

**Before the Hearings Panel
At Wellington City Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Wellington City District Plan

**Stream 4 Reporting Officer Right of Reply of Anna Stevens on behalf of
Wellington City Council**

Date: 4 August 2023

INTRODUCTION:

1 My full name is Anna Stevens. I am employed as a Team Leader in the District Planning Team at Wellington City Council (the Council).

2 I have prepared this Reply in respect of the matters raised in Hearing Stream 4.

3 I have listened to submitters in Hearing Stream 4, read their evidence and tabled statements, and referenced the written submissions and further submission relevant to the Hearing Stream 4 topics.

4 Section 1.2 of the Stream 4 Centres and Mixed Use Overview Section 42A Report sets out my qualifications and experience as an expert in planning.

5 I confirm that I continue to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023, as applicable to this Independent Panel hearing.

6 Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which these are expressed. Where I have set out opinions in my evidence, these are accompanied by supporting reasons.

SCOPE OF REPLY

7 This reply follows Hearing Stream 4 held from 22 June 2023 to 5 July 2023. Minute 26: Hearing Stream 4 Follow-up requested that the Section 42A report authors submit a written reply as a formal response to matters raised during the hearing, and for this to be supplied to the Panel by 4 August 2023.

8 It responds to this request and includes:

- Feedback on specific matters and questions posed by the Panel in Minute 26.
- Commentary on additional matters where further clarification is considered useful or that were the subject of verbal requests from the Panel at the hearing.

Answers to questions posed by the Panel:

Wind:

- v. *In regard to wind assessment requirements of the PDP, is there scope for introducing the two tier trigger through the s42A report on this topic as questioned in the legal submission of Mr Ballinger on behalf of the Wellington Character Charitable Trust (paragraphs 45-54)?***

- 9 I note that the use of two assessment requirements – qualitative wind assessment and quantitative wind studies – is something already provided for in the notified PDP Wind Chapter (and in the ODP Central Area Chapter 13¹ and Centres Chapter 7²). The chapter introduction notes that it is *‘up to the discretion of the Council to decide whether a quantitative wind study or a qualitative wind assessment is required.’*
- 10 Consequently, while WIND-R1.3 directs that a quantitative wind study is needed for zones such as the City Centre Zone (CCZ), and a qualitative wind assessment for zones such as the Local Centre Zone (LCZ), Council could deem that a qualitative assessment suffices in the CCZ, or that a quantitative study is needed in the LCZ.
- 11 However, I note that recommendation in section 6.10.3 (paragraphs 124-125) of my Wind S42A report proposes a qualitative trigger and a

¹ Wellington City Council Operative District Plan [Chapter 13 Central Area Rules](#)

² WCC Operative District Plan [Chapter 7 Centres Rules](#)

quantitative trigger to provide greater clarity regarding the circumstances in which further assessment reporting is needed (at which height) and in which zones, rather than leaving it solely to the discretion of Council. I note that there is an error in my Wind S42A report in that the recommendation sentence in section 6.10.3 is missing (despite the change in Appendix A and S32AA analysis and assessment provided) stating the recommending change to WIND-R1 for the change to the wind height triggers for qualitative assessments and Quantitative Wind studies. This should be HS4-WIND-Rec17 (as associated rec numbers be re-ordered) and should read as follows 'HS4-WIND-Rec17: That WIND-R1 be amended as outlined in Appendix A'.

12 I consider that this provides more clarity and certainty for plan users and developers as it sets a clear rule framework and triggers for when a qualitative assessment is needed versus a quantitative wind report for each zone captured by the Wind chapter rule framework, as opposed to just relying on Consent Planner discretion. This gives more certainty to developers and consent planners based on a set height trigger metric (15m and 20m for qualitative and 25 for quantitative).

13 Regarding the question of scope, although I consider that there are no specific submissions that directly relate to the introduction of a two-tier system, there is scope for amending the trigger heights through the following submissions::

- Kāinga Ora (391.306 and 391.307) sought to amend WIND-R1 (Construction, alteration and additions to buildings and structures) to align with the heights of buildings restricted to between 12-20m depending on Centre type. They noted that these heights should be adjusted to better align with the height limits sought in the relevant centres to avoid precluding development necessary to achieve a quality urban environment.
- The Property Council (338.8) considered that the wind test requirement at 20m is inadequate and should be amended to

22m to allow for a buffer to the newly proposed minimum building heights and residential maximum heights. They detailed that proposing minimum building heights that sit above the 20 metre City Centre wind test threshold could have adverse effects for development within the city. As such they sought the wind trigger for the City Centre be increased from 20m to 22m.

- 14 As noted above, Council already has discretion in the PDP to seek either a qualitative or quantitative assessment for any zone included in the Wind Chapter rule framework. The qualitative assessment trigger of 15m for some zones and 20m for others and quantitative trigger of 25m for all zones is already required under the S88 requirements in WIND-R1.4 of the notified PDP. Consequently, all that my recommendation in the Wind S42A³ proposes to do is simplify their application within the amended rule framework, noting that this was altered to a two-tier trigger system in my Wind S42A report⁴.
- 15 Both Dr Donn and Mr Locke consider Mr Ballinger has a mistaken impression about the difference between qualitative and quantitative assessments. Mr Locke advises that the two-tier assessment for the CCZ was an attempt to balance the avoidable adverse wind effects of developments that are not assessed against the costs of assessing developments. I recommended alongside Mr Locke and Dr Donn an increase to the trigger height in the CCZ (18.6m in ODP to 20.0m in PDP).
- 16 As Mr Locke notes, through the Wind S42A report Appendix A changes, we proposed some cost relief for applicants by only requiring a qualitative desk top assessment for developments 20-25m high (this final amendment as shown in my Rebuttal Supplementary Evidence Appendix A Wind Chapter changes was in response to the Property

^{3 4} Wellington City Council Hearing Stream 4 [Wind Section 42A Report](#), 2023

Council submission). In my view, this modification made the height threshold for wind more consistent with the minimum building height in the CCZ and the policy intent to encourage taller high-density development in the CCZ.

- 17 I consider that concerns about the differences between the trigger options are overestimated. From what I understand, the wind outcomes that could be expected from requiring a wind tunnel testing of all buildings higher than 20m versus the two-tier approach are insignificant. Mr Locke advises that Wellington Character Charitable Trust's (WCCT) statement that a qualitative assessment is "less robust" (para.46 of their submission) is not true – because the qualitative assessment is less accurate it is also more conservative in its conclusions about likely wind effects and compliance with the wind standards. Dr Donn agrees with this reflection.
- 18 Conversely, a quantitative study is more accurate and so is more definitive in its conclusions regarding compliance with the wind standards. Mr Locke and Dr Donn advise, that both approaches are robust if done properly, and both are not robust if done poorly.
- 19 Dr Donn advises that Mr Ballinger's presumption that "*the potential wind effects of wind are potentially greater or riskier in the city centre ...and require a more robust analysis*" is incorrect. Dr Donn and Mr Locke both note that the primary reason for allowing high trigger heights in the CCZ is that generally buildings between 15m and 20m will be more sheltered (and therefore create less adverse wind effects) in the CCZ compared to other zones with lower surrounding buildings. I refer to Appendix 1 where Dr Donn has provided his notes prepared for the One Tasman Street development about the difference in the wind between the centre of the city and edges.
- 20 Mr Locke furthers that buildings between 20m and 25m will have wind effects assessed under the two-tier approach, but the compliance costs are expected to be reduced. This seems to be at odds with WCCT's

concerns that “wind effects of wind are potentially greater or riskier in the city centre and similar zones” (para.49 of their submission), which as Mr Locke notes, are unfounded.

21 If the Panel arrives at the view that there is insufficient scope to enable a change to the qualitative and quantitative triggers, I would draw the Panel’s attention to the recommendatory powers available to it under clause 99(2) of Schedule 1 of the RMA, noting that the Wind Chapter is an IPI topic. I also refer the Panel to Mr Whittington’s Hearing Stream 4 Right of Reply submission.

22 I disagree with Mr Ballinger’s assertions in Paragraph 52 of his legal submission for Hearing Stream 4 where he details that *“A submitter reading Kainga Ora’s submission could not have anticipated that it could result in qualitative (only) wind assessments being acceptable for new buildings in the city centre and similar zones.”* As noted in paragraphs 9 and 13 of my right of reply, Council already has discretion in the PDP to seek either a qualitative or a quantitative assessment for any zone. This wording informs plan readers of the possibility that a qualitative only assessment could be required.

23 For a similar reason I do not agree with Mr Ballinger’s sentiment that *“It would not be fair to WCCT or other parties to now include a split trigger height. There has not been a fair opportunity to consider the differences between quantitative and qualitative wind assessments and the impacts of imposing different height triggers for each type of assessment for the CCZ”*. As detailed in paragraphs 9 and 13 of this right of reply, given that chapter 11 of the ODP and the notified wording of the PDP clearly state that either assessment can be sought at the discretion of a Council consent planner, I am of the opinion that all submitters and plan users have had a ‘fair opportunity to consider the differences between quantitative and quality wind assessments’.

24 I would also point out that height triggers have long been the proxy for triggering the need for wind assessments, pre-dating even the ODP.

Under the PDP (and ODP) heights and zones are interlinked when it comes to wind assessment requirements. As such I disagree that there has not been a fair opportunity for the impacts of imposing height triggers for each assessment to be considered and submitted on.

25 Mr Ballinger notes that no submissions were lodged on the differentiated zone information requirements regarding quantitative and qualitative wind assessments. Contrary to this I note that Property Council New Zealand (338.8)⁵ considers that *“wind test requirements at 20 m/s is inadequate and should be amended to 22m/s to allow for a buffer to the newly proposed minimum building heights and residential maximum heights... Increasing the wind test level will likely encourage more large-scale developments in Wellington and would also simplify the Council’s and applicant’s overall development process.”* This relief being sought here is a change to the wind height trigger on a zone basis (the CCZ) for wind tunnel testing (Quantitative Wind Reporting).

26 Mr Ballinger also notes that *“WCCT is concerned about the potential for the proposed increases in building heights (compared with the ODP) to generate unsafe wind conditions... These dangers should be assessed by way of robust quantitative reports at the building height thresholds in the notified plan for the city centre zone (and similar zones).”* Unlike Mr Ballinger, I do not consider that the proposed change in height triggers are a considerable deviation from the ODP for the following reasons:

- The wind height trigger for the CCZ in the notified PDP was only increased by 1.4m, from 18.6m to 20m. As per the recommended changes outlined in paragraphs 124-125 my Wind S42A report⁶, 20m will continue to apply to qualitative

⁵ As identified in paragraphs 139 of the Wind S42A report, the Property Council New Zealand (338.8) submission point decisions was incorrectly inputted as it was incorrectly tagged to WIND-S1 instead of WIND-R1. The Appendix B decision column refers to m/s rather than just meters with regards to the City Centre Zone trigger height.

⁶ Wellington City Council Hearing Stream 4 [Wind Section 42A Report](#), 2023

wind assessments in considering potential adverse wind effects of developments between 20-25m.

- The change to a trigger height for quantitative wind reporting in the CCZ to 25m is for the purposes of wind tunnel testing, with anything below this also requiring a qualitative wind assessment (20-25m).
- The wind requirements for Centres in the ODP ties the wind assessment trigger to the building height limits for the relevant zone, triggering a qualitative assessment (not a wind tunnel test). Likewise, the Centres provisions in the notified PDP prioritised a qualitative wind assessment over a quantitative wind reporting requirement. The new building height triggers now direct a quantitative assessment in all zones (including Centres Zones) for developments exceeding 25m and set a qualitative minimum of 15m.
- The Centres Zones approach no longer solely relies on zone height to trigger wind assessments within these zones. If it did then the wind assessment trigger would be much higher than what was recommended in paragraph 124 of the Wind Section 42A report e.g. in some cases 22m in the LCZ. Instead, the recommended changes in the Wind S42A report⁷ set a specific 15m trigger height for wind assessments in the Wind rule framework, noting that this represents only a 3m increase from 12m Centre Zones heights in the ODP and notified PDP.

27 It is also worth noting in this regard that Mr Ballinger has not provided any evidence from a wind expert (or any other expert) or an analysis outlining in detail why *“these dangers should be assessed by way of a*

⁷ Wellington City Council Hearing Stream 4 [Wind Section 42A Report](#), 2023

robust quantitative reports at the building height thresholds in the notified plan for the city centre zone (and similar zones)."

vi. In regard to wind assessments, can an applicant provide a quantitative assessment even though they are only triggering a qualitative assessment requirement: that is, can or should the lower height level trigger a requirement to provide either a quantitative or qualitative wind assessment?

28 I note that the intent of the proposed changes to the Wind Chapter Rule WIND-R1 was to enable, in situations where a qualitative assessment is required, an applicant to provide a quantitative assessment should they seek to do so. Mr Nick Locke and Dr Mike Donn agree with this sentiment. However, I consider an amendment could be provided to the Wind Chapter rule framework to make it clear that this is provided for as suggested by the panel as exemplified in WIND-R1.4 below. The reasons for considering adding an amendments are as follows:

- This change provides more clarity in that there is a baseline requirement that a qualitative assessment needs to be provided. However, a quantitative wind report can be provided if the developer wants to go beyond this and undertake wind tunnel testing for their site.
- This change provides more certainty for plan users by referring to a quantitative wind reporting pathway if the developer seeks this option, rather than staying silent on this.

<u>City Centre Zone</u> <u>Waterfront Zone</u>	<u>4. Activity status: Restricted Discretionary</u> <u>Where:</u> a. <u>Compliance with WIND-R1.1 cannot be achieved; or</u>
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	<p>b. <u>New buildings and structures exceed 20m above ground level, but are less than 25m above ground level.</u></p> <p><u>Matters of discretion are:</u></p> <ol style="list-style-type: none"> 1. <u>The extent and effect of non-compliance with WIND-S1, WIND-S2 and WIND-S3 as specified in the associated assessment criteria for the infringed standard.</u> 2. <u>The matters in WIND-P1, WIND-P2, WIND-P3 and WIND-P4;</u> 3. <u>The extent of compliance with qualitative wind assessment requirements included in Appendix 8; and</u> 4. <u>The level of consistency with the Wind Chapter Best Practice Guidance Document (Appendix 14).</u> <p><u>Section 88 Information Requirements</u></p> <p><u>Applications under this rule must provide either a qualitative wind assessment or quantitative wind assessment that:</u></p> <ul style="list-style-type: none"> • <u>Details the extent of compliance with WIND-S1, WIND-S2 and WIND-S3;</u> • <u>Is based on the expert opinion of a suitably qualified and experienced person;</u> • <u>Considers the effects of the proposed building upon all public spaces;</u> • <u>Complies with the reporting requirements in Appendix 8 WIND-A2 and be consistent with the 'rules of thumb' for estimating wind effects in the Wind Chapter Best Practice Guidance Document (Appendix 14); and</u> • <u>Be consistent with the proposed design in the resource consent application and any associated urban design analysis and landscaping proposals.</u>
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(approximately \$3,000-\$6,000 versus \$20,000 to \$35,000⁸), I do not consider that many developers are likely to seek to commission a quantitative report over a qualitative report for any buildings under the 25m height trigger.

- 30 The change from the PDP approach of noting that Council has discretion to seek either a quantitative or qualitative assessment to specifying which was need at certain trigger heights was intended to create clarity and certainty for plan users, including developers, consent planners and the wider community.

Commercial and Mixed Use Zone Provisions:

- i. Whether the rules requiring resource consent for ‘minor alterations and additions’ (for example CCZ-R-19) could be provided with a greater level of certainty to avoid capturing minor changes that have little or no adverse effect? In particular, could some metric be applied to differentiate the scale of alterations and additions that alter the external appearance of buildings (we were referred to Auckland Unitary Plan’s approach to ‘cosmetic’ changes)?*

- 31 I have considered other Tier 1 and Tier 2 authorities’ District Plan City Centre Zone rule framework approaches to building additions and alterations around New Zealand. The reference to ‘cosmetic changes’ in the Auckland Unitary Plan (AUP), for instance, raised by a submitter in the hearing is applied on a precinct basis, not on a zone wide basis. For example, associated activity table I206.4.1 (A1) applying to the Karangahape Road Precinct provides for ‘minor cosmetic alterations to a building that does not change its external design and appearance’ as shown in Figure 1 below:

⁸ Wellington City Council, Hearing Stream 4, [Statement of Evidence of Mr Nick Locke May 2023](#)

Table I206.4.1. Activity table

Activity		Activity status
Development		
(A1)	Minor cosmetic alterations to a building that does not change its external design and appearance	P
(A2)	New buildings, and alterations and additions to buildings not otherwise provided for	RD
(A3)	Development that does not comply with Standard I206.6.1 Frontage height and setback	NC

Figure 1: Activity table taken from the Karangahape Road Precinct (AUP)

I note that the AUP does not define ‘minor cosmetic alterations’ or ‘alterations’ more broadly, instead relying on the common meanings of these terms.

32 The Christchurch District Plan does not provide for external alteration to any existing buildings as a permitted activity, instead requiring a Controlled Activity consent to be obtained for any such works.

33 Under CCZ-R1 of the Porirua City PDP ‘redevelopment, alteration and repair of existing buildings and structures where the external building form (floor area and height) of the existing building remains unchanged’ is permitted.

34 Within the Central City Zone of the Hamilton District Plan alterations and additions to existing buildings and minor works are a Permitted Activity.⁹ Both ‘alterations and additions’ and ‘minor works’ are defined as follows:

ALTERATIONS AND ADDITIONS	<i>Means any work to existing buildings or structures which involves the addition, change, removal or replacement of walls, windows or features which results in an external appearance different to its existing appearance, but excludes activities identified in the definition for ‘Minor Works (in Business 1-7, Central City, Industrial, Ruakura Logistics and Ruakura Industrial Park Zones)’. It may result in increasing or decreasing floor space through change of the external walls.</i>
MINOR WORKS	<i>In the Business 1-7, Central City, Industrial, Ruakura Logistics and Ruakura Industrial Park Zones, Local Centre Zone - Peacocke Precinct, Neighbourhood Centre Zone: Means all works to an existing building for the purpose of:</i>

⁹ Refer Rules 7.3.b and 7.3.c

	<p>a. <i>Maintenance activities.</i></p> <p>b. <i>Repair works.</i></p> <p>c. <i>Re-cladding.</i></p> <p>d. <i>Internal refurbishment works.</i></p> <p>e. <i>Internal alterations.</i></p> <p>f. <i>Painting</i> and <i>signage</i></p> <p><i>And other alterations and additions (in the Ruakura Logistics and Ruakura Industrial Park Zones) that are either:</i></p> <p>g. <i>Not visible from a public space, or</i></p> <p>h. <i>That result in additional gross floor area of no more than 25m².</i></p> <p><i>In relation to Volume 1, Chapter 19: Historic Heritage: Means the maintenance of existing site landscape features such as gardens, lawns, and planting beds; but excludes the development or re-development of the site which involves excavation, modification or disturbance of the ground.</i></p>
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35 In response to the Panel’s query I note Ms Hayes’ commentary at paragraphs 11 to 12 of her Right of Reply (dated 4 August 2022) and agree that these should continue to be regulated. That said, I consider that some of the alterations and additions listed in the definition of ‘minor works’ in the Hamilton District Plan could be incorporated into CCZ-R19.1’s list of permitted additions and alterations. This is reflected in the proposed amendment below:

CCZ-R19	Alterations and additions to buildings and structures
	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. <u>The Any</u> alterations or additions to a building or structure that:</p> <ul style="list-style-type: none"> i. Do not alter <u>its</u> the external appearance of the building or structure; or ii. <u>Involve the placement of solar panels on rooftops; or</u> iii. <u>Involve maintenance, repair or painting; or</u> iv. <u>Involve re-cladding with like for like materials and colours; or</u> v. <u>Relate to a building frontage that is:</u> <ul style="list-style-type: none"> • below verandah level, including entranceways and glazing; and • <u>compliantes</u> with CCZ-S8 is achieved; or vi. <u>Are not visible from a public space; and</u> <p>b. <u>The alterations or additions:</u></p> <ul style="list-style-type: none"> iii-i. <u>Do not result in the creation of new residential units;</u>

~~iv. Are not visible from public spaces; and~~
~~v. ii. Comply with standards CCZ-S1, CCZ-S2, CCZ-S3, CCZ-S4, CCZ-S5, CCZ-S6, CCZ-S7, and CCZ-S8 and CCZ-SX (Fences and standalone walls).~~

- 36 I prefer Hamilton District Plan's approach as it outlines what activities are considered to constitute 'minor works' and 'alterations and additions' which enhances clarity within the rule framework, clearly identifying what addition and alterations activities are permitted versus those that require a resource consent.
- 37 I consider that the Porirua approach is to be too enabling for the Wellington context and could allow substantial alterations to existing buildings as a permitted activity, noting that repair and alterations are enabled as long as the external building form (floor area and height) remains unchanged. On the other end of the spectrum, I consider that the Christchurch approach of not allowing any alterations or additions to existing buildings as a permitted building, instead requiring it as a controlled activity, is too restrictive and onerous, requiring a resource consent for minor changes.
- 38 Given the AUP does not define 'minor cosmetic changes' or 'additions or alterations', I do not consider this approach provides sufficient clarity to plan users to be able to understand what works require a resource consent versus those that do not and question whether it constitutes an appropriate permitted activity standard.
- 39 I do not support the inclusion of signage as there are separate Signage Chapter provisions and requirements. I consider it appropriate to include re-cladding as a permitted activity, but only if it entails re-cladding with like for like materials and colours. Otherwise, re-cladding requires a resource consent, inclusive of associated design requirements. I also note that internal alterations and refurbishments are already permitted under CCZ-R19.

40 The benefit of the proposed approach is that it permits a limited number of relatively benign activities to occur. This, in turn, provides additional certainty and flexibility for developers and resource consent planners as to what alterations or additions are enabled as of right.

41 Having contemplated whether metrics could be applied to differentiate the scale of alterations and additions, I consider that these are unnecessary given the amendments proposed in paragraph 22 above. In my view it is better to permit an activity outright, or require a resource consent, for the activity as a whole rather than limiting additions or alterations up to what could be an arbitrary limit, and which could then incentivise those undertaking such works to limit desirable or necessary works to the permitted level.

42 In terms of best practice, looking at Tier 1 and Tier 2 District Plans across New Zealand, metrics are not widely used and there is no national consistency or guidance on such metrics. As such I do not support providing a metric without sound rationale or evidence to support the identified metric.

ii. Should there be a 'carve out' for minor additions/alterations to acknowledge differences in the scale and quality of building stock within Kilbirnie and Johnsonville compared with the Central City (such as in relation to rule MCZ-R20).

43 I refer the panel to Ms Hayes' response to (ii) in paragraphs 11-14 of her Right of Reply supplementary evidence for Hearing Stream 4A.

viii. While the Panel understands that the establishment and operation of an Urban Design Panel is a method for implementing the provisions of the PDP, should there be more explicit provisions in the PDP on the Urban Design Panel, particularly if the Panel were to have a function for implementing specified consenting processes?

- 44 I have undertaken discussions with Dr Zamani to inform my response. Both Dr Zamani and I consider that there should not be explicit provisions in the PDP on the Urban Design Panel (UDP) as it is not intended to have a statutory role in the consenting process. Instead, it is proposed that the panel will act in an advisory capacity, providing an independent urban design review of major development proposals lodged with the Council and advice to inform a formal assessment by the Council’s urban design advisor and/or resource consent planner.
- 45 The process, criteria and how the panel will be set up are to be defined in Terms of Reference that are yet to be drawn up for the UDP. Dr Zamani notes that there needs to be a considered and well thought out process to establish the panel, including consultation within Council and the wider industry.
- 46 If the Panel was of a mind to include explicit UDP related provisions in the PDP I am of the opinion that this would be premature at this juncture as this proposal is still in its formative stages. Additionally, I consider that given the limited timeframe available in this hearing stream to develop such provisions and to justify their inclusion in the PDP that the potential exists for unintended consequences to arise.
- 47 I note that establishment of the UDP would also need to be formally ratified by the Council, with the outcome and timeframe associated with this process indeterminate.
- 48 I have recommended some minor changes to CCZ-M1 Urban Design Panel to reflect the assessment above, as follows:

<u>CCZ-M1</u>	<u>Urban Design Panel</u>
<p><u>Subject to obtaining relevant approvals and supporting funding Council will seek to establish and facilitate an independent, non-statutory Urban Design Panel to inform the urban design assessments of in-relevant policies and matters of discretion that apply to significant resource consent applications as required.</u></p>	

xvi. Please provide a written description as to how the recommended outlook space, building separation, and building depth standards work together, together with any supporting diagrams. On this matter, please comment on whether a blend of PDP standards for outlook space, building separation and building depth could work together with the recommended alternative outlook standards proposed by Kāinga Ora? In addition, what is the extent of any differentiation on the above if a building was completely non-residential in form?

49 Building depth and separation standards are intended to encourage better outcomes and a well-functioning urban environment by providing a level of on-site and off-site amenity, in terms of privacy, outlook, access to sunlight and daylight, as far as practicable within these sites.

50 I consider that the CMUZ internal site setback, maximum depth and outlooks standards work effectively together to strike a balance between enabling development and efficient optimisation of sites whilst ensuring quality design outcomes through the pre-mentioned amenity benefits. However, these standards are unlikely on their own to prevent a small number of units being built within close proximity to a neighbouring wall. To address this Dr Zamani advised in developing the PDP that provision is included for a minimum outlook space associated with the principal living space of 4m by 4m. This, in combination with allied building depth and separation standards, ensures a quality living environment for the occupants of the new developments and the neighbouring sites including:

- daylight access;
- mental wellbeing benefits;
- provision of green space; and
- greater privacy.

51 As noted in the paragraph above, after hearing concerns raised in Hearing Stream four about outlook space requirements particularly for principal units, and to align with the MDRS outlook requirements, Dr Zamani recommends an amendment to the outlook space standard of

4m x 4m for principal living rooms (and 1m x 1m for all other habitable rooms). This change to the outlook standard is intended to be reflected across all the applicable CMUZ zones, and is reflect in Appendix A and as follows:

CCZ-S13	Outlook space
<p>1. An outlook space must be provided for each residential unit as specified in this standard;</p> <p>2. <u>All principal living rooms must have an outlook space of a minimum dimension of 4m in depth and 4m in width;</u></p> <p>2-3. All habitable rooms must have an outlook space of a minimum dimension of 1m in depth and 1m in width;</p> <p>3-4. The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies;</p> <p>4-5. Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space;</p> <p>5-6. Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building;</p> <p>6-7. Outlook spaces may be under or over a balcony;</p> <p>7-8. Outlook spaces required from different rooms within the same building may overlap; and</p> <p>8-9. Outlook spaces must:</p> <ol style="list-style-type: none"> a. be clear and unobstructed by buildings; and b. not extend over an outlook space or outdoor living space required by another dwelling. 	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. The extent to which: <ol style="list-style-type: none"> a. Acceptable levels of natural light are provided to habitable rooms; b. The design of the proposed unit provides a healthy living environment; and c. The extent of dominance and privacy related effects on adjoining sites.

52 The building depth, separation and outlook standards, when combined, enables more development capacity and green space within a block than the 6m outlook sought by Kainga Ora as shown in the modelling in Appendix 2. Dr Zamani also advises that the combination of depth plus separation would encourage site amalgamation, as the sites become far more efficient. Considering larger buildings would be limited on a single

site, developers will be encouraged to have sites with larger street frontage in order to enable larger building along the street where these standards enable highest capacity of built instead of into the depth of the site.

53 The building depth, separation and outlook standards only apply to buildings with residential use, as reflected in the latest versions of the standards in Appendix A of this right of reply. Commercial buildings are only temporarily occupied, meaning that the effects of these buildings upon privacy of adjacent residential sites is only temporary. As applying building depth and outlook standards to commercial buildings would potentially constrain the efficient use of the site for office, commercial and retail activities, for these applying these requirements to commercial sites is considered undesirable.

54 Regardless, Dr Zamani has identified that an amendment to the Building Depth standard is needed across all applicable Centres Zones as follows:

CCZ-S12	Maximum building depth for residential activities	
Any new building, or part of a new buildings, or additions to an existing building constructed, used for residential activities on any site aside from a rear site, must not result in the continuous depth length of any external side wall façade, facing a neighbouring site, being greater than 25m, as shown in Diagram 19 below.	Assessment criteria where the standard is infringed:	
	<ol style="list-style-type: none"> 1. The extent to which the design mitigates the effect of a long featureless building façade; and 2. Dominance and privacy effects on adjoining sites. 	

55 This amendment is required for the following reasons:

- To make the standard clearer and more practicable by noting that it applies to a continuous building length and not depth of any external side façade, facing a neighbouring site and that it does not apply to rear sites; and
- To address site specific circumstances i.e. corner and rear sites.

- 56 I have recommended that the standard excludes application to rear sites. Considering that rear sites, have no street frontage, and all the boundaries are facing the neighbouring sites, application of the depth standard will significantly limit the development, as length of the buildings will be limited to 25m from all aspects.
- 57 Appendix 2 contains a series of illustrations of building depth versus the outlook requirement, comparing what is proposed in the PDP relative to Kainga Ora's suggested 6m outlook only. The modelling in Appendix 2 provide an illustration of what building depth and separation rules could look like compared to applying an outlook space requirement only (which is what Kainga Ora is seeking), noting that this represents one scenario out of many.
- 58 Having reviewed the notification settings for CCZ-R20 Construction of buildings and structures, I consider that exclusion of public and limited notification for CCZ-S11 (minimum building separation distance), CCZ-S12 (maximum building depth) and CCZ-S13 (Outlook space) in the notified PDP is inappropriate. This is because non-compliance with these standards, particularly outlook and maximum building depth, would affect adjoining residential properties in terms of daylight access and privacy due to buildings being built right up to the boundary.
- 59 By not complying with these standards and building right up to the side boundaries and rear boundaries, and with no internal separation of buildings, on-site and off-site amenity (privacy, daylight access and sunlight access) would be significantly affected. This is because buildings would be built right up to the boundaries with no separation space between adjoining buildings. This would lead to a lack of privacy between adjoining buildings, no outlook space and darkness without daylight or sunlight access provision on side boundaries and to the rear of sites. It would also mean buildings within the same site would be built right up against one another, therefore not enabling any privacy, outlook, daylight and sunlight access between these buildings.

60 As such, a change to CCZ-R19.2, CCZ-R19.3, CCZ-R20.2 and CCZ-R20.3 is proposed as follows:

CCZ-R20	Construction of buildings and structures
<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of CCZ-R20.1, excluding CCZ-S1 and CCZ-S4, cannot be achieved.</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in CCZ-P4, CCZ-P5, CCZ-P6, CCZ-P7, CCZ-P8, CCZ-P9, CCZ-P10, CCZ-P11 and CCZ-P12; 2. The extent and effect of non-compliance with CCZ-S1, CCZ-S2, CCZ-S3, CCZ-S5, CCZ-S6, CCZ-S7, CCZ-S8, CCZ-S9, CCZ-S10, CCZ-S11, CCZ-S12, and CCZ-S13, <u>CCZ-SX (Fences and standalone walls), CCZ-SX (Boundary setback from a rail corridor) and CCZ-SX (Sites adjoining residential zones)</u>; 3. The Centres and Mixed Use Design Guide, including guideline G107 – City Outcomes Contribution as required in Appendix 16 for any building that exceeds the maximum CCZ-S1 height threshold requirement or is under the minimum height limit in CCZ-S4 and either comprises 50 or more residential units or is a non-residential building; 4. The Residential Design Guide; 5. The extent and effect of any identifiable site constraints; 6. The impacts of related construction activities on the transport network; and 7. The availability and connection to existing or planned three waters infrastructure. <p><u>Notification status: An application for resource consent made in respect of rule CCZ-R20.2.a which complies with all standards is precluded from being either publicly or limited notified.</u></p> <p>An application for resource consent made in respect of rule R20.2.a which results in non-compliance with CCZ-S5, CCZ-S9, and CCZ-S10, CCZ-S11, CCZ-S12 and CCZ-S13 is precluded from being either publicly or limited notified.</p> <p>An application for resource consent made in respect of rule R20.2.a which results from non-compliance with CCZ-S1, CCZ-S2, CCZ-S3, CCZ-S6, CCZ-S7, and CCZ-S8, CCZ-S11, CCZ-S12 and CCZ-S13 is precluded from being publicly notified.</p>	

61 Dr Zarmani has updated the associated diagrams for minimum building separation distance, maximum building depth for residential activities and outlook space to replace the PDP notified diagrams. These two diagrams represent an in-block site and a corner site development

scenario showing compliance with all three standards. They can be seen in figure 2 and 3 below.

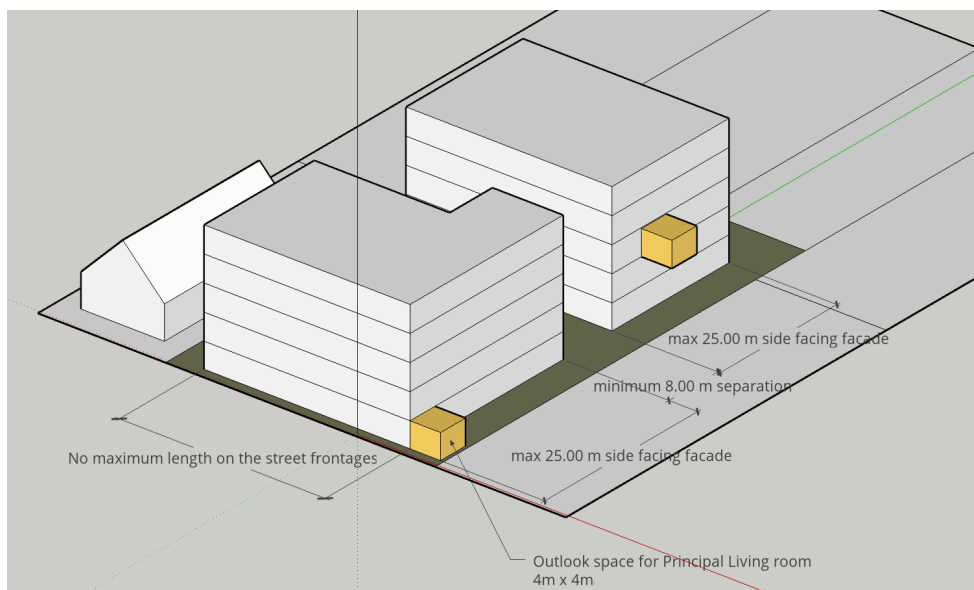


Figure 2: Showing an in-block site development scenario complying with CCZ-S11, CCZ-S12 and CCZ-S13 based on the proposed amendment above to increase outlook space to 4m x 4m for principal living rooms.

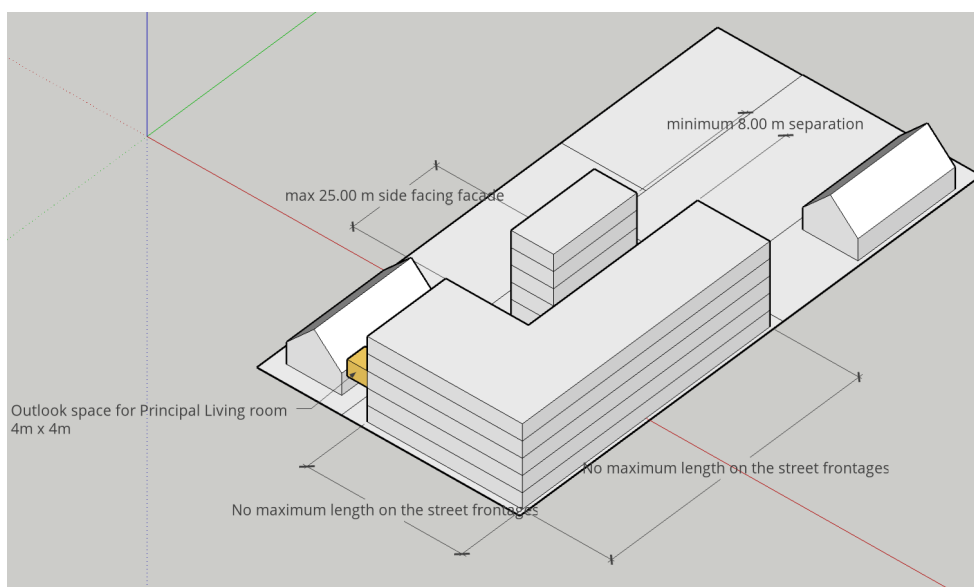


Figure 3: Showing a corner block site development scenario complying with CCZ-S11, CCZ-S12 and CCZ-S13 based on the proposed amendment above to increase outlook space to 4m x 4m for principal living rooms.

xix. Could a schedule be prepared showing where WCC officers agree/disagree with the final submissions of Kāinga Ora in regard to their recommendations for Centres Zones mapping: in particular, the re-zoning, height, active frontages, and verandah extensions now sought by Kāinga Ora.

62 In this regard I refer the Panel to, and am in agreement with, the schedule included in Appendix F of Ms Hayes's Right of Reply. For this schedule, I refer to Ms Hayes's Right of Reply Appendix F for my responses to Kāinga Ora maps 14 and 15.

63 Whilst I have agreed to the majority of Kāinga Ora's requested changes, I disagree with their request to extend the active frontage control to the southern ends of Cambridge and Kent Terraces and opposite the Basin Reserve. This requested extension does not align with plans to rebuild this whole area with new roads, public spaces and buildings. Active frontage controls can be added as part of a future plan change once the new block layouts, zoning, public spaces and building footprints in this area are known. The Let's Get Wellington Moving Programme's proposal includes significant changes on the northern side of the Basin Reserve. This is detailed in Appendix F.1.

xx. What is the recommended standard (if any) for maximum gross floor areas for supermarket floor area in the CCZ and the MUZ? Can some examples of the GFA of existing supermarkets be provided for comparison?

64 I refer the panel to paragraphs 18-20 and Table 8 in Dr Lees Right of Reply evidence where he has responded to this question by the panel. I note that he agrees with the Council position to remove GFA caps entirely from the MCZ, and that there is not a need for a limit in the CCZ or MUZ.

65 In recognition of the direction in Policy 1(b) and Policy 3(a) of the NPS-UD and the commercial role that supermarkets play as essential service providers in the central city no maximum GFA requirements apply in the CCZ. Table 8 of Dr Lee's supplementary evidence identifies that there are two supermarkets in the CCZ with a GFA of 200m² or less (whilst these are not specifically identified they could be New World Willis Street, Countdown Lambton Quay or New World Metro at the Railway Station), with a further two having a GFA of 1000+m² (New World Thorndon and New World Chaffers).

- 66 The Mixed Use Zone (MUZ) has a GFA maximum limit of 1,500m², a limit which both Ms Hayes and I continue to consider appropriate in a mixed use context. This control is a carry over of the ODP Business 1 Zone control, which limits the permitted activity size of supermarkets to a gross floor area of 1,500m². It is considered that retaining this GFA limit enables a mixture of activities to occur within this zone, which gives effect to the zone purpose.
- 67 Appendix 3 identifies various supermarkets around Wellington that are located within Centres and Mixed Use Zones and details their GFAs, which range in size from 2509m² to 14,909m². I note that currently there are no supermarkets zoned MUZ.

City Centre Zone and Te Ngākau Civic Precinct:

iii. Can you please comment on the evidence of Mr Guy Marriage (Submission 407); in particular, his evidence in regard to access to sunlight and daylight to residential units within the lower levels of High Density Residential development in narrow streets. On this matter, can a copy of the stepped street edge height setbacks for narrow streets that were initially considered in the Draft Plan be provided along with reasons for discounting it?

- 68 I understand and am sympathetic to Mr Marriage's concerns raised in his submissions regarding access to sunlight and daylight to the residents of Te Aro, particularly those on narrow streets, of which there are many. I acknowledge that there is a marked height increase from the ODP 27m maximum height limit to the notified PDP maximum height limit of 42m (approximately four storeys). I also acknowledge his concern regarding the potential for height in this area to be further enabled through the City Outcomes Contribution (C.O.C) mechanism.
- 69 I note that under the ODP Central Area provisions a height exceedance of up to 35% was enabled through the rule framework, which enabled

buildings to exceed the 27m height limits building up to 36.5m. Through the Spatial Plan engagement process and Mr Marriage's submission on the Draft Spatial Plan, concerns were raised regarding sunlight and daylight access to Te Aro's narrow streets in light of the proposed height increase within the suburb.

70 These concerns led to a review in 2021 of possible controls to enable sunlight access to the street level could be considered. Beyond recession plane controls, the only similar mechanism within other Plans and design guidance reviewed across New Zealand and Australia was the street wall standard (7.4.6) in the operative Hamilton District Plan and the setback standard in the Sydney Design Guide¹⁰, both of which are shown below.

7.4.6 Street Wall

a. On those identified streets within Volume 2, Appendix 5, [Figure 5-3: Street Wall Height Overlay Plan](#):

- i. [Building height](#) on that street [frontage](#) shall be a maximum of 13m (maximum 3 storeys) or the width of the street, whichever is the greater; and
- ii. A set back of 4m or greater shall be required from the front boundary before any additional [height](#) is gained (refer [Figure 7.4.6](#)).

Figure 7.4.6: Street wall and setback concept

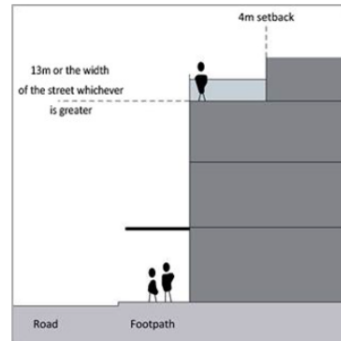


Figure 4: Hamilton District Plan Street Wall Height Standard.

¹⁰ Guy Marriage (407) [Hearing Stream Wellington City Council Hearing Stream 4 Presentation Notes](#), 2023

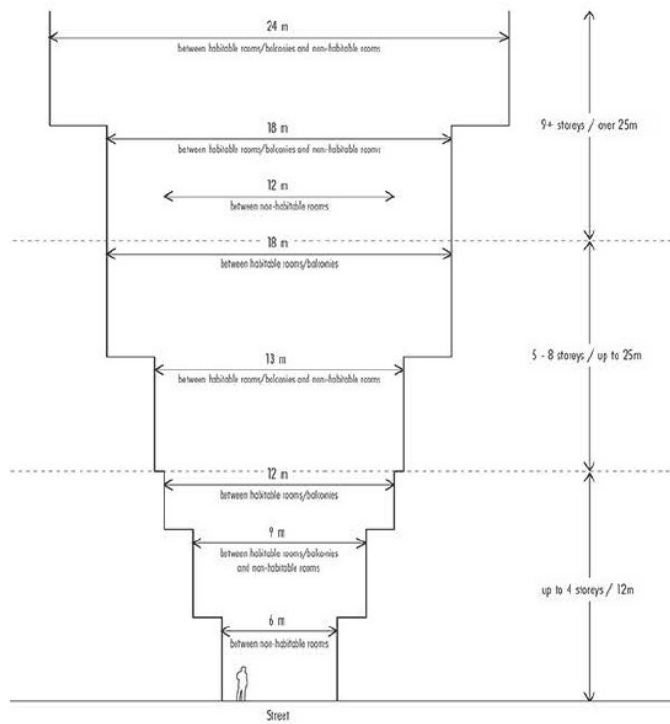


Figure 2 – Sydney Design Guide. Setbacks.

Figure 5: Sydney Design Guide setback requirement.

71 I refer the panel to page 39 of my CCZ, Waterfront Zone (WFZ) and Stadium Zone (STADZ) S32 Report¹¹ where I give context to the CCZ narrow streets viewer and analysis used to inform the 2021 Street Edge Height Control. Council identified all the street widths within the CCZ to inform the DDP Street Edge control provisions. WCC’s GIS team created a ‘Street Width Viewer’ which showed the estimated width of road reserve from 0m to 20.1m or wider. As Figure 6 below illustrates there are a high proportion of streets with widths of 21m or less, particularly within Te Aro.

¹¹ WCC, [City Centre Zone, Waterfront Zone and Stadium Zone Section 32 Report](#), 2022

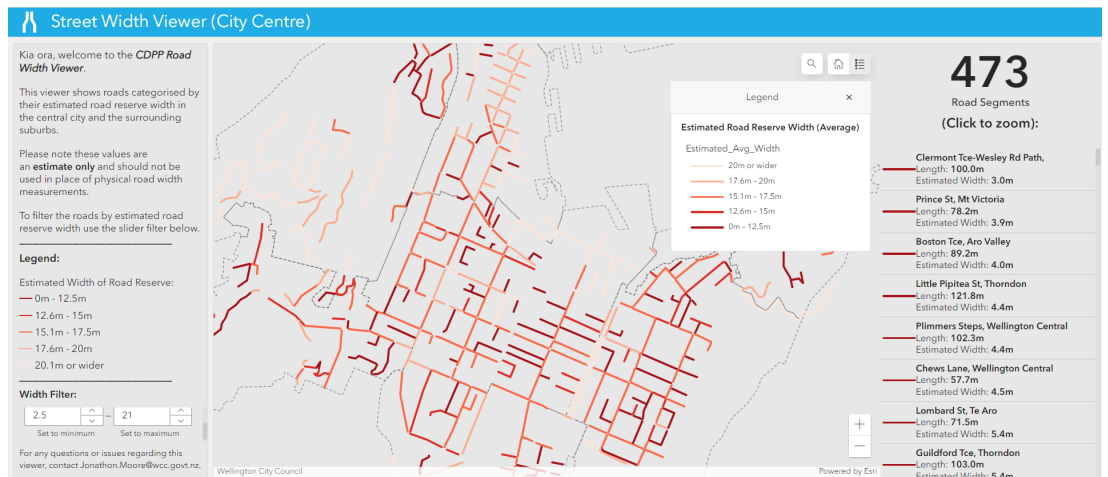


Figure 6: WCC Street Width Internal GIS Viewer showing all streets 21m or less within the CCZ.

72 This tool usefully identified the extent of narrow streets within the CCZ and was used to inform the Draft District Plan Street Edge Height control as shown below in Figure 7. This standard was designed with a focus on achieving solar access and reducing the impact of building bulk on narrow streets.

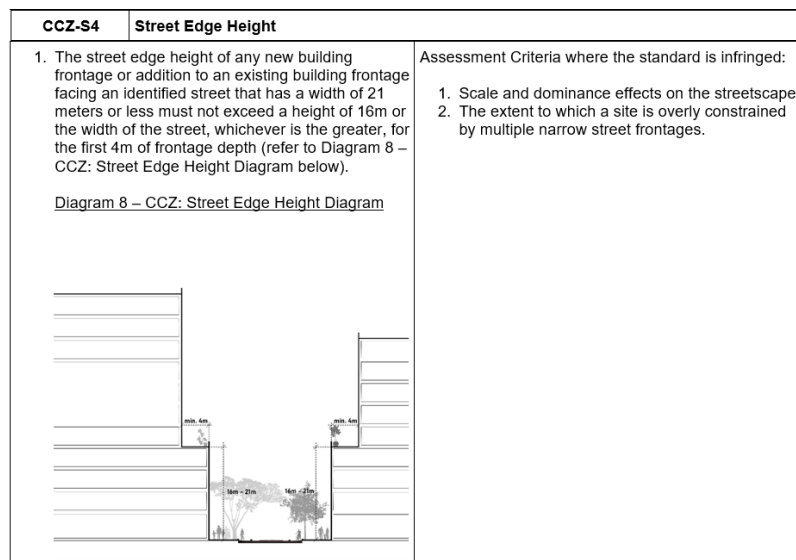


Figure 7: Draft District Plan CCZ Street Edge Height Control

73 However, mixed feedback on the draft Street Edge Height control was received. Full feedback can be found in Appendix 4 of this right of reply evidence. Key concerns raised in submissions included:

- The standard will impose significant building engineering costs on a new building proposal, adding significant design complexity

and cost, and potentially making it impossible to affordably design a building.

- Additional costs for implementing this standard in turn will either be passed on and thereby impact on affordability, or it will mean buildings will not be viable for construction.
- For a typical apartment or commercial building design the 4m setback will impact building efficiency (and therefore costs) and apartment layouts. This will impact the ability for structures to be well distributed and vertically aligned through the building.
- The setbacks will result in larger walls and potential need for frames to control torsional drifts in a building.
- The setback requirement will have an adverse effect on the ability to design with a structural steel bracing system, which are located on the façade of the building. The proposed 4m setback will not allow this to occur or would require significant transfer structures at the set back location.
- Support this standard but request it be extended further as per the Sydney example above.
- This control will be ineffective in providing increased light due to the requirements to provide verandahs.
- This standard and corresponding mapping should be deleted.
- This standard will constrain new development capacity in the city centre and will not achieve its intention of managing scale and dominance effects on the streetscape.
- This control constricts other provisions of the City Centre Zone such as verandah requirements and minimum building heights.

74 Following this feedback, advice was sought from Council's structural engineers in terms of feedback which suggested that the street edge height control would lead to inefficient building design, increased costs and that it would inhibit the use of structural steel bracing systems.

Verbal advice was received from Council’s structural engineers. Whilst they understood the intention of the provision and noted that designing for this control was possible, they advised that it would likely result in increased construction costs and posed an engineering challenge regarding the ability to design and develop for seismic resilience.

75 As detailed in paragraphs 44-45 of the Part 1 CCZ S42A report and page 40 of the CCZ S32 report¹², modelling work completed by Council’s Urban Design Team showed that minimal sunlight access would be provided in all three scenarios tested for the CCZ-S4 Draft District Plan control. This is illustrated in Figure 8 below.

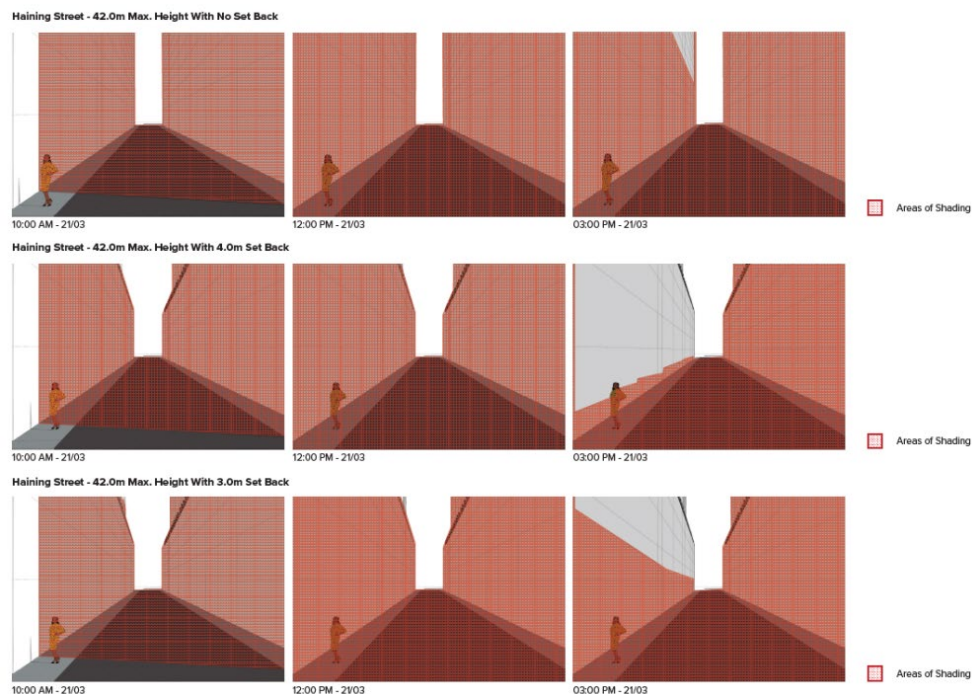


Figure 8: Wellington City Council Shading analysis modelling of DDP street edge height control on Haining Street.

76 In addition, modelling of Draft District Plan (DDP) standards undertaken for Council by Jasmax¹³ identified that application of the proposed street

¹² Wellington City Council, [Section 32 Evaluation Report Part 2: City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct](#), 2022

¹³ Jasmax, WCC District Plan Tests All Sites – Report, Rev A, 27 October 2021 (Appendix C)

edge height controls would have a resultant impact in terms of the potential loss of ground floor area (GFA). The testing also highlighted that applying this control to inner city sites that are narrow or have multiple street frontages would lead to a loss in development potential.

77 These concerns are reinforced in The Property Group's Wellington City District Plan Proposed Amenity and Design Provisions Cost Benefit Analysis report (TPG Report)¹⁴. The report found that the Street Edge Height Rule (DDP CCZ-S4) would likely impose additional costs to development through loss of yield, with no demonstrable benefit in terms of solar gain. It also noted that given the heights available in the CCZ there would either need to be a significant setback on the upper floors, or of the building itself, to achieve a substantial increase in solar access.

78 Based on the design, engineering and cost implications and results of modelling outlined above, the control was not carried forward into the notified PDP. I consider that the evidential base outlined in the preceding paras is also relevant in considering the matters raised by Mr Marriage.

iv. Provision of the information from the Council's open space assessment that we were informed had occurred when deciding on Zones, including the identification, description and information (including timing) of the provision of open space within the City Centre.

79 I note that the matter raised regarding zoning and the application of the Open Space Zone (OSZ) to the open space sites within the CCZ (which are zoned Central Area zoning in the ODP) will be addressed in the OSZ S42A report in Hearing Stream 7 (HS7), including a broader discussion on the application of the OSZ to sites. Open space assessments and issues

¹⁴ The Property Group, [Wellington City District Plan Proposed Amenity and Design Provisions Cost Benefit Analysis report](#), June 2022

relating to open space are intended to be covered in the associated S42A report.

- 80 Regardless, I can speak to CCZ-S6 Minimum sunlight access – public space, and the application of this standard in both the CCZ, WFZ and the relationship with Appendix 9. Central area open spaces in the ODP are zoned Central Area zone, and not Open Space Zone. By contrast, these spaces (and additional sites incorporated into Appendix 6 and to which CCZ-S6 applies) are zoned OSZ in the PDP in accordance with the National Planning Standards.
- 81 CCZ-S6¹⁵ and WFZ-S2¹⁶ is a carryover of ODP Central Area standard 13.6.3.4 in the ODP, a provision that has been in existence since the plan was made operative in 2001. The intent of the standard is to require buildings and structures to be designed and located in manner which maintains direct sunlight access to Central Area (CCZ and WFZ under the PDP) parks. Paragraph 600-604 of the CCZ Part 1 S42A report¹⁷ and Section 12.4.1 of the CCZ,WFZ, STADZ and Te Ngākau Civic Square Precinct S32 report¹⁸, discusses the CCZ and WFZ sunlight protection control in detail.
- 82 Sunlight access to public spaces in these zones was identified as a matter of importance and considered as a qualifying matter in the context of the PDP and Policy 4 of the NPS-UD. The justification for this is identified in

¹⁵ WCC Proposed District Plan, City Centre Zone, [Standard CCZ-S6](#)
[Minimum sunlight access – public space](#)

¹⁶ WCC Proposed District Plan, Special Purpose Waterfront Zone, [Standard WFZ-S2](#)
[Minimum Sunlight Access – Public Space](#)

¹⁷ WCC Proposed District Plan S42A [Part 1 City Centre Zone](#), 2023

¹⁸ Wellington City Council, [Section 32 Evaluation Report Part 2: City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct](#), 2022

section 12.4.1 of the CCZ, WFZ, STADZ and Te Ngākau Civic Square Precinct S32 report¹⁹.

83 Section 12.4.1 provides information on the open space assessment process undertaken by the Council that informed the CCZ and WFZ minimum sunlight control review, including the identification, description and information (including timing) of the provision of open space within the City Centre. In Appendix 5 I appended an analysis document that helped to inform my review of sunlight access timeframes for existing public spaces and times for new spaces. This included:

- A desktop assessment of each park currently identified in the ODP, along with compiling a list of wider parks that could be covered by this control;
- Discussions with the Green Network Plan team and wider WCC Urban Design team members about the current extent of sunlight access to identified parks and relevant time periods within which access would need to be maintained;
- Modelling of shading impacts by existing buildings within the vicinity of each park that could cause shadow effects, including analysis of sun shadow volumes.

84 Council then analysed the overlap between the shadow volume layer and public spaces to identify areas within each public space that experienced restricted access to sunlight at specific times of the day and specific buildings that were contributing factors. Working with urban design advisors, this information was then used to assess whether changes to sunlight protection hours needed to be adjusted given

¹⁹ Wellington City Council, [Section 32 Evaluation Report Part 2: City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct](#), 2022

current shading impacts relative to the sunlight access hours set out in the ODP.

85 Table 1 on page 265 of CCZ,WFZ, STADZ and Te Ngākau Civic Square Precinct S32 report²⁰ compares minimum sunlight controls under the ODP and PDP. The current range of parks in the ODP, along with those new parks included in the PDP, were analysed for sun shadow volume to understand the current level of shading on the public spaces from existing development.

86 Based on this analysis three key changes were made to the sunlight controls in the PDP compared to those in the ODP. These included:

- Amending the time periods within which sunlight access needs to be maintained between the ODP and PDP, with extensions to those applying to Civic Square and Post Office Square.
- Adding 15 new public spaces to the list of sites to be protected across the WFZ and CCZ, from 15 in the ODP to 28 in the PDP, i.e. Katherine Mansfield Memorial Park, NZ Parliament Grounds, Flagstaff Hill/Terrace Gardens and Pukeahu National War Memorial Park.
- A change from 100% protection in the ODP to 70% in the PDP.

87 The additional sites are a reflection of new spaces within the CCZ and WFZ that have been created since the ODP was made operative, the need to protect sunlight to public spaces as the zones intensify and the need to give effect to the well-functioning environment directive of the NPS-UD and the Green Network Plan.

²⁰ Wellington City Council, [Section 32 Evaluation Report Part 2: City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct](#), 2022

88 As noted on page 152 of the CCZ, WFZ, STADZ and Te Ngākau S32²¹, the minimum 70% sunlight requirement that forms part of the CCZ and WFZ sunlight control enables more development capacity than the current ODP approach and balances intensification directives under NPS-UD Policy 3(a) with amenity objectives. This acknowledges that more residential capacity needs to be enabled in the CCZ but that sunlight protection to parks is a highly valued amenity which needs to be maintained. Maintaining sunlight access to public spaces gives effect to Policy 1 of the NPS-UD in terms of well-functioning urban environments, it gives effects to objectives and policies in the CCZ and WFZ as well as strategic directions CC-O2, NE-O3, UFD-O3 and UFD-O7.

89 The 70% minimum enables more development capacity than the current approach and more flexibility for developers in their designs. It also acknowledges that during the specified timeframes these parks are unlikely to realistically achieve 100% sunlight access in any event as the day progresses due to the existing built environment and current shading upon the park.

ix. What is the reasoning for the lower height limit for the block of land bounded by Tasman/Sussex/Buckle/Rugby Streets (compared with the CCZ zoned land to the north and south)?

90 The reduced height in the CCZ block bounded by Tasman St, Buckle St, Sussex St and Rugby St reflects the fact that there are material interface issues in this area that differentiate it from the proposed height treatment applying to the balance of Te Aro and along Adelaide Road.

91 These issues include:

²¹ Wellington City Council, [Section 32 Evaluation Report Part 2: City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct](#), 2022

- The interface with Pukeahu National War Memorial Park, a nationally significant site recognised in area specific legislation.
- The significant collection of Heritage buildings and structures of national significance in and around this location, including the National War Memorial and individual heritage items within this area including the Carillon, Dominion Museum and the Basin Reserve.
- Provision of a height transition from the City Centre to the surrounding Residential Zone, the purpose of which is to avoid a sudden, dominating interface between these two zones. This also aligns with:
 - the block's current status as a transitional height area under the ODP, with a mix of 18.6m and 10m height maxima;
 - the application of a transitional height in the Final Approved Spatial Plan, Draft District Plan and Operative District Plan along the edges of City Centre Zone i.e. along South-East, South-West Zone Edge height area on Mt Vic, Mt Cook and Aro Valley edge (whilst acknowledging that height then picks up again along Adelaide Road portion to 42.5m);
 - concerns about potential shading implications on the Basin Reserve, noting that the reserve is a well-used sports facility which currently enjoys good sunlight access, which currently does not have any existing shading and dominance effects from neighbouring buildings ; and
 - an absence of evidence demonstrating that there would not be significant adverse effects from increased

maximum height limits (or City Outcome Contribution height triggers) in this block.

- x. ***In regard to the rule CCZ-R14, Car Parking Activities, what (if any) consideration was given to this rule in relation to its applicability along active frontages? In addition, what was the rationale for permitted activity status for ground floor carparking specifically constructed for carparking purposes as it is an exclusion and there is no reference to CCZ-S8.***

92 It was always the intent of CCZ-R14 that the activities were to only be permitted if they also complied with CCZ-S8 Active Frontages. However, this was not reflected in the notified PDP version of CCZ-R14 and is an unintentional oversight. To rectify this I have included suggested consequential amendments to CCZ-R14 (v) and (iv) below. Although this matter has not been the subject of specific relief sought, if the Panel is of a mind to proceed with these amendments I would draw attention to the recommendatory powers available to it under clause 99(2) of Schedule 1 of the RMA.

93 Unlike CCZ-R14 (v) and (iv), I note that CCZ-S8 does not need to be referenced in CCZ-R14 (i), (ii), (iii) or (vi) as these activities relate to carparks above ground floor level, below ground level, disability carparks and provision of carparks on a road.

CCZ-R14	Carparking activities
	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The activity involves:</p> <ul style="list-style-type: none"> i. Provision of carparks above ground floor level; or ii. Provision of carparks below ground floor level; or iii. Provision of parking spaces for people with disabilities; or iv. Provision of ground floor level carparks that form part of a building specifically constructed and used for carparking purposes and that complies with CCZ-S8; or v. Provision of ground floor level carparks that form part of a building, are located to the rear back of the site, comply do not cause non-compliance with CCZ-S8 and are not visible from the street; or

94 The intent of CCZ-R14(1)(a)(iv) is to provide for ground floor carparking as a permitted activity if it is contained within a building specifically constructed and used for carparking purposes i.e. a Wilson Carparking building. It is important to note here that this rule is centred on the activity of carparking itself, not the building within which it is housed. Any new carparking building would require a Restricted Discretionary Activity consent under CCZ-R20, with matters of discretion extending to consideration of the extent and effect of any non-compliance with CCZ-S8.

95 Ground floor carparking was widely canvassed at the hearing and is also addressed in paragraphs 37-40, 49 and 68-75 of my rebuttal and paragraphs 48-50 and 371-378 of the Part 1 CCZ S42A report. The rule framework purposely discourages the provision of ground floor carparking that is not included within a building (either at the rear of a non-carparking building or within a carparking building). This gives effect to an identified resource management issue of efficient utilisation of CCZ sites. It also gives effect to:

- CCZ objectives and policies - CCZ-O2 (Accommodating Growth), CCZ-O3 (Urban Form and Scale), CCZ-P5 (Urban Form and Scale), CCZ-P9 (Quality Design Outcomes);
- PDP Strategic Direction – CC-O2, CC-O3, CEKP-O2, CEKP-O4, UFD-01 and UFD-O3; and
- NPS-UD Policy 3(a).

xi. Can definitions of ‘parliamentary activities’, ‘civic activities’, and ‘government activities’ as recommended in the relevant s42A reports, be provided?

96 Suggested definitions are provided in the table below:

<u>CIVIC ACTIVITIES</u>	<u>Means activities or services provided by, or on behalf of, Wellington City Council or a council-controlled organisation to promote the social, economic,</u>
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	<u>environmental and cultural well-being of Wellington's communities.</u>
<u>GOVERNMENT ACTIVITIES</u>	<u>Means activities undertaken by an organisation that is part of the state sector, including:</u> <ol style="list-style-type: none"> a. <u>The public service;</u> b. <u>Other departments in the executive branch of government that are not part of the public service (such as the New Zealand Police, the New Zealand Defence Force, and the Parliamentary Counsel Office);</u> c. <u>Statutory entities, which comprise Crown agents, autonomous Crown entities, and independent Crown entities;</u> d. <u>Crown entity companies and subsidiaries; and</u> e. <u>The Reserve Bank of New Zealand.</u>
<u>PARLIAMENTARY ACTIVITIES</u>	<u>Means activities related or ancillary to, the business or functioning of Parliament, including:</u> <ol style="list-style-type: none"> a. <u>Offices of Parliament;</u> b. <u>Administrative and support services to the House of Representatives and members of Parliament;</u> c. <u>Management of the Crown's buildings within the parliamentary area; and</u> d. <u>Parliament tours, education and information services to the public.</u>

97 Although these activities are not specifically defined in any New Zealand District Plan, the above definitions have been derived from key sources including the New Zealand Parliament website and the Cabinet Manual 2023.

xii. In regard to the Te Ngākau Civic Precinct, under CCZ-PREC-01, should a purpose of the Precinct be 'redevelopment'?

98 The purpose of the Te Ngākau Civic Precinct is as follows:

*The purpose of the Te Ngākau Civic Square Precinct is to provide for civic activities, functions, **public use and** areas of open space and **redevelopment** of the precinct while ensuring that any future development respects the special qualities of the area, including the concentration of listed heritage buildings.*

99 As highlighted in bold above ‘redevelopment’ is already included as an integral part of the purpose of the precinct. The rationale for its inclusion is to give effect to the redevelopment signalled in the *Te Ngākau Civic Square Precinct* Redevelopment Framework as detailed in pages 6, 26, 31, 67, 77 etc. of CCZ, WFZ, STADZ and Te Ngākau S32²² and 140-152 of the Part 1 CCZ S42A report²³.

xiii. Could further advice be provided on how “where possible” could be applied in the recommended changes to CCZ-PREC-02?

100 The “where possible” addition to CCZ-PREC-02 was included to recognise that provision of green space is not always achievable and that, in certain circumstances, resorting to an alternative hard surface treatment of a public space may need to be contemplated. However, inclusion of a specific reference to green space was considered important to give effect to the Green Network Plan and to encourage more green space where practicable within the precinct.

101 Examples of where green space could be provided within the precinct include (but are not limited to):

- Provision of green space on the outer street interface i.e. trees or planting boxes;
- Roof gardens incorporated into new development within the Precinct; and
- Setbacks from the square providing small areas of greenspace.

²² Wellington City Council, [Section 32 Evaluation Report Part 2: City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct](#), 2022

²³ Wellington City Council, Hearing Stream 4 Part 1 CCZ S42A Report, 2023

xxxi. In regard to active frontages (for examples, CCZ-S8), officers referred to that they can be 'otherwise enhanced'. What tools are available to 'otherwise enhance'?

102 Other ways to enhance active frontages include (but are not limited to):

- providing spaces for community activities;
- landscaping; and
- artwork.

City Outcomes Contribution:

103 Currently the notified PDP and Appendix 16 of the Centres and Mixed Use Zones Overview S42A report proposes that the City Outcomes Contribution (C.O.C) applies to the following zones:

- City Centre Zone
- Metropolitan Centre Zone
- Local Centre Zone
- Neighbourhood Centre Zone
- High Density Residential Zone.

104 However, upon further reflection on the verbal submissions and supporting evidence presented at the hearing on this matter, I have arrived at the conclusion that Neighbourhood Centre Zone and High Density Residential Zone should be excluded from the area subject to the C.O.C. The reasons for this are as follows:

- There is substantial variation in the scale of intensification and development anticipated, particularly between the CCZ and MCZ and the NCZ and HRZ.
- The scale of development anticipated within the HRZ and NCZ is substantially smaller than that in the CCZ, MCZ and LCZ. Consequently, applying the C.O.C to small to medium sized developments anticipated within these zones could impose

disproportionate financial constraints that affect their feasibility relative to developments in the CCZ where, for example, development costs can be absorbed by building higher, thereby increasing yield and anticipated returns.

- The outcomes sought by the C.O.C are more directly relevant to the effects likely to be caused by denser, more intensified zones. For example:

- There is currently a lack of public open space in the CCZ, hence seeking to increase this through the C.O.C is a more appropriate outcome in this zone relative to the HRZ given the spatial extent of the open space already provided within this zone;
- The provision of laneways in the NCZ and HRZ are unlikely to be a necessity given the scale of development and nature of activities anticipated. This is in contrast to the CCZ and MCZ where denser development is anticipated and through block connections are less readily available.
- A Green Star rating is less likely to be sought after in lower density commercial zones like the NCZ compared to a denser, more commercially focused zones such as the CCZ.

105 I consider that it is appropriate to retain the application of C.O.C to the LCZ and MCZ because of the scale of density enabled within these zones and the scale of potential future development. As per the CCZ, because greater heights are enabled, development costs can be absorbed by building higher, thereby increasing yield and anticipated returns. Because MCZ and LCZ are higher in the Centres Hierarchy and provide for wider catchments, in my view it is appropriate to seek outcomes for when development in these zones exceeds the building height limits (MCZ-S1 and LCZ-S1).

xxiv. The s42A report for Hearing Stream 2 deferred addressing all submissions on the applications of City Outcomes Contributions to residential zones to Hearing Stream 4, but some submitters have commented that their submission on this matter had not been addressed (for example, Johnsonville Community Association, Submitter 429); where has this matter been addressed?

106 The City Centre Zone Appendix B (submissions table) from page 104-106 addressed submission points raised regarding the application of the C.O.C to the HRZ, particularly those relating to policy HRZ-P13 City Outcomes Contribution that were deferred from Mr Patterson's Residential Zones S42A report.

107 Whilst these submission points are captured in Appendix B of the Centres and Mixed Use Zone Overview 42A report, it appears those relating to G137 that were included in the Residential Design Guide Appendix B in Hearing Stream 3 and deferred to Hearing Stream 4 were not carried through into Appendix B or the Centres and Mixed Use Zone Overview S42A report.

108 Regardless, given that the Residential and Centres and Mixed Use Design Guide have been re-directed by the Panel to a separate review and conferencing process as a result of minute 15²⁴ released 11 April 2023 and are being reconsidered as part of the final Wrap Up hearing in September, it is appropriate in my view that outstanding submission points in relation to these design guides are addressed in the S42A report prepared for this hearing. This, in turn, not only ensures that these submission points are fully addressed but provides an opportunity for submitters to speak to these points at the hearing and for the Panel to seek further clarity if required.

²⁴ Wellington City Council Hearings Panel [Minute 15: Design Guide](#), 11 April 2023

xxv. Could Council provide some development scenarios for the restricted discretionary activity rules in relation to City Outcomes Contributions?

109 I refer the Panel to Appendix 6 of this right of reply which outlines four development scenarios where C.O.C would be triggered across the CCZ, LCZ and MCZ.

xxvi. In regard to City Outcomes Contributions, what would happen if a developer wanted to provide a benefit that was not on the list of contributions? How or should the matters of discretion be framed to allow for other positive effects/benefits (that is, s104(1)(ab) measures)?

110 Although I consider the outcomes set out in Appendix 16, Table 3, constitute a relatively comprehensive list, I note that it would be possible for a developer to propose, as part of their development, a benefit that was not already included as a means of achieving C.O.C. This, in turn, would be considered as part of the resource consent process as any application triggering C.O.C assessment would be a Restricted Discretionary Activity.

111 Consequently, as part of considering any such application under S104 and 104C of the RMA Council consent planners would, in addition to any adverse effects, also have regard to any positive effects, namely 'any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity'.

112 In assessing any proposed benefits/positive effect to be provided by an applicant therefore, s104(1) already provides sufficient scope as part of the consent process to consider such benefits/effects on their merits taking into consideration such matters as:

- The nature and scale of the proposed benefits/positive effect (e.g. local/city wide);
- Alignment with the objectives and policies of the relevant zone and the Plan's strategic direction and the outcomes they are seeking to achieve;
- Alignment with relevant outcomes in the NPS-UD (e.g. contributing to a well-functioning urban environment, supporting competitive land and development markets; reducing greenhouse gas emissions);

113 In light of this and the challenges associated with identifying matters of discretion covering an indeterminate range of potential benefits/positive effects I am of the opinion that further reframing of the matters of discretion in CCZ-R20.3 is not required.

114 In Appendix 7 I have included an analysis of how the outcomes in the C.O.C in Appendix 16 give effect to CCZ objectives and policies, the PDP's strategic direction and NPS-UD Policy 1. This is a draft document and was completed during Hearing Stream 4, so it does not reflect the latest version of Appendix 16 C.O.C but is useful to show how the C.O.C gives effect to these objectives, policies, strategic direction and the NPS-UD.

xxvii. The officers suggested a guidance document for the City Outcomes Contributions to provide more clarity and certainty for developers. Has this been developed, and, if so, can this please be provided?

115 Although I noted in paragraph 129 of my supplementary Hearing Stream 4 evidence that additional non-statutory guidance could be developed to assist with implementation of the C.O.C, the document does not exist and I am, on further reflection, unconvinced that there is a compelling reason or need to do so.

116 In this regard I note that several submission points sought further clarification regarding the intended purpose and implementation of the C.O.C in Appendix 16. In response, several changes to this appendix are now proposed, with these set out in Appendix A – Appendix 16 of this right of reply.

117 As these amendments, in turn, provide an enhanced level of clarity and certainty to assist interpretation of the C.O.C I am of the opinion that no additional guidance is required.

118 I have also appended a draft table I completed at time of the Hearing Stream 4 hearing (pre-Right of Reply changes to Appendix 16) which

xxviii. Could the Council comment on whether the outcomes sought by City Outcomes Contributions process could be encouraged to be provided through the general design consent process for new buildings, as suggested by a number of submitters, particularly for 'significant' proposed developments (refer to our question (vii) above) or, on a more limited basis, to under or over height buildings? If so, could Council provide provisions that would be potentially required under this alternative approach, including policy and rule provisions, and provide a comparative evaluation?

119 With regard to whether the C.O.C could be 'encouraged' to be provided through the general design consent process for new buildings, as suggested by submitters such as Mr Lewandowski on behalf of Stratum Management and Mr Heale on behalf of Kāinga Ora, I refer the panel to my earlier response in paragraph 173 of my supplementary Hearing Stream 4 evidence. In short, I do not support the suggested alternative approach as I am unconvinced that it would effectively provide for, and subsequently deliver on, the intent and outcomes sought by the C.O.C.

120 This view is supported by the detailed C.O.C evaluation provided in section 11 of the City Centre Zone, Waterfront Zone and Stadium Zone

S32 report²⁵, further supplemented by the robust S32AA assessment contained in section 8.9 of the Centres and Mixed Use Zone Overview S42A report²⁶.

121 In contrast to this I note that there is a marked absence of any substantive, compelling evidence or a supporting S32AA evaluation to support proposed changes sought by submitters for such alternative C.O.C provisions or an alternative pathway.

122 In light of this I am of the view that there is no compelling justification to comparatively evaluate an alternative approach as requested, particular as I consider sufficient analysis has already been undertaken to support the provisions provided in the PDP, the recommended changes to the C.O.C set out in the Centres and Mixed Use Overview S42A report and my professional opinion in relation to these.

xxix. Can Council please comment on whether mandatory public notification for a under or over height building proposal that did not seek to provide the outcomes under City Outcomes Contributions mechanism is appropriate for a restricted discretionary activity?

123 In this regard I refer the Panel to the discussion on pages 50-51, in paragraphs 174-177 of my Rebuttal evidence for Hearing Stream 4 and pages 3-4 of Mr Whittington's Hearing Stream 4 Right of Reply submission concerning public notification. The purpose of utilising mandatory public notification for under or over-height development that fails to satisfy the outcomes threshold test in CCZ-P11 is that it

²⁵ Wellington City Council, [Section 32 Evaluation Report Part 2: City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct](#), 2022

²⁶ Wellington City Council Hearing Stream 4 [Centres and Mixed Use Overview](#) S42A Report, 2023

provides an opportunity for wider public scrutiny given the implications of non-compliance beyond the immediate site.

124 I also refer the panel to paragraphs 126-127 of my Hearing Stream 4 Rebuttal evidence where I note that development that extends beyond the C.O.C height thresholds have additional city wide outcomes which the Council, in the public interest, wants to see accommodated. These are intended to address both locality and city wide related impacts noting that a significantly tall building will have an effect beyond adjoining sites and streets in terms of visual effects. Additional pressure will also be exerted on the infrastructure network, open space and public amenities by those residing or working in the building.

125 However, following further consideration of this request, and reflection on issues raised during the course of the hearing about the mandatory C.O.C public notification requirement, I have come to the view that the notification settings in CCZ-R19.3 and CCZ-R20.3 would benefit from further amendment as follows:

Notification status:

An application for resource consent made in respect of rule CCZ- R20.3 is precluded from being either publicly or limited notified, except where the application does not satisfy the outcome threshold test in give effect to CCZ-P11 City Outcomes Contribution.

An application for resource consent made in respect of rule CCZ- R20.3 that does not give effect to CCZ- P11 City Outcomes Contribution must be publicly notified.

126 The proposed change largely entails deletion of the mandatory public notification clause if the C.O.C outcome threshold test in CCZ-P11 is not met, with reliance placed instead on S95A and S95B of the RMA. I am of the opinion that this suggested change better reflects the fact that the C.O.C is intended to act as an incentive mechanism to encourage positive public benefits whilst enabling an increase in development capacity in return. I consider that developers will be incentivised to provide C.O.C when they go above the C.O.C thresholds because public and limited notification is excluded for applications that met the C.O.C

requirements. It also enables Council consent planners to exercise discretion in determining what level of notification is appropriate based on the effects of the application on the environment and on other persons affected.

Response to legal submissions:

Wellington Character Charitable Trust:

127 Mr Ballinger on behalf of Wellington Character Charitable Trust highlights Mr Niven's concerns with the removal of CCZ-S1 Maximum Height Limits, in particular the loss of corresponding assessment criteria. Mr Ballinger notes that these assessment criteria reflect that there are likely to be effects that flow from the construction of tall buildings, and that those effects ought to be assessed above a certain height limit as part of a resource consent application.

128 Mr Ballinger identifies that Mr Liggett's evidence on behalf of Kainga Ora is to similar effect: he notes a concern that the City Outcomes Contribution policy is inappropriate in that it results in an assessment which does not address the actual or potential effects of building height.

129 I want to clarify that the assessment of the actual or potential effects of building heights is still considered as part of resource consent applications that trigger the City Outcomes Contribution Height Threshold. Under the rule framework the effects of taller buildings are still assessed when they trigger this threshold. This includes an urban design assessment of the effects of the height of any proposed building and assessment against design guides. This is not lost through my recommended change to unlimited building heights.

WCCT and Eldin Family Trust:

130 Mr Ballinger on behalf of both WCCT and Eldin Family Trust also notes with regards to Portland Crescent, Hawkestone Street and Selwyn

Terrace that 'WCCT submits that the Council has not put forward any persuasive justification to rezone these areas as CCZ. On the other side of the ledger, the plan already enables more than sufficient business land and housing capacity without these confined areas being added to the CCZ.'

131 I disagree with Mr Ballinger's opinion. I refer the Panel and Mr Ballinger to my justification in paragraph 117 of my Part 1 CCZ S42A report and pages 135, 141, 170, 174 and 175 of my CCZ, WFZ, STADZ and Te Ngakau S32 report²⁷.

132 To the contrary, I would point out that submitters seeking that these streets are not zoned CCZ have not provided any substantive evidence to support their proposed zoning in terms of S32AA evidence etc. or, in my view, any clear rationale for why their proposed zoning alternative approach is more appropriate in section 32 terms than my CCZ recommendation.

133 I also refer the panel to paragraphs 86 - 94 of my Hearing Stream 4 rebuttal evidence where I discuss Mr Lamason's viewshaft visual simulation evidence. I note that if the changes to the Viewshaft Overlay and Viewshaft rule framework do not occur, then I recommend an exemption to CCZ-S1 for Selwyn Terrace should be provided and a maximum height limit of 22m/ six storeys be considered. However, I still consider these streets should remain within the CCZ for the reasons detailed in my S32 and S42A reports as referenced in the preceding paragraphs.

134 Mr Ballinger during Hearing Stream 4 reflected on the rest of the CCZ being largely flat, noting that Selwyn Terrace does not fit with this topography for the rest of the CCZ. I do not consider topography to be

²⁷ Wellington City Council, [Section 32 Evaluation Report Part 2: City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct](#), 2022

relevant to the decision on extent of CCZ zoning. Mr Ballinger also noted that the NPS-UD requires sufficient development capacity which gives readers guidance on how large the CCZ needs to be, noting that he sought a reduction in extent of CCZ. Whilst Policy 3(a) directs the anticipated intensification and density expected within City Centre Zones, it does not direct extent or margins of CCZ, instead it directs density within a walkable catchment of the CCZ (at least six stories).

Kainga Ora:

- 135 Mr Liggett in his evidence details that a *'number of the Outcomes Policy matters duplicate other assessment processes or building control standards that are already required to be assessed within the RMA effects-based context set out elsewhere within the PDP planning framework.'* He refers to Mr Heale's evidence which gives examples of open space, pedestrian access and accessibility, heritage and natural hazard resilience and climate change.
- 136 I disagree with Mr Liggett's assertion that the City Outcome Contribution duplicates existing standards. I refer the panel and Mr Liggett to my response in my rebuttal evidence in paragraphs 123 – 125. In my view, the C.O.C. outcomes and policy directions support and complement the objectives and policies of those in the CCZ and the intensification, design quality, open space provision and amenity intent of these policies and matters of discretion.
- 137 I also note that there are nuances between the outcomes sought (and examples given in the matrix table in Appendix 16) and the standards in the CCZ zones. As Mr Whittington notes in his legal submission, the City Outcomes Contribution addresses five key areas relating to objectives in the Strategic Direction chapter and well-functioning urban environments in Wellington City generally, as well as giving effect to the directive in NPS-UD Policy 1.

Points of clarification with regards to matters raised at the Hearing Stream 4

Hearing:

Application of Wind Chapter rules to MRZ

138 In Hearing Stream 4 Mr Richard Murcott sought that the Wind Chapter rule framework be applied to MRZ and that it be a qualifying matter. I note that wind does not reduce development capacity and thus is not a qualifying matter. With regards to the MRZ, as per paragraph 121 in my S42A I have recommended that an assessment criteria be added in MRZ-S2 for consideration of wind effects when buildings are proposed above the 14m height limit, akin to what is in the notified PDP HRZ-S2 assessment criteria.

139 I do not consider it is necessary to apply the Wind provisions to MRZ as I consider this would be too onerous and the smaller scale intensification and development anticipated in the MRZ, compared to higher density zones like HRZ or CCZ, does not support the application of the wind rules to MRZ.

Application of Wind Chapter rules to Tertiary Education Zone

140 Mr Peter Coop presented at Hearing Stream 4 on behalf of Victoria University of Wellington (VUW). Mr Coop noted that he was satisfied the campus experiences no wind effects. However, the only evidence Mr Coop had to support this assertion was that VUW's Campus Risk Assurance Team have gone through their register of unsafe events and concluded that none in last 5 years involve issues from adverse wind effects.

141 Mr Coop then identified that the Campus Risk Assurance Team at VUW are interested in health and welfare but the team's focus does not cover adverse wind effects. I note that VUW or Mr Coop have not provided any wind tunnel test evidence (quantitative reporting) or qualitative assessments.

- 142 Mr Coop then went on to criticise the examples given by Dr Donn in his Statement of Evidence for Hearing Stream 4²⁸, stating that the examples given of the Easterfield and Kirk Buildings were developed pre 1960s before consideration of wind effects and that these examples are not appropriate. He furthered that Dr Donn has not included any further evidence in his rebuttal evidence of any examples on the campus where there is a safety issue. I note that since Dr Donn was aware that the notified PDP provisions applying to the Tertiary Zone only assessed effects upon adjacent streets, rather than the whole zone/campus, that his focus was restricted to developments close to the road edge.
- 143 In my opinion, I would consider that Dr Donn (as a Wind expert and VUW Professor) would be better placed to comment on wind effects of VUW. I refer the Panel to paragraph 19 of Dr Donn's evidence where he notes that *'my personal experience is that the tall buildings owned by the university have had historic wind safety issues on site for at least 5 decades. The Kelburn campus, for example, sits on a ridge exposed to winds from all directions.'*
- 144 Mr Donn furthers that *'it seems to me general common sense that the university be required within its own campuses to consider the issues of comfort and safety for those people who walk between its buildings.'*
- 145 I would also point out that no wind tunnel testing has been undertaken at VUW because of the lack of ODP wind rules applying to Institutional Precincts. Without this evidence of wind speeds effects across the Campus, I question how Mr Coop can conclude that there are 'no unacceptable wind effects'.
- 146 Mr Coop identified both Dr Donn and my references to the Asteron building, Rutherford House and Wigan Campus, noting that examples are within the Central Area and not Tertiary Education Zone. Mr Coop

²⁸ Wellington City Council Hearing Stream 4 [Dr Michael Donn Statement of Evidence](#), 2023

asserted that *'Officers wrongly assumed it was in the Tertiary Education Zone and that the University does not own the Wigan Street building'*. Whilst I accept that the Wigan building is not owned by VUW, I note that Council officers are aware of what sites sit in the TEDZ.

147 Mr Donn was instead giving the example the te Herenga Waka Law and Commerce Faculty building because, as he notes in his evidence, its recent lower level additions has been accidentally beneficial to the safety and comfort as it has helped offset the wind effects of its original building within the site.

148 Regarding my Hearing Stream 4 Rebuttal Wind Chapter Appendix A WIND-R1.3 Permitted Activity requirements for TEDZ and the Hospital Zone (HOSZ) Mr Coop noted that there needs to be certainty and discretion should not be retained. Mr Coop also noted that there are no definitions of the word 'adjacent'. Mr Coop sought a 20m separation distance from legal roads so that it is clear for VUW and plan readers the extent of the campus that is affected by the wind rules. Mr Coop noted that there is no rationale for his 20m suggestion or wind criteria that justifies 20m. However, he considers that this is a reasonable setback from a legal road that a building would have based on road width.

149 Upon further reflection of my recommended wording of WIND-R1.3 and Mr Coop's commentary, I consider a change is needed to the rule to provide more clarity to the extent that the wind rule applies within the TEDZ and HOSZ. I recommend that Mr Coop's 20m suggested be implemented but seek to make it clear that this 20m application applies to any part of a building rather than needing the whole building to within this distance.

150 Currently the TEDZ and HOSZ have no wind requirements so any new requirements should improve wind outcomes over all. Dr Donn has advised that the effects of a building downwind are typically felt at least 1-2 times the height downwind, and 1 times the width of a building to the sides. Noting Dr Donn's advice, I consider that the 20m metric may

be rather generous to the hospitals and universities and based on Dr Donn's logic it could well be that a bigger metric would be useful.

WIND-R1	Construction, alteration and additions to buildings and structures
Hospital Zone Tertiary Education Zone	<p>3. Activity status: Permitted</p> <p><u>a. Where all of the building or structure is more than 20 metres from a legal road; or</u> <u>b. Where any part of the building or structure is within 20 metres of development is adjacent to a legal road public street:</u></p> <p><u>a.-i. New or altered buildings or structures are less than or equal to 42m 15m in height above ground level; or</u> <u>b.-ii. Rooftop additions:</u></p> <ul style="list-style-type: none"> • <u>i.-The height of the rooftop additions are less than or equal to 4m; or in height when measured from the highest point of the building or structure; or</u> • <u>c.-ii. Rooftop additions Are setback at least 3m from the building facades adjacent to public spaces; and</u> <p><u>a.-d. are less than 33% of the existing building volume; or</u> <u>e.-Compliance with the following standards is achieved:</u></p> <ul style="list-style-type: none"> <u>i. WIND-S1; and</u> <u>ii. WIND-S2.</u>

Adelaide Road Zoning

151 During Hearing Stream 4 some submitters discussed the zoning for Adelaide Road and suggested a change from CCZ to Mixed Use Zone (MUZ). I refer the panel to paragraph 118 of my Hearing Stream 4 Rebuttal evidence where I provide robust assessment and evidence for why the portion of Adelaide Road from Rugby Street to Riddiford Street and John Street intersection should be zoned CCZ as notified in the PDP.

152 Adelaide Road has been signalled for redevelopment for an extended period now, first through the Adelaide Road Framework²⁹k and then

²⁹ Wellington City Council, [Adelaide Road Framework](#): A long-term vision for future growth and development, November 2008

through the Spatial Plan³⁰. This has therefore been an area identified for mixed use high density growth and CCZ, over and above MUZ and HRZ, is therefore considered the most appropriate zone to enable this. Additionally, Adelaide Road is the chosen MRT route identified by LGWM, and through this process has been identified as a key area for intensive redevelopment around an MRT station(s). I therefore consider CCZ is the best zoning to capitalise on the benefits that MRT will bring as a key enabler of growth.

153 The Spatial Plan included Adelaide Road within the City Centre and this was extensively socialised with the public across the Draft and Final versions. This made clear Council's intent to include it within the CCZ. Some submitters raised at the hearing that the Adelaide Road Growth Framework was slow to be actioned, however, everyone was in agreement that the growth signalled in the framework was starting to come to life with multiple residential developments being constructed, for example, the Monark Apartment building.

154 Given the growth signalled in this framework, and the requirement to give effect to the NPS-UD Policy 3, the zoning of Adelaide Road needs to reflect the nature of development proposed to be implemented. Adelaide Road is historically defined transit corridor and LGWM has proposed a mass rapid transit route down the road corridor. Even if this area was not CCZ, the NPS-UD seeks that where areas adjacent to transit nodes or corridors, that the area be enabled to a minimum of six storeys, it would also fall within the CCZ walking catchment, requiring the same six storey density. This requires enabling at least six storeys (as a minimum not a maximum).

155 Under MUZ-S1 the most enabling permitted maximum height limit is 18m. After this the most enabling Restricted Discretionary Activity

³⁰ Wellington City Council, [Our City Tomorrow: A Spatial Plan for Wellington City](#), 24 June 2021

maximum height limit under MUZ-R16.2 is 27m. The ODP enables a range of 12m and 18m maximum height limits. Under the PDP if MUZ applied to Adelaide Road as a permitted height level it would only enable a marginal height increase, if any.

156 As such, in my opinion, the MUZ maximum height limits are inappropriate for Adelaide Road given the intensification signalled by the Spatial Plan, Adelaide Growth Frame, LGWM plans and the NPS-UD for these areas. For the preceding reasons and those detailed in paragraph 118 of my Hearing Stream 4 Rebuttal evidence, I consider it is necessary for this portion of Adelaide Road remains as CCZ.

Residential Activities Discretionary Activity status:

157 Following further consideration of the Discretionary Activity status for CCZ-R12.2 Residential Activities where the permitted activity requirements are not met, and reflecting on requests made during the course of the hearing that CCZ-R12.2 should be a Restricted Discretionary Activity, I have come to a view that a change to Restricted Discretionary Activity consent for CCZ-R12.2 is appropriate.

158 The key reason for my change is that in the CCZ Part 1 S42A report I recommended via HS4-P1-CCZ-Rec70 that the CCZ-R12.1 permitted activity clause which restricts residential activity at ground level on any site not contained within a Natural Hazard Overlay be removed. As per paragraphs 357-360 of the CCZ Part 1 S42A report, I consider that the Natural Hazard Chapter and Coastal Hazards Chapter sufficiently addresses the matter detailed in CCZ-R12(1)(a)(iv) with regards to residential activities at ground levels within a Natural Hazard Overlay, as such clause (iv) was suggested to be removed.

159 Given that the other exemptions in CCZ-R12.1 refer to active frontages and verandah coverage, I consider a Restricted Discretionary Activity is more appropriate than Discretionary Activity for when compliance with

these exemptions is not proposed to be met. As such I recommend an amendment to CCZ-R12.2 as follows:

CCZ-R12	Residential Activities
	<p>2. Activity status: Discretionary</p> <p>Where:</p> <p>a. Compliance with the requirements of CCZ-R12.1.a cannot be achieved.</p> <p>Notification status: An application for resource consent made in respect of rule CCZ-R12.2.a is precluded from being either publicly or limited notified.</p>
	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. <u>Compliance with the requirements of CCZ-R12.1.a cannot be achieved.</u></p> <p><u>Matters of discretion are:</u></p> <ol style="list-style-type: none"> 1. <u>The matters in CCZ-P2, CCZ-P4 and CCZ-P9;</u> 2. <u>The extent and effect of non-compliance with CCZ-S7 and CCZ-S8;</u> 3. <u>Whether residential activities exceed 50% of the street frontage at ground floor;</u> 4. <u>The extent to which an acceptable level of passive surveillance is maintained between the interior of the building and the street or area of public space;</u> 5. <u>The extent to which the building frontage is designed and located to create a strong visual alignment with adjoining buildings;</u> 6. <u>The effect on the visual quality of the streetscape and the extent to which the activity contributes to or detracts from the surrounding public space;</u> 7. <u>The continuity of verandah coverage along the identified street, informal access route or public space; and</u> 8. <u>The extent to which non-compliance with verandah coverage will adversely effect the comfort and convenience of pedestrians.</u> <p><u>Notification status: An application for resource consent made in respect of rule CCZ-R12.2.a is precluded from being either publicly or limited notified.</u></p>

Argosy's amendment to CCZ-S7 Verandah Assessment Criteria

160 Following further consideration of Mr Jeffries expert evidence on behalf of Precinct Properties NZ Ltd, Fabric Property Ltd, Oyster Management Ltd and Argosy Property No 1 Ltd and discussions during Hearing Stream 4, I have come to a view that a change is needed to CCZ-S7 Verandahs.

161 Argosy sought an amendment to CCZ-S7 to clarify that this standard would not apply where it would result in encroachment into the drip line of any tree that is to be retained. According to Argosy, there is a risk that referring to “street tree” would mean the exception to the requirement to provide a verandah would only apply to trees on public land and not existing trees on private property which contribute to streetscape.

162 Mr Jeffries details that as drafted CCZ-S7 does not provide the necessary exceptions to the requirement to provide a verandah in order to protect existing trees on private property that contribute to streetscape. Mr Jeffries considers that the notified and s42A versions of CCZ-S7 may therefore cause the loss of trees on private property that positively contribute to public streetscapes, in order to meet the verandah requirement.

163 I agree with Mr Jeffries that CCZ-S7 should refer to ‘existing trees’ rather than ‘existing street trees’. To avoid this potential adverse effect I consider that the following amendments is necessary to CCZ-S7:

CCZ-S7	Verandahs
<p>...</p> <p>This standard does not apply to:</p> <p>a. Any scheduled building identified in SCHED1 - Heritage Buildings. However, if for any reason these buildings received resource consent approval to be demolished, then a verandah would be required for any replacement buildings on these sites; and</p> <p>b. Any building where compliance with the standard results in an encroachment into the dripline of an existing street tree; and</p> <p><u>c. Service stations.</u></p>	<p>Assessment criteria where the standard is infringed:</p> <p>1. The extent to which any non-compliance:</p> <p>a. Will adversely affect the comfort and convenience of pedestrians;</p> <p>b. Will result in further street trees being added to public space as part the development; and</p> <p>2. The continuity of verandah coverage along the identified street, informal access route or public space.</p>

Foodstuffs concerns re public notification of CCZ-R14 Carparking

164 Mr Quinn and Ms Key have raised concerns on behalf of Foodstuffs North Island Ltd, particularly with regard to CCZ-R14 not being enabling of

short-term ground level carparking to service Foodstuffs' supermarket activities. Mr Quinn submits that a discretionary activity status for short-term parking is unnecessarily onerous. A restricted discretionary activity status is sufficient to allow for the appropriate consideration of design.

165 Ms Key and Mr Quinn further note that a balance needs to be achieved between enabling development, in order to provide for development growth and competition, while also achieving design and amenity objectives and managing adverse effects. They also consider that public notification is not appropriate and that the CCZ should align with the approach of other CMUZ zones. I disagree with all of these points.

166 I have addressed Ground floor carparking in paragraphs 37-40, 49 and 68-75 of my rebuttal and paragraphs 48-50 and 371-378 of the Part 1 CCZ S42A report. In these references and in paragraphs 78 of this Right of Reply I have identified the resource management issue that CCZ-R14 and its strong approach to deterring ground level carparking is responding to. I have also identified how CCZ-R14 gives effect to CCZ objectives and policies, strategic direction of the Plan and the NPS-UD direction.

167 The CCZ takes a stronger approach to ground level carparking than other CMUZ zones because it is a well-documented issue within the CCZ in particular, more so than other CMUZ, of under-utilised and inefficient uses of prime CCZ sites, with ground level carparking being one of these uses. NPS-UD Policy 3(a) directs building heights and density of urban form to realise as much development capacity as possible.

168 Thorndon New World and Chafers New World are two examples of supermarkets that has a significant ground level carpark alongside the supermarkets, where the sites could be more efficiently operated as a multi-storey supermarket development. Countdown Newtown on the other hand, represents a multi-storey mixed use supermarket development that has enclosed ground level carparking.

Willis Bond's Sloping Roof exemption:

169 Willis Bond in their submission, and as reiterated in Ms Luxford's speaking notes and by Mr Aburn in the hearing, sought two exceptions within CCZ-S1 to 'better reflect building appurtenances and sloping roofs' as follows:

This standard does not apply to:

a. Solar panel and heating components attached to a building provided these do not exceed the height by more than 500mm;

b. Satellite dishes, antennas, aerials, chimneys, flues, architectural or decorative features (e.g. finials, spires) provided that none of these exceed 1m in diameter and do not exceed the height by more than 1m; and

c. Lift overruns provided these do not exceed the height by more than 4m;

d. Circumstances where up to 50% of a building's roof in elevation exceeds the maximum height where the entire roof slopes 15° or more;

e. Circumstances where, in respect of flat roofs or roofs sloping less than 15°, non-habitable rooms (such as plant rooms) and other roof-top structures may exceed the height, provided those structures are set back from the leading edge of the parapet by at least 2 metres and do not exceed 50% of the overall roof area.

170 Ms Luxford did not agree with my CCZ Part 1 S42A recommendation to remove the exceptions in CCZ-S1(a) and CCZ-S1(b) and to add an exemption for fences and standalone walls. Willis Bond considers these exemptions should still be included in CCZ-S1 noting that 'The ability to exceed the "height threshold" through the City Outcomes Contributions does not take away the need to calculate height in a fair manner. Aspects of the building which have a negligible visual impact should not be included in the calculation.'

171 Ms Luxford also notes that Willis Bond's suggested exemption for roofs (d. above) was recommended for inclusion in the HRZ by the section 42A report author in Hearing Stream 2. Ms Luxford considers at minimum, this exclusion should also be included in the CCZ (and other zones with height limits or thresholds) for consistency.

172 Upon reflection I agree with Ms Luxford both with regards to her suggested sloping roof exemption to align with Mr Patterson's Hearing Stream 2 recommendation in his Right of Reply, and to bring back the notified PDP exemptions for CCZ-S1. I consider that this then also needs to be reflected in CCZ-PREC01-S1 City Outcomes Contribution Threshold for consistency. These changes are shown below. I also note a minor change to the wording in CCZ-S1(1) to enhance clarity for plan users:

CCZ-S1	Maximum height <u>City Outcomes Contribution Height Threshold</u>
<p>1. There are no maximum heights for buildings and structures in the City Centre Zone. 2. Above T <u>the following maximum height limits thresholds the The following City Outcomes Contribution Height Thresholds must be complied with (measured above ground level unless otherwise specified) apply to any new building or addition to an existing building:</u></p> <p>...</p> <p>This standard does not apply to:</p> <ul style="list-style-type: none"> a. <u>a. Solar panel and heating components attached to a building provided these do not exceed the height City Outcomes Contribution Height Threshold by more than 500mm;</u> b. <u>b. Satellite dishes, antennas, aerials, chimneys, flues, architectural or decorative features (e.g. finials, spires) provided that none of these exceed 1m in diameter and do not exceed the height City Outcomes Contribution Height Threshold by more than 1m; and</u> c. <u>c. Lift overruns provided these do not exceed the height City Outcome Contribution Threshold by more than 4m; and</u> b. <u>d. Fences and standalone walls; and</u> <u>e. Circumstances where up to 50% of a building's roof in elevation exceeds the City Outcomes Contribution Height Threshold where the entire roof slopes 15° or more.</u> 	<p><u>Assessment criteria where the standard is infringed:</u></p> <p><u>For CCZ-S1.1:</u></p> <ul style="list-style-type: none"> 1. Streetscape and visual amenity effects; 2. Dominance and privacy effects on adjoining sites; and 3. The extent to which taller buildings would substantially contribute to increasing residential accommodation in the city.

173 Ms Luxford in her speaking notes raised Willis Bond's submissions' concern about CCZ-PREC01-O2 clause (3.) which seeks that development 'Frames the square'. Ms Luxford notes that 'not all development is adjacent to Civic Square. If development is not adjacent, it cannot frame the square. For example, the Precinct includes the Michael Fowler Centre carpark site. This site is not adjacent to the open area within the centre of Civic Square (unlike the Library, CAB, MOB, Town Hall, City Gallery and Michael Fowler Centre). Development on the Michael Fowler Centre carpark site cannot frame the square.'

174 Ms Luxford suggests that it should only apply to those buildings that are actually adjacent to Civic Square or should be expressed as “where relevant”. Upon reflection, I agree with Ms Luxford’s sentiments and acknowledging not all sites within the precinct can enable developments that ‘frame the square’ I consider an amendment is needed as follows:

<p>CCZ- PREC01-O2</p>	<p>Built form</p> <p>The scale, form and positioning of development within the Te Ngākau Civic Square Precinct:</p> <ol style="list-style-type: none"> 1. Respects and reinforces the distinctive form and scale of existing associated historic heritage buildings, architecture and public space; 2. Integrates mana whenua values into the design; 3. Frames the square, <u>where relevant</u>; 4. Ensures a high degree of sunlight access is achieved within the precinct <u>public spaces in the precinct</u>; 5. Provides multiple connections which enable people to conveniently move between the city centre and the waterfront; and 6. Is sustainable and resilient; and 7. <u>Provides for green spaces, where possible.</u>
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Parliamentary Services request for a Parliament Precinct

175 Mr Coop on behalf of Parliamentary Services discussed the need for a Parliament Precinct at Hearing Stream 4. I refer the panel to paragraphs 57-63 of my Hearing Stream 4 Rebuttal evidence where I address Mr Coop’s submitter evidence on behalf of the Parliamentary Precinct. I noted in my rebuttal that although I have general sympathy with what Parliamentary Services are seeking, the original submission in my view, did not speak to a precinct within the sense of the precinct tool set out in the National Planning Standards.

176 I also noted that no compelling reasons or S32AA evidence has been provided in the submission or Mr Coop’s expert evidence to support this change to a precinct. I advised that If Parliamentary Services still seeks to establish a precinct, akin to Te Ngākau (which would create a second precinct within the CCZ) Council would be open to a plan variation or plan change in the future.

177 I acknowledge that Mr Coop in the hearing noted that the Parliamentary Service were happy to come back to what precinct or zone principles and outcomes could look like and would be open to public consultation. I refer Mr Coop to my recommended definition of Parliamentary Activities in Appendix A and paragraph 88 of this Right of Reply.

Civic Trust

178 Ms Helene Ritchie stated in her Hearing Stream 4 presentation that the Te Ngākau Civic Square Precinct provisions enabled vehicle access through the square. I would like to clarify that the Precinct provisions do not enable this.

179 A question around consultation with the Civic Trust was raised in the hearing. I can confirm that I met with members of the Civic Trust including Ms Ritchie and Ms Allen, prior to the notification of the PDP to socialise and discuss the precinct provisions and feedback from the Trust was received and reviewed as part of finalising the provisions.

Clause 16 minor and inconsequential amendments:

180 Pursuant to Schedule 1, clause 16 (2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.

181 I have recommended some minor amendments following Hearing Stream 4 as follows:

- a. Amendment to CCZ-P9(1) Quality Design Outcomes and CCZ-PREC01-P4(1) Amenity and Design to add 'where relevant' for consistency with other CMUZ, as per below:

CCZ-P9	Quality design outcomes Require new development, and alterations and additions to existing development, at a site scale to positively
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	<p>contribute to the sense of place and distinctive form, quality and amenity of the City Centre Zone by:</p> <ol style="list-style-type: none"> 1. Meeting the requirements of the Centres and Mixed Use Design Guide as relevant; <p>...</p>
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CCZ-PREC01-P4	<p>Amenity and Design</p> <p>Require development within the Te Ngākau Civic Square Precinct to contribute positively to its visual quality, amenity, interest and public safety by:</p> <ol style="list-style-type: none"> 1. Meeting the requirements of the Centres and Mixed Use Design Guide and the Residential Design Guide where possible; <p>...</p>
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- b. Amendment to WIND-R1.3 in WIND-R1.8 and WIND-R1.9 as the reference in these rules to the permitted activity WIND-R1.3 rule for TEDZ and HOSZ is missing, yet the zones are included within the rule boxes, as follows:

<p>Local Centre Zone</p> <p>Neighbourhood Centre Zone</p> <p>High Density Residential Zone</p> <p>Tertiary Education Zone</p> <p>Hospital Zone</p>	<p>8. Activity status: Restricted Discretionary</p> <p><u>Where:</u></p> <ol style="list-style-type: none"> a. Compliance with WIND-R1.2 or WIND-R1.3 cannot be achieved; or b. New buildings and structures exceed 15m above ground level, but are less than 25m above ground level. <p>...</p>
<p>Local Centre Zone</p> <p>Neighbourhood Centre Zone</p> <p>High Density Residential Zone</p>	<p>9. Activity status: Restricted Discretionary</p> <p><u>Where</u></p> <ol style="list-style-type: none"> 1. Compliance with WIND-R1.2 or WIND-1.3 cannot be achieved; or 2. New buildings and structures exceed 25m above ground level. <p>...</p>

<p><u>Tertiary Education Zone</u></p> <p><u>Hospital Zone</u></p>	
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- c. Correction of the term ‘Quantitative wind assessment’ to ‘Quantitative wind study’ within WIND-R1 to reflect intended wording, as reflected in the rest of the chapter, the notified PDP chapter and Appendix 8 Quantitative Wind Study and Qualitative Wind Assessment – Modelling and Reporting Requirements.
- d. A correction to CCZ-PREC01 Te Ngākau Civic Square Precinct introduction to refer to Heritage ‘scheduled’ heritage buildings instead of ‘listed’ heritage buildings.
- e. Minor correction to add ‘either’ for CCZ-R15 Yard Based Retail as follows:

<p>1. Activity status: Discretionary Notification Status: An application for resource consent made in respect of rule CCZ-R15, <u>that is either a new activity or expands the net area of an existing activity must be publicly notified</u> must be publicly notified except when the application activity relates to the maintenance, operation and upgrading of an existing activity.</p>
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Mr Andrew Wharton's Response: Waterfront Zone:

Scope of reply

182 The Reply includes information requested in the Civic Trust's presentation about my recommendations for changing the mapping of Public Open Space specific controls and the current Waterfront Zone building coverage. I also acknowledge Mr Jeffries' point about what constitutes significant additions to Waterfront Zone buildings.

Scope to trim area of Public Open Space specific control

183 In the Wellington Civic Trust's presentation to the Hearings Panel, they were unclear why my Section 42A report on the Waterfront Zone recommended "mapping more accurately the public space around the adjacent public toilets. Refer Figure 2"³¹ – i.e. trimming the specific control to exclude the vehicle manoeuvring space southwest of the Steamship building. The Trust's submission asked for public space areas to be retained and extended where possible, not removed.

184 My overall recommendation for land around the Steamship building is for a net *increase* in Public Open Space mapping, as shown in my S42A Report Figure 2. But I acknowledge that the Trust do not want to see any reduction in the existing Public Open Space mapped areas.

185 My recommendation to better define this public open space aligns with my analysis in my S42A Report para 47c in response to the Trust's submission. This stated that I do not support mapping as Public Open Space the service lanes and areas, vehicle parking and loading/offloading spaces, because the Public Open Space policies, rules and standards are less applicable to those areas. In the hearing, the Trust disagreed with this perspective.

³¹ Section 42A Report – Hearing Stream 4 – Waterfront Zone, para 48(b).

186 Under RMA Schedule 1 Clause 99, Panel recommendations under the Intensified Streamlined Planning Process (ISPP) are not limited to being within the exact scope of submissions, but must be on a topic raised by the submitter. The protection of Waterfront Zone public open space is identified as “ISPP” in WFZ-O3 and WFZ-P7. The mapping of where these provisions apply is therefore also ISPP. My recommendation is within the scope of the matter raised by the Trust of Public Open Space mapping of existing Waterfront Zone publicly accessible open spaces.

Public notification for additions and alterations

187 In Mr Jeffries’ evidence on behalf of Fabric Property Ltd [425], and reiterated in his presentation at the hearing, he recommends amending WFZ-R14.6 (discretionary rule for additions and alterations to buildings and structures, except in Public Open Space and Queens Wharf Buildings) to remove the mandatory public notification clause. He disagrees that additions and alterations that are non-compliant with WFZ-R14.5 are necessarily ‘significant’ in all cases.

188 In my 19 June 2023 supplementary evidence where I retained my support for public notification, I missed the nuance that Mr Jeffries identified. He pointed out that public notification would be required not only for major (>5% footprint) additions, but also if any standards WFZ-S1 – WFZ-S6 are not met. These standards are:

- Maximum building height
- Minimum sunlight access – public space
- Outlook space per residential unit
- Minimum residential unit size
- Building separation distance
- Waterfront Zone site coverage

189 I agree that a building addition or alteration that does not meet one or more of these standards may not be significant enough for public notification in every instance. The assessment criteria when these

standards are infringed imply as much, setting the extent to which various adverse effects or mitigating factors may apply.

190 Maximum building height is the one standard where, if exceeded through a building addition/alteration, public notification is appropriate. Many people care a lot about the height of buildings in the visually prominent Waterfront Zone, for example in the direct referrals and appeals for buildings described in my 19 June 2023 supplementary evidence para 11. Building height increases, in my view, would need public notification in line with the statement in the Waterfront Zone Introduction: *“When constructing new and redeveloped buildings and public spaces, the Waterfront Zone requires public involvement and weighs the public interest very highly as the Zone is predominantly a public area. Applications for significant new development in the Waterfront Zone are publicly notified.”*

191 I amend my recommendation in the Section 42A report para 134 so that the public notification clause remains for building additions/alterations that do not comply with WFZ-R14.5.a or with WFZ-S1.

35% building coverage in the Waterfront Zone

192 In Hearing Stream 4, the Wellington Civic Trust presenters said they were not aware that the 35% Waterfront Zone building coverage included the road corridors from Waterloo Quay to Oriental Parade. The Trust asked for the 35% building coverage to exclude legal road from the measurement.

193 This 35% building coverage standard in the Proposed Plan’s Waterfront Zone is the same as in the Operative Plan’s Lambton Harbour Area standard 13.6.3.8.1, which also showed the Lambton Harbour Area including the roads in its Planning Maps.

194 Here is the current building coverage for the Waterfront Zone:

	Full Waterfront Zone	Waterfront Zone excluding road area within the zone
Land area (m2)	210,430	162,294
Total building area (m2)	49,910	48,782
Building coverage (%)	23.7%	30.1%
Building coverage once Frank Kitts carpark is gone	22.0%	27.8%

195 Whether the roads are included in the calculation or not, there is enough remaining building coverage potential under the 35% threshold to develop all the identified areas of change and also the Port-owned triangle of Waterfront Zone land.

196 My recommendation to retain 35% building coverage across the whole Waterfront Zone remains unchanged.

Appendix 1: One Tasman Street development – Wind assessment notes – Dr Donn

THE WIND ENVIRONMENT

In my assessment of an earlier proposal for this site I noted:

“The location of the site on the ridge of Mount Cook, Wellington, with few buildings nearby seemed a likely source of the high wind speeds recorded in the wind tunnel test of the existing wind conditions. Therefore, in order to better understand the actual windiness of this site, the wind speeds characteristic of the wind in three other locations about the city were analysed from wind tunnel test reports for other sites. For this report, the text version of that analysis has been converted to the following table indicating the general windiness of the average wind speeds experienced on site:

Pre-development windiness of the site (average hours above tolerable threshold speed)			
1 Pukeahu	104 Dixon St	61 Molesworth St	2-12 Aitken St
Mt Cook	Centre of mid-rise CBD	Another ridge in Wellington - Thorndon	
<i>The threshold of tolerable wind for sitting outside for a long period of time is 9km/hr (2.5m/s in the District Plan).</i>			
Average of 48 points	Average of 31 points	Average of 71 points	
3500 hours (~146 ‘days’)	1041 hours (~43 ‘days’)	2000 hours (~80 ‘days’)	

I went on to note: *“Overall then, Tasman Street wind is far higher than the Thorndon wind, and both a significantly more windy than in amongst the tall buildings in the centre of the CBD. However, a remarkable feature of this comparison is that the above picture of the much higher average current wind speeds in Tasman Street, is not representative of the gustiness of the wind.*

Pre-development number of points where the safety criterion is exceeded			
1 Pukeahu	104 Dixon St	61 Molesworth St	2-12 Aitken St
Mt Cook	Centre of mid-rise CBD	Another ridge in Wellington - Thorndon	
<i>Number of points exceeding the threshold of safety which is a gust of 72km/hr (20m/s in the District Plan).</i>			
Total points: 48	Total points: 31	Total points: 37	Total points: 34
1 (2%) exceeds criterion 24 (50%) equal/exceed criterion	0 exceed safety criterion	12 (32%) exceed criterion 16 (43%) equal/exceed criterion	3 (9%) exceed criterion 8 (24%) equal/exceed criterion

“The conclusion is that [the existing] wind in Tasman Street is [characteristic of a site that is] much more exposed, but far less turbulent or less gusty [than any of these other sites] because there is little local disturbance to the flow by surrounding buildings; however it is clear that Tasman street does still [currently] experience very high winds as half the 48 measurement points experience gusts equal to the WCC safety criterion.”

On any site like this we are returning to the situation in 1920-1930s Wellington where the intrusion of the initially 6 and then 8 storey Hope Gibbons building created a location in the city that was notoriously dangerous for the next 60 years.

The risk, therefore is that any medium scale building near the footpaths, like the Hope Gibbons building will likely reproduce the safety and windiness issues formerly experienced at the Hope Gibbons corner, unless care is taken in the design. The current wind environment does not suffer from this issue because the tall parts of the buildings on site are well set back from pedestrian thoroughfares thus ensuring what wind effects occur on site remain on the roofs of the lower buildings along the footpath edges.

Since the 1980s the Wellington City Council has provided a design guide that provides good practice advice for building scale and form to reduce pedestrian level wind accelerations due to building design. It is the intention of this guide and of the Wind Rules in the District Plan that new buildings avoid creating further dangerous situations, and to avoid general worsening of the wind. This is to be achieved primarily through building design, with off-site amelioration such as trees and wind breaks providing the opportunity for fine tuning.






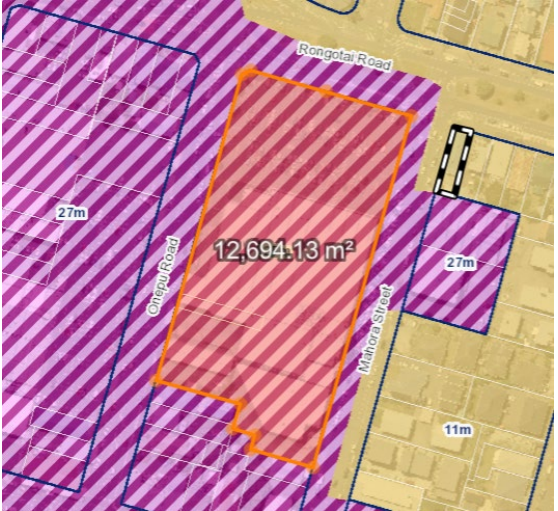
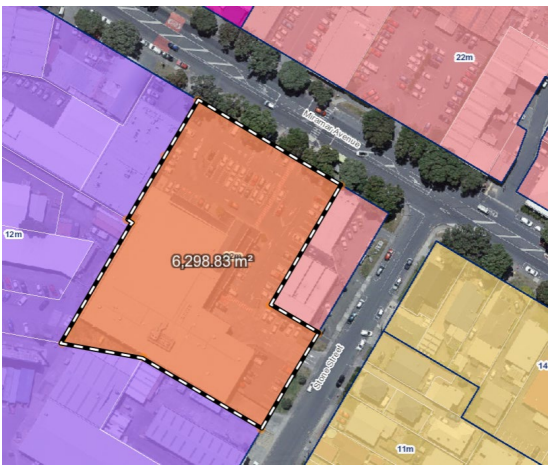
Appendix 2: Modelling of minimum building separation distance, maximum building depth for residential activities and outlook space standards

Appendix 3: Supermarket Site Area

Supermarket:	Zone:	Site Area: (approximate):	Location:
Chaffers New World	CCZ	8,385m ²	
Thorndon New World	CCZ	10,765m ²	
Newtown Countdown	LCZ	6,145M ²	

<p>Newtown New World</p>	<p>LCZ</p>	<p>4434m² +</p>	
<p>Island Bay New World</p>	<p>LCZ</p>	<p>3210</p>	
<p>Crofton Countdown</p>	<p>Downs LCZ</p>	<p>8468m²</p>	

<p>Khandallah World</p>	<p>New</p>	<p>LCZ</p>	<p>2508m²</p> 
<p>Tawa</p>	<p>LCZ</p>	<p>6759m²</p>	
<p>Takapu Island</p>	<p>MUZ</p>	<p>14,909m²</p>	

<p>Kilbirnie Pak and Save</p>	<p>MCZ</p>	<p>12,694M²</p>	
<p>Miramar New World</p>	<p>LCZ</p>	<p>6298m²</p>	


Appendix 4: Draft District Plan feedback on Street Edge Height Control


Submitter:	Feedback:
Stratum Management Ltd	<i>This standard is opposed. It will impose significant building engineering costs on a new building proposal, adding significant design complexity and cost, and potentially making it impossible to affordably design a building. These costs in turn will either be passed on and thereby impact on affordability, or it will mean buildings will not be viable for construction.</i>
Aurecon Structural Engineering Advice on behalf of Stratum Management Ltd	<ul style="list-style-type: none"> • <i>When considering a typical apartment (or commercial) building design, this 4m set back will impact the efficiency, and therefore cost of the building structure... Structural efficiency in a multistorey building is reliant on the structure being well distributed and vertically aligned through the building.</i> • <i>A 4m set back on the building façade causes significant issues with apartment layouts in this case as the walls would need to be setback at least 8m back into the building to avoid the façade at the upper levels. In many cases this will mean an inefficient structure, resulting in larger walls and potential need for frames to control torsional drifts in a building, driving the construction costs up.</i> • <i>Recently, there has been a number of buildings built with a structural steel bracing system located on the façade of the building... A perimeter braced structure is a very efficient structural form but relies on the bracing being on the outer edge of the building to avoid braces being located within apartment spaces. The proposed 4m setback will not allow this to occur or would require significant transfer structures at the set back location which would be uneconomical in most cases. It is my view that the proposed rules for CCZ-S4 will add significant costs to design of the multistorey buildings in Wellington.</i>
Guy Marriage	<i>CCZ-S4 Street Edge Height – Agree, but request that it be extended further as per Sydney.</i>
Argosy	<ul style="list-style-type: none"> • <i>Argosy opposes the street edge height controls... we understand the intention of this rule is to provide building setbacks on narrow streets to increase light. However this rule is not effective, due to the analogous requirements to provide verandahs. This rule also restricts efficient building design.</i> • <i>Argosy seeks for standard CCZ-S4 and the corresponding map to be deleted.</i>

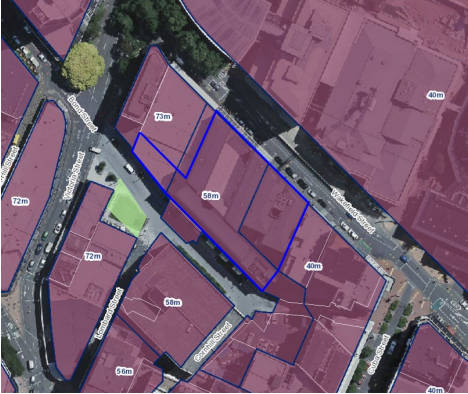
Fabric Property	<ul style="list-style-type: none">• <i>Fabric opposes the Street Edge Height Control as set out in CCZ-S4, particularly in relation to additions to existing buildings. This standard will constrain new development capacity in the city centre and require inefficient building design. As drafted, it also constricts other provisions of the City Centre Zone such as verandah requirements and minimum building heights which will have the effect of blocking light to the street. Therefore, this standard will not achieve its intention of managing scale and dominance effects on the streetscape.</i>• <i>Accordingly, Fabric seeks that CCZ-S4 is deleted.</i>
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Appendix 5: Minimum Sunlight Access – Public Space review


Appendix 6: C.O.C Development Scenarios

Site and zone:	Location	Maximum Height Limit or C.O.C Height Threshold Trigger:	Proposed Height Exceedance:	Points required under Appendix 16	C.O.C that could be provided within the development:	Points that could be given:	Commentary:
Paddington Development – 97 Taranaki Street, Te Aro City Centre Zone		42.5m	Proposed development of 49.5m (14 storeys) . 16% exceedance in height.	20 pts (0-24% exceedance)	Laneway to Ebor Street	10	<ul style="list-style-type: none"> • 10 points to be awarded if done well. • Laneway could be provided to connect these streets and activate the space. • Ground floor commercial would support this laneway.
					Lifemark 5-star – 10% of units provided	10	
Old Johnsonville Library – 5 Broderick Road, Johnsonville Metropolitan Centre Zone		35m	Proposed development of 53m (15 storeys) . Over 50% exceedance in height.	30pts (over 50% of height limit)	Public toilets provided	5	<ul style="list-style-type: none"> • Assuming well-designed and accessible.
					Green Star 6 or Home Star 9 or equivalent or higher included	10	

Site and zone:	Location	Maximum Height Limit or C.O.C Height Threshold Trigger:	Proposed Height Exceedance:	Points required under Appendix 16	C.O.C that could be provided within the development:	Points that could be given:	Commentary:
					Building made with mass timber	10	<ul style="list-style-type: none"> As part of the outcome to reduce embodied carbon.
					Communal Garden provision	5	<ul style="list-style-type: none"> Assuming the garden is provided to a high quality and level of amenity. Full points given as it is publicly accessible and there is activation between the building and garden.
West Plaza Hotel – Wakefield Street City Centre Zone		58m	Proposed development of 78.3m (22 storeys) . 35% exceedance in height. Note: This is not the	30	Public laneway connecting Lombard Lane/Denton Park and Wakefield Street	10	<ul style="list-style-type: none"> 10 points to be awarded if done well. Laneway could be provided to connect these streets and activate the space.

Site and zone:	Location	Maximum Height Limit or C.O.C Height Threshold Trigger:	Proposed Height Exceedance:	Points required under Appendix 16	C.O.C that could be provided within the development:	Points that could be given:	Commentary:
			<p>proposed height of the West Plaza Hotel application that has been submitted to Council.</p>				<ul style="list-style-type: none"> Ground floor commercial would support this laneway.
					Public toilet provision	5	<ul style="list-style-type: none"> Assuming well-designed and accessible.
					Communal rooftop garden provided	5	<ul style="list-style-type: none"> A communal rooftop garden to foster residents' interaction and social well-being. Assuming it is accessible to all residents and well-designed regarding safety and accessibility.
					Adaptive re-use of heritage-listed Hyams Building	10	<ul style="list-style-type: none"> Proposed refurbishment, reinstatement and incorporation of the heritage-listed Hyams

Site and zone:	Location	Maximum Height Limit or C.O.C Height Threshold Trigger:	Proposed Height Exceedance:	Points required under Appendix 16	C.O.C that could be provided within the development:	Points that could be given:	Commentary:
							<p>Building and its incorporation into the development providing for its long-term retention and economic sustainability.</p> <ul style="list-style-type: none"> • If of a high-equality extent of restoration. • If it is clear how the restoration provides for on-going use and maintenance of the heritage building. • Inclusion of interpretative signage.
					Incorporation of stiff core construction as a principal of low	5	<ul style="list-style-type: none"> • Low damage design outcomes to keep building

Site and zone:	Location	Maximum Height Limit or C.O.C Height Threshold Trigger:	Proposed Height Exceedance:	Points required under Appendix 16	C.O.C that could be provided within the development:	Points that could be given:	Commentary:
					damage seismic design		standing and functional.
88 Riddiford Street Newtown Local Centre Zone		22m	Proposed development of 31.9m (9 storeys). 45% exceedance in height.	10	Lifemark 3-star or equivalent rating	5	
					5% of units are new assisted housing units.	5	<ul style="list-style-type: none"> Encumbrance registered on the Records of Title.

Appendix 7 Draft C.O.C alignment with CCZ Objectives and Policies, PDP Strategic Direction and NPS-UD Policy at the time of Hearing Stream 4

Note: This does not reflect the latest Hearing Stream 4 Right of Reply C.O.C Appendix 16 Changes to Table 3

Outcome	Points	Comments	CCZ Objectives and Policies	Strategic Direction	NPS-POL 1
Contribution to Public Space and Amenity (1-10 points)**					
For every 10% of the site accessible as public open space	1-10	The range in points depends on the quality, extent and level of amenity that each solution provides.	<p>CCZ-O2 Accommodating Growth</p> <ul style="list-style-type: none"> (4. Convenient access to a range of open space, including green space, and supporting commercial activity and community facility options.) <p>CCZ-O5 Amenity and Design</p> <ul style="list-style-type: none"> (6. Protecting current areas of open space, including green space, and providing greater choice of space for residents, workers and visitors to enjoy, recreate and shelter from the weather; and) <p>CCZ-O6 Development near rapid transit</p> <ul style="list-style-type: none"> (3. Protecting current areas of open space, including green space, and providing greater choice of space for residents, workers and visitors to enjoy, recreate and shelter from the weather; and) <p>CCZ-P8 Sense of Place</p> <ul style="list-style-type: none"> (Protecting current areas of open space, including green space, and providing greater choice of space for residents, workers and visitors to enjoy, recreate and shelter from the weather; and ... 6. Diversity of accessible, well 	<p>NE-O3</p> <p>The City retains an extensive open space network across the City that:</p> <p>Is easily accessible;</p> <ol style="list-style-type: none"> Connects the urban and natural environment; Supports ecological, cultural, and landscape values; and Meets the needs of anticipated future growth. <p>UFD-O3</p> <p>Medium to high density and assisted housing developments are located in areas that are:</p>	<ul style="list-style-type: none"> have or enable a variety of homes that: (i) meet the needs, in terms of type, price, and location, of different households; and ... have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and support reductions in greenhouse gas emissions; and

			<p>designed civic and public space).</p> <p>CCZ-P9 Quality design outcomes</p> <ul style="list-style-type: none"> (1.d. Provides for a range of supporting business, open space and community facilities; and) <p>CCZ-P11 C.O.C</p> <ul style="list-style-type: none"> (1. <i>Positively contributing to public space provision...</i>). 	<ol style="list-style-type: none"> Connected to the transport network and served by multi-modal transport options; or Within or near a Centre Zone or other area with many employment opportunities; and Served by public open space and other social infrastructure. 	
Any lane-way or through block connection	1-10	The range in points depends on the quality, extent and level of amenity that each solution provides.	<p>CCZ-PREC01-O2</p> <p>5. Provides multiple connections which enable people to conveniently move between the city centre and the waterfront; and</p> <p>CCZ-PREC01-P3</p> <ol style="list-style-type: none"> Provides attractive, safe, efficient, and convenient connections to existing and planned transport networks; Promotes existing and planned pedestrian access and connections between the precinct, the waterfront and the city centre; and <p>CCZ-PREC01-P4</p> <p>9. Retaining and enhancing strong visual and physical connections between the square, the waterfront, the city centre and streets surrounding the precinct; and</p>		<ul style="list-style-type: none"> have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
Provision of appropriate communal gardens, playgrounds, and roof gardens	1-5 [1-10 for HRZ]	The range in points depends on the quality, extent and	<p>CCZ-O2 Accommodating Growth</p> <ul style="list-style-type: none"> (4. <i>Convenient access to a range of open space, including green space, and</i> 		<ul style="list-style-type: none"> have or enable a variety of homes that: (i) meet the needs, in terms of type,

		<p>level of amenity that each solution provides.</p>	<p><i>supporting commercial activity and community facility options.)</i></p> <p>CCZ-O5 Amenity and Design</p> <ul style="list-style-type: none"> • (6. <i>Protecting current areas of open space, including green space, and providing greater choice of space for residents, workers and visitors to enjoy, recreate and shelter from the weather; and)</i> <p>CCZ-O6 Development near rapid transit</p> <ul style="list-style-type: none"> • (3. <i>Protecting current areas of open space, including green space, and providing greater choice of space for residents, workers and visitors to enjoy, recreate and shelter from the weather; and)</i> <p>CCZ-P8 Sense of Place</p> <ul style="list-style-type: none"> • (Protecting current areas of open space, including green space, and providing greater choice of space for residents, workers and visitors to enjoy, recreate and shelter from the weather; and ... 7. Diversity of accessible, well designed civic and public space). <p>CCZ-P9 Quality design outcomes</p> <ul style="list-style-type: none"> • (1.d. Provides for a range of supporting business, open space and community facilities; and) <p>CCZ-P11 C.O.C</p>		<p>price, and location, of different households; and ...</p> <ul style="list-style-type: none"> • have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and • support reductions in greenhouse gas emissions; and
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			<ul style="list-style-type: none"> (1. Positively contributing to public space provision...). 		
Provision of permanent public amenities, i.e. public toilets	1-5	The range in points depends on the quality, extent and level of amenity that each solution provides.	<p>CCZ-PREC01-P4</p> <p>10. Incorporating public amenities, public artwork and means to assist wayfinding, including provision of interpretation and references to the area’s cultural and historic heritage associations.</p>		<ul style="list-style-type: none"> have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
Universal Accessibility (5-10 points)					
Lifemark 5-Star or equivalent or higher	10		<p>CCZ-O2 Accommodating Growth</p> <ul style="list-style-type: none"> 1. A choice of building type, size, affordability and distribution, including forms of medium and high-density housing; <p>CC-P4 Housing Choice</p> <ul style="list-style-type: none"> Offers a range of housing price, type, size and tenure that is accessible to people of all ages, lifestyles, cultures and abilities. <p>CCZ-P11 C.OC. Enabling ease of access for people of all ages and mobility.</p>		<ul style="list-style-type: none"> have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
Lifemark 4-Star or equivalent	7.5				
Lifemark 3-Star or equivalent	5				
Sustainability and Resilience (1-10 points)					
Green Star 6 or Home Star 9 or equivalent or higher	10		<p>CCZ-O5</p> <ul style="list-style-type: none"> (5. Producing a resilient urban environment that effectively adapts and responds to natural hazard risks and the effects of climate change;) <p>CCZ-PREC01-O2: 5. Is sustainable and resilient.</p>	<p>The City’s built environment supports:</p> <ol style="list-style-type: none"> A net reduction in the City’s carbon emissions by 2050; 	<ul style="list-style-type: none"> support reductions in greenhouse gas emissions; and
Green Star 5 or Home Star 8 or equivalent	7.5				
Green Star 4 or Home Star 7 or equivalent	5				

			<p>CCZ-P11: (2. Incorporating a level of building performance that leads to reduced carbon emissions and increased climate change resilience; and/or)</p> <p>CCZ-PREC01-P4 3. Responding to any identified significant natural hazard risks and climate change effects, including the strengthening and adaptive reuse of existing buildings and requiring new buildings to be resiliently designed</p>	<p>2. More energy efficient buildings;</p> <p>3. An increase in the use of renewable energy sources; and</p> <p>4. Healthy functioning of native ecosystems and natural processes.</p>	
<p>Adaptive reuse of buildings Restoration of a degraded heritage building, heritage structure, or site/area of significance to Māori, that is listed in Schedule 1, 2 or 7, and is on the same site or adjoining site to the development</p>	1-10	<p>The range in points depends on the quality, and extent and level of reuse and regeneration of the restoration, and how it provides for ongoing use and maintenance of the heritage or site/area of significance.</p>	<p>CCZ-P6 Adaptive Use Encourage new development and redevelopment in the City Centre Zone that is sustainable, resilient and adaptable to change in use over time</p> <p>CCZ-P9: (2.c. Responds to any identified significant natural hazard risks and climate change effects, including the strengthening and adaptive reuse of existing buildings;)</p> <p>CCZ-P11 3. Incorporating construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs; and/or</p>		
<p>Reduction in embodied carbon in buildings compared to an equivalent standard construction</p>	1-10	<p>The range in points depends on the quality, extent proportion and quantum of reduced embodied carbon</p>	<p>CCZ-O5</p> <ul style="list-style-type: none"> (5. Producing a resilient urban environment that effectively adapts and responds to natural hazard risks and the effects of climate change;) 	<p>SRCC-O1 The City's built environment supports:</p> <p>1. A net reduction in the City's carbon emissions by 2050;</p>	<ul style="list-style-type: none"> support reductions in greenhouse gas emissions; and

		<p>level of amenity that each solution provides.</p>	<p>CCZ-P9: (2.c. Responds to any identified significant natural hazard risks and climate change effects, including the strengthening and adaptive reuse of existing buildings;) CCZ-P11: (2. Incorporating a level of building performance that leads to reduced carbon emissions and increased climate change resilience; and/or) CCZ-PREC01-P4 3. Responding to any identified significant natural hazard risks and climate change effects, including the strengthening and adaptive reuse of existing buildings and requiring new buildings to be resiliently designed</p>	<p>2. More energy efficient buildings;</p> <p>SRCC-O3 <u>Subdivision</u>, development and use:</p> <ol style="list-style-type: none"> 1. Effectively manage the risks associated with climate change and sea level rise; 2. Support the City's ability to adapt over time to the impacts of climate change and sea level rise; and <p>SRCC-O4 Land use, subdivision and development design integrates natural processes that provide opportunities for carbon storage, natural hazard risk reduction and support climate change adaptation.</p>	
<p>Seismic resilience measures <u>Additional to 100% New Building Standard, including such as</u> base isolations, seismic dampers, etc.</p>	<p>1-5</p>	<p>The range in points depends on the <u>quality, extent and level of amenity that each solution provides increase in life safety the measures provide.</u></p>	<p>CCZ-O5</p> <ul style="list-style-type: none"> • (5. Producing a resilient urban environment that effectively adapts and responds to natural hazard risks and the effects of climate change;) <p>CCZ-PREC01-O2: 5. Is sustainable and resilient.</p> <p>CCZ-P9: • (2.c. Responds to any identified significant natural hazard risks and climate change effects, including the strengthening and adaptive reuse of existing buildings;)</p> <p>CCZ-P11</p>	<p>SRCC-O2 Risks from natural hazards are:</p> <ol style="list-style-type: none"> 1. Identified and understood; 2. Planned for through adaptation and mitigation measures to ensure the risks are low; and 3. Avoided where the risks are intolerable. <p>SRCC-O4 Land use, subdivision and development design integrates natural processes that provide opportunities for carbon storage, natural hazard risk reduction and support climate change adaptation.</p>	<ul style="list-style-type: none"> • have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and

			<p>Incorporating construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs; and/or</p> <p>CCZ-PREC01-P4</p> <p>3. Responding to any identified significant natural hazard risks and climate change effects, including the strengthening and adaptive reuse of existing buildings and requiring new buildings to be resiliently designed</p>		
Assisted Housing					
For every 1% of the net floor area in the development that is new assisted housing.	1	Encumbrances registered as first charge on the titles of the assisted housing will be applied to guarantee they remain assisted housing for at least 25 years.	<p>CCZ-O2 Accommodating Growth</p> <p>CCZ-O6 Development near mass transit</p> <p>CCZ-P4 Housing Choice</p> <p>CCZ-P11 C.O.C</p>	<p>UFD-O3</p> <p>Medium to high density and assisted housing developments are located in areas that are...</p> <p>UFD-O6</p> <p>A variety of housing types, sizes and tenures, including assisted housing, supported residential care, and papakainga options, are available across the City to meet the community's diverse social, cultural, and economic housing needs.</p> <p>UFD-O7</p> <p>Development supports the creation of a liveable, well-functioning urban environment that enables all people and communities to provide for their social, economic, environmental, and cultural wellbeing, and for their health and safety now and into the future.</p> <p>4. Being socially inclusive</p>	<ul style="list-style-type: none"> • have or enable a variety of homes that: (i) meet the needs, in terms of type, price, and location, of different households; and ...
Urban Design Panel (1-10 points)					
Urban Design Panel Approval	1-10	The range in points depends on the development's			

		response to all the design guides as decided by the Panel.			
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Appendix 8 Amendments to the Waterfront Zone Chapter

The amendments from the Stream 4 Waterfront Zone Right of Reply are in red.

ISPP

WFZ-R14	Alterations or additions to buildings and structures
<p>Entire Zone, except Public Open Space, Queens Wharf Buildings</p>	<p>5. Activity status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. The alterations or additions do not extend the footprint of the existing building by more than 5% of the footprint at 18 July 2022; and b. Compliance with the requirements of WFZ-S1 – WFZ-S6 are achieved. <p>Matters of discretion are:</p> <ul style="list-style-type: none"> 1. Screening of activities and storage; 2. Dust; 3. Lighting; 4. Design; 5. External appearance; and 6. Height and the placement of building mass. <p>The assessment of the activity must have regard to the Principles and Outcomes in the Wellington City Council Design Guides Introduction [2022].</p>
<p>Entire Zone except Public Open Space, Queens Wharf Buildings</p>	<p>6. Activity status: Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance with the requirements of WFZ-R14.5 cannot be achieved <p>The assessment of the activity must have regard to the Principles and Outcomes in the Wellington City Council Design Guides Introduction [2022].</p> <p>Notification status: An application for resource consent made in respect of Rule WFZ-R14.6 <u>where WFZ-R14.5(a) or WFZ-S1 has not been complied with</u> must be publicly notified.</p>

Appendix 9 – Recommended changes to responses to submissions and further submissions

In order to distinguish between the recommended responses in the Section 42A Waterfront Zone report and the recommendations from this report in response to evidence presented at the Hearing, the changes are shown in blue text (with underline and ~~strike-out~~ as appropriate).

Submitter Name	Sub No / Point No	Sub-part / Chapter / Provision	Position	Summary of Submission	Decisions Requested	Officers Recommendation	Changes to PDP
Fabric Property Limited	425.96	Special Purpose Zones / Waterfront Zone / WFZ-R14	Amend	<p>Seeks amendments to WFZ-R14.6 to remove the mandatory public notification clause.</p> <p>It is more appropriate for notification to be determined on a case-by-case basis, and in some cases non-notification may be appropriate. While Fabric recognises the high degree of public interest in the Waterfront area, public notification and the associated risk of litigation impose a high potential cost on development. There are means to ensure the effects of an alteration on the public realm are appropriately taken into account without the need for public notification, and retain the Council's discretion to publicly notify applications that are appropriate.</p>	<p>Amend WFZ-R14.6 (Alterations or additions to buildings and structures) as follows:</p> <p>...</p> <p>Notification status: An application for resource consent made in respect of Rule WFZ R14.6 must be publicly notified.</p>	<p>Reject</p> <p><u>Accept in part</u></p>	<p>No</p> <p><u>Yes</u></p>
Wellington Civic Trust	FS83.6	Part 3 / Special Purpose Zones / Waterfront Zone / WFZ-R14	Oppose	<p>The type of development which fits into this category will be encroaching into public space, so must be publicly notified.</p>	Disallow	<p>Accept <u>in part</u></p>	<p>No</p> <p><u>Yes</u></p>