

Wellington City Proposed District Plan

Hearing Stream 4

Part 3, Commercial and Mixed Use Zones

Part 1: Overview and General Matters

Section 42A of the Resource Management Act 1991

Document Information

REPORT FOR:	Independent Hearings Commissioners: Robert Schofield (Chair) Liz Burge Heike Lutz Lindsay Daysh
SUBJECT:	Wellington City Proposed District Plan Part 3 – Commercial and Mixed Zones <ul style="list-style-type: none">- City Centre Zone, with Te Ngākau Precinct and Appendix 9- Metropolitan Centre Zone, with DEV1: Kilbirnie Bus Barns- Local Centre Zone- Neighbourhood Centre Zone- Mixed Use Zone- Commercial Zone
PREPARED BY:	Anna Stevens Lisa Hayes
REPORT DATED:	26 May 2023
DATE OF HEARING:	22 June 2023 – 7 July 2023

Executive Summary

- i. This report considers submissions received by Wellington City Council in relation to the relevant objectives, policies, rules, definitions, appendices and maps of the Wellington City Proposed District Plan as they apply to the Commercial and Mixed Use chapters in the Proposed District Plan. These are the:
 - City Centre Zone, including Te Ngākau Civic Square Precinct and Appendix 9 – City Centre Zone and Special Purpose Waterfront Zone – Minimum Sunlight Access and Wind Comfort Control – Public Space Requirements;
 - Metropolitan Zone, including DEV1: Kilbirnie Bus Barns;
 - Local Centre Zone;
 - Neighbourhood Centre Zone;
 - Mixed Use Zone; and
 - Commercial Zone.
- ii. There were a significant number of submissions and further submissions received in relation to these parts of the Proposed District Plan. The submissions received were diverse and sought a range of outcomes. This report outlines recommendations in response to the issues that have emerged from these submissions.
- iii. The following are considered to be the key issues in contention with respect to the Commercial and Mixed Use chapters and Appendix 9:
 - The suitability of the objectives, policies, rules and standards in each of the zone chapters;
 - The suitability of changing the zoning of sites currently within the City Centre Zone;
 - The suitability of the zoning of specific centres;
 - The potential for unlimited building heights in the City Centre Zone;
 - The potential for a new 'Town Centre Zone';
 - The suitability of the City Outcomes Contribution mechanism; and
 - Potential additional and/or fit-for-purpose provisions.
- iv. This report addresses each of these key issues, as well as any other relevant issues raised in the submissions. As the topic encompasses eight separate chapters in the Proposed District Plan, the report is split into six sections for ease of reading.
- v. Appendix A of this report sets out the recommended changes to the Commercial and Mixed Use Zone chapters and Appendix 9 in full. These recommendations take into account all of the relevant matters raised in submissions and relevant statutory and non-statutory documents.
- vi. Appendix B of this report details officers' recommendations on submissions, and whether those submissions should be accepted or rejected. The reasoning for these recommendations is set out in the body of this report.
- vii. A full set of recommendations is provided at Appendix C.

- viii. The recommendations on these chapters will also be subject to a number of consequential amendments arising from submissions to the whole of the Proposed District Plan and other chapters.

- ix. For the reasons set out in the Section 32AA evaluation included throughout this report, the proposed objectives and associated provisions, with the recommended amendments, are considered to be the most appropriate means to:
 - a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
 - b. Achieve the relevant objectives of the Proposed District Plan, in respect to the proposed provisions.

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Interpretation

Table 1: Abbreviations

Abbreviation	Means
centre the Act / the RMA	Resource Management Act 1991
the Enabling Act	Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021
the Council	Wellington City Council
ODP	Operative Wellington City District Plan
PDP	Proposed Wellington City District Plan
Appendix 9	City Centre Zone and Special Purpose Waterfront Zone – Minimum Sunlight Access and Wind Comfort Control – Public Space Requirements
BECA Report	Report prepared by BECA and Studio Pacific Architecture titled ‘Wellington Outer Suburbs Assessment & Evaluation, 03.03.2020
Boffa Miskell Report	Report prepared by Boffa Miskell titled ‘Planning for Residential Amenity’, July 2021
CCZ	City Centre Zone
CCZ, WFZ, STADZ and Te Ngākau S32	City Centre Zone, Waterfront Zone, Stadium Zone and Te Ngākau Civic Square Precinct Section 32 Report
COMZ	Commercial Zone
CMUDG	Centres and Mixed Use Design Guide
CMUZ	Commercial and Mixed Use Zones
GIZ	General Industrial Zone
GWRC	GWRC
HRZ	High Density Residential Zone
IHP	Independent Hearings Panel
LCZ	Local Centre Zone
MCZ	Metropolitan Centre Zone
MDRA	Medium Density Residential Area (ODP)
MRZ	Medium Density Residential Zone
MUZ	Mixed Use Zone
Planning Standards	National Planning Standards
National War Memorial	The National War Memorial, which includes the Carillon, Hall of Memories, Tomb of the Unknown Warrior, steps, pool and forecourt, and pohutukawa-clad escarpment (containing pedestrian routes at various levels)
NCZ	Neighbourhood Centre Zone
NES	National Environmental Standard
NES-SDW	National Environmental Standards for Sources of Drinking Water 2007
NOSZ	Natural Open Space Zone
NPS	National Policy Statement
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-UD	National Policy Statement on Urban Development 2020
NZCPS	New Zealand Coastal Policy Statement 2010
OSZ	Open Space Zone
Pukeahu Park	Pukeahu National War Memorial Park, comprising the public space associated with the National War Memorial and collection of national memorials within it
RDG	Residential Design Guide
RPS	Wellington Regional Policy Statement 2013

SASM	Sites and Areas of Significance to Māori
Sense Partners Report	Report titled 'Retail and Market Assessment' prepared by Colliers International and Sense Partners, dated 30 November 2020
Spatial Plan	Spatial Plan for Wellington City 2021
S32	Section 32 of the Resource Management Act 1991
S32AA	Section 32AA of the Resource Management Act 1991
TCZ	Town Centre Zone
TEDZ	Special Purpose Tertiary Education Zone
Te Ngākau	Te Ngākau Civic Square Precinct
TPG Report	Report prepared by The Property Group titled 'Wellington City District Plan Proposed Amenity and Design Provisions', June 2022
VS	Viewshaft
WFZ	Special Purpose Waterfront Zone

Table 2: Abbreviations of Submitters' Names

Abbreviation	Submission references	Submitter
Argosy	383	Argosy Property No. 1 Limited
Corrections	240	Ara Poutama Aotearoa the Department of Corrections
FENZ	273 FS14	Fire and Emergency New Zealand
Foodstuffs	476 FS23	Foodstuffs Limited
Gen Zero	254 FS54	Generation Zero
GWRC	FS80	Greater Wellington Regional Council
Heritage NZ		Heritage New Zealand Pouhere Taonga
Investore	405	Investore Property Limited
Kāinga Ora	391	Kāinga Ora Homes and Communities
KiwiRail	40	KiwiRail Holdings Limited
MOE		Ministry of Education
Oil companies	372	Z Energy, BP Oil NZ Ltd and Mobil Oil NZ Limited
Property Council		Property Council of New Zealand
Restaurant Brands	349	Restaurant Brands Limits
Retirement Villages Association	350 FS126	The Retirement Villages Association of New Zealand
Ryman	346 FS128	Ryman Healthcare Limited
Stride	470	Stride Investment Management Limited
Taranaki Whānui	389	Taranaki Whānui ki te Upoko o te Ika
VUWSA	123	Victoria University of Wellington Students' Association
Waka Kotahi	370 FS103	Waka Kotahi NZ Transport Agency
WCC ERG	377	WCC Environmental Reference Group
WCCT	233 FS82	Wellington's Character Charitable Trust
Willis Bond	416	Willis Bond and Company Limited
Woolworths	359	Woolworths New Zealand
Z Energy	361	Z Energy Limited

In addition, references to submissions includes further submissions, unless otherwise stated.

Part 1 – Overview and General Matters

1.0 Introduction

1.1 Purpose of the Section 42A Report

1. The report is prepared under section 42A of the Resource Management Act 1991 (the **RMA**) to:
 - a. Assist the Independent Hearings Panel (**IHP**) in their role as Independent Commissioners in making their decisions on the submissions and further submissions on the Wellington City Proposed District Plan (the **PDP**); and
 - b. Provide submitters with information on how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.

2. This s42A report relates to Hearing Stream 4 – Commercial and Mixed Use Zones (**CMUZ**). The report is separated into the following sections:
 - Overview and General Matters
 - Part 1: City Centre Zone (**CCZ**), including Te Ngākau Civic Square Precinct (**Te Ngākau**) and Appendix 9: City Centre Zone and Special Purpose Waterfront Zone – Minimum Sunlight Access and Wind Comfort Control – Public Space Requirements (**Appendix 9**)
 - Part 2: Metropolitan Centre Zone (**MCZ**), including Development Area 1: Kilbirnie Bus Barns (**DEV1**)
 - Part 3: Local Centre Zone (**LCZ**)
 - Part 4: Neighbourhood Centre Zone (**NCZ**)
 - Part 5: Mixed Use Zone (**MUZ**)
 - Part 6: Commercial Zone (**COMZ**)
 - Appendices
 - o Appendix A: Recommended amendments to provisions (tracked)
 - o Appendix B: Recommended responses to submissions and further submissions (tables)
 - o Appendix C: Full Set of Recommendations
 - Expert Evidence

3. Note that the following provisions under the ambit of Hearing Stream 4 - CMUZ are addressed in a separate s42A report:
 - Centres and Mixed Use Design Guide (**CMUDG**)
 - Wind (**WIND**)
 - General Industrial Zone (**GIZ**)
 - Special Purpose Waterfront Zone (**WFZ**)

4. Submissions and further submissions received by the Council in relation to general issues relating to the CMUZ, along with relevant objectives, policies, rules, definitions as they apply to each specific zone are considered within the abovementioned parts of the S42A report. Where relevant, other parts of the PDP have been addressed in this report.

5. Within the body of Parts 2 to 6 of this S42A report, and the associated tables provided at Appendix B, officers make recommendations as to whether or not submissions should be

accepted or rejected, along with conclusions and recommendations for changes to the PDP provisions or maps based on the assessment and evaluation contained in the report.

6. This section of the s42A report comprises Overview and General Matters. It sets out contextual and procedural matters before addressing general submission points relating to the CCZ, MCZ, NCZ, LCZ, MUZ and COMZ.
7. This report is intended to be read in conjunction with the Section 42A Overview Report (dated 20 January 2023), which sets out the statutory context, background information and administrative matters pertaining to the District Plan review and PDP.
8. The IHP may choose to accept or reject the conclusions and recommendations of this report, or may come to different conclusions and make different recommendations based on the information and evidence provided to them by submitters.

1.2 Authors and Qualifications

Anna Stevens

9. My name is Anna Stevens. I am the author of Part 1 (City Centre Zone) of this section 42A report.
10. I am a Team Leader in the District Planning Team at Wellington City Council (**the Council**).
11. I hold the qualification of Master of Planning and Bachelor of Arts (Geography and Psychology) from the University of Otago. I am an Intermediate Member of the New Zealand Planning Institute and have served for five years as a member of Wellington Branch Committee.
12. I have seven years' experience in planning and resource management. I had policy roles at Bay of Plenty Regional Council, Harrison Grierson and Boffa Miskell (including a secondment to Department of Corrections) prior to joining the Wellington City Council. In these roles I have been responsible for the preparation and lodgement of resource consent applications, providing general planning and feasibility advice under various district plans and processing private plan change as a consultant Council officer.
13. I have been involved with the District Plan Review since joining the District Planning Team in 2019. I have been involved with the development of the Spatial Plan and Draft District Plan since their initial drafting, participated in community engagement, and helped refine the provisions in the lead up to notification of the PDP.
14. I have led the drafting of new chapters for City Centre Zone, Te Ngākau Civic Square Precinct, Viewshafts, Wind, Special Purpose Hospital Zone and Special Purpose Tertiary Education Zone. I have assisted in the drafting of the Special Purpose Waterfront Zone, Special Purpose Port Zone, Inner Harbour Port Precinct, Multi-User Ferry Precinct, Special Purpose Stadium Zone, Temporary Activities chapter and Signage chapter and peer reviewed other chapters in the plan. I prepared the section 32 reports for the Wind topic, City Centre Zone, Te Ngākau Civic Square Precinct, Special Purpose Waterfront Zone and Special Purpose Stadium Zone.

15. I am also the reporting officer on Viewshaft Chapter, Schedule 5 - Viewshafts, the Wind Chapter, the Centres and Mixed Use Design Guide and Special Purpose Stadium Zone.
16. My role in preparing the Overview and General Matters and Part 1 (CCZ) sections of this report is that of an expert in planning.

Lisa Hayes

17. My name is Lisa Hayes. I am the author of Part 2 (Metropolitan Centre Zone), Part 3 (Local Centre Zone), Part 4 (Neighbourhood Centre Zone), Part 5 (Mixed Use Zone) and Part 6 (Commercial Zone).
18. I am a Principal Advisor in the District Planning Team at Wellington City Council (the Council). I hold the qualification of Post-Graduate Diploma in Arts (Planning) from Massey University. I also hold a Master of Arts (Distinction) in Pacific Studies and a Bachelor of Arts (First Class Honours) in Pacific Studies from the University of Canterbury, and a Bachelor of Arts in Māori Studies from the University of Otago.
19. I have been a member of the District Planning Team for 1 year. Prior to notification of the Proposed District Plan (PDP) in July 2022 I assisted with a review of the chapters, including the MCZ, NCZ, LCZ, MUZ, COMZ and GIZ, and others such as the Special Purpose Hospital Zone and Special Purpose Tertiary Zone.
20. In total I have 21 years experience in planning and resource management, with 20 of these in the Resource Consents Team. Initially I worked for four years as a Hearings Advisor, before my 17 year tenure as a Resource Consents Planner. In that role I assessed a range of resource consent applications. In the later years my focus was on large scale developments in the central city and other centres.
21. I am a full member of the New Zealand Planning Institute and an accredited commissioner.
22. My role in preparing the MCZ, LCZ, NCZ, MUZ and COMZ sections of this report is that of an expert in planning.

1.3 Code of Conduct

23. The Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court came into effect on 1 January 2023. The Code of Conduct has been complied with in the preparation of this section 42A report, and will be complied with in the preparation of any supplementary evidence and presentation of oral evidence.
24. Other than where it is stated that the evidence or advice of another person is relied on, this evidence is within our area expertise. No material facts that might alter or detract from the opinions expressed have been omitted from consideration
25. Any supporting evidences considered in forming the opinions in this suite of reports are set out below at section 1.4 of this report.

1.4 Supporting Evidence

26. The expert evidence, literature, legal cases or other material that has been taken into account in preparation of this section 42A report is as follows:

Background Information:

- a. The Wellington City District Plan (the **ODP**)¹, including section 32 reports that inform the ODP provisions;
- b. The plan titled 'Our City Tomorrow – Spatial Plan for Wellington City (the **Spatial Plan**)²;
- c. The report titled 'Retail and Market Assessment' by Colliers International and Sense Partners, dated 30 November 2020 (the **Sense Partners Report**)³;
- d. The report titled 'Wellington Outer Suburbs Assessment & Evaluation' prepared for the Council by BECA and Studio Pacific Architecture, dated 03.03.03 (the **BECA Report**)⁴;
- e. The report prepared by The Property Group titled 'Wellington City District Plan Proposed Amenity and Design Provisions', June 2022 (the **TPG Report**)⁵;
- f. The report prepared by Deyana Popova, Urban Perspectives Ltd, titled 'District Plan Review Mass Provisions Report DRAFT 31 October 2020', October 2022 (the **Urban Perspectives Report**)⁶; and
- g. The report prepared by Boffa Miskell titled 'Planning for Residential Amenity', July 2021 (the **Boffa Miskell Report**)⁷.

Statements of Evidence:

- a. Statement of Expert Evidence prepared by Dr Farzad Zamani (formerly Manager Urban Regeneration and Design, now Programme Manager Te Ngākau), dated 26 May 2023;
 - b. Statement of Expert Evidence prepared by Dr Kirdan Lees, Sense Partners, with respect to Sense Partner's market and retail economic assessment work, dated 24 May 2023⁸;
27. The expert evidence statements can be found online at:
[Plans, policies and bylaws - Hearings topics and schedule - Wellington City Council](#)

2.0 Key resource management issues in contention

28. The submission and further submission points received in relation to the CCZ, Te Ngākau, Appendix 9, MCZ, Dev1, NCZ, LCZ, MUZ and COMZ, are addressed in detail at Parts 1 to 6 of this S42A Report respectively, with general submission points detailed later in this Overview and General Matters report.

¹ [Plans, policies and bylaws - Current District Plan - Wellington City Council](#)

² [Adopted Spatial Plan 2021 \(arcgis.com\)](#)

³ [retail-and-market-assessment-november-2020.pdf \(wellington.govt.nz\)](#)

⁴ [introduction.pdf \(wellington.govt.nz\)](#)

⁵ [proposed-amenity-and-design-provisions-cost-benefit-analysis-june-2022.pdf \(wellington.govt.nz\)](#)

⁶ [District Plan Review Mass Provisions Report DRAFT 31 October 2020](#)

⁷ [planning-for-residential-amenity-report-july-2021.pdf \(wellington.govt.nz\)](#)

⁸ [Statement of evidence of Dr Kirdan Ross Lees on behalf of Wellington City Council](#)

29. Key topics arising in the submissions and further submissions were:
- a. The suitability of the objectives, policies, rules and standards in each of the zone chapters;
 - b. The suitability of changing the zoning of sites currently within the City Centre Zone;
 - c. The suitability of the zoning of specific centres;
 - d. The potential for unlimited building heights in the City Centre Zone;
 - e. The potential for a new 'Town Centre Zone';
 - f. The suitability of the City Outcomes Contribution mechanism; and
 - g. Potential additional and/or fit-for-purpose provisions.
30. There are a number of matters either not in contention or not needing further consideration, for example where no submissions were received in relation to an objective, policy, rule or standard. The matters not in contention in each chapter are listed in the relevant section of this S42A report. It is recommended that these matters are adopted as notified, and no further consideration of them is required.

4.0 Procedural Matters

31. At the time of writing this report there have been no pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on any Commercial and Mixed Use provisions.
32. It is noted that some submissions in the submission tables at Appendix B of this s42A report relate to matters that have been addressed in Hearing Stream 1 (Strategic Direction), Hearing Stream 2 (Residential) and/or Hearing Stream 3 (Historic Heritage). If submission points have been addressed in earlier streams this has been noted. In this respect, it is noted that the question as to whether or not the Centres and Mixed Use Design Guide (and Design Guides in general) should form a statutory part of the District Plan was addressed in Hearing Stream 2.
33. Minute 15 of the IHP (dated 11 April 2023) directs that the Design Guides, including their scope and content, are to be addressed at the Wrap Up Hearing for Hearing Streams 1 to 5, following expert conferencing.
34. The submission tables at Appendix B also include reference to matters that will be addressed in later hearing streams. Where a submission point is included in the summary tables for the CMUZ but would be more appropriately assessed under later hearing streams, this has been noted in my report and in the relevant table.

5.0 Background and Statutory Considerations

5.1 Resource Management Act 1991

35. The PDP has been prepared in accordance with the RMA and in particular the requirements of:
- Section 74 Matters to be considered by territorial authority; and
 - Section 75 Contents of district plans.

36. The following Section 32 Evaluation Reports are relevant to the CMUZ provisions that will be addressed in this S42A report:

[Section 32 - Part 1 - Context to Evaluation and Strategic Objectives \(wellington.govt.nz\)](https://www.wellington.govt.nz/section-32-part-1-context-to-evaluation-and-strategic-objectives)

[Section 32 - Part 2 - City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct \(wellington.govt.nz\)](https://www.wellington.govt.nz/section-32-part-2-city-centre-zone-special-purpose-waterfront-zone-special-purpose-stadium-zone-and-te-ngakau-civic-square-precinct)

[Section 32 - Part 2 - Centres, Commercial, Mixed Use and Industrial Zones \(wellington.govt.nz\)](https://www.wellington.govt.nz/section-32-part-2-centres-commercial-mixed-use-and-industrial-zones)

37. Since public notification of the PDP and publishing of the related section 32 evaluation reports on 18 July 2022, the following relevant statutory considerations have changed or been introduced:

b. The Spatial Planning Bill and Natural and Built Environment Bill were introduced to Parliament and have been referred to Select Committees (14.11.2022).

- These Bills are currently before the select committee and have no implications for the PDP.

c. Plan Change 1 to the Wellington Regional Policy Statement was notified (19.08.2022).

- A submission was received from the Wellington Regional Council seeking amendments to the PDP, in part to achieve alignment with its notified Plan Change. Submission points that relate to the chapters and matters of this s42a report are addressed here. Other submission points are addressed in other relevant s42 reports.

5.2 Schedule 1 and ISPP

38. As detailed in the section 42A Overview Report, the Council has chosen to use two plan review processes:

- a. The Intensification Streamlined Planning Process (ISPP) under Part 6 of Schedule 1 of the RMA for the intensification planning instrument (IPI). There are no appeal rights on ISPP provisions.
- b. For all other PDP provisions and content, the Part 1 of Schedule 1 process is used. Part 1 Schedule 1 provisions can be appealed.

39. The PDP is annotated with provisions that are to be assessed under the ISPP and the Part 1 Schedule 1 process. For this topic, the following chapters have provisions that fall under **both the ISPP and P1 Sch1** processes, however chapters are being considered as a whole, as follows:

a. City Centre Zone:

- i. Introduction – Pt 1 Sch 1
- ii. Objectives – ISPP
- iii. Policies CCZ-P4-CCZ-P6 and CCZ-P8-CCZ-P12 - ISPP
- iv. Policies CCZ-P1-CCZ-P3 and CCZ-P7 – Pt 1 Sch 1
- v. Rules CCZ-R17-CCZ-R20 – ISPP
- vi. Rules CCZ-R1-CCZ-R16, CCZ-R21 and CCZ-R22 – Pt 1Sch 1
- vii. Standards CCZ-S1-CCZ-S13 – ISPP

b. Te Ngākau Civic Square Precinct:

- i. Introduction – Pt 1Sch 1
- ii. Objectives – ISPP
- iii. Policies – CCZ-PREC01-P2-CCZ-PREC01-P4 – ISPP
- iv. Policies – CCZ-PREC01-P1 – Pt 1Sch 1
- v. Rules CCZ-PREC01-R7 (Note: this should say CCZ-PREC01-R8) - ISPP
- vi. Rules CCZ-PREC01-R1-CCZ-PREC01-R7 – Pt 1Sch 1
- vii. Standard CCZ-PREC01-S1 – ISPP

c. Metropolitan Centre Zone

- i. Introduction – Pt 1 Sch 1
- ii. Objectives O1-O3 – ISPP
- iii. Objective O4 – Pt 1 Sch 1
- iv. Policies MCZ-P1 and MCZ-P6 to MCZ-P10 - ISPP
- v. Policies MCZ-P2-MCZ-P5 – Pt 1 Sch 1
- vi. Rules MCZ-R18 to MCZ-R20 - ISPP
- vii. Rules MCZ-R1 to MCZ-R17, MCZ-R21 to MCZ-R22 - Pt 1 Sch 1
- viii. Standards MCZ-S1 to MCZ-S11 – ISPP

d. Local Centre Zone

- i. Introduction – Pt 1 Sch 1
- ii. Objectives O1-O3 – ISPP
- iii. Objective O4 – Pt 1 Sch 1
- iv. Policies LCZ-P1 and LCZ-P6 to LCZ-P10 - ISPP
- v. Policies LCZ-P2-LCZ-P5 – Pt 1 Sch 1
- vi. Rules LCZ-R16 to LCZ-R18 - ISPP
- vii. Rules LCZ-R1 to LCZ-R15, LCZ-R19 to LCZ-R20 - Pt 1 Sch 1
- viii. Standards LCZ-S1 to LCZ-S11 - ISPP

e. Neighbourhood Centre Zone

- i. Introduction – Pt 1 Sch 1
- ii. Objectives O1-O3 – ISPP
- iii. Objective O4 – Pt 1 Sch 1
- iv. Policies NCZ-P1 and NCZ-P6 to NCZ-P10 - ISPP
- v. Policies NCZ-P2-NCZ-P5 – Pt 1 Sch 1
- vi. Rules NCZ-R16 to NCZ-R18 - ISPP
- vii. Rules NCZ-R1 to NCZ-R15, NCZ-R19 to NCZ-R20 - Pt 1 Sch 1
- viii. Standards NCZ-S1 to NCZ-S11 - ISPP

The following full chapters fall under the **ISPP**:

- a. Appendix 9: City Centre Zone and Special Purpose Waterfront Zone – Minimum Sunlight Access and Wind Comfort Control – Public Space Requirements
- b. DEV1: Kilbirnie Bus Barns

And the following chapters fall under the **Part 1 Schedule 1** process:

- a. Mixed Use Zone
- b. Commercial Zone

5.3 Section 32AA

40. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) A further evaluation required under this Act—

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

41. Evaluations of the recommended amendments to provisions since the initial section 32 evaluations were prepared have been undertaken in accordance with s32AA. The required s32AA evaluations for changes proposed as a result of consideration of submissions are contained within the assessments provided in relation to submissions on the separate CMUZ. These evaluations are provided at the relevant sections of this and other CMUZ S42A reports, as required by s32AA(1)(d)(ii).

42. The s32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated. No re-evaluation has been undertaken if the amendments have not altered the policy approach.

43. For changes that represent a significant departure from the PDP as notified, we have undertaken the s32AA evaluation within the report in the same location as a recommendation.

5.4 Trade Competition

44. Trade competition is not considered relevant to the provisions of the PDP relating to this topic.
45. There are no known trade competition issues raised within the submissions.

6.0 Zone Framework

46. The s32 report titled 'Part 1 – Context to Evaluation and Strategic Objectives' provides the rationale for the hierarchy of centres within the PDP, and the report titled 'Part 2 – Centres, Commercial, Mixed Use and Industrial Zones' and 'Part 2 – City Centre Zone, Special Purpose Waterfront Zone, Special Purpose Stadium Zone and Te Ngākau Civic Square Precinct' sets out how the zone framework has been applied.
47. The PDP retains the hierarchy of centres within the ODP and seeks to provide suitable housing and business capacity to meet development needs, as required by the NPS-UD.
48. Under the ODP the Central Area is the primary centre at the top of the hierarchy, described in chapter 12 as the “commercial heart of Wellington City and the region, and also the nation’s seat of government”. The Centres chapter (Chapter 6) notes that the centres have multiple functions and activities “but their core is providing localised shopping and services that complement the Central Area”.
49. The ODP has one chapter that provides the planning framework for all zones Centres, with Table 1 at standard 7.6.2.1.1 further categorising specific centres as Sub-Regional Centres, Town Centres, District Centres and Neighbourhood Centres. For the most part, the rule framework is consistent across all of these categories.
50. The PDP adopts the Zone Framework Standard from the National Planning Standards⁹, which provides for a range of zone options. From the Zone Framework Standard, the Council has determined that the six zones CCZ, MCZ, LCZ, NCZ, MUZ and COMZ suitably cover the range of existing centres and has zoned these based on their best fit with each of these zones.
51. The ODP Central Area includes the Lambton Harbour Area, Pipitea Precinct and Port Redevelopment Precinct. These areas have been rezoned and given new precinct titles to align with the National Planning Standards requirements, as follows:
 - a. Lambton Harbour Area in the ODP has been rezoned Special Purpose Waterfront Zone in the PDP;
 - b. Wellington Regional Stadium in the ODP has been rezoned Special Purpose Stadium Zone; and
 - c. Pipitea Precinct and Port Redevelopment Precinct under the ODP have been rezoned as Special Purpose Port Zone under the PDP and have two new precinct titles being the Inner Harbour Port Precinct and Multi-User Ferry Precinct.
52. The Special Purpose Waterfront Zone is addressed in a separate S42A in Hearing Stream 4 and the Special Purpose Port Zone is addressed in Hearing Stream 6.

⁹ [national-planning-standards-november-2019-updated-2022.pdf \(environment.govt.nz\)](https://www.environment.govt.nz/national-planning-standards-november-2019-updated-2022.pdf), Part 8

53. The ODP also has one chapter for all Business zones, with different rules for land zoned Business 1 and Business 2. Existing Business 1 land has been rezoned MUZ, whereas Business 2 land has been rezoned General Industrial Zone (GIZ), which is addressed in a separate s42A report.
54. The characteristics of each CMUZ and their corresponding ODP categories are summarised in the following table:

Table 1: Zone Hierarchy

Zone	Description
City Centre Zone	<p>Areas used predominantly for a broad range of commercial, community, recreational and residential activities. The zone is the main centre for the district or region.</p> <p><i>ODP Analysis:</i></p> <ul style="list-style-type: none"> • Identical match in terms of role and purpose to operative 'Central Area'. • Different extent to ODP 'Central Area', it covers a portion of Adelaide Road, Te Aro, Wellington Central, Pipitea and parts of Thorndon. Unlike the ODP 'Central Area' the Port, Lambton Harbour Area, Port Redevelopment Precinct, Pipitea Precinct and Wellington Regional Stadium are not included in the City Centre Zone. • Includes Te Ngākau Civic Square Precinct. This area was not included as a precinct in the ODP 'Central Area'. However, it was under the ODP an identified Heritage Area (Civic Centre Heritage Area).
Metropolitan Centre Zone	<p>Areas used predominantly for a broad range of commercial, community, recreational and residential activities. The zone is a focal point for sub-regional urban catchments.</p> <p><i>ODP Analysis:</i></p> <ul style="list-style-type: none"> • Close match in terms of role and purpose to operative 'sub-regional centres'. • Applied to Johnsonville and Kilbirnie.
Local Centre Zone	<p>Areas used predominantly for a range of commercial and community activities that service the needs of the residential catchment.</p> <p><i>ODP Analysis:</i></p> <ul style="list-style-type: none"> • Close match in terms of role and purpose to operative 'district centres'. • Applied to Newtown, Island Bay, Hataitai, Karori, Brooklyn, Churton Park, Crofton Downs, Kelburn, Khandallah, Linden, Miramar, Newlands and Tawa centres.
Neighbourhood Centre Zone	<p>Areas used predominantly for small-scale commercial and community activities that service the needs of the immediate residential neighbourhood.</p> <p><i>ODP Analysis:</i></p> <ul style="list-style-type: none"> • Close match in terms of role and purpose to 'neighbourhood centres'. • Applied to Aro Valley, Berhampore, Ngaio and other neighbourhood centres.
Commercial Zone	<p>Areas used predominantly for a range of commercial and community activities. The zone may also be used for residential activities.</p> <p><i>ODP Analysis:</i></p> <ul style="list-style-type: none"> • Reasonable match to the Curtis Street Business Area provisions that were the product of a recent plan change and associated Environment Court decision. • Applied to the Curtis Street Business Area (refer to ODP chapters 35 and 36).

Zone	Description
Mixed Use Zone	<p>Areas used predominantly for a compatible mixture of residential, commercial, light industrial, recreational and/or community activities.</p> <p><i>ODP Analysis:</i></p> <ul style="list-style-type: none"> • Reasonable match to Business Area 1. • Applied to Newtown South, Greta Point, Tawa South, Takapu Island, Miramar, Rongotai South, Tawa Junction, Glenside, Kaiwharawhara, Sar Street, Kilbirnie, Ngauranga, Shelly Bay and other business areas.
General Industrial Zone	<p>Areas used predominantly for a range of industrial activities. The zone may also be used for activities that are compatible with the adverse effects generated from industrial activities.</p> <p><i>ODP Comparison:</i></p> <ul style="list-style-type: none"> • Close match to Business Area 2. • Applied to Rongotai East, Miramar South, Glenside, Miramar / Burnham Wharf, Newlands, Ngauranga, Grenada North and other business areas.

55. The allocation of existing centres to the zones shown above takes into account the assessment within the Sense Partners Report, as referenced at paragraph 26 of this report.
56. Despite Sense Partners recommending the inclusion of a Town Centre Zone (TCZ) within the Centres hierarchy, the Council determined that this additional zone is not required. This has been addressed at paragraph 874 in the s42A report prepared by Adam McCutcheon for Hearing Stream 1 – Strategic Direction¹⁰. Mr McCutcheon notes that the PDP adopts a more simplified hierarchy than the ODP and that centres zoned Town Centre Zone and District Centres in the ODP have been rezoned as LCZ in the PDP. He explains that the reasons for this are:
- Policy 3d of the NPS-UD requires the District Plan to enable taller and denser buildings in and around all centres. The PDP responds to this by enabling 6 storeys in all local and neighbourhood centres where other enablers of growth are present for example, schools, transport, open spaces. Residential areas around these centres have 14m building heights enabled. Accordingly, there is typically no difference in building height and density between former town centres and new local and neighbourhood centres zones.*
 - The Sense Partners and Colliers Retail and Market Assessment report, while identifying a hierarchy of centres showed there were arbitrary differences in the catchments of people serviced between town and local centres and range of business activity.*
 - The planning provisions for all centres have a high degree of similarity in all centres (except for metropolitan centres) and enable the same range of activities and are subject to common built form standards and design guides. An additional zone would result in unnecessary duplication of content.*
57. As will be discussed later in this s42A report, Kāinga Ora has requested a TCZ be added to the PDP hierarchy of centres. Mr McCutcheon recommended to the IHP in his report to hearing stream 1 that the hierarchy of centres be retained as notified, without the addition of a TCZ. Further commentary on the TCZ is provided later in this report.

¹⁰ [Hearing Stream 1 - Section 42a Report – Part 1, plan wide matters and strategic direction \(1\).pdf](#), para. 874

7.0 Consideration of Submissions and Further Submissions

7.1 Overview

58. There were approximately 2,550 submission points in relation to the suite of eight District Plan chapters addressed in this s42A report, including general submission points on the CMUZ, submissions relating to mapping and submissions specific to each of the chapters. This total includes further submissions and mapping submission points.
59. These submissions are addressed in separate sections of this s42A report as follows:
- Overview and General Matters: General points relating to the CMUZ chapters
 - Part 1: City Centre Zone, Te Ngākau and Appendix 9
 - Part 2: Metropolitan Centre Zone and DEV1
 - Part 3: Local Centre Zone
 - Part 4: Neighbourhood Centre Zone
 - Part 5: Mixed Use Zone
 - Part 6: Commercial Zone

7.2 Report Structure

60. Submissions have raised a number of issues that have been grouped into chapter-based sub-topics within the applicable parts of this s42A report. Given there is a significant amount of overlap in the content of the submissions, evidence provided in the Part 1 (City Centre Zone) report should be taken to carry down as applicable to the Part 2 (Metropolitan Centre Zone), Part 3 (Local Centre Zone), Part 4 (Neighbourhood Centre Zone), Part 5 (Neighbourhood Centre Zone), Part 5 (Mixed Use Zone) and Part 6 (Commercial Zone) sections of the report. Additional zone-based assessment and evidence is provided as required.
61. The following evaluation should be read in conjunction with the summaries of submissions and further submissions, and the submissions themselves. The substantive commentary on primary submissions contained in further submissions is assessed as part of the consideration of the primary submissions to which they relate. Due to the number of submission points, this evaluation may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA.
62. Where the report authors agree with the relief sought and the rationale for that relief, no further assessment is provided and recommendations are provided in the tables at Appendix B. Where further evaluation of the relief sought in a submission(s) is undertaken, the evaluation and recommendations are set out in the body of the applicable section of this report.
63. Recommended amendments to the PDP are contained in the following appendices:
- i. Appendix A – Recommended Amendments to the Commercial and Mixed Use Zone Chapters (CCZ, Te Ngākau, MCZ, DEV1, NCZ, LCZ, MUZ, COMZ and Appendix 9).
 - ii. Appendix B – Recommended Responses to Submissions and Further Submissions on the Commercial and Mixed Use Zone Chapters.
 - iii. Appendix C – Full Set of Recommendations on the Commercial and Mixed Use Zone chapters.

64. Additional information can also be obtained from the Summary of Submissions for the CMUZ chapter, the applicable Section 32 Reports, and the overlays and maps on the ePlan.
65. This report only addresses definitions that are specific to the CMUZ provisions in the PDP. Definitions that relate to more than one topic have been addressed in Hearing Stream 1 and the associated s42A report.
66. The following matters will not be addressed in detail in this report as they have been addressed in Hearing Streams 1 to 3, or will be considered in later hearing streams:
- Walkable catchments
 - Historic Heritage
 - Character
 - Transport, including micromobility
 - Three Waters
 - Natural Environment Layers
 - Infrastructure

7.3 Format for Consideration of Submissions

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

8.0 General Submissions on the Commercial and Mixed Use Zones

8.1 General Matters

70. This section of the Overview and General Matters section of this report considers submissions labelled 'General Submission Points' within the tables provided at Appendix B. These submission points apply generally to the CMUZ. Note that some of these points fit best within specific CCZ, MCZ, DEV1, LCZ, NCZ, MUZ, COMZ and/or Appendix 9 chapters and have been addressed in detail in later sections of this s42A report.
71. The chair of Inner City Wellington submitted on the PDP [352]. Unfortunately the Council was unable to process this submission effectively because it did not contain all the Form 5 requirements under the RMA, the submission's content was at a high level, and it did not list or speak to specific PDP provisions or ask for changes. It mentions that the areas of particular concern to Inner City Wellington are: green space, sunlight protection, and diversity of Inner City neighbourhoods.

72. In the submission, Inner City Wellington requested an opportunity to make a verbal submission. Due to the issues with the submission, and based on the issues they have raised, it is considered that Hearing Stream 4 is the best time for this to occur. Given the nature of the submission, the reporting officers have been unable to give any recommendations on it in our section 42A reports. The IHP may wish to ask the submitter to speak to more specific content in the CCZ or other parts of the PDP.

8.2 Definitions

Matters raised in submissions

73. The following submitters support the definitions listed and seek that these are retained as notified:

- Z Energy [361.7] supports the definition of ‘Service Station’
- Z Energy [361.8] and BP Oil New Zealand [372.21] support the definition of ‘Yard Based Retail’
- Waka Kotahi [370.36] supports the definition of ‘Streetscape’
- Foodstuffs [467.4] supports the definition of ‘Large Format Retail’
- Foodstuffs [476.5] supports the definition of ‘Retail Activity’
- Foodstuffs [476.6] supports the definition of ‘Supermarket’

74. Nick Ruane [61.1] seeks the following new definition for ‘Universal Design’:

Universal Design is the design and composition of an environment so that it can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability. An environment (or any building, product, or service in that environment) should be designed to meet the needs of all people who wish to use it. This is not a special requirement, for the benefit of only a minority of the population. It is a fundamental condition of good design.

75. Nick Ruane [61.2] seeks the following new definition for ‘Accessibility’ to align with international law:

Article 9 – Accessibility States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.

76. Waka Kotahi [370.400, 370.401] notes that the term ‘roading network’ is used in several places in the PDP, and the term is not defined. Waka Kotahi that all references to ‘roading network’ are replaced with ‘transport network’ as this is defined. Further, they seek that the definition of ‘transport network’ is expanded to ensure that it captures all transport modes.

Assessment

77. The submissions in support of the definitions listed at paragraph 59 are acknowledged and it is recommended that these are retained as notified.

78. Nick Ruane [61.1, 61.2] has requested new definitions for ‘universal design’ and ‘accessibility’. While there is benefit in defining terms used regularly in the District Plan, the definitions requested by the submitter are ideological in nature and it is not clear that these could not be reasonably met. Further to this, the Building Code has requirements in terms of both universal design¹¹ and accessibility¹² that need to be incorporated into all developments. As such, new District Plan definitions are not considered necessary.
79. It is agreed that the references to ‘roading network’ should be replaced with ‘transport network’ throughout the District Plan, both for consistency and because the term ‘transport network’ is defined. Therefore, it is recommended that Waka Kotahi submission point [370.400] is accepted. Changes to the definition are not considered necessary as this already captures all transport modes. Therefore, it is recommended that submission point [370.401] is rejected.
80. In response to the submission point of Retirement Villages Association [350.1] to add a new definition of ‘Retirement Unit’, this issue has been addressed at Hearing Stream 1 (Part 1, Plan Wide Matters and Strategic Direction) and does not need further consideration at this point.

Summary of recommendations

81. HS4-Overview-Rec1: That the definitions of ‘Service Station’, ‘Yard Based Retail’, ‘Streetscape’, ‘Large Format Retail’, ‘Retail Activity’ and ‘Supermarket’ are confirmed as notified.
82. HS4-Overview-Rec2: That all references to ‘roading network’ in the District Plan replaced with ‘transport network’.
83. HS4-Overview-Rec3: The S42A officers recommend that the submission points above are accepted/rejected as set out in Appendix B.

8.3 Support for Commercial and Mixed Use Provisions

84. A number of submitters expressed their support for the CMUZ provisions in a general sense:
- Victoria University of Wellington Students’ Association supports the allowance for taller buildings in and around centres as this promotes thriving, vibrant centres [123.52]. They support the encouragement of residential development in centres, with improved building standards that provide for health and safety, are cheaper in the long run, and ensure that centres and businesses are prepared for climate change and natural disasters [123.53]. They also support the provisions enabling mixed use activities in centres zones [123.54], as well as the provisions requiring that ground levels of buildings are used for non-residential activities [123.55].
 - GWRC [351.268, 351.269] considers that the approach taken to the centres zones gives effect to the operative RPS policy 30. They consider, and seek to ensure, that the provisions across these zones contribute to the qualities and characteristics of well-functioning urban

¹¹ [Practical application of universal design | Building Performance](#)

¹² [D Access | Building Performance](#)

environments as articulated in Objective 22 of Proposed RPS Change 1. This includes (but is not limited to) urban areas that are climate resilient, contribute to the protection of the natural environment and transition to a low-emission region, are compact and well connected, support housing affordability and choice, and enable Māori to express their cultural and traditional norms.

- Woolworths [359.45, 359.46] support the centres hierarchy approach, in that this recognises that centres can and should be a focal point for business activity. They are supportive of the zoning of the respective centres, noting that centres have been zoned primarily in relation to the height enabled in each zone. Subject to chapter-specific amendments outlined in later sections of this s42A report, they are supportive of the provisions.
- Investore [405.59, 405.60] supports the hierarchy of centres, and that the provisions in these zones enable a range of commercial and mixed-use activities.
- McDonald's [274.2] support the zonings that have been applied to their restaurants throughout the city.

85. Other submitters support specific provisions within the CMUZ:

- Kāinga Ora [391.505] supports the active frontage controls in centres zones, subject to amendments outlined in the chapter-specific sections of this s42A report.
- Kāinga Ora [391.506] supports the need for restrictions on the gross floor area (GFA) of retail activities, on the basis that this will ensure there are appropriate opportunities for residential activities in these areas. They seek that the GFA requirements are retained in principle; however, they seek a reduction of the permitted GFA in the LCZ and NCZ. These requested changes will be assessed in the LCZ and NCZ sections of this report.
- The Mt Victoria Residents' Association [342.11] supports the requirements for active frontages across the respective chapters.
- Woolworths [359.4] support the Restricted Discretionary activity status that will apply if a standard is not met, on the basis that this allows for suitably limited criteria that still ensure an appropriate assessment of effects is undertaken, whilst providing a level of certainty to applicants where activities are anticipated in the zone. While they are supportive that this approach has been taken for most of the relevant provisions, they seek that the activity status under MCZ-R15, LCZ-R13 and NCZ-R13 is changed from Discretionary to Restricted Discretionary, as supermarkets have functional and operational needs that necessitate car-parking at the front of sites. These requested changes will be discussed in the MCZ, LCZ and NCZ sections of this s42A report.
- Airbnb supports the Permitted activity status for visitor accommodation across the CMUZ and seeks that these are retained as notified.

Assessment

86. The submission points above are acknowledged. No further assessment is required, noting that some matters will be addressed further in the zone-specific sections of this section 42A report.

Summary of recommendations

87. HS4-Overview-Rec4: No amendments are recommended in response to the submissions in support of the CMUZ provisions.
88. HS4-Overview-Rec5: That the submission points above are accepted as set out in Appendix B.

8.4 Expansion of Commercial and Mixed Use Provisions

Matters raised in submissions

89. Further to the submission points above, a number of submitters have expressed their support for the CMUZ in general, while also seeking that these are amended to “enable larger more comprehensive developments in centres” [131.12, 132.15, 133.14, 134.17, 146.21, 172.25, 173.23, 179.19, 196.20, 198.17, 234.14, 308.6, 378.21, 394.20, 398.19].
90. Amos Mann [172.24] supports a circular economy, space for innovation, education and behaviour change and a low carbon future. He seeks that the CMUZ provisions facilitate the creation of multi-functional community spaces as climate action hubs.
91. Kirsty Woods [473.11] considers that intensification should occur in centres, and seeks that intensification is enabled around centres and on underutilised sites (for example along Adelaide Road) to provide for predicted housing demand.
92. Woolworths [359.47] consider that consent requirements for supermarkets across the CMUZ are not in accordance with the higher order strategic direction outlined in Objectives CEKP-O2 and CEKP-O3 where business needs are envisaged to be enabled within the CMUZ, and that new supermarket buildings will exceed the permitted GFA and require consent. They note that supermarkets are both anchor tenants in a centre, and an essential service. As such, they seek a ‘Centres Plus’ approach, being a more flexible planning regime with respect to supermarkets [359.1]. Foodstuffs [FS23.2] supports this request and seeks that the submission point is allowed.

Assessment

93. No changes to the District Plan are considered necessary with respect to the submission points requesting that the District Plan enables larger more comprehensive developments in centres [131.12, 132.15, 133.14, 134.17, 146.21, 172.25, 173.23, 179.19, 196.20, 198.17, 234.14, 308.6, 378.21, 394.20, 398.19]. In a general sense, the purpose of the CMUZ is to enable a wide range of activity. This is reflected in the policy framework and rules for ‘activities’ within each respective CMUZ chapter, noting that the rule framework also reflects the centres hierarchy – thereby enabling a wider range of activities in larger centres such as the MCZ and LCZ and placing greater restrictions within the NCZ, MUZ and COMZ.

94. Likewise, no changes are considered necessary to accommodate the relief sought by Amos Mann [172.24] or Kirsty Woods [473.11]. The PDP provides for the activities specified by these submitters. Incentives to create such activities within or around any specific centre will be external to the District Plan.
95. It is recommended that the Woolworths submission point [359.47] for a Centres Plus approach is rejected on the basis that this would not be consistent with the centres hierarchy as set out in the National Planning Standards. It is appropriate that the scale of a supermarket is appropriate to the scale of the centre and this is reflected in the CMUZ rule framework. It is noted that the CMUZ provisions are generally permissive of supermarkets, with resource consent required for new buildings as these are subject to design approval.

Summary of recommendations

96. HS4-Overview-Rec6: No amendments are recommended in response to the submission points requesting the 'Expansion of Commercial and Mixed Use Zones'.
97. HS4-Overview-Rec7: That the submission points above are accepted/rejected as set out in Appendix B.

8.5 Town Centre Zone

Matters raised in submissions

98. Kāinga Ora [391.2, 391.3, 391.52, 391.53, 391.501, 391.503, 391.588 – 391.560] considers that the centres hierarchy should be reviewed to improve national and regional consistency and increase density and heights across the board. They have requested that a new Town Centre Zone be incorporated into the PDP centres hierarchy and that Miramar, Newtown and Tawa are rezoned from LCZ to TCZ. Their rationale for this request is that all of these centres provide a range of commercial, community, recreational and residential activities that service the needs of the immediate and neighbouring suburbs. They argue that a TCZ would more appropriately reflect the wider catchment that these geographic centres service (both now and into the future).
99. GWRC [FS84.17, FS84.36, FS84.38] oppose the request for a new TCZ on the basis that they are opposed to enabling further intensified development unless there are the necessary controls to manage potential effects on water bodies and freshwater ecosystems to give effect to the NPS-FM and have regard to Proposed RPS Change 1. They also consider that any further intensification will not be feasible unless there is investment in associated infrastructure.
100. The Newtown Resident's Association [FS63.2, FS63.3] opposes the request for a new TCZ and considers that Kāinga Ora seeks the TCZ to justify greater walking catchments and 8 storey building heights. They argue that there is *"there is enough realisable capacity for development [in Newtown] even if the PDP is modified to further reduce walking catchments and increase character precincts"*, and *"that zoning for vastly more development than will be realised in the foreseeable future is counterproductive and has many negative effects on the urban environment"*.

101. A number of further submitters [FS68.3, FS74.26, FS80.9, FS80.10, FS 80.11, FS 80.12, FS82.62, FS84.39, FS84.40, FS84.41] also oppose the creation of a TCZ, on the basis that this adds an additional level of complexity to the PDP that is not necessary in a city the size of Wellington, and that the walkable catchments already provide for sufficient development capacity.

Assessment

102. Overall, in their submission [391] Kāinga Ora seeks considerable upzoning in and around the CMUZ. Their submission includes a full draft TCZ chapter at Appendix 2. Notably, their TCZ-S1 requests a height limit of 36 metres within all TCZ. The chapter also introduces a number of new terms not otherwise used or defined in the PDP, such as: 'Juliet balconies', 'primary and secondary frontages', 'trade supplier', 'drive-through activity'. Notably, the Kāinga Ora submission does not include any planning evaluation, technical, economic or urban design assessments, nor a s32AA evaluation in support of the requested zone.
103. Through the District Plan Review the Council determined not to include a TCZ within the centres hierarchy. The rationale for the selected hierarchy was addressed by Mr McCutcheon at Hearing Stream 1 – Strategic Direction¹³. Based on the evidence listed below, Mr McCutcheon has identified that there is sufficient development potential enabled through the notified PDP to meet the requirements of the NPS-UD¹⁴.
104. The zoning of the PDP centres hierarchy has been informed by:
- The ODP Centres hierarchy (refer to Chapters 6 and 7 of the ODP);
 - The National Planning Standards zone framework;
 - The Spatial Plan;
 - The BECA Report;
 - The Spatial Plan; and
 - The Sense Partners Report.
105. It is noted that the Sense Partners Report recommends that a TCZ is included in the PDP centres hierarchy and that Karori, Miramar, Tawa, Khandallah, Kelburn, Linden and Newlands should be zoned TCZ. Notably, this report also recommends that Newtown be zoned MCZ, particularly if their other suggestion to combine Newtown with Adelaide Road is adopted. In his statement of evidence for hearing stream 4 in section 3.2 dated 24 May 2023 Dr Lees clarifies where each of these centres should sit in the zone hierarchy, given that no TCZ is proposed¹⁵.
106. As discussed by Mr McCutcheon, the Council elected not to take this approach and to instead apply a more simplified hierarchy that does not include a TCZ.
107. Further to this it is noted that:
- Johnsonville and Kilbirnie are recognised as sub-regional centres in the ODP, whereas Newtown is not;
 - Adelaide Road is to be incorporated into the CCZ as identified in the PDP, meaning the large centre that could be created through the merging of Newtown and Adelaide Road, as referred to by Sense Partners, will not eventuate;

¹³ [Hearing Stream 1 - Section 42a Report – Part 1, plan wide matters and strategic direction \(1\).pdf](#), para. 874

¹⁴ [Hearing Stream 1 - Section 42a Report – Part 1, plan wide matters and strategic direction \(1\).pdf](#), para. 404

¹⁵ Hearing Stream 4, [Statement of Evidence of Dr Kirdan Lees](#)

- For the most part the Council does not take the approach of restricting activities within the different centres as a method of enforcing the centres hierarchy. As such, there is no need to include an additional centre zone for the purpose of managing activities; and
- Building heights can be addressed through the zone framework included in the notified PDP, without the need to add an additional zone (TCZ).

108. While a TCZ is an option within the National Planning Standards Zone Framework, there is no requirement for the Council to include this zone in the District Plan centres hierarchy. The authors of this report agree with Mr McCutcheon that the addition of a TCZ would add an additional level of complexity to the District Plan that is not necessary, particularly given the enabling nature of the suite of CMUZ. Additionally, the wide range of new activities and terminology that Kāinga Ora seeks to introduce would require a new set of definitions to be developed and likely a full review of the CMUZ chapters for consistency.

109. With respect to building height, outside of the Newtown Shopping Centre Heritage Area, Newtown, Tawa and Miramar are all within ‘Height Control Area 3’ at LCZ-S1 and have a maximum height of 22 metres. It is not considered necessary to increase the building height in these centres to 36 metres, as requested by the submitter. As noted at paragraph 89 above, the notified PDP provides sufficient development capacity to meet the City’s needs. It is also noted that the height limits specified at LCZ-S1 can be exceeded subject to obtaining a resource consent.

110. Further to this we note that the additional development potential available to each of these centres is limited for the reasons set out in the table below.

Table 2: Constraints on Development Potential in Newtown, Miramar and Tawa

Local Centre	Constraints on development potential
Newtown	<ul style="list-style-type: none"> • Natural Hazards – Flood hazard; • The Newtown Shopping Centre is a scheduled heritage area, with heights restricted to 12 metres; • There are a number of scheduled heritage buildings and sites and areas of significance to Māori within the centre that restrict height on a site specific basis; • The WIAL1 designation (Wellington Airport Obstacle Limitation Surfaces) constrains building height within the centre; and • Additional development potential around the centre will be restricted as the land is zoned MRZ and is subject to the character provisions at MRZ-PREC01.
Miramar	<ul style="list-style-type: none"> • Natural Hazards – Coastal inundation, flood hazard and tsunami hazard; • The WIAL1 designation (Wellington Airport Obstacle Limitation Surfaces) constrains building height; and • Residential development subject to the Air Noise Overlay.
Tawa	<ul style="list-style-type: none"> • Natural hazards – Inundation and flood hazard (overland flow path).

111. For the reasons set out above, the suggested inclusion of a TCZ is not considered necessary as a CMUZ in the District Plan. However, if the IHP considers that additional building height is achievable within the Newtown, Miramar and Tawa centres, then this could be achieved with the inclusion of a ‘Height Control Area 4’ at LCZ-S1 to apply to these centres. This approach is further discussed in Part 3 (Local Centre Zone) of this section 42A report.

Summary of recommendations

112. HS4-Overview-Rec8: For the reasons set out above, and in line with Mr McCutcheon’s recommendation, it is not recommended that a new Town Centre Zone be added to the District Plan hierarchy of centres.
113. HS4-Overview-Rec9: Should the Independent Hearings Panel be of a mind that additional development potential should be provided for within the Newtown, Miramar and Tawa Local Centre Zones (or a selection of these), that a new ‘Height Control Area 4’ is added to LCZ-S1.
114. HS4-Overview-Rec10: As an alternative to HS4-Overview-Rec9 above, and as further detailed in Part 3 of this section 42A report (Local Centre Zone), should the Independent Hearings Panel be of a mind that there should be a differentiation between the larger Newtown and Tawa local centres and other smaller local centres, other centres within Height Control Area 3 at LCZ-S1 could be moved to Height Control Area 2¹⁶.
115. HS4-Overview-Rec11: Should the Independent Hearings Panel be of a mind to add a Town Centre Zone to the District Plan, that the Newtown, Miramar and Tawa centres are zoned Town Centre Zone.
116. HS4-Overview-Rec12: That submission points in relation to the request for a new Town Centre Zone are accepted/rejected as set out in Appendix B.

8.6 Requests for Changes to Zoning

Matters raised in submissions

117. Further to their request for a new TCZ, Kāinga Ora [391.15] has requested a number of zoning changes, generally involving the expansion of existing centres or the rezoning of some HRZ as CMUZ. Their requested changes are shown in the maps provided at Appendix 4 of their primary submission (reference no. 718448). Table 3 below provides a summary of the changes sought and details of where these changes are addressed.

Table 3: Kāinga Ora Rezoning Requests

Kāinga Ora map no.	Location	Requested change	42A Report section
2 & 3	Tawa North	<ul style="list-style-type: none"> Rezoning land between Tawa North and Tawa South (Oxford Street) from HRZ to TCZ 	Part 1 Part 3 - LCZ
3	Tawa South	<ul style="list-style-type: none"> Rezoning land to south of Tawa South (Oxford Street) from HRZ to NCZ 	Part 4 – NCZ / Hearing Stream 2
6 & 7	Johnsonville	<ul style="list-style-type: none"> Extend MCZ 	Part 2 – MCZ
11 & 12	Karori Road	<ul style="list-style-type: none"> Rezoning Marsden Village from NCZ to LCZ Extend LCZ between Marsden Village and Karori Mall 	Part 3 – LCZ

¹⁶ Refer to Part 3 (Local Centre Zone) for further details. Page 362-376.

Kāinga Ora map no.	Location	Requested change	42A Report section
15, 17, 18	John Street, Newtown	<ul style="list-style-type: none"> Extend Newtown LCZ (TCZ) to include John Street/Adelaide Road/Riddiford Street intersection 	Part 3 - LCZ
19	Luxford Street, Berhampore	<ul style="list-style-type: none"> Rezone HRZ to NCZ 	Part 4 – NCZ / Hearing Stream 2
22	Kilbirnie	<ul style="list-style-type: none"> Extend MCZ 	Part 2 – MCZ
23	Miramar North	<ul style="list-style-type: none"> Rezone LCZ to TCZ 	Part 1 Part 3 - LCZ
24	Miramar South	<ul style="list-style-type: none"> Rezone LCZ to TCZ 	Part 1 Part 3 - LCZ

118. It is noted that, in a general sense, GWRC [FS84.20] opposes the Kāinga Ora rezoning requests on the basis that they are opposed to enabling further intensified development unless there are the necessary controls in place to manage the potential effects on water bodies and freshwater ecosystems to give effect to the NPS-FM and have regard to Proposed RPS Change 1. They also consider that any further intensification will not be feasible unless there is investment in associated infrastructure.

119. Table 4 details a number of additional rezoning requests relating to CMUZ zones. These are summarised in the table below, with the specific submissions referenced in the applicable CCZ, LCZ, NCZ and MUZ sections of this report.

Table 4: Additional Rezoning Requests

Location	Requested change	42A Report section
Selwyn Terrace, Thorndon	Rezone from CCZ to MRZ	Part 1 – CCZ
Portland Crescent, Thorndon	Rezone from CCZ to MRZ	Part 1 - CCZ
Hawkestone Street, Thorndon	Rezone from CCZ to MRZ	Part 1 - CCZ
290, 292, 294, 296, 298, 300, 302, 304 and 306 Willis Street, Aro Valley	Rezone from CCZ to MRZ	Part 1 - CCZ
Adelaide Road, Newtown	Rezone from CCZ to HRZ	Part 1 - CCZ
Kent Terrace, Cambridge Terrace, Hania Street, part of Pirie Street, Home Street, part of Elizabeth Street, part of Majoribanks Street, part of Roxburgh Street, Te Aro	Rezone from CCZ to MRZ	Part 1 - CCZ
Khandallah	Rezone from LCZ to NCZ	Part 3 - LCZ
Churton Park	Rezone from LCZ to NCZ	Part 3 - LCZ
Crofton Downs	Rezone from LCZ to NCZ	Part 3 - LCZ

Location	Requested change	42A Report section
Baroda Street/Box Hill	Rezone from LCZ to NCZ	Part 3 - LCZ
68, 72-82 Aro Street	Rezone from NCZ to MRZ	Part 4 – NCZ
105, 107, 109, 111, 113, 115 Main Road, Tawa	Rezone from NCZ to HRZ	Part 4 – NCZ
Berhampore (Luxford Street)	Rezone from NCZ to MRZ	Part 4 - NCZ
Tawa Junction (10 Surrey Street)	Rezone from MUZ to LCZ	Part 5 – MUZ

Assessment

120. These rezoning requests will be assessed within Part 1 (City Centre Zone), Part 2 (Metropolitan Centre Zone), Part 3 (Local Centre Zone), Part 4 (Neighbourhood Centre Zone) and Part 5 (Mixed Use Zone) of this report.

Summary of recommendations

121. HS4-Overview-Rec13: That submission points in relation to requests for rezoning are accepted/rejected as set out in Appendix B.
122. HS4-Overview-Rec14: Recommendations in relation to the requests for rezoning are provided within Part 1 (City Centre Zone), Part 2 (Metropolitan Centre Zone), Part 3 (Local Centre Zone), Part 4 (Neighbourhood Centre Zone) and Part 5 (Mixed Use Zone) of this 42A report.

8.7 Consistency with Other Zones

Matters raised in submissions

123. Willis Bond [416.3] have raised a concern that CMUZ zones, which support higher density development, have more restrictive standards than in the MRZ and that this creates a risk that new development is concentrated in the more permissive MRZ at the exclusion of denser (ie CMUZ) zones where the Council wishes to encourage greater development. They seek that the Council considers the relationship between the MRZ and denser zones to ensure development is not unduly restricted in denser zones by greater restrictions and the matters of discretion within the rules. This submission point is also captured in the zone-based submission summaries [416.11, 416.93, 416.94, 416.95, 416.96].
124. Kāinga Ora [391.502] considers that all standards across the CMUZ should be reviewed to ensure they have an appropriate activity status and/or are referenced in the building and structure activity rules.

Assessment

125. In a general sense, it is agreed that the CMUZ should enable greater development potential than the surrounding residential zones. This is facilitated in the PDP through the building heights as well as other standards, and the range of permitted activities within each zone. In conjunction

with Joshua Patterson, the author for the section 42A report relating to the residential zones, the height limits in and around the CMUZ have been reviewed as requested by the submitter [416.3]. For the most part, the CMUZ do facilitate additional building height. Further discussion in relation to these heights is provided within Parts 1 to 6 of this section 42A report.

126. Likewise, as requested by Kāinga Ora [391.502], the CMUZ provisions have been reviewed in their totality and amendments considered. This analysis has been undertaken in later sections of this report.

Summary of recommendations

127. HS4-Overview-Rec15: That submission points in relation to consistency with other zones are accepted/rejected as set out in Appendix B.
128. HS4-Overview-Rec16: Recommendations in relation to submissions points relating to 'Consistency with Other Zones' are provided within Part 1 (City Centre Zone), Part 2 (Metropolitan Centre Zone), Part 3 (Local Centre Zone), Part 4 (Neighbourhood Centre Zone), Part 5 (Mixed Use Zone) and Part 6 (Commercial Zone) of this section 42A report.

8.8 Amendments to Commercial and Mixed Use Provisions

Matters raised in submissions

129. A number of submitters have requested amendments to provisions that apply across the CMUZ. Namely:
- Julie Patricia Ward [103.6] seeks that the height limit for all areas zoned LCZ and NCZ is set at a consistent 18 metres (excluding heritage sites).
 - To meet the objectives of a healthy living environment, Steve Dunn [288.10] seeks that the provisions are amended to protect sunlight access to all outdoor living areas, not just public spaces, as well as to solar panels on roofs.
 - VicLabour [414.35] considers that the 20m building depth standard is too restrictive in certain Neighbourhood Centres and seeks that this is increased.
 - McDonald's [274.8, 274.9] considers that while high quality building design is important, the active frontage controls and consenting requirements for additions and alterations in the CMUZ are overly prescriptive as currently worded. They have not suggested amended wording.
130. In addition, Antony Kitchener and Simin Littschwager [199.12] consider that it is unclear whether multi-storey developments come with conditions that developers also create commercial opportunities for small, independent businesses to develop, or if they are only for residential purposes. Hence they seek clarification of the conditions for developers of multi-storey buildings with regard to providing commercial opportunities.

Assessment

131. Ms Ward's submission with respect to the height limits in the LCZ and NCZ [103.6] are acknowledged. Further analysis of LCZ-S1 and NCZ-S1 will be provided in Part 3 (Local Centre Zone) and Part 4 (Neighbourhood Centre Zone) of this report.
132. With respect to Steve Dunn's submission [288.10], it is noted that policy 3 of the NPS-UD requires the Council to enable significant additional development capacity within centres. The NPS-UD recognises that increased building heights may detract from amenity values as currently experienced. That said, to achieve the relief sought by Mr Dunn with respect to healthy living environments, the Council will require new buildings to be assessed against the CMUDG and, where there is a residential component, the RDG.
133. No details are provided in the VicLabour submission as to why they consider the 20 metre building depth standard to be too restrictive. Further consideration of the building depth standard is provided in Part 4 of this report (Neighbourhood Centre Zone), where it is recommended that this standard is amended to state that it only applies to residential buildings. This will address the VicLabour submission point [414.35] in part, as commercial buildings will no longer be subject to the restriction.
134. The submission points from McDonald's with respect to the active frontages in the CMUZ [274.8, 274.9] are acknowledged; however, in the absence of specific wording no changes are recommended.
135. Antony Kitchener and Simin Littschwager [199.12] consider that the PDP is unclear with respect to the activities that can occur within the respective CMUZ. In the Section 42A report authors' views, it is considered that the policy framework and rule framework in each respective zone provides a clear signal for what activities can occur in each zone. Notably the policy framework through explicit references, and the rule framework through the associated activity status, identify what activities are compatible with the zone, potentially incompatible or discouraged. No changes to the District Plan are required as a result of this submission.

Summary of recommendations

136. HS4-Overview-Rec17: No amendments are recommended in response to the submission points requesting 'Amendments to Commercial and Mixed Use Provisions'.
137. HS4-Overview-Rec18: That the submission points above are accepted/rejected as set out in Appendix B.

8.9 Urban Design

Matters raised in submissions

138. The general submission points within this section relate to urban design. It is noted that these general submission points are accompanied by zone-specific submission points in the respective chapters.

139. Te Rūnanga o Toa Rangatira [488.78] are concerned that the CMUDG is not given consideration and referred to in any relevant rules for the CMUZ and seeks that the rules are amended to reflect that they will give effect to the CMUDG.
140. McDonald's [274.4] acknowledges the need for high quality building design, but seeks that the provisions in the CMUZ chapters that relate to design are amended as detailed above.
141. The Greater Brooklyn Residents' Association [459.3] considers that the rule framework in the CMUZ should include mandatory design requirements. They have not suggested any wording or details in this respect.
142. A number of submitters [405.5, 416.6, 476.66, 476.1] seek that all references to the Design Guides (specifically the RDG and CMUDG) are removed from the policy and rule framework. Investore [405.6] and Foodstuffs [476.66] suggests that in lieu of referencing the Design Guides, the rule framework could specify the design outcomes that are sought. The Retirement Villages Association [FS126.22, FS126.252] and Ryman [FS128.22, FS128.252] support the request to remove references to the Design Guides from the provisions in the respective CMUZ and seek that the submission points are allowed, insofar as these correspond with their respective primary submissions only. As such, they do not support the suggestion of including design outcomes in the rules.
143. A number of submitters [301.6, 416.3] seek a mandatory requirement that developments in CMUZ over a certain height (for example 3 storeys) will be assessed by a Design Review Panel. The Retirement Villages Association [FS126.22] and Ryman [FS128.22] oppose this request and seek that the submission points are disallowed.

Assessment

144. With respect to Te Rūnanga o Toa Rangatira's submission point [488.78] we note that the CMUDG is cross-referenced in both the policies and rules across the suite of CMUZ chapters, with the clear intent that this is given effect to.
145. The inclusion of the Design Guides in the PDP was addressed in Part 6 of the section 42A report prepared for Hearing Stream 2¹⁷ and associated Statement of Evidence prepared by Dr Zamani¹⁸. The Council's preferred approach is that these are retained as a statutory part of the PDP.
146. In accordance with Minute 15 of the IHP (dated 11 April 2023), the Design Guides, including their scope and content, will also be addressed at the Wrap Up Hearing for Hearing Streams 1 to 5.

Summary of recommendations

147. HS4-Overview-Rec19: On the basis that it is recommend the Design Guides remain as statutory documents within the District Plan, no amendments are recommended in response to the above submissions on urban design.
148. HS4-Overview-Rec20: Should the Independent Hearings Panel determine to amend any provisions relating to Design Guides or Urban Design Panels consequential amendments to the applicable Commercial and Mixed Use Zone chapters should also occur.

¹⁷ [Hearing Stream 2 S42A Report - Part 6 Design Guides \(wellington.govt.nz\)](#), section 3.2

¹⁸ [Statement of evidence of Dr Farzad Zamani on behalf of Wellington City Council](#), para 17

149. HS4-Overview-Rec21: That the submission points above are accepted/rejected as set out in Appendix B.

8.10 City Outcomes Contribution Mechanism

Matters raised in submissions

150. Disabled Persons Assembly New Zealand Incorporated [343.1, 343.9], the Fuel Companies [372.145], Investore [405.55] and Fabric Property Limited [425.49] (supported by McDonald's Restaurants New Zealand Limited [FS45.9]) seek that policies relating to the City Outcomes Contribution (being CCZ-P11, MCZ-P10, LCZ-P10 and NCZ-P10 along with HRZ-P13) are retained as notified.
151. Stride [470.2] objects to the City Outcomes Contribution and references to this in the zone-based provisions (policies and rules) and Design Guides. The Lower Kelburn Neighbourhood Group [FS123.15] supports this submission point. Foodstuffs [476.1] also objects to the City Outcomes Contribution and seeks the same relief.
152. McDonald's [274.1] and Argosy [383.1] (supported by Foodstuffs [FS23.29]) seek that all references to the City Outcomes Contribution be removed from the PDP.
153. Willis Bond [416.5] seeks a thorough review of the City Outcomes Contribution process to ensure developers receive certainty early on as to the additional height (or floor space) that will apply.
154. Property Council [338.12] (opposed by the Retirement Villages Association [FS126.20] and Ryman [FS128.20]) seeks that incentives be provided to encourage but not require large developments to deliver City Outcomes Contributions.
155. Retirement Villages Association [350.178] seeks that policies relating to the City Outcomes Contribution are deleted in their entirety.
156. Waka Kotahi [370.348, 370.349] supports the City Outcomes Policy in part and seeks the following amendments:

HRZ-P13 (City outcomes contribution)

...

5. Enabling ease of access for people of all ages and mobility; and/or
6. Incorporating non-residential uses to provide for mixed use development.

157. Kāinga Ora [391.457, 391.458] (opposed by the Retirement Villages Association [FS126.140, FS126.141] and Ryman [FS128.140, FS128.141]) opposes HRZ-P13 and seeks the following amendments:

HRZ-P13 (City outcomes contribution)

~~Require over height, large scale residential~~ Encourage development in the High Density Residential Zone to contribute to positive outcomes ~~deliver City Outcomes Contributions as detailed and scored in the Residential Design Guide, including through either:~~

1. Positively contributing to public space provision and the amenity of the site and surrounding area; and/or
2. Incorporating a level of building performance that leads to reduced carbon emissions and increased climate change resilience; and/or
3. Incorporating construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs; and/or
4. ~~Incorporating assisted housing into the development, and where this is provided legal instruments are required to ensure that it remains assisted housing for at least 25 years; and/or~~
5. Enabling ease of access for people of all ages and mobility.

158. VicLabour [414.33] seeks to retain a points based system to allow development outcomes of some of the rules in the PDP if they provide benefits.
159. Willis Bond [416.83] (supported in part by the Retirement Villages Association [FS126.256] and Ryman [FS128.256]) seeks that HRZ-P13 (City Outcomes Contribution) be reconsidered following any amendments to the City Outcomes Contribution within the CCZ.
160. Oyster Management Limited [404.63] (opposed by Foodstuffs [FS23.64]), Paul Burnaby [44.14], Reading Wellington Properties Limited [441.3] and Wellington City Youth Council [201.34] seek to retain CCZ-P11 as notified.
161. Disabled Persons Assembly New Zealand Incorporated [343.13] seeks to amend CCZ-P11 by including reference to disabled people by adding the term 'disability' as follows:

CCZ-P11 (City outcomes contribution)

Require over and under height, large-scale residential, non-residential and comprehensive development in the City Centre Zone to deliver City Outcomes Contributions as detailed and scored in the Centres and Mixed Use Design Guide guideline G107, including through either:

- ...
5. Enabling ease of access for people of all ages and mobility/disability.

162. Stratum Management Limited [249.26] seeks to amend the Policy to clarify its intent in accordance with the third matter of discretion under Rule CCZ-R20.2 (Construction of buildings and structures).
163. Property Council New Zealand [338.18] (opposed by the Retirement Villages Association [FS126.208] and Ryman [FS128.209]) seeks that incentives be provided to encourage but not require large developments to deliver City Outcomes Contributions.
164. Restaurant Brands Limited [349.190] (opposed by Foodstuffs [FS23.63]) seeks the following amendments to CCZ-P11:

CCZ-P11 (City outcomes contribution)

Require over height, large-scale residential, non-residential and comprehensive development in the City Centre Zone to ~~deliver City Outcomes Contributions as detailed and scored in the Centres and Mixed Use Design Guide guideline G107, including through either:~~

1. Positively contribute~~ing~~ to public space provision and the amenity of the site and surrounding area; and/or
2. Incorporating a level of building performance that leads to reduced carbon emissions and increased climate change resilience; and/or
- 3.2. Incorporate~~ing~~ construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs; and/or
- 4.3. Incorporate~~ing~~ assisted housing into the development; where this is provided, legal instruments are required to ensure that it remains assisted housing for at least 25 years; and/or
- 5.4. Enable~~ing~~ ease of access for people of all ages and mobility.

165. Z Energy [361.115, 361.116] considers that the policy should recognise the existing environment and the functional requirements of a range of existing activities. The submitter seeks the following amendment:

CCZ-P11 (City outcomes contribution)

Require over and under height, large-scale residential, non-residential and comprehensive development in the City Centre Zone to deliver City Outcomes Contributions as detailed and scored in the Centres and Mixed Use Design Guide guideline G107, while recognising the existing environment, including through either:

...

166. Kāinga Ora [391.718, 391.719] (opposed by the Retirement Villages Association [FS126.162] and Ryman [FS128.162]) opposes requiring 'City Outcomes Contribution' for development and seeks to amend CCZ-P11 to instead encourage positive outcomes for development in the HRZ, as follows:

CCZ-P11 (City outcomes contribution)

Require over height, large-scale residential, non-residential and comprehensive Encourage development in the City Centre Zone to contribute to positive outcomes ~~deliver City Outcomes Contributions as detailed and scored in the Centres and Mixed Use Design Guideline G107, including through either:~~

1. Positively contributing to public space provision and the amenity of the site and surrounding area; and/or
2. Incorporating a level of building performance that leads to reduced carbon emissions and increased climate change resilience; and/or
3. Incorporating construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs; and/or
4. Incorporating assisted housing into the development, ~~and where this is provided legal instruments are required to ensure that it remains assisted housing for at least 25 years; and/or~~
5. Enabling ease of access for people of all ages and mobility.

167. Willis Bond [416.159, 416.160, 416.161] (opposed by Foodstuffs [FS23.97, FS23.8, FS23.99]) seeks that the policy be amended if floor area ratios are used instead of height standards. They seek CCZ-P11 be amended to allow greater additional floor area (or an appropriate metric as

required) if the relevant outcomes are achieved. They further consider that CCZ-P11 be deleted entirely if height limits are also deleted.

168. If CCZ-P11 is retained Willis Bond [416.162] (opposed by Foodstuffs [FS23.100]) seeks that it be rephased so that, rather than ‘Require over and under height’ developments to deliver City Outcomes Contributions, the height limit for developments is varied where City Outcomes Contributions are achieved. They consider the change would make it clearer that the developer providing the outcome is entitled to the increase in height (or floor area).
169. Woolworths [359.85] (opposed by Foodstuffs [FS23.22]) considers that CCZ-P11 is unclear and should be amended as follows:

CCZ-P11 (City outcomes contribution)

Require ~~over and under height, large scale residential, non residential and comprehensive development~~ under or over height development comprising 50 or more units or any under or over height comprehensive development in the City Centre Zone to deliver City Outcomes Contributions as detailed and scored in the Centres and Mixed-Use Design Guide guideline ~~G97G107~~, including through either:

170. VicLabour [414.44] is supportive of the inclusion of a points-based system to allow developments outside of some of the rules in the PDP if they provide other benefits but considers it an example of how arbitrary and excessive many of these regulations are, particularly around height and character protections.
171. Argosy [383.109 (opposed by Foodstuffs FS23.65 and McDonald’s FS45.6)], Fabric Property Limited [425.57 and 425.58], Foodstuffs North Island [476.52], Investore [405.131], McDonald’s [274.60], Precinct Properties New Zealand Limited [139.31] and the Retirement Villages Association [350.294] seek to delete CCZ-P11.
172. In line with the submission points above, a number of the same submitters have repeated their submission points with respect to the other zones where the City Outcomes Contribution applies. These submission points are captured in the table below.

Table 5: Submission relating to the City Outcomes Contribution – MCZ, LCZ and NCZ

Submitter	Zone	Submission no.	Position	Related further submissions
Property Council New Zealand	MCZ	338.16	Retain MCZ-P10 with amendments	Opposed by the Retirement Villages [FS126.207] and Ryman [FS128.207]
	LCZ	338.15	Retain LCZ-P10 with amendments	Opposed by the Retirement Villages Association and Ryman [FS126.206, FS128.206]
	NCZ	338.14	Retain NCZ-P10 with amendments	Opposed by the Retirement Villages Association and Ryman [FS126.205, FS128.205]

Submitter	Zone	Submission no.	Position	Related further submissions
Restaurant Brands Limited	MCZ	349.464	Retain MCZ-P10 with amendments	Opposed by Foodstuffs FS23.53
	LCZ	349.95	Retain LCZ-P10 with amendments	Opposed by Foodstuffs FS23.43
	NCZ	349.70	Retain NCZ-P10 with amendments	Opposed by Foodstuffs FS23.37
Woolworths	MCZ	359.76	Retain MCZ-P10 with amendments	Opposed by Foodstuffs FS23.18
	LCZ	359.62	Retain LCZ-P10 with amendments	Opposed by Foodstuffs FS23.9
	NCZ	359.51	Retain NCZ-P10 with amendments	
Z Energy	MCZ	361.83 361.84	Retain MCZ-P10 with amendments	
	LCZ	361.37 361.38	Retain LCZ-P10 with amendments	
	NCZ			
Kāinga Ora	MCZ	391.665 391.666	Retain NCZ-P10 with amendments	Supported in part by Retirement Villages [FS126.160] and Ryman [FS128.160]
	LCZ	391.582 391.583	Retain LCZ-P10 with amendments	Supported in part by the Retirement Villages Association and Ryman [FS126.154, FS128.154]
	NCZ	391.529 391.530	Retain NCZ-P10 with amendments	Supported in part by the Retirement Villages Association and Ryman [FS126.152, FS128.152]
VicLabour	MCZ	414.41	Retain MCZ-P10 with amendments	
	LCZ	414.37	Retain LCZ-P10 with amendments	
	NCZ	414.36	Retain NCZ-P10 with amendments	
Willis Bond	MCZ	416.125	Retain MCZ-P10 with amendments	Supported by Foodstuffs [FS23.91]
McDonald's	MCZ	274.47	Delete MCZ-P10 in its entirety	
	LCZ	274.25	Delete LCZ-P10 in its entirety	
	NCZ	274.14	Delete NCZ-P10 in its entirety	
The Retirement Villages Association	MCZ	350.279	Delete MCZ-P10 in its entirety	
	LCZ	350.241	Delete LCZ-P10 in its entirety	
	NCZ	350.218	Delete NCZ-P10 in its entirety	
Investore	MCZ	405.106 405.107	Delete MCZ-P10 in its entirety	
	LCZ	405.66	Delete LCZ-P10 in its entirety	
	NCZ	406.61	Delete NCZ-P10 in its entirety	
Fabric Property Limited	MCZ	425.54	Delete MCZ-P10 in its entirety	
	LCZ	425.52	Delete LCZ-P10 in its entirety	
	NCZ	425.50	Delete NCZ-P10 in its entirety	
Foodstuffs	MCZ	476.43	Delete MCZ-P10 in its entirety	
	LCZ	476.26	Delete LCZ-P10 in its entirety	
	NCZ	476.15	Delete NCZ-P10 in its entirety	
Stride	MCZ	470.39	Delete NCZ-P10 in its entirety	
WCC Environmental Reference Group	LCZ	377.462	Support – Retain LCZ-P10 as notified	
	NCZ	377.434	Support – Retain NCZ-P10 as notified	

Assessment

173. The submission points relating to the City Outcomes Contribution are addressed below and in the Statement of Evidence prepared by Dr Zamani. The Hearing Stream 4 Part 1 City Centre Zone

S42A report in the CCZ-S1 – Maximum heights section responds to submissions raised regarding maximum building heights in the CCZ and includes a recommendation to remove maximum building heights, and incorporate the City Outcomes Contribution into CCZ-S1 as ‘City Outcomes Contribution Height Threshold’ (HS4-P1-CCZ-Rec94). This section includes assessment and S32AA analysis regarding this recommendation.

174. City Outcomes Contribution expanded upon an existing ODP tool aimed at securing benefits for the city. This change in location within the PDP does not alter development capacity, nor the ability to implement NPS-UD Policy 3(a), as development capacity is still being maximised with the removal of maximum height limits and enabling unlimited building heights as per HS4-P1-CCZ-Rec94. No changes are proposed through this recommendation to the activity statuses or notification statements with respect to additions, alterations and building construction rules in the CCZ (CCZ-R19 and CCZ-R20). As such, City Outcomes Contribution is not considered a qualifying matter.
175. As detailed in this section in the Hearing Stream 4 Part 1 City Centre Zone S42A report, the Section 42A officers consider that the changes recommended to CCZ-S1 and the recommendations below in this section, are simply moving the City Outcomes Contribution method from the Design Guides to CCZ-S1 and the recommended new Appendix 16.
176. The section 42A officers disagree with the submissions seeking to remove the City Outcomes Contribution mechanism. This control is a variation to an existing ODP control ‘design excellence’. Policy 12.2.5.5 was introduced to the ODP via Plan Change 48 in 2007 and requires buildings that exceed the maximum height limit specified for the site or are “*very tall in relation to the surrounding properties*” to achieve ‘design excellence’¹⁹. The policy was introduced along with new height and mass standards in response to inadequacies identified in the existing provisions, as a mechanism to ensure that buildings that are noticeably tall within the Central Area made a positive contribution to the townscape.
177. The policy explanation provides guidance for applicants as to when and where it may be appropriate to develop a significant over-height ‘landmark’ building. The Council requires design excellence for buildings proposed to be exceptionally tall, with developers expected to produce to a high urban design and amenity standard.
178. The Urban Perspectives Report²⁰ found the following key observations regarding ODP design excellence assessment and administrations:
 - The assessment comments in the decision reports with regard to design excellence reinforce the lack of specific and clear assessment criteria and illustrate the different approaches taken by the different urban design advisors in assessing design excellence. This creates uncertainty for applicants and questions the consistency and objectivity of a design excellence assessment.
 - Design excellence assessments tend to focus on the architectural and aesthetic qualities of buildings. In some cases, design excellence has been considered to be achieved regardless of issues relating to on-site amenity (with emphasis on outlook and/or quality of daylight for some units).

¹⁹ [v1chap12.pdf \(wellington.govt.nz\)](#)

²⁰ Urban Perspectives Limited, Draft Wellington District Plan Review: Building Mass Control Provisions, Urban Design Report, October 2020

- In the ODP there is a disconnect between the words in the policy and the explanation under the policy. Based on the policy and explanation design excellence is considered for buildings of significant visibility and prominence. However, due to the wording of the ODP provisions, design excellence is required for any height exceedance, even when this is small (1 metre or less) and visually indiscernible, and with no obvious effect on the actual building form and/or the townscape environment. This unnecessarily complicates the resource consent process.
- There is no clear definition re design excellence and no specific criteria for assessing this anywhere in the ODP. This creates inconsistency in assessing design excellence and opens it up to subjective interpretation, which is seen by applicants as uncertainty.
- Where design excellence sits relative to the provisions of the CAUDG is unclear – this creates confusion and ‘invites’ further interpretation. It also unnecessarily complicates the overall assessment of design quality.
- As the explanation in the policy directs the planner to assess the building on the townscape, assessment of design excellence focusses on the external form and aesthetic and architectural quality of the building and its contribution to the public realm, but does not typically look at on-site amenity as part of the assessment (the review highlighted cases where the on-site amenity re daylight/outlook for a building that has passed the design excellence test was poor for a large number of units).

179. The Urban Perspectives Report made the following recommendations for consideration of the design excellence mechanism as part of the District Plan review:

- In light of the anticipated densification of the Central Area as a place for residential development, it would be warranted for design excellence to refer to all aspects of the design in a holistic manner.
- Assessing design excellence through a design panel review for important over-height buildings might be appropriate to consider.
- Review the policy in light of anticipated height increases as directed in the Spatial Plan.
- Address the ‘disconnect’ between the words in the policy and explanations and refine the trigger for ‘design excellence’ assessment.
- Provide a definition of design excellence and supplement it by clear assessment criteria that cover all aspects of the design (aesthetic and architectural quality, contribution to the public environment as well as on-site amenity for residential developments + specific criteria for building volume with a mass breach as a result of a height breach).
- Clarify the relationship between the CAUDG provisions and any future design excellence assessment criteria. Define the specific objectives/outcomes that design excellence has to deliver in addition to satisfying the objectives of the CAUDG and link those to the relevant policies. Consider integrating design excellence into the CAUDG.

180. Through the District Plan Review process, the Council sought to retain the purpose and public benefit that design excellence provided. It is noted that the tool is useful to improve the quality of design for projects that have a significant impact on the quality and functionality of the city. It is also worth noting that there is a directive from the NPS-UD for well-functioning urban environments which is to be balanced with enhanced development capacity. In the view of this section 42A report author, it is important that with the anticipated growth in Wellington’s population, development is of a high quality both in terms of the appearance of the building and the on-site amenity it provides. The City Outcomes Contribution is seen as a collective method for improving urban outcomes and the lived environment.

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

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

182. There are many international examples of cities utilising a form of design excellence mechanism in their city planning documents to enhance built outcomes. This includes:

- Melbourne – The City of Melbourne is committed to ensuring high quality design outcomes across the built environment, as supported by its Design Excellence Program²¹. Design excellence is a multi-faceted accolade used to describe projects that demonstrate exceptional standards in architecture, landscape architecture and urban design. Melbourne measures Design Excellence outcomes by the functionality, liveability, sustainability and public contribution of buildings and public spaces.
- City of Darebin (Municipality in Melbourne) – Darebin has a Design Excellence Programme²² with the purpose being to improve the quality of development within Darebin to create sustainable and liveable neighbourhoods that will stand the test of time and help meet climate goals. Darebin Council has a range of initiatives and principals to meet their design excellence initiative.
- Willoughby City Council (Northern Sydney) – Willoughby City Council encourages and promotes design excellence through their Chatswood CBD Planning and Urban Design Strategy²³. This strategy requires projects to achieve design excellence and outcomes in line with the City’s Community Strategic Plan.
- Liverpool City Council (United Kingdom) – Liverpool has a Design Excellence Panel, the primary function of which is to advise Council and the public of the design quality of development applications so that Council can determine whether such applications will contribute to an improvement in the built environment of Liverpool.

²¹ City of Melbourne, [Design Excellence Programme](#), 2023

²² City of Darebin, [Design Excellence Programme](#), 2023

²³ Willoughby City Council, [Chatswood CBD Planning and Urban Design Strategy](#) 2036

- Northwest Arkansas (United States of America) – The Northwest Arkansas Design Excellence Program²⁴ promotes the highest level of design in the development of public buildings and spaces in Arkansas’ Benton and Washington counties. The programme has four guiding principals being: strengthening public life, elevating standards of sustainability and resilience, celebrating local cultures and places, and building regional capacity.
183. The authors of this s42a report disagree with the submission points received that seek to delete or remove the City Outcomes Contribution. In our view, it needs to be retained as it provides a method which aims to ensure ‘density is done well’. It ensures that tall buildings (relevant to zone typologies) and buildings under the City Centre Zone minimum building height provide beneficial public and private outcomes to contribute to well-functioning urban environments.
184. The City Outcomes Contribution is targeted at commercial, residential and mixed-use developments that are either under-height or above area specific height thresholds. These developments, typically more so than others, have the potential to impact on the quality and level of public and private amenity within the City’s commercial centres, and securing additional benefits from these developments is therefore required.
185. We note that justification for inclusion of the matters listed in the City Outcomes Contribution is based on a broader requirement to achieve the strategic directions of the Plan, the objectives of the NPS-UD and section 5 RMA. Policy 3 of the NPS-UD does not sit in isolation, and does not elevate recognising the national significance of urban development above broader RMA outcomes. To achieve the purpose of the RMA, the Plan must recognise the national significance of urban development in a way that assists in achieving the overall purpose of the Act. Objective 1 to the NPS-UD reflects this wider scope by requiring well-functioning urban environments, with Policy 1 listing a broad range of matters that make up a well-functioning urban environment. The City Outcomes Contribution is considered a key method in the Plan to implement the following NPS-UD Policy 1 directives, as we identify in Table 6. The City Outcomes Contributions are listed in the righthand column and the NPS-UD Policy 1 directives in the lefthand column:

Table 6: NPS-UD Policy 1 and City Outcomes Contribution – Outcomes

NPS-UD Policy 1 directives	City Outcomes Contributions
<ul style="list-style-type: none"> • <i>have or enable a variety of homes that: (i) meet the needs, in terms of type, price, and location, of different households; and ...</i> 	<ul style="list-style-type: none"> • Assisted Housing – For every 1% of the net floor area in the development that is new assisted housing. • Universal Accessibility – Lifemark star rating or equivalent. • Contribution to Public Space and Amenity <ul style="list-style-type: none"> ○ Provision of appropriate communal gardens, playgrounds, and roof gardens ○ For every 10% of the site accessible as public open space.
<ul style="list-style-type: none"> • <i>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</i> 	<ul style="list-style-type: none"> • Universal Accessibility – Lifemark star rating or equivalent. • Contribution to Public Space and Amenity <ul style="list-style-type: none"> ○ For every 10% of the site accessible as public open space ○ Any lane-way or through block connection ○ Provision of appropriate communal gardens, playgrounds, and roof gardens ○ Provision of permanent public amenities, i.e. public toilets ○

²⁴ Walton Family Foundation, [Northwest Arkansas Design Excellence Programme](#), 2023

	<ul style="list-style-type: none"> • Sustainability and Resilience <ul style="list-style-type: none"> ○ Restoration of a degraded heritage building, heritage structure, or site/area of significance to Māori on the same site or adjoining site
<ul style="list-style-type: none"> • <i>support reductions in greenhouse gas emissions; and</i> 	<ul style="list-style-type: none"> • Contribution to Public Space and Amenity <ul style="list-style-type: none"> ○ For every 10% of the site accessible as public open space ○ Provision of appropriate communal gardens, playgrounds, and roof gardens • Sustainability and resilience <ul style="list-style-type: none"> ○ Green Star or Home Star or equivalent rating ○ Restoration of a degraded heritage building, heritage structure, or site/area of significance to Māori on the same site or adjoining site ○ Reduction in embodied carbon in buildings ○ Seismic resilience measures additional to 100% New Building Standard.
<ul style="list-style-type: none"> • <i>are resilient to the likely current and future effects of climate change</i> 	<ul style="list-style-type: none"> • Sustainability and resilience <ul style="list-style-type: none"> ○ Green Star or Home Star or equivalent rating ○ Restoration of a degraded heritage building, heritage structure, or site/area of significance to Māori on the same site or adjoining site ○ Reduction in embodied carbon in buildings ○ Seismic resilience measures additional to 100% New Building Standard.

186. In response to Kāinga Ora’s submission points [391.718, 391.719] (opposed by the Retirement Villages Association [FS126.162] and Ryman [FS128.162])²⁵ that note their opposition and state that the mechanism is inconsistent with current legislative framework, over height development should be assessed against potential or actual effects and this policy has potential to disincentivise intensified development, we disagree for the reasons outlined in the following paragraphs.

187. District plans are not bound to only consider the adverse effects of infringing particular rules. District plans are also able to include methods, other than rules, for implementing the policies for the district, which in turn implement the objectives for the district. These provisions must also give effect to national policy statements (including the NPS-UD). Refer to section 75 of the RMA.

188. In making rules, the Council shall have regard to the actual or potential effects on the environment of activities including, in particular, any adverse effect. Refer to section 76 of the RMA. These effects may include positive effects and cumulative effects (section 3 of the RMA), which are particularly relevant to the City Outcomes Contribution. These enabling provisions for plan-making are in the context of territorial authority functions under section 31 of the RMA, which include:

- (1)(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.
- (1)(b) the control of any actual or potential effects of the use, development, or protection of land.

²⁵ Also refer to Table 5 for submission points relating to the MCZ, LCZ and NCZ.

- 189. As above, “effects” include positive effects on the urban environment, directly for the immediate neighbourhood, for current and for future residents, and cumulatively for well-functioning urban environments. The City Outcomes Contribution is a method to maximise the benefits of intensification while realising as much development capacity as possible (NPS-UD Policy 3(a)) to contribute to well-functioning urban environments as outlined in NPS-UD Policy 1.
- 190. Contributions to public open space and amenities such as gardens, playgrounds and public toilets, are useful ways to improve the functioning of our high density urban environments. Accessible residential units, as certified by Lifemark²⁶, or equivalent, allows for people with physical impairments and older people to have houses that can provide for their health and safety. This is becoming more important as Sense Partners²⁷ has identified that the faster population growth in Wellington Region are people over 60 years old, and the fastest (percentage basis) being people 80+ years old.
- 191. Buildings that are energy efficient and have seismic resilience improve economic wellbeing and safety, as well as providing for management of significant natural hazard risks from earthquakes, and having particular regard to the efficiency of the end use of energy and the efficient use of natural and physical resources²⁸.
- 192. Incentives to provide assisted housing, as defined in the PDP, help improve social diversity in high density neighbourhoods, improve economic vitality, and improve access of lower income people and whanau to opportunities in Wellington City. This helps enable *all* people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety. Also refer to the section 32 report prepared in relation Assisted Housing²⁹ and social impact assessment of assisted housing options.³⁰
- 193. Further to Table 7, above the City Outcomes Contributions help apply NPS-UD Policy 1 in the following ways:

Table 7: NPS-UD Policy 1 and City Outcomes Contribution – Methods

NPS-UD Policy 1 directives:	City Outcome Contribution methods:
a) have or enable a variety of homes that: <ul style="list-style-type: none"> i. meet the needs, in terms of type, price, and location, of different households; and ii. enable Māori to express their cultural traditions and norms; and 	<ul style="list-style-type: none"> • Supported by COC incentives for universal accessibility and for assisted housing • Supported by COC incentives for assisted housing, particularly for housing on Māori land and for papakāinga
b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and	<ul style="list-style-type: none"> • Supported by COC incentives for assisted housing

²⁶ [Home | Lifemark](#)

²⁷ Sense Partners. *Demographic forecasts for the Wellington region*. March 2023, update.

²⁸ RMA Sections 6(h), 7(b) and 7(ba).

²⁹ <https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/reports/section-32-part-2-assisted-housing.pdf?la=en&hash=146038A6593A205082DA2F239E3C8D155F3EBCA1>

³⁰ Quigley, Robert. *Assessment of potential social effects from the draft District Plan’s inclusionary zoning provisions for Wellington City Council*. 10 December 2021.

c) 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	<ul style="list-style-type: none"> Supported by COC incentives for contributions to public spaces and amenities, and for assisted housing in areas with good accessibility such as centres and High Density Residential Zones.
d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and	<ul style="list-style-type: none"> The COC method provides additional supply for land and development markets in addition to that needed for the competitive operation of land and development markets, as examined by Property Economics.³¹
e) support reductions in greenhouse gas emissions; and f) are resilient to the likely current and future effects of climate change.	<ul style="list-style-type: none"> The COC method supports this through encouraging Green Star and HomeStar (or equivalent) rated buildings, adaptive building reuse, and reduction of embodied carbon in new buildings

194. Some submissions seek that assisted housing outcome be removed from the City Outcome Contribution mechanism. We disagree with this relief sought and note that it is an important strategic focus for Council. When the PDP was taken to Council for sign off, there was strong support for retaining assisted housing in City Outcome Contributions³². Whilst the committee removed the assisted (affordable) housing chapter from the notified PDP, transcripts of the meeting note that assisted housing was sought to be retained in the City Outcome Contribution mechanism.

195. It is noted that in accordance with Minute 15 of the IHP (dated 11 April 2023), the content of the Design Guides, including their scope and content, will also be addressed at the Wrap Up Hearing for Hearing Streams 1 to 5. The City Outcomes Contribution will be further considered as part of the review of the Design Guides in their entirety.

196. It is acknowledged that some minor amendments can be made to improve the usability, clarity and intent of the City Outcomes Contribution mechanism. Based on submission points raised, it is considered useful to reduce the number of hooks to which City Outcomes Contribution applies. In the notified PDP the mechanism applies to over height, under height, large scale residential, non-residential and comprehensive developments. The wide spread of development that would be caught by these various hooks is considered onerous and could unintentionally risk deterring development, as well as causing issues with the alignment of the mechanism with the NPS-UD's objectives and policies.

197. As such, it is recommended that the City Outcomes Contribution should only apply to development above maximum height limits or to development below the CCZ-S4 Minimum Building Height limit. This means that development below maximum height limits (but above the minimum building height CCZ-S4 requirement) are not required to provide a City Outcome Contribution.

³¹ Property Economics. *Wellington City Commercially Feasible Residential Capacity Assessment*. Project No. 52144. June 2022. <https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/reports/supplementary-documents/wellington-city-commercially-feasible-residential-capacity-assessment.pdf?la=en&hash=F92B91D81D51FB60919D730EF765475A093F5469>

³² [Committee Meeting](#), 23 June 2022 - **Resolved 7. Agree to remove the assisted (affordable) housing chapter from the notified District Plan and instead investigate the use of a targeted rate on land in identified growth areas of the city where additional height has been enabled by the PDP to fund an assisted (affordable) housing fund as part of the wider review of the Rating Policy**

198. It is also considered that there is more merit in having the mechanism’s provisions squarely contained within the District Plan, rather than the notified PDP’s approach of spreading associated content between the PDP and the CMUDG and RDG. This still enables an urban design assessment of developments that will be considered for City Outcomes Contribution. However, we consider this will provide better clarity and usability through having the criteria, thresholds and outcomes in one recommended appendix that links to the existing rules and policies. We therefore do not consider that substantial changes are needed to the mechanism, which has been re-drafted as ‘Appendix 16’.
199. For the reasons detailed above, it is recommended that submissions seeking to retain the City Outcomes Contribution mechanism are accepted, those seeking amendments to the mechanism are accepted in part, and those seeking to remove it are rejected.

City Outcome Contribution amendments of minor effect

200. Council staff found the City Outcome Contribution term “adaptive reuse of buildings” to be too general to describe the intent of the outcome. This city outcome was intended to be focused on restoring buildings with heritage value that have been degraded. With restoration, these buildings can be used again, typically by modern activities that were not the original activity in the building (i.e. “adaptive reuse”). The term “adaptive reuse” is not commonly understood, and could easily be interpreted as simply changing a building use, for example from commercial office space to apartments.
201. As a minor amendment, this “adaptive reuse” contribution is clarified to: “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”. This gives certainty to district plan users on how this city outcome contribution should be applied and scored. Its Comment is also clarified: from “The range in points depends on the quality, extent and level of reuse and regeneration” to “The range in points depends on the quality and extent of the restoration, and how it provides for ongoing use and maintenance.”
202. The City Outcome Contribution term “reduction in embodied carbon in buildings” also needed to be more precise so plan users can apply it effectively. We have added the qualifier “compared to an equivalent standard construction”. Its Comment about the range in points replaces the generic “quality, extent and level of amenity” (which was copied from the Contributions to Public Space and Amenity outcomes) with “the proportion and quantum of reduced embodied carbon that each solution provides.”
203. The City Outcome Contribution term “Seismic resilience measures” needed to be more precise so plan users can apply it effectively. In particular, that these measures need to be additional to those required in the Building Code to be at 100% of the New Building Standard. Seismic resilience at (or below) the NBS is just what is expected for any building. As for the other Contributions above, we have replaced the generic comment about “quality, extent and level of amenity with the more applicable and relevant phrase “the increase in life safety the measures provide”.

Urban Design Panel

204. It is noted that in Hearing Stream 2, with regards to the Residential Design Guide, Willis Bond [416.204, 416.3] sought that the Council consider a Design Excellence Panel (or similar), which is constituted for each project (with representatives agreed by the Council and the developer) and is charged with ensuring the development achieves the quality urban outcomes sought by the Council. The submitter noted that provided approval is obtained from the Design Excellence Panel, the Council would not have discretion to consider urban outcomes (to ensure there is no overlap of roles between the Council and the Design Excellence Panel). These submissions were accepted in part in the associated Appendix B³³.
205. It is also noted that some submissions have been received with regards to the CMUDG regarding design panels also. However, these submissions will be addressed in the wrap up hearing. As stated previously, in accordance with Minute 15 of the IHP (dated 11 April 2023), the Design Guides, including their scope and content, will also be addressed at the Wrap Up Hearing for Hearing Streams 1 to 5.
206. One submission on the CCZ raised the matter of urban design panels. Wellington Branch NZIA [301.7] sought that a mandatory Design Panel Review be adopted for all inner city developments. The City Outcomes Contribution as notified in the PDP included a 'Urban Design Panel' one of the outcomes, alongside contribution to public space and amenity, universal accessibility, sustainability and resilience and assisted housing. 'Urban design approval' has been given 1-10 points in the PDP, with the Comments section noting that 'the range in points depends on the development's response to all the design guides as decided by the Panel'. Dr Zarmani in his statement of evidence for Hearing Stream 2³⁴, noted that urban design panels has been considered through the process and the Urban Design Team are working on operational matters regarding establishing the Wellington Urban Design Panel and that they will be asking the Council to provide adequate funding for this in the next Council Long-Term Plan.
207. In response to submissions raised on the design panel and through the recommendation in HS4-Overview-Rec29 that the City Outcomes Contribution detail in G97 and G137 of the CMUDG and RDG design guides be relocated to a new appendix (Appendix 16: City Outcomes Contribution appendix) in the District Plan, we also considered that the 'Urban Design Panel' outcome should be relocated from being an 'outcome' to a 'method' in the District Plan that sits in each zone to which City Outcomes Contribution applies (HS4-Overview-Rec25). It is proposed that this new method applies to the applicable zones to which City Outcome Contribution applies. An independent urban design panel is recommended.
208. It is considered that this minor amendment is a more appropriate outcome in terms of being able to establish a panel and utilise such a panel for resource consent application. This provides more clarity regarding how a design panel will be set up and provides a direct reference to this in each applicable zone. It is also considered that reference to a design panel in a method as opposed to an outcome is a more efficient and effective approach within the District Plan, as an 'urban design panel' is substantially different to the other outcomes provided by City Outcomes Contribution, for instance public space provision or assisted housing. An 'urban design panel' is more about assessment of beneficial outcomes to the city through applications, as opposed to a city outcome itself.

³³ Hearing Stream 2, [Residential Design Guide Appendix B](#)

³⁴ Hearing Stream 2, [Statement of Evidence of Dr Farzard Zarmani](#)

Summary of recommendations

209. HS4-Overview-Rec22: That the City Outcomes Contribution policy should be amended across City Centre Zone, Metropolitan Centre Zone, Local Centre Zone, Neighbourhood Centre Zone and High Density Residential Zone as follows:

<p>City Outcomes Contribution</p> <p>...</p> <p>5. Enabling ease of access for people of all ages and mobility/disability.</p>

210. HS4-Overview-Rec23: That CCZ-P11 (City Outcomes Contribution), MCZ-P10 (City Outcomes Contribution), LCZ-P10 (City Outcomes Contribution), NCZ-P10 (City Outcomes Contribution) and HRZ-P13 (City Outcomes Contribution) are amended as follows:

CCZ-P11	<p>City outcomes contribution</p> <p>Require over and under height, large scale residential, non residential and comprehensive developments over CCZ-S1 height thresholds and under CCZ-S4 minimum building heights in the City Centre Zone to deliver City Outcomes Contributions as detailed and scored in Appendix 16 the Centres and Mixed Use Design Guide guideline G107, including through either:</p> <ol style="list-style-type: none"> 1. Positively contributing to public space provision and the amenity of the site and surrounding area; and/or 2. <u>2. Enabling ease of access for people of all ages and mobility; and/or</u> 2. <u>3.</u> Incorporating a level of building performance that leads to reduced carbon emissions and increased climate change earthquake resilience; and/or 3. <u>4.</u> Incorporating construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs; and/or 4. <u>5.</u> Incorporating assisted housing into the development; where this is provided, legal instruments are required to ensure that it remains assisted housing for at least 25 years. ; and/or 5. <u>Enabling ease of access for people of all ages and mobility.</u>
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MCZ-P10	<p>City outcomes contribution</p> <p>Require over height, large scale residential, non residential and comprehensive development in the Metropolitan Centre Zone to deliver City Outcomes Contributions as detailed and scored in Appendix 16 in the Centres and Mixed Use Design Guide guideline G107, including through either:</p> <p>Positively contributing to public space provision and the amenity of the site and surrounding area; and/or</p> <ol style="list-style-type: none"> 1. <u>Enabling ease of access for people of all ages and mobility; and/or</u>
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	<p>2-3. Incorporating a level of building performance that leads to reduced carbon emissions and increased climate change resilience; and/or</p> <p>3-4. Incorporating construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs; and/or</p> <p>4-5. Incorporating assisted housing into the development; where this is provided, legal instruments are required to ensure that it remains assisted housing for at least 25 years; and/or</p> <p>5. Enabling ease of access for people of all ages and mobility.</p>
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LCZ-P10	<p>City outcomes contribution</p> <p>Require over height, large-scale residential, non-residential and comprehensive development in the Local Centre Zone to deliver City Outcomes Contributions as detailed and scored in Appendix 16 the Centres and Mixed Use Design Guide guideline G107, including through either:</p> <ol style="list-style-type: none"> 1. Positively contributing to public space provision and the amenity of the site and surrounding area; and/or 2. Enabling ease of access for people of all ages and mobility; and/or 2-3. Incorporating a level of building performance that leads to reduced carbon emissions and increased climate change resilience; and/or 3-3. Incorporating construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs; and/or 4-5. Incorporating assisted housing into the development; where this is provided, legal instruments are required to ensure that it remains assisted housing for at least 25 years; and/or 5. Enabling ease of access for people of all ages and mobility.
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NCZ-P10	<p>City outcomes contribution</p> <p>Require over height, large-scale residential, non-residential and comprehensive development in the Neighbourhood Centre Zone to deliver City Outcomes Contributions as detailed and scored in Appendix 16 the Centres and Mixed Use Design Guide guideline G107, including through either:</p> <ol style="list-style-type: none"> 1. Positively contributing to public space provision and the amenity of the site and surrounding area; and/or 2. Enabling ease of access for people of all ages and mobility; and/or 2-3. Incorporating a level of building performance that leads to reduced carbon emissions and increased climate change resilience; and/or 3-4. Incorporating construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs; and/or 4-5. Incorporating assisted housing into the development; where this is provided, legal instruments are required to ensure that it remains assisted housing for at least 25 years; and/or 5. Enabling ease of access for people of all ages and mobility.
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HRZ-P13	<p>City Outcomes Contribution</p> <p>Require over height, large-scale residential development in the High Density Residential Zone to deliver City Outcomes Contributions as detailed and scored in Appendix 16 the Residential Design Guide, including through either:</p>
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	<p>1. Positively contributing to public space provision and the amenity of the site and surrounding area; and/or</p> <p>2. Enabling ease of access for people of all ages and mobility; and/or</p> <p>2-3. Incorporating a level of building performance that leads to reduced carbon emissions and increased climate change resilience; and/or</p> <p>3-4. Incorporating construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs; and/or</p> <p>4-5. Incorporating assisted housing into the development, and where this is provided legal instruments are required to ensure that it remains assisted housing for at least 25 years; and/or</p> <p>5. Enabling ease of access for people of all ages and mobility.</p>
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211. HS4-Overview-Rec24: That CCZ-R19 (Alterations and additions to buildings), CCZ-R20 (Construction of buildings and structures), MCZ-R20 (Construction of, or additions and alterations to, buildings and structures), LCZ-R18 (Construction of, or additions and alterations to, buildings and structures), NCZ-R18 (Construction of, or additions and alterations to, buildings and structures) and HRZ-R14 (Construction of buildings or structures for multi-unit housing or a retirement village) are amended as follows:

ISPP

CCZ-R19	Alterations and additions to buildings and structures
	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Any alterations or additions to a building or structure that:</p> <ul style="list-style-type: none"> i. Do not alter the external appearance of the building or structure; or ii. Relate to a building frontage below verandah level, including entranceways and glazing and compliance with CCZ-S8 is achieved; or iii. Do not result in the creation of new residential units; and iv. Are not visible from public spaces; and v. Comply with standards CCZ-S1, CCZ-S2, CCZ-S3, CCZ-S4, CCZ-S5, CCZ-S6, CCZ-S7 and CCZ-S8.
	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of CCZ-R19.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <ul 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-S4, CCZ-S5, CCZ-S6, CCZ-S7, CCZ-S8, CCZ-S9, CCZ-S10, CCZ-S11, CCZ-S12 and CCZ-S13; 3. Construction impacts on the transport network; 4. The Centres and Mixed Use Design Guide, including guideline G107—City Outcomes Contribution <u>as required in Appendix 16</u> for any building that exceeds the <u>maximum CCZ-S1 height threshold requirement and is under the minimum height limit and either comprises 50 or more residential units or is a non-residential building;</u> and 5. The Residential Design Guide. <p>Notification status:</p>

ISPP

<p>An application for resource consent made in respect of rule CCZ-R19.2.a which results in non-compliance with CCZ-S5, CCZ-S9, 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 CCZ-R19.2.a which results in non-compliance with CCZ-S1, CCZ-S2, CCZ-S3, CCZ-S4, CCZ-S6, CCZ-S7 and CCZ-S8 is precluded from being publicly notified.</p>	
CCZ-R20	Construction of buildings and structures
<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none">a. It involves the construction of any new building or structure that:<ul style="list-style-type: none">i. Will have a gross floor area of 100m² or less; andii. Will result in a building coverage of no more than 20 percent; andb. Compliance with CCZ-S1, CCZ-S2, CCZ-S3, CCZ-S4, CCZ-S5, CCZ-S6, CCZ-S7, CCZ-S8, CCZ-S9, CCZ-S10, CCZ-S11, CCZ-S12 and CCZ-S13 is achieved.	
<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none">a. Compliance with any of the requirements of CCZ-R20.1, excluding CCZ-S4, cannot be achieved. <p>Matters of discretion are:</p> <ul 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;3. The Centres and Mixed Use Design Guide, including guideline G107 City Outcomes Contribution <u>as required in Appendix 16</u> 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; and7. The availability and connection to existing or planned three waters infrastructure. <p>Notification status:</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, 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 is precluded from being publicly notified.</p>	

3. Activity status: **Discretionary**

Where:

- a. Compliance with the requirements of CCZ-S4 cannot be achieved.

Notification status: An application for resource consent made in respect of rule CCZ- R20.3 which results in non-compliance with CCZ-S4 is precluded from being either publicly or limited notified.

ISPP

MCZ-R20

Construction of, or additions and alterations to, buildings and structures

1. Activity status: **Permitted**

Where:

- a. Any alterations or additions to a building or structure that:
 - i. Do not alter the external appearance of the building or structure; or
 - ii. Relate to a building frontage below verandah level, including entranceways and glazing and compliance with MCZ-S5 is achieved; or
 - iii. Do not result in the creation of new residential units; and
 - iv. Are not visible from public spaces; and
 - v. Comply with standards MCZ-S1, MCZ-S2, MCZ-S3, MCZ-S4, MCZ-S5 and MCZ-S6; and
- b. The construction of any building or structure:
 - i. Is not located on a site with an active frontage or non-residential activity frontage; or
 - ii. Is not visible from public space; and
 - iii. Will have a gross floor area of less than 100m²; and
 - iv. Will result in a total coverage (together with other buildings) of no more than 20 percent of the site; and
 - v. Comply with standards MCZ-S1, MCZ-S2, MCZ-S3, MCZ-S4, MCZ-S5 and MCZ-S6; and
 - vi. Does not involve the construction of a new building for residential activities.

2. Activity status: **Restricted Discretionary**

Where:

- a. compliance with any of the requirements of MCZ-R19.1 cannot be achieved.

Matters of discretion are:

1. The matters in MCZ-P6, MCZ-P7, MCZ-P8 and MCZ-P9;
2. The extent and effect of non-compliance with MCZ-S1, MCZ-S2, MCZ-S3, MCZ-S4, MCZ-S5, MCZ-S6, MCZ-S7, MCZ-S8, MCZ-S9, MCZ-S10 and MCZ-S11;
3. ~~The Centres and Mixed Use Design Guide, including guideline G107~~ City Outcomes Contribution ~~for any as required in Appendix 16 for any~~ building that exceeds the maximum height requirement; ~~and either comprises 25 or more residential units or is a non-residential building;~~
4. ~~The Residential Design Guide;~~
5. The extent and effect of any identifiable site constraints;
6. Construction impacts on the transport network; and

7. The availability and connection to existing or planned three waters infrastructure.

Notification status:

Notification status: An application for resource consent made in respect of rule MCZ-R20.2 which complies with MCZ-S3, MCZ-S7, MCZ-S8, MCZ-S9, MCZ-S10 and MCZ-S11 is precluded from being either publicly or limited notified.

Notification status: An application for resource consent made in respect of rule MCZ-R20.2 which results from non-compliance with MCZ-S1, MCZ-S2, MCZ-S4, MCZ-S5 and MCZ-S6 is precluded from being publicly notified.

ISPP

LCZ-R18	Construction of, or additions and alterations to, buildings and structures
	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. Any alterations or additions to a building or structure: <ul style="list-style-type: none"> i. Do not alter the external appearance of the building or structure; or ii. Relate to a building frontage below verandah level, including entranceways and glazing and compliance with LCZ-S5; or iii. Do not result in the creation of new residential units; and iv. Are not visible from public spaces; and v. Comply with effects standards LCZ-S1, LCZ-S2, LCZ-S3, LCZ-S4, LCZ-S5 and LCZ-S6. b. The construction of any building or structure: <ul style="list-style-type: none"> i. Is not located on a site with an active frontage or non-residential activity frontage; or ii. Is not visible from a public space; and iii. Will have a gross floor area of less than 100m²; and iv. Will result in a total coverage (together with other buildings) of no more than 20 percent of the site; and v. Comply with effects standards LCZ-S1, LCZ-S2, LCZ-S3, LCZ-S4, LCZ-S5 and LCZ-S6; and vi. Does not involve the construction of a new building for residential activities
	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance with any of the requirements of LCZ-R18.1 cannot be achieved. <p>Matters of discretion are:</p> <ul style="list-style-type: none"> 1. The matters in LCZ-P6, LCZ-P7, LCZ-P8, LCZ-P9 and LCZ-P10; 2. The extent and effect of non-compliance with LCZ-S1, LCZ-S2, LCZ-S3, LCZ-S4, LCZ-S5, LCZ-S6, LCZ-S7, LCZ-S8, LCZ-S9, LCZ-S10 and LCZ-S11; 3. The Centres and Mixed-Use Design Guide, including guideline G107 City Outcomes Contribution <u>as required in Appendix 16</u> for any building that exceeds the maximum height requirement; and either comprises 25 or more residential units or is a non-residential building; 4. The Residential Design Guide;

5. The extent and effect of any identifiable site constraints;
6. Construction impacts on the transport network; and
7. The availability and connection to existing or planned three waters infrastructure.

Notification status:

An application for resource consent made in respect of rule LCZ-R18.2.a that complies with LCZ-S3, LCZ-S7, LCZ-S8, LCZ-S9, LCZ-S10 and LCZ-S11 is precluded from being either publicly or limited notified.

An application for resource consent made in respect of rule LCZ-R18.2.a that results from non-compliance with LCZ-S1, LCZ-S2, LCZ-S4, LCZ-S5 and LCZ-S6 is precluded from being publicly notified.

ISPP

NCZ-R18	Construction of, or additions and alterations to, buildings and structures
	<p>2. Activity status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> a. Alterations or additions to a building or structure: <ol style="list-style-type: none"> i. Do not alter the external appearance of the building or structure; or ii. Relate to a building frontage below verandah level, including entranceways and glazing and compliance with NCZ-S5 is achieved; or iii. Do not result in the creation of new residential units; and iv. Are not visible from public spaces; and v. Comply with effects standards NCZ-S1, NCZ-S2, NCZ-S3, NCZ-S4, NCZ-S5 and NCZ-S6; and b. The construction of any building or structure: <ol style="list-style-type: none"> i. Is not located on a site with an active frontage or non-residential activity frontage; or ii. Is not visible from a public space; and iii. Will have a gross floor area of less than 100m²; and iv. Will result in a total coverage (together with other buildings) of no more than 20 percent of the site; and v. Comply with effects standards NCZ-S1, NCZ-S2, NCZ-S3, NCZ-S4, NCZ-S5 and NCZ-S6; and vi. Does not involve the construction of a new building for residential activities.
	<p>3. Activity status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> a. Compliance with any of the requirements of NCZ-R18.1 cannot be achieved. <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in NCZ-P6, NCZ-P7, NCZ-P8, NCZ-P9 and NCZ-P10; 2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard; 3. The Centres and Mixed Use Design Guide, including guideline G107 City Outcomes Contribution <u>as required in Appendix 16</u> for any building that exceeds the maximum

	<p>height limit requirement at Ngaio, Berhampore and Aro Valley centres; and either comprises 25 or more residential units or is a non-residential building;</p> <p>4. The Residential Design Guide;</p> <p>5. The extent and effect of any identifiable site constraints;</p> <p>6. Construction impacts on the transport network; and</p> <p>7. The availability and connection to existing or planned three waters infrastructure.</p> <p>Notification status:</p> <p>An application for resource consent made in respect of rule NCZ-R18.2.a that complies with both NCZ-S3, NCZ-S7, NCZ-S8, NCZ-S9, NCZ-S10 and NCZ-S11 is precluded from being either publicly or limited notified.</p> <p>An application for resource consent made in respect of rule NCZ-R18.2.a that results from non-compliance with NCZ-S1, NCZ-S2, NCZ-S4, NCZ-S5 and NCZ-S6 is precluded from being publicly notified.</p>
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ISPP

		<p>HRZ-R14 Construction of buildings or structures for multi-unit housing or a retirement village</p>
	<p>1. Activity status: Restricted Discretionary</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The extent and effect of non-compliance with any of the follow standards as specified in the associated assessment criteria for any infringed standard: <ol style="list-style-type: none"> i. HRZ-S2; ii. HRZ-S3; iii. HRZ-S12 for multi-unit housing only; iv. HRZ-S13 for multi-unit housing only; v. HRZ-S14 for multi-unit housing only; vi. HRZ-S15; vii. HRZ-S16; and viii. HRZ-S17. 2. The matters in HRZ-P2, HRZ-P3, HRZ-P5, HRZ-P6, HRZ-P7, HRZ-P8, HRZ-P10 and HRZ-P11. 3. The matters in HRZ-P13 <u>and requirements in Appendix 16 with regards to City Outcomes Contribution</u> where the development comprises 25 or more residential units; or exceeds the maximum height requirement by 25% or more. <p>Notification status: An application for resource consent made in respect of rule HRZ-R14.1 is precluded from being publicly notified.</p>	

212. HS4-Overview-Rec25: That a new method is added to the City Centre Zone, Metropolitan Centre Zone, Local Centre Zone, Neighbourhood Centre Zone and High Density Residential Zone chapters as shown below.

<u>Methods</u>	
<u>xxZ-M1</u>	<u>Urban Design Panel</u> <u>Council will seek to establish and facilitate an independent Urban Design Panel to inform the urban design assessments in relevant policies and matters of discretion that apply to significant resource consent applications as required.</u>

213. HS4-Overview-Rec26: That CCZ-S1 (Maximum height) is amended as shown below and at Appendix A.

ISPP

Standards	
City Centre Zone	
CCZ-S1	<u>Maximum height-City Outcomes Contribution Height Threshold</u>
<p>1. <u>There are no maximum heights for buildings and structures in the City Centre Zone.</u> <u>2. Above the following maximum heights limits thresholds the City Outcomes Contribution must be complied with (measured above ground level unless otherwise specified):</u></p>	
Location	<u>Limit Height threshold</u>
a. Height Control Area 1 – Thorndon Quay	35.4m
b. Height Control Area 2 – Waterloo Quay section	50m
c. Height Control Area 3 – Bulk of Thorndon	27m
d. Height Control Area 4 – Mid and Upper Molesworth Street	43.8m
e. Height Control Area 5 - CBD East	48.5m-93m
f. Height Control Area 6 - CBD West	
g. Height Control Area 7– Southern edge of CBD	43.8m
h. Height Control Area 8 –Te Aro	42.5m
i. Height Control Area 9 - South-East, South-West Zone Edge	28.5m
j. Height Control Area 10 - Adelaide Road	42.5m
<p><u>2. Fences and standalone walls must not exceed a maximum height of 1.8 metres (measured above ground level).</u></p> <p>This standard does not apply to:</p>	
<p>Assessment criteria where the standard is infringed:</p> <ul style="list-style-type: none"> - 1. <u>Streetscape and visual amenity effects;</u> 2. <u>Dominance and privacy effects on adjoining sites; and</u> 3. <u>The extent to which taller buildings would substantially contribute to increasing residential accommodation in the city.</u> 	

<p>a. Solar panel and heating components attached to a building provided these do not exceed the height by more than 500mm;</p> <p>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</p> <p>c. Lift overruns provided these do not exceed the height by more than 4m.</p>	
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214. HS4-Overview-Rec27: That references to the City Outcomes Contribution are deleted from the contents pages of the Centres and Mixed Use Design Guide and Residential Design Guide as follows:

<p>Contents</p> <p>...</p> <p>The Guidelines</p> <p>...</p> <p>High Quality Buildings</p> <p>Built form context</p> <p>Wind effects on publicspace Architectural coherence Materials</p> <p>Seismic bracing/strengthening Adaptability</p> <p>Compatibility of used (Mixed Use) Accessibility</p> <p>Carbon reduction - buildings Waste reduction</p> <p>City outcomes contributions</p>
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Contents
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City outcomes contribution

215. HS4-Overview-Rec28: That G97 of the Centres and Mixed Use Design Guides and G137 of the Residential Design Guide are deleted as follows:

~~**City outcomes contribution**~~

~~G97. ●●● The scale of larger commercial, residential, or mixed use developments has a direct bearing on the quality and level of amenity offered by the city’s public environment, and the public’s enjoyment of it. To address this, five factors, collectively referred to as **City Outcomes Contribution**, will be considered in assessing the quality of larger scale development—provision of public space, sustainability, accessibility, provision of assisted housing and urban design quality. The aim of this assessment is to incentivise “density done well” by giving density related development concessions in return for publicly beneficial outcomes. The following tables set out the development types that trigger consideration of **City Outcomes Contribution**, including associated numeric thresholds to be satisfied and the outcomes sought.~~

~~The thresholds defined in the below tables reflect the extent of the impact certain forms of large-scale development can have on the city. For example, the taller or larger the development, the greater its potential impact on public amenity and urban living in the city. Consequently, it is anticipated that larger developments will positively address future challenges confronting the city regarding access to public and green space, sustainability and climate change, accessibility, and assisted housing.~~

Table 1: City Centre Zone—Thresholds for any under or over height development comprising 50 or more units or any comprehensive development

Threshold	Points required	Comments
Maximum City Outcome Contribution Height limit threshold		
Any development that exceeds the maximum height threshold limit by 10%–24%	20	Developments that are within the 10% height threshold do not need to meet the outcomes, however they need to satisfy the relevant guidelines in this guide.
Any development that exceeds the maximum height threshold limit by 25%–49%	30	-
Any development that exceeds the maximum height threshold limit by 50% or more	40	-
Minimum height limit		
Any development below the minimum height limit by 25%–49%	30	Developments below the 25% minimum height threshold do not need to meet the outcomes, however they need to satisfy the relevant guidelines in this guide.
Any development below the minimum height limit by 50%	40	-

Table 2: Metropolitan Centre Zone (MCZ), Neighbourhood Centre Zone (NCZ), Local Centre Zone (LCZ) and High-Density Residential Zone (HRZ)–

Thresholds for any over height development comprising 25 or more units or any comprehensive development

Threshold	Points required				Comments
	MCZ	NCZ	LCZ	HRZ	
Any development that exceeds the maximum height limit by 25%–49%	20	10	10	20	Developments that are within the 25% height threshold do not need to meet the outcomes, however they need to satisfy the relevant guidelines in this guide.

Any development that exceeds the maximum height limit by +50%	30	15	15	25	-
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The table below sets out the relevant City Outcomes sought in response to the development thresholds outlined in Tables 1 and 2. To achieve the minimum numeric value associated with the relevant threshold in these tables, a score based on the aggregate points of two or more of the outcomes listed in Table 3 is required.

Table 3: City Outcomes

Outcome	Points	Comments
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.
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.
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 level of amenity that each solution provides.
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.
Universal Accessibility (5-10 points)		
Lifemark 5-Star or equivalent or higher	10	
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	
Green Star 5 or Home Star 8 or equivalent	7.5	
Green Star 4 or Home Star 7 or equivalent	5	
Adaptive reuse of buildings	1-10	The range in points depends on the quality, extent and level of reuse and regeneration.
Reduction in embodied carbon in buildings	1-10	The range in points depends on the quality, extent and level of amenity that each solution provides.

Additional seismic resilience measures, including base isolations, seismic dampers, etc.	1-5	The range in points depends on the quality, extent and level of amenity that each solution provides.
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.
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.

City outcomes contribution

~~G137. The scale of larger commercial, residential, or mixed-use developments has a direct bearing on the quality and level of amenity offered by the city's public environment, and the public's enjoyment of it. To address this, five factors, collectively referred to as **City Outcomes Contribution**, will be considered in assessing the quality of larger-scale development—provision of public space, sustainability, accessibility, provision of assisted housing, and urban design quality. The aim of this assessment is to incentivise “density done well” by giving density-related development concessions in return for publicly beneficial outcomes. The following tables set out the development types that trigger consideration of **City Outcomes Contribution**, including associated numeric thresholds to be satisfied and the outcomes sought.~~

~~The thresholds defined in the below tables reflect the extent of the impact certain forms of large-scale development can have on the city. For example, the taller or larger the development, the greater its potential impact on public amenity and urban living in the city. Consequently, it is anticipated that larger developments will positively address future challenges confronting the city regarding access to public and green space, sustainability and climate change, accessibility, and assisted housing.~~

~~Table 1: City Centre Zone—Thresholds for any under or over height development comprising 50 or more units or any comprehensive development~~

Threshold	Points required	Comments
Maximum City Outcome Contribution height limit threshold		
Any development that exceeds the maximum height <u>threshold</u> limit by 10%–24%	20	Developments that are within the 10% height threshold do not need to meet the outcomes, however they need to satisfy the relevant guidelines in this guide.
Any development that exceeds the maximum height <u>threshold</u> limit by 25%–49%	30	-

Any development that exceeds the maximum height threshold limit by 50% or more	40	-
Minimum height limit		
Any development below the minimum height limit by 25% - 49%	30	Developments below the 25% minimum height threshold do not need to meet the outcomes, however they need to satisfy the relevant guidelines in this guide.
Any development below the minimum height limit by 50%	40	

Table 2: Metropolitan Centre Zone (MCZ), Neighbourhood Centre Zone (NCZ), Local Centre Zone (LCZ) and High Density Residential Zone (HRZ) – Thresholds for any over height development comprising 25 or more units or any comprehensive development

Threshold	Points required				Comments
	MCZ	NCZ	LCZ	HRZ	
Any development that exceeds the maximum height limit by 25% - 49%	20	10	10	20	Developments that are within the 25% height threshold do not need to meet the outcomes, however they need to satisfy the relevant guidelines in this guide.
Any development that exceeds the maximum height limit by +50%	30	15	15	25	-

The table below sets out the relevant City Outcomes sought in response to the development thresholds outlined in Tables 1 and 2. To achieve the minimum numeric value associated with the relevant threshold in these tables, a score based on the aggregate points of two or more of the outcomes listed in Table 3 is required.

Table 3: City Outcomes

Outcome	Points	Comments
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.

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.
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 level of amenity that each solution provides.
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.
Universal Accessibility (5-10 points)		
Lifemark 5-Star or equivalent or higher	10	
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	
Green Star 5 or Home Star 8 or equivalent	7.5	
Green Star 4 or Home Star 7 or equivalent	5	
Adaptive reuse of buildings	1-10	The range in points depends on the quality, extent and level of reuse and regeneration.
Reduction in embodied carbon in buildings	1-10	The range in points depends on the quality, extent and level of amenity that each solution provides.
Additional seismic resilience measures, including base isolations, seismic dampers, etc.	1-5	The range in points depends on the quality, extent and level of amenity that each solution provides.
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.
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.

216. HS4-Overview-Rec29: That a new Appendix 16: City Outcomes Contribution appendix is added to the District Plan as follows:

Appendix 16: City Outcomes Contribution

This appendix and the requirements set out within it apply to the City Centre Zone, Metropolitan Centre Zone, Local Centre Zone, Neighbourhood Centre Zone and High Density Residential Zone, and relates to and should be read in conjunction with District Plan provisions CCZ-P11, MCZ-P10, LCZ-P10, NCZ-P10, HRZ-P13, CCZ-R19, CCZ-R20, MCZ-R20, LCZ-R18, NCZ-R18, HRZ-R14 and CCZ-S1.

City Outcomes Contribution is a method which aims to ensure ‘density is done well’. It is a method to ensure that tall buildings (relevant to zone typologies) and buildings under the City Centre Zone minimum building height provide beneficial public and private outcomes, as identified in Table 3 below, and contribute to well-functioning urban environments.

It is targeted at commercial, residential and mixed-use developments that are either under-height or above area specific height thresholds. These developments, typically more so than others, have the potential to impact on the quality and level of public and private amenity within the City’s commercial centres, and securing additional benefits from these developments is therefore required.

The following development must meet the City Outcomes Contributions requirements:

- Development in the City Centre Zone under the Minimum Building Height control (CCZ-S6);
- Development in the City Centre Zone above the City Outcomes Contribution height thresholds (CCZ-S1); and
- Development in the Metropolitan Centre Zone, Local Centre Zone, Neighbourhood Centre Zone and High Density Residential Zone above the maximum building height limits (MCZ-S1, LCZ-S1, NCZ-S1, HRZ-S1 and HRZ-S2).

The following tables set out the development types that trigger consideration of **City Outcomes Contribution**, including associated numeric thresholds to be satisfied and the outcomes sought. The thresholds defined in the below tables reflect the extent of the impact certain forms of under-height or large-scale development can have on the city. For example, the taller or larger the development, the greater its potential impact on public amenity and urban living in the city. Consequently, it is anticipated that under-height or larger developments will positively address future challenges confronting the city regarding access to public and green space, sustainability and climate change, accessibility, and assisted housing.

Table 1: City Centre Zone – City Outcomes Contribution Height Thresholds for any under or over height development

Threshold	Points required	Comments
<u>Maximum City Outcomes Contribution height limit threshold</u>		
Any development that exceeds the maximum height limit by threshold by 10% - 24%	20	Developments that are within the 10% height threshold do not need to meet the outcomes, however they need to satisfy the relevant guidelines in this guide
Any development that exceeds the maximum height limit threshold by 25% - 49%	30	
Any development that exceeds the maximum height limit threshold by 50% or more	40	

Minimum height limit		
Any development below the minimum height limit by 25% - 49%	30	Developments below the 25% minimum height threshold do not need to meet the outcomes, however they need to satisfy the relevant guidelines in this guide.
Any development below the minimum height limit by 50%	40	

Table 2: Metropolitan Centre Zone (MCZ), Neighborhood Centre Zone (NCZ), Local Centre Zone (LCZ) and High Density Residential Zone (HRZ) - Thresholds for any over height development:

Threshold	Points required				Comments
	MCZ	NCZ	LCZ	HRZ	
Any development that exceeds the maximum height limit by 25%-49%	20	10	10	20	Developments that are within the 25% height threshold do not need to meet the outcomes, however they need to satisfy the relevant guidelines in this guide.
Any development that exceeds the maximum height limit by +50%	30	15	15	25	-

The table below sets out the relevant City Outcomes sought in response to the development thresholds outlined in Tables 1 and 2. To achieve the minimum numeric value associated with the relevant threshold in these tables, a score based on the aggregate points of two or more of the outcomes listed in Table 3 is required.

Table 3: City Outcomes

Outcome	Points	Comments
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.
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.
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 level of amenity that each solution provides.
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.
Universal Accessibility (5-10 points)		
Lifemark 5-Star or equivalent or higher	10	
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	
Green Star 5 or Home Star 8 or equivalent	7.5	
Green Star 4 or Home Star 7 or equivalent	5	
Adaptive reuse of buildings <u>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</u>	1-10	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.
Reduction in embodied carbon in buildings <u>compared to an equivalent standard construction</u>	1-10	The range in points depends on the quality, extent <u>proportion</u> and <u>quantum of reduced embodied carbon</u> level of amenity that each solution provides.
S seismic resilience measures A <u>additional to 100% New Building Standard, including such as</u> base isolations, seismic dampers, etc.	1-5	The range in points depends on the quality, extent and level of amenity that each solution provides <u>increase in life safety</u> the measures provide.
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.
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.

217. HS4-Overview-Rec30: That submission points relating to the City Outcomes Contribution are accepted/rejected as detailed at Appendix B.

9.0 Submissions Requesting New Commercial and Mixed Use Zone Provisions

Matters raised in submissions

218. Corrections [240.56] requests that the following new permitted activity rule applying to “supported residential care activities” is added if the definition of “supported residential care activity” is retained.

CCZ-RX (Supported residential care activities)

1. Activity status: Permitted

Where:

- a. The maximum occupancy does not exceed 10 residents ; and
- b. The activity is located:
 - i. Above ground floor level; or
 - ii. At ground floor level along any street edge not identified as an active frontage; or
 - iii. At ground level along any street not identified as requiring veranda coverage; or
 - iv. At ground level on any site contained within a Natural Hazard Overlay.

2. Activity status: Restricted Discretionary

Where:

- a. Compliance with the requirements of CCZ-RX.1.a cannot be achieved.

Matters of discretion are:

- 1. The extent to which the intensity and scale of the activity may adversely impact on the amenity values of nearby residential properties and the surrounding neighbourhood.

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

3. Activity status: Discretionary

Where:

- a. Compliance with any of the requirements of CCZ-RX.1.b cannot be achieved.

219. The Retirement Villages Association [350.286] seeks a new policy that supports retirement villages across all CMUZ as follows:

CCZ-PX (Provision of housing for an ageing population)

- 1. Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons in [add] zone, such as retirement villages.
- 2. Recognise the functional and operational needs of retirement villages, including that they:
 - a. May require greater density than the planned urban built character to enable efficient provision of services.
 - b. Have unique layout and internal amenity needs to cater for the requirements of residents as they age.

220. The Retirement Villages Association [350.286, 350.287] considers that as currently drafted, retirement villages would be a Permitted or Discretionary activity under the 'residential activities' rule of the CCZ. The submitter seeks that a new rule is inserted that permits retirement villages as an activity as follows:

CCZ-RX (Retirement villages)

1. Activity status: Permitted

221. KiwiRail [408.126, 408.127, 408.128, 408.129] (opposed by Kāinga Ora [FS89.40]) considers building setbacks are essential to address significant safety hazards associated with the operational rail corridor. They have requested the following rule for the CCZ, MCZ, LCZ and MUZ:

CCZ-RX (Boundary setbacks)

Boundary or structures must not be located within 5m setback from a rail corridor boundary.

AND seeks that as applicable, the following matter of discretion be inserted:

Matters of discretion:

(X) The location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.

MCZ-RX (Boundary setbacks)

Boundary or structures must not be located within 5m setback from a rail corridor boundary.

AND seeks that as applicable, the following matter of discretion be inserted:

Matters of discretion:

(X) The location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.

LCZ-RX (Boundary setbacks)

Boundary or structures must not be located within 5m setback from a rail corridor boundary.

AND seeks that as applicable, the following matter of discretion be inserted:

Matters of discretion:

(X) The location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.

MUZ-RX (Boundary setbacks)

Boundary or structures must not be located within 5m setback from a rail corridor boundary.

AND seeks that as applicable, the following matter of discretion be inserted:

Matters of discretion:

(X) The location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.

Assessment

222. Regarding the submission point from Corrections [240.56], we note that in the Hearing Stream 1 Right of Reply paras 98 and 99, the Reporting Officer recommends removing the supported

residential care definition as he recommended including this activity as a ‘residential’ activity, which we also support. This satisfies the Corrections submission point and no changes are needed to provisions as a result.

223. Regarding the Retirement Villages Association’s submission points [350.286, 350.287], these submissions are accepted in part. It is considered that policies and rules within CCZ, MCZ, LCZ and NCZ should provide for ‘retirement villages’ in the same manner as HRZ. The HRZ approach to include retirement villages enables these activities. The Retirement Villages Association’s changes do not match that of HRZ, and it is considered for consistency it is more appropriate to align CMUZ references as per HRZ. As such we have recommended changes to align with HRZ which are detailed in the Summary of Recommendations section below. However, we note that the rule approach between the Centres Zones should be different to that in COMZ and MUZ given the differing zone purposes, environments and anticipated activities across these zones.
224. The submission from KiwiRail [408.129] is agreed to in part. It is agreed with the submitter that requiring a setback from a railway corridor is a sensible outcome to ensure that buildings and structures can be accessed and maintained without needing to access or use the railway corridor. This is consistent with the RPS Policy 8 which includes a requirement for district plans to include rules that protect regionally significant infrastructure from incompatible new subdivision, use and development occurring under, over, or adjacent to the infrastructure. However, a setback of 5 metres is not considered appropriate for the reasons detailed at paragraph 539 of Part 2 (Medium Density Residential Zone) of the section 42A report prepared for Hearing Stream 2³⁵. It is agreed that a 1.5 metre setback from the rail corridor corridor is acceptable. As noted in paragraph 761 of the S42A report for the MRZ, 1.5m is considered to provide sufficient space to access and maintain buildings safety. It is noted that the submitter has not provided compelling evidence of why a 5m setback is required. The suggested new matter of discretion is considered more appropriate as an associated assessment criteria to the new standard.

Summary of recommendations

215. HS4-Overview-Rec31: That CCZ-P1, MCZ-P1, LCZ-P1 and NCZ-P1 are amended to provide for supported residential care activities as ‘Enabled Activities’.
216. HS4-Overview-Rec32: That new policies be added to City Centre Zone, Metropolitan Centre Zone, Local Centre Zone and Neighbourhood Centre Zone as follows:

<u>xxZ-Px:</u>	<p><u>Retirement village</u></p> <p><u>Provide for retirement villages where it can be demonstrated that the development:</u></p> <ol style="list-style-type: none"> 1. <u>Meeting the requirements of the Residential Design Guide, as relevant;</u> 2. <u>Includes outdoor space that is sufficient to cater for the needs of the residents of the village;</u> 3. <u>Provides an adequate and appropriately located area on site for the management, storage and collection of all waste, recycling and organic waste potentially generated by the development;</u> 4. <u>Is able to be adequately serviced by three waters infrastructure or can address any constraints on the site; and</u> 5. <u>Is of an intensity, scale and design that is consistent with the amenity values anticipated for the Zone.</u>
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³⁵ <https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/files/hearing-streams/02/s42/s42a-hearing-stream-2---part-3---medium-density-residential-zone.pdf>

217. HS4-Overview-Rec33: That new rules be added to the City Centre Zone, Metropolitan Centre Zone, Local Centre Zone and Neighbourhood Centre Zone chapters to provide for ‘retirement villages’:

xxZ-RX	Retirement villages
	1. Activity status: Permitted

218. HS4-Overview-Rec34: That new rules be added to the Mixed Use Zone and Commercial Zone chapters to provide for ‘retirement villages’:

xxZ-RX	Retirement villages
	1. Activity status: Discretionary

219. HS4-Overview-Rec35: That a new standard and associated assessment criteria be added and the relevant building and structure rules amended in the City Centre Zone, Metropolitan Centre Zone, Local Centre Zone and Mixed Use Zone:

XXZ-SX	Boundary setback from a rail corridor	
1. <u>Boundary or structures must not be located within 1.5m setback from a rail corridor boundary.</u>	<u>Assessment criteria where the standard is infringed:</u>	
	1. <u>The extent to which the location and design of the building relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.</u>	

220. HS4-Overview-Rec36: That submission points relating to the City Outcomes Contribution are accepted/rejected as detailed at Appendix B.

10.0 Summary of Further Submissions

221. There were no further submissions that supported or opposed submissions in relation to the CMUZ provisions in their entirety.

11.0 Minor and Inconsequential Amendments

222. 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.
223. Any minor and inconsequential amendments relevant to the CMUZ provisions within the PDP. Submissions will be further analysed in the remainder of this report, with my recommendations set out at Appendices A and B.
224. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, it is recommended that PDP should be amended as set out in Appendix A of this report.
225. For the reasons set out in the section 32AA evaluations included throughout this report, the proposed objectives and provisions, with the recommended amendments, are considered to be the most appropriate means to:

- a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
- b. Achieve the relevant objectives of the PDP, in respect to the proposed provisions.

12.0 Conclusion

226. Submissions have been received in support and opposition to the suite of CMUZ provisions in the PDP.
227. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, it is recommended that the PDP is amended as set out in Appendix A of this report.
228. For the reasons set out in the Section 32AA evaluations included throughout this report, it is considered that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
 - a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
 - b. Achieve the relevant objectives of the District Plan, in respect to the proposed provisions.

13.0 Recommendations

229. It is recommended that:
 - a. The PDP is amended in accordance with the changes recommended in Appendix A of this report; and
 - b. The Independent Hearing Panel accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report.
230. A full set of the recommendations set out in this Overview and General Matters report is provided at Appendix C.