?

## **Three Waters Infrastructure Shortfalls Need to be Rectified Before Intensification**

Johnsonville is earmarked to receive significant population growth of over the next 30 years. Note that this population growth is the biggest for all of the suburbs in Wellington except the Central City Zone.

Note that this population growth for Johnsonville includes Areas A, B and C which the JCA has challenged as per our submission on Johnsonville's walkable catchment to the Commission in Stream 1.

Three Waters includes the management of stormwater. The recent storms and associated flooding in New Zealand in 2023 have shown the absolute need to install adequate stormwater drainage BEFORE developments occur to avoid the personal tragedies and national disruptions New Zealand is now experiencing.

Central Johnsonville has experienced flooding in the Johnsonville mall and train station areas in the past.

Adequate water availability and pressure for sprinklers in tall buildings in the metropolitan centre zone and the high-density residential zone as well as for fire emergency service purposes will be essential.

Shortfalls in Johnsonville's Three Waters infrastructure needs to be fully rectified before high density accommodation and buildings are built in the metropolitan centre zone and the high-density residential zone.

The JCA is aware this issue will be discussed with the Commission in Stream 5.

## **Permeability Effects Need to be Assessed / Rectified Before Intensification**

The JCA is of the view that this is a pertinent matter when considering height limits as the suitability of an area for development is strongly correlated to permeability as demonstrated by the recent flooding in New Zealand in 2023, particularly in recently developed Auckland suburbs, and the likelihood of heavy rainfall becoming the norm in future.

The JCA notes that the large "visible" Countdown supermarket car parking areas, although sealed, have drains which contribute towards achieving permeability in the centre of Johnsonville.

The JCA is aware this issue will be discussed with the Commission in Stream 5.

### **Green Spaces Infrastructure Shortfalls Need to be Rectified Before Intensification**

There is not a blade of green space within the Johnsonville Triangle (the triangle bordered by Johnsonville Road, Broderick Road and Moorefield Road). The Johnsonville Triangle is at the centre of the Johnsonville metropolitan centre.

For completeness purposes, the green space on the bank opposite the Johnsonville Railway Station and Line is not a suitable place for families and public to use as green space. Kiwi Rail would be appalled at any attempt by the public to use that as green space.

Johnsonville does not have an equivalent of the city centre's "Midland Park" in its centre. Midland Park is a very popular green space within the Wellington CBD and as a Metropolitan Centre Johnsonville surely deserves a similar area for its workers, residents and visitors to use.

The JCA has recommended to the WCC that the old disused Johnsonville Library site on Broderick Road, which is owned by WCC, be converted either in part or in whole to green space for Johnsonville.

The Johnsonville BID (Business Improvement District) also recommended to the WCC that the old disused Johnsonville Library site become Johnsonville's green space equivalent of the city's Midland Park.

The WCC wants to use the site for high-density social housing which obviously won't have any green space. The issue was put in front of the WCC councillors for a vote and narrowly lost being adopted by one casting vote – an outcome which casts into doubt the commitment to provide green space in Johnsonville as part of its intensification as this is in practice the only available site in the Metropolitan Centre for such an undertaking.

Given this very disappointing outcome, it will be fundamentally important that any decision on the future of the Johnsonville Mall that provision will need to be made for either green and / or open space (such as an atrium).

The value of urban green space (and also trees) – both public as in parks and also private green space – is being increasingly recognised as an essential part of all new and existing housing developments.

Green spaces are often treated as “nice to have” whereas they are, in fact, a vital part of an ecosystem and a key component in making cities liveable as the climate changes e.g. by reducing heating effects. The increasing use of infill housing and more intense developments is putting increasing pressure on the amount of green space in our cities (which is also linked to permeability issues).

All developments must be of an adequate, and therefore appropriate, standard when they are built to avoid the increasing damage and catastrophes that are occurring throughout New Zealand as a result of inadequate infrastructure and lack of attention to issues such as permeability and green spaces.

The JCA recommends that the Proposed District Plan makes an explicit provision for the retention of green spaces both as a requirement within any individual development, at least in the Medium Density Residential Zone???. Why not in HD and MC also? , and for the provision of publicly owned parks where private urban green space is small.

The JCA is aware that the green space issue will be discussed with the Commission in Stream 5.

### **Conclusion**

The decisions about this PDP are the biggest change to the city of Wellington in at least the last 50 to 60 years if not longer than that. Decisions about the PDP will affect Johnsonville in particular for the next 50 to 100 years. It is therefore fundamental that those decisions are sound and right. Prescient wisdom is the pre-eminent requirement to achieve this.

Warren Taylor  
on behalf of the Johnsonville Community Association





*General and specific design guide*

[46] This may be a convenient point to discuss the issues about design guides. As we have mentioned, the District Plan has a generic Design Guide. In considering PC 72 the Hearing Committee suggested that a complementary Design Guide, specific to MDRAs, would be useful. That was not greeted with enthusiasm and the Council did not adopt the idea. Reflection has led us to the view that it is a proposal with use and merit.

[47] The *Residential Design Guide* forms part of the District Plan and it has a clear purpose: to provide ... *design assessment criteria for developments subject to resource consent*. Under the four headings: *Character, Site Planning, Building Design* and *Open Space*, the guide is clearly focussed on helping Council staff assist applicants at the pre- application phase to understand the urban design issues of concern to the Council, and to assist them in providing the Design Statement required to accompany every application for Multi Unit development, and to be used to assess any proposal for a second or subsequent unit on a site.

[48] This *Residential Design Guide* is meant to be relevant for all the residential areas of the City. However, it became clear that part of Chapter 1, *Character*, was not relevant to Johnsonville. As a result of the Council's decision, the introduction to that chapter stated that *Complementing existing character is not a factor in designated Medium Density Residential Areas*, and went on to clarify that *...all development in those areas should follow the principles of good urban design as described in other parts of this guide and establish positive precedent for the other development that will follow*. Ms Desrosiers agreed that Guideline 1.1 (page 5) relating to *Assessing and complementing neighbourhood character* was not relevant in assessing resource consents in the MDRAs, but that the other 13 Guidelines under that heading remained relevant.

[49] The *Johnsonville Medium Density Residential Areas Draft Design Guide* was drafted as a result of the Plan Change Hearing Committee's recommendation. This document appears to be aimed at a different audience: the citizens of Johnsonville who were concerned about the outcomes (i.e. what the suburb might look like) if the



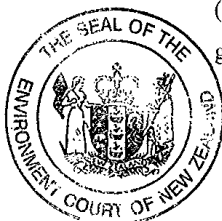
MDRAs and the generic *Residential Design Guide* were to be put in place. As we have noted, their concern is understandable, given some poor standard in-fill development in recent years.

[50] This Draft Design Guide has a clear statement of purpose: The design guidance is intended to provide tailored, street specific guidelines which recognise the different characteristics of the streets within the Johnsonville MDRA, and encourage new multi-unit development to be designed in response to those characteristics. This Guide includes matters not contained in the other document: - more definitions; character descriptions of the four specific parts of Johnsonville designated for MDRAs, and an analysis of the roading hierarchy. These Guidelines focus on a development's contribution to and enhancement of the street and public spaces.

[51] Ms Desrosiers stated that she did not believe the separate *Johnsonville Design Guide* was needed since the *Residential Design Guide* addressed the issues of amenity, sunlight access and privacy raised by the appellant. She also said that the provisions in the District Plan had been tailored to the Johnsonville context, the two sub areas (MDRA 1 and MDRA 2) reflected the site conditions, and the Council Hearings Committee made changes to the building height provisions. Because the *Johnsonville Design Guide* could not override the rules and standards in the District Plan, she believed that there was a risk of repeating material already in the District Plan and *Residential Design Guide*, rather than providing any additional protection sought by the appellant.

[52] But the *Johnsonville Design Guide* does serve a different purpose from the District Plan and *Residential Design Guide* in providing information and guidelines not available anywhere else. In particular it clarifies for the appellant, and others sharing its concerns, the character of the areas in which intensification will be encouraged, and the likely appearance of the suburb as a result.

[53] We cannot help but think that if it were completed and amended appropriately (some areas deleted and some drawings amended to reflect the actual rules and guidelines) and perhaps attached as an Appendix to the *Residential Design Guide* (as



originally requested by the Council's Hearing Committee), it would be a useful and informative document, supporting the District Plan.

*The portion of MDRA 2 east of the motorway*

[54] Part of the proposal in PC 72 is the quite large piece of MDRA 2 on the hillside to the east of the Town Centre, and separated from it by the Motorway. Largely, it consists of the west side of the quite recently developed residential street of Sheridan Terrace, and both sides of the even more recently developed Creswell Place – indeed house construction is taking place on the southern portions of Creswell Place at present.

[55] There are two principal issues which concern us about this part of the proposal. The first is the pedestrian access to and from the Town Centre. We have previously discussed the basis on which walking times were assessed. Obviously enough, the Motorway is an impassable barrier to surface-level walking. There are two pedestrian subways beneath it – one from the foot of Burgess Road to the northern Town Centre and the other from a long and steep walkway down from Sheridan Terrace and exiting into Disraeli Street, towards the southern end of the Town Centre. The Burgess Street walkway is reasonable enough, in terms of gradient and accessibility, as a means of foot access to the shops and services of the Town Centre, but realistically could service only the northern part of Sheridan Terrace.

[56] The Disraeli Street subway is a very different beast. The pathway descending down to its eastern portal from the residential street above is both lengthy and steep, interspersed with several flights of dauntingly steep, shallow and poorly formed steps. Even the reasonably fit would find carrying shopping up to the road above a stern challenge, and anyone with mobility issues, or pushing a baby buggy, or accompanied by small children, would find it all but impassable for practical purposes. For most people and for most purposes, day-to-day access to and from this part of Johnsonville and the Town Centre by this route is not a really practical proposition.

